

RESOLUTION NO. R-2011-0965

RESOLUTION APPROVING ZONING APPLICATION W/DOA-2011-00150
(CONTROL NO. 2004-00250)
a Development Order Amendment
APPLICATION OF Boca Raton Assocs VI LLLP
BY G.L. Homes, AGENT
(Dubois AGR-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, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application W/DOA-2011-00150 was presented to the Board of County Commissioners at a public hearing conducted on June 27, 2011; and

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

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application W/DOA-2011-00150, the petition of Boca Raton Assocs VI LLLP, by G.L. Homes, agent, for a Development Order Amendment to reconfigure the Master Plan; increase dwelling units; relocate model row; amend Conditions of Approval (Engineering, Planning, Landscaping); and, restart the Commencement of Development clock in the AGR-PUD Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 27, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	- Aye
Commissioner Shelley Vana, Vice Chair	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Steven L. Abrams	- Absent
Commissioner Burt Aaronson	-
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 27, 2011.

Filed with the Clerk of the Board of County Commissioners on June 29th, 2011.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

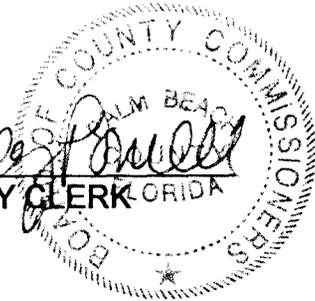


EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION: (DUBOIS TOTAL DEVELOPMENT PARCEL)

ALL OF TRACTS 65 TO 128, INCLUSIVE, SECTION 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST, (LESS 30.59 ACRES SOLD TO FLORIDA STATE TURNPIKE AUTHORITY AND MORE PARTICULARLY DESCRIBED IN DEED BOOK 1104, PAGE 577), THE PALM BEACH FARMS CO. PLAT NO. 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 2. PAGES 26 TO 28.

LESS: (PARCEL 108 OF THE LYONS ROAD TAKING)

THE EAST 40 FEET OF THE WEST 55 FEET OF TRACTS 80.81, 112 AND 113, BLOCK 29 OF SECTION 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST OF PALM BEACH FARMS PLAT NO. 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 PAGES 26 - 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 2.45 ACRES.

LESS: (PARCEL 108A OF THE LYONS ROAD TAKING)

THAT PART OF TRACT 113, BLOCK 29, OF PALM BEACH FARMS COMPANY PLAT NO.1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE NORTH 00°52'26" WEST, ALONG THE EAST LINE OF SAID SECTION 30 A DISTANCE OF 85.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT (L.W.D.D.) L-38 CANAL; THENCE NORTH 89°24'14" EAST, ALONG SAID CANAL FOR A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°24'14" EAST, FOR A DISTANCE OF 30.00 FEET; THENCE NORTH 00°52'26" WEST, ALONG A LINE PARALLEL WITH AND 85.00 FEET EAST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 312.70 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 30.00 FEET; THENCE NORTHWEST ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 47.12 FEET TO A POINT 55.00 FEET EAST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 30; THENCE SOUTH 00°52'26" EAST, ALONG A LINE PARALLEL WITH AND 55.00 FEET EAST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 342.56 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 ACRES, MORE OR LESS

AND LESS: (PARCEL 108B OF THE LYONS ROAD TAKING)

THAT PART OF TRACT 113, BLOCK 29, OF PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE NORTH 00°52'26" WEST, ALONG THE EAST LINE OF SAID SECTION 30 A DISTANCE OF 85.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT (L.W.D.D.) L-38 CANAL; THENCE NORTH 89°24'14" EAST, ALONG SAID CANAL FOR A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°24'14" EAST, FOR A DISTANCE OF 25.00 FEET; THENCE NORTH 00°52'26" WEST, ALONG A LINE PARALLEL WITH AND 110.00 FEET EAST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 312.82 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 55.00 FEET; THENCE NORTHWEST ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 86.39 FEET TO A POINT 55.00 FEET EAST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 30; THENCE SOUTH 00°52'26" EAST, ALONG A LINE PARALLEL WITH AND 55.00 FEET EAST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 25.00 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE TO THE SOUTHWESTERLY HAVING A RADIUS OF 30.00 FEET TO WHICH A RADIAL LINE BEARS SOUTH 00°52'26" EAST; THENCE SOUTHEASTERLY 47.12 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00' 00" TO A POINT OF TANGENCY; THENCE SOUTH 00°52'26" EAST ALONG A LINE PARALLEL WITH AND 85.00 FEET EAST OF THE EAST LINE OF SECTION 30 FOR A DISTANCE OF 312.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.22 ACRES, MORE OR LESS.

