

RESOLUTION NO. R-90- 1453

RESOLUTION APPROVING ZONING PETITION NO. 90-28
REZONING PETITION OF HEINZ KAHLERT AND HERB KAHLERT
BY ROBERT A. BENTZ, AGENT

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. 90-28 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 30, 1990; 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. 90-28, the petition of HEINZ KAHLERT AND HERB KAHLERT, 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 in the Southeast 1/4 of Section 10, Township 45 South, Range 42 East, being more particularly described as follows: Commencing at the Northwest corner of said Southeast 1/4 of Section 10; thence North 89 Degrees 52'27" East, along the north line of said Southeast 1/4 of Section 10, a distance of 340.63 feet to a point on a line 340.00 feet East of and parallel with the West line of said Southeast 1/4 of Section 10; thence South 03 degrees 20'59" West, along said parallel line, 75.14 feet to the POINT OF BEGINNING, said point being on a line 75.00 feet South of and parallel with said North line of the Southeast 1/4 of Section 10 (said line also being the South right-of-way line for Lake Worth Drainage District's required right-of-way for Lateral #19 as shown on Lake Worth Drainage District's required right-of-way maps dated May, 1969); thence North 89 degrees 52'27" East, along said parallel line, 400.00 feet; thence South 03 degrees 20'59" West, along a line 740.00 feet East of and parallel with said West line of the

Southeast 1/4, 327.00 feet; thence South 89 degrees 52'27" West, along a line 402.00 feet South of and parallel with said North line of the Southeast 1/4, 400.00 feet to a point on aforesaid parallel line being 340.00 feet East of and parallel with the West line of aforesaid Southeast 1/4 of Section 10; thence North 03 degrees 20'59" East, along said parallel line, 327.00 feet to the POINT OF BEGINNING. TOGETHER WITH: A 60.00 foot wide strip of land for an ingress and egress easement, described as follows: Commencing at the Northwest corner of the Southeast 1/4 of Section 10, Township 45 South, Range 42 East; thence North 89 degrees 52'27" East, along the North line of said Southeast 1/4, 340.63 feet to a point on a line 340.00 feet East of and parallel with the West line of said Southeast 1/4; thence South 03 degrees 20'59" West, along said parallel line, 75.14 feet to the POINT OF BEGINNING; thence continue South 03 degrees 20'59" West, along said parallel line 60.11 feet to a point on a line 135.00 feet South of and parallel with said North line of said Southeast 1/4; thence South 89 degrees 52'27" West, along said parallel line, 296.89 feet to the Easterly right-of-way line of Jog Road; thence North 04 degrees 25'48" East, along said Easterly right-of-way line, 60.19 feet to a point on a line being 75.00 feet South of an parallel with said North line of the Southeast 1/4; thence North 89 degrees 52'27" East, along said parallel line, 295.75 feet to the POINT OF BEGINNING and being located 300 feet east of Jog Road, bound on the north by Lake Worth Drainage District lateral Canal Number 19, approximately .5 Mile south of Hypoluxo Road, was approved on April 30, 1990, as advertised.

Commissioner Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 28th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLEW

BY: *Andrew Allen*
COUNTY ATTORNEY

BY: *Vicke Benson*
DEPUTY CLERK