

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AMENDING CHAPTER 33 (ZONING CODE) OF THE CODE OF THE CITY OF WEST PALM BEACH, FLORIDA 1979, AS AMENDED, ASSIGNING A CITY OF WEST PALM BEACH ZONING DESIGNATION OF "COMMUNITY SERVICE" (CS) A CERTAIN PARCEL OF PROPERTY GENERALLY LOCATED EAST OF THE WATER CATCHMENT AREA, WEST OF THE FLORIDA TURNPIKE, SOUTH OF THE BEELINE HIGHWAY AND NORTH OF 45TH STREET; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP ACCORDINGLY; REPEALING ALL OTHER ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA that:

SECTION 1: The City Commission hereby finds and determines that the rezoning described herein is consistent with the Comprehensive Plan of the City adopted pursuant to Chapter, Florida Statutes.

SECTION 2: Chapter 33 (ZONING CODE) of the Code of the City of West Palm Beach, Florida, 1979, as amended, be and the same is hereby further amended by assigning the zoning classification of "Community Service" (CS) to a certain parcel of real property described in "Exhibit A" attached hereto and made a part hereof. A map depicting the property affected by this ordinance is attached as "Exhibit B."

SECTION 3: The Zoning Map of the City shall be revised and the boundaries described thereon changed and corrected in accordance with the above amendment to said Chapter 33 (ZONING CODE), as amended.

SECTION 4: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5: Should any section or provision of the ordinance, or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

SECTION 6: This ordinance shall take effect immediately upon its passage at second reading.

FIRST READING THIS 2nd DAY OF April, 1990.

SECOND, FINAL READING IN FULL AND PASSAGE THIS 11th DAY OF April, 1990.

(CORPORATE SEAL)

CITY OF WEST PALM BEACH
BY ITS CITY COMMISSION

ATTEST:

James O. Poole
MAYOR

Agnes E. Layhurst
CITY CLERK

This Instrument Prepared By:
Carl V. M. Coffin
Law Department
City of West Palm Beach
200 - 2nd Street - P.O. Box 3366
West Palm Beach, Fla. 33402
305/659-8017

EXHIBIT A

A TRACT OF LAND LYING IN SECTIONS 22 AND 27, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF SECTION 22, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD, AND THE NORTH ONE-HALF OF SECTION 27, TOWNSHIP 42 SOUTH, RANGE 42 EAST, LYING EAST OF A LINE RUNNING NORTH AND SOUTH WHICH LINE COMMENCES AT A POINT LOCATED IN THE NORTH SECTION LINE OF SECTION 22, 2,000 FEET WEST OF THE POINT AT WHICH SAID NORTH SECTION LINE IS INTERSECTED BY THE WESTERLY RIGHT-OF-WAY OF THE SUNSHINE STATE PARKWAY, AS RECORDED IN DEED BOOK 1110, PAGE 583, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND WHICH LINE TERMINATES AT A POINT SITUATED ON THE EAST/WEST HALF SECTION OF SECTION LINE OF SECTION 27, 2,0000 FEET WEST OF A POINT AT WHICH WEST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY INTERSECTS SAID HALF SECTION LINE, LESS THAT PART DESCRIBED IN OFFICIAL RECORD BOOK 2399, PAGE 713, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS THE RIGHT-OF-WAY OF SAID SUNSHINE STATE PARKWAY AS CONVEYED IN DEED BOOK 1110, PAGE 583, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND AS LAID OUT AND IN USE. ALSO DESCRIBED AS: THE EASTERN MOST 2,000 FEET OF SECTION 22, LYING SOUTH OF THE RIGHT-OF-WAY OF THE SEABOARD COASTLINE RAILROAD, AND OF THE NORTH ONE-HALF OF SECTION 27, LYING IMMEDIATELY WEST OF THE WEST RIGHT-OF-WAY OF SUNSHINE STATE PARKWAY. LESS THAT PART DESCRIBED IN OFFICIAL RECORD BOOK 2399, PAGE 713, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS THE RIGHT-OF-WAY OF SAID SUNSHINE STATE PARKWAY AS CONVEYED IN DEED BOOK 1110, PAGE 583, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS AS LAID OUT AND IN USE.

AND;

THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 42, SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY FLORIDA.

CONTAINING 157.429 ACRES MORE OR LESS.

AND;

THE SOUTH HALF OF SECTION 27 AND ALL OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS RIGHT-OF-WAY OF SUNSHINE STATE PARKWAY AS VESTED IN THE FLORIDA STATE TURNPIKE AUTHORITY BY FINAL JUDGEMENT IN MCC BOOK 74, PAGE 662, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND AS LAID OUT AND IN USE.

AND;

THE NORTH HALF OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF 45TH STREET (STATE ROAD 702) AND WEST OF THE WEST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY.

