

RESOLUTION NO. R-98- 1312

RESOLUTION APPROVING ZONING PETITION PDD98-13
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF JIM ZENGAGE
BY ROBERT BENTZ, AGENT
(MILITARY & LANTANA MUPD)

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 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD98-13 was presented to the Board of County Commissioners at a public hearing conducted on August 27, 1998; and,

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

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD98-13, the petition of Jim Zengage by Robert Bentz, agent, for an Official Zoning Map Amendment to Planned Development District (PDD) Rezoning AR to MUPD with two (2) General Repair and Maintenance Facilities (requested use) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 27, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on August 27, 1998.

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

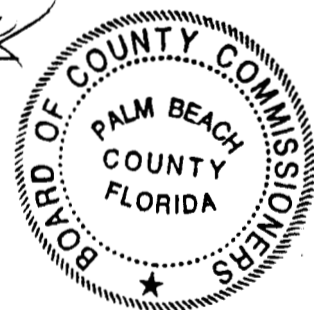


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN LOTS 1 AND 2, TRACT 37, AS SHOWN BY GOVERNMENT PLAT OF THE HIATUS BETWEEN TOWNSHIPS 44 AND 45 SOUTH, RANGE 42 EAST, LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 809 (MILITARY TRAIL) AS RECORDED IN DEED BOOK 894, PAGE 677, AND SOUTHERLY OF THE SOUTH RIGHT-OF-WAY OF STATE ROAD 812 (LANTANA ROAD) AS RECORDED IN DEED BOOK 979, PAGE 512, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, THENCE SOUTH 38°05'29" EAST, A DISTANCE OF 52.21 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF STATE ROAD NO. 812 AS RECORDED IN DEED BOOK 979, PAGE 512; THENCE SOUTH 88°05'56" EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 1929.16 FEET; THENCE EASTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 2904.93 FEET, A CENTRAL ANGLE OF 5°16'04", AND ARC DISTANCE OF 267.08 FEET TO THE POINT OF BEGINNING:

THENCE SOUTH 1°54'04" WEST, A DISTANCE OF 530.74 FEET, TO THE NORTH LINE OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST; THENCE NORTH 89°50'42" EAST, A DISTANCE OF 827.83 FEET TO THE WEST RIGHT-OF-WAY OF STATE ROAD NO. 809, AS RECORDED IN DEED BOOK 894, PAGE 677; THENCE NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY OF SAID ROAD BEING A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 2814.93 FEET, A CENTRAL ANGLE OF 4°38'30", A CHORD BEARING OF NORTH 15°28'11" WEST, AN ARC DISTANCE OF 228.05 FEET; THENCE NORTH 17°47'26" WEST, A DISTANCE OF 304.55 FEET; THENCE NORTH 52°55'10" WEST ALONG THE SOUTH LINE OF PARCEL NO. 22 AS DESCRIBED IN EXHIBIT 'A', JOB NO. 84053, RIGHT-OF-WAY WARRANTY DEED FOR STATE ROAD NO. 809, A DISTANCE OF 28.81 FEET; THENCE NORTH 88°08'56" WEST, A DISTANCE OF 143.52 FEET ALONG A LINE 8.00 FEET SOUTH AND PARALLEL TO THE SOUTH RIGHT-OF-WAY OF STATE ROAD 812 TO A POINT OF CURVATURE CONCAVE SOUTHERLY; THENCE WESTERLY ALONG SAID CURVE HAVING A RADIUS OF 3034.42 FEET; A CENTRAL ANGLE OF 00°16'33", AN ARC DISTANCE OF 14.61 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE CONTINUE WESTERLY ALONG ARC OF SAID CURVE HAVING A RADIUS OF 3034.42 FEET, A CENTRAL ANGLE OF 05°08'54", A DISTANCE OF 272.66 FEET; THENCE NORTH 03°34'22" WEST RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 14.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF LANTANA ROAD (STATE ROAD 812) AS RECORDED IN OFFICIAL RECORD BOOK 979, PAGE 512, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 86°38'00" WEST, A DISTANCE OF 202.35 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS:

A PORTION OF LOTS 1 AND 2, HIATUS TRACT 37, TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING THE SOUTH ONE-QUARTER CORNER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°32'21" EAST ALONG THE NORTH LINE OF SAID LOT 1 AND ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 180.33 FEET; THENCE SOUTH 18°11'38" EAST ALONG THE NORTHERLY EXTENSION OF THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809), A DISTANCE OF 26.11 FEET TO THE POINT OF BEGINNING AND TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, SAID EXISTING WESTERLY RIGHT-OF-WAY LINE BEING DESCRIBED IN OFFICIAL RECORDS BOOK 894 AT PAGE 677, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE CONTINUE SOUTH 18°11'38" EAST ALONG SAID EXISTING WESTERLY RIGHT-OF-WAY, A DISTANCE OF 307.26 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 2814.97 FEET; THENCE SOUTHEASTERLY 225.36 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 04°35'12" TO A

EXHIBIT A

LEGAL DESCRIPTION

POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 2 OF HIATUS TRACT 37, A RADIAL LINE TO SAID POINT OF INTERSECTION BEARS NORTH 76°23'35" EAST THENCE SOUTH 89°26'54" WEST ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 32.35 TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 2358.67 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 73°44'22" EAST; THENCE NORTHWESTERLY 79.59 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°56'00" TO A POINT OF TANGENCY; THENCE NORTH 18°11'38" WEST, A DISTANCE OF 409.51 FEET, THENCE NORTH 53°21'59" WEST, A DISTANCE OF 28.80 FEET; THENCE NORTH 88°32'21" WEST, ALONG A LINE PARALLEL WITH AND 52.50 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID LOTS 1 AND 2 OF HIATUS TRACT 37, A DISTANCE OF 140.33 FEET TO THE BEGINNING OF CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 2767.29 FEET; THENCE WESTERLY 109.33 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°15'49" TO A POINT, A RADIAL LINE OF SAID POINT BEARS NORTH 00°48'10" WEST; THENCE NORTH 83°58'54" WEST ALONG A NON-TANGENT LINE, A DISTANCE OF 202.64 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 2821.79 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 00°55'49" EAST; THENCE, WESTERLY 157.14 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°11'27" TO A POINT, A RADIAL LINE TO SAID POINT BEARS NORTH 02°15'37" WEST; THENCE, NORTH 01°30'16" EAST, A DISTANCE OF 17.67 FEET TO A POINT OF INTERSECTION WITH THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF LANTANA ROAD (STATE ROAD 812), SAID POINT OF INTERSECTION BEING A POINT ON A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2904.79 FEET, A RADIAL LINE OF SAID POINT BEARS SOUTH 03°54'07" EAST; THENCE EASTERLY 2.54 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF LANTANA ROAD THROUGH A CENTRAL ANGLE OF 00°03'01" TO A POINT OF TANGENCY; THENCE NORTH 86°02'53" EAST ALONG SAID EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF LANTANA ROAD A ROAD DISTANCE OF 200.19 FEET; THENCE SOUTH 03°57'07" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF LANTANA ROAD AND ALONG A PROLONGATION OF A RADIAL LINE TO THE FOLLOWING DESCRIBED CURVE, A DISTANCE OF 14.00 FEET TO A POINT ON SAID CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 3035.03 FEET, THENCE EASTERLY 286.73 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID EXISTING SOUTHERLY RIGHT-OF-WAY OF LANTANA ROAD, THROUGH A CENTRAL ANGLE OF 05°24'47" TO A POINT OF TANGENCY; THENCE SOUTH 88°32'21" EAST ALONG SAID EXISTING SOUTHERLY RIGHT-OF-WAY OF LANTANA ROAD, PARALLEL WITH AND 8.00 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID LOT 1 OF HIATUS TRACT 37, A DISTANCE OF 144.16 FEET; THENCE SOUTH 53°21'59" EAST ALONG SAID EXISTING SOUTHERLY RIGHT-OF-WAY, OF LANTANA ROAD, A DISTANCE OF 28.80 FEET TO THE POINT OF BEGINNING.

FURTHER LESS THE FOLLOWING:

LAND DESCRIBED IN DEED BOOK 894, PAGE 677;

AND

LAND DESCRIBED IN DEED BOOK 983, PAGE 224;

AND

LAND DESCRIBED IN OFFICIAL RECORDS BOOK 4790, PAGE 711, OFFICIAL RECORDS B30K 4822, PAGE 1582 AND OFFICIAL RECORDS BOOK 5110, PAGE 1894;

AND

LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5524, PAGE 624 AND OFFICIAL RECORDS BOOK 5543, PAGE 1966.

EXHIBIT B
VICINITY SKETCH

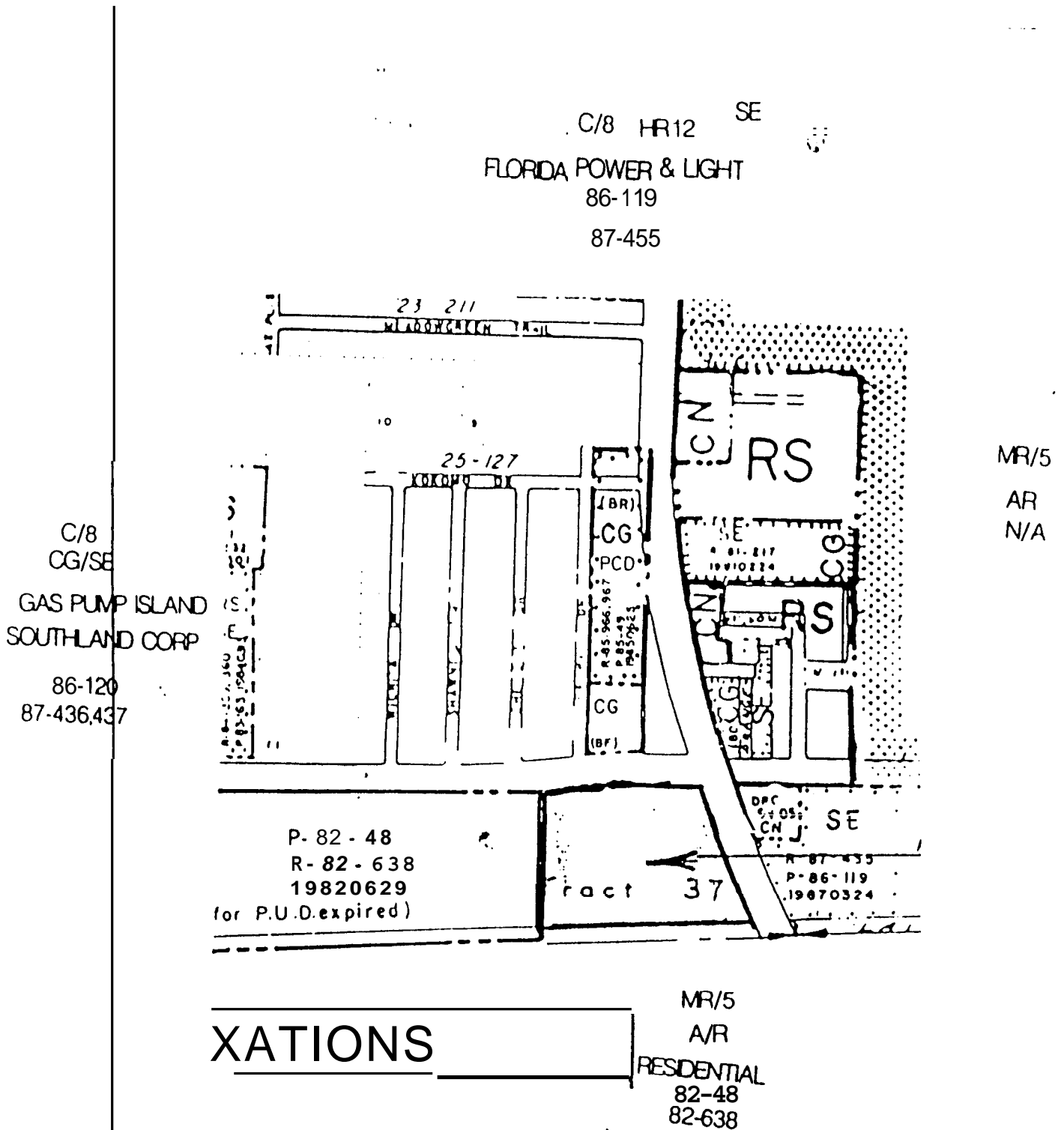


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated July 9, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. Exterior storage and loading areas shall be screened from view and integrated into the building design. (BLDG PERMIT: MONITORING - Bldg)

C. BUILDING AND SITE DESIGN

1. The maximum height for all structures (except Building No. 1), including air conditioning and mechanical equipment, shall be one story and not exceed twenty-five (25) feet measured from finished grade to highest point. Building No. 1 in the northeast portion of the property shall not exceed thirty (30) feet measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG-Zoning)

D. LANDSCAPING - STANDARD

1. All right of way frontage trees required to be planted on site 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 grade;
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,

- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
- 3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)
- 4. The southern portion of the property (approximately 200' north of the South property line) shall not be cleared until building permits are issued for Buildings #2 and #5. Selective clearing within this southern portion for invasive/exotic species removal may be conducted as part of the initial site clearing activity. The landscaping and fencing that is required as a condition of approval for the southern portion shall be installed with the building permits for Buildings #2 and #5. (BLDG PERMIT: ERM/LANDSCAPE - Zoning)

E. ENGINEERING

- 1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for :
 - a. The construction of a right turn lane on Military Trail at the project's entrance road. This right-of-way shall be a minimum of 200 feet in storage length, twelve feet in width or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer.
 - b. Additional right of way to provide for an expanded intersection on Lantana Road at Military Trail as shown on the current site plan, drawing number 5971SP27.DOG Dated 2/18/98. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING-Eng)
- 2. Prior to January 15, 1999 the property owner shall convey a temporary roadway construction easement along Lantana Road and Military Trail to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING-Eng)
- 3. The Property owner shall:
 - A) Modify the existing median opening on Lantana Road at Cherokee Drive to provide for a directional median opening in accordance with the County Engineers approval.
 - 1) This Construction shall be concurrent with building permits for more than 16,000 square feet of commercial area. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and relocation of the existing pedestrian pathway.

- 2) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of building permits for more than 16,000 square feet of commercial area. (BLDG PERMIT: Monitoring - Eng)
 - 3) Construction shall be completed prior to the issuance of the first Certificate of Occupancy for more than 16,000 square feet of commercial area. (CO/BLDG PERMIT: Monitoring-Eng)
- B)** Construct a right turn lane north approach on Military Trail at the projects entrance
- 1) All construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and relocation of the existing pedestrian pathway. (CO/BLDG PERMIT: Monitoring-Eng)
 - 2) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - 3) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
- 4.** In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
- a) No Building Permits shall be issued until construction has begun for the 6 laning of Lantana Road from Military Trail to Congress Avenue. (BLDG PERMIT: MONITORING-Eng)
- 6. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS**
- A.** Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Lantana Road and Military Trail right-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Street scape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Street scape 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. (BLDG PERMIT: MONITORING - Eng.)

- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners'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 on or before the issuance of a Certificate of Occupancy. (CO:MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDG.PERMIT:MONITORING - Eng.)

F. LANDSCAPING ALONG MILITARY TRAIL AND LANTANA ROAD

- 1. Landscaping and buffering along the Military Trail and Lantana Road property lines shall include:
 - a. A minimum twenty (20) feet wide landscape buffer strip with a maximum five (5) feet overlap in the existing ten (10) foot utility easement for an overall twenty-five (25) feet width;
 - b. An undulating berm with an average height of two (2) feet. This berm shall be a minimum one (1) foot and a maximum of three (3) feet in height. The berm with groundcover and hedge material shall be a minimum three (3) feet high at time of installation measured from the top of curb.
 - c. One (1) canopy tree planted for each twenty (20) linear feet, with a maximum spacing of twenty-five (25) feet on center;
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE / CODE ENF - Zoning)

G. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES

- 1. Landscaping and buffering along the south and west property lines shall include:
 - a. A six (6) foot high black colored vinyl coated chain link fence
 - b. One (1) canopy tree planted every twenty (20) feet on center
 - c. One (1) booted sabal palm for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet on center between clusters. A group of three or more palms may not supersede the requirement for a canopy tree in that location;
 - d. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches; and

- e. **A continuous two (2) feet high berm (western property line only) with the six (6) foot high black colored vinyl coated chain link fence to be located on the plateau of the berm. The western fence shall terminate approximately twenty (20) feet south of the north property line (CO: LANDSCAPE)**

H. LIGHTING

1. **All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)**
2. **The minimum setback for all free-standing light poles structures adjacent to the south and west property lines shall be forty (40) feet. (DRC: ZOPING)**
3. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE INF - Zoning)**

I. MASS TRANSIT

1. **A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occur; first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)**
B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first Certificate of Occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

J. PARKING

1. **All delivery and/or loading areas within two hundred (200) feet of the south or west property lines shall be screened from view by a twelve (12) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (CO: BLDG - Zoning)**
2. **Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF)**

K. RECYCLE OIL

1. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. (ONGOING: HEALTH)

L. SIGNS

All signage on the property shall be limited as follows;

1. Freestanding point of purchase sign at the northeast corner of the property shall be:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 150 square feet;
 - c. Maximum number of signs - one (1);
 - d. Monument style only. (CO/BLDG PERMIT: BLDG)
2. Freestanding point of purchase signs fronting on Military Trail and Lantana Road shall be:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1) for each frontage;
 - d. Monument style only; and
 - e. Location - within twenty-five (25) feet of driveway. (CO/BLDG PERMIT: BLDG)
3. Wall signage shall be limited to the north and east facades of the buildings. (CO/BLDG PERMIT: BLDG)
4. No off-premise signs or billboards shall be permitted on the property. (ONGOING/DRC: CODE ENF/ZONING)

M. USE LIMITATIONS

1. Hours of operation for the General Repair shall be limited from 7:00 a.m. to 9:00 p.m. Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sundays. (ONGOING: CODE ENF)
2. Vehicles shall not be tested off-site on residential streets. (ONGOING: CODE ENF)
3. There shall be no outdoor repair or storage of vehicles or parts on site. (ONGOING: CODE ENF)

N. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC 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; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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 an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)



SEP 15 1998

Department of Planning,
Zoning & Building
100 Australian Avenue

INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING

TO: Willa Oswalt, Minutes Clerk
FROM: L. Martin Hodgkins, Zoning Director *fmh*
DATE: September 3, 1998
RE: Amended Conditions from the August 27, 1998
and September 1, 1998 BCC

Palm Beach County
Board of County
Commissioners

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on August 27, 1998. The following petitions were amended:

- | | |
|--------------|----------------------------|
| DOA96-85A | RECIO REZONING |
| CA97-110 | AL PACKER FORD USED TRUCKS |
| DOA95-02(A) | BONVIE MUPD - BURDINES |
| PDD98-13 | MILITARY & LANTANA MUPD |
| Z98-42 | SOUTHERN RETAIL |
| CA98-43 | MERKERT FAMILY MAUSOLEUM |
| PDD98-10 | TURNER MUPD |
| DOA81-152(D) | BOYNTON TRAIL CENTRE |

The conditions of this resolution are true and correct and reflect the changes approved by the Board of County Commissioners on September 1, 1998. The following petition was amended:

- | | |
|---------|------------------|
| CA98-34 | COUNTRY PURSUITS |
|---------|------------------|

Please contact me at 233-5234 if you have any questions.

F:\COMMON\WPDATA\PROD\BCC\1998\CONDITIO.MEM

W. Eugene Swann, Jr.
County Administrator

(NOTE: COMPLETE)

- (2) Hypoluxo Road at Jog Road:
- (a) Northbound Job Road:
 - 1. one right-turn lane
 - 2. two through lanes
 - 3. two left-turn lanes(NOTE: COMPLETE)
 - (b) Southbound Jog Road:
 - 1. one right-turn lane
 - 2. two through lanes
 - 3. two left-turn lanes(NOTE: COMPLETE)
 - (c) Eastbound Hypoluxo Road:
 - 1. one right-through lane
 - 2. two through lane
 - 3. two left-turn lanes(NOTE: COMPLETE)
 - (d) Westbound Hypoluxo Road:
 - 1. one right-through lane
 - 2. one through lane
 - 3. two left-turn lanes(NOTE: COMPLETE)
- (3) Jog Road at Melaleuca Road:
- (a) Northbound Jog Road:
 - 1. one right-through lane
 - 2. one through lane
 - 3. one left-turn lane(NOTE: COMPLETE)
 - (b) Southbound Jog Road:
 - 1. one right-through lane
 - 2. one through lane
 - 3. one left-turn lane(NOTE: COMPLETE)
 - (c) Eastbound Melaleuca Road:
 - 1. one right-turn lane (NOTE: COMPLETE)
 - 2. one left/through lane
 - (d) Westbound Melaleuca Road:
 - 1. one right-turn lane
 - 2. one through/left lane (NOTE: COMPLETE)
 - 3. one left-turn lane (NOTE: COMPLETE)
- (4) Signalization at all intersections shall be installed or modified to the satisfaction of the County Engineer.
- (5) No certificates of occupancy shall be issued for more than a total of 750 residential units until the intersection improvements identified in paragraphs 16.(b)(1, (2) and (3), above, and (4) as necessary, have been completed. (CO: BLDDG - Eng)

[NOTE: Condition has been satisfied.]

15. REQUIRED TRANSPORTATION IMPROVEMENTS.

a. PHASING OF MAJOR ROADWAY IMPROVEMENTS.

- (1) No building permits shall be issued for construction of more than 1693 dwelling units until contracts have been let for the completion of Hagen Ranch Road as a two-lane facility between Hypoluxo Road and Lantana Road. No certificates of occupancy shall be issued for more than 1693 residential units until Hagen Ranch Road between Hypoluxo Road and Lantana Road is completed as a two-lane facility. (BLDG PERMIT: MONITORING - Eng)
- (2) No building permits shall be issued for development of more than a cumulative total of 1,693 residential units in the development until contracts have been let for the four-laning of Lantana Road between Hagen Ranch Road and Congress Avenue, including intersection improvements detailed in Condition 17.b, below. No certificates of occupancy shall be issued for more than a total of 1,693 residential units until these improvements have been completed. (BLDG PERMIT: MONITORING - Eng)

b. PHASING OF INTERSECTION IMPROVEMENTS.

No building permits shall be issued for construction of more than a cumulative total of 1,693 residential units in the development until contracts have been let for the construction of the following intersection improvements built to minimum standards for traffic geometrics:

- (1) Hypoluxo Road at Military Trail:
 - (a) Northbound Military Trail:
 - 1. one right-turn lane
 - 2. two through lanes
 - 3. one left-turn lane(NOTE: COMPLETE)
 - (b) Southbound Military Trail:
 - 1. one right-turn lane
 - 2. two through lanes
 - 3. one left-turn lane(NOTE: COMPLETE)
 - (c) Eastbound Hypoluxo Road:
 - 1. one right-turn lane
 - 2. two through lanes
 - 3. one left-turn lane(NOTE: COMPLETE)
 - (d) Westbound Hypoluxo Road:
 - 1. one right-turn lane
 - 2. two through lanes
 - 3. one left-turn lane(NOTE: COMPLETE)
- (2) Jog Road at Lake Worth Road:

Geometrics sufficient to provide Level of Service C (LOS) during annual average conditions and LOS D during peak season condition. Palm Beach County shall monitor this intersection and schedule improvements to maintain this level of Service through 1996.

- (3) Hypoluxo Road at Congress Avenue:
 - (a) Northbound Congress Avenue:
 - 1. one right-turn lane
 - 2. two through lanes
 - 3. two left-turn lanes(NOTE: COMPLETE)
 - (b) Southbound Congress Avenue:
 - 1. one right/through lane
 - 2. two through lanes
 - 3. one left-turn lane(NOTE: COMPLETE)
 - (c) Eastbound Hypoluxo Road
 - 1. one right-turn lane
 - 2. two through lanes
 - 3. one left-turn lane(NOTE: COMPLETE)
 - (d) Westbound Hypoluxo Road:
 - 1. one right-turn lane
 - 2. two through lanes
 - 3. one left-turn lane(NOTE: COMPLETE)
- (4) Signalization at all intersections shall be installed or modified to the satisfaction of the County Engineer.
- (5) No certificates of occupancy shall be issued for more than a total of 1,693 residential units until construction of these improvements has been completed. (CO: BLDG - Eng)

16. REQUIRED TRANSPORTATION IMPROVEMENTS.

No building permits shall be issued for any of the final 792 residential units of the development until contracts have been let for the construction of the following intersection improvements built to minimum standards for traffic geometrics:

- a. Jog Road at Melaleuca Lane:
 - (1) Northbound Jog Road:
 - (a) one right-turn lane
 - (b) two through lanes (NOTE: COMPLETE)
 - (c) one left-turn lane
 - (2) Southbound Jog Road:
 - (a) two through lanes (NOTE: COMPLETE)
 - (b) two left-turn lanes
 - (c) one right turn lane
 - (3) Eastbound Melaleuca Lane:
 - (a) one right-turn lane
 - (b) one left/through lane (NOTE: COMPLETE)
 - (4) Westbound Melaleuca Lane:

- (a) one right-turn lane
- (b) one through lane (NOTE: COMPLETE)
- (c) one left-turn lane (NOTE: COMPLETE)

b. Lantana Road at Military Trail:

- (1) Northbound Military Trail:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) two left-turn lanes
 (NOTE: COMPLETE)
- (2) Southbound Military Trail:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) two left-turn lanes
 (NOTE: COMPLETE)
- (3) Eastbound Lantana Road:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) one left-turn lane
 (NOTE: COMPLETE)
- (4) Westbound Lantana Road:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) one left-turn lane
 (NOTE: COMPLETE)

c. Jog Road at Lantana Road:

- (1) Northbound Jog Road:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) one left-turn lane
 (NOTE: COMPLETE)
- (2) Southbound Jog Road:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) one left-turn lane
 (NOTE: COMPLETE)
- (3) Eastbound Lantana Road:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) two left-turn lanes
 (NOTE: COMPLETE)
- (4) Westbound Lantana Road:
 - (a) one right-turn lane (NOTE: COMPLETE)
 - (b) three through lanes, including appropriate receiving lanage and taper on the west leg of the intersection
 - (c) two left-turn lanes (NOTE: COMPLETE)

d. Signalization at all intersections shall be installed and modified to the satisfaction of the County Engineer.

e. No certificates of occupancy shall be issued for any of the final 792 residential units until construction of these improvements has been completed. (CO: BLDG - Eng)

17. REQUIRED TRANSPORTATION IMPROVEMENTS: PROJECT ENTRANCES

The developer shall construct the project entrances at Hagen Ranch Road, ~~and~~ Jog Road, and Lantana Road to the following configuration at such time as the improvements are required by the Palm Beach County Engineer to serve project traffic:

a. Hagen Ranch Road and Smith Dairy East's Southern Entrance Road

- (1) Northbound Hagen Ranch Road:
 - (a) one through lane
 - (b) one left-turn lane
- (2) Southbound Hagen Ranch Road:
 - (a) one right lane
 - (b) one through lane
- (3) Eastbound Project Roadway:
 - (a) one right lane
 - (b) one left-turn lane

b. Hagen Ranch Road and Smith Dairy East's North Entrance Road

- (1) Northbound Hagen Ranch Road:
 - (a) one right lane
 - (b) one through lane
- (2) Southbound Hagen Ranch Road:
 - (a) one through lane
 - (b) one left turn lane
- (3) Westbound East Project's Roadway:
 - (a) one right lane
 - (b) one left turn lane

c. Jog Road at East Project Entrance:

- (1) Northbound Jog Road:
 - (a) two through lanes
 - (b) two left-turn lanes
- (2) Southbound Jog Road:
 - (a) one right-turn lane
 - (b) two through lanes
- (3) Eastbound East Project Roadway:
 - (a) one through/right lane
 - (b) two left-turn lanes
- (4)** Westbound East Project Roadway: None

d. Hagen Ranch Road at Lantana Road:

- (1) Northbound Hagen Ranch Road:
 - (a) one right-turn lane
 - (b) two left-turn lanes
- (2) Southbound Hagen Ranch Road: None

- (3) Eastbound Lantana Road:
 - (a) one right-turn lane
 - (b) two through lanes

- (4) Westbound Lantana Road:
 - (a) two through lanes
 - (b) two left-turn lanes

e. Hypoluxo Road at West Project Entrance for Smith Dairy East:

- (1) Westbound Hypoluxo Road:
 - (a) Right turn lane
 - (b) one through lane
- (2) Eastbound Hypoluxo Road:
 - (a) one through lane
 - (b) one Left turn lane
- (3) Southbound West Project Entrance
 - (a) one right turn lane
 - (b) one left turn lane

f. Hagen Ranch Road at Smith Dairy East north entrance road:

- (a) right turn lane south approach
- (b) left turn lane north approach
- (c) left turn lane east approach

This construction shall be concurrent with the construction of the projects entrance road onto Hagen Ranch Road. Any and all costs associates with the construction shall be paid by the property owner. (BLDG - Eng)

g. Hagen Ranch Road at Smith Dairy East south entrance road:

- (a) right turn lane north approach
- (b) left turn lane south approach
- (c) left turn lane west approach

This construction shall be concurrent with the construction of the projects entrance road onto Hagen Ranch Road. Any and all costs associates with the construction shall be paid by the property owner. (BLDG - Eng)

h. Hypoluxo Road at Smith Dairy East entrance road:

- (a) left turn lane north approach
- (b) right turn lane east approach
- (c) left turn lane west approach

This construction shall be concurrent with the construction of the projects entrance road onto Hypoluxo Road. Any and all costs associates with the construction shall be paid by the property owner. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit (TC: ENG)

i. Signalization at all entrances shall be installed or modified when warranted by the County Engineer. (ONGOING: ENG)

j. Notwithstanding any other provisions in these conditions to the contrary, additional certificates of occupancy shall not be issued if contracts for improvements identified in (a), (b), (c) and (d), above

(and (e), if required) have not been let for construction within six (6) months after the improvement has been identified by Palm Beach County as being needed.

