

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: **Toll Bros., Inc.**

Former Cypress Creek Golf Course Green Reuse Site

9302 and 9400 South Military Trail, Palm Beach County, FL 33436

Parcel ID Nos.: 00-42-45-24-03-000-5851; 00-42-45-24-03-000-5852; and 00-42-45-24-12-001-0010

Former Cypress Creek Golf Course Green Reuse Area

Brownfield Area Identification Number: BF502501000

Insert Brownfield Site Identification Number: BF502501001

FDEP Site ID Number: ERIC_10930

BROWNFIELD SITE REHABILITATION AGREEMENT PURSUANT TO §376.80(5),
Florida Statutes (F.S.)

WHEREAS, the Brownfields Redevelopment Act was enacted to reduce public health and environmental hazards on existing commercial and industrial sites by offering incentives to encourage responsible persons to voluntarily develop and implement cleanup plans; and

WHEREAS, the Department of Environmental Protection ("Department") is the administrative agency of the State of Florida having the power and duty to protect Florida's environment and to administer and enforce the provisions of Chapters 403 and 376, F.S., and the rules promulgated thereunder, Chapters 62-777 and 62-780, Florida Administrative Code (F.A.C.), as amended; and

WHEREAS, the Department has jurisdiction over the matters addressed in this Brownfield Site Rehabilitation Agreement ("BSRA"); and

WHEREAS, the Department has the authority, pursuant to §376.81, F.S., to establish by rule, criteria for determining the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be deemed complete;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, it is agreed as follows:

This BSRA is entered into between the Department and Toll Bros., Inc., hereinafter the Person Responsible For Brownfield Site Rehabilitation ("PRFBSR") (collectively referred to as the "parties"), for the rehabilitation of a brownfield site within a designated brownfield area pursuant to §376.80(5), F.S. The Department and the PRFBSR agree to the following:

1. DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department is the agency of the State of Florida with authority and power to enforce the provisions of Chapters 376 and 403, F.S.

2. PERSONS RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION

Toll Bros., Inc., is the PRFBSR as defined in §376.79(15), F.S., for the real property described in the map and legal description in **Attachment A** (the “Brownfield Site”), incorporated herein, that has been designated by Palm Beach County (the “County”) in Resolution Number R-2025-0220, approved on February 11, 2025, as a brownfield area as defined in §376.79(5), F.S. **Attachment A** is a composite exhibit that includes: (a) the legal description and map of the Brownfield Site; and (b) the County resolution(s) with all attachments including the map of the designated brownfield area. The brownfield site consists of 122.53 acres. The legal boundaries of the brownfield site and the brownfield area are the same.

3. PRFBSR’S DUTIES

The PRFBSR agree:

- (a) to conduct “site rehabilitation” of any “contaminated site(s)” as defined in §376.79, F.S., whose source originates on the real property described in **Attachment A as the Brownfield site**. If such contaminated site(s) extend(s) beyond the boundary of the Brownfield site, then PRFBSR agrees to conduct site rehabilitation to address the entire contaminated site;
- (b) to conduct site rehabilitation and submit technical reports and rehabilitation plans in a timely manner according to the attached brownfield site rehabilitation schedule agreed upon by the parties, **Attachment B** incorporated herein;
- (c) to conduct site rehabilitation activities under the observation of professional engineers or professional geologists, as applicable, who are registered in accordance with the requirements of Chapters 471 or 492, F.S., respectively. Submittals provided by the PRFBSR must be signed and sealed by a professional engineer registered under Chapter 471, F.S., or by a professional geologist registered under Chapter 492, F.S., as applicable, certifying that the submittal and associated work comply with the laws and rules of the Department and those governing the profession. Upon completion of the approved remedial action, a professional engineer registered under Chapter 471, F.S., or a professional geologist registered under Chapter 492, F.S., as applicable, must certify that the corrective action was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the Department;

- (d) to conduct site rehabilitation in accordance with Chapter 62-160, F.A.C., as the same may be amended from time to time;
- (e) to obtain any local, state or federal approvals or permits required for the site rehabilitation work and to conduct the necessary site rehabilitation consistent with local, state, and federal laws, rules and ordinances. All site rehabilitation shall be consistent with the cleanup criteria in §376.81, F.S., the requirements of Chapters 62-780, F.A.C., Contaminated Site Cleanup Criteria, and 62-777, F.A.C., Contaminant Cleanup Target Levels;
- (f) to allow access by the Department during the entire site rehabilitation process, as evidenced by the attached documentation, **Attachment C**, incorporated herein, establishing that such site access has been secured by agreement with the **real property owner**. Upon the transfer of any real property interest in any portion of the Brownfield Site before site rehabilitation is complete, the PRFBSR shall notify the Department within 15 days from the date that such an interest is effective. With notice the PRFBSR shall provide a copy of an access agreement in substantially the same form as that in **Attachment C** with any successor in interest to the **real property owner** of the Brownfield Site or with any party with a real property interest in the Brownfield Site after the effective date of this agreement, granting such access to the Department; and
- (g) to consider appropriate pollution prevention measures and to implement those that the PRFBSR determines are reasonable and cost-effective, taking into account the ultimate use or uses of the real property described in **Attachment A**. Local pollution prevention programs as well as state pollution prevention programs are available to assist in determining pollution reduction measures. The Department recommends that the PRFBSR contact the Department's Waste Reduction and Registration Program or Hazardous Waste Program and Permitting at the following websites: <https://floridadep.gov/waste/waste-reduction> and <https://floridadep.gov/waste/permitting-compliance-assistance/content/hazardous-waste-management-main-page> for recommendations on waste minimization and waste management and for assistance with pollution prevention measures. Such measures may include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include the goals for the reduction of releases of toxic materials.

4. CERTIFICATION

The PRFBSR, in accordance with the provisions of § 376.80(5), F.S., certifies that they have consulted with the local government with jurisdiction over the brownfield area about the proposed redevelopment of the brownfield site, that the local government is in agreement with or approves the proposed redevelopment, and that

the proposed redevelopment complies with applicable laws and requirements for such redevelopment. Documentation that supports this certification is provided as **Attachment D**, incorporated herein.

5. SITE CONTRACTOR

The PRFBSR must ensure that the contractor who is performing the majority of the site rehabilitation program tasks pursuant to this BSRA or supervising the performance of such tasks by licensed subcontractors in accordance with the provisions of § 489.113(9), F.S., has provided certification to the Department that the contractor meets the requirements listed below. If the identity of the contractor is known at the time of the execution of this BSRA, a Brownfields Redevelopment Program Contractor Certification Form (CCF) shall be submitted as **Attachment E** to this BSRA, and incorporated herein. If the contractor has not yet been determined, the PRFBSR shall ensure that the CCF is submitted to the District Brownfield Coordinator and approved by the Department before the contractor begins performing any site rehabilitation tasks at the site.

The PRFBSR must submit to the Department documentation as **Attachment F**, incorporated herein, which shows a National Environmental Laboratory Accreditation Program ("NELAP")-recognized authority has accredited the laboratory(s) that will perform the analyses required by this agreement.

Any contractor that performs site rehabilitation tasks at a contaminated site originating on the real property as described in **Attachment A** shall provide documentation in accordance with the provisions of the paragraph above and with **Attachments E and F**, if applicable, showing that any contractor that performs site rehabilitation tasks:

- (a) meets all certification and license requirements imposed by law; and
- (b) performs, or has laboratory analyses performed, pursuant to NELAP certification requirements and performs, or has field sampling work performed, in accordance with the Standard Operating Procedures provided in Chapter 62-160, F.A.C., as amended, if applicable to performance of site rehabilitation tasks.

6. CONTINUOUS COMPLIANCE

During the entire site rehabilitation process, the PRFBSR agrees to ensure that the contractor continues to comply with the requirements of **Paragraph 5** of this BSRA pursuant to the requirements of §376.80(6), F.S.

7. VOLUNTARY CLEANUP TAX CREDIT PROGRAM

Not all activities that are approved or performed in association with a BSRA are eligible for the state's Voluntary Cleanup Tax Credit (VCTC). In accordance with § 376.30781, F.S., only the costs of voluntary cleanup activity incurred and paid by the applicant that are integral to site rehabilitation or for solid waste removal are eligible for the VCTC. "Site rehabilitation" as defined in §376.79(19), F.S., means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site. "Solid waste removal" as defined in §376.30781(3), F.S., means removal of solid waste from the land surface or excavation of solid waste from below the land surface and removal of the solid waste from the brownfield site.

Contamination assessment or remediation paid for by the State of Florida for a discharge that is eligible for a state-funded cleanup under the Drycleaning Solvent Cleanup Program (DSCP) or one of the Petroleum Restoration Program's (PRP) eligibility programs, may not be used to calculate a tax credit. Likewise, expenses incurred that are statutorily-required to participate in the DSCP (i.e., deductibles) or one of the PRP eligibility programs (i.e., deductibles, review fees, limited contamination assessment reports, and co-payments), are not eligible for the state's VCTC. Nothing contained herein is intended to limit the VCTC otherwise available to the PRFBSR under applicable law.

General information about the VCTC Program is available at <https://floridadep.gov/waste/waste-cleanup/content/voluntary-cleanup-tax-credit>. For specific questions regarding the VCTC Program, please contact the Department's Waste Cleanup Program at (850) 245-8958.

8. ADVISORY COMMITTEE

The PRFBSR shall establish an advisory committee pursuant to the requirements of §376.80(4), F.S., for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. The advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. However, if an appropriate local advisory committee already exists, this committee may be used for requesting public participation and for the purposes of complying with this paragraph.

The PRFBSR shall provide the advisory committee a copy of the final proposed draft BSRA, including attachments, and a copy of the executed BSRA. When the PRFBSR submits a site assessment report or the technical document containing the proposed course of action following site assessment to the Department or the local pollution control program for review, the PRFBSR shall hold a meeting or attend a

regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

The names, addresses, contact information and applicable affiliation for each advisory committee member is included as **Attachment G**, incorporated herein.

9. INDEMNIFICATION

The PRFBSR shall save and hold harmless and indemnify the Department against any and all liability, claims, judgments or costs of whatsoever kind and nature for injury to, or death of any person or persons and for the loss or damage to any property resulting from the use, service, operation or performance of work under the terms of this BSRA and from the negligent acts or omissions of the PRFBSR or their employees, agents, contractors, subcontractors, or other representatives, to the extent allowed by law.

10. LIABILITY PROTECTION

The liability protection provided under §376.82, F.S., shall become effective upon execution of this BSRA and shall remain effective, provided the PRFBSR complies with the terms of this BSRA.

11. TERMINATION

Pursuant to §376.80(8), F.S., if the PRFBSR fails to comply with this BSRA, the Department shall notify the PRFBSR and allow 90 days for the PRFBSR to return to compliance with the provision at issue or to negotiate a modification to the BSRA with the Department for good cause shown. If an imminent hazard exists, the 90-day grace period shall not apply. If the project is not returned to compliance with this BSRA and a modification cannot be negotiated, the Department may terminate this BSRA.

The PRFBSR may terminate this BSRA at any time upon written notice to the Department.

Termination of this BSRA by either party will revoke the immunity provision of §376.82, F.S.

12. IMMINENT HAZARD

Nothing herein shall be construed to limit the authority of the Department to undertake any action in response to, or to recover the costs of responding to, conditions at or from the real property described in **Attachment A** that require the Department to take action to abate an imminent hazard to the public health, welfare or the environment.

