

RESOLUTION NO. R-93-1545

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 87-112C/E31.2
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-93-170
WHICH APPROVED THE SPECIAL EXCEPTION OF
WINSTON TRAILS, LTD.
PETITION NO. 87-112(C)

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 87-112C/E31.2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on December 6, 1993; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 87-112C/E31.2 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; 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; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

WHEREAS, Section 5.3 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 the recommendation of Status Report No. CR 87-112C/E31.2, amending Conditions of Approval of Resolution No. R-93-170, the Special Exception of Winston Trails, Ltd., Petition No. 87-112(C), which **approved a development order amendment** in the RTS-Residential Transitional Zoning District, to amend the master plan for a Planned Unit Development on a portion of the west 1/2 of Section 2, Township 45 South, Range 42 East, lying west of the Lake Worth Drainage District E-3 Canal, **LESS** the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 2, **AND LESS** the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 2, **AND LESS** the South 110.00 feet of the Southwest 1/4 of said Section 2, **AND LESS** the North 35.00 feet of the Northwest 1/4 of the of said Section 2, **AND LESS** the South 85.00 feet of the North 115.00 feet of the Southwest 1/4 of said Section 2 **TOGETHER WITH** the East 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 **1/4** of said Section **3** being more particularly described as follows:

Commencing at the Southwest corner of the Southeast **1/4** of said Section **3**; thence North **89°17'05"** East along the South line of Section **3**, a distance of **40.00** feet; thence North **00°47'13"** West, along a line also being **40.00** East of (as measured at right angles) the West line of the East **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 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 **2534.08** 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 **95.49** feet; thence North **00°47'13"** West along a line tangent to the 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 West line of the East **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 North **399.04** feet of the Northeast **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 **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, Official Record Book **2393**, Page **1134**; 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'** South of (as measured at right angles) and parallel with the North Line of the said East **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) parallel with the North Line of the West **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, 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 **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 **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 $05^{\circ}28'31''$ 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 $05^{\circ}28'31''$ East, a distance of **1883.71** feet; thence North $89^{\circ}10'50''$ West, a distance of **571.95** feet; thence South $00^{\circ}24'33''$ East, a distance of **551.01** feet to a POINT OF INTERSECTION with said Northerly Right-of-Way Line of Hypoluxo Road; thence North $89^{\circ}00'34''$ 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 $1/4$ 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 Hypoluxo Road the following four courses: thence North $89^{\circ}39'42''$ West, a distance of **1697.83** feet; thence North $86^{\circ}21'38''$ 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 $02^{\circ}21'04''$, at which point the radius bears South $01^{\circ}09'38''$ West; thence Northwesterly and Southwesterly along the arc of said curve, a distance of **413.46** feet; thence North $44^{\circ}04'36''$ 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 $00^{\circ}47'13''$ West, a distance of **85.00** feet; thence North $89^{\circ}14'14''$ 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 $1/4$ 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 $1/4$ Section line of said Section 2, South $89^{\circ}46'25''$ 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 $05^{\circ}28'31''$ 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, a distance of **2406.69** feet to the East line of said Section 3, thence continuing North $89^{\circ}46'25''$ West along said Southerly Right-of-way Line, a distance of **0.24** feet; thence South $89^{\circ}14'14''$ West along said Southerly Right-of-way Line, a distance of **2631.21** feet to beforementioned Point "A" and the POINT OF BEGINNING.

TOGETHER WITH That portion of the Southeast $1/4$ of the Northeast $1/4$ of the Northwest $1/4$ and that portion of the Southeast $1/4$ of the Northwest $1/4$ lying East of the Lake Worth Drainage District E-3 Canal, **TOGETHER WITH** the Northeast $1/4$ **LESS** the North **20** feet of the Northeast $1/4$ 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 $00^{\circ}19'58''$ 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 $00^{\circ}19'58''$ East along said East Line of said 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, a distance of **2790.84** feet to the Southeast corner of the Northeast $1/4$ of said Section 2; thence North $89^{\circ}46'27''$ 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 $89^{\circ}46'25''$ 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 Official Record Book 2393, Page 1133; thence North $05^{\circ}28'31''$ West along the said Easterly Right-of-way Line of Lake Worth Drainage District E-3 Canal, same line also being **65.00** feet

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 1/4 of said Section 2: thence North 35°29'15" West along the West line of said Lot 1, a distance of 60.97 feet: thence North 89°24'46" East along a line of 50.00 feet North of a 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 75.00 feet: thence North 00°35'14" West, a distance of 70.00 feet to the Point of Beginning.