18. MINIMUM ROADWAY CONSTRUCTION.

As a minimum, the developer shall construct the following roads to serve the development. No building permit in excess of twenty (20) shall be issued until contracts have been let and no certificates of occupancy shall be issued until these improvements have been completed:

- a. Two-laning of Hypoluxo Road between Jog Road and Hagen Ranch Road; and
- b. Two-laning of Hagen Ranch Road north of Hypoluxo Road adequate to serve Phase I of the development. (BLDG PERMIT: MONITORING - Eng)

[NOTE: Condition 18.a has been satisfied.]

19. REQUIRED TRAFFIC STUDY, 2001

- a. No additional building permits shall be issued after November 30, 2001 (the build out date) unless a traffic study has been conducted by the developer, submitted to and approved by the Palm Beach County Engineer and the Treasure Coast Regional Planning Council that demonstrates that the regional roadway network can accommodate a specified amount of additional development generated traffic and growth in background traffic beyond 2001, and still be maintained at LOS C during average annual conditions and LOS D during peak season conditions. (BLDG PERMIT: MONITORING - Eng)
- b. The traffic study shall:
 - (a) be conducted in 2001; and
 - (b) identify the improvements and timing of those improvements necessary to provide LOS C average annual and LOS D peak season operating conditions for the subject transportation network during the projected completion of the project, including project impacts and growth in background traffic. (DATE: MONITORING - Eng)
- c. Additional building permits shall not be issued until a new project phasing program and roadway improvement program (necessary to maintain LOS C average annual and LOS D peak season operating conditions) has been approved by the Palm Beach County Engineer and the Treasure Coast Regional Planning Council for the remainder of the development. (BLDG PERMIT: MONITORING - Eng)

20. RIGHT OF WAY DEDICATIONS: Right-of-way shall be dedicated by the developer as indicated. Additional right-of-way shall be dedicated where any right turn lanes, special intersections or dual left turn lanes are required, including appropriate tapers. Exact dimensions of right of way to be determined by the County Engineer.

- a. Within 180 days of adoption of the final Development Order approving this project, petitioner shall convey sufficient land from the subject property for the ultimate right-of-way of:

- (1) Jog Road, 60 feet from centerline.
- (2) Hagen Ranch Road, 80 feet of right-of-way.
- (3) Additional right-of-way for an "expanded intersection" at the intersection of Hagen Ranch Road and Hypoluxo Road, as defined in Palm Beach County's Thoroughfare Right of Way Protection Map.
- (4)** Hypoluxo Road, a total of 108 feet right-of-way on an alignment approved by the County Engineer. Note: Only that portion of Hypoluxo Road which is contained within this subject property will be required to be dedicated at the time of the approval by the County Engineer of an alignment map which will be completed by the developer's engineer and submitted to the County Engineer within 60 days of the adoption of the final Development Order approving this project.

[NOTE: Condition has been satisfied.]

- b. If required by either the Florida Department of Transportation or the County Engineer within thirty (30) months of the adoption of the final Development Order approving this development, petitioner shall convey sufficient land for the ultimate right-of-way for the proposed Turnpike overpass/diamond interchange. The County Engineer or Florida Department of Transportation shall determine what constitutes sufficient land, which shall not exceed an area of 7.5 acres. If the right-of-way has not been requested within thirty (30) months after adoption of the resolution approving this project, petitioner shall notify in writing both the County Engineer and Florida Department of Transportation that their right to request dedication shall expire in six (6) months. Either of these agencies shall have the right to request dedication provided that the request is made six (6) months following the petitioner's notification. If no request is made within that time period, this condition shall become void and no longer enforceable.

[NOTE: Condition has been satisfied.]

- c. At the time of filing of the adjacent plat for the entrance road, petitioner shall convey sufficient land from the subject property for the ultimate right of way for the construction of a right turn lane at each of the project's entrances on Hagen Ranch Road, on both the north and south approach. This right-of-way shall be a minimum of 12 feet in width, 150 feet in length, with a minimum 180 feet of taper length. The right-of-way shall be conveyed at the time of the filing of the adjacent plat.

21. CONSTRUCTION OF TURN LANES: The property owner shall construct the following turn lanes with the appropriate number of through lane; as determined by the County Engineer:

- a. At the intersection of Jog Road and the project's entrance road:
 - (1) Dual left turn lane, south approach.
 - (2) Right turn lane, north approach.
 - (3) Dual left turn lane, west approach.
 - (4)** Right turn lane, west approach.
- b. At the intersection of Hypoluxo Road and Hagen Ranch 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.

- c. At the intersection of Hypoluxo Road **and** Jog Road:
 - (1) Dual left turn lanes, south approach.
 - (2) Right turn lane, north approach.
 - (3) Dual left turn lanes, north approach.
 - (4)** Dual left turn lanes, east approach.
 - (5) Dual left turn lanes, west approach.
 - (6) Right turn lane, south approach.
 - (7) Right turn lane, east approach.
 - (8) Right turn lane, west approach.
 - (9) Two thru lanes north, south, east and west approaches.

- d. At the intersection of Hagen Ranch Road and Lantana Road:
 - (1) Dual left turn lanes, east approach.
 - (2) Dual left turn lanes, south approach.
 - (3) Right turn lane, south approach.
 - (4)** Right turn lane, west approach.

- e. **At** the intersection of Lantana Road and Jog Road:
 - (1) Dual left turn lanes, north approach.
 - (2) Dual left turn lanes, south approach.
 - (3) Dual left turn lanes, east approach.
 - (4)** Dual left turn lanes, west approach.
 - (5) Right turn lane, north approach.
 - (6) Right turn lane, south approach.
 - (7) Right turn lane, east approach.
 - (8) Right turn lane, west approach.
 - (9) Two (2) thru lanes north, south, and west approaches and three (3) thru lanes east approach.

- f. **At** the intersection of Hypoluxo Road and all project entrances:
 - (1) Left turn lane, north approach.
 - (2) Right turn lane, north approach.
 - (3) Right turn lane, east approach.
 - (4)** Left turn lane, west approach.

- h. Hagen Ranch Road and Smith Dairy East's Southern Entrance Road
 - (1) Northbound Hagen Ranch Road:
 - (a) one through lane
 - (b)** one left-turn lane
 - (2) Southbound Hagen Ranch Road:
 - (a) one right lane
 - (b) one through lane
 - (3) Eastbound Project Roadway:
 - (a) one right lane
 - (b) one left-turn lane

- i. Hagen Ranch Road and Smith Dairy East's North Entrance Road
 - (1) Northbound Hagen Ranch Road:
 - (a) one right lane
 - (b)** one through lane
 - (2) Southbound Hagen Ranch Road:
 - (a) one through lane
 - (b)** one left turn lane

- (3) Westbound East Project's Roadway:
 - (a) one right lane
 - (b) one left turn lane

- J. Jog Road at East Project Entrance:
 - (1) Northbound Jog Road:
 - (a) two through lanes
 - (b) two left-turn lanes

 - (2) Southbound Jog Road:
 - (a) one right-turn lane
 - (b) two through lanes

 - (3) Eastbound East Project Roadway:
 - (a) one through/right lane
 - (b) two left-turn lanes

 - (4)** Westbound East Project Roadway: None

- k. Hagen Ranch Road at Lantana Road:
 - (1) Northbound Hagen Ranch Road:
 - (a) one right-turn lane
 - (b) two left-turn lanes

 - (2) Southbound Hagen Ranch Road: None

 - (3) Eastbound Lantana Road:
 - (a) one right-turn lane
 - (b) two through lanes

 - (4)** Westbound Lantana Road:
 - (a) two through lanes
 - (b) two left-turn lanes

- I. Hypoluxo Road at West Project Entrance *for* Smith Dairy East:
 - (1) Westbound Hypoluxo Road:
 - (a) Right turn lane
 - (b) one through lane

 - (2) Eastbound Hypoluxo Road:
 - (a) one through lane
 - (b) one Left turn lane

 - (3) Southbound West Project Entrance
 - (a) one right turn lane
 - (b) one left turn lane

- m. Hagen Ranch Road at Smith Dairy East north entrance road:
 - (a) right turn lane south approach
 - (b) left turn lane north approach
 - (c) left turn lane east approach

This construction shall be concurrent with the construction of the projects entrance road onto Hagen Ranch Road. Any and all costs associates with the construction shall be paid by the property owner. (BLDG - Eng)

- n. Hagen Ranch Road at Smith Dairy East south entrance road:
 - (a) right turn lane north approach
 - (b) left turn lane south approach
 - (c) left turn lane west approach

This construction shall be concurrent with the construction of the projects entrance road onto Hagen Ranch Road. Any and all costs associates with the construction shall be paid by the property owner. (BLDG - Eng)

- o. Hypoluxo Road at Smith Dairy East entrance road:
 - (a) left turn lane north approach
 - (b) right turn lane east approach
 - (c) left turn lane west approach

This construction shall be concurrent with the construction of the projects entrance road onto Hypoluxo Road. Any and all costs associates with the construction shall be paid by the property owner. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit (BLDG PERMIT: BLDG - Eng)

- p. All construction of turn lanes serving this project shall be at the time of the construction of the access roads on Hypoluxo Road, Hagen Ranch Road and Jog Road or at the time of construction of Hypoluxo Road, Hagen Ranch Road, as determined by the County Engineer. It is intended that intersection improvements shall be constructed in conjunction with roadway improvements. (TC: ENG)

[NOTE: Parts c, and d of this condition have been satisfied.]

22. HAGEN RANCH ROAD IMPROVEMENTS:

In the event the developer of Smith Dairy West fails to comply with Section 7, Condition 12.a of this resolution. Smith Dairy East must perform the following:

- a. Provide construction plans for Hagen Ranch Road as a 2 lane section (expandable to 5 lane section) from Hypoluxo Road north to Lantana Road. These construction plans shall be approved by the County Engineer based upon Palm Beach County Minimum Construction Plan Standards as they exist at the time of submittal. These plans shall include drainage compatible with the ultimate section.
 - 1) Construction plans shall be submitted to the County Engineer by September 1, 1995. Plan cost shall be approved by the County Engineer. Smith Dairy West, a/k/a Minto Smith Dairy, and Smith Dairy East shall be jointly responsible for any missing right of way (80 feet) for Hagen Ranch Road from Lantana Road to Hypoluxo Road.
 - 2) Final permittable construction plans shall be completed prior to July 1, 1996. (DATE: MONITORING - Eng)
- b. Prior to issuance of any development order for the portion of Smith Dairy East lying west of Hagen Ranch Road, Smith Dairy East, shall begin constructing Hagen Ranch Road as a 2-lane section with the drainage compatible with the ultimate section from Hypoluxo Road north to Lantana Road according to the approved plans. (TC: ENG)

- c. In any event no building permits shall be issued for more than 1,693 residential units in the entire Smith Dairy DRI until contracts have been let for the construction of Hagen Ranch Road between Hypoluxo Road and Lantana as a two (2) lane facility. No certificates of occupancy shall be issued for more than a total of 1,693 residential units until this improvement has been completed. (BLDG PERMIT: MONITORING - Eng)

[NOTE: Condition 22 is hereby deleted.]

23. LANTANA ROAD IMPROVEMENTS:

- a. Palm Beach County shall construct Lantana Road from 250 feet west of Military Trail to a point 250 feet west of Hagen Ranch Road as a four (4) lane section, including all appropriate tapers according to the approved plan.
- b. In any event no building permits shall be issued for more than 1,693 residential units in the entire Smith Dairy DRI until contracts have been let for the construction of Lantana Road from 250 feet west of Military Trail to a point 250 feet west of Hagen Ranch Road as a four (4) lane facility, No certificates of occupancy shall be issued for more than a total of 1,693 residential units until this improvement has been completed.

24. JOG ROAD IMPROVEMENTS:

- a. Petitioner shall provide construction plans for Jog Road (including all right-of-way documents) as a 4-lane median divided section (expandable to 6-lane section) from a point 250 feet north of Melaleuca Lane south to a point 250 feet south of Lantana Road, plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they are at the time of submittal. Construction plans shall be submitted to the County Engineer within twelve (12) months of adoption of the final Development Order approving this petition. Plan costs shall be approved by the County Engineer.
- b. The property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parcelled right-of-way maps required for the construction of Jog Road as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 30 years. These documents shall be submitted within 6 months of the adoption of the final Development Order approving this project.
- c. Palm Beach County shall acquire right of way for Jog Road from a point 250 feet north of Melaleuca Lane to a point 250 feet south of Lantana Road. It is the intent that this right-of-way acquisition shall be completed within 18 months of the adoption of the final Development Order approving this project.
- d. The petitioner shall thereupon construct Jog Road as a 4-lane section from a point 250 feet north of Melaleuca Lane south to a point 250 feet south of Lantana Road, plus the appropriate tapers according to approved plans. Construction shall be completed within 36 months of adoption of the final Development Order approving this project.

[NOTE: Condition has been satisfied.]

25. HYPOLUXO ROAD IMPROVEMENTS:

- a. This property owner shall be responsible for acquiring any remaining right-of-way for Hypoluxo Road from Hagen Ranch Road to Jog Road.
- b. The petitioner shall provide construction plans for Hypoluxo Road as a 4-lane section (expandable to a 6-lane section) from a point 250 feet west of Jog Road west to a point 250 feet west of Hagen Ranch Road.
- c. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they exist at the time of submittal. These construction plans shall be submitted to the County Engineer within twelve (12) months of adoption of the final Development Order approving this petition. Plan costs shall be approved by the County Engineer.
- d. The petitioner shall thereupon construct Hypoluxo Road as a 4-lane section from a point 250 feet east of Jog Road west to a point 250 feet west of Hagen Ranch Road, plus all appropriate tapers according to approved plans. Construction shall be completed within 36 months of adoption of the final Development Order approving this petition. The intersection of Jog Road and Hypoluxo Road shall be constructed as an expanded intersection according to plans approved by the County Engineer.

[NOTE: Condition has been satisfied.]

