

RESOLUTION NO. R-99- 2258

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. CR 95-116/E3d  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-99-0322  
WHICH APPROVED THE SPECIAL EXCEPTION OF  
LEVITT-AN-SCATOWNE PARK  
PETITION NO. 95-116(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 95-116/E3d was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on December 2, 1999; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 95-116/E3d 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 to conditions of approval is consistent with the Palm Beach County Comprehensive Plan, and with the Palm Beach County Unified Land Development Code.
2. Condition numbers E.3.d. and E.4.d. of Resolution R-99-0322 required the developer to provide a loan to Palm Beach County in the amount of two million three hundred fifty thousand (2,350,000.00) dollars.
3. Palm Beach County needs to borrow less money from the developer because road construction for which the money is to be used has been postponed.

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 95-116/E3d, to amend Conditions of Approval of Resolution No. R-99-0322, which approved a Development Order Amendment to reconfigure Master Plan & delete golf course on A PARCEL OF LAND BEING A PORTION OF BLOCKS 36 AND 43, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, AND ALSO BEING A PORTION OF LOTS 3 AND 4, TRACT 42, PALM BEACH FARMS COMPANY PLAT NO. 13, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 98, OF SAID PUBLIC RECORDS; SAID PARCEL OF LAND BEING MORE PARTICULARLY

DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LEXINGTON 1 OF SHERBROOKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGE 195, SAID PUBLIC RECORDS; THENCE NORTH 00° 33' 53" WEST, ALONG THE WESTERLY BOUNDARY LINE OF SAID PLAT OF LEXINGTON 1 OF SHERBROOKE, A DISTANCE OF 1280.00 FEET; THENCE, NORTH 13° 08' 08" WEST, CONTINUING ALONG SAID WESTERLY PLAT BOUNDARY, A DISTANCE OF 1506.10 FEET; THENCE, NORTH 89° 26' 07" EAST, ALONG THE NORTHERLY PLAT BOUNDARY LINE OF SAID PLAT OF LEXINGTON 1 OF SHERBROOKE, A DISTANCE OF 1399.71 FEET; THENCE NORTH 01° 48' 19" EAST, DEPARTING SAID NORTHERLY PLAT BOUNDARY, A DISTANCE OF 82.78 FEET; THENCE, SOUTH 88° 11' 41" EAST, A DISTANCE OF 135.00 FEET; THENCE NORTH 01° 48' 19" EAST, A DISTANCE OF 228.00 FEET; THENCE, NORTH 38° 03' 43" WEST, A DISTANCE OF 619.84 FEET; THENCE, NORTH 30° 26' 41" WEST, A DISTANCE OF 855.00 FEET; THENCE NORTH 29° 26' 41" WEST, A DISTANCE OF 270.00 FEET; THENCE, SOUTH 60° 33' 19" WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 29° 26' 41" WEST, A DISTANCE OF 250.00 FEET; THENCE NORTH 17° 05' 15" EAST, A DISTANCE OF 639.35 FEET TO THE INTERSECTION THEREOF WITH THE SOUTH LINE OF SAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 13; THENCE, NORTH 87° 54' 37" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 99.84 FEET; THENCE, NORTH 04° 54' 05" WEST, ALONG THE EAST LINE OF SAID LOT 3, TRACT 42, A DISTANCE OF 1466.84 FEET TO INTERSECTION THEREOF WITH THE SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD; SAID SOUTH RIGHT-OF-WAY LINE LYING 40.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID LOT 3; THENCE, NORTH 87° 59' 21" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1349.96 FEET; THENCE, SOUTH 12° 59' 30" EAST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 14.49 FEET; THENCE, NORTH 87° 59' 21" WEST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1278.67 FEET; THENCE SOUTH 01° 40' 29" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-1, A DISTANCE OF 1431.04 FEET; THENCE, SOUTH 00° 24' 03" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 5557.60 FEET; THENCE, SOUTH 00° 04' 49" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 454.69 FEET; THENCE, SOUTH 45° 33' 53" EAST, DEPARTING SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 56.57 FEET; THENCE, NORTH 89° 26' 07" EAST, A DISTANCE OF 300.00 FEET; THENCE, SOUTH 86° 47' 19" EAST, A DISTANCE OF 250.54 FEET; THENCE, NORTH 89° 26' 07" EAST, A DISTANCE OF 310.06 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1055.00 FEET; THENCE, EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39° 31' 11", A DISTANCE OF 727.68 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 51° 02' 42" EAST, A DISTANCE OF 923.14 FEET; TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1854.86 FEET; THENCE, EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39° 31' 11", A DISTANCE OF 1279.38 FEET TO THE END OF SAID CURVE; THENCE, NORTH 00° 33' 53" WEST, RADIAL TO SAID CURVE, A DISTANCE OF 570.00 FEET; THENCE, NORTH 52° 30' 57" EAST, A DISTANCE OF 925.60 FEET; THENCE, NORTH 89° 26' 07" EAST, A DISTANCE OF 1000.00 FEET; THENCE, NORTH 00° 33' 53" WEST, A DISTANCE OF 725.61 FEET TO THE INTERSECTION THEREOF WITH THE SOUTHERLY BOUNDARY OF SAID PLAT OF LEXINGTON 1 OF SHERBROOKE; THENCE, SOUTH 89° 26' 07" WEST, ALONG SAID SOUTHERLY BOUNDARY LINE, A DISTANCE OF 2610.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 562.46 ACRES, MORE OR LESS, being located on the east side of State Road 7, between Lantana and Hypoluxo Roads in the Planned Unit Development Zoning District, is approved, subject to the following conditions:

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

2. Condition number E.3.d. of Resolution R-99-0322 which currently states:

For actual road construction purposes, Developer shall provide to Palm Beach County an interest-free loan in the amount of Two Million Three Hundred Fifty Thousand Dollars (\$2,350,000, for the construction of a portion of the Lantana Road Section from west of Lyons Road to the LWDD E-1 Canal Bridge. Performance Security for these funds shall be provided no later than November 23, 1997. (DATE: MONITORING - Eng) (Previous Condition E.3.d of Resolution R-96-0649, Petition 95-116).

Is hereby amended to state:

For actual road construction purposes, Developer shall provide to Palm Beach County an interest-free loan in the amount of One Million Three Hundred Fifty Thousand Dollars (\$1,350,000) for the construction of a portion of the Lantana Road Section from west of Lyons Road to the LWDD E-1 Canal Bridge. Performance Security for these funds shall be provided no later than November 23, 1997. (DATE: MONITORING - Eng) (Previous Condition E.3.d of Resolution R-99-0322, Petition 95-116A).

3. Condition number E.4.d. of Resolution R-99-0322 which currently states:

County shall repay from funds available in the approved Board of County Commissioner's 5 Year Road Program as of January 9, 1996 up to the One Million Three Hundred Fifty Thousand Dollars (\$2,350,000, loan ( the amount actually borrowed) as follows:

One Million Dollars (\$1,000,000) on or before October 15, 1999. (DATE: MONITORING - Eng) (Previous Condition E.4.d.1 of Resolution R-96-0649, Petition 95-116)

Up to One Million Three Hundred and Fifty Thousand Dollars (\$1,350,000) on or before October 15, 2000. (DATE: MONITORING - Eng) (Previous Condition E.4.d.2 of Resolution R-96-0649, Petition 95-116)

Is hereby amended to state:

County shall repay from funds available in the approved Board of County Commissioner's 5 Year Road Program as of January 9, 1996 up to the One Million Three Hundred Fifty Thousand Dollars (\$1,350,000) loan ( the amount actually borrowed) as follows:

Up to One Million Three Hundred and Fifty Thousand Dollars (\$1,350,000) on or before October 15, 2000. (DATE: **MONITORING - Eng**) (Previous Condition E.4.d.2 of Resolution R-99-0322, Petition 95-116A)

Commissioner Masilotti 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:

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

The Chair thereupon declared the resolution was duly passed and adopted this 2 day of December, 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

