



FILE NUM 20030081130 OR BOOK/PAGE 1489/160 DATE 02/12/2003 11:21:27

**PREPARED BY & RETURN TO:**

Centex Homes  
Legal Department  
Attn: Denise M. Scherer-Wagner, CLAS  
8198 Jog Road, Suite 200  
Boynton Beach, Florida 33437

**AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS FOR RIVERMILL**

This Amendment to the Declaration of Covenants, Conditions and Restrictions for Rivermill is made as of this 21<sup>st</sup> day of January 2003, by Centex Homes, a Nevada general partnership (“**Declarant**”).

WHEREAS, Declarant has previously executed and caused to be recorded that certain Declaration of Covenants, Conditions and Restrictions for Rivermill, recorded in Official Records Book 11966, Page 1620; of the Official Records of Palm Beach County, Florida (“**Declaration**”); and

WHEREAS, the Declaration designates in Section 14.3.1 that during the period in which the Declarant retains the status of the Class “B” Member, Declarant shall have the right to amend this Declaration, without the necessity of joinder by Owners or any other persons or entities, to make non substantial changes that do not materially or adversely affect the interests of other Owners or other affected parties, and to clarify any ambiguities or conflicts, or correct any scrivener’s errors in this Declaration.

WHEREAS, the Declaration was initially recorded without inclusion of “Exhibit “G” South Florida Water Management District Permit No.: 50-044335-P; and

WHEREAS, the Declaration was initially recorded without reference to Exhibit “G” in Section 11.7; and

WHEREAS, Declarant still retains the status of the Class “B” Member; and

WHEREAS, Declarant desires to amend the Declaration to incorporate Exhibit “G” South Florida Water Management District Permit No.: 50-044335-P, as initially intended; and

WHEREAS, Declarant desires to correct the reference to the South Florida Water Management District Permit No.: 50-044335-P in Section 11.7, as initially intended.

NOW THEREFORE, the Declarant hereby amends the Declaration as follows:

Declarant hereby amends the Declaration to amend Section 11.7, by making reference to Exhibit “G” therein, reading in its entirety as follows:

**"Section 11.7. Environmental and Drainage Permits.** The Association shall maintain, as part of the common elements, the Surface Water and Storm Water Management System drainage structures for the Property, and comply with conditions of the permits from the South Florida Water Management District ("SFWMD") Permit No. 50-04435-P (attached hereto as Exhibit "G"), the Lake Worth Water Management District, Palm Beach County, the City of West Palm Beach, the State of Florida, the United States government and their agencies, bureaus and instrumentalities for the drainage system, including, without limitation, perpetual maintenance of all signage and notices required by such permits (herein referred to as the "Environmental and Drainage Permits"). The Association, shall, when requested by Declarant, accept transfer of the Environmental and Drainage Permits applicable to the Property. The conditions of the Environmental and Drainage Permits include monitoring and record keeping schedules, and maintenance."

Declarant hereby amends the Declaration to incorporate Exhibit "G" South Florida Water Management District Permit No.: 50-04435-P. into the Declaration as initially intended:

IN WITNESS WHEREOF, the Declarant, has executed this First Amendment as of the day and year first above written.

WITNESSES

DECLARANT

CENTEX HOMES, a Nevada general Partnership

By: Centex Real Estate Corporation, a Nevada corporation, its managing general partner

Erika Etchison  
Print Name: Erika Etchison

By: [Signature]  
David E. Abrams  
Division President

[Signature]  
Print Name: Leslie Maister

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me on the 21<sup>st</sup> day of January 2002 by David E. Abrams, as Division President of Centex Real Estate Corporation, a Nevada corporation, managing general partner of Centex Homes, a Nevada general partnership, on behalf of the corporation. He is personally known to me.

Erika Etchison  
Notary Public State of Florida  
Print Name: Erika Etchison  
Commission No. March 17, 2006  
My Commission Expires: DD 073152



**EXHIBIT "G"**

**SOUTH FLORIDA WATER MANAGEMETN DISTRICT  
PERMIT NO.: 50-04435-P**

**(Attached)**



# South Florida Water Management District

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045  
TDD (561) 697-2574 • www.sfwmd.gov

October 28, 1999

Centex Homes  
8198 Jog Road, Suite #200  
Boynton Beach, FL 33437

Subject: Application No. 990812-13, NYE PUD,  
Palm Beach County, S2/T45S/R42E

Enclosed is a copy of this District's staff report covering the permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on November 10, 1999.

Should you wish to object to the staff recommendations or file a petition, please provide written objections, petitions and/or waivers (refer to the attached "Notice of Right") to:

Vern Kaiser, Deputy Clerk  
South Florida Water Management District  
Post Office Box 24680  
West Palm Beach, Florida 33416-4680

The "Notice of Rights" addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. You are advised, however, to be prepared to defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendations, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please contact the District if you have any questions concerning this matter. If we do not hear from you prior to the date on the "Notice of Rights", we will assume you concur with our recommendations.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee this 28th day of October 1999, in accordance with Section 120.60 (3) Florida Statutes.

Sincerely,

Terrie Bates, Director  
Environmental Resource Regulation Department

TB/jb

CERTIFIED Z 196 413 515  
RETURN RECEIPT REQUESTED

Governing Board:  
Michael Collins, Chairman  
Michael D. Minton, Vice Chairman  
Mitchell W. Berger

Vera M. Carter  
Gerardo B. Fernandez  
Patrick J. Gleason

Nicolas J. Gutierrez, Jr.  
Harkley R. Thornton  
Trudi K. Williams

James Harvey, Interim Executive Director  
Michael Slayton, Deputy Executive Director  
Trevor Campbell, Deputy Executive Director

any such final decision of the SFWMD shall have, pursuant to Rule 40E-1.511(2), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), an additional 21 days from the date of receipt of notice of said decision to request an administrative hearing. However, the scope of the administrative hearing shall be limited to the substantial deviation.

