

RESOLUTION NO. R-2019- 0389

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/W-2018-00798
(CONTROL NO. 2002-90045)
an Official Zoning Map Amendment
APPLICATION OF Palm Beach West Associates I LLLP
BY G.L. Homes, AGENT
(Indian Trail Groves)

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 (ULDC), Ordinance 2003-067, Supplement 24, have been satisfied;

WHEREAS, Zoning Application ZV/PDD/W-2018-00798 was presented to the Board of County Commissioners at a public hearing conducted on March 25, 2019;

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 an Official Zoning Map 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 ZV/PDD/W-2018-00798, the Application of Palm Beach West Associates I LLLP, by G.L. Homes, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Production (AP) and Agricultural Residential (AR) Zoning Districts to the Western Communities Residential Planned Unit Development (WCR-PUD) Zoning District, 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 March 25, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

Commissioner Mack Bernard, Mayor	-	Aye
Commissioner Dave Kerner, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Robert S. Weinroth	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 25, 2019.

Filed with the Clerk of the Board of County Commissioners on April 4th, 2019.

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

PARCEL 1:

A PARCEL OF LAND LYING IN SECTIONS 19, 20, 21, 22, 27, 30, 31, THE SOUTH HALF OF SECTIONS 17 AND 18, AND THE NORTH HALF OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, AND SECTIONS 25 AND 26, TOWNSHIP 42 SOUTH, RANGE 39 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF SECTIONS 19, 20, 21, 22, 27 AND 30; TOGETHER WITH THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 17 AND 18; ALL THAT PART OF SECTION 31 LYING NORTH AND EAST OF THE 660 FOOT FLORIDA POWER & LIGHT COMPANY RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 2431, AT PAGE 1704 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND THE NORTH ONE-HALF (N 1/2) OF SECTION 34, ALL IN TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 4004, AT PAGE 136 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

THE NORTH 135 FEET OF THE SOUTH 1/2 OF SECTIONS 17 AND 18, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 9363, AT PAGE 813 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

PARK

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, LESS THE EAST 425 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF;

TOGETHER WITH

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22, LESS THE WEST 195 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

SCHOOL SITE (OFFICIAL RECORDS BOOK 11559, PAGE 1999)

THE EAST 978.88 FEET OF THE SOUTH 1335.00 FEET OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

MIDDLE SCHOOL SITE (OFFICIAL RECORDS BOOK 13335, PAGE 1490)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER (1/4); THENCE NORTH 00° 05' 37" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 1335.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST SECTION LINE, NORTH 89° 58' 53" WEST, A DISTANCE OF 1372.00 FEET; THENCE NORTH 00° 05' 37" WEST, A DISTANCE OF 901.00 FEET; THENCE NORTH 89° 26' 02" EAST, A DISTANCE OF 1372.04 FEET TO THE EAST LINE OF SAID SECTION 34; THENCE SOUTH 00° 05' 37" EAST, A DISTANCE OF 915.00 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING NORTH 89° 58' 53" WEST.

AND LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

HIGH SCHOOL SITE (OFFICIAL RECORDS BOOK 14689, PAGE 1639)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 00° 02' 47" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4), A DISTANCE OF 1481.20 FEET; THENCE NORTH 89° 53' 55" WEST, A DISTANCE OF 1763.98 FEET; THENCE NORTH 00° 00' 18" EAST, A DISTANCE OF 1481.20 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE SOUTH 89° 53' 55" EAST, A DISTANCE OF 1765.05 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

PALM BEACH COUNTY PARCEL

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 50.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22, LESS THE EAST 425.00 FEET THEREOF.

TOGETHER WITH

THE NORTH 50.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22, LESS THE WEST 195.00 FEET THEREOF.

PARCEL 2:

SECTION 4, TOWNSHIP 43 SOUTH, RANGE 40 EAST; AND ALL THAT PART OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 40 EAST, LYING NORTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 3, SAID POINT BEING 2,632.90 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION; THENCE RUNNING IN A NORTHEASTERLY DIRECTION A DISTANCE OF 3,610.56 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID SECTION, 2,530.47 FEET EAST OF THE NORTHWEST CORNER THEREOF.

EXCEPTING THEREFROM THAT PORTION OF SAID SECTION 4 CONVEYED TO THE CITY OF WEST PALM BEACH AS DESCRIBED IN THE DEED FROM INDIAN TRAIL RANCH, INC., DATED JULY 26, 1956 AND RECORDED SEPTEMBER 25, 1956 IN DEED BOOK 1156, PAGE 58, WHICH DEED WAS CORRECTED IN PART BY THE CORRECTIVE QUIT CLAIM DEED DATED OCTOBER 7, 1963 AND FILED OCTOBER 8, 1963 IN OFFICIAL RECORDS BOOK 924, PAGE 965.

ALSO EXCEPTING THEREFROM THE NORTH 100 FEET OF SECTION 4 AND THE NORTH 100 FEET OF THAT PORTION OF SECTION 3 LYING WEST OF THE RIGHT OF WAY LINE OF THE M CANAL, ALL IN TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY.

CONTAINING A TOTAL OF 4,871.569 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

