

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES APPROVING ZONING APPLICATION DOA-2009-00568 (CONTROL NO. 2003-071) DEVELOPMENT ORDER AMENDMENT APPLICATION OF COMMUNITY OF HOPE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the Town Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny Development Order Amendments; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, Development Order Amendment Application DOA-2009-00568 was presented to the Town Council at a public hearing conducted on July 21, 2009; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendations of Town and County staff; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Town of Loxahatchee Groves Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

Section 1. Each “WHEREAS” clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The Town Council has considered the findings in the staff report and makes the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

2. The Applicant has submitted additional requests for amendments to the Development Order not yet reviewed by County Staff, but were part of the Council's consideration and review at the public hearing. These are included in the "Development Order Amendment," subject to approval by County staff as described in Section 3 of this Resolution.
3. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Town of Loxahatchee Groves Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Town of Loxahatchee Groves Unified Land Development Code for use, layout, function, and general development characteristics.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Town of Loxahatchee Groves Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
6. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.
7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
9. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

Section 3. Article 2.A.1.K.3.b of the Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves Zoning Application DOA-2009-00568, the application of Community of Hope, submitted by Joe E. Schmidt and Associates, agent, for a Development Order Amendment to amend Conditions of Approval (Engineering), on a parcel of land legally described in **EXHIBIT "A,"** which is attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in **EXHIBIT "B,"** and which is attached hereto and made a part

hereof subject to the conditions of approval described in **EXHIBIT "C."** The additional changes to the conditions of approval described in **EXHIBIT "D,"** which is attached hereto and made a part hereof, are approved but effective only upon approval by County staff. In the event County staff does not approve the amendments described in **EXHIBIT "D,"** then such shall not be part of this approval.

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 22nd day of July, 2009.

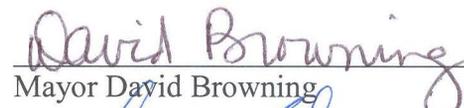
ATTEST:


TOWN CLERK

APPROVED AS TO LEGAL FORM:


Office of the Town Attorney

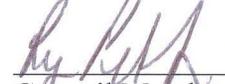
TOWN OF LOXAHATCHEE GROVES,
FLORIDA


Mayor David Browning


Vice Mayor Dennis Lipp


Council Member Louda


Council Member Jarriel


Council Member Liang

DNT:dnt

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EXHIBIT A
LEGAL DESCRIPTION

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION:
PARCEL "A"

PARCEL NO. 1: (OFFICIAL RECORD BOOK 1827, PAGE 1344)

THE EAST 448 FEET OF TRACT 12, BLOCK "D", LOXAHATCHEE GROVES, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 12, PAGE 29.

CONTAINING: 229,614.7 GROSS SQUARE FEET OR 5.27 GROSS ACRES, MORE OR LESS

PARCEL CONTROL NO: 00-41-43-17-01-412-0010.

AND

PARCEL "A"

PARCEL NO. 2: (OFFICIAL RECORD BOOK 5127, PAGE 1660)

THE SOUTH ONE-HALF (S 1/2) OF TRACT 42, BLOCK "D", LOXAHATCHEE GROVES, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 12, PAGE 29.

CONTAINING: 436,301.9 GROSS SQUARE FEET OR 10.02 GROSS ACRES MORE OR LESS.

PARCEL CONTROL NO: 00-41-43-17-01-442-0020.

TOTAL COMBINED ACREAGE: 665,916.6 SQUARE FEET OR 15.29 GROSS ACRES MORE OR LESS.

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All Petitions Condition 1 of Resolution R-LOX-2008-011, Control No. 2003-071, which currently states:

Development of the site is limited to the uses as approved by the Town of Loxahatchee. The approved site plan is dated November 19, 2007. All modifications must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

Development of the site is limited to the uses as approved by the Town of Loxahatchee. The approved site plan is dated May 18, 2009. All modifications must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ALL PETITIONS-ADDITIONAL CONDITIONS OF APPROVAL:

2. (1) All outdoor lighting must comply with the Rural Vista Guidelines. (ONGOING: ZONING - Zoning) (Previous Additional Conditions of Approval Condition 1 of Resolution R-LOX-2008-011, Control 2003-011)

3. (2) All parking areas must have a pervious surface as stated in the Rural Vista Guidelines. (ONGOING: CODE ENF - Zoning) (Previous Additional Conditions of Approval Condition 2 of Resolution R-LOX-2008-011, Control No. 2003-071)

4. (3) If the E-Road/140th Thoroughfare is removed from the Palm Beach County Thoroughfare Improvement Map, the condition relating to the additional right of way needed for E Road will be removed. (ONGOING: ZONING - Eng) (Previous Additional Conditions of Approval Condition 3 of Resolution R-LOX-2008-011, Control No. 2003-071)

