

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Application No.: W/DOA-2012-01838
Control No.: 2004-00250
Applicant: Boca Raton Associates VI, LLLP
Owners: Boca Raton Associates VI, LLLP
Pontano Family Farms LLC
G L Homes Of Palm Beach Associates Ltd
South Florida Water Management District (SFWMD)
Palm Beach County
Agent: G.L. Homes - Gladys DiGirolamo
Telephone No.: (954) 753-1730
Project Manager: Carol Glasser, Site Planner II

Location: Approximately 1.5 miles south of W. Atlantic Avenue on the east side of Lyons Road (Bridges AGR PUD)

TITLE: a Waiver REQUEST: to allow an increase in the number of cul-de-sacs
TITLE: a Development Order Amendment REQUEST: to reconfigure the Master Plan, delete units; and, modify Conditions of Approval (Planning)

APPLICATION SUMMARY: Proposed is a Development Order Amendment (DOA) for the Bridges Agricultural Reserve Planned Unit Development (AGR PUD) f.k.a. Dubois AGR PUD. The 722.53-acre site was last approved by the Board of County Commissioners (BCC) on June 27, 2011 for a DOA to allow 658 dwelling units; and, a Waiver to allow 58% of the streets to terminate in a cul-de-sac.

The applicant is requesting to reconfigure the Master Plan to decrease dwelling units from the 622 units indicated on the Final Master Plan to 591 (-31 units in Pod G). A total of 218 Single Family and 373 Zero Lot Line (ZLL) units are proposed. The applicant requests to modify Planning Condition 1 for the proposed 591 units; and, to modify Planning Condition 4 to be consistent with the Unified Land Development Code (ULDC) for uses permitted on preserve parcels. A Waiver is also requested to allow an increase in the percentage of streets terminating in a cul-de-sac to 63% for a total of 12 cul-de-sacs. The Preliminary Master Plan (Figure 7) indicates 120.35 acres of open space including a 4.78-acre recreation parcel and 73.51 acres of lakes. No changes are proposed to the 423.46 acres of preserve area. One access point from Lyons Road will remain.

ISSUES SUMMARY:

o Project History

On July 28, 2005, the BCC approved Resolutions R-2005-1406 and R-2005-1407 for a rezoning of 722.64 acres of land from the AGR Zoning District to the AGR PUD Zoning District for the development of 554 dwelling units consisting of 356 Single Family and 198 ZLL units in a 60/40 AGR PUD (minimum of 60 percent preserve area acreage; maximum of 40 percent development area acreage); and, a Waiver to allow 100% of the streets to terminate in a cul-de-sac. The Public Civic Pod requirement was satisfied pursuant to an Exchange and Civic Site Dedication Agreement approved by the BCC via Resolution R-2004-0936 on May 18, 2004.

On October 26, 2006, the BCC approved Resolutions R-2006-2327 and R-2006-2328 for a DOA to re-align the project entrance with the Hyder AGR PUD project entrance and to change the housing type of the 554 dwelling units to 283 Single-Family units (-73) and 271 ZLL units (+73); and, a Waiver of objectives and standards to allow 100% of the streets to terminate in a cul-de-sac.

On January 24, 2008, the BCC approved Resolutions R-2008-113 and R-2008-114 for a rezoning from the AGR Zoning District to the ARG PUD Zoning District; and, a DOA to delete a 14.23-acre area of land that overlapped an existing WFLX Tower site and add a 14.23-acre area of land within the South Florida Water Management District (SFWMD) preserve area.

On March 31, 2010, the BCC approved Resolutions R-2010-440 and R-2010-441 to increase the dwelling units by 48 to 602 consisting of 186 Single-Family (-97) and 416 ZLL (+145) units, designate the Model Row, delete/modify Conditions of Approval, restart the Commencement of Development clock; and a Waiver to allow 50% of the streets to terminate in a cul-de-sac.

On June 27, 2011, the BCC approved Resolutions R-2011-964 and R-2011-965 for a DOA to increase the number of dwelling units by 56 to 658 units consisting of 169 Single Family (-17) and 489 ZLL (+73) units, relocate the Model Row, amend Conditions of Approval, restart the Commencement of Development clock; and, a Waiver to allow 58% of the streets to terminate in a cul-de-sac.

On September 1, 2011, the Zoning Commission approved Resolution ZR-2011-25 for a Type II Variance to allow a 10% increase in building coverage for one-story dwellings.

o Consistency with Comprehensive Plan

The Planning Division has found the requests consistent with the Agricultural Reserve (AGR) land use designation of the Palm Beach County Comprehensive Plan. See Staff Review and Analysis for additional information.

o Compatibility with Surrounding Land Uses

NORTH:

FLU Designation: AGR
Zoning District: AGR PUD
Supporting: Single family residences (Mizner Country Club aka Delray Training Center, Control No. 1987-007)

SOUTH:

FLU Designation: AGR
Zoning District: AGR PUD
Supporting: Currently Agricultural use
Approved but has not commenced development: Single Family and Zero Lot Line Residences. Future development area of Appolonia Farms PUD, Control No. 2004-022

EAST:

East of Lake Worth Drainage District (LWDD) E-2W Canal and Florida's Turnpike
FLU Designation: Low Residential, 3 units per acre (LR-3)
Zoning District: Residential Transitional Suburban (RTS) Zoning District, Supporting: Single Family Residences, (Polo Club West aka Polo Club Gleneagles aka Addison Reserve Polo Club West aka Coventry PUD, Control No. 1980-215)

WEST:

West of the 110-foot wide Lyons Road right-of-way
FLU Designation: AGR
Zoning District: AGR PUD
Supporting: Currently Agricultural use. Approved but has not commenced development: of Hyder AGR-PUD (Control No 2005-455)

Bridges AGR PUD was previously found to be compatible with the surrounding land uses via Resolution R-2011-0965 on June 27, 2011. The Waiver and Development Order Amendment requests to reconfigure the Master Plan and decrease the number of units will not create an incompatibility.

o Exemplary Design

A DOA to a previously approved PUD shall only be granted to a project exceeding the goals, policies, and objectives in the Plan, the minimum requirements of the Code, and the design objectives and performance standards for a PUD, which include but are not limited to: sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses, mix of unit types, safety, and affordable housing. No changes are proposed to the preserve areas, which exceed Code requirements by 0.91 acres. The development area does not have an opportunity for cross access. The perimeter buffers exceed Code planting requirements.

The applicant is not proposing any reduction in the size of the recreation area corresponding to the reduction in the number of dwelling units. The 4.78-acre recreation area remains unchanged, which is a 1.24 acre increase of the minimum Code requirement of 3.54 acres based on the current request for a reduction in units.

o Waiver

The applicant is requesting 63% or 4 additional streets to terminate in a cul-de-sac subject to the grant of a Waiver. Approval of the waiver is subject to a BCC finding of 2 standards:

- 1) The additional cul-de-sacs must terminate in an open space providing amenities to the residents of the development.

The Street Layout and Pedestrian Pathways plan (Figure 12) indicates that cul-de-sacs identified as #3 in Pod B; #5 in Pod D; #9 in Pod H; and, between #10 and #11 in Pod H all terminate in an open space with amenities. The pedestrian amenity details (Figure 10) show a minimum of a bench, a pergola, 2 shade trees, 2 flowering trees, 3 palms, and shrubs are provided in each open space area. Therefore, Standard 1 is satisfied.

- 2) The open space amenity areas are accessible to the residents of the development.

The 4 pedestrian amenities are all connected to the pedestrian walkway system and are accessible to all of the residents of the development; therefore, Standard 2 is satisfied.

Staff has determined that there is a balance between dead-end streets and interconnectivity within the development based on the findings; therefore, is recommending approval of the waiver.

o Landscape/Buffering

No changes are proposed to the previously approved and installed landscape buffers. A 50-foot wide Type 3 Incompatibility buffer with a 15-foot high combination noise abatement berm and wall system is under construction at this time along the east property line adjacent to the proposed reconfiguration of Pod G.

o Signs

No changes are proposed to the Master Sign Plan (Figure 13).

