

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: DOA-2022-00204
Application Name: Lyons West AGR-PUD
Control No./Name: 2005-00003 (Lyons West AGR-PUD)
Applicant: G L Homes of Palm Beach Associates Ltd
Owners: G L Homes of Palm Beach Associates Ltd
Agent: G L Homes - Ryan Vandenburg
WGINC - Lindsay Libes
Telephone No.: (561) 687-2220 , (954) 753-1730
Project Manager: Donna Adelsperger, Senior Site Planner

Title: a Development Order Amendment **Request:** to delete land area (370.01-acres) from an existing 1,043.066 acre approval; and, to modify the Master Plan for the remaining 673.06 acres

Title: Release of Conservation Easement **Request:** to allow the full release of the Conservation Easement recorded in OR 23125, Page 1122 for 370.01 acres

APPLICATION SUMMARY: The proposed requests are for the 673.06-acres Lyon West AGR-PUD development. The Site was last approved by the Board of County Commissioners (BCC) on December 1, 2011.

This request is being reviewed concurrently with Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021), along with seven other Zoning Applications. The Zoning applications are contingent on the Planning application request.

The request of this application will modify the Master Plan to delete 370.01 acres of Preserve located in the Ag Reserve Tier within the 370.01-acre Lyons West Preserve Parcel 1 and utilize 462.51 acres of Preserve located within the Indian Trail Groves Planned Development within the Western Communities Residential Overlay (WCRO) in the Rural Tier. The deleted land area will become part of the development area of a new project called Hyder West Planned Development (ZV/PDD-2022-00143).

The Preliminary Master Plan (PMP) indicates no modifications to the Development Area which is built out with 1,043 units and Recreation Pods. Access for the Development Area is from Lyons Road and State Road 7. No changes are proposed to the other preserve parcels for this development.

SITE DATA:

| | |
|------------------------------|--|
| Location: | West side of SR 7/US 441, directly south of Winners Circle (affected area) |
| Property Control Number(s): | 00-41-46-25-00-000-1040; 00-41-46-25-00-000-1050; 00-42-43-27-05-069-0092; 00-42-43-27-05-069-0010; (affected area) |
| Future Land Use Designation: | Agricultural Reserve (AGR) |
| Existing Zoning District: | Agricultural Reserve Planned Unit Development (AGR-PUD) |
| Total Acreage: | 1,043.066 acres (existing); 673.06 acres (proposed) |
| Affected Acreage: | 370.01 acres (to be deleted from Lyons West Preserve 1) |
| Tier: | Agricultural Reserve |
| Overlay District: | N/A |
| Neighborhood Plan: | N/A |
| Municipalities within 1 Mile | N/A |
| Future Annexation Area | N/A |
| BCC District | District 5, Vice Mayor Maria Sachs |

RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION (ZC): *Scheduled for October 5, 2023*

PUBLIC COMMENT SUMMARY: At the time of publication, Staff has received no contacts from the public regarding this application.

PROJECT HISTORY:

| Application No. | Request | Resolution | Approval Date |
|-------------------------|--|-------------|-----------------|
| Z-1997-00120 | an Official Zoning Map Amendment to allow a rezoning of parcels with an AGR Future Land Use designation to the AGR Zoning District | R-98-851 | June 16, 1998 |
| PDD/W-2005-00021 | an Official Zoning Map Amendment to allow a rezoning from the AGR to the AGR-PUD Zoning District | R-2005-1792 | Sept. 22, 2005 |
| | a Type 2 Waiver to allow 27.5% of the streets to terminate in a cul-de-sac or dead-end. | R-2005-1792 | |
| ZV/PDD/DOA/W-2007-00884 | a Type 2 Variance to allow replacement of the required six-foot high wall with a six-foot high hedge and berm combination | ZR-2008-026 | April 3, 2008 |
| | an Official Zoning Map Amendment to allow a rezoning from the AGR to the AGR-PUD | R-2008-0700 | April 24, 2008 |
| | a Development Order Amendment to add land area, reconfigure the master plan, add units and to allow a Model Row | R-2008-0701 | |
| | a Type 2 Waiver to allow more than 40 percent of the local streets to terminate in dead-ends or cul-de-sacs. | R-2008-0702 | |
| PDD/DOA-2008-00626 | an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the AGR-PUD Zoning District | R-2009-0006 | January 8, 2009 |
| | a Development Order Amendment to reconfigure the master plan, add land area, delete land area, reduce number of units, to delete a condition of approval (Landscape), create a model row, and restart the commencement clock | R-2009-0007 | |
| EAC-2009-00971 | a Development Order Amendment Expedited Application to modify Conditions of Approval (Engineering and Planning) | R-2009-1220 | July 23, 2009 |
| EAC-2010-02808 | a Development Order Amendment Expedited Application to modify a Condition of Approval (Engineering) | R-2011-0225 | Feb. 24, 2011 |
| DOAW-2011-01739 | a Development Order Amendment to reconfigure the Master Plan to delete land area, units, and access point | R-2011-1846 | Dec. 1, 2011 |
| | A type 2 Waiver to all and increase in street to terminate in a cul-de-sac | R-2011-1847 | |

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*
 - **Consistency with the Comprehensive Plan:** Should the BCC approve the concurrent Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021) request, then the proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
 - **Concurrent Land Use Amendments:** The request is an indirect participant a concurrent Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021). The amendment seeks to amend prior conditions from Ordinance 2016-041, modify and add policies to the Future Land Use Element and allow lands within the Western Communities Overlay (WCRO) to be utilized as regional water management purposes and offsite preservation for specific AGR-PUDs within the Agricultural Reserve Tier. The subject request seeks to utilize lands within the WCRO as offsite preservation consistent with the proposed policies. The ITG amendment was transmitted to the State by a BCC vote of 5-2 at the May 3, 2023 public hearing.

The Lyons West AGR PUD was previously approved as a 60/40 AGR PUD via Resolutions R-2011-1846 and R-2011-1847. The requests seeks to remove 370.007 acres of previously approved preserve area, replace with 462.509 acres of WCR Exchange Parcel lands, and request to release a previously recorded Agricultural Reserve Conservation Easement over the 370.007 acres. The deleted land area will become part of the development area for the new Hyder West AGR PUD (ZV/PDD-2022-143).

