

RESOLUTION APPROVING ZONING PETITION DOA80-47(D)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ENGLE HOMES
BY KIERAN KILDAY, AGENT
(BAY WINDS PUD)

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, and the Palm Beach County Unified Land Development Code, 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 Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA80-47(D) was presented to the Board of County Commissioners at a public hearing conducted on February 27, 1997; 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 Unified 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and **appropriate** portions of **Article 6**, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. **This** Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is **compatible** as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. **This** Development Order Amendment, with conditions as adopted, complies with ~~the~~ standards imposed ~~on~~ it by applicable provisions of the Palm Beach **County** Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. **This** Development Order Amendment, with conditions as adopted, minimizes **adverse effects**, including visual impact and intensity of the proposed **use** on adjacent lands.

8. **This** Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. **This** Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands **and** the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in **logical**, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified 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 DOA80-47(D), the petition of Engle Homes, by Kieran Kilday, agent, for Development Order Amendment to add land area (+26.72 acres) and add units (51 Pod V and 27 Pod U/Total 78 units) on a parcel of land legally described in EXHIBIT A, attached hereto and made a **part** hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on February 27, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 27, 1997.

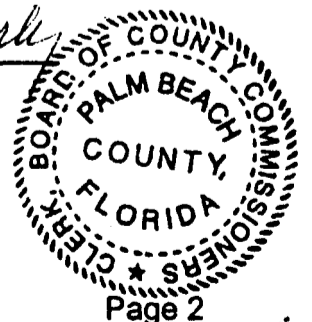
APPROVED AS TO FORM
AND **LEGAL SUFFICIENCY**

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Dorinda Altier*
COUNTY ATTORNEY

BY: *Joan Haverly*
DEPUTY CLERK



Petition **DOA80-47(D)**
Project **No. 9000-006**

Page 2

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land consisting of certain parcels of real property lying **and** being situated in the Township 47 South, Range 41, East Palm Beach County, Florida and being **more** particularly bound and described as follows, to wit:

Section 22, **less** the North 184.48 feet as measured at right angles to the North **line** thereof.

Tracts 1, 2, and Tracts 4-12 inclusive: that portion of Tract 13 lying North of the northerly right-of-way line of the Hillsboro Canal as now laid out and in use; Tracts 14, 15 and 16; Tracts 25, 32 and that portion of Tract 26 lying North of the northerly right-of-way line of the Hillsboro Canal as now laid out and in use, said Tracts as 'shown on Florida Fruit Lands Company's Subdivision Number 2, as recorded in Plat Book 1, Page 102, Public Records of Palm Beach County, Florida, all said tracts lying in Section 27, Township 47 South, Range 41 East, Palm Beach County, Florida.

The East 130.00 feet of that portion of Section 28, lying North of the northerly right-of-way line of the Hillsboro Canal as now laid out and in use.

Containing 987.18 acres more or less.

Excepted from the above described parcels of land are the following:

- A) The water storage and repump site located at the Southwest intersection of University Parkway with University Drive as recorded in Official Record Book 3616, Page 1398.
- B) The right-of-way for University Parkway as recorded in the Official Record Book 3600, Pages 1618 through 1620.
- C) The right-of-way for University Drive as recorded in the Official Record Book 3600, Pages 1624 through 1626.
- D) The right-of-way for Palmetto Parkway as recorded in the Official Record Book 3600, Pages 1621 through 1623.
- E) The right-of-way for Riverside Drive as recorded in the Official Record Book 3600, Pages 1627 through 1629.

PARCEL B

- F) A certain parcel of land located in Section 27, Township 47 South, Range 41 East, being and situated in Palm Beach County, Florida being more particularly described as follows:

Commencing at the Northeast corner of said Section 27, thence; South 01°19'13" East, along the East line of said Section 27, a distance of 1970.41 feet; thence South 89°42'12" West, a distance of 60.01 feet to the **POINT OF BEGINNING** of the following **described** parcel:

1. South 01°19'13" East, 2006.47 feet; thence
2. South 89°41'05" West, 724.29 feet; thence
3. North 71°58'41" West, 14.00 feet; thence
4. North 16°53'50" East, 47.49 feet; thence
5. North 73°06'10" West, 483.63 feet; thence

EXHIBIT A

LEGAL DESCRIPTION

6. . . Northeasterly along the arc of a 1096 foot radius **curve, concave** southeasterly, an arc distance of 75.12feet subtending a central angle of 03°55'38"; thence
7. . . Northwesterly along the arc of a 1214 foot radius **curve, concave** southwesterly, an arc distance of 1395.72feet subtending a central angle of 65°52'20"; thence
8. . . North 39°45'47" East, 64.93feet; thence
9. . . North 89°42'12" East, 1259.34feet; to the POINT OF BEGINNING.

Containing 49.735acres, more or **less**.