26. CONSTRUCTION OF MAJOR THOROUGHFARES: All plans and construction of collector and arterial roadways shall be such that all drainage structures shall be sized and placed in such a manner as to be compatible with any future expansion of the roadway. (ONGOING: TC - ENG)
27. SURETY FOR OFF-SITE ROAD IMPROVEMENTS: Surety shall be required for the off-site road improvements outlined in Conditions numbered 21, 22, 23, 24 and 25, above. Surety shall be posted with the Office of the County Engineer within six (6) months of final development order or prior to the issuance of the first building permit, whichever shall first occur. The petitioner agrees, as a condition of this approval, that the amount of surety to be provided for all work herein described shall be updated with a certified cost estimate on an annual basis and augmented if necessary so as to guarantee that the remaining amount shall always be sufficient to complete the work approved by the County Engineer. Original surety shall be based upon one hundred and ten (110) percent of the certified cost estimate by the developer's engineer. This surety may be called by Palm Beach County for noncompliance with any work referenced in Conditions numbered 21, 22, 23, 24, and 25, above. (DATE: MONITORING - Eng)
28. ALTERNATIVE PHASING REQUIREMENTS: In the event a tri-party agreement is executed between Palm Beach County, this Petitioner and Ryan Homes, Inc., the developer of the adjacent planned unit development (Petition No. 86-96), which shall allocate responsibility for all of the offsite roadway improvements contemplated herein among the three parties, then the following phasing requirements shall be substituted for those set forth in paragraphs 16 through 20, inclusive herein. The Department of Engineering and Public Works has determined that the provisions of the proposed tri-party agreement satisfies the Palm Beach County Traffic Performance Standards.

- a. No more than 750 building permits shall be issued until surety has been posted and the contract has been let for the construction of Hypoluxo Road as a four-lane section from Hagen Ranch Road to Interstate 95. Furthermore, no certificates of occupancy shall be issued for more than 750 residential units until Hypoluxo Road is completed between Hagen Ranch Road and Interstate 95 as a four-lane median divided facility.
- b. No more than 375 building permits shall be issued until surety has been posted and the contract for the construction of Jog Road has been let as a 4 lane section from Lantana Road to Melaleuca Lane, provided, however, that Palm Beach County unconditionally agrees to acquire from non-ad valorem sources of funding the right-of-way for this road link within one (1) year from the date right-of-way acquisition documents for same are delivered by Petitioner. Palm Beach County acknowledges that by Petitioner's acceptance of this condition, it is relying in good faith on Palm Beach County's agreement to perform and that Petitioner will be substantially damaged by non-performance. Notwithstanding the fact that Palm Beach County may fail to acquire this right-of-way within one (1) year, no certificates of occupancy shall be issued for more than 375 residential units until this improvement has been completed.
- c. No building permits shall be issued for more than 750 residential units until contracts are let for the construction of Jog Road as a four (4) lane median divided facility between Melaleuca Lane and Lake Worth Road. No certificates of occupancy shall be issued for more than 750 residential units until this improvement has been completed.
- d. No more than 375 building permits shall be issued until surety has been posted and the contract has been let for the construction of Jog Road as a four (4) lane median divided section from Lantana Road to Hypoluxo Road. No certificates of occupancy shall be issued for more than 375 residential units until this improvement has been completed.

In any event no building permits shall be issued for more than 1,693 residential units until contracts have been let for the construction of Lantana Road between Hagen Ranch Road and Congress Avenue as a four (4) lane facility and contracts have been let for the construction of Hagen Ranch Road between Hypoluxo Road and Lantana as a two (2) lane facility. No certificates of occupancy shall be issued for more than a total of 1,693 residential units until these improvements have been completed.

- e. No more than 1500 building permits shall be issued until the contract for the construction of the following roadways has been let:
 - (1) Four lane Jog Road from Melaleuca Lane to 10th Avenue North, including intersection improvements at Lake Worth Road.
 - (2) Four lane Lantana Road from Congress Avenue to 250 feet west of Military Trail.
 - (3) Four lane Military Trail from Lake Worth Road to Boyrnton Beach Boulevard.

No certificates of occupancy shall be issued for more than a total of 1500 dwelling units until these improvements have been completed.

f. Construction of Required Intersection and Other Improvements:

Petitioner shall construct all intersection improvements described in Conditions 16 through 20, above, and the phasing schedule in 16 through 20 above relating to the intersection improvements shall apply.

[NOTE: Condition has been satisfied.]

29. CONSTRUCTION OF EXPANDED INTERSECTIONS:

- a. All intersecting thoroughfare plan roadways which are being constructed by this property owner shall be constructed as "expanded intersections" as defined by the County Engineer not to exceed the dimensions of special intersections, as defined in The Palm Beach County Comprehensive Plan.
- b. Right of way being funded and acquired by Palm Beach County shall be acquired for the construction of these "expanded intersections." Final determination of right of way and roadway geometrics shall be determined by the County Engineer.

[NOTE: Condition has been satisfied.]

30. INSTALLATION OF TRAFFIC SIGNALS:

- a. Petitioner shall install signalization if warranted by the County Engineer at the following locations:
 - (1) Hagen Ranch Road and Lantana Road.
 - (2) Hagen Ranch Road and the project's entrance roads.
 - (3) Jog Road and the project's entrance road.
 - (4) Hypoluxo Road and Hagen Ranch Road.
- b. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, the petitioner shall be relieved from this condition. (ONGOING: ENG)

31. DESIGN OF INTERIOR ROADWAYS: All interior collector roadways shall meet a design speed for an 80 foot collector roadway at **45** miles per hour if these roadways are public and 35 miles per hour if these roads are private. Roadway radii shall be approved by the County Engineer. (ONGOING: ENG)

32. JOG ROAD PEDESTRIAN FACILITIES: Petitioner shall construct a continuous 8 foot wide pedestrian facility within the public right-of-way on the west side of Jog Road from the terminus of the existing sidewalk within the adjacent Hypoluxo Road to Lantana Road. The sidewalk shall be built to standards approved by the County Engineer.

[NOTE: Condition has been satisfied.]

33. CREDIT FOR IMPACT FEES: Credit for this project's impact fees shall be given for all work performed as outlined in Conditions 22, 23, 24, **25** and offsite turn lanes identified in 21.

34. ROAD DRAINAGE SYSTEM: Petitioner 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 Hypoluxo Road Jog Road and Hagen Ranch Road which touch the property. This drainage easement shall also be capable of accommodating the runoff from a maximum 400 feet distance each side of the property boundaries along Hypoluxo Road, Jog Road and Hagen Ranch Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. In designing the system, petitioner shall assume the total runoff from the ultimate Thoroughfare Plan Section road. (TC: ENG)

35. CIVIC SITE DEDICATION:

- a. The petitioner shall provide a 25 acre governmental services site for parks or school purposes, and an additional two (2) acre site for fire rescue purposes. The 25 acre site shall be jointly deeded to the Board of County Commissioners and School Board of Palm Beach County, within 18 months of adoption of the resolution approving this development. The 27 acres shall be at buildable grade and complete with off-site drainage, utilities, and access to a major arterial.
- b. Credit for the above park and school dedications and improvements shall be given against any future Palm Beach county park or school impact fee ordinances that may be applicable to this project as provided in said ordinance.

[NOTE: 2 acre site dedication requirement has been satisfied. 25 acre site dedication located in the Smith Dairy West portion of the DRI.]

36. PROHIBITION OF DOWN ZONING: Except as provided in Condition No. 86 (Commencement of Development), in the Palm Beach County Zoning Code ULDC, and except for non-compliance with the terms of this development order, Palm Beach County hereby agrees that for a period of seven (7) years subsequent to the effective date of the final Development Order approving this development, this development shall not be subject to down zoning, unit density reduction, or intensity reduction, unless the County demonstrates that substantial changes in the conditions underlying the approval of the resolution have occurred, or that the approval was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare. (See Section 380.06(15)(c)3, Florida Statutes).

37. ANNUAL REPORT

- a. The developer shall make an annual report as required by Section 380.06(18), Florida Statutes. The annual report shall be submitted each year on the anniversary date of the adoption of the final Development Order approving this development.
- b. The Annual Report shall include the following:
 - (1) Any changes in the plan of development, or in the representations contained in the Application for Development Approval (ADA), or in the phasing for the reporting year and for the next year;

- (2) A summary comparison of development activity proposed and actually conducted for the year;
 - (3) Undeveloped tracts of land that have been sold, transferred or leased to a successor developer;
 - (4) Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the final Development Order was adopted.
 - (5) An assessment of the developer's and local government's compliance with the conditions of approval contained in the final Development Order and the commitments specified in the Application for Development Approval and summarized in the Regional Planning Council Assessment Report for the development undertaken;
 - (6) Any request for a substantial deviation determination that was filed in the reporting year or is anticipated to be filed during the next year;
 - (7) An indication of a change, if any, in local government jurisdiction for any portion of the development since the final Development Order was issued;
 - (8) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
 - (9) A copy of any recorded notice of the adoption of the final Development Order or the subsequent modification of an adopted final Development Order that was recorded by the developer pursuant to Subsection 380.06(15), Florida Statutes; and
 - (10) Any other information requested by the Board of County Commissioners or the Executive Director of the Department of Planning, Zoning, and Building to be included in the annual report.
- c. The annual report shall be transmitted to the Palm Beach County Administrator, the Palm Beach County Engineer, the Executive Director of the Palm Beach County Division of Planning, Zoning, and Building, the Treasure Coast Regional Planning Council, the Florida Department of Community Affairs, the Florida Department of Transportation, the Florida Department of Environmental Protection, and such additional parties as may be appropriate or required by law (See Section 380.06(15)(c)4, Florida Statutes).
- d. The Smith Dairy East developer shall transmit a copy of the annual report to the developer of the Smith Dairy West portion of the DRI.

38. MONITORING OF COMPLIANCE

Compliance with the resolution approving this development will be monitored through normal county-permitting procedures, through the special procedures created in specific conditions of approval, through review of progress reports which may be required from time to time, and through review of the Annual Report required by Condition 37 (Annual Report), above. The local official responsible for assuring compliance with this

resolution is the Executive Director of the Palm Beach County Department of Planning, Zoning, and Building. (See Section 380.0615.c.1)

39 SUBSTANTIAL COMPLIANCE WITH COMMITMENTS IN APPLICATION FOR DEVELOPMENT ORDER.

Any and all representations made in the petitioner's Application for Development Approval are incorporated into this Development Order by reference and are hereby declared to be conditions of approval.

For the purpose of this condition, the Application for Development Approval shall include the following supporting documents:

- a. Application for Development Approval dated April 14, 1986;
 - b. Supplemental information submitted April 25, 1986;
 - c. Supplemental information submitted June 17, 1986;
 - d. Supplemental information submitted September 8, 1986;
 - e. Supplemental information submitted September 10, 1986; and
 - f. Letter to Martha O. McNeal from Palm Beach County Water Utilities Department dated July 29, 1986.
40. The Phase 1 buildout date and the Phase 2 buildout date shall be November 30, 2001. Notwithstanding the foregoing, the buildout date for Pods B and C shall be November 30, 2002.

SECTION 7. CONDITIONS OF APPROVAL FOR SMITH DAIRY WEST,
a/k/a MINTO SMITH DAIRY.

1. NOTICE OF ADOPTION OF RESOLUTION: Pursuant to and in accordance with Section 380.06(15)(f) of Florida Statutes, Smith Dairy West, a/k/a Minto Smith Dairy shall record a notice of the adoption of this development order in the official records pertaining to this property maintained by the Clerk of the Circuit Court in and for Palm Beach county. Evidence of filing shall be submitted to the Zoning Director prior to master plan approval for inclusion of the official file.
2. PROHIBITION OF SEPTIC TANKS AND WELLS: Since sewer and water service are available to the property, neither septic tank nor well shall be approved for use on said property.
3. DRAINAGE CANAL RIGHTS-OF-WAYS: The petitioner shall convey to the Lake Worth Drainage District any of these canal rights of way located on the Smith Dairy West property:
 - a) the north 55 feet of Sections 3, 4, and 5 between Jog Road and Florida's Turnpike for the required right-of-way for Lateral Canal No. L-16.
 - b) the north 45 feet of Tracts 65 through 80, Block 38 and Tracts 37 through 45, Block 39 of Palm Beach Farms Company Plat 3 for the required right-of-way for Lateral Canal No. 17, or provide satisfactory abandonment to Lake Worth Drainage District.

(The Lake Worth Drainage District owns fee-simple to this right-of-way which is shown within the proposed alignment for Hypoluxo Road

extension. The Lake Worth Drainage District, Palm Beach County Engineering Office and this petitioner shall coordinate both the roadway and the Lake Worth Drainage District L-18 Canal.)

- c) the west 45 feet of Tracts 16, 17, 48, 49, 80, 81, 112, and 113, of Block 38 of Palm Beach Farms Company Plat 3 for the required right-of-way for Equalizing Canal No. E-2-E.
- d) conveyance may be in the form either of an easement or a quit claim deed prepared in a manner acceptable to Lake Worth Drainage District. Conveyance shall be completed within 90 days of adoption of the resolution approving this development.

4. **COMMENCEMENT OF DEVELOPMENT:** In the event the developer fails to commence significant physical development within three years from the effective date of the final Development Order approving this development [Petition DOA86-106(E)], development approval shall terminate and the development shall be subject to further consideration pursuant to Section 380.06, Florida Statutes. Significant physical development shall mean site preparation work for any portion of the project. Nothing herein shall be in derogation of the Palm Beach County ULDC.

5. **MAINTENANCE OF AIR QUALITY**

- a. Clearing of individual building sites shall not commence until the developer is ready to build the building or buildings to be located on that site unless seeding and mulching of disturbed areas are undertaken within 30 days of completion of clearing work.
- b. During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined emissions, including seeding and mulching of disturbed areas, shall be undertaken and implemented by the developer to the satisfaction of the Palm Beach County Health Unit and the Florida Department of Environmental Regulation.

6. **HISTORIC AND ARCHAEOLOGICAL SITES**

In the event of discovery of any archaeological artifacts during project construction, the developer shall stop construction in that area and immediately notify the Division of Archives, History, and Records Management of the Florida Department of State. Proper protection, to the satisfaction of the Division, shall be provided by the developer. Notices shall also be provided to the Zoning Director for inclusion in the official records.

7. **HABITAT, VEGETATION, AND WILDLIFE**

- a. **Wetland Preservation:**

At a minimum, the developer shall preserve in viable condition the preservation areas shown on Map G. The developer shall undertake whatever action may be necessary to maintain normal hydroperiods within these preserved wetland areas prior to, during, and after construction.