13. RELEASE OF LIABILITY

Upon successful completion of this BSRA as evidenced by the issuance of a Site Rehabilitation Completion Order (SRCO) for each contaminated site originating from the real property described in **Attachment A**, the PRFBSR and his or her successors and assigns, shall be relieved from further liability for site rehabilitation as described in paragraph 3.a. of this BSRA to the Department and third parties and of liability in contribution to any other party who has or may incur cleanup liability for the contaminated site(s).

This release of liability is subject to the reopener provisions of §376.82(3), F.S.

14. GOVERNING LAW

This BSRA has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida and any applicable local regulations. Wherever possible, each provision of this BSRA shall be interpreted in such manner as to be effective and valid under applicable law. If any provision of this BSRA shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this BSRA. Any action hereon or in connection herewith shall be brought in Palm Beach County, Florida.

15. SUBMITTALS

The PRFBSR shall submit one hard (paper) copy or one electronic (digital) copy of any certifications or documentation required in **Paragraph 5** ("Site Contractor") above, and all data, reports, responses, addenda, or modifications to reports and plans required by this BSRA to:

Ryenne Hathaway
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-627-6692
Ryenne.hathaway@FloridaDEP.gov

The Department encourages the submittal of documents for review in an electronic format rather than the submittal of paper copies. All electronic copies of documents shall be in the format listed in **Attachment H**, incorporated herein. Time frames for the Department's review of technical reports and plans and submittal of documents by the PRFBSR shall be governed by the schedule in **Attachment B**. After final Department approval of each report or plan, an electronic copy shall be submitted to the Department within 30 days. The electronic copy of the report shall be submitted in the format listed in **Attachment H**.

16. DOCUMENT REVIEW

During the site rehabilitation process, if the Department fails to complete the review of a technical document within the time frame specified in this BSRA, with the exceptions of “no further action proposals,” “monitoring only proposals,” and feasibility studies, which must be approved prior to implementation, the PRFBSR may proceed to the next site rehabilitation task. However, the PRFBSR does so at its own risk and may be required by the Department to complete additional work on a previous task.

17. ASSIGNMENT

The PRFBSR shall not assign any rights or responsibilities under this BSRA to any other party without the written consent of the Department and the local government with jurisdiction over the real property described in **Attachment A**. However, the Department shall not withhold its consent to such an assignment if: (a) the proposed assignee meets all of the eligibility criteria under §376.82, F.S.; (b) the proposed assignee has agreed, in writing, to assume all obligations of the PRFBSR under the terms of this BSRA; and (c) the assignment of PRFBSR obligations under any agreement with the local government with jurisdiction over the real property has been approved, in writing, by the local government.

18. WAIVER

By entering into this BSRA, the PRFBSR waives their right to challenge the contents of this BSRA in an administrative hearing afforded by §120.569 and §120.57, F.S., or an appeal afforded by the terms of §120.68, F.S. This BSRA does not deny the PRFBSR a right to challenge the Department’s actions taken pursuant to this BSRA. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by either party under this BSRA, shall impair any such right, power or remedy of either party; nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.

19. EFFECTIVE DATE AND ADMINISTRATIVE HEARING

This BSRA (Order) is final and effective on the date of execution unless a timely petition for an administrative hearing is filed under §§120.569 and 120.57, F.S., within 21 days after the date of receipt of notice of agency action. Upon the timely filing of such petition, this BSRA will not be effective until further order of the Department. The liability protection for the PRFBSR pursuant to §376.82(2), F.S., becomes effective upon execution of the BSRA. The procedures for petitioning a hearing are set forth below.

Please be advised that mediation of this decision pursuant to §120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing:

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request shall be filed with (received by) the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **21** days of receipt of this BSRA. Petitioner shall mail a copy of the request to the PRFBSR at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing:

A person whose substantial interests are affected by this BSRA may petition for an administrative proceeding (hearing) under §§120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **21** days of receipt of this BSRA. Petitioner shall mail a copy of the petition to the PRFBSR at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right to request an administrative proceeding under Chapter 120, F.S.

Pursuant to §120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

1. The name, address, any e-mail address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the PRFBSR's name and address; the Department's Brownfield Area and Brownfield Site Identification Numbers; and the name and address of the Brownfield Site; the name and address of each agency affected;
2. A statement of when and how each petitioner received notice of the Department's action or proposed action;
3. An explanation of how each petitioner's substantial interests will be affected by the Department's action or proposed action;
4. A statement of the disputed issues of material fact, or a statement that there are no disputed facts;

5. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;

6. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this BSRA. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

20. JUDICIAL REVIEW

Except for the PRFBSR, any party has the right to seek judicial review of this BSRA under §120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice of appeal must be filed within **30** days after this BSRA is filed with the clerk of the Department (see below).

21. CONTACTS FOR GENERAL AND LEGAL QUESTIONS

Any questions about the content of this BSRA, the Department's review of the BSRA, or technical questions should be directed to the Department's District Brownfields Coordinator referenced in **Paragraph 15** of this BSRA or to the PRFBSR's representative at:

Michael R. Goldstein, Esq.
The Goldstein Environmental Law Firm, P.A.
2100 Ponce de Leon Boulevard, Suite 710
Coral Gables, Florida 33134
(305) 777-1682
mgoldstein@goldsteinenvlaw.com

Questions regarding legal issues should be referred to the Department's Brownfields Program Attorney in the Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

22. ENTIRETY OF AGREEMENT

This BSRA represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this BSRA shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this BSRA, unless otherwise provided herein.

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Toll Bros., Inc.
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF502501001

IN WITNESS WHEREOF, each of the parties has made and executed this Brownfield Site Rehabilitation Agreement on the date set forth for each signature of each representative below: Sirena Davila, Director, Southeast District, State of Florida Department of Environmental Protection; and Toll Bros, Inc., the Person Responsible for Brownfield Site Rehabilitation, signing by and through James Hepler duly authorized to execute same.

PERSONS RESPONSIBLE FOR BROWNFIELD
SITE REHABILITATION

TOLL BROS., INC., a Pennsylvania
corporation

By:

DocuSigned by:

Jim Hepler

0471B91F041A2E...

James Hepler, Vice President

04-25-2025

Date:

24201 Walden Center Drive
Suite 204
Bonita Springs, FL 34134

Phone: (847) 456-4492

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By:

Director, Southeast District

(Print Director's Name)

Date:

FILING AND ACKNOWLEDGMENT FILED, on this date,
pursuant to §120.52 Florida Statutes, with the designated
Department Clerk, receipt of which is hereby acknowledged.

Clerk (or Deputy Clerk)

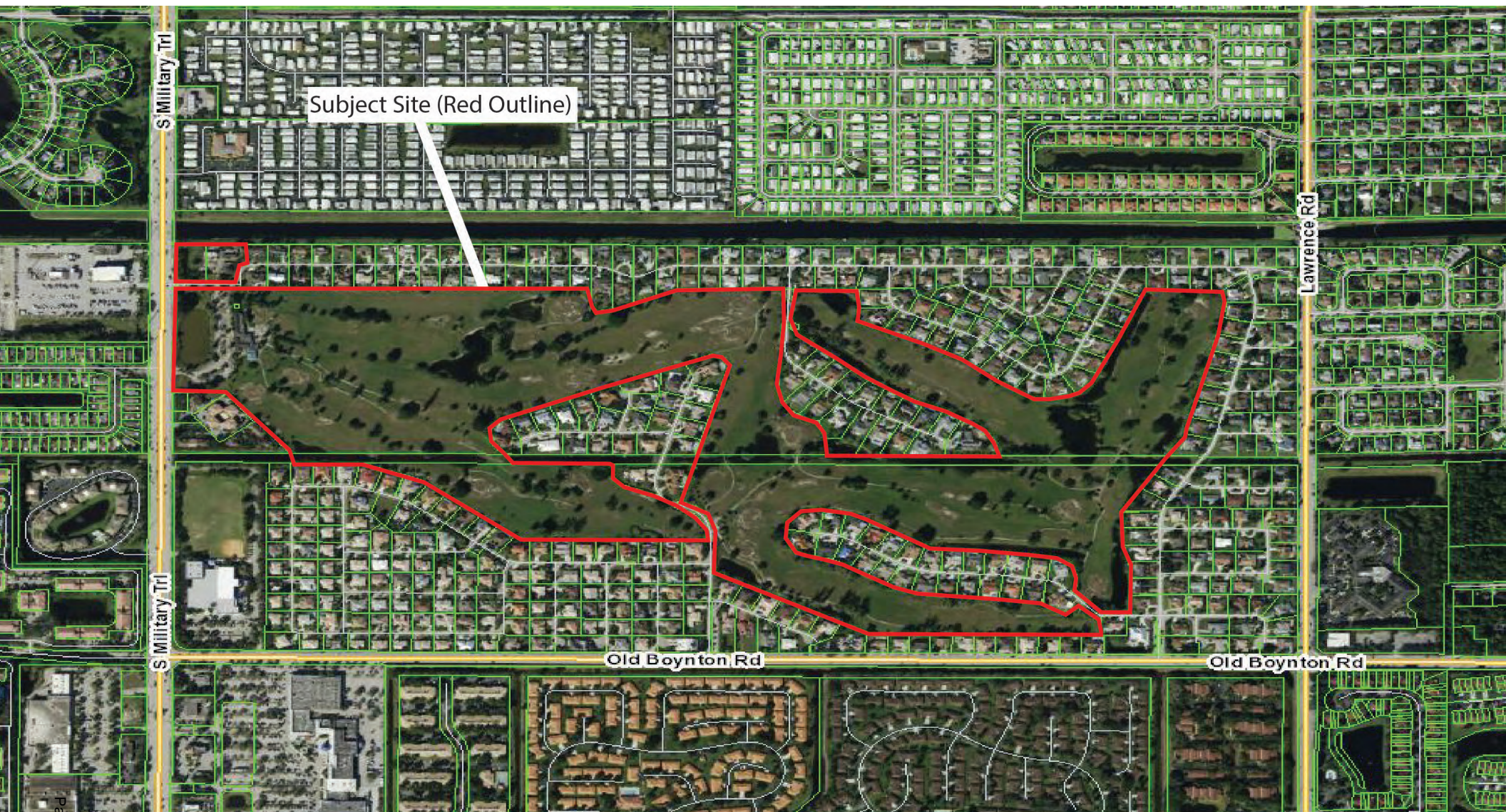
Date:

cc: Scott Sweeney, FDEP Brownfields Program Manager
Justin Cross, FDEP Government Analyst II, Brownfields Program
Megan Johnson, FDEP Environmental Consultant, Brownfields Program
Ian Carnahan, Esq., FDEP Brownfields Program Attorney
Ryenne Hathaway, Southeast District Brownfields Coordinator, FDEP
Michael R. Goldstein, Esq., Environmental Counsel for Toll Bros., Inc.

