

RESOLUTION NO. R-93- 1538

RESOLUTION APPROVING ZONING PETITION EAC80-47(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION **OF** CENTEX ENGLE HOMES JV

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 petitions relating to zoning; **and**

WHEREAS, the notice and hearing requirements, **as** provided for in Article **5** of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC80-47(A) was presented to the Board of County Commissioners at a public hearing conducted on December **6**, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject **to** Article **5**, section **5.8** (Compliance with Time Limitations), of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article **6**, Supplementary Use Standards **of** the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, **is** compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by applicable provisions **of** the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has **a** concurrency exemption and therefore complies with Art. **11** (Adequate Public Facility Standards) **of** the Palm Beach County Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Land Development Code 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 Petition EAC80-47(A), the petition of Centex Engle Homes JV for a DEVELOPMENT ORDER AMENDMENT in the Residential Transitional (RT) (SE), Residential Planned Unit Development (PUD) Zoning District, to amend conditions 9.a, 9.c, and 9.g of Resolution R-92-689, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on December 6, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Absent
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 6th day of December, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

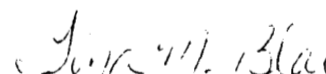
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

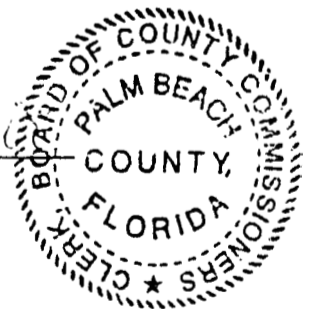


EXHIBIT A

LEGAL DESCRIPTION

80-47 A

DESCRIPTION:

A parcel of land consisting of certain parcels of real property lying and being situated in the Township 47 South, Range 41 East.; Palm Beach County, Florida and being more particularly bound and described as follows, to wit:.

Section 22, less the North 184.40 feet as measured at right angles to the North line thereof.

Tracts 1, 2, and Tracts 4-12 inclusive; that portion of Tract 13 lying North of the northerly right-of-way line of the Hillsboro Canal as now laid out and in use; Tracts 14, 15 and 16; Tracts 25, 32 and that portion of Tract 26 lying North of the northerly right-of-way line of the Hillsboro Canal as now laid out and in use, said Tracts as shown on Florida Fruit Lands Company's Subdivision Number 2, as recorded in Plat Book 1, Page 102, Public Records of Palm Beach County, Florida, all said tracts lying in Section 27, Township 47 South, Range 41 East, Palm Beach County, Florida.

The East 130.0 feet of that portion of Section 28, lying North of the northerly right-of-way line of the Hillsboro Canal as now laid out and in use.

Containing 987.18 acres more or less.

Excepted from the above described parcels of land are the following:

- A) The water storage and repump site located at the Southwest intersection of University Parkway with University Drive as recorded in the Official Book 3616, Page 1398.
- B) The right-of-way for University Parkway as recorded in the Official Record Book 3600, Pages 1618 through 1620.
- C) The right-of-way for University Drive as recorded in the Official Record Book 3600, Pages 1624 through 1626.
- D) The right-of-way for Palmetto Parkway as recorded in the Official Record Book 3600, Pages 1621 through 1623.
- E) The right-of-way for Riverside Drive as recorded in the Official Record Book 3600, Pages 1627 through 1629.

PARCEL B

- F) A certain parcel of land located in Section 27, Township 47 South, Range 41 East, being and situated in Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 27, thence; South 01°19'13" East, along the East line of said Section 27, a distance of 1970.41 feet; thence South 89°42'12" West, a distance of 60.01 feet to the POINT OF BEGINNING of the following described parcel:

EXHIBIT A

LEGAL DESCRIPTION

1. South  $01^{\circ}19'13''$  East, 2006.47 feet; thence
  2. South  $89^{\circ}41'05''$  West, 724.29 feet; thence
  3. North  $71^{\circ}58'41''$  West, 14.00 feet; thence,
  4. North  $16^{\circ}53'50''$  East, 473.49 feet; thence
  5. North  $73^{\circ}06'10''$  West, 483.63 feet: thence
  6. Northeasterly along the arc of a 1096 foot radius curve, concave southeasterly, an arc distance of 75.12 feet subtending a central angle of  $03^{\circ}55'38''$ ; thence
  7. Northwesterly along the arc of a 1214 foot radius curve, concave southwesterly, an arc distance of 1395.72 feet subtending a central angle of  $65^{\circ}52'20''$ ; thence
  8. North  $39^{\circ}45'47''$  East, 64.93 feet; thence
  9. North  $89^{\circ}42'12''$  East, 1259.34 feet; to the POINT OF BEGINNING.
- Containing **49.735** acres, more or less.