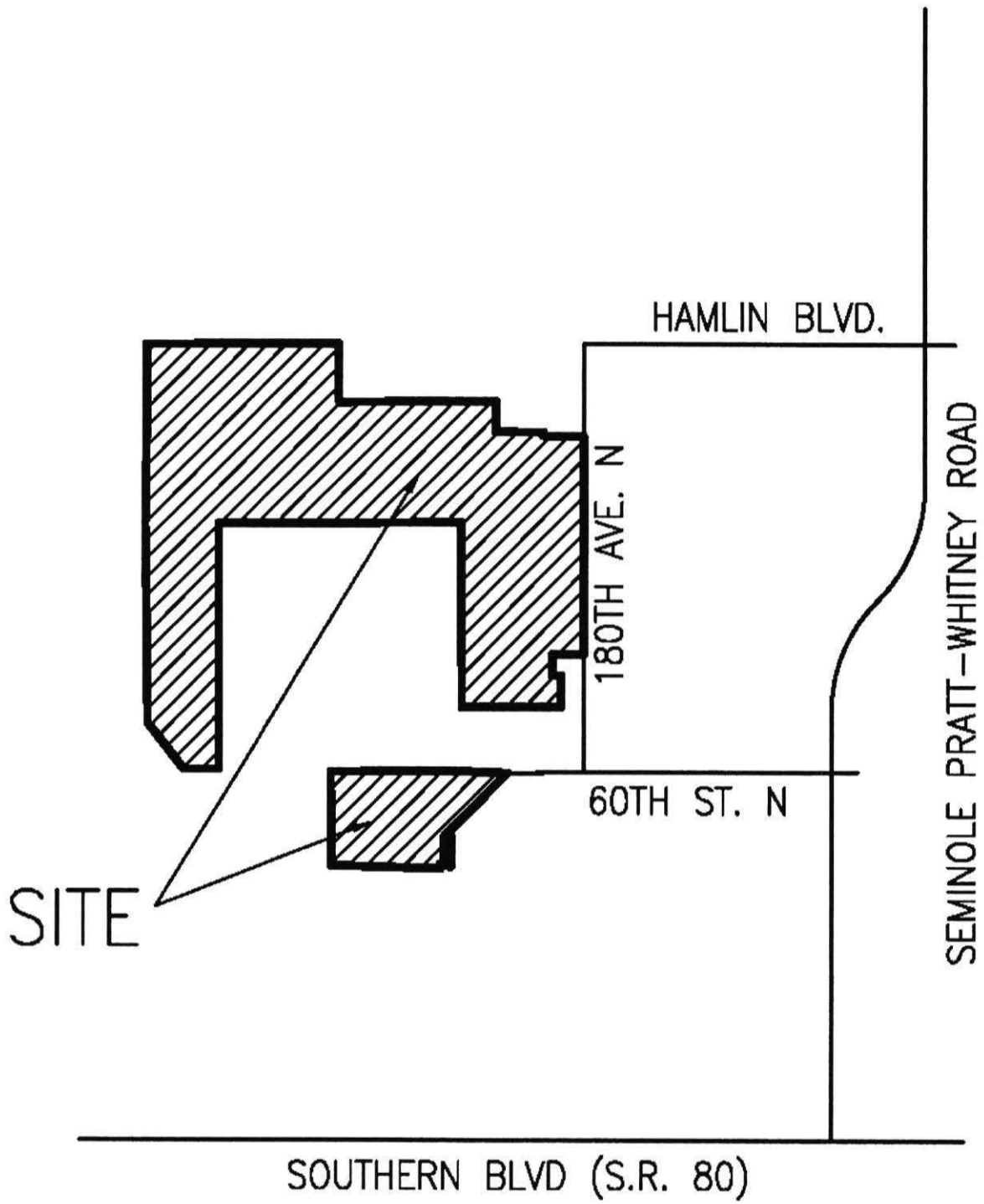


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The Preliminary Master Plan is dated August 13, 2018, and the Preliminary Regulating Plans are dated June 11, 2018. 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. (ONGOING: ZONING - Zoning)

ENGINEERING

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

a. No Building Permits for the site may be issued after December 31, 2035. 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)

b. No building permits for the site shall be issued, until the Property Owner makes a lump sum payment of \$1,250,000 to the County to facilitate road improvements in the area. This is the first of a total of four equal installments throughout the life of the project. This payment is subject to cost escalator calculations applicable to the proportionate share payments. (BLDGPM: MONITORING - Engineering)

c. No building permits for more than 2% of the overall project (or equivalent of 35 directional peak hour trips or 50 dwelling units) shall be issued until the contracts are let for the Assured Construction of the widening of Northlake Boulevard from Seminole Pratt Whitney Road to 140th Ave from a 2-lane facility to a 4-lane divided facility; or

i. Before October 1, 2022

ii. Before October 1, 2020 if Assured Construction is deleted; whichever occurs first.

(BLDGPM: MONITORING - Engineering)

d. No building permits for more than 2% of the overall project (or equivalent of 42 directional peak hour trips or 60 dwelling units) shall be issued until the contracts are let for the Assured Construction of the widening of Northlake Boulevard from 140th Ave to Coconut Boulevard from a 2-lane facility to a 4-lane divided facility; or

i. Before October 1, 2022

ii. Before October 1, 2020 if Assured Construction is deleted; whichever occurs first.

(BLDGPM: MONITORING - Engineering)

e. No building permits for more than 400 dwelling units (or equivalent number of trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility.

(BLDGPM: MONITORING - Engineering)

f. No building permits for more than 800 dwelling units (or equivalent number of trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility.

(BLDGPM: MONITORING - Engineering)

g. No building permits for more than 1200 dwelling units (or equivalent number of trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility.

(BLDGPM: MONITORING - Engineering)

h. No building permits for more than 18% of the overall project (or equivalent of 400 directional peak hour trips or 700 dwelling units) shall be issued until the contracts are let for the Assured Construction of the widening of Royal Palm Beach Blvd from Orange Boulevard to 60th St from a 2-lane facility to a 5-lane divided facility; or

- ii. Before October 1, 2022
- iii. Before October 1, 2020 if Assured Construction is deleted; whichever occurs first. (BLDGPM: MONITORING - Engineering)
- i. No building permits for more than 973 dwelling units shall be issued, until the Property Owner makes a lump sum payment of \$1,250,000 to the County to facilitate road improvements in the area. This is the second of a total of four equal installments throughout the life of the project. This payment is subject to cost escalator calculations applicable to the proportionate share payments. (BLDGPM: MONITORING - Engineering)
- j. The Property Owner shall fund the construction, construction plans and construct Orange Boulevard from 180th Street North to Seminole Pratt Whitney Road as a 3-lane road, as required by the maintaining entity and as approved by the County Engineer, or if not required by the maintaining entity, to be consistent with Palm Beach County standards for an 80ft right of way non-plan collector street. Any and all costs associated with the construction shall be paid by the Property Owner. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The Property Owner shall be entitled to credit against future proportionate share payments for the cost it incurs in completing such plans and construction, inclusive of right-of-way, construction easement and drainage acquisition costs necessary for construction from 180th Avenue North to Seminole Pratt Whitney Road. Construction shall commence prior to the issuance of the 1,228th building permit. (BLDGPM: MONITORING - Engineering)
- k. No building permits for more than 42% of the overall project (or equivalent of 900 AM outbound trips or 1636 dwelling units) shall be issued until the Property Owner extends the dual southbound left turn lanes on Seminole Pratt Whitney Road at Okeechobee Boulevard approximately 200 feet (as approved by the County Engineer) to run back to back with the northbound left turn lane on Seminole Pratt Whitney Road and Downers Drive. (BLDGPM: MONITORING - Engineering)
- l. No building permits for more than 1600 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00 The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)
- m. No building permits for more than 2000 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00 The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)
- n. No building permits for more than 1947 dwelling units shall be issued, until the Property Owner makes a lump sum payment of \$1,250,000 to the County to facilitate road improvements in the area. This is the third of a total of four equal installments throughout the life of the project. This payment is subject to cost escalator calculations applicable to the proportionate share payments. (BLDGPM: MONITORING - Engineering)
- o. No building permits for more than 2319 dwelling units shall be issued until the Property Owner improves and constructs to a 4-lane section to County Thoroughfare standards 60th Street from Seminole Pratt Whitney Road to 190th Street. (BLDGPM: MONITORING - Engineering)
- p. No building permits for more than 663 dwelling units shall be issued until the Property Owner constructs an additional (total of dual) northbound left turn lane, an exclusive eastbound left turn lane, an eastbound through lane, and dual eastbound right turn lane, or as approved by the County Engineer, at the intersection of 60th Street and Seminole Pratt Whitney Road. (BLDGPM: MONITORING - Engineering)
- q. No building permits for more than 2400 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00 The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)
- r. The Property Owner shall fund the construction, construction plans and construct Hamlin Boulevard from 190th Street North to Seminole Pratt Whitney Road as a 3-lane road, as required by the maintaining entity and as approved by the County Engineer, or if not