PARCEL C

- G) A certain parcel of tract land located in Section 22 and 27, Township 47 South, Range 41 East, and being a portion of the property shown on the plat of the Florida Fruitlands Company, Subdivision Number 2, as according to Plat Book 1, Page 102, Public Records of Palm Beach County, Florida and being more particularly bounded and described as follows, to wit:

Commencing at the Northeast corner of said Section 27; thence South 43°12'11" West 2537.62 feet to the POINT OF BEGINNING, of said point being an intersection of the South right-of-way line of Seablue Trail and the East right-of-way line of Shorewind Drive; thence with the Southwest right-of-way line of Seablue Trail 1743.35 feet along the arc of a curved line having a radius of 1134.00feet concave to the West through a delta angle of 88°05'00" with a long chord bearing of South 24°33'08" East; thence 49.83feet along the arc of a curved line having a radius of 1176.00feet concave to the East through a delta angle of 02°25'41" with a long chord bearing of South 18°16'33" West; thence leaving the West right-of-way line of Seablue Trail North 72°56'19" West 28.00 feet; thence South 89°41'17" West 1422.12feet; thence South 01°16'10" East 46.01 feet to the North line of the Hillsboro Canal; thence North 71°58'41" West 31.79 feet; thence leaving the North line of said Canal North 01°16'10" West 832.26feet to a point in the South line of Shorewind Drive; thence 1131.09 along a curved line having a radius of 1327.00feet concave to the North through a delta angle of 48°50'13" with a long chord bearing of North 51°21'44" East to the POINT OF BEGINNING.

Containing 42.82acres, more or **less**.

LOTS 97 & 98

- H) A certain parcel of tract land located in Section 27, Township 47 South, Range 41 East, and lying within a tract of land as shown on the plat of the Florida Fruitlands Company, Subdivision Number 2, as according to Plat Book 1, Page 102, Public Records of Palm Beach County, Florida, all lands being and situated in Palm Beach County, Florida, and being more particularly **bounded and** described as follows, to wit:

Commencing **at the** Northeast corner of said **Section 27**; (bearings cited **herein** are in a meridian assuming North 01°19'13" West along the East line of said Section 27) thence, South 76°28'43" West 1815.50feet; thence, 292.61 feet along the arc of a curve line having a radius of 930 feet concave **South** through a delta angle of 18°01'37" with a long chord bearing of South 88°28'58" East; thence, South 10°31'51" West 60.0 feet to the POINT OF BEGINNING; thence South 10°31'51" West 100.0 feet; thence 57.01 feet along the arc of a curved line having a radius of 770 feet concave South through a delta angle of 04°14'32" with a long chord bearing of North 81°35'26" West; thence, 57.01 feet **along** the arc of a **curve**

EXHIBIT A

LEGAL DESCRIPTION

line having a radius of 770 feet concave South through a delta angle of 04°14'32" with a long chord bearing of North 85°49'59" West; thence North 02°02'46" East 100 feet; thence, 64.42 feet along the arc of a curve line having a radius of 870 feet concave South through a delta angle of 04°14'32" with a long chord bearing of South 85°49'59" East; thence 64.42 feet along the arc of a curved line, concave to the South with a radius of 870 feet through a delta angle of 04°14'32" with a long chord bearing of South 81°35'26" West to the POINT OF BEGINNING.

Containing 0.28 acres, more or less.

TOGETHER WITH:

PARCEL "B" (Original Legal Description)

A certain parcel of tract land located in Section 27, Township 47 South, Range 41 East, being and situated in Palm Beach County, Florida, being more particularly bounded and described as follows:

Commencing at the Northeast corner of said Section 27, thence; South 01°15'13" East, along the East line of said Section 27, a distance of 1970.41 feet; thence South 89°42'12" West, a distance of 60.01 feet to the POINT OF BEGINNING of the following described parcel:

1. South 01°19'13" East, 2006.47 feet; thence
2. South 89°41'05" West, 724.29 feet; thence
3. North 71°58'41" West, 14.00 feet; thence
4. North 16°53'50" East, 473.49 feet; thence
5. North 73°06'10" West, 483.63 feet; thence
6. Northeasterly along the arc of a 1096 foot radius curve, concave southeasterly, an arc distance of 75.12 feet subtending a central angle of 03°55'38"; thence
7. Northwesterly along the arc of a 1214 foot radius curve, concave southwesterly, an arc distance of 1395.72 feet subtending a central angle of 65°52'20"; thence
8. North 39°45'47" East, 64.93 feet; thence
9. North 89°42'12" East, 1259.34 feet; to the POINT OF BEGINNING.

Containing 49.735 acres, more or less.

