

ORIGINAL

RESOLUTION APPROVING ZONING PETITION EAC/DOA87-112(C)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF WINSTON TRAILS, LTD.

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC/DOA87-112(C) was presented to the Board of County Commissioners at a public hearing conducted on January 28, 1993; and

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

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code 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 Palm Beach County Comprehensive Plan.
2. This proposal is consistent with the requirements of the Palm Beach County Land Development Code and all other applicable local land development regulations.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition EAC/DOA87-112(C), the petition of WINSTON TRAILS, LTD., BY RICHARD H. BASSELL, AGENT for a DEVELOPMENT ORDER AMENDMENT in the RESIDENTIAL TRANSITIONAL SUBURBAN (RTS) Zoning District, to amend the master plan for a Planned Unit Development (PUD), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on January 28, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Absent
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of January, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK

BY:

  
DEPUTY CLERK

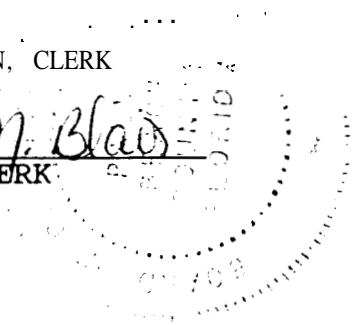


EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION - PARCEL 1

PARCEL "A"

A portion of the West one-half (W 1/2) of Section 2, Township 45 South, Range 42 East, Palm Beach County, Florida lying West of the Lake Worth Drainage District E-3 Canal, LESS the Northeast one-quarter (NE 1/4) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of said Section 2, AND LESS the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of said Section 2, AND LESS the South 110 feet of the Southwest one-quarter (SW 1/4) of said Section 2, AND LESS the North 35 feet of the Northwest one-quarter (NW 1/4) of said Section 2, AND LESS the South 85 feet of the North 115 feet of the Southwest one-quarter (SW 1/4) of said Section 2 TOGETHER WITH the East one-half (E 1/2) of Section 3, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the Right-of-Way for Jog Road, AND LESS the Right-of-Way for Hypoluxo Road, AND LESS the North 35 feet thereof, AND LESS the South 85 feet of the North 115 feet of the Southeast one-quarter (SE 1/4) of said Section 3 being more particularly described as follows:

Commencing at the Southwest corner of the Southeast one-quarter (SE 1/4) of said Section 3; thence North 89°17'05" East along the South line of said Section 3, a distance of 40.00 feet; thence North 00°47'13" West along a line 40.00 feet East of (as measured at right angles) the West line of the East one-half (E 1/2) of said Section 3, a distance of 226.84 feet; thence North 89°12'47" East, a distance of 9.02 feet to the POINT OF BEGINNING of this description; thence Northerly along the Easterly Right-of-Way line of Jog Road as recorded in Official Record Book 6182, Page 740 of the Public Records of Palm Beach County, Florida the following four courses; thence North 03°24'10" East, a distance of 339.24 feet; thence North 00°23'35" East, a distance of 253.08 feet to the beginning of a curve concave to the West having a radius of 4641.66 feet and a central angle of 01°10'48"; thence Northeasterly and Northwesterly along the arc of said curve, a distance of 95.59 feet; thence North 00°47'13" West along a line tangent to last described curve, a distance of 1587.00 feet to a POINT OF INTERSECTION with the Southerly Right-of-Way line of the Lake Worth Drainage District Lateral Number 17 Canal as described in Official Record Book 2411, Page 1113 of the said Public Records, said point to be hereinafter referred to as Point "A"; thence continuing North 00°47'13" West, along a line 80.00 feet East of (as measured at right angles) the said West line of the East one-half (E 1/2) of Section 3, a distance of 85.00 feet to a POINT OF INTERSECTION with the Northerly Right-of-Way line of said Lake Worth Drainage District Lateral Number 17 Canal; thence continuing North 00°47'13" West, along the Easterly Right-of-Way line of Jog Road as recorded in Official Record Book 6182, Page 736 of the said Public Records, a distance of 2364.18 feet to a point of intersection with the South line of the North 399.04 feet of the Northeast one-quarter (N.E. 1/4) of said Section 3, said point being on the arc of a curve concave to the Southwest