CONTAINING A TOTAL OF 299.074 ACRES, MORE OR LESS.

DESCRIPTION: DUBOIS AGR - PRESERVE PLAT FIVE (BUTTS)
BEING ALL OF TRACT "A" ACCORDING THE THE PLAT OF DUBOIS AGR - PRESERVE PLAT FIVE,

AS RECORDED IN PLAT BOOK 112, PAGES 90 AND 91 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
CONTAINING 33.507 ACRES MORE OR LESS.

ALSO KNOWN AS:

A TRACT OF LAND LYING WITHIN A PORTION OF THE NORTH THREE-QUARTERS (N 3/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST; THENCE SOUTH 88°14'10" WEST ALONG THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 1985.53 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 00°54'07" EAST, A DISTANCE OF 662.52 FEET; THENCE NORTH 88°12'11" EAST, A DISTANCE OF 111.51 FEET; THENCE SOUTH 00°45'30" EAST, A DISTANCE OF 1,324.96 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH THREE- QUARTER (3/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 14; THENCE SOUTH 88°07'50" WEST ALONG SAID LINE, A DISTANCE OF 768.36 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 14; THENCE NORTH 00°57'03" WEST ALONG SAID ONE-QUARTER (1/4) SECTION LINE, A DISTANCE OF 1,988.75 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 14; THENCE NORTH 88°14'10" EAST ALONG SAID SECTION LINE, A DISTANCE OF 661.84 FEET TO THE POINT OF BEGINNING.
CONTAINING 33.507 ACRES, MORE OR LESS.

DESCRIPTION: DUBOIS AGR – PRESERVE PLAT ONE (CHICO)

BEING ALL OF TRACT "A" ACCORDING THE THE PLAT OF DUBOIS AGR – PRESERVE PLAT ONE, AS RECORDED IN PLAT BOOK 112, PAGES 132 AND 133 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
CONTAINING 82.397 ACRES MORE OR LESS.

ALSO KNOWN AS:

THAT PROPERTY BEING A PORTION OF THE SOUTH HALF (S 1/2) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 13 AT THE SOUTHWEST CORNER OF WILLIS GLIDERPORT PLAT NO. 1 AS RECORDED IN PLAT BOOK 32, PAGES 146 THROUGH 148, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°59'15" EAST ALONG THE SOUTH LINE OF WILLIS GLIDERPORT PLAT NO. 1, A DISTANCE OF 4575.65 FEET TO THE SOUTHEAST CORNER OF LOT 11B, BLOCK 2; THENCE NORTH 00°48'33" WEST ALONG THE EAST LINE OF LOT 11B, 334.31 FEET TO THE SOUTHWEST CORNER OF LOT 12, BLOCK 2; THENCE NORTH 88°59'15" EAST ALONG THE SOUTH LINE OF LOT 12, A DISTANCE OF 480.42 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 AS DESCRIBED IN OFFICIAL RECORDS BOOK 10558, PAGE 1320, SAID PUBLIC RECORDS; THENCE SOUTH 00°55'15" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1,012.35 FEET; THENCE SOUTH 88°59'15" WEST ALONG A LINE 678.04 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF WILLIS GLIDERPORT PLAT NO. 1, A DISTANCE OF 5,056.25 FEET; THENCE NORTH 00°57'37" WEST, A DISTANCE OF 678.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 82.397 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA HAVING AN ASSUMED BEARING OF S00°57'37"E.

DESCRIPTION: DUBOIS AGR – PRESERVE PLAT FOUR (JOHNSON)

BEING ALL OF TRACT "A" ACCORDING THE THE PLAT OF DUBOIS AGR – PRESERVE PLAT FOUR, AS RECORDED IN PLAT BOOK 112, PAGES 134 AND 135 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
CONTAINING 138.917 ACRES MORE OR LESS.

ALSO KNOWN AS:

BEING TWO PARCELS OF LAND IN THE EAST HALF OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1 AS MARKED BY AN 8" ROUND CONCRETE MONUMENT WITH A DISK MARKED "PRECISE SURVEY CITY OF WEST PALM BEACH" AS SET BY BROCKWAY, WEBER & BROCKWAY IN 1955; THENCE SOUTH 00 DEGREES 54' 39" EAST (STATE PLANE GRID BEARING DATUM) ALONG THE EAST LINE OF SECTION 1, A DISTANCE OF 2810.27 FEET TO THE EAST QUARTER CORNER OF SECTION 1 AS MARKED BY A ROD AND CAP IN CONCRETE SET BY ADAIR AND BRADY, INC., IN 1982; THENCE SOUTH 89 DEGREES 29' 13" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, A DISTANCE OF 84.21 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO.7 AS RECORDED IN ROAD PLAT BOOK 1, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND TO THE POINT OF BEGINNING OF SAID PARCEL 1; THENCE CONTINUE

