

RESOLUTION NO. R-2009- 1599

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC-2009-02670  
(CONTROL NUMBER 2006-00099)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF 20004 Delaware Inc, GPRA Thoroughbred Training Center Inc  
BY Land Design South, Inc., AGENT  
(Palm Meadows AGR PUD)

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

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA/EAC-2009-02670 was presented to the Board of County Commissioners at a public hearing conducted on September 29, 2009; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives, and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 Application DOA/EAC-2009-02670, the application of 20004 Delaware Inc, GPRA Thoroughbred Training Center Inc, by Land Design South, Inc., agent, for a Development Order Amendment to to modify a Condition of Approval (Planning) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 29, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Absent
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Absent
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 29, 2009.

Filed with the Clerk of the Board of County Commissioners on October 1, 2009.


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


APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON BOCK, CLERK &  
COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

#### **DESCRIPTION: OVERALL SURVEY**

PARCEL A, PARCEL B, TRACTS A, B, C, D, L-1, L-2 AND L-3, PALM BEACH THOROUGHbred TRAINING FARM, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 96, PAGES 164 THROUGH 171, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.  
CONTAINING 20,119,701 SQUARE FEET/461.885 ACRES, MORE OR LESS.  
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

#### **DESCRIPTION: RESIDENTIAL LANDS**

PARCEL B, TRACT C, TRACT D, TOGETHER WITH A PORTION OF PARCEL A, ALL OF PALM BEACH THOROUGHbred TRAINING FARM, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 96, PAGES 164 THROUGH 171, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

