RESOLUTION NO. 128-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT REQUEST MINOR SUBDIVISION THAT CONTAINS NON-FOR А CONFORMITIES FOR A TWO-LOT SUBDIVISION KNOWN AS "PINEAPPLE TRAIL", WHICH CONSISTS OF TWO EXISTING LOTS OF RECORD DESCRIBED AS LOT 15 AND 16, BLOCK 9, DELL PARK PLAT, PLAT BOOK 8, PAGE 56 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, LOCATED ON THE SOUTHEAST CORNER OF NE 10TH STREET AND NE 2ND AVENUE WITHIN THE R-1-A ZONING DISTRICT, AS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B", PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, Richard Jones Architecture ("Agent") on behalf of Hacienda Gardens, LLC. ("Applicant") submitted a Final Plat application (2019-026) to subdivide two existing legally nonconforming lots of record, described as Lot 15 and 16, Block 9, of the Dell Park Plat, recorded in Plat Book 8, Page 56, of the Official Records for Palm Beach County, as more particularly described in Exhibit "A", into two lots with frontage on NE 2nd Avenue, as more particularly described in Exhibit "B"; and

WHEREAS, the Land Development Regulations (LDR) of the City of Delray Beach (City) Section 2.4.5(K)(1), establishes that platting of a minor subdivision shall involve only the City Commission. Therefore, the City Commission shall be the final authority in this subdivision request; and

WHEREAS, pursuant to LDR Section 2.4.5(K)(5), no specific findings are necessary for the approval of a final plat for a minor subdivision; however, the City Commission shall declare at the time of the approval of the minor subdivision application that it is necessary and appropriate to create such a nonconformity, as established in Section 4.3.1(D); and

WHEREAS, the City Commission of the City of Delray Beach, Florida, pursuant to LDR Sections 2.4.5(K) and 4.3.1(D), approves the minor subdivision and declares that it is necessary and appropriate to create such a nonconformity based on positive findings; and

WHEREAS, upon approval by the City Commission, the plat shall be recorded pursuant to procedures as set forth by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

<u>Section 1</u>. That the foregoing recitals are hereby incorporated herein by this reference.

<u>Section 2</u>. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on this __ day of _____.2019.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Sheet 1 of 2 (Survey Related Data) - See Sheet 2 of 2 for Sketch of Survey. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

LEGAL DESCRIPTION: LOT 15 AND 16, BLOCK 9, DELL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE(S) 56, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PROPERTY ADDRESS: 204 NE 10TH STREET DELRAY BEACH, FL 33444

INVOICE NUMBER: 88211-SE DATE OF FIELD WORK: 03/05/2018

CERTIFIED TO ENVIRO DESIGN ASSOCIATES, INC.

FLOOD ZONE: X FLOOD MAP: 12099C PANEL: 0977 SUFFIX: F PANEL DATE: 10/05/2017

GENERAL NOTES

1. THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED 1. THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED. 2. ANY FENCES SHOWN HEREON ARE LILUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CONTENLING FRICE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL OF, OR CHANGES MADE TO, ANY FENCES UNLESS WE HAVE PROVIDED A SURVEY SPECIFICALLY LOCATING SAID FENCES FOR SUCH PURPOSES. DETERMINATION OF FENCE POSITIONS SHOULD BE BASED SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES. 3. GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS. 4. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN AND AS MARKED BY A REPUTABLE UTILITES COMPANY.

ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988) AS SHOWN ABOVE.
ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.

7. CORNERS SHOWN AS "SET" ARE IDENTIFIED WITH A CAP MARKED LS (LICENSED SURVEYOR) # 5639. I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR

SURVEYS, AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 51-17.051 & 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062. PURSUANT TO SECTION 472.025, FLORIDA STATUTES.



Digitally signed by Andrew Snyder, P.S.M.

