

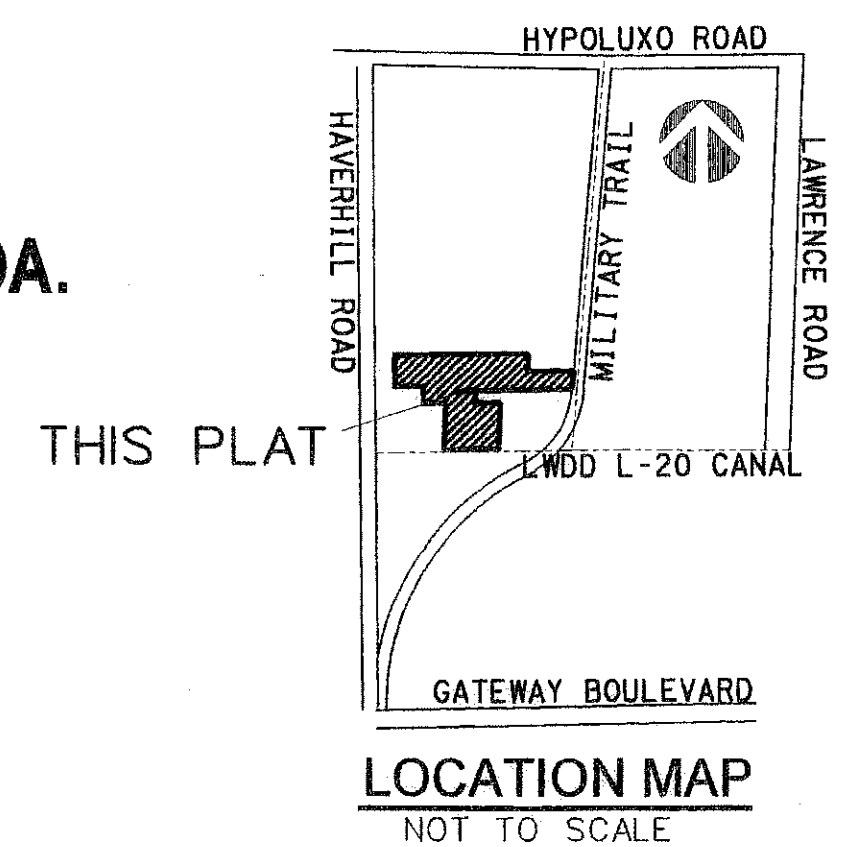
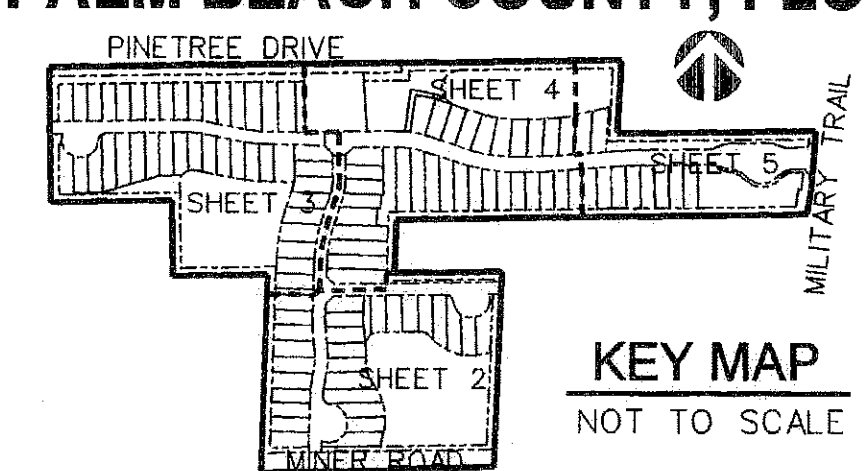
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PERIMETER
SURVEYING & MAPPING
Certificate of Authorization No. LB7264
Prepared by: Jeff S. Hodapp, P.S.M.
951 Broken Sound Parkway, Suite 320
Boca Raton, Florida 33487
Tel: (561) 241-9988
Fax: (561) 241-5182

CAPISTARA P.U.D.