5. (4) No more than a total of six (6) special events or temporary amusements may occur on the property each year, subject to the applicable provisions of the ULDC and the Town's Code of Ordinances, and pursuant to the Town's approval. (ONGOING: CODE ENF - Zoning) (Previous Additional Conditions of Approval Condition 4 of Resolution R-LOX-2008-011, Control No. 2003-071)

6. (5) Prior to final DRO certification, the final site plan shall be submitted to the Town Council for review and approval. (DRO: ZONING - Zoning) (Previous Additional Conditions of Approval Condition 5 of Resolution R-LOX-2008-011, Control No. 2003-071)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for buildings A, B, C and D shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning) (Previous Architectural Review Condition 1 of Town of Loxahatchee Groves Resolution No. 2008-

011, Control 2003-071) [Note: COMPLETED]

2. Prior to final approval by the Development Review Officer (DRO) the site plan shall be revised to include porches in the 100% of the front facade of buildings "B" and "D". (DRO:ARCH. REVIEW - Zoning) (Previous Architectural Review Condition 2 of Town of Loxahatchee Groves Resolution No. 2008-011, Control No. 2003-071) [Note:COMPLETED]

3. The exterior elevations of all buildings shall combine the gutters and downspouts into the architectural design of the building. Painting the gutters shall not constitute compliance. (DRO: ARCH. REVIEW - Zoning) (Previous Architectural Review Condition 3 of Town of Loxahatchee Groves Resolution No. 2008-011, Control No. 2003-071)

ENGINEERING

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

a. No Building Permits for the site may be issued after January 1, 2013. 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, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng) (Previous Condition E1 Resolution 2008-011, Control No. 2003-071)

2. Previous Condition E2 Resolution 2008-011, Control No. 2003-071, which currently states:

CORRIDOR CONVEYANCE OF ROAD RIGHT OF WAY

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

- "E" Road 80 feet on an alignment approved by the County Engineer
- an Expanded Intersection at "E" Road and Okeechobee Boulevard as shown on the applicants accompanying site plan

All right of way deed(s) and associated documents shall be provided and approved prior to April 1, 2009 or prior to the issuance of a Building Permit whichever shall first occur.

Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)

Is hereby amended to read:

CORRIDOR CONVEYANCE OF ROAD RIGHT OF WAY

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for 60 feet from the centerline of Okeechobee Boulevard.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first Building Permit or July 1, 2010, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. 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, including a topographical survey. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG PERMIT: MONITORING-Eng)

3. Previous Condition E3 Resolution 2008-011, Control No. 2003-071, which currently states:

The Property owner shall construct: - left turn lane west approach on Okeechobee Boulevard at the project entrance road - right turn lane east approach on Okeechobee Boulevard at the project entrance road This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng) (Previous Condition E3a Resolution 2008-011, Control No. 2003-071)

Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby amended to read:

The Property owner shall construct: - left turn lane west approach on Okeechobee Boulevard at the project entrance road - right turn lane east approach on Okeechobee Boulevard at the project entrance road

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits for construction of the right turn lane shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)

b. Permits for construction of the left turn lane shall be obtained from Palm Beach County prior to the issuance of the first Building Permit for Phase 2 as shown on the site plan with Application DOA-2009-568, unless otherwise determined warranted by the County Engineer and whereas construction would be required to begin within 90 days of notice. (BLDG PERMIT/ONGOING: Monitoring-Eng)

c. Construction of the right turn lane shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

d. Construction of the left turn lane shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 2 as shown on the site plan with Application DOA-2009-568, unless otherwise determined warranted by the County Engineer, whereas construction shall be completed within 90 days of commencement. (CO/ONGOING: MONITORING-Eng)

4. Prior to the issuance of the first building permit, the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Okeechobee Boulevard at the project's entrance. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. 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, including a topographic survey. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT: MONITORING-Eng)

5. Prior to issuance of the first building permit, the property owner shall combine the existing parcels into one legal lot of record. (BLDG PERMIT: MONITORING-Eng)

6. Prior to final approval of the Site Plan by the Development Review Officer, the Property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels. The project's stormwater management system shall be designed to address any historical drainage. The property owner shall provide drainage easements, as required, to accommodate offsite drainage. (DRO: ENGINEERING-Eng)

ENVIRONMENTAL

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRO: ERM-ERM)(Previous ERM Condition No. 1, Loxahatchee Groves Resolution No. R-2008-011, Control No. 2003-071.