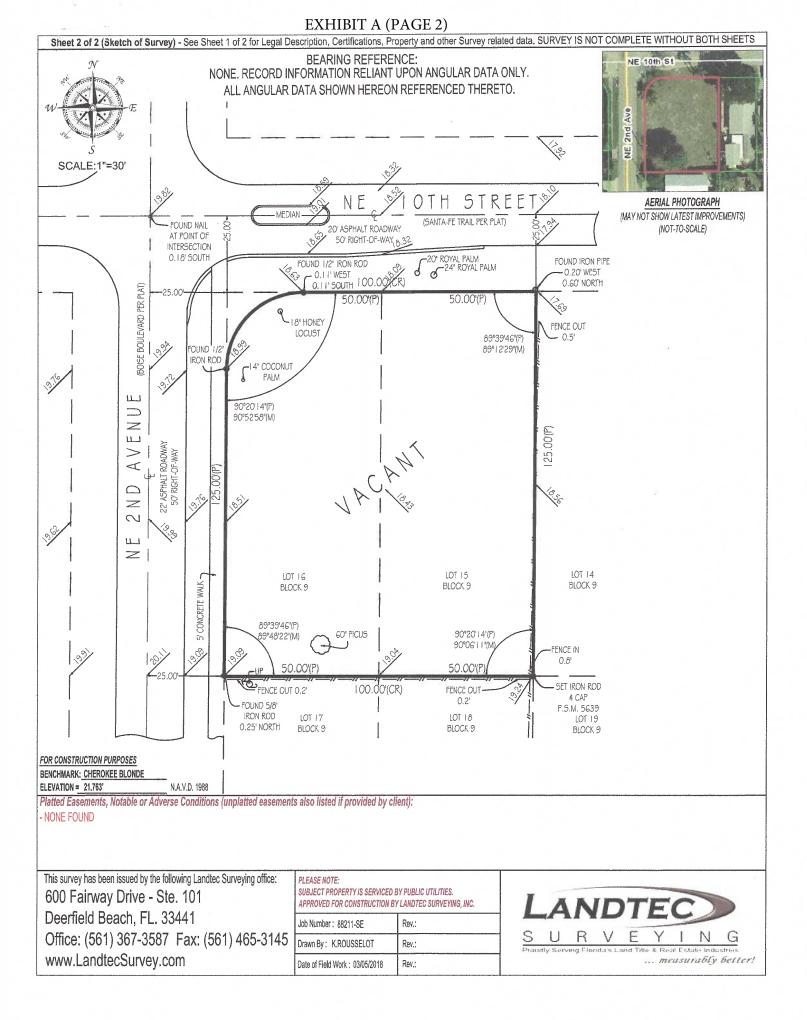
DN: cn=Andrew Snyder, P.S.M., o=Landtech Surveying, ou, email=asnyder@msn.com, c=US Date: 2018.03.06 18:23:00 -05'00'

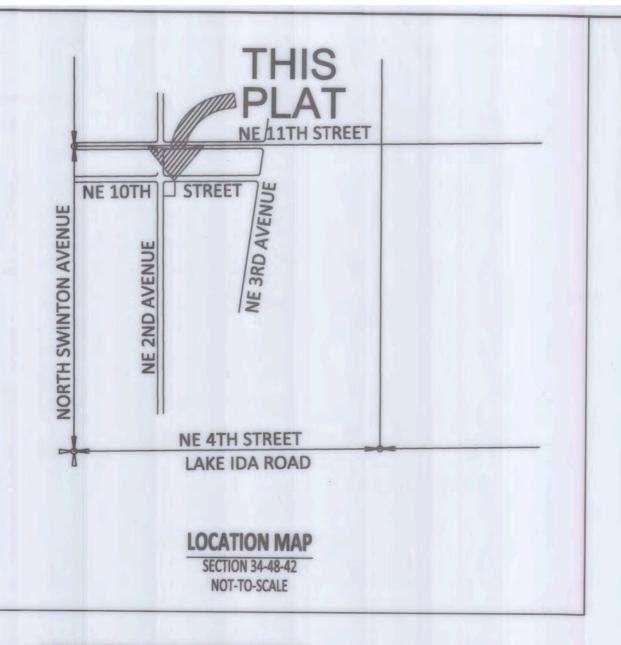
03/06/2018

GNATURE DATE: ANDREW SNYDER - PROFESSIONAL SURVEYOR AND MAPPER FLORIDA REGISTRATION No. 5639 (NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN ABOVE)

