

RESOLUTION NO. R-96-1177

RESOLUTION APPROVING ZONING PETITION DOA87-112(E)
DEVELOPMENT ORDER AMENDMENT
PETITION OF JOSHUA MUSS, TRUSTEE
BY F. MARTIN PERRY, AGENT
(WINSTON TRAILS 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, and the Palm Beach County Unified Land Development Code, 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 Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA87-112(E) was presented to the Board of County Commissioners at a public hearing conducted on July 25, 1996; 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 Unified 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 the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 the standards imposed on it by applicable provisions of the Palm Beach County Unified 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 determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified 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 Unified 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 DOA87-112(E), the petition of Joshua Muss, Trustee, by F. Martin Perry, agent, for a Development Order Amendment (DOA) to modify/delete Engineering conditions in Resolution R-93-170, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 25, 1996, 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 Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on August 22, 1996.

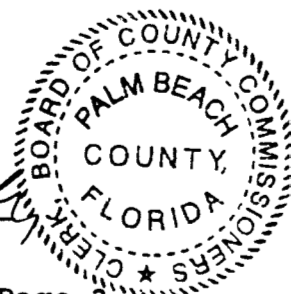
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara Oller*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK



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EXHIBIT A

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Commencing at the Southwest corner of the Southeast 1/4 of said Section 3; thence North 89°17'05" East along the South line of Section 3, a distance of 40.00 feet; thence North 00°47'13" West, along a line also being 40.00 East of (as measured at right angles) the West line of the East 1/2 of said Section 3, a distance of 226.84 feet; thence North 89°12'47" East, a distance of 9.02 feet to the POINT OF BEGINNING of this description; thence Northerly along the Easterly Right-of-Way line of as recorded in Official Record Book 6182, Page 740 of the Public Records of Palm Beach County, Florida the following four courses; thence North 03°24'10" East, a distance of 339.24 feet; thence North 00°23'35" East, a distance of 2534.08 feet to the beginning of a curve concave to the West having a radius of 4641.66 feet and a central angle of 01°10'48"; thence Northeasterly and Northwesterly along the arc of said curve, a distance of 95.49 feet; thence North 00°47'13" West along a line tangent to the last described curve, a distance of 1587.00 feet to a POINT OF INTERSECTION with the Southerly Right-of-Way line of the Lake Worth Drainage District Lateral Number 17 Canal as described in Official Record Book 2411, Page 1113 of the said Public Records, said point to be hereinafter referred to as Point "A"; thence continuing North 00°47'13" West, along a line 80.00 feet East of (as measured at right angles) the West line of the East 1/2 of Section 3, a distance of 85.00 feet to a POINT OF INTERSECTION with the Northerly Right-of-Way line of said Lake Worth Drainage District Lateral Number 17 Canal; thence continuing North 00°47'13" West, along the Easterly Right-of-Way line of Jog Road as recorded in Official Record Book 6182, Page 736 of the said Public Records, a distance of 2364.18 feet to a point of intersection with the South line of North 399.04 feet of the Northeast 1/4 of said Section 3, said point being on the arc of a curve concave to the Southwest having a radius of 1697.02 feet and a central angle of 01°25'18" at which point the radius bears South 89°10'48" West, thence Northerly along the Easterly Right-of-Way line of Jog Road as recorded in Official Record Book 6182, Page 732 the following three courses; thence Northwesterly along the arc of last described curve, a distance of 42.11 feet; thence North 01°39'05" West along a line non-tangent to last described curve, a distance 187.39 feet to a point on the arc of a curve concave to the Southwest having a radius of 1709.02 feet and a central angle of 04°34'58", at which point the radius bears South 81°27'49" West; thence Northwesterly along the arc of said curve, a distance of 136.69 feet to a POINT OF INTERSECTION with the Southerly Right-of-Way line of the Lake Worth Drainage District Lateral Number 16 Canal, Official Record Book 2393, Page 1134; thence North 89°11'55" East along the said Southerly Right-of-Way line of the Lake Worth Drainage District Lateral Number 16 Canal, same line also being 35' South of (as measured at right angles) and parallel with the North Line of the said East 1/2 of Section 3, a distance of 2673.22 feet to the West Line of said Section 2; thence North 89°24'10" East continuing along the said Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 16 Canal, same line also being 35.00 feet South of (as measured at right angles) parallel with the North Line of the West 1/2 of said Section 2, a distance of 2002.52 feet; thence South 00°26'12" East, a distance of 655.79 feet; thence North 89°37'00" East, a distance of 213.35 feet to a POINT OF INTERSECTION with the Westerly Right-of-Way Line of Lake Worth Drainage District E-3 Canal, Official Record Book 2393, Page 1133; thence Southeasterly, the following three courses, along the said Westerly Right-of-Way Line of the Lake Worth Drainage District E-3 Canal, same line also being 35.00 feet Southwesterly of (as measured at right angles) and parallel with the following described line (beginning at the Southeast corner of the Southwest 1/4 of said Section 2; thence North 05°28'31" West to a point on the North Line of said Section 2 being 480.00 feet westerly from (as measured along the said North Line of Section 2) the Northeast corner of the Northwest 1/4 of said Section 2) thence South 05°28'31" East, a distance of 2115.58 feet to a POINT OF INTERSECTION with the said Northerly Right-of-Way Line of the said Lake Worth Drainage

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District Lateral Number 17 Canal; thence continuing South 05°28'31" East, a distance of 85.42 feet to a POINT OF INTERSECTION with the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 17 Canal; thence continuing South 05°28'31" East, a distance of 1883.71 feet; thence North 89°10'50" West, a distance of 571.95 feet; thence South 00°24'33" East, a distance of 551.01 feet to a POINT OF INTERSECTION with said Northerly Right-of-Way Line of Hypoluxo Road; thence North 89°00'34" West along the said Northerly Right-of-way Line of Hypoluxo Road, same line also being 110.00 feet North of (as measured at right angles) and parallel with the South Line of the Southwest 1/4 of said Section 2, a distance of 1998.26 feet: to a POINT OF INTERSECTION with the East Line of said Section 3; thence continuing along the said Northerly Right-of-way line of Hypoluxo Road the following four courses: thence North 89°39'42" West, a distance of 1697.83 feet; thence North 86°21'38" West, a distance of 500.52 feet to a point on the arc of a curve concave to the South having a radius of 10,076.00 feet and a central angle of 02°21'04", at which point the radius bears South 01°09'38" West; thence Northwesterly and Southwesterly along the arc of said curve, a distance of 413.46 feet; thence North 44°04'36" West, a distance of 58.51 feet to the POINT OF BEGINNING.

Less the following described 85 foot Right-of-way for the Lake Worth Drainage District Lateral Number 17 Canal, BEGINNING at beforementioned Point "A"; thence North 00°47'13" West, a distance of 85.00 feet; thence North 89°14'14" East along the said Northerly Right-of-way line for the Lake Worth Drainage District Lateral Number 17 Canal, same line also being 30.00 feet south of (as measured at right angles) and parallel with the East-West 1/4 section line of said Section 3, a distance of 2631.89 feet to the West line of said Section 2, thence continuing along said Northerly Right-of-way Line, same line also being 30.00 feet South of (as measured at right angles) and parallel with the East-West 1/4 Section line of said Section 2, South 89°46'25" East, a distance of 2399.26 feet to a POINT OF INTERSECTION with the said Westerly Right-of-way Line of the Lake Worth Drainage District E-3 Canal; thence South 05°28'31" East, along said Westerly Right-of-way Line of the Lake Worth Drainage District E-3 Canal, a distance of 85.42 feet to a POINT OF INTERSECTION with the said Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 17 Canal, a distance of 2406.69 feet to the East line of said Section 3, thence continuing North 89°46'25" West along said Southerly Right-of-way Line, a distance of 0.24 feet: thence south 89°14'14" West along said Southerly Right-of-way Line, a distance of 2631.21 feet to beforementioned Point "A" and the POINT OF BEGINNING.

TOGETHER WITH That portion of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 and that portion of the Southeast 1/4 of the Northwest 1/4 lying East of the Lake Worth Drainage District E-3 Canal, **TOGETHER WITH** the Northeast 1/4 **LESS** the North 20 feet of the Northeast 1/4 all being in Section 2, Township 45 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 2; thence South 00°19'58" East along the East Line of said Section 2, a distance of 20.00 feet to the POINT OF BEGINNING of this description; thence continuing South 00°19'58" East along said East Line of Section 2, same line also being the Northerly projection of and the West Line of Plat of Concept Homes of Lantana Plat No. 2 and Plat No. 3 as recorded in Plat Book 38, Page 13 and 14 and Plat Book 39, Page 123 thru 125, respectively, a distance of 2790.84 feet to the Southeast corner of the Northeast 1/4 of said Section 2; thence North 89°46'27" West, along the South Line of the said Northeast 1/4 of Section 2, a distance of 2665.22 feet to the center of said Section 2; thence North 89°46'25" West, along the South Line of the Northwest 1/4 of said Section 2, a distance of 169.69 feet to the Easterly Right-of-way Line of the Lake Worth Drainage District E-3 Canal Official Record Book 2393, Page 1133; thence North 05°28'31" West along the said Easterly Right-of-way Line of Lake Worth Drainage District E-3 Canal, same line also being 65.00 feet

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Northeasterly of (as measured at right angles) and parallel with the following described Line (beginning at the Southeast corner of the Southwest 1/4 of said Section 2; thence North 05°28'31" West to a point on the North Line of said Section 2 being 480.00 feet westerly from (as measured along the said North Line of Section 2) the Northeast corner of the Northwest 1/4 of said Section 2), a distance of 2086.51 feet; thence North 89°37'00" East, a distance of 353.56 feet to the West Line of the Northeast 1/4 of said Section 2; thence North 00°25'10" West along the said West Line of the Northeast 1/4 of Section 2, a distance of 673.28 feet; thence North 89°25'14" East along a line 20.00 feet South of (as measured at right angles) and parallel with the North Line of the said Northeast 1/4 of Section 2, same line also being the Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 16 Canal as described in Official Record Book 2393, Page 1133 of the said Public Records, a distance of 2669.27 feet to the POINT OF BEGINNING.