- *Relevant Comprehensive Plan Policies:* The following Future Land Use Element (FLUE) existing policy address the 60/40 AGR PUD requirements and new policies outline the maximum acres and units permitted to be utilized within specific AGR PUD s.

FLUE Policy 1.5.1-i.6 addresses the preserve area requirements, and states, that the preserve area shall consist of, at least, 60 percent of the gross acreage less right-of-way identified in the Thoroughfare Identification Map , and Policy 1.5.1-i. states that the request is required to provide a minimum of 60% of preserve area and 40% maximum developable area. The Preserve areas are not required to be contiguous with the development area.

Therefore, the acreages of the 60/40 breakdown is as follows:

| | |
|----------------|----------------|
| Total acreage: | 1135.568 acres |
| Less ROW: | 13.594 acres |
| Net acreage = | 1121.974 acres |

Net acreage x 60%: 1121.974 ac x 60% = 673.184 acres (applicant proposes 743.716 acres or 66.29% of preserve which includes 7 AGR preserves (281.207 acres) and WCR Exchange Parcel preserve (462.509 acres).
Net acreage x 40%: 1121.974 ac x 40% = 448.790 acres (applicant proposes 378.258 acres in the development area or 33.71%)

The lands within the AGR have a density value of 1 unit per acre and the lands within the WCRO have a density value of 1 unit per 1.25 acres, a 0.80du/ac difference. The new policies account for the necessary density conversions and memorialize the maximum units and acres permitted for the exchange. NEW FLUE Policy 1.5.1-i-1 and NEW FLUE Policy 1.11-j, both state that the Lyons West (Valencia Reserve) AGR-PUD (Control Number 2005-003) may utilize up to 462.51 acres of WCR land to satisfy 462.51 acres and 370.01 units of AGR-PUD requirements. The policy allows for the 462.51 acres to count toward the preservation requirement and 370 units to go toward the balance of available units for the project.

The total lands within the AGR for this project are 673.059 acres thus yielding 673 units. The above policy permits 370 units to be utilized for the subject request. The available units for the project with the combination of AGR and WCRO units equates to the following:

| | |
|----------------------------------|-------|
| Total units permitted from AGR: | 673 |
| Total units permitted from WCRO: | 370 |
| Total permitted units: | 1,043 |

There is no change proposed to the previously approved 1,043 units with no units remaining.

- *Rural Parkway:* Per Transportation Element Policy 1.4-q #2, the Lyons Road segment from Atlantic Avenue to Boynton Beach Boulevard is a designated Rural Parkway. The Parkway is built and the conservation easement has been recorded via Orb23125 Pg. 1185.
- *Planning Conditions:* Conditions of approval were previously applied and will be carried forward.
- *Special Overlay District / Neighborhood Plan / Planning Study Area:* The subject property is located within the boundaries of the West Boynton Area Community Plan, which is administered by the Coalition of Boynton West Residents Association (COBWRA). The subject request is not inconsistent with the neighborhood plan. The applicant was advised to meet with the neighborhood group responsible for implementing the Neighborhood Plan. No letters in support or objection have been received as of the writing of this report.

- b. Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The proposed request will be consistent with the ULDC if the Comprehensive Plan Amendment (LGA-2022-021) is approved. The amendment proposes to allow land outside of the Ag Reserve Tier to be utilized to meet the 60/40 requirements of an AGR-PUD. Under the existing ULDC language a Preserve Parcel for an AGR-PUD is required to be located within the Ag Reserve Tier within the same zoning development order. The proposed Development Order Amendment proposes to delete land area, currently under a conservation easement, of what is known as Preserve 1, encompassing 370.007-acres. The deletion of preserve land area within the AGR Tier will be replaced by utilizing 462.509-acres of the WCR Exchange Parcel lands thus allowing the AGR-PUD to comply with the 60/40 requirements of the ULDC and as described on the Preliminary Plans as Western Communities Residential Overlay (WCRO).

○ **Development Area:** There will be no change to this area. The existing development area consists of one contiguous parcel that complies with the frontage requirement with frontage and access on Lyons Road and State Road 7; and consists of 378.258 acres. The overall gross Development Area for the project consists of 1,043 units on 378.258-acres. The development parcel is not impacted by the proposed DOA.

○ **Preserve Area:** The deletion of Preserve Land is consistent with the ULDC, pursuant to the concurrent Comprehensive Plan Amendment (LGA-2022-021) amendments to the Comprehensive Plan's Ag Reserve Tier Sub-Objective Policy 1.5.1. These proposed amendments would allow land within the WCR Exchange Parcel within the Western Communities Residential Future Land Use designation to be used as preserve parcels in lieu of land in the Agricultural Reserve Tier for seven AGR-PUD Developments (being review concurrently with this application) so that the existing development will continue to meet the 60/40 requirement. The lands are further specified as only those that are contained within the Indian Trail Groves Planned Unit Development (ITG PUD), and are identified specifically in LGA-2022-021 for Zoning application ABN/ZV/DOA/W-2022-155. This development seeks to utilize a total of 462.509-acres of ITG PUD lands which will equate to 370 units within the development. Three existing preserves will be unaffected by this request. The lands to be deleted from this development will be used to create the development area for a new AGR-PUD known as Hyder West AGR-PUD (ZV/PDD-2022-00143) which will also be subject to the amendments within LGA-2022-021.

- c. Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

This application is not revising the Development Area, but is deleting a 370.01 acres of preserve area in the Ag Reserve and in exchange for the utilization of preserve in the WCRO and Indian Trails Groves PUD. The Amendment does not create any issues with compatibility or consistency with the uses and character of land in the vicinity of the proposed amendment.

- d. Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

This application is not revising the Development Area, but is deleting a 370.01 acre preserve area in the Ag Reserve in exchange for the utilization of a preserve in the WCRO and Indian Trails Groves PUD. This request is contingent upon modifications to the Comprehensive Plan amendment, and if approved this amendment will not create any adverse effects, including visual impact and intensity on adjacent lands.

- e. Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

○ **Vegetation Protection:** The application request does not impact native vegetation.

○ **Wellfield Protection Zone:** This property is not located within Wellfield Protection Zone.