A - DENOTES ARC LENGTH P - DENOTES PLAT BOUNDARY LINE CA - DENOTES ARC LENGTH CA - DENOTES CENTRAL ANGLE CATV - DENOTES CABLE T.V. BOX CH - DENOTES CHORD DISTANCE PK - DENOTES PARKER KALON NAIL PH - DENOTES POOL HEATER BUILDING LINE CENTERLINE PP - DENOTES POOL PUMP EASEMENT LINE DE - DENOTES DRAINAGE EASEMENT **R - DENOTES RADIUS** - x -- 1 -- METAL FENCE WOODEN FENCE PVC FENCE OVERHEAD CABLE FN - DENOTES FOUND NAIL TR - DENOTES TELEPHONE RISER -11 ENOTES LEGAL UE - DENOTES UTILITY EASEMENT M - DENOTES MEASURED **UP - DENOTES UTILITY POLE** OHC - DENOTES OVERHEAD CABLE WM - DENOTES WATER METER







DEDICATION AND RESERVATIONS:

KNOW ALL MEN BY THESE PRESENTS: THAT HACIENDA GARDENS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, LICENSED TO DO BUSINESS IN FLORIDA, IS THE OWNER OF THE LAND AS SHOWN ON THIS PLAT OF PINEAPPLE TRAIL, BEING A REPLAT OF LOTS 15 AND 16, BLOCK 9, DELL PARK, (PLAT BOOK 8, PAGE 56, PBCR) LYING IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 15 AND 16, BLOCK 9, DELL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 56, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 12,367 SQUARE FEET AND/OR 0.28 ACRES, MORE OR LESS.

HAVE CAUSED SAID LANDS TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS PINEAPPLE TRAIL AND FURTHER DEDICATES AS FOLLOWS:

LOTS 1 & 2 ARE HEREBY RESERVED BY HACIENDA GARDENS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, IT'S SUCCESSORS AND/OR ASSIGNS FOR PRIVATE PURPOSES AS ALLOWED PURSUANT TO ZONING REGULATIONS OF THE CITY OF DELRAY BEACH.

GENERAL UTILITY EASEMENTS (GU) ARE MADE TO ANY PUBLIC OR PRIVATE UTILITY, SUCH AS BUT NOT LIMITED TO, STORM DRAINAGE, ELECTRIC POWER, GAS SERVICE, TELEPHONE LINES, AND CABLE TELEVISION; PROVIDED HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITY AND SERVICES OF ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY.

SIDEWALK EASEMENTS (SE) ARE DEDICATED TO THE CITY FOR PUBLIC PURPOSES OF CONSTRUCTION, INSTALLING AND MAINTAINING CERTAIN PUBLIC IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, SIDEWALKS, PATHWAYS, DRAINAGE FACILITIES, STREET FURNITURE, HANDICAP ACCESS, UNDERGROUND DRAINAGE, UTILITIES AND LANDSCAPING IN CITY'S SOLE AND ABSOLUTE DISCRETION.

THE CITY OF DELRAY BEACH IS HEREBY GRANTED ACCESS FOR EMERGENCY AND MAINTENANCE PURPOSES.

IN WITNESS WHEREOF, OF THE ABOVE NAMED HACIENDA GARDENS, LLC, A FLORIDA LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENT TO BE SIGNED THIS 10th DAY OF June, 2019.

HACIENDA GARDENS, LLC, A FLORIDA LIMITED LIABILITY COMPANY

BY: ~~~~ NUNO MORAIS, MANAGER

WITNESS: Maring Bennett WITNESS: Dela Burdich PRINT NAME: DEBRA BURDICK

ACKNOWLEDGEMENTS:

STATE OF FLORIDA

DATED: 6/10

COUNTY OF PALM BEACH

BEFORE ME PERSONALLY APPEARED NUNO MORAIS WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED 26 DUILES CLASSES AND WHO EXECUTED THE FOREGOING INSTRUMENT AS MANAGER OF HACIENDA GARDENS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID CORPORATION, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR CORPORATE AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION. *

