

RESOLUTION NO. R-89- 344

RESOLUTION APPROVING ZONING PETITION NO. 87-112
SPECIAL EXCEPTION PETITION OF GRQ LIMITED

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

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 87-112 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 2, 1988; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-112 the petition of GRQ LIMITED, for a SPECIAL EXCEPTION TO PERMIT 1) A PLANNED UNIT DEVELOPMENT, 2) A DAY CARE CENTER, 3) A CHURCH; AND 4) A CLINIC on a parcel of land lying in a portion of section 2 and 3, Township 45 South, Range 42 East, AND Lot One and that portion of Lot Two lying East of the Lake Worth Drainage District E-3 Canal in Tract 38 of the "Hiatus" between Township 44 and 45 South, Range 42 East (also known as Township 44 1/2 South, Range 42 East), lying North of the Lake Worth Drainage District Lateral Number 17 being more particularly described as follows:

Commencing at the Southwest corner of the Southeast 1/4 of said Section 3; thence North 00 degrees 47' 13" West along the West line of the East 1/2 of said Section 3, a distance of 142.96 feet; thence South 89 degrees 48' 13" East, a distance of 40.01

feet to a POINT OF INTERSECTION of the Northerly Right-of-Way line of Hypoluxo Road (as now laid out and in use) as recorded in Road Book 4, Page 1, with the Easterly Right-of-Way line of Jog Road (as now laid out and in use) as recorded in Road Book 4, Page 136; thence North 00 degrees 47' 13" West, along the said easterly Right-of-Way line of Jog road, same line also being 40 feet east of (as measured at right angles) and parallel with the said West line of the East 1/2 of Section 3, a distance of 2400.97 feet to a POINT OF INTERSECTION with the centerline of the Lake Worth Drainage District Lateral Number 17 Canal as described in Official record Book 2411, Page 114 said POINT OF BEGINNING of this description; thence continuing North 00 degrees 47' 13" West, along said Easterly Right-of-Way of Jog Road, a distance of 2770.69 feet to a POINT OF INTERSECTION with the Southerly Right-of-way line of the Lake Worth Drainage District Lateral Number 16 Canal, as described in Official Record Book 2393, Page 1134; thence North 89 degrees 11' 55" east along the said Southerly Right-of-Way Line of the Lake Worth Drainage district Lateral Number 16 Canal, same line also being 35.00 feet south (as measured at right angles) and parallel with the north line of the said East 1/2 of Section 3, a distance of 2686.02 feet to the West line of said Section 2; thence North 89 degrees 24' 10" East continuing along the said Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 16 Canal, same line also being 35.00 feet South (as measured at right angles) and parallel with the North line of the West 1/2 of said section 2, a distance 2002.52 feet; thence South 00 degrees 26' 12" East, a distance of 655.79 feet; thence North 89 degrees 37' 00" East, a distance of 213.35 feet to a POINT OF INTERSECTION with the Westerly Right-of-Way line of Lake Worth Drainage District E-3 Canal as described in Official Record Book 2393, Page 1133; thence South 05 degrees 28' 31" East along the said Westerly Right-of-Way Line of the Lake Worth Drainage District E-3 Canal, a distance of 2158.29 feet to a POINT OF INTERSECTION with the said centerline of the Lake Worth Drainage District Lateral Number 17 Canal; thence North 89 degrees 46' 25" West along the said centerline of the Lake Worth Drainage District Lateral Number 17 Canal, a distance of 2403.05 feet; thence continuing along said centerline of the Lake Worth Drainage District Lateral Number 17 Canal South 89 degrees 14' 14" West, a distance of 2671.59 feet to the POINT OF BEGINNING.

TOGETHER WITH the following described parcel.