- b. **LAKE LITTORAL ZONES:**

The developer shall create 3.63 acres of vegetated lake littoral zones and 3.71 acres if "double littoral zones" as provided in Map G. These

7.34 acres of wetland habitats shall be managed in a manner that assures their continued viability, health and function. The plan for littoral zones shall be implemented and initial installation inspected not later than 18 months after excavation of the lakes is completed. Inspection and approval shall be the responsibility of the Palm Beach County Health Unit. Prior to master plan certification, a copy of the lake littoral zone plan shall be deposited with the Zoning Division for inclusion in the official record.

c. PROHIBITED PLANT SPECIES

During construction, all Melaleuca, Brazilian pepper and Australian Pine which occur on the site shall be removed as provided in the Palm Beach County ULDC, Section 7.3 (Landscaping and Buffering) and Section 7.5 (vegetation Preservation and Protection). Removal shall be in such a manner that avoids seed dispersal by any of these species. There shall be no planting of pest exotic vegetation on site.

d. UPLAND BUFFER ZONES

The developer shall provide and maintain a buffer zone of native upland edge vegetation around wetland and deepwater habitats which are constructed on the site in accordance with the following provisions. The buffer zone may consist of preserved or planted vegetation, but shall include canopy, understory and ground cover of native species only. The edge habitat shall begin at the upland limit of any wetland or deepwater habitat and shall include a total area of at least ten (10) square feet for each one (1) linear foot of wetland or deepwater habitat perimeter. This upland edge habitat shall be located such that no less than 50 percent of the total shoreline is buffered by a minimum width of ten (10) feet of upland habitat.

e. PROTECTED PLANT OR ANIMAL SPECIES

In the event that it is determined that any additional representative of a plant or animal species of special regional concern (as defined in the Treasure Coast Regional Planning Council Assessment Report for Smith Dairy) is resident on, or otherwise is significantly dependent upon the property, the developer shall cease all activities which might negatively affect that individual population and immediately notify both the Florida Game and Fresh Water Fish Commission and the U.S. Fish and Wildlife Service. Proper protection, to the satisfaction of both agencies, shall be provided by the developer. Notification of such action shall also be provided to the Zoning Director for inclusion in the official record.

8. DRAINAGE AND SURFACE WATER MANAGEMENT

a. STORMWATER MANAGEMENT

The developer shall design and construct the stormwater management system to retain or detain with filtration, at a minimum, the first one-inch of runoff or the runoff from a one-hour, three-year storm event, whichever is greater. Required retention volumes may be accommodated in a swales, dry retention areas, lakes with vegetated littoral zones, or other suitable retention structures. The overall standard for retention or detention with filtration of one inch of runoff or runoff from a one-hour, three-year storm event is waived if: (1) the first one-half (0.50) inch of runoff from all portions of the

project is retained in appropriate structures prior to any excess runoff entering into the surface water management lake system, provided that these lakes are designed to accommodate one inch of detention without filtration; or (2) the developer can provide an alternative design that can achieve the same result. All discharge from the surface water management lakes shall meet the water quality standards of Florida Administrative Code Rule 17-3.

b. PROTECTION OF WETLANDS

The developer shall design and construct the surface water management system so that:

- (1) maintenance of normal hydroperiods within preserved and created wetlands can be guaranteed, and
- (2) the functions and values provided by these habitats will be maintained. Under no circumstances shall unfiltered runoff from impervious surfaces and parking areas be directed directly into wetlands on-site. Final design shall be approved by the Palm Beach County health Unit, the Palm Beach County Engineering Department, and the South Florida Water Management District. A copy of the approved plan shall be transmitted to Treasure coast Regional Planning council before development commences.

9. IRRIGATION AND NATIVE VEGETATION

a. SOURCE OF WATER

To the maximum extent available, the source of irrigation water shall be limited to the surface water management system. Under no circumstances shall irrigation water be derived from surficial aquifer or potable water resources after 5 years from the effective date of the Development Order without the prior written consent and approval of Treasure Coast Regional Planning Council and South Florida Water Management District. The intent of this provision is to allow the developer to withdraw water from the surficial aquifer during the initial years of the project only, when alternative sources of irrigation water may be insufficiently available. Such withdrawal shall be subject to South Florida Water Management District approval and permitting.

b. USE OF WASTEWATER EFFLUENT

The developer shall utilize irrigation quality wastewater effluent for irrigation if that source becomes feasible and is made available to the project.

c. NATIVE VEGETATION AND LANDSCAPE PLANS

To the maximum extent possible, native vegetation shall be used to meet landscaping needs. As a minimum, 30 percent of all landscaping shall be accomplished with native vegetation only. As a minimum, 50 percent of all trees shall be native. Native species shall be those adapted to soil and rainfall conditions occurring on-site.

10. POTABLE WATER SUPPLIES

Should dewatering or development of an on-site potable resource become necessary, the developer shall establish, to the satisfaction of the South Florida Water Management District, a groundwater quality monitoring program designed to detect movements of the Lantana Road Landfill leachate plume. Should dewatering or development of an on-site potable resource significantly impact the migration of the leachate plume toward the site, such activity on the property shall cease immediately.

11. ENERGY CONSERVATION

In the final site plans, the developer shall incorporate those energy conservation measures identified on Pages 25.1 and 25.9-25.12 of the Smith Dairy (Amerifirst) Application for Development Approval and, to the extent feasible, measures identified in the Treasure Coast Regional Planning Council's Regional Energy Plan, dated May 1979.

12. REQUIRED TRANSPORTATION IMPROVEMENTS.

Resolution No. R-87-481 contained numerous phasing and required transportation improvements. All required transportation improvements have been completed except the following:

a. HAGEN RANCH ROAD IMPROVEMENTS:

1. Smith Dairy West, a/k/a Minto Smith Dairy, shall provide construction plans for Hagen Ranch Road as a 2 lane section (expandable to 5 lane section) from Hypoluxo Road north to Lantana Road. These construction plans shall be approved by the County Engineer based upon Palm Beach County Minimum Construction Plan Standards as they exist at the time of submittal. These plans shall include drainage compatible with the ultimate section and a sidewalk on one side.
 - a) Construction plans shall be submitted to the County Engineer by September 1, 1995. Plan cost shall be approved by the County Engineer. Smith Dairy West, a/k/a Minto Smith Dairy, and Smith Dairy East shall be jointly responsible for any missing right of way (80 feet) for Hagen Ranch Road from Lantana Road to Hypoluxo Road.
 - b) Final permissible construction plans shall be completed prior to July 1, 1996.
2. Prior to July 1, 1998 or within 60 days of being notified by the County that the right of way is available, or whichever comes first, Smith Dairy West, a/k/a Minto Smith Dairy, shall begin constructing Hagen Ranch Road as a 2-lane section with the drainage compatible with the ultimate section from Hypoluxo Road north to Lantana Road according to the approved plans.
3. In any event no building permits shall be issued for more than 1,693 residential units in the entire Smith Dairy DRI until contracts have been let for the construction of Hagen Ranch Road between Hypoluxo Road and Lantana as a two (2) lane facility. No certificates of occupancy shall be issued for more than a total of 1,693 residential units until this improvement has been completed.

- b. Hypoluxo Intersection Improvements
 - 1. By February 1, 1996, Smith Dairy West, a/k/a Minto Smith Dairy, shall construct the following intersection improvements at the intersection of Hypoluxo Road and Congress Avenue:
 - (a) Northbound Congress Avenue - one left turn lane
 - (b) Southbound Congress Avenue - one left turn lane
 - 2. In any event no building permits shall be issued for more than 1,693 residential units in the entire Smith Dairy DRI until contracts have been let for these improvements. No certificates of occupancy shall be issued for more than a total of 1,693 residential units until these improvements have been completed.
- c. Lantana Road Improvements
 - 1. Palm Beach County shall construct Lantana Road from 250 feet west of Military Trail to a point 250 feet west of Hagen Ranch Road as a four **(4)** lane section, including all appropriate tapers according to the approved plan.
 - 2. In any event no building permits shall be issued for more than 1693 residential units in the entire Smith Dairy DRI until contracts have been let for the construction of Lantana Road from 250 feet west of Military Trail to a point 250 feet west of Hagen Ranch Road as a four **(4)** lane facility. No certificates of occupancy shall be issued for more than a total of 1 693 residential units until this improvement has been completed.

13. REQUIRED TRAFFIC STUDY, 2001

- a. No additional building permits shall be issued after November 30, 2001 (the build out date) unless a traffic study has been conducted by the developer, submitted to and approved by the Palm Beach County Engineer and the Treasure Coast Regional Planning Council that demonstrates that the regional roadway network can accommodate a specified amount of additional development generated traffic and growth in background traffic beyond 2001, and still be maintained at LOS C during average annual conditions and LOS D during peak season conditions.
- b. The traffic study shall:
 - (1) be conducted in 2001; and
 - (2) identify the improvements and timing of those improvements necessary to provide LOS C average annual and LOS D peak season operating conditions for the subject transportation network during the projected completion of the project, including project impacts and growth in background traffic.
- c. Additional building permits shall not be issued until a new project phasing program and roadway improvement program (necessary to maintain LOS C average annual and LOS D peak season operating conditions) has been approved by the Palm Beach County Engineer and the Treasure Coast Regional Planning Council for the remainder of the development.

14. **INSTALLATION OF TRAFFIC SIGNALS:**
- a. Petitioner shall install signalization if warranted by the County Engineer at the following locations:
 - (1) Hagen Ranch Road and Lantana Road.
 - (2) Hagen Ranch Road and the project's entrance roads.
 - (3) Hypoluxo Road and Hagen Ranch Road.
 - b. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, the petitioner shall be relieved from this condition.
15. **DESIGN OF INTERIOR ROADWAYS:** All interior collector roadways shall meet a design speed for an 80 foot collector roadway at 45 miles per hour if these roadways are public and 35 miles per hour if these roads are private. Roadway radii shall be approved by the County Engineer.
16. **CREDIT FOR IMPACT FEES:** Smith Dairy West, a/k/a Minto Smith Dairy, shall be given a credit for impact fees for all work performed as outlined in Conditions 12a. and b. and 17. The credit for Condition 17 shall be calculated by multiplying the total cost of the drainage improvements by the County's percentage of total usage.
17. **ROAD DRAINAGE SYSTEM:** Smith Dairy West, a/k/a Minto Smith Dairy, 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 Hypoluxo Road and Hagen Ranch Road which touch the property. This drainage easement shall also be capable of accommodating the runoff from a maximum 400 feet distance each side of the property boundaries along Hypoluxo Road and Hagen Ranch Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. In designing the system, petitioner shall assume the total runoff from the ultimate Thoroughfare Plan Section road.
18. **CIVIC SITE DEDICATION:**
- a. Smith Dairy West, a/k/a Minto Smith Dairy, shall convey the 25 acre developable school site jointly to Palm Beach County and the School Board of Palm Beach County on or before April 1, 1996. Prior to deeding the site, the petitioner shall prepare the site to a buildable grade. Transfer of title, special warranty deed, and title policy to the school site shall be delivered to Palm Beach County and the School Board no later than April 1, 1996. The developer shall provide the school site with paved access to the site, a minimum of two entry points and associated appropriate turn lanes to the site, water and sewer stubbed to the property line, and site drainage. These items shall be provided either at the time of closing or within 270 working days of the County's approval of the construction plans for Hagen Ranch Road, whichever occurs later. All of the required improvements and items shall be considered and included when determining fair market value for the establishment of a credit towards school impact fees within the Smith Dairy West development. Since the value of this site will apply toward credits against school impact fees in the Smith Dairy West PUD, the petitioner will retain no reversionary rights to the property.

- b. Credit for the above school dedication and improvements **st** all be given against any future Palm Beach county park or school impæct fee ordinances that may be applicable to this project as provided in said ordinance.

19 PROHIBITION OF DOWN ZONING: Except as provided in Condition No. 5 (Commencement of Development), in the Palm Beach County Unified Land Development Code, and except for non-compliance with the terms of this development order, Palm Beach County hereby agrees that for a period of seven (7) years subsequent to the effective date of the final Development Order approving this development, this development shall not be subject to down zoning, unit density reduction, or intensity reduction unless the County demonstrates that substantial changes in the conditions underlying the approval of the resolution have occurred, or that the approval was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare. (See Section 380.06(15)(c)3, Florida Statutes).

20. ANNUAL REPORT

- a. Smith Dairy West, a/k/a Minto Smith Dairy shall make an annual report as required by Section 380.06(18), Florida Statutes. The annual report shall be submitted each year on the anniversary date of the adoption of the final Development Order approving this development.

- b. The Annual Report shall include the following:

- (1) Any changes in the plan of development, or in the representations contained in the Application for Development Approval (ADA), or in the phasing for the reporting year and for the next year;
- (2) A summary comparison of development activity proposed and actually conducted for the year;
- (3) Undeveloped tracts of land that have been sold, transferred or leased to a successor developer;
- (4) Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the final Development Order was adopted.
- (5) An assessment of the developer's and local government's compliance with the conditions of approval contained in the final Development Order and the commitments specified in the Application for Development Approval and summarized in the Regional Planning Council Assessment Report for the development undertaken;
- (6) Any request for a substantial deviation determination that was filed in the reporting year or is anticipated to be filed during the next year;
- (7) An indication of a change, if any, in local government jurisdiction for any portion of the development since the final Development Order was issued;

- (8) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
 - (9) A copy of any recorded notice of the adoption of the final Development Order or the subsequent modification of an adopted final Development Order that was recorded by the developer pursuant to Subsection 380.06(15), Florida Statutes; and
 - (10) Any other information requested by the Board of County Commissioners or the Executive Director of the Department of Planning, Zoning, and Building to be included in the annual report.
- c. The annual report shall be transmitted to the Palm Beach County Administrator, the Palm Beach County Engineer, the Executive Director of the Palm Beach County Division of Planning, Zoning, and Building, the Treasure Coast Regional Planning Council, the Florida Department of Community Affairs, the Florida Department of Transportation, the Florida Department of Environmental Protection, and such additional parties as may be appropriate or required by law (See Section 380.06(15)(c)4, Florida Statutes).
 - d. The Smith Dairy West developer shall transmit a copy of the annual report to the developer of the Smith Dairy East portion of the DFI.

21. MONITORING OF COMPLIANCE

Compliance with the resolution approving this development will be monitored through normal county-permitting procedures, through the special procedures created in specific conditions of approval, through review of progress reports which may be required from time to time, and through review of the Annual Report required by Condition 20 (Annual Report), above. The local official responsible for assuring compliance with this resolution is the Executive Director of the Palm Beach County Department of Planning, Zoning, and Building. (See Section 380.0615.c.1)

22. SUBSTANTIAL COMPLIANCE WITH COMMITMENTS IN APPLICATION FOR DEVELOPMENT ORDER.

Any and all representations made in the petitioner's Application for Development Approval applicable to Smith Dairy West, a/k/a Minto Smith Dairy, are incorporated into this Development Order by reference and are hereby declared to be conditions of approval.

For the purpose of this condition, the Application for Development Approval shall include the following supporting documents:

- a. Application for Development Approval dated April 14, 1986;
- b. Supplemental information submitted April 25, 1986;
- c. Supplemental information submitted June 17, 1986;
- d. Supplemental information submitted September 8, 1986;
- e. Supplemental information submitted September 10, 1986; and

f. Letter to Martha O. McNeal from Palm Beach County Water Utilities Department dated July 29, 1986.

23. As represented in the Application for Development Approval(ADA), the phasing build out dates were December 31, 1992 for Phase 1 and December 31, 1996 for Phase 2. The Phase 1 build out date indicated in the AD9 is amended to be November 30, 1997, and the Phase 2 build out date is amended to be November 30, 2001.

SECTION 8. ADOPTION OF DEVELOPMENT ORDER.