3. Pursuant to Rule 40E-1.511(4), Fla. Admin. Code, substantially affected persons entitled to a hearing pursuant to Section 120.57(1), Fla. Stat., may waive their right to such a hearing and request an informal hearing before the Governing Board pursuant to Section 120.57(2), Fla. Stat., which may be granted at the option of the Governing Board.

4. Pursuant to Rule 28-106.111(3), Fla. Admin. Code, persons may file with the SFWMD a request for extension of time for filing a petition. The SFWMD, for good cause shown, may grant the extension. The request for extension must contain a certificate that the petitioner has consulted with all other parties, if any, concerning the extension and that the SFWMD and all other parties agree to the extension.

#### CIRCUIT COURT

5. Pursuant to Section 373.617, Fla. Stat., any substantially affected person who claims that final agency action of the SFWMD relating to permit decisions constitutes an unconstitutional taking of property without just compensation may seek judicial review of the action in circuit court by filing a civil action in the circuit court in the judicial circuit in which the affected property is located within 90 days of the rendering of the SFWMD's final agency action.

6. Pursuant to Section 403.412, Fla. Stat., any citizen of Florida may bring an action for injunctive relief against the SFWMD to compel the SFWMD to enforce the laws of Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code. The complaining party must file with the SFWMD Clerk a verified complaint setting forth the facts upon which the complaint is based and the manner in which the complaining party is affected. If the SFWMD does not take appropriate action on the complaint within 30 days of receipt, the complaining party may then file a civil suit for injunctive relief in the 15<sup>th</sup> Judicial Circuit in and for Palm Beach County or circuit court in the county where the cause of action allegedly occurred.

7. Pursuant to Section 373.433, Fla. Stat., a private citizen of Florida may file suit in circuit court to require the abatement of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works that violate the provisions of Chapter 373, Fla. Stat.

#### DISTRICT COURT OF APPEAL

8. Pursuant to Section 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

#### LAND AND WATER ADJUDICATORY COMMISSION

9. A party to a "proceeding below" may seek review by the Land and Water Adjudicatory Commission (LAWAC) of SFWMD's final agency action to determine if such action is consistent with the provisions and purposes of Chapter 373, Fla. Stat. Pursuant to Section 373.114, Fla. Stat., and Rules 42-2.013 and 42-2.0132, Fla. Admin. Code, a request for review of (a) an order or rule of the SFWMD must be filed with LAWAC within 20 days after rendition of the order or adoption of the rule sought to be reviewed; (b) an order of the Department of Environmental Protection (DEP) requiring amendment or repeal of a SFWMD rule must be filed with LAWAC within 30 days of rendition of the DEP's order, and (c) a SFWMD order entered pursuant to a formal administrative hearing under Section 120.57(1), Fla. Stat., must be filed no later than 20 days after rendition of the SFWMD's final order. Simultaneous with filing, a copy of the request for review must be served on the DEP Secretary, any person named in the SFWMD or DEP final order, and all parties to the proceeding below. A copy of Rule 42-2.013, Fla. Admin. Code is attached to this Notice of Rights.

#### PRIVATE PROPERTY RIGHTS PROTECTION ACT

10. A property owner who alleges a specific action of the SFWMD has inordinately burdened an existing use of the real property, or a vested right to a specific use of the real property, may file a claim in the circuit court where the real property is located within 1 year of the SFWMD action pursuant to the procedures set forth in Subsection 70.001(4)(a), Fla. Stat.

#### LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION

11. A property owner who alleges that a SFWMD development order (as that term is defined in Section 70.51(2)(a), Fla. Stat. to include permits) or SFWMD enforcement action is unreasonable, or unfairly burdens the use of the real property, may file a request for relief with the SFWMD within 30 days of receipt of the SFWMD's order or notice of agency action pursuant to the procedures set forth in Subsections 70.51(4) and (6), Fla. Stat.

#### MEDIATION

12. A person whose substantial interests are, or may be, affected by the SFWMD's action may choose mediation as an alternative remedy under Section 120.573, Fla. Stat. Pursuant to Rule 28-106.111(2), Fla. Admin. Code, the petition for mediation shall be filed within 21 days of either written notice through mail or posting or

publication of notice that the SFWMD has or intends to take final agency action. Choosing mediation will not adversely affect the right to an administrative hearing if mediation does not result in settlement.

Pursuant to Rule 28-106.402, Fla. Admin. Code, the contents of the petition for mediation shall contain the following information:

(1) the name, address, and telephone number of the person requesting mediation and that person's representative, if any;

(2) a statement of the preliminary agency action;

(3) an explanation of how the person's substantial interests will be affected by the agency determination; and

(4) a statement of relief sought.

As provided in Section 120.573, Fla. Stat. (1997), the timely agreement of all the parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Fla. Stat., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 days of the execution of the agreement. If mediation results in settlement of the dispute, the SFWMD must enter a final order incorporating the agreement of the parties. Persons whose substantial interest will be affected by such a modified agency decision have a right to petition for hearing within 21 days of receipt of the final order in accordance with the requirements of Sections 120.569 and 120.57, Fla. Stat., and SFWMD Rule 28-106.201(2), Fla. Admin. Code. If mediation terminates without settlement of the dispute, the SFWMD shall notify all parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Fla. Stat., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action.