AND PARCEL C (Original Legal Description)

A certain parcel of tract land located in Section 22 and 27, Township 47 South, Range 41 East, and being a portion of the property shown on the plat of the Florida Fruitlands Company, Subdivision Number 2, as according to Plat Book 1, Page 102, Public Records of Palm Beach County, Florida and being more particularly bounded and described as follows, to wit:

Commencing at the Northeast corner of said Section 27; thence South 41°21'11" West 2537.62 feet to the POINT OF BEGINNING, of said point being an intersection of the South right-of-way line of Seablue Trail and the East right-of-way line of Sharewind Drive; thence with the Southwest right-of-way line of Seablue Trail 1743.35 feet along the arc

EXHIBIT A

LEGAL DESCRIPTION

of a curved line having a radius of 1134.00feet concave to the West through a delta angle of 88°05'00" with a long chord bearing of South 24°33'08" East; thence 49.83 feet along the arc of a curved line having a radius of 1176.00feet concave to the East through a delta angle of 02°25'41" with a long chord bearing of South 18°16'33" West; thence leaving the West right-of-way line of Seablue Trail North 72°56'19" West 281.00 feet; thence South 89°41'17" West 1422.12 feet; thence South 01°16'10" East 46.01 feet to the North line of the Hillsboro Canal; thence North 71°58'41" West 31.79 feet; thence leaving the North line of said Canal North 01°16'10" West 832.26 feet to a point in the South line of Shorewind Drive; thence 1131.09feet along a curved line having a radius of 1327.00feet concave to the North through a delta angle of 48°50'13" with a long chord bearing of North 51°21'44" East to the POINT OF BEGINNING.

Containing 42.82acres, more or less.

LOTS 97 & 98 - (Original Legal Description)

A certain parcel of tract land located in Section 27, Township 47 South, Range 41 East, and lying within a tract of land as shown on the plat of the Florida Fruitlands Company, Subdivision Number 2, as recorded in Plat Book 1, Page 102, Public Records of Palm Beach County, Florida, all lands being and situated in Palm Beach County, Florida, and being more particularly bounded and described as follows, to wit:

Commencing at the Northeast corner of said Section 27; (bearings cited herein are in a meridian assuming North 01°19'13" West along the East line of said Section 27) thence, South 76°28'43" West 1815.50 feet; thence, 292.61 feet along the arc of a curve line having a radius of 930 feet concave South through a delta angle of 18°01'37" with a long chord bearing of South 88°28'58" East; thence, South 10°31'51" West 60.0 feet to the POINT OF BEGINNING: thence South 03°51' West 100.0feet; thence 57.01 feet along the arc of a curved line having a radius of 770 feet concave South through a delta angle of 04°14'32" with a long chord bearing of North 81°35'26" West; thence, 57.01 feet along the arc of a curve line having a radius of 770 feet concave South through a delta angle of 04°14'32" with a long chord bearing of North 85°49'59" West; thence North 02°02'46" East 100 feet; thence, 64.42feet along the arc of a curve line having a radius of 870 feet concave South through a delta angle of 04°14'32" with a long chord bearing of South 85°49'59" East; thence 64.42feet along the arc of a curved line, concave to the South with a radius of 870 feet through a delta angle of 04°14'32" with a long chord bearing of South 81°35'26" West to the POINT OF BEGINNING.

Containing 0.28 acres, more or less.

LESS AND EXCEPTING THE FOLLOWING PROPERTY:

PARCEL "B"

A certain parcel of land located in Section 27, Township 47 South, Range 41 East, and being situated in Palm Beach County, Florida, and being more particularly bounded and described as follows, to wit:

Commencing at the Northeast corner of said Section 27, (bearings cited herein are in the meridian assuming North 01°19'13" West along the East line of said Section 27) thence South 01°19'13" East along the East line of said Section 27 a distance of 1,978.41feet; thence South 89°42'12" West a distance of 60.01 feet to the Point of Beginning; thence South 01°19'13" East 1,993.38 feet; thence South 89°41'03" West 737.35 feet; thence North 00°18'55" West 487.00feet; thence North 73°06'10" West 336.95feet to a point in the East right-of-way line of Seablue Trail (a proposed roadway); thence 75.12feet along the arc of a curved line having a radius of 1096.00 feet, concave to the East, through a delta angle of 03°55'38" with a long chord bearing of North 17°31'33" East; thence 1,399.86feet along the arc of a curved line having a radius of 1214.00feet, concave to the West, through

EXHIBIT A

LEGAL DESCRIPTION

a delta angle of **66°04'04"**, with a long chord bearing of North **13°32'40" West**; thence North **43°25'14"** East **64.79**feet; thence North **89°42'12"** East **1,259.34**feet to the Point of Beginning.

Containing **43.715**acres, more or less.

PARCEL "C"

A certain parcel or tract land located in Section **27**, Township **47** South, Range **41** East, and being a portion of the property shown on the plat of the Florida Fruitlands Company, Subdivision Number **2**, as according to Plat Book **1**, Page **102**, Public Records of Palm Beach County, Florida and being more particularly bounded and described as follows, to wit:

Commencing at the Northeast corner of said Section **27**; (bearings cited herein are in the meridian assuming North **01°19'13"** West along the East line of said Section **27**); thence South **41°1'13"** West **2546.00**feet to the Point of Beginning, said point being an intersection of the South right-of-way line of Seablue Trail and the East right-of-way line of Shorewind Drive; thence with the Southwest right-of-way line of Seablue Trail **1747.18**feet along the arc of a curved line, having a radius of **1134.00**feet, concave to the West, through a delta angle of **88°16'37"** with a long chord bearing of South **24°38'59"** East; thence **42.39**feet along the arc of a curved line, having a radius of **1176.00**feet, concave to the East, through a delta angle of **02°03'54"**, with a long chord bearing of South **18°27'23"** West; thence leaving the West right-of-way line of Seablue Trail, North **72°34'32"** West **30.56**feet; thence South **89°41'17"** West **1422.12**feet; thence South **01°16'10"** East **46.01** feet to the North line of the Hillsboro Canal; thence North **71°53'41"** West **31.79** feet; thence leaving the North line of said Canal, North **01°16'10"** West **832.24** feet to a point in the South line of Shorewind Drive; thence **1123.65**feet along a curved line having a radius of **1327.00** feet, concave to the North through a delta angle of **48°30'57"**, with a long chord bearing of North **51°31'26"** East to the Point of Beginning.