TABULAR DATA

	EXISTING/APPROVED	PROPOSED
Property Control Number(s)	<p>Bridges Plat One: 00-42-46-29-07- Pod B= 75 ZLL</p> <p>Bridges Plat Two (includes Model Row): 00-42-46-29-08- Pod A= 56 Single Family; and, 6 ZLL</p> <p>Bridges Plat Three 00-42-46-29-09- Pod D = 94 ZLL</p> <p>Preserve Areas: 00-41-45-14-06-001-0000 (PBC Butts) 00-41-46-01-04-001-0000 (Johnson) 00-41-45-13-06-001-0000 (Chico) 00-41-45-03-00-000-1010 (SFWMD #1) 00-41-45-04-00-000-1010 (SFWMD #1) 00-41-45-14-00-000-3020 (SFWMD #2)</p> <p>Development Area: 00-42-46-29-01-000-0660 Final Subdivision Plans approved and Plats in process for: Plat Four: Pod C = 41 Single Family Plat Five: Pod F = 73 Single Family Plat Six: Pod E = 48 Single Family Plat Seven: Pod H = 93 ZLL Pod G (unplatted) = 136 ZLL</p>	<p>Same</p> <p>Same</p> <p>Same</p> <p>Same</p> <p>New</p> <p>Pod G = 105 ZLL (-31 units)</p>
Land Use Designation:	Agricultural Reserve (AGR)	Same
Zoning District:	Agricultural Reserve Planned Unit Development (AGR PUD)	Same
Tier:	Agricultural Reserve	Same
Use:	Single Family Zero Lot Line (ZLL) Home	Same
Acreage:	722.53	Same
Dwelling Units:	<p>622 units consisting of: 218 Single Family; and, 404 ZLL units (Per the Final Master Plan as amended on March 26, 2012)</p> <p>(The BCC approved 658 units on June 27, 2011 consisting of 128 Single Family and 530 ZLL units)</p>	<p>591 units consisting of: 218 Single Family; and, 373 ZLL units (-31 units)</p>
Density:	0.86 DU/AC	0.82 DU/AC
Access:	Lyons Road (1)	Same

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 1 contact from the public in support of this project (Exhibit E); and, 1 telephone inquiry requesting additional information.

RECOMMENDATION: Staff recommends approval of the Waiver; and, approval of the Development Order Amendment subject to 37 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a Waiver to allow an increase in the number of cul-de-sacs.

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan, delete units; and, modify Conditions of Approval (Planning) subject to the Conditions of Approval as indicated in Exhibit C.

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE

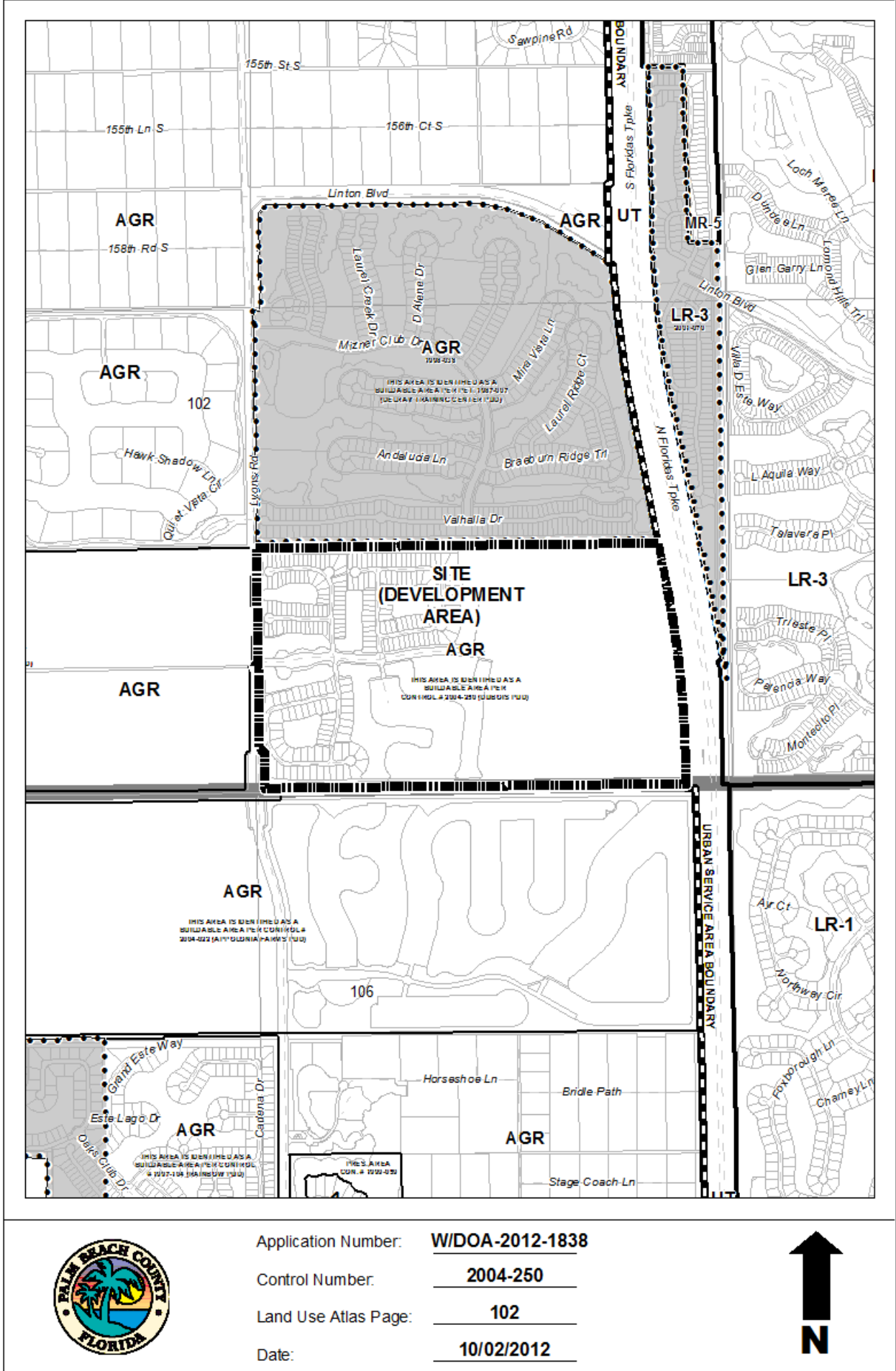
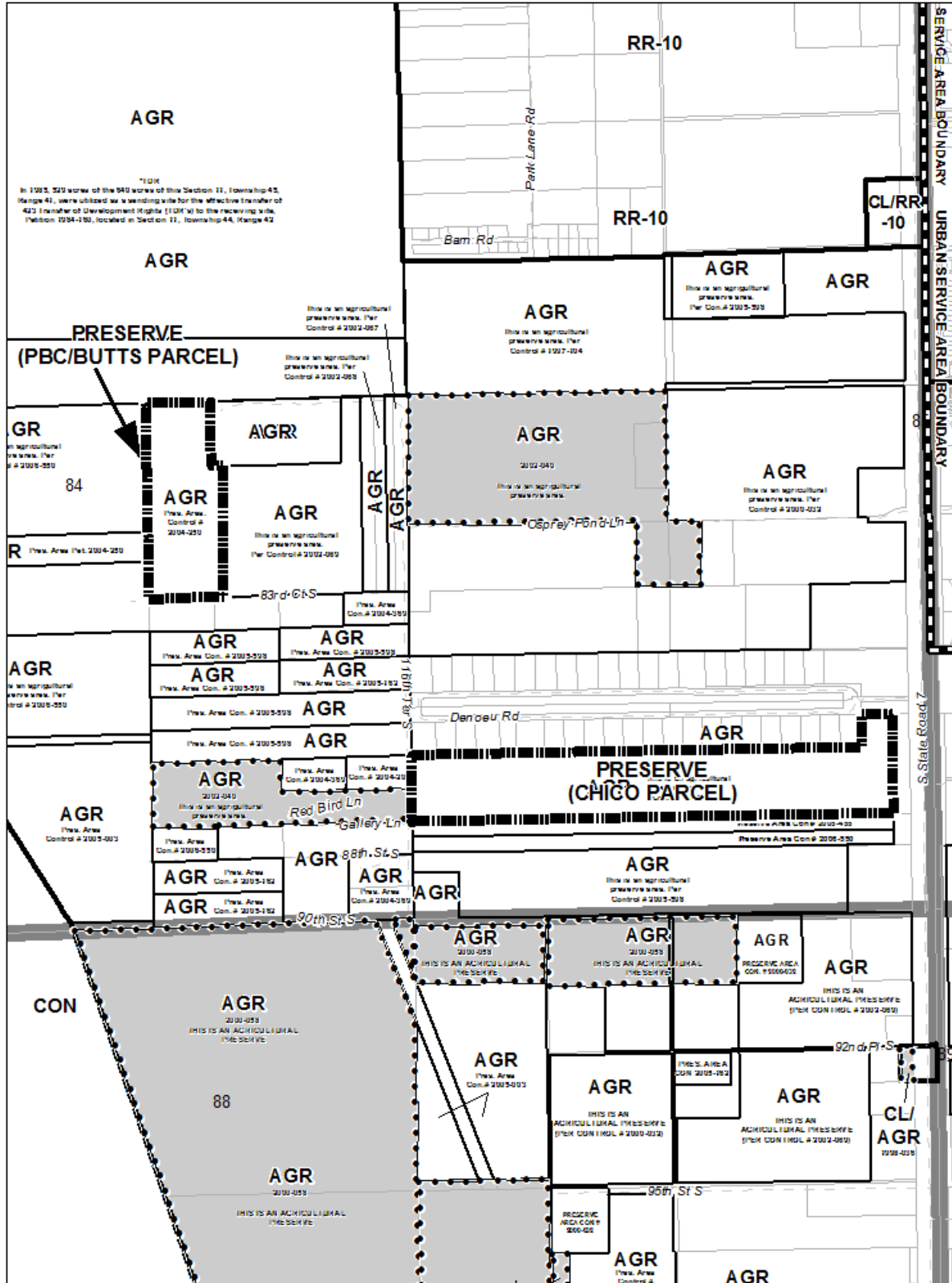


