

RESOLUTION NO. R-2008-0003

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. CR 2005-594  
TO APPROVE A ZONING MAP AMENDMENT  
FOR PROPERTY PREVIOUSLY REZONED BY  
RESOLUTION NO. R-2006-1551  
CONTROL NO. 2005-594 (APPLICATION #2005-1724)  
THE APPLICATION OF GULFSTREAM LAND INVESTMENTS CORP.

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; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report CR 2005-594 was presented to the Board of County Commissioners of Palm Beach County at public hearings conducted on November 29, 2005, and January 4, 2008; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 2005-594 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to approve a zoning map amendment; and

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

1. Condition number E.6. of Resolution No. R-2006-1551 required the posting of performance surety by February 23, 2007.
2. The property owners subsequently applied for and received a six-month time extension until August 23, 2007.
3. Unified Land Development Code Article 2.E.2.D.9.a. permits a maximum of 12 months from the date the development order was approved to comply with this type of condition.
4. The development order, Resolution No. R-2006-1551, was approved on August 23, 2006.
5. More than one year has elapsed since the approval of the development order.
6. Required surety was not posted.
7. Unified Land Development Code Article 2.E.2.D.9.c. now requires this property to be rezoned to the lowest zoning district consistent with the property's future land use designation.
8. The future land use designation is Low Residential 2.

9. The lowest zoning district for the Low Residential land use designation is RT-Residential Transitional.

WHEREAS, Section 5.3 of the 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 2005-594, to approve a zoning map amendment to the RT-Residential Transitional zoning district for property previously rezoned by the approval of the application of GULFSTREAM LAND INVESTMENTS CORP., Control No. 2005-594 (application #2005-1724), confirmed by the adoption of Resolution R-2006-1551, which approved a rezoning to the Planned Unit Development Zoning District, on property legally described as

KRAML

TRACT 49, LESS THE RIGHT-OF-WAY OF THE SUNSHINE STATE PARKWAY; TRACT 50; TRACT 63, LESS THE SOUTH 35 FEET THEREOF; AND TRACT 64 LESS THE RIGHT-OF-WAY OF SUNSHINE STATE PARKWAY, AND ALSO LESS THE SOUTH 35 FEET THEREOF, ALL IN BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

USKUP

THE NORTH 439.66 FEET OF TRACT 34 AND THAT PORTION OF THE NORTH 439.66 FEET OF TRACT 33, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

(SUBJECT TO CHANCERY CASE 407 IN FAVOR OF LWDD L-13 CANAL RIGHT-OF-WAY)

TUTTLE LAND HOLDING CORP. (MARKEL)

PARCEL 1:

TRACTS 33 AND 34, LESS AND EXCEPTING THE NORTH 439.66 FEET THEREOF, BLOCK 28, TOGETHER WITH THE NORTH 219.23 FEET OF TRACTS 47 AND 48, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45, SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPTING THEREFROM THE RIGHT-OF-WAY OF THE FLORIDA TURNPIKE.

PARCEL 2:

NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT FOR THE BENEFIT OF PARCEL 1, SUPRA, AS RESERVED, SET FORTH AND DESIGNATED IN WARRANTY DEED FROM FLORIDA POLO, INC., A FLORIDA CORPORATION TO W.L. TAYLOR TRUSTEE, DATED SEPTEMBER 2, 1964 AND RECORDED SEPTEMBER 23, 1964 IN OFFICIAL RECORDS BOOK 1089, PAGE 334, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE EAST 15 FEET (15') OF TRACTS 14, 19, 30, 35 AND 46, BLOCK 28 AND THE WEST FIFTEEN FEET (15') OF TRACTS 18 AND 31, BLOCK 28 OF THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TLH-BOS CORP. PROPERTY (KOHL)

TRACT 61, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE

PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BRINKMANN

TRACT 52, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ORTHWEIN

TRACTS 51 AND 62, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

MORNING MIST FARMS

THE EAST HALF (E ½) OF THE FOLLOWING DESCRIBED PROPERTY: TRACT 47, BLOCK 28, LESS THE NORTH 219.23 FEET THEREOF, AND THAT PORTION OF TRACT 48, BLOCK 28, LESS THE NORTH 219.23 FEET THEREOF, LYING WEST OF THE WEST RIGHT-OF-WAY LINE TO FLORIDA'S TURNPIKE ACCORDING TO PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 48, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BROWN