#### VARIANCES AND WAIVERS

13. A person who is subject to regulation pursuant to a SFWMD rule and believes the application of that rule will create a substantial hardship or will violate principles of fairness (as those terms are defined in Subsection 120.542(2), Fla. Stat.) and can demonstrate that the purpose of the underlying statute will be or has been achieved by other means, may file a petition with the SFWMD Clerk requesting a variance from or waiver of the SFWMD rule. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have concerning the SFWMD's action. Pursuant to Rule 28-104.002(2), Fla. Admin. Code, the petition must include the following information:

(a) the caption shall read:

Petition for (Variance from) or (Waiver of) Rule (Citation)

(b) The name, address, telephone number and any facsimile number of the petitioner;

(c) The name, address telephone number and any facsimile number of the attorney or qualified representative of the petitioner, (if any);

(d) the applicable rule or portion of the rule;

(e) the citation to the statute the rule is implementing;

(f) the type of action requested;

(g) the specific facts that demonstrate a substantial hardship or violation of principals of fairness that would justify a waiver or variance for the petitioner;

(h) the reason why the variance or the waiver requested would serve the purposes of the underlying statute; and

(i) a statement of whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

A person requesting an emergency variance from or waiver of a SFWMD rule must clearly so state in the caption of the petition. In addition to the requirements of Section 120.542(5), Fla. Stat. pursuant to Rule 28-104.004(2), Fla. Admin. Code, the petition must also include:

a) the specific facts that make the situation an emergency; and

b) the specific facts to show that the petitioner will suffer immediate adverse effect unless the variance or waiver is issued by the SFWMD more expeditiously than the applicable timeframes set forth in Section 120.542, Fla. Stat.

#### WAIVER OF RIGHTS

14. Failure to observe the relevant time frames prescribed above will constitute a waiver of such right.

#### 28-106.201 INITIATION OF PROCEEDINGS (INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(f) A demand for relief.

**28-106.301 INITIATION OF PROCEEDINGS**  
(NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

- (2) All petitions filed under these rules shall contain:
- (a) The name and address of each agency affected and each agency's file or identification number, if known;
  - (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
  - (c) A statement of when and how the petitioner received notice of the agency decision;
  - (d) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
  - (e) A demand for relief.

**28-107.004 SUSPENSION, REVOCATION, ANNULMENT, OR WITHDRAWAL**

- (3) Requests for hearing filed in accordance with this rule shall include:
- (a) The name and address of the party making the request, for purposes of service;
  - (b) A statement that the party is requesting a hearing involving disputed issues of material fact, or a hearing not involving disputed issues of material fact; and
  - (c) A reference to the notice, order to show cause, administrative complaint, or other communication that the party has received from the agency.

**42-2.013 REQUEST FOR REVIEW PURSUANT TO SECTION 373.114 OR 373.217**

(1) In any proceeding arising under Chapter 373, F.S., review by the Florida Land and Water Adjudicatory Commission may be initiated by the Department or a party by filing a request for such review with the Secretary of the Commission and serving a copy on any person named in the rule or order, and on all parties to the proceeding which resulted in the order sought to be reviewed. A certificate of service showing completion of service as required by this subsection shall be a requirement for a determination of sufficiency under Rule 42-2.0132. Failure to file the request with the Commission within the time period provided in Rule 42-2.0132 shall result in dismissal of the request for review.

(2) The request for review shall identify the rule or order requested to be reviewed, the proceeding in which the rule or order was entered and the nature of the rule or order. A copy of the rule or order sought to be reviewed shall be attached. The request for review shall state with particularity:

- (a) How the order or rule conflicts with the requirements, provisions and purposes of Chapter 373, F.S., or rules duly adopted thereunder;

(b) How the rule or order sought to be reviewed affects the interests of the party seeking review;

(c) The oral or written statement, sworn or unsworn, which was submitted to the agency concerning the matter to be reviewed and the date and location of the statement, if the individual or entity requesting the review has not participated in a proceeding previously instituted pursuant to Chapter 120, F.S., on the order for which review is sought;

(d) If review of an order is being sought, whether and how the activity authorized by the order would substantially affect natural resources of statewide or regional significance, or whether the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from a standpoint of agency precedent, and all the factual bases in the record which the petitioner claims support such determination(s); and

(e) The action requested to be taken by the Commission as a result of the review, whether to rescind or modify the order, or remand the proceeding to the water management district for further action, or to require the water management district to initiate rulemaking to adopt, amend or repeal a rule.

**28-107.005 EMERGENCY ACTION**

(1) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the agency shall summarily suspend, limit, or restrict a license.

(2) the 14-day notice requirement of Section 120.569(2)(b), F. S., does not apply and shall not be construed to prevent a hearing at the earliest time practicable upon request of an aggrieved party.

(3) Unless otherwise provided by law, within 20 days after emergency action taken pursuant to paragraph (1) of this rule, the agency shall initiate a formal suspension or revocation proceeding in compliance with Sections 120.569, 120.57, and 120.60, F.S.

**40E-1.611 EMERGENCY ACTION**

(1) An emergency exists when immediate action is necessary to protect public health, safety or welfare; the health of animals, fish or aquatic life; the works of the District; a public water supply, or recreational, commercial, industrial, agricultural or other reasonable uses of land and water resources.

(2) The Executive Director may employ the resources of the District to take whatever remedial action necessary to alleviate the emergency condition without the issuance of an emergency order, or in the event an emergency order has been issued, after the expiration of the requisite time for compliance with that order.

**DRAFT**  
Subject to Governing  
Board Approval

LAST DATE FOR GOVERNING BOARD ACTION:  
DECEMBER 9, 1999

ENVIRONMENTAL RESOURCE PERMIT STAFF REVIEW SUMMARY

I. ADMINISTRATIVE

APPLICATION NUMBER: 990812-13

PROJECT NAME: NYE PUD

LOCATION: PALM BEACH COUNTY. S2/T45S/R42E

APPLICANT'S NAME: CENTEX HOMES

OWNER'S NAME AND ADDRESS: CENTEX HOMES  
8198 JOG ROAD  
SUITE 200  
BOYNTON BEACH, FL 33437

ENGINEER: SCHNARS ENGINEERING CORPORATION

II. PROJECT DESCRIPTION

PROJECT AREA: 72.91 acres DRAINAGE AREA: 77.21 acres

DISTRICT DRAINAGE BASIN: C-16

RECEIVING BODY: LWDD L-17 CANAL

CLASSIFICATION: CLASS III

SPECIAL DRAINAGE DISTRICT: LAKE WORTH DRAINAGE DISTRICT

PURPOSE:

This application is a request for Conceptual Approval of a surface water management system to serve 72.91 acres (plus 4.3 acres of Hypoluxo Road right-of-way) of residential development known as NYE P.U.D. The Applicant is also seeking authorization to construct and operate the interconnected lake system (including discharge structure), and authorization for site clearing, grubbing, filling, and grading.