Said land 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:

L-17 Canal Vacation. A portion of the South 1/2 of Section 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 1/2 of Said Section 3:

On the North by:

A line 30.00 feet South of and parallel with the North line of Southeast 1/4 of said Section 3, and the North line of the Southwest 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 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 1/4 of Said Section 2 and the North line of the Southeast 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:

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,

Northeasterly of (as measured at right angles) and parallel with the following described Line (beginning at the Southeast corner of the Southwest 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 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 1/4 of said Section 2; thence North 00°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°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 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.

TOGETHER WITH 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, LESS the North 54.00 feet thereof, AND LESS the South 50.00 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, 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, 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 said Section 2; 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, Official Record Book 2411, Page 1114; 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 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, 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 record in Official Record Book 6131, Page 1397 of the Public Records of Palm Beach County, Florida over the following described property:

A parcel of land lying in Lot 1, Hiatus Tract 38, Township 44-1/2

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 an 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 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, containing 1.417 acres, more or less, being located on the north side of Hypoluxo Road approximately 1/3 of a mile east of the intersection of Jog Road and Hypoluxo Road in the RTS-Residential Transitional Zoning District, is approved, as amended, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition number 5 which states:

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. Previously condition No. 11 Resolution No. R-89-344 of Petition 87-112 (MONITORING-ENGINEERING)

Is hereby revised to state:

- A: The property owners shall fund the construction plans for the four-laning of Lantana Road from Hagen Ranch Road to Lyons Road. The plans shall include a design alternative for the four-laning from Hagen Ranch Road to Grand Lacuna Boulevard. The property owners shall present a cost analysis, acceptable to the County Engineer, to complete these construction plans to the County Engineer prior to February 1, 1994. Funding for the preparation of these design plans shall come from the Impoundment Agreement between the Winston Trails, Limited, and Joshua A. Muss, as Trustee and the Yasuda Trust & Banking Co., Ltd., New York Branch, dated February 1, 1990. It is the intent that Palm Beach County administer the completion of the plans using the consultant currently under contract to the property owners with the property owners providing funding.

B: The property owners shall provide funding in the amount of \$427,000.00 towards the design of the Turnpike bridge over Lantana Road. This funding shall be provided to Palm Beach County prior to February 1, 1994 and shall come from the Impoundment Agreement. (MONITORING - Engineering)

3. Condition number 6 which currently states:

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)

Is hereby revised to state:

The property owners shall fund the preparation of the construction plans for the six laning of Lantana Road from Military Trail to Congress Avenue. The property owners shall present a cost analysis, acceptable to the County Engineer, to complete these construction plans to the County Engineer prior to February 1, 1994. Funding for the preparation of these design plans shall come from the Impoundment Agreement dated February 1, 1990. Upon receipt of these funds, Palm Beach County shall proceed, without undue delay, to have this design completed and plans permitted. (MONITORING - Engineering)

4. Condition number 8 which currently states:

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 (MONITORING-ENGINEERING)

Is hereby revised to state:

The property owners shall fund the construction of Lantana Road from Hagen Ranch Road to Grand Lacuna Boulevard as a four lane divided roadway. Funding shall include all construction costs (C.E.I.) and provide for appropriate paved tapers. Funding for this construction shall come from the Impoundment Agreement and shall be made available on or before March 1, 1995 or prior to issuance of building permits for 674 units whichever first occurs. An extension to either this time certain date or the limitation of the number of building permits may be granted by the County Engineer upon submittal of a traffic report by the property owner showing that there is available capacity on this link of Lantana Road. Upon receipt of these funds, Palm Beach County shall proceed directly to bid this construction. Should Palm Beach County exercise its option of extending the construction of Lantana Road west of Grand Lacuna Boulevard to Lyons Road,

the section of roadway west of Grand Lantana Boulevard will be funded entirely by Palm Beach County. (MONITORING/BUILDING - Engineering)

5. Condition number 9 which currently states:

The property owners shall let the contract for the construction of Lantana Road as a six-lane 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 (MONITORING-ENGINEERING)

Is hereby revised to state:

The property owners shall fund the construction of Lantana Road as a six-lane 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 the issuance of building permits for 1685 units or prior to November 1, 1995, whichever first occurs. Funding for this construction shall come from the Impoundment Agreement, dated February 1, 1990. Construction costs shall include C.E.I. and permitting. Upon receipt of the funds, Palm Beach County shall proceed directly to bid this construction. (MONITORING/BUILDING - Engineering)

6. Condition number 11 which currently states:

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 Bypoluxo 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 Bypoluxo 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 Bypoluxo 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.