PARCEL C

- G) A certain parcel of tract land located in Sections 22 and 27, Township 47 South, Range 41 East, and being a portion of the property as shown on the plat of the Florida Fruitland Company, Subdivision Number 2, as according to Plat **Book 1**, Page 102, Public Records of Palm Beach County, Florida and being more particularly bounded and described as follows, to wit:

Commencing at the Northeast corner of said Section 27; thence South  $43^{\circ}12'11''$  West 2537.62 feet to the POINT OF BEGINNING, of said point being an intersection of the South right-of-way line of Seablue Trail and the East right-of-way line of Shorewind Drive; thence with the Southwest right-of-way line of Seablue Trail 1743.35 feet along the arc of a curved line having a radius of 1134.00 feet concave to the West through a delta angle of  $88^{\circ}05'00''$  with a long chord bearing of South  $24^{\circ}33'08''$  East; thence 49.83 feet along the arc of a curved line having a radius of 1176.00 feet concave to the East through a delta angle of  $02^{\circ}25'41''$  with a long chord bearing of South  $18^{\circ}16'33''$  West; thence leaving the West right-of-way line of Seablue Trail North  $72^{\circ}56'19''$  West 28.00 feet; thence South  $89^{\circ}41'17''$  West 1422.12 feet; thence South  $01^{\circ}16'10''$  East 46.01 feet to the North line of the Hillsboro Canal; thence North  $71^{\circ}58'41''$  West 31.79 feet; thence leaving the North line of said Canal North  $01^{\circ}16'10''$  West 832.26 feet to a point in the South line of Shorewind Drive; thence 1131.09 along a curved line having a radius of 1327.00 feet concave to the North through a delta angle of  $48^{\circ}50'13''$  with a long chord bearing of North  $51^{\circ}21'44''$  East to the POINT OF BEGINNING.

Containing 42.82 acres.

EXHIBIT A

LEGAL DESCRIPTION

LOTS 97 & 98

- H) A certain parcel of land located in Section 27, Township 47 South, Range 41 East and lying within a tract of land as shown by the plat of the Florida Fruitland Company, Subdivision Number 2, as recorded in Plat Book 1, Page 102, Public Records of Palm Beach County, Florida, all lands being and situated in Palm Beach County, Florida, and being more particularly bounded and described as follows, to wit:

Commencing at the Northeast corner of said Section 27; (bearings cited herein are in a meridian assuming North  $01^{\circ}19'13''$  West along the East line of said Section 27) thence, South  $76^{\circ}28'43''$  West 1815.50 feet; thence, 292.61 feet along the arc of a curve line having a radius of 930 feet concave South through a delta angle of  $18^{\circ}01'37''$  with a long chord bearing of South  $88^{\circ}28'58''$  East; thence, South  $10^{\circ}31'51''$  West 60.0 feet to the POINT OF BEGINNING: THENCE South  $10^{\circ}31'51''$  West 100.0 feet; thence 57.01 feet along the arc of a curved line having a radius of 770 feet concave South through a delta angle of  $04^{\circ}14'32''$  with a long chord bearing of North  $81^{\circ}35'26''$  West; thence, 57.01 feet along the arc of a curve line having a radius of 770 feet concave South through a delta angle of  $04^{\circ}14'32''$  with a long chord bearing of North  $85^{\circ}49'59''$  West; thence North  $02^{\circ}02'46''$  East 100 feet; thence, 64.42 feet along the arc of a curve line having a radius of 870 feet concave South through a delta angle of  $04^{\circ}14'32''$  with a long chord bearing of South  $85^{\circ}49'59''$  East; thence 64.42 feet along the arc of a curved line, concave to the South with a radius of 870 feet through a delta angle of  $04^{\circ}14'32''$  with a long chord bearing of South  $81^{\circ}35'26''$  West to the POINT OF BEGINNING.  
Containing 0.28 acres.

TOGETHER WITH:

PARCEL "B" (Original Legal Description)

A certain parcel of land located in Section 27, Township 47 South, Range 41 East, being and situated in Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 27, thence; South  $01^{\circ}19'13''$  East, along the East line of said Section 27, a distance of 1970.41 feet; thence South  $89^{\circ}42'12''$  West, a distance of 60.01 feet to the POINT OF BEGINNING of the following described parcel:

1. South  $01^{\circ}19'13''$  East, 2006.47 feet; thence
2. South  $89^{\circ}41'05''$  West, 724.29 feet; thence
3. North  $71^{\circ}58'41''$  West, 14.00 feet; thence
4. North  $16^{\circ}53'50''$  East, 473.49 feet; thence
5. North  $73^{\circ}06'10''$  West, 403.63 feet; thence
6. Northeasterly along the arc of a 1036 foot radius curve, concave southeasterly, an arc distance of 75.12 feet subtending a central angle of  $03^{\circ}55'38''$ ; thence

EXHIBIT A

LEGAL DESCRIPTION

7. Northwesternly along the arc of a 1214 foot radius curve, concave southwesterly, an arc distance of 1395.72 feet subtending a central angle of 65°52'20"; thence
8. North 39°45'47" East, 64.93 feet; thence
9. North 89°42'12" East, 1259.34 feet, to the POINT OF BEGINNING, Containing 49.735 acres, more or less.