This Resolution shall constitute the Development Order for the Smith Dairy (Amerifirst) Development of Regional Impact, as required by Chapter 380.06, Florida Statutes.

SECTION 9. SUBSTANTIAL DEVIATIONS.

If required by Chapter 380 of Florida Statutes, any modifications to or deviations from the approved plans or requirements of this Development Order shall be submitted by the Executive Director of the Department of Planning, Zoning and Building to the Board of County Commissioners for a determination as to whether the change constitutes a substantial deviation. The Board of County Commissioners shall make its determination of substantial deviation at a public hearing after notice to the developer and as required by Section 380.06 of Florida Statutes.

SECTION 10. VIOLATIONS OF DEVELOPMENT ORDER.

In the event the developer for Smith Dairy East violates this Development Order, such violation shall not affect the development of Smith Dairy West, a/k/a Minto Smith Dairy, and Smith Dairy West, a/k/a Minto Smith Dairy, may continue to develop under the terms and conditions of this Development Order as if a violation of the development order had not occurred.

In the event the developer for Smith Dairy West, a/k/a Minto Smith Dairy violates this Development Order, such violation shall not affect the development of Smith Dairy East and Smith Dairy East, may continue to develop under the terms and conditions of this Development Order as if a violation of the development order had not occurred.

Notwithstanding this cross compliance provision, a violation by Smith Dairy East or Smith Dairy West of the conditions of approval in Section 6 or Section 7 which address the requirement to i) Construct Hagen Ranch Road and Hypoluxo Road and Congress Avenue intersection improvements; ii) Perform the traffic study prior to November 30, 2001; iii) Install traffic signals on Hagen Ranch Road; and iv) dedicate a 25 acre civic site dedication, will constitute a violation of the entire development order and shall result in the withholding of all permits or further approval to both parties or any other remedies pursuant to Chapter 380, Florida Statutes.

SECTION 11. SUPPLEMENTAL DEFINITIONS.

In addition to the definitions found in Section 3.2 of the ULDC (Definitions), the definitions found in Chapter 380, Florida Statutes shall apply to the interpretation of this Development Order.

SECTION 12. COMPLIANCE WITH APPLICABLE LAW

The approval granted by this Development Order is conditional, and shall not be construed to obviate the duty of the developer to comply with all other applicable local, state and federal permitting requirements.

SECTION 13. SEVERABILITY.

In the event that any portion or section of this Development Order is deemed to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order, which shall remain in full force and effect.

SECTION 14. EFFECTIVE DATE.

This Development Order shall become effective as provided by law

SECTION 15. SUCCESSORS IN INTEREST.

This Development Order shall be binding upon the developer and its assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

SECTION 16. TRANSMISSION OF COPIES.

Copies of this Development Order shall be transmitted immediately by Certified Mail to the State of Florida Department of Community Affairs and the Treasure Coast Regional Planning Council.

SECTION 17. INTERPRETATION OF CAPTIONS.

Captions used throughout this Resolution to introduce sections are intended for convenience of the reader only and shall not be used to construe legislative intent.

Commissioner Newell moved for the approval of the Resolution

The motion was seconded by Commissioner Lee and, upon being put

to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 23rd day of July, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
DEPUTY CLERK

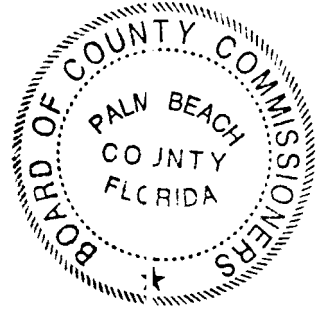


EXHIBIT A

ENTIRE LEGAL

A PORTION OF SECTIONS 3, 4 AND 5, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID PORTION BEING PART OF BLOCKS 38 AND 39 AS SHOWN ON PLAT OF PALM BEACH FARMS COMPANY, PLAT No. 3, AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 58 INCLUSIVE, AND AS CORRECTED TO TRACTS 1 THROUGH 16, INCLUSIVE, BLOCK 38 AND TRACTS 1 THROUGH 9 INCLUSIVE, BLOCK 39 AS SHOWN ON PLAT OF PLAT No. 13 AS RECORDED IN PLAT BOOK 6 AT PAGE 99, TOGETHER WITH THE HIATUS LYING BETWEEN THE WEST RIGHT-OF-WAY LINE OF JOG ROAD AND THE EAST LINE OF SAID BLOCK 39, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 3; THENCE SOUTH 89 DEGREES 15' 59" WEST ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF JOG ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1207 AT PAGE 361; THENCE SOUTH 00 DEGREES 47' 13" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 2714.03 FEET; THENCE SOUTH 89 DEGREES 12' 47" WEST, A DISTANCE OF 115.00 FEET; THENCE NORTH 00 DEGREES 47' 13" WEST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 89 DEGREES 12' 47" WEST, A DISTANCE OF 971.79 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1495.63 FEET AND A CENTRAL ANGLE OF 31 DEGREES 59' 34"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 834.01 FEET; THENCE SOUTH 57 DEGREES 13' 13" WEST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1142.91 FEET AND A CENTRAL ANGLE OF 29 DEGREES 05' 50"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 580.42 FEET; THENCE SOUTH 86 DEGREES 19' 03" WEST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 850.43 FEET; THENCE SOUTH 03 DEGREES 40' 57" EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 86 DEGREES 19' 03" WEST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 03 DEGREES 40' 57" EAST, A DISTANCE OF 176.71 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1227.52 FEET AND A CENTRAL ANGLE OF 17 DEGREES 40' 42"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 378.74 FEET; THENCE SOUTH 21 DEGREES 21' 39" EAST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1138.37 FEET AND A CENTRAL ANGLE OF 20 DEGREES 20' 51"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 404.27 FEET; THENCE SOUTH 01 DEGREES 00' 46" EAST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 610.16 FEET; THENCE NORTH 88 DEGREES 52' 41" EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 00 DEGREES 52' 41" EAST, A DISTANCE OF 75.00 FEET; THENCE NORTH 89 DEGREES 07' 19" EAST, A DISTANCE OF 412.54 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 10461.90 FEET AND A CENTRAL ANGLE OF 05 DEGREES 00' 00"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 912.97 FEET; THENCE SOUTH 85 DEGREES 52' 41" EAST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 208.70 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID BLOCK 39; THENCE SOUTH 89 DEGREES 07' 19" WEST ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID BLOCKS 38 AND 39, A DISTANCE OF 6980.60 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID BLOCK 38, SAID POINT BEING 70.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY AS SHOWN ON RIGHT-OF-WAY MAP STATION 2334+53.14 TO STATION 2342+94.41 CONTRACT No. 3.2 SHEET B OF 13; THENCE NORTH 01 DEGREE 02' 30" WEST ALONG SAID WEST LINE OF BLOCK 38, A DISTANCE OF 5154.48 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 5; THENCE NORTH 88 DEGREES 46' 49" EAST ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 540.75 FEET TO THE NORTHWEST CORNER OF SAID SECTION 5; THENCE NORTH 89 DEGREES 18' 59" EAST ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 2727.04 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 4; THENCE NORTH 89 DEGREES 19' 26" EAST ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 2726.84 FEET TO THE NORTHWEST CORNER OF SAID SECTION 4; THENCE NORTH 89 DEGREES 19' 59" EAST ALONG THE NORTH LINE OF SAID SECTION 3 AND THE EASTERLY PROLONGATION OF THE NORTH LINE

EXHIBIT A
ENTIRE LEGAL

OF SAID BLOCK 39, A DISTANCE OF 2686.54 FEET TO THE POINT OF BEGINNING, (THE LAST FOUR (4) DESCRIBED COURSES ALSO BEING THE NORTH LINE OF SAID BLOCKS 38 AND 39 OF SAID PLAT No. 13). SAID PROPERTY LOCATED ON THE WEST SIDE OF JOG ROAD, BEING BOUNDED ON THE SOUTH BY HYPOLUXO ROAD EXTENSION AND ON THE WEST BY FLORIDA'S TURNPIKE (SUNSHINE STATE PARKWAY).

EXHIBIT A

ENTIRE LEGAL

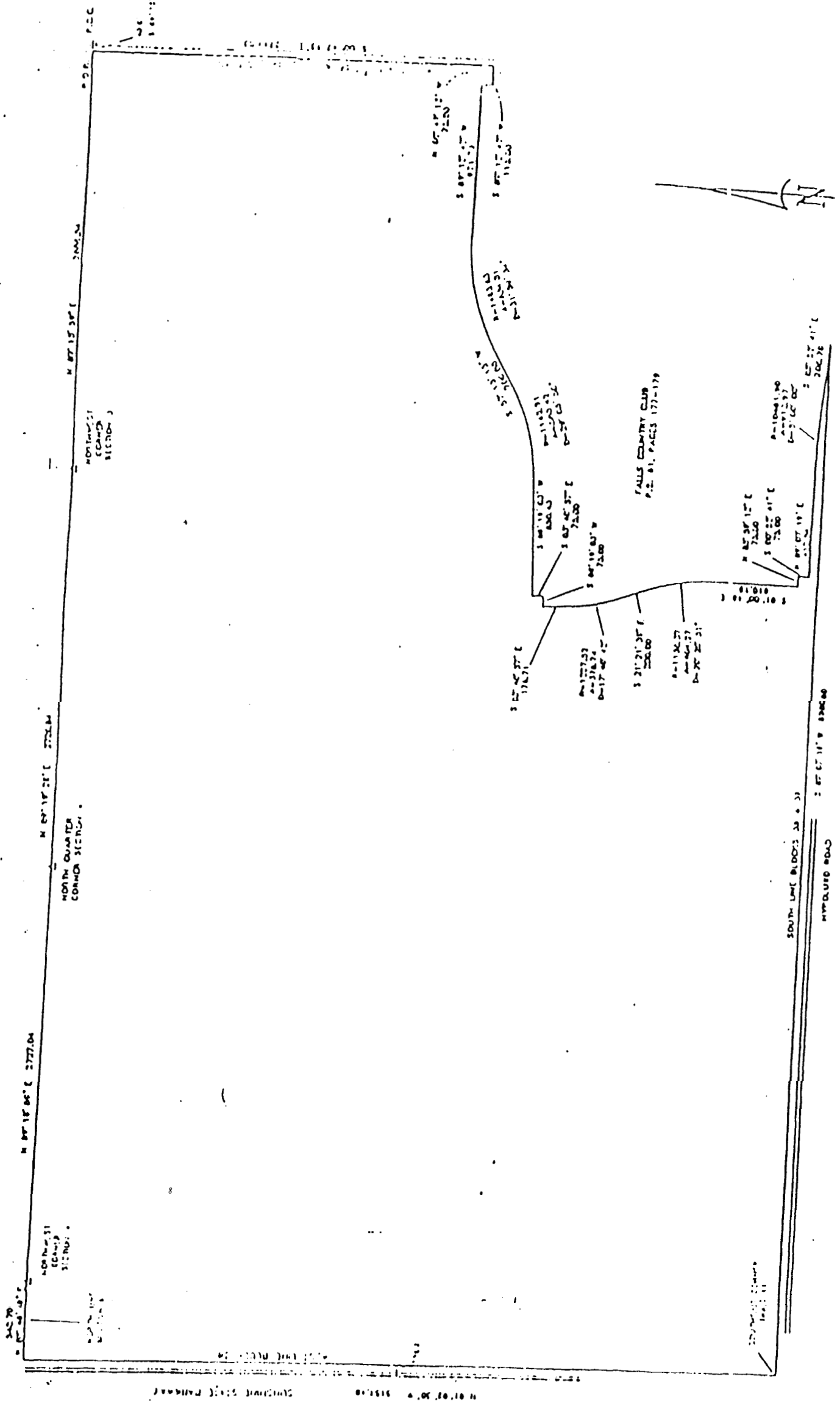


EXHIBIT B

SMITH DAIRY WEST LEGAL



NICK MILLER, INC.
Surveying & Mapping Consultants

DESCRIPTION (AS SURVEYED)
PARCEL "C"

BEING A PORTION OF SECTIONS 4 AND 5, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PORTION ALSO BEING PART OF BLOCKS 38 AND 39, AS SHOWN ON PLAT OF PALM BEACH FARMS COMPANY PLAT No. 3, AS RECORDED IN PLAT BOOK 2, PAGES 43 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND AS CORRECTED TO TRACTS 1 THROUGH 16, INCLUSIVE, BLOCK 38 AND TRACTS 1 THROUGH 9, INCLUSIVE, BLOCK 39 AS SHOWN ON PLAT OF PLAT No. 13 AS RECORDED IN PLAT BOOK 6, PAGES 98 AND 99 OF SAID PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE SOUTH 89° 19'28" WEST ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 802.06 FEET; THENCE CONTINUING SOUTH 89° 19'28" WEST, A DISTANCE OF 87.03 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD AS RECORDED IN OFFICIAL RECORD BOOK 6342, PAGE 457 OF THE SAID PUBLIC RECORDS, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 89° 19'28" WEST, A DISTANCE OF 1837.75 FEET TO THE NORTH ONE-QUARTER SECTION CORNER OF SAID SECTION 4; THENCE SOUTH 89° 18'59" WEST ALONG THE SAID NORTH LINE OF SECTION 4, A DISTANCE OF 2727.04 FEET TO THE NORTHWEST CORNER OF SAID SECTION 4; THENCE SOUTH 88° 50'05" WEST ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 544.25 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF TRACT 16 OF SAID BLOCK 38; THENCE SOUTH 01° 00'50" EAST ALONG A LINE CONNECTING THE WESTERLY LINES OF TRACTS 16, 17, 48, 49, 80, 81, 112 AND 113 OF SAID BLOCK 38, SAME LINE ALSO BEING 72.85 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY AS SHOWN ON RIGHT-OF-WAY MAP, STATION 2334+53.14 TO STATION 2342+94.41, CONTRACT No. 3.2, SHEET 8 OF 13, A DISTANCE OF 5155.10 FEET; THENCE NORTH 89° 07'19" EAST ALONG A LINE CONNECTING THE SOUTHERLY LINES OF TRACTS 113 THROUGH 122, INCLUSIVE, OF SAID BLOCK 38, A DISTANCE OF 3052.60 FEET; THENCE NORTH 00° 52'41" WEST, A DISTANCE OF 629.45 FEET; THENCE SOUTH 63° 39'12" WEST, A DISTANCE OF 387.65 FEET; THENCE NORTH 11° 14'27" WEST, A DISTANCE OF 444.57 FEET; THENCE NORTH 31° 00'37" WEST, A DISTANCE OF 350.00 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 915.00 FEET AND A CENTRAL ANGLE OF 14° 27'13", AT WHICH POINT THE RADIUS BEARS NORTH 31° 00'37" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 230.82 FEET; THENCE NORTH 44° 32'10" EAST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 579.87 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1190.00 FEET AND A CENTRAL ANGLE OF 13° 44'23"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 285.37 FEET; THENCE NORTH 33° 02'08" WEST ALONG A LINE NON-TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 804.46 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 166.91 FEET AND A CENTRAL ANGLE OF 111° 13'15"; THENCE NORTHWESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 324.0 FEET; THENCE NORTH 54° 15'23" WEST ALONG A LINE NON-TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 299.35 FEET; THENCE NORTH 06° 14' 53" WEST, A DISTANCE OF 345.34 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 126° 41'10"; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 221.11