List of Attachments

Attachment A	Local Government Resolution for the Brownfield Area and Map and Legal Description of the Brownfield Site
Attachment B	Brownfield Site Rehabilitation Schedule
Attachment C	Site Access Agreement
Attachment D	Certification of Redevelopment Agreement
Attachment E	Contractor Certification Form
Attachment F	Quality Assurance Certificate
Attachment G	Advisory Committee Members
Attachment H	Format for Submittal of Technical Documents
Attachment I	Publication of Notice

Attachment A



Subject Site Map



A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE PARCELS LOCATED AT 9302 AND 9400 SOUTH MILITARY TRAIL, WITHIN UNINCORPORATED PALM BEACH COUNTY, FLORIDA, FURTHER IDENTIFIED BY PARCEL CONTROL NUMBERS 00-42-45-24-03-000-5851, 00-42-45-24-03-000-5852 AND 00-42-45-24-12-001-0010, AS A BROWNFIELD AREA PURSUANT TO FLORIDA STATUTES §376.80(2)(c), WHICH SHALL HEREAFTER BE KNOWN AS THE CYPRESS CREEK GREEN REUSE AREA, FOR THE PURPOSE OF REHABILITATION, CREATION OF RECREATION AREA, AND PROMOTING ECONOMIC DEVELOPMENT; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided in the Laws of Florida §97-277, codified as the Brownfields Redevelopment Act, Florida Statutes §376.77-376.86, for designation of a Brownfield Area by resolution of the local governing body at the request of the person who owns or controls the real estate parcels, to provide for environmental remediation and redevelopment, creation of recreation area, and promote economic development and revitalization generally; and

WHEREAS, Toll Brothers, Inc. (Toll Bros.) as contract purchaser, and the owner, True Shot, LLC, (collectively the Applicant), control the parcels generally located at 9302 and 9400 South Military Trail, Palm Beach County, Florida, as depicted and more particularly described in Exhibit A, and Toll Bros. intends to develop the subject site as a residential development with 152 single-family dwelling units and a 1.79 acre recreation area; and

WHEREAS, The Applicant has requested the Board of County Commissioners of Palm Beach County, Florida, designate the site as a "Brownfield Area" pursuant to Florida Statutes §376.80(2)(c); and

WHEREAS, on October 22, 2024 (a scheduled meeting), the Board of County Commissioners approved two (2) motions to allow for a Brownfield Area designation of the Cypress Creek Green Reuse Area: 1) A waiver of the statutory requirement, by a supermajority vote of 7-0, that one (1) of two (2) public hearings be held after 5:00 p.m.; and, 2) The advertising of public hearings on Tuesday, December 3, 2024 at 9:30 a.m., and Tuesday, January 14, 2025 at 9:30 a.m.; and,

WHEREAS, The Applicant has provided information, and made sufficient representations and demonstrations to allow the Board of County Commissioners to make the findings required pursuant to Florida Statutes §376.80(2)(c); and

WHEREAS, proper notice has been provided in accordance with Florida Statutes §376.80(2)(c)(4) and §376.80(1)(c)(4)(b); and

WHEREAS, such designation shall not render the County liable for costs or site remediation, rehabilitation or source removal, which terms are defined in Florida Statutes §376.79 (19) and (20), or for any other costs related to the redevelopment of the site.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

1. The Board of County Commissioners finds that Toll Bros. has presented sufficient information and testimony to satisfy the criteria set forth in Florida Statutes §376.80(2)(c), and the Board of County Commissioners hereby makes all of the following findings:
 - a. Toll Bros. controls the site and has agreed to rehabilitate and redevelop the site.
 - b. The rehabilitation and redevelopment of the site will result in the creation of recreation area and economic productivity of the area.

- c. The redevelopment of the site is consistent with the County's Comprehensive Plan, and is a permissible use under Palm Beach County's Unified Land Development Zoning Code.
 - d. The Applicant has provided notice of the proposed rehabilitation of the site to neighbors and nearby residents, and has provided those receiving notice, the opportunity to provide comments and suggestions regarding the rehabilitation.
 - e. Toll Bros. has provided reasonable assurance that they have sufficient financial resources to complete the rehabilitation and redevelopment of the site.
2. The Board of County Commissioners hereby designates the parcels located at 9302 and 9400 South Military Trail, in unincorporated Palm Beach County, Florida, as depicted and more particularly described in Exhibit A attached hereto, as a Brownfield Area for purposes of the Brownfields Redevelopment Act, Florida Statutes §376.77 - 376.86.
 3. The Department of Housing and Economic Development shall, within thirty (30) days of adoption of this Resolution, cause a notice of this designation, along with a copy of this Resolution, to be provided to the Florida Department of Environmental Protection and any local pollution control program under Florida Statutes §403.182.
 4. This Resolution shall take effect upon adoption.

Commissioner Baxter moved for the approval of the Resolution.


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

Commissioner Maria G. Marino, Mayor	- <u>Aye</u>
Commissioner Sara Baxter, Vice Mayor	- <u>Aye</u>
Commissioner Gregg K. Weiss, District 2	- <u>Absent</u>
Commissioner Joel Flores, District 3	- <u>Aye</u>
Commissioner Marci Woodward, District 4	- <u>Aye</u>
Commissioner Maria Sachs, District 5	- <u>Aye</u>
Commissioner Bobby Powell Jr., District 7	- <u>Aye</u>

The Mayor thereupon declared that the Resolution was duly passed and adopted on February 11, 2025.

**PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: 
David Behar
Assistant County Attorney

**JOSEPH ABRUZZO
CLERK & COMPTROLLER**

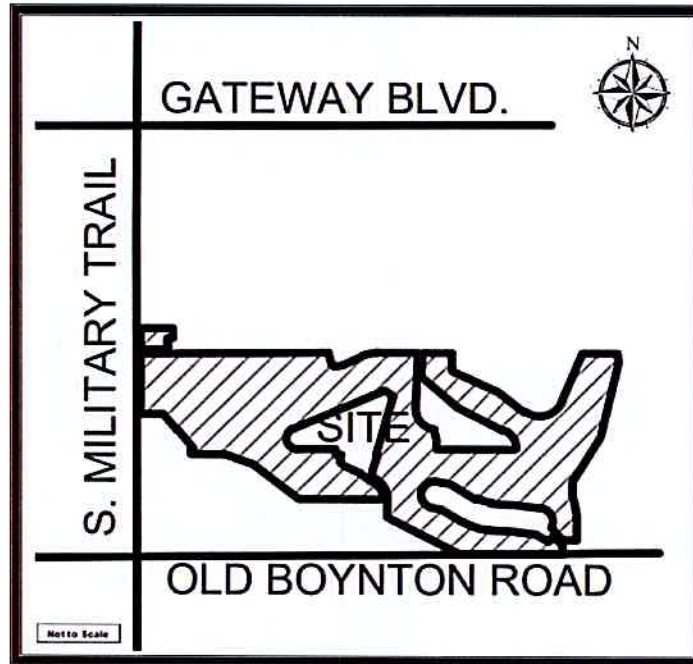
By: 
Deputy Clerk



Filed with the Clerk of the Board of County Commissioners on February 11, 2025.

Exhibit A

Location Map and Legal Description



PARCEL 1

BEING A PORTION OF CYPRESS CREEK COUNTRY CLUB, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

AND A PORTION OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24, RUN THENCE NORTH $00^{\circ}05'35''$ WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 954.36 FEET;; THENCE NORTH $89^{\circ}54'25''$ EAST (DEPARTING FROM SAID WEST LINE), A DISTANCE OF 60.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AND THE POINT OF BEGINNING; THENCE NORTH $44^{\circ}49'53''$ EAST DEPARTING FROM SAID RIGHT-OF-WAY LINE, A DISTANCE OF 35.73 FEET TO A POINT ON THE PLAT BOUNDARY LINE OF SAID CYPRESS CREEK COUNTRY CLUB; THENCE NORTH $89^{\circ}45'46''$ EAST ALONG SAID PLAT BOUNDARY LINE, DISTANCE OF 1890.04 FEET;; THENCE SOUTH $12^{\circ}58'24''$ EAST CONTINUING ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 116.61 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THOUGH A CENTRAL ANGLE OF $87^{\circ}17'45''$, A DISTANCE OF 38.09 FEET; THENCE NORTH $79^{\circ}42'55''$ EAST, A DISTANCE OF 90.91 FEET; THENCE NORTH $65^{\circ}51'46''$ EAST, A DISTANCE OF 209.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 375.00'; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $23^{\circ}54'00''$ A DISTANCE OF 156.43 FEET TO THE POINT OF TANGENCY; THENCE NORTH $89^{\circ}45'46''$ EAST, A DISTANCE OF 427.68 FEET;; THENCE SOUTH $02^{\circ}45'16''$ WEST, A DISTANCE OF 554.99 FEET; TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 220.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $85^{\circ}01'41''$, A DISTANCE OF 326.48' FEET TO THE POINT OF TANGENCY; THENCE SOUTH $16^{\circ}41'49''$ EAST (DEPARTING FROM SAID PLAT BOUNDARY LINE) A DISTANCE OF 106.22 FEET TO A POINT ON SAID PLAT BOUNDARY LINE; THENCE SOUTH $00^{\circ}10'04''$ EAST ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 97.59 FEET; THENCE NORTH $89^{\circ}49'57''$ EAST CONTINUING ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 800.02 FEET TO A POINT ON A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 210.0 FEET (A RADIAL LINE PASSING THROUGH SAID POINT BEARS NORTH $89^{\circ}49'57''$ EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $62^{\circ}44'59''$, A DISTANCE OF 229.99 FEET TO THE END OF SAID CURVE; THENCE NORTH $62^{\circ}55'04''$ WEST, A DISTANCE OF 531.94 FEET; THENCE NORTH $50^{\circ}11'29''$ WEST, A DISTANCE OF 491.61 FEET; THENCE NORTH $02^{\circ}45'16''$ EAST, A DISTANCE OF 236.04 FEET; THENCE NORTH $00^{\circ}14'14''$ WEST, A DISTANCE OF 1.04 FEET; THENCE NORTH $89^{\circ}45'46''$ EAST, A DISTANCE OF 300.05 FEET TO REFERENCE POINT "A"; THENCE SOUTH $00^{\circ}14'14''$ EAST, A DISTANCE OF 190.00 FEET; THENCE SOUTH $66^{\circ}07'53''$ EAST, A DISTANCE OF 515.75 FEET; THENCE SOUTH $53^{\circ}10'04''$ EAST, A DISTANCE OF 327.94 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 250.00 FEET; THENCE

NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 103°29'12", A DISTANCE OF 451.55 FEET TO THE POINT OF TANGENCY; THENCE NORTH 23° 20' 38" EAST, A DISTANCE OF 544.32 FEET; THENCE NORTH 89° 45' 46" EAST, A DISTANCE OF 360.00 FEET; THENCE SOUTH 11° 14' 14" EAST, A DISTANCE OF 90.00 FEET; THENCE SOUTH 13° 34' 55" WEST, A DISTANCE OF 801.83 FEET; THENCE SOUTH 32° 19' 56" WEST, A DISTANCE OF 536.40 FEET; THENCE SOUTH 00° 35' 59" WEST, A DISTANCE OF 128.60 FEET; THENCE SOUTH 10° 35' 59" EAST, A DISTANCE OF 209.98 FEET; THENCE SOUTH 00° 09' 29" EAST, A DISTANCE OF 260.00 FEET; THENCE SOUTH 89° 50' 31" WEST, A DISTANCE OF 129.99 FEET; THENCE NORTH 45° 05' 59" WEST, A DISTANCE OF 177.68 FEET TO A POINT ON A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 140.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 107°45'05", A DISTANCE OF 263.29 FEET; THENCE NORTH 82° 05' 59" WEST, A DISTANCE OF 243.45 FEET; THENCE NORTH 87° 35' 59" WEST, A DISTANCE OF 263.45 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 310.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°00'00", A DISTANCE OF 156.91 FEET; THENCE NORTH 58° 35' 59" WEST, A DISTANCE OF 305.70 FEET; THENCE NORTH 81° 05' 59" WEST, A DISTANCE OF 160.70 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 140.00 FEET; THENCE WESTERLY, SOUTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 180°00'00", A DISTANCE OF 439.82 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 81° 05' 59" EAST, A DISTANCE OF 105.00 FEET; THENCE SOUTH 58° 35' 59" EAST, A DISTANCE OF 250.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 590.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°00'00", A DISTANCE OF 298.63 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 87° 35' 59" EAST, A DISTANCE OF 250.00 FEET; THENCE SOUTH 62° 05' 59" EAST, A DISTANCE OF 230.02 FEET; THENCE SOUTH 62° 05' 59" EAST, A DISTANCE OF 129.81 FEET; THENCE NORTH 44° 54' 01" EAST, A DISTANCE OF 80.00 FEET; THENCE SOUTH 45° 05' 59" EAST, A DISTANCE OF 118.05 FEET; THENCE NORTH 89° 50' 31" EAST, A DISTANCE OF 16.59 FEET; THENCE SOUTH 00° 09' 29" EAST, A DISTANCE OF 100.14 FEET; THENCE SOUTH 89° 50' 31" WEST, A DISTANCE OF 1060.10 FEET; THENCE NORTH 63° 26' 21" WEST, A DISTANCE OF 823.12 FEET; THENCE NORTH 00° 10' 04" WEST, A DISTANCE OF 189.99 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 240.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 70°58'10", A DISTANCE OF 297.28 FEET TO THE END OF SAID CURVE; THENCE NORTH 15° 59' 56" EAST (DEPARTING FROM SAID PLAT BOUNDARY LINE), A DISTANCE OF 235.56 FEET; THENCE SOUTH 89° 49' 56" WEST, A DISTANCE OF 12.49 FEET TO A POINT ON SAID PLAT BOUNDARY LINE; THENCE NORTH 15° 59' 56" EAST ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 623.27 FEET; THENCE NORTH 57° 30' 04" WEST CONTINUING ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 96.64 FEET; THENCE SOUTH 67° 49' 01" WEST, A DISTANCE OF 1026.71 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 108.93 FEET; THENCE WESTERLY, SOUTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 157°59'05", A DISTANCE OF 300.36 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89° 49' 56" EAST, A DISTANCE OF 398.75 FEET; THENCE SOUTH 00° 10' 04" EAST, A DISTANCE OF 56.00 FEET; THENCE NORTH 89° 49' 56" EAST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 07° 41' 54" WEST, A DISTANCE OF 68.98 FEET; THENCE SOUTH 36° 40' 04" EAST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 67° 29' 14" EAST, A DISTANCE OF 176.17 FEET; THENCE SOUTH 51° 29' 22" EAST, A DISTANCE OF 122.48 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 200.00 FEET, (A RADIAL LINE PASSING THROUGH SAID POINT BEARS NORTH 15°59'56" EAST); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 73°49'29", A DISTANCE OF 257.70 FEET TO THE END OF SAID CURVE; THENCE SOUTH 89° 49' 56" WEST, A DISTANCE OF 860.00 FEET; THENCE NORTH 52° 53' 54" WEST, A DISTANCE OF 586.93 FEET; THENCE NORTH 71° 10' 04" WEST, A DISTANCE OF 300.00 FEET; THENCE SOUTH 89° 49' 56" WEST, A DISTANCE OF 343.13 FEET; THENCE NORTH 00° 05' 59" WEST, A DISTANCE OF 56.00 FEET; THENCE NORTH 89° 49' 56" EAST (DEPARTING FROM SAID PLAT BOUNDARY LINE), A DISTANCE OF 24.50 FEET; THENCE NORTH 38° 29' 53" WEST, A DISTANCE OF 261.44 FEET; THENCE SOUTH 51° 30' 07" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 38° 29' 53" WEST, A DISTANCE OF 212.74 FEET; THENCE SOUTH 89° 45' 46" WEST, A DISTANCE OF 235.45 FEET; TO POINT ON THE SAID EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE NORTH 00° 05' 35" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 591.78 FEET TO THE POINT OF BEGINNING.

LESS AND ACCEPTING THEREFROM THOSE CERTAIN LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3522, PAGE 1095 AND IN OFFICIAL RECORDS BOOK 3522, PAGE 1056, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

LESS OUT 1

COMMENCING AT THE AFOREMENTIONED POINT OF BEGINNING, RUN THENCE SOUTH 76°44'52" EAST, A DISTANCE OF 304.58 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°54'01" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 00°05'59" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°54'01" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 00°05'59" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

LESS OUT 2

COMMENCING AT THE AFOREMENTIONED REFERENCE POINT A, RUN THENCE SOUTH 56°35'55" WEST, A DISTANCE OF 364.88 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°55'03" EAST, A DISTANCE OF 30.20 FEET; THENCE SOUTH 00°49'00" WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH 86°14'56" WEST, A DISTANCE OF 30.10 FEET; THENCE NORTH 04°37'16" EAST, A DISTANCE OF 30.70 FEET TO THE POINT OF BEGINNING.

LESS AND ACCEPTING THEREFROM THOSE CERTAIN LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3522, PAGE 1095 AND IN OFFICIAL RECORDS BOOK 3522, PAGE 1056, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

PARCEL II

BEING A PORTION OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24, RUN THENCE NORTH 00°05'35" WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 1019.60 FEET; THENCE NORTH 89°54'25" EAST (DEPARTING FROM SAID WEST LINE), A DISTANCE OF 60.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE NORTH 00°05'35" WEST ALONG THE EAST RIGHT-OF-WAY LINE, A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°05'35" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 123.83 FEET; THENCE SOUTH 89°45'46" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AS DESCRIBED IN OFFICIAL RECORDS BOOK 6054, PAGE 1092, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 6.00'; THENCE NORTH 00°05'35" WEST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 71.17 FEET; THENCE NORTH 89°45'46" EAST (DEPARTING FROM SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 323.62 FEET; THENCE SOUTH 00°14'14" WEST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89°45'46" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 00°14'14" EAST, A DISTANCE OF 90.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 47.12 FEET; THENCE SOUTH 89°45'46" WEST, A DISTANCE OF 225.18 FEET; THENCE NORTH 45°09'55" WEST, A DISTANCE OF 35.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,337,384 SQUARE FEET OR 122.529 ACRES, MORE OR LESS.

Attachment B

Attachment B
Table I
Brownfield Site Rehabilitation Schedule

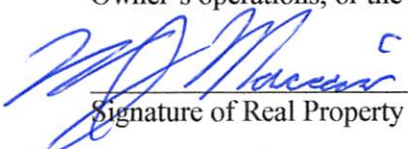
Type of Report or Activity	PRFBSR Action or Submittal Time Frames	Department Review or Comment Time frames
Notice of Interim Source Removal Action or Emergency Response Action situations.	Within 24 hours of initiation of the action.	No comment required.
Interim Source Removal Proposal	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (see Rule 62-780.525, F.A.C.)	Within 30 days of receipt.
Interim Source Removal Plan	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (62-780.525, F.A.C.)	Within 30 days of receipt.
Interim Source Removal Status Report	Within 60 days of completion of source removal activities and every 60 days thereafter or when the field activity is terminated, whichever occurs first.	No comment required.
Interim Source Removal Report	Within 60 days of completion of interim source removal activities.	Within 60 days of receipt.
Site Rehabilitation Plan (SRP) or Combined Document; (Optional submittal) (See Rule 62-780.450, F.A.C.)	Optional: SRP submitted within 270 days of executing BSRA. May include multiple tasks.	Within 60 days of receipt.
Site Assessment Report (SAR)	SAR submitted within 270 days of executing BSRA.	Within 60 days of receipt.
Risk Assessment Report (RAR)	Optional: (within 60 days of SAR approval.)	Within 90 days of receipt.
No Further Action (NFA) Proposal	When the site meets the criteria for NFA (See Rule 62-780.680, F.A.C.).	Within 60 days of receipt.
Well Survey and Sampling Results pursuant to paragraph 62-780.600(3)(h), F.A.C.	Within 60 days of discovery of contamination beyond the property boundaries	Within 60 days of receipt.
Natural Attenuation with Monitoring (NAM) Plan	When the site meets the criteria for Natural Attenuation with Monitoring (See Rule 62-780.690, F.A.C.).	Within 60 days of receipt.
Natural Attenuation with Monitoring (NAM) Report	Within 60 days of sample collection.	No comment required.
Remedial Action Plan (RAP)	Within 90 days of approval of a SRP, SAR or RAR.	Within 60 days of receipt.
As-Built Drawings	Within 120 days of initiating operation of the active remediation system.	No comment required.
Initiate Operation of Active Remedial Action	Within 120 days of RAP approval.	No comment required.
Proposals submitted pursuant to subsection 62-780.700(14), F.A.C.	Optional during active remediation	Within 60 days of receipt
Remedial Action Status Report (Monthly or quarterly status reports may be required for submittal - depending on site conditions and Advisory Committee.)	Within 60 days of the anniversary date of initiating operation of active remediation system.	No comment required.
Post Active Remediation Monitoring (PARM) Plan	When the site meets the criteria for NFA (see Rule 62-780.680) or Leveling-Off [see Rule 62-780.700(18)]	Within 60 days of receipt.

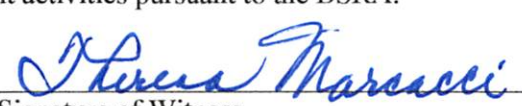
Type of Report or Activity	PRFBSR Action or Submittal Time Frames	Department Review or Comment Time frames
Post Active Remediation Monitoring (PARM) Report	Within 60 days of sample collection.	No comment required.
Leveling Off Determination	Within 60 days of sample collection.	Within 60 days of receipt.
Post Active Remediation Monitoring (PARM) Plan resampling proposal (Rule 62-780.750(4)(e), F.A.C.	Within 60 days of sample collection.	Within 60 days of receipt.
Site Rehabilitation Completion Report (SRCR)	Within 60 days of the final sampling event. If SRCR not approved then submit modifications, etc., within 60 days of Department's response.	Within 60 days of receipt. If the brownfield site meets the requirements of Chapter 62-780, F.A.C., for the issuance of an SRCO, then an SRCO will be issued.
Pilot Study Work Plan	When seeking approval before implementation of a Pilot Study pursuant to Rule 62-780.700(2), F.A.C.	Within 60 days of receipt.
Notices for Field Activities except for Start of Interim Source Removal or Emergency Response Action situations.	Within seven (7) days but not less than 24 hours prior notice to the Department to perform field activity.	No comment required.
Submittal to the Department of addenda, responses, or modification to plans or reports, pursuant to Chapter 62-780, F.A.C.	Within 60 days of receipt of the Department's response.	Within the same time frame for review of the original submittal.
Submittal of Form and Actual Notice required in subsection 62-780.220(2), F.A.C.	See text of rule for "Initial Notice of Contamination Beyond Property Boundaries" in subsection 62-780.220(2), F.A.C.	No comment required.
Submittal of Actual and Constructive Notice required in subsection 62-780.220(3), F.A.C.	See text of rule for "Subsequent Notice of Contamination Beyond Source Property Boundaries for Establishment of a Temporary Point of Compliance (TPOC)" in subsection 62-780.220(3), F.A.C.	No comment required.
Submittal of Notice required in subsection 62-780.220(7), F.A.C.	See text of rule for requirement that PRFBSR provide notice of Department's intent to approve site closure using institutional controls, institutional and engineering controls, or alternative cleanup target levels.	No comment required.