AND PARCEL "C" (Original Legal Description)

A certain parcel of tract land located in Sections 22 and 27, Township 47 South, Range 41 East, and being a portion of the property as shown on the plat of the Florida Fruitland Company, Subdivision Number 2, as according to Plat Book 1, Page 102, Public Records of Palm Beach County, Florida and being more particularly bounded and described as follows, to wit:

Commencing at the Northeast corner of said Section 27; thence South 43°12'11" West 2537.62 feet to the POINT OF BEGINNING, of said point being an intersection of the South right-of-way line of Seablue Trail and the East right-of-way line of Shorewind Drive; thence with the Southwest right-of-way line of Seablue Trail 1743.35 feet along the arc of a curved line having a radius of 1134.00 feet concave to the West through a delta angle of 88°05'00" with a long chord bearing of South 24°33'08" East; thence 49.83 feet along the arc of a curved line having a radius of 1176.00 feet concave to the East through a delta angle of 02°25'41" with a long chord bearing of South 18°16'33" West; thence leaving the West right-of-way line of Seablue Trail North 72°56'19" West 28.00 feet; thence South 89°41'17" West 1422.12 feet; thence South 01°16'10" East 46.01 feet to the North line of the Hillsboro Canal; thence North 71°58'41" West 31.79 feet; thence leaving the North line of said Canal North 01°16'10" West 832.26 feet to a point in the South line of Shorewind Drive; thence 1131.09 feet along a curved line having a radius of 1327.00 feet concave to the North through a delta angle of 48°50'13" with a long chord bearing of North 51°21'44" East to the POINT OF BEGINNING. Containing 42.82 acres.

AND LOTS 97 & 98 - (Original Legal Description)

A certain parcel of land located in Section 27, Township 47 South, Range 41 East and lying within a tract of land as shown by the plat of the Florida Fruitland Company, Subdivision Number 2, as recorded in Plat Book 1, Page 102, Public Records of Palm Beach County, Florida, all lands being and situated in Palm Beach County, Florida, and being more particularly bounded and described as follows, to wit:

EXHIBIT A

LEGAL DESCRIPTION

Commencing at the Northeast corner of said Section 27; (bearings sited herein are in a meridian assuming North 01°19'13" West along the East line of said Section 27) thence, South 76°28'43" West 1815.50 feet; thence, 292.61 feet along the arc of a curve line having a radius of 930 feet concave South through a delta angle of 18°01'37" with a long chord bearing of South 88°28'58" East; thence, South 10°31'51" West 60.0 feet to the POINT OF BEGINNING: THENCE South 10°31'51" West 100.0 feet; thence 57.01 feet along the arc of a curved line having a radius of 770 feet concave South through a delta angle of 04-14'32" with a long chord bearing of North 81°35'26" West; thence, 57.01 feet along the arc of a curve line having a radius of 770 feet concave South through a delta angle of 04°14'32" with a long chord bearing of North 85°49'59" West; thence, North 02°02'46" East 100 feet; thence 64.42 feet along the arc of a curve line having a radius of 870 feet concave South through a delta angle of 04-14'32" with a long chord bearing of South 85°49'59" East; thence 64.42 feet along the arc of a curved line, concave to the South with a radius of 870 feet through a delta angle of 04°14'32" with a long chord bearing of South 81°35'26" West to the POINT OF BEGINNING. Containing 0.28 acres.

LESS AND EXCEPTING THE FOLLOWING PROPERTY:

PARCEL "B"

A certain parcel of land located in Section 27, Township 47 South, Range 41 East, and being situated in Palm Beach County, Florida, and being more particularly bounded and described as follows, to wit:

Commencing at the Northeast corner of said Section 27, (bearings cited herein are in the meridian assuming North 01 degrees 19' 13" West along the East line of said Section 27) thence South 01 degrees 19' 13" East along the East line of said Section 27 a distance of 1,978.41 feet; thence South 89 degrees 42' 12" West a distance 60.01 feet to the Point of Beginning; thence South 01 degrees 19' 13" East 1,993.38 feet; thence South 89 degrees 41' 05" West 737.35 feet; thence North 00 degrees 18' 55" West 487.00 feet; thence North 73 degrees 06' 10" West 336.95 feet to a point in the East right-of-way line of Sea Blue Trail (a proposed roadway); thence 75.12 feet along the arc of a curved line having a radius of 1096.00 feet, concave to the East, thru a delta angle of 03 degrees 55' 38" with a long chord bearing of North 17 degrees 31' 33" East; thence 1,399.86 feet along the arc of a curved line having a radius of 1214.00 feet, concave to the West, thru a delta angle of 66 degrees 04' 04", with a long chord bearing of North 13 degrees 32' 40" West; thence North 43 degrees 25' 14" East 64.79 feet; thence North 89 degrees 42' 12" East 1,259.34 feet to the Point of Beginning. Containing 43.715 acres.