Commencing at the Northeast corner of said Section 2; thence South 00 degree 19' 58" East along the East line of said Section 2, a distance of 20.00 feet to the POINT OF BEGINNING of this description; thence continuing South 00 degrees 19' 58" East along said East line of Section 2, same line also being the Northerly projection of and the West line of Plat of Concept Homes of Lantana Plat No. 2 and Plat No. 3 as recorded in Plat Book 38, Page 13 and 14 and Plat Book 39, Page 123 thru 125, a distance of 2790,84 feet to the Southeast corner of the Northeast 1/4 of said Section 2; thence North 89 degrees 46' 27" West,

along the South line of the said Northeast 1/4 of Section 2, a distance of 2665.22 feet to the center of said Section 2; thence North 89 degrees 46' 25" West, along the South line of the Northwest 1/4 of said Section 2, a distance of 169.69 feet to the Easterly Right-of-Way Line of the Lake Worth Drainage District E-3 Canal as described in Official record Book 2393, Page 1133; thence North 05 degrees 28' 31" West along the said Easterly Right-of-Way Line of Lake Worth Drainage District E-3 Canal, a distance of 2086.51 feet; thence North 89 degrees 37' 00" East, a distance of 353.56 feet to the West line of the Northeast 1/4 of said Section 2; thence North 00 degrees 25' 10" West along the said West line of the Northeast 1/4 of Section 2, a distance of 673.28 feet; thence North 89 degrees 25' 14" East along a line 20.00 feet South (as measured at right angles) and parallel with the North line of the said Northeast 1/4 of Section 2, same line also being the Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 16 Canal as described in Official Record Book 2393, Page 1133, a distance of 2669.27 feet to the POINT OF BEGINNING;

TOGETHER WITH the following described parcel:

Commencing at the Northeast Corner of said Lot One, Hiatus Tract 38, same point also being the Southeast Corner of Section 35, Township 44 South, Range 42 East; thence South 38 degrees 28' 00" East along the Easterly Line of said Lot One, a distance of 52.25 feet to the POINT OF BEGINNING; thence continuing South 38 degrees 28' 00" East along the Easterly Line of said Lot One, a distance of 693.39 feet to a POINT OF INTERSECTION with the Northerly Right-of-Way Line of Lake Worth Drainage District Lateral Number 16 Canal as described in Official Record Book 2393, Page 1133 said point being North 38 degrees 28' 00" West, a distance of 63.34 feet from the Northeast Corner of Section 2 of said Township 45 South, Range 42 East; thence South 89 degrees 25' 14" West along the said Northerly Right-of-Way Line of Lake Worth Drainage District Lateral Number 16 Canal, same line also being 50.00 feet North (as measured at right angles) and parallel with the South line of said Lot One, Hiatus Tract 38, a distance of 2670.86 feet crossing into said Lot Two, Hiatus Tract 38; thence continuing along said Northerly Right-of-Way Line of Lake Worth Drainage District Lateral Number 16 Canal, same line also being 50.00 feet North (as measured at right angles) and parallel with the South line of said Lot Two, Hiatus Tract 38, South 89 degrees 24' 10" West, a distance of 376.88 feet to a POINT OF INTERSECTION with the Easterly Right-of-Way Line of Lake Worth Drainage District E-3 Canal as described in Official Record Book 2411, Page 1114; thence North 03 degrees 20' 59" West along the said Easterly Right-of-Way Line of Lake Worth Drainage District E-3 Canal, a distance of 647.74 feet to a POINT OF INTERSECTION with the Southerly Right-of-Way line of Lantana Road, also known as State Road 812, (as now laid out and in use) as shown on State Road Department Right-of-Way Map, Section 9353-150, Sheets 1 and 2 of 2, dated 1952; thence South 88 degrees 25' 44" East along the said Southerly Right-of-Way line of Lantana

Road, same line also being 40.00 feet South (as measured at right angles) and parallel with the North line of said Lot One, Hiatus, Tract 38, a distance of 2655.10 feet to the POINT OF BEGINNING, AND in a portion of Sections 2 and 3, Township 45 South, Range 42 East, lying South of the Lake Worth Drainage District Lateral Number 17 being more particularly described as follows:

A portion of Sections 2 and 3, Township 45 South, Range 42 East, lying South of the Lake Worth Drainage District Lateral Number 17 being more particularly described as follows:

Commencing at the Southwest corner of the Southeast 1/4 of said Section 3; thence North 00 degrees 47' 13" West along the West line of the East 1/2 of said Section 3, a distance of 142.96 feet; thence South 89 degrees 48' 13" east, a distance of 40.01 feet to a POINT OF INTERSECTION of the Northerly Right-of-Way line of Hypoluxo Road (as now laid out and in use) as recorded in Road Book 4, Page 1, with the Easterly Right-of-Way line of Jog Road (as now laid out and in use) as recorded in Road Book 4, Page 136. Said POINT OF BEGINNING of this description; thence North 00 degrees 47' 13" West, along the said Easterly Right-of-Way line of Jog Road, same line also being 40.00 feet East (as measured at angles) and parallel with the said West line of the East 1/2 of Section 3, a distance of 2400.97 feet to a POINT OF INTERSECTION with the centerline of the Lake Worth Drainage District Lateral Number 17 Canal as described in Official Record Book 2411, Page 114; thence North 89 degrees 14' 14" East along said centerline of the Lake Worth Drainage District Lateral Number 17 Canal, a distance of 2671.59 feet; thence continuing along said centerline of the Lake Worth Drainage District Lateral Number 17 Canal, South 89 degrees 46' 25" East, a distance of 2403.05 feet to a POINT OF INTERSECTION with the Westerly Right-of-Way line of Lake Worth Drainage District E-3 Canal as described in Official Record Book 2393, Page 1133; thence South 05 degrees 28' 31" East along the said Westerly Right-of-Way line of the Lake Worth Drainage district E-3 Canal, a distance of 1926.42 feet; thence North 89 degrees 10' 50" West, a distance of 571.95 feet; thence South 00 degrees 24' 33" East, a distance of 561.02 feet to a POINT OF INTERSECTION with the said Northerly Right-of-Way Line of Hypoluxo Road; thence North 89 degrees 00' 34" West along the said Northerly Right-of-Way Line of Hypoluxo Road, same line also being 100.00 feet North (as measured at right angles) and parallel with the South line of the Southwest 1/4 of said Section 2, a distance of 1996.38 feet; thence North 89 degrees 48' 13" West along the said Northerly Right-of-Way Line of Hypoluxo Road, a distance of 1.86 feet to a POINT OF INTERSECTION with the East Line of said Section 3; thence continuing North 89 degrees 48' 13" West along the said Northerly Right-of-Way Line of Hypoluxo Road, a distance of 2659.41 feet to the POINT OF BEGINNING, located on the northeast corner of the intersection of Hypoluxo Road and Jog Road, bounded on the north by Lantana West Road, in a RS-Single Family Residential Zoning District, in part, and RTS-Residential Transitional Suburban Zoning District, in part, was approved as advertised, subject to

the following conditions:

1. A 30-acre public park site shall be dedicated to the Board of County Commissioners prior to filing of the first plat for this project.
2. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for : Formation of a single "master" property owner's association, and automatic membership in the "master" association by any party holding title to any portion of the property included in the P.U.D.
3. The petitioner may exchange the required on-site dedication of land for civic uses either for a parcel of land off-site equal in acreage or cash of equal value. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the onsite and off-site land dedications. The value of the on-site land dedication shall be based upon its value as a civic site. This contribution shall be used to off-set the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21 H.
4. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
5. Since water service is available to the property, a water well shall not be approved for potable water use.
6. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
7. Prior to site plan approval for Pod 8F, Pod 2F, Pod 5F,

the Day Care Center, the Church, and the Clinic, the alignment for Haverhill Road shall be established by the Board of County Commissioners. Site Plan Review Committee shall then have the authority to revise the master plan in conformance with code requirements and the established alignment of Haverhill Road.

