

RESOLUTION NO. R-80-1418

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, 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. 80-184 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 September 1980; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposal would not generate excessive noise or traffic
2. The proposal would be in harmony and compatible with the present and future development of the area concerned
3. The proposal would conform to the character of the district and its peculiar suitability for particular uses
4. The proposal would not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas
5. The proposal would not be adverse to the promotion of the public health, safety, comfort, convenience, order, appearance, prosperity or general welfare

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 25th day of September, 1980, that Petition No. 80-184 the petition of B and H FARMS by Daniel J. O'Brien for a SPECIAL EXCEPTION TO ALLOW A HORSE BREEDING AND TRAINING FARM, COMMERCIAL SALES AND SERVICE ENTERPRISES, RECREATION FACILITY AND CLUB, INCLUDING AN ON-SITE SEWAGE TREATMENT PLANT AND AN ON-SITE WATER TREATMENT FACILITY on the South 1/4 of Section 25, Township 46 South, Range 41 East, and a tract of land described as follows: Begin at the intersection of the South line of the North 1/2 of the South 1/2 of Section 25, and the West right-of-way line of State Road No. 7, for the Point of Beginning; thence Northerly along said West Right-of-Way line, a distance of 80 feet; thence Southwesterly at an angle of 89°51'00" measured from South to West, a distance of 929.35 feet more or less to a point in the South line of the North 1/2 of the South 1/2; thence Easterly along said South line, a distance of 929.35 feet more or less to the Point of Beginning. And less the following described property; the South 40.0 feet of the South 1/4 of Section 25, Township 46 South, Range 41 East; and the right of way for State Road No. 7; and also a tract described as; Beginning at the Southwest corner of Section 25, Township 46 South, Range 41 East; thence Northerly along the West line of said Section 25, a distance of 1354.53 feet to the point of intersection to the West line of Section 25, and the South line of the North 1/2 of the South 1/2 of Section 25, and also being the Point of Beginning; thence Easterly along said South line of the North 1/2 of the South 1/2 of said Section 25, a distance of 1799.69 feet; thence Southerly parallel to said West line of said Section 25, a distance of 101.0 feet; thence Westerly at an angle of 91°06'30" measured from North to West, a distance of 1800.18 feet more or less to a point in the West line of Section 25; thence Northerly along said West line

of said Section 25, a distance of 144.28 feet to a Point of Beginning. And less and excepting: that part of the East 766 feet of the North 615 feet of the South 655 feet of the Southeast 1/4 of the Southeast 1/4 of said Section 25, Township 46 South, Range 41 East lying west of State Road No. 7, together with the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 35, Township 46 South, Range 41 East; and Tracts 9, 10, 11 and 12, Block 69, in Section 36, Township 46 South, Range 41 East, Palm Beach Farms Co. Plat No. 3, as recorded in Plat Book 2, pages 45 to 54; also, the South 40 feet of the Southwest 1/4 of Section 25, Township 46 South, Range 41 East; together with an improved Tract of land involving the following described property situated, lying and being the West 3/4 of the South 1/2 of the North 1/2 of Section 25, Township 46 South, Range 41 East, less the West 100.0 feet and less the North 125.0 feet for Lake Worth Drainage District Canal Right-of-Way; and the West 3/4 of the North 1/2 of the South 1/2 of said Section 25, less the West 100.0 feet: and the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 25, less the North 125.0 feet for Lake Worth Drainage District Canal right-of-way; and the West 330.0 feet of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 25, Township 46 South, Range 41 East; and the North 760 feet of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 25, Township 46 South, Range 41 East, less the West 330.0 feet; and the West 330.0 feet of the Northeast 1/4 of the Southeast 1/4 of said Section 25, Township 46 South, Range 41 East; and a Tract of land described as follows; Begin at the Southwest corner of Section 25, Township 46 South, Range 41 East, thence Northerly along the West line of said Section 25, a distance of 1354.53 feet to a point, said point being the intersection of the West line of said Section 25, and the South line of the North 1/2 of the South 1/2 of said Section 25; thence Easterly along said South line of the North 1/2 of the South 1/2 of said Section 25, a distance of 100.0 feet to the Point of Beginning; thence continue Easterly along the said South line a distance of 1699.69 feet; thence Southerly and parallel to said West line of Section 25,