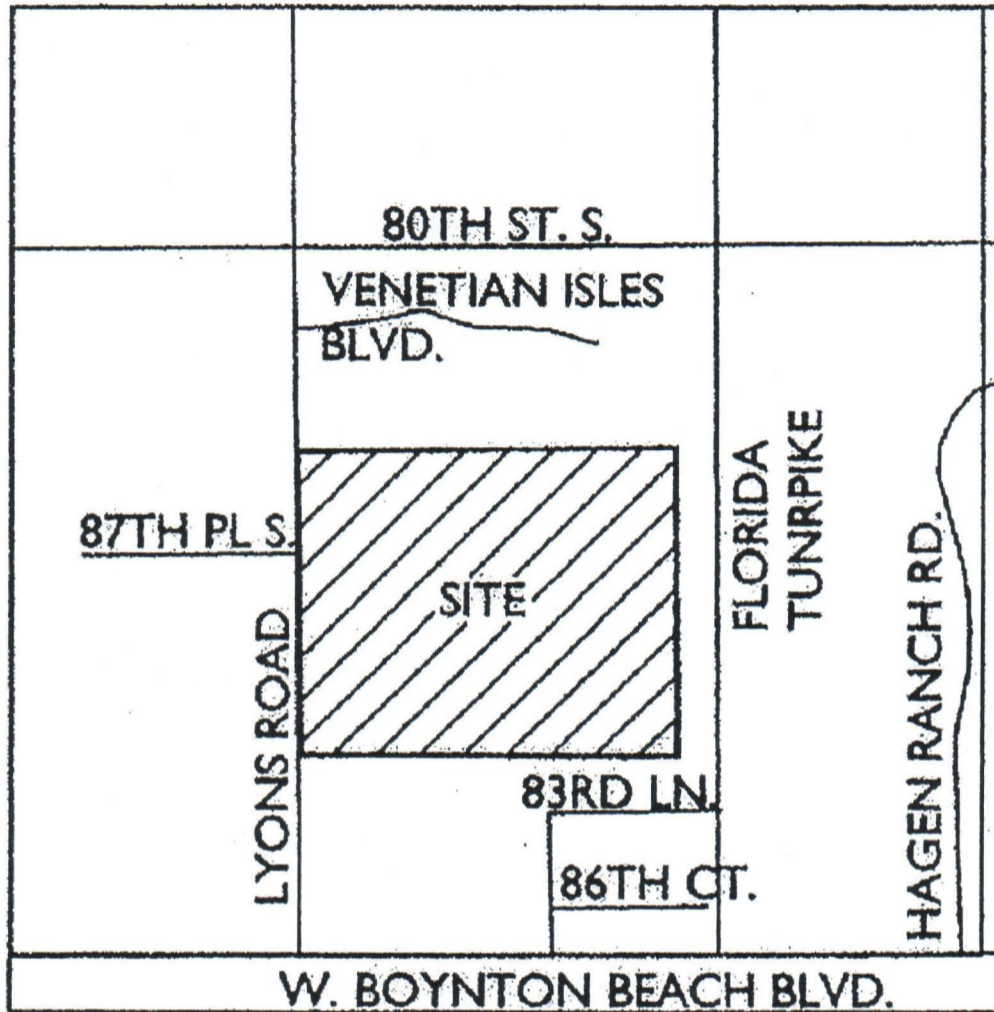
BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL B; THENCE N.00°39'00"W. ALONG THE WEST LINE THEREOF, A DISTANCE OF 360.50 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 3,526.00 FEET AND A CENTRAL ANGLE OF 06°24'00"; THENCE NORTHERLY ALONG THE ARC OF SAID WEST LINE A DISTANCE OF 393.86 FEET; THENCE N.05°45'00"E., A DISTANCE OF 119.92 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 3,636.00 FEET AND A CENTRAL ANGLE OF 02°16'01"; THENCE NORTHERLY ALONG THE ARC OF SAID WEST LINE, A DISTANCE OF 143.86 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.86°17'15"W., A RADIAL DISTANCE OF 2,918.79 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID WEST LINE, THROUGH A CENTRAL ANGLE OF 02°19'30", A DISTANCE OF 118.45 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.88°23'00"W., A RADIAL DISTANCE OF 3,636.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 02°16'00", A DISTANCE OF 143.85 FEET; THENCE N.00°39'00"W. ALONG SAID WEST LINE, A DISTANCE OF 322.16 FEET; THENCE N.89°21'00"E., A DISTANCE OF 180.66 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.47°53'51"E., A RADIAL DISTANCE OF 137.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 96°44'00", A DISTANCE OF 231.30 FEET; THENCE N.89°22'51"E., A DISTANCE OF 322.72 FEET; THENCE N.00°04'00"E., A DISTANCE OF 312.97 FEET; THENCE S.89°55'26"E., A DISTANCE OF 458.59 FEET; THENCE S.00°30'03"E., A DISTANCE OF 491.20 FEET; THENCE N.79°45'45"E., A DISTANCE OF 479.07 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.08°11'24"E., A RADIAL DISTANCE OF 359.84 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 34°06'09", A DISTANCE OF 214.18 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.22°58'11"E., A RADIAL DISTANCE OF 536.84 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 51°08'37", A DISTANCE OF 479.20 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.29°03'48"E., A RADIAL DISTANCE OF 1,394.50 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 47°54'07", A DISTANCE OF 1,165.87 FEET; THENCE S.72°58'09"E., A DISTANCE OF 132.34 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.14°13'59"E., A RADIAL DISTANCE OF 4,106.18 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 13°11'00", A DISTANCE OF 944.79 FEET; THENCE N.89°20'19"E., A DISTANCE OF 427.43 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID PARCEL A; THENCE S.00°39'56"E. ALONG THE EAST LINE OF SAID PARCELS A AND B, A DISTANCE OF 1,386.75 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL B; THENCE N.72°38'27"W. ALONG THE SOUTH LINE OF SAID PARCEL B, A DISTANCE OF 5,182.45 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.  
CONTAINING 7,653,962 SQUARE FEET/175.71 ACRES, MORE OR LESS.  
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND  
RIGHTS-OF-WAY OF RECORD.

EXHIBIT B  
VICINITY SKETCH

**LOCATION MAP**

NTS.



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2008-1141 (Control 2006-099), have been consolidated as contained herein.