SOUTH 89 DEGREES 29' 13" WEST ALONG SAID QUARTER SECTION LINE 2550.17 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1; THENCE SOUTH 00 DEGREES 53' 54" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, A DISTANCE OF 2571.20 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1; THENCE NORTH 89 DEGREES 37' 37" EAST ALONG THE SOUTH LINE OF SECTION 1, A DISTANCE OF 2562.59 FEET TO THE SAID WEST RIGHT-OF-WAY LINE OF S.R. 7, THE SOUTHEAST CORNER OF SECTION 1 BEING 72.40 FEET EAST HEREOF; THENCE NORTH 01 DEGREES 10' 24" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 2577.57 FEET TO THE POINT OF BEGINNING.

PARCEL 2: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1 AS MARKED BY AN 8" ROUND CONCRETE MONUMENT WITH A DISK MARKED "PRECISE SURVEY CITY OF WEST PALM BEACH" AS SET BY BROCKWAY, WEBER & BROCKWAY IN 1955; THENCE SOUTH 00 DEGREES 54' 39" EAST (STATE PLANE GRID BEARING DATUM) ALONG THE EAST LINE OF SECTION 1, A DISTANCE OF 2810.27 FEET TO THE EAST QUARTER CORNER OF SECTION 1 AS MARKED BY A ROD AND CAP IN CONCRETE SET BY ADAIR & BRADY, INC., IN 1982; THENCE SOUTH 89 DEGREES 29' 13" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, A DISTANCE OF 84.21 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO.7 AS RECORDED IN ROAD PLAT BOOK 1, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND TO THE POINT OF BEGINNING OF SAID PARCEL 2; THENCE SOUTH 89 DEGREES 29' 13" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, A DISTANCE OF 2550.17 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1; THENCE NORTH 00 DEGREES 53' 54" WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 1, A DISTANCE OF 112.08 FEET TO A 4" SQUARE CONCRETE MONUMENT SET BY ADAIR & BRADY, INC., ON THE AGREEMENT LINE BETWEEN SPANISH RIVER PRESBYTERIAN CHURCH, INC., AND OSCAR JOHNSON IN 1995; THENCE NORTH 89 DEGREES 28' 27" EAST ALONG SAID AGREEMENT LINE, 2549.63 FEET TO A 4" SQUARE CONCRETE MONUMENT SET BY ADAIR & BRADY, INC., IN 1995 ON THE WEST RIGHT-OF-WAY LINE OF SAID STATE ROAD 7; THENCE SOUTH 01 DEGREE 10' 24" EAST ALONG SAID WEST RIGHT-OF-WAY LINE 112.66 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS:

PARCEL 1 (ST J PROPERTIES PARCEL RECORDED IN OFFICIAL RECORDS BOOK 8211, PAGE 1074, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA): A PARCEL OF LAND IN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 1; THENCE NORTH 00 DEGREES 39' 00" WEST ALONG THE EAST LINE OF SAID SECTION 1 (THE EAST LINE OF SAID SECTION 1 IS ASSUMED TO BEAR NORTH 00 DEGREES 39' 00" WEST AND ALL OTHER BEARINGS ARE RELATIVE THERETO) A DISTANCE OF 2232.20 FEET TO A POINT; THENCE SOUTH 89 DEGREES 53' 00" WEST A DISTANCE OF 80.81 FEET TO A POINT ON THE WEST RIGHT- OF-WAY LINE OF STATE ROAD NO.7 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP 93210-2101 AND THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE SOUTH 89 DEGREES 53' 00" WEST A DISTANCE OF 1244.42 FEET TO A POINT; THENCE NORTH 00 DEGREES 51' 57" WEST A DISTANCE OF 351.16 FEET TO A POINT; THENCE NORTH 89 DEGREES 59' 02" EAST A DISTANCE OF 1244.45 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD NO.7; THENCE SOUTH 00 DEGREES 51' 57" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 348.98 FEET TO THE POINT OF BEGINNING.

PARCEL 2 (SOUTHERN BELL PARCEL RECORDED IN OFFICIAL RECORDS BOOK 3983, PAGE 1966, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA): THE NORTH 50 FEET OF THE SOUTH 150 FEET OF THE EAST 340 FEET OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT-OF-WAY FOR STATE ROAD NO.7 (STATE ROAD 199) U.S. 441.