AND;

THE NORTH HALF OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA LYING SOUTH OF THE SOUTH RIGHT-OF-WAY OF 45TH STREET (STATE ROAD 702) AND WEST OF THE WEST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY.

LESS THE FOLLOWING DESCRIBED PARCEL:

A PORTION OF THE NORTH ONE HALF (N1/2) OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST ONE QUARTER (W1/4) CORNER OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND RUN ON AN ASSUMED BEARING OF N05(degrees)59'43"E ALONG THE WEST LINE OF SAID SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST FOR 611.93 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 45TH STREET AS RECORDED IN DEED BOOK 1055 AT PAGE 496 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING THE POINT OF BEGINNING; THENCE RUN S88(degrees)33'36"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF 45TH STREET FOR 4317.15 FEET; THENCE RUN S85(degrees)41'51"E ALONG SAID SOUTH RIGHT-OF-WAY 300.38 FEET; THEN RUN N87(degrees)36'18"W FOR 300.04 FEET; THENCE RUN N88(degrees)33'36"W ALONG A LINE PARALLEL WITH AND 10.00 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE SAID SOUTH RIGHT-OF-WAY LINE OF 45TH STREET FOR 4317.95 FEET TO A POINT LYING ON THE SAID WEST LINE OF SECTION 3, TOWNSHIP 43, RANGE 42 EAST; THENCE RUN N059(degrees)59'43"E ALONG SAID WEST LINE OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST FOR 10.03 FEET TO THE POINT OF BEGINNING;

AND;

COMMENCE AT THE WEST ONE QUARTER (W1/4) CORNER OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND RUN ON AN ASSUMED BEARING OF N05(degrees)59'43"E ALONG THE WEST LINE OF SAID SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST FOR 712.25 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 45TH STREET AS RECORDED IN DEED BOOK 1055 AT PAGE 496 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING THE POINT OF BEGINNING; THEN RUN S88(degrees)33'36"E ALONG THE NORTH RIGHT-OF-WAY FOR 4309.19 FEET; THENCE RUN N88(degrees)34'40"E ALONG SAID NORTH RIGHT-OF-WAY FOR 300.38 FEET; THENCE RUN N89(degrees)30'53"W FOR 300.04 FEET; THEN RUN N88(degrees)33'36"W ALONG A LINE PARALLEL WITH AND 10.00 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SAID NORTH RIGHT-OF-WAY LINE OF 45TH STREET FOR 4308.39 FEET TO A POINT LYING ON THE SAID WEST LINE OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE RUN S05(degrees)59'43"W ALONG SAID WEST LINE OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST FOR 10.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 1168.931 ACRES MORE OR LESS.

SAID LAND SITUATE IN PALM BEACH COUNTY, FLORIDA.

