

RESOLUTION NO. R-83-373

RESOLUTION APPROVING ZONING PETITION 83-1, Special Exception

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, 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. 83-1 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27th of January 1983; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

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

1. The proposal is permitted by the Comprehensive Plan.
2. The proposal satisfies all Mandatory Performance Standards.
3. The proposal will have no significant impact upon surrounding properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day of January 1983, that Petition No. 83-1 the petition of SOUTHERM BELL TELEPHONE AND TELEGRAPH By Peter L. Schnieder, Agent, for THE FURTHER SPECIAL EXCEPTION TO ALLOW A PUBLIC UTILITY SERVICE INCLUDING ACCESSORY BUILDINGS AND STRUCTURES on a certain parcel of land lying in the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 13, Township 45 South, Range 42 East, said parcel being the same parcel of land described in and conveyed to Milton J. Gessner and Rita E. Gessner his wife by Warranty Deed Recorded in Official Record Book 2055, Page 1748; said parcel being more particularly described as follows: Commencing at the Northwest corner of the said West 1/2 of the Southwest

1/4 of the Northwest 1/4 of Section 13, Township 45 South, Range 42 East: run thence North $89^{\circ}59'20''$ East along the North line of said West 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 13, (The West line of the Northwest 1/4 of Section 13 is shown to bear North $0^{\circ}27'11''$ West by the Right-of-Way Map for S.R. 809 Section 9375-113 and all bearings mentioned herein are relative thereto), a distance of 440.54 feet more or less; to a line parallel with and 218.96 feet Westerly from, measured at right angles to, the East line of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 13; thence South $0^{\circ}26'49''$ East along said parallel line, a distance of 500.49 feet more or less, to the Westerly Right-of-Way line of Military Trail as shown aforesaid right-of-way map: said **right-of-way** being in the arc of a curve concave Southeasterly, having a radius of 1960.08 feet, thence Southwesterly along the arc of said curve subtending a central angle of $16^{\circ}18'24''$, a distance of 557.82 feet to the Point of Beginning of the herein described parcel, thence continue Southwesterly along the said Westerly right-of-way line of Military Trail and along the arc of said curve, subtending, a central angle of $8^{\circ}12'12''$ a distance of 280.64 feet more or less, to a line **aprallel** with and 33 feet Easterly from, measured at right angles **to**, the West line of the said West 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 13; said parallel line being the Easterly right-of-way line of that certain 666 foot wide right-of-way referred to as Old Military Trail and S.R. No. 200 and more particularly described in Deed Book 533, Page 153. Thence North $0^{\circ}27'11''$ West along said Easterly right-of-way line, a distance of 196.16 feet to the beginning of a curve concave Easterly, having a radius of 1008.74 feet: thence Northerly along the arc of said curve and said Easterly right-of-way line, subtending a central'angle of $4^{\circ}41'58''$, a distance of 82.74 feet more or less, to a point in the South line of the that certain parcel described in Official Record

Book 2276, Page 651; thence South 80°24'39" East along said South line, a distance of 99.39 feet more or less to the Point of Beginning. Said property located on the north side of the intersection of Military Trail (S.R. 809) and Old Military Trail, approximately 1.5 miles east of Jog Road, was approved as advertised subject to the following conditions:

1. Property owner shall convey to Palm Beach County, within ninety (90) days of approval, 60 feet from centerline for the ultimate right-of-way for Military Trail, approximately an additional 10 feet of right-of-way.
2. Property owner shall convey to Palm Beach County, within ninety (90) days of approval, 40 feet from centerline for the ultimate right-of-way for Haverhill Road, approximately an additional 7 feet of right-of-way.
3. Developer shall adhere to requirements as outlined in Lake Worth Drainage District letter of October 27, 1982 to the Petitioner, in the installation of on-site drainage provisions; a copy of which is attached hereto and made a part hereof.
4. Developer shall preserve as much significant on-site vegetation as possible and shall limit clearing activities only to those areas required for access and building pad.

Commissioner Koehler, moved for approval of the petition. The motion was seconded by Commissioner Wilken, and upon being put to a vote, the vote was as follows:

Peggy E. Evatt, Chairman	- Absent
Ken Spillias, Vice Chairman	- Absent
Dennis P. Koehler, Member	- Aye
Dorothy Wilken, Member	- Aye
Bill Bailey, Member	- Aye

The foregoing resolution was declared duly passed and adopted this 22nd day of March, 1983, confirming action of 27th January 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: Marlene M. Harris
Deputy Clerk

MAR 22 1983

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Collett
County Attorney