

RESOLUTION NO. R-99- 326

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 87-112G.5
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-97-2086
WHICH APPROVED THE SPECIAL EXCEPTION OF
WINSTON TRAILS, LTD. & JOSHUA MUSS, TRUSTEE
PETITION NO. 87-112(G)

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 87-112G.5 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on February 25, 1999; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 87-112G.5 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 amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.
2. The project can only meet the requirements of the Countywide Traffic Performance Standards with the amendment to conditions of approval.

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 87-112G.5, to amend Conditions of Approval of Resolution No. R-97-2086, the Special Exception of Winston Trails, Ltd. & Joshua Muss, Trustee, Petition No. 87-112(G), which approved a Development Order Amendment (DOA) to add (+7.92) acres to PUD; delete pedestrian bridge over L-16 Canal; and amend recreation areas on the Master Plan on a portion of the west ½ of Section 2, Township 45 South, Range 42 East, lying west of the Lake Worth Drainage District E-3 Canal, **LESS** the Northeast ¼ of the Northeast Vi of the Northwest ¼ of said Section 2, **AND LESS** the Southeast Vi of the Southeast ¼ of the Southwest ¼ of said Section 2, **AND LESS** the South 110.00 feet of the Southwest ¼ of said Section 2, **AND LESS** the North 35.00 feet of the Northwest Vi of the of said Section 2, **AND LESS** the South 85.00 feet of the North 115.00 feet of the Southwest ¼ of said Section 2 **TOGETHER WITH** the East ½ of Section 3, Township 45 South, Range 42 East, Palm Beach County, Florida, **LESS** the Right-of-way for Jog Road, **AND LESS** the Right-of-way for Hypoluxo Road, **AND LESS** the North 35 feet thereof, **AND LESS** the South 85

feet of the North 115 feet of the Southeast ¼ of said Section 3 being more particularly described as follows:

Commencing at the Southwest corner of the Southeast ¼ of said Section 3; thence North **89° 17' 05"** East along the South line of Section 3, a distance of **40.00** feet; thence North **00° 47' 13"** West, along a line also being **40.00** East of (as measured at right angles) the West line of the East ½ of said Section 3, a distance of **226.84** feet; thence North **89° 12' 47"** East, a distance of **9.02** feet to the POINT OF BEGINNING of this description; thence Northerly along the Easterly Right-of-way line of as recorded in Official Record **Book 6 182**, Page **740** of the Public Records of Palm Beach County, Florida the following four courses; thence North **03° 24' 10"** East, a distance of **339.24** feet; thence North **00° 23' 35"** East, a distance of **2534.08** feet to the beginning of a curve concave to the West having a radius of **4641.66** feet and a central angle of **01° 10' 48"**; thence Northeasterly and Northwesterly along the arc of said curve, a distance of **95.49** feet; thence North **00° 47' 13"** West along a line tangent to the last described curve, a distance of **1587.00** feet to a POINT OF INTERSECTION with the Southerly Right-of-way line of the Lake Worth Drainage District Lateral Number **17** Canal as described in Official Record **Book 241 1**, Page **11 13** of the said Public Records, said point to be hereinafter referred to as Point "A"; thence continuing North **00° 47' 13"** West, along a line **80.00** feet East of (as measured at right angles) the West line of the East ½ of Section 3, as distance of **85.00** feet to a POINT OF INTERSECTION with the Northerly Right-of-way line of said Lake Worth Drainage District Lateral Number **17** Canal; thence continuing North **00° 47' 13"** West, along the Easterly Right-of-way line of Jog Road as recorded in Official Record **Book 6 182**, Page **736** of the said Public Records, a distance of **2364.18** feet to a point of intersection with the South line of North **399.04** feet of the Northeast ¼ of said Section 3, said point being on the arc of a curve concave to the Southwest having a radius of **1697.02** feet and a central angle of **01° 25' 18"** at which point the radius bears South **89° 10' 48"** West, thence Northerly along the Easterly Right-of-way line of Jog Road as recorded in Official Record **Book 6 182**, Page **732** the following three courses; thence Northwesterly along the arc of last described curve, a distance of **42.11** feet; thence North **01° 39' 05"** West along a line non-tangent to last described curve, a distance **187.39** feet to a point on the arc of a curve concave to the Southwest having a radius of **1709.02** feet and a central angle of **04° 34' 58"**, at which point the radius bears South **81° 27' 49"** West; thence Northwesterly along the arc of said curve, a distance of **136.69** feet to a POINT OF INTERSECTION with the Southerly Right-of-way line of the Lake Worth Drainage District Lateral Number **16** Canal, Official Record **Book 2393**, Page **1134**; thence North **89° 11' 55"** East along the said Southerly Right-of-way line of the Lake Worth Drainage District Lateral Number **16** Canal, same line also being **35'** South of (as measured at right angles) and parallel with the North Line of the said East ½ of Section 3, a distance of **2673.22** feet to the West Line of said Section 2; thence North **89° 24' 10"** East continuing along the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number **16** Canal, same line also being **35.00** feet South of (as measured at right angles) parallel with the North Line of the West ½ of said Section 2, a distance of **2002.52** feet; thence South **00° 26' 12"** East, a distance of **655.79** feet; thence North **89° 37' 00"** East, a distance of **213.35** feet to a POINT OF INTERSECTION with the Westerly Right-of-way Line of Lake Worth Drainage District **E-3** Canal, Official Record **Book 2393**, Page **1133**; thence Southeasterly, the following three courses, along the said Westerly Right-of-Way Line of the Lake Worth Drainage District **E-3** Canal, same line also being **35.00** feet Southwesterly of (as measured at right angles) and parallel with the following described line (beginning at the Southeast corner of the Southwest ¼ of said Section 2; thence North **05° 28' 31"** West to a point on the North Line of said Section 2 being **480.00** feet westerly from (as measured along the said North Line of Section 2) the Northeast corner of the Northwest ¼ of said Section 2) thence South **05° 28' 31"** East, a distance of **2115.58** feet to a POINT OF INTERSECTION with the said Northerly Right-of-way Line of the said Lake Worth Drainage District Lateral Number **17** Canal; thence continuing South **05° 28' 31"** East, a distance of **85.42** feet to a POINT OF INTERSECTION with the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number **17** Canal; thence continuing South **05° 28' 31"** East, a distance of **1883.71** feet; thence North **89° 10' 50"** West, a distance of **571.95** feet; thence South **00° 24' 33"** East, a distance of **551.01** feet to a POINT OF INTERSECTION with said Northerly Right-of-way Line of Hypoluxo Road; thence North **89° 00' 34"** West along the said Northerly Right-of-way Line of Hypoluxo Road, same line also being **110.00** feet North of (as measured at right angles) and parallel with the South