TOGETHER WITH Lot One and that portion of Lot Two lying East of the Lake Worth Drainage District E-3 Canal in Tract 38 of the "Hiatus" between Townships 44 and 45 South, Range 42 East also known as "Township 44 1/2 South, Range 42 East, LESS the North 54.00 feet thereof, AND LESS the South 50.00 feet thereof, being more particularly described as follows:

Commencing at the Northeast corner of said Lot One, Hiatus Tract 38, same point also being the Southeast corner of Section 35, Township 44 South, Range 42 East, thence South 38°28'00" East along the Easterly Line of said Lot One, a distance of 70.48 feet to the POINT OF BEGINNING of this description, thence continuing South 38°28'00" East along the Easterly Line of said Lot One, a distance of 675.16 feet to a POINT OF INTERSECTION with the Northerly Right-of-Way Line of Lake Worth Drainage District Lateral Number 16 Canal, Official Record Book 2393, Page 1133 said point being North 38°28'00" West, a distance of 63.34 feet from the Northeast corner of said Section 2; thence South 89°25'14" West along the said Northerly Right-of-Way Line of Lake Worth Drainage District Lateral Number 16 Canal, same line also being 50.00 feet North of (as measured at right angles) and parallel with the South Line of said Lot One, Hiatus Tract 38, a distance of 2670.86 feet crossing into said Lot Two, Hiatus Tract 38; thence continuing along said Northerly Right-of-Way Line of Lake Worth Drainage District Lateral Number 16 Canal, same line also being 50.00 feet North of (as measured at right angles) and parallel with the South Line of said Lot Two, Hiatus Tract 38, South 89°24'10" West, a distance of 376.88 feet to a POINT OF INTERSECTION with the Easterly Right-of-Way Line of Lake Worth Drainage District E-3 Canal, Official Record Book 2411, Page 1114; thence North 03°20'59" West along the said Easterly Right-of-Way Line of Lake Worth Drainage District E-3 Canal same line also being 65.00 feet Easterly of (as measured at right angles) and parallel with the following described line (beginning at a point 480.00 feet Westerly from (as measured along the North Line of the Northwest 1/4 of said Section 2); thence North 03°20'59" West to the Northeast corner of said Lot Two, Hiatus Tract 38), a distance of 633.69 feet to a POINT OF INTERSECTION with the proposed Southerly Right-of-Way Line of Lantana Road, same line also being 54.00 feet South of (as measured at right angles) and parallel with the North Line of said Lot One Hiatus Tract 38, a distance of 2620.32 feet; thence South 88°28'57" East along the proposed said Southerly Right-of-Way line of Lantana Road, a distance of 45.31 feet to the POINT OF BEGINNING.

PARCEL "B"

The easement interest for vehicular and pedestrian ingress and egress as created in and pursuant to the terms and conditions set forth in the Access Easement and record in Official Record Book 6131, Page 1397 of the Public Records of Palm Beach County, Florida over the following described property:

A parcel of land lying in Lot 1, Hiatus Tract 38, Township 44-1/2

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South, Range 42 East, and in Section 2, Township 45 South, Range 42 East, being **more** particularly described **as follows**:

Commencing at the Northeast corner of the Northwest 1/4 of said Section 2; thence North 35°29'15" West along the West line of said Lot 1, a distance of 60.97 feet; thence North 89°24'46" East along a line of 50.00 feet North of a parallel with, as measured at right angles to, the South line of said Lot 1, a distance of 680.04 feet to the Point of Beginning; thence North 89°24'46" East, continuing along said parallel line, a distance of 75.00 feet; thence South 00°35'14" East, a distance of 70.00 feet; thence South 89°24'46" West along a line 20.00 feet South of and parallel with, as measured at right angles to, the South line of said lot 1, a distance of 75.00 feet; thence North 00°35'14" West, a distance of 70.00 feet to the Point of Beginning.

Said land lying in Palm Beach County, Florida.

AND INCLUDING THE FOLLOWING DESCRIBED PARCEL CONVEYED BY THE LAKE WORTH DRAINAGE DISTRICT TO JOSHUA A. MUSS, as Trustee under Land Trust Agreement dated March 8, 1989 in Quit-Claim Deed recorded in O.R. Book 6840, Page 380, Public Records of Palm Beach County, Florida:

L-17 Canal Vacation. A portion of the South 1/2 of Section 2 and 3, Township 45 South, Range 42 East, Palm Beach County, Florida, being bounded as follows:

On the West by:

A line 40.00 feet East of and parallel with the West line of the East 1/2 of Said Section 3:

On the North by:

A line 30.00 feet South of and parallel with the North line of Southeast 1/4 of said Section 3, and the North line of the Southwest 1/4 of said Section 2;

On the East by:

The Westerly Right-of-way Line of the Lake Worth Drainage District "E-3 Canal", as recorded in Official Records Book 2393, Page 1133 of the Public Records of Palm Beach County, Florida, said line being 35.00 feet west of and parallel with, as measured at right angles to, a line connecting the South quarter corner of said Section 2 to a point on the north line of the Northwest 1/4 of said Section 2, (Said point being 480.00 feet west of the North quarter corner of said Section 2);

On the South by:

A line 115.00 feet South of and parallel with the North line of the Southwest 1/4 of Said Section 2 and the North line of the Southeast 1/4 of Said Section 3.

Said lands lying in Palm Beach County, containing 9.9022 acres, **more or less**.

AND EXCLUDING THE FOLLOWING DESCRIBED PARCEL CONVEYED BY JOSHUA A. MUSS, as Trustee under Land Trust Agreement dated March 8, 1989 to the LAKE WORTH DRAINAGE DISTRICT in Quit-Claim Deed recorded in O.R. Book 6840, Page 382, Public Records of Palm Beach County, Florida:

A portion of Section 2, Township 45 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Northwest corner of said Section 2: thence along the North line of said Section 2, North 89°24'02" East, 2002.55 feet; thence South 00°26'30" East, 689.99 feet, thence North 89°37'18" East, 203.24 feet to the POINT OF BEGINNING (#1); thence continue North 89°37'18" East, 10.04 feet to a point on the westerly Right-of-way line of the Lake Worth Drainage District (L.W.D.D.) E-3 Canal as recorded in Official Records Book 2393 at Page 1133 of the Public Records of Palm Beach County, Florida,

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South, Range **42 East**, and in Section **2**, Township **45 South**, Range **42 East**, being more particularly described as follows:

Commencing at the Northeast corner of the Northwest **1/4** of said Section **2**; thence North **35'29'15"** West along the West line of said **Lot 1**, a distance of **60.97** feet; thence North **89'24'46"** East along a line of **50.00** feet North of a parallel with, as measured at right angles to, the South line of said **Lot 1**, a distance of **680.04** feet to the Point of Beginning; thence North **89'24'46"** East, continuing along said parallel line, a distance of **75.00** feet; thence South **00'35'14"** East, a distance of **70.00** feet; thence South **89'24'46"** West along a line **20.00** feet South of and parallel with, as measured at right angles to, the South line of said **lot, 1**, a distance of **75.00** feet; thence North **00'35'14"** West, a distance of **70.00** feet to the Point of Beginning.

Said land lying in Palm Beach County, Florida.

AND INCLUDING THE FOLLOWING DESCRIBED PARCEL CONVEYED BY THE LAKE WORTH DRAINAGE DISTRICT TO JOSHUA A. MUSS, as Trustee under Land Trust Agreement dated March **8**, **1989** in Quit-Claim Deed recorded in O.R. Book **6840**, Page **380**, Public Records of Palm Beach County, Florida:

L-17 Canal Vacation. A portion of the South **1/2** of Section **2** and **3**, Township **45 South**, Range **42 East**, Palm Beach County, Florida, being bounded as follows:

On the West by:

A line **40.00** feet East of and parallel with the West line of the East **1/2** of Said Section **3**:

On the North by:

A line **30.00** feet South of and parallel with the North line of Southeast **1/4** of said Section **3**, and the North line of the Southwest **1/4** of said Section **2**;

On the East by:

The Westerly Right-of-way Line of the Lake Worth Drainage District "E-3 Canal", as recorded in Official Records Book **2393**, Page **1133** of the Public Records of Palm Beach County, Florida, said line being **35.00** feet west of and parallel with, as measured at right angles to, a line connecting the South quarter corner of said Section **2** to a point on the north line of the Northwest **1/4** of said Section **2**, (Said point being **480.00** feet west of the North quarter corner of said Section **2**);

On the South by:

A line **115.00** feet South of and parallel with the North line of the Southwest **1/4** of Said Section **2** and the North line of the Southeast **1/4** of Said Section **3**.