A REPLAT OF A PORTION OF THE SOUTHWEST ONE-QUARTER (INCLUDING PORTIONS OF TRACTS 9, 10 AND 11) OF "AMENDED PLAT OF SEC. 12 TWP. 45 S., R. 42 E., MARY A. LYMAN ET AL", (P.B. 9, PG. 74, P.B.C.R.), PALM BEACH COUNTY, FLORIDA.
JUNE, 2007



STATE OF FLORIDA
COUNTY OF PALM BEACH
THIS PLAT WAS FILED FOR RECORD AT 9:12 A.M. THIS 14th DAY OF August 2007, AND DULY RECORDED IN PLAT BOOK 110 ON PAGES 95 THROUGH 99
SHARON R. BOCK, CLERK AND COMPTROLLER
By: *M. Sullivan* DC

SHEET 1 OF 5

SITE DATA

Zoning Petition Number 03-045
Project Name Colony Lakes at Boynton Beach
Total Area 36.974 Acres

TITLE CERTIFICATION

STATE OF FLORIDA) SS
COUNTY OF PALM BEACH)
We, Universal Land Title, Inc., a Title Insurance Company, as duly licensed in the State of Florida do hereby certify that we have examined the title to the herein described property; that we find the title to the property is vested in TOUSA Homes, Inc., a Florida Corporation; that the current taxes have been paid; that there are no mortgages; and that there are encumbrances of record but those encumbrances do not prohibit the creation of the subdivision depicted by this plat.

DATE: June 8, 2007 By: *Clare C. McGee*
Clare C. McGee
Commercial Account Manager

NOTES:

- The bearings shown hereon are based on the South line of the Southwest One-Quarter of Section 12-45-42 having a bearing of North 88°57'24" East, as determined from State Plane Coordinates as established by the Palm Beach County Engineering Division based on the Florida Coordinate System, East Zone, Grid North, 1983 State Plane Transverse Mercator Projection, 1990 Adjustment.
- No buildings or any kind of construction or trees or shrubs shall be placed on any easement without prior written approval of all easement beneficiaries and all applicable County approvals or permits as required for such encroachments.
- Building setback lines shall be as required by current Palm Beach County Zoning regulations.
- In those cases where easements of different types cross or otherwise coincide, drainage easements shall have first priority, utility easements shall have second priority, access easements shall have third priority, and all other easements shall be subordinate to these with their priorities determined by use of rights granted.
- All lines which intersect curved lines are non-radial unless noted as being radial.
- Notice: this plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of Palm Beach County, Florida.
- All distances shown are ground distances. Scale factor used for this plat was 1.0000371.
- Lots 82 and 83 shall be restricted to one story buildings.
- F.P.L. easements recorded in O.R.B. 2067, Page 788, O.R.B. 2481, Page 1033, O.R.B. 2000, Page 1377, and O.R.B. 2075, Page 953, have been released by documents recorded in O.R.B. 20307, Page 1984, O.R.B. 20307, Page 1946, O.R.B. 20307, Page 1958, and O.R.B. 20307, Page 1950, respectively, all of the Public Records of Palm Beach County, Florida.
- F.P.L. easement recorded in O.R.B. 2481, Page 1040, Palm Beach County Records, falls within this property, but cannot be accurately plotted due to dimensional errors. This easement is proposed to be released.

SURVEYOR'S CERTIFICATE

This is to certify that the plat shown hereon is a true and correct representation of a survey made under my responsible direction and supervision; that said survey is accurate to the best of my knowledge and belief; that Permanent Reference Monuments ("P.R.M.s") have been placed as required by law, and that Permanent Control Points ("P.C.P.s"), and Monuments according to Sec. 177.091(9), F.S., will be set under the guarantees posted with the Palm Beach County Board of County Commissioners for the required improvements; and, further, that the survey data complies with all the requirements of Chapter 177, Florida Statutes, as amended, and the Ordinances of Palm Beach County, Florida.

