

RESOLUTION NO. R-98- 742

RESOLUTION APPROVING ZONING PETITION PDD97-104(3)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF FOXHILL LTD. PARTNERSHIP
BY ROBERT BENTZ, AGENT
(RAINBOW PUD - SUNSHINE MEADOWS)

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 zoning; 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 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD97-104(3) was presented to the Board of County Commissioners at a public hearing conducted on May 28, 1998; 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. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD97-104(3), the petition of Foxhill Ltd. Partnership by Robert Bentz, agent, for an Official Zoning Map Amendment to Planned Development District (PDD) Rezoning from AR to PUD. 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 May 28, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 28, 1998.

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

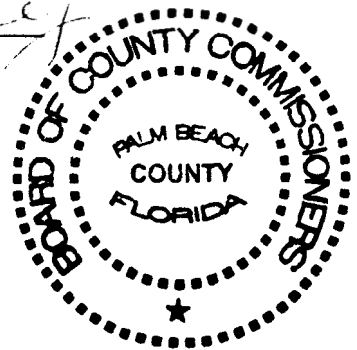


EXHIBIT A
LEGAL DESCRIPTION

LAND DESCRIPTION:

PARCEL I:

All of the Condominium Parcels in SUNSHINE MEADOWS, a Condominium, according to the Declaration of Condominium thereof recorded in Official Records Book 3974, Page 1161, as amended by Covenant and Release of Certain Rights recorded in Official Records Book 5106, Page 1628, and as further amended in Official Records Book 5254, Page 919, Official Records Book 5254, Page 928, Official Records Book 5254, page 541 and Official Records Book 6749, page 488, and as effected by Release of Oil and Mineral Rights recorded in Official Records Book 5516, page 78, public records of Palm Beach County, Florida.

LESS therefrom the West 45.00 feet of Block 69, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 2, Pages 45 through 54 of the Public Records of Palm Beach County, Florida for Lake Worth Drainage District right-of-way for Canal S-11

PARCEL II:

That part of Sections 25 and 36, Township 46 South, Range 41 East, Palm Beach County, Florida, described as follows:

COMMENCE at the Southwest corner of said Section 25, thence North 00°44'00" West, along the West line of said Section 25, 3144.75 feet, thence North 89°51'43" East, 2043.02 feet; thence South 00°44'00" East, 3154.64 feet; thence South 89°51'43" West, 812.34 feet to the POINT OF BEGINNING; thence continue South 89°51'43" West, 150.00 feet; thence South 00°08'17" East, 415.00 feet; thence North 89°51'43" East, 150.00 feet; thence North 00°08'17" West, 415.00 feet to the said POINT OF BEGINNING.

PARCEL III:

That part of Sections 25 and 36, Township 46 South, Range 41 East, Palm Beach County, Florida, described as follows:

COMMENCE at the Southwest corner of said Section 25; thence North 00°44'00" West, along the West line of said Section 25, 3144.75 feet; thence North 89°51'43" East, 2043.02 feet; thence South 00°44'00" East, 3154.64 feet; thence South 89°51'43" West, 362.34 feet to the POINT OF BEGINNING; thence continue South 89°51'43" West, 300.00 feet; thence South 00°08'17" East, 415.00 feet; thence South 89°51'43" West 191.00 feet, thence South 00°08'17" East, 260.00 feet to the South line of Tracts 9, 10, 11 and 12, Block 69, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 through 54, Palm Beach County Public Records; thence North 89°51'43" East, along said South line, 421.50 feet; thence North 00°08'17" West, 260.00 feet; thence North 89°51'43" East, 45.50 feet; thence North 00°08'17" West, 104.00 feet; thence North 89°51'43" East, 24.00 feet; thence North 00°08'17" West, 311.00 feet to the said POINT OF BEGINNING.

PARCEL IV:

That part of Sections 25 and 36, Township 46 South, Range 41 East, Palm Beach County, Florida, described as follows:

COMMENCE at the Southwest corner of said Section 25; thence North 00°44'00" West, along the West line of said Section 25, 3144.75 feet; thence North 89°51'43" East, 2043.02 feet; thence South 00°44'00" East, 3154.64 feet to the POINT OF BEGINNING; thence South 89°51'43" West, 362.34 feet; thence South 00°08'17" East, 311.00 feet; thence South 89°51'43" West, 24.00 feet; thence South 00°08'17" East, 104.00 feet; thence South 89°51'43" West, 45.50 feet; thence South 00°08'17" East, 260.00 feet to the South line of Tracts 9, 10, 11 and 12, Block 69, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 through 54, Palm Beach County, Public Records; thence North 89°51'43" East, along said South line, 438.86 feet; thence North 00°44'00" West, 675.04 feet to the said POINT OF BEGINNING.

