

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP IN THE VILLAGE OF WELLINGTON COMPREHENSIVE PLAN BY DESIGNATING CERTAIN PROPERTY KNOWN AS " BINKS FOREST GOLF COURSE DRIVING RANGE" "RESIDENTIAL E", CONSISTING OF 14.422 ACRES MORE OR LESS OF LAND LOCATED ON THE WEST SIDE OF BINKS FOREST DRIVE AND SOUTH OF THE FPL EASEMENT AS MORE SPECIFICALLY DESCRIBED HEREIN; AUTHORIZING THE TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE .

WHEREAS, on May 17, 2004, the Planning, Zoning & Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing, has considered the appropriateness of the proposed land-use designations in the Comprehensive Plan of the Village for the property which is the subject of this ordinance, and has submitted its recommendation to the Village Council; and

WHEREAS, the Village Council, after notice and public hearing, voted to transmit this proposed amendment to the Florida Department of Community Affairs for written comment, and otherwise complied with applicable provisions of the Florida Statutes governing amendments of local Comprehensive Plans; and

WHEREAS, the notice and hearing requirements for Comprehensive Plan amendments, as set forth in the Florida Statutes, have been satisfied; and

WHEREAS, the Village Council has taken the recommendations from the Local Planning Agency and the Village staff and the comments from the public into consideration, and has also considered the appropriateness of the text amendment, which is the subject of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, THAT:

SECTION 1: The future land-use designation for the properties described below are hereby established as Residential E on the Future Land Use Map in the Village of Wellington Comprehensive Plan, as follows:

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PART OF PARCEL "J", BINK'S FOREST OF THE LANDINGS AT WELLINGTON P.U.D. PLAT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70, PAGE 162, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A BOUNDARY CORNER OF SAID PARCEL "J", SAID BOUNDARY CORNER ALSO BEING THE NORTHEAST CORNER OF THAT CERTAIN PARCEL SHOWN ON SAID PLAT AS "NOT A PART OF THIS PLAT"; THENCE, SOUTH 01°19'52" WEST, ALONG THE

May 11, 2004

1 BOUNDARY COMMON WITH SAID PARCEL "J" AND SAID PARCEL SHOWN ON SAID PLAT
2 AS "NOT A PART OF THIS PLAT", A DISTANCE OF 520.01 FEET TO THE SOUTHEAST
3 CORNER OF SAID PARCEL SHOWN ON SAID PLAT AS "NOT PART OF THIS PLAN"; THENCE
4 SOUTH 86°09'16" EAST, DEPARTING SAID BOUNDARY LINE, A DISTANCE OF 657.54 FEET;
5 THENCE, NORTH 83°32'27" EAST, A DISTANCE OF 517.25 FEET TO A POINT ON THE
6 EASTERLY BOUNDARY LINE OF SAID PARCEL "J"; SAID POINT BEING A POINT ON A
7 CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,410.00 FEET AND WHOSE RADIUS
8 POINT BEARS NORTH 75°08'11" EAST; THENCE, NORTHERLY ALONG SAID EASTERLY
9 BOUNDARY LINE AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF BINK'S FOREST
10 DRIVE, AS SHOWN ON SAID PLAT, THROUGH A CENTRAL ANGLE OF 22°46'13", A
11 DISTANCE OF 560.36 FEET TO THE END OF SAID CURVE; THENCE, NORTH 88°58'25"
12 WEST DEPARTING SAID EASTERLY BOUNDARY LINE AND SAID WESTERLY RIGHT-OF-
13 WAY LINE, AND ALONG A LINE 50.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES
14 TO, THE NORTH BOUNDARY LINE OF SAID PARCEL "J", A DISTANCE OF 1,122.73 FEET;
15 THENCE SOUTH OF 01°19'52" WEST, A DISTANCE OF 70.00 FEET TO THE POINT OF
16 BEGINNING.

17
18 EXCEPTING PARCEL "V" AS SHOWN ON SAID PLAT OF BINK'S FOREST OF THE LANDINGS
19 AT WELLINGTON P.U.D. PLAT 2.

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21 CONTAINING: 15.27 ACRES, MORE OR LESS.

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23 SUBJECT TO EASEMENTS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

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25 **SECTION 2:** The Village Manager is hereby authorized to transmit this proposed
26 comprehensive plan map amendment to the Florida Department of Community Affairs for review
27 pursuant to Chapter 163, Florida Statutes.

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29 **SECTION 3:** The Village Manager is hereby directed to amend the Comprehensive Plan in
30 accordance with this Ordinance.

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32 **SECTION 4:** The Ordinance shall become effective upon the date the later of the following
33 two events occurs: (1) the adoption of a resolution by the Village Council acknowledging receipt
34 and acceptance of a title opinion demonstrating that the title issues potentially affecting the future
35 use of the property have been resolved, and (2) the date a final order is issued by the Department
36 of Community Affairs or an Administration Commission finding the amendment in compliance with
37 Section 163.3184(1)(b), Florida Statutes. No development orders, development permits or land
38 uses dependent on this amendment may be issued or commence before it has become effective.
39 If a final order of noncompliance is issued by the Administration Commission, this amendment
40 may be nevertheless made effective by adoption of a resolution affirming its effective status, a
41 copy of which resolution shall be sent to the Florida Department of Affairs, Division of Community
42 Planning, Plan Processing Team.

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45 (The remainder of this page left intentionally blank)

1 **PASSED** this 8 day of June, 2004 upon first reading.

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3 **PASSED AND ADOPTED** this 23rd day of November 2004 on second and
4 final reading.
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6
7 **VILLAGE OF WELLINGTON**

	FOR	AGAINST
8 9 BY: <u>Thomas M. Wenham</u> 10 Thomas M. Wenham, Mayor	<u>✓</u>	<u> </u>
11 12 <u>Lizbeth Benacquisto</u> 13 Lizbeth Benacquisto, Vice Mayor	<u>✓</u>	<u> </u>
14 15 <u>Laurie S. Cohen</u> 16 Laurie S. Cohen, Councilwoman	<u> </u>	<u>✓</u>
17 18 <u>Robert S. Margolis</u> 19 Robert S. Margolis, Councilman	<u>✓</u>	<u> </u>
20 21 <u>Dr. Carmine A. Priore</u> 22 Dr. Carmine A. Priore, Councilman	<u>✓</u>	<u> </u>

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26 **ATTEST:**

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28 BY: Awilda Rodriguez
29 Awilda Rodriguez, Village Clerk
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33 **APPROVED AS TO FORM AND**
34 **LEGAL SUFFICIENCY**

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36 BY: Jeffrey S. Kurtz
37 Jeffrey S. Kurtz, Village Attorney
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