

RESOLUTION NO. R-2014-0003

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. STR-2006-00554-1
TO REVOKE A USE, TYPE III B EXCAVATION, FROM
RESOLUTION NO. R-2008-0707
APPLICATION NO. CA-2006-1930
CONTROL NO. 2006-554

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 Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report No. STR-2006-00554-1 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 9, 2014; and

WHEREAS, the Board of County Commissioners has reviewed Status Report No. STR-2006-00554-1 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 revoke the Class A Conditional Use; and

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

1. This project was approved on April 24, 2008;
2. The project did not commence;
3. Policy 2.3-e.3 of the Comprehensive Plan states that "Within the Agricultural Production Future Land Use designation, mining may be permitted only to support public roadway projects or agricultural activities...";
4. The Fourth District Court of Appeal of the State of Florida found on December 7, 2011, in Case No. 4D12-2290, that "the development order [is] inconsistent with the comprehensive plan" and remanded the case to Circuit Court "to enjoin enforcement of the order;" and
5. The revocation of the Type III B Excavation approval is consistent with the ULDC.

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. STR-2006-00554-1, to revoke the Class A Conditional Use to allow a Type III B Excavation, previously granted by the approval of Zoning Application No. CA-2006-1930, Control No. 2006-554, confirmed by the adoption of Resolution R-2008-0707, on parcels 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, located approximately 10 miles south of Belle Glade on the east side of SR 827, in the AP Zoning District, is approved.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor - Aye
Commissioner Paulette Burdick, Vice Mayor - Aye
Commissioner Hal R. Valeche - Aye
Commissioner Shelley Vana - Aye
Commissioner Steven L. Abrams - Aye
Commissioner Mary Lou Berger - Aye
Commissioner Jess R. Santamaria - Aye

The Mayor thereupon declared the resolution was duly passed and adopted on January 9, 2014.

Filed with the Clerk of the Board of County Commissioners on January 10th, 2014.

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 AND COMPTROLLER

By:  COUNTY ATTORNEY

By:  DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

Description of Lease Tract - As Written by Surveyor:

A PORTION OF THE FOLLOWING DESCRIBED TRACT: (PARENT TRACT)

Being all of that part of Sections 23, 24, 25 and 36, Township 45 South, Range 36 East, lying North and East of the Northeasterly Right-of-Way line of the South Florida Water Management (formerly the Central & Southern Florida Flood Control District) North New River Canal Levee L-19 Right-of-Way

AND

Government Lots 2, 3, and 4 of Township 45 South, of the Hiatus between Ranges 36 and 37 East

AND

That part of Government Lot 5, Township 45 South, of the Hiatus between Range 36 and 37 East, lying North of the of the Westerly extension of the South line of Section 19, Township 45 South, Range 37 East and North and East of the Northeasterly Right-of-Way line of the aforesaid North New River Canal Levee L-19 Right-of-Way

AND

All of Sections 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, Township 45 South, Range 37 East

AND

The West one-half of Sections 19 and 30, Township 45 South, Range 38 East, and all of Sections 31, 32, 33, 34, 35, and 36, Township 45 South, Range 38 East

AND

That portion of Sections 31 and 32, Township 45 South, Range 39 East, lying South and West of the Southwesterly Right-of-Way line of the South Florida Water Management's (formerly the C. & S.F.F.C.D.) Hillsboro Canal Levee L-15 Right-of-Way

AND

All of the Hiatus Lots 1 thru 6 of the Hiatus between Township 45 and 46 South, Range 38 East, LESS AND NOT INCLUDING the South 5274 feet thereof and all of Hiatus Lot 6 of the Hiatus between Township 45 and 46 South, Range 39 East LESS AND NOT INCLUDING the south 5274 feet thereof and that part of Hiatus Lot 5 of the Hiatus between Township 45 and 46 South, Range 39 East, LESS AND NOT INCLUDING the South 5274 feet thereof, lying South and West of the Southwesterly Right-of-Way line of the aforementioned Hillsboro Canal Levee L-15 Right-of-Way.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (LEASE TRACT)

