

RESOLUTION NO. R-94-1083

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR-80-212D.2
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-91-1068
WHICH APPROVED THE SPECIAL EXCEPTION OF
BOARD OF COUNTY COMMISSIONERS, KAREN MARCUS, CHAIR
PETITION NO. 80-212(D)

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-80-212D.2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 25, 1994; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR-80-212D.2 and considered testimony presented by the applicant and other interested parties, 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. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

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-80-212D.2, to amend Conditions of Approval of Resolution No. R-91-1068, the Special Exception of the Board of County Commissioners, Karen Marcus, Chair, Petition No. 80-212(D), confirmed by the adoption of Resolution R-91-1068, which amended the Master Plan for the Piper's Glen PUD to Recapture 197 Units and Redesignate Civic and Park Sites on a parcel in Sections 2, 3, and 4, Township 46 South, Range 42 East and Tracts 1 through 10, Tracts 25 through 40, Tracts 57 through 64 inclusive, Block 64, PALM BEACH FARMS COMPANIES PLAT NO. 3, Plat Book 2, Pages 45 through 54, and PIPERS GLENN Plat No. 1-A, Plat Book 43, Pages 97 through 100; Commencing at the Northeast Corner of said Section 2; Thence, bear South 89 Degrees 26'38" West, along the North Line of said Section 2, a distance of 50.01 feet to a point on the West right-of-way line of Military Trail; Thence, South 01 Degrees 46'44" East along said right-of-way line, a distance of 40.01 feet for a POINT OF BEGINNING. Thence, South

01 Degrees **46'44"** East, along said right-of-way line, a distance of 295.34 feet to the South line of the North **1/2** of the Northeast **1/4** of the Northeast **1/4** of the Northeast **1/4** of said Section 2; Thence, South 89 Degrees **27'23"** West, along said line, a distance of 605.94 feet to the West line of the North **1/2** of the Northeast **1/4** of the Northeast **1/4** of the Northeast **1/4** of said Section 2; Thence, North 01 Degrees **37'59"** West, along said line, a distance of 175.17 feet to the South line of the South 120.00 feet of the North 160.00 feet of the Northeast **1/4** of said Section 2; Thence, South 89 Degrees **26'38"** West, along said line and Westerly prolongation thereof, a distance of 2031.52 feet to the West right-of-way line of the Lake Worth Drainage District Equalizing Canal **E-3**; Thence, South 01 Degrees **11'41"** East, along said right-of-way line, a distance of 1178.87 feet to the North line of the Southeast **1/4** of the Northwest **1/4** of said Section 2; Thence, South 89 Degrees **29'38"** West, along said line, a distance of 264.26 feet to the West line of the East **1/2** of the Northeast **1/4** of the Southeast **1/4** of the Northwest **1/4** of said Section 2; Thence, South 01 Degrees **07'18"** East, along said line, a distance of 669.32 feet to the South line of the Northeast **1/4** of the Southeast **1/4** of the Northwest **1/4** of said Section 2; Thence, North 89 Degrees **31'07"** East, along said line, a distance of 265.11 feet to the West right-of-way line of said **E-3** Canal: Thence, South 01 Degrees **11'41"** East, along said right-of-way line, a distance of 629.44 feet to the North right-of-way line of the Lake Worth Drainage District Lateral Canal **L-29**: Thence, South 89 Degrees **32'35"** West, along said right-of-way line, a distance of 2582.36 feet to the East line of said Section 3; Thence, South 89 Degrees **29'26"** West, continuing along said line, a distance of 2763.19 feet to the West line of the East 60.00 feet of the Northwest **1/4** of said Section 3; Thence, North 00 Degrees **33'54"** West, along said line, a distance of 1947.16 feet; Thence, North 45 Degrees **33'54"** West, a distance of 35.36 feet: Thence, North 02 Degrees **11'29"** West, a distance of 80.03 feet: Thence, North 43 Degrees **27'22"** East, a distance of 35.95 feet; Thence, North 02 Degrees **31'22"** West, a distance of 519.94 feet **to** the South right-of-way line of the Lake Worth Drainage District Lateral Canal **L-28**: Thence, North 89 Degrees **47'01"** East, along said line, a distance of 80.05 feet to the East line of the Northwest **1/4** of Section 3; Thence, North 89 Degrees **34'41"** East, continuing along said line, a distance of 2681.21 feet to the West line of Section 2; Thence, North 89 Degrees **26'38"** East, along said line, a distance of 5191.58 feet to the POINT OF BEGINNING: together with a parcel beginning at the Northwest **corner** of said **PIPERS GLENN PLAT** No. 1 in **Plat** Book 43, Pages 97 through 101; Said point lying on the Southerly right-of-way line of Lake Worth Drainage District **L-28** Canal: Thence South 02 Degrees **31'22"** East along the Westerly boundary of said **PIPERS GLENN PLAT NUMBER 1**, a distance of 519.94 feet; Thence continuing South along the aforementioned Westerly Plat line South 43 Degrees **27'23"** West, a distance of 35.94 feet: Thence South 02 Degrees **11'29"** East, a distance of 80.03 feet: Thence South 45 Degrees **33'54"** East, **for** a distance of 35.36 feet; Thence South 00 Degrees **33'54"** East, **for** a distance of 1947.16 feet to the Southwest corner of said **PIPERS GLENN PLAT NUMBER 1** and the intersection thereof with the Northerly right-of-way line of the Lake Worth Drainage District **L-29** Canal: Thence continuing along the aforementioned Northerly right-of-way line South 89 Degrees **29'26"** West, for a distance of 2622.68 feet, to the intersection of West line of the said Section 3 and the East line of the said Block 64, **PALM BEACH FARMS COMPANY'S PLAT NUMBER 3**; Thence South 00 Degrees **35'08"** East long the **West line** of said Section 3, for a distance of 325.41 feet; Thence continuing along the North right-of-way line of the aforementioned Lake Worth Drainage District **L-29** Canal North 89 Degrees **58'27"** West, for a distance of 2766.76 feet to the intersection thereof with the West line of said Tract 57 and the Easterly right-of-way line of **Hagan Ranch Road**; Thence continuing along the Easterly right-of-way line of **Hagan Ranch Road** North 00 Degrees **01'33"** East, for a distance of 2635.19 feet: to the intersection thereof with the Southerly right-of-way line of said Lake Worth Drainage District **L-28** Canal; Thence continuing along the aforementioned Lake Worth Drainage District **L-**

28 Canal South 89 Degrees 28'57" East, for a distance of 2573.37 feet; Thence North 49 Degrees 28'26" East, for a distance Of 53.83 feet; Thence South 89 Degrees 58'27" East, for a distance Of 123.99 feet; to the intersection thereof with the West line of said Section 3; Thence North 00 Degrees 35'08" West, along the West right-of-way line of Section 3 and the Southerly right-of-way line of the said Lake Worth Drainage District L-28 Canal, for a distance of 105.14 feet; Thence continuing along the aforementioned Southerly right-of-way line North 49 Degrees 28'26" East, for a distance of 248.65 feet: Thence North 89 Degrees 47'01" East, for a distance of 2412.97 feet, to the POINT OF BEGINNING, being located on the west side of Military Trail and the east side of **Hagen** Ranch Road in the RT-Residential Transitional Zoning District, is approved, as amended, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition number **E.1.c** of Resolution R-91-1068 which currently states:

Prior to July 1, 1991, or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for:

- c. Sufficient right-of-way for a right turn lane on **Hagen** Ranch Road at Piper's Glen Boulevard. This right-of-way shall be a minimum of 150 feet in storage length, twelve feet in width and a taper length of 180 feet.

All free of encumbrances and encroachments. Developer 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 amended to state:

- 1) Prior to October 1, 1994, the property owners shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed (subject to liens and encumbrances of record) sufficient right-of-way for a right turn lane on **Hagen** Ranch Road at Pipers Glen Boulevard. This right-of-way shall be a minimum of 150 feet in storage length, twelve feet in width and taper length of 180 feet. It shall include "safe sight corners" if appropriate as determined by the County Engineer. The right-of-way is more particularly described on Exhibit A, attached hereto. (MONITORING - Engineering)
- 2) Whatever interest cannot be conveyed by any property owner, or any liens affecting the **right-of-way**, shall be condemned by the County. The property owners shall enter into a Right of Way Acquisition Agreement with the Right of Way Acquisition Section of the County Engineer prior to the recordation of the plat for Piper's Glen Boulevard or prior to March 1, 1995, whichever first occurs. (MONITORING - Engineering)

- 3) Surety to insure the cost of condemnation shall be in the form and amount approved by the County Engineer and shall be posted prior to the recordation of the plat for Piper's Glen Boulevard or prior to March 1, 1995, whichever first occurs. The cost of condemnation shall include but not be limited to: compensation awarded in the eminent domain proceedings, costs and attorney's fees awarded, and any direct or indirect costs incurred by the County including County Attorney's fees, out of pocket expenses and expert fees. Property owners shall provide the County with right-of-way acquisition documents, including but not limited to, the survey, property owners map, and legal description. A title search a minimum of **twenty-five** (25) years shall be provided. (MONITORING - Engineering)

Commissioner Newell moved for approval of the Resolution.

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

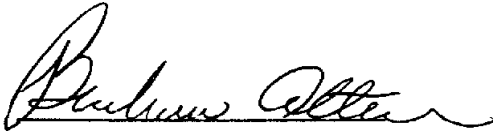
MARY MCCARTY, CHAIR	-- Aye
BURT AARONSON	-- Aye
KEN FOSTER	-- Aye
MAUDE FORD LEE	-- Aye
KAREN T. MARCUS	-- Aye
WARREN H. NEWELL	-- Aye
CAROL ROBERTS	-- Absent

The Chair thereupon declared the resolution was duly passed and adopted this 25th day of August, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:



DOROTHY H. WILKEN, CLERK

BY:


DEPTUY. CLERK