having a radius of 1697.02 feet and a central angle of 01°25'18", at which point the radius bears South 89°10'48" West; thence Northerly along the Easterly Right-of-Way line of Jog Road as recorded in Official Record Book 6182, Page 732 the following three courses; thence Northwesterly along the arc of last described curve, a distance of 42.11 feet; thence North 01°39'05" West along a line non-tangent to last described curve, a distance of 187.39 feet to a point on the arc of a curve concave to the Southwest having a radius of 1709.02 feet and a central angle of 04°34'58", at which point the radius bears South 81°27'49" West; thence Northwesterly along the arc of said curve, a distance of 136.69 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 of the said Public Records; thence North 89°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 feet South of (as measured at right angles) and parallel with the North Line of the said East one-half (E-1/2) of Section 3, a distance of 2673.22 feet to the west line of said Section 2; thence North 89°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 of (as measured at right angles) and parallel with the North line of the West one-half (W-1/2) of said Section 2, a distance of 2002.52 feet; thence South 00°26'12" East, a distance of 655.79 feet; thence North 89°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 southeasterly, the following three courses, along the said Westerly Right-of-Way Line of the Lake Worth Drainage District E-3 Canal, same line also being 35.00 feet Southwesterly of (as measured at right angles) and parallel with the following described line [beginning-at the Southeast corner of the Southwest one-quarter (SW 1/4) of said Section 2; thence North 05°28'31" West to a point on the North line of said Section 2 being 480.00 feet Westerly from (as measured along the said North line of Section 2) the Northeast corner of the Northwest one-quarter (NW 1/4) of said Section 2] thence South 05°28'31" East, a distance of 2115.58 feet to a POINT OF INTERSECTION with the said Northerly Right-of-Way Line of the said Lake Worth Drainage District Lateral Number 17 canal; thence continuing South 05°28'31" East, a distance of 85.42 feet to a POINT OF INTERSECTION with the said Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 17 Canal; thence continuing South 05°28'31" East, a distance of 1883.71 feet; thence North 89°10'50" West, a distance of 571.95 feet; thence South 00°24'33" East, a distance of 551.01 feet to a POINT OF INTERSECTION with the Northerly Right-of-Way Line of Hypoluxo Road as recorded in Official Record Book 6182, Page 744 of the said Public Records; thence North 89°00'34" West along the said Northerly Right-of-Way Line of Hypoluxo Road, same line also being 110.00 feet North of (as measured at right angles) and parallel with the South line of the Southwest one-quarter (SW

1/4) of said Section 2, a distance of 1998.26 feet; to a POINT OF INTERSECTION with the East Line of said Section 3; thence continuing along the said Northerly Right-of-Way line of Kypeluxo Road the following four courses; thence North 89°39'42" West, a distance of 1697.83 feet; thence North 86°21'38" West, a distance of 500.52 feet to a point on the arc of a curve concave to the South having a radius of 10,076.00 feet and a central angle of 02°21'04", at which point the radius bears South 01°09'38" West; thence Northwesterly and Southwesterly along the arc of said curve, a distance of 413.46 feet; thence North 44°04'36" West, a distance of 58.51 feet to the POINT OF BEGINNING.

LESS the following described 85 foot Right-of-Way for the Lake Worth Drainage District Lateral Number 17 Canal, BEGINNING at beforementioned Point "A"; thence North 00°47'13" West, a distance of 85.00 feet; thence North 89°14'14" East along the said Northerly Right-of-Way Line for the Lake Worth Drainage District Lateral Number 17 Canal, same line also being 30.00 feet south of (as measured at right angles) and parallel with the East-West one-quarter section line of said Section 3, a distance of 2631.89 feet to the West line of said Section 2; thence continuing along said Northerly Right-of-Way Line, same line also being 30.00 feet South of (as measured at right angles) and parallel with the East-West one quarter Section line of said Section 2, South 89°46'25" East, a distance of 2399.26 feet to a POINT OF INTERSECTION with the said Westerly Right-of-Way Line of the Lake Worth Drainage District E-3 Canal; thence South 05°28'31" East, along said Westerly Right-of-Way Line of the Lake Worth Drainage District E-3 Canal, a distance of 85.42 feet to a POINT OF INTERSECTION with the said Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 17 Canal; thence North 89°46'25" West along the said Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 17 Canal, a distance of 2406.69 feet to the East line of said Section 3; thence continuing North 89°46'25" West along said Southerly Right-of-Way Line, a distance of 0.24 feet; thence South 89°14'14" West along said Southerly Right-of-Way Line, a distance of 2631.21 feet to beforementioned Point "A" and the POINT OF BEGINNING.