EXHIBIT B

SMITH DAIRY WEST LEGAL

FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 305.00 FEET AND A CENTRAL ANGLE OF 72° 07'18"; THENCE SOUTHEASTERLY AND NORTH EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 383.92 FEET; THENCE NORTH 48° 8'59" EAST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 17.55 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 28° 36'54"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 199.77 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 147° 15'29"; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 321.27 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 220.00 FEET AND A CENTRAL ANGLE OF 66° 38'35"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 255.89 FEET; THENCE SOUTH 79° 41'01" EAST, ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 380.20 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 450.00 FEET AND A CENTRAL ANGLE OF 39° 56'27"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 313.69 FEET; THENCE NORTH 60° 22'32" EAST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 91.54 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 40° 24'58"; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 35.27 FEET; THENCE SOUTH 79° 12'30" EAST, ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 150.37 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 895.00 FEET AND A CENTRAL ANGLE OF 08° 28'43"; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 132.44 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 935.00 FEET AND A CENTRAL ANGLE OF 08° 28'43"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 138.36 FEET; THENCE SOUTH 79° 12'30" EAST, ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 468.77 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 255.00 FEET AND A CENTRAL ANGLE OF 47° 00'00"; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 209.18 FEET; THENCE NORTH 53° 47'30" EAST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 58.65 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 60° 00'00"; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 41.89 FEET; THENCE NORTH 53° 47'30" EAST, ALONG A LINE NON-TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 118.84 FEET TO A POINT OF INTERSECTION WITH THE SAID WESTERLY RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD; THENCE NORTHEASTERLY AND NORTHWESTERLY ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD THE FOLLOWING THREE COURSES; THENCE NORTH 23° 33'29" EAST, A DISTANCE OF 231.42 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 914.93 FEET AND A CENTRAL ANGLE OF 47° 24'50"; THENCE NORTHEASTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 757.13 FEET; THENCE NORTH 23° 51'21" WEST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 1017.42 FEET TO THE POINT OF BEGINNING.

LESS:

A PARCEL OF LAND FOR RIGHT-OF-WAY PURPOSES PROVIDING ACCESS FROM HYPOJUXO ROAD TO THE SUNSHINE STATE PARKWAY IN PORTIONS OF TRACTS 112 AND 113 AND THE 30-FOOT ROAD LYING NORTH OF TRACT 112, ALL IN BLOCK 38, PALM BEACH FARMS COMPANY PLAT No. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN THE SOUTHWEST QUARTER OF SECTION 5,

EXHIBIT B

SMITH DAIRY WEST LEGAL

TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE SOUTHWEST CORNER OF TRACT 113, BLOCK 38 OF SAID PALM BEACH FARMS PLAT No. 3; SAID POINT OF BEGINNING LYING 25.0 FEET NORTH OF THE CENTERLINE OF THE 50-FOOT ROADWAY BETWEEN BLOCKS 38 AND 41 AND LYING 25.0 FEET EAST OF THE CENTERLINE OF THE 50.0 FOOT ROADWAY BETWEEN BLOCKS 37 AND 38, BOTH OF SAID PALM BEACH FARMS PLAT No.3; THENCE NORTH 01° 0' 50" WEST ALONG THE WEST LINES OF TRACTS 112 AND 113, AND ACROSS THE ABANDONED 30.0' ROAD LYING NORTH OF TRACT 112 TO THE SOUTHWEST CORNER OF TRACT 81, 1350.0 FEET MORE OR LESS TO POINT "A"; RETURNING TO THE POINT OF BEGINNING; THENCE NORTH 89° 0' 19" EAST ALONG THE SOUTH LINE OF TRACT 113, 300.0 FEET; THENCE, TO POINT "A" DESCRIBED ABOVE, NORTH 13° 32' 10" WEST, 1383.63 FEET MORE OR LESS. (THE DIRECTION AND DISTANCE OF THE LAST COURSE IS A FUNCTION OF THE FIELD LOCATION OF THE SOUTHWEST CORNER OF TRACT 81.)

SUBJECT TO AN EASEMENT IN FAVOR OF LAKE WORTH DRAINAGE DISTRICT OVER A STRIP OF LAND 45.0 FEET IN WIDTH LYING ADJACENT ON THE EAST TO AND PARALLEL WITH THE WEST LINE OF THE ABOVE DESCRIBED PARCEL AS RECORDED IN OFFICIAL RECORD BOOK 5-15, PAGE 1840 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (SAID EASEMENT DOES NOT, HOWEVER, ENCUMBER THE ABANDONED ROADWAY LYING NORTH OF TRACT 112.)

THE DESCRIPTION ABOVE INCLUDES THE FOLLOWING RECORDED PLATS:

SMITH DAIRY WEST P.U.D. - PLAT No. 1 AS RECORDED IN PLAT BOOK 76, PAGES 140-141 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SMITH DAIRY WEST P.U.D. - PLAT No. 2 AS RECORDED IN PLAT BOOK 79, PAGES 13-15 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SMITH DAIRY WEST P.U.D. - PLAT No. 3 AS RECORDED IN PLAT BOOK 77, PAGES 126-134 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SMITH DAIRY WEST P.U.D. - PLAT No. 3 TRACT "A" REPLAT AS RECORDED IN PLAT BOOK 79, PAGES 104-108 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SMITH DAIRY WEST P.U.D. - PLAT No. 4 AS RECORDED IN PLAT BOOK 81, PAGES 170-176 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SMITH DAIRY WEST P.U.D. - PLAT No. 5 AS RECORDED IN PLAT BOOK 80, PAGES 194-195 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SMITH DAIRY WEST P.U.D. - PLAT No. 6 AS RECORDED IN PLAT BOOK 82, PAGES 134-137 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT C

SMITH DAIRY EAST LEGAL

LEGAL DESCRIPTION:

A PORTION OF SECTIONS 3 AND 4, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PORTION BEING PART OF BLOCKS 38 AND 39, AS SHOWN ON THE PLAT OF "PALM BEACH FARMS COMPANY PLAT NO. 3", AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, FLORIDA, AND AS CORRECTED TO TRACTS 1 THROUGH 16, INCLUSIVE, BLOCK 38 AND TRACTS 1 THROUGH 9, INCLUSIVE, BLOCK 39 AS SHOWN ON THE PLAT OF "PALM BEACH FARMS COMPANY PLAT NO. 13", AS RECORDED IN PLAT BOOK 6, PAGES 98 AND 99 OF SAID PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 3; THENCE SOUTH 89°15'59" WEST, ALONG THE NORTH LINE OF SECTION 3, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF JOGG ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1207 AT PAGE 361; THENCE SOUTH 00°47'13" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 2714.03 FEET; THENCE SOUTH 89°12'47" WEST, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF THE "FALLS COUNTRY CLUB" AS RECORDED IN PLAT BOOK 61, PAGES 177 THRU 179, INCLUSIVE, OF THE SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY, WESTERLY, AND SOUTHERLY LINES OF SAID "FALLS COUNTRY CLUB" THE FOLLOWING NINETEEN COURSES: THENCE SOUTH 89°12'47" WEST, A DISTANCE OF 75.00 FEET; THENCE NORTH 00°47'13" WEST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 89°12'47" WEST, A DISTANCE OF 971.79 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1493.63 FEET AND A CENTRAL ANGLE OF 31°59'34"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 134.01 FEET; THENCE SOUTH 57°13'13" WEST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1142.91 FEET AND A CENTRAL ANGLE OF 29°05'50"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 580.42 FEET; THENCE SOUTH 86°19'03" WEST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 150.43 FEET; THENCE SOUTH 03°40'57" EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 86°19'03" WEST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 03°40'57" WEST, A DISTANCE OF 176.71 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1227.52 FEET AND A CENTRAL ANGLE OF 17°40'42"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 378.74 FEET; THENCE SOUTH 21°21'49" EAST, ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1138.37 FEET AND A CENTRAL ANGLE OF 20°20'51"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 434.27 FEET; THENCE SOUTH 01°00'48" EAST, ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 610.16 FEET (THE PREVIOUS FIVE DESCRIBED COURSES BEING COINCIDENT WITH THE EAST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD AS RECORDED IN OFFICIAL RECORD BOOK 6342 AT PAGE 457); THENCE NORTH 88°59'12" EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 00°52'41" EAST, A DISTANCE OF 75.00 FEET; THENCE NORTH 89°07'19" EAST, A DISTANCE OF 412.54 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 10161.90 FEET AND A CENTRAL ANGLE OF 05°00'00"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 912.97 FEET; THENCE SOUTH 85°52'41" EAST, ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 208.70 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID BLOCK 39; THENCE SOUTH 89°07'19" WEST ALONG THE SOUTH LINE OF SAID BLOCKS 38 AND 39, A DISTANCE OF 3933.86 FEET; THENCE NORTH 00°52'41" WEST, A DISTANCE OF 629.00 FEET; THENCE SOUTH 63°39'42" WEST, A DISTANCE OF 387.65 FEET; THENCE NORTH 11°14'27" WEST, A DISTANCE OF 444.57 FEET; THENCE NORTH 31°00'37" WEST, A DISTANCE OF 350.00 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 915.00 FEET AND A CENTRAL ANGLE OF 14°27'13" AT WHICH POINT THE RADIUS BEARS NORTH 31°00'37" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 230.82 FEET; THENCE NORTH 44°32'10" EAST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 579.87 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1190.00 FEET AND A CENTRAL ANGLE OF 13°44'23"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 285.37 FEET; THENCE NORTH 33°02'08" WEST ALONG A LINE NON-RADIAL TO LAST DESCRIBED CURVE, A DISTANCE OF 804.46 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 166.91 FEET AND A CENTRAL ANGLE OF 111°13'15"; THENCE NORTHWESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 324.01 FEET; THENCE NORTH 54°15'23" WEST ALONG A LINE NON-RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 299.35 FEET; THENCE NORTH 06°14'53" WEST, A DISTANCE OF 345.34 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 126°41'10"; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 221.11 FEET TO A POINT OF REVERSE CURVE

EXHIBIT C

SMITH DAIRY EAST LEGAL

CONCAVE TO THE NORTH HAVING A RADIUS OF 305.00 FEET AND A CENTRAL ANGLE OF 72°07'17"; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 383.92 FEET; THENCE NORTH 48°18'59" EAST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 17.55 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 23°36'54"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 199.77 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 147°15'29"; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 321.27 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 220.00 FEET AND A CENTRAL ANGLE OF 66°38'35"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 255.89 FEET; THENCE SOUTH 79°41'01" EAST, ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 380.20 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 450.00 FEET AND A CENTRAL ANGLE OF 39°56'27"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 313.69 FEET; THENCE NORTH 60°22'32" EAST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 91.54 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 40°24'58"; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 35.27 FEET; THENCE SOUTH 79°12'30" EAST, ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 150.37 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 895.00 FEET AND A CENTRAL ANGLE OF 08°28'43"; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 132.44 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 935.00 FEET AND A CENTRAL ANGLE OF 08°28'43"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 138.36 FEET; THENCE SOUTH 79°12'30" EAST, ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 468.77 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 255.00 FEET AND A CENTRAL ANGLE OF 47°00'00"; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 209.18 FEET; THENCE NORTH 53°47'30" EAST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 58.65 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 60°00'00"; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 41.89 FEET; THENCE NORTH 53°47'30" EAST, ALONG A LINE NON-RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 118.84 FEET; THENCE NORTH 23°33'29" EAST, A DISTANCE OF 231.42 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 914.93 FEET AND A CENTRAL ANGLE OF 47°24'50"; THENCE NORTHEASTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 757.13 FEET; THENCE NORTH 23°51'21" WEST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 1017.78 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 4 (THE PREVIOUS THREE DESCRIBED COURSES BEING COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF SAID HAGEN RANCH ROAD); THENCE NORTH 89°19'28" EAST ALONG SAID NORTH LINE OF SECTION 4, A DISTANCE OF 889.07 FEET; THENCE NORTH 89°15'59" EAST, ALONG SAID NORTH LINE OF SECTION 3, A DISTANCE OF 2686.54 FEET TO THE POINT OF BEGINNING (THE LAST TWO DESCRIBED COURSES ALSO BEING THE NORTH LINE OF SAID BLOCKS 38 AND 39 OF SAID PLAT NO. 13).

