

RESOLUTION NO. R-2018- 1703

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA-2018-00389  
(CONTROL NO. 2005-00014)  
a Development Order Amendment  
APPLICATION OF Boynton Beach Associates XXVI LLLP  
BY G.L. Homes, AGENT  
(Monticello AGR-PUD)

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

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

WHEREAS, Zoning Application PDD/DOA-2018-00389 was presented to the Board of County Commissioners at a public hearing conducted on October 25, 2018;

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application PDD/DOA-2018-00389, the Application of Boynton Beach Associates XXVI LLLP, by G.L. Homes, Agent, for a Development Order Amendment to add land area and reconfigure the Master Plan; to modify and delete Conditions of Approval (Engineering, ERM, Landscaping, Planned Development, Planning, PREM, School Board); and, to restart the commencement of development clock. , on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 25, 2018, 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 Berger and, upon being put to a vote, the vote was as follows:

Commissioner Melissa McKinlay, Mayor	- Aye
Commissioner Mack Bernard, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Nay
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 25, 2018.

Filed with the Clerk of the Board of County Commissioners on November 5th, 2018

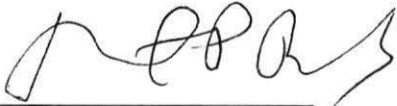
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:



COUNTY ATTORNEY

BY:



DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

MONTICELLO AGR-PUD

DESCRIPTION:

BEING ALL OF THE PLAT OF DELRAY HOLDINGS 282, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 111, PAGE 136, AND A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5780, PAGE 1529 AND OFFICIAL RECORDS BOOK 15669, PAGE 1685 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT 85, BLOCK 62, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PLAT OF DELRAY HOLDINGS 282; THENCE, ALONG THE WEST LINE OF SAID PLAT OF DELRAY HOLDINGS 282, NORTH 01°01'21" WEST, A DISTANCE OF 2399.70 FEET TO THE NORTHWEST CORNER OF SAID DELRAY HOLDINGS 282; THENCE, ALONG THE NORTH LINE OF SAID PLAT OF DELRAY HOLDINGS 282 THE FOLLOWING THIRTEEN (13) COURSES, NORTH 89°36'32" EAST, A DISTANCE OF 527.42 FEET; THENCE SOUTH 00°23'28" EAST, A DISTANCE OF 0.28 FEET; THENCE NORTH 89°36'32" EAST, A DISTANCE OF 1980.00 FEET; THENCE NORTH 00°23'28" WEST, A DISTANCE OF 1.32 FEET; THENCE NORTH 89°36'32" EAST, A DISTANCE OF 360.00 FEET; THENCE NORTH 00°23'28" WEST, A DISTANCE OF 1.32 FEET; THENCE NORTH 89°36'32" EAST, A DISTANCE OF 660.00 FEET; THENCE SOUTH 00°23'28" EAST, A DISTANCE OF 0.36 FEET; THENCE NORTH 89°36'32" EAST, A DISTANCE OF 660.00 FEET; THENCE NORTH 00°23'28" WEST, A DISTANCE OF 0.36 FEET; THENCE NORTH 89°36'32" EAST, A DISTANCE OF 660.00 FEET; THENCE SOUTH 00°23'28" EAST, A DISTANCE OF 0.36 FEET; THENCE NORTH 89°36'32" EAST, A DISTANCE OF 355.00 FEET; THENCE, DEPARTING SAID NORTH LINE, SOUTH 00°23'28" EAST, ALONG THE EAST LINE OF TRACT RW (LYONS ROAD) OF SAID PLAT OF DELRAY HOLDINGS 282, A DISTANCE OF 2353.30 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE SAID PLAT OF DELRAY HOLDINGS 282; THENCE, ALONG SAID SOUTH LINE THE FOLLOWING FIVE (5) COURSES, SOUTH 89°07'26" WEST, A DISTANCE OF 685.02 FEET; THENCE SOUTH 00°23'28" EAST, A DISTANCE OF 5.28 FEET; THENCE SOUTH 89°07'26" WEST, A DISTANCE OF 3990.14 FEET; THENCE NORTH 00°23'28" WEST, A DISTANCE OF 0.84 FEET; THENCE SOUTH 89°07'26" WEST, A DISTANCE OF 501.00 FEET TO THE POINT OF BEGINNING. CONTAINING 283.371 ACRES, MORE OR LESS.

AND:

PRESERVE #1

BEING ALL OF TRACTS 60 THROUGH 66, TRACTS 79 THROUGH 85 AND TRACTS 88 THROUGH 92, AND A PORTION OF TRACTS 46 THROUGH 59, 86, 87, 93 AND TRACTS 107 THROUGH 112, AND A PORTION OF ROAD, DYKE AND DITCH RESERVATIONS, 30 FEET IN WIDTH, ALL LYING WITHIN BLOCK 51, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT 44, SAID BLOCK 51; THENCE SOUTH 00°56'47" EAST, ALONG THE WEST LINE OF SAID TRACTS 44 AND 45, A DISTANCE OF 917.58 FEET TO A POINT ON A LINE 807.57 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT C. STANLEY WEAVER CANAL, AS RECORDED IN DEED BOOK 118, PAGE 518 OF SAID PUBLIC RECORDS; THENCE NORTH 89°03'05" EAST, ALONG SAID PARALLEL LINE FOR THE FOLLOWING TWO DESCRIBED COURSES, A DISTANCE OF 679.05 FEET TO THE POINT OF BEGINNING OF HEREIN

DESCRIBED PARCEL OF LAND; THENCE NORTH 89°03'05" EAST, A DISTANCE OF 4,590.99 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 23226, PAGE 1022, SAID PUBLIC RECORDS; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE FOR THE FOLLOWING FOUR DESCRIBED COURSES, SOUTH 00°57'00" EAST, A DISTANCE OF 2627.91 FEET; THENCE SOUTH 11°27'27" WEST, A DISTANCE OF 51.20 FEET; THENCE SOUTH 00°57'00" EAST, A DISTANCE OF 280.88 FEET; THENCE SOUTH 44°02'44" WEST, A DISTANCE OF 56.40 FEET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD AS DESCRIBED IN OFFICIAL RECORDS BOOK 16189, PAGE 1405, SAID PUBLIC RECORDS FOR THE FOLLOWING THREE DESCRIBED COURSES, SOUTH 89°02'44" WEST, A DISTANCE OF 425.65 FEET; THENCE SOUTH 87°08'11" WEST, A DISTANCE OF 345.20 FEET; THENCE SOUTH 89°02'44" WEST, A DISTANCE OF 242.68 FEET; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, NORTH 00°57'00" WEST, A DISTANCE OF 62.00 FEET; THENCE SOUTH 89°02'44" WEST, A DISTANCE OF 532.18 FEET; THENCE SOUTH 00°57'00" EAST, A DISTANCE OF 2.00 FEET; ; THENCE SOUTH 89°02'44" WEST, A DISTANCE OF 278.23 FEET; THENCE ALONG THE EASTERLY AND NORTHERLY BOUNDARIES OF THAT DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 25806, PAGE 1074, SAID PUBLIC RECORDS FOR THE FOLLOWING SEVEN (7) DESCRIBED COURSES, NORTH 00°57'00" WEST, A DISTANCE OF 496.60 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 13°55'35"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 72.92 TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 188.13 FEET AND A CENTRAL ANGLE OF 36°26'54"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 119.68 TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE NORTH 00°57'00" WEST, A DISTANCE OF 260.42 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE CONCAVE TO THE NORTH, FROM WHICH THE RADIUS POINT BEARS NORTH 03°39'25" EAST, HAVING A RADIUS OF 215.88 FEET AND A CENTRAL ANGLE OF 10°08'28"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 38.21 TO A POINT OF TANGENCY; THENCE NORTH 76°12'07" WEST, A DISTANCE OF 108.31 FEET; TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 14°44'53"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 7.72 TO A POINT OF TANGENCY; THENCE SOUTH 89°03'00" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 00°57'00" WEST ALONG THE EAST LINE OF TRACT "A", AMESTOY PLAT TWO - 14 ACRE PARCEL, AS RECORDED IN PLAT BOOK 115, PAGES 156 THROUGH 159 OF SAID PUBLIC RECORDS, A DISTANCE OF 162.61 FEET THENCE SOUTH 89°03'00" WEST, ALONG THE NORTH LINE OF SAID TRACT "A", A DISTANCE OF 506.43 FEET; THENCE NORTH 00°57'00" WEST ALONG THE EAST LINE OF TRACT 95, SAID BLOCK 51, A DISTANCE OF 25.00 FEET; THENCE NORTH 89°02'58" EAST, ALONG THE EASTERLY PROLONGATION OF THE NORTH LINE OF SAID TRACT 95, A DISTANCE OF 15.00 FEET; THENCE NORTH 00°57'00" WEST ALONG THE WEST LINE OF THE EAST 15.00 FEET OF SAID ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH (ALSO BEING A LINE 15.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE SAID TRACTS 66 AND 79), A DISTANCE OF 1,380.06 FEET; THENCE SOUTH 89°03'00" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 46 THROUGH 50 AND THE EASTERLY PROLONGATION THEREOF, A DISTANCE OF 1,994.99 FEET; THENCE NORTH 00°57'00" WEST, ALONG THE WEST LINE OF SAID TRACTS 43 AND 46, A DISTANCE OF 401.22 FEET TO THE POINT OF BEGINNING. CONTAINING 177.380 ACRES MORE OR LESS.

