

RESOLUTION NO. R-96-1965

RESOLUTION APPROVING A STIPULATED SETTLEMENT
AGREEMENT; REVOKING RESOLUTION R-95-278;
GRANTING A TIME EXTENSION TO RECORD A PLAT;
AND REINSTATING A SPECIAL EXCEPTION TO ALLOW A PUD
(VICTORIA WOODS PUD - PETITION 83-153)

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, public hearings are duly noticed and advertised; and

WHEREAS, on January 26, 1995 the Board of County Commissioners approved Status Report SR83-153.2 and partially revoked the special exception to allow a PUD permitted by Zoning Petition 83-153; and

WHEREAS, on February 23, 1995 the Board of county Commissioners adopted Resolution R-95-278 confirming the action taken on January 26, 1995; and

WHEREAS, the Board of County Commissioners has reviewed the Stipulated Settlement Agreement, considered testimony and the recommendations of various county review agencies; and

WHEREAS, the Board of County Commissioners has agreed to a Stipulated Settlement Agreement presented at a public hearing conducted on December 2, 1996; and

WHEREAS, the Board of County Commissioners has agreed to revoke Resolution R-95-278; and

WHEREAS, the Board of County Commissioners has agreed to grant a time extension until October 31, 1997 to record the next plat; and

WHEREAS, the Board of County Commissioners has agreed to reinstate the full special exception allowed by Zoning Petition 83-153; and

WHEREAS, the Palm Beach County Unified Land Development Code authorizes the Board of County Commissioners to make zoning and land use decisions; and

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

1. This proposal is consistent with the requirements of the Comprehensive Plan and all local land development regulations; and
2. This proposal is consistent with the Palm Beach County Comprehensive Plan;
3. This proposal is consistent with the requirements of the Palm Beach County Unified Land Development Code;
4. This proposal 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;

R96 1965

5. This proposal 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;
6. This proposal will result in a logical and orderly development pattern;
7. This proposal complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
8. This proposal is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Section 5.3 of the Palm Beach County Unified Land Development Code requires that 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 Stipulated Settlement Agreement, attached hereto as Exhibit C and made a part hereof, revocation of Resolution R-95-278, time extension until October 31, 1997 to record the next plat, and reinstatement of the special exception to allow a Planned Unit Development on property legally described in Exhibit A, attached hereto and made a part hereof, as generally shown on a vicinity sketch attached as Exhibit B, and located on the south side of Summit Boulevard, approximately 0.5 mile east of Jog Road, in the Residential Single Family (RS) Zoning District, are hereby approved.

Commissioner Foster moved for approval of the Resolution.

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

Burt Aaronson, Chair	—	Aye
Ken Foster	—	Aye
Maude Ford Lee	—	Aye
Karen T. Marcus	—	Aye
Mary McCarty	—	Aye
Warren H. Newell	—	Aye
Carol Roberts	—	Absent

The Chair thereupon declared the resolution was duly passed and adopted this on December 2, 1996.

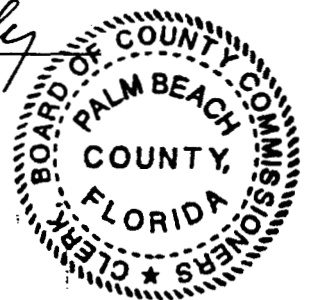
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



R96 1965

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EXHIBIT A

LEGAL DESCRIPTION

THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA BEING ALL OF TRACTS 1 THRU 8 AND 21 THRU 28 TOGETHER WITH APPURTENANT ROADS ACCORDING TO THE MODEL LAND COMPANY SUBDIVISION OF THE WEST 1/2 OF SECTION 11 AS RECORDED IN PLAT BOOK 5 AT PAGE 76 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (HEREINAFTER REFERRED TO AS PBCPR).

LESS THE EAST 40.0 FEET THEREOF ACCORDING TO DEED BOOK 118 AT PAGE 516 OF THE PBCPR.

REMAINDER LANDS UNPLATTED AND UNENCUMBERED OF THE P.U.O.