TOGETHER WITH:

COMMENCE at the Southwest corner of said Section 25; thence North 00°44'00" West, along the West line of said Section 25, 3144.75 feet; thence North 89°51'43" East, 2043.02 feet; thence South 00°44'00" East, 3154.64 feet; thence South 89°51'43" West, 662.34 feet to the POINT OF BEGINNING; thence continue South 89°51'43" West, 150.00 feet; thence South 00°08'17" East 415.00 feet; thence North 89°51'43" East, 150.00 feet; thence North 00°08'17" West, 415.00 feet to the said POINT OF BEGINNING.

PARCEL V:

That part of Sections 25, Township 46 South, Range 41 East, Palm Beach County, Florida, described as follows:

COMMENCE at the Southeast corner of said Section 25; thence North 00°44'00" West, along the West line of said Section 25, 2071.52 feet, to the POINT OF BEGINNING; thence continue North 00°44'00" West, 200.00 feet; thence North 89°16'00" East, 280.00 feet; thence South 00°44'00" East 200.00 feet; thence South 89°16'00" West, 280.00 feet to the said POINT OF BEGINNING.

TOGETHER WITH:

COMMENCE at the Southwest corner of said Section 25; thence North 00°44'00" West, along the West line of said Section 25, 2071.52 feet; thence North 89°16'00" East, 280.00 feet; thence South 00°44'00" East 54.70 feet to the POINT OF BEGINNING; thence North 89°16'00" East, 415.00 feet; thence South 00°44'00" East 150.00 feet; thence South 89°16'00" West, 415.00 feet; thence North 00°44'00" West, 150.00 feet to the said POINT OF BEGINNING.

PARCEL VI:

A non-exclusive easement for pedestrian and vehicular access for the benefit of Parcels I, II, III, IV and V, as created by that certain Access Easement recorded in Official Records Book 3974, page 1735, as modified by the instrument recorded in Official Records Book 5106, page 1649, over and across the following described land:

A thirty-foot ingress and egress easement over a portion of Section 25, Township 46 South, Range 41 East, Palm Beach County, Florida, the centerline of which is described as follows:

COMMENCING at the Southeast corner of Section 25, Township 46 South, Range 41 East, Palm Beach County, Florida; thence North 00°56'05" West, (assumed) along the East line of said Section 25, 2739.49 feet; thence South 80°42'48" West, 246.92 feet to the Point of Beginning of said centerline to be herein described; thence Southwesterly 627.81 feet along the arc of a curve concave to the Southeast, having a central angle of 48°14'20" and a radius of 745.68 feet (a line tangent to said curve bears South 80°42'48" West); thence South 32°28'28" West, 354.35 feet to the beginning of a curve concave to the Northwest, having a central angle of 57°05'24" and a radius of 147.07 feet; thence Southwesterly, along the arc of said curve, 146.54 feet; thence South 89°33'52" West, 2216.34 feet to the terminus point of the centerline described herein.

PARCEL VII:

A non-exclusive easement for a polishing pond for sewage effluent for the benefit of Parcel I, as created by that certain Easement Deed recorded in Official Records Book 4483, page 1226, over and across the following described land:

COMMENCE at the southwest corner of Section 25, Township 46 South, Range 41 East, Palm Beach County, Florida, thence North 00°44'00" West, along the West line of said Section 25, a distance of 3144.75 feet; thence North 89°51'43" East, a distance of 2093.02 feet; thence South 00°44'00" East, a distance of 1148.00 feet; thence North 89°33'52" East, a distance of 125 feet to the POINT OF BEGINNING of the area to be herein described; thence continue easterly along the same course, a distance of 765 feet; thence South 00°44'00" East, a distance of 429.71 feet; thence South 89°16'00" West, a distance of 940 feet; thence North 00°44'00" East, a distance of 273.91 feet; thence North 89°16'00" East, a distance of 175 feet; thence North 00°44'00" West, a distance of 150 feet to the POINT OF BEGINNING.

