

RESOLUTION NO. R-2022-1417

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA-2021-01373
(CONTROL NO. 2000-00032)
a Development Order Amendment
APPLICATION OF JDR Development, LLC - Jason Sher, Paradise Properties Of
Delray LLC, Atlantic USA Development LLC, Pebb Atlantic II LLC &
BY WGINC, AGENT
(Sussman AGR-PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application PDD/DOA-2021-01373, submitted on behalf of JDR Development, LLC - Jason Sher, Paradise Properties Of Delray LLC, Atlantic USA Development LLC, and PEBB Atlantic II LLC, by WGINC, Agent for a Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District; and, a Development Order Amendment to modify the Master Plan to delete land area (9.89 acres) and to add land area (10.20 acres) for a final DO total of 743.33 acres was presented to the Board of County Commissioners at a public hearing conducted on November 28, 2022;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application

PDD/DOA-2021-01373, the Application of JDR Development, LLC - Jason Sher, Paradise Properties Of Delray LLC, Atlantic USA Development LLC, and PEBB Atlantic II LLC, by WGINC, Agent, for a Development Order Amendment to modify the Master Plan to delete land area (9.89 acres) and to add land area (10.20 acres) for a final DO total of 743.33 acres, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on November 28, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

The motion was seconded by Commissioner Marino and, upon being put to a vote, the vote was as follows:

- Commissioner Gregg K. Weiss, Mayor - Aye
- Commissioner Maria Sachs, Vice Mayor - Aye
- Commissioner Maria G. Marino - Aye
- Commissioner Dave Kerner - Aye
- Commissioner Marci Woodward - Aye
- Commissioner Sara Baxter - Aye
- Commissioner Mack Bernard - Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on November 28, 2022.

Filed with the Clerk of the Board of County Commissioners on December 2nd, 2022

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

JOSEPH ABRUZZO, CLERK & COMPTROLLER

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION: SUSSMAN OVERALL AGR-PUD

DEVELOPMENT PARCELS:

TRACTS 17 THROUGH 24 AND 41 THROUGH 56 ALL IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE WEST 80 FEET OF SAID TRACTS 17, 48 AND 49, ALSO BEING DESCRIBED AS THE WEST 80 FEET OF THAT PART OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA LYING SOUTH OF THE NORTH LINE OF SAID TRACT 17 AND LYING NORTH OF THE SOUTH LINE OF SAID TRACT 49, LESS AND EXCEPT THE NORTH 328.15 FEET OF THE EAST 149.32 FEET OF SAID TRACT 22, LESS AND EXCEPT THE NORTH 328.15 FEET OF SAID TRACTS 23 AND 24.

CONTAINING 112.765 ACRES, MORE OR LESS AND:

ALL OF THE PLAT OF SATURNIA ISLES – PLAT ONE, AS RECORDED IN PLAT BOOK 91, PAGES 108 THROUGH 118, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH: ALL OF THE PLAT OF SATURNIA ISLES – PLAT TWO, AS RECORDED IN PLAT BOOK 92, PAGES 85 AND 86, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH: ALL OF THE PLAT OF SATURNIA ISLES – PLAT THREE, AS RECORDED IN PLAT BOOK 94, PAGES 64 THROUGH 70, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH: ALL OF THE PLAT OF SATURNIA ISLES – PLAT FOUR, AS RECORDED IN PLAT BOOK 94, PAGES 111 THROUGH 115, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING A TOTAL OF 185.735 ACRES MORE OR LESS.

AND:

PRESERVE 1 - LEGAL DESCRIPTION:

BEING ALL OF SUSSMAN – PLAT FOUR, AS RECORDED IN PLAT BOOK 91, PAGES 55 AND 56, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 82.429 ACRES MORE OR LESS. AND:

PRESERVE 2 - LEGAL DESCRIPTION:

BEING ALL OF SUSSMAN – PLAT FIVE, AS RECORDED IN PLAT BOOK 91, PAGES 57 AND 58, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 196.17 ACRES MORE OR LESS. AND:

PRESERVE 3 - LEGAL DESCRIPTION:

THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 50 FEET OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 50 FEET OF THE EAST 30 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; ALSO THE EAST 30 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4; ALSO THE NORTH 30 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 20.110 ACRES, MORE OR LESS. AND:

PRESERVE 4 - LEGAL DESCRIPTION:

BEING A PORTION OF TRACTS 69, 70, 71, 84, 85 AND 86, BLOCK 45, TOGETHER

WITH THAT ROAD, DYKE & DITCH RESERVATION, 30.00 FEET IN WIDTH LYING BETWEEN SAID TRACTS 70, 85 AND 69, 86, ALL IN BLOCK 45, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 86, BLOCK 45, PALM BEACH FARMS CO. PLAT NO. 3; THENCE, ALONG THE EAST LINE OF SAID TRACT 86, NORTH 00°59'11" WEST, A DISTANCE OF 617.49 FEET TO THE POINT OF BEGINNING; THENCE, DEPARTING SAID EAST LINE, SOUTH 89°00'49" WEST, A DISTANCE OF 411.66 FEET; THENCE NORTH 00°59'11" WEST, A DISTANCE OF 107.93 FEET; THENCE SOUTH 89°00'49" WEST, A DISTANCE OF 211.05 FEET; THENCE SOUTH 00°59'11" EAST, A DISTANCE OF 138.17 FEET; THENCE SOUTH 89°00'49" WEST, A DISTANCE OF 106.04 FEET; THENCE SOUTH 00°59'11" EAST, A DISTANCE OF 268.88 FEET; THENCE NORTH 89°00'49" EAST, A DISTANCE OF 249.13 FEET; THENCE SOUTH 00°59'11" EAST, A DISTANCE OF 318.37 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 85, BLOCK 45, PALM BEACH FARMS CO. PLAT NO. 3; THENCE SOUTH 89°00'49" WEST ALONG THE SOUTH LINE OF SAID TRACT 85, A DISTANCE OF 399.13 FEET; THENCE NORTH 00°59'11" WEST, A DISTANCE OF 1216.88 FEET; THENCE NORTH 89°03'41" EAST, A DISTANCE OF 878.74 FEET; THENCE SOUTH 00°59'11" EAST ALONG THE EAST LINE OF SAID TRACTS 69 AND 86, A DISTANCE OF 598.65 FEET TO THE POINT OF BEGINNING. CONTAINING 15.582 ACRES MORE OR LESS. AND:

PRESERVE 5 - LEGAL DESCRIPTION PRESERVE 5
TRACT 97, BLOCK 45, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
CONTAINING 5.007 ACRES MORE OR LESS. AND:

PRESERVE 6 - LEGAL DESCRIPTION:
BEING A PARCEL OF LAND LYING WITHIN TRACT A, YEE PLAT, AS RECORDED IN PLAT BOOK 104, PAGES 49 THROUGH 51, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO LYING IN SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT A; THENCE NORTH 00°56'37" WEST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 466.69 FEET; THENCE NORTH 88°56'17" EAST, A DISTANCE OF 466.69 FEET, THENCE SOUTH 00°56'37" EAST, A DISTANCE OF 466.69 FEET; THENCE SOUTH 88°56'17" WEST, ALONG THE SOUTH LINE OF SAID TRACT A, A DISTANCE OF 466.69 FEET TO THE POINT OF BEGINNING.
CONTAINING 5.00 ACRES, MORE OR LESS. AND:
PRESERVE 7 - LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF TRACTS 76 AND 77, BLOCK 45, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID TRACTS 77; THENCE SOUTH 00°57'10" EAST ALONG THE WEST LINE OF SAID TRACT 77, A DISTANCE OF 38.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°03'41" EAST ALONG A LINE 38.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 77, A DISTANCE OF 350.02 FEET; THENCE SOUTH 00°59'11" EAST ALONG THE EAST LINE OF SAID TRACTS 77, A DISTANCE OF 0.28 FEET; THENCE NORTH 89°03'41" EAST ALONG A LINE 38.28 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 76, A DISTANCE OF 254.07 FEET; THENCE SOUTH 00°59'29" EAST, A DISTANCE OF 360.31 FEET; THENCE SOUTH 89°03'41" WEST, A DISTANCE OF 604.33 FEET; THENCE NORTH 00°57'10" WEST ALONG THE WEST LINE OF SAID TRACT 77, A DISTANCE OF 360.59 FEET TO THE POINT OF BEGINNING.
CONTAINING 5.000 ACRES MORE OR LESS. AND:

PRESERVE 8 - LEGAL DESCRIPTION

TRACT 52, IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, OF THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 5.079 ACRES MORE OR LESS. AND:

PRESERVE 9 - DESCRIPTION:

TRACT 45, IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST OF THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LANDS SITUATE IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 221,526 SQUARE FEET/5.0855 ACRES, MORE OR LESS. AND:

PRESERVE 10 - LEGAL DESCRIPTION:

TRACT 68, LESS THE WEST 220 FEET, AND TRACT 67, LESS THE EAST 55 FEET, BLOCK 50, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE SOUTH 2.0 FEET. AND LESS THE NORTH 45.0 FEET THEREOF. AND FURTHER LESS AND EXCEPT THE SOUTH 30 FEET THEREOF, WHICH WAS CONVEYED TO PALM BEACH COUNTY BY RIGHT-OF-WAY WARRANTY DEED, RECORDED IN OFFICIAL RECORDS BOOK 5764, PAGE 1262, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES 60 FEET IN WIDTH DESCRIBED AS THE NORTH 28 FEET OF TRACTS 89 THROUGH 95, INCLUSIVE, AND THE SOUTH 32 FEET OF TRACTS 66 THROUGH 72, INCLUSIVE, OF SAID BLOCK 50.

TOGETHER WITH:

TRACT 69, LESS THE WEST 165 FEET AND THE WEST 220 FEET OF TRACT 68, IN BLOCK 50, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE SOUTH 2.0 FEET. AND LESS THE NORTH 45.0 FEET THEREOF. AND FURTHER LESS AND EXCEPT THE SOUTH 30 FEET THEREOF, WHICH WAS CONVEYED TO PALM BEACH COUNTY BY RIGHT-OF-WAY WARRANTY DEED, RECORDED IN OFFICIAL RECORDS BOOK 5764, PAGE 724, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES 60 FEET IN WIDTH DESCRIBED AS THE NORTH 28 FEET OF TRACTS 89 THROUGH 95, INCLUSIVE, AND THE SOUTH 32 FEET OF TRACTS 66 THROUGH 72, INCLUSIVE, OF SAID BLOCK 50.

CONTAINING A TOTAL OF 10.301 ACRES MORE OR LESS. AND:

PRESERVE 11A - LEGAL DESCRIPTION:

TRACT 37, LESS THE NORTH 110 FEET THEREOF, TOGETHER WITH THE NORTH 120 FEET OF TRACT 60, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE RIGHT-OF-WAY FOR 93RD LANE, AS SET FORTH IN RIGHT-OF-WAY WARRANTY DEED IN FAVOR OF PALM BEACH COUNTY, RECORDED IN OFFICIAL RECORDS BOOK 5165, PAGE 288, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES 60 FEET IN WIDTH, DESCRIBED AS THE SOUTH 60 FEET OF THE NORTH 150 FEET OF TRACTS 57 THROUGH 63, INCLUSIVE, OF SAID BLOCK 50.

