

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



Application No.: DOA-2011-01735
Control No.: 1993-00039
Applicant: API Cameron Park Llc
Owners: Speyer Tishman
Api Cameron Park Llc
Agent: Charles Putman & Associates - Charles Putman
Telephone No.: (561) 994-6411
Project Manager: David McGuire, Site Planner II

Location: Southwest corner of Atlantic Avenue & Sims Road extension (Cameron Park PUD)

TITLE: a Development Order Amendment **REQUEST:** to delete land area and reconfigure the Site Plan.

APPLICATION SUMMARY: Proposed is a Development Order Amendment (DOA) for Cameron Park Planned Unit Development (PUD) Master Plan to remove a 1.8-acre parcel of land. The 40.55-acre PUD was originally approved by the Board of County Commissioners (BCC) on January 27, 1994 to allow an Official Zoning Map Amendment from the Agriculture Residential (AR) Zoning District to a Residential PUD Zoning District.

The applicant proposes to modify the Master Plan to remove a 1.8-acre parcel, which currently supports the Lake Worth Drainage District E-3 Drainage Right-of-Way. This is a concurrent application this DOA 2011-1736, Lake Worth Drainage District Canal E-3 which requests to rezone the 1.8-acre parcel from the PUD Zoning District to the Public Ownership (PO) Zoning District. The applicant proposes to utilize the Workforce Housing Program (WHP) to retain the same density or number of units. There is one access point into the site from Atlantic Avenue and one access point from the proposed Sims Road.

ISSUES SUMMARY:

o History

January 27, 1994 (R-1994-119): The BCC approved a rezoning from the AR Zoning District to the PUD Zoning District for 196 multi-family units on 24.8 acres.

December 4, 1997 (R-1997-2072, R-1997-2073 and R-1998-15): The BCC approved a rezoning of a 13.78-acre parcel of land and a DOA to reconfigure the PUD boundary to add land area. The Phase II portion of the site included the addition of 13.78 acres of land and the addition of 112 multi-family units bringing the total to 38.58-acres and 308 multi-family units.

September 26, 2002: The BCC approved a resolution that amended the Development Order to allow for time extensions for time certain conditions as well as to address an arsenic issue on the property.

According to the previous DOA approval (App1993-39B), Phase II of the project was approved by the Board of County Commissioners in 1997 to increase the number of units on this portion of the site to

112 multifamily units. At that time, it was discovered that a significant amount of arsenic exists on the property from a prior use. The property owner has been working to remedy the problem. A mitigation plan has been approved by the Florida Department of Environmental Protection (FDEP) and will be integrated into the construction of Phase II. A copy of the letter noting such is attached. (FDEP 1)

January 27, 2006 (R-2005-157 and R-2005-158): The BCC approved a rezoning of a 1.97-acre parcel of land and a DOA to reconfigure the PUD boundary to include the addition of 1.97 acres of land and an additional 16 multi-family units bringing the total to 40.55-acres and 324 multi-family units.

- o Consistency with Comprehensive Plan

The Planning Division has determined that the request is consistent with the site's High Residential (HR-8) Future Land Use (FLU) designation. See Planning Division Comments for additional information.

- o Compatibility with Surrounding Land Uses

NORTH:

FLU Designation: Medium Residential (MR-5)

Zoning District: Residential Planned Unit Development District (PUD)

Supporting: Residential (Control No 88-051, American Heritage)

SOUTH:

FLU Designation: High Residential (HR-12)

Zoning District: Multi-Family Residential (Medium Density) District (RM)

Supporting: Residential (Control No 92-045, Lakes of Delray)

EAST:

FLU Designation: High Residential (HR-12)

Zoning District: Residential Planned Unit Development District (PUD)

Supporting: Residential (Control No 98-040, Enclave PUD)

WEST:

FLU Designation: Commercial High (CH)

Zoning District: Single-Family Residential District (RS)

Supporting: Commercial (Temple Emeth)

The subject site is surrounded by a mix of multi-family and single family homes and condominiums and an existing synagogue. As proposed and conditioned herein, staff anticipates no adverse impacts to the surrounding properties from the request as they are compatible uses. No changes are requested to the previously approved details for the signage or elevations.

- o Traffic

See Staff Review and Analysis for additional information from the Traffic Division.

- o Density

The reduction of the gross acreage of the PUD from 40.55 to 38.75 acres with the deletion of the LWDD E-3 Canal easement will have the effect of reducing the density allowable in the PUD from 324 units to 310 units or a reduction of 14 units. To accommodate for this reduction and to avoid having to modify the master plan to remove 14 units from the project, the applicant is herein requesting approval of a 14 unit density bonus under the County's Work Force Housing program.

TABULAR DATA

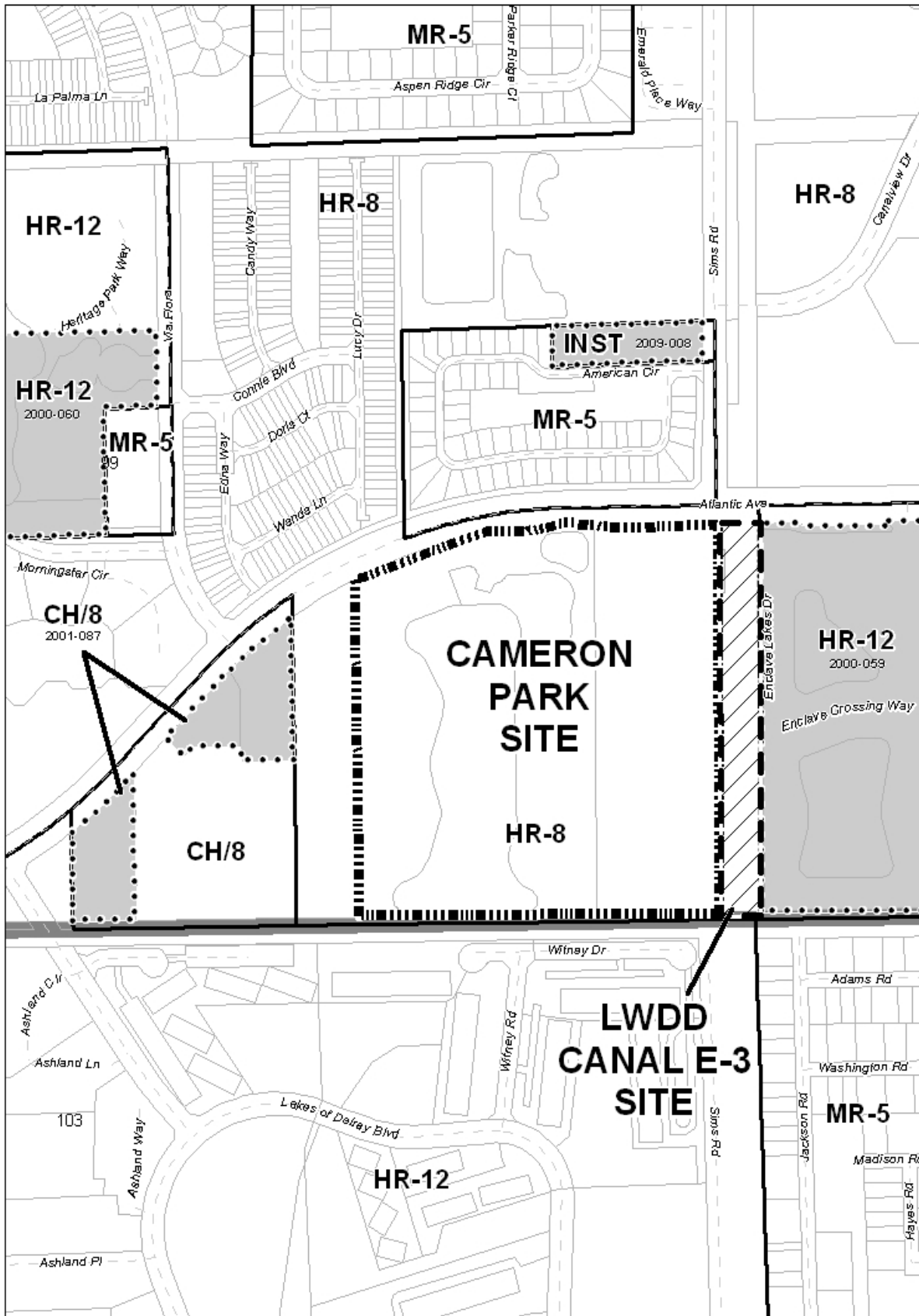
	EXISTING	PROPOSED
Property Control Number(s)	00-42-46-14-00-000-7030 00-42-46-14-21-001-0000 00-42-46-14-21-006-0000 00-42-46-14-21-023-0000	Same
Land Use Designation:	High Residential (HR-8)	Same
Zoning District:	Residential Planned Unit Development District (PUD)	Same
Tier:	Urban/Suburban	Same
Use:	Residential Multi-Family	Same
Acreage:	40.55 acres	39.75 acres (-1.8 acres)
Dwelling Units:	324	324
Density:	8.0 units/ac	same
Parking:	746 spaces	same
Access:	West Atlantic Avenue (1) and Proposed Sims Road (1)	same