a distance of 101.0 feet; thence Westerly at an angle of $91^{\circ}06'30''$ measured from North to West a distance of 1700.18 feet more or less to a point in a line parallel to and 100.0 feet East of, measured at right angles, to said West line of Section 25; thence Northerly along said parallel line a distance of 141.88 feet to the Point of Beginning; together with the West 100.0 feet of the South $1/2$ of the North $1/2$ less the North 125.0 feet for Lake Worth Drainage District Right-of-Way, and the West 100.0 feet of the North $1/2$ of the South $1/2$ all in Section 25, Township 46 South, Range 41 East; and a tract of land described as follows: Begin at the Southwest corner of Section 25, Township 46 South, Range 41 East; thence Northerly along the West line of said Section 25, a distance of 1354.53 feet to a point; said point being the intersection of the West line of said Section 25, and the South line of the North $1/2$ of the South $1/2$ of said Section 25, and also the Point of Beginning; thence Easterly along said South line a distance of 100.0 feet; thence Southerly and parallel to and 100.0 feet East of measured at right angles to said West line of Section 25 a distance of 141.88 feet; thence Westerly at an angle of $91^{\circ}06'30''$ measured from North to West, a distance of 100.04 feet more or less to a point in the West line of said Section 25; thence Northerly along said West line a distance of 144.28 feet to the Point of Beginning; together with the East $3/4$ of the Northeast $1/4$ of the Southeast $1/4$, less Tracts in Official Record Book 334, page 565 and/or Official Record Book 1059, page 27, and less a parcel of land measuring 60.0 feet East-West and 537.0 feet North-South, lying West of and adjacent to and contiguous with that certain said parcel described in Official Record Book 1059 on page 27; the East $3/4$ of the South $1/2$ of the Southeast $1/4$ of the Northeast $1/4$, less the North 76.0 feet in Section 25, Township 46 South, Range 41 East. Less the Right of Way of State Road No. 7 (U.S. 441) on parcels 1 and 3, as shown on Road Plat Book 1, pages

36 and 37. Said property located on the south side of L.W.D.D. Lateral Canal L-36 1/2W, and on the west side of U.S. 441 (S.R. 7) in an AG-Agricultural District, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County two hundred forty (240) feet from the Base Line of Survey according to R.B. 1, page 35, for the ultimate right-of-way for S.R. 7.
2. Petitioner shall construct at the intersection of S.R. 7 and the project's entrance:
a. Right turn lane, north approach
b. Left turn lane, south approach
3. Petitioner shall apply for a variance for the access tract length in excess of 600 feet.
4. Petitioner shall contribute Five Thousand Six Hundred Twenty-five dollars (\$5,625.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s).
5. The Lake Worth Drainage District requires the South 60 feet of the North Half of Section 25, 46/41 and the North 15 feet of the South Half of said Section 25 for the right-of-way for Lateral Canal No 37W and the South 40 feet of said Section 25 together with the North 15 feet of Tracts 1 to 4 and 9 to 12, Block 69, Palm Beach Farms Co. Plat No: 3 for the right-of-way for Lateral Canal No. 38W and that portion of Tract 12, said Block 69 lying within 60 feet of the West line of Section 35, 46/41 for the right-of-way for Canal S-11 and the West 80 feet of the South Three-Quarters of Section 25, 46/41 for the right-of-way for Canal S-11. We will accept a Quit Claim Deed or an Easement, whichever the owner prefers.
6. Petitioner shall be allowed to use the conveyed right-of-way for S.R. 7 by permit from the County Engineer until said right-of-way is requested by the State Department of Transportation.

Commissioner Gregory, moved for approval of the petition.

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

Dennis Koehler, Chairman		Absent
Frank Foster, Vice Chairman	-	Aye
Bill Bailey, Member		Aye
Norman R. Gregory, Member	-	Aye
Peggy B., Evatt, Member		Aye

The foregoing resolution was declared duly passed and adopted
this 14th day of October, 1980, confirming action of
25 September 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: [Signature]
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles F. Schoach
County Attorney