CONTAINING 4.840 ACRES MORE OR LESS. AND:

PRESERVE 11B - LEGAL DESCRIPTION:

TRACT 72, AND THE WEST 55 FEET OF TRACT 71, BLOCK 50, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE SOUTH 2.0 FEET AND ALSO LESS THE NORTH 45.0 FEET

THEREOF. SUBJECT TO AN EASEMENT FOR ROAD PURPOSES OVER THE SOUTH 30 FEET THEREOF. LESS THE RIGHT-OF-WAY FOR 96TH COURT, AS SET FORTH IN RIGHT-OF-WAY WARRANTY DEED IN FAVOR OF PALM BEACH COUNTY, RECORDED IN OFFICIAL RECORDS BOOK 5764, PAGE 1276, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES 60 FEET IN WIDTH, DESCRIBED AS THE NORTH 28 FEET OF TRACTS 89 THROUGH 93, INCLUSIVE, AND THE SOUTH 32 FEET OF TRACTS 66 THROUGH 72, INCLUSIVE, OF BLOCK 50. CONTAINING A TOTAL OF 5.155 ACRES MORE OR LESS. AND:

PRESERVE 12A - LEGAL DESCRIPTION:

PARCEL 2: TRACT 36, LESS THE NORTH 110 FEET THEREOF, TOGETHER WITH THE NORTH 120 FEET OF TRACT 61, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY WHICH WAS CONVEYED TO PALM BEACH COUNTY BY RIGHT-OF-WAY WARRANTY DEED, RECORDED IN OFFICIAL RECORDS BOOK 5165, PAGE 298, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA: A 30 FOOT WIDE PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 30 FEET OF THE NORTH 120 FEET OF TRACT 61, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 4.841 ACRES MORE OR LESS. AND:

PRESERVE 12B - LEGAL DESCRIPTION:

TRACT 59, LESS THE WEST 210 FEET THEREOF, AND TRACT 60, AND THE WEST 30 FEET OF TRACT 61, BLOCK 50, LESS THE NORTH 120 FEET OF SAID TRACTS, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY WHICH WAS CONVEYED TO PALM BEACH COUNTY BY RIGHT-OF-WAY WARRANTY DEED, RECORDED IN OFFICIAL RECORDS BOOK 5165, PAGE 281, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA: A 30 FOOT WIDE PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 30 FEET OF THE NORTH 150 FEET OF TRACT 59, LESS THE WEST 210 FEET THEREOF. ALSO, THE SOUTH 30 FEET OF THE NORTH 150 FEET OF TRACT 60. ALSO, THE SOUTH 30 FEET OF THE NORTH 150 FEET OF THE WEST 30 FEET OF TRACT 61, ALL IN BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 5.619 ACRES MORE OR LESS. AND:

PRESERVE 13 - LEGAL DESCRIPTION:

TRACT 91, AND THE SOUTH 2 FEET OF TRACT 70, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY WHICH WAS CONVEYED TO PALM BEACH COUNTY BY RIGHT-OF-WAY WARRANTY DEED, RECORDED IN OFFICIAL RECORDS BOOK 5764, PAGE 1213, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA: A 30 FOOT WIDE PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, BEING THE NORTH 30 FEET OF THE FOLLOWING DESCRIBED PROPERTY: TRACT 91, AND THE SOUTH 2 FEET OF TRACT 70, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 4.788 ACRES, MORE OR LESS. AND:

PRESERVE 14 - LEGAL DESCRIPTION:

THE EAST 911.84 FEET OF TRACTS 78, 79 AND 80, BLOCK 45, OF THE PALM

BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 13.838 ACRES, MORE OR LESS. AND:

PRESERVE 15 - LEGAL DESCRIPTION:

TRACT 92, AND THE SOUTH 2 FEET OF TRACT 69, IN BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE NORTH 30 FEET THEREOF, WHICH WAS CONVEYED TO PALM BEACH COUNTY BY RIGHT-OF-WAY WARRANTY DEED, RECORDED IN OFFICIAL RECORDS BOOK 5764, PAGE 784, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 4.788 ACRES MORE OR LESS. AND:

PRESERVE 16 - LEGAL DESCRIPTION

A PARCEL OF LAND IN THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 1 AS MARKED BY AN 8" ROUND CONCRETE MONUMENT WITH A DISK MARKED "PRECISE SURVEY CITY OF WEST PALM BEACH" AS SET BY BROCKWAY, WEBER & BROCKWAY; THENCE SOUTH 00° 54' 32" EAST (STATE PLANE GRID DATUM) ALONG THE EAST LINE OF SECTION 1, A DISTANCE OF 1160.30 FEET TO AN IRON ROD; THENCE SOUTH 89° 34' 49" WEST, 91.35 FEET TO THE POINT OF BEGINNING BEING A 1/2" IRON PIPE AND CAP (LB 3653) ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7, AS RECORDED IN ROAD BOOK 1, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89° 34' 49" WEST, 1304.14 FEET TO A 1/2" IRON PIPE AND CAP (LB 3653); THENCE SOUTH 01° 24' 23" WEST, 277.65 FEET TO A 1/2" IRON PIPE AND CAP (LB 3653) SAID POINT ALSO DESIGNATED AS POINT "A" FOR FUTURE REFERENCE; THENCE NORTH 89° 24' 57" EAST, 1316.58 FEET TO A 1/2" IRON PIPE AND CAP (LB 3653) TO THE SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7; THENCE NORTH 01° 10' 14" WEST ALONG SAID RIGHT-OF-WAY LINE, 273.76 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND; COMMENCE AT THE PREVIOUSLY DESCRIBED POINT "A"; THENCE NORTH 89°24'57" EAST, A DISTANCE OF 754.11 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°28'51" WEST, A DISTANCE OF 275.53 FEET; THENCE NORTH 89°34'49" EAST, A DISTANCE OF 400.59 FEET; THENCE SOUTH 01°10'57" EAST ALONG THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS RECORDED IN OFFICIAL RECORDS BOOK 10989, PAGE 779, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 274.23 FEET; THENCE SOUTH 89°24'57" WEST, A DISTANCE OF 399.15 FEET TO THE POINT OF BEGINNING. SUBJECT TO AN INGRESS AND EGRESS EASEMENT OVER AND ACROSS THE SOUTH 25.00 FEET THEREOF. LESS AND EXCEPTING PARCEL 110 CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, BY WARRANTY DEED RECORDED MARCH 16, 1999, IN OFFICIAL RECORDS BOOK 10989, PAGE 779, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PORTION OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 1; THENCE SOUTH 89° 28' 58" WEST ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 5.735 METERS (18.82 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441), ACCORDING TO THAT FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2524; THENCE NORTH 00° 57' 44" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.557 METERS (1.83 FEET); THENCE SOUTH 89° 02' 16" WEST AT A RIGHT ANGLE TO THE PREVIOUSLY DESCRIBED COURSE, A DISTANCE OF 71.635 METERS (235.02 FEET); THENCE SOUTH 00° 57' 52" WEST, A DISTANCE OF 237.697 METERS (779.84 FEET); THENCE SOUTH 01° 10' 57" EAST, A DISTANCE OF 115.338 METERS (378.41 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH

01° 10' 57" EAST ALONG A LINE 71.628 METERS (235.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 83.585 METERS (274.23 FEET); THENCE NORTH 89° 24' 50" EAST, A DISTANCE OF 48.768 METERS (160.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 7 (U.S. 441) AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY; THENCE NORTH 01° 10' 57" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 83.445 METERS (273.76 FEET); THENCE SOUTH 89° 34' 42" WEST, A DISTANCE OF 48.770 METERS (160.01 FEET) TO THE POINT OF BEGINNING.

CONTAINING 4.742 ACRES MORE OR LESS. AND:

PRESERVE 17 LEGAL DESCRIPTION:

TRACT 89 AND THE SOUTH 2.00 FEET OF TRACT 72, BLOCK 50, THE PALM BEACH FARMS CO, PLAT NO, 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY WHICH WAS CONVEYED TO PALM BEACH COUNTY BY RIGHT-OF-WAY WARRANTY DEED, RECORDED IN OFFICIAL RECORDS BOOK 5764, PAGE 1215, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA: A 30 FOOT WIDE PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 28 FEET OF TRACT 89 AND THE SOUTH 2.00 FEET OF TRACT 72, BLOCK 50, THE PALM BEACH FARMS CO, PLAT NO, 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING A TOTAL OF 4.789 ACRES MORE OR LESS. AND:

PRESERVE 18 - LEGAL DESCRIPTION:

PARCEL1:TRACTS 17 AND 18, BLOCK 67, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:TRACT 16, BLOCK 67, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:THE NORTH 15 FEET OF THAT ROAD, DYKE & DITCH RESERVATION 30 FEET IN WIDTH, LYING SOUTH OF THE EAST 1/2 OF TRACT 11, TRACTS 12 AND 13, BLOCK 67; TOGETHER WITH THE SOUTH 15 FEET OF THAT ROAD, DYKE & DITCH RESERVATION 30 FEET IN WIDTH, LYING NORTH OF TRACTS 16 THROUGH 18, BLOCK 67; TOGETHER WITH THE EAST 15 FEET OF THAT ROAD, DYKE & DITCH RESERVATION 30 FEET IN WIDTH, LYING WEST OF TRACT 18 AND ITS NORTHERLY EXTENSION, BOUNDED ON THE NORTH BY THE CENTERLINE OF THAT ROAD, DYKE & DITCH RESERVATION 30 FEET IN WIDTH, LYING NORTH OF TRACT 18, BLOCK 67, ALL OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING A TOTAL OF 31.476 ACRES MORE OR LESS. AND:

PRESERVE 19 - DESCRIPTION:

TRACT 104, SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 227,445 SQUARE FEET/5.2214 ACRES MORE OR LESS. AND:

PRESERVE 20 - DESCRIPTION:

TRACT 91, THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, SUBJECT TO AN EASEMENT FOR ROAD AND UTILITY

PURPOSES OVER THE NORTH 20 FEET THEREOF. SAID LANDS LYING IN PALM
BEACH COUNTY, FLORIDA A
CONTAINING 217,077 SQUARE FEET (4.9834 ACRES) MORE OR LESS.
TOTAL GROSS AREA SUSSMAN AGR/PUD 743.33 ACRES