Said lands lying in Palm Beach County, containing **9.9022** acres, more or less.

AND EXCLUDING THE FOLLOWING DESCRIBED PARCEL CONVEYED BY JOSHUA A. MUSS, as Trustee under Land Trust Agreement dated March **8**, **1989** to the LAKE WORTH DRAINAGE DISTRICT in Quit-Claim Deed recorded in O.R. Book **6840**, Page **382**, Public Records of Palm Beach County, Florida:

A portion of Section **2**, Township **45 South**, Range **42 East**, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Northwest corner of said Section **2**: thence along the North line of said Section **2**, North **89'24'02"** East, **2002.55** feet; thence South **00'26'30"** East, **689.99** feet, thence North **89'37'18"** East, **203.24** feet to the POINT OF BEGINNING (#1): thence continue North **89'37'18"** East, **10.04** feet to a point on the westerly Right-of-way line of the Lake Worth Drainage District (L.W.D.D.) E-3 Canal as recorded in Official Records Book **2393** at Page **1133** of the Public Records of Palm Beach County, Florida,

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thenae along said right-of-way line, South 05°28'48" East, 4084.48 feet: thence North 89°11'10" West, 10.06 feet: thence along a line parallel with and 10.00 feet westerly of, as measured at right angles to, said westerly Right-of-way line, North 05°28'48" West, 4084.27 feet to the Point of Beginning.

TOGETHER WITH:

A portion of said Section 2 more particularly described as follows:

Commencing at the Northwest corner of said Section 2: thence along the North line of said Section 2, North 89°24'02" East, 2002.55 feet: thence South 00°26'30" East, 689.99 feet: thence North 89°37'18" East, 313.67 feet to the POINT OF BEGINNING (12): on the easterly Right-of-way line of said L.W.D.D. E-3 Canal: thence continue North 89°37'18" East, 10.04 feet: thence along a line parallel with an 10.00 feet easterly of, as measured at right angles to, said easterly Right-of-way line, South 05°28'48" East, 2087.37 feet to a point on the South line of the Northwest 1/4 of said Section 2: thence along said South line, North 89°46'48" West, 10.05 feet to a point on said easterly Right-of-way line: thence along said Easterly Right-of-way line, North 05°28'48" West, 2087.26 feet to the POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

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SEE PG 77

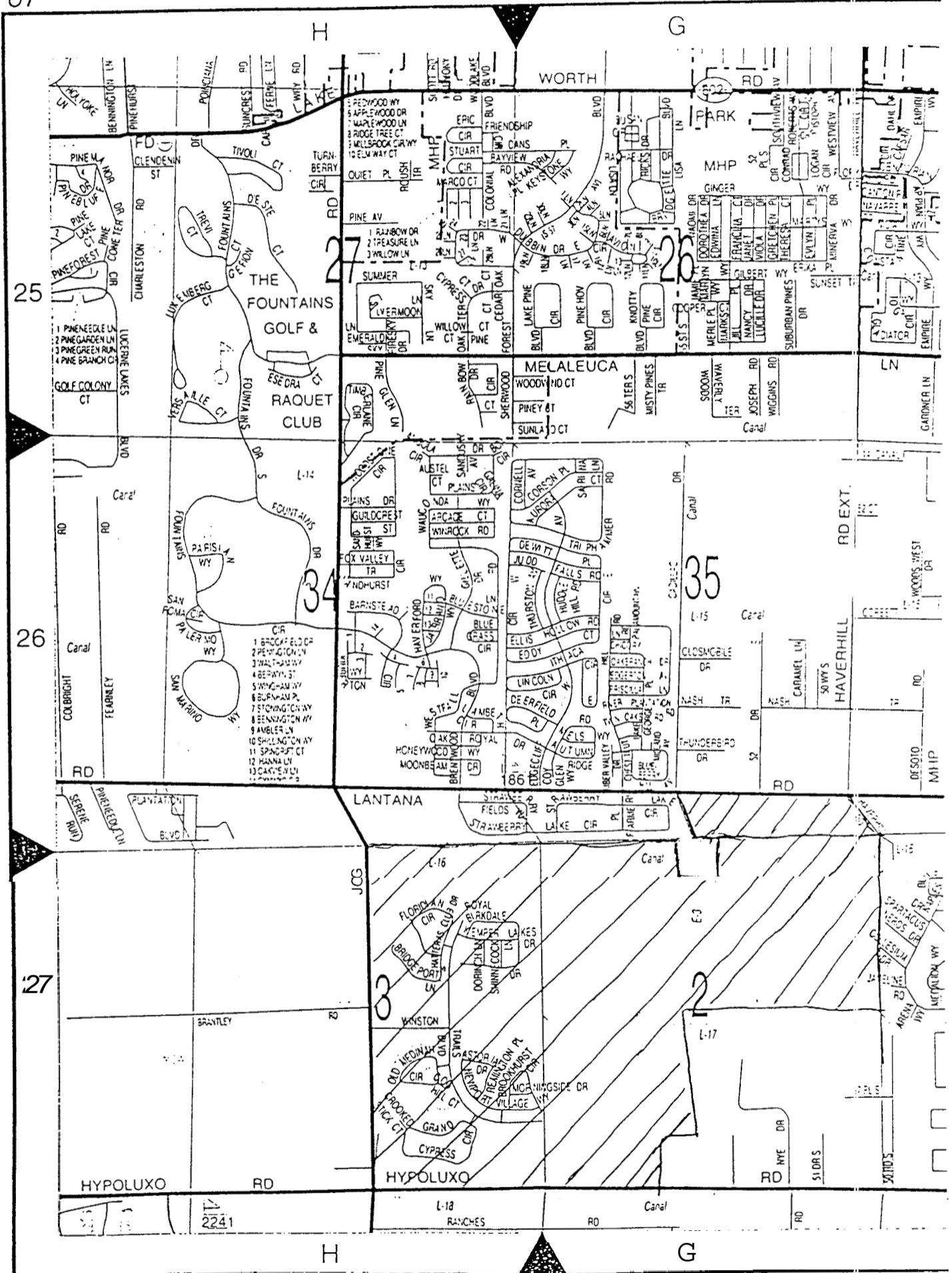


EXHIBIT C

CONDITIONS OF APPROVAL

A. **GENERAL**

1. All **previous** condition of approval applicable to the subject property, as contained in Resolutions R-93-170, R93-1545 and R-95-1312 have been consolidated as contained herein. The petitioner shall comply with all previous aondition of approval, unless **expressly** modified. (Previously Condition A.1 of Resolution R-95-1312, Petition EAC87-112(D)). (Monitoring)
2. **Access** to the golf course maintenance facility shal:.be gated and shall not provide through traffic for any residential units within the PUD except for the purposes of maintenance of the Golf Course. (Previously condition A.2 of Resolution R-95-1312, Petition EAC87-112(D)), (CODE ENFORCEMENT)
3. All property included in the legal description of this petition shall be **subject** to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for: **Formation** of single "master" property owner's association, and **automatic** membership in the "master" association by any party holding title to any portion of the property included in the P.U.D. (Previously Condition A.3 of Resolution R-95-1312) (COUNTY ATTORNEY)
4. Prior to master plan certification, the petitioner's survey shall be amended to delete the approximate 1.2 acre clinic site from the petition. (Previously Condition A.4 of Resolution R-95-1312, Petition EAC87-112(D)) (DRC: ZONING)
5. The master plan shall be **amended** to included the gross acreage included in the two (2) Comprehensive Elan Categories. (Previously Condition A.5 of Resolution R-95-1312, Petition EAC87-112(D)). (DRC: PLANNING)
6. Prior to Site Plan Review submittal, the master plan shall be amended to indicate:
 - a. Compliance with all minimum property development regulations 8nd land development requirements. (Previously Condition A.6.a of Resolution R-95-1312, Petition EAC87-112(D)). (DRC: ZONING)

B. **ENVIRONMENTAL RESOURCES MANAGEMENT**

1. All lakes considered under the authority of the ULDC **must** comply to ULDC Sec. 7.6 prior to platting. (Previously Condition B.1 of Resolution R-95-1312, Petition EAC87-112(D)). (PLAT: ERM)

C. **HEALTH**

1. since sewer service is available to the property, **septic tank** shall not be approved for use on the property. (Previously Condition C.1 of Resolution R-95-1312, Petition EAC87-112(D)). (HEALTH)

2. Since water service is available to the property, a water well shall not be approved for potable water use. (Previously Condition C.2 of Resolution R-95-1312, Petition EAC87-112(D)). (HEALTH)

D. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to the permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (Previously Condition D.1 of Resolution R-95-1312, Petition EAC87-112(D)). (UTILITIES)

E. ENGINEERING

1. Condition E.1 of Petition 87-112(D), which currently states:

The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

(May be deleted: Reason - now a code requirement)

2. Condition E.2 of Petition 87-112(D), which currently states:

In order to comply with the mandatory traffic performance standards, the property owners shall be restricted to the following phasing schedule:

- s. No building permits will be issued until construction is commenced on the following roads:
 - 1) Hypoluxo Road from Congress Avenue to I-95 is widened to at least four lanes (scheduled for FY 87/88 by county).
 - 2) Lantana Road from Congress Avenue to I-95 is widened to six lanes (scheduled for FY 87/88 by County).
 - 3) Tenth Avenue North from Military Trail to Jog Road is widened to four lanes (scheduled for FY 87/88 by county).
 - 4) Jog Road from Lake Worth to Purdy Lane is widened to four lanes (scheduled to PY 87/88 by County).
 - 5) Congress Avenue from the L-28 Canal to Boynton Beach Boulevard is widened to a minimum of four lanes (scheduled for FY 87/88 by County).

