

ARTICLE IV

CONDITIONS OF APPROVAL

The Town's approvals are further subject to the following conditions.

1. The height of the gymnasium at the top of the tie beam (joist bearing point) shall be reduced to 33 feet and the overall peak height of the tower element shall be reduced to 45 feet (the Landmarks Commission shall evaluate whether the tower feature is an appropriate architectural element) as measured from 5.5 feet NGVD.

~~2. When the school uses the West play field for parking, it shall be required to use valet services for parking on the field.~~

~~3. There shall be no lighting erecting the West play field.~~

42. The School shall construct a concrete block wall stuccoed and painted white on both sides at a height of 7 feet along the West boundary of the School property. that wall shall be set back from the West property line the distance necessary to ensure that the footer remain of the School property or 2 feet East of said property line, whichever is greater. The School shall landscape both sides of the wall. The School's landscape architect shall meet with the two abutting property owners in regard to the selection of the plant material on their side of the wall. The School shall install a fence 10 feet East of the wall. Any fences or walls which are located along the North and South boundaries of the properties abutting the west end of the West play field may be extended and connected to the wall. In addition, the School shall enter into an agreement with the Town to ensure that if work within the easement requires the removal of all or a portion of the wall and/or landscaping on the North side of the subject property that the School shall be responsible for replacing said material.

~~35.~~ There shall be no vehicle entrance at the West end of the play field.

~~4.6. Parking on the play field shall be limited to a maximum of 12 school events per year.~~

~~7. Prior notice shall be given to the owner of the property at 235 Coconut Row of major events which will occur at the School and which may generate a significant amount of traffic and parking.~~

~~8.~~ The School shall provide traffic control at the East and West ends of Seaview Avenue during major events at the School.

59. The School shall participate in a meeting, or meetings, between the Town Recreation Department and The Palm Beach Public School to address parking and traffic management on Seaview Avenue.

~~10. No School buses shall be parked on the North school parcel.~~

611. The School shall by August 1, 2000 develop and submit to the Town for review, a program to promote carpooling and the use of bus transportation by students at the school, shall

evaluate with Palm Tran the possible transportation of students by public transit and shall evaluate the staggering of arrival and dismissal times.

~~12. — The student cap may be increased over five years from 310 to 360 students at a rate not to exceed 10 new students in any one year, except that if fewer than 10 students are added in a particular year, the remainder may be carried over to a subsequent year(s).~~

~~137.~~ A Unity of Title, acceptable to the Town, between the Northern and Southern parcels of land occupied by the School shall be recorded in the official records of Palm Beach County.

~~148.~~ The applicant shall provide a curb on the West property line of the gymnasium where the buses are to be parked so that storm water drainage does not discharge onto the tennis courts on the abutting property to the West.

~~159.~~ The fence for the tennis court shall be higher than the buses that are to be parked next to the fence and said fence shall have a wind screen on both sides of the fence to be provided by the applicant in perpetuity to ensure said buses are screened from the view on the tennis courts.

~~16. — The applicant shall use the six parking spaces at the West end of the school buildings on the North side of Seaview Avenue only for school administration and staff. The applicant shall close those parking spaces when not being used for school related activities.~~

ARTICLE V

UNITY OF TITLE

The Land, described in Exhibit A, shall be considered as one (1) parcel and no portion thereof may be sold, transferred, devised or assigned except in its entirety, either voluntarily or involuntarily, by operation of law or otherwise as long as a school is operated on the Land unless said unity of title is released by the Town or otherwise modified by agreement between the Day School and the Town. This provision shall not preclude the dedication of right-of-way for road improvements required by a governmental authority or utility easements. ~~S~~said unity of title shall be satisfactory to the Town Attorney as to form and content, and shall be recorded in the Official Record ~~of Palm~~of Palm Beach County, Florida.

ARTICLE VI

PARKING EASEMENT OR FEE INTEREST

The Day School shall provide an easement or fee interest to the Town on the North side of Seaview Avenue along the West play field for a width of up to six feet to facilitate the creation of on-street parking ("Parking Area"). In addition, the Day School shall pay for the construction of said on-street parking, Town shall be responsible for the management, maintenance, and repair of said on-street parking. Said parking shall be constructed at the time of the demolition of the houses, and the grading and stabilization of the playfield on the West side of the Day School campus. Said easement or fee interest shall be recorded by Day School at Day School's expense in the Official Records of Palm Beach County, Florida. If the school use is abandoned and the Land adjacent to the Parking Area is returned to residential use, the Town shall reconvey Town's interest in the Parking Area to Day School.