BEGINNING at a one (1) inch capped iron pipe stamped "LB 3411", said point being the intersection of the North Boundary of Section 31, Township 45 South, Range 39 East, and the Southwesterly Right-of-way Boundary of the L-15 Canal (also known as the Hillsboro Canal); thence departing said North Boundary, coincident with said Southwesterly Right-of-way Boundary for the following four (4) courses: 1.) thence S 35°12'02" E a distance of 4230.97 feet; 2.) thence S 35°18'43" E a distance of 2204.47 feet; 3.) thence S 35°18'44" E a distance of 3036.99 feet; 4.) thence S 35°24'03" E a distance of 1252.32 feet to a one (1) inch capped iron pipe stamped "LB 3411", said

point also being the intersection of said Southwesterly Right-of-way Boundary and the North Boundary of the South 5274.00 feet of Hiatus Lot 5, said Hiatus Lot lying and being between Township 45 South, Range 39 East, and Township 46 South, Range 39 East; thence departing said Southwesterly Right-of-way Boundary coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 5, S 89°35'18" W a distance of 4890.40 feet to the intersection of the North Boundary of the South 5274.00 feet of said Hiatus Lot 5, with the West Boundary of said Hiatus Lot 5, also being the East Boundary of Hiatus Lot 6, said Hiatus Lot 6 lying between Township 45 South, Range 39 East, and Township 46 South, Range 39 East, thence continuing coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 5, S 89°35'18" W a distance of 84.18 feet to a point coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 6; thence departing the North Boundary of the South 5274.00 feet of Hiatus Lot 5 coincident with the North Boundary of the South 5274.00 feet said Hiatus Lot 6, S 89°38'08" W a distance of 5190.99 feet to the intersection of the North Boundary of the South 5274.00 feet of said Hiatus Lot 6 with the West Boundary of said Hiatus Lot 6, also being the East Boundary of Hiatus Lot 1, said Hiatus Lot 1 lying between Township 45 South, Range 38 East, and Township 46 South, Range 38 East; thence continuing coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 6, S 89°38'08" W a distance of 85.41 feet to a one (1) inch iron rod; said point also being coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 1; thence departing the North Boundary of the South 5274.00 feet of Hiatus Lot 6 coincident with the North Boundary of the South 5274.00 feet said Hiatus Lot 1, S 89°35'52" W a distance of 5197.94 feet to the intersection of the North Boundary of the South 5274.00 feet of said Hiatus Lot 1, and the West Boundary of Hiatus Lot 1; thence continuing coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 1, S 89°35'52" W a distance of 88.20 feet to a point coincident with the North Boundary of the South 5274.00 feet of Hiatus Lot 2; said Hiatus Lot 2 lying between Township 45 South, Range 38 East, and Township 46 South, Range 38 East; thence departing the North Boundary of the South 5274.00 feet of said Hiatus Lot 1 coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 2, S 89°37'01" W a distance of 5196.61 feet to a point coincident with the West Boundary of said Hiatus Lot 2; thence departing the North Boundary of the South 5274.00 feet of said Hiatus Lot 2 coincident with the West Boundary of said Hiatus Lot 2, N 00°33'06" E a distance of 3568.32 feet to the Northwest corner of said Hiatus Lot 2, also being the Southwest corner of Section 35, Township 45 South, Range 38 East; thence departing the West Boundary of said Hiatus Lot 2 coincident with the West Boundary of said Section 35, N 00°01'10" E a distance of 5173.49 feet to a point coincident with a line 100.00 feet South of, and parallel with the North Boundary of Section 34, Township 45 South, Range 38 East; thence departing the West Boundary of said Section 35 coincident with line paralleling the North Boundary of said Section 34, S 89°53'14" W a distance of 5279.77 feet to a point coincident with a line 100.00 feet South of, and parallel with the North Boundary of Section 33, Township 45 South, Range 38 East; thence departing line paralleling the North Boundary of said Section 34 coincident with the line paralleling the North Boundary of said Section 33, N 89°59'05" W a distance of 5279.86 feet to a point coincident with a line 100.00 feet South of, and parallel with the North Boundary of Section 32, Township 45 South, Range 38 East; thence departing line paralleling the North Boundary of said Section 33 coincident with the line paralleling the North Boundary of said Section 32; S 89°51'32" W a distance of 5283.35 feet to a point coincident with a line 100.00 feet South of, and parallel with the North Boundary of Section 31, Township 45 South, Range 38 East; thence departing line paralleling the North Boundary of said Section 32 coincident with the line paralleling the North Boundary of said Section 31; S 89°53'59" W a distance of 4533.07 feet to a tangent curve concave to the Northeast; said curve having a radius of 575.00 feet, a delta angle of 89°54'35", subtended by a chord bearing N 45°08'43" W, for a distance of 812.53 feet; thence coincident with said curve a distance of 902.30 feet to a point of tangency; thence N 00°11'26" W a distance of 4408.38 feet to a tangent curve concave to the Southwest; said curve having a radius of 575.00 feet, a delta angle of 89°59'13", subtended by a chord bearing N 45°11'02" W, for a distance of 813.08 feet; thence coincident with said curve a distance of 903.08 feet to a point of tangency; thence S 89°49'21" W a distance of 4884.65 feet; thence S 89°44'35" W a distance of 5280.62 feet; thence S 89°44'45" W a distance of 6379.19 feet to a tangent curve concave to the

