

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

Application No.: ZV/PDD/DOA-2014-00092
Application Name: Atlantic Commons PUD
Control No.: 2004-00525
Applicant: Atlantic Commons Associates, LLLP
Owners: Atlantic Commons Associates, LLLP FC Atlantic Commons Phase II, LLC
 FC Atlantic Commons Phase I, LLC Lake Worth Drainage District
Agent: G.L. Homes - Gladys DiGirolamo
Telephone No.: (954) 753-1730
Project Manager: Carol Glasser, Site Planner II;
 Carrie Rechenmacher, Senior Site Planner, (Reassigned on June 6, 2014)

TITLE: a Type II Variance **REQUEST:** to allow a zero-foot setback, an increase in height, name and directional information, and an increase in sign face area for an Entrance Sign; to allow off-site directional information on an Entrance Sign; to relocate an Incompatibility Buffer from the perimeter; to eliminate a Right-of-Way Buffer and a Compatibility Buffer; and, to allow a reduction in minimum lot size, an increase in building coverage, and a decrease in front-loading garage setback for Zero Lot Line Homes. **TITLE:** an Official Zoning Map Amendment to a Planned Development District **REQUEST:** to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) Zoning District. **TITLE:** a Development Order Amendment **REQUEST:** to reconfigure the Master Plan; add land area; redesignate unit types; delete units; add a model row; and, modify/delete Conditions of Approval (Engineering, Landscape, Site Design).

APPLICATION SUMMARY: Proposed are Type II Variances, an Official Zoning Map Amendment and a Development Order Amendment for the Atlantic Commons Planned Unit Development (PUD). The 164-acre parcel was last approved by the Board of County Commissioners on June 24, 2013 for the development of 950 dwelling units (555 Townhouse, 395 Multi-family); and, a Civic Pod for 55,000 square feet of Government Services.

The Applicant is requesting to rezone 1.11 acres of land from the AR Zoning District to the PUD Zoning District and reconfigure the Master Plan to add this land to the development for a total of 165.25 acres. The Applicant proposes to delete the 555 Townhouse units and add 458 Zero Lot Line (ZLL) Homes for a total of 853 units. The Applicant also requests: to add a model row in Pod A; and modify or delete Conditions of Approval (Engineering, Landscape, Site Design).

Also requested were 6 Variances for a proposed Entrance Sign; 3 Variances from perimeter buffer requirements; and, 3 Variances for the ZLL Homes to allow a reduction in minimum lot size, an increase in building coverage, and a decrease in setback for front-loading garages all of which were approved at the June 5, 2014 Zoning Commission hearing. No changes are proposed to the Multi-family Pods (395 units) or the Civic Pod. Seven access points are provided from Stone Quarry Boulevard.

SITE DATA:

Location:	Northeast corner of Atlantic Avenue and Florida's Turnpike.
Property Control Number(s)	00-42-46-08-01-000-0650; 00-42-46-16-00-000-7040; 00-42-46-16-27-002-0000; 00-42-46-16-27-012-0000; 00-42-46-16-27-018-0000; 00-42-46-17-00-000-1010; 00-42-46-17-01-000-0011; -0300; -0310; -0320; 00-42-46-17-01-000-0332; -0351; -0651; -0641 00-42-46-17-01-000-0652; -0331; -0341
Existing Land Use Designation:	Medium Residential 5 units per acre (MR-5) (132 acres); and, Commercial High with underlying 5 units per acre (CH/5) (33 acres)
Proposed Land Use Designation:	No proposed change.
Existing Zoning District:	Planned Unit Development (PUD) District (164.14 acres); and , Agriculture Residential (AR) District (1.11 acres)

Proposed Zoning District:	PUD
Acreage:	165.25 acres
Tier:	Urban Suburban (U/S)
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A

RECOMMENDATION: Staff recommends approval of the Rezoning, and the Development Order Amendment subject to 8 Conditions of Approval as indicated in Exhibit C-1 and, 49 Conditions of Approval as indicated in Exhibit C-2.

ACTION BY THE ZONING COMMISSION (ZC): On June 5, 2014 this item was on the Regular Agenda. Staff and the Agent provided a brief presentation. The Zoning Commission had a lengthy discussion on Workforce Housing (WHP) and the merits of allowing the Zoning Variance, to allow a reduction in minimum lot size, an increase in building coverage, and a decrease in front-loading garage setback for the proposed 458 Zero Lot Line Homes and lots.

The agent indicated that he would have been entitled to these reductions based on the Flexible Regulations portion of a prior Code. However Density Bonus Development Options were previously requested and assigned to other pods in the development. The Development Options of Article 5.G.4. are to provide flexibility in order to assist in a cost effective development for WHP units. The discussion resulted in a vote of 4-3 in support of the Type II Variances to deviate from the ZLL property development regulations.

The Zoning Commission voted 7-0 in favor of the Type II Variances for Entrance Signage and Landscape Buffers and recommended approval of the Rezoning and the DOA.

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received two contacts from the public in support of this project and five in opposition. The letters in opposition were concerned about the increase in traffic, public costs of more development, and the disruption of the surrounding lifestyle.

PROJECT HISTORY:

Application No.	Resolution and Request	Approval Date
PDD/W-2004-00811	R-2005-2291 for an Official Zoning Map Amendment to allow a rezoning from the AR Zoning District to the PUD Zoning District; and, R-2005-2292 to allow a deviation from cul-de-sac and dead-end restrictions	November 17, 2005
DOA/EAC-2006-00028	R-2006-0516 for an Expedited Application Consideration (EAC) to add land area (1.18 acres) and relocate the Atlantic Avenue access to align with the median cut and access point to Lexington Club to signalize the intersection.	March 23, 2006
DOA-2008-01897	R-2009-0713 for a Development Order Amendment to reconfigure the Master Plan, add units, allow a model row, modify Conditions of Approval (PUD, PREM), and restart the Commencement of Development	April 23, 2009
DOA-2009-02674	R-2009-1823 for a Development Order Amendment to reconfigure the Master Plan, change unit types, allow a model row, and modify and delete Conditions of Approval (PUD, Landscape)	October 22, 2009
PDD/DOA-2012-03375	R-2013-0801 for an Official Zoning Map Amendment to allow a rezoning from the AR Zoning District to the PUD Zoning District; and, R-2013-0802 for a Development Order Amendment to reconfigure the	June 24, 2013

	Master Plan; add and delete land area; add units and square footage; and, modify and delete Conditions of Approval (Landscape, Planning, Palm Tran)	
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SURROUNDING LAND USES:

NORTH:

FLU Designation: MR-5
 Zoning District: Single-Family Residential District (RS)
 Supporting: Golf Course (Polo Trace, Control No. 1993-00057)

SOUTH:

FLU Designation: High Residential, 8 units per acre (HR-8)
 Zoning District: PUD
 Supporting: Congregate Living Facility Type III (Arc at Delray West, Control No. 1997-00028)

FLU Designation: MR-5
 Zoning District: PUD
 Supporting: Multi-Family Residential (Lexington Club, Control No. 1986-00006)

EAST:

FLU Designation: MR-5
 Zoning District: PUD
 Supporting: Multi-Family Residential (Villaggio Isles, Control No. 2004-00456)

FLU Designation: MR-5
 Zoning District: Single-Family Residential District (RS)
 Supporting: Multi-Family Residential (Emerald Pointe, Control No. 1984-00119)

FLU Designation: MR-5
 Zoning District: RS
 Supporting: Single Family (Patio homes) (Hagen Ranch Heights, Control No. 1981-00145)

FLU Designation: MR-5
 Zoning District: RS
 Supporting: Single Family (Patio homes) and Multi-Family Residential (Pine Ridge at Delray, Control No. 1986-00121)

FLU Designation: MR-5
 Zoning District: PUD
 Supporting: Zero Lot Line Home Residential (Polo Trace, Control No. 1993-00057)

WEST:

FLU Designation: Transportation and Utilities (UT)
 Zoning District: Public Ownership (PO)
 Supporting: Florida's Turnpike

TYPE II VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
V1 Table 8.G.2.C - Entrance Sign Standards	Minimum 25-foot setback	Entrance Sign will encroach onto the adjacent commercial parcel	Zero (0) setback from the west property line
V2 Table 8.G.2.C. - Entrance Sign Standards	Maximum 60 sq. ft. of Sign Face Area	80 sq. ft. of Sign Face Area	+ 20 sq. ft.
V3 Table 8.G.2.C. -	Sign Copy and Graphics shall be	Communicate name and directional information	Entrance Sign copy and graphics to allow

Entrance Sign Standards	limited to the name and address of the development	for: Public Civic Pod B-1 (Palm Beach County); Multi-Family residential Pods B-2 and C-1; ZLL Home Pods A and C-2; and, the adjacent commercial parcel (Control No. 2012-646)	for name and directional information that is not limited to the name and address of the development only
V4 Table 8.G.2.C. - Entrance Sign Standards	Maximum Sign Height 12 ft. (subject to a 25-ft. setback) for a right-of-way greater than 110 ft. in width	16-ft. in height	+ 4 ft.
V5 Article 8.H.1 - Off-Site Directional Signs Standards	Off Site Signs are only allowed subject to the standards for an Off-Site, Freestanding Directional Sign	To allow communication of directional information for the Atlantic Commons PUD Public Civic Pod B-1 parcel on an Entrance Sign	To allow directional information to be communicated on an Entrance Sign in lieu of a freestanding structure conforming to Art. 8.H.1
V6 Article 8.H.1 - Off-Site Directional Signs Standards	Off Site Signs are only allowed subject to the standards for an Off-Site, Freestanding Directional Sign	To allow communication of directional information for the adjacent commercial parcel, (Control No. 2012-646), on an Entrance Sign	To allow directional information to be communicated on an Entrance Sign in lieu of a freestanding structure conforming to Art. 8.H.1
V7 Article 7.F.1.C - Perimeter Buffer Landscape Requirements – Incompatibility Buffer	Incompatibility Buffer is required adjacent to incompatible use types along the perimeter of the PUD	Relocate the 15-ft. wide Type 2 Incompatibility Buffer from the north boundary (adjacent to Golf Course) to outside of the FDOT Easement Area (OR26173 PG1888)	Relocate the north Type 2 Incompatibility Buffer from the perimeter of the PUD (742 ft. to 722 ft.)
V8 Article 7.F.1.A. – Perimeter Buffer Landscape Requirements Right-of-Way Buffer	Right-of-way Buffer shall be provided along all streets, except for alleys.	To eliminate the 20-ft. wide Right-of-way Buffer from the west perimeter of the PUD within the FDOT Easement Area (OR26173 PG1888)	- 742 ft.
V9 Article 7.F.1.B. – Perimeter Buffer Landscape Requirements Compatibility Buffer	Compatibility Buffer is required along the perimeter boundary of the PUD adjacent to compatible use types	To eliminate the 5-ft. wide Compatibility Buffer from the east perimeter of the PUD within the FDOT Easement Area (OR26173 PG1888)	-722 ft.
V10 Table 3.D.2.B.– ZLL Property Development Regulations	Minimum Lot Size of 4,500 sq. ft.	To allow upto a 10% reduction in minimum lot size (Pods A and C-2) (Minimum Lot Size of 4,050 sq. ft.)	- 450 sq. ft.
V11 Table 3.D.2.B.– ZLL Property Development Regulations	Maximum Building Coverage of 50%	To allow upto a 10% increase in Pods A and C-2 (Maximum Building Coverage of 55%)	+5%
V12 Table 3.D.2.B.– ZLL Front Setback – front loading garage	Minimum Setback for a front-loading garage of 25 ft.	To allow upto a 10% decrease in setback (Minimum setback of 22.5 ft. for a front-loading garage)	-2.5 ft.

FINDINGS:

Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards 1-7 listed under Article 2.B.1.B of the ULDC. The Standards and Staff Analyses are indicated below. An Amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. **Consistency with the Plan** - *The proposed amendment is consistent with the Plan.*

The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including densities and intensities of use.

2. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The subject 1.11-acre parcel (portion of the L-32 canal) was located between Pods C-2 and C-3. With the inclusion of this acreage into the development, the Applicant will combine Pods C-2 and C-3 into one Pod, C-2. The addition of this land meets Code requirements for the PUD Zoning District with the proposed Development Order Amendment to add this parcel to the boundary of the previously approved PUD and is consistent with the stated purpose and intent of this Code.

3. **Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The 1.11-acre parcel is internal to the previously approved Atlantic Commons development. The proposed rezoning will not have an impact on the compatibility with surrounding uses.

4. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

The proposed zoning will not have adverse impacts on the natural environment.

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

The subject parcel will be included in the development instead of bisecting previously approved Pods C-2 and C-3. The pods are proposed to be combined into one Pod, C-2. The proposed amendment will result in a logical, orderly, and timely development pattern consistent with the purpose and intent of a PUD to encourage the efficient use of land.

6. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency.*

Concurrency has been approved for the Atlantic Commons PUD development as indicated on the Preliminary Site Plan, which includes the subject 1.11-acre parcel proposed to be rezoned.

7. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

The Applicant indicates that the parcel was declared surplus by the LWDD and the parcel became available to purchase. The Applicant is requesting to add the parcel of land into the Atlantic Commons PUD.

CONCLUSION:

Staff has evaluated the standards listed under Article 2.B.1.B 1-7 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 rezoning 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-2 for the Development Order Amendment.

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 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are 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.

- 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 proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including densities and intensities of use.

Density and Workforce Housing:

The Applicant is requesting to add 1.11 additional acres and reduce the overall unit count by 97 units for a total of 853 units for the project. The 476 units previously approved via Resolution R-2005-2291 and R-2005-2292, predate the workforce housing program; therefore, those 476 units are vested.

The total available units and subsequent WHP obligation were calculated as follows:

476 Units Vested 0.00 WHP obligation
183 Standard units (661 - 476 = 185, 185 x 2.5% WH units = 4.63) 4.63 WHP obligation
165 PUD units (165 x 8% = 13.20) 13.20 WHP obligation
27 Bonus units; a 15.8% bonus (27 x 17% = 4.59) 4.59 WHP obligation
853 Total Units; 22.42 or 22 (round down) WHP Required Units

Prior Land Use Amendments: A 32.36-acre portion of the site along the Turnpike was the subject of a County initiated Large Scale amendment known as Commercial Categories 3, LGA-2003-56; Ordinance 2003-65, which changed the FLU designation from C/5 to CH/5 with no conditions.

