

RESOLUTION NO. R-2024- 0120

RESOLUTION APPROVING ZONING APPLICATION W-2022-01656  
(CONTROL NO. 1978-00273)  
a Type 2 Waiver  
APPLICATION OF Pine Trail Square LLC  
BY Dunay, Miskel and Backman, LLP, AGENT  
(Pine Trail Shopping Center)

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;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application W-2022-01656 the application of Dunay, Miskel and Backman, LLP, Agent, for a Type 2 Waiver to extend the hours of operation for an Indoor Entertainment use in Building 9C within 250 feet of a parcel of land with a residential use on 28.06 acres was presented to the Board of County Commissioners at a public hearing conducted on January 25, 2024;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Waiver;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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:

1. The foregoing recitals are true and correct and are incorporated herein.

2. Zoning Application W-2022-01656, the Application of Pine Trail Square LLC, by Dunay, Miskel and Backman, LLP, Agent, for a Type 2 Waiver to extend the hours of operation for an Indoor Entertainment use in Building 9C within 250 feet of a parcel of land with a residential use on 28.06 acres, on a parcel of land generally described as shown on the legal description 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 January 25, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Sachs moved for the approval of the Resolution.

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

Commissioner Maria Sachs, Mayor	- Aye
Commissioner Maria G. Marino, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Michael A. Barnett	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 25, 2024.

Filed with the Clerk of the Board of County Commissioners on January 25, 2024.

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

BY:   
COUNTY ATTORNEY

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER  
BY:   
DEPUTY CLERK

## EXHIBIT A

### LEGAL DESCRIPTION

#### PARCEL 1 (FEE SIMPLE)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND PALM BEACH COUNTY CONCRETE MONUMENT MARKING THE NORTH ONE-QUARTER CORNER OF SAID SECTION 25; THENCE RUN SOUTH 00 DEGREES 43 MINUTES 36 SECONDS WEST, ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 25 AND THE CENTERLINE OF MILITARY TRAIL (A 120 FOOT ROAD RIGHT OF WAY), A DISTANCE OF 70.01 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 06 SECONDS WEST, A DISTANCE OF 253.04 FEET TO THE POINT OF BEGINNING. THENCE SOUTH 00 DEGREES 43 MINUTES 36 SECONDS WEST, A DISTANCE OF 155.02 FEET TO THE SOUTH LINE OF THE NORTH 40 FEET OF LOT 1 OF EASTVIEW ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 18, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 52 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE OF THE NORTH 40 FEET OF LOT 1, 193.02 FEET TO THE WESTERLY RIGHT OF WAY LINE OF MILITARY TRAIL; THENCE SOUTH 00 DEGREES 43 MINUTES 36 SECONDS WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 160.00 FEET TO A POINT ON THE NORTH LINE OF LOT 3 OF SAID EASTVIEW ESTATES PLAT; THENCE SOUTH 89 DEGREES 52 MINUTES 7 SECONDS WEST ALONG SAID NORTH LINE OF LOT 3, A DISTANCE OF 284.03 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 33 SECONDS WEST, A DISTANCE OF 200 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 06 SECONDS EAST, A DISTANCE OF 125.01 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 33 SECONDS WEST ALONG A LINE 118 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF LOTS 5 AND 6, A DISTANCE OF 150.00 FEET TO THE SOUTH LINE OF THE NORTH ONE-HALF OF LOT 6 OF SAID EASTVIEW ESTATES; THENCE SOUTH 89 DEGREES 52 MINUTES 06 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 7.00 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 33 SECONDS WEST, A DISTANCE OF 150.00 FEET TO THE SOUTH LINE OF LOT 7, OF SAID EASTVIEW ESTATES; THENCE NORTH 89 DEGREES 52 MINUTES 07 SECONDS EAST, ALONG SAID SOUTH LINE OF LOT 7, A DISTANCE OF 7.00 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 33 SECONDS WEST, A DISTANCE OF 100.00 FEET TO THE NORTH LINE OF LOT 9 OF SAID EASTVIEW ESTATES; THENCE SOUTH 89 DEGREES 52 MINUTES 06 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 118.01 FEET TO THE WEST LINE OF SAID PLAT OF EASTVIEW ESTATES; THENCE SOUTH 00 DEGREES 41 MINUTES 36 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 315.99 FEET TO A POINT ON THE NORTHERLY ULTIMATE RIGHT OF WAY LINE OF ELMHURST ROAD; SAID ULTIMATE RIGHT OF WAY LINE LYING 40.00 FEET NORTHERLY OF THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 25; THENCE NORTH 89 DEGREES 51 MINUTES 55 SECONDS WEST, ALONG SAID ULTIMATE RIGHT OF WAY LINE OF ELMHURST ROAD, A DISTANCE OF 672.93 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 25; THENCE NORTH 00 DEGREES 37 MINUTES 25 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 89.48 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 129.48 FEET OF THE SOUTH 258.96 FEET OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 25; THENCE NORTH 89 DEGREES 51 MINUTES 55 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 336.52 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 25; THENCE NORTH 00 DEGREES 35 MINUTES 21 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 279.68 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 55 SECONDS EAST, A DISTANCE OF 196.70 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 05 SECONDS WEST, A DISTANCE OF 120.00 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 55 SECONDS EAST, A DISTANCE OF 130.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 05 SECONDS EAST, A DISTANCE OF 120.00 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 55 SECONDS EAST, A DISTANCE OF 10.00 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF THE WEST ONE-HALF

OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 25; THENCE NORTH 00 DEGREES 37 MINUTES 25 SECONDS EAST ALONG SAID LINE, A DISTANCE OF 727.89 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 200.00 FEET OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 25; THENCE NORTH 89 DEGREES 52 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 132.01 FEET TO A POINT ON THE EAST LINE OF THE WEST 132.00 FEET OF THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 25; THENCE NORTH 00 DEGREES 37 MINUTES 25 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 130.01 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL L-1; ACCORDING TO THE LANDS RECORDED IN O.R. BOOK 1732, PAGE 612, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 52 MINUTES 06 SECONDS EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 626.63 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE SOUTH 129.48 FEET OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE WEST 165 FEET THEREOF; AND LESS THE SOUTH 30 FEET THEREOF.

LESS AND EXCEPT PARCELS 125 AND 126 UNDER CASE NO. CL96-4237-AO CONDEMNATION PROCEEDINGS BY PALM BEACH COUNTY, FOR ELMHURST ROAD, AS EVIDENCED BY LIS PENDENS RECORDED IN O.R. BOOK 10584, PAGE 1337, AND FINAL JUDGMENT RECORDED IN O.R. BOOK 12073, PAGE 52.

PARCEL 2: (LEASEHOLD/TAPLIN-ORB 2723, PAGE 72):

LESSEE'S INTEREST IN THAT CERTAIN LEASE BY AND BETWEEN TAPLIN CONSTRUCTION CORPORATION, A FLORIDA CORPORATION, AS LESSOR, AND HARRY S. HAMILTON, TRUSTEE, AS LESSEE, DATED AUGUST 12, 1977, MEMORIALIZED BY THAT CERTAIN MEMORANDUM OF LEASE DATED AUGUST 12, 1977 FILED AUGUST 16, 1977 AT OFFICIAL RECORDS BOOK 2723, PAGE 72, AS ASSIGNED TO PINE TRAIL PARTNERSHIP, A FLORIDA GENERAL PARTNERSHIP, PURSUANT TO THAT CERTAIN ASSIGNMENT OF LEASE DATED JULY 31, 1997, RECORDED ON AUGUST 1, 1997 IN OFFICIAL RECORDS BOOK 9918, PAGE 1401, AS ASSIGNED TO PINE TRAIL SQUARE, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, PURSUANT TO THAT CERTAIN ASSIGNMENT OF GROUND LEASE DATED JULY 18, 2002, RECORDED JULY 19, 2002 IN OFFICIAL RECORDS BOOK 13937, PAGE 1386, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DEMISING THE FOLLOWING DESCRIBED LAND:

LOTS 3 AND 4, EASTVIEW ESTATES, 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 18, PAGE 18; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA; LESS THE EAST 10 FEET FOR ROAD RIGHT OF WAY PURPOSES.

