

RESOLUTION NO. R-2001- 0239

RESOLUTION APPROVING ZONING PETITION TDROO-052
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
PETITION OF GL HOMES OF FLORIDA II CORP
BY KILDAY & ASSOCIATES, AGENT
VALENCIA IV 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 TDROO-052 was presented as a development order to the Board of County Commissioners at a public hearing conducted on January 252001; 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 6.1 O.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 a County TDR units for **FY99-00** be \$9,833 per unit; and; and
4. Pursuant to Section 6.10.1. of the ULDC, the **PDD/TDR00-052** 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 TDROO-052, the petition of GL Homes of Florida II Corp by Kilday & Associates, agent, for a Transfer of Development Right (TDR) approving a Transfer of Development Right (TDR) for 327 units and designate PDDOO-052 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, was approved on **February 22, 2001**, subject to the conditions of approval described in EXHIBIT C.I, attached hereto and made a part hereof.

Commissioner Roberts moved 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:

Warren H. Newell, Chair	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Aye
Mary McCarty		Absent
Burt Aaronson		Aye
Tony Masilotti		Absent
Addie L. Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on February 22, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

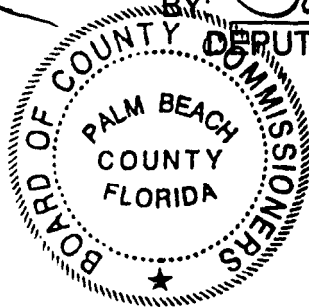


EXHIBIT A

LEGAL DESCRIPTION

A parcel of land lying within a portion of Blocks 42 and 43 of the PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida, said lands also lying within Sections 7 and 8, Township 45 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of Tract 101, Block 43, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida; thence **N.00°29'27"W.**, along the west line of said Tract 101 and the west line of Tract 100 of said Block 43 and the northerly prolongation of the west line of said Tract 100, a distance of **1,335.52** feet; thence **N.88°58'41"E.**, along the centerline of a 30 foot roadway situated between Tracts 73 through 88 of said Block 43, on the North and Tracts 89 through 100 of said Block 43, on the South, a distance of **5,340.07** feet to a point on the west line of Block 42 of said PALM BEACH FARMS COMPANY PLAT NO. 3; thence **N.01°02'18"W.**, along the centerline of a 50 foot roadway situated between Tracts 59 and 88 of said Block 43, on the West and Tracts 69 and 70 of said Block 42, on the East, said centerline also being the west line of said Block 42, a distance of **1,335.49** feet; thence **N.88°57'43"E.**, along the westerly prolongation of the north line of Tract 69 of said Block 42, a distance of 25.00 feet to the northwest corner of said Tract 69; thence **S.01°02'18"E.** along the west line of said Tract 69, a distance of 35.64 feet; thence **N.88°57'43"E.** along a line that is parallel with and 35.64 feet south of, as measured at right angles to, the north line of Tracts 68 and 69 of said Block 42, a distance of 659.77 feet to a point on the east line of said Tract 68; thence **S.01°02'01"E.** along the east line of said Tract 68, a distance of 0.66 feet; thence **N.88°57'43"E.** along a line that is parallel with and 36.30 feet south of, as measured at right angles to, the north line of said Tract 67, a distance of **659.77** feet to the east line of said tract 67; thence **N.01°01'44"W.** along the east line of said Tract 67, a distance of 0.66 feet; thence **N.88°57'43"E.** along a line that is parallel with and 35.64 feet south of, as measured at right angles to, the north line of Tracts 64, 65, and 66 of said Block 42, a distance of 989.65 feet to a point on the east line of said Tract 64; thence **S.01°01'18"E.** along the east line of said Tract 64, a distance of 0.36 feet; thence **N.88°57'43"E.** along a line that is parallel with and 36 feet south of, as measured at right angles to, the north line of said Tract 63, a distance of 329.88 feet to a point on the east line of said Tract 63; thence **N.01°01'09"W.** along the east line of said Tract 63, a distance of 36.00 feet to the northeast corner of said Tract 63; thence **N.88°57'43"E.** along the easterly prolongation of the north line of said Tract 63, a distance of 30.00 feet to the northwest corner of said Tract 62; thence **S.01°01'09"E.** along the west line of said Tract 62, a distance of 46.00 feet; thence **N.88°57'43"E.** along a line that is parallel with and 46 feet south of, As measured at right angles to, the north line of said Tract 62, a distance of 329.88 feet to a point on the east line of said Tract 62; thence **S.01°01'01"E.** along the east line of said Tract 62, a distance of 0.20 feet; thence **N.88°57'43"E.** along a line that is parallel with and 46.20 feet south of, as measured at right angles to, the north lines of Tracts 57 through 61 of said Block 42, a distance of **1,787.42** feet to a point in the westerly limits of lands as described in the Order of Taking recorded in Official Record Book 8223, Page 1084 of the Public Records of Palm Beach County, Florida; thence **S.05°08'39"W.**, a distance of 382.15 feet; thence **S.01°06'52"E.**, a distance of 732.79 feet; thence **S.04°51'23"E.**, a distance of 1516.81 feet to a point on the south line Tract 108 of said Block 42, the preceding three courses also being coincident with those lands as described in said Order of Taking; thence **S.88°58'42"W.**, along a line parallel with and 25 feet north of, as measured at right angles to, the south line of said Block 42, a distance of **4,872.20** feet to a point on the centerline of a 50 foot roadway situated between said Blocks 42 and 43, said point also being on the west line of said Block 42; thence continue **S.88°58'42"W.** along a line parallel with and 25 feet north

EXHIBIT A
LEGAL DESCRIPTION

of, as measured at right angles, to the south line of said Block 43 a distance of **5,352.84** feet to the Point of Beginning.