Containing **39.43**acres, more or less.

PARCELS 97 & 98

A certain parcel of land located in Section **27**, Township **47** South, Range **41** East and lying within a tract of land as shown by the Plat of the Florida Fruit Lands Company's Subdivision Number **2**, as recorded in Plat Book **1**, Page **102**, Public Records of Palm Beach County, Florida, all lands being situated in Palm Beach County, Florida, and being more particularly bounded and described as follows, to wit:

Commencing at the Northeast corner of said Section **27**; (bearings cited herein are in the meridian assuming North **01°19'13"** West along the East line of said Section **27**); thence South **76°31'49"** West **1,786.34** feet; thence **249.02** feet along the arc of a curved line having a radius of **930** feet concave South through a delta angle of **15°20'31"** with a long chord bearing of South **85°30'34"** East; thence South **12°09'41"** West **60.0**feet to the Point of Beginning; thence South **12°09'41"** West **100.00**feet; thence **57.01** feet along the arc of a curved line having a radius of **770** feet concave South through a delta angle of **04°14'32"** with a long chord bearing North **79°57'35"** West; thence **57.01** feet along the arc of a curved line having a radius of **770** feet concave South through a delta angle of **04°14'32"** with a long chord bearing of North **84°12'08"** West; thence North **03°40'36"** East **100** feet; thence **64.42**feet along the arc of a curved line having a radius of **870** feet concave South through a delta angle of **04°14'32"** with a long chord bearing of South **84°12'08"** East; thence **64.42**feet along the arc of a curved line, concave to the South with a radius of **870** feet through a delta angle of **04°14'32"** with a

EXHIBIT A

LEGAL DESCRIPTION

long chord bearing of South **79°57'35"** East to the Point of Beginning.

Containing **0.28** acres, more or less.

LESS: Lots **1** through **136**, inclusive, BOCA WINDS-PARCEL "A", according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book **56**, Pages **84** through **86**, inclusive.

LESS: Lots **1** through **45**, inclusive, BOCA WINDS-PARCEL "N", according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book **55**, Pages **6** through **8**, inclusive.

LESS: Lots **1** through **124**, inclusive BOCA WINDS-PARCEL "F", according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book **58**, Pages **165** through **168**, inclusive.

LESS: All of the Plat of BOCA WINDS-PARCEL "D-1", according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book **60**, Pages **60** through **648**, inclusive.

Together With:

That portion of the **30.00** foot strip of land lying within the Florida Fruitlands Company Subdivision No. **2**, Section **27**, Township **47** South, **Range 41** East lying south of the south line of Boca Winds - Parcel F, Plat Book **58**, Pages **165** through **168**; lying east of the northeast right-of-way line of Hillsboro Canal as recorded in Deed Book **108**, Page **642** and Deed Book **702**, Page **18**; lying west of the west line of Plat No. **4** of Bay Winds PUD Plat Book **51**, Pages **104** through **107** and lying north of the north line of Tract: **17** and **24** according to said Florida Fruitlands Company Subdivision No. **2**, all being recorded in the Public Records of **Palm** Beach County, Florida.

Together With:

That Portion of Tracts **17**, **18**, **27** and **31**, Florida Fruitlands Company Subdivision No. **2**, Section **27**, Township **47** South, Range **41** East, as Recorded in Plat Book **1**, Page **102** of the Public Records of Palm Beach County, Florida, Lying North of the North Right-of-way Line of the Hillsboro Canal, Together with That Certain **15.00** Foot Road Resewation Lying East of and Adjacent to the Aforementioned Portion of Tract **27**; Said Land Situate, Lying and Being in Palm Beach County, Florida.