- b. PHASE I: Maximum of 88 dwelling units until construction for the widening of Military Trail as a minimum of four lanes from Lantana Road to Melaleuca Lane has commenced (scheduled for FY 88/89 by County).
- c. PHASE II: Maximum of 101 dwelling units until construction for the widening of Jog Road as a minimum of four lanes from Lantana Road to Melaleuca Lane has commenced (scheduled for FY 89/90 by the Developer).
- d. PHASE III: Maximum of 104 dwelling units until construction for the widening of Military Trail as a minimum of four lanes from Melaleuca Lane to Lake Worth Road has commenced (scheduled for FY 88/89 by County).
- e. PHASE IV: Maximum of 132 dwelling units until construction for the widening of Jog Road as a minimum of four lanes from Melaleuca Lane to Lake Worth Road has commenced (scheduled for FY 90/91 by County).
- f. PHASE V: Maximum of 163 dwelling units until construction for the widening of Military Trail as a minimum of four lanes from Boynton Beach Boulevard to Hypoluxo Road has commenced (scheduled for FY 87/88 by County).
- g. PHASE VI: Maximum of 217 dwelling units until construction for the widening of Lantana Road from Military Trail to Jog Road as a minimum of four lanes has commenced by other developer (scheduled for FY 89/90 by other Developer).
- h. PHASE VII: Maximum of 286 dwelling units until construction for the widening of Military Trail as a minimum of four lanes from Hypoluxo Road to Lantana Road has commenced (scheduled for FY 88/89 by County) and until construction for the widening of Boynton Beach Boulevard as a minimum of four lanes from Jog Road to Military Trail has commenced (scheduled for FY 88/89 by FDOT).
- i. PHASE VIII: Maximum of 656 dwelling units until construction for the widening of Lake Worth Road as a minimum of six lanes from Congress Avenue to Military Trail has commenced (scheduled for FY 90/91 by County).
- j. PHASE IX: Maximum of 731 dwelling units until construction for the widening of Hypoluxo Road from Jog Road to Military Trail as a minimum of four lanes has commenced (scheduled for FY 89/90 by other Developer).
- k. PHASE X: Maximum of 855 dwelling units until construction for the widening of Lantana Road from Jog Road to Hagen Ranch Road as a minimum of four lanes has commenced (scheduled for FY 89/90 by other Developer).
- l. PHASE XI: Maximum of 986 dwelling units until construction for the widening of Lake Worth Road as a minimum of six lanes from Military Trail to Jog Road has commenced (scheduled for FY 90/91 by County).

- m. PHASE XII: Maximum of 1,096 dwelling units until construction for the widening of Jog Road from Hypoluxo Road to Lantana Road as a minimum of four lanes has commenced (scheduled for FY 89/90 by other Developer).
- n. PHASE XIII: Maximum of 1,449 dwelling units until construction for the widening of Military Trail from Boynton Beach Boulevard to Hypoluxo Road as a minimum of six lanes has commenced (scheduled for FY 87/88 by other Developer and County).
- o. PHASE XIV: Maximum of 1,724 dwelling units until construction for the widening of Melaleuca Lane from Military Trail to Congress Avenue as a minimum of four lanes has commenced (scheduled for FY 90/91 by County).

The construction listed in subparagraphs b, d, o, f, l, 1 and o and the Military Trail section of subparagraph h above, which is scheduled as a part of Palm Beach County's Five-Year Road Program is considered to be assured construction. Each of these phasing controls shall be lifted at the end of the fiscal year following the fiscal year of scheduled construction if the scheduled construction is delayed.

The number of dwelling units referred to as the maximum for each phase is based on the same proportionate mix of unit types as in the overall development. A different proportionate mix of dwelling unit types may be used provided the same or lower trip generation results affecting the road segment in question. Verification of this shall be submitted to the Site Plan Review Committee. (ENGINEERING)

Is hereby amended to state:

In order to comply with the mandatory traffic performance standards, the property owners shall be restricted to the following phasing schedule:

- a. No building permits will be issued until construction has commenced on the following roads:
 - 1) Hypoluxo Road from Congress Avenue to 1-95 is widened to at least four lanes (scheduled for FY 87/88 by County).
Note: construction has been completed.
 - 2) Lantana Road from Congress Avenue to 1-95 is widened to six lanes (scheduled for FY 87/88 by County).
Note: construction has been completed.
 - 3) Tenth Avenue North from Military Trail to Jog Road is widened to four lanes (scheduled for FY 87/88 by County).
Note: construction has been completed.

- 4) Jog Road from Lake Worth to Purdy Lane is widened to four lanes (scheduled to FY 87/88 by County).

Note: construction has been completed.

- 5) Congress Avenue from the L-28 Canal to Boynton Beach Boulevard is widened to a minimum of four lanes (scheduled for FY 87/88 by County).

Note: construction has been completed.

- b. PHASE I: Building permits for no more than 88 dwelling units shall not be issued until construction for the widening of Military Trail as a minimum of four lanes from Lantana Road to Melaleuca Lane has commenced (scheduled for FY 88/89 by County).

Note: construction has been completed.

- c. PHASE II: Building permits for no more than 104 dwelling units shall not be issued until construction for the widening of Military Trail as a minimum of four lanes from Melaleuca Lane to Lake Worth Road has commenced (scheduled for FY 88/89 by County).

Note: construction has been completed.

- d. PHASE III: Building permits for no more than 132 dwelling units shall not be issued until construction for the widening of Jog Road as a minimum of four lanes from Melaleuca Lane to Lake Worth Road has commenced (scheduled for FY 90/91 by County).

Note: construction has been completed.

- e. PHASE IV: Building permits for no more than 163 dwelling units shall not be issued until construction for the widening of Military Trail as a minimum of four lanes from Boynton Beach Boulevard to Hypoluxo Road has commenced (scheduled for FY 87/88 by County).

Note: construction has been completed.

- f. PHASE V: Building permits for no more than 181 dwelling units shall not be issued until construction for the widening of Jog Road as a minimum of four lanes from Lantana Road to Melaleuca Lane has commenced (scheduled for FY 89/90 by the Developer).

Note: construction has been completed.

- g. PHASE VI: Building permits for no more than 187 single family dwelling units shall not be issued until construction for the widening of Jog Road from Boynton Beach Boulevard to Hypoluxo Road as a minimum of four lanes has commenced (scheduled for FY 95/96 by County).

Note: Construction has commenced

- h. PHASE VII: Building permits for no more than 217 dwelling units shall not be issued until construction for the widening of Lantana Road from Military Trail to Jog Road as a minimum of four lanes has commenced by other developer (scheduled for FY 89/90 by other Developer).

Note: construction has been completed.

- i. PHASE VIII: Building permits for no more than 286 dwelling units shall not be issued until construction for the widening of Military Trail, as a minimum of four lanes from Hypoluxo Road to Lantana Road has commenced (scheduled for FY 88/89 by County) and until construction for the widening of Boynton Beach Boulevard as a minimum of four lanes from Jog Road to Military Trail has commenced (scheduled for FY 88/89 by FDOT).

Note: construction has been completed.

- j. PHASE IX: Building permits for no more than 656 dwelling units shall not be issued until construction for the widening of Lake Worth Road as a minimum of six lanes from Congress Avenue to Military Trail has commenced (scheduled for FY 90/91 by County).

Note: construction has been completed.

- k. PHASE X: Building permits for no more than 893 single family units shall not be issued until the construction for the widening of Gateway Boulevard from Lawrence Road to Congress Avenue as a minimum of four lanes has commenced (scheduled for FY 96/97 by County).

- l. PHASE XI: Building permits for no more than 986 dwelling units shall not be issued until construction for the widening of Lake Worth Road as a minimum of six lanes from Military Trail to Jog Road has commenced (scheduled for FY 90/91 by County).

Note: construction has been completed.

- m. PHASE XII: Building permits for no more than 1096 dwelling units shall not be issued until construction for the widening of Jog Road from Hypoluxo Road to Lantana Road as a minimum of four lanes has commenced (scheduled for FY 89/90 by other Developer).

Note: construction has been completed.

- n. PHASE XIII: Building permits for no more than 1340 single family dwelling units shall not be issued until the construction for the widening of Gateway Boulevard from Military Trail to Lawrence Road as a minimum of four lanes has commenced (scheduled for FY 96/97 by County).

- o. PHASE XIV: Building permits for no more than 1416 single family dwelling units shall not be issued until construction has commenced for the widening of Lantana Road from Hagen Ranch Road to Grand Lacuna Boulevard as a minimum of four lane median divided section.

p. PHASE XV: Building permits for no more than 1442 single family dwelling units shall not be issued until the construction for the widening of Melaleuca Lane from Haverhill Road to Military Trail as a minimum of four lanes has commenced (scheduled for FY 97/98 by County).

q. PHASE XVI: Building permits for no more than 1449 dwelling units shall not be issued until construction for the widening of Military Trail from Boynton Beach Boulevard to Hypoluxo Road as a minimum of six lanes has commenced (scheduled for FY 87/88 by other Developer and County).