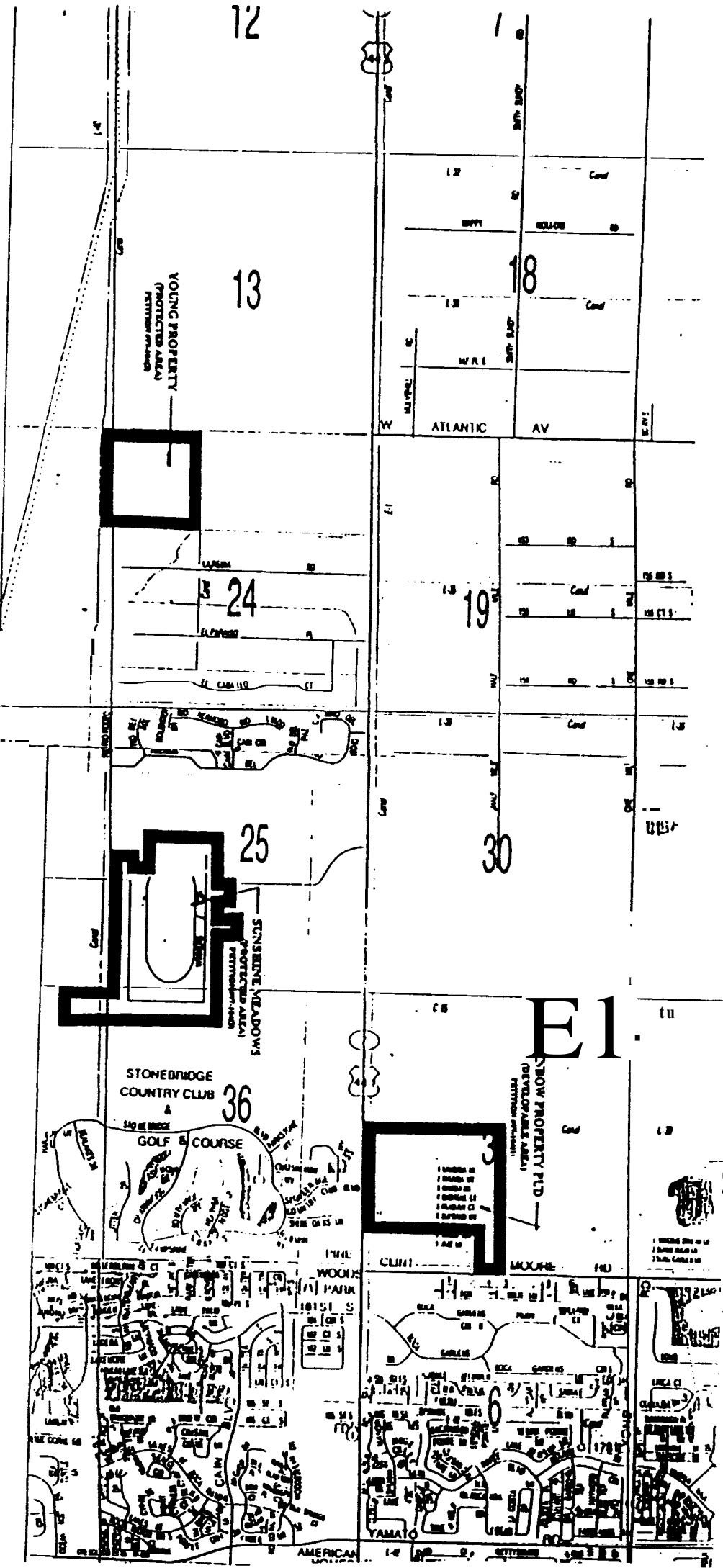
TOGETHER WITH:

LAND DESCRIPTION: (20 ACRE PARCEL)

The North One-Half (N 1/2) of the Northeast One-Quarter (N.E. 1/4) of the Northeast One-Quarter (N.E. 1/4) of Section 35, Township 46 South, Range 41 East.

Said lands lying and situate in Palm Beach County, Florida, containing 7,330,013 square feet, 168.274 acres more or less.

VICINITY SKETCH



SUE DATA

TOTAL SQUARE FEET
 LOT AREA
 PERMITTED USE
 RESTRICTED USE
 PROTECTED AREA
 UNDEVELOPED LAND
 UNDEVELOPED LAND MAY BE ADDED FOR
 ADDITIONAL RESTRICTIONS AND NOTES

NOTES

The following information is provided for your information and is not intended to constitute an offer of insurance. It is intended to provide you with information regarding the risks covered by the policy and the conditions, coverages, exclusions, and limitations of the policy. Please read the policy and the attached information carefully. If you have any questions, please contact your agent or the insurance company.