DESCRIPTION - PARCEL 2

That portion of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) and that portion of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) lying East of the Lake Worth Drainage District E-3 Canal, TOGETHER WITH the Northeast one-quarter (NE 1/4) LESS the North 30 feet of the Northeast one-quarter all being in Section 2, Township 45 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 2; thence South 00°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°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, respectively, of the said Public Records, a distance of 2790.84 feet to the Southeast corner of the Northeast one-quarter (NE 1/4) of said Section 2; thence North 89°46'27" West, along the South line of the said Northeast one-quarter (NE 1/4) of Section 2, a distance of 2665.22 feet to the center of said Section 2; thence North 89°46'25" West, along the South line of the Northwest one-quarter (NW 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 of the said Public Records; thence North 05°28'31" West along the said Easterly Right-of-Way Line of Lake Worth Drainage District E-3 Canal, same line also being 65.00 feet Northeasterly of (as measured at right angles) and parallel with the following described line [beginning at the Southeast corner of the Southwest one-quarter (SW 1/4) of said Section 2; thence North 05°28'31" West to a point on the North line of said Section 2 being 480.00 feet Westerly from (as measured along the said North line of Section 2) the Northeast corner of the Northwest one-quarter (NW 1/4) of said Section 2] a distance of 2086.51 feet; thence North 89°37'00" East, a distance of 353.56 feet to the West line of the Northeast one-quarter (NE 1/4) of said Section 2; thence North 00°25'10" West along the said West line of the Northeast one-quarter (NE 1/4) of Section 2, a distance of 673.28 feet; thence North 89°25'14" East along a line 20.00 feet South of (as measured at right angles) and parallel with the North line of the said Northeast one-quarter (NE 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 of the said Public Records, a distance of 2669.27 feet to the POINT OF BEGINNING.

DESCRIPTION - PARCEL 1

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 Townships 44 and 45 South, Range 42 East also known as Township 44-1/2 South, Range 42 East, Palm Beach County, Florida, LESS the North 54 feet thereof, AND LESS the South 50 feet thereof, being more particularly described as follows:

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, Palm Beach County, Florida; thence South 38°28'00" East along the Easterly Line of said Lot One, a distance of 70.48 feet to the POINT OF BEGINNING of this description; thence continuing South 38°28'00" East along the Easterly Line of said Lot One, a distance of 675.16 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°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°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 of (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 of (as measured at right angles) and parallel with the South line of said Lot Two, Hiatus Tract 38, South 89°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 of the said Public Records; thence North 03°20'59" West along the said Easterly Right-of-Way Line of Lake Worth Drainage District E-3 Canal same line also being 65.00 feet Easterly of (as measured at right angles) and parallel with the following described line (beginning at a point 480.00 feet westerly from (as measured along the North line of the Northwest one-quarter (NW 1/4) of said Section 2); thence North 03°20'59" West to the Northeast corner of said Lot Two, Hiatus Tract 38), a distance of 633.69 feet to a POINT OF INTERSECTION with the proposed Southerly Right-of-Way line of Lantana Road, also known as State Road 812; thence South 88°25'44" East along the proposed said Southerly Right-of-Way line of Lantana Road, same line also being 54.00 feet South of (as measured at right angles) and parallel with the North line of said Lot One Hiatus Tract 38, a distance of 2620.32 feet; thence South 88°28'57" East along the proposed said Southerly Right-of-Way line of Lantana Road, a distance of 45.31 feet to the POINT OF BEGINNING.

**PARCEL "B"**

The easement interest for vehicular and pedestrian ingress and egress as created in and pursuant to the terms and conditions set forth in the Access Easement and recorded in Official Record Book 6131, page 1397 of the Public Records of Palm Beach County, Florida over the following described property:

**Description**

A parcel of Land lying in Lot 1, Hiatus Tract 38, Township 44-1/2 South, Range 42 East, and in Section 2, Township 45 South, Range 42 East, being more particularly described as follows:

Commencing at the Northeast corner of the Northwest One-Quarter (NW 1/4) of said Section 2; thence North 35 29' 13" West along the West line of said Lot 1, a distance of 60.97 feet; thence North 89 24' 46" East along a line 50.00 feet North of and parallel with, as measured at right angles to, the South line of said Lot 1, a distance of 680.04 feet to the Point of Beginning; thence North 89 24' 46" East, continuing along said parallel line, a distance of 75.00 feet; thence South 00 35' 14" East, a distance of 70.00 feet; thence South 89 24' 46" West along a line 20.00 feet South of and parallel with, as measured at right angles to, the South line of said lot 1, a distance of 73.00 feet; thence North 00 35' 14" West, distance of 70.00 feet to the Point of Beginning.

