

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY OF SOUTH BAY TO REZONE PROPERTY AFTER ANNEXATION PURSUANT TO s.171.062, FLORIDA STATUTES, AND CITY OF SOUTH BAY RESOLUTION NO 39-82.

WHEREAS, by its Resolution No. 39-82, the City of South Bay has requested permission of the Board of County Commissioners to rezone the property described therein after annexation of same into the corporate limits of the City; and

WHEREAS, the property is currently zoned AG-Agricultural and is subject to the Palm Beach County Land Use Plan; and

WHEREAS, the City of South Bay proposes to annex the property and after annexation, rezone same to the City's classification of B2-Wholesale Commercial, which zoning classification is consistent with the objectives of the Comprehensive Plan of Palm Beach County; and

WHEREAS, the Planning, Zoning and Building Department has reviewed the request and offers no formal objections to same as more fully outlined in the March 4, 1982 memorandum of the Executive Director, a copy of which is attached hereto and made a part hereof; and

WHEREAS, Florida Statutes 171.062 requires that when a City desires to rezone property which was previously subject to County land use control, that the City must request and receive permission for such change from the Board of County Commissioners of the respective County:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the request of the City of South Bay as presented in its Resolution No. 39-82, attached hereto and made a part hereof, to rezone, after annexation, the property described therein from the County's classification of AG to the City's classification of B2 is hereby granted.

The foregoing resolution was offered by Commissioner Bailey who moved its adoption. The motion was seconded by Commissioner Evatt and, upon being put to a vote, the vote was as follows:

NORMAN GREGORY	AYE
PEGGY B. EVATT	AYE
FRANK FOSTER	AYE
DENNIS KOEHLER	ABSENT
BILL BAILEY	AYE

The Chairman thereupon declared the Resolution duly passed and adopted this 9th day of March, 1982.

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

JOHN B. DUNKLE, Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *John B. Dunkle*
Deputy Clerk

By: *[Signature]*
County Attorney

FILED THIS 9th DAY OF March 1982
AND RECORDED IN RESOLUTION
MINUTE BOOK NO. 249
PAGE 404-408 RECORDED BY JOHN B. DUNKLE, CLERK
BY *[Signature]* D.C.

Inter-Office Communication

PALM BEACH COUNTY

TO Kathe, Martin, Legal Assistant **DATE** March 4, 1982
County Attorney's Office
FROM Robert E. Basehart, Executive Director **FILE**
Planning, Zoning and Building
RE Annexation/Rezoning request - City of South Bay,
Resolution 39-82

Please prepare a resolution of approval relative to the subject request and place same on the agenda for consideration by the Board of County Commissioners at their regular meeting scheduled for March 9, 1982.

The Department of Planning, Zoning and Building has reviewed the request and finds the proposal to be consistent with the objectives of the Comprehensive Plan. The proposed zoning is intended to accommodate facilities for the sale and service of machinery, equipment and supplies to serve the agricultural community. We further note that the subject property is located between commercially zoned and utilized parcels already within the City of South Bay. Adjacent to the north is a contractor's storage yard, and adjacent to the south is a restaurant. Land located to the east is presently in agricultural production.

Thank you.

REB:lv

Attachments

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RESOLUTION NO. 39-82

A Resolution of the City Commission of the City of South Bay, Florida, requesting permission from the Board of County Commissioners, pursuant to Florida State Statutes 171.062, to rezone land in the City of South Bay, from the County Zoning Classification AG (agricultural) to the City's Zoning Classification of B2 (Wholesale Commercial)

WHEREAS, The City of South Bay has received a request for rezoning from Frank Brady and Paula Brady, Owners of said land, and Lawrence H. Blaylock, George H. Cooper, Jr. and Lanier Porter, purchasers of said land, for the following described property:

Legal Description

PARCEL A: Beginning at the intersection of the Lake Okeechobee Meander line with the east line of the $W\frac{1}{2}$ of the $W\frac{1}{2}$ of State Lot 3, Section 11, Township 44S, Range 36E; Thence N $87^{\circ}43'09''$ W, a distance of 141.56 feet to a point; thence S $62^{\circ}07'42''$ W, a distance of 149.72 feet to a point lying on the easterly right-of-way line of S.R. 25 (U.S. 27); thence N $25^{\circ}30'20''$ W, along said easterly right-of-way line, a distance of 691.54 feet to a point; thence S $25^{\circ}30'21''$ E, along a line 400 feet from and parallel to the easterly right-of-way line of said S.R. 25, a distance of 817.31 feet to a point; thence N $87^{\circ}43'09''$ W, a distance of 141.49 feet to the point of beginning. Containing 6.683 acres

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PARCEL B: Commencing at the intersection of the Lake Okeechobee Meander line with the east line of the $W\frac{1}{2}$ of the $W\frac{1}{2}$ of State Lot 3, Section 11, Township 44S, Range 36E; thence N $87^{\circ}43'09''$ W, a distance of 141.56 feet to a point; thence S $62^{\circ}07'42''$ W, a distance of 149.72 feet to a point lying on the easterly right-of-way line of S.R. 25 (U.S. 27); thence N $25^{\circ}30'20''$ W, along said easterly right-of-way line, a distance of 691.54 feet to the point of beginning; thence continue N $25^{\circ}30'20''$ W, along said easterly right-of-way line, a distance of 95.03 feet to the point of curvature, said curve being concave to the northwest, having a radius of 2945.93 feet and a central angle of $11^{\circ}36'06''$; thence along said curve and easterly right-of-way line, an arc distance of 596.51 feet to a point; thence radially N $52^{\circ}53'34''$ E, a distance of 305.00 feet to a point lying on a curve concentric with the previously described curve, having a radius of 3250.93 feet and a central angle of $8^{\circ}31'16''$; thence northwesterly along said curve, an arc distance of 483.48 feet to a point, said point having a radial line bearing N $44^{\circ}22'18''$ E; thence N $17^{\circ}14'32''$ E, a distance of 106.35 feet to a point lying on a curve concentric with the previously described curves having a radius of 3345.93 and a central angle of $20^{\circ}57'12''$, said point having a radius of 3345.93 and a central angle of $20^{\circ}57'12''$, said point having a radial line bearing N $43^{\circ}32'28''$ E; thence southeasterly along said curve, an arc distance of 1223.62 feet to the point of tangency; thence S $25^{\circ}30'21''$ E, along a line 400 feet from and parallel to the easterly right-of-way

RECOGNITION: Reading of Writing, Typing or Printing unnecessary in this document when received.

line of S.R. 25 (U.S. 27), a distance of 95.03 feet to a point; thence S 64°29'40" W, a distance of 400.00 feet to the point of beginning.

Containing 7.845 acres

Both Parcels: Being contiguous and immediately adjacent to one another and lying in Section 11, Township 44 South, Range 36 East.

WHEREAS, the City Commission of the City of South Bay at the March 2, 1982 regular meeting considered this rezoning request and upon the recommendations of the Planning and Zoning Board at the meeting held January 12, 1982 feels that the proper zoning for this parcel of land would be the City's zoning classification B2 (Wholesale Commercial) District; and,

WHEREAS, Chapter 171.662, Florida State Statutes, requires that when a municipality desires to annex property at a zoning classification, which could permit higher density than is currently in effect under County regulations, that the Municipality request and receive permission from the Board of County Commissioners for such a change.

NOW THEREFORE BE IT RESOLVED, By The City Commission of the City of South Bay, Florida as follows:

Section 1. That the City Commission hereby request permission from the Board of County Commissioners of Palm Beach County to rezone the property described above from AG (Agricultural) to B2 (Wholesale Commercial) District which will result in an increase in the density allowed in such land.

Section 2. That a copy of this resolution is being sent to each member of the Board of County Commissioners, the County Administration and the Director of Planning, Zoning and Building Department.

PASSED AND ADOPTED in Regular Session on this 2nd day of March 1982.

CERTIFICATION

I certify this to be a true and correct copy of the record in my office.

WITNESSETH my hand and official of South Bay

Mayor

Commissioner

Commissioner