AND:

PRESERVE #2

TRACTS 41 THROUGH 44 INCLUSIVE, LESS THE NORTH 110.00 FEET THEREOF FOR BOYNTON CANAL RIGHT-OF-WAY; TRACTS 53 THROUGH 56, INCLUSIVE, TOGETHER WITH: THAT 30 FOOT PLATTED ROADWAY LYING BETWEEN SAID

TRACTS 53 THROUGH 56 AND TRACTS 73 THROUGH 76; TOGETHER WITH: THE WEST HALF OF THAT 30 FOOT PLATTED ROADWAY LYING EAST OF AND ADJACENT TO SAID TRACT 41, LESS THE NORTH 110.00 FEET FOR BOYNTON CANAL RIGHT-OF-WAY, ALL IN BLOCK 50, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH TRACTS "A", "B" AND "W" OF ST. JOSEPH'S SCHOOL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101, PAGE 89, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 101.582 ACRES MORE OR LESS.

AND:

PRESERVE #3

(PARCEL 1)TRACT 40, BLOCK 52, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, (PARCEL 2)BEING THE EASTERLY 15.00 FEET OF THAT ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH, ACCORDING TO PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WESTERLY OF AND ABUTTING TRACT 40, BLOCK 52, ACCORDING TO SAID PLAT, BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT 40 AND BOUNDED ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID TRACT 40. CONTAINING 10.239 ARES MORE OR LESS.

ADD:

PRESERVE #4

BEING A PORTION OF TRACTS 108 AND 109, BLOCK 45, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 109; THENCE NORTH 89°01'04" EAST ALONG THE SOUTH LINE OF SAID TRACT 109, A DISTANCE OF 145.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°57'10" WEST ALONG A LINE 145.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 109, A DISTANCE OF 300.61 FEET; THENCE NORTH 89°02'50" EAST, A DISTANCE OF 259.19 FEET; THENCE NORTH 00°57'10" WEST, A DISTANCE OF 360.02 FEET; THENCE NORTH 89°00'49" EAST, ALONG THE NORTH LINE OF SAID TRACT 109, A DISTANCE OF 276.60 FEET; THENCE SOUTH 00°59'11" EAST, ALONG THE EAST LINE OF SAID TRACT 109, A DISTANCE OF 660.52 FEET; THENCE SOUTH 89°01'04" WEST, ALONG THE NORTH LINE OF TRACT "B-4", EQUUS AGR - PUD PHASE FOUR, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 107, PAGES 101 THROUGH 104, SAID PUBLIC RECORDS, ALSO BEING THE SOUTH LINE OF SAID TRACTS 108 AND 109, A DISTANCE OF 536.18 FEET TO THE POINT OF BEGINNING. CONTAINING 5.985 ACRES, MORE OR LESS.

AND:

PRESERVE #5

PRESERVE 5A, BEING A PORTION OF TRACTS 85 AND 86, BLOCK 45, TOGETHER WITH A PORTION OF THAT ROAD, DYKE & DITCH RESERVATION, 30.00 FEET IN WIDTH LYING BETWEEN SAID TRACTS 85 AND 86, ALL IN BLOCK 45, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THOUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT 86, BLOCK 45, PALM BEACH FARMS CO. PLAT NO. 3; THENCE SOUTH 89°00'49" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 85 AND 86, A DISTANCE OF 479.61 FEET TO A POINT TO BE KNOWN AS POINT "A" FOR FUTURE REFERENCE; THENCE NORTH

00°59'11" WEST, ALONG A LINE 119.61 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID ROAD, DYKE & DITCH RESERVATION, A DISTANCE OF 318.37 FEET; THENCE NORTH 89°00'49" EAST, A DISTANCE OF 119.29 FEET; THENCE NORTH 00°59'11" WEST, ALONG SAID WEST LINE, A DISTANCE OF 54.83 FEET; THENCE NORTH 89°00'49" EAST, A DISTANCE OF 360.33 FEET; THENCE SOUTH 00°59'11" EAST, ALONG THE EAST LINE OF SAID TRACT 86, A DISTANCE OF 373.20 FEET TO THE POINT OF BEGINNING. TOGETHER WITH: PRESERVE 5B, BEING A PORTION OF TRACTS 69, 70, 71, 84, BLOCK 45, TOGETHER WITH THAT PORTION OF ROAD, DYKE & DITCH RESERVATION, 30.00 FEET IN WIDTH LYING BETWEEN SAID TRACTS 69 AND 70, ALL IN BLOCK 45, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE AFOREMENTIONED POINT "A"; THENCE SOUTH 89°00'49" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 84 AND 85, A DISTANCE OF 399.13 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 89°00'49" WEST, A DISTANCE OF 141.26 FEET; THENCE NORTH 00°59'11" WEST, ALONG THE WEST LINE OF SAID TRACTS 71 AND 84, A DISTANCE OF 1,275.94 FEET; THENCE NORTH 89°03'41" EAST, ALONG A LINE 45.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 69, 70 AND 71, A DISTANCE OF 1,020.00 FEET; THENCE SOUTH 00°59'11" EAST, ALONG THE EAST LINE OF SAID TRACT 69, A DISTANCE OF 58.94 FEET; THENCE SOUTH 89°03'41" WEST, ALONG A LINE 103.94 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 69, 70 AND 71, A DISTANCE OF 878.74 FEET; THENCE SOUTH 00°59'11" EAST, A DISTANCE OF 1,216.88 FEET TO THE POINT OF BEGINNING. CONTAINING 9.285 ACRES MORE OR LESS.

AND:

PRESERVE #6

TRACT 62, LESS THE WEST 180 FEET THEREOF, AND ALL OF TRACT 63, BLOCK 50, PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE NORTH 120 FEET THEREOF.

AND FURTHER LESS RIGHT-OF-WAY CONVEYED IN OFFICIAL RECORDS BOOK 5273, PAGE 1121.