97-104(

EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. For enforcement purposes, Resolution R-80-1418 in its entirety is hereby incorporated into the resolution for this petition, Petition 97-104(3) as Exhibit D. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-80-1418 (Petition 80-184) shall remain in full effect. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated February 26, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
3. Prior to the issuance of a building permit for any new or relocated structures or uses not legally established prior to this approval, the petitioner shall obtain certification of a site plan for the 168.27 acre portion of the existing Sunshine Meadows Commercial Stables from the Development Review Committee. (BLDG PERMIT: MONITORING - Zoning)

B. PLANNING

1. The conservation easement on the preservation areas shall be recorded prior to or concurrent with the first plat for the Rainbow PUD. Should a conservation easement not be placed on this property in a form acceptable to the County Attorney prior to June 1, 1999, then the approval of the Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (/DATE/PLAT: ENG/MONITORING - Planning/Co Atty)
2. Prior to any building permits for any uses, any relocation, expansion, (ie: original uses as permitted under Resolutions R-80-1418 and R-81-878 for the existing Sunshine Meadows Petition or new uses to the 168 acre preserve area site will require Planning Division's and Traffic Division's approval and shall be subject to consistency with the Comprehensive Plan, consistency with Traffic Performance Standards (TPS), and the restrictions of the preservation easement. The applicant shall comply with the approval process per the ULDC as amended. (BLDG PERMIT: MONITORING - Planning)
3. Prior to or concurrent with recordation of the first plat for the buildable area, the applicant shall dedicate the land to Palm Beach County, record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for the subject parcel, or subject the parcel to a conservation easement, limiting it to an agricultural reserve preserve area, including an existing equestrian training facility in accordance with the provisions of the Comprehensive Plan. (DRC: PLANNING)

4. Prior to final Master Plan Certification by the Development Review Committee (DRC), the Palm Beach County Planning Division shall schedule a Comprehensive Plan amendment to include notations on the future land use atlas identifying the respective parcel as an agricultural reserve preserve area, and shall coordinate with the PZ&B Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRC: PLANNING)
5. Prior to the issuance of the first building permit for the development area as identified in Petition No. PDD 97-104(1) (with the exception of dry models), the applicant shall record a boundary plat for the subject site, and include on said boundary plat, language limiting the site to agricultural reserve preservation uses as permitted by the Comprehensive Plan. (BLDG PERMIT: PLANNING/BLDG)
6. Prior to the issuance of the first building permit for the development area as identified in Petition No. PDD 97-104(1), any existing plats for the Sunshine Meadow property or any adjacent development within the preservation area shall be abandoned and all remaining encumbrances and easements shall be vacated. (BLDG PERMIT: PLANNING/BLDG)
7. Prior to site plan certification or the issuance of a building permit whichever shall occur first, any relocation, expansion, (ie: original uses as permitted under Resolutions R-80-1418 and R-81-878 for the existing Sunshine Meadows) Petition or new uses to the 168 acre preserve area site will require Planning Division's and Traffic Division's approval and shall be subject to consistency with the Comprehensive Plan, consistency with Traffic Performance Standards (TPS), and the restrictions of the preservation easement. (ONGOING/DRC/BLDG PERMIT: PLANNING/BLDG)
8. Prior to site plan certification by the Development Review Committee (DRC), the applicant shall provide a notation on the regulating plan for Petition 97-104 indicating all dwellings allocated to the subject site, as shown and located on the site plan dated February 26, 1998. (DRC: PLANNING)

C. SITE PLAN AMENDMENTS

1. Prior to site plan approval by the Development Review Committee for the site on June 1, 1998, whichever comes first, the petitioner shall amend the Zoning Division's petition files for the Sunshine Meadows Commercial Stables, Petition #80-184, and the excavation file, Petition #81-99, to reflect that this site is a preservation parcel of the Rainbow PUD and shall be subject to a conservation easement. The amendments shall include the following:
 - a. A copy of the adopted resolution; and,
 - b. Revisions to the certified site plan of record to include the Rainbow PUD petition number and reference to the conservation easement. (DRC/DATE: ZONING/MONITORING - Zoning)

(Letter D intentionally omitted)

E. ENGINEERING

No Engineering conditions.

