

ORIGINAL

RESOLUTION NO. R-87-202

RESOLUTION APPROVING ZONING PETITION 84-71(B), Special Exception

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. 84-71(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 28, 1986 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. With master plan modification, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 10th day of February, 1987, that: Petition No. 84-71(B), the petition of RAINBERRY DEVELOPERS FOUR INC. AND FIRST AMERICAN EQUITY HOLD CORPORATION By Robert E. Basehart, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN PREVIOUSLY APPROVED FOR A PLANNED UNIT DEVELOPMENT, UNDER ZONING PETITION NO. 84-71(A), TO DECREASE THE LAND AREA BY 13.7 ACRES AND TO CHANGE HOUSING TYPES FROM CATEGORY A TO CATEGORY B IN PARCEL F. A TRANSFER OF UNITS FROM PARCELS L AND M INTO PARCEL F on a parcel of land situate in

Sections 26, 27, 34, & 35, Township 46 South, Range 42 East, being more particularly described as follows: Commencing at the Southeast corner of said Section 35, thence North 01 degree 08'04" West along the East line of said Section 35, a distance of 534.60 feet; thence South 88 degrees 51'56" West and perpendicular to said East line, a distance of 75.00 feet to a line 75-00 feet West of and parallel with said East line of Section 35, and the Point of Beginning. From the Point of Beginning, North 01 degree 08'04" West along said parallel line, a distance of 2143.23 feet; thence North 01 degree 07'50" West, continuing along said East line, a distance of 2679.84 feet to the North line of said Section 35; thence South 89 degrees 07'45" West along said North line, a distance of 2608.14 feet to the North 1/4 corner of said Section 35; thence South 89 degrees 07'44" West continuing along said North line, a distance of 1291.26 feet to the East line of the West 1/2 of the Southwest 1/4 of said Section 26; thence North 00 degree 35'03" West along said East line, a distance of 2700.04 feet to the North line of the Southwest 1/4 of said Section 26; thence South 89 degrees 15'53" West along said North line, a distance of 404.46 feet; thence South 00 degree 31'48" East a distance of 70.00 feet to a line 70.00 feet South of and parallel with said North line; thence South 89 degrees 15'53" West along said parallel line, a distance of 334.522 feet; thence North 00 degree 28'33" West a distance of 70.00 feet to said North line; South 89 degrees 15'53" West along said North line, a distance of 668.91 feet to the West 1/4 corner of said Section 26; thence South 89 degrees 22'28" West, along the North line of the Southeast 1/4 of said Section 27, a distance of 1342.67 feet to the West line of the East 1/2 of the Southeast 1/4 of said Section 27; thence South 00 degree 19'49" East along said West line, a distance of 2707.25 feet to the North line of said Section 34; thence South 89 degrees 13'10" West along said North line, a distance of 1316.99 feet to the North 1/4 corner of said Section 34; thence South 01 degree 03'59" East along the North-South 1/4

Section line of said Section 34, a distance of 1388.00 feet to the North line of the Southwest 1/4 of the Northeast 1/4 of said Section 34; thence North 89 degrees 23'45" East along said North line, a distance of 1310.00 feet to the East line of the Southwest 1/4 of the Northeast 1/4 of said Section 34; thence South 01 degree 03'59" East along said East line, a distance of ~~1287.91~~ feet to the South line of the Northeast 1/4 of said Section 34; thence North 89 degrees 23'45" East along said South line, a distance of 1376.11 feet to the East 1/4 corner of said Section 34; thence North 89 degrees 04'44" East along the East-West 1/4 section line of said Section 35, a distance of 2735.58 feet; thence South 00 degree 13'47" East a distance of 2655.01 feet to a line 25.00 feet North of and parallel with the South line of said Section 35; thence North 89 degrees 06'02" East along said parallel line, a distance of 1600.88 feet; thence North 10 degrees 28'56" East a distance of 509.20 feet; thence North 21 degrees 23'31" East a distance of 153.36 feet; thence North 88 degrees 51'56" East a distance of 150.00 feet; thence North 01 degree 08'04" West a distance of 130.00 feet; thence North 88 degrees 51'56" East a distance of 420.00 feet; thence South 01 degree 08'04" East a distance of 130.00 feet; thence South 54 degrees 15'52" East a distance of 100.00 feet; thence South 29 degrees 12'25" East a distance of 85.00 feet; thence North 88 degrees 51'56" East a distance of 90.00 feet to the Point of Beginning. Said property located on the west side of Military Trail (S.R. 809), being bounded on the north by Lake Worth Drainage District Lateral Canal No. 37, on the west by Jog Road, and on the south by Clint Moore Road in an RS-Residential Single Family District, in part, and RTS-Residential Transitional Suburban District, in part was approved as advertised subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.

