

RESOLUTION NO. R-2010-0307

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA/R/TDR-2009-03303
(CONTROL NO. 2004-00458)
an Official Zoning Map Amendment to a Planned Development District
APPLICATION OF Hypoluxo Acquisition LLC
BY CMS Engineering, LLC, AGENT
(Isola Bella Isles 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 applications 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 as amended), have been satisfied; and

WHEREAS, Zoning Application PDD/DOA/R/TDR-2009-03303 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 2010; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 PDD/DOA/R/TDR-2009-03303, the application of Hypoluxo Acquisition LLC, by CMS Engineering, LLC, agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) Zoning District 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 in EXHIBIT B, attached hereto and made a part hereof, was approved on February 25, 2010.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	- Aye
Commissioner Karen T. Marcus, Vice Chair	- Absent
Commissioner Jeff Koons	- Absent
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Jess R. Santamaria	- Nay
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 25, 2010.

Filed with the Clerk of the Board of County Commissioners on March 1, 2010.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

PARCEL 1:

A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE NORTH BY THE NORTH LINE OF SAID SECTION 12; BOUNDED ON THE SOUTH BY THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 12, ACCORDING TO THE AMENDED PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN ET. AL., RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE EAST BY THE WEST LINE OF THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 12, ACCORDING TO SAID MARY A. LYMAN PLAT AND BOUNDED ON THE WEST BY THE WEST LINE OF SAID SECTION 12, ACCORDING TO THE FINAL JUDGMENT Nos. 18061-B AND 63L1226, PALM BEACH COUNTY, FLORIDA;

LESS THEREFROM THE NORTH 80.00 FEET MEASURED AT RIGHT ANGLES THERETO.

ALL AS DESCRIBED IN THE WARRANTY DEED RECORDED IN O.R. BOOK 2015, PAGE 678, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 2:

THAT PART OF TRACT 14 IN THE NORTHWEST $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, ACCORDING TO THE SURVEY BY E. ELLIOTT GROSS AND ASSOCIATES, REG. ENGINEER, WEST PALM BEACH, FLORIDA, JUNE, 1954, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, WHICH POINT IS 1357.04 FEET SOUTHERLY FROM THE NORTHWEST CORNER THEREOF, WHICH NORTHWEST CORNER IS 2652.23 FEET WESTERLY FROM THE CENTERLINE OF MILITARY TRAIL; THENCE SOUTHERLY ALONG THE WEST LINE OF SECTION 12, A DISTANCE OF 339.26 FEET; THENCE EASTERLY A DISTANCE OF 414.5 FEET TO A POINT; THENCE NORTHERLY A DISTANCE OF 338.36 FEET TO A POINT; THENCE WESTERLY MAKING AN ANGLE WITH THE PRECEDING COURSE OF $86^{\circ} 18' 30''$ MEASURED FROM WEST TO SOUTH, A DISTANCE OF 395 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 3:

THAT PART OF TRACT 14, SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, ACCORDING TO THE SURVEY BY E. ELLIOT GROSS AND ASSOCIATES, REGISTERED ENGINEER, WEST PALM BEACH, FLORIDA JUNE 1954, BEING A PART OF THE UNRECORDED PLAT OF HYPOLUXO FARMS, A SUBDIVISION OF THE NORTHEAST $\frac{1}{4}$, OF SECTION 11, AND TRACT 14, SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, WHICH POINT IS 1696.30 FEET SOUTHERLY FROM THE NORTHWEST CORNER THEREOF; WHICH NORTHWEST CORNER IS 2652.23 FEET WESTERLY FROM THE CENTER LINE OF MILITARY TRAIL; THENCE CONTINUE SOUTHERLY, ALONG THE WEST LINE OF SAID SECTION 12, A DISTANCE OF 339.26 FEET; THENCE EASTERLY, MAKING AN ANGLE OF $86^{\circ} 11' 30''$ WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO EAST, A DISTANCE OF 661.93 FEET; THENCE NORTHERLY, MAKING AN ANGLE WITH THE PRECEDING COURSE OF $93^{\circ} 51' 00''$, MEASURED FROM WEST TO NORTH, A DISTANCE OF 338.35 FEET; THENCE WESTERLY A DISTANCE OF 662.12 FEET TO THE POINT OF BEGINNING.

LESS ANY PORTION OF THE ABOVE DESCRIBED LANDS CONVEYED IN THAT CERTAIN QUIT CLAIM DEED, RECORDED IN O.R. BOOK 3185, PAGE 941, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 737,304 SQUARE FEET OR 16.926 ACRES, MORE OR LESS.

