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RESOLUTION NO. R-75-780

RESOLUTION APPROVING ZONING PETITION

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and Chapter 70-863, Laws of Florida, Special Acts of 1970, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 75-99 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23 October 1975.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 23rd day of October, 1975, that petition No. 75-99, the petition of DELRAY SQUARE ASSOCIATES, LTD., by De Witt A. Nunn, Vice President of Raydel, Inc. General Partner, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT (COMMERCIAL AND RETAIL SHOPPING CENTER), INCLUDING A SEWAGE TREATMENT PLANT, on all of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 46 South, Range 42 East, Excepting therefrom those certain portions or parcels thereof heretofore conveyed by deeds of record in Deed Book 837, page 385 as corrected in Official Record Book 374, page 415, Deed Book 1078, page 274 and Deed Book 623, page 328; Official Record Book 822, page 556; and Official Record Book 1318, page 571;

Also Less a certain portion thereof, now leased to Phillips Petroleum Company, said portion being approximately the South 241 feet of the West 200 feet of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 13; Also Less and Except that parcel conveyed to Florida Power & Light Company, described as follows: a parcel of land in the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13, more particularly described as follows: commence at the Southwest corner of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13; thence North 89° 45' 53" East along the South line of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13, a distance of 10.63 feet to a point in the Easterly right-of-way line of Military Trail (S.R. 809) and the Point of Beginning, said point being the Southwest corner of the parcel of land herein described; thence North 0° 57' 57" West along the said Easterly right-of-way line of Military Trail (S.R. 809), a distance of 250.00 feet to a point; thence North 89° 45' 53" East, a distance of 329.69 feet to a point; thence South 0° 57' 57" East, a distance of 250.00 feet to a point in the South line of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13; thence South 89° 45' 53" West along the said South line of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13, a distance of 329.69 feet to the Point of Beginning; said excepted parcel containing 1.89 acres, more or less; Also Less a parcel of land more particularly described as follows: commencing at a point in the North right-of-way line of State Road 806 (Delray West Road) which point is the Southeast corner of lands owned by First Federal Savings and Loan Association of Delray Beach as described in that deed recorded in Official Record Book 2121, page 738, public records of Palm Beach County, Florida; then run Easterly along the North right-of-way line of State Road 806, a distance of 250 feet

to a point; then run Northerly parallel to the North-South quarter section line, a distance of 217 feet; then run West parallel to the North right-of-way line of State Road 806, a distance of 410 feet, more or less, to a point in the East right-of-way line of State Road 809 (Military Trail); then run South along the East right-of-way line of State Road 809, a distance of 50 feet, more or less, to the Northwest corner of lands owned by said First Federal Savings and Loan Association of Delray Beach described in Official Record Book 2121, page 738; then run East along the North boundary of said lands owned by First Federal Savings and Loan Association of Delray Beach, a distance of 160 feet, more or less, to the Northeast corner of said lands owned by First Federal Savings and Loan Association of Delray Beach aforesaid; then run South along the South boundary of said lands owned by First Federal Savings and Loan Association of Delray Beach aforesaid to the Point of Beginning; Also Containing a parcel of land more particularly described as follows: a parcel of land in the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 46 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows: commence at the Southwest corner of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 46 South, Range 42 East, Palm Beach County, Florida; thence North 89° 45' 53" East along the South line of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13, a distance of 10.63 feet to a point in the Easterly right-of-way line of Military Trail (S.R. 809) and the Point of Beginning, said point being the Southwest corner of the parcel of land herein described; thence North 0° 57' 57" West along the said Easterly right-of-way line of Military Trail (S.R. 809), a distance of 250.00 feet to a point; thence North 89° 45' 53" East, a distance of 329.69 feet to a point; thence South 0° 57' 57" East, a distance of 250.00 feet to a point in the South line of the North 1/2 of the

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Northwest 1/4 of the Southwest 1/4 of said Section 13; thence South 89° 45' 53" West along the said South line of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13, a distance of 329.69 feet to the Point of Beginning. Said property located on the east side of Military Trail (S.R. 809) and on the north side of Delray West Road (S.R. 806) in a CG-General Commercial District, was approved as advertised, subject to the following special conditions:

The following roadway and intersection improvement shall be phased with the development.

1. The developer shall construct the following at Delray West Road and the development's east entrance:
 - a. A left and right turn lane on the north approach
 - b. Right turn lane, east approach
 - c. Left turn lane, west approach
 - d. Signalization, if warranted.
2. The developer shall construct a right turn lane on the east approach of the development's west entrance and Delray West Road.
3. The developer shall construct the following at Military Trail and the development's middle entrance:
 - a. Left turn lane, north approach
 - b. Right turn lane, south approach
 - c. A left and right turn lane on the east approach
 - d. Signalization, if warranted
4. The developer shall construct at Military Trail and the development's north entrance:
 - a. Left turn lane, north approach
 - b. Right turn lane, south approach

5. The Developer shall construct at Delray West Road and Military Trail:
 - a. Right and left turn lanes, north approach
 - b. Right and left turn lanes, south approach
6. Prior to the issuance of any building permits, the Developer shall convey to Palm Beach County, sixty (60) feet of right-of-way from the centerline of Delray West Road.
7. There shall be no direct access from the reserve tract for future building site to Delray West Road.
8. The south development's entrance to Military Trail shall be allowed, provided access is coordinated with the Church and Bank so as not to have conflicting entrances.
9. The Developer may construct at the development's west entrance and Delray West Road a west approach left turn. This turn lane shall be closed within six (6) months upon request of the County or State, due to traffic volume on Delray West Road, after 1980.
10. Dedication of the marginal access road is not required provided a provision is made for connection to the north, out parcels and east of the project.
11. Storm drainage shall be approved by Central and South Florida Flood Control District and County Engineer prior to issuance of building permits, and shall not cause a flood hazard to adjacent lands.

Commissioner Medlen , moved for approval of the petition.

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

E.W. Weaver	Yes
Lake Lytal	Yes
Robert F. Culpepper	Yes
Robert C. Johnson	Yes
William Medlen	Yes

The foregoing resolution was declared duly passed and adopted
this 4th day of November, 1975, confirming action
of 23 October 1975.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By *Quilley C. Thomas*
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Wm. L. Dell
COUNTY ATTORNEY



FILED THIS 4 DAY OF
November, 1975
AND RECORDED IN RESOLUTION
MINUTE BOOK NO. 46 AT
PAGE 427-432 BY JOHN B. DUNKLE, CLERK
BY *Wm. L. Dell* D.C.