Said lands lying in Palm Beach County, Florida:



AND INCLUDING THE FOLLOWING DESCRIBED PARCEL CONVEYED BY THE LAKE WORTH DRAINAGE DISTRICT TO JOSHUA A. MUSS as Trustee under Land Trust Agreement dated March 8, 1989 in Quit-Claim Deed recorded in O.R. Book 6840, Page 380, Public Records of Palm Beach County, Florida:

**LAND DESCRIPTION:** L-17 CANAL VACATION  
A PORTION OF THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 2 AND 3, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:

**ON THE WEST BY:**

A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF SAID SECTION 3;

**ON THE NORTH BY:**

A LINE 30.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3, AND THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 2;

**ON THE EAST BY:**

THE WESTERLY RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT "E-3 CANAL", AS RECORDED IN OFFICIAL RECORDS BOOK 2393, PAGE 1133 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LINE BEING 35.00 FEET WEST OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, A LINE CONNECTING THE SOUTH QUARTER CORNER OF SAID SECTION 2 TO A POINT ON THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 2, (SAID POINT BEING 480.00 FEET WEST OF THE NORTH QUARTER CORNER OF SAID SECTION 2);

**ON THE SOUTH BY:**

A LINE 115.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 2 AND THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3.

SAID LANDS LYING IN PALM BEACH COUNTY, CONTAINING 9.9022 ACRES, MORE OR LESS.

AND EXCLUDING THE FOLLOWING DESCRIBED PARCEL CONVEYED BY JOSHUA A. MUSS, as Trustee under Land Trust Agreement dated March 8, 1989 to the LAKE WORTH DRAINAGE DISTRICT in Quit-Claim Deed recorded in O.R. Book 6840, Page 382, Public Records of Palm Beach County, Florida.

LAND DESCRIPTION:

A PORTION OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE ALONG THE NORTH LINE OF SAID SECTION 2, NORTH 89°24'02" EAST, 2002.55 FEET; THENCE SOUTH 00°26'30" EAST, 689.99 FEET; THENCE NORTH 89°37'18" EAST, 203.24 FEET TO THE POINT OF BEGINNING (\*1); THENCE CONTINUE NORTH 89°37'18" EAST, 10.04 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT (L.W.D.D.) E-3 CANAL AS RECORDED IN OFFICIAL RECORDS BOOK 2393 AT PAGE 1133 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 05°28'48" EAST, 4084.48 FEET, THENCE NORTH 89°11'10" WEST, 10.06 FEET; THENCE ALONG A LINE PARALLEL WITH AND 10.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID WESTERLY RIGHT-OF-WAY LINE, NORTH 05°28'48" WEST, 4084.27 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF SAID SECTION 2 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE ALONG THE NORTH LINE OF SAID SECTION 2, NORTH 89°24'02" EAST, 2002.55 FEET; THENCE SOUTH 00°26'30" EAST, 689.99 FEET; THENCE NORTH 89°37'18" EAST, 313.67 FEET TO THE POINT OF BEGINNING(\*2); ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID L.W.D.D. E-3 CANAL; THENCE CONTINUE NORTH 89°37'18" EAST, 10.04 FEET; THENCE ALONG A LINE PARALLEL WITH AND 10.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 05°28'48" EAST, 2087.37 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF SAID SECTION 2; THENCE ALONG SAID SOUTH LINE, NORTH 89°46'48" WEST, 10.05 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 05°28'48" WEST, 2087.26 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 1.417 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