All of the above said lands situate, lying and being in Palm Beach County, Florida.

Containing **19,780,085** square feet or 454.088 acres, more or less.

EXHIBIT B
VICINITY SKETCH

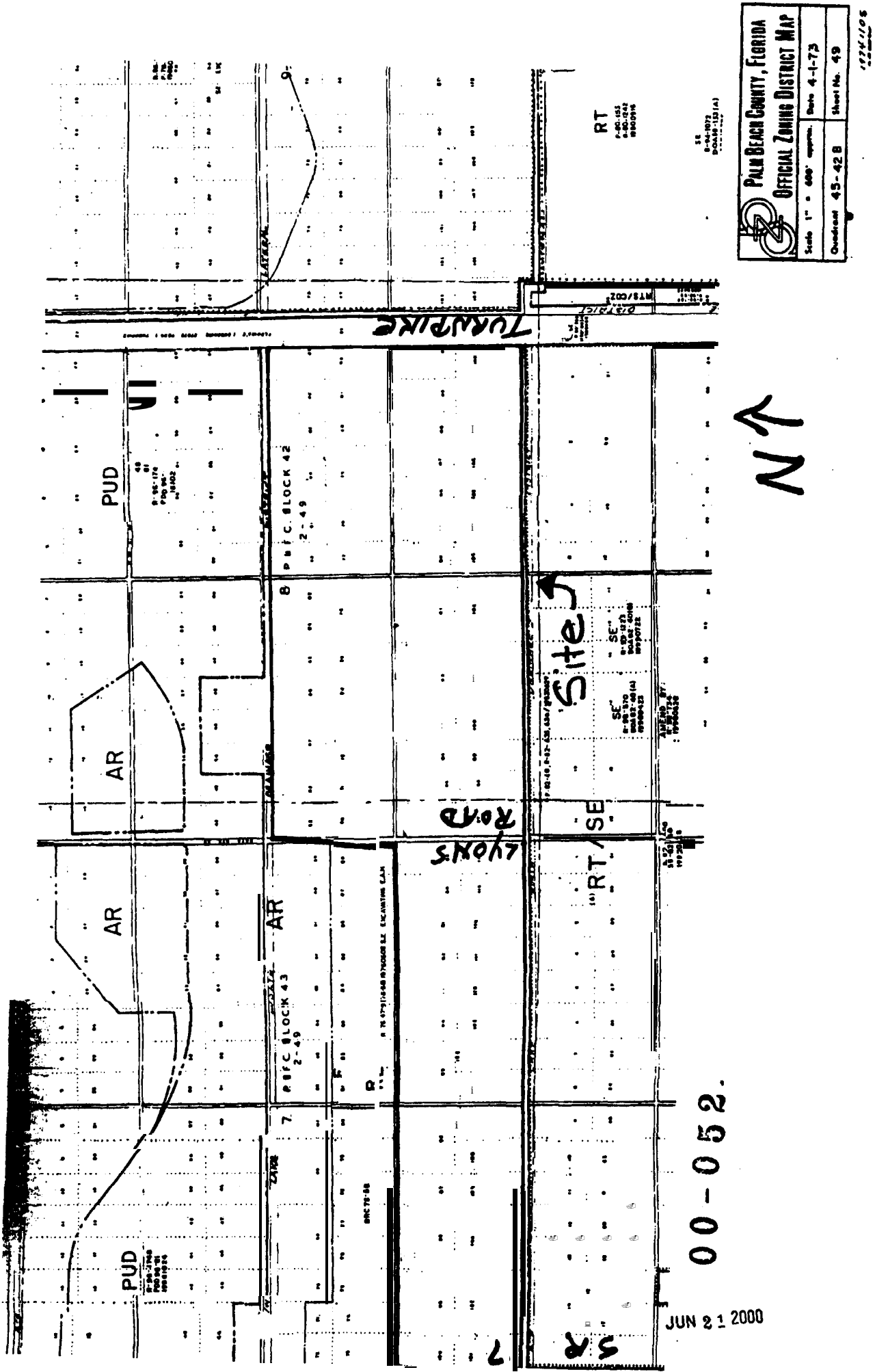


EXHIBIT C.I

TDR CONDITIONS OF APPROVAL

1. The preliminary development plan dated November 21, 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 327 TDR units at a selling price of **\$9,833.00** 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 a maximum of 327 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)