

RESOLUTION NO. R-97- 157

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. CR 89-58.3  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-89-2219  
WHICH APPROVED THE SPECIAL EXCEPTION OF  
TOWNE PARK JOINT VENTURE, INC.  
PETITION NO. 89-58

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 89-58.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 30, 1997; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 89-58.3 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. The requirements of conditions 5, 6, 9, 11 and 12 of Resolution R-89-2219 are also in Resolution R-96-649, the resolution which approved the Towne Park PUD.
2. The Palm Beach County Engineering and Public Works Department has determined that these conditions only need to be in Resolution R-96-649.

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 89-58.3, to amend Conditions of Approval of Resolution No. R-89-2219, the Special Exception of Towne Park Joint Venture, Inc., Petition No. 89-58, which granted a Special Exception to permit excavation and removal of muck, sand, rock, shell, soil or other extractive materials (mining of shellrock), lying on the South Parcel; being part of Section 5, 6, 7, and 8, Township 45 South, Range 42 East, and Blocks 37, 43, and 42, Palm Beach Farms Company Plat No. 3, Plat Book 2, page 45, through 54, and all of Sherbrooke Parcel "C", Plat one, Plat Book 52, page 53, and 54: said parcel beginning at the Southwest corner of said plat of Lexington I of Sherbrooke; thence, South 00 degrees 33'53" East, along the Southerly prolongation of the Westerly line of said plat, a distance of 1320.00 feet; thence, North 89 degrees 26'07" East, along the South line of Tracts 22 through 28, Block 43, and Tracks 14 through 26, Block 42, of said Palms Beach Farms Company Plat No.3 a distance of 7670.00 feet to the Southeast corner of said Tract 26; thence, North 00 degrees 33'53" West,

along the East line of Tracts 26 and 2, Block 42, and Tract 127, Block 37 of said Palm Beach Farms Company Plat No.3 a distance of 2030.00 feet to the Southeast corner of Tract 98 of said Block 37; thence, South 89 degrees 26'07" West, along the South line of Tract 98, Block 37 of said Palm Beach Farms Company Plat No.3 a distance of 330.00 feet to the Southwest corner of said Tract 98; thence North 00 degrees 33'53" West, along the West line of said Tract 98, a distance of 690.00 feet to the Southwest corner of said Tract 95 of said Block 37; thence North 89 degrees 26'07" East, along the South line of said Tract 95, a distance of 330.00 feet to the Southeast corner of said Tract 95; thence, North 00 degrees 33'53" West, along the East line of Tracts 95 and 66 of said Block 37, a distance of 1320.00 feet to the Northeast corner of said Tract 66; thence, south 89 degrees 26'07" West, along the North line of Tracts 66 through 76, Block 37 of said Palm Beach Farms Company Plat No.3, a distance of 3350.88 feet; thence, South 00 degrees 33'53" East, a distance of 45.00 feet to the Northeast corner of the North portion of Greenbriar I of Sherbrooke; thence, South 20 degrees 27'01" East, along the Easterly line of said plat, a distance of 358.12 feet; thence, South 24 degrees 34'01" East, along said line, a distance of 259.48 feet to the Southeast corner of said North portion; thence South 07 degrees 44'12" East, a distance of 856.46 feet; thence, North 63 degrees 53'32" East, a distance of 1223.38 feet; thence, South 84 degrees 37'20" East, a distance of 236.33 feet; thence, South 36 degrees 13'57" East, a distance of 172.05 feet; thence, South 45 degrees 42'50" West, a distance of 862.93 feet; thence, South 89 degrees 18'19" West, along the northerly line of said plat of Sherbrooke Parcel "C" Plat One, a distance of 620.00 feet; thence, North 75 degrees 45'48" West, along said line, a distance of 132.86 feet to the Northwest corner of said plat; thence, South 06 degrees 29'13" East, along the Westerly line of said plat, a distance of 897.61 feet; thence, South 00 degrees 33'53" East, along said line, a distance of 158.00 feet to the Southwest corner of said plat; thence, South 89 degrees 26'07" West, along the South line of Greenbriar I of Sherbrooke and along the South line of Lexington I of Sherbrooke a distance of 4813.11 feet to the Point of Beginning; Together with; North Parcel; being a part of said Section 6, and part of Lot 3, Tract 42, Palm Beach Farms Company Plat No. 13, Plat Book 6, page 98, and part of Block 36, and said Palm Beach Farms Company Plat No. 3., beginning at the Northwest corner of said plat of Lexington I, thence, North 89 degrees 26'07" East, along the Northerly line of said plat, a distance of 1399.71 feet; thence, North 01 degree 48'19" East, a distance of 82.78 feet; thence, South 88 degrees 11'41" East, a distance of 135.00 feet; thence, North 01 degree 48'19" East, along a line parallel with, and 60.00 feet Westerly of, as measured at right angles to the Westerly line of Lot 32, St. Andrews of Sherbrooke in Plat Book 37, page 100 through 102, a distance of 2228.00 feet; thence, North 38 degrees 03'43" West, a distance of 619.84 feet; thence, North 30 degrees 26'41" West, a distance of 855.00 feet to a point being South 60 degrees 33'19" West a distance of 25.00 feet from the most Southerly corner of the right-of-way for Angus Road thence, North 29 degrees 26'41" West, along a line parallel with, and 25.00 feet Southwesterly of, as measured at right angles to the Southwesterly line of Lot 23 of said plat, a distance of 270.00 feet to a point being South 60 degrees 33'19" West a distance of 25.00 feet from the most westerly corner of said Lot 23; thence, South 60 degrees 33'19" West, a distance of 50.00 feet; thence, North 29 degrees 26'41" West, a distance of 250.00 feet; thence, North 17 degrees 05'15" East, a distance of 639.46 feet to the North line of the Northeast 1/4 of said Section 6, thence, North 87 degrees 54'29" West, along said line, a distance of 99.55 feet to the North 1/4 corner of said Section 6; thence, North 04 degrees 55'01" West, along the East line of Lot 3, Tract 42 of said Palm Beach Farms Company Plat No. 13, a distance of 1467.31 feet; the Northerly prolongation of said line intersects at the South 1/4 corner of Section 31, Township 44 South, Range 42 East; thence, North 88 degrees 00'01" West, along the South right-of-way line of Lantana Road and along a line parallel with, and 40.00 feet Southerly of, as measured at right