Jeff S. Hodapp 6/7/2007
Jeff S. Hodapp, P.S.M.
License No. LS5111
State of Florida
Perimeter Surveying & Mapping, Inc.
951 Broken Sound Parkway, Suite 320
Boca Raton, FL 33487
Certification of Authorization No. LB7264
CAPISTARA HOMEOWNERS ASSOCIATION, INC. COUNTY ENGINEER SURVEYOR

TOUSA HOMES, INC.	ASSOCIATION, INC.	COUNTY ENGINEER	SURVEYOR

DESCRIPTION AND DEDICATION

Know all men by these presents that TOUSA Homes, Inc., a Florida Corporation, owner of the lands shown hereon, being a replat of a portion of the Southwest One-Quarter (including portions of Tracts 9, 10 and 11) of "Amended Plat of Sec. 12 Twp. 45 S., R. 42 E., Mary A. Lyman Et Al", according to the Plat thereof, as recorded in Plat Book 9 at Page 74 of the Public Records of Palm Beach County, Florida, shown hereon as Capistara P.U.D., being more particularly described as follows:

Commencing at the Southeast Corner of said Southwest One-Quarter, as shown on said plat, thence North 88°57'24" West along the South line of said Southwest One-Quarter, a distance of 990.08 feet; thence North 02°33'24" East, along the East line and Southerly extension thereof of said Tract 11, a distance of 40.07 feet to the Point of Beginning; thence South 88°57'24" West, along a line 40.00 feet North of and parallel with said South line, a distance of 330.19 feet; thence South 01°50'44" West, along the West line of said Tract 11, a distance of 5.00 feet; thence South 88°57'24" West, along a line 35.00 feet North of and parallel with said South line, a distance of 401.76 feet; thence North 01°50'44" East, a distance of 632.14 feet; thence South 89°17'44" West, a distance of 298.13 feet; thence North 00°55'13" West, along the East line of "Little River Glen, P.U.D.", according to the Plat thereof, as recorded in Plat Book 94 at Pages 130 and 131 of said Public Records, a distance of 234.74 feet; thence South 89°04'47" West, along the North line of said "Little River Glen" a distance of 381.06 feet; thence North 01°27'01" West, a distance of 432.85 feet; thence North 89°13'01" East, a distance of 413.77 feet; thence North 00°47'05" West, a distance of 0.73 feet; thence North 89°17'44" East, along the South line of Pinetree Drive, as shown on "Blitmore Terrace", according to the Plat thereof, as recorded in Plat Book 24 at Page 145 of said Public Records, a distance of 696.28 feet; thence North 89°17'59" East, along the North line of said Tracts 10 and 11, a distance of 692.27 feet; thence South 03°16'09" West, along the East line of said Tracts 10 and 11, a distance of 233.27 feet; thence North 89°13'01" East, a distance of 626.44 feet; thence South 04°39'12" West, along the West Right-of-Way line of Military Trail, as recorded in Official Records Book 6144 at Page 562 of said Public Records, a distance of 98.89 feet to the point of curvature of a circular curve to the right; thence Southerly along the arc of said curve, also being the West Right-of-Way line of Military Trail, as recorded in Official Records Book 6090 at Page 385 of said Public Records, having a radius of 1850.08 feet and a central angle of 05°12'15", a distance of 168.03 feet; thence South 89°07'56" West, along a line 165.00 feet North of and parallel with the South line of said Tract 9, a distance of 612.40 feet; thence South 89°07'57" West, along a line 165.00 feet North of and parallel with the South line of the North One-Half of said Tracts 10 and 11, a distance of 679.94 feet; thence South 01°50'44" West, along the West line of said Tract 11, a distance of 35.19 feet; thence North 89°07'57" East, along the North line of the South One-Half of said Tract 11, a distance of 337.91 feet; thence South 02°33'24" West, along the East line of said Tract 11, a distance of 625.43 feet to the Point of Beginning.