PB943.C/CURRENT

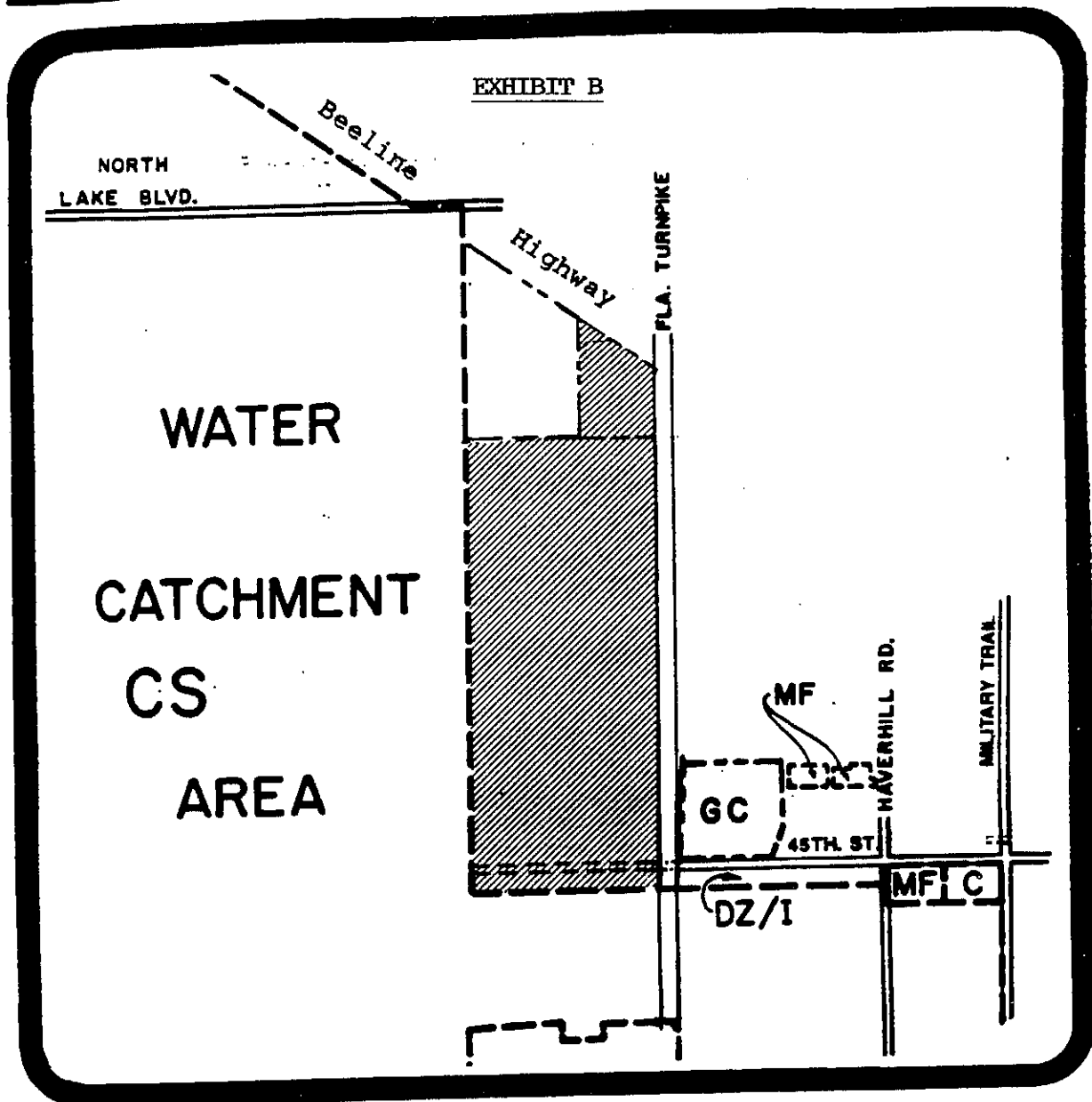
A PORTION OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD AND A LINE RUNNING NORTH AND SOUTH WHICH SAID LINE COMMENCES AT A POINT LOCATED ON THE NORTH SECTION LINE OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, 2000.00 FEET WEST OF THE POINT AT WHICH SAID NORTH SECTION LINE IS INTERSECTED BY THE WESTERLY RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY (A.K.A. FLORIDA'S TURNPIKE) AS RECORDED IN DEED BOOK 1110 AT PAGE 583 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND WHICH SAID LINE TERMINATES AT A POINT OF INTERSECTION OF THE NORTH/SOUTH HALF SECTION LINE OF SECTION 27, TOWNSHIP 42 SOUTH, RANGE 42 EAST, 2000.00 FEET WEST OF A POINT AT WHICH THE WEST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY (A.K.A. FLORIDA'S TURNPIKE) INTERSECTS SAID HALF SECTION LINE AND RUN ON AN ASSUMED BEARING OF $S01^{\circ}36'37''W$ ALONG THE LAST DESCRIBED NORTH-SOUTH LINE FOR A DISTANCE OF 1088.12 FEET; THENCE RUN $S88^{\circ}23'23''E$ RADIAL TO THE RADIUS POINT OF THE NEXT DESCRIBED CURVE FOR 20.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT AND CONCAVE TO THE EAST HAVING A RADIUS OF 1969.86 FEET AND A CENTRAL ANGLE OF $04^{\circ}56'13''$ FOR AN ARC DISTANCE OF 169.74 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN NORTHERLY AND NORTHEASTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT AND CONCAVE TO THE EAST HAVING A RADIUS OF 2245.79 FEET AND A CENTRAL ANGLE OF $9^{\circ}46'04''$ FOR AN ARC DISTANCE OF 382.86 FEET TO A POINT OF TANGENCY; THENCE RUN $N16^{\circ}18'55''E$ FOR 417.93 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD, SAID LAST THREE (3) COURSES BEING COINCIDENT WITH THE PROPOSED WEST RIGHT-OF-WAY LINE FOR JOG ROAD AS PREPARED BY THE FIRM OF HELLER-WEAVER AND CATO, INC. UNDER FILE NO. 87-9863-SS1 THROUGH 4 DATED 6-10-87 AND REVISED 8-27-87; THENCE RUN $N53^{\circ}41'05''W$ ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD FOR 241.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.222 ACRES MORE OR LESS.

SAID LAND SITUATE IN PALM BEACH COUNTY, FLORIDA.