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received no contacts from the public regarding this project.

RECOMMENDATION: Staff recommends approval of the request, subject to 42 conditions as indicated in Exhibit C.

MOTION: To recommend approval of the development Order to delete land area and reconfigure the Master Plan subject to the Conditions of Approval as indicated in Exhibit C.

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number:	DOA-2011-1735 (Cameron) Z-2011-1736 (LWDD)
Control Number:	1993-039 (Cameron) 2011-332 (LWDD)
Land Use Atlas Page:	99
Date:	09/27/2011



Figure 1 Land Use Atlas Map

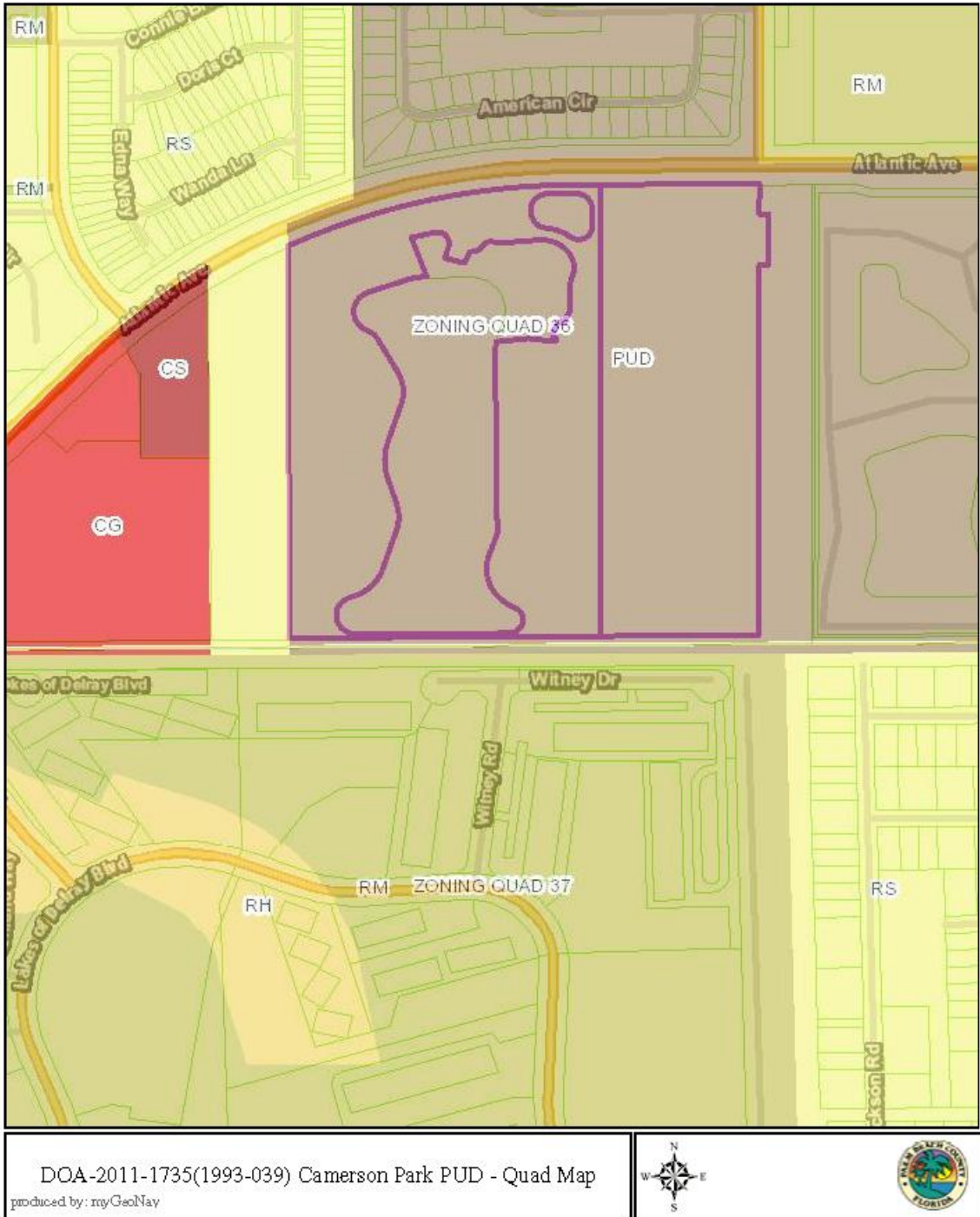


Figure 2 Zoning Quad Map

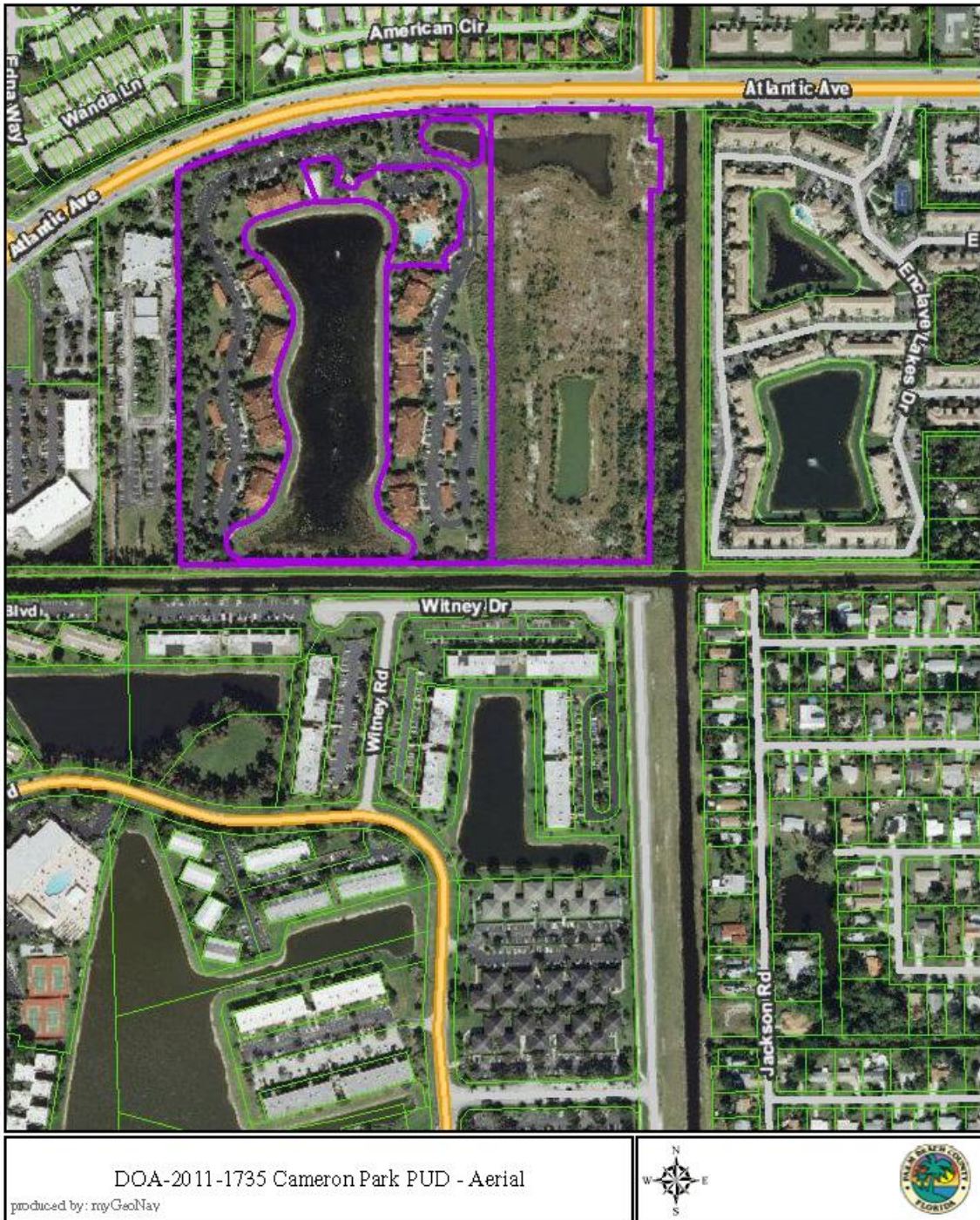


Figure 3 Aerial

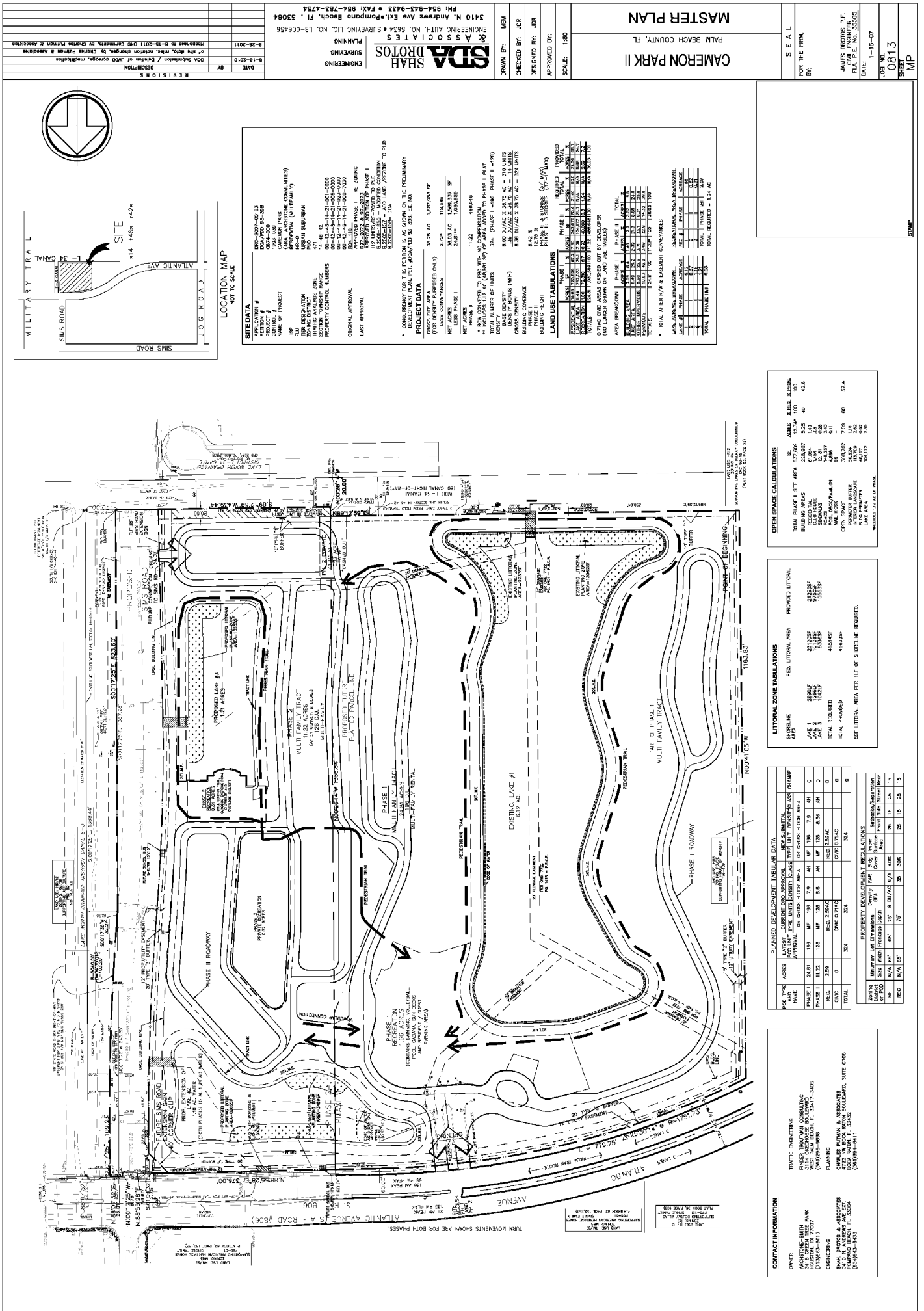


Figure 4 Preliminary Master Plan Dated 8/28/2011

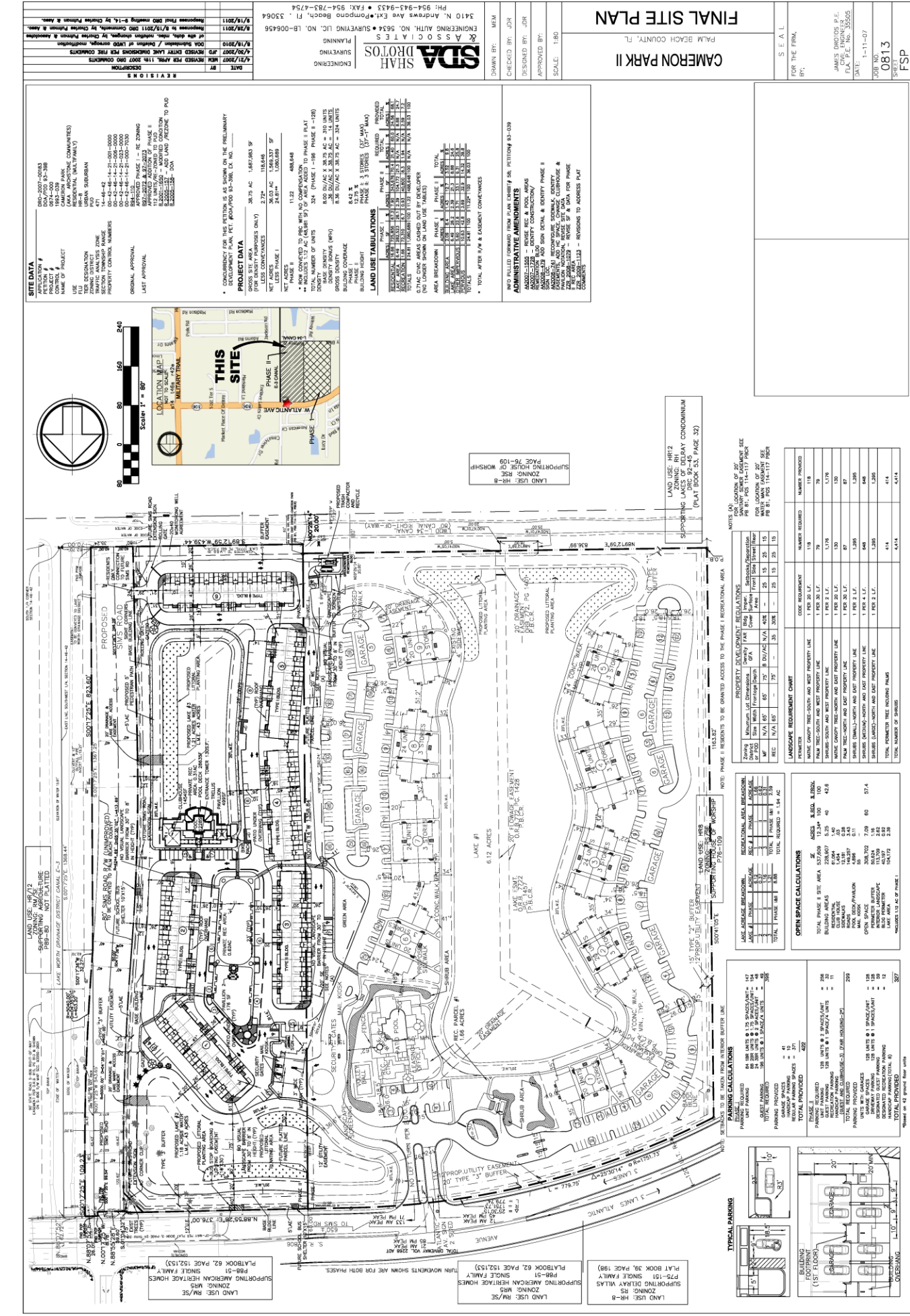


Figure 5 Preliminary Site Plan dated 9/19/2011

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Residential High, with a density of 8 units per acre (HR-8.)

TIER: The subject site is in the Urban-Suburban Tier.

FUTURE ANNEXATION AREAS: The subject site is not within the future annexation area of any municipality.