Said Lands Situate in Palm Beach County, Florida, and contain 36.974 acres, more or less.

Have caused the same to be surveyed and platted as shown hereon and do hereby dedicate as follows:

- Tract R-1, as shown hereon, is hereby reserved for the Capistara Homeowners Association, Inc., a Florida Corporation, not for profit. Its successors and assigns, for private street purposes and other purposes not inconsistent with this reservation and is the perpetual maintenance obligation of said association, its successors and assigns, without recourse to Palm Beach County.
- Tracts L-1, L-2 and L-3, the Water Management Tracts, as shown hereon, are hereby reserved for the Capistara Homeowners Association, Inc., a Florida Corporation, not for profit. Its successors and assigns, for stormwater management and drainage purposes and are the perpetual maintenance obligation of said association, its successors and assigns, without recourse to Palm Beach County. Subject to existing Littoral Zone Restrictive Covenant Agreement as recorded in Official Records Book 18757 at Page 1402 of the Public Records of Palm Beach County, Florida.
- Tract A, as shown hereon, is hereby reserved for the Capistara Homeowners Association, Inc., a Florida Corporation, not for profit. Its successors and assigns, for recreational purposes and is the perpetual maintenance obligation of said association, its successors and assigns, without recourse to Palm Beach County.
- Tracts B-1, B-2, B-3, B-4, B-5 and B-6, as shown hereon, are hereby reserved for the Capistara Homeowners Association, Inc., a Florida Corporation, not for profit. Its successors and assigns, for open space purposes and are the perpetual maintenance obligation of said association, its successors and assigns, without recourse to Palm Beach County.
- Tracts B-7 and B-8, as shown hereon, are hereby reserved for the Capistara Homeowners Association, Inc., a Florida Corporation, not for profit. Its successors and assigns, for right-of-way buffer purposes and are the perpetual maintenance obligation of said association, its successors and assigns, without recourse to Palm Beach County.
- Tracts R-2 and R-3, as shown hereon, are hereby reserved for the Capistara Homeowners Association, Inc., its successors and assigns, as a residential access street for private street purposes and other purposes not inconsistent with this reservation and is the perpetual maintenance obligation of said association, its successors and assigns, without recourse to Palm Beach County.
- Tracts E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9 and E-10, as shown hereon are hereby reserved for the Capistara Homeowners Association, Inc., a Florida Corporation, not for profit. Its successors and assigns, for open space purposes and are the permanent maintenance obligation of said association, its successors and assigns, without recourse to Palm Beach County.
- Tracts F-1 and F-2, as shown hereon, are hereby dedicated to the Board of County Commissioners of Palm Beach County, Florida, for the perpetual use of the Public for Public Street Purposes.
- Tract C, as shown hereon, is hereby reserved for the Capistara Homeowners Association, Inc., a Florida Corporation, not for profit. Its successors and assigns, for private street purposes and is the perpetual maintenance obligation of said association, its successors and assigns, without recourse to Palm Beach County.
- Tracts D, as shown hereon, is hereby reserved for the Capistara Homeowners Association, Inc., a Florida Corporation, not for profit. Its successors and assigns, for open space purposes and is the perpetual maintenance obligation of said association, its successors and assigns, without recourse to Palm Beach County. All existing native vegetation, including understory, shall be maintained in perpetuity. Said Tract D shall be maintained free from invasive, exotic and non-native species.
- The Limited Access Easements as shown hereon are hereby dedicated to the Board of County Commissioners of Palm Beach County, Florida, for the purpose of control and Jurisdiction over access rights.

