

RESOLUTION NO. R-2005-1136

RESOLUTION APPROVING ZONING APPLICATION W2005-017
(CONTROL NO.2005-014)
WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)
APPLICATION OF KENCO ANSCA DELRAY HOLDINGS LLC
BY KILDAY & ASSOCIATES, INC., AGENT
(DELRAY HOLDINGS 282 PUD)

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 public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Application W2005-017 was presented to the Board of County Commissioners at a public hearing conducted on June 15, 2005 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 has considered the findings in the staff report and the following findings of fact:

1. This proposed development is consistent with the provisions of the Article 3.E.1.C.1;
2. This proposed development is consistent with the provisions of the Article 3.E.1.C.2, except the following which the BCC is waiving:
 - a). No more than 25 percent of the local streets in a PDD shall terminate in a cul-de-sac or a dead-end.
3. The waiver will not adversely impact the development of this property and will result in logical, timely and orderly development patterns.

WHEREAS, Article 2.K.3.b (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 Application W2005-017, the application of Kenco Anasca Delray Holdings LLC, by Kilday & Associates, Inc., agent, for a WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS (WAIVER)) in the AGR-PUD Zoning District to allow deviation from cul-de-sac and dead-end restrictions 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 June 15, 2005.

Commissioner AARONSON moved for the approval of the Resolution.

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

Tony Masilotti, Chairman	¥	AYE
Addie L. Greene, Vice Chairperson	¥	AYE
Karen T. Marcus	¥	AYE
Jeff Koons	¥	AYE
Warren H. Newell	¥	AYE
Mary McCarty	¥	ABSENT
Burt Aaronson	¥	AYE

The Chairman thereupon declared that the resolution was duly passed and adopted on June 15, 2005.

Filed with the Clerk of the Board of County Commissioners on 20th day of JULY, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF BLOCK 62, "PALM BEACH FARMS COMPANY PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF TRACT 92, OF SAID BLOCK 62, "PALM BEACH FARMS COMPANY PLAT NO. 3"; THENCE N.00°23'28"W. ALONG THE EAST LINE THEREOF, A DISTANCE OF 29.70 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-30, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, AND THE POINT OF BEGINNING; THENCE S89°07'26"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 660.02 FEET; THENCE S00°23'28"E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5.28 FEET; THENCE S89°07'26"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 3990.14 FEET; THENCE N00°23'28"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 0.84 FEET; THENCE S89°07'26"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 501.00 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL E-1, AS RECORDED IN OFFICIAL RECORD BOOK 1994, PAGE 1663 OF SAID PUBLIC RECORDS ; THENCE N01°01'21"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 34.74 FEET; THENCE N89°07'26"E, A DISTANCE OF 501.38 FEET; THENCE N00°23'28"W, A DISTANCE OF 60.00 FEET; THENCE S89°07'26"W, A DISTANCE OF 502.04 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID CANAL E-1; THENCE N01°01'21"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2,304.96 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-29, AS RECORDED IN DEED BOOK 113, PAGE 356 OF SAID PUBLIC RECORDS; THENCE N89°36'32"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 527.42 FEET; THENCE S00°23'28"E, A DISTANCE OF 0.28 FEET; THENCE N89°36'32"E, A DISTANCE OF 1,980.00 FEET; THENCE N00°23'28"W, A DISTANCE OF 1.32 FEET; THENCE N89°36'32"E, A DISTANCE OF 360.00 FEET; THENCE N00°23'28"W, A DISTANCE OF 1.32 FEET; THENCE N89°36'32"E, A DISTANCE OF 660.00 FEET; THENCE S00°23'28"E, A DISTANCE OF 0.36 FEET; THENCE N89°36'32"E, A DISTANCE OF 660.00 FEET; THENCE N00°23'28"W, A DISTANCE OF 0.36 FEET; THENCE N89°36'32"E, A DISTANCE OF 660.00 FEET; THENCE S00°23'28"E, A DISTANCE OF 0.36 FEET; THENCE N89°36'32"E, A DISTANCE OF 355.00 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THAT CERTAIN 25.00 FOOT WIDE STRIP OF RIGHT-OF-WAY RELEASED BY PALM BEACH COUNTY, AS RECORDED IN OFFICIAL RECORD BOOK 15097, PAGE 648 OF SAID PUBLIC RECORDS (THE PREVIOUS THIRTEEN COURSES AND DISTANCES BEING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID CANAL L-29, AS RECORDED IN DEED BOOK 113, PAGES 258 AND 356; OFFICIAL RECORD BOOK 1732, PAGE 612, AND OFFICIAL RECORD BOOK 6495, PAGE 761, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.); THENCE S00°23'28"E ALONG SAID EAST LINE, A DISTANCE OF 2,353.30 FEET; THENCE S89°07'26"W, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 12,313,538 SQUARE FEET OR 282.680 ACRES, MORE OR LESS.