Figure 1 Land Use Map - Development Area

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE

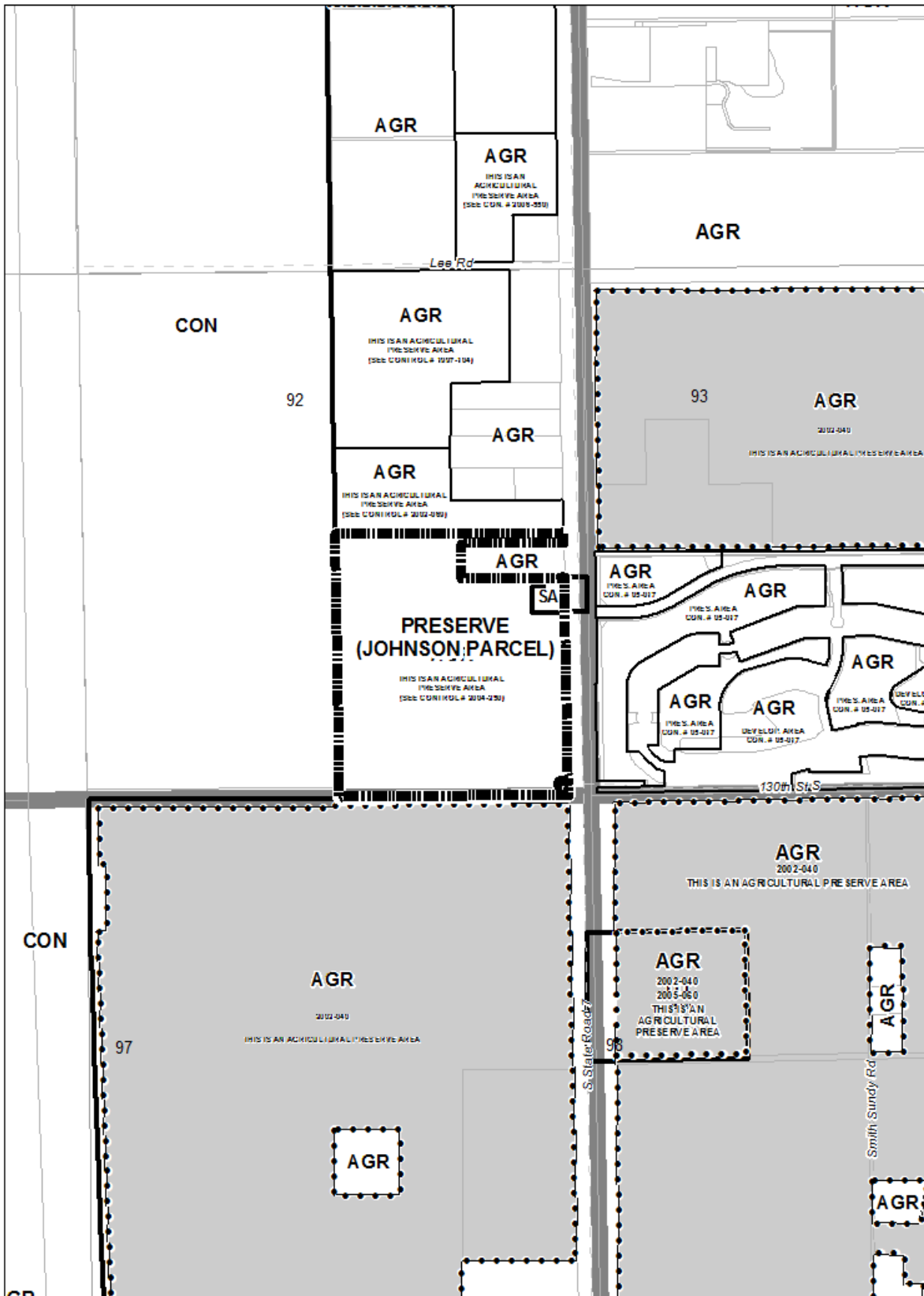


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Figure 2 Land Use Map - Preserve 1 Butts and Preserve 3 Chico

