RESOLUTION 75, 2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING A MISCELLANEOUS PETITION TO AMEND THE SCRIPPS/FLORIDA PLANNED COMMUNITY DISTRICT (PCD) DEVELOPMENT ORDER AT CONDITION OF APPROVAL #29 REGARDING CERTAIN PLATTING REQUIREMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council, as the governing body of the City of Palm Beach Gardens, Florida, pursuant to the authority in Chapter 163 and Chapter 166, *Florida Statutes*, and the City's Land Development Regulations, is authorized and empowered to consider petitions related to zoning and land development orders; and

WHEREAS, the City Council adopted Ordinance 18, 2009 approving a text and map amendment for the Scripps Phase II/Briger Tract Development of Regional Impact (DRI); and

WHEREAS, the City Council adopted Ordinance 33, 2009 approving the zoning regulations and design guidelines for the Briger Planned Community District (PCD); and

WHEREAS, the City Council adopted Resolution 1, 2010 approving a 681-acre site for 2.6 million square feet of industrial/research and development/biotech, 1.2 million square feet of office, 300 hotel rooms, 500,000 square feet of commercial/retail development, and 2,700 dwelling units; and

WHEREAS, the subject site is currently zoned Mixed Use (MXD) / PCD Overlay and has a future land-use designation Mixed Use (MXD); and

WHEREAS, the City Council has considered the evidence and testimony presented by the Applicant and other interested parties and the recommendations of the various City of Palm Beach Gardens reviewing agencies and staff; and

WHEREAS, the City Council deems approval of this Resolution to be in the best interests of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA that:

SECTION 1. The foregoing recitals are hereby affirmed and ratified.

SECTION 2. The application is hereby APPROVED for an amendment to Condition #29 of Resolution 1, 2010 related to certain platting for the real property described as follows:

(See Exhibit "A" for Legal Description)

SECTION 3. Condition #29 shall be modified to reflect the following changes, illustrated in underline format:

> 29. A boundary plat shall be required for the east side of the PCD prior to any further subdivision of land on the east side of the project. A boundary plat shall be required for the west side of the PCD prior to any further subdivision of land on the west side of the project. All parcels depicted on the PCD Master Plan (i.e., Parcels A through H) shall be separately platted and shall require City Council approval. Subsequent subdivisions within each of these aforementioned parcels may occur by metes and bounds in accordance with Section 78-592 of the City's LDRs (i.e., non-residential uses and non-residential parcels only). However, nothing contained herein shall prevent the subdivision of land pursuant to Section 78-428(b)(3) of the City's Land Development Regulations.

SECTION 4. This approval shall be consistent with all representations made by the Applicant or the Applicant's agent at any public hearing.

SECTION 5. This Resolution shall become effective immediately upon adoption.

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PASSED AND ADOPTED this 1st day of December, 2011.

CITY OF PALM BEACH GARDENS, FLORIDA

BY: _____
David Levy, Mayor

ATTEST:

BY: _____
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: _____
R. Max Lohman, City Attorney

VOTE:	**AYE**	**NAY**	**ABSENT**
MAYOR LEVY	✓		
VICE MAYOR PREMUROSO	✓		
COUNCILMEMBER RUSSO	✓		
COUNCILMEMBER JABLIN	✓		
COUNCILMEMBER TINSLEY	✓		

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EXHIBIT "A"

LEGAL DESCRIPTION:

THAT PORTION OF SECTIONS 26 AND 35, TOWNSHIP 41 SOUTH, RANGE 42 EAST, IN PALM BEACH COUNTY, FLORIDA, DESCRIBED IN PARCELS AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26; THENCE SOUTH 01°20'36" WEST ALONG THE EAST LINE OF SAID SECTION, A DISTANCE OF 75.02 FEET TO A POINT ON A LINE PARALLEL WITH AND SOUTHERLY 75.00 FEET FROM THE NORTH LINE OF SAID SECTION, SAID POINT BEING THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE SOUTH LINE OF DONALD ROSS ROAD; THENCE SOUTH 01°20'36" WEST ALONG SAID EAST LINE, A DISTANCE OF 2544.53 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 26; THENCE SOUTH 01°17'32" WEST ALONG SAID EAST LINE, A DISTANCE OF 2619.91 FEET TO THE NORTHEAST CORNER OF SAID SECTION 35; THENCE SOUTH 00°48'03" WEST ALONG THE EAST LINE OF SAID SECTION 35, A DISTANCE OF 1373.03 FEET TO THE NORTH RIGHT-OF-WAY LINE OF HOOD ROAD, AS DESCRIBED IN DEED BOOK 1146, PAGE 639, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°06'56" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 639.65 FEET TO THE EAST LINE OF THE LAND DESCRIBED AS PARCEL 280 B(2) IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 4296, PAGE 1151 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE ALONG THE BOUNDARY OF SAID PARCEL 280 B(2), NORTH 01°53'04" EAST, A DISTANCE OF 70.00 FEET; THENCE NORTH 88°06'56" WEST, A DISTANCE OF 32.20 FEET; THENCE NORTH 83°32'30" WEST, A DISTANCE OF 52.96 FEET; THENCE NORTH 01°53'04" EAST, A DISTANCE OF 15.00 FEET; THENCE NORTH 83°32'30" WEST, A DISTANCE OF 140.45 FEET; THENCE SOUTH 01°53'04" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 83°32'30" WEST, A DISTANCE OF 308.19 FEET; THENCE NORTH 88°06'56" WEST, A DISTANCE OF 117.31 FEET; THENCE NORTH 00°49'08" EAST, A DISTANCE OF 291.34 FEET; THENCE NORTH 89°10'53" WEST, A DISTANCE OF 70.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 280 B(2), BEING ALSO ON THE WEST LINE OF THE EAST 40.00 FEET OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 35; THENCE NORTH 00°49'08" EAST ALONG SAID WEST LINE, A DISTANCE OF 942.23 FEET TO THE NORTH LINE OF SAID SECTION 35; THENCE NORTH 89°24'49" WEST ALONG SAID NORTH LINE, A DISTANCE OF 658.23 FEET TO THE WEST LINE OF THE EAST 40.00 FEET OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 35; THENCE SOUTH 00°49'41" WEST ALONG SAID WEST LINE, A DISTANCE OF 549.73 FEET TO THE NORTHEAST LINE OF THE LAND DESCRIBED IN PARCEL 280 A(1) IN SAID ORDER OF TAKING RECORDED IN SAID OFFICIAL RECORD BOOK 4296, PAGE