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA BEING A PORTION OF THE MODEL LAND COMPANY SUBDIVISION OF THE WEST 1/2 OF SAID SECTION 11 AS RECORDED IN PLAT BOOK 5 AT PAGE 76 OF THE PALM BEACH COUNTY PUBLIC RECORDS (HEREINAFTER REFERRED TO AS PBCPR) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 11, THENCE S 86°39'17" E TO THE POINT OF BEGINNING, 1109.33 FEET, SAID POINT BEING THE MOST NORTHERLY NORTHEAST CORNER OF PLAT ONE OF VICTORIA WOODS AS RECORDED IN PLAT BOOK 51 AT PAGE 32 OF THE PBCPR (THE SUCCEEDING 4 COURSES TRACE THE EAST LINE OF SAID PLAT ONE); THENCE S 1°20'43" W, 284.44 FEET; THENCE S 65°20'44" W, 341.51 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 150.0 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 28°00'00", 73.30 FEET; THENCE S 52°39'17" E ALONG THE RADIUS OF THE PRECEDING CURVE AND ITS EXTENSION, 603.50 FEET (LEAVING THE EASTERLY LINE OF VICTORIA WOODS PLAT ONE) TO THE MOST NORTHERLY POINT OF PLAT TWO OF VICTORIA WOODS AS RECORDED IN PLAT BOOK 53 AT PAGE 83 OF THE PBCPR (THE NEXT TEN COURSES TRACE THE EAST AND NORTH LINES OF SAID PLAT TWO) AND THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 286.0 FEET; THENCE SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 54°12'26", 270.58 FEET TO THE POINT OF TANGENCY; THENCE S 1°33'09" W ALONG THE TANGENT, 135.0 FEET; THENCE S 68°26'51" E, 12.0 FEET; THENCE S 1°33'09" W, 140.0 FEET; THENCE S 68°26'51" E, 157.0 FEET; THENCE N 59°26'15" E, 58.76 FEET; THENCE S 88°26'51" E, 420.0 FEET; THENCE S 1°33'09" W, 10.0 FEET; THENCE S 88°26'51" E, 355.0 FEET; THENCE S 1°33'09" W, 335.29 FEET; THENCE S 88°29'41" E, ALONG THE NORTH LINE OF VICTORIA WOODS PLAT 4 AS RECORDED IN PLAT BOOK 63 AT PAGE 169, PBCPR TO A POINT ON A LINE 40.0 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11, AND THE WEST LINE OF THAT PARCEL DESCRIBED IN DEED BOOK 118 AT PAGE 518 OF THE PBCPR 293.85 FEET; THENCE N 1°30'09" E ALONG SAID WEST LINE TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11, 1661.41 FEET; THENCE N 88°39'17" W ALONG SAID NORTH LINE TO THE POINT OF BEGINNING, 1533.63 FEET.


SUBJECT TO AN EASEMENT OVER THE NORTH 70 FEET (OFFICIAL RECORD BOOKS 4451/550, 7144/1500, 2ND 7144/1505 PBCPR) THEREOF AND OVER THE EAST 60 FEET THEREOF (OFFICIAL RECORD BOOK 4451, PAGE 550 PBCPR) IN FAVOR OF PALM BEACH COUNTY AND LAKE WORTH DRAINAGE DISTRICT, RESPECTIVELY.

PARCEL CONTAINS 48.088 ACRES MORE OR LESS.

I HEREBY CERTIFY THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

John A. Murnan
JOHN A. MURNAN, P.E.S.
FLORIDA CERTIFICATE #4733
STATE OF FLORIDA

2-13-95
DATE

Project No. 95020	Sheet 1 of 2	Project	VICTORIA WOODS REMAINDER LAND	Date 2/6/95	Revised	By	Date	 PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS ENGINEERING SERVICE P.O. BOX 2129, WEST PALM BEACH
		Drawing No.	S-1-95-839					