AND FURTHER LESS THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCE AT THE SOUTHEAST CORNER OF THE PREVIOUSLY DESCRIBED TRACT 63; THENCE NORTH 00°56'08" WEST ALONG THE EAST LINE OF SAID TRACT 63, A DISTANCE OF 239.73 FEET; THENCE SOUTH 89°02'57" WEST, A DISTANCE OF 106.64 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 84°32'36" WEST, A DISTANCE OF 257.40 FEET; THENCE NORTH 03°24'05" WEST, A DISTANCE OF 132.71 FEET; THENCE NORTH 86°16'06" EAST, A DISTANCE OF 222.56 FEET; THENCE NORTH 05°27'52" WEST, A DISTANCE OF 117.77 FEET; THENCE NORTH 84°32'08" EAST, A DISTANCE OF 71.00 FEET; THENCE SOUTH 05°27'52" EAST, A DISTANCE OF 105.89 FEET; THENCE SOUTH 11°02'27" WEST, A DISTANCE OF 143.73 FEET TO THE POINT OF BEGINNING. TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES 60 FEET IN WIDTH DESCRIBED AS THE SOUTH 60 FEET OF THE NORTH 150 FEET OF TRACTS 57 THROUGH 63 INCLUSIVE, OF SAID BLOCK 50; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA. CONTAINING 4.616 ACRES MORE OR LESS.

AND:

PRESERVE #7

THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL: COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, OF SECTION 14; THENCE SOUTH 88°06'49" WEST ALONG THE SOUTH LINE OF SAID

NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, OF SECTION 14, A DISTANCE OF 243.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE SOUTH 88°06'49" WEST, A DISTANCE OF 255.71 FEET; THENCE NORTH 01°53'11" WEST, A DISTANCE OF 170.36 FEET; THENCE NORTH 88°06'49" EAST, A DISTANCE OF 255.71 FEET; THENCE SOUTH 01°53'11" EAST, A DISTANCE OF 170.36 FEET TO THE POINT OF BEGINNING. SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 30 FEET OF THE AFOREDESCRIBED PARCEL. TOGETHER WITH NON-EXCLUSIVE EASEMENT RIGHTS FOR INGRESS AND EGRESS OVER THE NORTH 30 FEET OF THE EAST 3/4 OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, OF SAID SECTION 14. TOGETHER WITH NON-EXCLUSIVE EASEMENT RIGHTS FOR INGRESS AND EGRESS OVER THE NORTH 50 FEET OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. AND THE NON-EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER THE PROPERTY ON WHICH FLORIDA POWER AND LIGHT COMPANY PRESENTLY HOLDS AN EASEMENT, SUBJECT HOWEVER TO THE EASEMENT RIGHTS OF FLORIDA POWER AND LIGHT COMPANY. TOGETHER WITH NON-EXCLUSIVE EASEMENT RIGHTS FOR ROADWAY PURPOSES, AS MORE PARTICULARLY SET FORTH IN THAT CERTAIN GRANT OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3710, PAGE 3, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. TOGETHER WITH NON-EXCLUSIVE EASEMENT RIGHTS FOR INGRESS AND EGRESS OVER THE EAST 30 FEET OF THE NORTH 50 FEET OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY SET FORTH IN GRANT OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 4006, PAGE 874, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 4.017 ACRES MORE OR LESS.

AND:

PRESERVE #8

BEING A PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 14; THENCE SOUTH 88°04'15" WEST ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 991.13 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°04'15" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 47.37 FEET; THENCE NORTH 01°55'45" WEST, A DISTANCE OF 97.92 FEET; THENCE NORTH 41°16'35" WEST, A DISTANCE OF 186.85 FEET; THENCE SOUTH 87°46'14" WEST, A DISTANCE OF 94.59 FEET; THENCE SOUTH 00°56'49" EAST, A DISTANCE OF 241.96 FEET TO A POINT ON SAID SOUTH LINE; THENCE SOUTH 88°04'15" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 63.43 FEET; THENCE NORTH 00°56'49" WEST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, A DISTANCE OF 664.13 FEET; THENCE NORTH 88°04'37" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, A DISTANCE OF 328.01 FEET; THENCE SOUTH 00°56'49" EAST, A DISTANCE OF 664.10 FEET TO THE POINT OF BEGINNING. PARCEL 2: NON-EXCLUSIVE EASEMENT RIGHTS FOR ROADWAY PURPOSES, AS MORE PARTICULARLY SET FORTH IN THAT CERTAIN GRANT OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3710, PAGE 3, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. PARCEL 3: NON-EXCLUSIVE EASEMENT RIGHTS FOR INGRESS AND EGRESS OVER THE NORTH 50 FEET OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY SET FORTH IN WARRANTY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 1714, PAGE 1012, AND IN OFFICIAL RECORDS BOOK 1965, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. PARCEL 4: NON-EXCLUSIVE EASEMENT RIGHTS FOR INGRESS AND EGRESS OVER THE EAST 30 FEET OF THE NORTH 50 FEET OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, OF SECTION 14,

TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY SET FORTH IN GRANT OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 4006, PAGE 874, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.  
CONTAINING 4.00 ACRES MORE OR LESS.

AND:

PRESERVE #9

TRACT 100, BLOCK 45, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL: COMMENCE AT THE NORTHWEST CORNER OF TRACT 100, BLOCK 45, OF THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°59'11" EAST ALONG THE WEST LINE OF SAID TRACT 100, A DISTANCE OF 155.73 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°00'49" EAST, A DISTANCE OF 229.98 FEET; THENCE SOUTH 00°59'11" EAST, A DISTANCE OF 128.25 FEET; THENCE SOUTH 89°00'49" WEST, A DISTANCE OF 130.12 FEET; THENCE SOUTH 00°59'11" EAST, A DISTANCE OF 140.85 FEET; THENCE SOUTH 89°00'49" WEST, A DISTANCE OF 99.86 FEET; THENCE NORTH 00°59'11" WEST ALONG SAID WEST LINE OF TRACT 100, A DISTANCE OF 269.09 FEET TO THE POINT OF BEGINNING. CONTAINING 4.005 ACRES MORE OR LESS.

AND:

PRESERVE #10

TRACT 93 AND THE SOUTH 2 FEET OF TRACT 68, BLOCK 50, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 93, THENCE NORTH 00°57'03" WEST ALONG THE EAST LINE OF SAID TRACT 93, A DISTANCE OF 185.86 FEET; THENCE SOUTH 89°02'57" WEST, A DISTANCE OF 38.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°02'57" WEST, A DISTANCE OF 205.00 FEET; THENCE NORTH 00°57'03" WEST, A DISTANCE OF 212.49 FEET; THENCE NORTH 89°02'57" EAST, A DISTANCE OF 205.00 FEET; THENCE SOUTH 00°57'03" EAST ALONG A LINE 38.00' WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH SAID EAST LINE OF TRACT 93, A DISTANCE OF 212.49 FEET TO THE POINT OF BEGINNING. ALSO LESS AND EXCEPTING THE RIGHT-OF-WAY CONVEYED TO PALM BEACH COUNTY BY RIGHT-OF-WAY WARRANTY DEED, RECORDED IN OFFICIAL RECORDS BOOK 5764, PAGE 780. CONTAINING 3.788 ACRES MORE OR LESS.

AND:

PRESERVE #11

TRACT 44, BLOCK 18, THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 44, BLOCK 18, THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LYING IN SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE SOUTH 01°13'17" EAST ALONG THE EAST LINE OF SAID TRACT 44, A DISTANCE OF 202.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°13'17" EAST ALONG SAID EAST LINE, A DISTANCE OF 172.44 FEET; THENCE SOUTH 88°46'43" WEST, A DISTANCE OF 252.56 FEET; THENCE NORTH 01°14'31" WEST, A DISTANCE OF 172.44 FEET; THENCE NORTH 88°46'43" EAST, A DISTANCE OF 252.62 FEET TO THE POINT OF



BEGINNING. CONTAINING 4.025 ACRES MORE OR LESS.