Attachment C

**SITE ACCESS AGREEMENT
PERMISSION TO ENTER PROPERTY
BROWNFIELDS REDEVELOPMENT PROGRAM**

1. True Shot, L.L.C., the real property owner ("undersigned" or "owner"), hereby grants permission to the State of Florida, Department of Environmental Protection ("Department") and its agents and subcontractors to enter the undersigned's property ("the property") located at 9302 and 9400 S. Military Trail, Palm Beach County, Florida 33436, Parcel ID 00-42-45-24-03-000-5851, 00-42-45-24-03-000-5852, and 00-42-45-24-12-001-0010 as described in **Attachment A** attached to the Brownfield Site Rehabilitation Agreement ("BSRA") for the brownfield site assigned the Brownfield Site Identification Number 502501001, beginning on the date of execution of the BSRA and ending on such date as deemed appropriate by the Department or the successful completion of the BSRA, whichever occurs first.
2. This permission is contemplated to be used for the following activities that may be performed by the Department, its agents, representatives or subcontractors:
 - a. Having access to areas where contamination may exist.
 - b. Investigation of soil and groundwater including, but not limited to, the installation of groundwater monitoring wells, the use of geophysical equipment, the use of an auger for collection of soil and sediment samples, the logging of existing wells, videotaping, preparation of site sketches, taking photographs, any testing or sampling of groundwater, soil, surface water, sediments, air, and other materials deemed appropriate by the Department and the like.
 - c. Removal, treatment and/or disposal of contaminated soil and water, which may include the installation of recovery wells or other treatment systems.
3. Upon completion of the investigation, the Department will restore the property as near as practicable to its condition immediately prior to the commencement of such activities.
4. The granting of this permission by the undersigned is not intended, nor should it be construed, as an admission of liability on the part of the undersigned or the undersigned's successors and assigns for any contamination discovered on the property.
5. The Department, its agents, representatives or subcontractors may enter the property during normal business hours and may also make special arrangements to enter the property at other times after agreement from the undersigned.
6. The Department acknowledges and accepts any responsibility it may have under applicable law (Section 768.28, Florida Statutes) for damages caused by the acts of its employees acting within the scope of their employment while on the property.
7. In exercising its access privileges, the Department will take reasonable steps not to interfere with the Owner's operations, or the remediation and redevelopment activities pursuant to the BSRA.

 FOR TRUE SHOT LLC
Signature of Real Property Owner


Signature of Witness

Print Name: WILLIAM J. MARCACCİ

Print Name: Theresa Marcacci

Title, if applicable MANAGING MEMBER

2/11/25
Date

2/11/2025
Date

{00068948.DOCX. 1 }

Accepted by the Department by the following authorized agent:

Signature of Department representative

Print Name: _____

Title of Department representative

Date

Signature of Witness

Print Name: _____

Date

Attachment D

RESOLUTION NO. R-2024- 0864

RESOLUTION APPROVING ZONING APPLICATION ABN/PDD/CA-2023-00996
(CONTROL NO. 1977-00052)
an Official Zoning Map Amendment
APPLICATION OF Alex Martin, True Shot LLC - William Marcacci, True Shot
BY WGINC, AGENT
(Cypress Creek PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

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

WHEREAS, Zoning Application ABN/PDD/CA-2023-00996, the Application of Toll Brothers, Inc., and True Shot LLC - William Marcacci, by WGINC, Agent, for a Development Order Abandonment to Abandon a Special Exception to allow a Golf Course, Clubhouse and Accessory facilities on 130.30 acres; an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District in part on 121.09 acres and the Single Family Residential (RS) Zoning District in part on 1.47 acres to the Planned Unit Development (PUD) Zoning District on 122.56 acres; and for a Class A Conditional Use to allow Type 2 Excavation with removal of more than ten percent of the extracted material from the site on 122.56 acres, was presented to the Board of County Commissioners at a public hearing conducted on July 17, 2024;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

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

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for an Official Zoning Map Amendment;

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

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

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

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

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

2. Zoning Application ABN/PDD/CA-2023-00996, the Application of Toll Brothers, Inc., True Shot LLC - William Marcacci, True Shot, by WGINC, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District in part on 121.09 acres and the Single Family Residential (RS) Zoning District in part on 1.47 acres to the Planned Unit Development (PUD) Zoning District on 122.56 acres on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 17, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on July 17, 2024.

Filed with the Clerk of the Board of County Commissioners on July 24, 2024.

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY:



COUNTY ATTORNEY

BY:



EXHIBIT A

LEGAL DESCRIPTION

PARCEL I:

ALL OF THE PLAT OF CYPRESS CREEK GOLF COURSE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 35, PAGE 106, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

LESS ANY EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED FROM WEAVER DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, TO THE CITY OF BOYNTON BEACH BY THOSE QUIT-CLAIM DEEDS DATED MARCH 23, 1981, RECORDED MAY 15, 1981, IN OFFICIAL RECORDS BOOK 3522, PAGE 1056 AND OFFICIAL RECORDS BOOK 3522, PAGE 1069.

ALSO LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED FROM WEAVER DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, TO CYPRESS CREEK BUILDERS, INC., A FLORIDA CORPORATION BY THAT WARRANTY DEED DATED JUNE 8, 1984, RECORDED JUNE 26, 1984, IN OFFICIAL RECORDS BOOK 4279, PAGE 258.

ALSO LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED FROM WEAVER DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, TO CURTIS A. WEAVER, SR., AND ALICE W. WEAVER, HIS WIFE, BY WARRANTY DEED DATED OCTOBER 4, 1997, RECORDED NOVEMBER 12, 1997, IN OFFICIAL RECORDS BOOK 10077, PAGE 1617.

ALSO LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY IDENTIFIED AS PARCEL 36A IN THAT STIPULATED ORDER OF TAKING AND FINAL JUDGMENT FILED IN PALM BEACH COUNTY CIRCUIT COURT UNDER CASE NO. CL-89-840-AI AND RECORDED IN OFFICIAL RECORDS BOOK 6054, PAGE 1087.

ALSO LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED FROM WEAVER DEVELOPMENT CORPORATION TO MELVIN E. WEAVER AND CHARLOTTE T. WEAVER, HIS WIFE BY THAT WARRANTY DEED DATED MAY 10, 1985, RECORDED IN OFFICIAL RECORDS BOOK 6062, PAGE 1996, RE-RECORDED IN OFFICIAL RECORDS BOOK 6083, PAGE 524.

ALSO LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY SET FORTH ON THE PLAT OF CYPRESS VILLAS, RECORDED IN PLAT BOOK 28, PAGE 126, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL II:

TOGETHER WITH A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID NORTHWEST CORNER ALSO BEING A POINT ON THE SOUTH LINE OF PALO VERDE DRIVE AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 1031, PAGE 338, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE NORTH 00° 00' 00" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 5206, PAGE 146, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 40.00 FEET; TO A POINT ON THE NORTH LINE OF SAID PALO VERDE DRIVE AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°00' 00" EAST ALONG SAID EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 220.00 FEET; TO A POINT ON THE SOUTH LINE OF THE BOYNTON CANAL AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 1982, PAGE 950, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89° 51' 45" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 329.36 FEET;; THENCE SOUTH 00° 08' 15" EAST (DEPARTING FROM SAID SOUTH LINE OF THE BOYNTON CANAL), A DISTANCE OF 100.00 FEET; TO A POINT ON THE NORTH LINE OF SAID PALO

VERDE DRIVE; THENCE SOUTH 89° 51' 45" WEST ALONG SAID NORTH LINE A DISTANCE OF 50.00 FEET; TO A POINT ON THE WEST LINE OF SAID PALO VERDE DRIVE; THENCE SOUTH 00° 08' 15" EAST ALONG SAID WEST LINE A DISTANCE OF 90.00 FEET; TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 30.00 FEET;; THENCE SOUTHWESTERLY (DEPARTING FROM SAID WEST LINE OF PALO VERDE DRIVE) ALONG THE ARC OF SAID CURVE, A DISTANCE OF 47.12 FEET; TO THE POINT OF TANGENCY, SAID POINT ALSO BEING A POINT ON THE SAID NORTH LINE OF PALO VERDE DRIVE; THENCE SOUTH 89° 51' 45" WEST ALONG SAID NORTH LINE, A DISTANCE OF 249.88 FEET; TO THE POINT OF BEGINNING.

PARCEL III:

TOGETHER WITH A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY END OF THAT CERTAIN 165.00 FOOT COURSE BEARING SOUTH 36° 34' 05" EAST AS SAME IS SHOWN ON CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (SAID NORTHWESTERLY END ALSO BEING A POINT ON THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL 23 AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 3548, PAGE 1381, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA), RUN THENCE NORTH 89° 55' 55" EAST ALONG SAID SOUTH LINE OF CANAL 23, A DISTANCE OF 60.00 FEET;; THENCE SOUTH 07° 47' 53" WEST (DEPARTING FROM SAID SOUTH LINE), A DISTANCE OF 68.98 FEET; TO A POINT ON THE NORTHEASTERLY LINE OF SAID CYPRESS CREEK GOLF COURSE; THENCE NORTH 36° 34' 05" WEST ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 85.00 FEET; TO THE POINT OF BEGINNING.

PARCEL IV:

TOGETHER WITH A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY END OF THAT CERTAIN 165.00 FOOT COURSE BEARING SOUTH 34° 34' 05" EAST AS SAME IS SHOWN ON CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN THENCE NORTH 36° 34' 05" WEST ALONG THE NORTHEASTERLY LINE OF SAID CYPRESS CREEK GOLF COURSE, A DISTANCE OF 20.00 FEET;; THENCE SOUTH L 67° 23' 15" EAST (DEPARTING FROM SAID NORTHEASTERLY LINE OF CYPRESS CREEK GOLF COURSE), A DISTANCE OF 176.17 FEET;; THENCE SOUTH 51° 23' 23" EAST, A DISTANCE OF 122.48 FEET; TO A POINT ON THE SAID NORTHEASTERLY FINE OF CYPRESS CREEK GOLF COURSE, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE (A RADIAL LINE PASSING THROUGH SAID POINT BEARS SOUTH 16° 59' 41" WEST) HAVING A RADIUS OF 160.00 FEET;; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE SAID NORTHEASTERLY LINE OF CYPRESS CREEK GOLF COURSE, A DISTANCE OF 69.80 FEET;; THENCE NORTH 36° 34' 05" WEST CONTINUING ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 208.50 FEET; TO THE POINT OF BEGINNING.