**EXHIBIT A**  
**LEGAL DESCRIPTION**

PARCEL "C"

A certain parcel or tract of land located in Section 27, Township 47 South, Range 41 East, and being a portion of the property as shown on the Plat of the Florida Fruit Lands Company's, Subdivision Number 2, according to the Plat Book 1, page 102, Public Records of Palm Beach County, Florida and being more particularly bounded and described as follows, to wit:

Commencing at the Northeast corner of said Section 27; (bearings cited herein are in the meridian assuming North 01 degrees 19' 13" West along the East line of said Section 27); thence South 43 degrees 11' 13" West 2546.00 feet to the Point of Beginning, said point being an intersection of the South right-of-way line of Sea Blue Trail and the East right-of-way line of Shorewind Drive; thence with the Southwest right-of-way line of Sea Blue Trail 1747.18 feet along the arc of a curved line, having a radius of 1134.00 feet, concave to the West, through a delta angle of 88 degrees 16' 37" with a long chord bearing of South 24 degrees 38' 59" East; thence 42.39 feet along the arc of a curved line, having a radius of 1176.00 feet, concave to the East, through a delta angle of 02 degrees 03' 54", with a long chord bearing of South 18 degrees 27' 23" West; thence leaving the West right-of-way line of Sea Blue Trail, North 72 degrees 34' 32" West 30.56 feet; thence South 89 degrees 41' 17" West 1422.12 feet; thence South 01 degrees 16' 10" East 46.01 feet to the North line of the Hillsboro Canal; thence North 71 degrees 58' 41" West 31.79 feet; thence leaving the North line of said Canal, North 01 degrees 16' 10" West 832.24 feet to a point in the South line of Shorewind Drive; thence 1123.65 feet along a curved line having a radius of 1327.00 feet, concave to the North, through a delta angle of 48 degrees 30' 57", with a long chord bearing of North 51 degrees 31' 26" East; to the Point of Beginning.

Containing 39.43 acres.

PARCELS 97 & 98 -

A certain parcel of land located in Section 27, Township 47 South, Range 41 East and lying within a tract of land as shown by the Plat of the Florida Fruit Lands Company's Subdivision Number 2, as recorded in Plat Book 1, page 102, Public Records of Palm Beach County, Florida, all lands being situated in Palm Beach County, Florida, and being more particularly bounded and described as follows, to wit:



EXHIBIT A

LEGAL DESCRIPTION

Commencing at the Northeast corner of said Section 27; (bearing sited herein are in the meridian assuming North 01 degrees 19' 13" West along the East line of said Section 27); thence South 76 degrees 31' 49" West 1,786.34 feet; thence 249.02 feet along the arc of a curved line having a radius of 930 feet concave South through a delta angle of 15 degrees 20' 31" with a long chord bearing of South E5 degrees 30' 34" East; thence South 12 degrees 09' 41" West 100.00 feet to the Point of Beginning; thence South 12 degrees 09' 41" West 100.00 feet; thence 57.01 feet along the arc of a curved line having a radius of 770 feet concave South through a delta angle of 4 degrees 14' 32" with a long chord bearing North 79 degrees 57' 35" West; thence, 57.01 feet along the arc of a curved line having a radius of 770 feet concave South through a delta angle of 4 degrees 14' 32" with a long chord bearing of North 84 degrees 12' 08" West; thence North 03 degrees 40' 36" East 100 feet; thence 64.42 feet along the arc of a curved line having a radius of 870 feet concave South through a delta angle of 04 degrees 14' 32" with a long chord bearing of South 04 degrees 12' 08" East; thence 64.42 feet along the arc of a curved line, concave to the South with a radius of 870 feet through a delta angle of 04 degrees 14' 32" with a long chord bearing of South 79 degrees 57' 35" East to the Point of Beginning. Containing 0.28 acres.

LESS: Lots 1 through 136, inclusive, BOCA WINDS-PARCEL "A", according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 56, pages 84 through 86, inclusive.

LESS: Lots 1 through 45, inclusive, BOCA WINDS-PARCEL "N", according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 55, pages 6 through 8, inclusive.

LESS: Lots 1 through 124, inclusive, BOCA WINDS-PARCEL "F", according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 58, pages 165 through 168, inclusive.

LESS: All of the Plat of BOCA WINDS-PARCEL "D-1", according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 60, pages 60 through 64, inclusive.

