

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 76-139A.3
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-89-2217
WHICH APPROVED THE SPECIAL EXCEPTION OF
TOWNE PARK JOINT VENTURE, INC.
PETITION NO. 76-139(A)

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 Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 76-139A.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 30, 1997; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 76-139A.3 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

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

1. The requirements of conditions 5, 9, 11, and 12 of Resolution R-89-2217 are also in Resolution R-96-649, the resolution which approved the Towne Park PUD.
2. The Palm Beach County Engineering and Public Works Department has determined that these conditions only need to be in Resolution R-96-649.

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 76-139A.3, to amend Conditions of Approval of Resolution No. R-89-2217, the Special Exception of Towne Park Joint Venture, Inc., Petition No. 76-139(A), which amended the master plan for Sherbrooke Planned Unit Development to delete acreage and increase the density on property in the RE-Residential Estate Zoning District on a parcel of land being a part of Sections 5 and 6, Township 45 South, Range 42 East, and a part of Lot 1, Tract 42, Palm Beach Farms Company Plat No. 13, recorded in Plat Book 6, page 98, and a part of Blocks 37, 36, 43, and 42 Palm Beach Farms Company Plat No. 3, recorded in Plat Book 2, pages 45 through 54 inclusive; beginning at the Southwest corner of said Plat of Lexington I of Sherbrooke; thence, North 00 degrees 33'53" West, along the Westerly line of said plat, a distance of 1280.00 feet; thence, North 13 degrees 08'08" West, along said line, a distance of 1506.10 feet; thence, North 89

degrees 26'07" East, along the Northerly line of said Plat, a distance of 1399.71 feet; thence, North 01 degree 48'19" East, a distance of 82.78 feet; thence, South 88 degrees 11'41" East, a distance of 135.00 feet; thence, North 01 degree 48'19" East, along a line parallel with, and 60.00 feet Westerly of, as measured at right angles to the Westerly line of Lot 32, St. Andrews of Sherbrooke, recorded in Plat Book 37, Pages 100 through 102 inclusive, a distance of 228.00 feet; thence, North 38 degrees 03'43" West, a distance of 619.84 feet; thence North 30 degrees 26'41" West, a distance of 855.00 feet to a point being South 60 degrees 33'19" West a distance of 25.00 feet from the most southerly corner of the right-of-way for Angus Road of said Plat; thence, North 29 degrees 26'41" West, along a line parallel with, and 25.00 feet Southwesterly of, as measured at right angles to the Southwesterly line of Lot 23 of Said Plat, a distance of 270.00 feet to a point being South 60 degrees 33'19" West a distance of 25.00 feet from the most Westerly corner of said lot 23, thence, South 60 degrees 33'19" West, a distance of 50.00 feet; thence North 29 degrees 26'41" West, a distance of 250.00 feet; thence North 17 degrees 05'15" East, a distance of 639.46 feet to the North line of the Northeast 1/4 of said Section 6; thence, South 87 degrees 54'29" East, along said line, a distance of 1810.40 feet; thence North 09 degrees 02'07" West, along a line parallel with and 440.51 feet Easterly as measured at right angles to the West line of Lot 1, Tract 42 of said Plat of Palm Beach Farms Company Plat No. 13, a distance of 1485.04 feet; thence South 87 degrees 55'58" East, along the South right-of-way line of Lantana Road and along a line parallel with, and 40.00 feet Southerly of, as measured at right angles to the South line of the Southwest 1/4 of Section 31, Township 44 South, Range 42 East, a distance of 904.59 feet; thence South 13 degrees 02'53" East, along the Easterly line of said Lot 1, a distance of 1509.93 feet to the Northwest corner of said Section 5; thence North 89 degrees 16'18" East, along the North line of the Northwest 1/4 of said Section 5, a distance of 874.92 feet; thence, South 00 degrees 33'53" East, along the Easterly line of Tracts 13, 20, 45, and 52 of said Block 37, a distance of 2480.24 feet; thence North 89 degrees 26'07" East, along the North line of Tract 76, Block 37 of said Plat of Palm Beach Farms Company Plat No. 3, a distance of 309.12 feet; thence, South 00 degrees 33'53" East, a distance of 45.00 feet to the Northeast corner of the North portion of said Plat of Greenbriar I of Sherbrooke; thence South, 20 degrees 27'01" East, along the Easterly line of said Plat, a distance of 358.12 feet; thence South 24 degrees 34'01" East, along said line, a distance of 259.48 feet to the Southeast corner of said North portion; thence, South 07 degrees 44'12" East, a distance of 856.46 feet; thence, North 63 degrees 53'32" East, a distance of 1223.38 feet; thence, South 84 degrees 37'20" East, a distance of 236.33 feet; thence, South 36 degrees 13'57" East, a distance of 172.05 feet; thence, South 45 degrees 42'50" West, a distance of 862.93 feet; thence, South 89 degrees 18'19" West, along the Northerly line of said Plat of Sherbrooke Parcel "C" Plat One, a distance of 620.00 feet; thence, North 75 degrees 45'48" West, along said line, a distance of 132.86 feet to the Northwest corner of said Plat; thence, South 06 degrees 29'13" East, along the Westerly line of said Plat, a distance of 897.61 feet; thence South 00 degrees 33'53" East, along said line, a distance of 158.00 feet to the Southwest corner of said plat; thence South 89 degrees 26'07" West, along the South line of said Plat of Greenbriar I of Sherbrooke and along the South line of said Plat Of Lexington I of Sherbrooke a distance of 4813.11 feet to the Point of Beginning, less plats as recorded in Plat Book 33 Pages 55-57 (Greenbriar I); Plat Book 32 Pages 195-198 (Lexington I); Plat Book 37 Pages 100-102 (St. Andrews); Plat Book 36 Pages 144 (Replat of Greenbriar I); and Plat Book 52 Pages 53-54 (Parcel C Plat 1)., being located on the south side of Lantana Road, approximately 0.1 of a mile east of U.S. 441 (State Road 7), bounded on the east by Florida's Turnpike in the RE-Residential Estate Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval contained in Resolutions R-76-928 and R-89-2217 continue to apply unless expressly modified herein.
2. Condition number 5 of Resolution R-89-2217 which currently states:

Within 2 years of the effective date of the Resolution approving this project or as may be extended to correspond with roadway design schedules with approval by the County Engineer, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed free of all encumbrances and encroachments for the remaining unplatted portion of Sherbrooke, P.U.D.:

- a. Hypoluxo road, 110 feet of right-of-way;
- b. Lyons Road 108 feet of right-of-way;
- c. Sufficient right-of-way as determined by the County Engineer for the Hypoluxo Road/Turnpike Overpass and/or Interchange; and,
- d. The following intersections. These intersections shall be in conformance with expanded intersections as defined in Palm Beach County's Thoroughfare Right-of-way Protection Map:
 1. State Road 7 and Hypoluxo Road; and,
 2. Hypoluxo Road and Lyons Road.

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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

Is hereby deleted.

3. Condition number 9 of Resolution R-89-2217 which currently states:

The property owner shall provide construction plans to the Land Development Division for the completion of Lyons Road from the construction currently in progress south of Lantana Road for the construction of 2 lanes expandable to 6 lanes. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be commenced within 12 months of the effective date of the Resolution approving this project. Plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. Surety for these plans shall be posted within sixty (60) days of the effective date of adoption of the Resolution approving this petition in the amount to be determined by the County Engineer.

Is hereby deleted.

4. Condition number 11 of Resolution R-89-2217 which currently states:

The property owner shall provide construction plans to Land Development Division for Hypoluxo Road as a 2 lane section (expandable to 6 lanes) from the Florida Turnpike to State Road 7, excluding the turnpike/overpass plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be commenced with 24 months and completed prior to 36 months of the effective date of the Resolution approving this project. Plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. Surety for these plans shall be posted within sixty (60) days of the effective date of adoption of the Resolution approving this petition in an amount to be determined by the County Engineer.

Is hereby deleted.

5. Condition number 12 of Resolution R-89-2217 which currently states:

The property owner shall construct Hypoluxo Road as a 2 lane section from State Road 7 to the Florida Turnpike excluding the turnpike overpass/interchange in accordance with the Condition above. This construction shall be started within four (4) years and shall be completed within 5 years of the effective date of the Resolution approving this project or as required by the County Engineer for paved continuity for Hypoluxo Road from State Road 7 to Jog Road whichever of the two shall first occur. In no case however shall construction be required to begin prior to 3 years of the effective date of the Resolution approving this project. All canal crossings within the project limits shall be constructed to their ultimate configuration.

Is hereby deleted.

Commissioner McCarty moved for approval of the Resolution.

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

BURT AARONSON, CHAIRMAN	—	AYE
MAUDE FORD LEE, VICE CHAIR	—	AYE
KEN FOSTER	—	ABSENT
KAREN T. MARCUS	—	AYE
MARY MCCARTY	—	AYE
WARREN H. NEWELL	—	AYE
CAROL ROBERTS	—	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 30 day of January, 1997.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA. BY ITS BOARD OF COUNTY COMMISSIONERS

BY: [Signature]

DOROTHY H. WILKEN, CLERK BY: [Signature] DEPUTY CLERK