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE

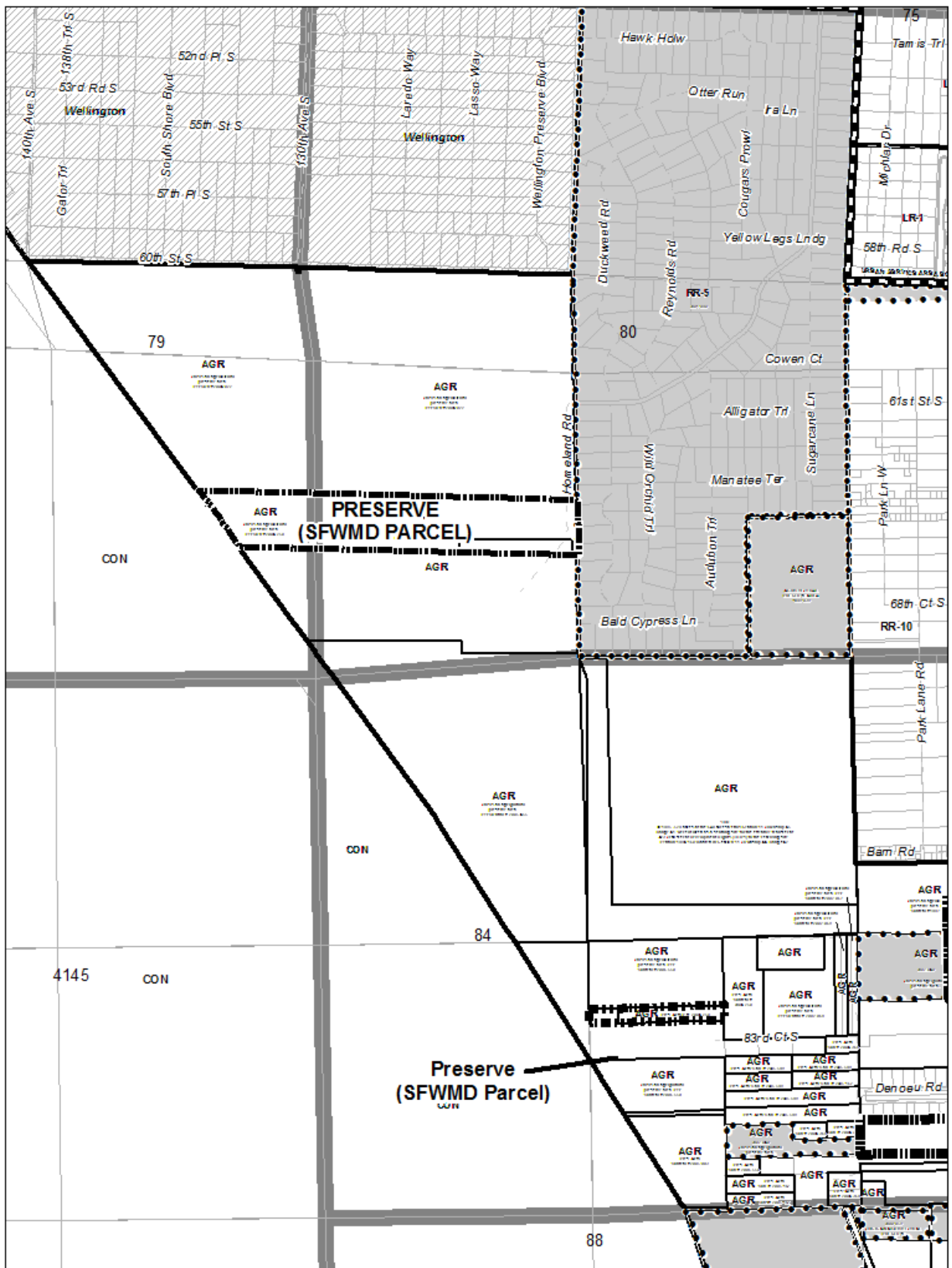


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Figure 3 Land Use Map - Preserve 2 Johnson

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



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Figure 4 Land Use Map Preserves 4 and 5 SFWMD