AND:

PRESERVE #12

TRACT 70, LESS THE WEST 110 FEET, AND THE WEST 165 FEET OF TRACT 69, BLOCK 50, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE SOUTH 32 FEET; AND ALSO LESS THE NORTH 45 FEET THEREOF; AND ALSO LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT 70, LESS THE WEST 110 FEET THEREOF, BLOCK 50, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°57'03" WEST ALONG THE WEST LINE OF SAID TRACT 70, LESS THE WEST 110 FEET THEREOF, A DISTANCE OF 220.78 FEET; THENCE NORTH 89°02'57" EAST, A DISTANCE OF 63.14 FEET TO THE POINT OF BEGINNING; THENCE NORTH 05°05'53" WEST, A DISTANCE OF 372.58 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 64.96 FEET; THENCE SOUTH 23°26'45" EAST, A DISTANCE OF 251.57 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 140.31 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 131.95 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND EASEMENT FOR ROAD PURPOSES 60 FEET IN WIDTH DESCRIBED AS THE NORTH 28 FEET OF TRACT 89 THROUGH 95, INCLUSIVE, AND THE SOUTH 32 FEET OF TRACT 66 THROUGH 72, INCLUSIVE, OF SAID BLOCK 50. CONTAINING 4.151 ACRES MORE OR LESS.

AND:

PRESERVE #13

TRACT 71 LESS THE WEST 55 FEET, AND THE WEST 110 FEET OF TRACT 70, BLOCK 50, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE SOUTH 2.0 FEET; AND ALSO LESS THE NORTH 45 FEET THEREOF. ALSO LESS THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 71; THENCE NORTH 00°57'03" WEST, ALONG THE WEST LINE OF SAID TRACT 71, A DISTANCE OF 32.00 FEET; THENCE NORTH 89°02'37" EAST ALONG THE NORTH LINE OF 96TH COURT SOUTH ACCORDING TO OFFICIAL RECORDS BOOK 5764, PAGE 701, SAID PUBLIC RECORDS, A DISTANCE OF 55.00 FEET; THENCE NORTH 00°57'03" WEST, ALONG A LINE 55.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH SAID WEST LINE OF TRACT 71, A DISTANCE OF 241.66 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°02'57" EAST, A DISTANCE OF 201.83 FEET; THENCE NORTH 04°01'41" EAST, A DISTANCE OF 207.39 FEET; THENCE SOUTH 89°02'57" WEST, A DISTANCE OF 219.83 FEET; THENCE SOUTH 00°57'03" EAST ALONG A LINE 55.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH SAID WEST LINE OF TRACT 71, A DISTANCE OF 206.61 FEET TO THE POINT OF BEGINNING. AND ALSO LESS THE RIGHT-OF-WAY CONVEYED TO PALM BEACH COUNTY BY RIGHT-OF-WAY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5764, PAGE 701, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 4.152 ACRES MORE OR LESS.

AND:

PRESERVE #14

BEING A PORTION OF TRACTS 54 THROUGH 56, SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST OF THE PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 56; THENCE SOUTH

89°11'31" WEST, ALONG THE SOUTH LINE OF SAID TRACT 56, A DISTANCE OF 40.00 FEET; THENCE ALONG A LINE 40.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 56, NORTH 01°08'36" WEST, A DISTANCE OF 300.01 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°11'31" WEST, A DISTANCE OF 935.31 FEET; THENCE NORTH 00°48'29" WEST, A DISTANCE OF 147.10 FEET; THENCE NORTH 88°58'28" EAST, A DISTANCE OF 480.93 FEET; THENCE NORTH 01°04'33" WEST, A DISTANCE OF 75.27 FEET TO A POINT TO BE KNOWN AS POINT "A" FOR FUTURE REFERENCE; THENCE NORTH 88°58'28" EAST, A DISTANCE OF 150.55 FEET; THENCE NORTH 01°07'33" WEST, A DISTANCE OF 146.90 FEET; THENCE NORTH 88°58'28" EAST, ALONG THE NORTH LINE OF SAID TRACT 56, A DISTANCE OF 302.83 FEET; THENCE SOUTH 01°08'36" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF SMITH-SUNDY ROAD ACCORDING TO OFFICIAL RECORDS BOOK 859, PAGE 565, SAID PUBLIC RECORDS, A DISTANCE OF 372.82 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT: BEGIN AT THE AFOREMENTIONED POINT "A"; THENCE NORTH 88°58'28" EAST, A DISTANCE OF 231.03 FEET; THENCE SOUTH 01°04'33" EAST, A DISTANCE OF 188.45 FEET; THENCE SOUTH 88°55'27" WEST, A DISTANCE OF 231.03 FEET; THENCE NORTH 01°04'33" WEST, A DISTANCE OF 188.66 FEET TO THE POINT OF BEGINNING. CONTAINING 4.000 ACRES, MORE OR LESS.

AND:

PRESERVE #15

TRACT 30, BLOCK 53, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 30; THENCE SOUTH 00°23'26" EAST ALONG THE WEST LINE OF SAID TRACT 30, A DISTANCE OF 281.67 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°36'34" EAST, A DISTANCE OF 237.48 FEET; THENCE SOUTH 00°23'26" EAST, A DISTANCE OF 183.49 FEET; THENCE SOUTH 89°36'34" WEST, A DISTANCE OF 237.48 FEET; THENCE NORTH 00°23'26" WEST ALONG SAID WEST LINE OF TRACT 30, A DISTANCE OF 183.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.998 ACRES, MORE OR LESS.

AND:

PRESERVE #16

TRACT 18, BLOCK 53, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL: COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 18; THENCE SOUTH 00°23'26" EAST ALONG THE WEST LINE OF SAID TRACT 18, A DISTANCE OF 289.85 FEET TO THE POINT OF BEGINNING; THENCE NORTH 81°56'21" EAST, A DISTANCE OF 255.19 FEET; THENCE SOUTH 08°30'15" WEST, A DISTANCE OF 204.34 FEET; THENCE SOUTH 89°36'34" WEST, A DISTANCE OF 221.31 FEET; THENCE NORTH 00°23'26" WEST ALONG SAID WEST LINE OF TRACT 18, A DISTANCE OF 167.83 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.999 ACRES, MORE OR LESS.

AND:

PRESERVE #17

TRACT 61 LESS THE WEST 30 FEET THEREOF, AND THE WEST 180 FEET OF TRACT 62, BLOCK 50, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE NORTH 120 FEET THEREOF, ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 61; THENCE NORTH 89°03'06" EAST ALONG THE SOUTH LINE OF SAID TRACT 61, A DISTANCE OF

30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°57'03" WEST ALONG THE EAST LINE OF THE WEST 30.00 FEET OF SAID TRACT 61, A DISTANCE OF 421.69 FEET; THENCE SOUTH 89°50'06" EAST, A DISTANCE OF 131.39 FEET; THENCE SOUTH 00°09'54" WEST, A DISTANCE OF 74.16 FEET' THENCE SOUTH 25°36'09" WEST, A DISTANCE OF 111.59 FEET; THENCE SOUTH 09°37'27" EAST, A DISTANCE OF 130.58 FEET; THENCE SOUTH 01°19'11" EAST, A DISTANCE OF 116.08 FEET; THENCE SOUTH 89°03'06" WEST ALONG THE SOUTH LINE OF SAID TRACT 61, A DISTANCE OF 100.48 FEET TO THE POINT OF BEGINNING AND LESS THE NORTH 30 FEET THEREOF, AS CONVEYED TO PALM BEACH COUNTY, BY RIGHT-OF-WAY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5165, PAGE 279, OF SAID PUBLIC RECORDS. CONTAINING 4.616 ACRES, MORE OR LESS.

