

RESOLUTION NO. R-2005- 2283

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 2004-327
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
TO AMEND VOLUNTARY COMMITMENTS OF RESOLUTION NO. R-2005-0374
WHICH APPROVED THE REZONING FOR
STEVEN ZEIGER
CONTROL NO. 2004-327 (2004-447)

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 Article 2.E. of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report CR 2004-327 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on November 17, 2005; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 2004-327 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify voluntary commitments; and

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

1. The amendment of voluntary commitments is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.
2. The project meets the Countywide Traffic Performance Standards.
3. There are no plans in the foreseeable future to widen this section of Palmwood Road.
4. The parcel is for single family use with only 2 lots.
5. The property owner has agreed to not build any structures within the additional right of way.

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 2004-327, to amend voluntary commitments of Resolution No. R-2005-0374, the rezoning of Steven Zeiger, Petition No. 2004-327 (2004-447), which approved a rezoning to the Residential Transitional Zoning District, on

PARCEL 1

A parcel of land in Section 20, Township 41 South, Range 43 East, Palm Beach County, Florida,

Status Report CR 2004-327
Project Number 0926-000

described as Lot 2, in that certain Affidavit of Exemption recorded in Official Record Book 3321, Page 985, of the Public Records of Palm Beach County, Florida, and more particularly described as follows:

COMMENCING at the point of intersection of the North Line of the Northwest Quarter (NW 1/4) of Section 20, Township 41 South, Range 43 East, with the West Right-of-Way line of the Intracoastal Waterway Canal in Section 20, Township 41 South, Range 43 East, and continue thence from said point in a Southerly direction a distance of 450.00 feet along the West Right-of-Way line of said Canal; thence Westerly on a line parallel to the North line of said Northwest quarter (NW 1/4) a distance of 100.00 feet; thence Northerly parallel to the Westerly Right-of-Way line of said Canal a distance of 50.00 feet to the **POINT OF BEGINNING**; thence Westerly on a line parallel to the North line of said Northwest quarter (NW 1/4) a distance of 247.64 feet to the Easterly Right-of-Way line of Palmwood Road; thence Southeasterly along said Right-of-Way line a distance of 100.00 feet more or less to a point in the North boundary line of property described in deed recorded in Official Record Book 1949, Page 893, of the Public Records of Palm Beach County, Florida; thence Easterly along said property line and parallel to the North line of said Northwest quarter (NW 1/4) a distance of 215.52 feet; thence Northerly along the aforesaid property line and said parallel to the Westerly Right-of-Way of said Canal a distance of 100.00 feet to the **POINT OF BEGINNING**.

PARCEL 3

STARTING at the point of intersection of the North line of the Northwest Quarter (NW 1/4) of Section 20, Township 41 South, Range 43 East, Palm Beach County, Florida, with the West right-of-way line of the Intracoastal Waterway Canal in Section 20, Township 41 South, Range 43 East, and continue from said point in a Southerly direction 300 feet; thence West parallel to the North line of the Northwest Quarter (NW 1/4) of said Section 20, a distance of 120 feet to the **POINT OF BEGINNING**; thence continue West 261.75 feet to the Easterly right-of-way line of Palmwood Road; thence Southerly along said right-of-way line 109.33 feet; thence Easterly parallel to the North line of said Section 20, a distance of 227.64 feet; thence Northerly 100 feet to the **POINT OF BEGINNING**.

PARCEL 4

A parcel of land in the Northwest Quarter (NW 1/4) of Section 20, Township 41 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

BEGINNING at the point of intersection of the North line of the Northwest Quarter (NW 1/4) of Section 20, Township 41 South, Range 43 East, with the West Right-of-Way line of the Intracoastal Waterway Canal in Section 20, Township 41 South, Range 43 East; and continue thence from said point in a Southerly direction 300 feet along the West Right-of-Way line of said Canal to the **POINT OF BEGINNING**; thence continuing Southerly along the West Right-of-Way line of said Canal, 150 feet to a point; thence Westerly on a line parallel to the North line of said Northwest Quarter (NW 1/4) a distance of 100 feet; thence Northerly parallel to the Westerly Right-of-Way line of said Canal 50 feet; thence Westerly on a line parallel to the North line of said Northwest Quarter (NW 1/4), 20 feet; thence Northerly parallel to the Westerly Right-of-Way line of said Canal a distance of 100 feet; thence Easterly 120 feet to the **POINT OF BEGINNING**, being located on the 350 ft. south of Fredrick Small Road on the east side of Palmwood Road in the Residential Transitional Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number E.1. of Resolution No. R-2005-0374 which states:

The property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for Palmwood Road (Prosperity Farms Road extension), 55 feet from centerline on or before, June 1, 2005. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The 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. (DATE: MONITORING - Eng)

Is hereby deleted.

3. Condition number E.2. of Resolution No. R-2005-0374 which states:

Prior to June 1, 2005, the property owner shall convey a temporary roadway construction easement along Palmwood Road (Prosperity Farms Road extension), to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING - Eng)

Is hereby deleted.

Commissioner **KOONS** 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:

TONY MASILOTTI, CHAIRMAN	—	AYE
ADDIE L. GREENE, VICE CHAIRPERSON	—	AYE
JEFF KOONS	—	AYE
WARREN H. NEWELL	—	AYE
MARY MCCARTY	—	AYE
BURT AARONSON	—	AYE
KAREN T. MARCUS	—	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 17TH day of NOVEMBER, 2005.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK, CLERK

BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 8TH day of DECEMBER, 2005.