EXHIBIT B  
VICINITY SKETCH

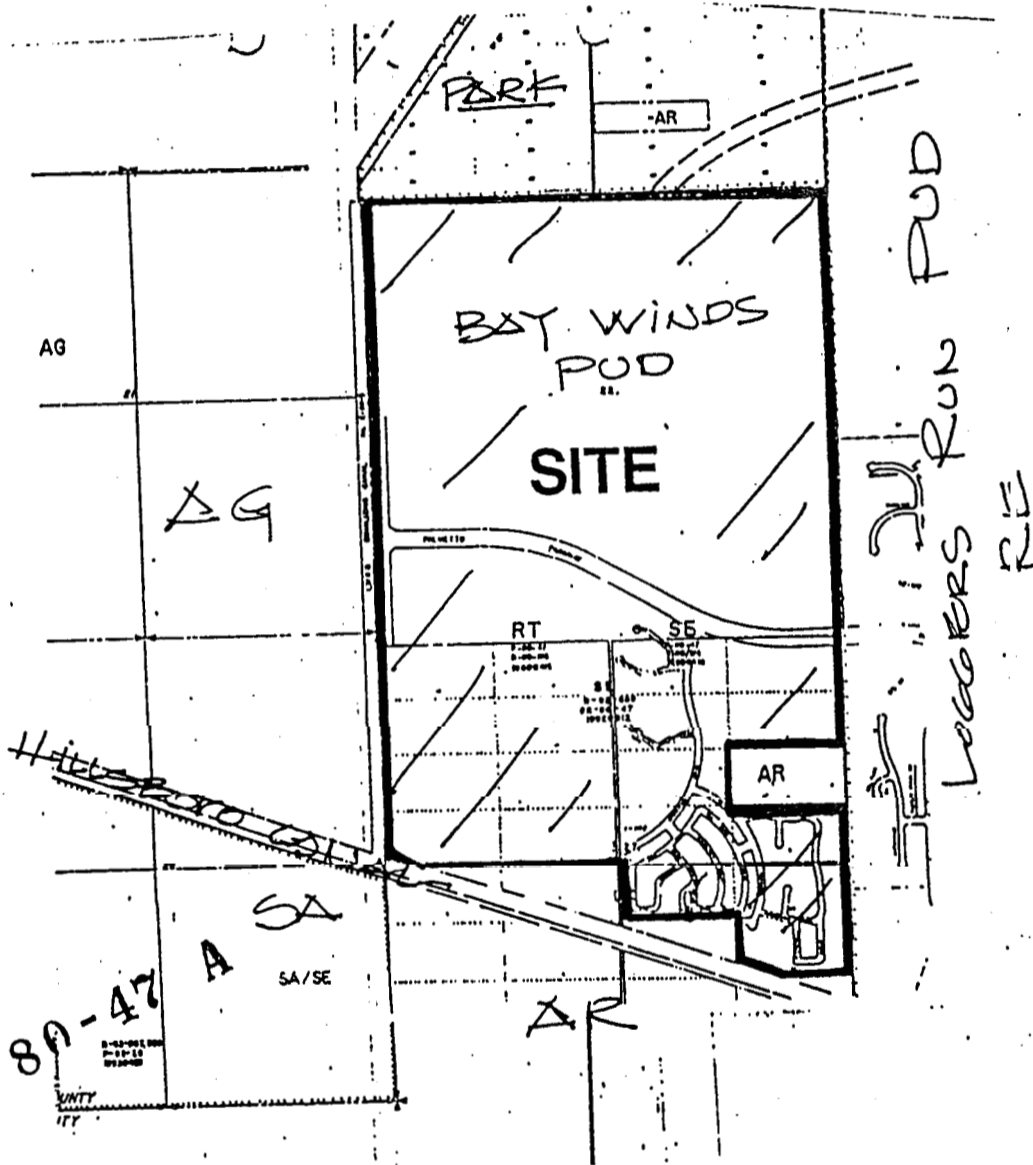


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. a. The property owner shall convey from the property subject of this petition adequate right-of-way for all Thoroughfare Plan roadways adjacent to or through the property which is the subject of this petition in accordance with the adopted Thoroughfare Right of Way Protection Map, including expanded intersections at all at-grade Thoroughfare Plan roadway intersections, plus safe corners.
- b. All right-of-way conveyances shall occur prior to the recording of the next plat and in no case later than July 1, 1992.
- c. Developer shall provide Palm Beach County with sufficient documentation to ensure that the property is free of all encumbrances and encroachments.