8. The developer shall provide a 25 foot buffer around the perimeter of the PUD. The buffer may be waived upon further consideration by the Site Plan Review Committee along those areas permitted by Section 500.21.k of the Palm Beach County Zoning Code, if surrounding land uses are deemed compatible.
9. In order to comply with the mandatory traffic performance standards, the property owners shall be restricted to the following phasing schedule:
 - a. No building permits will be issued until construction is commenced on the following roads:
 - 1) Hypoluxo Road from Congress Avenue to I-95 is widened to at least four lanes (scheduled for FY 87/88 by County).
 - 2) Lantana Road from Congress Avenue to I-95 is widened to six lanes (scheduled for FY 87/88 by County).
 - 3) Tenth Avenue North from Military Trail to Jog Road is widened to four lanes (scheduled for FY 87/88 by County).
 - 4) Jog Road from Lake Worth to Purdy Lane is widened to four lanes (scheduled to FY 87/88 by County).
 - 5) Congress Avenue from the L-28 Canal to Boynton Beach Boulevard is widened to a minimum of four lanes (scheduled for FY 87/88 by County).
 - b. PHASE I: Maximum of 88 dwelling units until construction for the widening of Military Trail as a minimum of four lanes from Lantana Road to Melaleuca Lane has commenced (scheduled for FY 88/89 by County).
 - c. PHASE II: Maximum of 101 dwelling units until construction for the widening of Jog Road as a minimum of four lanes from Lantana Road to Melaleuca Lane has commenced (scheduled for FY 89/90 by the Developer).

- d. PHASE III: Maximum of 104 dwelling units until construction for the widening of Military Trail as a minimum of four lanes from Melaleuca Lane to Lake Worth Road has commenced (scheduled for FY 88/89 by County).
- e. PHASE IV: Maximum of 132 dwelling units until construction for the widening of Jog Road as a minimum of four lanes from Melaleuca Lane to Lake Worth Road has commenced (scheduled for FY 90/91 by County).
- f. PHASE V: Maximum of 163 dwelling units until construction for the widening of Military Trail as a minimum of four lanes from Boynton Beach Boulevard to Hypoluxo Road has commenced (scheduled for FY 87/88 by County).
- g. PHASE VI: Maximum of 217 dwelling units until construction for the widening of Lantana Road from Military Trail to Jog Road as a minimum of four lanes has commenced by other developer (scheduled for FY 89/90 by other Developer).
- h. PHASE VII: Maximum of 286 dwelling units until construction for the widening of Military Trail as a minimum of four lanes from Hypoluxo Road to Lantana Road has commenced (scheduled for FY 88/89 by County) and until construction for the widening of Boynton Beach Boulevard as a minimum of four lanes from Jog Road to Military Trail has commenced (scheduled for FY 88/89 by FDOT).
- i. PHASE VIII: Maximum of 656 dwelling units until construction for the widening of Lake Worth Road as a minimum of six lanes from Congress Avenue to Military Trail has commenced (scheduled for FY 90/91 by County).
- j. PHASE IX: Maximum of 731 dwelling units until construction for the widening of Hypoluxo Road from Jog Road to Military Trail as a minimum of four lanes has commenced (scheduled for FY 89/90 by other Developer).
- k. PHASE X: Maximum of 855 dwelling units until construction for the widening of Lantana Road from Jog Road to Hagen Ranch Road as a minimum of four lanes has commenced (scheduled for FY 89/90 by other Developer).
- l. PHASE XI: Maximum of 986 dwelling units until construction for the widening of Lake Worth Road

as a minimum of six lanes from Military Trail to Jog Road has commenced (scheduled for FY 90/91 by County).

- m. PHASE XII: Maximum of 1,096 dwelling units until construction for the widening of Jog Road from Hypoluxo Road to Lantana Road as a minimum of four lanes has commenced (scheduled for FY 89/90 by other Developer).
- n. PHASE XIII: Maximum of 1,449 dwelling units until construction for the widening of Military Trail from Boynton Beach Boulevard to Hypoluxo Road as a minimum of six lanes has commenced (scheduled for FY 87/88 by other Developer and County).
- o. PHASE XIV: Maximum of 1,724 dwelling units until construction for the widening of Melaleuca Lane from Military Trail to Congress Avenue as a minimum of four lanes has commenced (scheduled for FY 90/91 by County).

The construction listed in subparagraphs b, d, e, f, i, l and o and the Military Trail section of subparagraph h above, which is scheduled as a part of Palm Beach County's Five-Year Road Program is considered to be assured construction. Each of these phasing controls shall be lifted at the end of the fiscal year following the fiscal year of scheduled construction if the scheduled construction is delayed.