**BACKGROUND:**

The proposed project has no prior permitting history with the District.

**EXISTING FACILITIES:**

The existing site is presently being utilized as a plant nursery. Two (predominately) east west ditches presently serve to convey excess stormwater to the LWDD E-3 Canal. Individual culverted risers presently ensure the site is not overdrained.

The site is bounded to the north by the LWDD L-17 Canal, to the south by Hypoluxo Road, and to the west by the LWDD E-3 Canal.

**PROPOSED FACILITIES:**

The Applicant is seeking conceptual approval of a surface water management (SWM) system to serve 72.91 acres (plus 4.3 acres of Hypoluxo Road right-of-way) of residential development known as NYE P.U.D. The surface water management system will consist of inlets, culverts and swales which will direct runoff into 10.6 acres of lakes. Discharge from the lake system will be through a proposed control structure to the LWDD L-17 Canal.

As part of this application, the Applicant is also seeking authorization to construct and operate the interconnected lake system (including discharge structure), and authorization for site clearing, grubbing, filling, and grading.

**BASIN INFORMATION:**

Basin	Area Acres	WSWT Elev (ft. NGVD)	Normal/Dry Ctrl Elev (ft. NGVD)	Method of Determination
SITE	72.91	16.00	16/16	ADJACENT CANAL CONTROL ELEVATION

**DISCHARGE STRUCTURE INFORMATION:**

Water Quality Structures:

Basin	Str. #	Bleeder Type	Dimensions	Invert Elev. (ft. NGVD)
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**DISCHARGE STRUCTURE INFORMATION:**Water Quality Structures:

Basin	Str. #	Bleeder Type	Dimensions	Invert Elev. (ft. NGVD)
SITE	1	TRIANGULAR ORIFICE	3' wide X .58' high	16.00

Major Discharge Structures:

Basin	Str. #	Description	Crest Elev. (ft. NGVD)
SITE	1	4' wide FLAT PLATE RISER weir	19.60

Discharge Culverts:

Basin	Str. #	Description
SITE	1	170' long. 2.5' dia. RCP

Receiving Body:

Basin	Str. #	Receiving Body
SITE	1	LWDD L-17 CANAL

III. PROJECT EVALUATION**Discharge Rate:**

As shown in the table below, the proposed project discharge is within the allowable limit for the area.

Discharge Storm Frequency: 25YR-3DAY      Design Rainfall: 13.00

Basin	Allow Disch (cfs)	Method of Determination	Design Disch (cfs)	Design Stage (ft. NGVD)
SITE	7.55	DISCHARGE FORMULA	7.5	19.6

**WATER QUALITY:**

As described below, water quality treatment for the first inch of runoff will be provided within the 10.6 acre interconnected lake system.

Basin	Treatment Method	Vol Req'd. (ac-ft)	Vol Prov'd (ac-ft)
SITE	10.6 acres WET DETENTION	6.43	6.43

**ROAD DESIGN:**

As shown in the following table, minimum road center lines have been set at or above the calculated design storm flood elevation.

Design Storm Freq: 5YR-1DAY      Design Rainfall: 7.50 inches

Basin	Flood Elevation (ft., NGVD)	Minimum Centerline Elevation (ft., NGVD)
SITE	18.42	18.75

**FINISHED FLOORS:**

As shown in the following table, minimum finished floor elevations have been set at or above the calculated design storm flood elevation.

Design Storm Frequency: 100YR-3DAY      Design Rainfall: 17.00 inches

Basin	Flood Elevation (ft., NGVD)	FEMA Elevation (ft., NGVD)	Minimum Design Elev (ft., NGVD)
SITE	20.47	n/a	20.6

**IV. ENVIRONMENTAL ASSESSMENT**

**PROJECT SITE DESCRIPTION:**

The project site is located on the north side of Hypoluxo Road, between Military Trail and Jog Road, Palm Beach County. The site is currently under use as an ornamental plant nursery. There are no wetlands present at the site. However, there is an existing manmade lake in the central portion of the site and several agricultural drainage ditches on the property.

**ENDANGERED, THREATENED & SPECIES OF SPECIAL CONCERN SUMMARY:**

The project site does not contain preferred habitat for wetland-dependent endangered/threatened species or species of special concern. No wetland-dependent endangered/threatened species or species of special concern were observed on site, and submitted information indicates that potential use of the site by such species is minimal. This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if in the future, endangered/threatened species or species of special concern are discovered on the site.

**WETLAND INVENTORY:**

NEW ENTIRE PRJ-NYE PUD

ONSITE

Pre-Development		Post-Development				
	TOTAL EXISTING	PRESERVED	UNDISTURBED	IMPACTED	ENHANCED	RESTORED/ CREATED
OSW	3.91	0	0	3.91	0	0
TOTALS	3.91	0	0	3.91	0	0

UPLAND COMP: PRESERVED: N/A ENHANCED: N/A

**ENVIRONMENTAL SUMMARY:**

The initial construction phase will involve site filling and grading, including filling the 1.99 acre lake and 1.92 acres of ditches, which are considered to be other surface waters, as shown on the enclosed exhibits. Turbidity screens shall be utilized as necessary to isolate the fill areas from any adjacent surface waters. There are no wetlands present at the site. Therefore, adverse impacts to wetlands are not anticipated as a result of the proposed project.

The proposed activities have been evaluated for potential secondary and cumulative impacts and to determine if the project is contrary to the public interest. Based upon the proposed project design, the District has determined that the project will not cause adverse secondary or cumulative impacts to the water resources and is not contrary to the public interest.