○ **Irrigation Conservation Concerns and Surface Water:** All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

○ **Environmental Impacts:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- f. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The deletion of land area is contingent upon modifications to the Comprehensive Plan through the concurrent amendment. These proposed amendments would then allow for the deletion of this land area in order to develop with residential under a separate application, thus creating a new development pattern in accordance with the Comprehensive Plan amendment.

- g. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS: No comments on deletion of preserve land

DRAINAGE DISTRICT: The overall development is located within the Lake Worth Drainage District. The deletion of Preserve Land from this development will have no impact on the drainage of the developed areas. Any development of the deleted land will comply with the requirements of the District

PALM BEACH COUNTY HEALTH DEPARTMENT: This project has met the requirements of the Florida Department of Health.

WATER AND WASTEWATER PROVIDER: The Water and Wastewater provider for the Development area is Palm Beach County Water Utilities. The deletion of preserve land area will have no impact on the provision of water and wastewater approval for the developed areas. Any development of the deleted land will comply with these services.

FIRE PROTECTION: Staff has reviewed this application and have no comment regarding the deletion of land area.

SCHOOL IMPACTS: The School Board has no issue with the proposal.

PARKS AND RECREATION: The Parks and Recreation Department has no comment on the proposed preserve modifications.

- h. **Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

The Applicant has requested through a concurrent amendment to the Comprehensive Plan's Ag Reserve Tier Sub-Objective Policy 1.5.1 in LGA-2022-021. This amendment proposes to allow Preserve area located within the Indian Trail Groves Planned Development (ABN/ZV/DOA-2022-00155) within the Western Communities Residential Overlay (WCRO) in the Rural Tier to be utilized in lieu of preserve acreage within the Ag Reserve Tier. The Applicant has demonstrated the following as their changed Conditions and Circumstances: *"The removal of 19.093 acres of existing Preserve #2 will unencumber the existing 19.093 acres of Preserve #2 owned by G. L. Homes of Palm Beach Associates and utilize 23.866 acres of preserve from the WCR Exchange Bank.*

This application is part of a "bundle" of related development order applications submitted concurrently which involve the proposed "Hyder West AGR-PUD" and the "Indian Trails Grove WCR-PUD(ITG). The overall site and the property known as Hyder West is located west of State Road 7 and south of Atlantic Avenue in the Agricultural Reserve Tier. A total of 1,600 acres of land within the ITG PUD will be designated for water resources and or agricultural purposes. It will contribute to the AGR preserve area acres required within this application and for additional preservation for existing AGR PUDs utilizing land within the Hyder West property. It will allow preservation areas for the Hyder West property known as Hyder West AGR-PUD. Of the 1,600 acres that will be conveyed to PBC, the changes will authorize the overall 1,600-acres to contribute to the required preserve area for AGR PUDs (existing or proposed).

The regional benefits of this plan create 1,600 acres of land to be owned and controlled by Palm Beach County that is contiguous to the L-8, MO and M Canals, providing potential to send fresh water flows to the Loxahatchee River, Grassy Waters and the Lake Worth Lagoon, and as well as for potential water storage. This land could create a potential flow way connecting the L-8 canal to the MO Canal. The WCR Exchange Bank land is also continuous to the west to 640 acres within the PUD that has been previously committed to Indian Trail Improvement District (ITD) to increase stormwater storage for the Acreage that is adjacent to their existing +550-acre drainage impoundment area, and to the east to an additional 448.63 acres of open space designated for water resources or agriculture.

Accommodating a larger contiguous mosaic of lands for water resources and/or agriculture provides more flexibility in addressing both water management challenges, and/or supporting agricultural production in

Palm Beach County. Reducing density/intensity in the ITG PUD in an area where infrastructure is minimal in exchange for increasing density in the AGR (Hyder West AGR-PUD) where infrastructure exists is prudent long-range planning. The Canyon Lakes AGR-PUD application is one of the multiple Development Order Amendments that previously included preserve lands within the aforementioned Hyder West property.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B determined that there is a balance between the need for change and the potential impacts generated by the Lyons West AGR-PUD Development. Therefore, Staff is recommending approval of the requests subject to the Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2011-1846, Control No.2005-00003, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-0225 (Control 2005-003), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-1846 (Control 2005-003), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2011-1846, Control No.2005-00003, which currently states:

The approved Preliminary Master Plan is dated September 19, 2011. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Master Plan is dated June 26, 2023. 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)

3. Based on Article 2.E of the Unified Land Development Code, this Development Order meets the requirements to receive a new three (3) year review date from date of approval of this resolution. (DATE: MONITORING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2011-1846, Control No.2005-00003)

ENGINEERING

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

a. Building Permits for no more than 184 Single Family Dwelling Units shall be issued until the construction commences on Lyons Rd from Lantana Road to Hypoluxo Road as a 4-lane divided section. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

b. No Building Permits for the site may be issued after December 31, 2017. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING - Engineering) [Note: COMPLETED]

c. Building Permits for no more than 780 Adult Single Family Dwelling Units (the equivalent of 398 PM peak hour trips) shall be issued until construction commences on an additional north and south approach through lanes at the intersection of Boynton Beach Blvd and Hagen Ranch Rd. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2011-1846, Control No.2005-00003)

2. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the Project's Entrance and Lyons Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Building Permits for more than 220 dwelling units shall not be issued until the developer provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMPT: MONITORING - Engineering) [Note:

COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2011-1846, Control No.2005-00003)

3. In order to request release of the surety for the traffic signal in Condition E.2 the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2011-1846, Control No.2005-00003)

4. Prior to issuance of a building permit the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road and Lyons Road. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way for Lyons Road. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2011-1846, Control No.2005-00003)

5. The Property owner shall construct:

- i. a right turn lane south approach on State Road 7 at the Project entrance;
- ii. a left turn lane north approach and directional median opening on State Road 7 at the Project entrance;
- iii. a left turn lane south approach on Lyons Road at the Project Entrance;
- iv. a right turn lane north approach on Lyons Road at the Project Entrance.