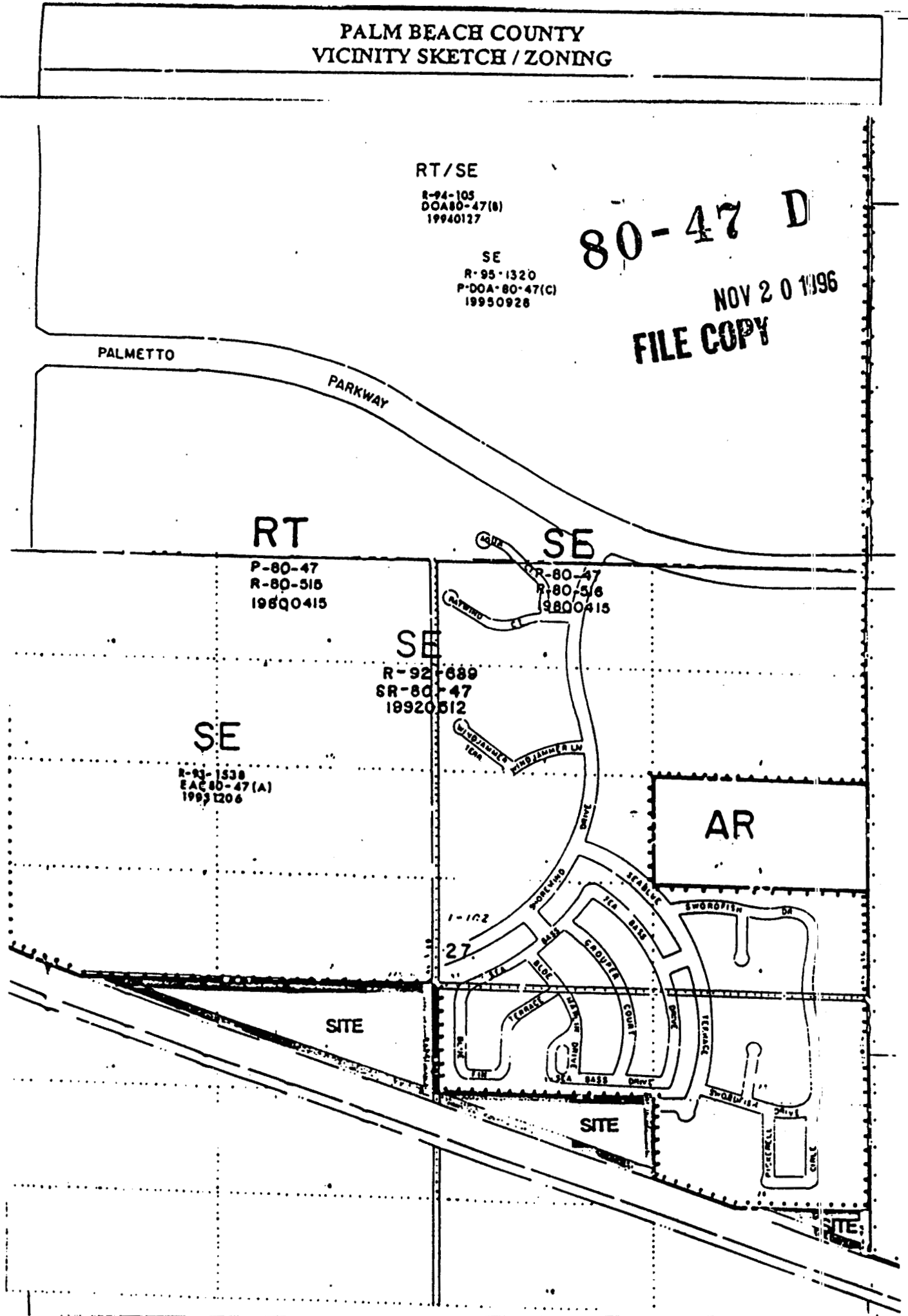
Together With:

That Portion of Tract **24** Florida Fruitlands Company Subdivision No. **2**, Section **27**, Township **47** South, Range **41** East as Recorded in Plat Book **1**, Page **102** of the Public Records of Palm Beach County, Florida, Lying North of the North Right-of-way Line of the Hillsboro Canal.

Altogether being **1015.38** acres more or less.

EXHIBIT B
VICINITY SKETCH

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



80-47 D
NOV 20 1996
FILE COPY

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: **All** previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-95-1320 (Petition **80-47(C)**), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master plan is dated December 23, 1996. All modifications must be approved by the Board of County Commissioners **unless the** proposed changes are required to meet conditions of approval **or** are in accordance with the ULDC. (ONGOING: ZONING)

B LANDSCAPING - STANDARD

1. **All** canopy trees required to be planted on site by this approval, **except** on individual residential lots, shall meet the following minimum standards at installation:
 - a. Tree height: fourteen **(14)** feet.
 - b. Trunk diameter: **3.5** inches measured **4.5** feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by **the** average canopy radius at 3 points measured from **the** trunk to the outermost branch tip. Each radius shall measure at least **3.5** feet in length.
 - d. Credit may be given for existing **or** relocated trees provided **they** meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. **All** palms required to be planted on site by this approval, **except** on individual residential lots, shall meet the following minimum standards at installation:
 - a. Palm heights: twelve **(12)** feet clear trunk **or** grey wood, whichever is greater;
 - b. Clusters: staggered heights twelve **(12)** to eighteen **(18)** feet; and
 - c. Credit may be given for existing **or** relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

C LANDSCAPING - RIVERSIDE DRIVE EXTENSION

1. Prior to DRC approval of the preliminary development plan **the** petitioner **shall** indicate a **fifteen (15)** foot right-of-way buffer adjacent to **the** Riverside Drive extension. (DRC: LANDSCAPE - Zoning)

