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RESOLUTION NO. R-2007-0007

2007 JAN -3 PM 4:40

SHARON R. BOCK
CLERK & COMPTROLLER
BCC SERVICES/MINUTES-PBC

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1977-133G.4
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY GRANTED
A DEVELOPMENT ORDER AMENDMENT BY
RESOLUTION NO. R-1998-876
APPROVING THE PETITION OF CROSS COUNTY ASSOCIATES
PETITION NO. 1977-133G

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; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 1977-133G.4 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 4, 2007; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1977-133G.4 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. authorizes the Board of County Commissioners to approve Development Oder Amendments; and

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

1. Resolution No. R-98-876 was approved more than eight years ago.
2. Time extensions totaling six years have previously been approved.
3. Development of the last 7,200 square feet has not commenced since the development order was approved.
4. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code

WHEREAS, Section 5.3 of the 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. SR 1977-133G.4, to approve a Development Order Amendment to amend conditions of approval, amending the development order previously granted by the approval of the petition of Cross County Associates, Petition No. 1977-133G, confirmed by the adoption of Resolution R-1998-876, which approved a Development Order Amendment to Modify Conditions of R-97-966; and land area (3.3 acres)and add building square footage (+22,781), on property legally described in Exhibit A, attached, being located on the southeast corner of the intersection of Military Trail and

Okeechobee Boulevard on the north side of Westgate Avenue, in the MUPD-Multiple Use Planned Development Zoning District, is approved subject to the following conditions of approval:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Condition number C.7. of Resolution R-98-876 which currently states:

Total gross floor area shall be limited to a maximum of 449,781 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING)

Is hereby amended to state:

Total gross floor area shall be limited to a maximum of 442,581 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING)

Commissioner Marcus moved for approval of the Resolution.

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

ADDIE L. GREENE, CHAIRPERSON	<u>Aye</u>
JOHN F. KOONS, VICE CHAIR	<u>Aye</u>
KAREN T. MARCUS	<u>Aye</u>
WARREN H. NEWELL	<u>Aye</u>
MARY MCCARTY	<u>Aye</u>
BURT AARONSON	<u>Absent</u>
JESS R. SANTAMARIA	<u>Aye</u>

The Chair thereupon declared the resolution was duly passed and adopted this 4th day of January, 2007.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: [Signature]
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER
BY: [Signature]
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 4th day of January, 2007.

EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION: PARCEL "A"

A PORTION OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST LYING IN PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 25, SOUTH 90°00'00" EAST, 467.87 FEET; THENCE SOUTH 00°00'00" WEST, 66.75 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF OKEECHOBEE BOULEVARD AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93280-2507; THENCE EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE OF OKEECHOBEE BOULEVARD THE FOLLOWING 14 COURSES: 1. SOUTH 51°34'57" EAST, 6.63 FEET; 2. SOUTH 89°28'12" EAST, 73.17 FEET; 3. NORTH 46°18'31" EAST, 30.43 FEET; 4. NORTH 87°23'47" EAST, 33.26 FEET; 5. NORTH 86°45'06" EAST, 21.64 FEET; 6. SOUTH 81°54'51" EAST, 61.06 FEET; 7. NORTH 86°45'06" EAST, 76.00 FEET; 8. NORTH 68°22'56" EAST, 38.08 FEET; 9. NORTH 86°45'06" EAST, 192.02 FEET; 10. SOUTH 47°42'42" EAST, 28.11 FEET; 11. NORTH 87°49'57" EAST, 74.86 FEET; 12. NORTH 49°04'22" EAST, 31.61 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 5664.08 FEET (A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 01°32'14" EAST); 13. EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°32'14", AN ARC DISTANCE OF 151.96 FEET; THENCE SOUTH 90°00'00" EAST, 90.69 FEET TO THE EAST LINE OF NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25; THENCE SOUTHERLY ALONG SAID EAST LINE, SOUTH 00°53'51" WEST, 1288.19 FEET TO THE NORTH RIGHT OF WAY LINE OF WESTGATE AVENUE AS SHOWN IN ROAD PLAT BOOK 2, PAGE 205 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 89°44'41" WEST, 1094.95 FEET; THENCE NORTH 00°51'36" EAST, 175.00 FEET; THENCE NORTH 89°44'41" WEST, 191.35 FEET TO THE EAST RIGHT OF WAY LINE OF MILITARY TRAIL AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93280-2507; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING 4 COURSES: 1. NORTH 04°21'23" EAST, 38.40 FEET; 2. NORTH 00°51'26" EAST, 300.00 FEET; 3. NORTH 22°46'20" WEST, 17.46 FEET; 4. NORTH 01°33'10" EAST, 182.27 FEET; THENCE NORTH 45°51'38" EAST, 131.22 FEET; THENCE SOUTH 44°08'23" EAST, 15.00 FEET; THENCE NORTH 45°51'37" EAST, 387.67 FEET; THENCE NORTH 44°08'23" WEST, 15.00 FEET; THENCE NORTH 45°51'37" EAST, 66.50 FEET; THENCE NORTH 01°16'38" WEST, 116.87 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: PARCEL "C"