- 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 Development Order Amendment meets Art. 3.E.1.C Objectives and Standards for both design and performance including non-vehicular circulation system and cul-de-sacs. The Unified Control will be amended prior to final approval by the Development Review Officer (DRO) for the added land area. The amendment complies with Art. 3.E.2 PUD for a range of housing types.

Exemplary standards are met with focal points, decorative street lighting, decorative paving, a fountain in the entrance lake, benches or play structures provided in usable open space areas and along pedestrian pathways, interspersed housing in the multi-family pods, and a pedestrian circulation system.

The proposed amendment complies with all applicable standards and provisions of the Code for use, layout, function, and general development characteristics subject to approval of the concurrent Type

II Variances V1 through V9; and, subject to the Applicant's compliance with the PDRs of the ULDC, OR alternatively, ZC approval of the variance request for V10 through V12.

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.*

The proposed change in unit type from Townhome to ZLL Home increases the project's compatibility with adjacent existing single family residential to the east. The proposed amendment is compatible and generally consistent with the uses and the character of the land surrounding and in the vicinity of the land proposed for development.

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.*

Stone Quarry Boulevard, which previously extended north across the L-32 canal to access Pod C-3, will now curve to the west on the added land area towards the Recreation Tract for Pod C-2. Thus, the right-of-way will be relocated further from the existing adjacent residential (Pine Ridge) development. The Sound Abatement Wall adjacent to Florida's Turnpike will now be continuous with the required landscaping (including flowering trees) on the outside of the wall instead of bisected by the L-32 canal.

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 RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The only heavily vegetated portion of the site supports a mixture of native and exotic vegetation. The area has been disturbed to the extent that an upland preserve set-aside is not appropriate. However, native upland trees that are unable to be preserved in their location, shall be mitigated on the site, pursuant to ULDC Article 14.C.

WELLFIELD PROTECTION ZONE: A portion of the property (northern portion) is located with a Wellfield Protection Zone #4.

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.

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

The proposed amendment will result in a logical, orderly and timely development pattern. The developments to the east are a mix of single family and multi-family residential.

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

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

The Property Owner has estimated the build-out of the project to be December 31, 2019. Total traffic generated from this project is expected to be 7,345 trips per day and 658 trips during the PM peak hour. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

The following roadway improvements are required for compliance with the Traffic Performance Standards:

- a. Widening of Atlantic Ave from Florida Turnpike to Jog Rd from 4 lanes divided to six lanes divided. The property Owner will be required to make a proportionate share payment for this improvement.
- b. Construction of an additional east approach left turn lane at the intersection of Atlantic Ave and Lyons Rd.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Atlantic Ave from Florida Turnpike to Hagen Ranch Rd

Existing count: Eastbound=1400, Westbound=1725

Background growth: Eastbound=541, Westbound=665

Project Trips: Eastbound=168, Westbound=95

Total Traffic: Eastbound=2109, Westbound=2485

Present laneage: 4 lanes

Assured laneage: 4 lanes

LOS "D" capacity: 1770 vehicles per hour (directional)

Projected level of service: F

PALM BEACH COUNTY HEALTH DEPARTMENT: No Staff Review Analysis

FIRE PROTECTION: No Staff Review Analysis

SCHOOL IMPACTS: In accordance with adopted school concurrency, a Concurrency Determination for 853 residential units (458 single family, 395 multi-family) had been approved on January 24, 2014 (Concurrency Case #14011601C). The subject property is located within Concurrency Service Area 20 (SAC 277).

This project is estimated to generate approximately two-hundred and four (204) public school students. The schools currently serving this project area are: Hagen Road Elementary School, Carver Community Middle School, and Spanish River Community High School.

The revised Preliminary Master Plan dated April 10, 2014 shows four (4) ten-foot by fifteen-foot school bus shelters. A school bus shelter Condition of Approval has been applied to this petition request.

PARKS AND RECREATION: The developer exceeds the recreational requirement.

Concurrency has been approved for 458 ZLL Homes, 395 Multi-Family units; and, 55,000 sq. ft. of Government Services.

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

Subject to approval of the rezoning of the 1.11-acre L-32 canal to the PUD Zoning District, the land must be incorporated into the boundary of the development. The added land area will allow for a more unified site design. The developer's proposed change in unit type from Townhomes to ZLL Homes and proposed Model Row near the entrance into the development also require an amendment request. The proposed modification will improve the site design particularly in the northern portion of the development where Pods C-2 and C-3 have been combined and the internal spine road shifted.

CONCLUSION:

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-2.

CONDITIONS OF APPROVAL

Exhibit C-1

Type II Variance - Concurrent

VARIANCE

1. This Variance is approved based on the layout as shown on the Preliminary Master Plan dated April 10, 2014. Only minor modifications by Board of County Commissioners or Development Review Officer shall be permitted provided the changes are consistent with this Master Plan. (ONGOING: CODE ENF - Zoning)
2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Master Plan. (DRO/ONGOING: ZONING - Zoning)
3. Prior to Final Approval by the Development Review Officer, the approved Variance(s) V-1 through V-6 and any associated Conditions of Approval shall be shown on the Atlantic Commons PUD Final Subdivision Plan. (DRO/ONGOING: ZONING - Zoning)
4. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ZV/PDD/DOA-2014-00092. (ONGOING: MONITORING - Zoning)
5. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning)
6. In Granting this Approval, the Zoning Commission 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)
7. 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; 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

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

CONDITIONS OF APPROVAL

Exhibit C-2

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2013-802, Control No.2004-00525, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2009-1823 (Control 2004-525), 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.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2013-0802 (Control 2004-525), 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. Previous ALL PETITIONS condition 2 of Resolution R-2013-802, Control No.2004-00525, which currently states:

The approved Preliminary Master Plan is dated March 14, 2013. 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)

Is hereby amended to read:

The approved Preliminary Master Plan is dated April 10, 2014. 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, this development order meets the requirements to receive a new three (3) year review date from the date of approval of this resolution. (Note: Current date due to Tropical Storm Debby is June 14, 2016) (Previous ALL PETITIONS condition 3 of Resolution R-2013-802, Control No.2004-00525) (DATE: MONITORING - Zoning)

4. The owner/ developer shall provide for and maintain rodent control during land development and site construction within the project. (Previous ALL PETITIONS condition 4 of Resolution R-2013-802, Control No.2004-00525) (ONGOING: CODE ENF - Code Enforcement)

ENGINEERING

1. TRAFFIC PERFORMANCE STANDARDS PHASING REQUIREMENTS

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

a. Building Permits for more than 286 townhouse dwelling units (maximum 146 PM peak hour trips) shall not be issued until construction commences for the 4 lane median divided construction of West Atlantic Avenue from Lyons Road to Starkey Road plus the appropriate paved tapers. [Note: Completed per Atlantic Ave. Agreement] (BLDGPM: MONITORING - Engineering)

b. Building Permits for more than 286 townhouse dwelling units (maximum 146 PM peak hour trips) shall not be issued until the contract has been let for the 4 lane median divided construction of West

Atlantic Avenue from Starkey Road to the Florida Turnpike. (BLDGPMT: MONITORING - Engineering) [NOTE: COMPLETED.]

c. Building Permits for more than 112 detached dwelling units and 149 townhouse dwelling units (maximum 207 PM peak hour trips) shall not be issued until the contract has been let for the 6 lane median divided construction of Jog Road from Lake Ida Road to Atlantic Avenue plus the appropriate paved tapers. (BLDGPMT: MONITORING - Engineering) [NOTE: COMPLETED]

d. Building Permits for more than 171 detached dwelling units (maximum 126 AM peak hour trips) shall not be issued until construction commences for the following improvements at the intersection of West Atlantic Avenue and Jog Road: -exclusive right turn lane north approach; -exclusive right turn lane south approach; and, -second right turn lane west approach. (BLDGPMT: MONITORING - Engineering) [NOTE: COMPLETED per Atlantic Ave. Agreement.]

e. Previous ENGINEERING condition 1.e of Resolution No. R-2013-802, Control No.2004-00525, which currently states:

No Building Permits for the site may be issued after December 31, 2021. 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 Art. 2.E of the Unified Land Development Code. Note that this condition will not apply to development of the civic pod if ownership of that pod has been transferred to a governmental agency for public use.

Is hereby amended to read:

No Building Permits for the site may be issued after December 31, 2019. 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 Art. 2.E of the Unified Land Development Code. Note that this condition will not apply to development of the civic pod if ownership of that pod has been transferred to a governmental agency for public use. (DATE: MONITORING - Engineering)

f. Previous ENGINEERING condition 1.f of Resolution R-2013-802, Control No.2004-00525, which currently states:

Building Permits for more than 464 multi-family dwelling units shall not be issued until either:

- i) the contract has been awarded for the construction of a shared east approach through/right turn lane on Atlantic Avenue at the east Turnpike intersection, including an appropriate receiving lane and the appropriate paved tapers, OR
- ii) the Property Owner makes a proportionate share payment in the amount of 15.1% of the total cost to construct the above improvement.

Is hereby deleted. [REASON: No longer applicable]

2. Previous ENGINEERING condition 2 of Resolution R-2013-802, Control No.2004-00525, which currently states:

Prior to final approval by the DRO, the property owner shall provide access to the property to the north currently owned by the Florida Department of Transportation. Type of access, width, and location shall be approved by both the County Engineer and the Florida Department of Transportation.

Is hereby deleted. [REASON: FDOT property is now included in the project approval limits]

3. Prior to the 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 West Atlantic Avenue 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. The 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. (Previous ENGINEERING condition 3 of Resolution R-2013-802, Control No.2004-00525) (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

4. INTERSECTION IMPROVEMENTS The Property Owner shall construct:

- i. left turn lane west approach on West Atlantic Avenue at the project's entrance; and,
- ii. right turn lane east approach on West Atlantic Avenue at the project's 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. Prior to the issuance of the first building permit, permits shall be obtained from the Florida Department of Transportation for construction of these turn lanes. (BLDGPMT: MONITORING - Engineering) [NOTE: COMPLETED]

b. Prior to the issuance of the first Certificate of Occupancy, construction for these turn lanes shall be completed. (Previous ENGINEERING condition 4 of Resolution R-2013-802, Control No.2004-00525) (CO: MONITORING - Engineering)

5. FLORIDA TURNPIKE NOISE MITIGATION

a. The master plan for this site shall be amended to reflect noise mitigation requirements for dwelling units adjacent to Florida's Turnpike as outlined in the applicants approved Noise Analysis. Requirements such as a sound wall and or landscape buffers shall be shown on the master plan for this site subject to the approval of the County Engineer and Zoning Division.

b. Previous Condition E.5.b of Resolution R-2013-0802, Control No. 2004-525, which currently states:

Prior to the issuance of the first certificate of occupancy for any lot within the pod, construction of any required sound walls and landscape buffers for a pod fronting the turnpike as outlined in the Noise Analysis shall be completed. This condition shall only apply to all of Pods B-2, C-1, C-2 and C-3 or as otherwise revised by an approved Noise Analysis acceptable to the County Engineer. The construction shall be as outlined in the Noise Analysis. The property owner shall provide Land Development a listing of the applicable PCN numbers for all affected lots within the specific pods.

Is hereby amended to read

Prior to the issuance of the first certificate of occupancy for any lot within the pod, construction of any required sound walls and landscape buffers for a pod fronting the turnpike as outlined in the Noise Analysis shall be completed. This condition shall only apply to all of Pods B-2, C-1, C-2 and C-3 or as otherwise revised by an approved Noise Analysis acceptable to the County Engineer. The construction shall be as outlined in the Noise Analysis. The property owner shall provide Land Development a listing of the applicable PCN numbers for all affected lots within the specific pods.

c. 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 this site is adjacent to Florida's Turnpike and that some of the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to Florida's Turnpike. Also, there shall be a statement included in the sales contracts and homeowner documents the noise levels residents may expect after any noise mitigation improvements are constructed by the property owner. In addition, there shall be a statement that any additional noise mitigation measures requested by property owners or the Home Owners Association in the future shall not be funded by Palm Beach County.

d. The property owner shall submit documentation of compliance with "c" 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 October 23, 2009 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowner's association. (Previous ENGINEERING condition 5 of Resolution R-2013-802, Control No.2004-00525) (DATE/ONGOING: MONITORING - Engineering)

6. The Property Owner shall convey to Palm Beach County Land Development Division by warranty deed for West Atlantic Avenue 126 feet north of the existing south right of way of West Atlantic Avenue. Right of way shall be conveyed prior to March 1, 2006, or prior to the issuance of the first building permit, whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The 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 also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes 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 prior to dedication. 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 as determined by the County Engineer provisions for Expanded Intersection Details and Corner Clips. (Previous ENGINEERING condition 6 of Resolution R-2013-802, Control No.2004-00525) (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED]

7. ROADWAY CONSTRUCTION EASEMENT Prior to technical compliance for the first plat, the Property Owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this Property Owner's road right of way. Construction within this easement shall conform to Palm Beach County Standards. (Previous ENGINEERING condition 7 of Resolution R-2013-802, Control No.2004-00525) (TC: ENGINEERING - Engineering) [Note: COMPLETED]

8. TEMPORARY ROADWAY CONSTRUCTION EASEMENT Prior to issuance of a building permit, the Property Owner shall convey a temporary roadway construction easement along West Atlantic Avenue to Palm Beach County. Construction by the Applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (Previous ENGINEERING condition 8 of Resolution R-2013-802, Control No.2004-00525) (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

9. On or before April 23, 2010, the Property Owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of West Atlantic Avenue along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (Previous ENGINEERING condition 9 of Resolution R-2013-802, Control No.2004-00525) (DATE: MONITORING - Engineering) [NOTE: Documents have been approved and are being held in escrow.]

