

RESOLUTION NO. R-2015- 0960

**RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. STR-1994-0013-8
TO APPROVE A DEVELOPMENT ORDER AMENDMENT OF
RESOLUTION NO. R-2005-1122
CONTROL NO. 1994-0013
APPLICATION NO. DOA/R-2004-00293**

WHEREAS, the Board of County Commissioners (BCC), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, as amended, 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. (Monitoring) of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report STR-1994-0013-8 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on July 23, 2015; and

WHEREAS, the Board of County Commissioners has reviewed Status Report STR-1994-0013-8 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 Order Amendments; and

WHEREAS, the Board of County Commissioners incorporates by reference the Findings of Fact in the Status Report; and

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 the recommendation of Status Report No. STR-1994-0013-8, to approve a Development Order Amendment to add a condition of approval to Resolution R-2005-1122, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 23, 2015.

1. All previously approved conditions of approval continue to apply.
2. Condition of approval Eng-9, to be added, states:

The Property Owner shall provide proportionate share funds in the amount of 54% towards the cost of signal installation at Hypoluxo Road and Adonis Drive. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation and right of way or easement acquisition.

a. Building permits shall not be issued until the Property Owner provides 54% of the cost of signal installation, as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng).

Commissioner Berger moved for the approval of the Resolution.

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

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 23, 2015.

Filed with the Clerk of the Board of County Commissioners on July 27th, 2015.


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

BY: 
COUNTY ATTORNEY

SHARON R. BOCK,
CLERK AND COMPTROLLER

BY: 
DEPUTY CLERK

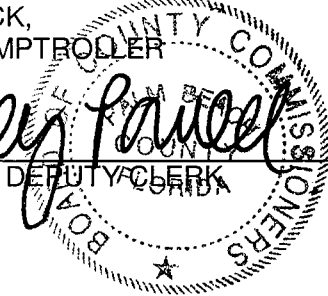


EXHIBIT A
LEGAL DESCRIPTION

The Southwest one-quarter of the Southeast one-quarter of the Southwest one-quarter of Section 1, Township 45 South, Range 42 East, LESS the right-of-way as conveyed to the County of Palm Beach on October 12, 1959 in Official Record Book 415, page 181, Public Records of Palm Beach County, Florida.

Legal Description of the Right of Way Dedication of Hypoluxo Road recorded in Official Record Book 415, at Page 181:
That portion of:

The West ½ of the SE ¼ of the SW ¼ of Section 1, Twp. 45 S., Rge. 42 E.,

which lies South of the following described North right-of-way line of Hypoluxo Road, to-wit:

As a point of reference start at the South Quarter corner of Section 1, Twp. 45 S., Rge. 42 E., run northerly along the East line of the SW ¼ of said Section 1 for a distance of 104.05 feet; thence run North 88 deg. 59 min. 33 sec. West for a distance of 56.32 feet to Point of Beginning of said North right-of-way description. Thence continue North 88 deg. 59 min. 33 sec. West, for a distance of 3030.60 feet to the beginning of a curve concave to the northerly and having a radius of 5679.65 feet; thence run in a westerly direction along the arc of said curve for a distance of 48.85 feet to the end of curve; thence run North 88 deg. 29 min. a 59 sec. West, for a distance of 4767.04 feet to the beginning of a curve concave to the southerly and having a radius of 5779.65 feet; thence run in a westerly direction along the arc of said curve for a distance of 75.72 feet to a point of the West line of Section 2, Twp. 45 S., Rge. 42 E., said point being 84.00 feet North of the SW corner of said Section 2.

Also Less and Excepting:

Legal Description of the Right of Way Dedication of Hypoluxo Road recorded in Official Record Book 6661, at Page 1788.

A portion of a parcel of land described in Official Record Book 4353, Page 1356 of the public records of Palm Beach County, Florida, also lying within the Southwest one-quarter of the Southeast one-quarter of the Southwest one-quarter of Section 1, the Township 45 South, Range 42 East, Palm Beach County, Florida and being more particularly described as follows:

Commence at the Southeast corner of the Southwest one-quarter of said Section 1, thence North 88°50'22" West along the South line of said Section 1, a distance of 663.20 feet; thence North 00°13'51" West along the East Line of the Southwest one-quarter of the Southeast one-quarter of the Southwest one-quarter of said Section 1, a distance of 97.64 feet to POINT OF BEGINNING; thence North 89°23'36" West along the North Right-of-Way line of Hypoluxo Road and described in official record book 415, page 181 of the Public Records of Palm Beach County, Florida, a distance of 663.13 feet; thence North 00°16'06" West along the West line of the Southwest one-quarter of the Southeast one-quarter of the Southwest one-quarter of said Section 1, a distance of 43.19 feet; thence South 44°33'14" East, a distance of 34.91 feet to a point on a line 110.0 feet North of (as measured at right angles_ and parallel with the South line of the Southwest one-quarter of said Section 1; thence South 88°50'22" East along said parallel line a distance of 566.24 feet; thence South 89°45'22" East, a distance of 72.63 feet; thence South 00°13'51" East along the previously described East line of the Southwest one-quarter of the Southeast one-quarter of the Southwest one-quarter of said Section 1, a distance of 13.55 feet to the POINT OF BEGINNING.

Containing 380,872 Square Feet or 8.74 acres more or less.

EXHIBIT B

VICINITY SKETCH

**PALM BEACH COUNTY PLANNING DIVISION
SITE LOCATION AND LAND USE**



Application Name: Chimu Shopping Center
Control Number: 1994-013
Atlas Page Number: 82
Date: 07/01/2015