INTERGOVERNMENTAL COORDINATION: The subject site is within 1 mile of the City of Delray Beach.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed a request for a development order amendment to remove a 1.8 acre tract from the 40.55 Acre PUD, to reduce the corresponding density associated with that acreage, and request 14 additional multifamily units through the workforce housing program, and has provided the following analysis:

The reduction in acreage will result in a decrease of allowable PUD Density. The original approval predates the Workforce Housing Program (WHP), and included 324 dwelling units in all, 196 of which have been built during Phase I of the project. The requested changes involve Phase II, which was originally approved for 128 units. The reduction in acreage by 1.8 acres (LWDD parcel, Control # 2011-1736) decreases the overall permissible density for the PUD, from the original 324 units, to 310 total units.

Based on the revised acreage (38.75 acres), the project has a revised total of 114 approved, unbuilt units (310 units - 196 units= 114). The application requests an allowable density bonus of 14 WHP units, including 5 workforce units. The total number of units requested for Phase II would be 128 (114 approved units + 14 WHP/workforce units). This would restore the project to the originally approved number of units with the corresponding 1.8 acre reduction in site area.

The project as proposed implements allowable WHP units in its final phase, which (after consultation with Zoning and the County Attorney's office) may be allowed in this instance, since previous phases of this PUD were approved and built prior to the WHP regulations being in place, and as such, do not contain any WHP-designated units.

Density

The applicant is requesting a 14 unit bonus, of which 5 units will be designated as Workforce Housing. The current request seeks to utilize the new TDR and Workforce Housing Program changes adopted recently in the Comprehensive Plan (10-1 Round, adopted August 2010) and the ULDC (10-2 Round, ULDC Article 5.G. as amended by Ordinance 2011-001 adopted by the BCC in January 2010.

Workforce Housing Bonus Density:

Since the project is vested at maximum density prior to the WHP, and the request to use the WHP density bonus is greater than 10 units, compliance with the Workforce housing Program (WHP) is mandatory.