**SYSTEM OPERATION:**

The Homeowners Association

**PROPOSED LAND USE(S):**

Residential

**WATER USE PERMIT STATUS:**

A Water Use permit is not required for this project at this time.

**POTABLE WATER SUPPLIER:**

Palm Beach County

**WASTE WATER SYSTEM/SUPPLIER:**

Palm Beach County

**DRI STATUS:**

This project is not a DRI.

**SAVE OUR RIVERS:**

The project is not within or adjacent to lands under consideration by the Save Our Rivers program.

**SWIM BASIN:**

The project is not within nor does it discharge directly to a designated SWIM basin.

**RIGHT-OF-WAY PERMIT STATUS:**

A Right-of-Way Permit is not required for this project.

**ENFORCEMENT ACTIVITY:**

There has been no enforcement activity associated with this application.

**THIRD PARTY INTEREST:**

No third party has contacted the District with concerns about this application.

**WELL FIELD ZONE OF INFLUENCE:**

The project is not located within the zone of influence of a wellfield.

V. APPLICABLE LAND AREA

PROJECT

	<u>TOTAL</u> <u>PROJECT</u>	<u>PREVIOUSLY</u> <u>PERMITTED</u>	<u>THIS PHASE</u>	
TOTAL ACRES	72.91		72.91	acres
WTRM ACREAGE	10.60		10.60	acres
PAVEMENT	12.50		.00	acres
BUILD COVERAGE	14.40		.00	acres
PERVIOUS	35.41		62.31	acres

**DRAFT**  
**Subject to Governing Board Approval**

VI. STAFF RECOMMENDATION

The Staff recommends that the following be issued:

Authorization for Conceptual Approval of a surface water management system to serve 72.91 acres (plus 4.3 acres of Hypoluxo Road right-of-way) of residential development known as NYE P.U.D.

Authorization for construction and operation of 10.6 acres of lakes (including discharge structure), and authorization for site clearing, grubbing, filling, and grading.

Based on the information provided, District rules have been adhered to.

Staff recommendation is for approval subject to the attached General and Special Conditions.

VII. STAFF REVIEW

NATURAL RESOURCE MANAGEMENT DIVISION APPROVAL

ENVIRONMENTAL EVALUATION

Barbara Conmy  
Barbara Conmy

SUPERVISOR

Anita R. Bain  
Anita R. Bain

DIVISION DIRECTOR:

Robert G. Robbins  
Robert G. Robbins

DATE: 10/27/99

SURFACE WATER MANAGEMENT DIVISION APPROVAL

ENGINEERING EVALUATION

John K. Shaffer  
John K. Shaffer

SUPERVISOR

Carlos A. de Rojas, P.E.  
Carlos A. de Rojas, P.E.

DIVISION DIRECTOR:

Anthony M. Waterhouse, P.E.  
Anthony M. Waterhouse, P.E.

DATE: 10/27/99

## GENERAL CONDITIONS

1. ALL ACTIVITIES AUTHORIZED BY THIS PERMIT SHALL BE IMPLEMENTED AS SET FORTH IN THE PLANS, SPECIFICATIONS AND PERFORMANCE CRITERIA AS APPROVED BY THIS PERMIT. ANY DEVIATION FROM THE PERMITTED ACTIVITY AND THE CONDITIONS FOR UNDERTAKING THAT ACTIVITY SHALL CONSTITUTE A VIOLATION OF THIS PERMIT AND PART IV, CHAPTER 373, F.S.
2. THIS PERMIT OR A COPY THEREOF, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND MODIFICATIONS SHALL BE KEPT AT THE WORK SITE OF THE PERMITTED ACTIVITY. THE COMPLETE PERMIT SHALL BE AVAILABLE FOR REVIEW AT THE WORK SITE UPON REQUEST BY THE DISTRICT STAFF. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE COMPLETE PERMIT PRIOR TO COMMENCEMENT OF THE ACTIVITY AUTHORIZED BY THIS PERMIT.
3. ACTIVITIES APPROVED BY THIS PERMIT SHALL BE CONDUCTED IN A MANNER WHICH DOES NOT CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS. THE PERMITTEE SHALL IMPLEMENT BEST MANAGEMENT PRACTICES FOR EROSION AND POLLUTION CONTROL TO PREVENT VIOLATION OF STATE WATER QUALITY STANDARDS. TEMPORARY EROSION CONTROL SHALL BE IMPLEMENTED PRIOR TO AND DURING CONSTRUCTION, AND PERMANENT CONTROL MEASURES SHALL BE COMPLETED WITHIN 7 DAYS OF ANY CONSTRUCTION ACTIVITY. TURBIDITY BARRIERS SHALL BE INSTALLED AND MAINTAINED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PERMITTED WORK. TURBIDITY BARRIERS SHALL REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. ALL PRACTICES SHALL BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS DESCRIBED IN CHAPTER 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL: A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DEPARTMENT OF ENVIRONMENTAL REGULATION, 1988), INCORPORATED BY REFERENCE IN RULE 40E-4.091, F.A.C. UNLESS A PROJECT-SPECIFIC EROSION AND SEDIMENT CONTROL PLAN IS APPROVED AS PART OF THE PERMIT. THEREAFTER THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE PERMITTEE SHALL CORRECT ANY EROSION OR SHOALING THAT CAUSES ADVERSE IMPACTS TO THE WATER RESOURCES.
4. THE PERMITTEE SHALL NOTIFY THE DISTRICT OF THE ANTICIPATED CONSTRUCTION START DATE WITHIN 30 DAYS OF THE DATE THAT THIS PERMIT IS ISSUED. AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ACTIVITY AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT AN ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMMENCEMENT NOTICE FORM NO. 0960 INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.
5. WHEN THE DURATION OF CONSTRUCTION WILL EXCEED ONE YEAR, THE PERMITTEE SHALL SUBMIT CONSTRUCTION STATUS REPORTS TO THE DISTRICT ON AN ANNUAL BASIS UTILIZING AN ANNUAL STATUS REPORT FORM. STATUS REPORT FORMS SHALL BE SUBMITTED THE FOLLOWING JUNE OF EACH YEAR.
6. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE PERMITTED ACTIVITY, THE PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL

RESOURCE PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO.0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT DRAWINGS FOR THE PURPOSE OF DETERMINING IF THE WORK WAS COMPLETED IN COMPLIANCE WITH PERMITTED PLANS AND SPECIFICATIONS. THIS SUBMITTAL SHALL SERVE TO NOTIFY THE DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATION FROM THE APPROVED DRAWINGS ARE DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A COPY OF THE APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED. BOTH THE ORIGINAL AND REVISED SPECIFICATIONS MUST BE CLEARLY SHOWN. THE PLANS MUST BE CLEARLY LABELED AS "ASBUILT" OR "RECORD" DRAWING. ALL SURVEYED DIMENSIONS AND ELEVATIONS SHALL BE CERTIFIED BY A REGISTERED SURVEYOR.

7. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE: UNTIL THE PERMITTEE HAS COMPLIED WITH THE REQUIREMENTS OF CONDITION (6) ABOVE, HAS SUBMITTED A REQUEST FOR CONVERSION OF ENVIRONMENTAL RESOURCE PERMIT FROM CONSTRUCTION PHASE TO OPERATION PHASE, FORM NO.0920; THE DISTRICT DETERMINES THE SYSTEM TO BE IN COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS; AND THE ENTITY APPROVED BY THE DISTRICT IN ACCORDANCE WITH SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO SUCH APPROVED OPERATION AND MAINTENANCE ENTITY UNTIL THE OPERATION PHASE OF THE PERMIT BECOMES EFFECTIVE. FOLLOWING INSPECTION AND APPROVAL OF THE PERMITTED SYSTEM BY THE DISTRICT, THE PERMITTEE SHALL INITIATE TRANSFER OF THE PERMIT TO THE APPROVED RESPONSIBLE OPERATING ENTITY IF DIFFERENT FROM THE PERMITTEE. UNTIL THE PERMIT IS TRANSFERRED PURSUANT TO SECTION 40E-1.6107, F.A.C., THE PERMITTEE SHALL BE LIABLE FOR COMPLIANCE WITH THE TERMS OF THE PERMIT.
  
8. EACH PHASE OR INDEPENDENT PORTION OF THE PERMITTED SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO THE INITIATION OF THE PERMITTED USE OF SITE INFRASTRUCTURE LOCATED WITHIN THE AREA SERVED BY THAT PORTION OR PHASE OF THE SYSTEM. EACH PHASE OR INDEPENDENT PORTION OF THE SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.
  
9. FOR THOSE SYSTEMS THAT WILL BE OPERATED OR MAINTAINED BY AN ENTITY THAT WILL REQUIRE AN EASEMENT OR DEED RESTRICTION IN ORDER TO ENABLE THAT ENTITY TO OPERATE OR MAINTAIN THE SYSTEM IN CONFORMANCE WITH THIS PERMIT. SUCH EASEMENT OR DEED RESTRICTION MUST BE RECORDED IN THE PUBLIC RECORDS AND SUBMITTED TO THE DISTRICT ALONG WITH ANY OTHER FINAL OPERATION AND MAINTENANCE DOCUMENTS REQUIRED BY SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995. PRIOR TO LOT OR UNIT SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST, OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE

COUNTY OR MUNICIPAL ENTITIES. FINAL OPERATION AND MAINTENANCE DOCUMENTS MUST BE RECEIVED BY THE DISTRICT WHEN MAINTENANCE AND OPERATION OF THE SYSTEM IS ACCEPTED BY THE LOCAL GOVERNMENT ENTITY. FAILURE TO SUBMIT THE APPROPRIATE FINAL DOCUMENTS WILL RESULT IN THE PERMITTEE REMAINING LIABLE FOR CARRYING OUT MAINTENANCE AND OPERATION OF THE PERMITTED SYSTEM AND ANY OTHER PERMIT CONDITIONS.