The number of dwelling units referred to as the maximum for each phase is based on the same proportionate mix of unit types as in the overall development. A different proportionate mix of dwelling unit types may be used provided the same or lower trip generation results affecting the road segment in question. Verification of this shall be submitted to the Site Plan Review Committee.

- 10. The property owners shall provide permitable construction plans or update the existing construction plans for the six-laning of Hypoluxo Road from Congress Avenue to I-95. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum construction plan standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed and approved by October 1, 1990. Plan costs shall be approved by the County Engineer. It is the responsibility of the petitioner to obtain all necessary permits.

11. The property owners shall provide permitable construction plans for the four-laning of Lantana Road from Hagen Ranch Road to Lyons Road including a Glades Road type modification to the Turnpike overpass. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum construction plan standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed and approved by October 1, 1990. Plan costs shall be approved by the County Engineer. It is the responsibility of the petitioner to obtain all necessary permits.
12. The property owners shall provide permitable construction plans for the six-laning of Lantana Road from Military Trail to Congress Avenue. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum construction plan standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed and approved by October 1, 1993. Plans costs shall be approved by the County Engineer. It is the responsibility of the petitioner to obtain all necessary permits.
13. The property owners shall let the contract for the construction of Hypoluxo Road as a six-lane divided road from Congress Avenue to I-95 prior to issuance of building permits for 674 units or prior to June 1, 1991 whichever first occurs.
14. The property owners shall let the contract for the construction of Lantana Road as a four-lane divided road from Hagen Ranch Road to Lyons Road prior to issuance of building permits for 674 units or prior to June 1, 1991 whichever first occurs.
15. The property owners shall let the contract for the construction of Lantana Road as a six-laned divided road from Military Trail to Congress Avenue, including carrying the six lanes through the intersections on both ends of the road segment, prior to issuance of building permits for 1,685 units or prior to June 1, 1994 whichever first occurs.
16. Construction shall be completed within 15 months from the commencement of construction for the above Condition Nos. 13, 14 and 15, subject to extensions being granted for good cause shown.
17. The property owners shall construct the following turn lanes with the appropriate number of through lanes as determined by the County Engineer:

- a) At the intersection of Jog Road and Melaleuca Lane:
 - (1) dual left turn lanes, east approach, in addition to a through lane and a separate right turn lane.
- b) At the intersection of Lantana Road and Military Trail:
 - (1) third through lane, east approach, dual turn lanes east approach, and a separate right turn lane.
 - (2) third through lane, west approach, a separate right turn lane, and dual turn lanes, east approach.
- c) At the intersection of Lantana Road and Congress Avenue:
 - (1) third through lane, north approach
 - (2) third through lane, south approach

Both of the above shall include dual left turn lanes and a separate right turn lane. These additional through lanes shall be constructed with receiving lanes on the departure side of the intersection and appropriate tapers back to a 4-lane divided cross-section, as determined by the County Engineer.
- d) At the intersection of Hypoluxo Road and Lawrence Road:
 - (1) dual left turn lane, north approach, separate through lane, and a separate right turn lane.
 - (2) right turn lane, south approach, separate through lane, and a separate right turn lane.
- e) At the intersection of Hypoluxo Road and Military Trail:
 - (1) dual left turn lane, east approach, and shall include two through lanes and a separate right turn lane.
- f) At the intersection of Lantana Road and Access 1:
 - (1) left turn lane, south approach
 - (2) right turn lane, south approach
 - (3) two left turn lanes, east approach, and two through lanes.
- g) At the intersection of Lantana Road and Access 2:
 - (1) left turn lane, south approach
 - (2) right turn lane, south approach
 - (3) left turn lane, east approach, and two through lanes.

- h) At the intersection of Hypoluxo Road and Access 3:
 - (1) left turn lane, north approach
 - (2) right turn lane, north approach
 - (3) right turn lane, east approach, and two through lanes.
 - (4) left turn lane, west approach, and two through lanes.

- i) At the intersection of Jog Road and Access 5:
 - (1) left turn lane, north approach, and two through lanes.
 - (2) right turn lane, south approach, and two through lanes.
 - (3) left turn lane, east approach
 - (4) right turn lane, east approach

- j) Signalization of the project access road intersections listed in (f) thru (i) shall be done by the property owner when warranted, as determined by the County Engineer. If signalization is not warranted after twelve (12) months of the final Certificate of Occupancy, the property owner shall be relieved of this requirement.