10. Prior to final approval by the DRO, the Property Owner shall obtain additional right of way from the adjacent property to the east to provide a non-plan collector road between this property and West

Atlantic Avenue. This access shall align with Lexington Club Boulevard. Geometrics for this access road including right of way to provide for a right turn lane on West Atlantic Avenue at the project's entrance shall be approved by the County Engineer. Right of way for this access road if unable to be acquired by the Property Owner shall be obtained through condemnation procedures through Palm Beach County, subject to the approval of the County Attorney and the County Engineer. Any and all costs for any required condemnation shall be funded by this Property Owner. (Previous ENGINEERING condition 10 of Resolution R-2013-802, Control No.2004-00525) (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

11. RIGHT-OF-WAY ACQUISITION The Property Owner shall provide for the acquisition of the access road right of way outlined above by funding the cost of this right-of-way and all associated costs. The Property Owner shall provide surety acceptable to the Office of the County Engineer and County Attorney. This Property Owner shall enter into a written agreement with the Right of Way Acquisition Section on or before June 1, 2006. Notification by the property owner shall be given to the Land Development Division. (Previous ENGINEERING condition 11 of Resolution R-2013-802, Control No.2004-00525) (DATE: MONITORING - Engineering) [Note: COMPLETED]

12. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and the Florida Department of Transportation at West Atlantic Avenue and Stone Quarry Blvd (the project's entrance). Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering) [NOTE: COMPLETED]

b. In order to request release of the surety for the traffic signal at the above intersection, 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 the 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. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (Previous ENGINEERING condition 12 of Resolution R-2013-802, Control No.2004-00525) (ONGOING: ENGINEERING - Engineering)

13. Acceptable surety required for the West Atlantic Avenue improvements identified in Engineering Condition 1.a. and 1.d. above shall be posted with the Office of the Land Development Division on or before May 17, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Property Owner'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) (Previous ENGINEERING condition 13 of Resolution R-2013-802, Control No.2004-00525) (DATE: MONITORING - Engineering) [Note: COMPLETED]

14. Prior to September 15, 2006, the Property Owner shall complete construction plans for the West Atlantic Avenue improvements identified in Engineering Conditions 1.a and 1.d above. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (Previous ENGINEERING condition 14 of Resolution R-2013-802, Control No.2004-00525) (DATE: MONITORING - Engineering) [Note: COMPLETED]

15. Prior to May 15, 2007, the Property Owner shall complete construction of the West Atlantic Avenue improvements identified in Engineering Conditions 1.a and 1.d above. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (Previous ENGINEERING condition 15 of Resolution R-2013-802, Control No.2004-00525) (DATE: MONITORING - Engineering) [Note: COMPLETED]

16. No building permits for more than 458 Single Family Dwelling Units and 283 Apartment Units or the development equivalent of 589 PM peak hour trips shall be issued until construction commences on an additional east approach left turn lane (making it dual) at the intersection of Atlantic Ave and

Lyons Road. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. If the construction of the above improvement does not commence by the time building permits for more than the above threshold is applied for, the Property Owner will be responsible for paying and constructing the above improvement. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. All necessary Permits for the above construction shall be obtained before the above threshold is reached and Construction shall be completed before any Certificate of Occupancy more than the above threshold. (BLDGPMT: MONITORING - Engineering)

17. No building permits for more than 783 units (395 Apartments and 388 Single Family Homes) or equivalent of 6645 daily trips shall be issued until the Property Owner makes an additional proportionate share payment of \$332,141.00, which represents the Property Owner's proportionate share of widening of Atlantic Ave from Florida Turnpike to Jog Road from a 4-lane divided highway to a 6-lane divided highway. This proportionate share amount may be applied towards construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project as determined by the County Engineer. The County Engineer shall also have the authority to require the amount be adjusted to reflect updates in project costs, which includes construction as well as ROW acquisition costs. (BLDGPMT: MONITORING - Engineering)

HEALTH

1. Prior to the issuance of the first building permit the property owner shall submit a detailed written plan acceptable to the Palm Beach County Health Department for the control of fugitive dust particulates on the site during all phases of site development. The property owner or the representative of the property owner shall be available to meet with staff of the Air Pollution Control Section of the Palm Beach County Health Department on request to clarify and discuss the scope and potential effectiveness of the proposed dust control measures. (Previous HEALTH condition 1 of Resolution R-2013-802, Control No.2004-00525) (BLDGPMT: MONITORING - Health Department) [Note: COMPLETED]

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. (Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2013-802, Control No.2004-00525) (ONGOING: LANDSCAPE - Zoning)

2. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (Previous LANDSCAPE - GENERAL condition 2 of Resolution R-2013-802, Control No.2004-00525) (ONGOING: LANDSCAPE - Zoning)

3. Field adjustment of berm 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. (Previous LANDSCAPE - GENERAL condition 3 of Resolution R-2013-802, Control No.2004-00525) (ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - INTERIOR

4. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be revised to indicate a landscape focal point within a central island of all cul-de-sacs and roundabouts. (Previous LANDSCAPE - INTERIOR condition 5 of Resolution R-2013-802, Control No.2004-00525) (DRO: ZONING - Zoning)

5. All landscape focal points shall be:

- a. subject to review and approval by the Landscape Section; and,
- b. reflected on the regulating plan prior to final approval by the Development Review Officer (DRO). (Previous LANDSCAPE - INTERIOR condition 6 of Resolution R-2013-802, Control No.2004-00525) (DRO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER

6. A minimum of fifty (50) percent of all trees to be planted in the perimeter landscape buffers shall meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet; and,
- b. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (Previous LANDSCAPE - PERIMETER condition 7 of Resolution R-2013-802, Control No.2004-00525) (BLDGPM: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-PORION OF PERIMETER BUFFER(S) WITH A FDOT SOUND BARRIER WALL ONLY

7. In addition to Code requirements and the proposed planting program, the portion of the perimeter buffer(s) with a FDOT sound barrier wall only shall be upgraded to include:

- a. a minimum of one (1) flowering tree for each fifty (50) linear feet of the property line, to be planted on both sides of the FDOT sound barrier wall. Flowering trees shall be spaced a maximum distance of seventy-five (75) feet on center on each side of the FDOT sound barrier wall. (Previous LANDSCAPE - PERIMETER condition 8 of Resolution R-2013-802, Control No.2004-00525) (ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-ALONG THE EAST PROPERTY LINE, NORTH OF THE L-33 CANAL

8. Previous LANDSCAPE - PERIMETER condition 9 of Resolution R-2013-802, Control No.2004-00525, which currently states:

In addition to Code requirements, landscaping along the east property line north of the LWDD L-33 Canal (west side of the LWDD E-2-E Canal) shall be upgraded to include:

- a. A continuous berm with a minimum height of one (1) foot;
- b. A six (6) foot high vinyl coated chain link fence;
- c. A continuous solid opaque vegetative screen on the east side of the fence with a minimum height of six (6) feet either alone or in combination with the berm;
- d. Required trees shall be native canopy trees with a maximum spacing of twenty (20) feet;
- e. One palm or pine tree for every twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- f. Landscape installation:
 - i. The fence shall be installed concurrent with the construction Stone Quarry Boulevard north of the LWDD L-33 Canal.
 - ii. The landscaping within the east perimeter buffer shall be installed immediately upon completion of the road. If the road is built in sections, then the landscaping must be installed as each section is completed.
 - iii. The landscaping adjacent to any unit or building within Pods C-2 or C-3, shall be installed prior to receipt of the first CO.

Is hereby amended to read:

In addition to Code requirements, landscaping along the east property line north of the LWDD L-33 Canal (west side of the LWDD E-2-E Canal) shall be upgraded to include:

- a. A continuous berm with a minimum height of one (1) foot;
- b. A six (6) foot high vinyl coated chain link fence;
- c. A continuous solid opaque vegetative screen on the east side of the fence with a minimum height of six (6) feet either alone or in combination with the berm;
- d. Required trees shall be native canopy trees with a maximum spacing of twenty (20) feet;
- e. One palm or pine tree for every twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- f. Landscape installation:
 - i. The fence shall be installed concurrent with the construction Stone Quarry Boulevard north of the LWDD L-33 Canal.

ii. The landscaping within the east perimeter buffer shall be installed immediately upon completion of the road. If the road is built in sections, then the landscaping must be installed as each section is completed.

Subject to the approval of a Type II Variance to eliminate the east Compatibility Buffer where adjacent to the FDOT Easement Area, the terminus of this buffer will be approximately 722 feet south of the LWDD L-31 Canal. (BLDGPM: LANDSCAPE - Zoning)

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 east 70 feet (less lands owned by LWDD) of Tracts 65, 96, 97, and 128, Section 8, PBF1, PB 2, PG 26 for the E-2E Canal. LWDD will provide and record the conveyance document. (PLAT: ENGINEERING - Lake Worth Drainage District)

PLANNED DEVELOPMENT

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

- a. Formation of a single master property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
- b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
- c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD.
- d. Pod B-1 shall be a part of the Declaration of Restrictions and Covenants as required herein; however, if Pod B-1 is conveyed to Palm Beach County as a Public Civic site, then the Declaration of Restrictions and Covenants shall specifically exempt Pod B-1 from any and all obligations contained therein. (Previous PLANNED DEVELOPMENT condition 1 of Resolution R-2013-802, Control No.2004-00525) (PLAT: COUNTY ATTORNEY - Zoning)

2. Prior to the submission of an application for Pod B-1(Public Civic Pod) to the Development Review Officer (DRO), the use(s) and site design of Pod B-1 shall be presented to the Alliance of Delray Residential Associations for review and comment. Any issues raised by the Alliance which remain open at the completion of plan revisions by Facilities Development & Operations (FD&O) shall be presented to the BCC by FD&O for direction and resolution at a regularly scheduled BCC meeting. Any change in the use(s) and/or substantive change in the site design of Pod B-1 made subsequent to any BCC direction shall require further presentation to the Alliance, and if necessitated by an outstanding issue(s), further direction by the BCC. (Previous PLANNED DEVELOPMENT condition 8 of Resolution R-2013-802, Control No.2004-00525) (DRO: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

PLANNING

1. Previous PLANNING condition 1 of Resolution R-2013-802, Control No.2004-00525, which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall indicate a pedestrian pathway fronting the lakes within the passive park areas in POD B-2 and POD C-1. This pedestrian pathway shall provide continuous circulation to the sidewalks within the development. In addition, a minimum of one (1) bench shall be placed at each of these locations.

Is hereby amended to read:

The site plan shall indicate a pedestrian pathway fronting the lakes within the passive park areas in POD B-2 and POD C-1. This pedestrian pathway shall provide continuous circulation to the

sidewalks within the development. In addition, a minimum of one (1) bench shall be placed at each of these locations. (ONGOING: PLANNING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 3.293 acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by April 1, 2014. Property owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

Property owner to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the property owner. The property owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

b) Concurrency

Property owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Property owner shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be pro-rated to include the day of acceptance.

d) Site condition

Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

Property owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property owner shall specifically address the following issues:

- 1) The discharge of surface water from the proposed civic site into the property owner's water retention basins.
- 2) An easement across property owner's property from the proposed civic site to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions property owner agrees to allow the County to perform any on-site inspections and testing deemed appropriate to support the acquisition of the civic site.

g) Vegetation Permit

Property owner to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations.

i) Water & Sewer

Property owner to provide water and sewer stubbed out to the

property line and other required utilities as determined by PREM.

(Previous PROPERTY REAL ESTATE MANAGEMENT condition 1 of Resolution R-2013-802, Control No.2004-00525) (DATE: MONITORING- Property Real Estate Management).

2. Survey -

The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by March 1, 2014. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.

b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (Previous PROPERTY REAL ESTATE MANAGEMENT condition 2 of Resolution R-2013-802, Control No.2004-00525) (DATE: MONITORING-Property Real Estate Management)

3. Environmental Survey

The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by March 1, 2014 . The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.

b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.

d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.

e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

a) If the Phase I audit indicates that a Phase II is necessary, then the Developer shall be required to provide that audit as well. (Previous PROPERTY REAL ESTATE MANAGEMENT condition 3 of Resolution R-2013-802, Control No.2004-00525) (DATE: MONITORING-Property Real Estate Management)

4. The property owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a

County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the property owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the property owner. If off-site land or cash contribution is accepted by Palm Beach County, the property owner shall be deemed to have satisfied the intent of ULDC. (Previous PROPERTY REAL ESTATE MANAGEMENT condition 4 of Resolution R-2013-802, Control No.2004-00525) (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

5. The property owner has offered to provide the County with additional civic site property at the Atlantic Commons PUD, which may be utilized as a credit towards the civic site dedication requirements for this project. The civic property conveyance for this project shall be handled by either one of two separate agreements, known as the proposed Atlantic Commons Civic Site Agreement (approved pursuant to R-2013-0396) and the Exchange and Civic Site Dedication Agreement (approved pursuant to R-2004-0936), which agreements shall supersede all conditions set forth herein. However, (1) should the Atlantic Commons Civic Site Agreement not be finalized by either the County or the property owner, or (2) in the event there is no remaining civic site credit available for use by the property owner pursuant to the Exchange and Civic Site Dedication Agreement, then all requirements of PREM conditions 1 through 5 contained herein shall remain in effect. (Previous PROPERTY REAL ESTATE MANAGEMENT condition 5 of Resolution R-2013-802, Control No.2004-00525) (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

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). (Previous SCHOOL BOARD condition 1 of Resolution R-2013-802, Control No.2004-00525) (ONGOING: SCHOOL BOARD - School Board)

2. Previous SCHOOL BOARD condition 2 of Resolution R-2013-802, Control No.2004-00525, which currently states:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelters 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.

Is hereby amended to read:

Prior to the issuance of the first Certificate of Occupancy (CO) for Pod A, Pod B-2, Pod C-1 or Pod C-2, the school bus shelters for each pod 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 shelters shall be the responsibility of the residential property owner. (CO: MONITORING - School Board)

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be revised to depict upgraded recreation amenities within each of neighborhood park. These additional amenities shall:

- a. be accessible from a minimum five (5) foot wide pathway. This pathway shall have a direct connection to the primary sidewalk system on the property;
- b. include a minimum of two (2) pedestrian benches; and,
- c. include a minimum of one (1) trash receptacle. (Previous SITE DESIGN condition 1 of Resolution R-2013-802, Control No.2004-00525) (DRO: ZONING - Zoning)

2. Previous SITE DESIGN condition 2 of Resolution R-2013-802, Control No.2004-00525, which currently states:

Each townhouse unit with a garage shall provide sufficient area within the garage for a residential parking space and trash receptacles.

Is hereby deleted. [REASON: The Townhouse units have been deleted.]