R96 1965

MODEL LAND COMPANY SUBDIVISION
OF THE WEST ONE-HALF OF SECTION 11
PLAT BOOK 5, PAGE 76

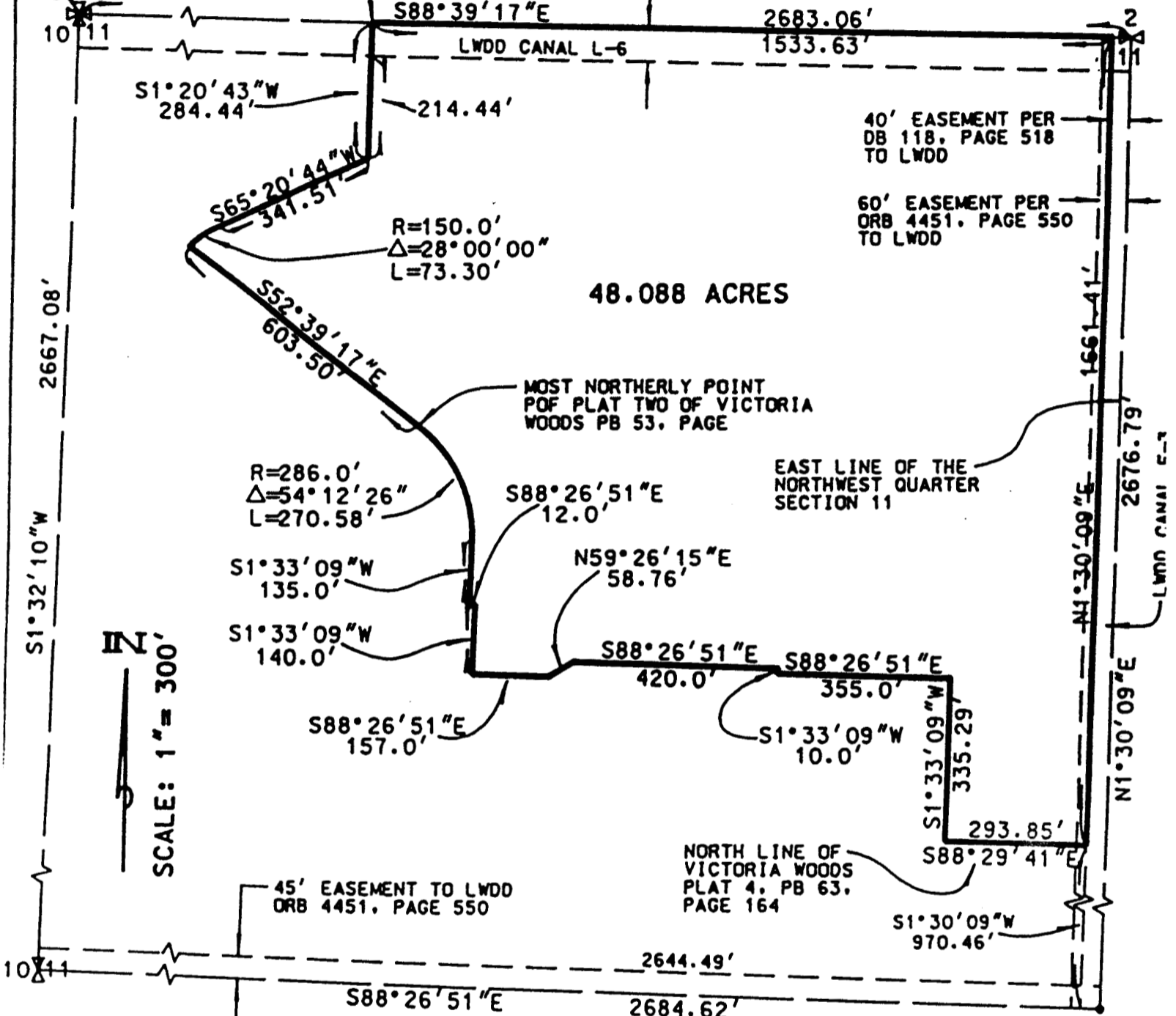
POINT OF COMMENCEMENT
NORTHWEST CORNER OF THE
NORTHWEST QUARTER OF
SECTION 11, TOWNSHIP 44
SOUTH, RANGE 42 EAST

POINT OF BEGINNING
NORTHERLY
NORTHEAST CORNER
OF PLAT ONE OF
VICTORIA WOODS
PB 51, PAGE 32

70' EASEMENT TO LWDD ORB 4451, PAGE 550; QUIT CLAIMED BY LWDD TO PBCO ORB 7144, PAGE 1500; EASEMENT GRANTED BY PBCO TO LWDD ORB 7144, PAGE 1505

BASIS OF BEARINGS

SUMMIT BOULEVARD



48.088 ACRES

SCALE: 1" = 300'

LEGEND

- LWDD = LAKE WORTH DRAINAGE DISTRICT
- PUD = PLANNED UNIT DEVELOPEMENT
- ORB = OFFICIAL RECORD BOOK
- PB = PLAT BOOK
- DR = DEED BOOK

THIS IS NOT A SURVEY

PROJECT NO. 95020	DRAWING NO. S-1-95-839	PROJECT: VICTORIA WOODS REMAINDER LAND	SHEET 2 OF 2
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EXHIBIT B

VICINITY SKETCH

R96 1965 1

EXHIBIT C
STIPULATED SETTLEMENT AGREEMENT

Stipulated Settlement Agreement ("Settlement Agreement") dated this _____ day of October, 1996, by and between Overland National Land Fund Limited Partnership (hereinafter "Overland") and Palm Beach County, a political subdivision of the State of Florida (hereinafter "County").

RECITALS

. WHEREAS, on January 26, 1995, the Palm Beach County Board of County Commissioners partially revoked the special exception approved pursuant to Resolution R-84-350 on April 13, 1984 which allowed a planned unit development on the unplatted portion of the Victoria Woods, PUD, a single-family residential development located on the South Side of Summit Boulevard, .5 mile east of Jog Road (the "Property").

WHEREAS, the Board of County Commissioners also denied a one-year time extension to record a plat for the Property.