12. The Landscape Buffer Easements, as shown hereon, are hereby reserved for the Capistara Homeowners Association, Inc., a Florida Corporation, not for profit, its successors and assigns, for landscape buffer purposes and are the perpetual maintenance obligation of said association, its successors and assigns, without recourse to Palm Beach County.

13. The drainage easements as shown hereon are hereby dedicated in perpetuity for drainage purposes. The maintenance of all drainage facilities located therein shall be the perpetual maintenance obligation of the Capistara Homeowners Association, Inc., a Florida Corporation, not for profit, its successors and assigns, without recourse to Palm Beach County.

The Lake Maintenance Easements and Lake Maintenance Access Easements, as shown hereon are hereby reserved for the Capistara Homeowners Association, Inc., a Florida Corporation, not for profit, its successors and assigns, for access to stormwater management and drainage facilities located within the associated water management tracts for purposes of performing any and all maintenance activities pursuant to the maintenance obligation of said association, its successors and assigns, without recourse to Palm Beach County.

Palm Beach County shall have the right, but not the obligation, to maintain any portion of the drainage system encompassed by this plat which is associated with the drainage of public streets, including the right to utilize for proper purposes any and all drainage, lake maintenance, and lake maintenance access easements, and private streets associated with said drainage system.

14. Each Overhang Easement, as shown hereon, is hereby reserved to the lot owner, his and/or her successors and assigns, whose dwelling unit abuts said easement for roof overhang purposes, utility services and building maintenance purposes, without recourse to Palm Beach County.

15. All tracts for private street purposes, and driveway/parking tracts, as shown hereon, are hereby subject to an overlying non-exclusive easement dedicated in perpetuity to the public for the installation, operation, maintenance, repair, expansion and replacement of utilities, both public and private, including but not limited to potable water pipelines, raw water pipelines, wastewater pipelines, reclaimed water pipelines, electric power lines, telecommunication lines, cable television lines, gas lines, and related appurtenances. No buildings, structures, improvements, trees, walls or fences shall be installed within these easements without the prior written approval of the Palm Beach County Water Utilities Department, its successors and assigns.

16. The ten foot wide utility easements running adjacent and parallel to public roads, the tracts for private road purposes, and driveway/parking tracts, as shown hereon, are non-exclusive easements and are hereby dedicated in perpetuity to the public for the installation, operation, maintenance, repair, expansion and replacement of utilities, both public and private, including but not limited to potable water pipelines, raw water pipelines, wastewater pipelines, reclaimed water pipelines, electric power lines, telecommunication lines, cable television lines, gas lines, and related appurtenances. The installation of cable television systems shall not interfere with the construction and maintenance of other utilities. No buildings, structures, improvements, trees, walls or fences shall be installed within these tracts without the prior written approval of the Palm Beach County Water Utilities Department, its successors and assigns.

17. The Lift Station Easement, identified on the Plat hereon, is an exclusive easement and is hereby dedicated in perpetuity to Palm Beach County, its successors and assigns, for the installation, operation, maintenance, repair, expansion and replacement of wastewater lift stations and related appurtenances. These easements may be fenced in by Palm Beach County for access control purposes. The maintenance of the unfenced portions of the land underlying this easement shall be the perpetual obligation of the property owner. No buildings, structures, improvements, trees, walls or fences shall be installed within this lift station easement without the prior written approval of the Palm Beach County Water Utilities Department, its successors and assigns.

18. The Palm Beach County Utility Easements identified on the plat hereon are exclusive easements and are hereby dedicated in perpetuity to Palm Beach County, its successors and assigns, for the installation, operation, maintenance, repair, expansion, and replacement of potable water pipelines, raw water pipelines, wastewater pipelines, reclaimed water pipelines, and related appurtenances. The maintenance of the land underlying these easements shall be a perpetual obligation of the property owner. No buildings, structures, improvements, trees, walls or fences shall be installed within these easements without the prior written approval of the Palm Beach County Water Utilities Department, its successors and assigns.

