

RESOLUTION NO. R-95- 113

RESOLUTION APPROVING ZONING PETITION **294-78**
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF PALM BEACH COUNTY SOLID WASTE AUTHORITY

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance **92-20**), have been satisfied; and

WHEREAS, Zoning Petition **294-78** was presented to the Board of County Commissioners at a public hearing conducted on January 26, 1995; and

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

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

1. This official zoning **map** amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning **map** amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning **map** amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning **map** amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION OF DYER BOULEVARD PARK

DESCRIPTION:

ALL OF THE NORTH ONE-HALF (N. 1/2) OF SECTION 26, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD, AND WEST OF THE WESTERLly RIGHT-OF-WAY LINE OF HAVERHILL ROAD;

TOGETHER WITH:

ALL THAT PART OF THE SOUTH ONE-HALF (S. 1/2) OF SECTION 26, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD AND LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD AND THAT PART OF SECTION 35, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF A TURN LANE FOR HAVERHILL ROAD, PER RIGHT-OF-WAY QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 6779, PAGES 1703 THROUGH 1706, INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING NORTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF DYER BOULEVARD AND THE WESTERLY EXTENSION THEREOF, AS SHOWN ON PALM BEACH COUNTY, FLORIDA ENGINEERING DEPARTMENT OWNERSHIP SURVEY OF SECTIONS 22, 23, 26, 27, 34 AND 35, TOWNSHIP 42 SOUTH, RANGE 42 EAST, AND SECTIONS 2 AND 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST, DRAWING NO. **S3-82-722B**, SHEET 4 OF 8, DATED **9/23/82**, LAST REVISED 11 /12/91.

LESS AND EXCEPT THEREFROM:

ALL OF THAT PORTION OF LAND DESCRIBED IN RIGHT-OF-WAY DEED FOR NORTHERN PALM BEACH WATER CONTROL DISTRICT, LYING NORTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID DYER BOULEVARD.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

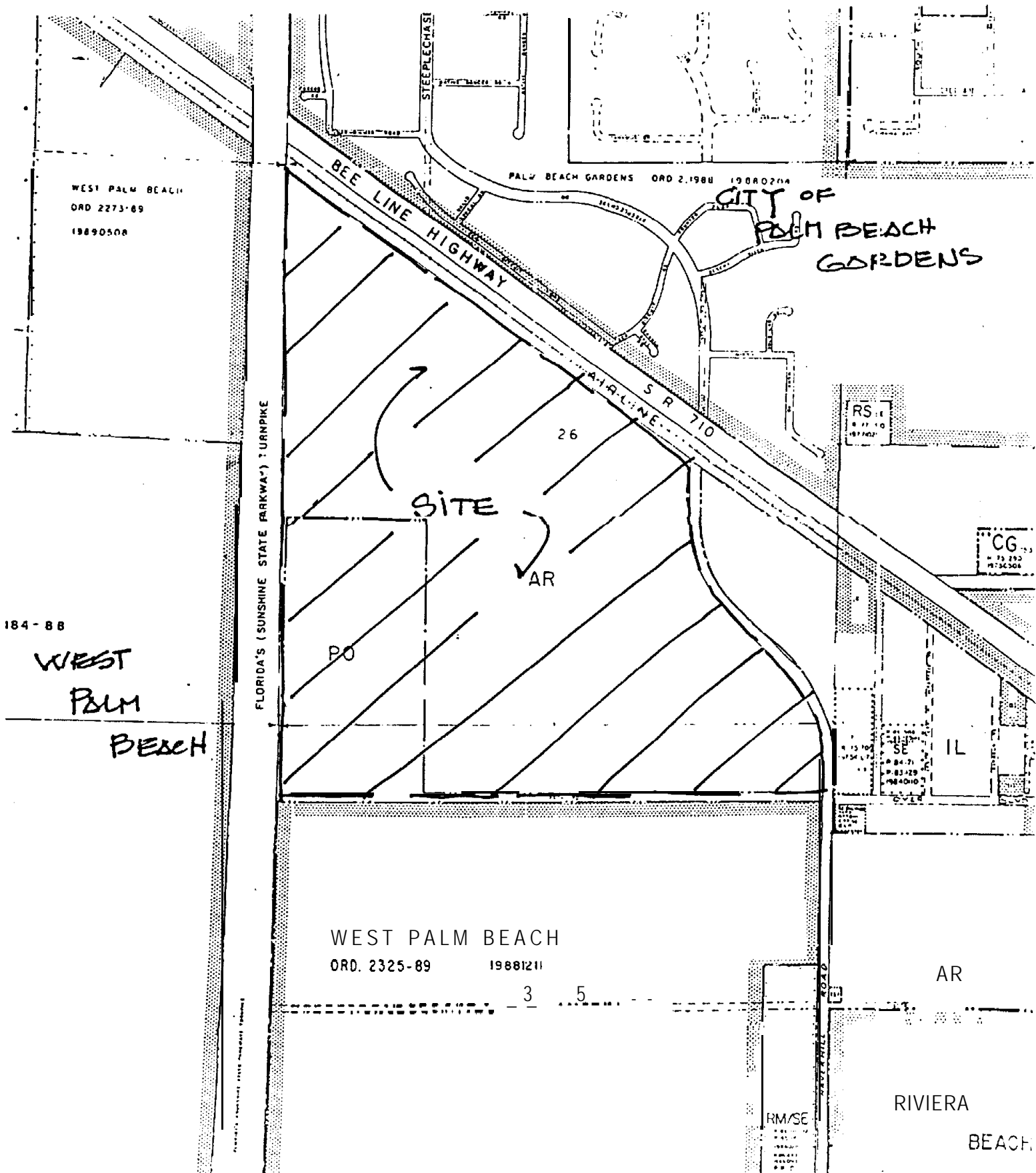


EXHIBIT C

VOLUNTARY COMMITMENTS

E. ENGINEERING

1. The Property owner shall construct a left turn lane, south approach on Haverhill Road at the project's entrance road. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the opening of the Dyer Boulevard Park. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering).
2. On or before July 1, 1995 the property owner shall convey to the Land Development Division adequate road drainage easement(s) through the project's internal surface water management system to provide legal positive outfall for runoff from those segments of Haverhill Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Haverhill Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. (MONITORING - Engineering).
3. The property owner shall convey to Land Development Division by road right-of-way warranty deed for Haverhill Road, 55 feet from centerline on or before July 1, 1995. Right of way conveyance shall be along the projects entire frontage. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate as determined by the County Engineer. (MONITORING/BUILDING - Engineering).