The applicant has chosen Option 3, per ULDC Section 5.G.1.C.3. This option is applicable when the request consists of a FLU designation of MR-5 through HR-18 and is requesting a density bonus of up to 100%. Per ULDC Table Article 5.G.1.B., the applicant has an HR-8 Future Land Use, and is requesting an 12% density bonus, of which 34% shall be required to be dedicated for Workforce Housing. This bonus is derived from multiplying the total Standard and PUD density by the available bonus percentage. Therefore the required Workforce Housing will be calculated as follows:

114 vested units + 14 requested bonus units= 128 total units proposed

5 workforce units (14 requested bonus units x 34% of which must be WHP units = 4.76 rounded up = 5)

Total of PUD density, WHP bonus density and workforce housing requirement:

114 Standard + PUD units (0 workforce units [vested]) 0 WHP units (vested)
 14 WHP bonus units (14 x 34% = 4.76) 5 WHP units (34%)

128 total units 5 (rounded up) =5 required WHP units

Below is a breakdown on the Housing Classifications:

Category	Calculation	Units	Total
Standard Density % Of WFH (5%)	38.75 ac x 6 1.9 WHP units (5%)	232.5 du 1.9 WHP units	232.5 du
PUD Density % as WFH (16%)	38.75 ac x 2 2.86 WHP units (16%)	77.5 du 2.86 WHP units	77.5 du
WFH Bonis Density (Max 100%) % as WFH (34%)	114 du x 12% WFH (34%)	14 du 5 WFH	14 du
		5 Units WFH Total	324 Units Standard Total

Bonus Density Program Requirements:

WHP Old Code versus New Code:		
	Old	New
For-sale units:	25 year recurring	15 years recurring
Rental units:	25 years recurring	30 years non-recurring
All WHP units:	60-150% AMI	60-140% AMI
Release of obligation:	not available	available with restrictions

The Workforce Housing Program updates above were adopted in October 2009.

WHP Rents/Sale Prices and Distribution

Per ULDC Table Article 5.G.1.B., all designated WHP for-sale or rental units will be offered at an attainable housing cost to households with incomes from 60% to 140% of area medium income (AMI). The WHP homes cannot be sold or rented at a higher price.

The sales prices are based on US HUD annual median income figure. The rents are based on the Florida Housing Finance Corporation (FHFC) Multi-Family Rental Figures, adjusted for number of bedrooms. As of the writing of this report, the figures are as follows:

WHP Income Category 2011 Sales Prices	
Low (60-80%)	\$132,930
Moderate-1 (>80-100%)	\$170,910
Moderate-2 (>100-120%)	\$208,890
Middle (>120-140%)	\$246,870

Workforce Housing Program
 Rental Prices (2011)

2011 Florida Housing Finance Corporation Family Rental Programs

NOTE: The rental prices at 100% are determined by Planning Division staff.

Income %	1 BR	2 BR	3 BR	4 BR
60%	\$ 832	\$ 999	\$1,155	\$1,288
80%	\$1,110	\$1,332	\$1,540	\$1,718
100%	\$1,388	\$1,665	\$1,925	\$2,148
120%	\$1,665	\$1,998	\$2,310	\$2,577
140%	\$1,942	\$2,331	\$2,695	\$3,006

Any Utility Allowances are applied against gross maximum rent.

FINDINGS: The request is consistent with the HR-8 FLU designation in the Palm Beach County Comprehensive Plan.

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS

The property owner shall obtain an onsite Drainage Permit or Land Development Permit from the Palm Beach County Engineering Department prior to the application of a Building Permit.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto future Sims Road and a permit from the Florida Department of Transportation for access onto Atlantic Avenue.

TRAFFIC IMPACTS

The build-out date for the project continues to be December 31, 2012. Previously approved traffic from this project was 2155 trips per day, 191 trips in the PM peak hour. There is no change in traffic impacts associated with the current request. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

PALM BEACH COUNTY HEALTH DEPARTMENT:

WATER: Water is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems shall be abandoned in accordance with Palm Beach County ECR-II.

SEWER: Wastewater service is available to the property. Therefore, no onsite sewage treatment and disposal system (OSTDS) shall be permitted on this site. All existing OSTDS must be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property is partially developed. The undeveloped phase is currently abandoned agriculture and contains some native vegetation. The native vegetation consists of scattered Slash pine.

WELLFIELD PROTECTION ZONE: The property is not located within a 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 Water and Irrigation Conservation Ordinance No. 93 3. 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.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Staff Review Analysis is required as no modifications to the previous approval is being requested.

PARKS AND RECREATION: No Staff Review Analysis is required as no modifications to the previous approval is being requested.

CONCURRENCY: Concurrency has been approved for 324 multifamily units.

WATER/SEWER PROVIDER: Palm Beach County will provide water and sewer.

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 9 indicated below. A conditional or requested use or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

1. **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.*

The request is consistent with the site's High Residential (HR-8) Future Land Use (FLU) designation and the purpose, goals and objectives and policies of the plan.

2. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The proposed amendment complies with all relevant articles in the Palm Beach County Unified Land Development Code. The request to delete land area does not affect the layout, function and development characteristics.

3. **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.*

The proposed amendment is compatible with all adjacent properties by proposing residential uses with a compatible density.

4. **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.*

The layout and design of the PUD does not change with this request and does not change the impact on adjacent lands. The deleted land is a LWDD parcel that will remain a LWDD canal.

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

The property has been in the process of arsenic clean up on the Phase II portion of the property due to a previous use. Following the management plan agreed to with FDEP will ensure the phase II can be developed to the proposed Site Plan.

The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

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

The proposal request does not affect the development pattern of the area.

7. **Consistency with Neighborhood Plans** – *The proposed development or amendment is consistent with applicable neighborhood plans in accordance with BCC policy.*

The subject site is not within the boundaries of any Special Overlay District/Neighborhood Plan or Planning Study Area.

8. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

Concurrency has been approved for a PUD of 324 residential units.

9. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The property owners are requesting a reduction of the gross acreage of the PUD and a reconfiguration of the Master Plan for Phase II of the property as they has been advised that they needed to either purchase 1.8-acre parcel known as the LWDD E-3 Canal easement from the LWDD or remove it from the PUD. The Property owner opted not to buy the LWDD land.

CONDITIONS OF APPROVAL

EXHIBIT C

Development Order Amendment

ALL PETITIONS

1. Condition A.1 of Resolution 2005-0158, Control Number 1993-039, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-2073 (Petition 1993-39(A)), R-98-15 (Petition 1993-39(A)), R-01-1650 (Petition 1993-39(A)) and R-03-1286 (Petition 1993-39(A)), 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 ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-1997-2073 (Petition 1993-39(A)), R-1998-15 (Petition 1993-39(A)), R-2001-1650 (Petition 1993-39(A)), R-2003-1286 (Petition 1993-39(A)), and R-2005-0158 (Petition 1993-39(B)), 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 ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution 2005-0158, Control Number 1993-039, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated November 19, 2004. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated September 19, 2011. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ENGINEERING

1. The Property owner shall fund construction of a left turn lane, east approach on West Atlantic Avenue at the project's entrance road. Cost for this left turn lane shall be approved by the County Engineer. The construction shall be concurrent with the widening of West Atlantic Avenue. Funding to Palm Beach County shall be completed prior to receiving Technical Compliance for the first plat. (PLAT: ENGINEERING - Eng) (Previous Condition E1 of Resolution R-2005-158, Control No. 1993-39) [Note: COMPLETED]

2. The Developer shall also provide within this project's internal storm water management system an equivalent amount of stormwater runoff for the road drainage of West Atlantic Avenue. The amount of runoff required to be stored onsite shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering Requirements. (ONGOING: ENGINEERING - Eng) (Previous Condition E2 of Resolution R-2005-158, Control No. 1993-39)

3. In order to comply with the mandatory traffic performance standards, no building permits for the site shall be issued until West Atlantic Avenue is under construction from Jog Road to Congress

Avenue as a six lane median divided roadway. (ONGOING: ENGINEERING - Eng) (Previous Condition E4 of Resolution R-2005-158, Control No. 1993-39) [Note: COMPLETED]

4. The Developer shall install signalization if warranted as determined by the County Engineer at West Atlantic Avenue and project entrance. Appropriate surety shall be posted with the Office of the County Engineer concurrent with the final plat. Should signalization not be warranted after 5 years (60 months) of the final Certificate of Occupancy this property owner shall be relieved from this condition. Surety for this signalization shall be posted concurrent with filing of the final plat. (PLAT: ENGINEERING - Eng) (Previous Condition E5 of Resolution R-2005-158, Control No. 1993-39) [Note: This condition is considered complete as FDOT did not permit a full median opening.]