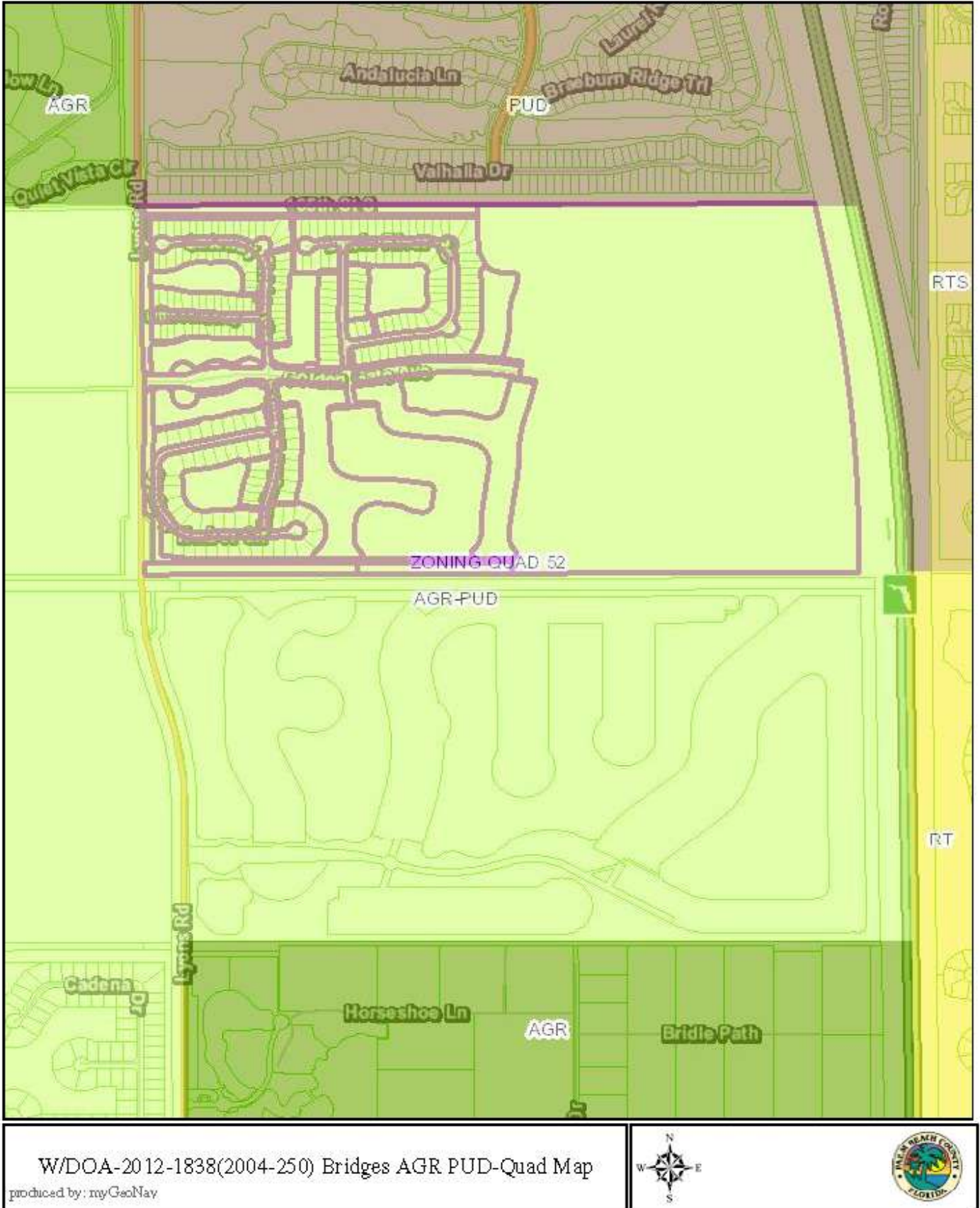


Figure 5 Zoning Quad Map - Development Area



Figure 6 Aerial

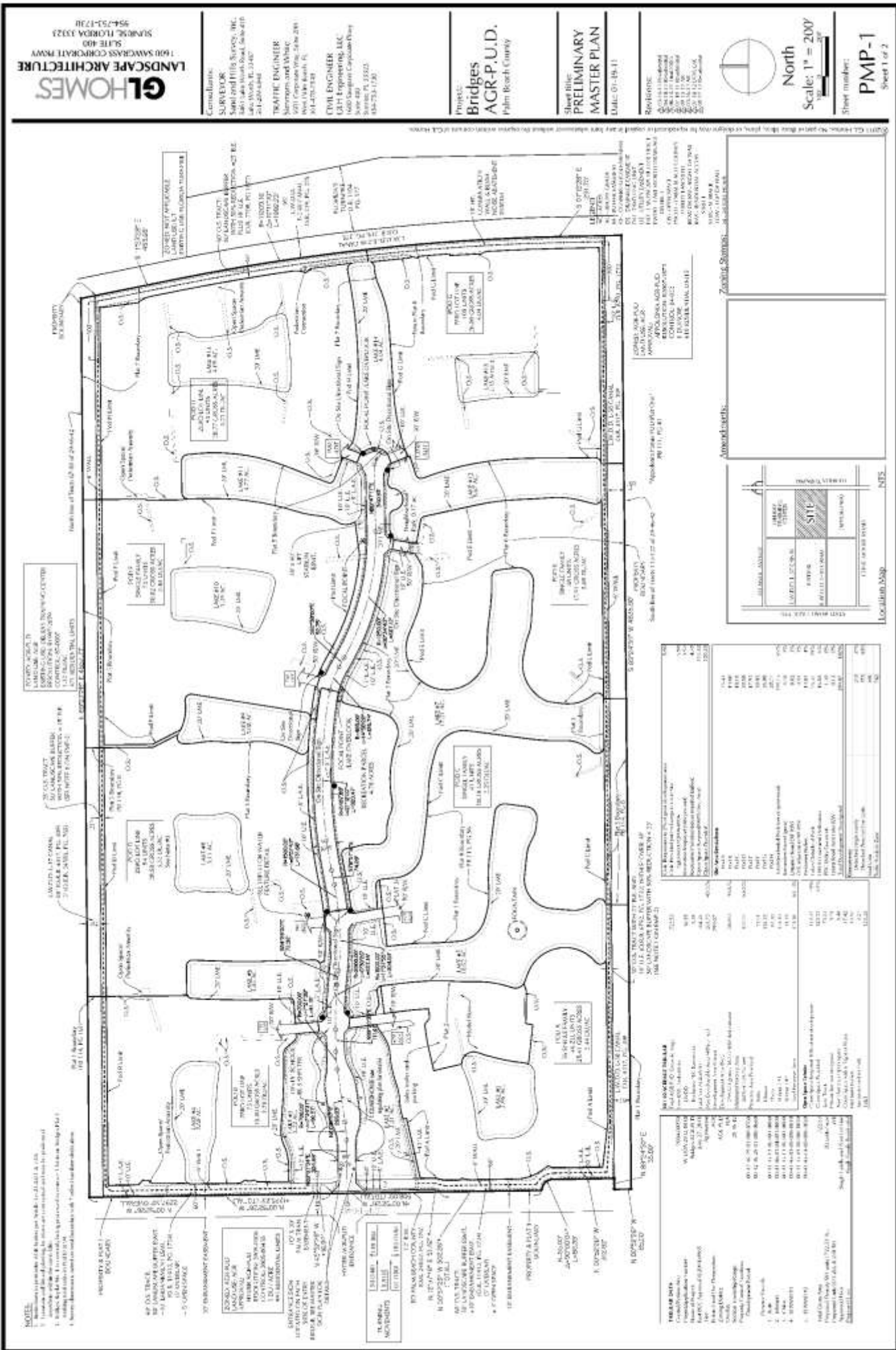


Figure 7 Preliminary Master Plan page 1 of 2 dated August 27, 2012

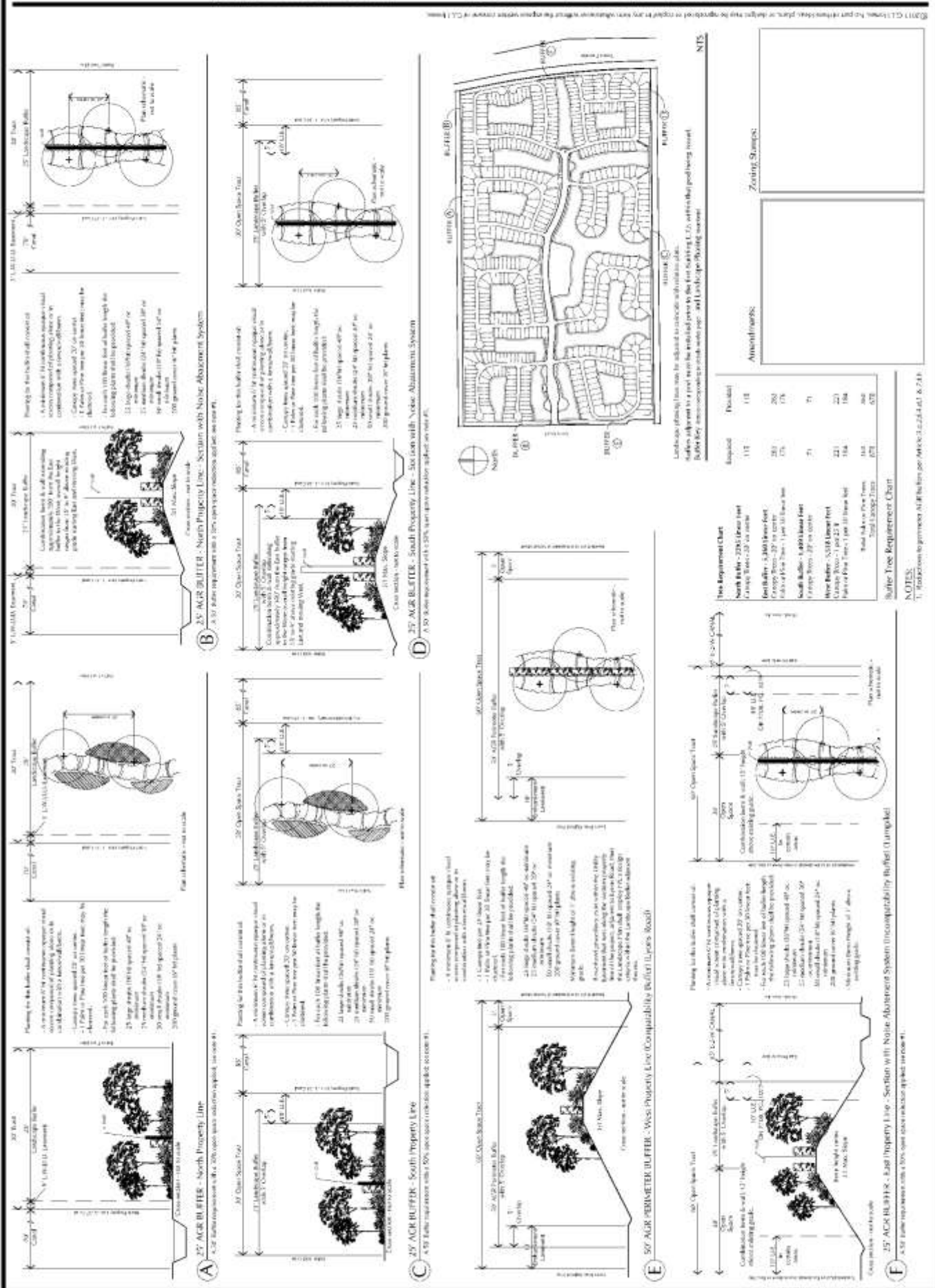


Figure 9 Preliminary Regulating Plan page 1 of 3 dated August 27, 2012

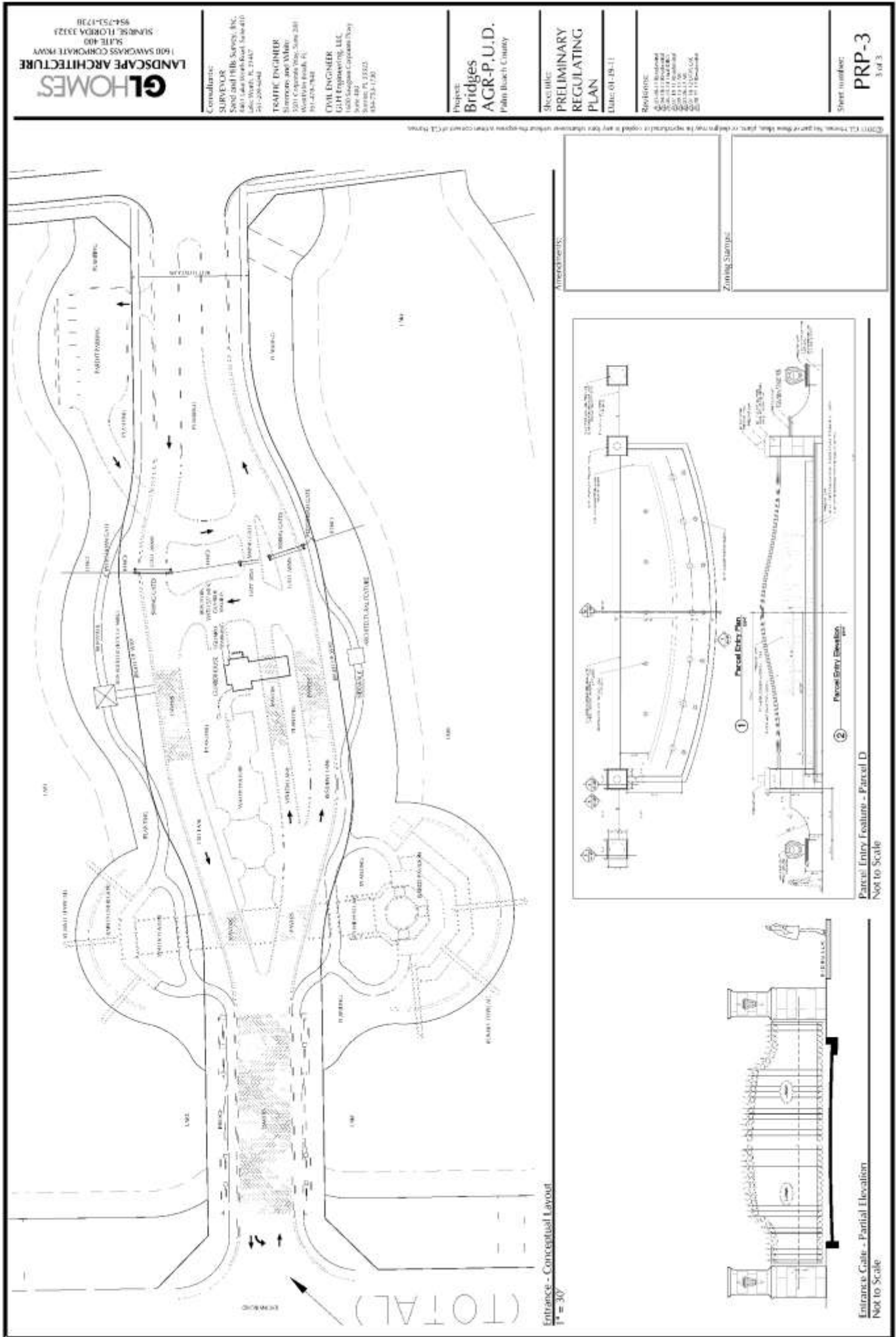


Figure 11 Preliminary Regulating Plan page 3 of 3 dated August 27, 2012

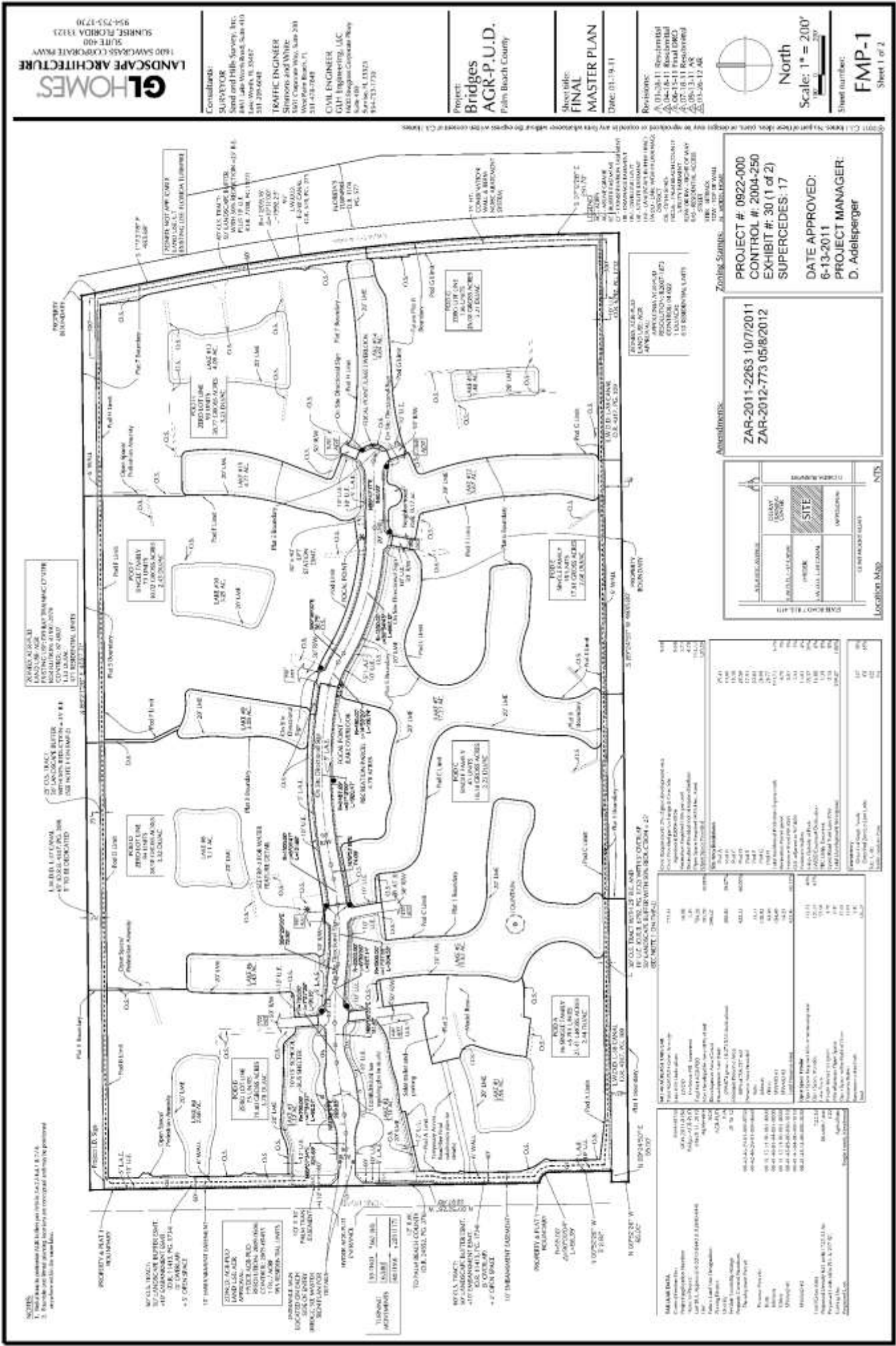


Figure 14 Final Master Plan FMP-1 dated June 13, 2011

ZC
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 Control No. 2004-00250
 Project No. 00922-000

November 1, 2012
 BCC District 05

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Agricultural Reserve (AGR)

TIER: Agricultural Reserve

FUTURE ANNEXATION AREAS: The subject site is not located within any future annexation areas.

INTERGOVERNMENTAL COORDINATION: The subject property is not located within one mile of any municipality.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division reviewed the request to reduce total units from 622 to 591, modify POD G, amend Planning conditions, allow an increase in the number of cul-de-sacs and has determined the request is consistent with the site's AGR FLU designation. No change to the overall acreage is proposed.

The subject site has a previous approval per R-2011-965 which contained Planning Conditions of Approval. The request will affect Planning Conditions 1 and 4 as follows:

1. The condition identifies the total number of units assigned to the Development Order. The number is being reduced from 658 to 591 total units.
4. The condition identifies the permitted and prohibited uses allowed on the lands under conservation easement. The requested changes will match the current Conservation Easement language as approved by the BCC.

Per Policy 1.5.1-i., the applicant is required to provide a minimum of 60% of preserve area and 40% maximum developable area. The Preserve areas are not required to be contiguous with the development area.

Per the above policy, the 60/40 calculation is as follows:

Total acreage: 722.53 acres
Less ROW: 18.27 acres
Net acreage = 704.26 acres

Net acreage x 60%: $704.26 \times 60\% = 422.556$ acres minimum required (applicant proposes 423.46 acres or 60.1%)

Net acreage x 40%: $704.26 \times 40\% = 281.704$ acres maximum allowed (applicant proposes 280.80 acres or 39.9%)

The policy states that the request has to provide a minimum of 60% preserve lands and a maximum of 40% for the developable area. Therefore, since the policy does not preclude an applicant from providing more than the required amount of preserve area, or less than the maximum amount of developable area, then the request to provide 60.1% and 39.9% is consistent.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The subject property is not located within the boundaries of any neighborhood plan or special study area identified in the Comprehensive Plan.

FINDINGS: The request is consistent with the AGR land use designation of the Palm Beach County Comprehensive Plan.