3. Prior to final DRO approval, all multi-family units along the west side of the E-2-E canal, directly abutting the internal spine road, shall be a maximum two stories in height, not to exceed a maximum thirty (30)-feet in height measured to the highest point of the structure. (Previous SITE DESIGN condition 3 of Resolution R-2013-802, Control No.2004-00525) (DRO: ZONING - Zoning)

4. Prior to the issuance of the first Certificate of Occupancy, the meandering path located adjacent to Stone Quarry Boulevard as indicated on the Preliminary Site Plan dated March 25, 2013 shall be installed to complete the pedestrian connection between Pod A-2 and Atlantic Avenue. (Previous SITE DESIGN condition 4 of Resolution R-2013-802, Control No.2004-00525) (CO: BUILDING DIVISION - Building Division)

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: ZONING - 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: ZONING - Zoning)

DISCLOSURE

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

Figure 1 Land Use Map

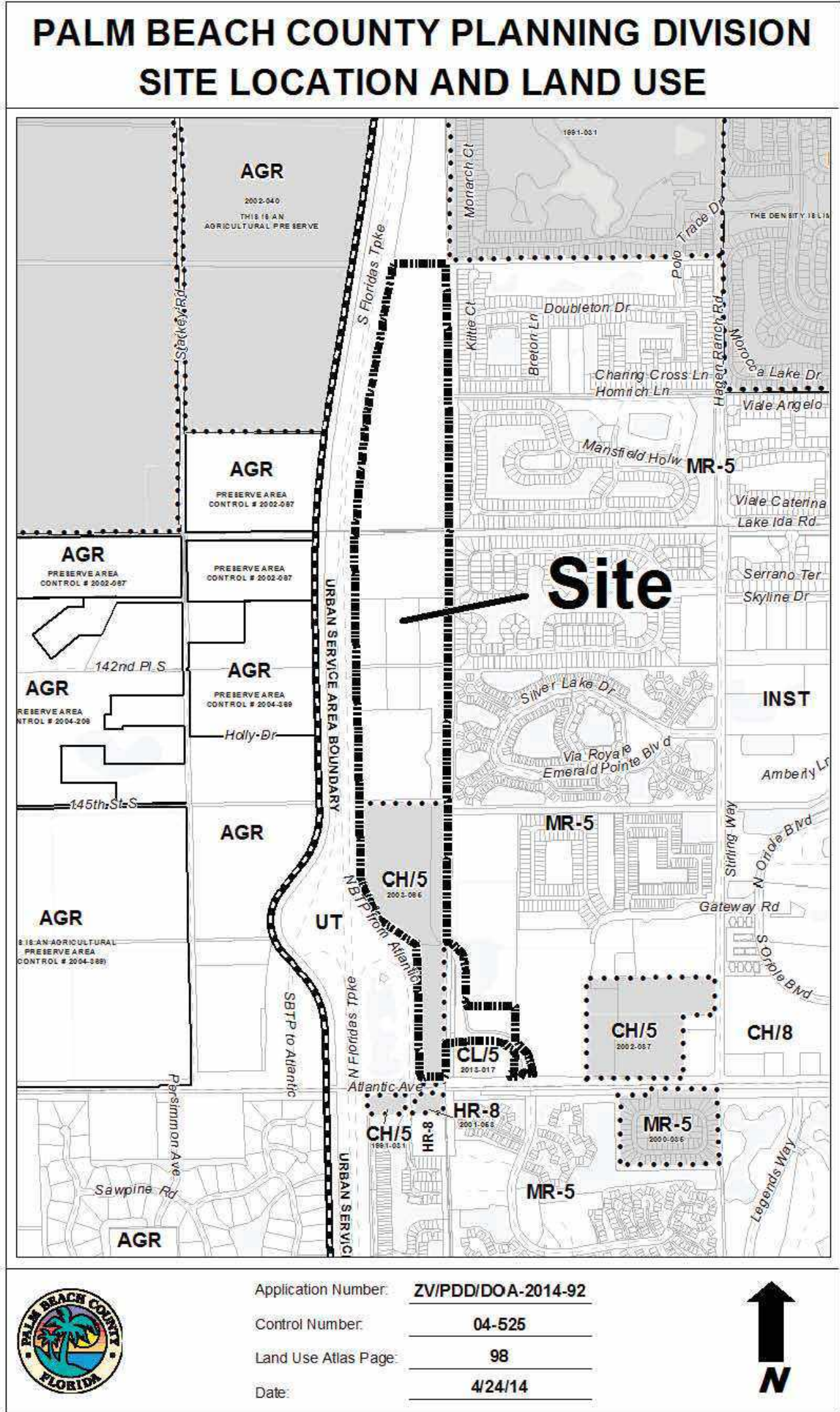


Figure 2 Zoning Map

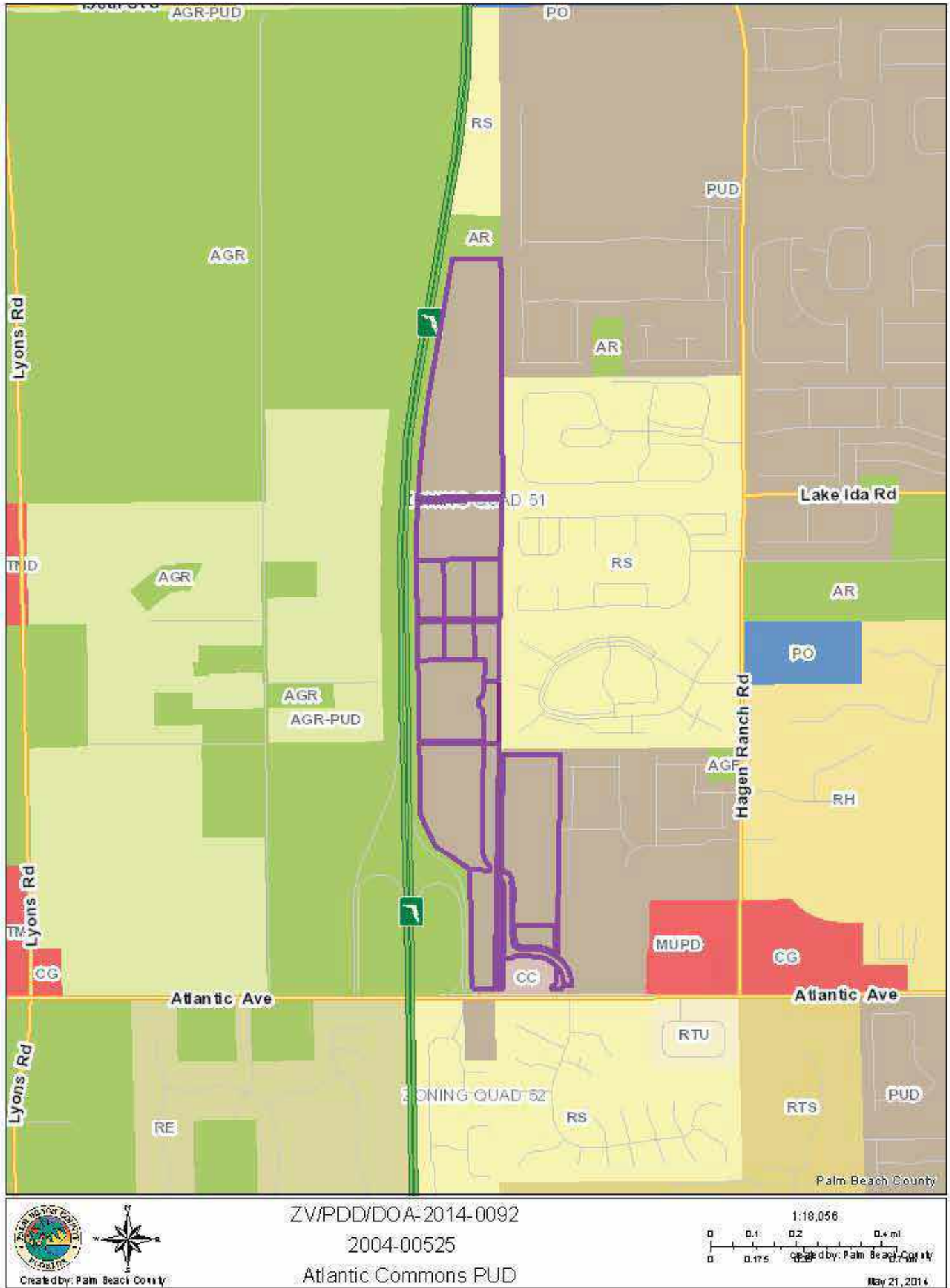


Figure 3 Aerial



Figure 5 Preliminary Master Plan page 2 of 3 dated April 10, 2014

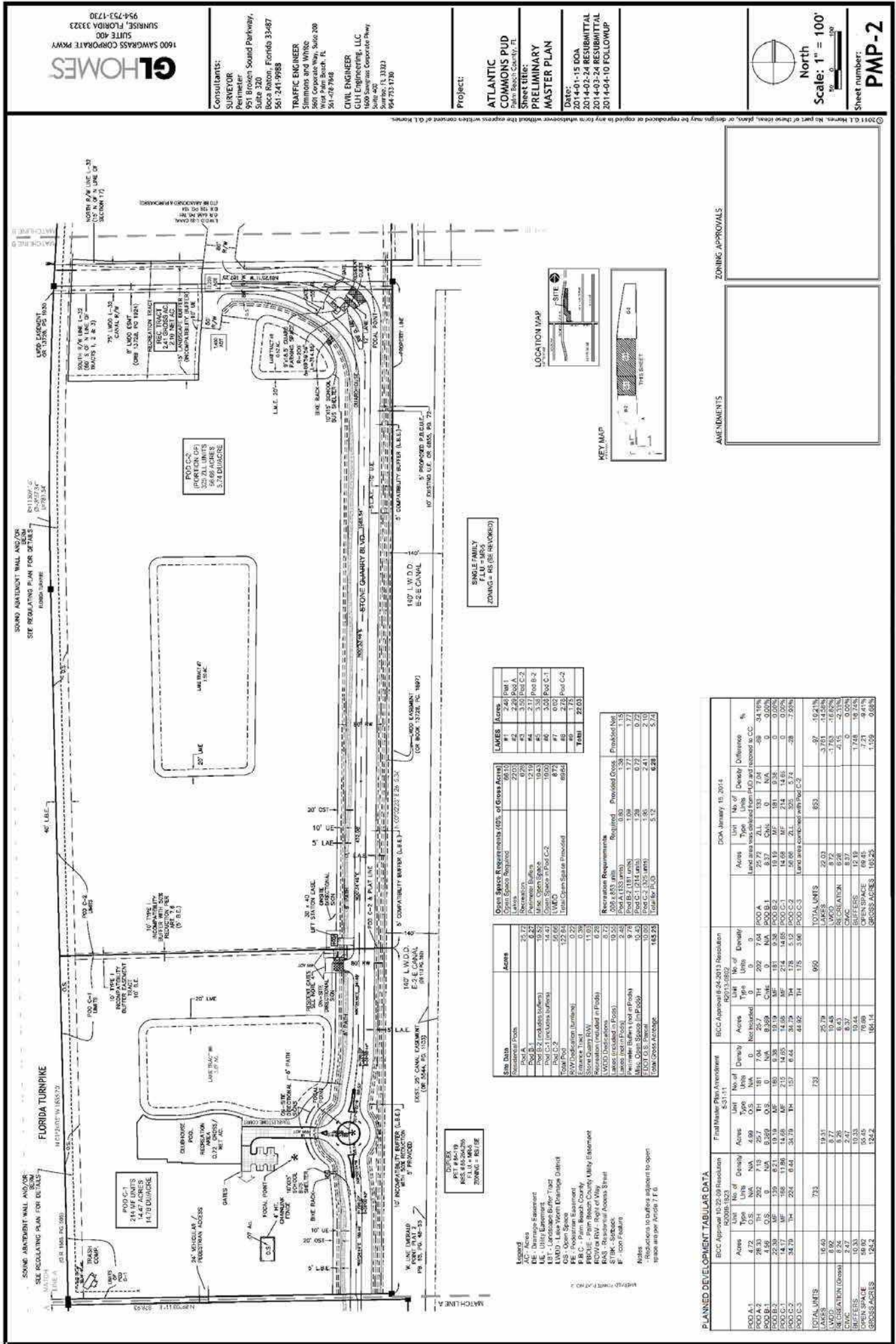
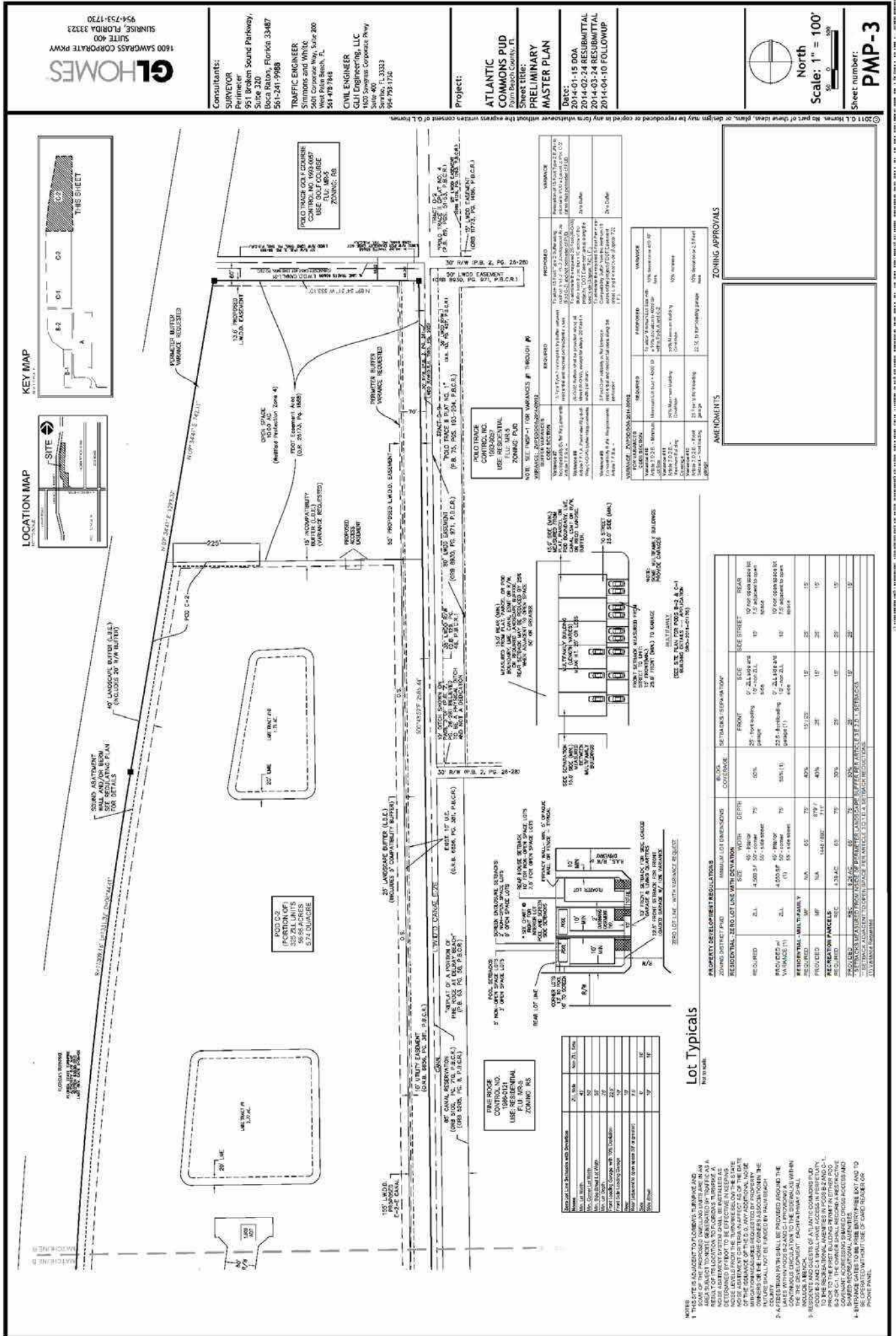