PARCEL 3: (LEASEHOLD/TAPLIN-ORB 3348, PAGE 1831):

LESSEE'S INTEREST IN THAT CERTAIN NINETY-NINE YEAR GROUND LEASE BY AND BETWEEN TAPLIN CONSTRUCTION CORPORATION, A FLORIDA CORPORATION, AS LESSOR AND HARRY S. HAMILTON, TRUSTEE, AS LESSEE, DATED JULY 24, 1980, MEMORIALIZED BY THAT CERTAIN NINETY-NINE YEAR GROUND LEASE DATED JULY 24, 1980, RECORDED ON AUGUST 20, 1980 IN OFFICIAL RECORDS BOOK 3348, PAGE 1831, AS ASSIGNED TO PINE TRAIL PARTNERSHIP, A FLORIDA GENERAL PARTNERSHIP PURSUANT TO THAT CERTAIN ASSIGNMENT OF LEASE DATED JULY 31, 1997, RECORDED ON AUGUST 1, 1997 IN OFFICIAL RECORDS BOOK 9918, PAGE 1401, AS ASSIGNED TO PINE TRAIL SQUARE, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY PURSUANT TO THAT CERTAIN ASSIGNMENT OF GROUND LEASE DATED JULY 18, 2002, RECORDED JULY 19, 2002 IN OFFICIAL RECORDS BOOK 13937, PAGE 1392, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DEMISING THE FOLLOWING DESCRIBED LAND:

A PARCEL OF LAND IN THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL OF LAND BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE NORTH BY THE WESTERLY PROLONGATION OF THE NORTH LINE OF LOT 3, EASTVIEW ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGE 18, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BOUNDED ON THE WEST BY A LINE 7.0 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO THE WEST LINES OF LOTS 3 AND 4 OF SAID PLAT OF EASTVIEW ESTATES.

BOUNDED ON THE SOUTH BY THE WESTERLY PROLONGATION OF THE SOUTH LINE OF LOT 4 OF SAID PLAT OF EASTVIEW ESTATES.

BOUNDED ON THE EAST BY THE WEST LINES OF LOTS 3 AND 4 OF SAID PLAT OF EASTVIEW ESTATES.

PARCEL 4: (FEE SIMPLE)

THE SOUTH 1/2 OF LOT 6 AND ALL OF LOT 7, EASTVIEW ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGE 18, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXCEPTING THE WEST 111 FEET AND THE EAST 10 FEET THEREOF.

PARCEL 5: (FEE SIMPLE)

LOT 8, LESS THE WEST 118 FEET AND LESS THE EAST 10 FEET THEREOF, EASTVIEW ESTATES, A SUBDIVISION OF PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR SAID COUNTY, IN PLAT BOOK 18, PAGE 18.

PARCEL 6: (FEE SIMPLE):

LOTS 9, 10, AND 11, EASTVIEW ESTATES, 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 18, PAGE 18, LESS THE EAST 10 FEET THEREOF.

LESS AND EXCEPT PARCELS 125 AND 126 UNDER CASE NO. CL96-4237-AO CONDEMNATION PROCEEDINGS BY PALM BEACH COUNTY, FOR ELMHURST ROAD, AS EVIDENCED BY LIS PENDENS RECORDED IN O.R. BOOK 10584, PAGE 1337, AND FINAL JUDGMENT RECORDED IN O.R. BOOK 12073, PAGE 52.

PARCEL 7: (EASEMENT/LWDD-ORB 3206, PAGE 592):

EASEMENTS FOR DRAINAGE, INGRESS AND EGRESS PURPOSES AS SET FORTH IN THE GRANT OF EASEMENT DATED DECEMBER 12, 1979, AND RECORDED ON JANUARY 3, 1980, IN O.R. BOOK 3206, PAGE 592, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 8: (EASEMENT)

EASEMENTS CONTAINED IN DECLARATION OF EASEMENT AND COVENANTS DATED FEBRUARY 1, 1980 AND RECORDED ON FEBRUARY 4, 1980 IN O.R. BOOK 3224, PAGE 1406, TOGETHER WITH THE RELEASE AND CANCELLATION IN PART OF THE DECLARATION OF EASEMENTS AND COVENANTS, AS RECORDED IN O.R. BOOK 3627, PAGE 869 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 9: (FEE SIMPLE)