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS

The property owner shall obtain a Land Development Permit prior to issuance of a building permit within a specific pod.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto Lyons Road.

TRAFFIC IMPACTS

The Property Owner has not requested a change to the build-out of the project which is currently December 31, 2015. Previously approved traffic from this project was 6580 trips per day, 573 trips in the PM peak hour. The Property Owner is reducing the project density so that the new impacts are 5910 daily and 520 PM peak hour trips. Additional traffic is subject to review for compliance with the Traffic Performance Standard. There are no improvements to the roadway system required for compliance with the Traffic Performance Standards because this project is equivalent to the existing approval.

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis is needed for this request.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site has been under agricultural production and the proposed modification will not impact native vegetation.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Staff Review Analysis is needed for this request.

PARKS AND RECREATION: Based on the proposed 591 dwelling units 3.54 acres of on site recreation is required. The plan submitted indicates there will be 4.78 acres of recreation provided; therefore, the Parks and Recreation Department standards have been addressed.

CONCURRENCY: Concurrency has been approved for 591 dwelling units consisting of 373 ZLL and 218 Single Family units.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department (PBCWUD)

FINDING: The proposed Development Order Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider standards 1 – 8 indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

1. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

The Planning Division has found the requests consistent with the Agricultural Reserve (AGR) land use designation of the Palm Beach County Comprehensive Plan.

2. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The proposed amendment complies with all applicable standards and provisions of the Code and general development characteristics for a PUD in the AGR Tier. Upon BCC approval of the cul-de-sac Waiver, the development area complies with Code as to layout and function. The Single Family and ZLL uses are in compliance with the Supplementary Use Standards. No changes are proposed to the previously approved preserve area parcels.

3. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

Bridges AGR PUD was previously found to be compatible with the surrounding land uses via Resolution R-2011-0965 on June 27, 2011. The Waiver and Development Order Amendment requests to reconfigure the master plan and decrease the number of units will not create an incompatibility.

4. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

Bridges AGR PUD was previously found to minimize adverse effects via Resolution R-2011-0965 on June 27, 2011. This DOA request to reconfigure the eastern portion of the site adjacent to Florida's Turnpike and reduce the number of units will not create an adverse effect on adjacent lands.

5. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

Environmental Resources Management (ERM) has determined there are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

6. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

Bridges AGR PUD was previously found to be a logical, orderly and timely development pattern via Resolution R-2011-0965 on June 27, 2011. The DOA request to reconfigure the master plan and decrease the number of units will not impact the development pattern in the vicinity.

7. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

Concurrency has been approved for 591 dwelling units consisting of 218 detached Single Family units and 373 detached ZLL units.

8. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The changed circumstance necessitating the modification to the previously approved master plan is a result of desire to create more lake lots and lots on a cul-de-sac to satisfy the market's demands. The applicant indicates that population growth in the vicinity has included home buyers who favor waterfront lots or cul-de-sac lots. The redesign of the last remaining Pod, Pod G, incorporates additional waterfront lots and an additional cul-de-sac, which connects to a cul-de-sac in Pod H to meet the demands of the residential real estate marketplace on the developer.

Staff has evaluated the standards listed under Article 2.B.2.B 1-8 and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, staff is recommending approval of the DOA request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended conditions of approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C

Development Order Amendment

ALL PETITIONS

1. All Petitions 1 of Resolution R-2011-0965, Control No. 2004-250, which currently states:

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)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-0965 (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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. All Petitions 2 of Resolution R-2011-0965, Control No. 2004-250, which currently states:

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)

Is hereby amended to read:

The approved Preliminary Master Plan is dated August 27, 2012. 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

3. 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)) (Previous All Petitions 3 of Resolution R-2011-0965, Control No. 2004-250)

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-2011-0965, Control No. 2004-250)
[NOTE: COMPLETED per the Atlantic Avenue Agreement]

2. 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) (Previous Condition Engineering 2 of Resolution R-2011-0965, Control No. 2004-250)

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-2011-0965, 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-2011-0965, Control No. 2004-250) [NOTE: COMPLETED]

5. 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) (Previous Condition Engineering 5 of Resolution R-2011-0965, Control No. 2004-250)

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-2011-0965, 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-2011-0965, 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) [NOTE: COMPLETED]

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-2011-0965, 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 9 of Resolution R-2011-0965, Control No. 2004-250) [NOTE: COMPLETED]

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 10 of Resolution R-2011-0965, 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 11 of Resolution R-2011-0965, 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-2011-0965, Control 2004-250) [NOTE: COMPLETED]

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-2011-0965, Control 2004-250) [NOTE: COMPLETED]

3. An application to modify the Notice of Intent to Construct (NIC) for the modified lake shorelines shall be submitted to Environmental Resources Management prior to DRO site plan approval. (DRO: ERM-ERM)

LANDSCAPE - GENERAL

1. 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-2011-0965, Control No. 2004-250)

2. 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-2011-0965, Control No. 2004-250)

3. 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-2011-0965, Control No. 2004-250)

LANDSCAPE - PERIMETER

4. 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-2011-0965, Control No. 2004-250).

5. 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. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape 4 of Resolution R-2011-0965, Control No. 2004-250)

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) (Previous LWDD 1 of Resolution R-2011-0965, Control No. 2004-250) [NOTE: COMPLETED, ORB 24583/765]

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 Palm Tran 1 of Resolution R-2011-0965, Control 2004-250) [NOTE: COMPLETED]

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 - Palm Tran) (Previous Palm Tran 2 of Resolution R-2011-0965, Control 2004-250) [NOTE: COMPLETED Plat Book 114, PG 162]

PLANNED DEVELOPMENT

1. 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) (Previous Planned Development 1 of Resolution R-2011-0965, Control 2004-250) [NOTE: COMPLETED, ORB 25424 PG 1008]

PLANNING

1. Planning 1 of Resolution R-2011-0965, Control 2004-250, which currently states:

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)

Is hereby amended to read:

The PUD shall be limited to a maximum of 591 dwelling units and shall meet 60/40 AGR-PUD requirements. The remaining units shall not be utilized on this site or transferred elsewhere without prior approval from the BCC. (ONGOING: PLANNING - Planning)

2. 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 Planning 3 of Resolution R-2011-0965, Control 2004-250) [NOTE: COMPLETED]

3. Planning 4 of Resolution R-2011-0965, Control 2004-250, which currently states:

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)

Is hereby deleted: [REASON: To be superceded by new Planning Condition No. 6.]

4. 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 Planning 5 of Resolution R-2011-0965, Control 2004-250) [NOTE: COMPLETED]

5. 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 Planning 6 of Resolution R-2011-0965, Control 2004-250) [NOTE: COMPLETED]

6. Prior to Final Master Plan approval by the Development Review Officer (DRO), the developer shall add a "Preservation Area/Proposed Uses" notes section on the Preliminary Master Plan to include the following:

The purpose of the preserve area(s) are to support, preserve and perpetuate bona fide agricultural and open space uses of the Property, and to preserve any environmentally significant upland or wetland habitats located on the Property.

1. Permitted Uses. Grantor may use the Property for:

- a. Crop production, pasture, equestrian activities, wholesale or retail nursery operation or fallow land;
- b. Construction and maintenance of structures essential to the uses listed in subsection 1a., above, such as barns, stables, pumps, and pump houses, but specifically excluding agricultural support structures such as processing facilities, which are prohibited;
- c. Maintenance and occupation of security, caretaker, farm worker or grooms quarters, or other residential structure provided that the quarters or structure is used solely for one of the purposes listed under Table 3.E.1.B of the Unified Development Code (ULDC), any applicable special permit is obtained for such use, and requisite density exists on the Property for such use;

d. A Water Preserve Area if designated by the South Florida Water Management District (SFWMD), or for regional water management purposes as certified by either Lake Worth Drainage District or SFWMD, or for water management purposes not directly related to the Project if approved by the Palm Beach County Department of Environmental Resources Management (ERM) and managed for environmental resource values;

e. Wetland restoration and maintenance, or bona fide agriculture as defined by the ULDC; and

f. Those other activities authorized within a Preservation Area under Table 3.E.1. B. of the ULDC and consistent with applicable provisions of the Comp Plan.

