

RESOLUTION NO. R-2000- 0900

RESOLUTION APPROVING ZONING PETITION TDR97-121  
TRANSFER OF DEVELOPMENT RIGHTS (TDR)  
PETITION OF PALM AFC HOLDINGS  
BY WILLIAM BOOSE, AGENT  
DIAMOND "C" RANCH PUD

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to the Unified Land Development Code; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-10, as amended), have been satisfied; and

WHEREAS, Zoning Petition TDR97-121 was presented as a development order to the Board of County Commissioners at a public hearing conducted on June 29, 2000; and

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

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

1. Pursuant to Section 6.10.H. of the ULDC, the Planning Division has established a County TDR Bank with TDR Units accumulated through the purchase of property under the Environmentally Sensitive Lands Program; and
2. Revenue from the TDR Bank are earmarked for the acquisition and management of environmentally sensitive lands and wetlands; and
3. Pursuant to Section 6.10.H.4.b. of the ULDC, the Planning Division and the Land Use Advisory Board (LUAB) have recommended that the sale price for County TDR units for FY99-00 be \$9,833 per unit; and
4. Pursuant to Section 6.10.1. of the ULDC, the PDD/TDR97-121 qualifies as a TDR Receiving Area; and
5. Pursuant to Section 6.10.K.3.e. of the ULDC, there are five standards which must be complied with in order to use the TDR Program and each of the five standards has been complied with; and

WHEREAS, Section 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition TDR97-121 the petition of Palm AFC Holdings by William Boose, agent, for a Transfer of Development Rights (TDR) for 66 units and designate PDD97-121 as the receiving area on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 29, 2000, subject to the conditions of approval described in EXHIBIT C.I, attached hereto and made a part hereof.

Commissioner Robert removed for the approval of the Resolution.

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

|                           |   |        |
|---------------------------|---|--------|
| Maude Ford Lee, Chair     |   | Aye    |
| Warren Newell, Vice Chair | - | Aye    |
| Karen T. Marcus           |   | Absent |
| Carol A. Roberts          |   | Aye    |
| Mary McCarty              |   | Absent |
| Burt Aaronson             |   | Aye    |
| Tony Masilotti            |   | Nay    |

The Chair thereupon declared that the resolution was duly passed and adopted on June 29, 2000.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara Altman*  
COUNTY ATTORNEY

BY: *Joan Hawley*  
DEPUTY CLERK

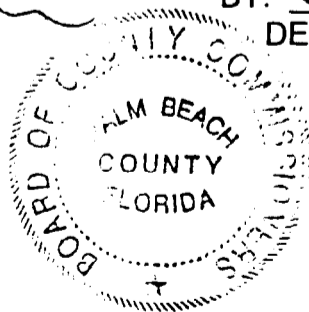


EXHIBIT A

LEGAL DESCRIPTION

ALL THAT PART OF TRACTS 39, 40, 41, AND 42, LYING SOUTH OF THE WEST PALM BEACH CANAL RIGHT-OF-WAY AND ALL OF TRACTS 43 THROUGH 46, INCLUSIVE, IN BLOCK 7; ALL THAT PART OF TRACT 19 LYING SOUTH OF WEST PALM BEACH CANAL RIGHT-OF-WAY AND ALL OF TRACT 24 IN BLOCK 8; ALL OF TRACTS 1, 2, 3, 10, 11, 12, THE WEST ONE-HALF OF TRACT 13, AND ALL OF TRACTS 14, 15, 16 AND THE WEST ONE-HALF OF TRACT 24 IN BLOCK 10; ALL OF TRACTS 4, 5, 6, 7, 8, 9, THE NORTH ONE-HALF OF TRACTS 2 AND 3, AND THE NORTH ONE-THIRD OF TRACT 1 IN BLOCK 11, ALL LYING AND BEING IN PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

EXCEPTING, HOWEVER, THE NORTH 208.71 FEET OF THE WEST 208.71 FEET OF TRACT 3, BLOCK 10, OF SAID PLAT; ALSO EXCEPTING THE EAST 40 FEET OF THE NORTH ONE-THIRD OF TRACT 1, BLOCK 11, OF SAID PLAT; ALSO EXCEPTING THE EASTERLY PORTION OF TRACT 1, BLOCK 11, LYING EASTERLY OF A LINE WHOSE SOUTHERLY TERMINUS LIES 100 FEET WEST OF, AS MEASURED ALONG THE SOUTH TRACT LINE, FROM THE SOUTHEAST CORNER OF TRACT 16, BLOCK 11, AND WHOSE NORTHERLY TERMINUS LIES 110.70 FEET WEST OF, AS MEASURED ALONG THE NORTH TRACT LINE, FROM THE NORTHEAST CORNER OF TRACT 48, BLOCK 7, OF SAID PLAT.