Figure 6 Preliminary Master Plan page 3 of 3 dated April 10, 2014



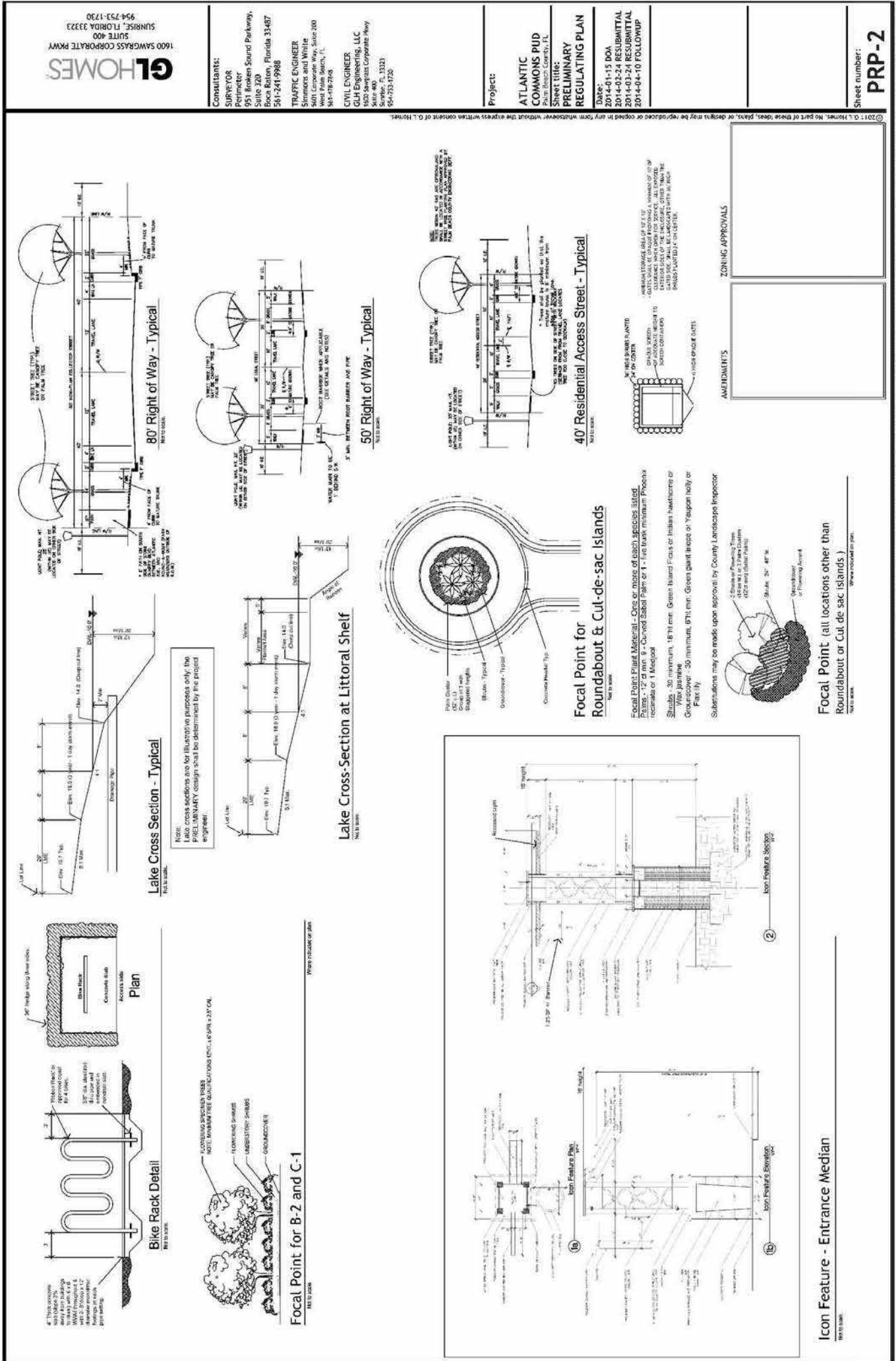


Figure 9 Preliminary Regulating Plan page 3 of 3 dated April 10, 2014

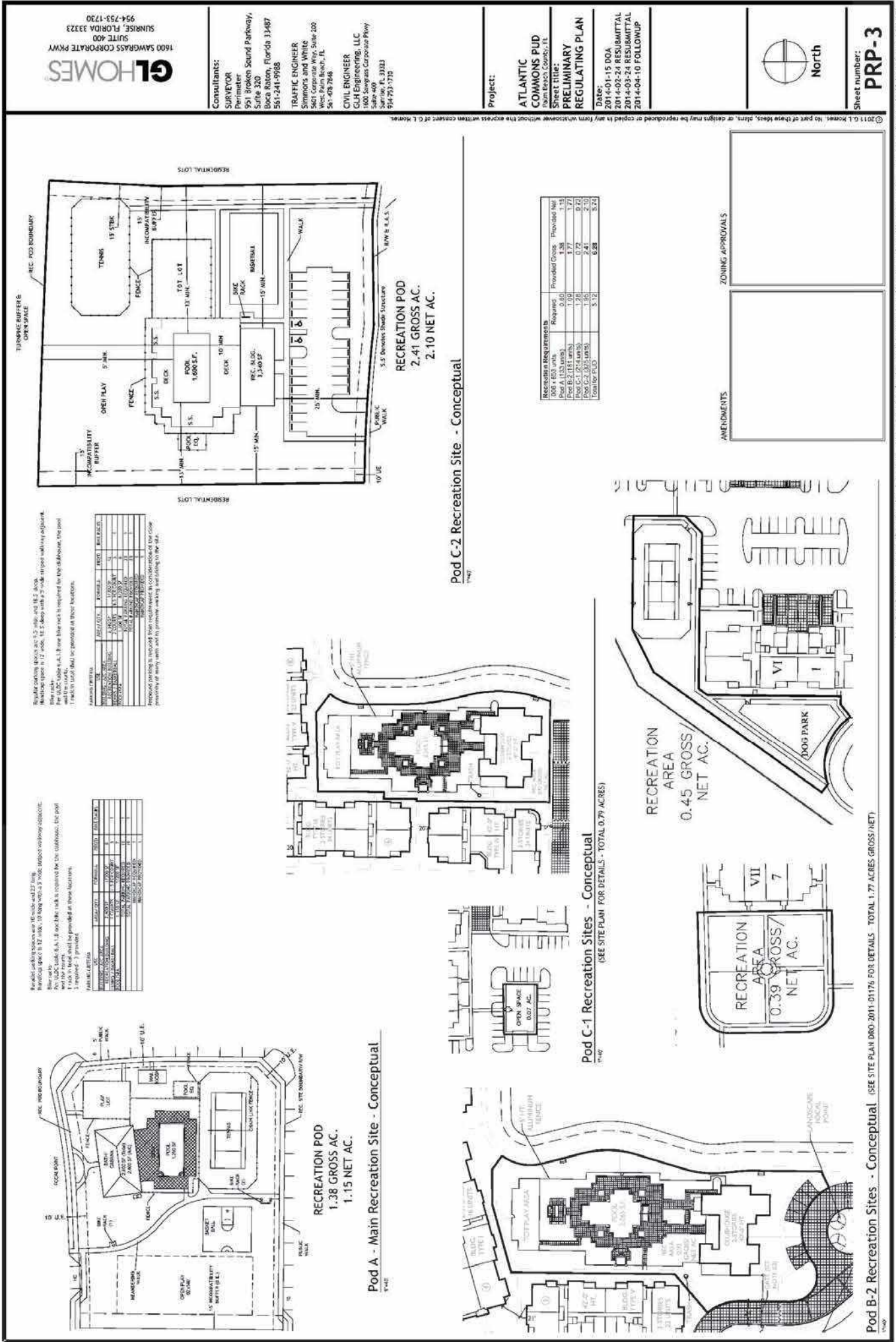


Figure 10 Preliminary Street Layout Plan page 1 of 3 dated April 10, 2014

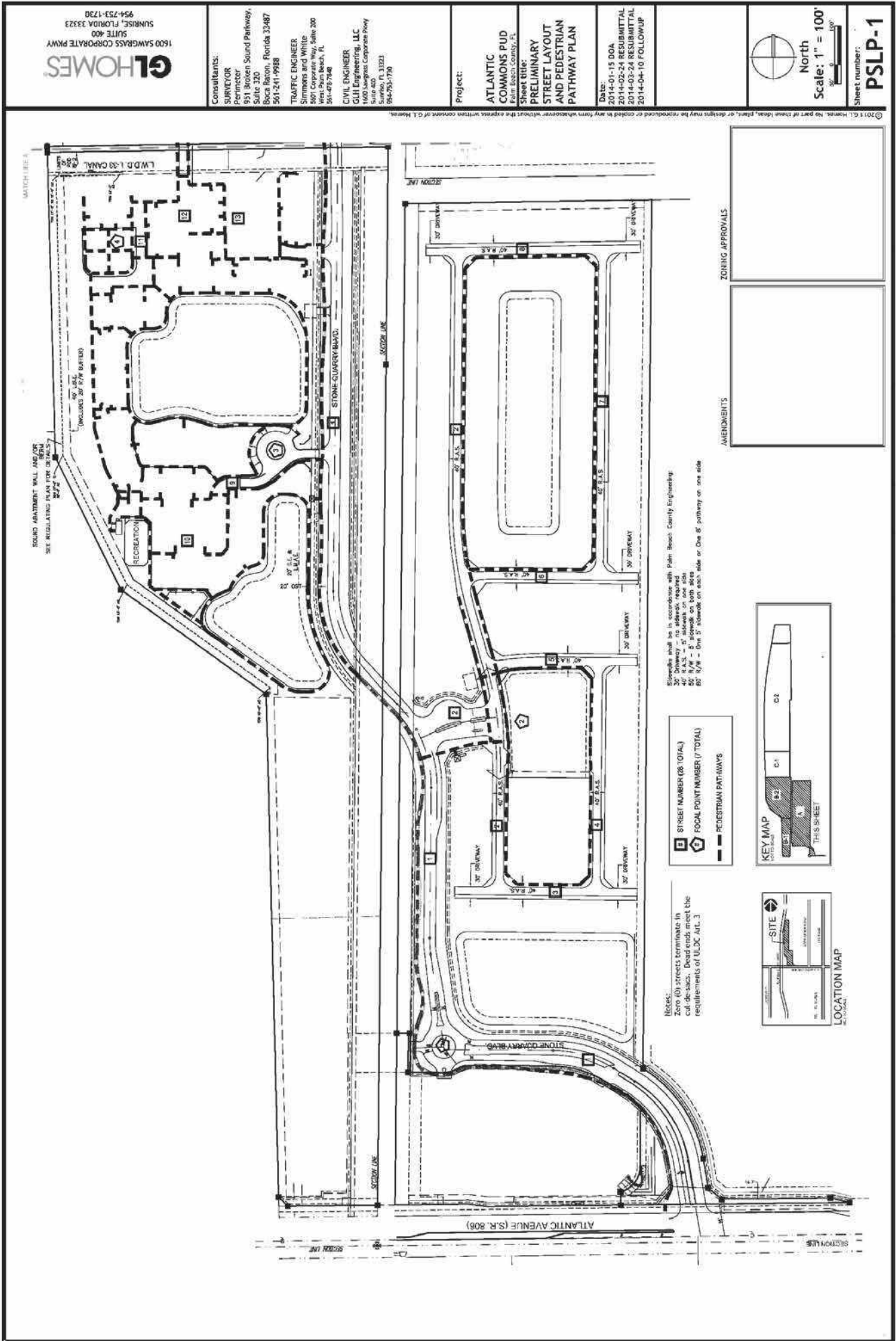


Figure 11 Preliminary Street Layout Plan page 2 of 3 dated April 10, 2014

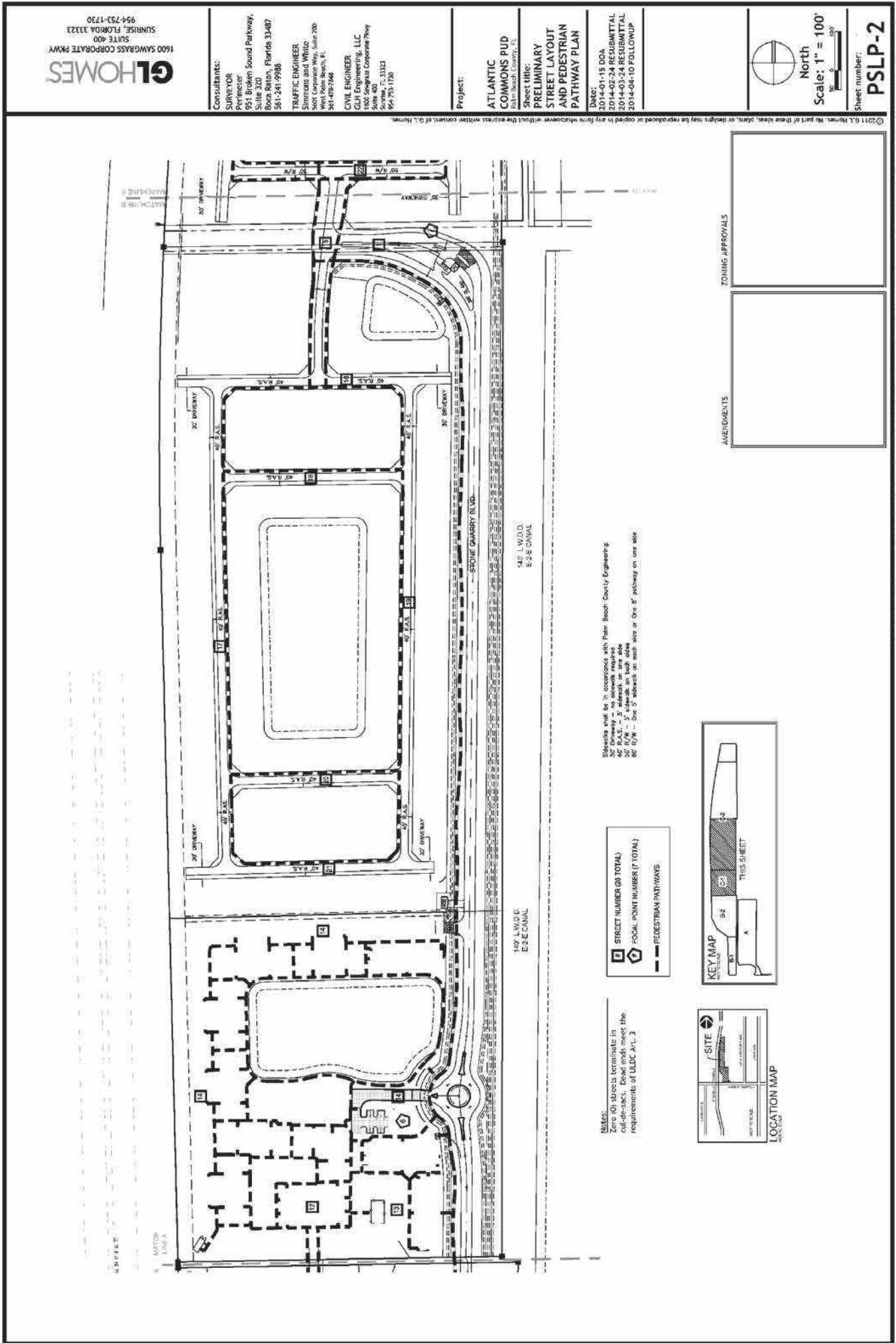


Figure 14 Final Master Plan page 1 of 3 dated August 14, 2013

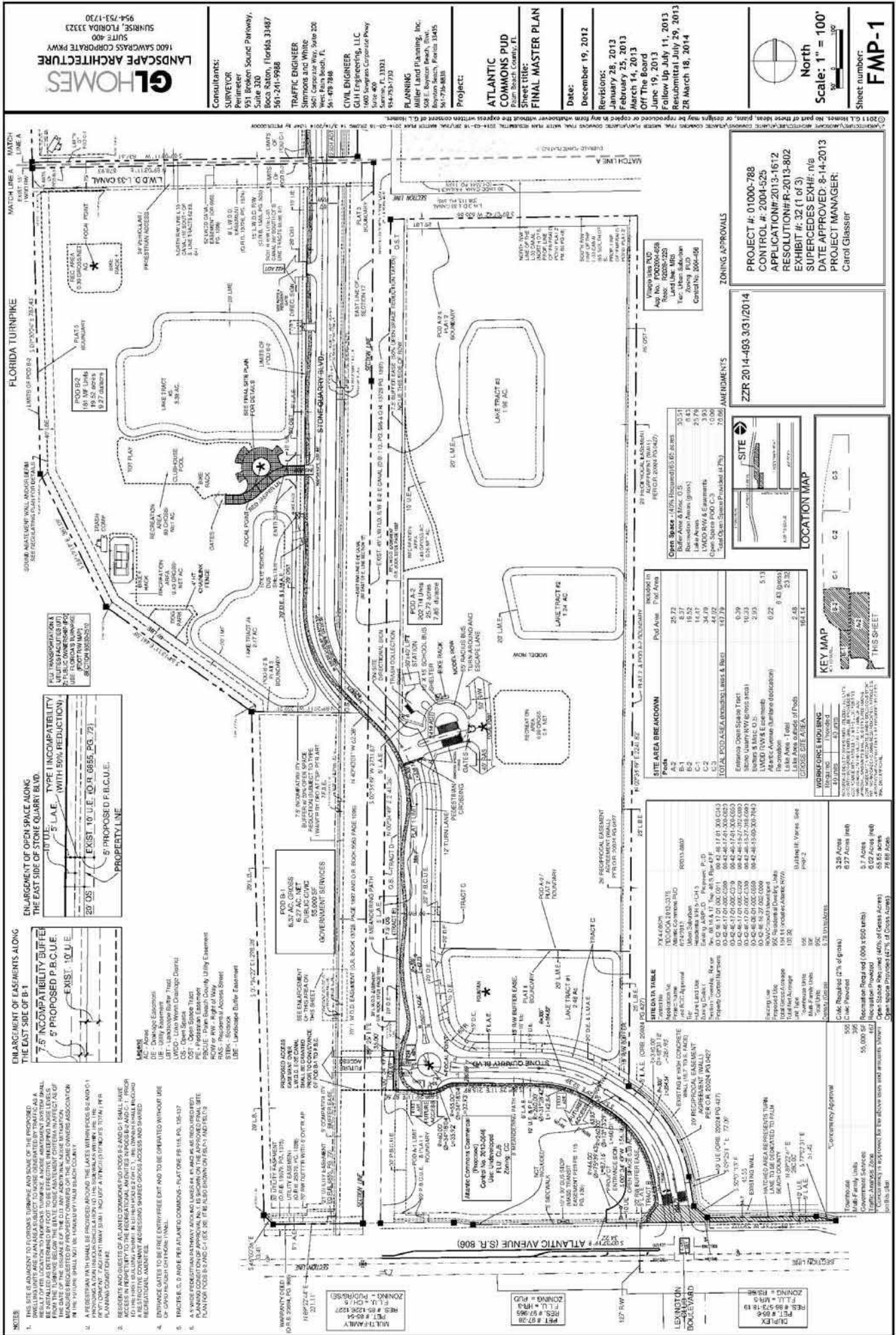


Figure 15 Final Master Plan page 2 of 3 dated August 14, 2013

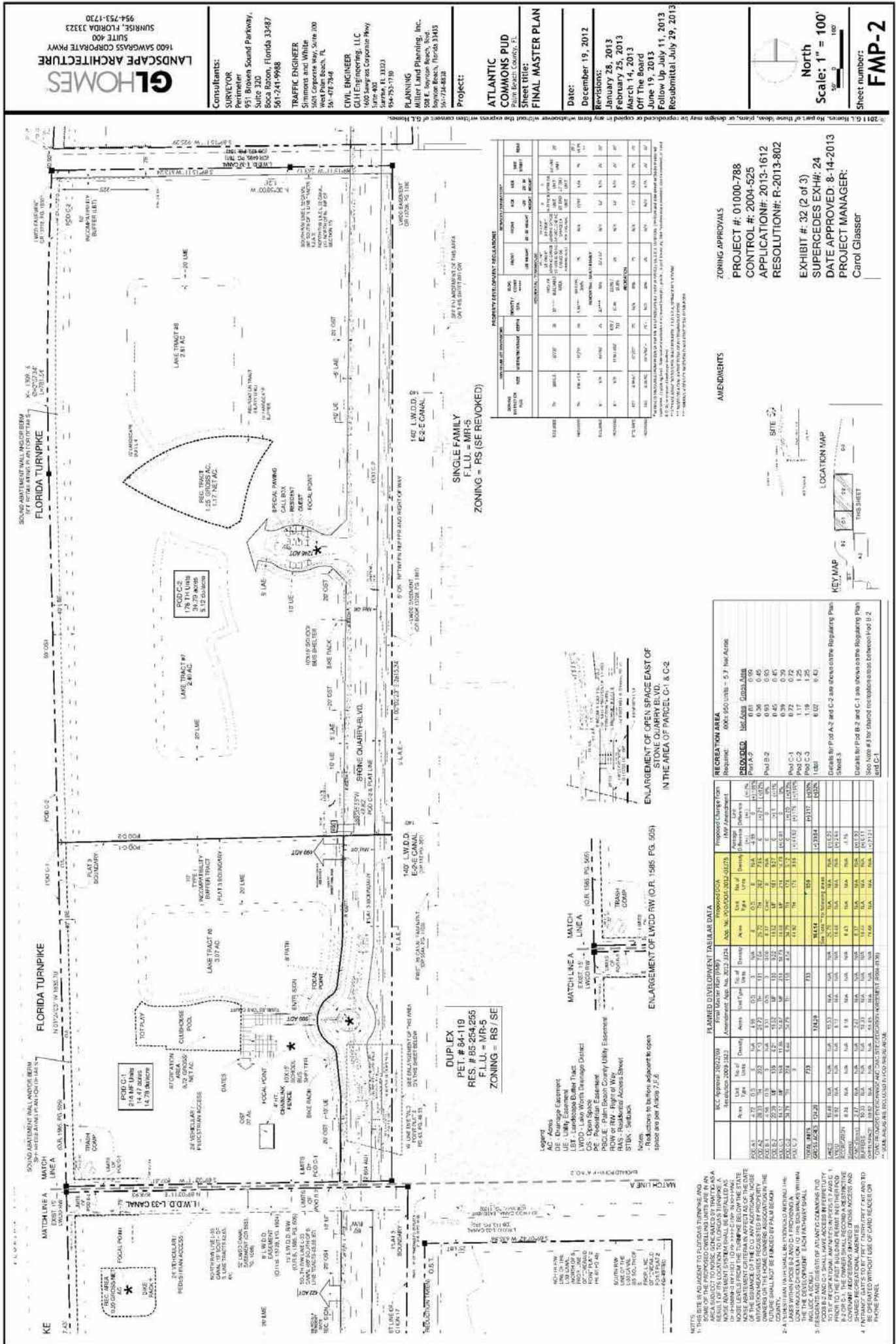
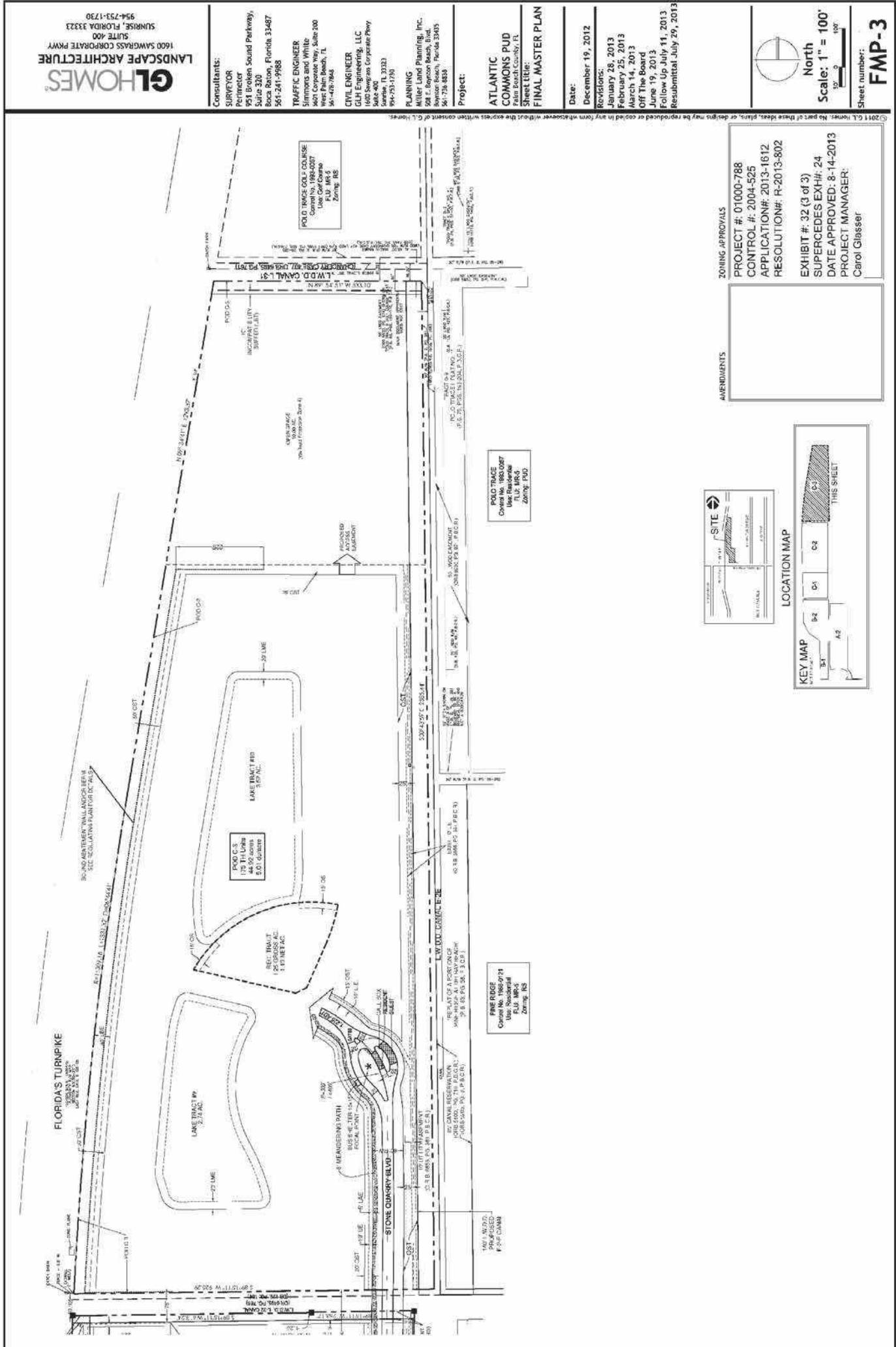


Figure 16 Final Master Plan page 3 of 3 dated August 14, 2013



DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

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


STATE OF FLORIDA
COUNTY OF BROWARD

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

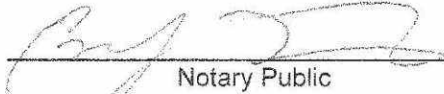
1. Affiant is the Vice President of Atlantic Commons Corporation, a Florida corporation, the general partner of Atlantic Commons Associates, LLLP, a Florida limited liability limited partnership (the "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for the real property legally described on the attached Exhibit "A" (the "Property").
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 Applicant. 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 Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant 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.

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.


 N. Maria Menendez, as the Vice President of Atlantic Commons Corporation, a Florida corporation, the general partner of Atlantic Commons Associates, LLLP, a Florida limited liability limited partnership

The foregoing instrument was acknowledged before me this 9 day of January, 2014, by N. Maria Menendez, as the Vice President of Atlantic Commons Corporation, a Florida corporation, the general partner of Atlantic Commons Associates, LLLP, a Florida limited liability limited partnership, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.