PLANNING BOARD CASE NO. 943E



A request by Bernard A. Conko of Gibson & Adams, P.A. on behalf of the Palm Beach County Solid Waste Authority (SWA) and North Palm Beach County Water Control District for a zoning designation of "CS" (Community Service) for a Resource Recovery Facility, maintenance building, administrative building, scale houses, pump stations, roads, dredge lakes, etc. The property is approximately 1,325 acres and is generally located on the east of the Water Catchment Area, west of the Florida Turnpike, south of the Beeline Highway and north of 45th Street.

pb943b

RESOLUTION NO. 94-89

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING WITH CONDITIONS AN APPLICATION FOR A CLASS A SPECIAL USE PERMIT SUBMITTED BY THE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY PURSUANT TO SECTION 33-16 AND SECTION 33-92 OF CHAPTER 33 (ZONING CODE) OF THE CODE OF THE CITY OF WEST PALM BEACH, FLORIDA, 1979, AS AMENDED, AND THE CONDITIONS AND PROVISIONS OF SECTION 401.2 AND SECTION 602 (D) OF CHAPTER 47-B (ZONING CODE) OF THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY, FLORIDA, TO ALLOW A HEAVY UTILITY USE AND THE CONSTRUCTION OF A CENTRAL RESOURCE RECOVERY AND LANDFILL FACILITY ON PROPERTY GENERALLY LOCATED NORTH OF 45TH STREET, EAST OF THE WEST PALM BEACH WATER CATCHMENT AREA AND WEST OF INTERSTATE 95; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, a proper application for A Class A Special Use Permit has been submitted to the City of West Palm Beach by the Solid Waste Authority of Palm Beach County, pursuant to Section 33-16 and Section 33-92 of Chapter 33 (ZONING CODE) of the Code of the City of West Palm Beach, 1979, as amended, and the conditions and provisions of Section 401.2 and Section 602 (D) of Chapter 47-B (ZONING CODE) of the Code of Laws and Ordinances of Palm Beach County, Florida, for the construction of a central resource and recovery and landfill facility on a site generally located north of 45th Street, east of the West Palm Beach Water Catchment Area, and west of Interstate 95, the legal description being attached hereto as "Exhibit A"; and

WHEREAS, on May 31, 1988, pursuant to Ordinance No. 2184-88, the City of West Palm Beach annexed the property described in "Exhibit A" in accordance with Chapter 171, Florida Statutes; and

WHEREAS, the City Commission held a properly noticed hearing on the application on May 30, 1989, at which hearing the City Commission applied the standards and criteria for review of the special use permits in Chapter 33 (ZONING CODE) of the Code of the City of West Palm Beach, Florida, and Sections 401.2 and 602 (D) of the Zoning Code of Palm Beach County, Florida; and

WHEREAS, the property described in "Exhibit A" currently possesses a "Conservation/Very Low to Low Residential" land use assignment and a "Agricultural Residential" zoning category by Palm Beach County, and such land use and zoning designations shall remain in effect in accordance with Chapter 171, Florida Statutes, until redesignation to "Dotted Zone/Community Service" land use assignment and "Community Service" zoning category by the City of West Palm Beach pursuant to its land use plan and zoning code; and

WHEREAS, the land use and zoning designations applied by the City of West Palm Beach do permit a central resource recovery and landfill facility as a special use; and

WHEREAS, the City Commission has found the special use to be consistent with the general and specific standards for a special use in Section 33-16 of Chapter 33 (ZONING CODE) of the Code of the City of West Palm Beach, Florida, and Section 401.2 of the Zoning Code of Palm Beach County, Florida; and

WHEREAS, the City Commission has found the special use to be consistent with the additional standards for special uses in Section 33-92 of Chapter 33 (ZONING CODE) of the Code of the City of West Palm Beach, Florida, and Section 602 (D) of the Zoning Code of Palm Beach County, Florida; and

WHEREAS, the City Commission has decided to grant said application for a special use permit in accordance with the

conditions set forth below.

* * * * *

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The application submitted on behalf of the Solid Waste Authority of Palm Beach County for a Class A Special Use permit affecting property described in "Exhibit A" attached hereto is granted to be constructed in accordance with the following plans and documents on file in the Community Development and Planning Department of the City of West Palm Beach, Florida:

1. The approved survey prepared by Heller, Weaver and Cato, Inc., Margate, Florida, dated May 27, 1988, and received by the Community Development and Planning Department on May 31, 1988.
2. The approved survey prepared by Heller, Weaver and Cato, Inc., Margate, Florida, dated November 28, 1988, and received by the Community Development and Planning Department on January 12, 1989.
3. The approved Site Development Plan prepared by GBS Architects, Landscape Architects and Planners, Inc., Jupiter, Florida, dated April 28, 1987, and received by the City of West Palm Beach Community Development and Planning Department on April 13, 1988.
4. The approved End Use Plan prepared by GBS Architects, Landscape Architects and Planners, Inc., Jupiter, Florida, dated February 9, 1987, and received by the City of West Palm Beach Community Development and Planning Department on April 13, 1988.