EXHIBIT B

VICINITY SKETCH

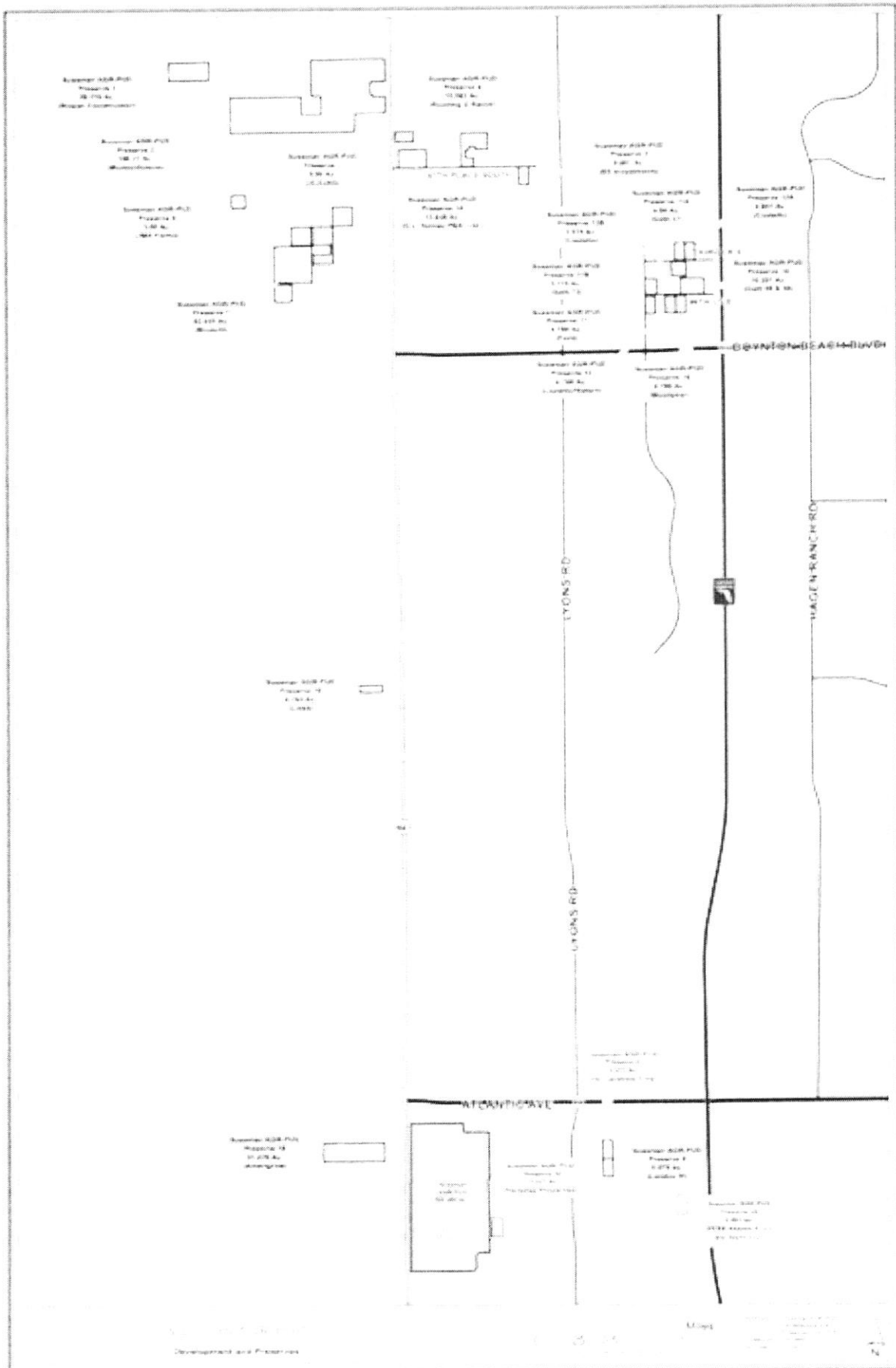


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2017-1641, Control No.2000-00032, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution 2016-01236 (Control No. 2000-00032) have been consolidated as contained herein. The applicant shall comply with all previous Conditions of Approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2017-01236(Control 2000-00032), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2017-1641, Control No.2000-00032, which currently states:

The approved Preliminary Master and Regulating Plans are dated July 25, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners.

Is hereby amended to read:

The approved Preliminary Master Plans are dated July 22, 2022. Modification to the Development Order inconsistent with Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Diversity of architectural elevation and exterior color scheme shall be required by complying with the following:

- a. No more than three (3) homes with the same elevation shall be placed next to each other; or,
- b. No more than three (3) homes with the same exterior color scheme may be placed next to each other; and
- c. No more than three (3) identical homes shall be placed next to one another (i.e. same elevation with same exterior color scheme). This obligation shall be included in the Homeowners Association's documentation. A monitoring report with updated information shall be submitted by the developer with each building permit application to ensure compliance with this condition. This obligation shall be included in the Homeowners Association's documentation. (ONGOING: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

ENGINEERING

1. The Property Owner shall construct a right turn lane, south approach on SR 7 at the project's northernmost entrance for the Sussman PUD North portion. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- a. Permits required from Florida Department of Transportation for this construction shall be obtained, and copies provided to Palm Beach County prior to the issuance of the first building permit for Sussman PUD North. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING

Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

2. Deleted per R-2016-1236 (Previous ENGINEERING Condition 2 of Resolution R-2017-1641, Control No.2000-00032)

3. Deleted per R-2016-1236 (Previous ENGINEERING Condition 3 of Resolution R-2017-1641, Control No.2000-00032)

4. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and the Florida Department of Transportation at Linton Boulevard and SR 7 and the project's entrance road and SR-7. In the event Linton Boulevard is removed from the Thoroughfare Plan, the Petitioner shall be relieved of the obligation to fund the cost of signalization at Linton Boulevard and SR-7. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this Property Owner shall be relieved from this condition. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2017-1641, Control No.2000-00032)

5. Deleted per R-2016-1236 (PLAT: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2017-1641, Control No.2000-00032)

6. The Property Owner shall provide to the Palm Beach County Right of Way Acquisition Section of Roadway Production Division a road right of way deed and all associated documents as required by the County Engineer for Half Mile Road, thirty (30) feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer, along the frontage of the Sussman PUD North portion.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2017-1641, Control No.2000-00032)

7. LANDSCAPE WITHIN MEDIAN OF STATE ROAD

a. Prior to issuance of a building permit, the Property Owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 road right-of-way. This permit, to be completed by the Property Owner, shall name Palm Beach County as the applicant. As part of this permit process, the Property Owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the 'Low Cost Planting Concept' outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The Property Owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system, if required, shall be installed at

the Property Owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the 100th certificate of occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

c. If the County does not assume maintenance responsibility, then appropriate Property Owners' documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to issuance of the first Building Permit. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2017-1641, Control No.2000-00032)

8. Landscape Within the Median of SR-7

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of SR-7 for the Sussman PUD North portion. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires County Engineer approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit for the Sussman PUD North portion.

BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy for the Sussman PUD North portion.(BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

c. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to Palm Beach County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along SR-7 for the Sussman PUD North portion. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2017-1641, Control No.2000-00032)

9. Deleted per R-2016-1236 (Previous ENGINEERING Condition 9 of Resolution R-2017-1641, Control No.2000-00032)

10. Deleted per R-2016-1236 (Previous ENGINEERING Condition 10 of Resolution R-2017-1641, Control No.2000-00032)

11. Prior to DRC approval of the Preliminary Development Plan, the Master Plan shall be revised to reflect an adequate distance from the Traffic Control Gates to the first intersection as approved by the County Engineer. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2017-1641, Control No.2000-00032)

12. Deleted per R-2016-1236 (Previous ENGINEERING Condition 12 of Resolution R-2017-1641, Control No.2000-00032)

13. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2017-1641, Control No.2000-00032)

14. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

b. Building Permits for more than 70 units shall not be issued until the Property Owner makes a proportionate share payment of \$1,503,249.00 to widen Atlantic Ave from SR-7 to Lyons Rd from 2 lanes to 4 lanes divided. Note that while this proportionate share payment is based on proportionate cost of a specific roadway improvement, the County, in its sole discretion may apply such payment to one or more mobility improvements to regionally significant transportation facilities. The proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in Condition 15. Any road impact fees paid by the Developer on this project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

c. Building Permits for more than 315 units shall not be issued until the Property Owner makes a proportionate share payment of \$132,995.00 to widen Atlantic Ave from Florida Turnpike to Hagen Ranch Rd from 4 lanes divided to 6 lanes divided. Note that while this proportionate share payment is based on proportionate cost of a specific roadway improvement, the County, in its sole discretion may apply such payment to one or more mobility improvements to regionally significant transportation facilities. The proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in Condition 15. Any road impact fees paid by the Developer on this project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 14 of Resolution R-2017-1641, Control No.2000-00032)

15. In recognition that construction prices may change over the life of the project, the proportionate share payments included in Condition 14 above shall be subject to the following escalator calculation:

Adjusted Payment = Original Payment Amount x (BONSpayment month / BONS Month of Prop Share Execution)

- * Original Payment Amount = Proportionate Share Payment amount specified
- * BONSpayment = Latest Published Value (including preliminary values) at Time of Payment
- * BONS Month of Prop Share Execution = Published Value

The cost adjustment for the total and amount of each payment shall be based on the Bureau of Labor Statistics Producer Price Index (PPI) for Other Non-Residential Construction ((BONS) (Series ID: WPUIP23122301).

As of the effective date of this Agreement, the PPI index information may be accessed through the following link:

<http://data.bls.gov/timeseries/WPUIP2312301>
(ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 15 of Resolution R-2017-1641, Control No.2000-00032)

ENVIRONMENTAL-SUSSMAN - SOUTHERN PORTION

1. A Management Plan addressing the removal of prohibited exotic vegetation shall be submitted to and approved by ERM prior to DRC Master Plan certification. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

ENVIRONMENTAL-SUSSMAN-NORTHERN PORTION

2. Prior to final approval by the Development Review Officer (DRO), a Management Plan addressing the removal of prohibited exotic vegetation shall be submitted to and approved by ERM. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2017-1641, Control No.2000-00032)

LANDSCAPE - GENERAL

Application No. PDD/DOA-2021-01373
Control No. 2000-00032
Project No 00780-000

1. Fifty (50) percent of all perimeter canopy trees required to be planted on the site by this approval shall meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet trunk diameter;
- b. 3.5 inches measured 4.5 feet above grade;
- c. canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at three (3) points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

2. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2017-1641, Control No.2000-00032)

3. All internal Planned Unit Development (PUD) buffers between pods shall be approved by the Development Review Officer (DRO) in accordance with the ULDC, unless otherwise stated herein. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2017-1641, Control No.2000-00032)

(LANDSCAPE - PERIMETER-SUSSMAN - SOUTHER PORTION)

4. Landscaping and buffering along perimeter property lines shall be upgraded to include:
- a. a minimum fifty (50) foot wide landscape buffer strip on the south, east and west property lines, no width reductions or easement encroachments shall be permitted on the south and west property lines. A maximum five (5) foot wide encroachment shall be permitted only on the east property line;
 - b. a four (4) to six (6) foot undulating berm, with an average height of five (5) feet, measured from the top of the curb on the south, east and west property lines;
 - c. one (1) canopy tree planted every thirty (30) feet on center;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms or pines may not supersede the requirement for canopy tree in that location;
 - e. twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2016-1236, Control No.2000-00032)

LANDSCAPE - PERIMETER-SUSSMAN - NORTHERN PORTION

5. Landscaping and buffering along perimeter property lines shall be upgraded to include:
- a. a four (4) to six (6) foot undulating berm, with an average height of five (5) feet, measured from the top of the curb on the north, east and west property lines;
 - b. one (1) canopy tree planted every thirty (30) feet on center;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms or pines may not supersede the requirement for canopy tree in that location;
 - d. twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2017-1641, Control No.2000-00032)

LAKE WORTH DRAINAGE DISTRICT

1. Sussman AGR PUD - Preliminary Master Plan: 14-9618P.01

Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD an exclusive easement deed the north 5 feet of the south 20 feet of Tracts 49-56, together with east 10 feet of the west 125 feet of Tracts 17, 48 and 49, in Section 19, Palm Beach Farms Company Plat No. 1, PB 2, Pg. 26, for the E-1 and Lateral 35 Canal rights-of-way.

(PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous

LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2016-1236, Control No.2000-00032)

2. Sussman AGR PUD Preserve Parcel 4 (Running D Ranch) 14-9606P.01

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the south 10 feet of 55 feet of Tracts 69, 70, and 71, Together with south 10 feet of 55 feet of that road, dyke & ditch reservation, 30.00 feet in width lying between said Tracts 69 and 70, all in Block 45, Palm Beach Farms Company Plat No. 3, PB 2, Pg. 45, for Lateral 21 Canal right-of-way. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 2 of Resolution R-2016-1236, Control No.2000-00032)

3. Sussman AGR PUD Preserve Parcel 7 (JLOJAJQ) 16-2602P.05

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed that portion of the north 55 feet of Tracts 76 and 77, Together with west 50 feet of Tract 77, Block 45, Palm Beach Farms Company Plat No. 3, PB 2, Pg. 45, LESS lands owned by LWDD for Lateral 21 Canal right-of-way. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 4 of Resolution R-2016-1236, Control No.2000-00032)

4. Sussman AGR PUD Preserve Parcel 8 (Landco IV Inc.) 16-9798P.06

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the south 30 feet of Tract 52, in Section 20, Palm Beach Farms Company Plat No. 1, PB 2, Pg. 26, for Lateral 35 Canal right-of-way. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 5 of Resolution R-2016-1236, Control No.2000-00032)

5. Sussman AGR PUD Preserve Parcel 10 (Galit 68 & 69) 16-9798P.02

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the south 10 feet of the north 55 feet of Tract 67, less the east 55 feet, the south 10 feet of the north 55 feet of Tract 68, and south 10 feet of the north 55 feet of Tract 69, less the west 165 feet, Block 50, Palm Beach Farms Company Plat No. 3, PB 2, Pg. 45, for Lateral 23 Canal right-of-way. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 6 of Resolution R-2016-1236, Control No.2000-00032)

6. Sussman AGR PUD Preserve Parcel 11B (Galit 72) 16-9798P.03 Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the south 10 feet of the north 55 feet of Tract 72, and the south 10 feet of the north 55 feet of the west 55 feet of Tract 71, Block 50, Palm Beach Farms Company Plat No. 3, PB 2, Pg. 45, for Lateral 23 Canal right-of-way. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 7 of Resolution R-2016-1236, Control No.2000-00032)

PALM TRAN

1. A. Prior to final certification of the preliminary development plan or site plan by the

Development Review Officer, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer.

B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of a building permit for the 100th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the Property Owner. (Previous PALM TRAN Condition 1 of Resolution R-2016-1236, Control No. 2000-00032)

PLANNED DEVELOPMENT

1. No rear, side interior, or side corner setback reductions shall be permitted, with the exception of those lots abutting a lake or open space tract as permitted in the ULDC. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

2. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: Formation of a single "master" property Owner's Association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2017-1641, Control No.2000-00032)

3. Pavers or decorative pavement shall be provided for the driveways of all units. (ONGOING: ZONING - Building Division) (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2017-1641, Control No.2000-00032)

4. The Applicant shall include in the homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans; a disclosure statement identifying and notifying of the existence of agricultural uses in the vicinity of the development. The Developer/Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 1,2001 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (ONGOING: MONITORING - Monitoring) (Previous PLANNED DEVELOPMENT Condition 5 of Resolution R-2017-1641, Control No.2000-00032)

5. All utilities shall be underground. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 6 of Resolution R-2017-1641, Control No.2000-00032)

6. Prior to final approval by the Development Review Officer (DRO), a document acceptable to the County Attorney, giving notice of the existence of agricultural uses shall be submitted to the Zoning Division. The document shall describe the uses in separate paragraphs, include a place for the purchaser's signature acknowledging the notice, and shall be made a part of the closing documents and purchase contracts for each residential unit sold in the developable areas. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 7 of Resolution R-2016-1236, Control No.2000-00032)

7. All zero-lot line lots (units) which side yard abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 8 of Resolution R-2017-1641, Control No.2000-00032)

PLANNED DEVELOPMENT-SUSSMAN - SOUTHERN PORTION

8. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located as shown on the conceptual site plan dated August 15, 2000. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (Previously Condition G.7 of Resolution R-2000-1236, Petition PDD2000-032) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 9 of Resolution R-2017-1641, Control No.2000-00032)

9. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a. b. a focal point at the terminus of internal roadway, access tract, residential street (including T-intersections), roundabout, open space adjacent to round-about or cul-de-sac as shown on the conceptual site plan dated August 15, 2000. This focal point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, arcade, accent landscaping with lighting or any other site element or architectural design acceptable to the Zoning Division; and, a minimum twenty-five percent (25) % of the eighty (80) foot wide single family lots shall be provided with semi-circular driveway. (DRC: ZONING) (Previously Condition G.5 of Resolution R-2000-1 236, Petition PDD2000-032) 6. No rear, side interior, side corner setback reduction shall be permitted, with the exception of those lots abutting a lake or open space tract as permitted in the ULDC. (Previously Condition G.6 of Resolution R-2000-1 236, Petition PDD2000-032) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 10 of Resolution R-2017-1641, Control No.2000-00032)

10. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

- a. The Lot Coverage shall be limited to 55% for the Zero Lot Line homes in Pods A, B, C, D, and E only;
- b. The Lot Coverage shall be limited to 44% for the Single-Family homes in Pods A, B, C, D, and E only.

(ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 11 of Resolution R-2017-1641, Control No.2000-00032)

PLANNED DEVELOPMENT

11. Development of the project shall be consistent with the conceptual site plan dated August 15, 2000. No single family units/pods shall be permitted to convert to zero lot line units without BCC approval. Prior to final DRC certification of the last remaining subdivision plan (residential pod), the master plan shall be revised to show a maximum of 360 units for the entire PUD. This Condition of Approval shall only be applicable to Pods A, B, C, D, and E. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 12 of Resolution R-2017-1641, Control No.2000-00032)

PLANNING

1. Prior to recordation of a Plat for the Development area for Sussman North, the Applicant is responsible for the recordation of the Conservation Easements for all of the Preserve parcels, and include on said easements, language limiting these parcels to Agricultural Reserve preservation uses as permitted by the Comprehensive Plan Objective 1.5 and Policies hereunder of the Future Land Use Element. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. Should the conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to October 1, 2019, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners. (DATE/PLAT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

2. The PUD shall be limited to a maximum of 743 dwelling units and shall meet 60/40 AGR-PUD requirements. All units associated with the preserve parcels shall be assigned to the Development area. No approved, unbuilt units may be transferred outside the development area.