Line of the Southwest

Vi of said Section 2, a distance of 1998.26 feet; to a POINT OF INTERSECTION with the East Line of said Section 3; thence continuing along the said Northerly Right-of-way line of Hypoluxo Road the following four courses: thence North $89^{\circ}39'42''$ West, a distance of 1697.83 feet; thence North

$86^{\circ}21'38''$ West, a distance of 500.52 feet to a point on the arc of a curve concave to the South having a radius of 10,076.00 feet and a central angle of $02^{\circ}21'04''$, at which point the radius bears South $01^{\circ}09'38''$ West; thence Northwesterly and Southwesterly along the arc of said curve, a distance of 413.46 feet; thence North $44^{\circ}04'36''$ West, a distance of 58.51 feet to the POINT OF BEGINNING.

Less the following described 85 foot Right-of-way for the Lake Worth Drainage District Lateral Number 17 Canal, BEGINNING at beforementioned Point "A"; thence North $00^{\circ}47'13''$ West, a distance of 85.00 feet; thence North $89^{\circ}14'14''$ East along the said Northerly Right-of-way line for the Lake Worth Drainage District Lateral Number 17 Canal, same line also being 30.00 feet south of (as measured at right angles) and parallel with the East-West $\frac{1}{4}$ section line of said Section 3, a distance of 2631.89 feet to the West line of said Section 2, thence continuing along said Northerly Right-of-way Line, same line also being 30.00 feet South of (as measured at right angles) and parallel with the East-West Vi Section line of said Section 2, South $89^{\circ}46'25''$ East, a distance of 2399.26 feet to a POINT OF INTERSECTION with the said Westerly Right-of-way Line of the Lake Worth Drainage District E-3 Canal; thence South $05^{\circ}28'31''$ East, along said Westerly Right-of-Way Line of the Lake Worth Drainage District E-3 Canal, a distance of 85.42 feet to a POINT OF INTERSECTION with the said Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 17 Canal, a distance of 2406.69 feet to the East line of said Section 3, thence continuing North $89^{\circ}46'25''$ West along said Southerly Right-of-way Line, a distance of 0.24 feet; thence South $89^{\circ}14'14''$ West along said Southerly Right-of-way Line, a distance of 2631.21 feet to beforementioned Point "A" and the POINT OF BEGINNING.

TOGETHER WITH That portion of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and that portion of the Southeast $\frac{1}{4}$ of the Northwest Vi lying East of the Lake Worth Drainage District E-3 Canal, TOGETHER WITH the Northeast Vi LESS the North 20 feet of the Northeast Vi all being in Section 2, Township 45 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows;

