

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 93-39A
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-98-15
WHICH APPROVED THE DEVELOPMENT ORDER AMENDMENT OF
SECURITY CAPITAL ATLANTIC, INC.
PETITION NO. 1993-39(A)

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 93-39A was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on September 26, 2002; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 93-39A and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

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

1. This site was previously used as a nursery, and preliminary investigations indicate possible contamination on site.
2. The Engineering Department recommends approval of an amendment of condition number E.8. ensure there is no contamination when the property owner conveys right-of-way to Palm Beach County.
3. The amendment of conditions of approval is consistent with the Land Use Designation of the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the Palm Beach County 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 the recommendation of Status Report No. CR 93-39A, to amend Conditions of Approval of Resolution No. R-98-15, the Development Order Amendment of Security Capital Atlantic, Inc., Petition No. 1993-39(A), which added land area and units on a portion of the Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 14; THENCE North 89° 12' 59" East, along the South line of said Section 14, a distance of 1339.04 feet to the Southwest corner of said Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of said Section 14;

THENCE North 00° 41' 05" West, along the West line of said Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of Section 14, a distance of 20.00 feet to the POINT OF BEGINNING; THENCE continue North 00° 41' 05" West, along said West line of the Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of Section 14, a distance of 1163.83 feet to the intersection with the Southerly right-of-way line of Atlantic Avenue (State Road 806) as shown on Florida Department of Transportation Right-of-Way Map for Section 93550-2601 as recorded in Road Plat Book 3, Pages 24-30, Palm Beach County Records, said point being located on the arc of a non-tangent curve concave to the Southeast (said point bears North 26° 34' 46" West from the radius point of the next described curve); THENCE Northeasterly, along said Southerly right-of-way line along the arc of said curve having a radius of 1751.73 feet, a central angle of 25° 30' 14", and an arc distance of 779.75 feet to a Point of Tangency; THENCE North 88° 55' 28" East, continuing on said Southerly right-of-way line, 465.72 feet; THENCE on said Southerly right-of-way line of Atlantic Avenue (State Road 806) the following two (3) courses and distances; (1) South 01° 04' 32" East, 2.75 feet; (2) North 88° 55' 28" East, 59.60 feet to the intersection with a line 70.00 feet West of and parallel with said East line of the Southwest one-quarter (SW 1/4) of Section 14; (3) North 00° 17' 25" West, on said parallel line, 8.78 feet to the intersection with the Southerly right-of-way line of Atlantic Avenue (State Road 806) as shown in said Road Plat Book 3, Pages 24-30 of the Public Records of Palm Beach County; THENCE North 88° 07' 52" East on said Southerly right-of-way line of Atlantic Avenue (State Road 806) as shown on said Road Plat Book 3, Pages 24-30, a distance of 7.31 feet to the intersection with a line 62.70 feet west of and parallel with said East line of the Southwest one-quarter (SW 1/4) of Section 14; THENCE South 00° 17' 25" East, on said parallel line, a distance of 1367.25 feet; Thence South 89° 12' 59" West on the South line of said Southwest one-quarter (SW 1/4) of Section 14, a distance of 439.44 feet to the Southwest corner of the East three-quarters (E 3/4) of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of Section 14; THENCE North 00° 26' 14" West, on the West line of said East three-quarters (E 3/4) of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of Section 14, a distance of 20.00 feet; THENCE South 89° 12' 59" West, on a line 20.00 feet North of and parallel with said South line of the Southwest one-quarter (SW 1/4) of Section 14, a distance of 836.99 feet to the POINT OF BEGINNING.

Said lands lying in Palm Beach County, Florida.

Containing 1,680,552 Square Feet / 38.58 Acres, more or less. (Less the plat recorded in Plat Book 81, pages 114 thru 116), being located on the south side of Atlantic Avenue, approximately 0.54 of a mile west of Military Trail, in the Planned Unit Development zoning district, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number E.8. of Resolution No. R-98-15 which currently states:

The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Sims Road, 80 feet as shown on the Alignment Map filed in the Zoning Division's Cameron Park PUD file dated June 19, 1997. This additional right of way shall be conveyed on or before August 1, 1998 or prior to the issuance of the first Certificate of Occupancy for Phase 2 whichever shall first occur. Right of way conveyance shall be along the projects east property line and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. The developer shall purchase any necessary right of way from the Lake Worth Drainage District for Sims Road to accomplish the final alignment as identified above. This final alignment shall have no greater than a four feet offset with Sims Road north of

**the West Atlantic Avenue Intersection. (DATE / BLDG PERMIT:
MONITORING - Eng)**

Is hereby amended to state:

The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Sims Road, 80 feet as shown on the Alignment Map filed in the Zoning Division's Cameron Park PUD file dated June 19, 1997. This additional right of way shall be conveyed on or before **August 1, 1998** or prior to the issuance of the first Certificate of Occupancy for Phase 2 whichever shall first occur. Right of way conveyance shall be along the projects east property line and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. The developer shall purchase any necessary right of way from the Lake Worth Drainage District for Sims Road to accomplish the final alignment as identified above. This final alignment shall have no greater than a four feet offset with Sims Road north of the West Atlantic Avenue Intersection. Also, approval from the Department of Environmental Resource Management Division shall be required verifying clean up has been completed of any environmental contamination of the property to be conveyed as additional right of way. This approval shall be obtained prior to conveyance of this additional right of way. (DATE / BLDG PERMIT: MONITORING - Eng)

Commissioner **Roberts** moved for approval of the Resolution.

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

WARREN H. NEWELL, CHAIRMAN	—	Aye
CAROL A. ROBERTS, VICE CHAIR	—	Aye
BURT AARONSON	—	Absent
ADDIE L. GREENE	—	Absent
KAREN T. MARCUS	—	Absent
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 26 day of September, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: [Signature]
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: [Signature]
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 29 day of October, 2002.