Note: construction has been completed.

r. PHASE XVII: Building permits for no more than 1456 single family dwelling units shall not be issued until construction for the widening of Lantana Road from Military Trail to Congress Avenue as a minimum of six lanes, including carrying the six lanes through the intersections of both ends of the road segment, has commenced (scheduled for FY 96/97).

s. PHASE XVIII: Building permits for no more than 1456 dwelling units shall not be issued until construction for the widening of Hypoluxo Road from Jog Road to Military Trail as a minimum of four lanes has commenced (scheduled for FY 89/90 by another Developer).

Note: construction has been completed.

t. PHASE XIX: Building permits for no more than 1456 single family dwelling units shall not be issued until construction has commenced for the following intersection improvements at the intersection of Lantana Road and Congress Avenue:

- (1) three thru lanes east and west approaches
- (2) separate right turn lane east approach

u. PHASE XX: Building permits for no more than 1456 single family dwelling units shall not be issued until the construction for the construction of Haverhill Road from Lantana Road to the Lake Worth Drainage District L-17 Canal as a minimum of two lanes has commenced. (scheduled by the developer).

v. PHASE XXI: Building permits for no more than 1,594 single family dwelling units shall not be issued until the construction has commenced for the widening of Jog Road from Lake Worth Road to Forest Hill Boulevard as a minimum of six lanes. (scheduled for FY 94/95 by County).

w. PHASE XXII: Building permits for no more than 1700 single family dwelling units shall not be issued until the construction for widening of Lawrence Road from Hypoluxo Road to Gateway Boulevard as a minimum of four lanes has commenced (scheduled for FY 97/98 by County).

- x. PHASE XXIII: Building permits for no more than 1700 dwelling units shall not be issued until construction for the widening of Melaleuca Lane from Military Trail to Congress Avenue as a minimum of four lanes has commenced (scheduled for FY 90/91 by County).

Note: Construction has been completed

- y. PHASE XXIV: Building permits for no more than 1703 single family dwelling units shall not be issued until the construction for the widening of Congress Avenue from Gateway Boulevard to Hypoluxo Road as a minimum of six lanes has commenced (scheduled for FY 97/98 by County).

- z. PHASE XXV: Building permits for no more than 1703 single family dwelling units shall not be issued until the construction has commenced for the following intersection improvements at the intersection of Congress Avenue and Lake Worth Road:

- (1) dual left turn lanes west approach; and
- (2) separate right turn lanes south approach.

- aa. PHASE XXVI: Building permits for no more than 1856 single family dwelling units shall not be issued until construction for the widening of Lantana Road from Jog Road to Hagen Ranch Road as a minimum of four lanes has commenced (scheduled for FY 95/96 construction by County).

- bb. PHASE XXVI: Building permits for no more than 1856 single family dwelling units shall not be issued until the construction has commenced for the following intersection improvements at the intersection of Hypoluxo Road and Jog Road:

- (1) Dual left turn lanes on north, south, east and west approaches.

Note: Construction has been completed.

The construction listed in subparagraphs k, n, p, r, v, w, y, and aa above are scheduled as a part of Palm Beach County's Five-Year Road Program and are considered to be assured construction. Each of these phasing controls shall be lifted at the end of the fiscal year following the fiscal year of scheduled construction if the scheduled construction is delayed in accordance with Article XV of the ULDC.

The number of dwelling units referred to as the maximum for each phase is based on external trip impact of the project. If dwelling units other than single family units are constructed in the project, an equivalency analysis can be undertaken by the property owner to show that the external traffic impacts of the project associated with each phase shall not be exceeded. (PLDG PERMIT: MONITORING - Eng)

3. Condition E.3 of Petition 87-112(D)

The property owner: shall provide permitted construction plans or update the existing construction plans for the six-laning of Hypoluxo Road from Congress Avenue to I-95. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum construction plan standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed and approved by October 1, 1990. Plan costs shall be approved by the County Engineer. It is the responsibility of the petitioner to obtain all necessary permits.

Note: Construction has been completed by others.

4. Condition E.4 of Petition 87-112(D), which currently states:

- A. The property owner: shall fund the construction plans for the four-laning of Lantana Road from Hagen Ranch Road to Lyons Road. The plans shall include a design alternative for the four-laning from Hagen Ranch Road to Grand Lacuna Boulevard. The property owners shall present a cost analysis, acceptable to the County Engineer, to complete these construction plans to the County Engineer prior to February 1, 1994. Funding for the preparation of these design plans shall come from the Impoundment Agreement between the Winston Trails, Limited, and Joshua A. Huss, 88 Trustee and the Yasuda Trust & Banking Co., Ltd., New York Branch, dated February 1, 1990. It is the intent that Palm Beach County administer the completion of the plans using the consultant currently under contract to the property owners with the property owners providing funding.
- B. The property owners shall provide funding in the amount of \$427,000.00 towards the design of the Turnpike bridge over Lantana Road. This funding shall be provided to Palm Beach County prior to February 1, 1994 and shall come from the Impoundment Agreement.

Is hereby amended to state:

- A. The property owner shall prepare the construction plans for the four-laning of Lantana Road from Hagen Ranch Road to Lyons Road plus the appropriate paved tapers. These plans shall include a design alternative for the four-laning from Hagen Ranch Road to Grand Lacuna Boulevard. Funding for the preparation of these design plans shall come from the surety posted for this project. These construction plans shall be completed prior to January 1, 1997. (DATE: MONITORING - Eng)
- B. The property owner shall provide funding in the amount of \$427,000.00 towards the design of the Turnpike bridge over Lantana Road. This funding shall be provided to Palm Beach County prior to February 1, 1994 and shall come from the Impoundment Agreement.

Note: Condition 4B has been complied with.

5. Condition E.5 of Petition 87-112(D)

The property owners shall fund the preparation of the construction plans for the six laning of Lantana Road from Military Trail to Congress Avenue. The property owners shall present a cost analysis, acceptable to the County Engineer, to complete these construction plans to the County Engineer prior to February 1, 1994. Funding for the preparation of these design plans shall come from the Impoundment Agreement dated February 1, 1990. Upon receipt of these funds, Palm Beach County shall proceed, without undue delay, to have this design completed and plans permitted.

Is hereby amended to state:

The property owners shall fund the preparation of the construction plans for the six laning of Lantana Road from Military Trail to Congress Avenue. The cost for the preparation of these construction plans has been established to be \$104,460. Funding for these construction plans shall come from the surety posted for this project. (NOTE: REFER TO SURETY CONDITION ENGINEERING E15)

6. Condition E.6 of Petition 87-112(D)

The property owners shall let the contract for the construction of Hypoluxo Road as a six-lane divided road from Congress Avenue to I-95 prior to issuance of building permits for 674 units or prior to June 1, 1991 whichever first occurs.

Note: This condition has been completed by others.

7. Condition E.7 of Petition 87-112(D) which currently states:

The property owners shall fund the construction of Lantana Road from Hagen Ranch Road to Grand Lacuna Boulevard as a four lane divided roadway. Funding shall include all construction costs (C.E.I.) and provide for appropriate paved tapers. Funding for this construction shall come from the Impoundment Agreement and shall be made available on or before March 1, 1995 or prior to issuance of building permits for 674 units whichever first occurs. An extension to either this time certain date or the limitation of the number of building permits may be granted by the County Engineer upon submission of a traffic report by the property owner showing that there is available capacity on this link of Lantana Road. Upon receipt of these funds, Palm Beach County shall proceed directly to bid this construction. Should Palm Beach County exercise its option of extending the construction of Lantana Road west of Grand Lacuna Boulevard to Lyons Road, the section of roadway west of Grand Lacuna Boulevard will be funded entirely by Palm Beach County.

Is hereby amended to state:

- A. The property owners shall fund the construction of Lantana Road from Hagen Ranch Road to Grand Lacuna Boulevard as a four-lane divided roadway including all appropriate paved tapers. A cost estimate from the Developer's Engineer, approved by the Roadway Production Division, shall be submitted to the Land Development Division prior to January 1, 1997. (DATE: MONITORING - Eng)

- B. Funding for this construction shall be made available on or before October 1, 1998. It is the intent of Palm Beach County to accomplish this construction **and** to coordinate this construction with the construction of improvements to other sections of Lantana Road. Funding for this construction shall come from the surety posted by this project. Upon receipt **of** these funds, Palm Beach County shall proceed directly to bid this construction, it is the intent that Palm Beach County will commence construction on or before October 1, 1998. (DATE: MONITORING - Eng)
- C. If Palm Beach County has not commenced construction of the subject section when the project reaches 1416 single family building **permits**, the limitation **of** the number **of** building permits identified in condition number E2 **may be** adjusted by the County Engineer upon submittal **of** a traffic report by the property owner showing that there is available capacity on this link of Lantana Road. (ONGOING: ENG)
8. Condition E.8 of Petition 87-112(D), which currently states:

The property owners shall fund the construction of Lantana Road as a six-lane divided road from Military Trail to Congress Avenue, including carrying the six lanes through the intersections on both ends of the road segment, prior to the issuance of building permits for 1685 units or prior to November 1, 1995, whichever first occurs. Funding for this construction shall come from the Impoundment Agreement, dated February 1, 1990. Construction costs shall include C.E.I. and permitting. Upon receipt of the funds, Palm Beach County shall proceed directly to bid this construction.