required by the maintaining entity, to be consistent with Palm Beach County standards for an 80ft right of way non-plan collector street.. Any and all costs associated with the construction shall be paid by the Property Owner. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The Property Owner shall be entitled to credit against future proportionate share payments for the cost it incurs in completing such plans and construction, inclusive of right-of-way, construction easement and drainage acquisition costs necessary for construction. Construction shall commence prior to the issuance of the 2,576th building permit. (BLDGPM: MONITORING - Engineering)

s. No building permits for more than 2800 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00 The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)

t. No building permits for more than 3200 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00 The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)

u. No building permits for more than 3600 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,700,000.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)

v. No building permits for more than 3700 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$865,760.00. However, if the east-west roadway through the City of Westlake that connects Seminole Pratt Whitney Road and 60th Street west of Seminole Pratt Whitney Road is completely constructed and open to public before the above phasing schedule, then the proportionate share payment of \$865,760.00 will not be required. However, in the event that the Property Owner had already made this payment and later this roadway is constructed and open to the public, the submitted payment amount may be credited against any future proportionate share payments, if requested by the Property Owner. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)

w. No building permits for more than 42% of the overall project (or equivalent of 926 directional peak hour trips or 1625 dwelling units) shall be issued:

i. Until Avenir commences widening of Northlake Blvd east of Coconut Blvd from 4 lanes to 6 lanes; or

ii. Before January 1, 2022, whichever occurs first. (BLDGPM/DATE: MONITORING - Engineering)

x. No building permits for more than 3800 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,527,327.00. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. (BLDGPM: MONITORING - Engineering)

y. No building permits for more than 2921 dwelling units shall be issued, until the Property Owner makes a payment of \$1,250,000 to the County to facilitate road improvements in the area. This is the fourth (last) of a total of four equal installments throughout the life of the project. This payment is subject to cost escalator calculations applicable to the proportionate share payments. (BLDGPM: MONITORING - Engineering)

2. Prior to issuance of the first building permit, the Property Owner shall provide for the right of way acquisition funding costs of the right of way for 60th Street from the western terminus on the Thoroughfare Identification Map to Seminole Pratt Whitney Road to provide for a minimum of 100 feet in width plus additional right of way for expanded intersections, drainage, required turn lanes in accordance with Palm Beach County's Thoroughfare Right of Way Identification Map and Palm Beach County's Expanded Intersection Standard Details. Final alignment for the right of way shall be in accordance with the alignment approved by the Board of County Commissioners. Funding shall

include Palm Beach County staff and attorney costs. Funding shall be in an amount as approved by the County Engineer and shall be processed by the Roadway Production Division. (BLDGPM: ENGINEERING - Engineering)

3. The Property Owner shall construct 60th Street North as a two lane public collector roadway from west of Carol Street (or the western most project drive, whichever is furthest west) to Seminole Pratt Whitney Road.

a. Prior to issuance of the first Building Permit, the Property Owner shall obtain all permits necessary for the construction of this roadway. (BLDGPM: MONITORING - Engineering)

b. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall complete construction and receive all necessary final inspections on the roadway. (CO: MONITORING - Engineering)

4. Prior to issuance of the first building permit within the adjacent Pod, 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 190th Street North along the property frontage; and 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 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 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. (BLDGPM: MONITORING - Engineering)

5. Prior to issuance of the first building permit, 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 60th Street North along the property frontage; and 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 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 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. (BLDGPM: MONITORING - Engineering)

6. Within ninety (90) days notice by the County Engineer, the Property Owner shall provide a roadway construction easement to Palm Beach County along 60th Street North and 190th Street North, a minimum of ten feet in width, or as otherwise approved by the County Engineer. This roadway construction easement shall also contain an isosceles trapezoid connecting the Corner Clips across this Property Owner's entrance. 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. (ONGOING: ENGINEERING - Engineering)

7. The Property Owner shall fund the construction, construction plans and construct 190th Street North from 60th Street North to Orange Boulevard to be consistent with Palm Beach County standards for a 100ft right of way plan collector or as required by the maintaining entity and as approved by the County Engineer. 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. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction of the roadway can be phased such that the roadway shall be completed from 60th Street to the adjacent parcel's entrance prior to the issuance of the first Certificate of Occupancy in the adjacent parcel. The connection to Hamlin Boulevard shall be completed once Hamlin Boulevard has been constructed per condition 1.r. (CO: MONITORING - Engineering)

8. The Property Owner shall fund the construction, construction plans and construct Orange Boulevard from 190th Street North to 180th Avenue North to be consistent with Palm Beach County standards for an 80ft right of way non-plan collector street or as required by the maintaining entity and as approved by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the adjacent parcel connecting to Orange Boulevard. (ONGOING: MONITORING - Engineering)

9. Prior to approval of the Final Plan by the Development Review Officer, the Property Owner shall submit an acceptable alignment study for 60th Street North between the west property line on 60th Street North to Seminole Pratt Whitney Road and an acceptable alignment study for 190th Street North from 60th Street North to the north property line on 190th Street North to the Roadway Production Division and receive approval for a proposed alignment by the Board of County Commissioners. (DRO: ENGINEERING - Engineering)