5. Prior to the issuance of a building permit for Phase 2, the property owner shall convey a roadway construction easement along the projects entire frontage of West Atlantic Avenue and Sims Road to Palm Beach County. Construction within this easement shall conform to Palm Beach County Standards. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E6 of Resolution R-2005-158, Control No. 1993-39) [Note: COMPLETED]

6. Prior to the issuance of a building permit for Phase 2 the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction within this easement shall conform to Palm Beach County Standards. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E7 of Resolution R-2005-158, Control No. 1993-39)

7. Previous Condition E8 of Resolution R-2005-158, Control No. 1993-39, which currently states:

The property owner shall convey to PBC LDD by warranty deed for Sims Road 80 feet on an alignment approved by the County Engineer. Right of way shall be conveyed prior to February 1, 2006. Right of way conveyance shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING-Eng) (Previous Condition E8 of Resolution R-2005-158, Control No. 1993-39)

Is hereby amended to read:

CORRIDOR CONVEYANCE OF SIMS ROAD RIGHT OF WAY

The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Sims Road 80 feet on an alignment approved by the County Engineer. Right of way shall be conveyed prior to December 31, 2013. Right of way conveyance shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach

County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips."
(DATE: MONITORING-Eng)

8. Previous Condition E9 of Resolution R-2005-158, Control No. 1993-39, which currently states:

On or before 2/1/06, the prop own shall convey to PBC suff rd DEs thru the project's intern drain sys, as reqd by and apprd by the CE, to provide LPO for runoff from those seg of Sims Road along the prop front; and a max 800' of these adj rd(s). The limits of this addl 800' and final loc of the DE shall be determ by the CE. Said easements shall be no less than 20' in width. Portions of such sys not incld within rdwys or wtrwys ded for drain purp will be spec encumbered by said min 20' DE from the point of origin, to the point of LPO. In the event of a determ of contamination which reqrs remediation or clean up on the prop now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, inclg but not limited to, all appl permit fees, Eng or other expert witness fees incldg Atty's fees as well as the actual cost of the clean up. The drain sys w/in the project shall have suff ret/det, Comp stor w/in this projects ret sys as reqd by all permitting agencies, and convey cap to meet the storm water dis and treat reqrmnts of PBC and the appl Drain District, as well as the SFWMD, for the comb runoff from the project to accomm the ult T Plan Rd Sec of the incldd seg. If reqd and apprd by the CE the prop own shall constr w/in the prop DE a min of 24" closed piping system and appro wingwall or other struct as reqd by and apprd by the CE. Elev and loc of the entire drain sys shall be apprd by the CE. Any excess fill matl from excav by PBC within said easements shall become the prop of PBC which at its discretion may use this fill material. (DATE: MONITORING - Eng)

Is hereby amended to read:

On or before 12/31/2013, 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 (CE), to provide legal positive outfall (LPO) for runoff from those segments of Sims Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet and final location of the easement of drainage shall be determined by the CE. 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 LPO. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. 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 CE. Elevation and location of the entire drainage system shall be approved by the CE. Any and all excess fill material from excavation by PBC within said easements shall become the property of PBC which at its discretion may use this fill material. (DATE:MONITORING-Eng)

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

a. Building Permits for more than 99 dwelling units shall not be issued until construction has begun for Military Trail as a 6 lane section from West Atlantic Avenue to Linton Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E10 of Resolution R-2005-158, Control No. 1993-39) [Note: COMPLETED]

10. Prior to approval of the site plan by the DRC the property owner shall amend the Master Plan to reflect an access onto Sims Road from the site subject to the approval of the County Engineer.

(DRO: ENGINEERING - Eng) (Previous Condition E11 of Resolution R-2005-158, Control No. 1993-39) [Note: COMPLETED]

11. The petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of West Atlantic Avenue concurrent with the required improvements for the first plat. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of appropriate ground cover. Funds equal to a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median shall be used in the installation of upgraded ground cover. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Ground cover:
Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a. All plants shall be container grown or field collected and transplanted from the project site.
- b. All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E12 of Resolution R-2005-158, Control No. 1993-39) [Note: COMPLETED]

12. All required median landscaping, including watering, shall be installed prior to July 1, 1998 and be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. (DATE: MONITORING - Eng) (Previous Condition E13 of Resolution R-2005-158, Control No. 1993-39) [Note: COMPLETED]

13. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to the filing of the first plat to reflect this obligation. Maintenance shall be in accordance with the issued permits. If West Atlantic Avenue six laning has not been completed prior to the filing of the first plat, then these documents shall be recorded prior to the finaling of the landscape permit. (PLAT: ENGINEERING - Co Atty) (Previous Condition E14 of Resolution R-2005-158, Control No. 1993-39) [Note: COMPLETED]

14. Previous Condition E15 of Resolution R-2005-158, Control No. 1993-39, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule: No Building Permits for the site may be issued after January 1, 2006. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

Is hereby amended to read:

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

- a. No Building Permits for the site may be issued after December 31, 2012. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

15. Prior to issuance of the next building permit, the property owner shall include in the rental contracts, Master Plans and related Site Plans a disclosure statement identifying Sims Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information, which appears in written form shall appear in bold print. (The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 1, 2006 and shall continue on an annual basis until all units within the development have been rented. (BLDG PERMIT/DATE: MONITORING - Zoning) (Previous Condition E16 of Resolution R-2005-158, Control No. 1993-39)

16. Previous Condition E17 of Resolution R-2005-158, Control No. 1993-39, which currently states:

The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng)

Is hereby amended to read:

The property owner shall appropriately sign the project, notifying future residents of Sims Road prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng)

17. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Eng) (Previous Condition E18 of Resolution R-2005-158, Control No. 1993-39)

HEALTH

1. Previous condition C. 1. of Resolution R-2005-158; Control 1993-039 which reads:

Sewer service is available to the property. Therefore, no septic tank shall be permitted for this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-I.