PARCEL 3 (DOT PARCEL RECORDED IN DEED BOOK 642, PAGE 332, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA): THAT CERTAIN PROPERTY CONVEYED TO THE STATE ROAD DEPARTMENT OF THE STATE OF FLORIDA BY QUIT CLAIM DEED RECORDED IN DEED BOOK 642, PAGE 332, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4 (441 TAKING RECORDED IN OFFICIAL RECORDS BOOK 10440, PAGE 1934, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA): A PORTION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A FOUND COUNTY BRASS DISC IN CONCRETE MARKING THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THENCE NORTH 89 DEGREES 00' 30" EAST ALONG THE SOUTH LINE OF SAID SECTION 6, A DISTANCE OF 0.787 METERS (2.58 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93210-2524; THENCE NORTH 01 DEGREE 05' 04" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.170 METERS (0.56 FEET); THENCE NORTH 01 DEGREE 14' 38" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 30.644 METERS (100.54); THENCE SOUTH 88 DEGREES 45' 22" WEST AT RIGHT ANGLES TO THE

LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AND THE POINT OF BEGINNING; THENCE SOUTH 01 DEGREE 14' 38" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 30.484 METERS (100.01 FEET) TO A POINT ON THE SOUTH LINE OF SAID SECTION 1; THENCE SOUTH 89 DEGREES 36' 16" WEST ALONG THE SOUTH LINE OF SAID SECTION 1, A DISTANCE OF 48.771 METERS (160.01 FEET); THENCE NORTH 01 DEGREE 14' 38" WEST ALONG A LINE 71.628 METERS (235.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 30.484 METERS (100.01 FEET); THENCE NORTH 89 DEGREES 36' 16" EAST, A DISTANCE OF 48.771 METERS (160.01 FEET) TO THE POINT OF BEGINNING.

PARCEL 5 (441 TAKING RECORDED IN OFFICIAL RECORDS BOOK 10440, PAGE 1934, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA): A PORTION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A FOUND COUNTY BRASS DISC IN CONCRETE MARKING THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE NORTH 89 DEGREES 00' 30" EAST ALONG THE SOUTH LINE OF SAID SECTION 6, A DISTANCE OF 0.787 METERS (2.58 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2524; THENCE NORTH 01 DEGREE 05' 04" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.170 METERS (0.56 FEET); THENCE NORTH 01 DEGREE 14' 38" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 30.644 METERS (100.54 FEET); THENCE SOUTH 88 DEGREES 45' 22" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 7 (U.S. 441); THENCE NORTH 01 DEGREE 14' 38" WEST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 15.242 METERS (50.01 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 36' 16" WEST, A DISTANCE OF 48.771 METERS (160.01 FEET); THENCE NORTH 01 DEGREE 14' 38" WEST ALONG A LINE 71.628 METERS (235.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 633.251 METERS (2,077.59 FEET); THENCE NORTH 89 DEGREES 27' 42" EAST, A DISTANCE OF 48.769 METERS (160.00 FEET) TO A POINT ON SAID WESTERLY EXISTING RIGHT OF WAY LINE; THENCE SOUTH 01 DEGREE 14' 38" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 633.373 METERS (2,077.99 FEET) TO THE POINT OF BEGINNING.

PARCEL 6 (441 TAKING RECORDED IN OFFICIAL RECORDS BOOK 10440, PAGE 1934, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA): THAT PART OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF TRACT "B", "PLAT OF S.T.J. PROPERTIES, INC.", AS RECORDED IN PLAT BOOK 73, PAGE 178 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID CORNER BEING A FOUND CONCRETE MONUMENT WITH NAIL & TABS; THENCE SOUTH 89 DEGREES 33' 21" WEST ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 1.621 METERS (5.32 FEET); THENCE NORTH 01 DEGREE 10' 57" WEST ALONG A LINE 71.628 METERS (235.00 FEET) WEST OF AND PARALLEL WITH THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210- 2524, A DISTANCE OF 34.668 METERS (113.74 FEET); THENCE NORTH 89 DEGREES 28' 26" EAST, A DISTANCE OF 48.769 METERS (160 FEET) TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7; THENCE SOUTH 01 DEGREE 10' 57" EAST ALONG A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 34.738 METERS (113.97 FEET); THENCE SOUTH 89 DEGREES 33' 21" WEST ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 47.149 METERS (154.69 FEET) TO THE NORTHEAST CORNER OF SAID TRACT "B" AND THE POINT OF BEGINNING.

DESCRIPTION: DUBOIS PRESERVE PARCEL 2 (SFWMND)

BEING THE SOUTH 300.00 FEET OF THE NORTH 1600.55 FEET OF THE EAST 2066.28 FEET OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, ALL LYING WITHIN PALM BEACH COUNTY, FLORIDA.