10. Prior to issuance of the first building permit for residential units for sale, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM: MONITORING - Engineering)

11. The Property Owner shall provide an acceptable drainage study identifying any

historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to Final Approval of the Subdivision Plan by the Development Review Officer. A separate drainage study will be required for each Subdivision Plan or the property owner has the option to provide one single drainage study for the overall approval. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with platting the specific land. (PLAT: ENGINEERING - Engineering)

12. Prior to issuance of the first Certificate of Occupancy in Sections 20, 21, 22, 27 or 34, Township 42, Range 40 (Pods F, E, D, C and B respectively) the Property Owner shall have constructed and received all required final inspections for a minimum 80-foot collector roadway that has direct access to a Thoroughfare Plan collector roadway to provide access to the Pod being constructed. (CO: MONITORING - Engineering)

13. The Property Owner shall construct a public access road (also known as ITG Boulevard), minimum of 80-foot right-of-way, along the north side of the extension westward of Temple Boulevard, within this project's boundary. The public road shall connect Carol Street/Legum Lane to 190th Street. The road shall be permitted as necessary, constructed and completed prior to issuance of the first Certificate of Occupancy in Sections 20 or 21, Township 42, Range 40. (CO: MONITORING - Engineering)

14. The Property Owner shall fund traffic signals cost when and where warranted as determined by the County Engineer in the vicinity of the project area, e.g., intersections along Seminole Pratt Whitney Road at Orange Blvd, and Hamlin Blvd, along 190th Street (at on 60th Street, Hamlin Blvd, and Orange Blvd), along 180th St (at Orange Blvd and Hamlin Blvd), and on 60th Street at Mandarin Blvd. Signalization shall be a mast arm structure installation. The cost of signalization shall be paid by the Property Owner and shall also include all design costs and any required utility relocation and right of way or easement acquisition. (ONGOING: ENGINEERING - Engineering)

15. In recognition that construction prices may change over the life of the project, the proportionate share payments shall be subject to the following escalator calculations:

Adjusted Payment (when payment is being made) = Original Payment Amount x Cost Adjustment Factor

Where,

Original Payment Amount = Proportionate Share Payment amount specified in the Proportionate Share Agreement

Cost Adjustment Factor = (Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of payment))/(Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of Prop Share Execution))

The Bureau of Labor Statistics Producer Price Index (PPI) for Commodities (Series ID: WPUIP2312301), can be found at <http://data.bls.gov/timeseries/WPUIP2312301>.

If at the time a Proportionate Share payment is due, the Commodities Code ID WPUIP2312301 is no longer used by the United States Bureau of Labor Statistics, the Adjusted Payment will be based on the Producer Price Index for non-residential commodities then in effect. In the event such an index is no longer in use, the Adjusted Payment will be based on the United States Bureau of Labor Statistics Consumer Price Index then in effect.

(ONGOING: ENGINEERING - Engineering)

16. With each site plan and individual Pod application, a traffic study evaluating the internal

intersections (e.g., intersections along 190th Street N with Hamlin Blvd, Orange Blvd, and 60th St and along Seminole Pratt Whitney Rd at Hamlin Blvd, Orange Blvd, 60th St) geometric/signalization needs must be evaluated and approved by the County Engineer. Required improvements at those intersections must be constructed by the Developer, when warranted, as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering)

17. 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 60th Street North and 190th Street North as planned thoroughfare roadways adjacent to or through this property. This shall also include the ultimate number of lanes for the roads. Information which appears in written form shall appear in bold print. (PLAT: ENGINEERING - Engineering)

b. The Property Owner shall submit documentation of compliance with this condition prior to the first Certificate of Occupancy. (CO: MONITORING - Engineering)

18. The Property Owner shall design, install, and perpetually maintain median landscape within the median of 60th Street North from Carol Street to Seminole Pratt Whitney Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

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

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

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the footage along 60th Street North from Carol Street to Seminole Pratt Whitney Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM: MONITORING - Engineering)

19. Civic and Recreation Pods turn lane requirements shall be determined at Final Plan approval on case-by-case basis. (ONGOING: ENGINEERING - Engineering)

20. The Property Owner shall construct:

i. a left turn lane east approach on 60th Street North at the project's east entrance into Pod A.

ii. a left turn lane east approach on 60th Street North at the project's west entrance into Pod A.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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 residential unit for sale building permit. (BLDGPM: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

21. The Property Owner shall construct:

- i. a right turn lane east approach on 60th Street North at the intersection of 60th Street North and 190th Street North.
- ii. a left turn lane west approach on 60th Street North at the intersection of 60th Street North and 190th Street North.

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 of a residential unit for sale within any Pod that uses 190th Street North for access. (BLDGPM: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy of a residential unit for sale within any Pod that uses 190th Street North for access. (CO: MONITORING - Engineering)

22. The Property Owner shall construct:

- i. a left turn lane north approach on 190th Street North at the entrance to Pod B.
- ii. a right turn lane south approach on 190th Street North at the entrance to Pod B.
- iii. a left turn lane east approach at the intersection of 190th Street North and the entrance to Pod B.
- iv. a right turn lane east approach at the intersection of 190th Street North and the entrance to Pod B.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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. Construction shall be completed prior to the issuance of the 663rd Certificate of Occupancy. (CO: MONITORING - Engineering)

23. The Property Owner shall construct:

- i. a left turn lane north approach on 190th Street North at the intersection of 60th Street North and 190th Street North.
- ii. a right turn lane north approach on 190th Street North at the intersection of 60th Street North and 190th Street North.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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. Construction shall be completed prior to the issuance of the 2498th Certificate of Occupancy. (CO/ONGOING: MONITORING - Engineering)

24. The Property Owner shall construct:

- i. a right turn lane east approach on Orange Boulevard at the intersection of Orange Boulevard and 190th Street North.
- ii. a left turn lane east approach on Orange Boulevard at the intersection of Orange Boulevard and 190th Street North.
- iii. a left turn lane north approach on 190th Street North at the intersection of Orange

Boulevard and 190th Street North.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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. Construction shall be completed prior to the issuance of the 2,498th Certificate of Occupancy.