19. The utility easements, as shown hereon, are hereby dedicated in perpetuity for the construction and maintenance of utility facilities, including cable television systems. The installation of cable television systems shall not interfere with the construction and maintenance of other utilities.

20. The Mass Transit Easement as shown hereon is hereby dedicated in perpetuity to the Board of Commissioners of Palm Beach County, its successors and assigns, for the construction, installation, maintenance and use of a public transit boarding and alighting area, which use includes but is not limited to a public transit bus shelter, transfer station and advertising. The maintenance obligation for the easement area shall be with the Capistara Homeowners Association, Inc., its successors and assigns, until such time the County its successors and assigns commences construction or installation of facilities associated with utilization of the easement for its intended purpose, at which time maintenance of the easement area shall become the obligation of the County its successors and assigns. The maintenance obligation shall automatically revert to the Capistara Homeowners Association, Inc., upon the County's temporary or permanent cessation of use of the easement. The Easement granted hereunder shall be non-exclusive and subordinated to any Utility Easement dedicated to the Public.

In Witness Whereof, TOUSA Homes, Inc., a Florida Corporation, has caused these presents to be signed this 7th day of June, 2007.

TOUSA Homes, Inc.
A Florida Corporation
By: *Ronald Yuter*
Print Name: Ronald Yuter
Title: Division President
Witness: *Sandra J. Hoffman* Print Name: SANDRA J. HOFFMAN
Witness: *Mary Flynn* Print Name: MARY FLYNN

ACKNOWLEDGEMENT

State of Florida) SS
County of Palm Beach)

Before me personally appeared Ronald Yuter who is personally known to me, or has produced as identification, and who executed the foregoing instrument as Division President of TOUSA Homes, Inc., a Florida Corporation, and severally acknowledged to and before me that he executed such instrument as such officer of said corporation, and that the seal affixed to the foregoing instrument is the seal of said corporation and that it was affixed to said instrument by due and regular corporate authority, and that said instrument is the free act and deed of said corporation.

Witness my hand and official seal this 7th day of June, 2007.
My commission expires: _____
Harriet Farnham
Notary Public,
State of Florida

COUNTY ENGINEER

This plat is hereby approved for record pursuant to Palm Beach County Ordinance 95-33, and in accordance with Sec. 177.071(2), F.S., this 13th day of August, 2007, and has been reviewed by a Professional Surveyor & Mapper employed by Palm Beach County in accordance with Sec. 177.081(1), F.S.
George T. Webb
George T. Webb, P.E.
County Engineer
date 8/13/07

HOMEOWNERS' ASSOCIATION ACCEPTANCE

STATE OF FLORIDA) SS
COUNTY OF PALM BEACH)
The Capistara Homeowners Association, Inc., a Florida Corporation, not for profit, hereby accepts the dedications or reservations to said Association as stated and shown hereon, and hereby accepts its maintenance obligations for same as stated hereon, dated this 7th day of June, 2007.

Capistara Homeowners Association, Inc.
a Florida Corporation, not for profit
Witness: *Sandra J. Hoffman* Print Name: SANDRA J. HOFFMAN
Witness: *Lynne Gaudet* Print Name: Lynne Gaudet, President

ACKNOWLEDGEMENT

STATE OF FLORIDA) SS
COUNTY OF PALM BEACH)
Before me personally appeared Lynne Gaudet, who is personally known to me or has produced as identification, and who executed the foregoing instrument as President of the Capistara Homeowners Association, Inc., a Florida Corporation, not for profit, and severally acknowledged to and before me that she executed such instrument as such officer of said corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that it is affixed to said instrument by due and regular corporate authority, and that said instrument is the free act and deed of said corporation.
Witness my hand and official seal this 7th day of June, 2007.

My commission expires: _____
Notary Public
Harriet Farnham
Print Name

SUBDIVISION CAPISTARA
BOOK 110 PAGE 95
SECOND PART 190 B
QUAD # 24
SE
TAX 430
PLAT NAME