Is hereby revised to state:

The property owners shall fund the construction of Lantana Road as a six-lane divided road from Military Trail to Congress Avenue, including carrying the six lanes through the intersections on both ends of the road segment, prior to the issuance of building permits for 1456 single family dwelling units or prior to January 1, 1998, whichever first occurs. Funding for this construction shall come from the surety posted by this project. The construction of this roadway segment shall be accomplished by Palm Beach County. (DATE/BLDG PERMIT: MONITORING-Eng).

9. Condition E.9 of Petition 87-112(D)

Prior to site plan approval for Pod 8F, Pod 2F, Pod 5F, the Day Care Center, the Church, and the Clinic, the alignment for Haverhill Road shall be established by the Board of County Commissioners. Site Plan Review Committee shall then have the authority to revise the master Plan in conformance with code requirements and the established alignment of Haverhill Road. (Previously Condition A.4 of Resolution R-93-170, Petition EAC87-112(C). (ZONING)

Note: Condition complete.

10. Condition E.10 of Petition 87-112(D), which currently states:

The property owners shall fund the preparation of construction plans, preparation of right-of-way acquisition documents, right-of-way acquisition and all construction costs (including permitting, C.E.I. and necessary tapers) of the following intersection improvements as determined by the County Engineer:

- a) At the intersection of Jog Road and Melaleuca Lane:

(1) dual left turn lanes, east approach, in addition to a through lane and a separate right turn lane.

- b) At the intersection of Lantana Road and Military Trail:

(1) third through lane, east approach, dual left turn lanes east approach, and a separate right turn lane.

(2) third through lane, west approach, a separate right turn lane, and dual left turn lanes, west approach.

- c) At the intersection of Lantana Road and Congress Avenue:

(1) third through lane, north approach

(2) third through lane, south approach

Both of the above shall include dual left turn lanes and a separate right turn lane. These additional through lanes shall be constructed with receiving lanes on the departure side of the intersection and appropriate tapers back to a 4-lane divided cross-section, as determined by the County Engineer.

- d) At the intersection of Hypoluxo Road and Lawrence Road:

(1) dual left turn lane, north approach, separate through lane, and a separate right turn lane.

(2) right turn lane, south approach, separate through lane, and a separate right turn lane.

- e) At the intersection of Hypoluxo Road and Military Trail:

(1) dual left turn lane, east approach, and shall include two through lanes and a separate right turn lane.

- f) At the intersection of Lantana Road and Access 1:

(1) left turn lane, south approach

(2) right turn lane, south approach

(3) two left turn lanes, east approach, and two through lanes.

- g)** At the intersection of Lantana Road and Access 2:
- (1) left turn lane, south approach
 - (2) right turn lane, south approach
 - (3) left turn lane, east approach, and two through lanes.
- h)** Signalization of the project access road intersections listed in (f) thru (I) shall be done by the property owner when warranted, as determined by the County Engineer. If signalization is not warranted after twelve (12) months of the final Certificate of Occupancy, the property owner shall be relieved of this requirement.
- I)** All construction of turn lanes serving the project entrances with exterior roadways (f, g, h, i, and j) shall be at the time of construction of the access roads to Lantana Road, Eypoluxo Road and Jog Road. Construction of the through lanes for the Lantana Road and Military Trail intersection shall be in conjunction with the widening to six-lanes of Lantana Road. Construction of the turn lanes for the Eypoluxo Road and Military Trail intersection shall be in conjunction with the widening to six lanes of Military Trail. No more than 1,608 building permits shall be issued until the turn lanes for the Eypoluxo Road and Lawrence Road intersection are under construction. No more than 2,102 building permits shall be issued until the turn lanes for the Jog Road and Melaleuca Lane intersection are under construction. No more than 2,026 building permits shall be issued until the through lanes for the Congress Avenue and Lantana Road intersection are under construction.
- j)** As to subparagraphs 10(a), 10(c) and 10(d) above, in the event Palm Beach County, through its five year road program as amended from time to time, or a third party developer accelerates the completion of these three intersection improvements to a time prior to that time required to satisfy the phasing requirements set forth herein, then this project shall be relieved of these conditions, provided the intersection improvements are completed. Nothing herein shall abrogate the phasing controls relative to these turn lane improvements.

Funding for this design, right-of-way acquisition, permitting and construction shall come from the Impoundment Agreement, dated February 1, 1990.

Is hereby revised to state:

The property owners shall:

- i)** fund the construction plans, and
- ii)** fund the preparation of all right-of-way acquisition documents and acquisition of any necessary right-of-way, and
- iii)** fund the construction for the following intersection improvements:

- a) At the intersection of Lantana Road and Military Trail:
- (1) on the east and west approaches:
 - three thru lanes
 - dual left turn lanes
 - separate right turn lane
- b) At the intersection of Lantana Road and Congress Avenue:
- (1) on the east and west approaches:
 - three thru lanes
 - dual left turn lanes
 - (2) on the east approach:
 - separate right turn lane
- c) If the intersection improvements at Lantana Road and Congress Avenue are constructed by Palm Beach County, through its Five Year Road Program as amended from time to time, or a third party developer accelerates the completion of these intersection improvements to a time prior to that time required to satisfy the phasing requirements set forth herein, then this project shall be relieved of these conditions, provided the intersection improvements are completed. Nothing herein shall abrogate the phasing controls relative to these turn lane improvements. (ONGOING: ENG)

11. Condition E.11 of Petition 87-112(D)

The property owner shall fund the preparation of all necessary right-of-way acquisition documents including, but not limited to, surveys, property owner's maps, legal descriptions for acquisition of parcel right-of-way maps required for the construction of the road segments in Conditions #7, and 8 as well as the intersection improvements in Condition #10. (Previously Condition E.11 of Petition 87-112(D).) (ENG)

12. Condition E.12 of Petition 87-112(D), which currently states:

Palm Beach County will acquire any additional right-of-way needed for the road segments to be constructed in Condition Nos. 7 and 8 as well as the intersection laneage to be constructed in all conditions. Palm Beach County will complete the acquisition at property owner's expense prior to the commencement of construction of each of the above mentioned roadway improvements. This property owner shall enter into a standard right-of-way acquisition agreement with the Land Acquisition Department 15 months prior to the required construction. (Previously Condition 12 of Petition 87-112(D).) (ENG)

Is hereby revised to state:

Palm Beach County will acquire any additional right-of-way needed for the road segments to be constructed in Condition Nos. 7 and 8 as well as the intersection laneage to be constructed in all conditions. Palm Beach County will complete the acquisition at property owner's expense prior to the commencement of construction of each of the above mentioned roadway improvements. This

property owner shall enter into a standard right-of-way acquisition agreement with the Land Acquisition Department prior to September 1, 1996. (DATE: MONITORING - Eng)

13. **Palm Beach County shall design and construct or cause to be designed and constructed six lanes on Military Trail from Boynton Beach Boulevard to Lake Worth Road. This section of Military Trail is currently programmed for a four-lane or six-lane improvement in fiscal year 88-89. (Previously Condition E-14 of Resolution R-93-170, EAC87-112(C)). (ENG)**

Note: This condition has been complied with.

14. Condition E.14 of Zoning Petition 87-112(D), which currently states:

The property owner shall receive a credit for the cost of plan preparation, the right-of-way acquisition, and construction listed in Condition Nos. 4a, 4b, 5, 7, 8, 10a, 10b, 10c, 10d, 10e, and 16 against the existing traffic impact fee and also against any increases in the Fair Share Fee, should the "Fair Share Contribution for Road Improvements Ordinance" be amended. Upon receipt of surety required for Condition Nos. 4, 5, 7, 8, 10a, 10b, 10c, 10d, 10e, 16, the project shall be considered bonded and no impact fees shall be due while the surety is in effect.

Is hereby amended to state:

The property owner shall receive a credit for the cost of plan preparation, the right-of-way acquisition, and construction listed in Condition Nos. 4a, 4b, 5, 7a, 7b, 8, 10a, 10b and 16 against the existing traffic impact fee and also against any increase in the Fair Share Fee, should the "Fair Share Contribution for Road Improvements Ordinance" be amended. Upon receipt of surety required for Condition Nos. 4a, 4b, 5, 7a, 7b, 8, 10a, 10b and 16, the project shall be considered bonded and no impact fees shall be due while the surety is in effect. (Previously Condition 9 of Resolution R-93-1545.) (IMPACT FEE COORDINATOR).

15. Condition E.15 of Zoning Petition 87-112(D), which currently states:

A. The property owner shall provide surety in the amount of 110% of the estimated cost for the offsite improvements listed in Condition #8, the six-laning of Lantana Road from Military Trail to Congress Avenue; Condition #7, the four-laning of Lantana Road from Hagen Ranch Road to Grand Laguna Boulevard; and Condition #10, the intersection improvements. An estimated cost for the construction of these improvements including the cost of plan preparation and right-of-way acquisition as outlined in Conditions #5, 10, 11, and 12 shall be prepared by the property owner's Engineer and submitted to the County Engineer prior to April 1, 1994.

B. The property owner prior to April 1, 1994 shall provide to the County a revised surety which shall provide for Palm Beach County to draw funds in order to implement Conditions #4a, 4b, 5, 6, 7, 8, 10 and 11.

- C. The property owner shall provide to the County Engineer an annual updated Engineer's cost estimate to complete Conditions #4a, 4b, 5, 6, 7, 8, 10 and 11 prior to April 1 each year starting in 1995.
- D. The property owner shall annually update the amount of surety provided to Palm Beach County, if necessary, for Conditions #4a, 4b, 5, 6, 7, 8, 10 and 11 prior to July 1 each year beginning July 1, 1995.
- E. The property owner shall prepare a schedule for the funding of the design, right-of-way acquisition and construction for all of the intersection improvements listed in Condition #10. This schedule shall be submitted to the County Engineer prior to June 1, 1994. This schedule may be modified by the County Engineer at the request of the property owner.