PARCEL V:

EASEMENT FOR THE OPERATION AND MAINTENANCE OF CYPRESS CREEK GOLF COURSE GRANTED BY WEAVER DEVELOPMENT CORPORATION, A FLORIDA CORPORATION TO GOLF TRUST OF AMERICA, L.P., A DELAWARE LIMITED PARTNERSHIP, DATED SEPTEMBER 16, 1998, RECORDED OCTOBER 1, 1998 IN OFFICIAL RECORDS BOOK 10667, PAGE 573, ON AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

PALO VERDE DRIVE

BEING ALL THAT PORTION OF PALO VERDE DRIVE AS SAME IS DESCRIBED IN

OFFICIAL RECORDS BOOK 1031, PAGE 338, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 5206, PAGE 1465, PUBLIC RECORDS OF PALM BEACH COUNTY, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 5206, PAGE 1465, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING WEST OF THE WEST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1204, PAGE 401 AND OFFICIAL RECORDS BOOK 9346, PAGE 34, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CARYOTA DRIVE

BEING ALL THAT PORTION OF CARYOTA DRIVE AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 1031, PAGE 332, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED AS FOLLOWS:

ON THE NORTH BY THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10022, PAGE 962 AND OFFICIAL RECORDS BOOK 2302, PAGE 1675, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE EAST BY CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE SOUTH BY THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4782, PAGE 1248 AND OFFICIAL RECORDS BOOK 9522, PAGE 1819, PUBLIC RECORDS OF PALM BEACH BY THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4782, PAGE 1248 AND OFFICIAL RECORDS BOOK 9522, PAGE 1819, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE WEST BY CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CROSS CREEK DRIVE

BEING ALL THAT PORTION OF CROSS CREEK DRIVE AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 8624, PAGE 285, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED AS FOLLOWS:

ON THE NORTHWEST BY THE SOUTHEAST LINE OF THOSE LANDS KNOWN AS LOT 25-8 AND FURTHER DESCRIBED IN OFFICIAL RECORDS BOOK 10592, PAGE 1665 AND THE SOUTHEAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 6062, PAGE 1996, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE NORTHEAST BY CYPRESS CREEK GOLF

COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE SOUTH BY THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9140, PAGE 465 AND OFFICIAL RECORDS BOOK 6072, PAGE 1991, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE SOUTHWEST BY CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

FOX TRACE

BEING ALL THAT PORTION OF FOX TRACE AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 4294, PAGE 1690, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED AS FOLLOWS:

ON THE NORTHWEST BY THE SOUTHEAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9144, PAGE 450 AND OFFICIAL RECORDS BOOK 5457, PAGE 282, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE NORTHWEST BY CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE EAST BY THE WEST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4129, PAGE 469 AND OFFICIAL RECORDS BOOK 6393, PAGE 1138, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE SOUTHWEST BY CYPRESS CREEK GOLF COURSE, PLAT 4129, PAGE 469 AND OFFICIAL RECORDS BOOK 6393, PAGE 1138, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ON THE SOUTHWEST BY CYPRESS CREEK GOLF COURSE, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO DESCRIBED AS:

BEING A PORTION OF CYPRESS CREEK COUNTRY CLUB, PLAT BOOK 35, PAGE 106, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

PARCEL I

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24, RUN THENCE NORTH 00°05'35" WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 954.36 FEET;; THENCE NORTH 89°54'25" EAST (DEPARTING FROM SAID WEST LINE), A DISTANCE OF 60.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AND THE POINT OF BEGINNING; THENCE NORTH 44° 49' 53" EAST DEPARTING FROM SAID RIGHT-OF-WAY LINE, A DISTANCE OF 35.73 FEET TO A POINT ON THE PLAT BOUNDARY LINE OF SAID CYPRESS CREEK COUNTRY CLUB; THENCE NORTH 89° 45' 46" EAST ALONG SAID PLAT BOUNDARY LINE, DISTANCE OF 1890.04 FEET;; THENCE SOUTH 12° 58' 24" EAST CONTINUING ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 116.61 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THOUGH A CENTRAL ANGLE OF 87°17'45", A DISTANCE OF 38.09 FEET; THENCE NORTH 79° 42' 55" EAST, A DISTANCE OF 90.91 FEET; THENCE NORTH 65° 51' 46" EAST, A DISTANCE OF 209.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 375.00'; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°54'00" A DISTANCE OF 156.43 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89° 45' 46" EAST, A DISTANCE OF 427.68 FEET;; THENCE SOUTH 02° 45' 16" WEST, A DISTANCE OF 554.99 FEET; TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 220.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 85°01'41", A DISTANCE OF 326.48' FEET TO THE POINT OF TANGENCY; THENCE SOUTH 16° 41' 49" EAST (DEPARTING FROM SAID PLAT BOUNDARY LINE) A DISTANCE OF 106.22 FEET TO A POINT ON SAID PLAT BOUNDARY LINE; THENCE SOUTH 00° 10' 04" EAST ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 97.59 FEET; THENCE NORTH 89° 49' 57" EAST CONTINUING ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 800.02 FEET TO A POINT ON A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 210.0 FEET A RADIAL LINE PASSING THROUGH SAID POINT BEARS NORTH 89° 49' 57" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 62°44'59", A DISTANCE OF 229.99 FEET TO THE END OF SAID CURVE; THENCE NORTH 62° 55' 04" WEST, A DISTANCE OF 531.94 FEET; THENCE NORTH 50° 11' 29" WEST, A DISTANCE OF 491.61 FEET; THENCE NORTH 02° 45' 16" EAST, A DISTANCE OF 236.04 FEET; THENCE NORTH 00° 14' 15" WEST, A DISTANCE OF 1.04 FEET; THENCE NORTH 89° 45' 46" EAST, A DISTANCE OF 300.05 FEET; THENCE SOUTH 00° 14' 14" EAST, A DISTANCE OF 190.00 FEET; THENCE SOUTH 66° 07' 53" EAST, A DISTANCE OF 515.75 FEET; THENCE SOUTH 53° 10' 04" EAST, A DISTANCE OF 327.94 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 250.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 103°29'12", A DISTANCE OF 451.55 FEET TO THE POINT OF TANGENCY; THENCE NORTH 23° 20' 38" EAST, A DISTANCE OF 544.32 FEET; THENCE NORTH 89° 45' 46" EAST, A DISTANCE OF 360.00 FEET; THENCE SOUTH 11° 14' 14" EAST, A DISTANCE OF 90.00 FEET; THENCE SOUTH 13° 34' 55" WEST, A DISTANCE OF 801.83 FEET; THENCE SOUTH 32° 19' 56" WEST, A DISTANCE OF 536.40 FEET; THENCE SOUTH 00° 35' 59" WEST, A DISTANCE OF 128.60 FEET; THENCE SOUTH 10° 35' 59" EAST, A DISTANCE OF 209.98 FEET; THENCE SOUTH 00° 09' 29" EAST, A DISTANCE OF 260.00 FEET; THENCE SOUTH 89° 50' 31" WEST, A DISTANCE OF 129.99 FEET; THENCE NORTH 45° 05' 59" WEST, A DISTANCE OF 177.68 FEET TO A POINT ON A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 140.00 FEET; A RADIAL LINE PASSING THROUGH SAID POINT BEARS NORTH 64° 20' 54" WEST), THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 107°45'05", A DISTANCE OF 263.29 FEET; THENCE NORTH 82° 05' 59" WEST, A DISTANCE OF 243.45 FEET; THENCE NORTH 87° 35' 59" WEST, A DISTANCE OF 263.45 FEET TO THE POINT OF CURVATURE OF A CURVE

CONCAVE NORTHERLY HAVING A RADIUS OF 310.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°00'00", A DISTANCE OF 156.91 FEET; THENCE NORTH 58° 35' 59" WEST, A DISTANCE OF 305.70 FEET; THENCE NORTH 81° 05' 59" WEST, A DISTANCE OF 160.70 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 140.00 FEET; THENCE WESTERLY, SOUTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 180°00'00", A DISTANCE OF 439.82 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 81° 05' 59" EAST, A DISTANCE OF 105.00 FEET; THENCE SOUTH 58° 35' 59" EAST, A DISTANCE OF 250.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 590.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°00'00", A DISTANCE OF 298.63 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 87° 35' 59" EAST, A DISTANCE OF 250.00 FEET; THENCE SOUTH 82° 05' 59" EAST, A DISTANCE OF 230.02 FEET; THENCE SOUTH 62° 05' 59" EAST, A DISTANCE OF 129.81 FEET; THENCE NORTH 44° 54' 01" EAST, A DISTANCE OF 80.00 FEET; THENCE SOUTH 45° 05' 59" EAST, A DISTANCE OF 118.05 FEET; THENCE NORTH 89° 50' 31" EAST, A DISTANCE OF 16.59 FEET; THENCE SOUTH 00° 09' 29" EAST, A DISTANCE OF 100.14 FEET; THENCE SOUTH 89° 50' 31" WEST, A DISTANCE OF 1060.10 FEET; THENCE NORTH 63° 26' 21" WEST, A DISTANCE OF 823.12 FEET; THENCE NORTH 00° 10' 04" WEST, A DISTANCE OF 189.99 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 240.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 70°58'10", A DISTANCE OF 297.28 FEET TO THE END OF SAID CURVE; THENCE NORTH 15° 59' 56" EAST (DEPARTING FROM SAID PLAT BOUNDARY LINE), A DISTANCE OF 235.56 FEET; THENCE SOUTH 89° 49' 56" WEST, A DISTANCE OF 12.49 FEET TO A POINT ON SAID PLAT BOUNDARY LINE; THENCE NORTH 15° 59' 56" EAST ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 623.27 FEET; THENCE NORTH 57° 30' 04" WEST CONTINUING ALONG SAID PLAT BOUNDARY LINE, A DISTANCE OF 96.64 FEET; THENCE SOUTH 67° 49' 01" WEST, A DISTANCE OF 1026.71 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 108.93 FEET; THENCE WESTERLY, SOUTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 157°59'05", A DISTANCE OF 300.36 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89° 49' 56" EAST, A DISTANCE OF 398.75 FEET; THENCE SOUTH 00° 10' 04" EAST, A DISTANCE OF 56.00 FEET; THENCE NORTH 89° 49' 56" EAST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 07° 41' 54" WEST, A DISTANCE OF 68.98 FEET; THENCE SOUTH 36° 40' 04" EAST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 67° 29' 14" EAST, A DISTANCE OF 176.17 FEET; THENCE SOUTH 51° 29' 22" EAST, A DISTANCE OF 122.48 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 200.00 FEET, (A RADIAL LINE PASSING THROUGH SAID POINT BEARS NORTH 15°59'56" EAST); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 73°49'29", A DISTANCE OF 257.70 FEET TO THE END OF SAID CURVE; THENCE SOUTH 89° 49' 56" WEST, A DISTANCE OF 860.00 FEET; THENCE NORTH 52° 53' 54" WEST, A DISTANCE OF 586.93 FEET; THENCE NORTH 71° 10' 04" WEST, A DISTANCE OF 300.00 FEET; THENCE SOUTH 89° 49' 56" WEST, A DISTANCE OF 343.13 FEET; THENCE NORTH 00° 05' 59" WEST, A DISTANCE OF 56.00 FEET; THENCE NORTH 89° 49' 56" EAST (DEPARTING FROM SAID PLAT BOUNDARY LINE), A DISTANCE OF 24.50 FEET; THENCE NORTH 38° 29' 53" WEST, A DISTANCE OF 261.44 FEET; THENCE SOUTH 51° 30' 07" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 38° 29' 53" WEST, A DISTANCE OF 212.74 FEET; THENCE SOUTH 89° 45' 46" WEST, A DISTANCE OF 235.45 FEET; TO POINT ON THE SAID EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE NORTH 00° 05' 35" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 591.78 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL II