(CO: MONITORING - Engineering)

25. The Property Owner shall construct:

- i. a left turn lane east approach on Orange Boulevard at the entrance to Pod B.
- ii. a right turn lane west approach on Orange Boulevard at the entrance to Pod B.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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. Construction shall be completed prior to the issuance of the 663rd Certificate of Occupancy. (CO: MONITORING - Engineering)

26. The Property Owner shall construct:

- i. a left turn lane west approach on Orange Boulevard at the entrance to Pod C.
- ii. a right turn lane east approach on Orange Boulevard at the entrance to Pod C.
- iii. a right turn lane north approach at the intersection of Orange Boulevard and the entrance to Pod C.
- iv. a left turn lane north approach at the intersection of Orange Boulevard and the entrance to Pod C.
- v. a right turn lane south approach on 190th Street North at the entrance to Pod C.
- vi. a left turn lane north approach on 190th Street North at the entrance to Pod C.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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. Construction shall be completed prior to the issuance of the 932nd Certificate of Occupancy.

(CO: MONITORING - Engineering)

27. The Property Owner shall construct

- i. a left turn lane south approach on 180th Street North at the intersection of 180th Street North and Orange Boulevard.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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. Construction shall be completed prior to the issuance of the 663rd Certificate of Occupancy. (CO: MONITORING - Engineering)

28. The Property Owner shall construct:

- i. a left turn lane east approach at the intersection of 190th Street North and the entry road to Pod D.
- ii. a right turn lane east approach at the intersection of 190th Street North and the entry road to Pod D.
- iii. a right turn lane south approach on 190th Street North at the entrance of Pod D.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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. Construction shall be completed prior to the issuance of the 1,797th Certificate of Occupancy. (CO: MONITORING - Engineering)

29. The Property Owner shall construct:

- i. a left turn lane west approach on ITG Boulevard at the intersection of ITG Boulevard and

190th Street North.

- ii. a right turn lane west approach on ITG Boulevard at the intersection of ITG Boulevard and 190th Street North.
- iii. a left turn lane south approach on 190th Street North at the intersection of ITG Boulevard and 190th Street North.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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. Construction shall be completed prior to the issuance of the 2,499th Certificate of Occupancy. (CO: MONITORING - Engineering)

30. The Property Owner shall construct:

- i. a right turn lane east approach on ITG Boulevard at all three Pod E entrances.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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. Construction shall be completed prior to the issuance of the 2,499th Certificate of Occupancy. (CO: MONITORING - Engineering)

31. The Property Owner shall construct:

- i. a left turn lane south approach on 190th Street North at all three Pod E entrances.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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. Construction shall be completed prior to the issuance of the 2,499th Certificate of Occupancy.
(CO: MONITORING - Engineering)

32. The Property Owner shall construct:

- i. a left turn lane west approach on the northernmost entry road of Pod E at the intersection of the northernmost entry road of Pod E and 190th Street North.
- ii. a right turn lane west approach on the northernmost entry road of Pod E at the intersection of the northernmost entry road of Pod E and 190th Street North.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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. Construction shall be completed prior to the issuance of the 2,499th Certificate of Occupancy.
(CO: MONITORING - Engineering)

33. The Property Owner shall construct:

- i. a left turn lane west approach on Carol Street at both Pod F entrances.
- ii. a right turn lane west approach on Carol Street at both Pod F entrances.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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. Construction shall be completed prior to the issuance of the 3,358th Certificate of Occupancy.
(CO: MONITORING - Engineering)

34. The Property Owner shall construct

- i. a left turn lane south approach on Carol Street at both Pod F entrances.

This construction shall be concurrent with the paving and drainage improvements for the adjacent 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. Construction shall be completed prior to the issuance of the 3,358th Certificate of Occupancy.
(CO: MONITORING - Engineering)

35. Additional right of way needed for turn lanes at intersections and entrances will be determined during the review of the subdivision plans. (ONGOING: ENGINEERING - Engineering)

ENVIRONMENTAL

1. Prior to the approval of the Master Plan, initial Site Plan or Subdivision Plan by the Development Review Officer, a Phase II Environmental Audit shall be submitted to the Department of Environmental Resources Management. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

PLANNING

1. Per LGA 2016-017, Ord. 2016-041, condition 1, Development of the site is limited to a maximum gross density of 0.8 dwelling units/acre (3,897 units maximum); no additional density bonuses are permitted. (ONGOING: PLANNING - Planning)

2. Per LGA 2016-017, Ord. 2016-041 condition 2, Development of the site must conform with the site data table and the conceptual plan. (ONGOING: PLANNING - Planning)

3. Per LGA 2016-017, Ord. 2016-041 condition 3, Commercial development on the site is limited to a maximum 300,000 square feet and office development is limited to a maximum of 50,000 square feet. (ONGOING: PLANNING - Planning)

4. Per LGA 2016-017, Ord. 2016-041 condition 4, Prior to the issuance of the 2,598th residential building permit, a minimum of 233,000 square feet of commercial uses shall receive a certificate of occupancy/certificate of completion. (BLDGPM: MONITORING - Planning)

5. Per LGA 2016-017, Ord. 2016-041 condition 5, Recordation of the first plat required within three years of any development order approval, subject to time extensions as allowed by the ULDC, or otherwise permitted pursuant to State Law and County Policy. (DATE: MONITORING - Planning)

6. Per LGA 2016-017, Ord. 2016-041 condition 6, Prior to the recordation of the first plat for the development, the developer shall record a conservation easement for the 1,068 acres of land identified as Water Resources/Agriculture on the Conceptual Plan, in favor of Palm Beach County, subject to the approval of the County Attorney. (PLAT: MONITORING - Planning)

7. Per LGA 2016-017, Ord. 2016-041 condition 7, A deed conveying the Impoundment Expansion area of 640 acres to the Indian Trail Improvement District (ITID), as shown on the conceptual plan, shall be executed by the property owner and placed in escrow prior to the recordation of the first plat, or April 1, 2018, whichever occurs first. The terms of the release from escrow and recordation of the deed shall be pursuant to the terms of an agreement by and between the applicant, its successors and assigns, and the ITID. Upon written notice to the County by ITID, that the 640 acre Impoundment Expansion area will not be utilized by the District, then the land shall be deeded to the County for storm water retention/water management purposes; the timing and conveyance of such dedication and any other conditions pertaining to the conveyance (to Palm Beach County rather than ITID) shall be established in the zoning development order issued by the BCC. (PLAT: MONITORING - Planning)