SECTION 2: The following conditions of development shall be met by the applicant as part of the special use approval by the City of West Palm Beach, Florida:

1. A Class A Special Use Permit shall be approved for a central resource recovery and landfill facility subject to the following conditions:
 - a. The Solid Waste Authority of Palm Beach County shall be subject to the conditions and requirements of County Resolution R-85-51, adopted by the Palm Beach County Board of County Commissioners on January 8, 1985 (Exhibit B).
 - b. The Solid Waste Authority of Palm Beach County shall bear the cost of all infrastructure improvements to the subject site and to the proposed facility.
 - c. The Solid Waste Authority of Palm Beach County shall receive complete services from the City in a manner acceptable to the appropriate City Departments.
 - d. The Solid Waste Authority of Palm Beach County shall install fire hydrants which are compatible with the City's fire fighting equipment.
 - e. The Solid Waste Authority of Palm Beach County shall submit to the Community Development and Planning Department a development application for a zoning assignment to "CS" (Community Service) for the subject property no later than August 31, 1988.
 - f. The Solid Waste Authority of Palm Beach County shall execute and record a Unity of Title for the entire subject property prior to the issuance of a certificate of occupancy.
 - g. The Solid Waste Authority of Palm Beach County shall install all public road improvements according to County Engineering Department standards prior to the issuance of a certificate of occupancy.

h. The Solid Waste Authority of Palm Beach County shall deed a minimum of three (3) acres of land on the subject property to the City for a fire station in a location acceptable to the City of West Palm Beach Fire Chief. In the event the fire station is not constructed within ten (10) years from the date of special use approval, or the property ceases to be used as a fire station or related training facility for a period of five (5) consecutive years, the property shall revert back to the Solid Waste Authority of Palm Beach County. The Solid Waste Authority of Palm Beach County and the City shall sign an agreement to implement this condition prior to the issuance of a certificate of occupancy by the City.

i. The Solid Waste Authority of Palm Beach County shall receive from the City full credit toward the City-required impact fee for the construction of the public right-of-way improvements conditioned in County Resolution R-85-51 in accordance with the City of West Palm Beach Fair Share Transportation Improvements Ordinance (City Ordinance No. 2122-87).

j. In the event the Solid Waste Authority of Palm Beach County initiates building activity subsequent to the annexation but prior to City assigning land use and zoning designations, the conditions contained herein shall apply and any other requirements not included herein for such activities as required by Section 602 (D) of the Zoning Code of Palm Beach County, Florida.

k. In the event building activity commences following the assignment of land use and zoning designations by the City of West Palm Beach, the Solid Waste Authority of Palm Beach County shall be required to meet the conditions required pursuant to Chapter 33 (ZONING CODE) of the Code of the City of West Palm Beach, Florida, and all other conditions contained herein.

SECTION 3: This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED THIS 30th DAY May, 1989.

(CORPORATE SEAL)

CITY OF WEST PALM BEACH
BY ITS CITY COMMISSION

James O. Poole
MAYOR

ATTEST

Agnes E. Layhurst
CITY CLERK

Carl V.M. Coffin

PARCEL ONE

LEGAL DESCRIPTION

THE SOUTH HALF OF SECTION 27 AND ALL OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS RIGHT-OF-WAY OF SUNSHINE STATE PARKWAY AS VESTED IN THE FLORIDA STATE TURNPIKE AUTHORITY BY FINAL JUDGEMENT IN MCC BOOK 74, PAGE 662, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND AS LAID OUT AND IN USE.

AND

THE NORTH HALF OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF 45TH STREET (STATE ROAD 702) AND WEST OF THE WEST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY.

AND

THE NORTH HALF OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA LYING SOUTH OF THE SOUTH RIGHT-OF-WAY OF 45TH STREET (STATE ROAD 702) AND WEST OF THE WEST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY.

LESS THE FOLLOWING DESCRIBED PARCEL:

A PORTION OF THE NORTH ONE HALF (N1/2) OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST ONE QUARTER (W1/4) CORNER OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND RUN ON AN ASSUMED BEARING OF N05°59'43"E ALONG THE WEST LINE OF SAID SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST FOR 611.93 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 45 STREET AS RECORDED IN DEED BOOK 1055 AT PAGE 496 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING THE POINT OF BEGINNING; THENCE RUN S88°33'36"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF 45 STREET FOR 4317.15 FEET; THENCE RUN S85°41'51"E ALONG SAID SOUTH RIGHT-OF-WAY FOR 300.38 FEET; THENCE RUN N87°36'18"W FOR 300.04 FEET; THENCE RUN N88°33'36"W ALONG A LINE PARALLEL WITH AND 10.00 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE SAID SOUTH RIGHT-OF-WAY LINE OF 45 STREET FOR 4317.95 FEET TO A POINT LYING ON THE SAID WEST LINE OF SECTION 3, TOWNSHIP 43, RANGE 42 EAST; THENCE RUN N05°59'43"E ALONG SAID WEST LINE OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST FOR 10.03 FEET TO THE POINT OF BEGINNING;