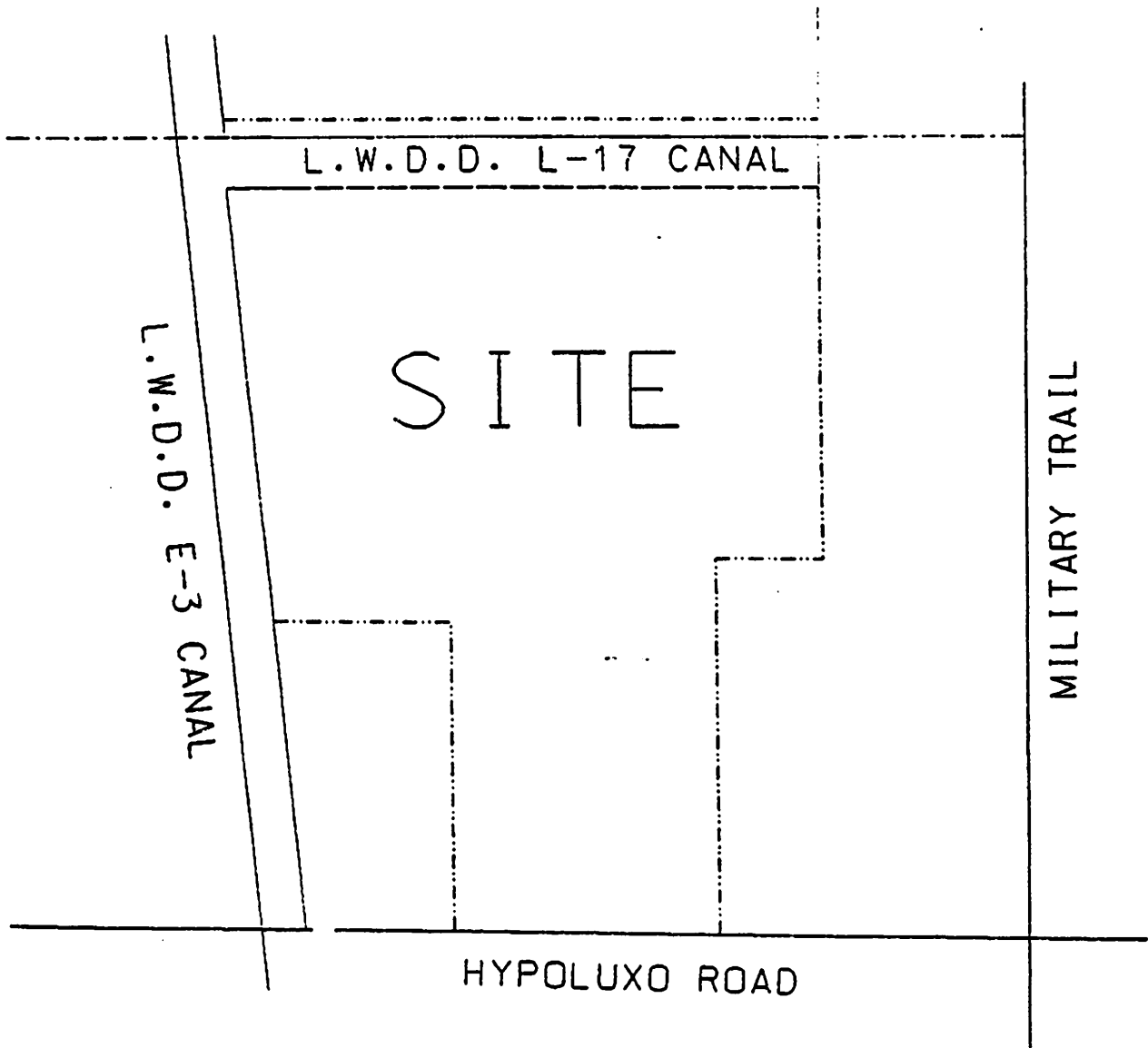
10. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.
11. THIS PERMIT DOES NOT ELIMINATE THE NECESSITY TO OBTAIN ANY REQUIRED FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY ACTIVITY APPROVED BY THIS PERMIT. THIS PERMIT DOES NOT CONVEY TO THE PERMITTEE OR CREATE IN THE PERMITTEE ANY PROPERTY RIGHT, OR ANY INTEREST IN REAL PROPERTY, NOR DOES IT AUTHORIZE ANY ENTRANCE UPON OR ACTIVITIES ON PROPERTY WHICH IS NOT OWNED OR CONTROLLED BY THE PERMITTEE, OR CONVEY ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4 OR CHAPTER 40E-40, F.A.C.
12. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES THAT A PERSON MAY NOT COMMENCE ANY EXCAVATION, CONSTRUCTION, OR OTHER ACTIVITY INVOLVING THE USE OF SOVEREIGN OR OTHER LANDS OF THE STATE, THE TITLE TO WHICH IS VESTED IN THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND WITHOUT OBTAINING THE REQUIRED LEASE, LICENSE, EASEMENT, OR OTHER FORM OF CONSENT AUTHORIZING THE PROPOSED USE. THEREFORE, THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AUTHORIZATIONS FROM THE BOARD OF TRUSTEES PRIOR TO COMMENCING ACTIVITY ON SOVEREIGNTY LANDS OR OTHER STATE-OWNED LANDS.
13. THE PERMITTEE MUST OBTAIN A WATER USE PERMIT PRIOR TO CONSTRUCTION DEWATERING, UNLESS THE WORK QUALIFIES FOR A GENERAL PERMIT PURSUANT TO SUBSECTION 40E-20.302(4), F.A.C., ALSO KNOWN AS THE "NO NOTICE" RULE.
14. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, ALTERATION, OPERATION, MAINTENANCE, REMOVAL, ABANDONMENT OR USE OF ANY SYSTEM AUTHORIZED BY THE PERMIT.
15. ANY DELINEATION OF THE EXTENT OF A WETLAND OR OTHER SURFACE WATER SUBMITTED AS PART OF THE PERMIT APPLICATION, INCLUDING PLANS OR OTHER SUPPORTING DOCUMENTATION, SHALL NOT BE CONSIDERED BINDING UNLESS A SPECIFIC CONDITION OF THIS PERMIT OR A FORMAL DETERMINATION UNDER SECTION 373.421(2), F.S., PROVIDES OTHERWISE.
16. THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING WITHIN 30 DAYS OF ANY SALE, CONVEYANCE, OR OTHER TRANSFER OF OWNERSHIP OR CONTROL OF A PERMITTED SYSTEM OR THE REAL PROPERTY ON WHICH THE PERMITTED SYSTEM IS LOCATED. ALL TRANSFERS OF OWNERSHIP OR TRANSFERS OF A PERMIT ARE SUBJECT TO THE REQUIREMENTS OF RULES 40E-1.6105 AND 40E-1.6107, F.A.C. THE PERMITTEE

TRANSFERRING THE PERMIT SHALL REMAIN LIABLE FOR CORRECTIVE ACTIONS THAT MAY BE REQUIRED AS A RESULT OF ANY VIOLATIONS PRIOR TO THE SALE, CONVEYANCE OR OTHER TRANSFER OF THE SYSTEM.

17. UPON REASONABLE NOTICE TO THE PERMITTEE, DISTRICT AUTHORIZED STAFF WITH PROPER IDENTIFICATION SHALL HAVE PERMISSION TO ENTER, INSPECT, SAMPLE AND TEST THE SYSTEM TO INSURE CONFORMITY WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE PERMIT.
18. IF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS ARE DISCOVERED AT ANY TIME ON THE PROJECT SITE, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE APPROPRIATE DISTRICT SERVICE CENTER.
19. THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DISTRICT IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.