TOGETHER WITH THE FOLLOWING DESCRIBED PLATTED RIGHTS-OF-WAY LYING IN BLOCKS 7, 8, 10, AND 11, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA:

ALL THAT PART OF THAT CERTAIN 25 FOOT RIGHT-OF-WAY LYING CONTIGUOUS TO THE SOUTH AND WEST BLOCK LINE OF SAID BLOCK 7, BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE EAST BY THE SOUTHERLY PROLONGATION OF THE EAST LINE OF TRACT 46 OF SAID BLOCK 7.

BOUNDED ON THE NORTH BY THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT C-S 1 CANAL.

ALL THAT PART OF THAT CERTAIN 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 45 AND 46, OF SAID BLOCK 7, AND LYING SOUTHERLY OF THE RIGHT OF WAY OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT C-S 1 CANAL.

ALL THAT PART OF THAT CERTAIN 25 FOOT RIGHT-OF-WAY LYING CONTIGUOUS TO THE SOUTH AND EAST BLOCK LINES OF SAID BLOCK 8 BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE WEST BY THE SOUTHERLY PROLONGATION OF THE WEST LINE OF TRACT 24 OF SAID BLOCK 8.

BOUNDED ON THE NORTH BY THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT C-S 1 CANAL.

ALL THAT PART OF THAT CERTAIN 25 FOOT RIGHT-OF-WAY LYING CONTIGUOUS TO THE NORTH AND EAST BLOCK LINES OF SAID BLOCK 10, BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE SOUTH BY THE EASTERLY PROLONGATION OF A LINE 15 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF TRACT 12 OF SAID BLOCK 10.

BOUNDED ON THE WEST BY THE NORTHERLY PROLONGATION OF THE EAST LINE OF THE WEST 208.71 FEET OF TRACT 3 OF SAID BLOCK 10.

ALL THAT PART OF THAT CERTAIN 30 FOOT RIGHT-OF-WAY LYING NORTH OF AND CONTIGUOUS TO, TRACTS 13, 14, AND 15, OF SAID BLOCK 10 EXCEPTING, HOWEVER, ALL THAT PART LYING WITHIN 15 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST ONE-HALF OF SAID TRACT 13.

ALL THAT PART OF THE SOUTH ONE-HALF OF THAT CERTAIN 30 FOOT RIGHT-OF-WAY LYING NORTH OF AND CONTIGUOUS TO TRACT 16, OF SAID BLOCK 10.

ALL THAT PART OF THE EAST ONE-HALF OF THAT CERTAIN 30 FOOT RIGHT-OF-WAY LINE WEST OF, AND CONTIGUOUS TO TRACT 16, OF SAID BLOCK 10, BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE SOUTH BY THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID TRACT 16.

BOUNDED ON THE NORTH BY THE WESTERLY PROLONGATION OF A LINE LYING 15 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID TRACT 16.

ALL THAT PART OF THAT CERTAIN 25 FOOT RIGHT-OF-WAY LYING CONTIGUOUS TO THE NORTH AND WEST BLOCK LINES OF SAID BLOCK 11, BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF BENOIST FARMS ROAD.

BOUNDED ON THE SOUTH BY THE WESTERLY PROLONGATION OF A LINE 15.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF TRACT 9 OF SAID BLOCK 11.

ALL THAT PART OF THAT CERTAIN 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 4 AND 5, OF SAID BLOCK 11.