Is hereby amended to state:

- A. The property owner shall provide surety in the amount of 110% of the approved estimated cost for the offsite improvements listed in Condition 4, 5, 7, 8, 10, 11, 12, 16 and 33. An estimated cost for the construction of these improvements shall be prepared by the property owner's Engineer and submitted to the County Engineer prior to September 1, 1996. This estimated cost estimate shall be reviewed and approved by the County Engineer. (DATE: MONITORING - Eng)
 - B. The property owner shall provide to the County Engineer an annual updated approved Engineer's cost estimate for all conditions referenced in 15.A on an annual basis beginning September 1, 1996. (DATE: MONITORING - Eng)
 - C. The amount of surety provided to Palm Beach County, referenced in 15A. above, shall be updated based upon final construction drawings and appraisals on an annual basis, beginning December 1, 1996. (DATE: MONITORING - Eng)
16. Condition E.16 of Zoning Petition 87-112(D), which currently states:

Property owner shall construct Eaverhill Road from Lantana Road south to the south right-of-way line of the L-17 Canal (including appropriate canal crossing) when needed for internal access or when required by County Engineer for continuity. Construction shall be 2-lane compatible with a 5-lane ultimate section on an 80 foot right-of-way (including bridge over the L-17 canal) construction plans shall include a 5-lane bridge and a separate 2-lane bridge and on an alignment approved by the County Engineer. Included shall be construction plans approved by the County Engineer and right-of-way as approved by the County Engineer.

Is hereby amended to state:

Property owner shall construct Haverhill Road from Lantana Road south to the south right-of-way line of the L-17 Canal (including appropriate canal crossing) prior to the issuance of 1456 building permits but no sooner than commencement of construction of six lanes on Lantana

Road from Military Trail to Congress Avenue but not later than October 1, 1998 unless it is determined by the County Engineer that extending the timeframe would not cause the project to violate traffic performance standards. Construction shall be 2-lane compatible with a 5-lane ultimate section on an 80 foot right-of-way (including bridge over the L-17 canal) construction plans shall include a 5-lane bridge and a separate 2-lane bridge and on an alignment approved by the County Engineer. Included shall be construction plans approved by the County Engineer and right-of-way as approved by the County Engineer. (BLDG PERMIT/DATE; MONITORING - Eng)

17. Condition E.21 of Zoning Petition 87-112(D), which currently states:

If 90% of the 2,360 building permits have not been issued by December 31, 1996, no further building permits shall be issued and the property owner must readdress traffic from unbuilt remainder of project to bring the project in compliance with Traffic Performance Standard and then existing conditions.

Is hereby amended to state:

If 90% of the 2,360 building permits have not been issued by December 31, 1999, no further building permits shall be issued and the property owner must readdress traffic from unbuilt remainder of project to bring the project in compliance with Traffic Performance Standard and then existing conditions. (DATE: MONITORING - Bldg/Eng)

18. The project shall have an access with a minimum of an 80 foot right-of-way onto Haverhill Road. (Previously Condition E.18 of Petition 87-112(D).) (DRC: ENG)
19. The property owner shall convey from the subject property for the ultimate right-of-way of:
- a) Jog Road, a total of 120 feet on an alignment approved by the County Engineer
 - b) Lantana Road, a total of 110 feet of right-of-way on an alignment approved by the County Engineer
 - c) Hypoluxo Road, a total of 110 feet of right-of-way on an alignment approved by the County Engineer
 - d) Sufficient right-of-way at the project entrance road and Lantana Road to provide for the construction of dual left turn lanes, east and a right turn lane, west approach subject to approval by the County Engineer
 - e) Sufficient right-of-way at the project entrance road and Jog Road to provide for the construction of a right turn lane, south approach subject to approval by the County Engineer.
 - f) Sufficient right-of-way to provide for an expanded intersection at the intersection of all thoroughfare plan roads 8nd 8t major roadways and the project's entrance.

All within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall first occur. (Previously Condition 19 of Petition 87-112(D).) (DATE/BLDG PERMIT: MONITORING - Eng)

Note: 19a, 19b, 19c, 19d, and 19e in compliance.

20. In the event that the property owners of Falls Country Club and Smith Dairy DRI fail to provide appropriate drainage for Jog Road as required by the conditions of their approvals, then this petitioner shall be required to provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from that segment of Jog Road along the property frontage and for a maximum 400 foot distance each side of the property's boundary line along Jog Road. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system capable of accommodating all runoff from those segments of Lantana Road, Hypoluxo Road and Haverhill Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable drainage district and Louth Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. (Previously Condition E.20 of Petition 87-112(D). (ONGOING: ENG)

21. Condition E.21 of Zoning Petition 87-112(D), which currently states:

The property owner 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. The Fair Share Fee for this project presently is \$1,478,877.00 for the residential portion (18,394 trips X \$80.40 per trip) and \$37,988.00 for the non-residential portion (1,418 trips X \$26.79 per trip).

Is hereby amended to state:

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. The Fair Share Fee for this project, Zoning Petition Number 87-112(E), to be paid at the time of issuance of the Building Permit presently is:

- a) \$3,707,550 for the residential portion (22,470 trips x \$165 per trip); and
- b) \$40,205 x the non-residential portion (731 trips x \$55 per trip). (BLDG PERMIT: IMPACT FEE COORDINATOR)

22. The property owner shall report to Palm Beach County on the number of building permits issued for the six (6) months and the cumulative total issued for the subject property. (Previously Condition E.22 of Petition 87-112(D). (DATE: MONITORING - Eng)

23. The property owner shall provide all right-of-way for Eaverhill Road as an 80 foot section on the approved alignment map adopted by the Palm Beach County Commissioners from the L-17 Canal to Lantana Road. If required, this property owner shall enter into a standard right-of-way acquisition agreement with the Land Acquisition Department 15 months prior to construction for any right-of-way for Eaverhill Road not included in this subject property. (Previously Condition E.23 of Petition 87-112(D).) (ONGOING: ENG)
24. No dwelling units shall access directly onto the internal roadways shown on the master plan. (Previously Condition E.24 of Petition 87-112(D).) (DRC: ENG)
25. For purposes of the resolution "commenced" road work shall be interpreted to mean the commencement of actual construction of the particular road improvements. (Previously Condition E.25 of Petition 87-112(D).) (ONGOING: ENG)
26. Petitioner's sales brochures and other information soliciting sales shall clearly and prominently indicate that the proposed park/civic site may at some time be lighted at night and also clearly and prominently indicate that Eaverhill Road Extension is planned by Palm Beach County to extend through the project to the south as provided in the Palm Beach County Thoroughfare Plan. (Previously Condition E.26 of Petition 87-112(D).) (ONGOING: ENG)
27. The property owner shall dedicate a private road right-of-way 60 feet in width south of the L-16 Canal to the property owner to the east prior to master plan certification. (Previously Condition E.27 of Petition 87-112(D).) (DRC: ENG)
28. Condition E.28 of Petition 87-112(D) which currently states:

Property owner shall construct at the project's entrance on Hypoluxo Road:

1. left turn lane, north approach;
2. right turn lane, north approach;
3. right turn lane, east approach;
4. left turn lane, west approach.

Is hereby amended to state:

Property owner shall construct at the project's entrance on Hypoluxo Road:

1. left turn lane, north approach;
2. right turn lane, north approach;
3. right turn lane, east approach;
4. right turn lane, west approach,

The project's Hypoluxo Road entrance shall be constructed by March 31, 1997. (DATE: MONITORING - Eng)

29. Condition E.29 of Petition 87-112(D) which currently states:

Property owner shall construct at the project's entrance on Jog Road:

1. left turn lane, north approach and two through lanes. The County Engineer may at his option require dual turn lanes on Jog Road at the project's entrance road. Should dual turn lanes be required, additional right-of-way required for this construction shall be reflected on the applicant's Site Plan;
2. right turn lane, south approach;
3. left turn lane, east approach;
4. right turn lane, east approach.

Is hereby amended to state:

Property owner shall construct at the project' entrance on Jog Road:

1. dual left turn lanes on the north approach concurrent with the construction of dual left turn lanes on the south approach by the Smith Dairy development or when the project reaches 2088 single family dwelling units, whichever shall first occur;
 2. right turn lane, south approach;
 3. left turn lane, east approach;
 4. right turn lane, east approach. (BLDG PERMIT: MONITORING - Eng)
30. Property owner shall construct at the Lantana Road and Haverhill Road intersection:
- a) dual left turn lanes east approach
 - b) right turn lane west approach
 - c) left turn lane south approach
 - d) right turn lane south approach (ENG)

31. LANDSCAPE WITHIN MEDIAN

- A. Prior to May 15, 1996, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of:

- Hypoluxo Road
- Lantana Road
- Jog Road from Hypoluxo Road to the Project's entrance road onto Jog Road

Funds expended by the Developer for this landscaping installation shall, at a minimum, be equal to the cost of the construction of the grade separated golf cart crossing originally required by the developer. Final costs shall be based upon a certified cost estimate from the Developer's Engineer and approved by the County Engineer. All landscaping installation and maintenance requirements shall be subject to the standards as 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. (DATE: MONITORING - Eng)

Note: This portion of the condition complied with.