The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. All Petitions Condition 1 of Resolution R-2008-1141, Control No. 2006-099, which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated April 9, 2008. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

The approved Site Plan is dated April 9, 2008. Modifications inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### ENGINEERING

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

a. Building Permits for no more than 146 Single Family Dwelling Units (the equivalent of 143 PM peak hour trips) shall be issued until contract is let for the extension of Hypoluxo Rd from W of Lyons Rd to Hagen Ranch Rd as a 4-lane section. The mix of allowable uses (Single Family Dwelling Units and Horse Stalls), as permitted by the Zoning Division, may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (BLDG PERMIT: MONITORING-Eng)

b. No Building Permits for the site may be issued after January 1, 2013. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng) (Previous Engineering Condition 1 of Resolution R-2008-1141, Control No. 2006-099)

2.a. Prior to DRO certification of the Preliminary Development Plan, the Master Plan shall be revised to reflect compliance with the approved noise study. Any required mitigation as a result of the anticipated noise such as a sound wall and landscape buffer, shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ZONING /ENGINEERING)

b. Construction of any sound walls and/or landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING-Eng)

c. The Property Owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that this site is adjacent to the Florida

Turnpike and the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike. Also, there shall be a statement included in the sales contracts and homeowner documents the noise levels residents may expect after any noise mitigation improvements will be constructed by the Property owner. All sales contracts and homeowner documents shall include a statement that any additional noise mitigation measures requested in the future will not be constructed by Palm Beach County. (ONGOING:ENGINEERING-Eng)

d. The property owner shall submit documentation of compliance with the requirements above on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before June 15, 2009 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowner's association. (DATE/ONGIONG: MONITORING-Eng) (Previous Engineering Condition 2 of Resolution R-2008-1141, Control No. 2006-099)

### 3.Landscape Within the Median of Lyons Road

a.The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lyons Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph D below. (ONGOING:ENGINEERING-Eng)

b.The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

c.All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)

d.At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING:ENGINEERING-Eng)

e.Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Lyons Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING:ENGINEERING-Eng) (Previous Engineering Condition 3 of Resolution R-2008-1141, Control No. 2006-099)

4.Prior to the issuance of a building permit the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's north and south entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet 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. 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. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT: MONITORING-Eng) (Previous Engineering Condition 4 of Resolution R-2008-1141, Control No. 2006-099)

5. The property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Project Entrance and Lyons Rd. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and ROW or easement acquisition. Building Permits for no more than 209 Single Family Dwelling Units shall be issued until the developer provides acceptable surety in the form of cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of Traffic Division. (BLDG PERMIT: MONITORING-Eng) (Previous Engineering Condition 5 of Resolution R-2008-1141, Control No. 2006-099)

6. In order to be relieved from this requirement and to have the surety posted for the traffic signal at the Project Entrance and Lyons Rd returned, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the above intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING: ENGINEERING-Eng) (Previous Engineering Condition 6 of Resolution R-2008-1141, Control No. 2006-099)

#### LANDSCAPE - GENERAL

1. Simultaneous with the submittal of the first building permit, the property owner shall submit a Landscape Plan for the developable area of the project to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all the landscape conditions as contained herein. (DRO: LANDSCAPE-Zoning) (Previous Landscape Standard Condition 1 of Resolution 2008-1141, Control No. 2006-099)

#### LANDSCAPE - GENERAL-LANDSCAPING ALONG ALL THE PROPERTY LINES OF THE DEVELOPMENT AREA

2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (DRO: ZONING-Landscape) (Previous Landscape Standard Condition 2 of Resolution 2008-1141, Control No. 2006-099)

#### LANDSCAPE - GENERAL

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

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC



requirements. (DRO: ZONING-Landscape)(Previous Landscape Standard Condition 3 of Resolution 2008-1141, Control No. 2006-099)

4.A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (DRO: ZONING-Landscape) )(Previous Landscape Standard Condition 4 of Resolution 2008-1141, Control No. 2006-099)

5.Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (DRO: LANDSCAPE-Zoning) )(Previous Landscape Standard Condition 5 of Resolution 2008-1141, Control No. 2006-099)

#### PALM TRAN

1.The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran) (Previous Palm Tran Condition 1 of Resolution R-2008-1141, Control No. 2006-099)

2.Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT:ENG -Palm Tran) (Previous Palm Tran Condition 2 of Resolution R-2008-1141, Control No. 2006-099)

#### PLANNING

1.The PUD shall be limited to a maximum of 288 single family and 342 groom's quarters dwelling units and shall meet 60/40 AGR-PUD requirements. Development rights associated with the preserve areas shall be retired at the time of approval of this application and all units shall be assigned to the development area. No approved, but unbuilt units may be transferred outside the development area. (ONGOING: PLANNING-Planning)

2.The preservation area approved as part of Application PDD/R-2007-2023 shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

#### PERMITTED USES

- 1) Crop production, pasture, or equestrian purposes or may be retained as fallow land;
- 2) Accessory structures such as barns and pump structures are permitted;
- 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water Management District, or for water management purposes not directly related to the 60/40 AGR-PDD if approved by the Department of Environmental Resources Management and managed for environmental resource values;
- 4) Wetland or bona fide agricultural uses per the ULDC;
- 5) Other uses as permitted by the required conservation easements;
- 6) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code.