Sec. 2, 3, 30 Twp. 44 Rng. 42  
Quadrant Sheet: 33, 34  
Aerial Page: 260; 271

Vicinity  
Sketch

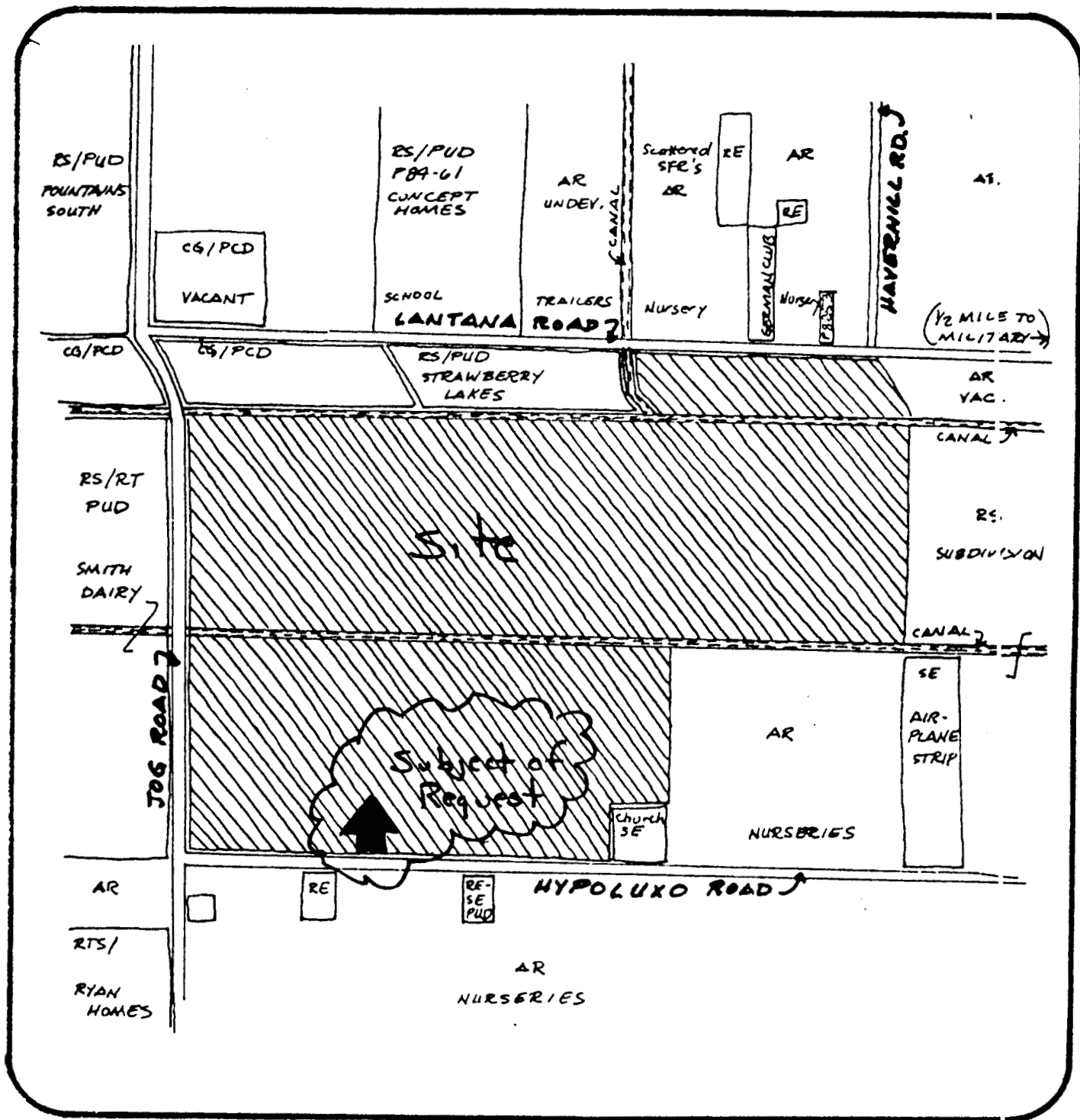


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. All pervious condition of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all pervious condition of approval, including original deadline for Zoning Code Article 5 Compliance, as amended, unless expressly modified. (MONITORING)
2. Access to the golf course maintenance facility shall gated and shall not provide thru traffic for any residential units within the PUD except for the purposes of maintenance to the Golf Course. (Code Enforcement)
3. 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. Previously condition No. 2 Resolution No. R-89-344 of Petition 87-112 (COUNTY ATTORNEY)
4. 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. Previously condition No. 7 Resolution No. R-89-344 of petition 87-112 (ZONING)
5. "Prior to Site plan Review Certification the master plan shall be amended to indicate a twenty five (25) foot wide PUD buffer along the perimeter of the PUD, not separated from the exterior by the golf course, supplemented with Alternative Landscape Buffer No.3 with minimum twelve (12) foot native canopy trees spaced twenty (20) feet on center and a minimum thirty (30) inch hedge planted twenty four (24) inches on center."  
  
Previously condition No. 8 Resolution No. R-89-344 of Petition 87-112, modified by Condition No. 3, Resolution No. R-90-840, Petition 87-112(A) (ZONING)
6. The petitioner shall provide a six (6) foot high, solid CBS wall along the northeast property line within the twenty-five (25) foot buffer abutting the proposed day care center and church located west of Haverhill Road. Previously condition No. 35 Resolution No. R-89-344 of Petition 87-112 (ZONING)
7. Prior to master plan certification, the petitioner's survey shall be amended to delete the approximate 1.2 acre clinic site from the petition. Previously condition No. 36 Resolution No. R-89-344 of Petition 87-112 (ZONING)
8. The master plan shall be amended to include the gross acreage included in the two (2) Comprehensive Plan Categories. Previously condition No. 37 Resolution No. R-89-344 of Petition 87-112 (PLANNING)

9. Prior to Site Plan Review submittal, the master plan shall be amended to indicate:
  - a. Compliance with all minimum property development regulations and land development requirements.