Northeast; said curve having a radius of 575.00 feet, a delta angle of $90^{\circ}00'00''$, subtended by a chord bearing $N\ 45^{\circ}15'15''\ W$, for a distance of 813.17 feet; thence coincident with said curve a distance of 903.21 feet to a point of tangency; thence $N\ 00^{\circ}15'15''\ W$ a distance of 1868.32 to a point coincident with a line 50.00 feet South of and parallel with the centerline of a limerock road that lies North of an East-West canal; thence coincident with line paralleling said limerock road for the following three (3) courses: 1.) $S\ 89^{\circ}56'14''\ W$ a distance of 13902.64 feet to a tangent curve concave to the Southeast; said curve having a radius of 200.00 feet, a delta angle of $34^{\circ}26'06''$, subtended by a chord bearing $S\ 72^{\circ}43'11''\ W$, for a distance of 118.40 feet; 2.) thence coincident with said curve a distance of 120.20 feet to a point of tangency; 3.) thence $S\ 55^{\circ}30'07''\ W$ a distance of 1964.13 feet to the Northeasterly Right-of-way Boundary of the L-19 canal; thence departing said parallel line coincident with said Northeasterly Right-of-way Boundary, $N\ 35^{\circ}20'11''\ W$ a distance of 400.04 feet; thence $N\ 55^{\circ}30'07''\ E$ a distance of 300.03 feet to a point coincident with a line 300.00 feet Northeast of, and parallel with said Northeasterly Right-of-way Boundary; thence coincident with said parallel line, $S\ 35^{\circ}20'11''\ E$ a distance of 300.03 feet a point coincident with a line 50.00 feet North of and parallel with the centerline of a limerock road that lies North of an East-West canal; thence coincident with line paralleling said limerock road for the following three (3) courses: 1.) departing said parallel line $N\ 55^{\circ}30'07''\ E$ a distance of 1665.57 feet to a tangent curve concave to the Southeast; said curve having a radius of 300.00 feet, a delta angle of $34^{\circ}26'06''$, subtended by a chord bearing $N\ 72^{\circ}43'11''\ E$, for a distance of 177.60 feet; 2.) thence coincident with said curve a distance of 180.30 feet to a point of tangency; 3.) thence $N\ 89^{\circ}56'14''\ E$ a distance of 13902.31 feet; thence departing said parallel line, $N\ 00^{\circ}15'15''\ W$ a distance of 8540.65 feet to a tangent curve concave to the Southeast; said curve having a radius of 575.00 feet, a delta angle of $90^{\circ}09'37''$, subtended by a chord bearing $N\ 45^{\circ}20'04''\ W$, for a distance of 814.31 feet; thence coincident with said curve a distance of 904.82 feet to a point of tangency; said point of tangency also being coincident with a line 124.00 feet South of, and parallel with the North Boundary of the King Ranch Tract; thence coincident with said parallel line for the following three (3) courses: 1.) thence $S\ 89^{\circ}35'08''\ W$ a distance of 3010.31 feet; 2.) thence $S\ 89^{\circ}37'01''\ W$ a distance of 5279.02 feet; 3.) thence $S\ 89^{\circ}45'16''\ W$ a distance of 5308.21 feet to a point coincident with the East Boundary of a Hiatus Lot 3 lying East of Section 24, Township 45 South, Range 36 East, and a line 124.00 feet South of, and parallel with the Easterly projection and the North Boundary of said Section 24; thence coincident with said parallel line, $N\ 89^{\circ}43'29''\ W$ a distance of 5937.85 feet to a point coincident with the East Boundary of Section 23, Township 45 South, Range 36 East, and a line 124.00 feet South of, and parallel with the North Boundary of said Section 23; thence departing line parallel to the North Boundary of said Section 24 coincident with the line parallel with the North Boundary of said Section 23, $S\ 89^{\circ}41'29''\ W$ a distance of 728.22 feet to the East Right-of-way Boundary of the L-19 Canal; thence departing said parallel line coincident with said East Right-of-way Boundary, $N\ 01^{\circ}15'44''\ W$ a distance of 60.01 feet to the North Boundary of the King Ranch Tract; thence departing said East Right-of-way Boundary coincident with the North Boundary of said King Ranch Tract for the following ten (10) courses: 1.) $N\ 89^{\circ}41'31''\ E$ a distance of 136.00 feet; 2.) thence $S\ 00^{\circ}18'32''\ E$ a distance of 13.00 feet; 3.) thence $N\ 89^{\circ}41'28''\ E$ a distance of 47.00 feet; 4.) thence $N\ 00^{\circ}18'32''\ W$ a distance of 13.00 feet; 5.) thence $N\ 89^{\circ}41'28''\ E$ a distance of 546.52 feet; 6.) thence $S\ 89^{\circ}43'29''\ E$ a distance of 5937.03 feet to the East Boundary of the Hiatus Lot lying East of Section 24, Township 45 South, Range 36 East; 7.) thence coincident with the East Boundary of said Hiatus Lot, $N\ 00^{\circ}16'31''\ E$ a distance of 64.00 feet; 8.) thence departing the East Boundary of said Hiatus Lot, $N\ 89^{\circ}45'16''\ E$ a distance of 5308.06 feet; 9.) thence $N\ 89^{\circ}37'01''\ E$ a distance of 5278.84 feet; 10.) thence $N\ 89^{\circ}35'08''\ E$ a distance of 2946.17 feet to a tangent curve concave to the Southwest; said curve having a radius of 738.99 feet, a delta angle of $90^{\circ}09'37''$, subtended by a chord bearing $S\ 45^{\circ}20'04''\ E$, for a distance of 1046.55 feet; thence departing the North Boundary of said King Ranch Tract coincident with said curve a distance of 1162.87 feet to a point of tangency; thence $S\ 00^{\circ}15'15''\ E$ a distance of 8570.02 feet; thence $S\ 00^{\circ}15'15''\ E$ a distance of 1898.78 feet to a tangent curve concave to the Northeast; said curve having a radius of 475.00 feet, a delta angle of $90^{\circ}00'00''$, subtended by a chord bearing $S\ 45^{\circ}15'15''\ E$, for a distance of 671.75 feet; thence coincident with said curve 746.13 feet to a point of tangency; thence $N\ 89^{\circ}44'45''\ E$ a distance of 6379.19 feet; thence $N\ 89^{\circ}44'35''\ E$ a distance of