2. Prohibited Uses. Any use of or on the Property that is not specifically listed or included in Section 1, above, or that is inconsistent with agricultural, environmentally significant uplands or wetlands, or open space preservation is prohibited. (DRO/ONGOING:PLANNING-Planning)

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 School Board 1 of Resolution R-2011-0965, Control No. 2004-250)

2. 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) (Previous School Board 2 of Resolution R-2011-0965, Control No. 2004-250) [NOTE: COMPLETED]

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) (Previous Site Design 1 of Resolution R-2011-0965, Control No. 2004-250) [NOTE: COMPLETED]

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 Utilities 1 of Resolution R-2011-0965, Control No. 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; 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 OF OWNERSHIP INTERESTS - PROPERTY

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Richard M. Norwalk, hereinafter referred to as "Affiant," as a Vice President of Boca Raton VI Corporation, a Florida corporation, the general partner of Boca Raton Associates VI, LLLP, a Florida limited liability partnership, who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is a Vice President of Boca Raton VI Corporation, a Florida corporation, the general partner of Boca Raton Associates VI, LLLP, a Florida limited liability partnership, that holds an ownership interest in the real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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Created 01/22/2007
Updated 01/31/2007

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Richard M. Norwalk, as a Vice President of Boca Raton VI Corporation, a Florida corporation, the general partner of Boca Raton Associates VI, LLLP, a Florida limited liability limited partnership

The foregoing instrument was acknowledged before me this 17 day of July, 2012, by Richard M. Norwalk, as a Vice President of Boca Raton VI Corporation, a Florida corporation, the general partner of Boca Raton Associates VI, LLLP, a Florida limited liability limited partnership, [X] who is personally known to me or [] who has produced _____ as identification and who did not take an oath.

Notary Public

(Print Notary Name)



NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

EXHIBIT "A"

Legal Description of the Property

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

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EXHIBIT "A"

Legal Description of the Property
(continued)

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 299.182 ACRES, MORE OR LESS.

LEGAL DESCRIPTION (JOHNSON PRESERVE):

THAT PORTION OF LAND LYING WITHIN THE EAST HALF OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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°29'13" WEST, A DISTANCE OF 245.97 FEET TO A POINT ON THE WEST LINE OF STATE ROAD 7, (US441), RIGHT-OF-WAY, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP 93210-2524 AND DESCRIBED AS PARCEL NO. 104 IN THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10440, PAGE 1934, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°12'55" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 3.46 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL AND A POINT ON THE NORTH LINE OF S.T.J. PROPERTIES INC., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK, 73, PAGE 178, SAID PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA AND AS DESCRIBED IN OFFICIAL RECORDS BOOK 8211, PAGE 1074, SAID PUBLIC RECORDS; THENCE ALONG THE BOUNDARY OF SAID S.T.J. PROPERTIES INC. FOR THE FOLLOWING THREE COURSES, SOUTH 89°41'08" WEST, A DISTANCE OF 1,082.11 FEET; THENCE SOUTH 01°09'51" EAST, A DISTANCE OF 351.16 FEET; THENCE NORTH 89°35'06" EAST, A DISTANCE OF 1,082.40 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD 7; THENCE SOUTH 01°12'55" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 2,082.11 FEET TO A POINT ON THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3983, PAGE 1966, SAID PUBLIC RECORDS; THENCE ALONG THE BOUNDARY

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Updated 01/31/2007

EXHIBIT "A"

Legal Description of the Property
(continued)

OF SAID PARCEL OF LAND FOR THE FOLLOWING THREE COURSES, SOUTH 89°38'00" WEST, A DISTANCE OF 106.88 FEET; THENCE SOUTH 00°56'54" EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 89°38'00" EAST, A DISTANCE OF 107.12 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD 7; THENCE SOUTH 01°12'55" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 100.01 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 1; THENCE SOUTH 89°38'00" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 2,402.56 FEET TO THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER; THENCE NORTH 00°54'14" WEST, ALONG SAID WEST LINE, A DISTANCE OF 2,683.60 FEET TO A POINT ON THAT CERTAIN AGREEMENT LINE AS DESCRIBED IN OFFICIAL RECORDS BOOK 9620, PAGE 1953, AND OFFICIAL RECORDS BOOK 9642, PAGE 845, SAID PUBLIC RECORDS; THENCE NORTH 89°28'27" EAST, ALONG SAID AGREEMENT LINE, A DISTANCE OF 2,387.89 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD 7; THENCE SOUTH 01°12'46" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 109.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 138.917 ACRES MORE OR LESS.

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

EXHIBIT "B"


DISCLOSURE OF OWNERSHIP INTERESTS IN PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

<p><u>Communities</u> Abbey Village Addison Reserve C.C. Addison Trace Aspen Ridge Bel-Aire Boca Delray C.C. Bonaire Village Bridgeview Bristol Pointe Camelot Village Cloister Del Mar Coco Wood Lakes Country Lake Crosswinds of Delray Deauville Village Delaire C. C. Delray Harbor Club Delray Lakes Estates Delray Villas I Delray Villas III Delray Villas IV/V Delray W. Townhouses Emerald Pointe Floral Lakes Four Seasons Gleneagles C. C. Hamilton House Hamlet C. C. Heritage Park West High Point of Delray Beach High Point West I High Point West 2 Hunter's Run C.C. Huntington Lakes (5) Huntington Pointe Huntington Towers International Club Kings Point Lakes of Delray Las Verdes Legacy at Sherwood Forest Lexington Club Mizner Master Assoc. HOA Monterey Lakes Morningstar Newport Cove Palm Beach Bath & Tennis Palm Greens 1 Palm Greens 2 Pelican Harbor Pines of Delray E. Pines of Delray N. Pines of Delray W. Pine Ridge Pinewood Cove Polo Trace C. C. Rainberry Bay Saturnia Isles Shadywoods Tierra Del Rey Tierra Verde at Delray Beach Tropic Bay Tropic Isle Valencia Falls Valencia Palms Villa Borghese Vizcaya Waterways Whisper Walk (5)</p>	<div style="text-align: right;">  <p><i>Alliance of Delray Residential Associations, Inc.</i> 13900 Jog Road, Suite 203 - 212 Delray Beach, FL 33446 Phone (561) 495-9670 FAX# (561) 495-0888 Visit our Website: www.allianceofdelray.com</p> </div> <p>October 11, 2012</p> <p>Palm Beach County Zoning Division Att: Jon MacGillis, Zoning Director. 2300 N. Jog Road, 2nd floor West Palm Beach, FL 33411</p> <p>Re: Application/Name: W/DOA-2012-1838 Bridges AGR PUD (Dubois) Control Number: 2004-250</p> <p>Dear Mr. MacGillis:</p> <p>Representatives from GL Homes have contacted the Alliance regarding Development Order Amendment Control # 2004-250 for the Bridges AGR PUD. The Alliance supports this DOA which includes a cul-de-sac waiver.</p> <p>Thank you.</p> <p>Sincerely, <i>Robert Schulbaum</i> Robert Schulbaum, President Alliance of Delray Residential Associations, Inc.</p> <p>Electronic Copies sent to: Jon MacGillis, Zoning Director Carol Glasser, Project Manager (Zoning) Kevin Ratterree, GL Homes</p> <div style="text-align: center;"> <p><u>Officers</u> Robert Schulbaum, <i>President</i> Margie J. Walden, <i>Executive Vice President</i> Lori Vinikoor, <i>First Vice President</i>, Mort Mazor, <i>Vice President</i>, Evelyn Spielholz, <i>Secretary</i>, Stan Kalish, <i>Treasurer</i></p> <p><u>Directors</u> Norma Arnold, Ed Berger, Stan Goodman, Carol Klausner, Harold Kleiner, Phyllis Levine, Susan Zuckerman Joshua Gerstin, <i>Legal Counsel</i> Richard Herman, Marianne Weisman, Assistants to the President</p> </div>
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