AND:

PRESERVE #18

TRACT 58, LESS THE WEST 60 FEET THEREOF, AND THE WEST 210 FEET OF TRACT 59, BLOCK 50, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE NORTH 120 FEET THEREOF. LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCE AT THE SOUTHEAST CORNER OF THE WEST 60 FEET OF SAID TRACT 58; THENCE NORTH 00°57'03" WEST ALONG THE EAST LINE OF SAID WEST 60 FEET OF TRACT 58, A DISTANCE OF 78.60 FEET; THENCE NORTH 89°02'57" EAST, A DISTANCE OF 62.69 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°56'54" WEST, A DISTANCE OF 158.44 FEET; THENCE NORTH 89°03'06" EAST, A DISTANCE OF 274.93 FEET; THENCE SOUTH 00°56'54" EAST, A DISTANCE OF 158.44 FEET; THENCE SOUTH 89°03'06" WEST, A DISTANCE OF 274.93 FEET TO THE POINT OF BEGINNING. SUBJECT TO AN EASEMENT FOR ROAD PURPOSES OVER THE NORTH 30 FEET THEREOF, TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES 60 FEET IN WIDTH DESCRIBED AS THE SOUTH 60 FEET OF THE NORTH 150 FEET OF TRACTS 57 THROUGH 63, INCLUSIVE, OF SAID BLOCK 50. LESS AND EXCEPT THAT PORTION CONVEYED BY RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 5165, PAGE 277, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 30 FEET OF THE NORTH 150 FEET OF TRACT 58, LESS THE WEST 60 FEET THEREOF. ALSO, THE SOUTH 30 FEET OF THE NORTH 150 FEET OF THE WEST 210 FEET OF TRACT 59, ALL IN BLOCK 50, OF THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 4.618 ACRES MORE OR LESS.

AND:

PRESERVE #19

TRACTS 78 AND 79, OF THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LESS AND EXCEPT THE NORTH 35.64 FEET THEREOF. SUBJECT TO AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER THE SOUTH 20 FEET OF TRACTS 78 AND 79, AS RECORDED IN OFFICIAL RECORDS BOOK 4544, PAGE 1212, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 9.636 ACRES MORE OR LESS.

AND:

PRESERVE #20

BEING A PORTION OF TRACTS 71 AND 72, PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID LAND LYING AND BEING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 72; THENCE NORTH

89°04'42" EAST ALONG THE SOUTH LINE OF SAID TRACT 72, A DISTANCE OF 23.29 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF HALF MILE ROAD RIGHT-OF-WAY, ACCORDING TO THAT PALM BEACH COUNTY MAINTENANCE MAP, RECORDED IN ROAD PLAT BOOK 7, PAGE 169, SAID PUBLIC RECORDS, FOR THE FOLLOWING SIX (6) DESCRIBED COURSES, THENCE NORTH 00°52'56" WEST, A DISTANCE OF 92.53 FEET; THENCE NORTH 00°59'49" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 01°06'41" WEST, A DISTANCE OF 200.01 FEET; THENCE NORTH 00°59'49" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 01°44'30" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 02°42'56" WEST, A DISTANCE OF 39.78 FEET; THENCE ALONG A LINE 35.64 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 72, NORTH 89°05'13" EAST, A DISTANCE OF 318.79 FEET; THENCE ALONG THE EAST LINE OF SAID TRACT 72, SOUTH 01°36'11" EAST, A DISTANCE OF 0.36 FEET; THENCE ALONG A LINE 36.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 71, NORTH 89°05'13" EAST, A DISTANCE OF 159.32 FEET; THENCE ALONG A LINE 159.30 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 72, SOUTH 01°36'11" EAST, A DISTANCE OF 631.91 FEET; THENCE ALONG THE SOUTH LINE OF SAID TRACTS 71 AND 72, SOUTH 89°04'42" WEST, A DISTANCE OF 482.09 FEET TO THE POINT OF BEGINNING. CONTAINING 6.951 ACRES, MORE OR LESS.

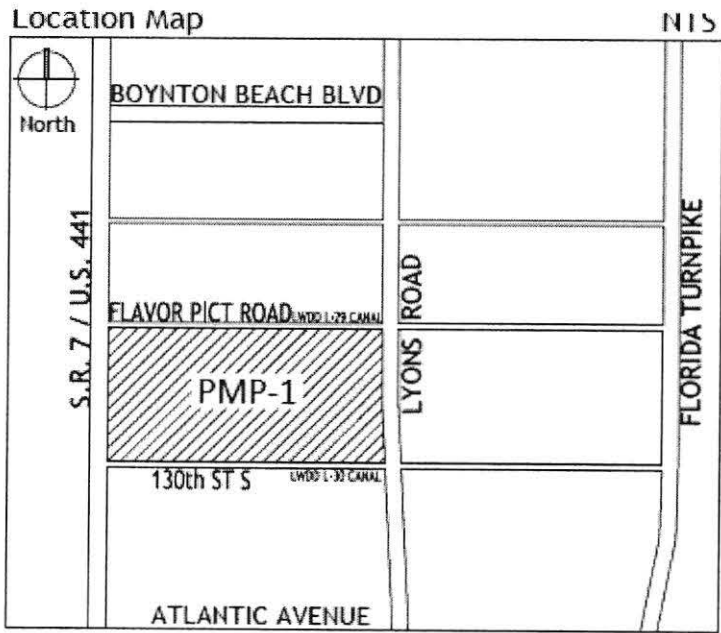
AND:

PRESERVE #21 RURAL PARKWAY

A PORTION OF TRACT P2, DELRAY HOLDINGS 282, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 111, PAGE 136, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT P2; THENCE SOUTH 89°07'26" WEST, ALONG THE SOUTH LINE OF SAID TRACT P2, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°23'28" WEST, ALONG A LINE 100.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACT P2, A DISTANCE OF 2,161.01 FEET; THENCE NORTH 89°36'32" EAST, ALONG THE NORTH LINE OF SAID TRACT P2, A DISTANCE OF 62.30 FEET SOUTH 45°23'28" EAST, ALONG THE EASTERLY BOUNDARY OF TRACT P2, A DISTANCE OF 53.32 FEET; THENCE CONTINUE ALONG SAID EASTERLY BOUNDARY, SOUTH 00°23'28" EAST, A DISTANCE OF 2,122.46 FEET TO THE POINT OF BEGINNING. CONTAINING 4.943 ACRES, MORE OR LESS.

CONTAINING A TOTAL OF 663.357 ACRES, MORE OR LESS

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Development Order Amendment**

##### **ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2012-776, Control No.2005-00014, which currently states:

The approved Preliminary Site Plan is dated March 15, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

##### **Is hereby amended to read:**

The approved Preliminary Master Plan is dated July 23, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2012-776, Control No.2005-00014, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-2005-1135 (Control No. 2005-014), R-2005-1136 (Control No. 2005-014) and R-2005-1418, (Control No. 2005-014), 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.

##### **Is hereby amended to read:**

All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-2005-1135 (Control No. 2005-014), R-2005-1136 (Control No. 2005-014) R-2005-1418, (Control No. 2005-014), and Resolution 2012-0776 (Control No. 2005-014) 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)

3. Based on Article 2.E of the Unified Land Development Code, this Development Order meets the requirements to receive a new three (3) year review date from Date of Approval of this Resolution. (DATE: MONITORING - Zoning) (Previous ALL PETITIONS Condition 3 of Resolution R-2012-776, Control No.2005-00014)

##### **ENGINEERING**

1. Previous ENGINEERING Condition 1 of Resolution R-2012-776, Control No.2005-00014, which currently states:

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

a. No Building Permits for the site may be issued after December 31, 2018. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING -

Engineering)

**Is hereby amended to read:**

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

a. No Building Permits for the site may be issued after October 22, 2026. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Previously deleted per R-2012-0776. (Previous ENGINEERING Condition 2 of Resolution R-2012-776, Control No.2005-00014)

3. Previously deleted per R-2012-0776. (Previous ENGINEERING Condition 3 of Resolution R-2012-776, Control No.2005-00014)