Any and all costs associated with this 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 shall be obtained from Palm Beach County for the construction identified on Lyons Road prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction of the Lyons Road improvements identified above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED]

c. Permits shall be obtained from Florida Department of Transportation for construction on SR 7 prior to the issuance of the 632nd Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

d. Construction of the SR 7 improvements identified above shall be completed prior to the issuance of the 632nd Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2011-1846, Control No.2005-00003)

6. ROAD DRAINAGE EASEMENT

On or before March 1, 2006 the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2011-1846, Control No.2005-00003)

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

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first 100 building permits. (BLDG PERMIT: MONITORING - Eng)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first 150 certificates of occupancy. (CO: MONITORING -Eng)
- c. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner 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 petitioner. The petitioner 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 Petitioner. (ONGOING: ENGINEERING- Eng)
- d. Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Lyons Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDG/PMT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2011-1846, Control No.2005-00003)

8. SR 7/US441 NOISE MITIGATION

The Preliminary Development Plan for this site shall be amended to reflect noise mitigation requirements for dwelling units adjacent to SR 7/US441 as outlined in the applicants approved Noise Analysis.

- a. Requirements such as a sound wall and or landscape buffers, as determined by the County Engineer based on an approved noise analysis and FDOT's recommendation, shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]
- b. Construction of any sound walls and landscape buffers required by the County Engineer based on an approved noise analysis and FDOT's recommendation as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy for any lot within Pods A or B. The property owner shall provide Land Development a listing of the applicable PCN numbers for all lots within Pod A and B prior to receipt of the first building permit within Pods A or B. (CO: MONITORING - Engineering) [Note: COMPLETED]
- c. The property owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that:
 - i. this site is adjacent to SR7/US 441,
 - ii. the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to SR7/US 441, and
 - iii. the Developer has installed noise abatement improvements determined by the County Engineer and Florida Department of Transportation to be effective in keeping noise levels from SR7/US 441 below the State noise abatement criteria in effect as of the date of issuance of this Development Order. All sales contracts and homeowner documents shall also include a statement that any additional noise mitigation measures requested in the future by the Residents will not be funded or constructed by Palm Beach County. (ONGOING: ENGINEERING - Engineering)
- d. The property owner shall submit documentation of compliance with E1c above on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 15, 2006 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowner's association. (DATE/ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2011-1846, Control No.2005-00003)

9. Prior to Final Master Plan approval by the Development Review Officer, the property owner shall record a restrictive covenant limiting the occupancy of the dwelling units to an age restricted community as approved by the County Attorney and County Engineer. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2011-1846, Control No.2005-00003)

10. Condition deleted by Resolution R-2011-1846. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2011-1846, Control No.2005-00003)

11. Acceptable surety for the design, right of way acquisition, and the Construction Engineering and Inspection Costs as well as the construction for the offsite road improvements as outlined in Condition No. E.1.c, shall be posted with the Land Development Division on or before July 8, 2009. Surety in the amount

of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made, Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2011-1846, Control No.2005-00003)

12. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of SR-7. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the 632 building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the 632 certificate of occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED]

c. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner 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 petitioner. The petitioner 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 Petitioner. (ONGOING: ENGINEERING - Engineering)

d. Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along SR-7. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 12 of Resolution R-2011-1846, Control No.2005-00003)

ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering all of the conservation parcels, shall be approved by ERM prior to final DRC site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2011-1846, Control No.2005-00003)

2. All Restricted Covenant Agreements and Conservation Easements for all of the Conservation Parcels, shall be submitted to ERM for review and approval prior to recordation. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2011-1846, Control No.2005-00003)

LANDSCAPE - GENERAL

1. A minimum of 50 percent of all trees (new and replacement) to be planted in the landscape buffers shall be upgraded to fourteen (14) feet in height at installation. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2011-1846, Control No.2005-00003)

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

a. palm heights: twelve (12) feet clear trunk;

b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,

c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2011-1846, Control No.2005-00003)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (ONGOING/TC: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2011-1846, Control No.2005-00003)

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

and existing vegetation. (ONGOING/TC: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2011-1846, Control No.2005-00003)

5. Prior to the issuance of a Building Permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the Conditions of Approval as contained herein. (BLDG/PMT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2011-1846, Control No.2005-00003)

LANDSCAPE - PERIMETER-PERIMETER OF DEVELOPMENT AREA

6. In addition to code requirements, all perimeter landscape buffers shall be upgraded to include:

- a. a minimum of one (1) native palm for each twenty (20) linear feet of the applicable property line with a maximum spacing of sixty (60) feet between clusters. Palms shall be planted alternating on both sides of a wall or fence, if required;
- b. a minimum of one (1) pine tree for each thirty (30) linear feet of the applicable property line. Pines shall be planted in clusters of a minimum of five (5), with a maximum spacing of one hundred and fifty (150) feet between clusters. Pines clusters shall be planted alternating on both sides of a wall or fence, if required; and,
- c. relocation of the above plant materials only shall be permitted only for the landscape buffer abutting the Rural Parkway, subject to review and approval by the Landscape Section. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2011-1846, Control No.2005-00003)

PLANNED DEVELOPMENT

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

- a. formation of a single master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
- b. all recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
- c. the property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: COUNTY ATTORNEY - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2011-1846, Control No.2005-00003)

2. The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, master plans and related site plans a disclosure statement identifying and notifying of the existence of active agricultural uses in the vicinity of the development. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on February 28, 2009, and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2011-1846, Control No.2005-00003)

3. The model row approved in Pod G will serve Pods F, G and H. These pods will not be permitted additional sales models above those in the BCC approved model row. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2011-1846, Control No.2005-00003)

PLANNING

1. The PUD shall be limited to a maximum of 1043 dwelling units and shall meet 60/40 AGR-PUD requirements. All units associated with the preserve parcels shall be assigned to the Development area. No approved, but unbuilt units may be transferred outside the development area. (DRO/ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2011-1846, Control No.2005-00003)

2. Prior to final approval by the Development Review Officer (DRO), the property owner shall provide an as built Rural Parkway Landscape Plan for the entire Lyons West AGR-PUD Rural Parkway Preserve easement. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2011-1846, Control No.2005-00003)

3. Prior to final Master Plan approval by the Development Review Officer (DRO), the property owner shall provide an AGR/PUD Preserve and Development Parcel Location Map" as an addendum to the Master

Plan. This addendum shall also indicate the location, access, acreage, and permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2011-1846, Control No.2005-00003)

4. Prior to final approval by the Development Review Officer, submit a signed copy of the AGR Preserve Management Plans approved by ERM for each Agricultural Preserve parcel. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 4 of Resolution R-2011-1846, Control No.2005-00003)