AND

COMMENCE AT THE WEST ONE QUARTER (W1/4) CORNER OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND RUN ON AN ASSUMED BEARING OF N05°59'43"E ALONG THE WEST LINE OF SAID SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST FOR 712.25 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 45 STREET AS RECORDED IN DEED BOOK 1055 AT PAGE 496 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING THE POINT OF BEGINNING; THENCE RUN S88°33'36"E ALONG THE NORTH RIGHT-OF-WAY FOR 4309.19 FEET; THENCE RUN N88°34'40"E ALONG SAID NORTH RIGHT-OF-WAY FOR 300.38 FEET; THENCE RUN N89°30'53"W FOR 300.04 FEET; THENCE RUN N88°33'36"W ALONG A LINE PARALLEL WITH AND 10.00 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SAID NORTH

EXHIBIT A

FILE NO. 88-11181-SS1



heller · weaver and cato inc.

• engineering • land surveying • land planning • land development consultation

CORAL GATE PROFESSIONAL PLAZA

5667 CORAL GATE BOULEVARD (N.W. 29th STREET)

MARGATE, FLORIDA 33063. PHONE (305) 979-0550

RIGHT-OF-WAY LINE OF 45 STREET FOR 4308.39 FEET TO A POINT LYING ON THE SAID WEST LINE OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE RUN S05°59'43"W ALONG SAID WEST LINE OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST FOR 10.03 FEET TO THE POINT OF BEGINNING.

AND LESS:

THE NORTH 750.00 FEET OF THE EAST 2,197.87 FEET OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 27, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 1095.989 ACRES OR LESS.

PARCEL TWO

A TRACT OF LAND LYING IN SECTIONS 22 AND 27, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF SECTION 22, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD, AND THE NORTH ONE-HALF OF SECTION 27, TOWNSHIP 42 SOUTH, RANGE 42 EAST, LYING EAST OF A LINE RUNNING NORTH AND SOUTH WHICH LINE COMMENCES AT A POINT LOCATED IN THE NORTH SECTION LINE OF SECTION 22, 2,000 FEET WEST OF THE POINT AT WHICH SAID NORTH SECTION LINE IS INTERSECTED BY THE WESTERLY RIGHT-OF-WAY OF THE SUNSHINE STATE PARKWAY, AS RECORDED IN DEED BOOK 1110, PAGE 583, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND WHICH LINE TERMINATES AT A POINT SITUATED ON THE EAST/WEST HALF SECTION OF SECTION LINE OF SECTION 27, 2,000 FEET WEST OF A POINT AT WHICH WEST RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY INTERSECTS SAID HALF SECTION LINE, LESS THAT PART DESCRIBED IN OFFICIAL RECORD BOOK 2399, PAGE 713, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS THE RIGHT-OF-WAY OF SAID SUNSHINE STATE PARKWAY AS CONVEYED IN DEED BOOK 1110, PAGE 583, IN THE PUBLIC RECORDS OF PAL BEACH COUNTY, FLORIDA, AND AS LAID OUT AND IN USE. ALSO DESCRIBED AS: THE EASTERN MOST 2,000 FEET OF SECTION 22, LYING SOUTH OF THE RIGHT-OF-WAY OF THE SEABOARD COASTLINE RAILROAD, AND OF THE NORTH ONE-HALF OF SECTION 27, LYING IMMEDIATELY WEST OF THE WEST RIGHT-OF-WAY OF SUNSHINE PARKWAY. LESS THAT PART DESCRIBED IN OFFICIAL RECORD BOOK 2399, PAGE 713, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS THE RIGHT-OF-WAY OF SAID SUNSHINE STATE PARKWAY AS CONVEYED IN DEED BOOK 1110, PAGE 583, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS AS LAID OUT AND IN USE.

AND;

THE NORTH 1/2 OF THE NORTHEAST 1/4 NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 42, SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY FLORIDA.

CONTAINING 157.429 ACRES MORE OR LESS.

NOTES:

- 1) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REFLECT A FIELD SURVEY.
- 2) BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE NORTH ONE-HALF (N 1/2) OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 42 EAST HAVING AN ASSUMED BEARING OF S88°33'36"E.