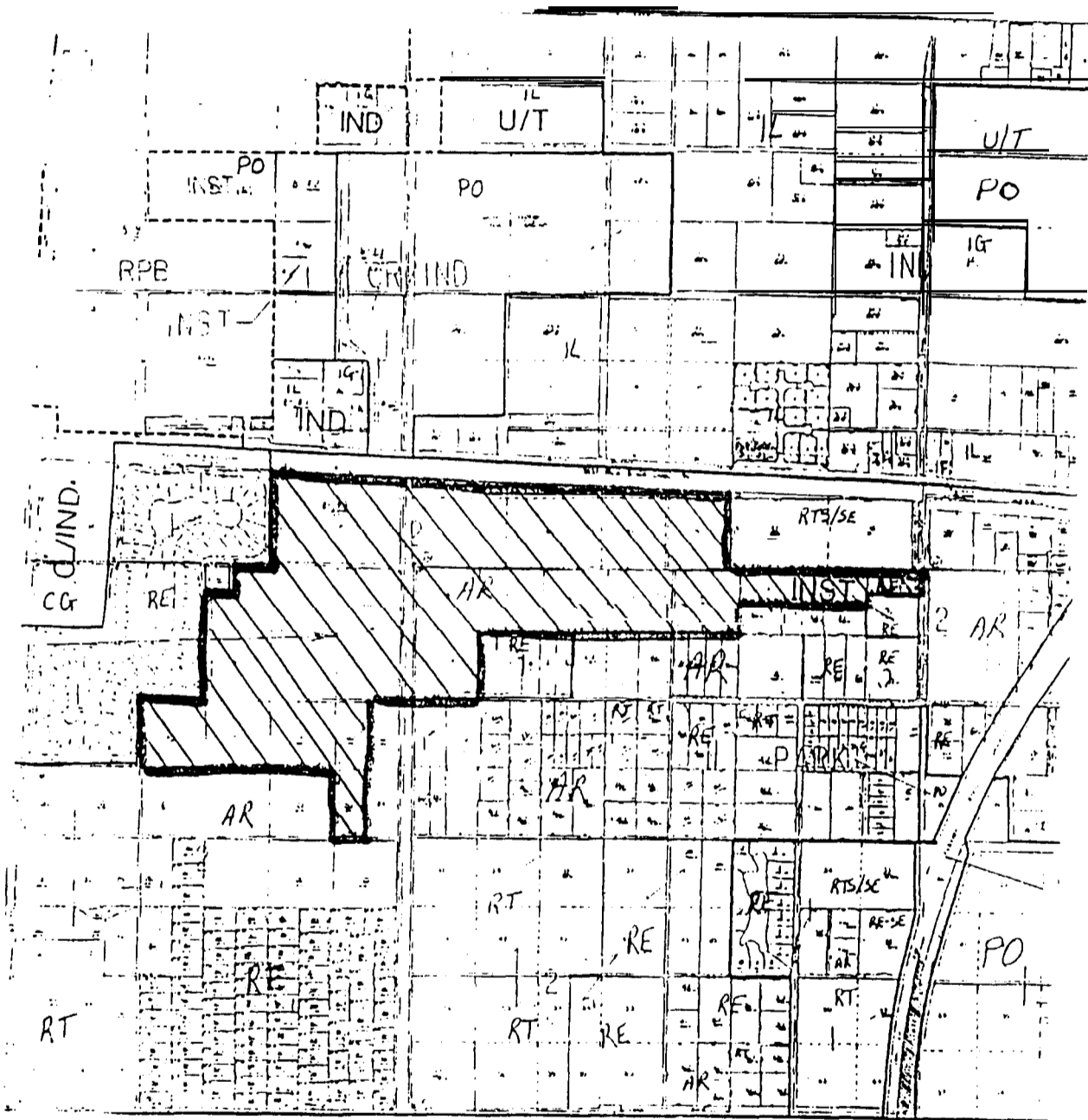
ALL THAT PART OF THE NORTH ONE-HALF OF THAT CERTAIN 30 FOOT RIGHT-OF-WAY LYING SOUTH OF AND CONTIGUOUS TO TRACT 9, SAID BLOCK 11.

CONTAINING: 267.04 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### TDR CONDITIONS OF APPROVAL

1. The preliminary development plan dated May 5, 2000 and perimeter/internal buffers shown thereon shall not be modified unless approved by the BCC. (ONGOING: ZONING)
2. Prior to certification of the Preliminary Development Plan (PDP) by the DRC, a "Contract for Sale and Purchase of TDR's" shall be executed by the applicant, in a manner and form approved by the Office of the County Attorney, and formally executed by the Chairman of the Board of County Commissioners. The Contract shall accommodate a maximum of 66 TDR units at a selling price of \$9,883.00 per unit. (DRC: COUNTY ATTORNEY-Zoning)
3. Prior to certification of the Preliminary Development Plan (PDP) by the DRC, two (2) recorded copies of the "Contract for Sale and Purchase of TDR's" shall be provided to the Palm Beach County Zoning Division. (DRC: ZONING)
4. Prior to certification of the Preliminary Development Plan (PDP) by the DRC, monies representing 66 TDR units shall be placed in an escrow account in a form acceptable to Palm Beach County. (DRC: ZONING)
5. Prior to the issuance of the first building permit, the escrow monies shall be released to Palm Beach County. Building permits issued for sales models and/or a temporary real estate sales and management office permitted pursuant to the Unified Land Development Code standards shall not be the trigger for the release of the escrow funds. (BLDG PERMIT: MONITORING - ZONING)
6. Prior to the issuance of the first building permit, a deed conveying the applicable TDR units from the County TDR bank to the subject property, shall be executed and recorded in a manner and form approved by the Office of the County Attorney. This condition does not apply to building permits issued for sales models and/or a temporary real estate sales and management office permitted pursuant to the Unified Land Development Code standards. (BLDG PERMIT: MONITORING - ZONING)
7. Any additional increase in density must be requested through the TDR program. (ONGOING: ZONING)