#### NOT PERMITTED

7) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses, other than security/caretakers quarters and grooms quarters, be accommodated thereon. (ONGOING: PLANNING-Planning)

3. Condition 3 of Resolution 2008-1141, Control 2006-099, which currently states:

Prior to final site plan approval the applicant shall submit a recorded conservation easement for the conservation tract. The conservation easements for Preservation parcel shall be recorded, as approved by the County Attorney's Office, Department of Environmental Resources Management, and the Planning Division. (DRO: PLANNING-Planning)

Is hereby amended to read:

Prior to recording the first plat for the development area, the applicant shall submit a recorded conservation easement for the conservation tract. The conservation easement for Preservation parcel shall be recorded, as approved by the County Attorney's Office, Department of Environmental Management, and the Planning Division. (PLAT: CO ATTY-Planning/ERM/CoAtty)

#### PROPERTY & REAL ESTATE MANAGEMENT

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 3.5 acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by April 1, 2010. Property owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

##### a) Title

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

##### b) Concurrency

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

##### c) Taxes

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

##### d) Site condition

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

##### e) Retention and Drainage

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

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

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

f) On-Site Inspections

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

g) Vegetation Permit

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

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations.

i) Water & Sewer

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

(DATE:MONITORING-PREM) (Previous Civic Site Condition 1 of Resolution 2008-1141)

2.The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by April 1, 2010 . Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.

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

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

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (DATE:MONITORING-PREM) (Previous Civic Site Condition 2 of Resolution 2008-1141)

3.The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by April 1, 2010 . The minimum assessment which is required is commonly called a Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

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

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

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

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

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

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

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

e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

a) If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well. (DATE:MONITORING-PREM) (Previous Civic Site Condition 3 of Resolution 2008-1141)

4. The property owner has requested and PREM Staff has agreed that the required on-site civic dedication of land for either cash of equal value or off-site land equal in acreage maybe allowed, however, this option shall require final Board of County Commissioner approval. Prior to Board approval, the property owner will be required to complete one or two appraisals of the property (at the direction of PREM Staff) to determine a value for the civic site, which value will be reviewed and approved by PREM Staff and presented to the Board. The property owner shall continue to keep the civic site on the Master plan until such time that the cash out is complete and agrees to complete a cash out prior to PREM Staff approval of the first plat.

In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will apply. If the land off-site is of less cash value than the on-site dedication the property owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process as noted above and be at the cost of the property owner. If off-site land or cash contribution is accepted by Palm Beach County, the property owner shall be deemed to have satisfied the civic site requirement of the ULDC. (ONGOING:MONITORING-PREM) (Previous Civic Site Condition 4 of Resolution 2008-1141)

#### SCHOOL BOARD

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

#### "NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD) (Previous Condition SCHOOL BOARD 1 of Resolution R-2008-1141, Control No. 2006-099)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm

Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board.) (Previous Condition SCHOOL BOARD 2 of Resolution 2008-1141 (Control No. 2006-099))

#### USE LIMITATIONS

1. An on-site resident manager shall be required for the grooms quarters facilities. (ONGOING: CODE ENF Zoning) (Previous Use Limitation Condition 1 of Resolution 2008-1141, Control No. 2006-099)

2. There shall be no commercial racing or pari-mutual wagering on-site. If pari-mutual wagering occurs on-site, this zoning approval shall be brought back to the BCC to consider revocation. (ONGOING: CODE ENF/ZONING-Zoning) (Previous Use Limitation Condition 2 of Resolution 2008-1141, Control No. 2006-099)

3. The on-site veterinary clinic shall only be utilized by the horses that are boarded on-site. (ONGOING: CODE ENF/ZONING-Zoning) (Previous Use Limitation Condition 3 of Resolution 2008-1141, Control No. 2006-099)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: 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 (CO); 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 Unified Land Development Code (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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)