Previously condition No. 2 **Resolution** No. R-90-840 of Petition **87-112(A)** (ZONING)

10. Off premise signs shall not be permitted on site. Previously condition No. 3 Resolution No. R-90-840 of Petition **87-112(A)** Previously condition No. 4 Resolution No. R-90-840 of Petition **87-112(A)**

11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. Previously condition No. 5 Resolution No. R-90-840 of Petition **87-112(A)**

Is hereby Deleted (duplicate condition)

12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. Previously condition No. 6 Resolution No. R-90-840 of Petition **87-112(A)**

Is hereby Deleted (duplicate condition)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All lakes considered under the authority of the ULDC must comply to ULDC Sec. 7.6 prior to platting. (ERM)

C. HEALTH

1. Since sewer service is available to the property, septic tank shall not be approved for use on the property. Previously condition No. 4 Resolution No. R-89-344 of Petition **87-112** (HEALTH)
2. Since water service is available to the property, a water well shall not be approved for potable water use. Previously condition No. 5 Resolution No. R-89-344 of Petition **87-112** (HEALTH)

D. PARKS AND RECREATION

1. The Developer shall at its own cost and expense, construct a culvert crossing (having a minimum length of not less than thirty (30') feet traversing over and across that portion of the easement in which the Temporary Drainage Canal is located, and directly across from the 52nd Street Drive South median opening ("Culvert Crossing"). The Culvert Crossing shall be constricted concurrently with the construction of the Temporary Drainage Canal to ensure uninterrupted access to the Civic/Park Site from Lantana Road. (PARKS)
  - a. Developer fully agrees to utilize fill material realized from construction/excavation of the water retention basin and Temporary Drainage Canal, by simultaneously constructing a berm buffer along the Park Site's westerly boundary and with the most westerly twenty-five (25') feet of the Civic/Park Site "Buffer". (PARKS)

- b. All site planning, excavation, construction and seeding of the Buffer shall conform to the applicable provisions of the Building Code of Palm Beach County, State of Florida. **(PARKS/ZONING)**
2. The westerly flow of Lantana Road's positive outfall for discharge to the E-3 Canal is intended to serve as a temporary water management condition, until such time as the Developer has received all necessary approvals from appropriate state and local government agencies/municipalities, permitting the portion of the easement designed for water retention (from Lantana Road's positive outfall) to be incorporated into the water management works and systems being established for Winston Trails PUD. This will direct the discharge from the water retention area, southerly into the Lake Worth Drainage District L-16 Canal. **(PARKS ENGINEERING)**
3. In the event the Developer has not secured the approvals required in the previous section, upon Developer's receipt of written notice from the County of its intention to initiate construction of improvements on the Park Site, Developer shall, within one hundred eighty (180) days from receipt of such notice, design and construct an underground drainage system acceptable to the County Engineer to accommodate the Lantana Road positive drainage outfall at its own cost and expense ("Underground Drainage System"), and otherwise replace the Temporary Drainage Canal to provide for the westerly flow and discharge of outfall into the E-3 Canal. Subsequent to construction of the Underground Drainage System, the Developer shall backfill any remaining portions of the Temporary Drainage Canal restoring this portion of the easement parcel, subject to the right-of-way and perpetual easement for the Underground Drainage System as provided for herein. **(PARKS/ENGINEERING)**
4. The Developer will provide an engineer's certification separately identifying the costs for construction of the Underground Drainage System providing westerly flow and discharge of Lantana Road's positive outfall into the E-3 Canal including the filling and restoring of the temporary culvert to the extent it is not made a part of the permanent Underground Drainage System. The surety shall remain posted in an amount equal to the drainage system until such improvements are completed by the developer and accepted by the County. **(ENGINEERING/PARKS)**
5. Prior to certification, the Master Plan shall be amended to indicate 7.0 acres of on-site Homeowners Association Recreation Areas. **(PARKS/ZONING)**
6. Condition No. 7 of Zoning Petition No.87-112 which presently state:
- "7. Prior to site plan approval for Pod 8F, Pod 2F, Pod 5F, the Day Care Center, the Church, and the Clinic, the alignment of 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."
- is hereby amended to read as follows:
- "A. Prior to site plan approval for Parcel 18, Parcel 17, Parcel 16, the Day Care Center, the Church, and the Clinic, the alignment of 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.