2. Condition No. 14 of Petition No. 84-71 which presently states:

"14. In order to be usable for future civic, educational and/or recreational uses, the civic site shall be reconfigured and consolidated into a single 15.59 acre site located in the northwest portion of the PUD with frontage on Jog Road. Dedication of the 15.53 civic site to the Board of County Commissioners shall occur within one (1) year of Special Exception approval.

Use of the civic site may occur prior to development of adjacent parcels of the PUD. If an agreement is reached between the petitioner and Palm Beach County for acquisition of property outside the PUD for a school site or other civic purposes the petitioner shall meet their on site civic requirement by the dedication to the public of the road drainage easements within the project's internal lake system as referenced in original Condition No, 14 as amended. Should this occur, modification of the Master Plan may be approved by the Site Plan Review Committee."

is hereby amended to state:

- "14. In order for the required civic site to be more usable for educational and/or recreational purposes, the civic site may be located off the site of the subject PUD. Within 90 days of adoption of the resolution approving this petition, petitioner shall deliver to the Director of Parks and Recreation and the director of facilities planning, School Board of Palm Beach County, a precise legal description of the off-site parcels of land intended to be dedicated to Palm Beach County in order to satisfy this condition. These parcels of land shall total a minimum of 15 acres and shall be contiguous to and are intended to supplement other lands between the project's northwest boundary and Jog/Carter Road to be assembled as a community park/school site to serve this development and other nearby developments. Dedication of this civic site shall be subject to approval of the Director of Parks and Recreation. Conveyance of this civic site shall be completed within 12 months of adoption of the resolution approving this development.
3. Prior to master plan certification, petitioner shall convey a drainage easement from the commercial tract subject to approval of the County Engineer and the County Attorney's Office.
4. The petitioner shall convey to the Lake Worth Drainage District:
- a) the north seventy (70) feet of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 27 and the North seventy (70) feet of the West 1/4 of Southwest 1/4 of Section 26, Tract 46 West, Range 42 East for the required right-of-way for Lateral Canal No. 37, and
 - b) the South one-hundred five (105) feet of the East 1/4 of Southeast 1/4 of Section 27 and the South one-hundred five (105) feet of the West 1/2 of

Southwest 1/4 of Section 26 for the required right-of-way for Lateral Canal No. 38, by Quit Claim Deed or an easement deed in the form provided by said District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners.

5. Property owner shall convey a road drainage easement along the south property line for Clint Moore Road subject to approval from the Office of both the County Rttorney and County Engineer prior to Master Plan approval.

Commissioner Owens, moved for approval of the petition. The motion was seconded by Commissioner Adams, and upon being put to a vote, the vote was as follows:

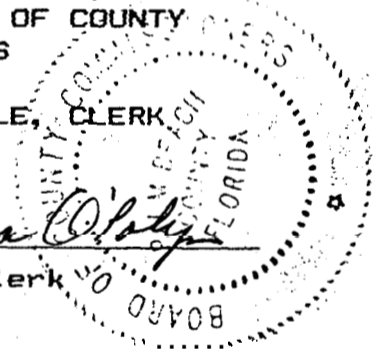
Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Ken Spillids	--	AYE
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	AYE

The foregoing resolution was declared duly passed and adopted this 10th day of February, 1987 confirming action of August 28, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Lopez
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney

ORIGINAL