WHEREAS, Overland is the fee Owner and successor in interest to the Resolution Trust Corporation as Receiver for Carteret Savings Bank, mortgagee of that certain mortgage from Robert C. Malt and Co., the original fee owner of the Property.

WHEREAS, Overland has filed a petition for a writ of certiorari against the County in the case styled Overland National Land Fund Limited Partnership v. Palm Beach County Board of County Commissioners, Case No. 95-1598, pending the Circuit Court in and for Palm Beach County, Florida which seeks a writ of certiorari requiring the reinstatement of the special exception

R96 1965

and an extension of time, up to and including October 31, 1997 to record plats for the unplatted portion of the Property.

WHEREAS, Overland and the County have agreed to settlement of all issues arising out of the revocation of the special exemption and denial of the extension of time in accordance with the **terms** of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the sufficiency of which are acknowledged by the parties by their signatures below, it is hereby expressly agreed as follows:

1. The above recitals are true and correct and incorporated herein by reference.

2. The County agrees to **consider** (a) a resolution reinstating the Special Exception that allows a PUD on the unplatted portion of the Property, (b) grant an extension of time up to, and including October 31, 1997 to record the next plat.

3. Upon the 'Board of County **Commissioners**' reinstatement of the Special Exception and extension of the time to record the next plat to October 31, 1997, all as provided in paragraphs 1 and 2 above, Overland shall dismiss with prejudice its petition for certiorari.

4. Each party to this Settlement Agreement agrees to bear its attorneys' fees and costs incurred in connection with the Circuit Court case initiated by Overland seeking a writ of certiorari.

- 2 -

R96 1965

5. In the event, the Palm Beach County Board of County Commission does not take the actions set forth in paragraph 2 and 3 above at;its _____ meeting, the terms of this Settlement Agreement shall be null and void and of no further force and affect.

STEARNS WEAVER MILLER WEISSLER
ALHADEFF & SITTERSON, P.A.
Attorneys for Overland National
Land Fund Limited Partnership
200 East Broward Boulevard
suite 1900
Fort Laudcrdale, Florida 33301
Telephone: (305) 462-9500

PALM BEACH COUNTY BOARD OF
COUNTY COMMISSIONERS
P.O. Box 1989
West Palm Beach, FL 33402-1989

By Patrick A. Barry

By : _____
Kenneth Foster, Chair

By : _____
Barbara Alterman, Assistant
County Attorney

OVERLAND NATIONAL LAND FUND LIMITED
PARTNERSHIP, a Delaware limited
partnership

By: Overland Land Fund 11, L.P.8
a Delaware limited partnership,
as its sole General Partner

By: Overland Investors, Inc., a
Delaware corporation,
Managing General Partner

By : Chuan S. Wang
Chuan S. Wang, Vice President

- 3 -

R96 1965



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X1.B.35.

Denise Distel Dytrych
County Attorney
P.O. Box 1989
West Palm Beach, FL 33402-1989
(561) 355-2225
SUNCOM: (561) 273-2225
FAX: (561) 355-4398

MEMORANDUM

DATE: November 6, 1996
TO: Ken L. Foster, Chairman and
Members of the Board of County Commissioners
FROM: Barbara Alterman, *BA*
Assistant County Attorney
RE: VICTORIA WOODS PUD

Palm Beach County
Board of County
Commissioners
Ken L. Foster, Chairman
Burt Aaronson, Vice Chairman
Karen T. Marcus
Carol A. Roberts
Warren H. Newell
✓ Mary McCarty
Maude Ford Lee
County Administrator
Robert Weisman, P.E.

At the December 2, 1996 Board of County Commissioners' meeting a settlement agreement between Overland National Land Fund Limited Partnership and Palm Beach County will be considered. Staff is recommending that this settlement agreement be executed and reinstatement of the previously revoked special exception be adopted. Following is a chronology of events that lead up to this recommendation:

- ▶ January 26, 1995-Board approved a resolution to revoke the special exception
- ▶ February 24, 1995-Petition for Writ of Certiorari was filed by Overland National Land Fund Limited Partnership
- ▶ September 18, 1996-Overland National Land Fund Limited Partnership submitted the attached letter and documentation that the outstanding liens and fines have been satisfied.
- ▶ October 17, 1996-Overland National Land Fund Limited Partnership and Palm Beach County filed a joint motion to stay appellate proceedings as a proposal for a settlement and reinstatement of special exception is being considered.

The settlement agreement provides for reinstating the previously approved PUD and grant a time extension for recording the next plat.

If you have any questions or comments, please contact me.

BA:cs
Enc. (Settlement Agreement- letter from Overland dated 9/19/96)

cc: Bill Whiteford, Principal Planner, Zoning PZ&B
Patrick Barry, Esq.

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Affirmative Action Employer"



R96 1965 1

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