

RESOLUTION NO. R-94- 1479

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. CR **S83-18/3a**  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-93-638  
WHICH AMENDED CONDITIONS OF APPROVAL  
OF THE SPECIAL EXCEPTION OF  
PETER I.B. LAVAN AND **PHILLIP 0' CONNELL**, AS TRUSTEE  
OF THE BOARD OF COUNTY COMMISSIONERS  
PETITION NO. 83-18

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 **S83-18/3a** was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on October 27, 1994: and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR **S83-18/3a** and considered testimony presented by the applicant and other interested parties, 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 proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The **amendment** listed below is consistent with the preserve area management plan as approved by the South Florida Water Management District.

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 **S83-18/3a**, to amend Conditions of Approval of Resolution No. R-93-638, which was the Amendment by the Board of County Commissioners of Conditions of Approval of the Special Exception of Peter **I.B. Lavan** and **Phillip 0' Connell**, as Trustee, Petition No. 83-18, confirmed by the adoption of Resolution R-83-1041, which granted a Special Exception to **allow** a Planned Unit Development (Stonewal Estates), including an on-site sewage treatment plant, on the West **1/2** of Section 23, Township 42 South, Range 41 East, and that part of the West **1/2** of Section 14, Township 42 South, Range 41 East lying South of the right-of-way of 'Lake Park West Road. Together with all of Section **26**, Township 42 South, Range 41 East. Less and excepting that certain 60 foot wide strip of land in said Section 26, as described

and recorded in Official Records Book 3431, Page 762., being located on the south side of Northlake Boulevard, approximately one and one-half (1.5) miles west of State Road #7 (U.S. #441) in a Zoning District, is approved, as amended, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition number 3 of Resolution 93-638 which currently states:
  - a. On the plat of the property, the developer shall dedicate to Palm Beach County for governmental purposes the parcel of land shown on the current Master Plan as "Governmental Services - 19.7 Acres" on or before August 1, 1993. Said plat dedication shall require that the use by County of this parcel shall be compatible with surrounding uses within the development. (MONITORING-PREM)
  - b. Prior to plat dedication, developer shall provide either a Title Insurance Policy or an attorney's opinion of title verifying marketable title to the civic site. (PREM)
  - c. Prior to plat dedication, developer shall provide the County with a certified survey of the proposed civic site: survey shall reflect the boundary and topographical areas of the site. Surveyor shall use the following criteria:
    - 1) The survey shall meet minimum technical standards for a boundary survey as prescribed by F.A.C. 21HH.6.
    - 2) The survey shall include location of any proposed water retention areas that will border the civic site.Survey is also subject to the County's approval of the location of any proposed or existing easements within the proposed civic site. (ENGINEERING-PREM)
  - d. Prior to and following plat dedication, the county shall be given unrestricted access to the governmental services area to monitor the property as a governmental site. (PREM)

Is hereby amended to state:

The property owner shall dedicate to Palm Beach County on the next plat the 200 acre conservation area. This parcel shall remain the perpetual maintenance obligation of the Homeowners Association pursuant to the preserve area management plan as approved by the South Florida Water Management District. The property owner shall also set aside an additional eight acres of

upland area to meet their upland preservation requirements in Phase 2.

Commissioner Lee moved for approval of the Resolution.

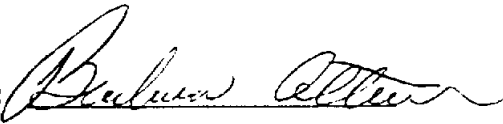
The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

MARY MCCARTY, CHAIR	--	Aye
BURT AARONSON	--	Aye
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Aye
KAREN T. MARCUS	--	Aye
WARREN H. NEWELL	--	Absent
CAROL ROBERTS	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of October, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

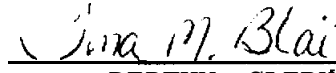
BY:

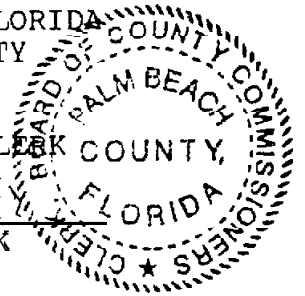


PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK COUNTY,

BY:

  
DEPTUY CLERK



ORIGINAL

STIPULATED SETTLEMENT AGREEMENT

**R94 14800**

OCT 27 1994

This STIPULATED SETTLEMENT ("AGREEMENT") dated this \_\_\_\_ day of \_\_\_\_

\_\_\_\_\_, 1994, by and between JONATHAN SEPPALA AND RITTA SEPPALA (hereinafter "THE SEPPALAS") and PALM BEACH COUNTY, a political subdivision of the State of Florida (hereinafter "COUNTY").

RECITALS

WHEREAS, on June 23, 1994, the Palm Beach County Board of County Commissioners denied a rezoning application by THE SEPPALAS to rezone their 2.35acre parcel of land to the Residential Transitional (RT) District from the Agricultural Residential (AR) District, identified as Petition No. Z-94-17; and

WHEREAS, THE SEPPALAS filed a Complaint for Writ of Certiorari against the COUNTY on July 22, 1994, in the case styled, JONATHAN SEPPALA and RITTA SEPPALA vs. PALM BEACH COUNTY; CL 94-5718 AY in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County; and

WHEREAS, the Palm Beach County Board of County Commissioners, reconsidered THE SEPPALAS' Petition No. Z-94-17 on August 25, 1994; and

WHEREAS, at the hearing held on August 25, 1994, the Palm Beach County Board of County Commissioners rezoned THE SEPPALAS' property from Agricultural Residential (AR) Zoning District to a Residential Estate (RE) District;

WHEREAS, on August 31, 1994, the SEPPALAS filed an Amended Complaint for Writ of Certiorari against the County in Case #: CL 94-5718 AY; and

0

**WHEREAS**, THE SEPPALAS and the COUNTY have agreed to Settlement in full of all issues arising out of Zoning Petition No. Z-94-17, in accordance with the terms of this Stipulated Settlement Agreement.