(ONGOING: PLANNING - Planning) (Previous PLANNING Condition 2 of Resolution R-2017-1641, Control No.2000-00032)

3. Prior to Final Master Plan approval by the Development Review Officer (DRO), the Developer shall add a "Preservation Area/Proposed Uses" notes section on the Master Plan and ensure the same language is contained within in the Conservation Easement to include the following:

The purpose of the preserve area(s) are to support, preserve and perpetuate bona fide agricultural and open space uses of the Property, and to preserve any environmentally significant upland or wetland habitats located on the Property.

1. Permitted Uses. Grantor may use the Property for:

a. Crop production, pasture, equestrian activities, wholesale or retail nursery operation or fallow land;

b. Construction and maintenance of structures essential to the uses listed in subsection 1a., above, such as barns, stables, pumps, and pump houses, but specifically excluding agricultural support structures such as processing facilities, which are prohibited;

c. Maintenance and occupation of security, caretaker, farm worker or grooms quarters, or other residential structure provided that the quarters or structure is used solely for one of the purposes listed under Table 3.E.1 B-10 of the Code, any applicable special permit is obtained for such use, and requisite density exists on the Property for such use;

d. A Water Preserve Area if designated by the South Florida Water Management District ("SFWMD"), or for regional water management purposes as certified by either Lake Worth Drainage District or SFWMD, or for water management purposes not directly related to the Project if approved by the Palm Beach County Department of Environmental Resources Management ("ERM") and managed for environmental resource values;

e. Wetland restoration and maintenance, or bona fide agriculture as defined by the Code; and

f. Those other activities authorized within a Preservation Area under Table 3.E.1. B of the Code and consistent with applicable provisions of the Comp Plan.

2. Prohibited Uses.

Any use of or on the Property that is not specifically listed or included in Section 1, above, or that is inconsistent with agricultural, environmentally significant uplands or wetlands, or open space preservation is prohibited. (ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2017-1641, Control No.2000-00032)

4. The Single Family structure located on Preserve P17 Ford shall either be converted to an allowable use with applicable permits as identified in the ULDC or removed, with all applicable approvals and/or completed demolition permits prior to the approval of the Plat. (PLAT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 4 of Resolution R-2017-1641, Control No.2000-00032)

5. Prior to the approval from the Development Review Officer (DRO), The Single Family structure located on Preserve P19 Paradise Palms shall either be converted to an allowable use with applicable permits as identified in the ULDC or removed, with all applicable approvals and/or completed demolition permits. (DRO: PLANNING - Planning)

6. Prior to Final Approval by the Development Review Officer (DRO), the conservation easements for the new Preservation parcels P19 and P20 shall be recorded, as approved by the County Attorney's Office and the Planning Division.

The conservation easement shall contain:

a) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;

b) a list of permitted uses, uses not permitted, and prohibited activities.

c) Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Planning Division. (DRO: PLANNING - Planning)

7. Prior to Final Approval by the Development Review Officer (DRO), submit applicable plans and documents consistent with the BCC direction given at the adoption of the companion LGA 2022-004 Atlantic Commercial. (DRO: PLANNING - Planning)

8. Prior to final approval by the Development Review Officer, submit a signed copy of the AGR Preserve Management Plans approved by ERM for both P19 and new P20 Agricultural Preserve parcels. (DRO: PLANNING - Planning)

9. Prior to final approval by the Development Review Officer, submit a recorded copy of the full release of Conservation Easement for P9. (DRO: PLANNING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. Platting & Deed.

The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 2.26 acre public civic site (net usable area - excluding buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by March 15, 2018. Property Owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

Property Owner to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips. If no County use is applied to the civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic would support if it were a residential pod.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated to include the day of acceptance.

d) Site condition

Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

Property Owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property Owner shall specifically address the following issues:

1) The discharge of surface water from the proposed civic site into the Property Owner's water retention basins.

2) As easement across Property Owner's property from the proposed civic site to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of the civic site.

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the FDO Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (at the discretion of FDO), all of which shall be to the satisfaction of FDO.

i) Water & Sewer

Property Owner to provide water, sewer, reclaim water stubbed out to the property line and other required utilities as determined by PREM.

(DATE: PROPERTY REAL ESTATE MANAGEMENT - Monitoring) [Note: COMPLETED]
(Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2016-1236, Control No.2000-00032)

2. Survey

The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by February 1, 2018 . Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey shall meet Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.050-.052 for a Boundary Survey pursuant to section 472.027, Florida Statutes.

b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey.

(DATE: PROPERTY REAL ESTATE MANAGEMENT - Monitoring) [Note: COMPLETED]
(Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2016-1236, Control No.2000-00032)

3. Environmental Survey

The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by February 1, 2018 . The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.

b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.

d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.

e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. If the Phase I audit indicates that a Phase II is necessary, then the Property Owner shall be required to provide that audit as well.

(DATE: PROPERTY REAL ESTATE MANAGEMENT - Monitoring) [Note: COMPLETED]
(Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2016-1236, Control No.2000-00032)

4. Cash-Out

The Property Owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land is the more viable option and enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the Property Owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process unless otherwise directed by PREM Staff, however, any cash out determination shall be at the cost of the Property Owner. If off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC.

(ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2016-1236, Control No.2000-00032)

SCHOOL BOARD

1. The Property Owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s).

(ONGOING: SCHOOL BOARD - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2016-1236, Control No.2000-00032)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10 foot by 15 foot school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (Previous SCHOOL BOARD

Condition 2 of Resolution R-2016-1236, Control No.2000-00032)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning) (Previous COMPLIANCE Condition 1 of Resolution R-2017-1641, Control No.2000-00032)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning) (Previous COMPLIANCE Condition 2 of Resolution R-2017-1641, Control No.2000-00032)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