NORTH



ORIGINAL SUBMITTAL

AUG 12 1999

WPB

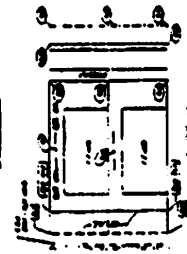
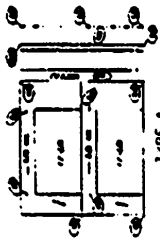
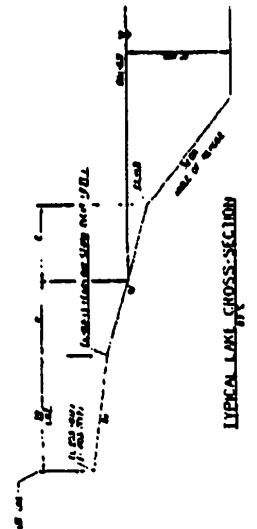
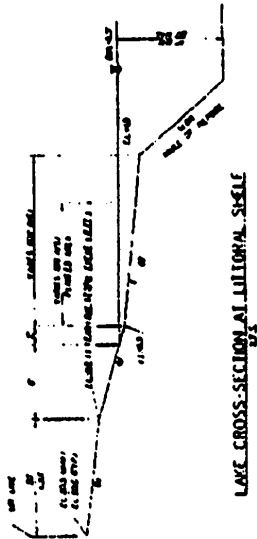
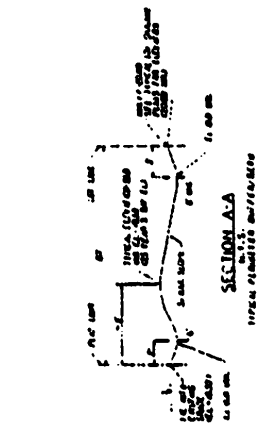
# LOCATION MAP

SEC. 2, TWP. 45S, RGE. 42E

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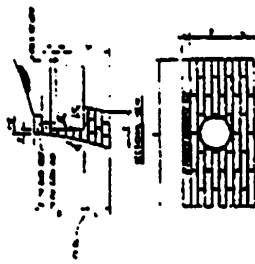
EXHIBIT 1



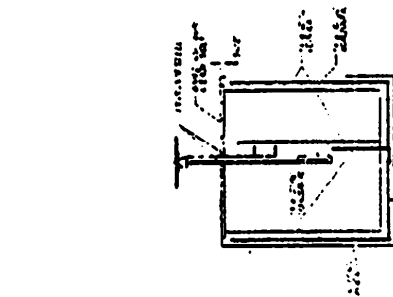


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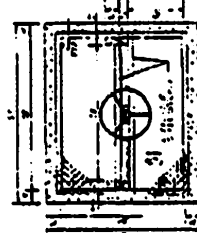
- 1. ALL REINFORCING SHALL BE #4.
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- 4. ALL REINFORCING SHALL BE #4.
- 5. ALL REINFORCING SHALL BE #4.



RE-RAP HEADWALL



CONTROL STRUCTURE




<p><b>SCHNARS</b> ENGINEERING CORPORATION 10000 BAYVIEW BLVD DADE COUNTY, FLORIDA 33148 Tel: (305) 350-1000 Fax: (305) 350-1001</p>	<p>PROJECT: <b>CENTEX HOMES</b> 5915 100 ROAD, SUITE 200 BOYNTON BEACH, FLORIDA 33477</p>	<p>CLIENT: <b>RYENHILL</b> SITE P.O. PALM BEACH COUNTY FLORIDA</p>	<p>DATE: <b>11/11/00</b></p>	<p>CONTRACT: <b>MASTER SURFACE WATER MANAGEMENT AND LAKE EXCAVATION DETAILS</b></p>	<p>NO. <b>1</b></p>	<p>DATE: <b>11/11/00</b></p>	<p>SCALE: <b>AS SHOWN</b></p>	<p>BY: <b>[Signature]</b></p>	<p>NO. <b>2</b></p>
	<p>DATE: <b>11/11/00</b></p>	<p>SCALE: <b>AS SHOWN</b></p>	<p>BY: <b>[Signature]</b></p>	<p>NO. <b>2</b></p>					



E-3 CANAL

L-77 CANAL

LEGEND

 EXISTING SURFACE WATER TO BE FILLED (33% ACRES)

ADD/REVISED SUBMITTAL PROPERTY LINE

OCT 25 1999

99081213

HOLLYWOOD ROAD

# EXHIBIT 4

JOB NO. <u>98112</u> DRAWN <u>W.M.</u> CHECKED <u>A.L.S.</u> DATE <u>10-20-99</u> DESIGNED <u>W.M.</u> DATE <u>10-20-99</u> SCALE <u>1" = 1'</u>		ORIGINAL REVISIONS 1 2 3		PROJECT RIVERMILL NYE, PUD PALM BEACH FLORIDA		CLIENT CENTEX HOMES, INC. 10000 South Palm Beach Blvd., Suite 100 Palm Beach, Florida 33480 Tel: (561) 844-4444 Fax: (561) 844-4444		TASK EXISTING SURFACE WATER FILL PLAN	
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FILED IN 1999/10/25/10:25 AM AT THE OFFICE OF THE COUNTY CLERK, PALM BEACH COUNTY, FLORIDA

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NYE PLD

APPLICATION NUMBER: 990812-13

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- Engineer, City of:
- Local Drainage District:  
LAKE WORTH DRAINAGE DISTRICT

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- Environmental Res Mgmt
- Health Dept
- Land Development Div
- School Board Growth Mgt

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- City of Boynton Beach
- X David Sinclair
- X FDEP
- X Florida Audubon - Charles Lee
- X Florida Fish & Wildlife Conservation Com
- Indian Trail Water Control District
- Mr. Ed Dailey, President