E. ENGINEERING

1. The property owner shall convey from the property which is the subject of this petition, adequate right-of-way for all Thoroughfare Plan roadways adjacent to or through the property, in accordance with the adopted Thoroughfare Right of Way Identification Map, including expanded intersections at all at-grade Thoroughfare Plan roadway Intersections, plus safe comers. (Previously Condition No. A.1 of R-95-1320, Petition DOA80-47(C))
2. All right-of-way conveyances shall occur prior to October 1, 1994. (Previously Condition No. A.2 of R-95-1320, Petition DOA80-47(C))
3. Developer shall provide Palm Beach County with sufficient documentation to ensure that the property is free of all encumbrances and encroachments. (Previously Condition No. A.3 of R-95-1320, Petition DOA80-47(C))
4. Prior to October 1, 1994 the property owner shall convey or verify conveyance to Palm Beach County Roadway Production Division by road right-of-way warranty deed for Riverside Drive 60 feet along the projects east property line free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Comers" where appropriate at intersections as determined by the County Engineer. (Previously Condition No. A.4 of R-95-1320, Petition DOA80-47(C)).
5. The property owner shall construct at the intersection of Glades Road/University Drive and Riverside Drive:
 - a. left turn lane, south approach
 - b. right turn lane, west approach
 - c. left turn lane east approach. (Previously Condition No. A.5 of R-95-1320, Petition DOA80-47(C))
[Current aerials indicate construction has not been completed.]
6. The property owner shall construct at the intersection of Glades Road/University Drive and Palmetto Park Road:
 - a. left turn lane, north approach [Not complete]
 - b. right turn lane, south approach [Not complete]
 - c. right turn lane, east approach [Complete]
 - d. left turn lane, east approach. (Previously Condition No. A.6 of R-95-1320, Petition DOA80-47(C)) [Complete]
7. Petitioner shall construct at the intersection of Palmetto Park Road and Riverside Drive:
 - a. right and left turn lanes, north approach [Not complete]
 - b. left turn lane, west approach. (Previously Condition No. A.7 of R-95-1320, Petition DOA80-47(C)) [Not complete]

0. Petitioner shall construct at the intersection of Glades Road/University Drive and the projects entrance road onto Glades Road:
 - a left turn lane, south approach [Not complete]
 - b right turn lane, south approach [Not complete]
 - c left turn lane, east approach. (Previously Condition No. A.8 of R-95-1320, Petition **DOA80-47(C)** [Complete]

9. Petitioner shall construct at the intersection of Palmetto Park Road and Shore Winds Drive West:
 - a right and left turn lanes, north approach [Not complete]
 - b right and left turn lanes, south approach [Not complete]
 - c right and left turn lanes, east approach [Complete]
 - d left turn lane west approach (Previously Condition No. A.9 of R-95-1320, Petition **DOA80-47(C)** [Complete]

10. Petitioner shall construct at the intersection of Palmetto Park Road and Shore Winds Drive East:
 - a right and left turn lane, south approach [Not complete]
 - b left turn lane, east approach. (Previously Condition No. A.10 of R-95-1320, Petition **DOA80-47(C)** [Complete]

11. Petitioner shall prepare construction plans for Palmetto **Park Road** as a four lane median divided section, plus the appropriate turn lanes as determined by the County Engineer, from ~~is~~ present paved terminus to the western PUD boundary (Future University Drive). The current Thoroughfare Plan typical section shall be used, except equivalent acceptable shellrock may be substituted as base material, in lieu of **limerock**. These construction plans shall be completed and approved by the County Engineer prior to October **31, 1994**. [Complete]
 - a) Surety in the form and amount acceptable to the County Engineer shall be posted for the plan preparation prior to December **31, 1993** or concurrent with the filing of the plat for Parcel "G" whichever shall first occur. (Previously Condition No. A.11 of R-95-1320, Petition **DOA80-47(C)** [Complete]

12. Petitioner shall construct the above stated section of **Palmetto Park Road**, and associated turn lanes. Petitioner may provide **shellrock** from the development site for use as base material, if such shellrock is of a quality which is satisfactory, as determined by the County Engineer.
 - a) Construction shall be completed prior to July **1, 1995**. [Complete]
 - b) Surety in the form and amount acceptable to the County Engineer shall be posted for this construction prior to July **1, 1994**. (Previously Condition No. A.12 of R-95-1320, Petition **DOA80-47(C)** [Complete]

13. Petitioner shall prepare construction plans for Glades Road as a **two** lane section, plus the appropriate turn lanes as **determined** by the **County** Engineer, from ~~is~~ present paved terminus in **Loggers Run PUD** to a point **200** feet west of the entrance to Parcel "**R**" as shown on the **current** Master Plan. The current Thoroughfare Plan typical section

shall be used, except equivalent shellrock acceptable to the County Engineer may be substituted as base material, in lieu of limorock. Construction plans shall be completed and approved by the Office of the County Engineer prior to October 31, 1995. [Complete]