8. Per LGA 2016-017, Ord. 2016-041 condition 8, Within 60 days of the effective date of the comprehensive plan amendments regarding the Indian Trails Grove site, the developer shall provide the County Attorney an executed restrictive covenant, approved by the County Attorney, which shall be recorded in the public records prohibiting the property owned by the developer, affiliated entities, and any and all successors and assigns, within the area covered by the Western Communities Residential Overlay, from voluntarily

annexing into a municipality, signing annexation petitions or otherwise consenting to annexation, seeking to incorporate as a municipality, or consenting to participating in or financially contributing to efforts to incorporate a municipality until the threshold established in Chapter 720.307 F.S. (2016, as amended from time to time) is achieved. The developer shall provide the County with a certified copy of the executed and recorded restrictive covenant prior to certification of any development order. In the event the developer seeks certification of any development order application prior to recording the covenant, the developer shall provide to the County Attorney the executed covenant in recordable form, with the appropriate filing fee, to be held in escrow by the County Attorney and recorded after the effective date of the comprehensive plan amendments. (ONGOING: PLANNING - Planning)

PLANNING-RURAL PARKWAY

9. Per LGA 2016-017, Ord. 2016-041 condition 16, Rural Parkway easements shall be located along the south side of 60th Street North, both sides of Orange Blvd., the west side of 180th, and the east and west sides of 190th within the project boundaries, for the purposes of buffering and providing pedestrian, bicycle and equestrian trail connections within the development, and adjacent to the thoroughfare road network. These rural parkway easements shall:

- a. be a minimum of 50 feet in width, except for 180th which shall be a minimum 80 feet in width;
- b. include 8-foot wide multi-purpose pathways and 10-foot wide equestrian trails as indicated, which shall be accessible to the public;
- h. include a minimum of 70% native plant material in each rural parkway planting plan, and the following minimum quantities of each type of vegetation, notwithstanding any ULDC buffer requirements:
 1. canopy trees, 1 per 1,000 square feet of rural parkway easement;
 2. flowering trees, 1 per 4,000 square feet of rural parkway easement;
 3. palms, 1 per 1,600 square feet of rural parkway easement;
 4. pines, 1 per 2,000 square feet of rural parkway easement;
 5. large shrubs, 1 per 400 square feet of rural parkway easement;
 6. medium shrubs, 1 per 300 square feet of rural parkway easement;
 7. small shrubs, 1 per 200 square feet of rural parkway easement;
 8. turf grass and/or other ground cover as applicable for areas not planted with landscape material. (ONGOING: PLANNING - Planning)

10. Per LGA 2016-017, Ord. 2016-041 condition 16.c., obtain conceptual approval for signage located in the rural parkway that is context sensitive to the Rural Tier and subject to Planning Director approval, prior to final master plan approval. (DRO: PLANNING - Planning)

11. Per LGA 2016-017, Ord. 2016-041 condition 16.d., obtain conceptual approval for all rural parkway planting plans prior to final master plan approval. (DRO: PLANNING - Planning)

12. Per LGA 2016-017, Ord. 2016-041 condition 16.e., all rural parkway easements shall be recorded in the public record prior to the recordation of the first plat. (PLAT: MONITORING - Planning)

13. Per LGA 2016-017, Ord. 2016-041 condition 16.f., commence construction of each rural parkway segment prior to the first building permit in the adjacent pod,...consistent with the approved Rural Parkway Landscape Plans and Rural Parkway Easement. (BLDGPM: MONITORING - Planning)

14. Per LGA 2016-017, Ord. 2016-041 condition 16.g., complete construction of each rural parkway segment prior to the first certificate of occupancy in the adjacent pod,...consistent with the approved Rural Parkway Landscape Plans and Rural Parkway Easement. (CO: MONITORING - Planning)

15. Prior to the recordation of the first Plat, a maintenance agreement, in the form of a Management Plan or recorded agreement for continual maintenance of the Rural Parkway

shall be provided to Planning, Zoning and Engineering. (PLAT: MONITORING - Planning)

16. Per LGA 2016-017, Ord. 2016-041 condition 11.a., Prior to issuance of the first residential permit, the developer shall improve and construct as a 2-lane section to County thoroughfare standards 60th St. N. from the existing east/west pavement west of Seminole Pratt-Whitney Rd. to 190th St. N., inclusive of a new bridge crossing over the M-Canal at the ultimate 4-lane section. (BLDGPM: MONITORING - Planning)

17. Per LGA 2016-017, Ord. 2016-041 condition 11.b., Prior to issuance of the 1,663rd residential permit, should the additional right-of-way for 60th St. N. from Seminole Pratt-Whitney Rd. to the western limits of the City of Westlake not have been dedicated to the County by Minto, the developer shall fund acquisition of said right-of-way. (BLDGPM: MONITORING - Planning)

18. Per LGA 2016-017, Ord. 2016-041 condition 11.c., Prior to issuance of the 2,320th residential permit, the developer shall improve and construct a 4-lane section to County thoroughfare standards 60th St. N. from Seminole Pratt-Whitney Rd. to 190th St. N. (BLDGPM: MONITORING - Planning)

PLANNING-WORKFORCE HOUSING

19. Per LGA 2016-017, Ord. 2016-041 condition 9, The Zoning development order shall include the provision of at least 10% of the residential units, a total of 390 units, shall be provided as workforce housing, subject to the following requirements:

9. a. The property owner shall provide these units on site, and between 60-120% of the Average Median Income ranges for the County, in three ranges (60-80%, 81-100% and 101-120%);

9. d. Upon the recordation of sale for each workforce housing unit, a copy of the deed restriction shall be provided to the Planning Director and the Department of Economic Sustainability (DES) (or its successor);

9. e. The deed for each workforce housing unit sold shall include restrictions requiring:
i. that all identified units be sold or resold only to qualified households in the applicable targeted income range at an attainable housing cost for each of the targeted income ranges;

ii. that these restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each unit; and

iii. that in the event a unit is resold before the 15-year period concludes, a new 15 year period shall take effect on the date of the resale. (ONGOING: PLANNING - Planning)

20. Per LGA 2016-017, Ord. 2016-041 condition 9. g. Release of Obligation to Construct Work Force Housing units (WFH) For-Sale Units - It is not the intent of the WFH provisions to require a developer to commence construction on a WFH for sale unit for which a valid and binding contract for purchase between developer and buyer has not been executed. It is intended that all WFH units will be marketed in the same manner as the market-rate units within the development. In the event a WFH unit eligible for contract has been available for purchase for a period not less than 180 days and no contract to purchase that unit has been executed during the 180 day period, and is located within a development POD or Phase in which not less than 80% of the market rate units have binding purchase contracts. then that specific WFH unit shall be eligible to be released from the WFH obligations indicated in the Applicable Site Plan. When a WFH unit is not purchased in accordance with the provision above, the developer shall make an in lieu payment to the County pursuant to the following:

a. An amount equal to one half of the differential between the WFH unit cost and the contract price not to exceed \$40,000 per unit.