4. Previous ENGINEERING Condition 4 of Resolution R-2012-776, Control No.2005-00014, which currently states:

This PUD shall be restricted to a 400 foot setback measured from the existing east right of way line of SR 7 for all dwelling units. The required setback and landscape buffer, shall be shown on the Final Subdivision and Preliminary/Final Development Plans for this site subject to the approval of the County Engineer and Zoning Division. (DRO/ONGOING: ZONING - Engineering)

**Is hereby deleted.** [REASON: No longer applicable]

5. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (BLDG/PMT/ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2012-776, Control No.2005-00014)

6. Previously deleted per R-2012-0776. (Previous ENGINEERING Condition 6 of Resolution R-2012-776, Control No.2005-00014)

7. Previously deleted per R-2012-0776. (Previous ENGINEERING Condition 7 of Resolution R-2012-776, Control No.2005-00014)

8. Previously deleted per R-2012-0776. (Previous ENGINEERING Condition 8 of Resolution R-2012-776, Control No.2005-00014)

9. Previously deleted per R-2012-0776. (Previous ENGINEERING Condition 9 of Resolution R-2012-776, Control No.2005-00014)

**10. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY - LYONS ROAD AND FLAVOR PICT ROAD**

The property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for:

- i. Lyons Road 55 feet from centerline [Note: COMPLETED];
- ii. Flavor Pict Road 120 feet of right of way [Note: COMPLETED];
- iii. Sufficient Right of way to provide for an Expanded Intersection at Flavor Pict Road and Lyons Road [Note: COMPLETED]

All right of way shall be dedicated prior to July 1, 2006. All Right of way conveyances shall be free of all encumbrances and encroachments on an alignment approved by the County Engineer. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor also agrees to provide Palm Beach

County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements.

In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2012-776, Control No.2005-00014)

11. Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Flavor Pict Road at the project's entrance road. This right of way shall be a minimum of 280 feet in 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2012-776, Control No.2005-00014)

12. Previous ENGINEERING Condition 12 of Resolution R-2012-776, Control No.2005-00014, which currently states:

The Property owner shall construct:

- i. Left turn lane south approach on Lyons Road at the project entrance
- ii. 130th Street (aka Bob West Road) to subdivision standards from SR7 to the project's entrance

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- a. Permits required from Palm Beach County for the construction required in 12.i above (Lyons Rd turn lane) shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering)
- b. Not applicable to this development (CO: MONITORING - Engineering)
- c. Permits required from Palm Beach County for the construction required in 12.ii above (Bob West Road) shall be obtained prior to the issuance of the 148th building permit or prior to utilization of the existing Bob West Road connection to SR-7 for access to this development, whichever shall occur first. (BLDG PERMIT/ONGOING: MONITORING-Eng) (BLDGPMT/ONGOING: MONITORING - Engineering)
- d. Construction required in 12.ii above (Bob West Road) shall be completed prior to the issuance of the 148th Certificate of Occupancy or prior to utilization of the existing Bob West Road connection to SR-7 for access to this development, whichever shall occur first.. (CO/ONGOING: MONITORING-Eng) (CO/ONGOING: MONITORING - Engineering)

**Is hereby deleted.** [REASON: Not applicable to this development]

13. Prior to July 1, 2006 the property owner shall convey a temporary roadway construction easement along Lyons Road and Flavor Pict Road 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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2012-776, Control No.2005-00014)



14. On or before July 1, 2006, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road and Flavor Pict Road along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20-foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment.

If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County, which at its discretion may use this fill material. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2012-776, Control No.2005-00014)

15. Prior to the recordation of the first plat, the petitioner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying both Lyons Road and Flavor Pict Road as a planned thoroughfare roadway adjacent to or through this property . This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in bold print. (PLAT: ENGINEERING - Engineering) (Previous ENGINEERING Condition 15 of Resolution R-2012-776, Control No.2005-00014)

16. Previous ENGINEERING Condition 16 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Previous Condition E16 of Resolution R-2005-1135, Control No. 2005-014, which currently states:

The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before January 15, 2007 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING-Eng)

Is hereby amended to read:

The property owner shall submit documentation of compliance with the notice condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before May 24, 2013 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING-Eng)

**Is hereby amended to read:**

Previous Condition E16 of Resolution R-2005-1135, Control No. 2005-014, which currently states:

The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before January 15, 2007 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING-Eng)

Is hereby amended to read:

The property owner shall submit documentation of compliance with the notice condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before May 24, 2019 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING - Engineering)

17. The subject property shall be appropriately signed by the developer to reflect Lyons Road and Flavor Pict Road as thoroughfares. Sign shall be installed prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 17 of Resolution R-2012-776, Control No.2005-00014)

18. Previous ENGINEERING Condition 18 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Provided the public interest in 130th Street (aka Bob West Road) is abandoned, Tthe property owner shall accept and be responsible for maintenance of the bridge over the LWDD E-1 Canal to allow for an access to the subdivision. The property owner shall also be responsible for transferring any existing permits for the bridge into the property owner's name or his successors or assigns. The property owner shall have any and all permits for the bridge transferred within sixty (60) of recordation of an abandonment of the public's interest in this area or prior to the recordation of the plat utilizing the bridge for access, whichever shall occur first. (ONGOING/PLAT: ENGINEERING - Engineering)

**Is hereby deleted.** [REASON: No longer applicable]

19. Previous ENGINEERING Condition 19 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Prior to issuance of the first building permit, the property owner shall re-plat the project in accordance with Article 11. (BLDG PERMIT: MONITORING - Eng)

**Is hereby amended to read:**

Prior to issuance of the first building permit for residential units for sale, the property owner shall abandon and/or re-plat the project (or phase of project subject to plat recordation) in accordance with Article 11. (BLDGPM: MONITORING - Engineering)

20. Prior to recordation of a plat, the property owner shall abandon and relocate, as necessary as determined by the County Engineer, the drainage easements required per Engineering Condition 14. (PLAT: ENGINEERING - Engineering) (Previous ENGINEERING Condition 20 of Resolution R-2012-776, Control No.2005-00014)

21. The Property Owner shall construct;

i. right turn lane west approach on Flavor Pict Rd at Project entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the two hundredth (200) building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the three hundredth (300) Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

22. No Certificate of Occupancy shall be issued for the project until Flavor Pict Road has been constructed as a 2-lane facility from SR-7 to Lyons Rd. (BLDGPM/CO:

MONITORING - Engineering)

23. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Project Driveway on 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 right of way or easement acquisition.

a. No Building Permits for residential units for sale shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, 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 intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

24. Prior to the recordation of the first plat, the Property Owner shall abandon any portion of Flavor Pict Road right-of-way that will no longer be required for the new proposed Flavor Pict Road alignment. (PLAT: ENGINEERING - Engineering)

25. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Flavor Pict Road 120 feet in width on an alignment approved by the County Engineer plus any additional right-of-way for the expanded intersections of Flavor Pict Road and Lyons Road and Flavor Pict Road and SR7.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to any abandonment of Flavor Pict Road or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents.