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5667 CORAL GATE BOULEVARD (N.W. 29th STREET)

MARGATE, FLORIDA 33063. PHONE (305) 979-0550

RESOLUTION NO. R-85-51

RESOLUTION APPROVING ZONING PETITION 84-134, Special Exception

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, 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. 84-134 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 1st of October, 1984; and

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

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

1. The proposal is consistent with the requirements of the Comprehensive Plan.
2. The proposal, with minor modification to the site plan, will be consistent with the requirements of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 1st of October, 1984, that petition No. 84-134 the petition of JOHN E. CORBALLY, JAMES M. FURMAN AND JAMES M. MURDOCH TRUSTEES UNDER THE MACARTHUR LIQUIDATING TRUST AGREEMENT DATED DECEMBER 28, 1983 By Herbert C. Gibson, Esquire, for a SPECIAL EXCEPTION TO ALLOW A PUBLIC AND PRIVATE UTILITY SERVICE AND ACCESSORY BUILDINGS AND STRUCTURES, INCLUDING AN ON-SITE SEWAGE TREATMENT FACILITY on the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 42 South, Range 42 East, the Northwest 1/4 of the Southwest 1/4 of Section 34, Township 42 South, Range 42 East, the West 2632 feet of the North 1/2 of Section 3, lying North of State Road 702,

less the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 thereof, all in Township 43 South, Range 42 East.

The South 1/2 of Section 26; the South 1/2 of Section 27; all of Sections 34 and 35, the South 1/4 of the North 1/2 of the Northwest 1/4, and the South 1/2 of the South 1/2 of the Northwest 1/4, of Section 36; all in Township 42 South, Range 42 East, subject, however, to the following:

Road right-of-way and easement over the East 50 feet of the aforesaid Section 36 granted to Palm Beach County by deed dated December 9, 1949, recorded in Deed Book 893, Page 349, and quitclaimed by Palm Beach County to the State of Florida by deed dated June 12, 1950, recorded in Deed Book 914, Page 321.

Oil, Gas, and Mineral Lease dated December 15, 1953, given by Dudley V. Kirkton and Sue B. Kirkton, his wife, to Gulf Oil Corporation, recorded in Deed Book 1044, Page 447, with respect to all of Section 35, the South 1/2 of Section 27 and the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 34, Township 42 South, Range 42 East.

Oil, Gas and Mineral Lease dated December 15, 1953, given by Dudley V. Kirkton and Sue B. Kirkton, his wife, to Gulf Oil Corporation, recorded in Deed Book 1044, Page 451, with respect to the South 1/2 of Section 26, those portions of Section 36 described above and Section 34, less the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 34, all in Township 42 South, Range 42 East.

The right-of-way of the Seaboard Airline Railway through the South 1/2 of Section 26 aforesaid, the right-of-way of the Bee-Line Highway, being a right-of-way and easement over and across a strip of land 200 feet in width, lying Northeasterly of, adjacent to and parallel to, the Northeasterly right-of-way of the Seaboard Airline Railway, across the South 1/2 of Section 26, Township 42 South, Range

42 East,

Eminent domain proceedings filed by Florida State Turnpike Authority, being Common Law Case No. 15, 440, which proceedings are pending as of the delivery of this deed,

That certain mortgage by Henry I. Cole, as Trustee, to Dudley V. Kirkton and Sue B. Kirkton, his wife, dated October 11, 1955, recorded in Mortgage Book 680, Page 661,

That certain mortgage given by Arthur Murray, as Trustee, to Henry I. Cole, Trustee, dated May 16, 1956, recorded in Mortgage Book 706, Page 206,

A purchase money mortgage delivered by the Grantee to Arthur Murray simultaneously with the delivery of this deed by the grantors to the grantee, together with the North 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4, Section 27, Township 42 South, Range 42 East, and

A tract of land lying in Sections 22 and 27, Township 42 South, Range 42 East, and more particularly described as:

All that part of Section 22 and the North 1/2 of Section 27, Township 42 South, Range 42 East, lying East of a line running North and South which line commences at a point located in the North Section line of Section 22, 2,000 feet West of the point at which said North section line is intersected by the Westerly right-of-way of the Sunshine State Parkway, as recorded in Deed Book 1110, Page 583, and which line terminates at a point situated on the East-West 1/2 section line of Section 27, 2,000 feet West of a point at which the West right-of-way line of the Sunshine State Parkway intersects said half section line, less that part described in Official Record Book 2399, Page 713, also described as; the Easternmost 2,000 feet of Section 22 and of the North 1/2 of Section 27 lying immediately West of the West right-of-way of Sunshine State Parkway, less that part described in Official Record 2399, Page 713,

subject to: the right-of-way of Lake Park West Road (S.R.809A) and the right-of-way of the Beeline Highway (S.R.710) and the right-of-way of the Seaboard Coastline Railroad, and the North 1/2 of Section 3, Township 43 South, Range 42 East, lying

North of the North right-of-way line of 45th Street (State Road 702) and West of the West right-of-way line of the Sunshine State Parkway, less therefrom the West 2779.41 feet; measured at right angles thereto,

The North 1/2 of Section 3, Township 43 South, Range 42 East, lying South of the South right-of-way of 45th Street (S.R. 702) and West of the West right-of-way line of the Sunshine State Parkway,