CONTAINING 14.232 ACRES MORE OR LESS.

DESCRIPTION: PRESERVE PARCEL 3 (SFWMND)

THAT PORTION OF LAND BEING THE SOUTH 1043.82 FEET OF THE NORTH 5467.82 OF SECTIONS 3 AND 4, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF LEVEE L-40.

LESS AND EXCEPT

THAT PORTION OF THE SOUTH 1043.82 FEET OF THE NORTH 5467.82 OF SECTIONS 3 AND 4, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

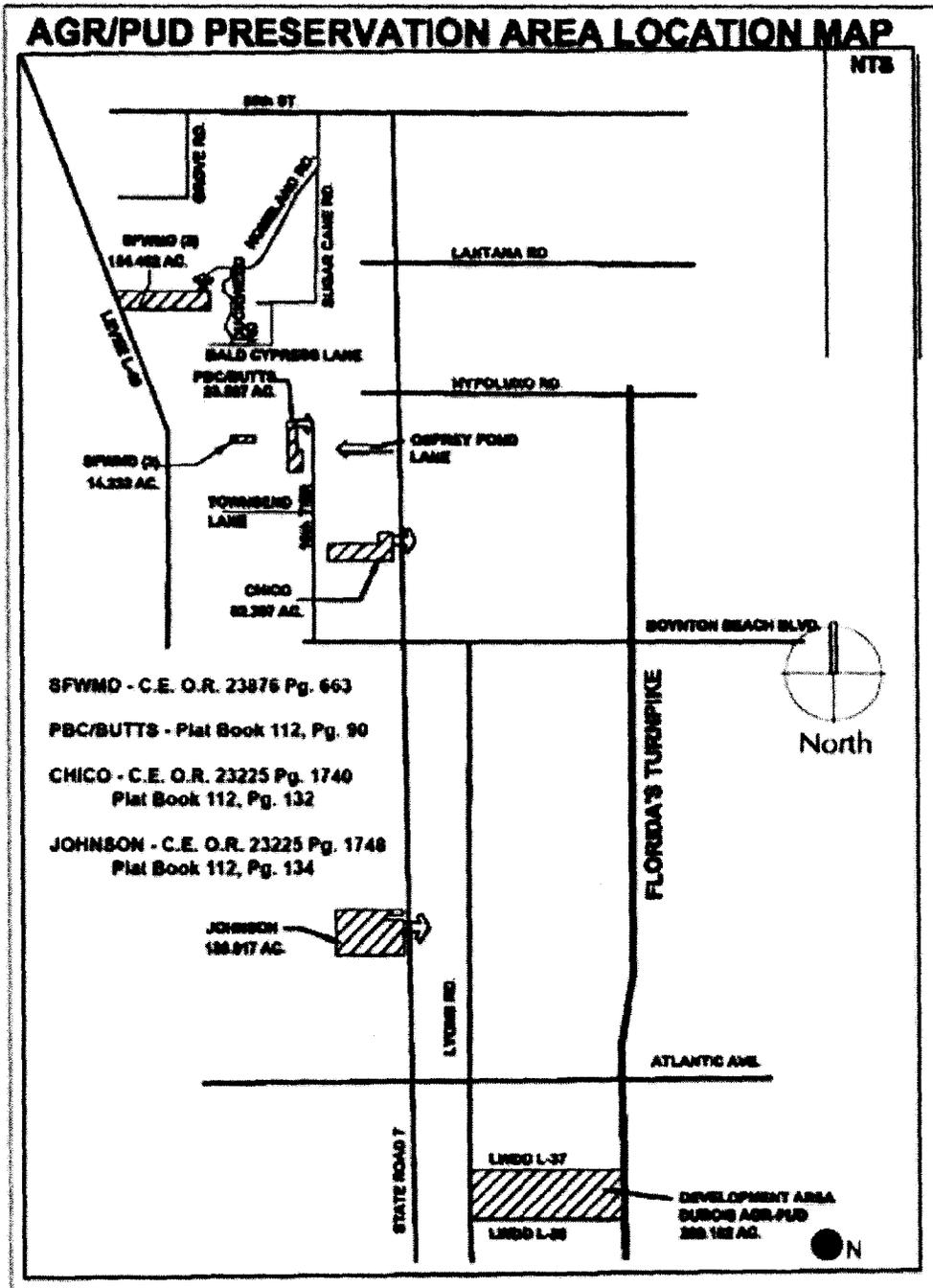
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 41 EAST, SAID PALM BEACH COUNTY ALSO BEING THE SOUTHWEST CORNER OF THE PLAT OF HOMELAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 33, PAGES 111 THROUGH 117, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°56'23" WEST, ALONG THE WEST LINE OF SAID SECTION 2, ALSO BEING THE WEST LINE OF SAID PLAT OF HOMELAND, A DISTANCE OF 1,981.51 FEET; THENCE NORTH 88°32'09" WEST, A DISTANCE OF 100.08 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 88°32'09" WEST, A DISTANCE OF 2,201.79 FEET; THENCE NORTH 00°56'23" WEST, A DISTANCE OF 248.18 FEET; THENCE NORTH 89°42'50" EAST, A DISTANCE OF 2,200.00 FEET; THENCE SOUTH 00°56'23" EAST, A DISTANCE OF 315.44 FEET TO THE POINT OF BEGINNING.