LANDSCAPE - GENERAL

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 1 of Resolution R-LOX-2008-011, Control No. 2003-071)

2. Field adjustment of fence and 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 Condition 2 of Resolution R-LOX-2008-011, Control No. 2003-071)

LIGHTING

1. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting and periodic events and functions only. (ONGOING: CODE ENF - Zoning) (Previous Lighting Condition 1 of Resolution R-LOX-2008-011, Control No. 2003-071)

PALM TRAN

1. Palm Tran Condition 1 of Resolution 2008-011, Control No. 2003-071 which currently states:

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 (ORO). The purpose of this easement is for the future construction of mass transit

infrastructure in a manner acceptable to Palm Tran. (ORO: PALM TRAN-Palm Tran)

is hereby deleted. [REASON: Code Requirement]

2. Palm Tran Condition 2 of Resolution 2009-011 control no. 2003-071, which currently states:

Prior to issuance of the first Building Permit, whichever shall first occur, 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. (BLDG PERMIT: MONITORING-Palm Tran)

is hereby amended to read:

Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, 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. (BLDG PERMIT/PLAT:MONITORING/ENG -Palm Tran)

PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous Parking Condition 1 of Resolution R-LOX-2008-011, Control No. 2003-071)

SIGNS

1. Freestanding sign fronting on Okeechobee Boulevard shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point six (6) feet;
 - b. maximum sign face area per side fifty (50) square feet;
 - a. style - monument only; and
 - b. maximum number of signs one (1) for the entire site. (BLDG PERMIT: BLDG - Zoning) (Previous Sign Condition 1 of Resolution R-LOX-2008-011, Control No. 2003-071)

USE LIMITATIONS

1. Outdoor speaker or public address systems shall be permitted during temporary sales, special events, picnics and holiday services only. No outdoor activities shall be conducted after 9:00 p.m. daily. (ONGOING: ZONING - Zoning) (Previous Use Limitations Condition 1 of Resolution R-LOX-2008-011, Control No. 2003-071)

2. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of six (6) events per year and shall be setback a minimum of one hundred (100) feet from all perimeter property lines. No temporary amusements or special events are permitted on the property. (ONGOING / SPECIAL PERMIT: CODE ENF- Zoning) (Previous Use Limitations Condition 2 of Resolution R-LOX-2008-011, Control No. 2003-071)

UTILITIES

1. If any relocation/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD-PBCWUD) (Previous Condition 1 of Resolution R-LOX-2008-011, Control No. 2003-071)

COMPLIANCE

1. In granting this approval, the Town of Loxahatchee Groves relied upon the oral and written representations of the petitioner 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 Town of Loxahatchee Groves 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; 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 ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, 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)

EXHIBIT D

CONDITIONS OF APPROVAL EFFECTIVE ONLY UPON COUNTY STAFF REVIEW AND APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses as approved by the Town of Loxahatchee. The approved site plan is dated ~~November 19, 2007~~ July 16, 2009. All modifications must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING – Zoning)

ENGINEERING

2. CORRIDOR CONVEYANCE OF ROAD RIGHT OF WAY

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

- ~~“E” Road 80 feet on an alignment approved by the County Engineer~~
- ~~-an Expanded Intersection at “E” Road and Okeechobee Boulevard as shown on the applicants accompanying site plan~~
- ~~-Okeechobee Boulevard 60 feet from centerline.~~

All right of way deed(s) and associated documents shall be provided and approved prior to ~~April December~~ 1, ~~2009~~ 2010 or prior to the issuance of a Building Permit whichever shall first occur. Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances with the exception of the Southern Bell Telephone and Telegraph Easement as recorded in Official Records Book (ORB) 4378 Page (PG) 1836 and associated facilities. 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 with the exception of the Southern Bell Telephone and Telegraph Easement as recorded in Official Records Book (ORB) 4378 Page (PG) 1836 and associated facilities. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable, permit fees, Engineering or other expert witness fees including Attorney’s fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with the Palm Beach County’s Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for and “Corner Clips.” The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)

3. The Property owner shall construct

- ~~-left turn lane west approach on Okeechobee Boulevard at the project entrance road~~
- ~~-right turn lane east approach on Okeechobee Boulevard at the project entrance road~~

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional right-of-way.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for Phase I as shown on the approved site plan is dated

- May 18, 2009. (BLDG PERMIT: Monitoring-Eng)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase I as shown on the approved site plan is dated May 18, 2009. (CO: Monitoring-Eng)

4. The Property owner shall construct

-left turn lane west approach on Okeechobee Boulevard at the project entrance road

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional right-of-way.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for Phase II as shown on the approved site plan is dated May 18, 2009. (BLDG PERMIT: Monitoring-Eng)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase II as shown on the approved site plan is dated May 18, 2009. (CO: Monitoring-Eng)

5. Prior to the recordation of a Plat the property owner shall submit a recorded 10 foot Pathway Easement that is immediately adjacent to the land to be conveyed as additional right-of-way for Okeechobee Boulevard.