Subject to existing first mortgage of record; agreements, resolutions, easements, reservations and restrictions of record; agreement from Goldcoast Builders, Inc., to Consolidated Utility Company as shown in Official Record Book 660, Page 412, roads, streets, ways, streams, waterways or easements, if any, not shown of record; real estate taxes for 1980; zoning and/or restrictions and prohibitions imposed by governmental authority. Said property located on the north and south side of 45th Street (S.R. 702) being bounded on the east by Florida's Turnpike and being bounded on the north by Seaboard Airline Railroad in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. Prior to Site Plan Certification, a revised site plan shall be submitted reflecting the following:

- a) a 200 foot setback between the west end of the landfill and the borrow lake edge.
- b) security gates and signage at the facility entrance carrying official notice for admittance of authorized personnel only.
- c) construction and operation of the facility shall be in compliance with all provisions of Section 500.5 of the zoning code and the land development regulations of the AR-Agricultural Residential District.

2. The property owner shall convey for the ultimate right of way of:

- (A) Jog Road, 120 feet through the project limits,
- (B) 45th Street, 60 feet from the centerline,
- (C) Turnpike interchange at 45th Street and the Florida Turnpike

All within 90 days after (real estate) closing on the subject property; conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.

3. The developer shall construct concurrent with the waste recovery facility becoming operational, onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:

- (A) Turn lanes at the project entrances, and
- (B) Jog Road as a two lane facility from 45th Street, to Beeline Highway.

Funds for the acquisition and construction of 45th Street shall be required within ninety (90) days after obtaining all necessary construction permits for the Resource Recovery Plant.

4. a) Any fuel or chemical storage tanks shall be installed to provide maximum protection against leakage or spillage due to corrosion, breakage, structural failure or other means. Acceptable designs for tank construction include cathodically protected steel, glass fiber reinforced plastic, double-walled steel or plastic, or other equivalent design. The design and installation plans shall be submitted to the Health Department for approval prior to installation.

b) Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, Florida Administrative Code.

5. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.

6. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

7. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

8. The Solid Waste Authority shall install a double liner system for all Class I landfill cells at this site. Each liner shall conform to the FDER criteria for permeability and leachate collection.

9. The Solid Waste Authority shall install a single liner system for Class III landfill cells at this site. Each liner shall conform to the FDER criteria for permeability and leachate collection.

10. The Solid Waste Authority shall fund the acquisition of the additional right-of-way for 45th Street from I-95 to a point 200 feet west of Haverhill Road per the County Engineer's approval plus the appropriate tapers. This additional right-of-way acquisition shall be per Palm Beach County's approved construction plans.

11. The Solid Waste Authority shall fund the construction of 45th Street from I-95 to a point 200 feet west of Haverhill Road as a four-lane median divided section per the County Engineer's approval plus the appropriate tapers. Additional landscaping for visual and noise mitigation shall be installed in the area of Gramercy Park Subdivision in accordance with a plan to be designed by the County Engineer in cooperation with the staff of the Solid Waste Authority and area property owners. Funds for the acquisition and construction of 45th Street shall be made available within 90 days after all necessary construction permits required for the Resource Recovery Plant have been obtained.

12. Exact copies of all graphic materials presented at the final zoning hearing shall be submitted to the zoning division and made a part of the official record for Petition No. 84-134, as the Board of County Commissioners' approved site plan.

13. Petitioner shall grant a permanent 20' wide ingress/egress easement to Lenora Ombres, her heirs, successors or assigns, now or hereafter, to that certain ten acre parcel in the northwest quarter of Section 3, Township 43 South, Range 42 East.

14. The Solid Waste Authority shall dedicate and deed not less than six (6) acres of land to the Palm Beach County Fire Rescue Department. Said acreage shall be located in the northern part of the property adjacent to the Jog Road/Beeline Highway intersection. Said dedication shall occur upon the closing of the subject property.

15. Additional landscape buffering shall be provided along the north and east boundaries of the site in accordance with a detailed landscape plan to be designed by the Palm Beach County Parks Department with the cooperation of the staff of the Solid Waste Authority. This landscape plan must be submitted for the approval of the Site Plan Review Committee.

16. The Solid Waste Authority shall make any improvements per the County Engineer's approval on the existing 45th Street overpass and for, 45th Street from Haverhill Road to the Florida Turnpike necessary to accommodate the proposed truck traffic, as may be deemed necessary by the County Engineer's Office.

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

Ken Spillias, Chairman	---	AYE
Dorothy H. Wilken, Vice Chairman	---	NAY
Peggy Evatt	---	NAY
Dennis P. Koehler	---	AYE
Bill Bailey	---	AYE

The foregoing resolution was declared duly passed and adopted this day of January 8, 1985 confirming action of the 1st of October, 1984.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

JOHN B. DUNKLE, Clerk

By:

Andy Spayne
County Attorney

By:

Marlene Harris
Deputy Clerk