NOTE: FOR THE PURPOSE OF THIS LEGAL DESCRIPTION, ALL REFERENCES TO SECTIONS 3 AND 4 WILL INCLUDE THAT PORTION OF THE HIATUS TRACTS 39 AND 40 KNOWN AS TOWNSHIP 44 1/2 SOUTH, WHICH MAY HAVE BEEN HISTORICALLY DESCRIBED AS SAID SECTIONS 3 AND 4.

CONTAINING 154.402 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



AGR/PUD Preserve Location Map

NTS

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.All Petitions 1 of Resolution R-2010-0440, Control 2004-250, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2008-0114 (Control 2004-250), have been consolidated as contained herein.

The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2010-0440 (Control 2004-250), have been consolidated as contained herein.

The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2.All Petitions 2 of Resolution R-2010-0440, Control 2004-250, which currently states:

The approved Preliminary Master Plan is dated December 28, 2009 and Preliminary Regulating Plans are dated December 14, 2009. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

The approved Preliminary Master Plan is dated April 18, 2011. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

3.All Petitions 3 of Resolution R-2010-0440, Control 2004-250, which currently states:

Based on Article 2.E of the Unified land Development Code, this development order meets the requirements to receive a new three (3) year review date from date of approval of this resolution. (DATE: March 31, 2013: MONITORING - Zoning)

Is hereby amended to read:

Based on Article 2.E of the Unified Land Development Code (ULDC), this Development Order meets the requirements to receive a new three (3) year review date from date of approval of this resolution. (DATE June 27, 2014: ONGOING: MONITORING - Zoning)

ENGINEERING

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

a.No Building Permits shall be issued until construction has commenced for intersection improvements at West Atlantic Avenue and Lyons Road providing for:

- 1) east approach
- 2 through lanes
- left turn lane

- 2) west approach
 - 2 through lanes
 - right turn lane
- 3) south approach
 - left turn lane
 - right turn lane

(BLDG PERMIT: MONITORING-Eng) [Note: COMPLETED per Atlantic Ave Agreement]

b. Building Permits for more than forty (40) single family residential dwelling units shall not be issued until the contract has been awarded by the FDOT for the construction of West Atlantic Avenue as a 4 lane facility from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. Commencement of construction may also include someone other than the Florida Department of Transportation. (BLDG PERMIT: MONITORING-Eng) (Previous Condition Engineering 1 of Resolution R-2010-0440, Control No. 2004-250) [Note: COMPLETED per the Atlantic Avenue Agreement]

2. Previous Condition Engineering 2 of Resolution R-2010-0440, Control No. 2004-250, which currently states:

No Building Permits for the site may be issued after January 1, 2014. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Eng)

Is hereby amended to read:

No Building Permits for the site may be issued after December 31, 2015. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Eng)

3. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Project's Entrance and Lyons Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation.

a. Building Permits for more than 200 dwelling units shall not be issued until the developer provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING - Eng)

b. In order to request release of the surety for the traffic signal at Project entrance and Lyons Road, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at this intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENGINEERING - Eng) (Previous Condition Engineering 3 of Resolution R-2010-0440, Control No. 2004-250)

4. Required noise mitigation for this development as outlined in the approved noise analysis shall be provided for in the Preliminary Development Plan as approved by the DRO. (DRO: ZONING /ENGINEERING Eng) (Previous Condition Engineering 4 of Resolution R-2010-0440, Control No. 2004-250) [Note: COMPLETED]

5. Previous Condition Engineering 5 of Resolution R-2010-0440, Control No. 2004-250, which currently states:

Construction of the required sound walls and landscape buffers shall be completed prior to the issuance of the first certificate of occupancy for any lot within Pods D or H. The

property owner shall provide Land Development a listing of the applicable PCN numbers for all lots within Pod D and H prior to receipt of the first building permit within Pods D or H.
(CO: MONITORING - Eng)

Is hereby amended to read:

Construction of the required sound walls and landscape buffers shall be completed prior to the issuance of the first certificate of occupancy for any lot within Pods G or H. The property owner shall provide Land Development a listing of the applicable PCN numbers for all lots within Pod G and H prior to receipt of the first building permit within Pods G or H.
(CO: MONITORING - Eng)

6. The property owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that:

- a. this site is adjacent to the Florida Turnpike,
- b. the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike, and
- c. the Developer has installed noise abatement improvements determined by the Florida Turnpike Enterprise to be effective in keeping noise levels from the Florida Turnpike below the State noise abatement criteria in effect as of the date of issuance of this Development Order. All sales contracts and homeowner documents shall also include a statement that any additional noise mitigation measures requested in the future by the Residents will not be funded or constructed by Palm Beach County.

The property owner shall submit documentation of compliance with the noise level requirement above on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before January 15, 2007 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowner's association.
(DATE/ONGOING: MONITORING - Eng) (Previous Condition Engineering 6 of Resolution R-2010-0440, Control No. 2004-250)

7. Acceptable surety required for the offsite road improvements as outlined in the Traffic Performance Standards Phasing Condition B and for C which relates to that portion of West Atlantic Avenue from Starkey Road to Lyons Road plus the appropriate paved tapers shall be posted with the Office of the Land Development Division on or before January 28, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension)
(DATE: MONITORING - Eng) (Previous Condition Engineering 7 of Resolution R-2010-0440, Control No. 2004-250) [Note: COMPLETED per the Atlantic Avenue Agreement]

8. The Property owner shall construct:

- i. Left turn lane north approach on Lyons Road at Project Entrance.
- ii. Right turn lane south approach on Lyons Road at the Project Entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.

a. Permits required by Palm Beach County for the construction of these turn lanes shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)

b. Construction of these turn lanes shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng) (Previous Condition Engineering 8 of

Resolution R-2010-0440, Control No. 2004-250)

9. Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's entrance road. This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. Property owner 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. (BLDG PERMIT: MONITORING - Eng) (Previous Condition Engineering 10 of Resolution R-2010-0440, Control No. 2004-250)

10. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Eng) (Previous Condition Engineering 11 of Resolution R-2010-0440, Control No. 2004-250)

11. Prior to September 15, 2006, the property owner shall complete the funding for the construction for the improvements and construction identified in the Traffic Performance Standards Phasing Condition A and in B for that portion of West Atlantic Avenue from Starkey Road to Lyons Road plus the appropriate paved tapers. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Funding shall include any required right of way acquisition costs, construction plans, and all construction costs. (DATE: MONITORING - Eng) (Previous Condition Engineering 12 of Resolution R-2010-0440, Control No. 2004-250) [Note: COMPLETED per the Atlantic Avenue Agreement]

ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering the conservation parcels, associated with the Dubois AGR PUD, shall be reviewed and approved by ERM prior to final DRO site plan approval. (DRO: ERM - ERM) (Previous Condition Environmental 1 of Resolution R-2010-0440, Control 2004-250) [COMPLETE]

2. All Restricted Covenant Agreements and Conservation Easements for the Conservation Parcels, associated with the Dubois AGR PUD, shall be submitted to ERM for review and approval prior to recordation. (DRO: ERM- ERM) (Previous Condition Environmental 2 of Resolution R-2010-0440, Control 2004-250) [COMPLETE]

LANDSCAPE - GENERAL

1. A minimum of fifty (50) percent of all (new and replacement) trees to be planted in the landscape buffers shall meet the following minimum standard at installation: Tree height: fourteen (14) feet. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape 1 of Resolution R-2010-0440, Control No. 2004-250).

2. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. palm heights: Twelve (12) feet clear trunk;
- 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. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape 2 of Resolution R-2010-0440, Control No. 2004-250)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape 3 of Resolution R-2010-0440, Control 2004-250)

4. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous

Landscape 4 of Resolution R-2010-0440, Control No. 2004-250)

LANDSCAPE - PERIMETER

4.Landscape 4 of Resolution R-2010-0440, Control 2004-250, which currently states:

In addition to Code requirements, the proposed landscaping for the perimeter of the development area shall be upgraded to include: One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to ULDC requirements, the perimeter landscape buffers shall be upgraded to include:

- a. One (1) palm or pine for each thirty (30) linear feet of the total length of the perimeter buffers; and,
- b. Clustering of the palms or pines is permitted. (DRO: ZONING - Landscape).