BEING A PORTION OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24, RUN THENCE NORTH 00°05'35" WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 1019.60 FEET; THENCE NORTH 89°54'25" EAST (DEPARTING FROM SAID WEST LINE), A DISTANCE OF 60.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE NORTH 00°05'35" WEST ALONG THE EAST RIGHT-OF-WAY LINE, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°05'35" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 123.83 FEET; THENCE SOUTH 89°45'46" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AS DESCRIBED IN OFFICIAL RECORDS BOOK 6054, PAGE 1092, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 6.00'; THENCE NORTH 00°05'35" WEST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 71.17 FEET; THENCE NORTH 89°45'46" EAST (DEPARTING FROM SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 323.62 FEET; THENCE SOUTH 00°14'14" EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89°45'46" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 00°14'14" EAST, A DISTANCE OF 90.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 47.12 FEET; THENCE SOUTH 89°45'46" WEST, A DISTANCE OF 225.18 FEET; THENCE NORTH 45°09'55" WEST, A DISTANCE OF 35.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,338,699 SQUARE FEET OR 122.559 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

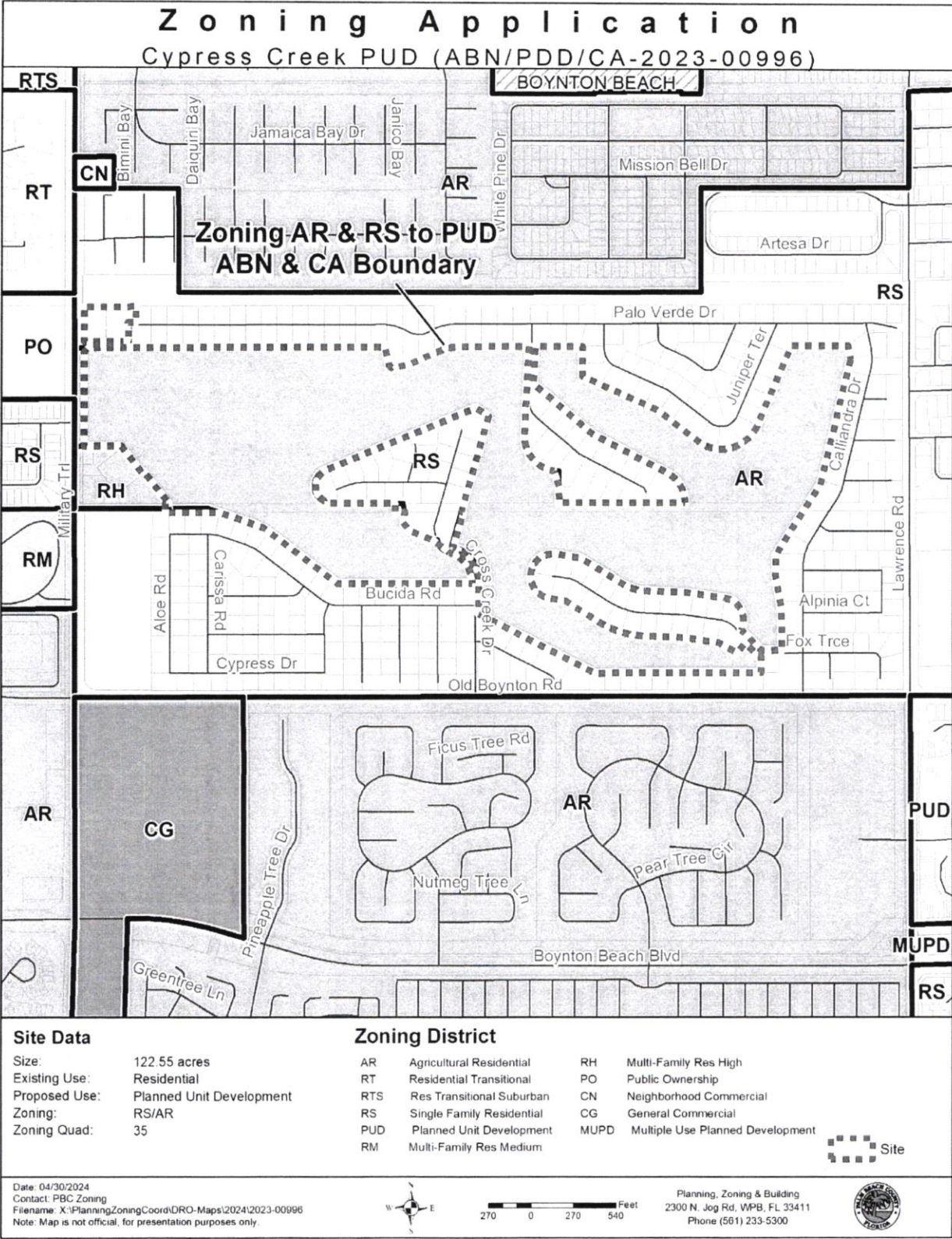


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan is dated May 9, 2024. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2028, or as amended. 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. (DATE: MONITORING - Engineering)

2. The Property Owner shall modify the existing southbound left turn lane (north approach) on Military Trail at Mirror Lakes Blvd to provide for 175 feet of storage and 50 feet of taper, and reduce the full median opening, as approved by the County Engineer.

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

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Final Subdivision Plan by the Development Review Officer. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with the plat or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: ENGINEERING - Engineering)

4. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public 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 Military Trail along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. 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 water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and 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. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. 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. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

5. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM: MONITORING - Engineering)

6. The development of this property shall not increase the existing permitted stormwater stages of the offsite properties, as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering)

7. Prior to the issuance of a building permit for a structure that has an easement encroachment, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPM/ONGOING: MONITORING - Engineering)

8. Lakes abutting residential units shall have a berm at an elevation no lower than the stage resulting from a 3 year, 24 hour storm event, unless a bulkhead is proposed. (ONGOING: ENGINEERING - Engineering)

9. At all times during and after construction, the Property Owner shall ensure that the historical flows from the adjacent properties are maintained. (ONGOING: ENGINEERING-Eng)

ENVIRONMENTAL

1. Prior to final approval by the Development Review Officer, a Tree Preservation Area Management Plan shall be provided to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to the issuance of the site development permit and/or the storm water management system permit, the applicant shall provide documentation to ERM that includes a copy of the Site Assessment Report (SAR) submitted to the Florida Department of Environmental Protection (FDEP), copy of Soil Management Plan (SMP) submitted to the FDEP, and FDEP SMP Approval Letter. (BLDGPM/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. The Official Record Book and Page for the Restrictive Covenant Agreement for the littoral areas shall be referenced on the plat. (ONGOING/PLAT/TC: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. Prior to the approval of the Final Master Plan by the DRO, the site configuration must be designed in a manner to maximize tree preservation and incorporate the native specimen-sized trees. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

5. Prior to the approval of the Final Master Plan by the DRO, ERM shall review and approve the vegetation disposition chart to ensure maximum preservation efforts-and that the site design incorporates native vegetation. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT – Environmental Resources Management)

6. Prior to the final approval by the Development Review Officer, the plans shall be revised to indicate an access easement with a minimum width of 10 feet to the Tree Preservation Area(s). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

7. The understory within the native tree preserve area shall be restored and reestablished with native species typically found in its respective land cover classification and/or as approved ERM, and shall remain in perpetuity. (BLDGPM/ONGOING/VEGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

8. Prior to the issuance of the first residential building permit, the Applicant shall provide ERM a copy of the Soil Management Plan (SMP) submitted to FDEP, the FDEP SMP Approval Letter, and a signed and sealed certification from the Applicant's Florida licensed Professional Engineer or Professional Geologist that the Applicant is in compliance with the SMP and the Contaminated Site Cleanup Criterial Rule per Chapter 62-780 Florida Administrative Code. (BLDGPM/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

9. Prior to the final approval by the Development Review Officer, the applicant shall: (1.) provide an analysis that calculates and graphically depicts the anticipated hydrologic function(s) of the site. while accounting for the surrounding area's lakes, canals and wellfields, inter alia; and, (2.) provide hydrological modeling to ERM for review and acceptance. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

10. Prior to the final approval by the Development Review Officer, the applicant shall provide a detailed analysis and report, prepared by a qualified person (e.g., a civil engineer, etc.), which identifies the total fill to be generated as a result of the proposed excavations, the methodologies and calculations for the use of fill on the site and off-site, if applicable, to ERM for review. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

11. Prior to the issuance of the first Certificate of Occupancy, the applicant shall provide (1.) an as-built survey to ERM for review; and, (2.) an analytical comparison of actual fill generated to the previously provided to-be-generated fill calculations. (BLDGPM/CO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

12. After issuance of the first Certification of Occupancy for the project, an invasive exotic vegetation monitoring report shall be submitted to the Department of Environmental Resources Management (ERM) quarterly for the first year and semi-annually through year five. (CO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

13. None of the landscape material to be planted and/or maintained shall be on the 2023 Florida Invasive Species Council (FISC) list of Invasive Plant Species, as periodically amended (BLDGPM/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. Prior to the issuance of the first building permit, the property owner shall submit to the Florida Department of Health a copy of the Soil Management Plan Soil ("SMP") submitted to FDEP, the FDEP SMP Approval Letter, and a signed and sealed certification from the Applicant's Florida licensed Professional Engineer or Professional Geologist that the Applicant is in compliance with the SMP. (BLDGPM: MONITORING - Health

Department)

LANDSCAPE - PERIMETER

1. LANDSCAPING ALONG THE PROPERTY LINE ABUTTING EXISTING RESIDENTIAL LOTS EXCLUDING LAKES AND CANAL

In addition to the Code requirements, landscaping and/or buffer width along the property line abutting existing residential lots shall be upgraded to include:

- a. a minimum 20 foot wide Type 3 Incompatibility Buffer with no width reduction, except for the buffer along the north property line abutting the 25 residential properties along Palo Verde Drive;
- b. a minimum 30 foot wide Type 3 Incompatibility Buffer with no width reduction for the buffer along the north property line abutting the 25 residential properties along Palo Verde Drive;
- c. landscaping material shall be in compliance with a Type 3 Incompatibility Buffer per Table 7.C.2.C.3, Incompatibility Buffer Landscaping Requirements, (except that a wall may be replaced with a fence) Supplement 31 of the ULDC; and,
- d. prior to Final Approval by the DRO, the Master Plan shall be revised to indicate compliance with this condition. (BLDGPMPT/DRO: ZONING - Zoning)

PARKS

1. No more than 61 building permits for the residential units shall be issued until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, unless a phasing plan for completion of the required reaction area is agreed to and approved by the Parks and Recreation Department. (BLDGPMPT: MONITORING - Parks and Recreation)

PLANNING

1. The subject request for 152 units with a 4-unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option. The WHP obligation will be utilizing fee in Lieu. No WHP density bonus was utilized. (ONGOING: PLANNING - Planning)

2. Prior to the issuance of fifty percent of the Residential Building Permits (76du), the Applicant shall submit payment to Department of Housing and Economic Development (DHED) and a copy of a receipt for that payment to the Planning Division in the amount of \$551,772 (4 single family du x \$137,943). (BLDGPMPT: MONITORING - Planning)

PLANNED UNIT DEVELOPMENT

1. Prior to final approval by the DRO, the Master Plan and Subdivision Plans shall be revised to indicate a park on the Open Space parcel adjacent to Military Trail. (DRO: ZONING – Zoning)

2. Prior to the issuance of the last Certificate of Occupancy (CO), the Applicant shall construct a dog park within the Open Space parcel adjacent to Military Trail for the residents of the proposed development. The Applicant agrees that the dog park will also be available to residents of the Cypress Creek Community upon reaching a mutually acceptable “shared use agreement” within one year of the effective date of this approval, and that includes, at a minimum, agreement by the Cypress Creek POA to indemnify and insure the Applicant and the future homeowner’s association, as well as contribute proportionately toward maintenance costs for the dog park. The Applicant shall be permitted to use Palo Verde for construction access for development and construction of the dog park. (CO: BLDG DIVISION – Zoning)

