

RESOLUTION NO. R-90-42

RESOLUTION APPROVING ZONING PETITION NO. **89-68**
REZONING PETITION OF URBAIN AND RACHEL L. DECARIE
SUBJECT TO VOLUNTARY COMMITMENTS

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 have been satisfied; and

WHEREAS, Petition No. **89-68** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July **27, 1989**; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, this approval is subject to Zoning Code Section **402.9** (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, **402.5** of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. **89-68**, the petition of URBAIN AND RACHEL L. DECARIE, by Robert A. Bentz, Agent, for a REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO RTS-RESIDENTIAL TRANSITIONAL SUBURBAN ZONING DISTRICT on a parcel of land lying on the North **1/2** of the South **1/2** of Lot **8**, according to the Amended Plat of Section **12**, Township **45** South, Range **42** East, Mary A. Lyman, et al, as recorded in Plat Book **9** at page **74**, Less Right-of-way for Military Trail (S.R. **809**) as now laid out and in use.

AND

That portion of the South **1/2** of the South **1/2** of Lot **8**, according to said Amended Plat of Mary A. Lyman Et Al, lying West of a one acre parcel, said one acre parcel's East line is the West line of Parcel C.R.D. No. **19**, Urbain DeCarie and Rachel L. DeCarie, Official Record Book **2535**, Page **97**, Parcel Acquisition Map for Military Trail, Drawing No. **83224**, and said one acre parcel's West line is parallel with the West line of said Lot **8**.

The above described property is more particularly described as follows: (Note: The East line of the Northwest **1/4** of Section **12** is assumed to bear South **04** Degrees **39' 20"** West and all other bearings cited herein are relative thereto).

Commencing at the Northeast corner of the Northwest 1/4 of Section 12, Township 45 South, Range 42 East, thence South 04 Degrees 39' 20" West along the East line of the said Northwest 1/4 a distance of 1007.14 feet, to a point of intersection with the Easterly prolongation of the North line of the South 1/2 of Lot 8, according to said Amended Plat of Mary A. Lyman Et Al, thence North 89 Degrees 20' 44" West along the Easterly prolongation of the said North line of the South 1/2 of Lot 8 a distance of 50.12 feet to a concrete monument: thence continue North 89 Degrees 20' 44" West a distance of 14.03 feet to the Point of Beginning; thence continue North 89 Degrees 20' 44" West along the North line of the South 1/2 of Lot 8 a distance of 694.34 feet to a concrete monument at the Northwest corner of the said South 1/2 of Lot 8; Thence South 03 Degrees 43' 30" West along the West line of said Lot 8 a distance of 338.25 feet to the Southwest corner of said Lot 8; thence South 89 Degrees 33' 16" East, along the South line of said Lot 8 a distance of 432.94 feet; thence North 03 Degrees 43' 30" East a distance of 168.33 feet to a point on the North line of the South 1/2 of the South 1/2 of said Lot 8; thence South 89 Degrees 26' 59" East along the said North line of the South 1/2 of the South 1/2 a distance of 260.24 feet to a point on the West Right-of-way line of Military Trail as now laid out and in use: thence North 04 Degrees 09' 26" East along said West Right-of-way line a distance of 167.93 feet to the Point of Beginning, being located on the west side of Military Trail (SR 809), approximately .2 mile south of Hypoluxo Road, was approved on July 27, 1989, as advertised subject to the following voluntary commitments:

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	AYE
Ron Howard	--	AYE
Karen T. Marcus	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 2nd day of January, 1990 .

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Bubba Allen
COUNTY ATTORNEY

BY:

Jina Blair
DEPUTY CLERK