1151; THENCE ALONG THE BOUNDARY OF SAID PARCEL 280 A(1), NORTH 28°00'09" WEST, A DISTANCE OF 626.06 FEET TO THE NORTH LINE OF SAID SECTION 35; THENCE CONTINUE NORTH 28°00'09" WEST ALONG SAID BOUNDARY, A DISTANCE OF 3541.88 FEET; THENCE NORTH 24°00'09" WEST ALONG SAID BOUNDARY, A DISTANCE OF 546.72 FEET TO THE BEGINNING OF A CURVE THEREIN, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 5635.58 FEET; THENCE NORTHWESTERLY, A DISTANCE OF 544.09 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°31'54" TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID BOUNDARY, NORTH 18°28'15" WEST, A DISTANCE OF 543.08 FEET; THENCE NORTH 14°39'25" WEST, A DISTANCE OF 177.27 FEET; THENCE NORTH 11°29'21" EAST, A DISTANCE OF 190.36 FEET; THENCE NORTH 63°46'51" EAST, A DISTANCE OF 190.36 FEET; THENCE NORTH 89°55'36" EAST, A DISTANCE OF 301.88 FEET; THENCE NORTH 87°37'27" EAST, A DISTANCE OF 296.35 FEET; THENCE NORTH 89°55'45" EAST, A DISTANCE OF 302.02 FEET; THENCE NORTH 00°04'15" WEST, A DISTANCE OF 6.00 FEET TO THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN PARCEL 280 B(3) IN SAID ORDER OF TAKING; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 280 B(3), AS DESCRIBED IN OFFICIAL RECORD BOOK 4296, PAGE 1151, SAID LINE ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF ADDITIONAL RIGHT-OF-WAY FOR DONALD ROSS ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 21129, PAGE 118, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, NORTH 89°55'45" EAST, A DISTANCE OF 1216.68 FEET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 45°04'14" EAST, A DISTANCE OF 56.57 FEET; THENCE ALONG THE EAST LINE OF SAID ADDITIONAL RIGHT-OF-WAY, NORTH 00°04'14" WEST, A DISTANCE OF 65.00 FEET TO SAID LINE PARALLEL WITH AND SOUTHERLY 75.00 FEET FROM THE NORTH LINE OF SAID SECTION 26; THENCE NORTH 89°55'46" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 2369.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 475.31 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE NORTH 00°36'37" EAST ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 4365.67 FEET TO THE SOUTHWESTERLY BOUNDARY OF THE LAND DESCRIBED AS PARCEL 280 A(1) IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 4296, PAGE 1151 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY; THENCE ALONG SAID BOUNDARY SOUTH 34°23'37" EAST, A DISTANCE OF 112.80 FEET; THENCE SOUTH 33°14'52" EAST, A DISTANCE OF 493.78 FEET ALONG SAID BOUNDARY TO THE BEGINNING OF A CURVE THEREIN, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 11365.16 FEET; THENCE SOUTHEASTERLY, A DISTANCE OF 813.16 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°05'58" TO A POINT OF TANGENCY; THENCE SOUTH 29°08'54" EAST, A DISTANCE OF 1199.30 FEET; THENCE SOUTH 28°00'09" EAST ALONG SAID BOUNDARY, A DISTANCE OF 2426.49 FEET TO THE

SOUTH LINE OF SAID SECTION 26; THENCE CONTINUE SOUTH 28°00'09" EAST ALONG SAID BOUNDARY, A DISTANCE OF 1464.87 FEET; THENCE NORTH 89°04'14" WEST ALONG SAID BOUNDARY AND ALONG THE NORTH LINE OF THE LAND DESCRIBED IN PARCEL 280 B(1) OF SAID ORDER OF TAKING, A DISTANCE OF 339.10 FEET; THENCE SOUTH 86°53'01" WEST ALONG SAID NORTH LINE, A DISTANCE OF 401.53 FEET TO THE NORTHERLY LINE OF HOOD ROAD; THENCE NORTH 88°06'56" WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 518.05 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 35; THENCE NORTH 00°50'35" EAST ALONG SAID EAST LINE, A DISTANCE OF 628.52 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW 1/4); THENCE NORTH 89°02'37" WEST, A DISTANCE OF 658.29 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW 1/4); THENCE SOUTH 00°50'56" WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SW 1/4), A DISTANCE OF 617.85 FEET TO SAID NORTH LINE OF HOOD ROAD; THENCE NORTH 88°06'56" WEST ALONG SAID NORTH LINE, A DISTANCE OF 392.92 FEET TO A POINT ON THE NORTH LINE OF THE FLORIDA'S TURNPIKE RIGHT-OF-WAY AS DESCRIBED IN MINUTES OF THE CIRCUIT COURT BOOK 70, PAGE 443, PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE FOR THE FOLLOWING FOUR [4] COURSES: NORTH 01°53'04" EAST, A DISTANCE OF 10.00 FEET; NORTH 88°06'56" WEST, A DISTANCE OF 350.00 FEET; THENCE NORTH 83°28'53" WEST, A DISTANCE OF 503.22 FEET; THENCE NORTH 89°00'28" WEST, A DISTANCE OF 73.33 FEET TO THE WEST LINE OF SAID SECTION 35; THENCE NORTH 00°51'38" EAST ALONG SAID WEST LINE, A DISTANCE OF 1204.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 206.38 ACRES, MORE OR LESS.