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon ~~the oral~~ **and** written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the **Board of County Commissioners** for review under ~~the~~ compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a ~~cease~~ and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, ~~or~~ user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of ~~the~~ ULDC at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to **code** enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the **Executive** Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the ~~body~~ which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the **ULDC**, in response to any flagrant violation and/or ~~continued~~ violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to ~~the~~ Palm Beach County Board of Adjustment or as otherwise provided in ~~the~~ Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a **Board of County Commission decision** shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

EXHIBIT D

RESOLUTION NO. R-80-1418

RESOLUTION APPROVING ZONING PETITION

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, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 80-184 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 September 1980; and

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

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

1. The proposal would not generate excessive noise or traffic
2. The proposal would be in harmony and compatible with the present and future development of the area concerned
3. The proposal would conform to the character of the district and its peculiar suitability for particular uses
4. The proposal would not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas
5. The proposal would not be adverse to the promotion of the public health, safety, comfort, convenience, order, appearance, prosperity or general welfare

..

NOW, **THEREFORE**, BE IT RESOLVED BY THE **BOARD** OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 25th day of September, 1980, that Petition No. 80-184 the petition of B and H FARMS by Daniel J. O'Brien for a SPECIAL EXCEPTION TO ALLOW A HORSE BREEDING AND TRAINING FARM, COMMERCIAL SALES AND **SERVICE** ENTERPRISES, RECREATION FACILITY AND CLUB, INCLUDING AN ON-SITE SEWAGE TREATMENT PLANT AND AN ON-SITE WATER TREATMENT FACILITY on the South 1/4 of Section 25, Township 46 South, Range 41 East, and a tract of land described as follows: Begin at the intersection of the South line of the North 1/2 of the South 1/2 of Section 25, and the West right-of-way line of State Road No. 7, for the Point of Beginning; thence Northerly along said West Right-of-way line, a distance of 80 feet; thence Southwesterly at an angle of 89°51'00" measured from South to West, a distance of 929.35 feet more or less to a point in the South line of the North 1/2 of the South 1/2; thence Easterly along said South line, a distance of 929.35 feet more or less to the Point of Beginning. And **less** the following described property; the South 40.0 feet of the South 1/4 of Section 25, Township 46 South, Range 41 East; and the right of way for State Road No. 7; and also a tract described as; Beginning at the Southwest corner of Section 25, Township 46 South, Range 41 East; thence Northerly along the West line of said Section 25, a distance of 1354.53 feet to the point of intersection to the West line of Section 25, and the South line of the North 1/2 of the South 1/2 of Section 25, and also being the Point of Beginning; thence Easterly **along** said South line of the North 1/2 of the South 1/2 of said Section 25, a distance of 1799.69 feet; thence Southerly parallel to said West line of said Section 25, a distance of 101.0 feet; thence Westerly at an angle of 91°06'30" measured from North to West, a distance of 1800.18 feet more or less to a point in the West line of Section 25; thence Northerly along said West line

of said Section 25, a distance of 144.28 feet to a Point of Beginning. And less and excepting: that part of the East 766 feet: of the North 615 feet of the South 655 feet of the Southeast 1/4 of the Southeast 1/4 of said Section 25, Township 46 South, Range 41 East lying west of State Road No. 7, together with the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 35, Township 46 South, Range 41 East; and Tracts 9, 10, 11 and 12, Block 69, in Section 36, Township 46 South, Range 41 East, Palm Beach Farms Co. Plat No. 3, as recorded in Plat Book 2, pages 45 to 54; also, the South 40 feet of the Southwest 1/4 of Section 25, Township 46 South, Range 41 East; together with an improved Tract of land involving the following described property situated, lying and being the West 3/4 of the South 1/2 of the North 1/2 of Section 25, Township 46 South, Range 41 East, less the West 100.0 feet and less the North 125.0 feet for Lake Worth Drainage District Canal Right-of-Way; and the West 3/4 of the North 1/2 of the South 1/2 of said Section 25, less the West 100.0 feet: and the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 25, less the North 125.0 feet for Lake Worth Drainage District Canal right-of-way; and the West 130.0 feet of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 25, Township 46 South, Range 41 East; and the North 760 feet of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 25, Township 46 South, Range 41 East, less the West 320.0 feet; and the West 330.0 feet of the Northeast 1/4 of the Southeast 1/4 of said Section 25, Township 46 South, Range 41 East; and a Tract of land described as follows; Begin at the Southwest corner of Section 25, Township 46 South, Range 41 East, thence Northerly along the West line of said Section 25, a distance of 1354.53 feet to a point, said point being the intersection of the West line of said Section 25, and the South line of the North 1/2 of the South 1/2 of said Section 25 thence Easterly along said South line of the North 1/2 of the South 1/2 of said Section 25, a distance of 100.0 feet to the Point of Beginning; thence continue Easterly along the said South line a distance of 1689.69 feet; thence Southerly and parallel to said West line of Section 25,