(Previously Condition No. 1 of Resolution No. R-92-689)

2. Prior to July 1, 1992 the property owner shall convey or verify conveyance to Palm Beach County Roadway Production Division by road right-of-way warranty deed for Riverside Drive 60 feet along the projects east property line free of all encumbrances and encroachments. Developer 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.  
(Previously Condition No. 2 of Resolution No. R-92-689)

3. The property owner shall construct at the intersection of Glades Road/University Drive and Riverside Drive:
  - a. left turn lane, south approach
  - b. right turn lane, west approach

(Previously Condition No. 3 of Resolution No. R-92-689)

4. The property owner shall construct at the intersection of Glades Road/University Drive and Palmetto Park Road
  - a. left turn lane, north approach
  - b. right turn lane, south approach
  - c. right turn lane, east approach
  - d. left turn lane, east approach

(Previously Condition No. 4 of Resolution No. R-92-689)

5. Petitioner shall construct at the intersection of Palmetto Park Road and Riverside Drive:
  - a. right and left turn lanes, north approach
  - b. left turn lane, west approach

(Previously Condition No. 5 of Resolution No. R-92-689)

6. Petitioner shall construct at the intersection of Glades Road/University Drive and the main loop road:
- a. left turn lane, south approach
  - b. right turn lane, south approach
  - c. left turn lane, east approach

(Previously Condition No. 6 of Resolution No. R-92-639)

7. Petitioner shall construct at the intersection of Palmetto Park Road and westerly loop road:
- a. right and left turn lanes, north approach
  - b. right and left turn lanes, south approach
  - c. right and left turn lanes, east approach

(Previously Condition No. 7 of Resolution R-92-689)

8. Petitioner shall construct at the intersection of Palmetto Park Road and the easterly loop road:
- a. right and left turn lanes, north approach
  - b. right and left turn lanes, south approach
  - c. right and left turn lanes, east approach
  - d. right and left turn lanes, west approach

(Previously Condition No. 8 of Resolution R-92-689)

9. Condition No. 9 of Resolution R-92-689, which currently states:

- a. Petitioner shall fund the County's preparation of construction plans for Palmetto Park Road as a four lane median divided section, plus the appropriate turn lanes as determined by the County Engineer, from its present paved terminus to the western P.U.D. boundary (Future University Drive). The current Thoroughfare Plan typical section shall be used, except equivalent acceptable shellrock may be substituted as base material, in lieu of limerock.
  - 1) Said funding shall be provided prior to the filing of a plat for Parcel "G", however, in no case later than July 1, 1992.
  - 2) Surety in the form and amount acceptable to the County Engineer shall be posted for the plan preparation prior to January 1, 1992 or concurrent with the filing of the plat for Parcel "G" whichever shall first occur.
- b. Petitioner shall fund the County's construction of the above stated section of Palmetto Park Road, and associated turn lanes. Petitioner may provide shellrock from the development site for use as base material, if such shellrock is of a quality which is satisfactory, as determined by the County Engineer.
  - 1) Said funding shall be provided concurrently with the filing of the plat for Parcel "G", however no case later than July 1, 1993.
  - 2) Surety in the form and amount acceptable to the County Engineer shall be posted for this construction prior to July 1, 1992 or concurrent with the filing of the plat for Parcel "G" whichever shall first occur.

c. It is the intent that the above construction be accomplished by the County using developer funding concurrently with the development of the plat for Parcel "G".

1) Parcel "G" plat shall be recorded no later than July 1, 1993.

2) Parcel "E" Plat shall be recorded no later than July 1, 1994.

It is the intent that the platting dates for parcels "G" and "E" may be exchanged, however, all time frames stated above for Parcel "G" shall be applied to Parcel "E" if it is platted first.

d. Parcel "J" will be permitted to be recorded in as many as three (3) phases, subject to proper platting and Site Plan Review.

e. The first phase platted in Parcel "J" shall require the property owner to fund the County's preparation of construction plans for Glades Road as a two lane section, plus the appropriate turn lanes as determined by the County Engineer, from its present paved terminus in Logger's Run, P.U.D. to a point 200' west of the entrance to Parcel "J", as shown on the approved Master Plan. The current Thoroughfare Plan typical section shall be used for the preparation of these plans.

1) Said funding shall be provided one year prior to the filing of the first plat for Parcel "J", and in no case later than July 1, 1993. Acceptable surety in the form and amount shall be posted with the Office of the County Engineer.

2) The Surety for the construction plans shall be posted prior to January 1, 1993 or concurrent with the filing of the plat for Parcel "J" whichever shall first occur.

f. The first phase platted in parcel "J" shall require the property owner to fund the County's construction of the above stated section of Glades Road, and associated turn lanes.

1) Said funding shall be provided concurrently with the filing of the first plat for Parcel "J", and in no case later than July 1, 1994. Acceptable surety in the form and amount shall be posted with the Office of the County Engineer.

2) The Surety for the construction shall be posted prior to July 1, 1993 or concurrent with the filing of the plat for Parcel "J" whichever shall first occur.

It is the intent that the above construction be accomplished by the County using developer funding concurrently with the development of the first plat for Parcel "J".