- B. Prior to Master Plan certification, the petitioner shall tender an agreement to Mr. Brynteson which offers the sale of the acreage east of the Haverhill Road alignment at a cost not to exceed \$25,000/acre. Mr. Brynteson shall have 90 days after final alignment of Haverhill Road has been established to accept or reject the agreement.
- C. Those uses currently shown on the east side of Haverhill Road may be moved to the west side of Haverhill Road and park land dedication may be reduced accordingly at Site Plan Review Committee."

**Previously condition No. 7 Resolution NO. R-90-840 of Petition 87-112(A)**

- 7. 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. **Previously condition No. 1 Resolution No. R-89-344 of Petition 87-112 (PARKS)**
- 8. 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. **Previously condition No. 3 Resolution No. R-89-344 of Petition 87-112 (PARKS)**
- 9. 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. **Previously condition No. 7 Resolution No. R-89-344 of Petition 87-112**

E. ENGINEERING

- 1. 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. **Previously condition No. 6 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**

2. Conditions No. 17f and 17g of Zoning Petition No.87-112 which presently state:

"17. The property owners shall construct the following turn lanes with the appropriate number of through lanes as determined by County Engineer:

17.f. At the intersection of Lantana Road and Access 1:

1. left turn lanes, south approach
2. right turn lane, south approach
3. two left turn lanes, east approach, and two through lanes.

17.g. At the intersection of Lantana Road and Access 2:

1. left turn lanes, south approach
2. right turn lane, south approach
3. two left turn lanes, east approach, and two through lanes."

**Are hereby deleted. The master plan has been redesigned and the access onto Lantana Road has been removed. Previously condition No. 8 Resolution No. R-90-840 of Petition 87-112(A) (ENGINEERING)**

3. 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 1-95 is widened to at least four lanes (Scheduled for **FY 87/88** by County).
- 2) Lantana Road from Congress Avenue to 1-95 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 88/39 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 89/93 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 (schedulec. 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, 1 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. **Previously condition No. 9 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**

- 4. The property owners shall provide permitted construction plans or update the existing construction plans for the six-laning of Hypoluxo Road from Congress Avenue to 1-95. 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. **Previously condition No. 10 Resolution No. R-89-344 of Petition 87-112 (MONITORING-ENGINEERING)**
- 5. The property owners shall provide permitted construction plans for the four-laning of Lantana Road from Eagen 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. **Previously condition No. 11 Resolution No. R-89-344 of Petition 87-112 (MONITORING-ENGINEERING)**
- 6. The property owners shall provide permitted 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. **Previously condition No. 12 Resolution No. R-89-344 of Petition 87-112 (MONITORING-ENGINEERING)**

7. The property owners shall let the contract for the construction of Hypoluxo Road as a six-lane divided road from Congress Avenue to 1-95 prior to issuance of building permits for 674 units or prior to June 1, 1991 whichever first occurs. **Previously condition No, 13 Resolution No. R-89-344 of Petition 87-112**
8. 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. **Previously condition No, 14 Resolution No. R-89-344 of Petition 87-112 (MONITOXING-ENGINEERING)**
9. 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. **Previously condition No, 15 Resolution No. R-89-344 of Petition 87-112 (MONITOXING-ENGINEERING)**
10. 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. **Previously condition No. 16 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**
11. 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 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.

**Previously condition No. 17 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**

12. 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. **Previously condition No. 18 Resolution NO. R-89-344 of Petition 87-112 (ENGINEERING)**
13. 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. **Previously condition No. 19 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**
14. 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. **Previously condition No. 20 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**
15. 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. **Previously condition No. 21 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**
16. 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, Resolution No. R-89-344 of Petition 87-112 6-laning of Hypoluxo Road from Congress Avenue to 1-95), (No. 17, Resolution No. R-89-344 of Petition 87-112, 4-laning of Lantana road from Magen Ranch Road to Lyons Road), (No. 18, Resolution No. R-89-344 of Petition 87-112, 6-laning of Lantana Road from Military Trail to Congress Avenue), and (No. 20, Resolution No. R-89-344 of Petition 87-112 (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. **Previously condition No. 22 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**

17. 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. **Previously condition No. 23 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**
18. 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. **Previously condition No. 24 Resolution No. R-89-344 of Petition 87-112 (MONITORING/ENGINEERING-BUILDING)**
19. The project shall have an access with a minimum of an 80 foot right-of-way onto Haverhill Road. **Previously condition No. 25 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**
20. 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. **Previously condition No. 26 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**