angles to the South line of the Southwest 1/4 of said Section 31, a distance of 1349.83 feet; thence, South 12 degrees 59'30" East, a distance of 14.49 feet; thence South 13 degrees 08'27" East, a distance of 4193.12 feet to the Point of Beginning., being located on the south side of Lantana Road, approximately 0.1 of a mile east of State Road 7 (US 441), and bounded on the east by the Sunshine State Parkway (Florida's Turnpike) in the AR-Agricultural Residential Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval contained in Resolution R-89-2219 continue to apply unless expressly modified herein.
2. Condition number 5 of Resolution R-89-2217 which currently states:

Within 2 years of the effective date of the Resolution approving this project or as may be extended to correspond with roadway design schedules with approval by the County Engineer, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed free of all encumbrances; and encroachments for the remaining unplatted portion of Sherbrooke, P.U.D.:

- a. Hypoluxo road, 110 feet of right-of-way;
- b. Lyons Road 108 feet of right-of-way;
- c. Sufficient right-of-way as determined by the County Engineer for the Hypoluxo Road/Turnpike Overpass and/or Interchange; and,
- d. The following intersections. These intersections shall be in conformance with expanded intersections as defined in Palm Beach County's Thoroughfare Right-of-way Protection Map:
  1. State Road 7 and Hypoluxo Road; and,
  2. Hypoluxo Road and Lyons Road.

Property owner 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

Is hereby deleted.

3. Condition number 6 of Resolution R-89-2219 which currently states:

The property owner shall convey to Palm Beach County, no later than 2 years of the effective date of resolution approving this project, adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Lyons Road and Hypoluxo Road along the property frontage and for a maximum 400 foot distance each side of the property boundary lines along Lyons Road and Hypoluxo Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the

project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.

Is hereby deleted.

4. Condition number 9 of Resolution R-89-2219 which currently states:

The property owner shall provide construction plan; to the Land Development Division for the completion of Iyons Road from the construction currently in progress south of Lantana Road for the construction of 2 lanes expandable to 6 lanes. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be commenced within 12 months of the effective date of the Resolution approving this project. Plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. Surety for these plans shall be posted within sixty (60) days of the effective date of adoption of the Resolution approving this petition in the amount to be determined by the County Engineer.

Is hereby deleted.

5. Condition number 11 of Resolution R-89-2219 which currently states:

The property owner shall provide construction plans to Land Development Division for Hypoluxo Road as a 2 lane section (expandable to 6 lanes) from the Florida Turnpike to State Road 7, excluding the turnpike/overpass plus; the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be commenced with 24 months and completed prior to 36 months of the effective date of the Resolution approving this project. Plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. Surety for these plans shall be posted within sixty (60) days of the effective date of adoption of the Resolution approving this petition in an amount to be determined by the County Engineer.

Is hereby deleted.

6. Condition number 12 of Resolution R-89-2219 which currently states:

The property owner shall construct Hypoluxo Road a; a 2 lane section from State Road 7 to the Florida Turnpike excluding the turnpike overpass/interchange in accordance with the Condition above. This construction shall be started within four (4) years and shall be completed within 5 years of the effective date of the Resolution approving this project or as required by the County Engineer for paved continuity for Hypoluxo Road from State Road 7 to Jog Road whichever of the two shall first

occur. In no case however shall construction be required to begin prior to 3 years of the effective date of the Resolution approving this project. All canal crossings within the project limits shall be constructed to their ultimate configuration.

Is hereby deleted.

Commissioner McCarty moved for approval of the Resolution.

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

BURT AARONSON, CHAIRMAN	---	AYE
MAUDE FORD LEE, VICE CHAIR	---	AYE
KEN FOSTER	---	ABSENT
KAREN T. MARCUS	---	AYE
MARY MCCARTY	---	AYE
WARREN H. NEWELL	---	AYE
CAROL ROBERTS	---	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 30 day of January, 1997.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: *[Signature]*

DOROTHY H. WILKEN, CLERK

BY: *[Signature]*  
DEPUTY CLERK