LAKE WORTH DRAINAGE DISTRICT

1.Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed, the South 5 feet of the North 70 feet of Tracts 67-80, Sec 29/46/42, Palm Beach Farms Co. Plat No. 1 for the L-37 Canal Right-of-Way based on cross-sections. PLAT: ENG-LWDD

PALM TRAN

1.The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN - Palm Tran) (Previous Condition Palm Tran 1 of Resolution R-2010-0440, Control 2004-250)

2.Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENG - PalmTran) (Previous Condition Palm Tran 2 of Resolution R-2010-0440, Control 2004-250)

PLANNED DEVELOPMENT

1.PUD 1 of Resolution R-2010-0440, Control 2004-250, which currently states:

Prior to recordation of the first plat, all property included in the legal description of the application shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:

- a. Formation of a single "master" Property Owner's Association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
- b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
- c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/ COUNTY ATTY - Zoning)

Is hereby amended to read:

Prior to recordation of the first plat for the development area, all property included in the legal description of the development area shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:

- a. Formation of a single "master" Property Owner's Association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
- b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
- c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the development area. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/COUNTY ATTY - Zoning)

PLANNING

1. Condition Planning 1 of Resolution R-2010-0440, Control 2004-250, which currently states:

The PUD shall be limited to a maximum of 554 dwelling units and shall meet 60/40 AGR-PUD requirements. The balance of 168 additional units shall not be utilized on this site or transferred elsewhere. (DRO/ONGOING: PLANNING - Planning)

Is hereby amended to read:

The PUD shall be limited to a maximum of 658 dwelling units and shall meet 60/40 AGR-PUD requirements. The balance of 64 additional units shall not be utilized on this site or transferred elsewhere without prior approval from the BCC. (ONGOING: PLANNING - Planning)

2. Condition Planning 3 of Resolution R-2010-0440, Control 2004-250, which currently states:

Prior to recordation of a plat for the development area of this PUD, the property owner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Dubois Development parcel would not result in the creation of an illegal lot of record. The property owner shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of the Dubois Development Parcel total a combined acreage of 299.18 acres, prior to dedications, and 280.91 acres with dedications. (PLAT: ENG/CO ATT - Planning)

Is hereby deleted. REASON: Code requirement.

3. Prior to final approval by the Development Review Officer, submit a signed copy of the AGR Preserve Management Plans approved by ERM for each Agricultural Preserve parcel. (DRO-PLANNING-Planning) (Previous Condition Planning 6 of Resolution R-2010-0440, Control 2004-250)[COMPLETE]

4. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall add a Preservation Area/Proposed Uses" notes section on page 1 of the site plan and include the following:

The preservation areas approved as part of this application shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

PERMITTED USES

- 1) Crop production, pasture, or equestrian purposes or may be retained as fallow land;
- 2) Accessory structures such as barns and pump structures are permitted;

- 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water Management District, or for water management purposes not directly related to the 60/40 AGR-PDD if approved by the Department of Environmental Resources Management and managed for environmental resource values;
- 4) Wetland or bona fide agricultural uses per the Unified Land Development Code (ULDC);
- 5) Other uses as permitted by the required conservation easements;
- 6) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the ULDC;

NOT PERMITTED

- 7) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD;
- 8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area. (DRO/ONGOING: PLANNING - Planning) (Previous Condition Planning 7 of Resolution R-2010-0440, Control 2004-250)

5. Prior to plat recordation for the Dubois Development Area Parcel, the conservation easements for all of the Preservation parcels shall be recorded, as approved by the County Attorney's Office, Department of Environmental Resources Management, and the Planning Division.

a. The conservation easements for all of these preserve parcels shall contain:

- 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
- 2) a list of permitted uses, uses not permitted, and prohibited activities.

b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (PLAT: ENG/CO ATT/ERM - Planning) (Previous Condition Planning 9 of Resolution R-2010-0440, Control 2004-250)[COMPLETE]

6. Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to the recordation of the Plat for the Development Parcel, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (PLAT: ENGINEERING/CTY ATTY - Planning) (Previous Condition Planning 10 of Resolution R-2010-0440, Control 2004-250)[COMPLETE]

SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD) (Previous Condition SCHOOL BOARD 1 of Resolution R-2010-0440, Control No. 2004-250)

2. Condition SCHOOL BOARD 2 of Resolution R-2010-0440, Control 2004-00250, which currently states:

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

Is hereby amended to read:

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

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the Neighborhood Park detail shall be provided on the Final Regulating Plan. The Neighborhood Park detail is subject to DRO review and approval. A minimum of one (1) Neighborhood Park is required, which may be located in Pod E, F, G, or H subject to the requirement in Art. 3.E.2.B.2.a Proximity to Other Uses, for the development. (DRO: ZONING - Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD-PBCWUD) (Previous Condition Utilities 1 of Resolution R-2010-0440, Control 2004-250)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

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

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)