Commencing at the Northeast corner of said Section 2; thence South $00^{\circ}19'58''$ East along the East Line of said Section 2, a distance of 20.00 feet to the POINT OF BEGINNING of this description; thence continuing South $00^{\circ}19'58''$ East along said East Line of Section 2, same line also being the Northerly projection of and the West Line of Plat of Concept Homes of Lantana Plat No. 2 and Plat No. 3 as recorded in Plat Book 38, Page 13 and 14 and Plat Book 39, Page 123 thru 125, respectively, a distance of 2790.84 feet to the Southeast corner of the Northeast $\frac{1}{4}$ of said Section 2; thence North $89^{\circ}46'27''$ West, along the South Line of the said Northeast Vi of Section 2, a distance of 2665.22 feet to the center of said Section 2; thence North $89^{\circ}46'25''$ West, along the South Line of the Northwest Vi of said Section 2, a distance of 169.69 feet to the Easterly Right-of-Way Line of the Lake Worth Drainage District E-3 Canal Official Record Book 2393, Page 1133; thence North $05^{\circ}28'31''$ West along the said Easterly Right-of-way Line of Lake Worth Drainage District E-3 Canal, same line also being 65.00 feet Northeasterly of (as measured at right angles) and parallel with the following described Line (beginning at the Southeast corner of the Southwest $\frac{1}{4}$ of said Section 2; thence North $05^{\circ}28'31''$ West to a point on the North Line of said Section 2 being 480.00 feet westerly from (as measured along the said North Line of Section 2) the Northeast corner of the Northwest Vi of said Section 2), a distance of 2086.51 feet; thence North $89^{\circ}37'00''$ East, a distance of 353.56 feet to the West Line of the Northeast $\frac{1}{4}$ of said Section 2; thence North $00^{\circ}25'10''$ West along the said West Line of the Northeast Vi of Section 2, a distance of 673.28 feet; thence North $89^{\circ}25'14''$ East along a line 20.00 feet South of (as measured at right angles) and

parallel with the North Line of the said Northeast VI of Section 2, same line also being the Southerly Right-of-way Line of the Lake Worth Drainage District Lateral Number 16 Canal as described in Official Record Book 2393, Page 1133 of the said Public Records, a distance of 2669.27 feet to the POINT OF BEGINNING.

TOGETHER WITH Lot One and that portion of Lot Two lying East of the Lake Worth Drainage District E-3 Canal in Tract 38 of the "Hiatus" between Townships 44 and 45 South, Range 42 East also know as "Township 44 ½ South, Range 42 East, **LESS** the North 54.00 feet thereof, **AND**

LESS the South 50.00 feet thereof, being more particularly described as follows:

Commencing at the Northeast corner of said Lot One, Hiatus Tract 38, same point also being the Southeast corner of Section 35, Township 44 South, Range 42 East, thence South 38'28'00" East along the Easterly Line of said Lot One, a distance of 70.48 feet to the POINT OF BEGINNING of this description, thence continuing South 38'28'00" East along the Easterly Line of said Lot One, a distance of 675.16 feet to a POINT OF INTERSECTION with the Northerly Right-of-way Line of Lake Worth Drainage District Lateral Number 16 Canal, Official Record Book 2393, Page 1133 said point being North 38'28'00" West, a distance of 63.34 feet from the Northeast corner of said Section 2; thence South 89'25'14" West along the said Northerly Right-of-Way Line of Lake Worth Drainage District Lateral Number 16 Canal, same line also being 50.00 feet North of (as measured at right angles) and parallel with the South Line of said Lot One, Hiatus Tract 38, a distance of 2670.86 feet crossing into said Lot Two, Hiatus Tract 38; thence continuing along said Northerly Right-of-way Line of Lake Worth Drainage District Lateral Number 16 Canal, same line also being 50.00 feet North of (as measured at right angles) and parallel with the South Line of said Lot Two, Hiatus Tract 38, South 89'24'10" West, a distance of 376.88 feet to a POINT OF INTERSECTION with the Easterly Right-of-way Line of Lake Worth Drainage District E-3 Canal, Official Record Book 241 1, Page 1114; thence North 03°20'59" West along the said Easterly Right-of-way Line of Lake Worth Drainage District E-3 Canal same line also being 65.00 feet Easterly of (as measured at right angles) and parallel with the following described line (beginning at a point 480.00 feet Westerly from (as measured along the North Line of the Northwest VI of said Section 2); thence North 03'20'59" West to the Northeast corner of said Lot Two, Hiatus Tract 38), a distance of 633.69 feet to a POINT OF INTERSECTION with the proposed Southerly Right-of-way Line of Lantana Road, same line also being 54.00 feet South of (as measured at right angles) and parallel with the North Line of said Lot One Hiatus Tract 38, a distance of 2620.32 feet; thence South 88'28'57" East along the proposed said Southerly Right-of-way line of Lantana Road, a distance of 45.31 feet to the POINT OF BEGINNING.

(Less plats recorded as follows: Plat Book 71, pages 28-32, 53-54, 55-57, 141-145, and 183-184, Plat Book 72, pages 38-41 and 165-168, Plat Book 73, pages 44-46 and 182-185, Plat Book 75, pages 137-139, and Plat Book 76, pages 55-57, 188-192, 168-171.), being located on the northeast corner of Jog Road and Hypoluxo Road in the Residential Single Family (RS) Zoning District, is approved, subject to the following conditions:

1. All previous conditions of approval continue to apply unless expressly modified herein.

2. A maximum of 2,274 building permits may be issued until the contract has been let to six-lane Jog Road from Lantana Road to Melaleuca Lane. (BLDG PERMIT: MONITORING - Eng)

Commissioner Aaronson 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:

MAUDE FORD LEE, CHAIR	—	Absent
WARREN H. NEWELL, VICE CHAIR	—	Aye
BURT AARONSON	—	Aye
KAREN T. MARCUS	—	Absent
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Absent
CAROL ROBERTS	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 25 day of February, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
DEPUTY CLERK