5. Prior to final plan approval by the Development Review Officer (DRO), the property owner shall add a Preservation Area/Proposed Uses" notes section on page 1 of the Master Plan and include the following:
a. The preservation areas approved as part of this application shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement: PERMITTED USES: 1) Crop production, pasture, or equestrian purposes or may be retained as fallow land; 2) Accessory structures such as barns and pump structures are permitted; 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water management District, or for water management purposes not directly related to the 60/40 AgR-PDD if approved by the Department of Environmental Resources Management and managed for environmental resource values; 4) Wetland or bona fide agricultural uses per the ULDC; 5) Other uses as permitted by the required conservation easements; 6) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code, NOT PERMITTED: 7) Agricultural support uses such as processing facilities, farm worker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses, other than security/caretakers quarters and grooms quarters, be accommodated thereon. 8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area. (DRO/ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 5 of Resolution R-2011-1846, Control No.2005-00003)

6. Prior to recordation of the plat for the developable area as identified in this application, for the Preserve parcels (exclusive of the SFWMD preserve), the property owner shall dedicate the land to Palm Beach County or another governmental entity such as the South Florida Water Management District or subject the parcel to a conservation easement, limiting the preserve parcel to an Agricultural Reserve preserve area in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. Conservation easements shall be required for the SFWMD preserve areas, limiting the preserve parcel to an Agricultural Reserve preserve area in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. The conservation easements for all of the Preservation parcels, shall be recorded, as approved by the County Attorney's Office, the Department of Environmental Resources Management, and the Planning Division. a. The conservation easements for all of these preserve parcels shall contain: 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve; 2) a list of permitted uses, uses not permitted, and prohibited activities. b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (PLAT: ENGINEERING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 6 of Resolution R-2011-1846, Control No.2005-00003)

7. Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to April 1st, 2011, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. ((ONGOING: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 7 of Resolution R-2011-1846, Control No.2005-00003)

8. Prior to the issuance of the 200th Certificate of Occupancy, the property owner shall complete construction of the Rural Parkway according to the approved landscape plan. (CO: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 8 of Resolution R-2011-1846, Control No.2005-00003)

9. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall indicate a pedestrian pathway along the lake fronting the recreation tract. In addition, a minimum of two (2) benches shall be placed at this location. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 9 of Resolution R-2011-1846, Control No.2005-00003)

10. Prior to final site plan approval by the Development Review Officer (DRO), the Preliminary Development Plan and Site Plan shall be amended to indicate two pedestrian connections from the development area to the Rural Parkway Easement. In addition, the Preliminary development Plan shall reflect two pedestrian gathering areas (to be installed by the developer) within and along the projects frontage of the Rural Parkway Easement. (DRO/ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 10 of Resolution R-2011-1846, Control No.2005-00003)

11. The two pedestrian connections to the Rural Parkway may be controlled by gates or other security devices that may be controlled only by the property owner/developer/Homeowners Association of the PUD. However, in no case, shall a gate or security device at these locations not provide access to the Rural Parkway by being rendered inoperable or non-functional. (ONGOING: CODE ENF - Planning) (Previous PLANNING Condition 11 of Resolution R-2011-1846, Control No.2005-00003)

12. Prior to plat recordation for the Lyons West Development area, the conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall contain: a. A Rural Parkway Landscape Plan that conforms with the approved Rural Parkway Landscape Plan, but not be limited to the following items: 1) Flowering trees; 2) Undulating berms, no taller than five feet and landscaped with native vegetation; and, 3) Benches/pedestrian gathering areas with a water fountain. At least two (2) pedestrian gathering areas shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage. b. The Rural Parkway easement shall not include: 1) Walls; 2) structures with the exception of a bus shelter, benches/pedestrian gathering area, and water fountains. c. The Rural Parkway easement may include: 1) A bus easement, 2) Other drainage/utility easements may only be permitted which: (i) transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD; and (ii) Palm Beach County Water Utility Easements for the purpose of extending reclaimed water lines which may run parallel to and within the 100' Lyons Road Rural Parkway and 3) Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway, subject to approval by the County Engineering Department and the Planning Division. d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or a deed to the County for the County's ownership and maintenance. e. Title insurance for this easement shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to April 1st, 2011, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (PLAT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 12 of Resolution R-2011-1846, Control No.2005-00003)

13. Prior to April 24, 2024, the Property Owner shall record one conservation easement for the entire 1,600 acres identified on the Indian Trails Grove Conceptual Plan as WCR Exchange Parcel / Palm Beach County Conveyance, in favor of Palm Beach County, subject to approval of the County Attorney. This conservation easement shall include a provision stating that it will terminate upon conveyance of title to the subject property to the County. (DATE: MONITORING – Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 7.41-acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by October 1, 2012. Property owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

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

b) Concurrency - Property owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Developer shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips. If no County

use is applied to the civic site, property owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic would support if it were a residential pod.

c) Taxes - All ad valorem real estate taxes and assessments for the year of acceptance shall be pro-rated to include the day of acceptance.

d) Site condition - Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage - Property owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property owner shall specifically address the following issues: 1) The discharge of surface water from the proposed civic site into the property owner's water retention basins. 2) As easement across property owner's property from the proposed civic site to the retention basins, if required.

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

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

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

i) Right of Way Buffer Easement; Landscape/Buffer Easements; Gaps- Property Owner shall dedicate by plat and deed to County, any tract of land which may lie between the civic site and the roadway by which the County will be provided legal access to the civic site(s).

j) Water & Sewer - Property owner to provide water and sewer stubbed out to the property line and other required utilities as determined by PREM. (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2011-1846, Control No.2005-00003)

2. The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by September 1, 2012 . Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6. b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided. c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2011-1846, Control No.2005-00003)

3. The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by September 1, 2012 . The minimum assessment which is required is commonly called a Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

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

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

1) EPA's National Priorities list (NPL)

2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA) 3) Hazardous Waste Data Management System List (HWDMS). c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties. d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.

e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. f) If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well. (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2011-1846, Control No.2005-00003)

4. The property owner has offered to provide the County with an offsite property which shall be used as a credit towards the required 7.41 onsite acres of this PUD. The offsite property conveyance shall be handled by either one of two separate agreements known as the proposed Hyder Agreement and the Exchange and Civic Site Dedication Agreement (approved under R-2004-0936), which agreements shall supersede all conditions set forth herein. However, should: (1) the Hyder Agreement not be finalized by either the County or the property owner, or (2) the property owner is not eligible to take the 7.41 acres credit pursuant

to the Exchange and Civic Site Dedication Agreement if there is no remaining credit available at the time such credit is requested, then all requirements of PREM conditions 1 through 4 contained herein shall remain in effect.