- a) Surety in the form and amount acceptable to the County Engineer shall be posted for the plan preparation prior to October 31, 1994. (Previously Condition No. A.13 of R-95-1320, Petition DOA80-47(C))
14. Petitioner shall construct the above stated section of Glades Road, and associated turn lanes. Petitioner may provide shellrock from the development site for use as base material, if such shellrock is of a quality which is satisfactory, as determined by the County Engineer.
- a) Construction shall be completed prior to prior to October 1, 1996. [Not complete]
 - b) Surety in the form and amount acceptable to the County Engineer shall be posted for this construction prior to July 1, 1994 or concurrent with the filing the first plat for the north half of the PUD. (Previously Condition No. A.14 of R-95-1320, Petition DOA80-47(C)) [Not complete]
15. Prior to platting the 350th dwelling unit in the north half of the FUD or prior to July 1, 1996 whichever shall first occur the property owner shall prepare construction plans for University Drive (Glades Road Extension) as a two lane section, including appropriate turn lanes as determined by the County Engineer, from a point 200' west of the projects entrance onto University Drive through the intersection of Palmetto Park Road. The current Thoroughfare Plan typical section shall be used for the preparation of these plans.
- a) Surety for these construction plans shall be posted prior to July 1, 1995. (Previously Condition No. A.15 of R-95-1320, Petition DOA80-47(C)) [Complete]
16. Prior to July 1, 1997 the property owner shall complete the construction of University Drive, and associated turn lanes. [Not complete]
- a) Acceptable Surety in the form and amount shall be posted with the office of County Engineer. Surety for this construction shall be posted prior to July 1, 1996. (Previously Condition No. A.16 of R-95-1320, Petition DOA80-47(C)) [Complete]
17. The final phase platted in the north half of the PUD shall require the following:
- a) Prior to July 1, 1996, or prior to the filing of the last plat, whichever shall first occur, the petitioner shall submit to Palm Beach County approved and permitted construction plans for Riverside Drive, as a two lane roadway, to current Thoroughfare Plan requirements, with appropriate turn lanes on both this roadway, and on Glades and Palmetto Park Roads, as required by the County Engineer. [Not complete]

- b) Petitioner shall construct the improvements to Riverside Drive as set forth in the above referenced plans concurrently with the filing of this last plat, and in no case shall the improvements be completed later than July 1, 1997. (Previously Condition No. A.17 of R-95-1320, Petition DOA80-47(C) [Not complete]
18. The Developer 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. (Previously Condition No. A.18 of R-95-1320, Petition DOA80-47(C))
19. Petitioner must dedicate the civic site by plat to Palm Beach County. Petitioner must submit civic site plat to the Land Development Division of County Engineering by December 1, 1993. A warranty deed will be delivered to the County following plat recordation but shall not be later than August 1, 1994. (PREM) (Previously Condition No. A.19 of R-95-1320, Petition DOA80-47(C))
20. Petitioner must dedicate one hundred thirty (130) feet from the centerline along the Hillsboro Canal to the South Florida Water Management District for right-of-way purposes. (Previously Condition No. A.20 of R-95-1320, Petition DOA80-47(C))
21. No temporary on-site water or sewer service(s) will be approved for building construction within this project. Confirmation of utilities for this petition is based on the provision of central water and sewer service from South Palm Beach Utilities. (Previously Condition No. A.21 of R-95-1320, Petition DOA80-47(C))
22. Parcel "G", the property owner shall construct Shorewinds Drive as a two-lane section from its present paved terminus to the extension of Palmetto Park Road, plus appropriate turn lanes, as determined by the County Engineer. The same typical section that was used on existing Shorewinds Drive may be used for this construction. (Previously Condition No. A.22 of R-95-1320, Petition DOA80-47(C))
[Note: Shorewinds Drive south of Palmetto Park Road is now complete.]
23. The petitioner shall convey to Palm Beach County, at the time of recording the next plat, or prior to July 1, 1994 or when requested by the County Engineer (whichever shall first occur), adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff for those segments of Palmetto Park Road, Glades Road, University Drive, and Riverside Drive along the property frontage, and for a maximum 400' distance each side of the property boundaries along those roadways. Said easements shall be no less than 20' in width. The drainage system within the project shall have sufficient retention/detention capacity to meet stormwater discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management District for the combined runoff for the project and ultimate Thoroughfare Plan road sections of the included segment. (Previously Condition No. A.23 of R-95-1320, Petition DOA80-47(C))
[Data Base indicates this condition is now complete.]

24. Petitioner shall include in the homeowners documents and all sales contracts as well as all written sales brochures, Master Plans and related Site Plans a disclosure statement identifying Glades Road, Palmetto Park Road, University Drive, and University Parkway as a planned thoroughfare roadway adjacent to or through this property. Information which appears in written form shall appear in bold type. The **Developer/Property** Owner shall submit **documentation** of compliance with this condition on an annual basis to the **Monitoring** Section of Planning, Zoning and Building Department. The next report shall be submitted prior on or before July 1, 1994 and shall **continue** on an annual basis until all units within **the** development have **been** sold or the developer relinquishes control to the homeowners **association** whichever shall first occur. This property shall also be **appropriately** signed by the developer. Sign locations shall be indicated both **on** the Master Plan and Site Plan. (Previously Condition No. A.24 of R-95-1320, Petition **DOA80-47(C)** (MONITORING - Eng).)