21. 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. **Previously condition No. 27 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**
22. 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). **Previously condition No. 28 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING-BUILDING)**
23. 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. **Previously condition No. 29 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**
24. 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. **Previously condition No. 30 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**
25. **No** dwelling units shall access directly onto the internal roadways shown on the master plan. **Previously condition No. 31 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**
26. For purposes of the resolution "commenced" road work shall be interpreted to mean the commencement of **actual** construction of the particular road improvements. **Previously condition No. 32 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**
27. 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. **Previously condition No. 33 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**

28. 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. **Previously condition No. 38 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)**
29. Condition No. 17.h of Zoning Petition No.87-112 which presently state:

"17 .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, east approach, and two through lanes."

is hereby amended to read as follows:

"At the project entrance on Hypoluxo Road:

1. left turn lane, north approach ;
2. right turn lane, north approach;
3. right turn lane, east approach;
4. left turn lane, east approach."

**Previously condition No. 9 Resolution No. R-90-840 of Petition 87-112(A) (ENGINEERING)**

30. Condition No. 17.i of Zoning Petition No.87-112 which presently state:

"17.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,"

is hereby amended to read as follows:

"At the project entrance on Jog Road:

1. left turn lane, north approach and two through lanes. The County Engineer may at his option require dual turn lanes on Jog Road at the project's entrance road. Should dual turn lanes be required, additional right-of-way required for this construction shall be reflected **or** the applicant's Site Plan;
2. right turn lane, south approach;
3. left turn lane, east approach;
4. right turn lane, east approach."

**Previously condition No. 10 Resolution No. R-90-840 of Petition 87-112(A) (ENGINEERING)**



31. Condition No. 10 of Zoning Petition No. 87-112 which presently states:

"10. The Property owner 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."

is hereby amended to read as follows:

"The Property Owner shall provide permitable construction plans for the four-laning of Lantana Road, from Hagen Ranch Road to Lyons Road, including four lanes under the Florida Turnpike and appropriate underpass, as required by the Florida Department of Transportation, and approved by the County Engineer. These construction plans shall be approved by the County Engineer, based upon the 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."

Previously condition No. 11 Resolution No. R-90-840 of Petition 87-112(A) (MONITORING-ENGINEERING)

32. Condition No. 22 of Zoning Petition No. 87-112 which presently states:

"22. The property owner shall provide surety in the amount of 110% of the estimated cost for the off-site improvements listed in Condition 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."

is hereby amended to read as follows:

"Prior to Master Plan approval or prior to March 1, 1990 whichever shall first occur, the property owner shall provide surety in the amount of 110% of the estimated cost for all off-site improvements listed in Condition 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) of Zoning Petition No. 87-112. A Certified cost estimate for the 4-laning of

Lantana Road and the 6-laning of Lantana Road and the intersection improvements including all plans and right-of-way documents shall be prepared by the property owner's engineer and submitted and approved by the County Engineer prior to March 1, 1990."

**Previously condition No. 12 Resolution No. R-90-84) of Petition 87-112(A) (MONITORING-ENGINEERING)**

33. Condition No. 23 of Zoning Petition No.87-112 which presently states:

"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."

is hereby amended to read as follows:

"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 2/3 lane compatible with a 5-lane ultimate section on an 80 foot right-of-way (including a 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. Included in this construction shall be dual turn lanes, east approach on Lantana Road at Haverhill Road. This property owner shall be responsible for acquisition of any and all right-of-way required for this construction. These dual turn lanes on Lantana Road shall be constructed at the time of the construction of Haverhill Road."

**Previously condition No. 13 Resolution No. R-90-84) of Petition 87-112(A)**

34. Condition No. 11 of Zoning Petition No. 87-112 which presently states:

"11. The property owners shall provide permitted 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."

is hereby amended to read as follows:

**"The property owners shall provide permitted construction plans for the four-laning of Lantana Road from Hagen Ranch Road to Lyons Road including 4 lanes under the Florida Turnpike and appropriate underpass as required by the Florida Department of Transportation and approved by the County Engineer."**

**Previously condition No. 14 Resolution No. R-90-840 of Petition 87-112(A) (ENGINEERING)**

**F. SCHOOL BOARD**

1. Prior to master plan certification, the petitioner shall provide a written letter from the School Board of Palm Beach County that they have reviewed the project and determined that it has adequate facilities to serve residents at the time demand is generated. **Previously condition No. 34 Resolution No. R-89-344 of Petition 87-112 (SCHOOL BOARD)**

**G. COMPLIANCE**

1. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. **Previously Condition No. 11, Resolution No. R-89-1148 (MONITORING)**