- k) All construction of turn lanes serving the project entrances with exterior roadways (f,g,h,i, and j) shall be at the time of construction of the access roads to Lantana Road, Hypoluxo Road and Jog Road. Construction of the through lanes for the Lantana Road and Military Trail intersection shall be in conjunction with the widening to six-lanes of Lantana Road. Construction of the turn lanes for the Hypoluxo Road and Military Trail intersection shall be in conjunction with the widening to six lanes of Military Trail. No more than 1,608 building permits shall be issued until the turn lanes for the Hypoluxo Road and Lawrence Road intersection are under construction. No more than 2,102 building permits shall be issued until the turn lanes for the Jog Road and Melaleuca Lane intersection are under construction. No more than 2,026 building permits shall be issued until the through lanes for the Congress Avenue and Lantana Road intersection are under construction.

- l) As to subparagraphs 17(a), 17(c) and 17(d) above, in the event Palm Beach County, through its five year road program as amended from time to time, or a third party developer accelerates the completion of these three intersection improvements to a time prior to that time required to satisfy the phasing requirements set forth herein, then this project

shall be relieved of these conditions, provided the intersection improvements are completed. Nothing herein shall abrogate the phasing controls relative to these turn lane improvements.

18. The property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including, but not limited to surveys, property owners' maps, legal descriptions for acquisition of parcel right-of-way maps required for the construction of the road segments in Condition Nos. 13, 14 and 15 as well as the intersection laneage in Condition No. 17 (a) thru (i). These documents shall include a title search for a minimum of 25 years and shall be subject to the approval of the County Engineer. The right-of-way documents for each of the above mentioned road improvements shall be submitted to the County 15 months prior to the time that the improvement is to be let for construction by the property owner.
19. Palm Beach County will acquire any additional right-of-way needed for the road segments to be constructed in Condition Nos. 13, 14 and 15 as well as the intersection laneage to be constructed in all conditions. Palm Beach County will complete the acquisition at property owner's expense prior to the commencement of construction of each of the above mentioned roadway improvements. This property owner shall enter into a standard right-of-way acquisition agreement with the Land Acquisition Department 15 months prior to the required construction.
20. Palm Beach County shall design and construct or cause to be designed and constructed six lanes on Military Trail from Boynton Beach Boulevard to Lake Worth Road. This section of Military Trail is currently programmed for a four-lane or six-lane improvement in fiscal year 88-89.
21. The property owner shall receive a credit for the cost of plan preparation, the right-of-way acquisition, and construction listed in Condition Nos. 10, 11, 12, 13, 14, 15, 17 and 23 against the existing traffic impact fee and also against any increases in the Fair Share Fee, should the "Fair Share Contribution for Road Improvements Ordinance" be amended. Upon receipt of surety required for Condition Nos. 10, 11, 12, 13, 14, 15, 17 and 23, the project shall be considered bonded and no impact fees shall be due while the surety is in effect.
22. The property owner shall provide surety in the amount of 110% of the estimated cost for the off-site improvements listed in Conditions No. 16 (6-laning of

Hypoluxo Road from Congress Avenue to I-95), No. 17 (4-laning of Lantana road from Hagen Ranch Road to Lyons Road), No. 18 (6-laning of Lantana Road from Military Trail to Congress Avenue), and No. 20 (intersection improvements). An estimated cost for the improvements including plans and right-of-way shall be prepared by the property owner's engineer and submitted to the County Engineer within 120 days of the approval of the Resolution approving this project. Surety shall be required 60 days after acceptance of the cost estimate by the County Engineer. This Surety shall be reviewed on an annual basis by the County Engineer and updated with the new surety cost estimates.