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

J:\WPCAD\DISC\AVUD DE1

EXHIBIT D

MAPS H-1, H-2 & G

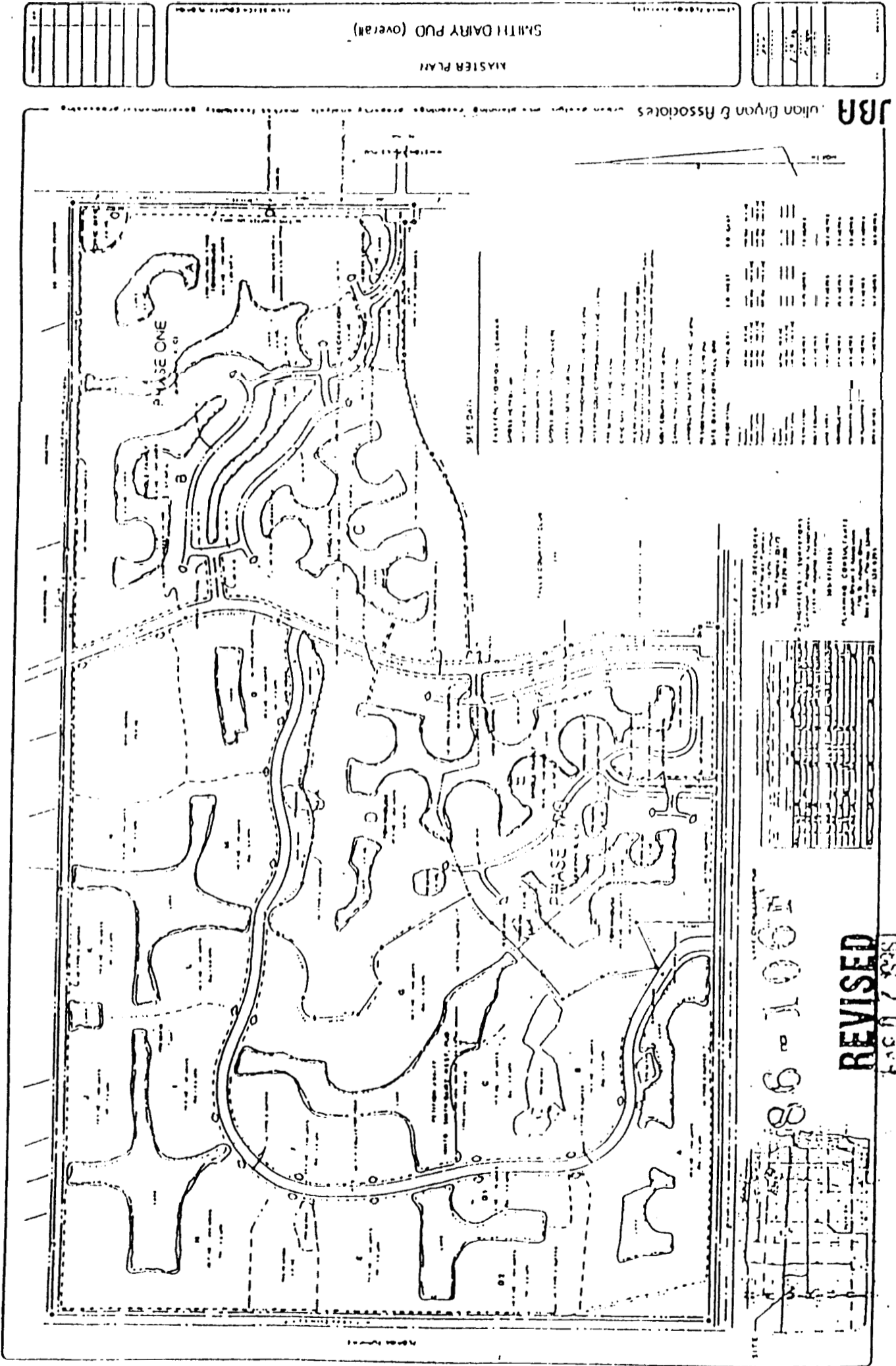
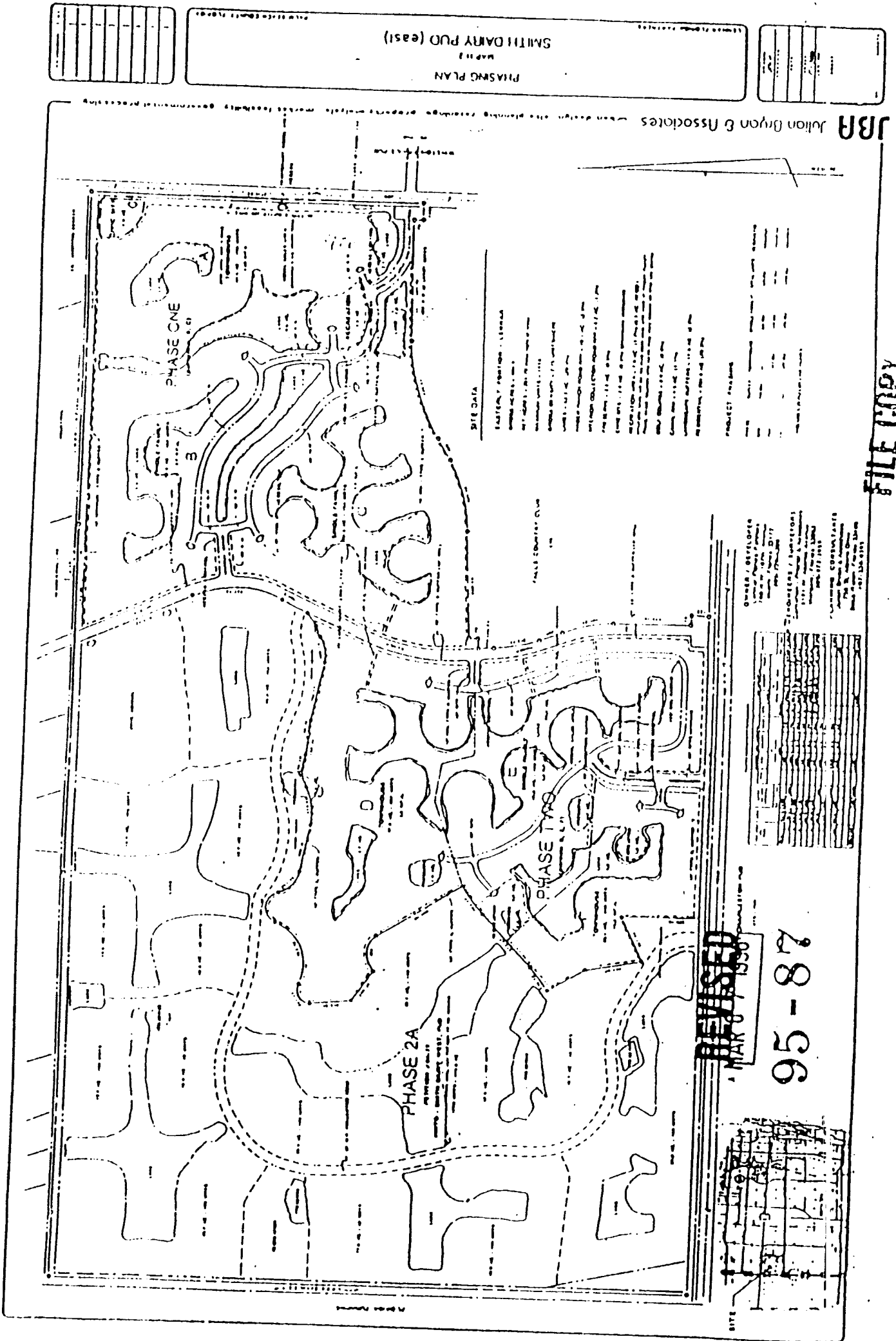
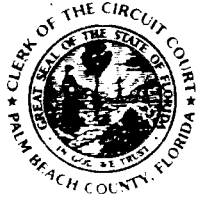


EXHIBIT D

MAPS H-1, H-2 & G





CLERK TO THE
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

Dorothy H. Wilken
Clerk

DATE: August 6, 1998

TO: Martin Perry, Esq.

FROM: Willa Oswalt
Manager, Minutes

RE: **PETITION OF LENNAR FLORIDA LAND**
PETITION NO. DOA86-106 (I)
RESOLUTION R98-1112

Based on the opinion of the County Attorney as set forth in the memorandum dated August 5, 1998, to Dorothy H. Wilken, Clerk, (copy attached), we have corrected Resolution R98-1112 by inserting the corrective language. The corrected resolution may be recorded in the public records as required by Sec. 380.06 (15)(f), Fla. Statutes and Sec. 6.3 of the resolution.

Very truly yours,

Willa Oswalt
Willa Oswalt

Law Offices

F. Martin Perry & Associates, P.A.

F. MARTIN PERRY

1645 Palm Beach Lakes Blvd.
Suite 1200
West Palm Beach, Florida 33401

TELEPHONE (561) 471-3507
FAX (561) 686-5442

August 6, 1998

Dorothy Wilken
Clerk of the Circuit Court
Palm Beach County Courthouse
205 N. Dixie Highway
West Palm Beach, FL 33401

VIA FACSIMILE 355-6727

Dear Dorothy;

Assuming you are satisfied with the letter from the County Attorney re Resolution No. R-98-1712 (Smith Dairy DRI), will you provide me with a letter confirming that your office **has made** the change **as directed by the** County Attorney and that I may proceed to record a Notice of the adoption of this Development Order (Resolution) in the **public records of Palm Beach County as is** required by **Sec. 380.06(15)(f), Fla. Stat. and Sec. 6.3** of the Resolution (see **page 8**).

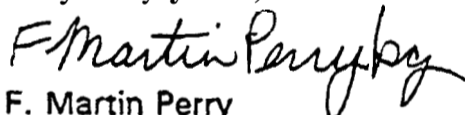
If you have any problems with the letter from the County Attorney or with this request, I will be in the **BCC Chambers at a Zoning Commission** public hearing this morning and can be reached there.

Also, enclosed find a copy of letter which I received from **George Webb** on this same issue for your information and for the Minutes Department.

I **am** grateful for your **kind and** really prompt assistance in **this** matter.

Best wishes.

Very truly yours,



F. Martin Perry
Signed in his absence to expedite delivery

FMP/sg

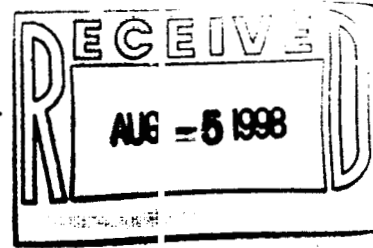
Enclosure

H:\CLIENT\Lennar.fp\wilken 8-6-98.ltr



8/5/98

To John [Signature]



Denise Distel Dytrych
County Attorney
P.O. Box 1989
West Palm Beach, FL 33402-1989
(561) 355-2225
Suncom: (561) 273-2225
FAX: (561) 355-4398
http://www.ccpalm-beach.fl.us

MEMORANDUM

DATE: August 5, 1998
TO: Dorothy Wilken, Clerk
Board of County Commissioner
FROM: Gordon Selfridge,
Chief Deputy County Attorney [Signature]
RE: PETITION OF LENNAR FLORIDA LAND
PETITION NO. DOA86-106(I)
RESOLUTION R98-1112

Palm Beach County
Board of County
Commissioners

Burt Aaronson, Chairman
Maude Ford Lee, Vice Chair

Karen T. Marcus
Carol A. Roberts
Warren H. Newell
Mary McCarty
Ken L. Foster

County Administrator
Robert Weisman, P.E.

On July 23, 1998, the Board of County Commissioners approved the above described Petition as part of the Consent Agenda. The motion to approve the Petition clearly required the deletion of the Section 6, Condition 22 that Smith Dairy East be required to build Hagen Ranch Road. Unfortunately, although the Resolution noted that intent in the "Whereas" clauses, it failed to state *sm e* in the Resolution itself.

It is of the opinion of the County Attorney's Office that Resolution R98-1112 can be corrected by inserting the note that this condition is deleted.

If you have any questions or comments, please contact this office.

GS:BA:cs
Enc.

cc: Barbara Alterman, Assistant County Attorney
Marty Perry, Esq.

'An Equal Opportunity
Affirmative Action Employer'

G:\COMMON\ATTY\WPDATA\LANDUSE\CSTEWART\PETITLENAR.COR





Department of Engineering
and Public Works

P.O. Box 21229

West Palm Beach, FL 33416-1229

(561) 684-4000

<http://www.co.palm-beach.fl.us>



Palm Beach County
Board of County
Commissioners

Burt Aaronson, Chairman

Maude Ford Lee, Vice Chair

Karen T. Marcus

Carol A. Roberts

Warren H. Newell

Mary McCarry

Ken L. Foster

County Administrator

Robert Weisman, P.E.

"An Equal Opportunity
Affirmative Action Employer"

printed on recycled paper

August 4, 1998

Mr. F. Martin Perry
F. Martin Perry, P.A.
1645 Palm Beech Lakes Blvd.
Suite 1200
W. Palm Beach, Fl. 33401

via fax 686-5442

Re: Smith Dairy East
Petition DOA 86-106(I)

Dear Marty,

On July 23, 1998, the Board of County Commissioner6 approved the above described Petition as part of the Consent Agenda. The motion to approve the Petition clearly required the deletion of the condition that Smith Dairy East be required to build Hagen Ranch Road. Unfortunately, the Resolution noted that intent in the "V/hereas" clauses, but failed to state it in the Resolution itself. This scrivener's error will be corrected by a corrective Resolution initiated by the County and will not require any action an your part.

The Resolution also approved an amendment to Condition 40 in order to merge the Phase I and Phase II buildout dates to November 30, 2001. In addition, the Board extended the buildout date for Pods B & C only, until November 30, 2002.

Since that meeting, it has been brought to my attention that the extension of the bulldout dete for Pods B & C created an internal inconsistency with Condition 19. As you know, Condition 19 prohibits any building permits from being issued beyond the November 30, 2001 buildout date, without a traffic study which evidences that the impacted road network can accommodate an extension of time.

The exception for Pods B & C in Condition 40 was approved for several reasons, but generally it was based on the fact that these pods front on Hagen Ranch Road and government delay prohibited the issuance of a permit for the construction of Hagen Ranch Road in time for these Pods to be sold. Secondly, the County acknowledged through the specific extension for Pods B & C only, that if a new



traffic study was submitted by November 30, 2001, it would show that the impacted roadway network would not be able to accommodate the extension of time to build out those two pods. Clearly, the extension of time approved for the buildout of Pods B & C was also intended to apply to Condition 19.

Accordingly, please be advised that if you apply for a Development Order Amendment to incorporate the extension of time for Pods B & C into Condition 19, I will recommend that it be handled on an expedited basis and that it be approved. After approval of such a DOA, building permits for Pods B & C only, will be issued through November 30, 2002 before a new traffic study will be required. The requirement that no building permits be issued for all other Pods beyond November 30, 2001 without the submission of a new traffic impact study, will remain in force.

Please let me know if you have any additional questions. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "George T. Webb".

George T. Webb, P.E.
County Engineer

cc: Barbara Alterman, Assistant County Attorney

- c. In any event no building permits shall be issued for more than 1,693 residential units in the entire Smith Dairy DRI until contracts have been let for the construction of Hagen Ranch Road between Hypoluxo Road and Lantana as a two (2) lane facility. No certificates of occupancy shall be issued for more than a total of 1,693 residential units until this improvement has been completed. (BLDG PERMIT: MONITORING- Eng)

23. LANTANA ROAD IMPROVEMENTS:

- a. Palm Beach County shall construct Lantana Road from 250 feet west of Military Trail to a point 250 feet west of Hagen Ranch Road as a four (4) lane section, including all appropriate tapers according to the approved plan.
- b. In any event no building permits shall be issued for more than 1393 residential units in the entire Smith Dairy DRI until contracts have been let for the construction of Lantana Road from 250 feet west of Military Trail to a point 250 feet west of Hagen Ranch Road as a four (4) lane facility. No certificates of occupancy shall be issued for more than a total of 1,693 residential units until this improvement has been completed.

24. JOG ROAD IMPROVEMENTS:

- a. Petitioner shall provide construction plans for Jog Road (including all right-of-way documents) as a 4-lane median divided section (expandable to 6-lane section) from a point 250 feet north of Melaleuca Lane south to a point 250 feet south of Lantana Road, plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they at the time of submittal. Construction plans shall be submitted to the County Engineer within twelve (12) months of adoption of the final Development Order approving this petition. Plan costs shall be approved by the County Engineer.
- b. The property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Jog Road as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 30 years. These documents shall be submitted within 6 months of the adoption of the final Development Order approving this project.
- c. Palm Beach County shall acquire right of way for Jog Road from a point 250 feet north of Melaleuca Lane to a point 250 feet south of Lantana Road. It is the intent that this right-of-way acquisition shall be completed within 18 months of the adoption of the final Development Order approving this project.
- d. The petitioner shall thereupon construct Jog Road as a 4-lane section from a point 250 feet north of Melaleuca Lane south to a point 250 feet south of Lantana Road, plus the appropriate tapers according to approved plans. Construction shall be completed within 36 months of adoption of the final Development Order approving this project.

[NOTE: Condition has been satisfied.]