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER (NORTHEAST 1/4) OF THE NORTHWEST QUARTER (NORTHWEST 1/4) OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER (NORTHEAST 1/4) OF THE NORTHWEST QUARTER (NORTHWEST 1/4); THENCE SOUTH 89°24'28" WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER (NORTHEAST 1/4) OF THE NORTHWEST QUARTER (NORTHWEST 1/4), A DISTANCE OF 1009.33 FEET;

THENCE DEPARTING FROM SAID LINE, NORTH 00°06'00" WEST, A DISTANCE OF 409.95 FEET; THENCE SOUTH 89°16'29" WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°16'28" WEST A DISTANCE OF 130.00 FEET; THENCE SOUTH 00°43'32" EAST, A DISTANCE OF 120.00 FEET; THENCE NORTH 89°16'28" EAST, A DISTANCE OF 130.00 FEET; THENCE NORTH 00°43'32" WEST, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

PARCEL 10: (FEE SIMPLE):

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 175 FEET OF THE NORTH 225 FEET OF THE WEST 200 FEET OF THE EAST 253 FEET OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION CONVEYED FOR ROAD RIGHT OF WAY BY DEED RECORDED FEBRUARY 10, 1977 IN OFFICIAL RECORDS BOOK 2639, PAGE 232 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THOSE APPURTENANT EASEMENTS AS SET FORTH IN THE DECLARATION OF EASEMENTS AND COVENANTS RECORDED IN OFFICIAL RECORDS BOOK 3224, PAGE 1406 AND AS AFFECTED BY THE RELEASE AND CANCELLATION IN PART OF DECLARATION OF EASEMENTS AND COVENANTS RECORDED IN OFFICIAL RECORDS BOOK 3627, PAGE 869, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT ROAD RIGHT OF WAY DESCRIBED IN ORDER OF TAKING RECORDED JANUARY 22, 1991 IN OFFICIAL RECORDS BOOK 6705, PAGE 984 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND FURTHER LESS AND EXCEPT THAT PORTION OF THE ABOVE REFERENCED PROPERTY LYING IN THE BED OF OKEECHOBEE BOULEVARD AND MILITARY TRAIL.

METES AND BOUNDS DESCRIPTION:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 25; THENCE RUN SOUTH 01 DEGREES 25 MINUTES 19 SECONDS WEST, ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 25 FOR A DISTANCE OF 225.02 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 22 MINUTES 28 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH 225.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 25 FOR A DISTANCE OF 60.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 22 MINUTES 26 SECONDS WEST FOR A DISTANCE OF 193.02 FEET TO A POINT; THENCE RUN NORTH 01 DEGREES 25 MINUTES 19 SECONDS EAST ALONG THE WEST LINE OF THE EAST 253.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 25 FOR A DISTANCE OF 163.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD; THENCE RUN SOUTH 89 DEGREES 22 MINUTES 26 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 157.02 FEET TO A POINT; THENCE RUN SOUTH 43 DEGREES 58 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 49.15 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE RUN SOUTH 00 DEGREES 58 MINUTES 29 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 128.02 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THOSE APPURTENANT EASEMENTS AS SET FORTH IN THE DECLARATION OF EASEMENTS AND COVENANTS RECORDED IN OFFICIAL RECORDS BOOK 3224, PAGE 1406 AND AS AFFECTED BY THE RELEASE AND CANCELLATION IN PART OF DECLARATION OF EASEMENTS AND COVENANTS RECORDED IN OFFICIAL RECORDS BOOK 3627, PAGE 869, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO DESCRIBED AS:

PINE TRAIL SQUARE:

A PORTION OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; AND PORTIONS OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 AND 11, EAST VIEW ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT

BOOK 18, PAGE 18, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 25; THENCE SOUTH 01°29'02" WEST, ON THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 25, A DISTANCE OF 97.91 FEET; THENCE NORTH 88°30'58" WEST, A DISTANCE OF 61.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD #809) TO THE POINT OF BEGINNING; THENCE SOUTH 01°02'10" WEST, ON SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 128.02 FEET; THENCE SOUTH 01°29'02" WEST, ON SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 360.00 FEET; THENCE NORTH 89°22'28" WEST, ON THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 158.90 FEET; THENCE SOUTH 01°26'59" WEST, ON THE EAST LINE OF THE WEST 118.00 FEET OF SAID LOTS 5 AND 6, A DISTANCE OF 150.00 FEET; THENCE SOUTH 89°22'28" EAST, ON THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF SAID LOT 6, A DISTANCE OF 158.81 FEET; THENCE SOUTH 01°29'02" WEST, ON THE SAID WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 537.57 FEET TO A POINT OF CURVE; THENCE SOUTHERLY AND WESTERLY ON THE SAID WEST RIGHT-OF-WAY LINE AND ON SAID CURVE TO THE RIGHT, WITH A RADIUS OF 28.00 FEET, A CENTRAL ANGLE OF 89°24'29", AN ARC DISTANCE OF 43.69 FEET TO A POINT OF TANGENCY AND TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF ELMHURST ROAD; THENCE WESTERLY ON SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES; 1) NORTH 89°06'29" WEST, A DISTANCE OF 263.08 FEET; 2) THENCE SOUTH 89°37'09" WEST, A DISTANCE OF 90.04 FEET; 3) THENCE NORTH 89°06'29" WEST, A DISTANCE OF 568.61 FEET TO THE END OF SAID THREE (3) COURSES AND DISTANCES; THENCE NORTH 01°22'51" EAST, ON THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 25, A DISTANCE OF 89.48 FEET; THENCE NORTH 89°06'29" WEST, ON THE SOUTH LINE OF THE NORTH 129.48 FEET OF THE SOUTH 258.96 FEET OF THE WEST ONE-HALF (W 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 25, A DISTANCE OF 336.52 FEET; THENCE NORTH 01°20'47" EAST, ON THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 25, A DISTANCE OF 279.68; THENCE SOUTH 89°14'29" EAST, ON THE NORTH LINE OF THE SOUTH 151.07 FEET OF THE NORTH 410.09 FEET OF THE WEST ONE-HALF (W 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 25, A DISTANCE OF 336.70 FEET; THENCE NORTH 01°22'51" EAST, ON THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 25, A DISTANCE OF 727.89 FEET; THENCE SOUTH 89°22'28" EAST, ON THE SOUTH LINE OF THE NORTH 200.00 FEET OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 25, A DISTANCE OF 132.01 FEET; THENCE NORTH 01°22'51" EAST, ON THE EAST LINE OF THE WEST 132.00 FEET OF THE EAST ONE-HALF (E 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 25, A DISTANCE OF 130.01 FEET; THENCE SOUTH 89°22'28" EAST, ON THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-1 ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD, A DISTANCE OF 626.63 FEET; THENCE NORTH 01°29'02" EAST, ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 8.00 FEET; THENCE SOUTH 89°22'28" EAST, ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 157.02 FEET; THENCE SOUTH 43°57'16" EAST, ON THE WEST RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL, A DISTANCE OF 49.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,222,421 SQUARE FEET OR 28.0629 ACRES MORE OR LESS.