PROPERTY & REAL ESTATE MANAGEMENT

1. Platting & Deed.

The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 2.45 acre public civic site (net usable area - including minimum required perimeter landscape buffers), in a location and form acceptable to Facilities Development & Operations Department (FD&O) by July 18, 2026 or other date that is mutually agreeable to the Property owner and FD&O. 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 (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. If no County use is applied to the civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic site would support if it were a residential pod.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated 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 FD&O Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (at the discretion of FD&O), all of which shall be to the satisfaction of FD&O. The buildable grade elevation required will generally be the highest crown of road adjacent to the civic site, unless otherwise determined by PREM. Proposed County Critical Care Facilities may require higher elevations as determined by County, at County's sole discretion. Property Owner to provide: 1) In-place density test (density requirements as determined by PREM), 2) Soil placement monitoring report, 3) Test of materials used in the soil placement monitoring report, 4) Final survey to include topo results.

i) Water, Sewer and Reclaim Water

Property Owner to provide water, sewer, reclaim water stubbed out to the property line and other required utilities as determined by PREM.

j) Irrigation

Property owner to provide an easement across Property Owner's property, from the proposed civic site to available retention basins, if requested by PREM. (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 January 19, 2026 or other date that is mutually

agreeable to the Property Owner and FD&O. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey must meet the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in rule 5J-17.050-.052, Florida Administrative Code, pursuant to section 472.027, Florida Statutes and Countywide PPM CW0-058.

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 and the proposed drainage easement area for storm water outfall from the proposed civic site to the development's storm water management system.

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. (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 January 19, 2026 or other date that is mutually agreeable to the Property Owner and FD&O. The minimum assessment of the property will be a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use. Prior use of the property (Example: Ag Production, golf course, other uses as determined by County) that creates the possibility of soil and groundwater impacts above environmental target clean up levels will require further soil and ground water investigation and testing, unless waived by County at County's sole discretion.

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. (DATE: MONITORING - Property Real Estate Management)

4. Cash-Out

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 off-site land is the more viable option and 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 the ULDC. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

5. Prior to Technical Compliance of the Plat for the 80 R.O.W shown on the Master Plan to abut the south side of the public civic site, the Property Owner shall grant a Perpetual Access Easement to the County in a form, manner and configuration deemed acceptable

to PREM to serve the public civic site. (TC: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

6. Prior to Technical Compliance of the Plat for the public civic site, the Property Owner shall have completed the abandonment of all easements within the limits of the public civic site that are identified on Sheet PMP-2 as To Be Abandoned (T.B.A.). (TC: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

7. The Property Owner shall include in homeowners documents as well as all written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying prospective property owners that the community includes the public civic site and is designed to provide future ingress and egress serving the public civic site from the community entryway. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on July 18, 2025 or other date that is mutually agreeable to the Property Owner and FD&O, and then continuing until all units have been sold. (DATE/ONGOING: MONITORING - 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 necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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

Attachment E

CONTRACTOR CERTIFICATION FORM Brownfields Redevelopment Program

Contractor Name: Langan Engineering and Environmental Services, LLC Date: 2/11/2025
Contractor Address: 525 Okeechobee Boulevard, Suite 910, West Palm Beach, FL 33401
Contact Name: Michael E. Spievack, PE
Phone No.: (561) 732-8300 Fax No.: (561) 732-8350
Brownfield Site ID #: BF502501001

CONTRACTOR CERTIFIES BY CHECKING ALL APPROPRIATE BOXES:

	YES	NO
1. It meets all certification and license requirements imposed by law.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. It performs or contracts laboratory analysis pursuant to National Environmental Laboratory Accreditation Program certification requirements and performs or contracts field-sampling work in accordance with the Standard Operating Procedures for Field Activities pursuant to Chapter 62-160, Florida Administrative Code.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. It complies with all applicable OSHA regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Has the capacity to perform the majority of the site rehabilitation program tasks pursuant to a brownfield site rehabilitation agreement or supervise the performance of such tasks by licensed subcontractors in accordance with Section 489.113(9), Florida Statutes (F.S.).	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The person named below by signing as an "Officer of the Company" hereby certifies to the Florida Department of Environmental Protection (FDEP) that the Contractor named above meets the requirements for contractors participating in the Brownfields Redevelopment Program [Section 376.80(6), F.S.]:

Eric Vervoordt

Signature of Officer of the Company and Date Signed

Eric Vervoordt

Print Name of Officer of the Company

Chief Operations Officer

Title of Officer of the Company

Contractors must immediately notify the FDEP of any change in the above criteria. The FDEP may order a suspension or cessation of work for failure of a contractor to maintain their required certification.

Attachment F



State of Florida
Department of Health, Bureau of Public Health Laboratories
This is to certify that



E83018

EUROFINS ORLANDO
481 NEWBURYPORT AVENUE
ALTAMONTE SPRINGS, FL 32701

has complied with Florida Administrative Code 64E-1,
for the examination of environmental samples in the following categories

DRINKING WATER - GROUP I UNREGULATED CONTAMINANTS, DRINKING WATER - GROUP II UNREGULATED CONTAMINANTS, DRINKING WATER - MICROBIOLOGY, DRINKING WATER - OTHER REGULATED CONTAMINANTS, DRINKING WATER - PRIMARY INORGANIC CONTAMINANTS, DRINKING WATER - SECONDARY INORGANIC CONTAMINANTS, DRINKING WATER - SYNTHETIC ORGANIC CONTAMINANTS, NON-POTABLE WATER - EXTRACTABLE ORGANICS, NON-POTABLE WATER - GENERAL CHEMISTRY, NON-POTABLE WATER - METALS, NON-POTABLE WATER - MICROBIOLOGY, NON-POTABLE WATER - PESTICIDES-HERBICIDES-PCB'S, NON-POTABLE WATER - VOLATILE ORGANICS, SOLID AND CHEMICAL MATERIALS - EXTRACTABLE ORGANICS, SOLID AND CHEMICAL MATERIALS - GENERAL CHEMISTRY, SOLID AND CHEMICAL MATERIALS - METALS, SOLID AND CHEMICAL MATERIALS - MICROBIOLOGY, SOLID AND CHEMICAL MATERIALS - PESTICIDES-HERBICIDES-PCB'S, SOLID AND CHEMICAL MATERIALS - VOLATILE ORGANICS

Continued certification is contingent upon successful on-going compliance with the NELAC Standards and FAC Rule 64E-1 regulations. Specific methods and analytes certified are cited on the Laboratory Scope of Accreditation for this laboratory and are on file at the Bureau of Public Health Laboratories, P. O. Box 210, Jacksonville, Florida 32231. Clients and customers are urged to verify with this agency the laboratory's certification status in Florida for particular methods and analytes.

Date Issued: July 01, 2024 Expiration Date: June 30, 2025



Marie-Claire Rowlinson, PhD, D(ABMM)
Bureau of Public Health Laboratories
DH Form 1697, 7/04

NON-TRANSFERABLE E83018-100-07/01/2024
Supersedes all previously issued certificates

Attachment G

Advisory Committee Members

Benjamin M. Baily III

Resident Near the Brownfield Area

4161 Juniper Terrace

Boynton Beach, Florida 33436

(561) 613-7009

gmorm@att.net

Bill Cross, AICP

Local Government Staff

Palm Beach County Department of Housing and Economic Development

100 Australian Avenue, Suite 500

West Palm Beach, Florida 33406

(561) 233-3674

wcross@pbcgov.org

Nancy Wille

Resident Near the Brownfield Area

4788 Nolina Lane

Boynton Beach, FL 33436

(561) 719-4102

nancywille@sharpusa.com

Syliva Winkles

Resident Near the Brownfield Area

9655 Colocasia Way

Boynton Beach, FL 33436

(561) 926-4550

sdwinkles@gmail.com

Attachment H

ATTACHMENT H - - FORMAT FOR SUBMITTAL OF TECHNICAL DOCUMENTS

1. One hard copy or one electronic copy of each report or proposal and final reports shall be submitted to the Department or to the delegated local program.
2. Where an electronic format exists of the records it shall be used to transmit the data, file, report, document, map, plans, picture, record, or any other object that may be available in an electronic format. Electronic records shall be kept in industry standard non-proprietary formats: TIFF, GIF, JPEG, PDF, or in Microsoft Word, Microsoft Excel, and Microsoft Access not older than one (1) release behind the current.
3. Data requested shall be transmitted using available media such as E-mail, Compact Disc (CD), or File Transfer via an FTP site. Additional formats may be considered at the time of the request.
4. After final approval of each report, an electronic copy and one hard copy shall be submitted within 30 days.
5. The media shall include a file directory and specify the "naming convention".
 - (a) Final reports (any text files) must be in one of the approved formats.
 - (b) Site maps and surveys shall be in TIFF, JPEG or ".pdf" format.
 - (c) Site-specific GIS data tables shall be in Excel or text (tab delimited) format.
 - (d) The cover of the media shall include the Site Name, Designated Brownfield Area, Date and Type of Report(s).
 - (e) The left inside cover of the media should list all the files located on the media.

Attachment I

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF BROWNFIELD SITE REHABILITATION AGREEMENT

The Department of Environmental Protection (the "Department") gives notice of agency action of entering into a Brownfield Site Rehabilitation Agreement (hereinafter "BSRA") with Toll Bros., Inc., pursuant to § 376.80(5), Florida Statutes (F.S.). The BSRA addresses the site rehabilitation and redevelopment activities in the vicinity of 9302 and 9400 South Military Trail, Palm Beach County, FL 33436, Parcel ID Nos. 00-42-45-24-03-000-5851; 00-42-45-24-03-000-5852; and 00-42-45-24-12-001-0010. This BSRA is made available for public inspection online at <https://depedms.dep.state.fl.us/Oculus/servlet/login>, the Department's online document management system, using the Brownfield Site Identification No. BF502501001 or Facility ID no. ERIC_10930.

A person whose substantial interests are affected by this BSRA may petition for an administrative proceeding (hearing) under §§120.569 and 120.57, F.S. The Petition must contain the information set forth below and must be filed with (received by) the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. The Petitioner shall mail a copy of the petition at the time of filing to the District Office named above at the address indicated and a copy to the Persons Responsible for Brownfields Site Rehabilitation ("PRFBSRs") listed in the BSRA. Failure to file a petition within this time period shall constitute a waiver of any right to request an administrative proceeding under Chapter 120, F.S.

Pursuant to §120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

1. The name, address, any e-mail addresses, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the PRFBSRs' names and addresses; the Department's Brownfield Area and Brownfield Site Identification Numbers; the name and address of the Brownfield Site; and the name and address of each agency affected;
2. A statement of when and how each petitioner received notice of the Department's action or proposed action;
3. An explanation of how each petitioner's substantial interests will be affected by the Department's action or proposed action;
4. A statement of the disputed issues of material facts, or a statement that there are no disputed facts;
5. A concise statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;

6. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

If a Petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by the Department in the BSRA. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject BSRA have the right to petition to become a party to the proceeding. This BSRA is final and effective on the date of execution. Timely filing a petition for administrative hearing postpones the date this BSRA takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.