(ONGOING: MONITORING - Engineering)

26. The Property Owner shall fund the construction plans and the construction of Flavor Pict Road as a two (2) lane road from Lyons Road to SR7 plus the appropriate tapers and turn lanes at the intersection of Flavor Pict Road and Lyons Road and Flavor Pict Road and SR7. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed on or before the recordation of the first plat. Construction plan costs shall be approved by the

County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (PLAT: ENGINEERING - Engineering)

#### 27. MAJOR THOROUGHFARE ROAD DISCLOSURE

- a. Prior to the recordation of the first plat, the Property Owner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans or Subdivision Plans, a disclosure statement identifying Flavor Pict Road and Lyons Road as planned thoroughfare roadways adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in bold print.
- b. The Property Owner shall submit documentation of compliance with this condition prior to the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

28. Prior to issuance of the first building permit for residential units for sale, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Flavor Pict Road and Lyons Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. 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. (BLDGPMT: MONITORING - Engineering)

29. The Property Owner shall construct;

- i. a right turn lane north approach on Lyons Road at the project entrance.
- ii. a left turn lane south approach on Lyons Road at the project entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for residential units for sale. (BLDGPMT: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

30. Prior to the issuance of the first building permit for residential units for sale, or within

ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Flavor Pict Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. 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 Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

31. Prior to the issuance of the first building permit for residential units for sale, or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. 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 Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

32. Upon execution of the agreement between the Developer and Palm Beach County Engineering, conditions 22, 24, 25, 26 and 28 can be marked complete as approved by the County Engineer. (ONGOING: ENGINEERING - Engineering)

## **ENVIRONMENTAL**

1. An Exotic Removal Management Plan, covering all of the conservation parcels, shall be approved by ERM prior to final DRC site plan approval. (ERM-erm) Previous condition No. ERM-1 of Resolution R-2005-1135, Control No. 2005-014. [NOTE: COMPLETED] (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2012-776, Control No.2005-00014)

2. All Restricted Covenant Agreements and Conservation Easements for all of the Conservation Parcels, shall be submitted to ERM for review and approval prior to

recording. (Building Permit: ERM-erm) Previous Condition ERM-2 of Resolution No. R-2005-1135, Control No. 2005-014. [NOTE: COMPLETED] (BLDG/PMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2012-776, Control No.2005-00014)

3. A disclosure statement shall be drafted by the petitioner and approved by ERM prior to final site plan approval. The disclosure statement shall reveal to the potential home buyer that the uses of properties surrounding their Planned Unit Development may include, but are not limited to, active agriculture, a potential solid waste facility and all other uses that may be permitted within the conservation parcels. (DRO: ERM-erm) Previous condition No. ERM-3 of Resolution No. R-2005-1135, Control No. 2005-014. [NOTE: COMPLETED] (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 3 of Resolution R-2012-776, Control No.2005-00014)

## **HEALTH**

1. Previous HEALTH Condition 1 of Resolution R-2012-776, Control No.2005-00014, which currently states:

The property owner shall utilize Best Management Practices (BMP) to minimize mosquito-breeding in the surface water management system and areas of wetlands on the site. The BMP must include mosquito control methods that minimize the need for chemical pesticides application, and reduce potential impacts of mosquito control activities on the surrounding natural areas. (ONGOING: CODE ENF - Health Department)

**Is hereby deleted.** [REASON: No longer applicable.]

2. Previous HEALTH Condition 2 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Prior to final DRO certification, the petitioner shall submit a Best Management Practices (BMP) Plan for the management of equestrian waste on the site. The BMP shall be acceptable to the Palm Beach County Health Department, and must include an off-site equestrian waste disposal plan. (DRO: HEALTH DEPARTMENT - Health Department)

**Is hereby deleted.** [REASON: No longer applicable.]

3. Previous HEALTH Condition 3 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Prior to the first certificate of occupancy, the BMP Plan approved by the Palm Beach County Health Department shall be incorporated into the governing documents of the homeowners association. (ONGOING: HEALTH DEPARTMENT - Health Department)

**Is hereby deleted.** [REASON: No longer applicable.]

4. Previous HEALTH Condition 4 of Resolution R-2012-776, Control No.2005-00014, which currently states:

No revision, addition, or modification to the Best Management Practices (BMP) Plan for equestrian waste management shall be made or incorporated into the homeowners association's governing documents without the prior approval of the Palm Beach County Health Department. (ONGOING: HEALTH DEPARTMENT - Health Department)

**Is hereby deleted.** [REASON: No longer applicable.]

## **LANDSCAPE - GENERAL-LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF LYONS ROAD)**

1. In addition to the proposed landscaping and buffering program and code requirements, landscaping within the Rural Parkway easement along the east property line shall be

upgraded to include:

- a. a minimum one hundred (100) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum eight (8) foot wide meandering equestrian trail shall be provided;
- c. a minimum eight (8) foot wide meandering pedestrian walkway shall be provided; and
- d. one (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters.

(ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2012-776, Control No.2005-00014)

#### **LANDSCAPE - GENERAL**

2. Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2012-776, Control No.2005-00014, which currently states:

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. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: May conflict with Florida Power and Light (FPL) Right Tree in Right Place planting requirement.]

3. Previous LANDSCAPE - GENERAL Condition 6 of Resolution R-2012-776, Control No.2005-00014, which currently states:

A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Utilize Code Requirements which does not restrict the use of palm trees.]

4. Previous LANDSCAPE - GENERAL Condition 7 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation.

**Is hereby deleted.** [REASON: Code Requirement.]

5. Previous LANDSCAPE - GENERAL Condition 8 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Prior to final approval by the Development Review Officer (DRO), all landscape focal points shall be:

- a. subject to review and approval and reflected on the Regulating Plan.  
(DRO: ZONING - Zoning)

**Is hereby deleted.** [REASON: Regulating Plans are not required.]

#### **LAKE WORTH DRAINAGE DISTRICT**

1. Prior to Final DRO Approval: It appears that there is a dirt road located within LWDD's exclusive easement along the L-30 Canal starting from the bridge crossing at LWDD's E-1 Canal (southwest corner of property). LWDD will require this road to be removed from the Preliminary Master Plan and Preliminary Subdivision Plan prior to Final Master and Final Subdivision Plan approval or a notation needs to be made that reads "to be removed". (DRO: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District) (Previous

LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2012-776, Control No.2005-00014)

2. Prior to Platting, the Petitioner needs to convey an exclusive 40 foot easement to LWDD for the Equalizer 1 (E-1) Canal. Said easement will be the west 40 feet of the north 60 feet of the south 120 feet of Tract 85, Block 62, PBFCP3, PB 2 PG 45. (PLAT: ENGINEERING - Lake Worth Drainage District) (Previous LAKE WORTH DRAINAGE DISTRICT Condition 2 of Resolution R-2012-776, Control No.2005-00014)

#### **PLANNED DEVELOPMENT-PLANNED UNIT DEVELOPMENT**

1. Prior to recordation of the first plat, all property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:

a. Formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.

c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: COUNTY ATTORNEY - Zoning) (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2012-776, Control No.2005-00014)

2. Previous PLANNED DEVELOPMENT Condition 4 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Prior to the issuance of a Certification of Occupancy (CO) for each residential unit, the entire driveway surface shall be paved of stamped concrete, brick, precast concrete block, or other decorative material of similar character. (CO: ZONING - Zoning)

**Is hereby deleted.** [REASON: The ULDC does not regulate the aesthetic appearance of a single family residential drive-way]

3. Previous PLANNED DEVELOPMENT Condition 5 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Prior to the issuance of a building permit for the 100th unit, a Certificate of Occupancy (CO) shall be issued for a clubhouse or similar common building exceeding 2,500 total square feet on the 8.22-acre recreation pod.

(BLDGPMT: MONITORING - Zoning)

**Is hereby deleted.** [REASON: The condition is no longer applicable.]

#### **PLANNING**

1. Previous PLANNING Condition 2 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the applicant shall provide a Rural Parkway Landscape Plan, for the entire Monticello AGR-PUD Rural Parkway Preserve area, subject to approval by the Planning Division, to include a minimum of 60% native shrubs and a minimum of 90% native trees and palms.

**Is hereby amended to read:**

Prior to final site plan approval by the Development Review Officer (DRO), the applicant



shall provide a Rural Parkway Landscape Plan, for the entire Monticello AGR-PUD Rural Parkway Preserve area, subject to approval by the Planning Division, to include a minimum of 60% native shrubs and a minimum of 90% native trees and palms for the minimum required trees, palms and shrubs. (DRO: PLANNING - Planning)

2. Prior to final approval by the Development Review Officer, submit a signed copy of the AGR Rural Parkway/Preserve Management Plan approved by Planning and ERM for both the rural Parkway and Agricultural Preserve areas.