- 1) 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)

Is hereby revised to state:

The property owners shall fund the preparation of construction plans, preparation of right-of-way acquisition documents, right-of-way acquisition and all construction costs (including permitting, C.E.I. and necessary tapers) of the following intersection improvements 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, west 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.**
- 1) **As to** subparagraphs 11(a), 11(c) and 11(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.

Funding for this design, right-of-way acquisition, permitting and construction shall come from the Impoundment Agreement, dated February 1, 1990.
(ENGINEERING)'

7. Condition number 12 which currently states:

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 segment!, in Condition Nos. 13, 14 and 15 as well as the intersection laneage in Condition No. 11 (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 improvements are to be let for construction by the property owner. Previously condition No. 18 Resolution No. R-89-344 of Petition 87-112 (ENGINEERING)

Is hereby amended to state:

The property owner shall fund the preparation of all necessary right-of-way acquisition documents including, but not limited to, surveys, property owner's maps, legal descriptions for acquisition of parcel right-of-way maps required for the construction of the road segments in Conditions #7, 8 and 9 as well as the intersection improvements in Condition #11. (ENGINEERING)

8. Condition number 13 which currently states:

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)

Is hereby amended to state:

Palm Beach County will acquire any additional right-of-way needed for the road segments to be constructed in Condition Nos. 5, 7, 8 and 9 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. (ENGINEERING)

9. Condition number 15 which currently states:

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)

Is hereby revised to state:

The property owner shall receive a credit for the cost of plan preparation, the right-of-way acquisition, and construction listed in Condition Nos. 4, 5, 6, 7, 8, 9, 11 and 17 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. 4, 5, 6, 7, 8, 9, 11, and 17, the project shall be considered bonded and no impact fees shall be due while the surety is in effect. (IMPACT FEE COORDINATOR - Engineering)

10. Condition number 16 which currently states:

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 Bypoluxo Road from Congress Avenue to 1-95), (No. 17, Resolution No. R-89-344 of Petition 87-112, 4-laning of Lantana road from Hagen 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)

Is hereby revised to state:

- A. The property owner shall provide surety in the amount of 110% of the estimated cost for the offsite improvements listed in Condition #9, the six-laning of Lantana Road from Military Trail to Congress Avenue; Condition #8, the four-laning of Lantana Road from Hagen Ranch Road to Grand Laguna Boulevard; and Condition #11, the intersection improvements. An estimated cost for the construction of these improvements including the cost of plan preparation and right-of-way acquisition as outlined in Conditions #5, 6, 11, 12

- and 13 shall be prepared by the property owner's Engineer and submitted to the County Engineer prior to April 1, 1994. (MONITORING - Engineering)
- B. The property owner prior to April 1, 1994 shall provide to the County a revised surety which shall provide for Palm Beach County to draw funds in order to implement Conditions #5, 6, 8, 9, 11, 12 and 13. (MONITORING - Engineering)
 - C. The property owner shall provide to the County Engineer an annual updated Engineer's cost estimate to complete Conditions #5, 6, 8, 9, 11, 12 and 13 prior to April 1 each year starting in 1995. (MONITORING - Engineering)
 - D. The property owner shall annually update the amount of surety provided to Palm Beach County, if necessary, for Conditions #5, 6, 8, 9, 11, 12 and 13 prior to July 1 each year beginning July 1, 1995. (MONITORING - Engineering)
 - E. The property owner shall prepare a schedule for the funding of the design, right-of-way acquisition and construction for all of the intersection improvements listed in Condition #11. This schedule shall be submitted to the County Engineer prior to June 1, 1994. This schedule maybe modified by the County Engineer at the request of the property owner. (MONITORING - Engineering)

Commissioner Foster moved for approval of the Resolution.

The motion was seconded by Commissioner Aaronson 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 H. NEWELL	--	Absent
CAROL ROBERTS	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 6th day of December, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:

[Signature]

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

[Signature]
DEPUTY CLERK