25. Prior to October 1, 1994 the property owner shall convey to the **S**chool Board of Palm Beach County a fifteen **(15)** acre school site boundary platted and free of all environmental **concerns**. Transfer of title shall be by special warranty deed upon a metes and bounds legal description provided by the petitioner, free and clear of all liens and encumbrances. All items of development of this site shown in the agreement dated November 6, 1985 between the School Board of Palm Beach County and Boca Winds, Inc. and any **modifications** or amendments thereof shall be completed within six **(6)** months of conveyance of title. (Previously Condition No. A.25 of R-95-1320, Petition **DOA80-47(C)**)

26. LANDSCAPE WITHIN MEDIAN

A. Concurrent with the construction of Palmetto Park Road, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median for Palmetto Park Road. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one **(1)** fourteen **(14)** foot tall native tree for each thirty **(30)** linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. **All landscaping** and maintenances shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works **Department**. All landscape material shall be selected for the following list:

<u>Trees:</u>	<u>Ground cover:</u>
Laurel Oak	Wedilia
Live Oak	Bahia Grass
Slash Pine	
Sabal Palmetto	

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

- 1)** All plants shall be container grown or field collected and transplanted from the project site.

- 2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (BUILDING/ENGINEERING) (Previously Condition A.26.a of R-95-1320, Petition DOA80-47(C))
- B. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Homeowners's Association, and shall be installed on or before recordation of the plat for Parcel "J". (BLDG/ENG - Zoning) (Previously Condition A.26.b of R-95-1320, Petition DOA80-47(C))
 - C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to the filing of any Plat for the north half of the PUD to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BLDG/ENG - Co Atty) (Previously Condition A.26.c of R-95-1320, Petition DOA80-47(C))
27. In order to comply with the required Traffic Performance Standards no building permits for this PUD may be issued after January 1, 2000, unless an acceptable traffic report is submitted and approved by the Office of The County Engineer. (MONITORING - Eng) (Previously Condition A.27 of R-95-1320, Petition DOA80-47(C))
 28. At a minimum, the master plan shall indicate twenty (20) acres of on-site recreation area. (PARKS/ZONING) (Previously Condition A.28 of R-95-1320, Petition DOA80-47(C))
 29. The petitioner shall obtain next plat approval on or before June 30, 1994. (Previously Condition No. A.29 of R-95-1320, Petition DOA80-47(C)) (MONITORING - Eng)
 30. The final phase platted in the north half of the PUD shall require the following:
 - a. The developer shall submit to Palm Beach County Roadway Production Division approved and permitted construction plans, prepared in accordance with current Thoroughfare Plan requirements, for Riverside Drive as a two lane roadway, with appropriate turn lanes, as required by the County Engineer. These plans shall be approved prior to July 1, 1996. (MONITORING-Eng) (Previously Condition E.1.a of R-95-1320, Petition DOA80-47(C))
 - b. All required permits for this road construction shall be obtained by the property owner for Palm Beach County prior to January 1, 1997. (MONITORING-Eng) (Previously Condition E.1.b of R-95-1320, Petition DOA80-47(C)) [Complete]
 - c. Funds for this construction shall be based upon a certified cost estimate from the developer's engineer as approved by the Roadway Production Division. This cost estimate shall be

submitted by January 1, 1997 and approved prior to June 1, 1997 and shall include, but not be limited to, one-half of the cost of administration, plus testing, Engineering, Surveying, and inspection fees. (MONITORING-Eng) (Previously Condition E. 1.c of R-95-1320, Petition DOA80-47(C))

- d The developer shall deposit with Palm Beach County funds for the construction of Riverside Drive as set forth in the above referenced plans prior to July 1, 1997. After funding, Palm Beach County shall be responsible for the construction of this section of Riverside Drive. At the option of the County Engineer the property owner may provide fill material for Riverside Drive at a cost approved by the County Engineer. A permit from the Land Development Division for placement of fill material within the Riverside Road right of way shall be obtained prior to the commencement of any fill material work by the developer. If approved by the County Engineer, the cost of fill material shall be deleted from the required cost estimate. (MONITORING-Eng) (Previously Condition E. 1.d of R-95-1320, Petition DOA80-47(C))

31. The Property owner shall:

- A) lengthen the existing left turn lane, east approach on Palmetto Park Road at Shorewind Drive, length shall be a minimum of 365 feet plus a 50 foot taper length, and
- B) construct a left turn lane north approach on Shorewind Drive at Seablue Trail.
 - 1) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - 2) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for POD U (0201-027) and for POD V (0201-328). Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING/Eng.)

32. The property owner shall to convey to Palm Beach County and Development Division by road right-of-way warranty deed additional right of way for Riverside Drive. Conveyance shall be 60 from centerline and shall be conveyed prior to the issuance of the first Building Permit for POD U (0201427) and for POD V (0201428). Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (BLDG PERMIT: MONITORING/Eng.)

F. COMPLIANCE

- 1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of **the** subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
- b. The revocation of **the** Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of **the** ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may **be** taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)