A PORTION OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST LYING IN PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25; THENCE SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25, SOUTH 00°51'26" WEST, 1127.02 FEET; THENCE SOUTH 89°08'34" EAST, 61.66 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°44'41" EAST, 191.35 FEET; THENCE SOUTH 00°51'36" WEST, 175.00 FEET TO THE NORTH RIGHT OF WAY LINE OF WESTGATE AVENUE AS SHOWN IN ROAD PLAT BOOK 2, PAGE 205 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 89°44'41" WEST, 153.52 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 46.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41°33'29", AN ARC DISTANCE OF 33.37 FEET; THENCE NORTH 45°33'33" EAST, 6.01 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 40.00 FEET (A RADIAL LINE THROUGH SAID POINT BEARS NORTH 41°15'03" EAST); THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°36'09", AN ARC DISTANCE OF 6.01 FEET; THENCE SOUTH 45°33'33" WEST, 6.01 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 46.00 FEET (A RADIAL LINE THROUGH SAID POINT BEARS NORTH 49°17'30" EAST); THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 33°48'48", AN ARC DISTANCE OF 27.15 FEET TO THE EAST RIGHT OF WAY LINE OF MILITARY TRAIL (STATE ROAD 809) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93280-2507; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE, NORTH 04°21'23" EAST, 135.06 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: PARCEL "D"

A PARCEL OF LAND IN THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP

EXHIBIT A
LEGAL DESCRIPTION

43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHERLY 425.00 FEET THEREOF LESS THE WEST 20.00 FEET THEREOF FOR WESTGATE AVENUE OUTFALL AS RECORDED IN ROAD PLAT BOOK 4 AT PAGE 52.

TOGETHER WITH: PARCEL "E"

THAT CERTAIN UTILITY, DRAINAGE AND ACCESS EASEMENT LYING IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: A STRIP OF LAND 20 FEET IN WIDTH BEING THE EAST 20 FEET OF THE WEST 40 FEET OF THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, LESS THE NORTH 40.00 FEET THEREOF FOR WESTGATE AVENUE OUTFALL AS RECORDED IN ROAD PLAT BOOK 4 AT PAGE 42 AND LESS THE SOUTH 425.00 FEET THEREOF.

TOGETHER WITH: PARCEL "F"

A PORTION OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST LYING IN PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25; THENCE SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25, SOUTH 00°51'26" WEST, 218.96 FEET; THENCE SOUTH 89°08'34" EAST, 70.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 90°00'00" EAST, 158.00 FEET; THENCE NORTH 00°51'26" EAST, 169.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF OKEECHOBEE BOULEVARD AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93280-2507; THENCE EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 90°00'00" EAST, 220.77 FEET; THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 51°34'46" EAST, 25.34 FEET; THENCE SOUTH 01°16'38" EAST, 116.87 FEET; THENCE SOUTH 45°51'37" WEST, 66.50 FEET; THENCE SOUTH 44°08'23" EAST, 15.00 FEET; THENCE SOUTH 45°51'37" WEST, 387.67 FEET; THENCE NORTH 44°08'23" WEST, 15.00 FEET; THENCE SOUTH 45°51'37" WEST, 131.22 FEET TO THE EAST RIGHT OF WAY LINE OF MILITARY TRAIL AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93280-2507; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE, NORTH 01°33'10" EAST, 64.75 FEET; THENCE CONTINUE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE, NORTH 04°30'06" EAST, 157.32 FEET; THENCE CONTINUE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°51'26" EAST, 149.74 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: PARCEL "G"

THE WEST THREE-QUARTERS OF THE NORTH ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, LESS THE WEST 533.00 FEET THEREOF AND LESS THE NORTH 40.00 FEET THEREOF FOR WESTGATE AVENUE RIGHT OF WAY.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA,
CONTAINING 1,875,661 SQUARE FEET (43.0593 ACRES), MORE OR LESS.