THE WEST HALF (W ½) OF THE FOLLOWING DESCRIBED PROPERTY: TRACT 47, BLOCK 28, LESS THE NORTH 219.23 FEET THEREOF, AND THAT PORTION OF TRACT 48, BLOCK 28, LESS THE NORTH 219.23 FEET THEREOF, LYING WEST OF THE WEST RIGHT-OF-WAY LINE TO FLORIDA'S TURNPIKE ACCORDING TO PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 48, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CHASE

THE SOUTH ONE-HALF (S1/2) OF THE FOLLOWING DESCRIBED PARCEL, TO WIT:

TRACT 31 AND TRACT 32, LESS THE RIGHT-OF-WAY OF THE SUNSHINE STATE PARKWAY, IN BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT, IN COMMON WITH OTHER PARTIES, FOR PURPOSES OF INGRESS AND EGRESS OVER AND ACROSS THE EAST 15 FEET OF TRACTS 14, 19 AND 30, AND THE WEST 15 FEET OF TRACT 18, BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3.

INGRAM FARM SOUTH INC

TRACT 53 AND TRACT 60, LESS THE SOUTH 35 FEET THEREOF, ALL BEING IN BLOCK 28 OF PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

TOGETHER WITH A NON-EXCLUSIVE PERMANENT EASEMENT OF INGRESS AND EGRESS OVER THE WEST 15 FEET OF THE EAST 21 FEET OF TRACTS 37 AND 44, IN BLOCK 28 OF PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT

THEREOF RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

TOGETHER WITH A PERPETUAL NON-EXCLUSIVE EASEMENT FOR EGRESS AND INGRESS FOR ALL PURPOSES AND IN ALL MANNERS OF TRAVERSE AND PASSAGE FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, AS WELL AS FOR ITS AGENTS AND SERVANTS, OVER, ALONG, UPON AND ACROSS THE FOLLOWING DESCRIBED LAND SITUATE IN PALM BEACH COUNTY, STATE OF FLORIDA, TO WIT:

THE WEST 30.00 FEET OF THE EAST 70.00 FEET OF TRACT 5, LESS THE NORTH 27 FEET THEREOF, BLOCK 28, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

AND

COMMENCING AT THE NORTHEAST CORNER OF TRACT 12, BLOCK 28, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT 3 AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID TRACT 12, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY, ALONG THE NORTH LINE OF SAID TRACT 12, A DISTANCE OF 30.00 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 49°27'30" (THE TANGENT OF THE CURVE IS PERPENDICULAR TO THE LAST DESCRIBED COURSE); THENCE SOUTHERLY AND SOUTHEASTERLY, ALONG THE ARC OF THE SAID CURVE, A DISTANCE OF 99.27 FEET TO THE END OF SAID CURVE AND THE BEGINNING OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 49°27'30"; THENCE SOUTHEASTERLY AND SOUTHERLY, ALONG THE ARC OF THE SAID CURVE, A DISTANCE OF 73.37 FEET TO THE END OF THE SAID CURVE AND A POINT ON THE EAST LINE OF SAID TRACT 12; THENCE NORTHERLY, ALONG THE EAST LINE OF SAID TRACT 12, A DISTANCE OF 77.46 FEET TO A POINT ON A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 07°06'57" (AND BEING CONCENTRIC WITH THE PREVIOUSLY DESCRIBED CURVE); THENCE NORTHWESTERLY, ALONG THE ARC OF THE SAID CURVE, A DISTANCE OF 14.28 FEET TO THE END OF THE SAID CURVE AND THE BEGINNING OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 49°27'30" (AND BEING CONCENTRIC WITH THE FIRST DESCRIBED CURVE); THENCE NORTHWESTERLY AND NORTHERLY, ALONG THE ARC OF THE SAID CURVE, A DISTANCE OF 73.37 FEET TO THE END OF THE SAID CURVE AND THE POINT OF BEGINNING, TOGETHER WITH ALL IMPROVEMENTS LOCATED THEREON.