a distance of 101.0 feet; thence Westerly at an angle of $91^{\circ}06'30''$ measured from North to West a distance of 1700.18 feet more or less to a point in a line parallel to and 100.0 feet East of, measured at right angles, to said West line of Section 25; thence Northerly along said parallel line a distance of 141.88 feet to the Point of Beginning; together with the West 100.0 feet of the South 1/2 of the North 1/2 less the North 125.0 feet for Lake Worth Drainage District Right-of-Way, and the West 100.0 feet of the North 1/2 of the South 1/2 all in Section 25, Township 46 South, Range 41 East; and a tract of land described as follows: Begin at the Southwest corner of Section 25, Township 46 South, Range 41 East; thence Northerly along the West line of said Section 25, a distance of 1354.53 feet to a point; said point being the intersection of the West line of said Section 25, and the South line of the North 1/2 of the South 1/2 of said Section 25, and also the Point of Beginning; thence Easterly along said South line a distance of 100.0 feet; thence Southerly and **parallel** to and 100.0 feet East of measured at right angles to said West line of Section 25 a distance of 141.88 feet; thence Westerly at an angle of $91^{\circ}06'30''$ measured from North to West, a distance of 100.04 feet more or less to a point in the **West line** of said Section 25; thence Northerly along said West line a distance of 144.28 feet to the Point of Beginning; together with the East 3/4 of the Northeast 1/4 of the Southeast 1/4, less Tracts in Official Record Book 334, page 565 and/or Official Record Book 1059, page 27, and less a parcel of land measuring 60.0 feet East-West and 537.0 feet North-South, lying West of and adjacent to and contiguous with that certain said parcel described in Official Record Book 1059 on **page 27**; the East 3/4 of the South 1/2 of the Southeast 1/4 of the Northeast 1/4, less the North 76.0 feet in Section 25, Township 46 South, Range 41 East. Less the Right of Way of State Road No. 7 (U.S. 441) on parcels 1 and 3, as shown on Road Plat **Book 1**, pages

36 and 37. Said property located on the south side of L.W.D.D. Lateral Canal L-36 1/26!, and on the **west** side of U.S. 441 (S.R. 7) in an AG-Agricultural District, was approved as advertised subject to the following conditions

- (1) Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County two hundred forty (240) feet from the Base Line of Survey according to R.B. 1, page 35, for the ultimate right-of-way for S.R. 7.
2. Petitioner shall construct at the intersection of S.R. 7 and the project's entrance:
 - a. Right turn lane, north approach
 - b. Left turn lane, south approach
3. Petitioner shall apply for a variance for the access tract length in excess of 600 feet.
4. Petitioner shall contribute Five Thousand Six Hundred Twenty-five dollars (\$5,625.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s).
- (5) The Lake Worth Drainage District requires the South 60 feet of the North Half of Section 25, 46/41 and the North 15 feet of the South Half of said Section 25 for the right-of-way for Lateral Canal No. 37W and the South 40 feet of said Section 25 together with the North 15 feet of Tracts 1 to 4 and 9 to 12, Block 69, Palm Beach Farms Co. Plat No. 3 for the right-of-way for Lateral Canal No. 38W and that portion of Tract 12, said Block 69 lying within 60 feet of the West line of Section 35, 46/41 for the right-of-way for Canal S-11 and the West 80 feet of the South Three-Quarters of Section 25, 46/41 for the right-of-way for Canal S-11. We will accept a Quit Claim Deed or an Easement, whichever the owner prefers.
6. Petitioner shall be allowed to use the conveyed right-of-way for S.R. 7 by permit from the County Engineer until said right-of-way is requested by the State Department of Transportation.

Commissioner Gregory , moved for approval of the petition.

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

Dennis Koehler, Chairman	-	Absent
Frank Foster, Vice Chairman	-	Aye
Bill Bailey, Member	-	Aye
Norman R. Gregory, Member	-	Aye
Peggy B. Evatt, Member	-	Aye

The foregoing resolution **was** declared duly passed and adopted
this 14th day of October, 1980, confirming action of
25 September 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: [Signature]
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles F. Schoech

County Attorney