5280.69 feet; thence N 89°49'21" E a distance of 4884.72 feet to a tangent curve concave to the Southwest; said curve having a radius of 675.00 feet, a delta angle of 89°59'13", subtended by a chord bearing S 45°11'02" E, for a distance of 954.48 feet; thence coincident with said curve a distance of 1060.13 feet to a point of tangency; thence S 00°11'26" E a distance of 4408.38 feet to a tangent curve concave to the Northeast; said curve having a radius of 475.00 feet, a delta angle of 89°54'35", subtended by a chord bearing S 45°08'43" E, for a distance of 671.22 feet; thence coincident with said curve a distance of 745.38 feet to a point of tangency, said point of tangency being coincident with the North Boundary of Section 31, Township 45 South, Range 38 East; thence coincident with the North Boundary of said Section 31, N 89°53'59" E a distance of 4533.03 feet to the Northwest corner of said Section 32, Township 45 South, Range 38 East; thence departing the North Boundary of said Section 31 coincident with the North Boundary of said Section 32, N 89°51'32" E a distance of 5283.45 feet to the Northwest corner of said Section 33, Township 45 South, Range 38 East; thence departing the North Boundary of said Section 32 coincident with the North Boundary of said Section 33, S 89°59'05" E a distance of 5279.89 feet to the Northwest corner of said Section 34, Township 45 South, Range 38 East; thence departing the North Boundary of said Section 33 coincident with the North Boundary of said Section 34, N 89°53'14" E a distance of 5279.89 feet to the Northwest corner of said Section 35, Township 45 South, Range 38 East; thence departing the North Boundary of said Section 34 coincident with the North Boundary of said Section 35, N 89°53'38" E a distance of 5281.21 feet to the Northwest corner of said Section 36, Township 45 South, Range 38 East; thence departing the North Boundary of said Section 35 coincident with the North Boundary of said Section 36, N 89°52'23" E a distance of 5278.59 feet to the Northwest corner of said Section 31, Township 45 South, Range 39 East; thence departing the North Boundary of said Section 36 coincident with the North Boundary of said Section 31, N 89°31'00" E a distance of 3943.39 feet to a one (1) inch capped iron pipe labeled "L.B. #3411", said point being the POINT OF BEGINNING.

Containing an area of 164381150.56 square feet, 3773.672 acres more or less.