The property owner may 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 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, unless the off-site dedication is handled pursuant to the Hyder Agreement, in which case the obligations for the conveyance shall be those as specified in the agreement. 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. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2011-1846, Control No.2005-00003)

SCHOOL BOARD

1. Prior to Final Site Plan approval by the Development Review Officer (DRO), the applicant shall provide a Declaration and Restrictive Covenant which prohibits children less than nineteen years of age from residing in the community. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney. (DRO: SCHOOL BOARD-Co. Atty. (DRO: SCHOOL BOARD - County Attorney) (Previous SCHOOL BOARD Condition 1 of Resolution R-2011-1846, Control No.2005-00003)

SITE DESIGN

1. All landscape focal points shall be:

a. subject to review and approval by the Landscape Section; and,
b. reflected on the regulating plan prior to final approval by the Development Review Officer (DRO). (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2011-1846, Control No.2005-00003)

2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate decorative paving treatment (pre-cast concrete paver blocks or stamped concrete) for the entrance roads, a minimum of 12,000 square feet from Lyons Road to the west, and a minimum of 12,000 square feet from SR7/US 441/US441 to the east. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 2 of Resolution R-2011-1846, Control No.2005-00003)

3. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be revised to depict upgraded recreation amenities within each of neighborhood park. These additional amenities shall:

a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paver blocks, or other improved surface. This pathway shall have a direct connection to the the primary sidewalk system on the property;
b. include a minimum of two (2) pedestrian benches;
c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and,
e. be subject to review and approval by the Architectural Review Section. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 3 of Resolution R-2011-1846, Control No.2005-00003)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer/property owner shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBC WATER UTILITIES - PBC Water Utilities) [Note: COMPLETED] (Previous UTILITIES Condition 1 of Resolution R-2011-1846, Control No.2005-00003)

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.

| Site Data | | Future Land Use Designations | | | |
|---------------|-------------------------------------|------------------------------|----------------------------------|---|---|
| Size: | 370 acres | LR-1 | Low Residential, 1 unit/acre | CL/5 | Commercial Low, underlying MR-5 |
| Existing Use: | Preserve | LR-2 | Low Residential, 2 units/acre | CL/AGR | Commercial low, underlying AGR |
| Proposed Use: | Residential. Public & Private Civic | MR-5 | Medium Residential, 5 units/acre | CLX/5 | Commercial Low crosshatching, underlying MR-5 |
| Zoning: | AGR/AGR-PUD | PARK | Park | | |
| Zoning Quad: | 67 | AGR | Agricultural Reserve | | |
| | | CON | Conservation | | |
| | | | |  | Lyons West DOA Delete Land |
| | | | |  | West Hyder Overlay |

Date: 9/1/2023
 Contact: PBC Zoning
 Filename: X:\Planning\ZoningCoord\DRO-Maps\2023\10-October\2022-00204
 Note: Map is not official, for presentation purposes only.