 Notary Public
 Evelyn Duenas
 (Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 8/12/17

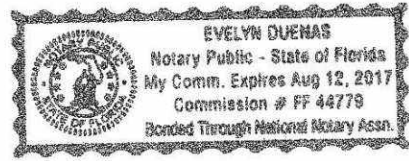


EXHIBIT "A"

PROPERTY

PARCEL 1:

TRACT 31, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26-28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH ALL OF THOSE PARTS OF TRACTS 1, 2 AND 3, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LYING EAST OF THE SUNSHINE STATE PARKWAY AND WEST OF THE E-2E CANAL, ALL BEING ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26-28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCLUDING THE NORTH 36 FEET OF SAID TRACT 3 AS CONVEYED PURSUANT TO DEED BOOK 129, PAGE 164 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THE NORTH 39.66 FEET OF SAID TRACT 1 AND THE NORTH 40.92 FEET OF SAID TRACTS 2 AND 3 PURSUANT TO OFFICIAL RECORDS BOOK 6495, PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THAT PORTION OF SAID TRACT 1 LYING EAST OF THE WEST LINE OF THE 15 FOOT PLATTED RESERVATION (RUNNING NORTH/SOUTH WITHIN SAID TRACT 1) AS SHOWN ON SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 1 AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 1585, PAGE 505 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THOSE PORTIONS OF SAID TRACTS 1, 2 AND 3 LYING NORTH OF THE SOUTH LINE OF THE 15 FOOT PLATTED RESERVATION (RUNNING EAST/WEST WITHIN SAID TRACTS 1, 2 AND 3) AS SHOWN ON SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 1 AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 1585, PAGE 505 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

TRACTS 30, 32, 33 AND 35, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26-28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCLUDING THOSE PORTIONS OF SAID TRACTS 30 AND 35 KNOWN AS RIGHT-OF-WAY PARCEL NOS. 27 AND 29 CONVEYED TO THE FLORIDA STATE TURNPIKE AUTHORITY PURSUANT TO THE FIFTEENTH JUDICIAL CIRCUIT COURT, CASE NO. 15,304, AS SET FORTH IN THE MINUTES OF CIRCUIT COURT IN MCC BOOK 68, PAGES 520 AND 523, PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THOSE PORTIONS OF SAID TRACTS 32 AND 33 LYING EAST OF THE WEST LINE OF THE 15 FOOT PLATTED RESERVATION (RUNNING NORTH/SOUTH WITHIN SAID TRACTS 32 AND 33) AS SHOWN ON SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 1 AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 1585, PAGE 505 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

TRACTS 62, 63 AND 64, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LYING

EAST OF THE SUNSHINE STATE PARKWAY AND WEST OF THE E-2E CANAL, ALL BEING ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26-28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCLUDING THE SOUTH 15 FEET OF SAID TRACTS 62, 63 AND 64 AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 1585, PAGE 505 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THAT PORTION OF SAID TRACT 64 LYING EAST OF THE WEST LINE OF THE 15 FOOT PLATTED RESERVATION (RUNNING NORTH/SOUTH WITHIN SAID TRACT 64) AS SHOWN ON SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 1 AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 1585, PAGE 505 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

TRACT 34, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26-28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 5:

THOSE PORTIONS OF TRACTS 65, 66, 67, 94, 95, 96, 97, 98, 127 AND 128, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LYING EAST OF THE SUNSHINE STATE PARKWAY AND NORTH OF DELRAY ROAD WEST (S.R. 806), ALL BEING ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26-28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCLUDING THOSE PORTIONS OF SAID TRACTS 127 AND 128 AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 20894, PAGE 986 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 6:

THE WEST 680.66 FEET OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA; LESS AND EXCLUDING THE WEST 45.00 FEET AND THE NORTH 65.00 FEET THEREOF PURSUANT TO DEED BOOK 113, PAGE 595 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THEREFROM THE RIGHT-OF-WAY FOR STATE ROAD 806 (ATLANTIC AVENUE), PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THE PORTION THEREOF AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 20894, PAGE 986 AND OFFICIAL RECORDS BOOK 20894, PAGE 1018 BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT ALL OF TRACTS A AND F, "ATLANTIC COMMONS PLAT ONE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115 AT PAGES 135 THROUGH 137 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 7:

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE NORTH

89°22'44" EAST, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 680.81 FEET; THENCE NORTH 00°34'49" EAST, A DISTANCE OF 98.34 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°34'49" EAST ALONG A LINE 680.66 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 352.08 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT OF WHICH THE RADIUS POINT LIES SOUTH 32°03'32" WEST, A RADIAL DISTANCE OF 340.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 48°31'18", A DISTANCE OF 287.93 FEET; THENCE SOUTH 09°25'11" EAST, A DISTANCE OF 77.09 FEET; THENCE SOUTH 50°01'13" EAST, A DISTANCE OF 45.55 FEET; THENCE NORTH 89°22'44" EAST, A DISTANCE OF 280.00 FEET; THENCE SOUTH 77°07'31" EAST, A DISTANCE OF 51.42 FEET TO A POINT OF INTERSECTION WITH THE PROPOSED NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVENUE), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93030-2510; THENCE SOUTH 89°22'44" WEST ALONG SAID PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 536.18 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

NON-EXCLUSIVE EASEMENT RIGHTS CREATED BY ACCESS EASEMENT(S) RECORDED IN OFFICIAL RECORDS BOOK 13729, PAGE 414; OFFICIAL RECORDS BOOK 13729, PAGE 420; OFFICIAL RECORDS BOOK 13729, PAGE 426; OFFICIAL RECORDS BOOK 13729, PAGE 432, AS AMENDED IN OFFICIAL RECORDS BOOK 17776, PAGE 656; AND IN OFFICIAL RECORDS BOOK 21356, PAGE 1759, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 8:

THAT PORTION OF TRACTS 65, 66, 94, 95, 96, 97, 98, 99, 126, 127, AND 128, SECTION 8, TOWNSHIP 46 SOUTH, RANGE 42 EAST, "PALM BEACH FARMS CO. PLAT NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED BY THE FOLLOWING:

BOUNDED ON THE SOUTH BY A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 8.

BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF "FLORIDA'S TURNPIKE", SAID LINE BEING 150.00 FEET EASTERLY OF THE CENTERLINE OF SAID TURNPIKE.

BOUNDED ON THE NORTH BY A LINE 46.20 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 65 AND 66 (THE CENTERLINE OF THE 30 FOOT PLATTED RIGHT OF WAY BEING COINCIDENT WITH THE NORTH LINE OF SAID TRACTS).

BOUNDED ON THE EAST BY A LINE 15.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 65, 96, 97 AND 128 (THE CENTERLINE OF THE 30 FOOT PLATTED RIGHT OF WAY BEING COINCIDENT WITH THE EAST LINE OF SAID TRACTS).

PARCEL 9 (L-32)

A PORTION OF TRACTS 1,2 AND 3 IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, AND TRACTS 126, 127 AND 128 IN SECTION 8, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ALL OF "PALM BEACH FARMS CO. PLAT NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH 00°34'49" EAST, ALONG THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 5467.35 FEET; THENCE SOUTH 89°15'11" WEST, ALONG A LINE 39.65 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 17, A DISTANCE OF 70.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°15'11" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 259.69 FEET; THENCE SOUTH 00°58'00" EAST, ALONG THE WEST LINE OF SAID TRACT 1, A DISTANCE OF 1.26 FEET; THENCE SOUTH 89°15'11" WEST, ALONG A LINE 40.92 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 17, A DISTANCE OF 613.24 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS SOUTH 87°13'44" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE EAST RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE, HAVING A RADIUS OF 11309.16 FEET AND A CENTRAL ANGLE OF 00°17'02", A DISTANCE OF 56.03 FEET; THENCE NORTH 89°15'11" EAST, ALONG A NON-RADIAL LINE LYING 15.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 17, A DISTANCE OF 870.30 FEET; THENCE SOUTH 00°44'05" EAST, ALONG A LINE 70.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 128, A DISTANCE OF 14.19 FEET; THENCE SOUTH 00°34'49" WEST, ALONG A LINE 70.00 FEET WEST OF AND PARALLEL WITH EAST LINE OF SAID SECTION 17, A DISTANCE OF 40.48 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 48,420 SQUARE FEET, MORE OR LESS.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the 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.
5. A&W Realty, LLC, having an address of 23611 Chagrin Blvd., Beachwood, Ohio 44122 (none of the owners of this entity own a 5% or greater beneficial interest in the Owner).
6. Stuart O. Smith, individually and/or through trusts for his interests, having an address of 68 Long Point Drive, Amelia Island, Florida 32034.
7. Jane Q. Outcalt individually and/or through trusts for her interests, having an address of 14505 Hartwell Trail, Novelty, Ohio 44072.
8. William Francis, individually and/or through trusts for his interests, having an address of 2410 Pebblebrook, Westlake, Ohio 44145.

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 BROWARD

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

1. Affiant is the Vice President of Atlantic Commons Corporation, a Florida corporation, the general partner of Atlantic Commons Associates, LLLP, a Florida limited liability limited partnership, that holds an ownership interest in 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.

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.

N. Maria Menendez

N. Maria Menendez, as Vice President of Atlantic Commons Corporation, a Florida corporation, the general partner of Atlantic Commons Associates, LLLP, a Florida limited liability limited partnership, Affiant

The foregoing instrument was acknowledged before me this 9 day of January, 2014, by N. Maria Menendez, as Vice President of Atlantic Commons Corporation, a Florida corporation, the general partner of Atlantic Commons Associates, LLLP, a Florida limited liability limited partnership, who is personally known to me or who has produced _____ as identification and who did take an oath.

[Signature]
Notary Public

Evelyn Duenas
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 8/12/17

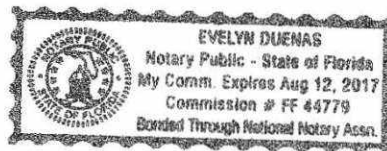


EXHIBIT "A"**PROPERTY**

PARCEL 1:

TRACT 31, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26-28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH ALL OF THOSE PARTS OF TRACTS 1, 2 AND 3, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LYING EAST OF THE SUNSHINE STATE PARKWAY AND WEST OF THE E-2E CANAL, ALL BEING ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26-28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCLUDING THE NORTH 36 FEET OF SAID TRACT 3 AS CONVEYED PURSUANT TO DEED BOOK 129, PAGE 164 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THE NORTH 39.66 FEET OF SAID TRACT 1 AND THE NORTH 40.92 FEET OF SAID TRACTS 2 AND 3 PURSUANT TO OFFICIAL RECORDS BOOK 6495, PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THAT PORTION OF SAID TRACT 1 LYING EAST OF THE WEST LINE OF THE 15 FOOT PLATTED RESERVATION (RUNNING NORTH/SOUTH WITHIN SAID TRACT 1) AS SHOWN ON SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 1 AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 1585, PAGE 505 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THOSE PORTIONS OF SAID TRACTS 1, 2 AND 3 LYING NORTH OF THE SOUTH LINE OF THE 15 FOOT PLATTED RESERVATION (RUNNING EAST/WEST WITHIN SAID TRACTS 1, 2 AND 3) AS SHOWN ON SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 1 AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 1585, PAGE 505 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

TRACTS 30, 32, 33 AND 35, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26-28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCLUDING THOSE PORTIONS OF SAID TRACTS 30 AND 35 KNOWN AS RIGHT-OF-WAY PARCEL NOS. 27 AND 29 CONVEYED TO THE FLORIDA STATE TURNPIKE AUTHORITY PURSUANT TO THE FIFTEENTH JUDICIAL CIRCUIT COURT, CASE NO. 15,304, AS SET FORTH IN THE MINUTES OF CIRCUIT COURT IN MCC BOOK 68, PAGES 520 AND 523, PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THOSE PORTIONS OF SAID TRACTS 32 AND 33 LYING EAST OF THE WEST LINE OF THE 15 FOOT PLATTED RESERVATION (RUNNING NORTH/SOUTH WITHIN SAID TRACTS 32 AND 33) AS SHOWN ON SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 1 AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 1585, PAGE 505 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

TRACTS 62, 63 AND 64, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LYING EAST OF THE SUNSHINE STATE PARKWAY AND WEST OF THE E-2E CANAL, ALL BEING ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26-28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCLUDING THE SOUTH 15 FEET OF SAID TRACTS 62, 63 AND 64 AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 1585, PAGE 505 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THAT PORTION OF SAID TRACT 64 LYING EAST OF THE WEST LINE OF THE 15 FOOT PLATTED RESERVATION (RUNNING NORTH/SOUTH WITHIN SAID TRACT 64) AS SHOWN ON SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 1 AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 1585, PAGE 505 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

TRACT 34, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26-28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 5:

THOSE PORTIONS OF TRACTS 65, 66, 67, 94, 95, 96, 97, 98, 127 AND 128, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LYING EAST OF THE SUNSHINE STATE PARKWAY AND NORTH OF DELRAY ROAD WEST (S.R. 806), ALL BEING ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26-28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCLUDING THOSE PORTIONS OF SAID TRACTS

127 AND 128 AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 20894, PAGE 986 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 6:

THE WEST 680.66 FEET OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA; LESS AND EXCLUDING THE WEST 45.00 FEET AND THE NORTH 65.00 FEET THEREOF PURSUANT TO DEED BOOK 113, PAGE 595 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THEREFROM THE RIGHT-OF-WAY FOR STATE ROAD 806 (ATLANTIC AVENUE), PALM BEACH COUNTY, FLORIDA, AND LESS AND EXCLUDING THE PORTION THEREOF AS CONVEYED PURSUANT TO OFFICIAL RECORDS BOOK 20894, PAGE 986 AND OFFICIAL RECORDS BOOK 20894, PAGE 1018 BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT ALL OF TRACTS A AND F, "ATLANTIC COMMONS PLAT ONE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115 AT PAGES 135 THROUGH 137 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 7:

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE NORTH 89 DEGREES 22 MINUTES 44 SECONDS EAST, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 680.81 FEET; THENCE NORTH 00 DEGREES 34 MINUTES 49 SECONDS EAST, A DISTANCE OF 98.34 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH .00 DEGREES 34 MINUTES 49 SECONDS EAST ALONG A LINE 680.66 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 352.08 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT OF WHICH THE RADIUS POINT LIES SOUTH 32 DEGREES 03 MINUTES 32 SECONDS WEST, A RADIAL DISTANCE OF 340.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 48 DEGREES 31 MINUTES 18 SECONDS, A DISTANCE OF 287.93 FEET; THENCE SOUTH 09 DEGREES 25 MINUTES 11 SECONDS EAST, A DISTANCE OF 77.09 FEET; THENCE SOUTH 50 DEGREES 01 MINUTE 13 SECONDS EAST, A DISTANCE OF 45.55 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 44 SECONDS EAST, A DISTANCE OF 280.00 FEET; THENCE SOUTH 77 DEGREES 07 MINUTES 31 SECONDS EAST, A DISTANCE OF 51.42 FEET TO A POINT OF INTERSECTION WITH THE PROPOSED NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVENUE), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93030-2510; THENCE SOUTH 89 DEGREES 22 MINUTES 44 SECONDS WEST ALONG SAID PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 536.18 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

NON-EXCLUSIVE EASEMENT RIGHTS CREATED BY ACCESS EASEMENT(S) RECORDED IN OFFICIAL RECORDS BOOK 13729, PAGE 414; OFFICIAL RECORDS BOOK 13729, PAGE 420; OFFICIAL RECORDS BOOK 13729, PAGE 426; OFFICIAL RECORDS BOOK 13729, PAGE 432, AS AMENDED IN OFFICIAL RECORDS BOOK 17776, PAGE 656; AND IN OFFICIAL RECORDS BOOK 21356, PAGE 1759, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS:

A PORTION OF TRACTS 65, 66, 67, 94, 95, 96, 97 AND 98 IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, OF "PALM BEACH FARMS CO. PLAT NO. 1" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE NORTH 00°34'49" EAST, ALONG THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 2836.70 FEET; THENCE SOUTH 89°03'11" WEST, ALONG THE NORTH LINE OF SAID TRACT 65, A DISTANCE OF 170.06 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°34'49" WEST, A DISTANCE OF 1136.80 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 340.00 FEET AND A CENTRAL ANGLE OF 41°14'50", A DISTANCE OF 244.77 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 40°40'01" EAST, A DISTANCE OF 23.72 FEET; THENCE SOUTH 00°34'49" WEST, A DISTANCE OF 32.93 FEET; THENCE NORTH 89°25'11" WEST, A DISTANCE OF 230.33 FEET; THENCE NORTH 54°13'11" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY, A DISTANCE OF 461.58 FEET; THENCE NORTH 26°19'19" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 381.09 FEET; THENCE NORTH 01°30'24" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 787.43 FEET; THENCE NORTH 89°03'11"

EAST, ALONG THE NORTH LINE OF SAID TRACTS 65, 66 AND 67 A DISTANCE OF 708.87 FEET TO THE POINT OF BEGINNING.

LESS:

A PORTION OF TRACTS 33, 34, 35, 62, 63, AND 64 IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, OF "PALM BEACH FARMS CO. PLAT NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH 00°34'49" EAST, ALONG THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 2851.70 FEET; THENCE SOUTH 89°03'11" WEST, ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 64, A DISTANCE OF 175.08 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°03'11" WEST, ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 62, 63 AND 64, A DISTANCE OF 704.42 FEET; THENCE NORTH 01°24'05" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY, A DISTANCE OF 885.52 FEET; THENCE NORTH 88°36'05" EAST, A DISTANCE OF 735.22 FEET; THENCE SOUTH 00°34'49" WEST, ALONG A LINE 175.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF SECTION 17, A DISTANCE OF 240.27 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 660.00 FEET AND A CENTRAL ANGLE OF 06°35'44", A DISTANCE OF 75.97 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 07°10'32" WEST, A DISTANCE OF 71.27 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 50°27'34", A DISTANCE OF 30.82 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 114°06'36", A DISTANCE OF 149.37 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 50°27'35", A DISTANCE OF 30.82 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 06°00'54" EAST, A DISTANCE OF 71.28 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 660.00 FEET AND A CENTRAL ANGLE OF 06°35'43", A DISTANCE OF 75.97 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°34'49" WEST, ALONG A LINE 175.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF SECTION 17, A DISTANCE OF 181.52 FEET TO THE POINT OF BEGINNING.

PARCEL 8:

THAT PORTION OF TRACTS 65, 66, 94, 95, 96, 97, 98, 99, 126, 127, AND 128, SECTION 8, TOWNSHIP 46 SOUTH, RANGE 42 EAST, "PALM BEACH FARMS CO. PLAT NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED BY THE FOLLOWING:

BOUNDED ON THE SOUTH BY A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 8.

BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF "FLORIDA'S TURNPIKE", SAID LINE BEING 150.00 FEET EASTERLY OF THE CENTERLINE OF SAID TURNPIKE.

BOUNDED ON THE NORTH BY A LINE 46.20 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 65 AND 66 (THE CENTERLINE OF THE 30 FOOT PLATTED RIGHT OF WAY BEING COINCIDENT WITH THE NORTH LINE OF SAID TRACTS).

BOUNDED ON THE EAST BY A LINE 15.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 65, 96, 97 AND 128 (THE CENTERLINE OF THE 30 FOOT PLATTED RIGHT OF WAY BEING COINCIDENT WITH THE EAST LINE OF SAID TRACTS).

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS - 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.
5. A&W Realty, LLC, having an address of 23611 Chagrin Blvd., Beachwood, Ohio 44122 (none of the owners of this entity own a 5% or greater beneficial interest in the Owner).
6. Stuart O. Smith, individually and/or through trusts for his interests, having an address of 68 Long Point Drive, Amelia Island, Florida 32034.
7. Jane Q. Outcalt individually and/or through trusts for her interests, having an address of 14505 Hartwell Trail, Novelty, Ohio 44072.
8. William Francis, individually and/or through trusts for his interests, having an address of 2410 Pebblebrook, Westlake, Ohio 44145.

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

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 Daniel D. Ross _____, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [] Vice President _____ [position - e.g., president, partner, trustee] of FC Atlantic Commons Phase II, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in 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: One N. Clematis Street _____
Suite 200 _____
West Palm Beach, FL 33401 _____
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.

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.

Daniel D. Ross
Daniel D. Ross, Affiant
(Print Affiant Name)

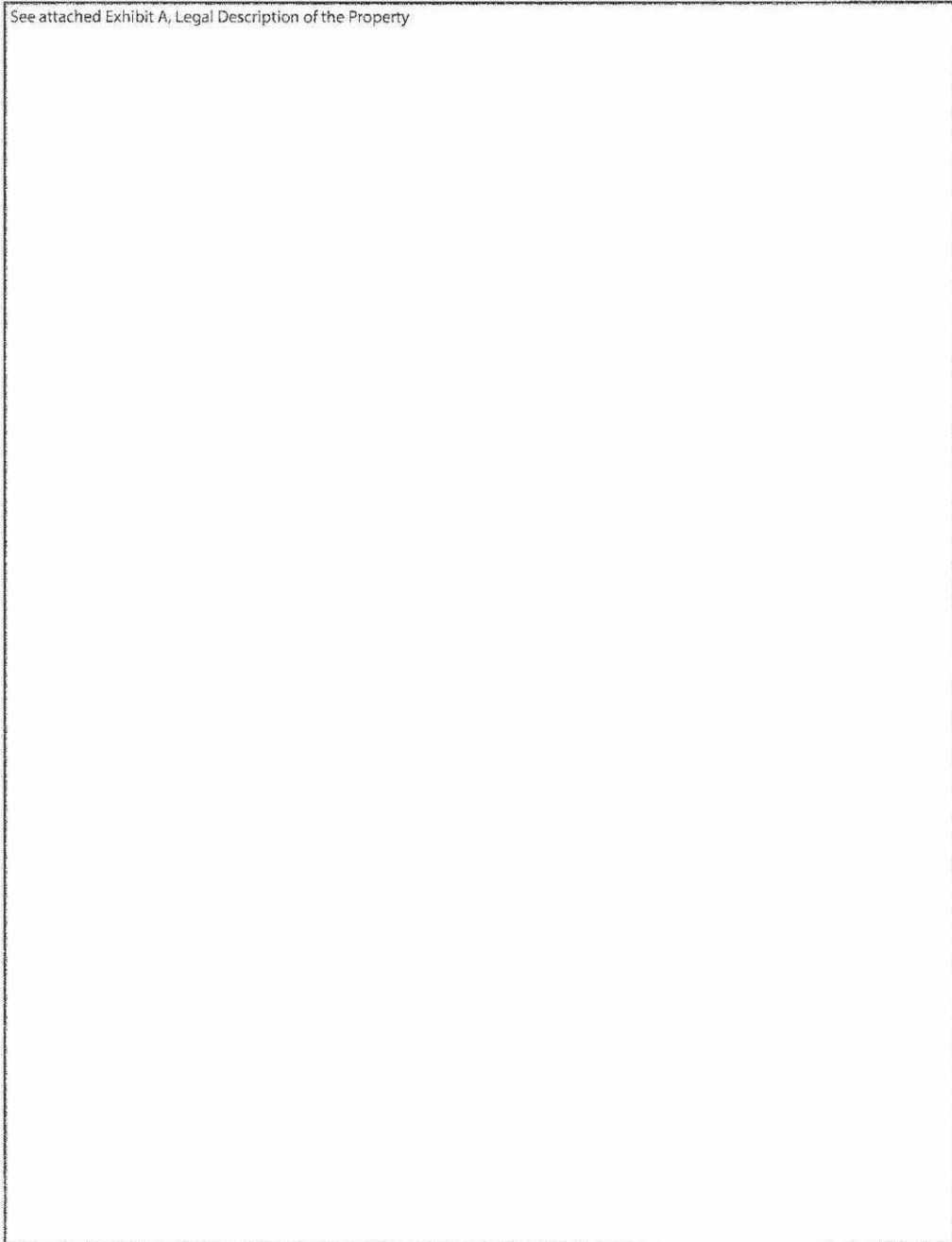
The foregoing instrument was acknowledged before me this 16th day of MAY, 20 13, by Daniel D. Ross, V.P. of FC Atlantic Commons Phase II, LLC, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Denise G Singleton
Notary Public
DENISE G SINGLETON
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

EXHIBIT "A"
PROPERTY

See attached Exhibit A, Legal Description of the Property



FC ATLANTIC COMMONS PHASE II, LLC

EXHIBIT "A"

Legal Description of the Property

POD B-2

A PORTION OF TRACTS 65, 66, 67, 94, 95, 96, 97 AND 98 IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, OF "PALM BEACH FARMS CO. PLAT NO. 1" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH 00°34'49" EAST, ALONG THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 2836.70 FEET; THENCE SOUTH 89°03'11" WEST, ALONG THE NORTH LINE OF SAID TRACT 65, A DISTANCE OF 170.06 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°34'49" WEST, A DISTANCE OF 1136.80 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 340.00 FEET AND A CENTRAL ANGLE OF 41°14'50", A DISTANCE OF 244.77 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 40°40'01" EAST, A DISTANCE OF 23.72 FEET; THENCE SOUTH 00°34'49" WEST, A DISTANCE OF 32.93 FEET; THENCE NORTH 89°25'11" WEST, A DISTANCE OF 230.33 FEET; THENCE NORTH 54°13'11" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY, A DISTANCE OF 461.58 FEET; THENCE NORTH 26°19'19" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 381.09 FEET; THENCE NORTH 01°30'24" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 787.43 FEET; THENCE NORTH 89°03'11" EAST, ALONG THE NORTH LINE OF SAID TRACTS 65, 66 AND 67 A DISTANCE OF 708.87 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - 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.

Name	Address
Alfonso Fanjul	
Lillian Maria Fanjul de Azqueta	
Jose F. Fanjul	
Alexander L. Fanjul	
Andres B. Fanjul	
Florida Crystals Corporation	
BrandyTrust Crystals, LLC	
Fanjul Corp.	
Flor-Ag Corp. (subsidiary of a publicly-traded company)	

The address for all of the above individuals and entities is: One N. Clematis Street, Suite 200
 West Palm Beach, FL 33401

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

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 Daniel D. Ross _____, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [] Vice President _____ [position - e.g., president, partner, trustee] of FC Atlantic Commons Phase I, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in 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.
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Suite 200
West Palm Beach, FL 33401
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.
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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.

Daniel D. Ross
Daniel D. Ross, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 16th day of MAY, 2013, by Daniel D. Ross, V.P. of FC Atlantic Commons Phase I, LLC, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Denise G Singleton
Notary Public
DENISE G SINGLETON
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

EXHIBIT "A"
PROPERTY

See attached Exhibit A, Legal Description of the Property



FC ATLANTIC COMMONS PHASE I, LLC

EXHIBIT "A"

Legal Description of the Property

POD C-1

A PORTION OF TRACTS 33, 34, 35, 62, 63, AND 64 IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, OF "PALM BEACH FARMS CO. PLAT NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE NORTH 00°34'49" EAST, ALONG THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 2851.70 FEET; THENCE SOUTH 89°03'11" WEST, ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 64, A DISTANCE OF 175.06 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°03'11" WEST, ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 62, 63 AND 64, A DISTANCE OF 704.42 FEET; THENCE NORTH 01°24'05" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY, A DISTANCE OF 885.52 FEET; THENCE NORTH 88°36'05" EAST, A DISTANCE OF 735.22 FEET; THENCE SOUTH 00°34'49" WEST, ALONG A LINE 175.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF SECTION 17, A DISTANCE OF 240.27 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 660.00 FEET AND A CENTRAL ANGLE OF 06°35'44", A DISTANCE OF 75.97 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 07°10'32" WEST, A DISTANCE OF 71.27 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 50°27'34", A DISTANCE OF 30.82 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 114°06'36", A DISTANCE OF 149.37 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 50°27'35", A DISTANCE OF 30.82 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 06°00'54" EAST, A DISTANCE OF 71.28 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 660.00 FEET AND A CENTRAL ANGLE OF 06°35'43", A DISTANCE OF 75.97 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°34'49" WEST, ALONG A LINE 175.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF SECTION 17, A DISTANCE OF 181.52 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - 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.

Name	Address
Alfonso Fanjul	
Lillian Maria Fanjul de Azqueta	
Jose F. Fanjul	
Alexander L. Fanjul	
Andres B. Fanjul	
Florida Crystals Corporation	
BrandyTrust Crystals, LLC	
Fanjul Corp.	
Flor-Ag Corp. (subsidiary of a publicly-traded company)	

The address for all of the above individuals and entities is: One N. Clematis Street, Suite 200
West Palm Beach, FL 33401