- g. The second phase platted in Parcel "J" shall require the property owner to fund the County's preparation of construction plans for University Drive (Glades Road Extension) as a two lane section, including appropriate turn lanes as determined by the County Engineer, from a point 200' west of the entrance to Parcel "J" through the intersection of Palmetto Park Road. The current Thoroughfare Plan typical section shall be used for the preparation of these plans.
- 1) Said funding shall be provided one year prior to the Tiling of a second plat for Parcel "J", and in no case later than July 1, 1994. Acceptable surety in the form and amount shall be posted with the Office of the County Engineer.
  - 2) Surety for these construction plans shall be posted prior to January 1, 1994 or concurrent with the filing of the second plat for Parcel "J".
- h. The second phase platted in parcel "J" shall require the property owner to fund the County's construction of the above stated section of University, and associated turn lanes.
- 1) Said funding shall be provided concurrently with the filing of the second plat for Parcel "J", and in no case later than July 1, 1995.
  - 2) Acceptable Surety in the form and amount shall be posted with the Office of County Engineer. Surety for this construction shall be posited prior to July 1, 1995 or concurrent with the filing of the second plat for Parcel "J" whichever shall first occur.
- i. It is the intent that the above construction be accomplished by the County using developer funding concurrently with the development of the second plat for Parcel "J".
- j. Should the first plat in Parcel "J" represent 50% or more of its total units, then the developer shall comply with all conditions set forth above for Parcel "J", except that the time frames for plan and roadway construction funding for the first plat in Parcel "J" shall apply.
- k. The final phase platted in Parcel "J" shall require the following:
- 1) Prior to July 1, 1996, or prior to the filing of the last plat, whichever shall first occur, the petitioner shall submit to Palm Beach County approved and permitted construction plans for Riverside Drive, as a two lane roadway, to current Thoroughfare Plan requirements, with appropriate turn lanes on both this roadway, and on Glades and Palmetto Park Roads, as required by the County Engineer.
  - 2) Petitioner shall construct the improvements to Riverside Drive as set forth in the above referenced plans concurrently with the filing of this last plat, and in no case shall the improvements be completed later than July 1, 1997.

Is amended to state:

- a. Petitioner prepare construction plans for Palmetto Park Road as a four lane median divided section, plus the appropriate turn lanes as determined by the County Engineer, from its present paved terminus to the western P.U.D. boundary (Future University Drive). The current Thoroughfare Plan typical section shall be used, except equivalent acceptable shellrock may be substituted as base material, **in lieu** of limerock.
  - 1) Surety ~~in the form and amount acceptable to~~ the County Engineer shall be posted for the plan preparation prior to December 31, 1993 or concurrent with the filing of the plat for Parcel "G" whichever shall first occur.
- b. Petitioner shall fund the County's construction of the above stated section of Palmetto Park Road, and associated turn lanes. Petitioner may provide shellrock from the development site for use as base material, if such shellrock is of a quality which is satisfactory, as determined by the County Engineer.
  - 1) Said funding shall be provided concurrently with the filing of the plat for Parcel "G", however no case later than July 1, 1993.
  - 2) Surety in the form and amount acceptable to the County Engineer shall be posted for this construction prior to July 1, 1992 or concurrent with the filing of the plat for Parcel "G" whichever shall first occur.
- c. It is the intent that the above construction be accomplished by the County using developer funding concurrently with the development of the plat for Parcel "G".
  - 1) Parcel "G" plat shall be recorded no later than July 1, 1993.
  - 2) Parcel "E" Plat shall be recorded no later than July 1, 1994.

It is the intent that the platting dates for Parcels "G" and "E" may be exchanged, however, all time frames stated above for Parcel "G" shall be applied to Parcel "E" if it is platted first.
- d. Parcel "J" will be permitted to be recorded in as many as three (3) phases, subject to proper platting and Site Plan Review.
- e. The first phase platted in Parcel "J" shall require the property owner to prepare construction plans for Glades Road as a two lane section, plus the appropriate turn lanes as determined by the County Engineer, from its present paved terminus in Logger's Run, P.U.D. to a point 200' west of the entrance to Parcel "J", as shown on the approved Master Plan. The current Thoroughfare Plan typical section shall be used for the preparation of these plans.
  - 1) The Surety for the construction plans shall be posted prior to December 31, 1993 or concurrent with the filing of the plat for Parcel "J" whichever shall first occur.

- f. The first phase platted in parcel "J" shall require the property owner to fund the County's construction of the above stated section of Glades Road, and associated turn lanes.
- 1) Said funding shall be provided concurrently with the filing of the first plat for Parcel "J", and in no case later than July 1, 1994. Acceptable surety in the form and amount shall be posted with the Office of the County Engineer.
  - 2) The surety for the construction shall be posted prior to July 1, 1993 or concurrent with the filing of the plat for Parcel "J" whichever shall first occur.

It is the intent that the above construction be accomplished by the County using developer funding concurrently with the development of the first plat for Parcel "J".