590 0 590 1,180 Feet

Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone (561) 233-5300




Figure 2 - Zoning Map

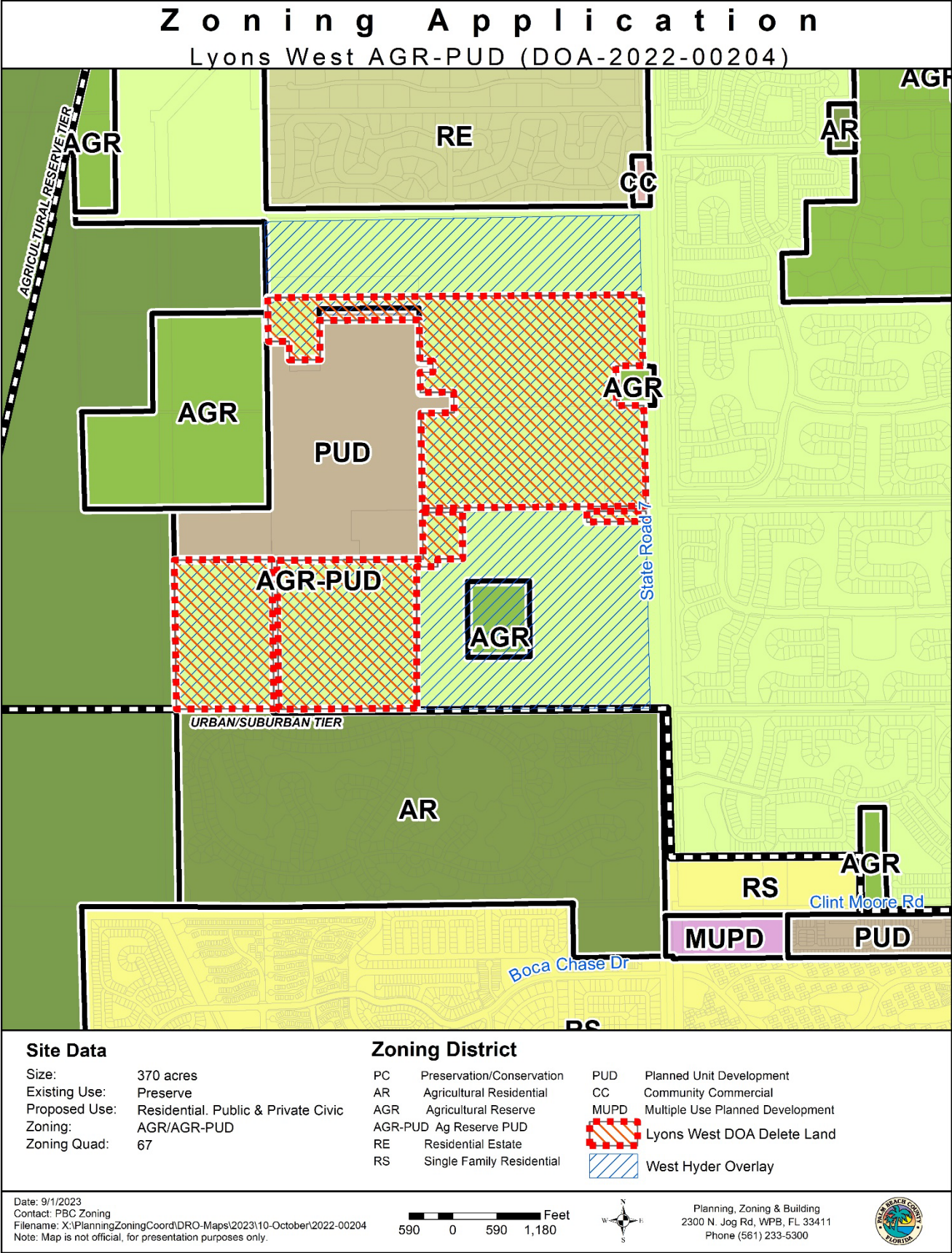


Figure 3 – Preliminary Master Plan dated June 26, 2023 (page 1 of 3)



Figure 3 – Preliminary Master Plan dated June 26, 2023 (page 2 of 3)



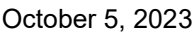
Zoning Commission
Application No. DOA-2022-00204



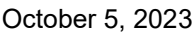
Zoning Commission
Application No. DOA-2022-00204



Zoning Commission
Application No. DOA-2022-00204



Zoning Commission
Application No. DOA-2022-00204



Zoning Commission
Application No. DOA-2022-00204

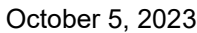
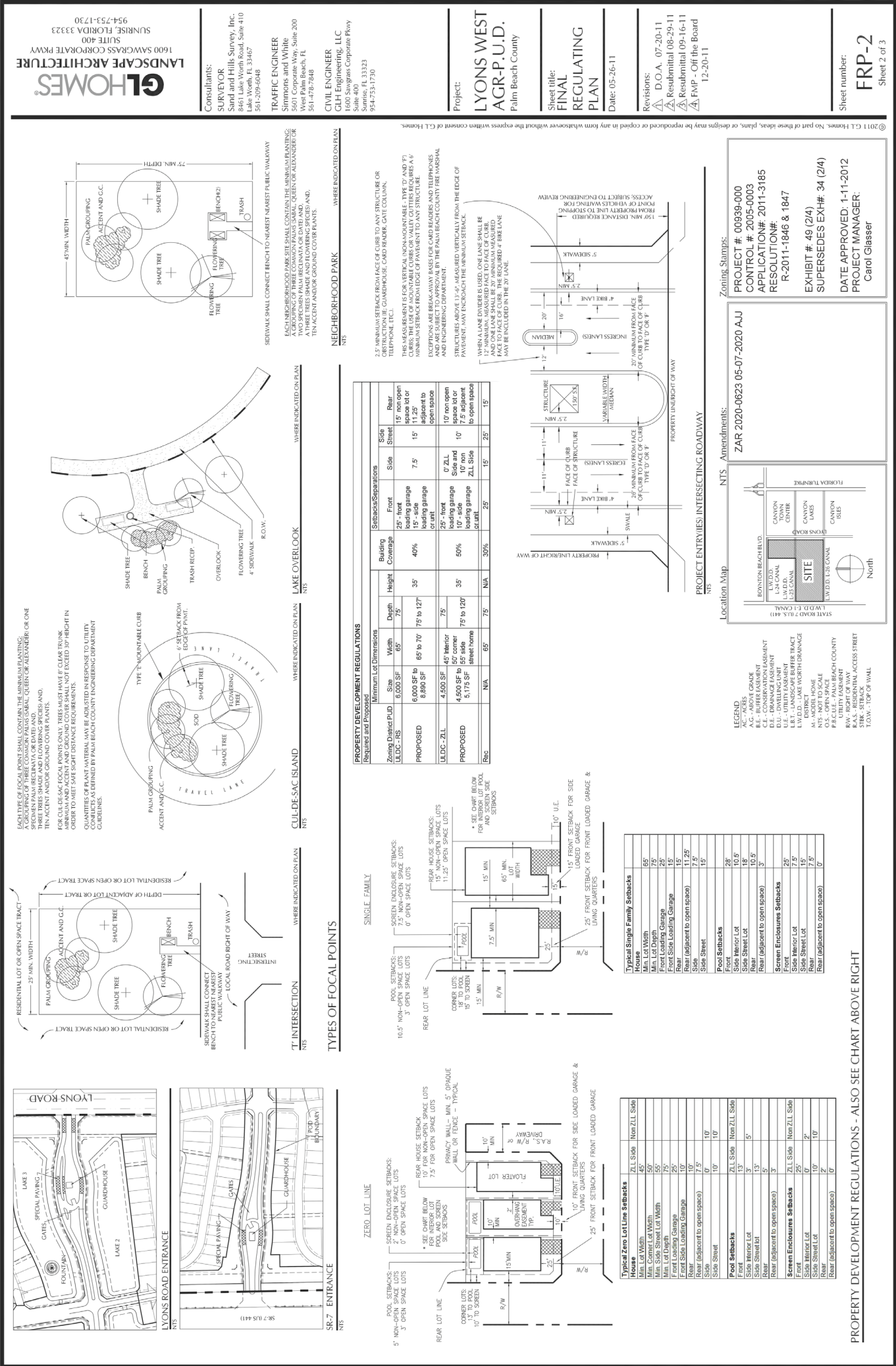


Figure 6 – Approved Regulating Plan dated – January 11, 2012 (Page 2 of 4)



Zoning Commission
Application No. DOA-2022-00204

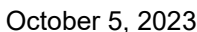


Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

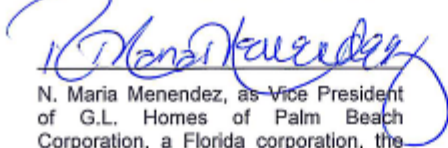
TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership, that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
- 7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



N. Maria Menendez, as Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership, Affiant

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of January 2022, by N. Maria Menendez, as Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership, ☒ who is personally known to me or ☐ who has produced _____ as identification and who did take an oath.