- B. All required median landscaping including an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's 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 September 1, 1996. (DATE: MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of the first plat to reflect this obligation. (PLAT: ENG)

32. Signalization

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at:

- a) Project entrance road and Hypoluxo Road
- b) Project entrance road and Jog Road
- c) Project entrance road and Haverhill Road
- d) Haverhill Road and Lantana Road

Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previously Condition E.10(h) of Petition 87-112(D). (ONGOING: ENG - Bldg)

33. Property owner shall construct at the intersection of Haverhill Road and the project entrance:
- a) left turn lane west approach
 - b) right turn lane west approach
 - c) right turn lane north approach
 - d) left turn lane south approach

The project entrance shall intersect Haverhill Road approximately one-half mile south of Lantana Road.

34. The property owner shall not be required to fund the design, right-of-way, or construction costs associated with improvements which Palm Beach County may deem appropriate to include in road construction projects which are required of the property owner in the above conditions. (ONGOING: ENG)
35. Prior to the first plat adjacent to the Haverhill Road Entrance, the property owner shall convey to the Land Development Division by road right of way warranty deed, additional right of way for the construction of a right turn lane on Haverhill Road at the projects entrance road onto Haverhill Road. This right of way shall be a minimum of 280 feet in length with a taper length of 50 feet or as approved by the County Engineer. The Property Owner shall provide sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (TC:ENG)

F. LANDSCAPING - STANDARDS

1. All trees to be planted on site, except those otherwise required to be planted within residential lots, by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above ground
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outmost branch tip. Each radius shall measure at least 3.5 feet in length. (Previously Condition F.1 of Resolution R-95-1312, Petition EAC87-112(D)). (BUILDING-Zoning)

G. LANDSCAPING ALONG ALL PROPERTY LINE

1. Prior to Site Plan Review Certification the master plan shall be amended to indicate a twenty five (25) foot wide PUD buffer along the perimeter of the PUD, not separated from the exterior by the golf course, supplemented with Alternative Landscaping Buffer No. 3 with minimum twelve (12) foot native canopy trees spaced twenty (20) feet; on center and a minimum thirty (30) inch hedge planted twenty four (24) inches on center. (Previously Condition G.1 of Resolution R-95-1312, Petition EAC87-112(D)). (ZONING)
2. The petitioner shall provide a six (6) foot high, solid CBS wall along the northeast property line within the twenty five (25) foot buffer abutting the proposed day care center and church located west of Haverhill Road. (Previously Condition G.2 of Resolution R-95-1312, Petition EAC87-112(D)). (ZONING)

H. PARKS AND RECREATION

1. The Developer shall at its own cost and expense, construct a culvert crossing (having a minimum length of not less than thirty (30') feet traversing over and across that portion of the easement in which the Temporary Drainage Canal is located, and directly across from the 52nd Street Drive South median opening ("Culvert Crossing"). The Culvert Crossing shall be constructed concurrently with the construction of the Temporary Drainage Canal to ensure uninterrupted access to the Civic/Park Site from Lantana Road.
 - a. Developer fully agrees to utilize fill material realized from construction/excavation of the water retention basin and Temporary Drainage Canal, by simultaneously constructing a berm buffer along the Park Site's westerly boundary and with the most westerly twenty-five (25') feet of the Civic/Park Site "Buffer".
 - b. All site planning, excavation, construction and seeding of the Buffer shall conform to the applicable provisions of the Building Code of Palm Beach County, State Of Florida. (Previously Condition H.1 of Resolution R-95-1312, Petition EAC87-112(D)). (PARKS)
2. The westerly flow of Lantana Road's positive outfall for discharge to the E-3 Canal is intended to serve as a temporary water management condition, until such time as the Developer has received all necessary approvals from appropriate state and local government

agencies/municipalities, permitting the portion of the easement designed for water retention (from Lantana Road's positive outfall) to be incorporated into the water management works and systems being established for Winston Trails PUD. This will direct the discharge from the water retention area, southerly into the Lake Worth Drainage District L-16 Canal. (Previously Condition D.2 of Resolution R-95-1312, Petition 87-112(D). (PARKS/ ENG)

3. In the event the Developer has not secured the approvals required in the section, upon Developer's receipt of written notice from the County of its intention to initiate construction of improvements on the Park Site, Developer shall, within one hundred eighty (180) days from receipt of such notice, design and construct an underground drainage system acceptable to the County Engineer to accommodate the Lantana Road positive drainage outfall at its own cost and expense ("Underground Drainage System"), and otherwise replace the Temporary Drainage Canal to provide for the westerly flow and discharge of outfall into the E-3 Canal. Subsequent to construction of the Underground Drainage System, the Developer shall backfill any remaining portions of the Temporary Drainage Canal restoring this portion of the easement parcel, subject to the right-of-way and perpetual easement for the Underground Drainage System as provided for herein. (Previously Condition D.3 of Resolution R-95-1312, Petition EAC87-112(D). (PARKS/ENG)
4. The Developer will provide an engineer's certification separately identifying the costs for construction of the Underground Drainage System providing westerly flow and discharge of Lantana Road's positive outfall into the E-3 Canal including the filling and restoring of the temporary culvert to the extent it is not made a part of the permanent Underground Drainage System. The surety shall remain posted in an amount equal to the drainage system until such improvements are completed by the developer and accepted by the County. (Previously Condition D.4 of Resolution R-95-1312, Petition EAC87-112(D). (PARKS/ENG)
5. Prior to certification, the Master Plan shall be amended to indicate 7.0 acres of on-site Homeowners Association Recreation Areas. (Previously Condition D.5 of Resolution R-95-1312, Petition EAC87-112(D). (PARKS/ZONING)
6. A. Prior to site plan approval for Parcel 18, Parcel 17, Parcel 16, the Day Care Center, the Church, and the Clinic, the alignment of Haverhill Road shall be established by the Board of County Commissioners. Site Plan Review Committee shall then have the authority to revise the master plan in conformance with code requirements and the established alignment of Haverhill Road.
B. Prior to Master Plan certification, the petitioner shall tender an agreement to Mr. Brynteson which offers the sale of the acreage east of the Haverhill Road alignment at a cost not to exceed \$25,000/acre. Mr. Brynteson shall have 90 days after final alignment of Haverhill Road has been established to accept or reject the agreement.

- C. Those uses currently shown on the east side of Haverhill Road may be moved to the west side of Haverhill Road and park land dedication may be reduced accordingly at Site Plan Review Committee. (Previously Condition D.6 of Resolution R-95-1312, Petition EAC87-112(D) . (PARKS)
7. A 30-acre public park site shall be dedicated to the Board of County Commissioners prior to filing of the first plat for this project. (Previously Condition D.7 of Resolution R-95-1312, Petition EAC87-112(D) . (PARKS)
8. The petitioner may exchange the required on-site dedication of land for civic uses either for a parcel of land off-site equal in acreage or cash of equal value. In addition, in the event that the off-site Land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the onsite and off-site land dedications. The value of the on-site land dedication shall be based upon its value as a civic site. This contribution shall be used to off-set the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21 H. (Previously Condition D.8 of Resolution R-95-1312, Petition EAC87-112(D) . (PARKS)
9. Prior to site plan approval for Pod 8F, Pod 2F, Pod 5F, the Day Care Center, the Church, and the Clinic, the alignment for Haverhill Road shall be established by the Board of County Commissioners. Site Plan Review Committee shall then have the authority to revise the master plan in conformance with code requirements and the established alignment of Haverhill Road. (Previously Condition D.9 of Resolution R-95-1312, Petition EAC87-112(D) . (PARKS)

I. PUD

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC. (Previously Condition I. of Resolution R-95-1312, Petition EAC87-112(D) . (ZONING/ENG)
2. Street trees shall be planted pursuant to Section 6.8.A.23.d(3) of the ULDC. (Previously Condition I. of Resolution R-95-1312, Petition EAC87-112(D) . (ENG - Bldg)
3. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the Unified Land Development Code (ULDC) . (Previously Condition 1.3 of Resolution R-95-1312, Petition EAC87-112(D) . (ZONING/ENG)

J. RECYCLE SOLID WASTE

1. All property owners and lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (Previously Condition J.1 of Resolution R-95-1312, Petition EAC87-112(D) . (SWA)

K. STREET ADDRESS

1. Each primary structure shall clearly display a street address number on the facade of the building which is legible from the street. (Previously Condition K.1 of Resolution R-95-1312, Petition EAC87-112(D)). (CODE INF)

L. SIGNS

1. Point of purchase signs fronting on Hypoluxo Road and Jog Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - two (2) per frontage,;
 - d. Monument style. (Previously Condition L.1 of Resolution R-95-1312, Petition EAC87-112(D)). (BLDG)
2. Off premise signs shall not be permitted on site. (Previously Condition L.2 of Resolution R-95-1312, Petition EAC87-112(D)). (BLDG)

M. SCHOOL BOARD

1. Prior to master plan certification, the petitioner shall provide a written letter from the School Board of Palm Beach County that they have reviewed the project and determined that it has adequate facilities to serve residents at the time demand is generated. (Previously Condition M.1 of Resolution R-95-1312, Petition EAC87-112(D)). (SCHOOL BOARD)

N. COMPLIANCE

1. Failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable 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;
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (Previously Condition N.1 of Resolution R-95-1312, Petition EAC87-112(D)). (MONITORING)