

RESOLUTION NO. R-73- 568

RESOLUTION APPROVING ZONING PETITION

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and Chapter 70-863, Laws of Florida, Special Acts of 1970, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 73-90 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23 August 1973.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 23rd day of August, 1973, that petition No. 73-90, the petition of KARL A. KANDALL for the REZONING, FROM AG-AGRICULTURAL DISTRICT TO RS-RESIDENTIAL SINGLE FAMILY DISTRICT, of Section 19 and 30, Township 41 South, Range 43 East, together with that part of Section 31, Township 41 South, Range 43 East, described as follows: beginning at a point in the West line of said Section 31, which said point is 5330 feet North of the Southwest corner of said Section 31; thence Easterly one mile more or less to the Northeast corner of said Section 31 marked by an iron pipe; thence Westerly along the North line of said, Section 31, one mile more or less to the Northwest corner of said Section 31, marked by a concrete monument established by H.C. Fugate, Engineer, which said point is 153.22 feet more or less North of the Point of Beginning; thence Southerly along the West line of said Section 31 a distance of 153.22 feet more or

less to the Point of Beginning; the tract of land hereby conveyed being all that part of Section 31, Township 41 South, Range 43 East lying North of a line the West end of which is 5330 feet North of the Southwest corner of said Section and the East end of which is an iron pipe marking the Northeast corner of said Section, AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on Section 19 and 30, Township 41 South, Range 43 East, together with Section 30, Township 41 South, Range 43 East, also together with that part of Section 31, Township 41 South, Range 43 East, described as follows: beginning at a point in the West line of Section 31, Township 41 South, Range 43 East, which said point is 5330 feet North of the Southwest corner of said Section 31; thence Easterly one mile more or less to the Northeast corner of said Section 31 marked by an iron pipe; thence Westerly along the North line of said Section 31, one mile more or less to the Northwest corner of said Section 31, marked by a concrete monument established by H.C. Fugate, Engineer, which said point is 153.22 feet more or less North of the Point of Beginning; thence Southerly along the West line of said Section 31 a distance of 153.22 feet more or less to the Point of Beginning; the tract of land hereby conveyed being all that part of Section 31, Township 41 South, Range 43 East lying North of a line the West end of which is 5330 feet North of the Southwest corner of said Section and the East end of which is an iron pipe marking the Northeast corner of said Section; being the same land described in Deed dated February 10, 1959, from Ricker Alford, and wife, Helen D. Alford, to N.B. Hunt, and recorded in Official Record Book 305, page 125, of the County Records of Palm Beach County, Florida; also together with the Northwest 1/4 of Section 29, Township 41 South, Range 43 East, less the North 472.5 feet of the West 710.69 feet of the East 1567.89 feet of the Northwest 1/4 of said Section 29, and also less the South 680 feet of the East 1326.06 feet of the Northwest 1/4 of said Section 29, and together with that part of the North 950 feet of the Northwest 1/4 of the Northeast 1/4 of said Section 29, lying West of the Intracoastal Waterway, less the North 50 feet, thereof, all lying and being in Palm Beach County, Florida, less rights-of-way of record. Said property located on the east side of Alternate

ALA and on the north and south side of Donald Ross Road, was approved as advertised subject to the following special conditions:

- (1) The approval by the Board of County Commissioners of a Development of Regional Impact;
- (2) The density proposed for the Planned Unit Development shall not exceed 4.7 dwelling units per acre;
- (3) The developer shall construct at his expense four lanes for Donald Ross Road, the reverse curve on Prosperity Farms Road and shall install signalization at the entrance roads on Donald Ross Road, Alternate ALA and Prosperity Farms Road if Engineering and traffic studies determine they are required;
- (4) A thirty (30) acre school site shall be dedicated after a meeting with the School Plant Planning Department to see if this acreage meets the school system needs for a population of this projected by the development;
- (5) The developer shall reserve all preservation areas shown on the Land Use Plan by dedication and setbacks from the natural tree line, including, specifically, the eleven (11) acres abutting the extra coastal waterway to be de'dicated to the County for park purpose or other recreational uses;
- (6) The developer shall maintain the existing salt water intrusion dam on the property and if Engineering studies show that it should be relocated at Prosperity Farms Road, the developer shall bear this cost at his expense;
- (7) To alleviate fears that salt water intrusion will penetrate existing wells of nearby home owners, the developer shall extend approved water lines up and down Prosperity Farms Road ;
- (8) The developer shall coordinate the preservation of the wildlife existing on the site with the Game and Fresh Water Fish Commission and other appropriate agencies;

- (9) The developer shall obtain the proper State permits for any dredging activity and marina construction that are deemed necessary based upon the approved master plan;
- (10) Prior to the submittal to the County, all phases of the Planned Unit Development will be coordinated by Karl' A. Kandall in the event that other parties undertake the development of specific parcels within the Planned Unit Development.

The foregoing resolution was offered by Commissioner Culpepper, who moved its adoption. The motion was seconded by Commissioner Warren, and upon being put to a vote, the vote was as follows:

Lake Lytal	- Aye
E. W. Weaver	- Aye
Robert C. Johnson	- Aye
George V. Warren	- Aye
Robert F. Culpepper	- Aye

The Chairman thereupon declared the resolution duly passed and adopted this 2nd day of October, 1973.

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY  
*Michael S. [Signature]*  
COUNTY ATTORNEY.

BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By *Gladys [Signature]*  
Deputy Clerk