b. "Available for purchase" shall be defined as:

- 1) Written notice is provided to the Planning Director and the Department of Economic Sustainability (DES) and to a list of interested parties provided to the developer by the County that developer has a project approved which requires the construction of WFH units and the developer is ready to commence sales of the required WFH unit within the development. The written notice shall include the location of the subject property, the location of the sales office, the hours of the sales office, the floor plan and construction specifications for the WFH unit available for contract; and the pricing of the WFH unit available for contract;
- 2) Developer shall include in the sales office displays and WFH unit promotional brochures produced as of and during the entire duration of the build-out of the project until all WFH units required have been sold and/or released according to this condition;
- 3) The inclusion of informational packets in the sales center for those interested in purchasing a WFH unit which provides the qualification standards, where to go to get qualified, and other relevant information regarding the WFH units. This packet shall be provided by or approved by Palm Beach County prior to placement on the sales floor;
- 4) At the time the WFH units become available for purchase the developer shall provide to the Palm Beach County Department of Planning, Zoning and Building proof of out-reach to local housing advocacy groups and others on the interested parties list; and,
- 5) The developer acts in good faith to market and sell the unit during the term of the project until such time as all WFH units are sold or released pursuant to this condition.
(ONGOING: PLANNING - Planning)

21. Per LGA 2016-017, Ord. 2016-041 condition 9.f., Prior to final site plan approval for each subdivision plan per pod, the total number of workforce housing units provided shall be identified within that pod. (DRO: PLANNING - Planning)

22. Per LGA 2016-017, Ord. 2016-041 condition 9.b., Prior to the issuance of the first residential building permit, a master covenant for all 390 workforce housing units shall be recorded. (BLDGPMT: MONITORING - Planning)

23. Per LGA 2016-017, Ord. 2016-041 condition 9.c., Prior to the issuance of the certificate of occupancy for each designated workforce housing unit, a deed restriction for each units shall be recorded containing all relevant information implementing the workforce housing conditions, specified in this ordinance and any subsequent zoning approval. (ONGOING: PLANNING - Planning)

24. Per LGA 2016-017, Ord. 2016-041 condition 9.h., Beginning in October 2020, an annual report shall be submitted to DES and the Planning Director denoting compliance with the workforce housing requirements adopted with the amendment and any future development order. Should no units receive a certificate of occupancy prior to October 2020, the reporting requirement shall begin one year after the issuance of the first certificate of occupancy, and continue each year thereafter. (DATE: MONITORING - Planning)

25. Per LGA 2016-017, Ord. 2016-041 condition 9.i, Prior to the issuance of the 663rd building permit, 39 workforce housing units (all located in Parcel A) shall be issued a certificate of occupancy, to include the recorded deed restriction for each WHP unit consistent with Ordinance Condition 9.c. (BLDGPMT: MONITORING - Planning)

26. Per LGA 2016-017, Ord. 2016-041 condition 9.j., Prior to the issuance of the 1797th building permit, 195 workforce housing units shall be issued a certificate of occupancy, to include the recorded deed restriction for each WHP unit consistent with Ordinance Condition 9.c. (BLDGPMT: MONITORING - Planning)

27. Per LGA 2016-017, Ord. 2016-041 condition 9.k., Prior to the issuance of the 2,499th building permit, 292 workforce housing units shall be issued a certificate of occupancy, to include the recorded deed restriction for each WHP unit consistent with Ordinance Condition 9.c. (BLDGPMT: MONITORING - Planning)

28. Per LGA 2016-017, Ord. 2016-041 condition 9.l., Prior to the issuance of the 3,358th building permit, all 390 workforce housing units shall be issued a certificate of occupancy,

to include the recorded deed restriction for each WHP unit consistent with Ordinance Condition 9.c. (BLDGPM: MONITORING - Planning)

29. In all cases, additional units may be designated as WHP, within each, phase that exceed the requirements as stated above. (ONGOING: PLANNING - Planning)

30. Design Requirements - Work Force Housing units (WFH) shall be designed to be compatible with the overall project, as follows:

- a. All WFH units shall be constructed on site.
- b. All WFH units shall be designed to a compatible exterior standard as other units within the development or pod/phase and shall be comparable with the surrounding land uses; and
- c. Required WFH units may be clustered or dispersed throughout the project. (ONGOING: PLANNING - Planning)

31. Affordability Requirements: All required Work Force Housing units (WFH) shall be offered for sale at an attainable housing cost for each of the targeted income ranges. The sale prices shall be updated annually by the Planning Director or his designee, with the sales prices based on the AMI, and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) for a family of four, which pricing shall not be adjusted based on the number of occupants, as published annually by HUD (sale price: household income figure multiplied by three and priced at the middle of each of the four WFH income categories). (ONGOING: PLANNING - Planning)

32. In the event of default by the purchaser of a for sale Work Force Housing units (WFH), after execution of a binding contract, the subject WFH shall return as available for sale for the remainder of the applicable 180-day sale period. (ONGOING: PLANNING - Planning)

33. Nothing in these conditions requires the developer to provide and/or guarantee financing for any applicant for a Work Force Housing units (WFH). The Developer is not required to aid in the purchase and/or financing of the WFH unit. (ONGOING: PLANNING - Planning)

34. On an annual basis, beginning December 1, 2019, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the Work Force Housing units (WFH) shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WFH and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (DATE/ONGOING: MONITORING - Planning)

PLANNING-MULTI-MODAL CONNECTIONS AND AMENITIES

35. Prior to the release of the first certificate of occupancy for any Pod adjacent to a Rural Parkway, the property owner shall submit an As-built Rural Parkway Plan, to be approved by Planning and Landscape. (CO: MONITORING - Planning)

36. There shall be no berms included within any area identified on the Conceptual Master Plan, as Public connectivity, Rural Parkway or equestrian trails and pedestrian pathway system. (ONGOING: PLANNING - Planning)

37. Prior to the release of the first Certificate of Occupancy for each residential and commercial POD, all adjacent public and pedestrian access points, trolley stops, Pedestrian gathering areas, pedestrian and equestrian trail ways, amenities such as bike racks and/or benches, and associated signage shall be fully constructed and functional. (CO: MONITORING - Planning)