23. Property owner shall construct Haverhill Road from Lantana Road south to the south right-of-way line of the L-17 Canal (including appropriate canal crossing) when needed for internal access or when required by County Engineer for continuity. Construction shall be 2-lane compatible with a 5-lane ultimate section on an 80 foot right-of-way (including bridge over the L-17 canal) construction plans shall include a 5-lane bridge and a separate 2-lane bridge and on an alignment approved by the County Engineer. Included shall be construction plans approved by the County Engineer and right-of-way as approved by the County Engineer.
24. If 90% of the 2,360 building permits have not been issued by December 31, 1996, no further building permits shall be issued and the property owner must readdress traffic from unbuilt remainder of project in compliance with Traffic Performance Standard and then existing conditions.
25. The project shall have an access with a minimum of an 80 foot right-of-way onto Haverhill Road.
26. The property owner shall convey from the subject property for the ultimate right-of-way of:
 - a) Jog Road, a total of 120 feet on an alignment approved by the County Engineer
 - b) Lantana Road, a total of 110 feet of right-of-way on an alignment approved by the County Engineer
 - c) Hypoluxo Road, a total of 110 feet of right-of-way on an alignment approved by the County Engineer.
 - d) Sufficient right-of-way at the project entrance road and Lantana Road to provide for the construction of dual left turn lanes, east and a right turn lane, west approach subject to approval by the County Engineer

- e) Sufficient right-of-way at the project entrance road and Jog Road to provide for the construction of a right turn lane, south approach subject to approval by the County Engineer.
- f) Sufficient right-of-way to provide for an expanded intersection at the intersection of all thoroughfare plan roads and at major roadways and the project's entrance.

all within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall first occur.

- 27. In the event that the property owners of Falks County Club and Smith Dairy DRI fail to provide appropriate drainage for Jog Road as required by the conditions of their approvals, then this petitioner shall be required to provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from that segment of Jog Road along the property frontage and for a maximum 400 foot distance each side of the property's boundary line along Jog Road. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system capable of accommodating all runoff from those segments of Lantana Road, Hypoluxo Road and Haverhill Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable drainage district and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.
- 28. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$1,478,877.00 for the residential portion (18,394 trips X \$80.40 per trip) and \$37,988.00 for the non-residential portion (1,418 trips X \$26.79 per trip).
- 29. The property owner shall report to Palm Beach County on the number of building permits issued for the previous six (6) months and the cumulative total issued for the subject property.
- 30. The property owner shall provide all right-of-way for

Haverhill Road as an 80 foot section on the approved alignment map adopted by the Palm Beach County Commissioners from the L-17 Canal to Lantana Road. If required, this property owner shall enter into a standard right-of-way acquisition agreement with the Land Acquisition Department 15 months prior to construction for any right-of-way for Haverhill Road not included in this subject property.

31. No dwelling units shall access directly onto the internal roadways shown on the master plan.
32. For purposes of the resolution "commenced" road work shall be interpreted to mean the commencement of actual construction of the particular road improvements.
33. Petitioner's sales brochures and other information soliciting sales shall clearly and prominently indicate that the proposed park/civic site may at some time be lighted at night and also clearly and prominently indicate that Haverhill Road Extension is planned by Palm Beach County to extend through the project to the south as provided in the Palm Beach County Thoroughfare Plan. A similar notation shall be placed on the project's approved master plan. Petitioner shall submit copies to the Zoning Division of all sales brochures for inclusion in the official zoning records.
34. Prior to master plan certification, the petitioner shall provide a written letter from the School Board of Palm Beach County indicating that they have reviewed the project and determined that it has adequate facilities to serve residents at the time demand is generated.
35. The petitioner shall provide a six (6) foot high, solid CBS wall along the northeast property line within the twenty-five (25) foot PUD buffer abutting the proposed day care center and church located east of Haverhill Road.
36. Prior to master plan certification, the petitioner's survey shall be amended to delete the approximate 1.2 acre clinic site from the petition.
37. The master plan shall be amended to include the gross acreage included in the two (2) Comprehensive Plan Categories.
38. The property owner shall dedicate a private road right-of-way 60 feet in width south of the L-16 Canal to the property owner to the east prior to master plan certification.

39. Prior to Master Plan certification the proposed Master Plan shall be revised to reflect:

a. A minimum of one internal access into the Golf Course from the project's:

1. east-west internal collector road; and,
2. one north-south internal collector road.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elmquist and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Nay
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of March 2, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK