

RESOLUTION NO. R-75-701

RESOLUTION APPROVING ZONING PETITION

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and Chapter 70-863, Laws of Florida, Special Acts of 1970, 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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 75-120 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 September 1975.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 25th day of September, 1975, that petition No. 75-120, the petition of BILL WINCHESTER by Daniel J. O'Brien, Agent, for a SPECIAL EXCEPTION TO ALLOW THE EXCAVATION OF MUCK on a parcel of land being a portion of Tracts 40 through 45 and 49 and 50, as shown on the Plat of the Subdivision of Section 19, Township 45 South, Range 43 East, as recorded in Plat Book 7, page 19; together with a portion of Lots A and B, Block 4, as shown on the Palm Beach Farms Company Plat No. 8 of Section 30, Township 45 South, Range 43 East, as recorded in Plat Book 5, page 73, said parcel being more particularly described as follows: commencing at the Southeast corner of said Section 19; thence North 0° 59' 39" West (assumed), along the East line of said Section 19, a distance of 1222.86 feet to the

89° 46' 34" West, along said centerline of Old Boynton Road, a distance of 488.79 feet; thence South 0° 46' 15" East, a distance of 20.0 feet to the Point of Beginning of the parcel to be herein described; thence continue South 0° 46' 15" East, a distance of 937.61 feet; thence South 68° 27' 12" West, a distance of 614.12 feet; thence South 0° 59' 39" East, a distance of 296.06 feet to a point in the North right-of-way line of New Boynton Road (S.R.D. 804); thence South 87° 55' 58" West, along said North right-of-way line, a distance of 230.68 feet to a point in the West line of said Block 4; thence North 0° 19' 11" West, along said West line and its Northerly extension, a distance of 216.06 feet to a point on the South line of said Section 19; thence South 87° 55' 58" West, along said South line, a distance of 229.36 feet; thence North 0° 38' 14" West, a distance of 982.66 feet; thence North 87° 55' 58" West, a distance of 619.28 feet; thence North 0° 25' 30" West, a distance of 256.62 feet to a point on the South right-of-way line of Old Boynton Road; thence South 89° 46' 34" East, along said right-of-way line, a distance of 408.91 feet to the Point of Beginning of the parcel to be herein described; Subject to easements and right-of-ways of Record; and description of the centerline of an 80 foot easement, lying in Sections 19 and 30, Township 45 South, Range 43 East, said parcel being a portion of Tracts 41, 43, and 44 of the Plat of the Subdivision of Section 19, Township 45 South, Range 43 East, as recorded in Plat Book 7, page 19, and a portion of Lots A and B, Block 4 of the Palm Beach Farms Company Plat No. 8, as recorded in Plat Book 5, page 73, and said centerline being more particularly described as follows: commencing at the southeast corner of said Section 19; thence North 0° 59' 39" West (assumed), along the East line of said Section 19, a distance of 1202.86 feet to a point in the Easterly projection of the South right-of-way line of Old Boynton Road; thence North 89° 46' 34" West, along the South right-of-way line of Old Boynton Road, a distance of 937.79 feet to the Point of

Beginning of a centerline of an 80 foot easement to be herein described; thence South 0° 25' 30" East, along the line 40 feet East of and parallel to the East line of Tract 42, as shown on the said Subdivision of Section 19, a distance of 579.46 feet to a point of curvature of a curve concave to the West; thence Southerly, along the arc of said curve, having a radius of 950 feet and a central angle of 12° 25' 51", a distance of 206.11 feet to a point of tangency of said curve; thence South 12° 00' 21" West, a distance of 168.41 feet to a point of curvature of a curve concave to the East; thence Southerly, along the arc of said curve having a radius of 950 feet and a central angle of 12° 00' 21", a distance of 206.11 feet to a point 30 feet North of the South line of said Section 19; thence South 0° 59' 39" East, a distance of 296.03 feet to a point in the North right-of-way line of New Boynton Road (S.R. 804) and the Point of Ending of the said centerline. Said property located on the north side of Boynton Road West (S.R. 804), on the south side of Old Boynton Road (97th Place South), approximately 400 feet west of Congress Avenue in an AG-Agricultural District, was approved as advertised, subject to the following special conditions:

1. Prior to the issuance of any excavation permit, the Developer shall complete the following:
  - a. Abandon the thirty (30) foot platted road right-of-way crossing the excavation area.
  - b. Obtain permission to excavate in the eighty (80) foot roadway easement.
  - c. Convey twenty (20) feet of right-of-way for Old Boynton Road to Palm Beach County.
  - d. Obtain approval of the Health Department and the Lake Worth Drainage District for their excavation techniques.
  - e. Obtain permission to excavate within Lake Worth Drainage District right-of-way.
2. Developer shall construct a left turn and by-pass on Old Boynton Road at the excavation entrance.

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Commissioner Medlen , moved for approval of the petition.  
The motion was seconded by Commissioner Culpepper , and upon being  
put to a vote, the vote was as follows:

E.W. Weaver	Yes
Lake Lytal	Absent
Robert F. Culpepper	Yes
Robert C. Johnson	Yes
William Medlen	Yes

The foregoing resolution was declared duly passed and adopted  
this 7th day of October , 1975, confirming action  
of 25 September 1975.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By *John B. Dunkle*  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

*William H. D.C.*  
COUNTY ATTORNEY



FILED THIS 7<sup>th</sup> DAY OF  
October, 19 75  
AND RECORDED IN RESOLUTION  
MINUTE BOOK NO. 46 AT  
PAGE 59-62 VERIFIED  
JOHN B. DUNKLE, CLERK  
BY *John B. Dunkle* D.C.