**NOW THEREFORE**, in consideration of the mutual covenants contained herein, the sufficiency of which are acknowledged by the parties by their signatures below, it is hereby expressly agreed as follows:

1. THE SEPPALAS agree upon rezoning, as indicated in Paragraph 2 below, to voluntarily dismiss, with prejudice, their Complaint for Writ of Certiorari and their Amended Complaint for Writ of Certiorari previously filed in the case styled, JONATHAN SEPPALA and RITTA SEPPALA vs. PALM BEACH COUNTY; Case No.: CL 94-5718 AY, in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

2. The COUNTY agrees to consider rezoning THE SEPPALAS' 2.35acre parcel of land located approximately .25 miles north of Lantana Road on the West side of Femlea Drive from Residential Estate (RE) District back to the Agricultural Residential (AR) Zoning District within thirty (30) days of the execution of this Settlement Agreement.

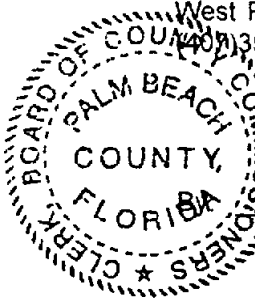
3 . The parties acknowledge and agree that THE SEPPALAS' obligation to file their Notice of Voluntary Dismissal, as referenced in Paragraph 1 above, is contingent upon approval by the Palm Beach County Board of County Commissioners for the rezoning of THE SEPPALAS' property from Residential Estate (RE) Zoning District to Agricultural Residential (AR) Zoning District.

4. In the event that the Palm Beach County Board of County Commissioners does not rezone THE SEPPALAS' property within forty-five (45) days of the entry of the Settlement

Agreement, then the terms of this proposed Settlement Agreement are null and void and of no further force or effect.

5. Each party to this Settlement Agreement agrees to bear their own attorneys' fees and costs incurred in connection with Petition No. Z-94-17; and the Circuit Court case referenced in Paragraph 1 herein.

PALM BEACH COUNTY BOARD OF  
COUNTY COMMISSIONERS  
Post Office Box 1989  
West Palm Beach, FL 33402-1989  
(407) 355-2225



Mary McCarty  
MARY McCARTY, CHAIR  
OCT 27 1994

By: Barbara Alterman  
BARBARA ALTERMAN,  
ASSISTANT COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK  
Board of County Commissioners

By: Jane M. Blair  
DEPUTY CLERK

JONATHAN SEPPALA and RITTA SEPPALA  
C/O WATTERSON HYLAND BAIRD & KLETT  
Counsel for the SEPPALAS  
Prosperity Gardens, Suite 112  
11380 Prosperity Farms Road  
Palm Beach Gardens, FL 33410  
(407) 627-6202

By: Paul R. Golis  
PAUL R. GOLIS  
Florida Bar #: 405132

By: Jonathan Seppala  
JONATHAN SEPPALA and

By: Ritta Seppala  
RITTA SEPPALA, PETITIONERS

R94 1480D

Board of County Commissioners

County Attorney

Mary McCarty, Chair  
Ken L. Foster, Vice Chairman  
Karen T. Marcus  
Carol A. Roberts  
Warren H. Newell  
Burt Aaronson  
Maude Ford Lee

Joe Mount



XI.A.31.

DATE: October 21, 1994  
TO: Honorable Mary McCarty, Chair and Members  
of the Board of County Commissioners  
FROM: Barbara Alterman  
Assistant County Attorney  
RE: AGENDA ITEM FOR 10/27/94 ZONING AUTHORITY MEETING  
STIPULATED SETTLEMENT AGREEMENT

Attached for your review is a stipulated settlement agreement between Jonathan Seppala and Ritta Seppala and Palm Beach County.

On August 25th, 1994, after having previously denied a rezoning from AR to RT, the Board of County commissioners did *rezone* the Seppalas' property to RE. The Seppalas filed a Petition for Writ of Certiorari.

The Seppalas now wish to have their property rezoned to AR (the designation prior to rezone) and if that is acceptable will dismiss their suit against Palm Beach County. AR zoning is consistent with the surrounding area and was what the surrounding property owners had requested the property remain.

Staff recommends a motion to approve the stipulated settlement agreement between Jonathan Seppala and Ritta Seppala and Palm Beach County.

BA/apm

cc: Joe Mount, County Attorney  
Marty Hodskins, Zoning Director  
Minutes Department w/original Stipulated  
Settlement Agreement

Attachment

g:\common\wpdata\landuse\apackard\mccarty2.ba

"An Equal Opportunity - Affirmative Action Employer"

P.O. Box 1989 West Palm Beach, Florida 33402-1989 (407) 355-2225 Suncom (407) 273-2225  
FAX: (407) 355-4398