ALL OF THE ABOVE LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH

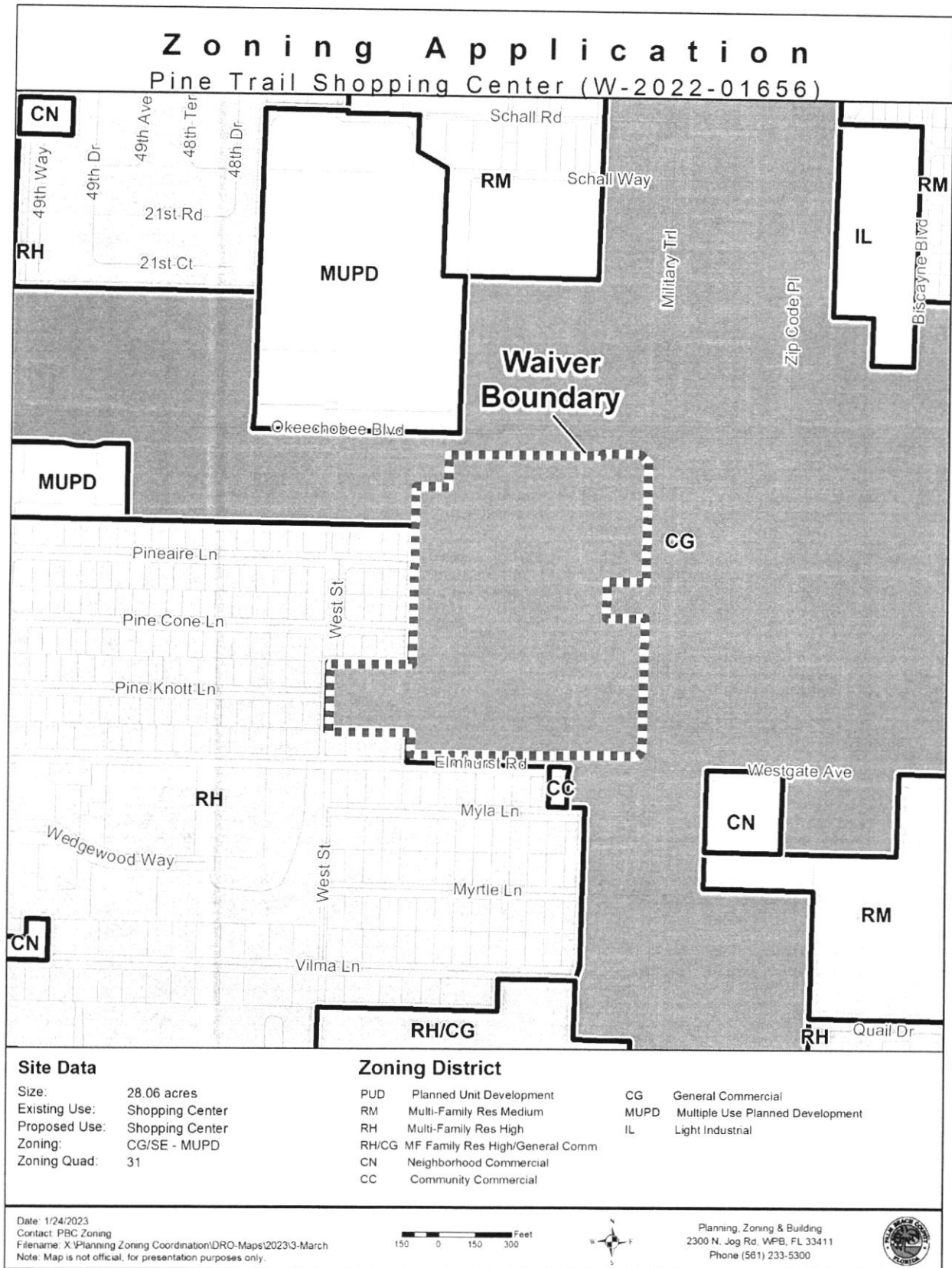




EXHIBIT C

CONDITIONS OF APPROVAL

**Type 2 Waiver**

ULDC Article	Required	Proposed	Variance
5.E.5.A Hours of Operation	6:00 a.m. to 11:00 p.m.	<ul style="list-style-type: none"> <li>6:00 a.m. through 12:30 a.m. Sunday through Thursday</li> <li>6:00 a.m. through 1:30 a.m. Friday, Saturday, and the day before and day of federal holidays</li> <li>Limited to the southernmost Indoor Entertainment tenant located within Building 9C</li> </ul>	<ul style="list-style-type: none"> <li>an additional hour and a half Sunday through Thursday</li> <li>an additional two hours and a half Friday, Saturday, and the day before and the day of a federal holiday</li> </ul>

**ALL PETITIONS**

1. The preliminary Site Plan is dated December 14, 2023. 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 as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)
2. Prior to June 30, 2024, the site shall be modified to implement the conditions of approval of BA-2003-00223. (DATE: MONITORING - Zoning)
3. Prior to final approval by the DRO, the Variance Chart shall be corrected to accurately indicate the BA-2003-00223 approval and to include the Type 2 Waiver Chart. (DRO: ZONING - Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE**

1. Prior to the issuance of Certification of Occupancy for the Indoor Entertainment use subject to the Type 2 Waiver, the vegetation within the landscape buffer along the southern property line fronting Elmhurst Road along the parking area east of Building 9C shall be increased by 30% above the minimum ROW buffer requirements and shall be a minimum of 80% native. (BLDGPM/CO: ZONING - Zoning)

**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; 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; the 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 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 of Approval; 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)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.