(DRO: PLANNING - Planning) (Previous PLANNING Condition 4 of Resolution R-2012-776, Control No.2005-00014)

3. The Master Plans shall contain the following "Preservation Area/Proposed Uses" notes section and include the following:

a. The preservation areas 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.

8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area.

(ONGOING: PLANNING - Planning) (Previous PLANNING Condition 5 of Resolution R-2012-776, Control No.2005-00014)

4. Prior to plat recordation for the development area, the conservation easements for all of the Preservation parcels shall be recorded, as approved by the County Attorney's Office, the Department of Environmental Resources Management, and the Planning Division.

a. The conservation easements for all of these preserve parcels shall contain:

- 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
- 2) a list of permitted uses, uses not permitted, and prohibited activities.

b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (PLAT: MONITORING - Planning) (Previous PLANNING Condition 6 of Resolution R-2012-776, Control No.2005-00014)

5. Previous PLANNING Condition 8 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to May 1st, 2015, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed.

**Is hereby amended to read:**

Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to December 1st, 2021, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (DATE: MONITORING - Planning)

6. Previous PLANNING Condition 9 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Prior to the issuance of a building permit for the 100th unit, the property owner shall commence construction of the Rural Parkway.

**Is hereby amended to read:**

Prior to the issuance of a building permit for the 100th unit, not including sales models, the property owner shall commence construction of the Rural Parkway. (BLDGPM: MONITORING - Planning)

7. Prior to Certificate of Occupancy for the 250th unit, the property owner shall complete construction of the Rural Parkway. (CO: MONITORING - Planning) (Previous PLANNING Condition 10 of Resolution R-2012-776, Control No.2005-00014)

8. Previous PLANNING Condition 11 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Prior to the issuance of a building permit for the 146th unit, the property owner shall commence construction of the equestrian center and onsite equestrian trail system consistent with the approved master plan. (BLDGPM: MONITORING - Planning)

**Is hereby deleted.** [REASON: No longer applicable.]

9. Previous PLANNING Condition 12 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Prior to Certificate of Occupancy for the 250th unit, the property owner shall complete construction of the equestrian center and onsite equestrian trail system consistent with the approved master plan. (CO: MONITORING - Planning)

**Is hereby deleted.** [REASON: No longer applicable.]

10. Previous PLANNING Condition 13 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Prior to plat recordation for the Development area, the conservation easement for the 100-foot Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100-foot Lyons Road Rural Parkway Preserve Area shall contain:

a. A Rural Parkway Landscape Plan that conforms with the approved Rural Parkway Landscape Plan, but not be limited to the following items:

1) 90 percent native trees and palms, and 60 percent native shrubs;

- 2) A multipurpose path and an equestrian path;
- 3) Undulating berms, no taller than five feet;
- 4) Benches/pedestrian gathering area. At least one (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.

b. The Rural Parkway easement shall not include:

- 1) Walls;
- 2) Structures, with the exception of a bus shelter, benches/pedestrian gathering area, and water fountains.

c. The Rural Parkway easement may include:

- 1) A bus stop easement,
- 2) Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD, and
- 3) Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway, subject to approval by the County Engineering Department and the Planning Division.

d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or a deed to the County for the County's ownership and maintenance.

e. Title insurance for this easement shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division.

f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to May 1st, 2015, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order.

**Is hereby amended to read:**

Prior to the recordation of the first Plat for the Development area, the conservation easement for the 100-foot Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100-foot Lyons Road Rural Parkway Preserve Area shall contain:

a. A Rural Parkway Landscape Plan that conforms with the approved Rural Parkway Landscape Plan, but not be limited to the following items:

- 1) 90% percent native trees and palms, and 60 percent native shrubs for the minimum required trees, palms and shrubs;
- 2) A multipurpose path and an equestrian path;
- 3) Undulating berms, no taller than five feet;
- 4) Benches/pedestrian gathering area. At least one (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.

b. The Rural Parkway easement shall not include:

- 1) Walls;
- 2) Structures, with the exception of a bus shelter, benches/pedestrian gathering area, and water fountains.

c. The Rural Parkway easement may include:

- 1) A ten (10) foot utility easement located adjacent to Lyons Road Right of Way and a bus stop easement,
- 2) Other drainage/utility easements may only be permitted which transverse (run

perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD, and

3) Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway, subject to approval by the County Engineering Department and the Planning Division.

d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or a deed to the County for the County's ownership and maintenance.

e. Title insurance for this easement shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division.

f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to December 1, 2021, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DATE/PLAT: MONITORING - Planning)

11. Prior to the recordation of the first Plat of the Development Area or recordation of the Conservation Easement for Preserve 20, known as Paradise Palms, the structures and septic tanks shall be removed or submit the appropriate permits confirming a permitted use to Planning. Provide the Planning Division with written confirmation from the Health Department that the septic tank(s) has been removed if applicable. (PLAT: MONITORING - Planning)

12. Prior to the release of the 250th Certificate of Occupancy, an "as-built" Rural Parkway Landscape Plan shall be submitted to Planning. These plans may only be modified from the plans approved at Final DRO with prior written permission from Planning. (CO: MONITORING - Planning)

13. Prior to the recordation of the 1st Plat of the Development Area, or Conservation Easement for Preserve 2, known as Swaney, the St. Joseph's School Plat recorded in Plat Book 101, Page 89 shall be abandoned. The abandonment shall include the release of all platted easements and water management tracts except those water management tracts providing drainage to Boynton Beach Boulevard, Lyons Road and the Florida Turnpike. (PLAT: MONITORING - Planning)

14. Prior to the recordation of the first Plat of the Development Area or recordation of the Conservation Easement for Preserve 4, known as McGrath, the trailer and septic tanks shall be removed or provide permit for their use. Provide the Planning Division with written confirmation from the Health Department that the septic tank(s) has been removed if applicable. (PLAT: MONITORING - Planning)

#### **PROPERTY & REAL ESTATE MANAGEMENT-CIVIC**

1. The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on 5.06 acres of public civic land in locations and form acceptable to Facilities, Development & Operations Department (FD&O) by February 28, 2020. 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 (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre

basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

b) Concurrency

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

c) Taxes

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

d) Site condition

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

e) Retention and Drainage

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

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

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

f) On-Site Inspections

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

g) Vegetation Permit

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

h) Buildable Grade

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

i) Water & Sewer

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

j) Irrigation

Property Owner to provide an easement across Property Owner's property, from the proposed Civic Sites to available retention basins, if requested by PREM.

(DATE/ONGOING/PLAT/TC: PROPERTY REAL ESTATE MANAGEMENT - Monitoring)

**PROPERTY & REAL ESTATE MANAGEMENT**

2. The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by January 31, 2020. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

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

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

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

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

(DATE/ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Monitoring)

3. The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by January 31, 2020. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

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

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

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

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

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

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

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

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

If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well.

(DATE/ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Monitoring)

## **SCHOOL BOARD**

1. Previous SCHOOL BOARD Condition 1 of Resolution R-2012-776, Control No.2005-00014, which currently states:

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-2005-1135, Control # 2005-014)

(ONGOING: SCHOOL BOARD - School Board)

**Is hereby deleted.** [REASON: No longer applicable.]

1. The Property Owner shall provide a Declaration and Restrictive Covenant which prohibits children less than nineteen years of age from residing in the community no later than six (6) months after DRO Approval. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney. (DRO: COUNTY ATTORNEY - School Board)

2. Previous SCHOOL BOARD Condition 2 of Resolution R-2012-776, Control No.2005-00014, which currently states:

Condition SCHOOL BOARD 2 of Resolution R-2005-1135, Control Number 2005-14, which currently states:

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 and the County Engineer. 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/ENG - School Board.)

Is hereby amended to read:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING - School Board.) (CO: MONITORING - School Board)

**Is hereby deleted.** [REASON: No longer applicable.]

**COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

#### DISCLOSURE

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