Is hereby amended to read:

Sewer service is available to the this property. Therefor no septic tank shall be permitted on this site. All existing onsite sewage treatment and diposal systems (OSTDS) shall be abandoned in accordance with Chapter 64-E-6 FAC. (ONGOING:HEALTH-Health)

2. Water is available to the property. Therefore, no potable water supply wells will be permitted for this site. All existing potable water systems shall be abandoned in accordance with Palm Beach County ECR-II (ONGOING: HEALTH-Health) (Previous condition C.2 of Resolution R-2005-158; Control 1993-039)

LANDSCAPE - GENERAL

1. To ensure adequate buffering with adjacent single family residences, all canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length;
- d. Clear trunk: five (5) feet; and,
- e. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (BLDG: LANDSCAPE - Zoning) (Previous Condition F.1 of Resolution R-2005-158 Control Number 1993-39(B))

LANDSCAPE - PERIMETER-LANDSCAPING ALONG WEST AND EAST PROPERTY LINES ABUTTING WEST ATLANTIC AND SIMS ROAD FRONTAGES

1. In addition to the ULDC landscaping requirements, landscaping along West Atlantic Avenue and Sims Road, shall be upgraded to include:

- a. A minimum twenty (20) foot in width;
- b. One (1) native canopy tree planted every twenty (20) feet on center;
- c. One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location. No more than twenty five percent of the required trees may be superseded by this requirement;
- d. A minimum one (1) to three (3) foot high undulating berm, with an average height of two (2) feet, measured from the top of the curb; and,
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum of eighteen (18) inches at installation;
- f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum of twenty-four (24) inches at installation; and,
- g. Thirty (30) inch high shrub or hedge material located on the plateau of the berm spaced twenty-four (24) inches on center at installation to be maintained a minimum of sixty (60) inches in height. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition I.1 of Resolution R-2005-158, Control Number 1993-39(B))

LANDSCAPE - PERIMETER

1. To ensure adequate buffering for adjacent property, landscaping along all perimeter PUD property lines, except the north and east property lines shall be upgraded to include:

- a. One (1) native canopy tree planted every twenty (20) feet on center;
- b. One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location. No more than twenty five percent of the required trees may be superseded by this requirement; and,
- c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation to be maintained a minimum of sixty (60) inches in height. (BLDG: LANDSCAPE - Zoning) (Previous Condition H.1 of Resolution R-2005-158, Control Number 1993-39(B))

2. Overlap of easements shall not be permitted into right-of-way buffers, except in area where existing buffers were approved under Petition 1993-039(A). (CO: LANDSCAPE - Zoning) (Previous Condition H.2 of Resolution R-2005-158, Control Number 1993-39(B))

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the easement to be conveyed to LWDD along the E-3 Canal will need to be finalized. Once the conveyance has occurred then the recording information needs to be added to the survey and site plan; that easement area also needs to be dimensioned. LWDD will provide and record the conveyance document. PLAT: ENG-LWDD

PALM TRAN

1. Condition J.1.a. or Mass Transit 1.a. of prior Resolution for Application 2011-1735 which currently states:

Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRO: ZONING - Zoning)

Is hereby amended to read;

The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

2. Condition J.1.b. or Mass Transit 1.b. of prior Resolution for Application 2011-1735 which currently states:

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the certificate of occupancy for the 77th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng) (Previous Condition J.1 of Resolution R-98-15, Petition 1993-39(A))

Is hereby ammended to read:

Prior to issuance of the first Building Permit, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (BLDG PERMIT: MONITORING -Palm Tran)

PLANNED DEVELOPMENT

1. Street lights a maximum of twenty (20) feet in height, measured from finish grade to highest point, shall be installed, maintained and operated by the property owner along all platted access tracts, easements or road ways. (BLDG PERMIT: BLDG - Zoning) (BLDG: BLDG PERMIT - Bldg) (Previous Condition M.1 of Resolution R-2005-158, Control Number 1993-39(B))

2. Street trees shall be planted no more than fifty (50) feet on center along both sides of all streets within all access tracts, access easements, road ways or right-of-ways that are interior to the PUD subject to approval by the County Engineer. (ENG: PERMIT - Eng) (Previous Condition M.2 of Resolution R-2005-158, Control Number 1993-39(B))

3. All residential structures shall not exceed three (3) stories in height. (Previous Condition M.4 of Resolution R-98-15, Petition 1993-39(A)) (BLDG PERMIT: BLDG - Zoning) (Previous Condition M.4 of Resolution R-2005-158, Control Number 1993-39(B))

4. Prior to final Development Review Officer (DRO) site plan approval, the master plan and site plan shall be revised to include a notation indicating the proposed/future location of the sidewalk along Sims Road and a notation indication the existing location of the sidewalk along Atlantic Avenue. (DRO: PLANNING - Planning) (Previous Condition M.5 of Resolution R-2005-158, Control Number 1993-39(B))

PLANNING

1. Prior to issuance of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per article 5.G. in the ULDC. These units are to be distributed among the categories consistent with the requirements in Article 5.G. in the ULDC. (DRO: PLANNING - Planning)

2. On an annual basis, beginning December 1, 2013 or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association or individual Workforce Housing dwelling unit owner, shall submit an annual report/update to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING Planning/HCD)

3. Prior to Final Site Plan Approval, the site plan shall be amended to describe the number and calculations of Workforce Housing Program units being provided, according to ULDC Article 5.G.1.E.4.d, or as said section may be replaced or amended. (DRO-PLANNING-Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The private civic site for this petition totals .71 acre.

a. The Phase 1 civic site portion is .49 acre which has been approved by the BCC to be cashed out for \$31,613. This payment shall be due and payable on October 28, 1997. No administrative time extensions beyond October 28th, 1997 will be allowed. (DATE: MONITORING - PREM) (Note: Completed)

b. Phase 2 shall maintain its .22-acre private civic portion with the option to cash-out still available to the Petitioner. (ONGOING: MONITORING - PREM) (Previous Condition B.1 of Resolution R-2005-158, Control No. 1993-039) (Note: Completed)

SCHOOL BOARD

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

“NOTICE TO PARENTS OF SCHOOL AGE CHILDREN”

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD) (Previous Condition K.1 of Resolution R-2005-0158, Control No. 1993-039)

2. Condition K.2 of Resolution R-2005-0158, Control No, 1993-039, which currently states:

School bus shelter fronting along West Atlantic Avenue at the entrance to the site shall comply with the following:

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

Is hereby amended to read:

The 10' x 15' school bus shelter fronting along West Atlantic Avenue at the entrance to the site shall comply with the following:

Prior to the issuance of the first Certificate of Occupancy (CO), the 10' x 15' school bus shelter along West Atlantic Avenue shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, lighting of the bus shelter, garbage receptacle, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board.)

3. Condition K.3 of Resolution R-2005-0158, Control 1993-039, which currently states:

School bus shelter fronting along Sims Road at the entrance to the site shall comply with the following:

Six (6) months after the completion date of Sims Road, a school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter include, at a minimum, a covered area, a bike rack, lighting of the bus shelter, garbage receptacle, continuous paved pedestrian, and bicycle access

from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (DATE: SCHOOL BOARD - School Board)

Is hereby amended to read:

The 10' x 15' school bus shelter fronting along Sims Road at the entrance to the site shall comply with the following:

Six (6) months after the completion date of Sims Road, a 10' x 15' school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, lighting of the bus shelter, garbage receptacle, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board.)