38. Prior to the release of the 1,000th Certification of Occupancy, the Trolley system and Depot will be fully constructed and operational as required by FLUE Policy 1.12-f of Ordinance 2016-41. (CO: MONITORING - Planning)

39. The commencement of construction for a Trolley Depot (which may include a

temporary depot until the permanent depot is constructed) shall begin prior to the release of the 900th Building Permit. (BLDGPM: MONITORING - Planning)

PLANNING-INDIAN TRAIL IMPROVEMENT DISTRICT (ITID) UNIT ACTIVATION

40. No residential building permits (with the exception of model units) shall be issued until Palm Beach County receives written confirmation from Indian Trail Improvement District confirming Activation of a Unit of Development for all land within the PUD (with the exception of that portion of the Property designated as "Open Space Pod 1" (+640.00 acres) and "Open Space Pod 2" (+1068 acres)). (BLDGPM: MONITORING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The Property Owner shall provide Palm Beach County Board of County Commissioners with Statutory Warranty Deeds for all Public Civic Sites identified as Park, Police/Fire, Office, Utility as shown on the Master Plan consistent with Land Use Amendment Ordinance 2016-041 (conditions 13, 14, 15). Property Owner to plat and dedicate the civic sites to Palm Beach County according to the following approved phasing plan (A thru F): Civic Pod #1 shall be conveyed prior to 25% of the building permits issued for POD A (total residential units for sale - 166 permits) ; Civic Pod #3 and Civic Pod #4 shall be conveyed prior to 25% of the building permits issued for POD D, plus all building permits for POD A, POD B and POD C (total residential units for sale - 2012 permits). Prior to each deed conveyance Property Owner shall have satisfied each of the following conditions:

a) Title

Property Owner to provide title policies insuring marketable title to Palm Beach County for the civic sites and any easements that service the civic sites as required by the County Attorney's office. All title exception documentation to be provided to County. Policies are subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. Each 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 each 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 each 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 each civic site would support and the corresponding amount of trips. If no County use is applied to a civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic site 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 sites 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 each proposed civic site by the County. Property Owner shall specifically address the following issues:

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

2) An easement across Property Owner's property from a 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 each civic site.

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit on each civic site. 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 each 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 to each civic site as determined by PREM.

j) Irrigation

Property owner to provide an easement across Property Owners property, from each proposed Civic Site to available retention basins, if requested by PREM.

k) Rural Parkway

Any Rural Parkway areas located within the limits of Civic Site Pods 1, 3, 4 shall be maintained at the Property Owners sole cost and expense, or may be assigned by the Property Owner to the appropriate Homeowners Association within the PDD. (BLDGPM/ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Monitoring)

2. The Property Owner shall provide the County with a survey certified to Palm Beach County of each proposed civic site prior to deed conveyance. 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 a civic 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 a civic site.

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

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

3. The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of each proposed civic site prior to deed conveyance. 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 sites.

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 each 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 each 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 a 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.

(BLDG/PMT/ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Monitoring)

4. The Property Owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land is the more viable option and enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the Property Owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the Property Owner. If off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC.

(PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO) for each POD (A through F), the 10 feet by 15 feet school bus shelter(s) for each pod 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(s) shall include, at a minimum, a covered area,

continuous paved pedestrian and bicycle access from the subject property or use, to the shelter(s). Maintenance of the bus shelters shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

3. Platting & Deed

The Property Owner shall provide the School Board with Statutory Warranty Deeds for all Public Civic Sites identified as Public Civic Sites and Recreation Amenity as shown on the Master Plan consistent with Land Use Amendment Ordinance 2016-041 (Condition 24). Property Owner to plat and dedicate the public school and recreation amenity civic sites to the School Board according to the following approved phasing plan (A thru F): Civic Pods #5, #6 and #7 shall be conveyed prior to 25% of the building permits issued for POD E plus all building permits for POD A, POD B, POD C, and POD D (total residential units for sale - 2,712 permits). Prior to each deed conveyance Property Owner shall have satisfied each of the following conditions:

a) Title

Property Owner to provide title policies insuring marketable title to the School Board for the civic sites and any easements that service the civic sites as required by the School Board General Counsel's office. All title exception documentation to be provided to the School Board. Policies are subject to Planning and Intergovernmental Relations Department (PIR) and School Board Attorney's approval. Each title policy to be insured to the School Board for a dollar value based on current market appraisal of the proposed civic sites 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 School Board from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to each civic site.

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a School Board facility shall be attached to each civic site (970 public elementary school students, 1,300 public middle school students) 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 each civic site would support and the corresponding amount of trips. If no School Board use is applied to a civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic site 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 sites 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 each proposed civic site by the School Board. Property Owner shall specifically address the following issues:

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

2) An easement across Property Owner's property from a proposed civic site to the

retention basins, if required.

f) On-Site Inspections

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

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit on each civic site. If it is determined by PIR that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the School Board.

h) Buildable Grade

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

i) Water & Sewer

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

j) Irrigation

Property owner to provide an easement across Property Owner's property, from each proposed Civic Site to available retention basins, if requested by PIR.

k) Rural Parkway and Open Space

The 190th Street rural parkway and designated open space areas as reflected on the PMP approved by the Board of County Commissioners within the limits of Civic Pods #5, #6, and #7 will be maintained at the Property Owner's sole cost and expense, or may be assigned by the Property Owner to the appropriate Homeowner's Association within the PDD.

(BLDGPM/ONGOING/PLAT: SCHOOL BOARD - Monitoring)

4. Survey

The Property Owner shall provide the Planning & Intergovernmental Relations Department (PIR) with a survey certified to the School Board of Palm Beach County of each proposed civic site prior to deed conveyance. 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 a civic 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 a civic site. Survey should show any potential wetland areas on the civic sites.

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

(BLDGPM/ONGOING/PLAT: SCHOOL BOARD - Monitoring)

5. Environmental Survey

The Property Owner shall provide the Planning & Intergovernmental Relations Department (PIR) with an Environmental Assessment certified to the School Board of each proposed civic site prior to deed conveyance. 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 sites.

b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. In addition, a review of the neighboring property that borders each 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 each 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 a 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.

(BLDG/PMT/ONGOING/PLAT: SCHOOL BOARD - Monitoring)

COMPLIANCE

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

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; 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: MONITORING - Zoning)

DISCLOSURE

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