PONY EXPRESS FARMS INC

THE EAST ½ OF TRACTS 54 AND 59, LESS THE SOUTH 35 FEET THEREOF, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH A PERPETUAL NON-EXCLUSIVE EASEMENT FOR EGRESS AND INGRESS FOR ALL PURPOSES AND IN ALL MANNERS OF TRAVERSE AND PASSAGE FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, AS WELL AS FOR ITS AGENTS AND SERVANTS, OVER, ALONG, UPON AND ACROSS THE FOLLOWING DESCRIBED LAND SITUATE IN PALM BEACH COUNTY, STATE OF FLORIDA, TO WIT:

RDI

THE WEST 30 FEET OF THE WEST 70 FEET OF TRACT 5, LESS THE NORTH 27 FEET

THEREOF, BLOCK 28, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 48, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND ALSO

COMMENCING AT THE NORTHEAST CORNER OF TRACT 12, BLOCK 28, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGE 48, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID TRACT 12, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG THE NORTH LINE OF SAID TRACT 12, A DISTANCE OF 30 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 49°27'30" (THE TANGENT OF THE CURVE IS PERPENDICULAR TO THE LAST DESCRIBED COURSE); THENCE SOUTHERLY AND SOUTHEASTERLY, ALONG THE ARC OF THE SAID CURVE A DISTANCE OF 99.27 FEET TO THE END OF SAID CURVE AND THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 49°27'30", THENCE SOUTHEASTERLY AND SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 73.37 FEET TO THE END OF THE SAID CURVE AND A POINT ON THE EAST LINE OF SAID TRACT 12; THENCE NORTHERLY ALONG THE EAST LINE OF SAID TRACT 12, A DISTANCE OF 77.46 FEET TO A POINT ON A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 7°06'57" (AND BEING CONCENTRIC WITH THE PREVIOUSLY DESCRIBED CURVE); THENCE NORTHWESTERLY, ALONG THE ARC OF THE SAID CURVE, A DISTANCE OF 14.28 FEET TO THE END OF THE SAID CURVE AND THE BEGINNING OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 49°27'30" (AND BEING CONCENTRIC WITH THE FIRST DESCRIBED CURVE); THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 73.37 FEET TO THE END OF THE SAID CURVE AND THE POINT OF BEGINNING TOGETHER WITH ALL IMPROVEMENTS LOCATED THEREON.

TOGETHER WITH:

WESTBROOK

THE SOUTH 35 FEET OF TRACTS 63 AND 64; ALL IN BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO.3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

TOTAL AREA = 134.660 ACRES MORE OR LESS.

ADDITIONAL AREA DUE TO ROADWAY ABANDONMENT = 2.373 ACRES MORE OR LESS.

TOTAL AVAILABLE AREA = 137.033 ACRES MORE OR LESS, being located on the west side of Florida's Turnpike, approximately 2,150 feet south of Lake Worth Road, is approved.

Commissioner Aaronson moved for approval of the Resolution.

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

ADDIE L. GREENE, CHAIRPERSON	<u>Aye</u>
JOHN F. KOONS, VICE CHAIR	<u>Aye</u>
KAREN T. MARCUS	<u>Aye</u>
ROBERT J. KANJIAN	<u>Absent</u>
MARY MCCARTY	<u>Absent</u>
BURT AARONSON	<u>Aye</u>
JESS R. SANTAMARIA	<u>Absent</u>

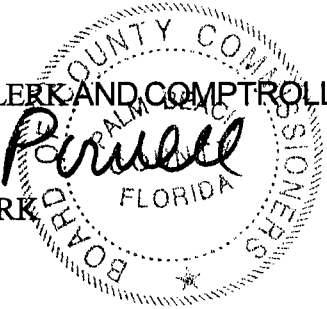
The Chair thereupon declared the resolution was duly passed and adopted this 3rd day of January, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER  
BY:   
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 3rd day of January, 2008.