Notary Public
JEFFREY SPEVACEK

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____



JEFFREY A SPEVACEK
Commission # GG 286968
Expires January 28, 2023
Bonded Thru Budget Notary Services

EXHIBIT “A”

PROPERTY

LYONS WEST AKA VALENCIA RESERVE – HYDER PRESERVE

LEGAL DESCRIPTION:

BEING ALL OF TRACTS 14, 15, 34, 35, 38, AND 39, A PORTION OF TRACTS 9, 13, 16, 33, 36, 37 AND 40, BLOCK 69, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, AND A PORTION OF THOSE ROAD, DYKE AND DITCH RESERVATIONS, 30.00 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 13 THROUGH 16 AND SAID TRACTS 33 THROUGH 36, ALL LYING WITHIN BLOCK 69, ACCORDING TO SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 3, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 41 EAST; THENCE NORTH 89°25'29" EAST, ALONG THE SOUTH LINE OF SAID SECTION 25 ESTABLISHED BY PALM BEACH COUNTY PRIOR TO 1994, A DISTANCE OF 2586.08 FEET; THENCE SOUTH 00°22'32" EAST ALONG THE EAST LINE OF SAID TRACT 9 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 59.32 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°22'32" EAST, ALONG SAID EAST LINE OF TRACT 9, A DISTANCE OF 635.04 FEET; THENCE SOUTH 89°36'38" WEST ALONG THE SOUTH LINE OF SAID TRACT 9, A DISTANCE OF 339.07 FEET; THENCE SOUTH 00°22'42" EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89°36'38" WEST, A DISTANCE OF 285.03 FEET; THENCE SOUTH 00°22'42" EAST, A DISTANCE OF 1,911.99 FEET; THENCE SOUTH 89°34'36" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 37 THROUGH 40, A DISTANCE OF 1,874.46 FEET; THENCE NORTH 00°45'03" WEST, ALONG A LINE 44.88 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 13, 36 AND 37, A DISTANCE OF 2013.16 FEET; THENCE NORTH 89°36'38" EAST, ALONG THE SOUTH LINE OF TRACTS 9 THROUGH 12, SAID BLOCK 69, A DISTANCE OF 1,974.90 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 633.31 FEET; THENCE NORTH 89°25'29" EAST, ALONG A LINE 34.32 FEET SOUTH OF AND PARALLEL WITH (AS MEASURED AT RIGHT ANGLES TO) THE NORTH LINE OF SAID TRACT 9 ALSO BEING THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT L-38 CANAL RIGHT-OF-WAY ACCORDING TO OFFICIAL RECORDS BOOK 6495, PAGE 761, SAID PUBLIC RECORDS, A DISTANCE OF 542.59 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BEING A PORTION OF TRACTS 1, 2 AND 3, BLOCK 69, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 41 EAST; THENCE NORTH 89°25'29" EAST, ALONG THE SOUTH LINE OF SAID SECTION 25 ESTABLISHED BY PALM BEACH COUNTY PRIOR TO 1994, A DISTANCE OF 4266.64 FEET; THENCE SOUTH 00°22'32" EAST ALONG THE WEST LINE OF SAID TRACT 3 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 64.60 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-38 CANAL FOR THE FOLLOWING THREE (3) DESCRIBED COURSES, NORTH 89°25'29" EAST, A DISTANCE OF 660.22 FEET; THENCE SOUTH 00°21'58" EAST, A DISTANCE OF 1.32 FEET; NORTH 89°25'29" EAST, A DISTANCE OF 134.84 FEET TO A POINT ON THE WEST LINE OF RIGHT-OF-WAY FOR STATE ROAD 7 (US 441); THENCE SOUTH 01°06'45" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 141.09 FEET; THENCE SOUTH 89°25'29" WEST, A DISTANCE OF 796.89 FEET; THENCE NORTH 00°22'07" WEST ALONG THE WEST LINE OF SAID TRACT 3, A DISTANCE OF 142.40 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, ALL OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE SOUTH THREE-QUARTERS (S. 3/4) OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE RIGHT- OF-WAY FOR STATE ROAD NO. 7 AS IT NOW EXISTS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A SOUTHWEST CORNER OF SAID SECTION 25; THENCE NORTH 89°25'29" EAST, ALONG THE SOUTH LINE OF SAID SECTION 25 ESTABLISHED BY PALM BEACH COUNTY PRIOR TO 1994; A DISTANCE OF 2,042.94 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 1,282.21 FEET; THENCE NORTH 89°05'42" EAST, A DISTANCE OF 450.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 293.56 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 450.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 260.61 FEET; THENCE NORTH 89°05'42" EAST, A DISTANCE OF 175.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 163.36 FEET; THENCE SOUTH 89°21'36" WEST, A DISTANCE OF 175.00 FEET; THENCE NORTH 00°54'17" WEST, A DISTANCE OF 557.34 FEET; THENCE SOUTH 89°39'27" WEST, A DISTANCE OF 1,356.34 FEET; THENCE SOUTH 00°56'16" EAST, A DISTANCE OF 529.84 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 406.94 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 254.70 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 280.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 593.88 FEET; THENCE NORTH 89°41'26" EAST, A DISTANCE OF 5,050.70 FEET TO A POINT ON WEST LINE OF RIGHT- OF- WAY FOR STATE ROAD 7 (US 441); THENCE SOUTH 01°06'44" EAST, ALONG SAID WEST RIGHT-OF- WAY LINE, A DISTANCE OF 956.95 FEET; THENCE SOUTH 88°55'00" WEST, A DISTANCE OF 366.34 FEET; THENCE SOUTH 01°06'44" EAST, A DISTANCE OF 537.01 FEET; THENCE SOUTH 88°54'59" WEST, A DISTANCE OF 448.86 FEET; THENCE NORTH 89°23'04" EAST, A DISTANCE OF 815.23 FEET TO A POINT ON WEST LINE OF RIGHT-OF-WAY FOR STATE ROAD 7 (US 441); THENCE SOUTH 01°06'44" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1,353.55 FEET; THENCE SOUTH 89°25'29" WEST, ALONG SAID SOUTH LINE OF SECTION 25, A DISTANCE OF 3,017.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 370.007 ACRES, MORE OR LESS.

EXHIBIT “B”

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

- 1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
- 2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
- 3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
- 4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

Exhibit E - Drainage Statement

This is not required for the deletion of land area

Exhibit F - Water and Wastewater

This is not required for the deletion of land area

Exhibit G - Conservation Easement Release dated

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