SIGNS

1. To ensure compliance with the regulating plan submitted by the petitioner, entry or project identification sign fronting on West Atlantic Avenue shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 100 square feet;
- c. Maximum number of signs - one (1) on West Atlantic Ave.
- d. Type - monument style only. (BLDG: BLDG PERMIT - Bldg) (Previous Condition L.1 of Resolution R-2005-158, Control Number 1993-39(B))

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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) (Previous Condition O.1 of Resolution R-2005-158, Control Number 1993-39(B))

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; 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 ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County

Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
(ONGOING: MONITORING - Zoning)(Previous Condition O.1 of Resolution R-2005-158, Control
Number 1993-39(B))

EXHIBIT D: DISCLOSURE

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

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 Peter Grimm, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the individual or Vice President [position - e.g., president, partner, trustee] of X [name and type of entity - e.g., ABC Corporation, XYZ 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.
X Archstone Delray Beach LP and API Cameron Park LLC
2. Affiant's address is: 9700 E Palmsara Blvd
Englewood CO 80112
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.

Peter Grimm

Peter Grimm, Affiant
(Print Affiant Name)

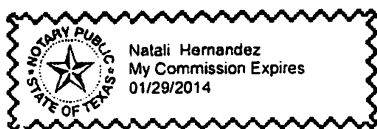
The foregoing instrument was acknowledged before me this day of Sept., 20 11, by Peter Grimm, [] who is personally known to me or [] who has produced Texas Drivers License as identification and who did take an oath.

Natali Hernandez

Notary Public

Natali Hernandez

(Print Notary Name)



NOTARY PUBLIC
State of ~~Florida~~ ^{Texas} at Large
My Commission Expires: 1/29/14

EXHIBIT "A"

PROPERTY

See attached

Phase T

First American Title Insurance Company

Schedule A (Continued)

Issuing Office File No.: NCS-299830FL99-CLW2

The Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4), less the East three quarters (E 3/4) of the East half (E 1/2) of the Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4) of Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida, lying South of State Road 806, less the South 20 feet thereof.

Now known as:

All of Cameron Park, according to Plat Book 81, Page 114, of the Public Records of Palm Beach County, Florida.

Schedule A (Continued)

Issuing Office File No.: NCS-299830F219-CLW2

A PORTION OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF TRACT "A" OF "CAMERON PARK" AS RECORDED IN PLAT BOOK 81 AT PAGES 114, 115, 116, AND 117 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°55'28" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF ATLANTIC AVENUE (STATE ROAD # 806) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93550-2601 RECORDED IN ROAD PLAT BOOK 3, PAGES 24-30 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR 376.00 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, SOUTH 1°04'32" EAST, FOR 2.75 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 88°55'28" EAST FOR 59.60 FEET, THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 00°17'25" WEST FOR 8.78 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 88°07'52" EAST FOR 7.31 FEET TO A LINE THAT LIES 62.70 FEET WEST OF, AND PARALLEL WITH, THE EAST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 14; THENCE SOUTH 00°17'25" EAST ALONG SAID PARALLEL LINE, FOR 1367.25 FEET TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 14; THENCE SOUTH 89°12'59" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 14, FOR 439.44 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY PROJECTION OF THE EAST LINE OF SAID TRACT "A"; THENCE NORTH 00°26'14" WEST ALONG THE EAST LINE OF SAID TRACT "A" AND IT'S SOUTHERLY PROJECTION, FOR 1358.84 FEET TO THE POINT OF BEGINNING.

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.

Name

Address

See attached.

Note that no individuals own 5% or more of the equity of any non-publicly traded company shown on the attached.

ARCHSTONE DELRAY BEACH OWNERSHIP		Exhibit B
Entity	Owner	Percentage
Archstone Delray Beach LP	Archstone Delray Beach GP LLC Archstone Multifamily Holdings I (Borrower-B) LP	0% GP 100% LP
Archstone Multifamily Holdings I (Borrower-B) LP	Archstone Multifamily Holdings I (Borrower-B) GP LLC Archstone Multifamily Holdings I (Parent Borrower-B) LP	0% GP 100% LP
Archstone Delray Beach GP LLC	Archstone Multifamily Holdings I (Borrower-B) LP	100% MM
Archstone Multifamily Holdings I (Parent Borrower-B) LP	Archstone Multifamily Holdings I (Parent Borrower-B) GP LLC Archstone Multifamily Holdings I LP	0% GP 100% LP
Archstone Multifamily Holdings I (Parent Borrower-B) GP LLC	<i>Archstone Multifamily Holdings I LP (see below)</i>	100% MM
API Cameron Park LLC	Archstone Multifamily Holdings I (Development Borrower Pledgor) LP	100% MM
Archstone Multifamily Holdings I (Development Borrower Pledgor) LP	Archstone Multifamily Holdings I (Development Borrower Pledgor) GP LLC Archstone Multifamily Holdings I (Development Borrower) LP	0% GP 100% LP
Archstone Multifamily Holdings I (Development Borrower Pledgor) GP LLC	Archstone Multifamily Holdings I (Development Borrower) LP	100% MM
Archstone Multifamily Holdings I (Development Borrower) LP	Archstone Multifamily Holdings I (Development Borrower) GP LLC Archstone Multifamily Holdings I (Borrower-A) LP	0% GP 100% LP
Archstone Multifamily Holdings I (Development Borrower) GP LLC	Archstone Multifamily Holdings I (Borrower-A) LP	100% MM
Archstone Multifamily Holdings I (Borrower-A) LP	Archstone Multifamily Holdings I (Borrower-A) GP LLC Archstone Multifamily Holdings I LP	0% GP 100% LP
Archstone Multifamily Holdings I (Borrower-A) GP LLC	<i>Archstone Multifamily Holdings I LP (see below)</i>	100% MM
Archstone Multifamily Holdings I LP	Archstone Multifamily Holdings I LLC Archstone Nominee LP	0% GP 100% LP
Archstone Nominee LP	Archstone Multifamily Nominee (GP) LLC Archstone Multifamily Principal LP	0% GP 100% LP
Archstone Multifamily Nominee (GP) LLC	Archstone Multifamily Principal LP	
Archstone Multifamily Principal LP	Archstone Multifamily Guarantor LLC Archstone Multifamily Parallel Guarantor I LLC Archstone Multifamily Guarantor LP	0.5% GP 6.391% LP 93.109% LP
Archstone Multifamily Guarantor LLC	Archstone Multifamily Guarantor LP	100% MM
Archstone Multifamily Parallel Guarantor I LLC	Archstone Enterprise LP	100% MM
Archstone Multifamily Guarantor LP	Archstone Multifamily Guarantor (GP) LP Archstone Enterprise LP	0% GP 100% LP
Archstone Enterprise LP	Affiliates of Lehman Brothers Holdings, Inc Affiliates of Bank of America Corp Affiliates of Barclays PLC Others	46.60% 26.40% 23.90% 3.10%
Addresses		
All Archstone Entities:	9200 E. Panorama Circle Englewood, Colorado 80112	
Lehman Brothers Holdings, Inc.	1271 Avenue of the Americas New York, New York 10020	
Bank of America Corp	100 North Tryon Street Charlotte, North Carolina 28255	
Barclays PLC	1 Churchill Place London E14 5HP, England	
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