- g. The second phase platted in Parcel "J" shall require the property owner to prepare construction plans for University Drive (Glades Road Extension) as a two lane section, including appropriate turn lanes as determined by the County Engineer, from a point 200' west of the entrance to Parcel "J" through the intersection of Palmetto Park Road. The current Thoroughfare Plan typical section shall be used for the preparation of these plans.
- 1) Surety for these construction plans shall be posted prior to December 31, 1993 or concurrent with the filing of the second plat for Parcel "J".
- h. The second phase platted in parcel "J" shall require the property owner to fund the County's construction of the above stated section of University, and associated turn lanes.
- 1) Said funding shall be provided concurrently with the filing of the second plat for Parcel "J", and in no case later than July 1, 1995.
  - 2) Acceptable Surety in the form and amount shall be posted with the Office of County Engineer. Surety for this construction shall be posted prior to July 1, 1995 or concurrent with the filing of the second plat for Parcel "J" whichever shall first occur.
- i. It is the intent that the above construction be accomplished by the County using developer funding concurrently with the development of the second plat for Parcel "J".
- j. Should the first plat in Parcel "J" represent 50% or more of its total units, then the developer shall comply with all conditions set forth above for Parcel "J", except that the time frames for plan and roadway construction funding for the first plat in Parcel "J" shall apply.
- k. The final phase platted in Parcel "J" shall require the following:



- 1) Prior to July 1, 1996, or prior to the filing of the last plat, whichever shall first occur, the petitioner shall submit to Palm Beach County approved and permitted construction plans for Riverside Drive, as a two lane roadway, to current Thoroughfare Plan requirements, with appropriate turn lanes on both this roadway, and on Glades and Palmetto Park Roads, as required by the County Engineer.
  - 2) Petitioner shall construct the improvements to Riverside Drive as set forth in the above referenced plans concurrently with the filing of this last plat, and in no case shall the improvements be completed later than July 1, 1997.
10. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. (Previously Condition No. 10 of Resolution R-92-689)
  11. Petitioner must deed the twenty (20) acre civic site to be used for park purposes to Palm Beach County, without cost, at the time of the filing of the next plat. (Previously Condition No. 11 of Resolution R-92-689)
  12. Petitioner must dedicate one hundred thirty (130) feet from the centerline along the Hillsboro Canal to the South Florida Water Management District for right-of-way purposes. (Previously Condition No. 12 of Resolution R-92-689)
  13. No temporary on-site water or sewer service(s) will be approved for building construction within this project. Confirmation of utilities for this petition is based on the provision of central water and sewer service from South Palm Beach Utilities. (Previously Condition No. 13 of Resolution R-92-689)
  14. Parcel "G", the property owner shall construct Shorewinds Drive as a two-lane section from its present paved terminus to the extension of Palmetto Park Road, plus appropriate turn lanes, as determined by the County Engineer. The same typical section that was used on existing Shorewinds Drive may be used for this construction. (Previously Condition No. 14 of Resolution R-92-689)
  15. Surety acceptable to the County Engineer in the amount of 110% of a certified cost estimate by the Developer's Engineer shall be posted by the petitioner concurrent with the trigger dates for plans and prior to the filing of the respective plats, to guarantee the funding for both the plans and construction associated with the plats, as set forth above. (Previously Condition No. 15 of Resolution R-92-689)

16. The petitioner shall convey to Palm Beach County, at the time of recording the next plat, or prior to July 1, 1992 or when requested by the County Engineer (whichever shall first occur), adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff for those segments of Palmetto Park Road, Glades Road, University Drive, and Riverside Drive along the property frontage, and for a maximum 400' distance each side of the property boundaries along those roadways. Said easements shall be no less than 20' in width. The drainage system within the project shall have sufficient retention/detention capacity to meet stormwater discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management District for the combined runoff for the project and ultimate Thoroughfare Plan road sections of the included segment. (Previously Condition No. 16 of Resolution R-92-689)
17. Petitioner shall include in all written solicitations, advertisements, inducements, and other methods or attempts to encourage any person to purchase a legal or equitable interest in property which is the subject of this petition (or amendment hereto) a disclosure statement identifying all planned roadways adjacent to or through the petition property which are included in the County's Thoroughfare Plan or Five Year Road Improvement Program. (Previously Condition No. 17 of Resolution R-92-689)
18. Prior to December 31, 1991, the property owner shall convey to the School Board of Palm Beach County a fifteen (15) acre school site in accordance with the agreement dated November 6, 1985 between the School Board of Palm Beach County and Boca Winds, Inc. Transfer of title shall be by special warranty deed based upon a metes and bounds legal description provided by the petitioner, free and clear of all liens and encumbrances. All items of development of this site shown in the November 6, 1985 agreement shall be done as a part of the platting and development of "Parcel J" as defined in the currently approved master plan. (Previously Condition No. 18 of Resolution R-92-689)