ALSO KNOWN AS:

Application W2005-017
Control No. 2005-014
Project No. 00941-000

THE FOLLOWING DESCRIBED PROPERTY WITHIN BLOCK 62, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

TRACTS 49 TO 92, IN BLOCK 62;
TOGETHER WITH THAT 30' STRIP LYING BETWEEN TRACTS 57, 64, 81, 88 AND 80, 89, 65, 56, BLOCK 62;
TOGETHER WITH THAT 30' STRIP LYING SOUTH OF TRACTS 61 THROUGH 72, BLOCK 62;
TOGETHER WITH THAT 25' STRIP LYING EAST OF TRACTS 49, 72, 73, 92, BLOCK 62, LESS THE NORTH 36 FEET AND THE SOUTH 29.7 FEET OF SAID 25' STRIP;

LESS THE FOLLOWING DESCRIBED PROPERTY OWNED BY LAKE WORTH DRAINAGE DISTRICT:

THE NORTH 36 FEET OF TRACTS 49, 52 AND 53, IN BLOCK 62.
THE NORTH 35.64 FEET OF TRACTS 50, 51, 54 AND 55, IN BLOCK 62.
THE NORTH 36.96 FEET OF TRACT 56 IN BLOCK 62.
THE NORTH 38.28 FEET OF TRACTS 57, 58 AND 59, IN BLOCK 62.
THE NORTH 38 FEET OF TRACT 60, IN BLOCK 62.
THE SOUTH 25.26 FEET OF TRACT 85 IN BLOCK 62.
THE SOUTH 24.42 FEET OF TRACTS 86, 87, 88, 89, 90 AND 91, IN BLOCK 62.
THE SOUTH 29.70 FEET OF TRACT 92 IN BLOCK 62.

AND LESS THE FOLLOWING DESCRIBED PROPERTY OWNED BY PALM BEACH COUNTY:

THE NORTH 60.00 FEET OF THE SOUTH 120.00 FEET OF TRACT 85, IN BLOCK 62.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 12,313,538 SQUARE FEET OR 282.680 ACRES, MORE OR LESS.

TITLE EXCEPTIONS THAT ARE NOT PLOTTED FOR CLARITY:

6. ASSIGNMENT OF RIGHTS IN RESERVATIONS FROM CENTRAL AND SOUTHERN FLORIDA CONTROL DISTRICT TO LAKE WORTH DRAINAGE DISTRICT DATED MARCH 17, 1972, FILED FOR RECORD MARCH 27, 1972, IN OFFICIAL RECORDS BOOK 1994, PAGE 1615, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

7. ASSIGNMENT OF RIGHTS IN RESERVATIONS FROM CENTRAL AND SOUTHERN FLORIDA CONTROL DISTRICT TO LAKE WORTH DRAINAGE DISTRICT DATED MARCH 17, 1972, FILED FOR RECORD MARCH 27, 1972, IN OFFICIAL RECORDS BOOK 2014, PAGE 1517, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

9. THIS POLICY DOES NOT INSURE AGAINST THE EXERCISE OF THE LAKE WORTH DRAINAGE DISTRICT OF ITS REQUIRED RIGHTS-OF-WAY AS SHOWN IN OFFICIAL RECORDS BOOK 1732, PAGE 612, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

11. ALL MATTERS CONTAINED IN THE PLAT OF THE PLAM BEACH FARMS CO. PLAT NO. 3 IN PALM BEACH COUNTY, FLORIDA, PLAT BOOK 2, PAGE 45 TO 54, INCLUSIVE.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON WERE ABSTRACTED BY ATTORNEYS' TITLE INSURANCE FUND, INC., COMMITMENT NO. CF-0739155, DATED DECEMBER 3, 2004.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATUM BASED ON THE SOUTH LINE OF TRACTS 85-92, BLOCK 62, "PALM BEACH FARMS COMPANY PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45-54. BEARING S.89°07'26"W.
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. IMPROVEMENTS NOT LOCATED PER CLIENTS REQUEST.
6. POSITION OF SECTION CORNERS DETERMINED BY ADAIR & BRADY, INC. HAVE BEEN ACCEPTED TO ESTABLISH BOUNDARY LINES WITHIN THE "PALM BEACH FARMS COMPANY PLAT NO. 3", TO MAINTAIN HARMONY WITH PREVIOUS SURVEYS OF BLOCK 62 AND 63.
THE POSITION OF SECTION CORNERS DETERMINED BY THE PALM BEACH COUNTY SURVEY DEPARTMENT HAVE BEEN USED TO ESTABLISH THE EAST RIGHT-OF-WAY LINE OF THE L.W.D.D. CANAL E-1 AND STATE ROAD 7, AS DELINEATED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP OF STATE ROAD 7, SECTION 93210-2524.
7. THIS SURVEY DOES NOT IDENTIFY THE LIMITS OR EXTENTS OF POTENTIAL JURISDICTIONAL BOUNDARYS.
8. FLOOD ZONE "B", COMMUNITY PANEL NO. 120192 0200A, DATE 2/1/79.

CERTIFICATE:

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA, ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS 1,2,3,4,9,10,11A OF TABLE A THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS, AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT THE POSITIONAL UNCERTAINTIES RESULTING FROM THE SURVEY MEASUREMENTS MADE ON THE SURVEY DO NOT EXCEED THE ALLOWABLE POSITIONAL TOLERANCE.