WITNESS MY HAND AND OFFICIAL SEAL THIS 10 DAY OF	<u>ke</u> 2019.	
MY COMMISSION EXPIRES: 1-31-2020 COMMISSION NUMBER: FF949884	heringdo	PRINT NAME
TITLE CERTIFICATION:	-	
STATE OF FLORIDA)	SHELIA CONCIDON MY COMMISSION # FF 945564 EXPIRES: January 31, 2020 Bonded Thru Rotary Public Underwinters	
COUNTY OF PALM BEACH)		
I, LEORAH G. GREENMAN, A DULY LICENSED ATTORNEY IN THE STATE OF FLO	ORIDA DO HEREBY CERTIFY THAT I HAVE EXAMINED T	THE TITLE TO THE HEREON DESCRIBED

PPERTY; THAT I FIND THE TITLE TO THE PROPERTY IS VESTED TO HACIENDA GARDENS, LLC, A FLORIDA LIMITED LIABILITY COMPANY; THAT THE CURRENT TAXES HAVE BEEN PAID THROUGH DECEMBER 31,2018, AND THAT AS OF MAY 22, 2019, THERE ARE NO MORTGAGES OF RECORD: AND NO ENCUMBRANCES OF RECORD.

leorah Greenman

, 2019	LEORAH G. GREENMAN
	ATTORNEY AT LAW LICENS
	IN FLORDA

EXHIBIT B (PAGE 1 OUT OF 2)

PINEAPPLE TRAIL

A REPLAT OF LOTS 15 AND 16, BLOCK 9, DELL PARK, (PLAT BOOK 8, PAGE 56, PBCR) LYING IN SOUTHWEST QUARTER (SW1/4) OF SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

CITY APPROVAL:

THIS PLAT OF THE PINEAPPLE TRAIL AS APPROVED ON THIS DAY OF , A.D. 2019 BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA.

AND REVIEWED, ACCEPTED AND CERTIFIED BY:

DIRECTOR OF DEVELOPMENT SERVICES tucka fugurela

CITY CLERK

SURVEYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS ("P.R.M.S") HAVE BEEN PLACED AS REQUIRED BY LAW AND THAT THE SURVEY DATA E BEQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF CITY OF DELRAY BEACH. FLORIDA.

ANDREW SNYDER, PROFESSIONAL SURVEYOR AND MAPPER LICENSE NO. 5639. STATE OF FLORIDA

LANDTEC SURVEYING, INC. LB #8007 600 FAIRWAY DRIVE, SUITE 101 DEERFIELD BEACH, FLORIDA 33441 (561) 367-3587 (SEAL)

THIS INSTRUMENT WAS PREPARED BY ANDREW SNYDER, LANDTEC SURVEYING, INC, 600 FAIRWAY DRIVE, DEERFIELD BEACH, FLORIDA 33441

REVIEWING SURVEYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THE UNDERSIGNED PROFESSIONAL SURVEYOR AND MAPPER, UNDER CONTRACT WITH THE CITY OF DELRAY BEACH, FLORIDA, HAS REVIEWED THIS PLAT OF PINEAPPLE TRAIL AS REQUIRED BY CHAPTER 177.081(1) FLORIDA STATUTES, AND FINDS THAT IT COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177.081, FLORIDA STATUTES.

JOHN T. DOOGAN P.L.S. **PROFESSIONAL LAND SURVEYOR, REG. #4409** STATE OF FLORIDA

AVIROM & ASSOCIATES, INC. LB #3300 50 S.W. 2ND AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432

DATE: 6/17/2019



THIS INSTRUMENT WAS PREPARED BY ANDREW SNYDER, P.S.M. 5369, STATE OF FLORIDA LANDTEC SURVEYING, INC. 600 FAIRWAY DRIVE - SUITE 101 DEERFIELD BEACH, FLORIDA 33441 (561) 367-3587

STATE OF FLORIDA COUNTY OF PALM BEACH

THIS PLAT WA	S FILED FO	R RECORD A	T
	THIS	DAY O	
	2019, A	ND DULY	
RECORDED IN			,
ON PAGE(S)			-
SHARON R. BC	CK CLERK	& COMPTRO	DLLER

D.C.

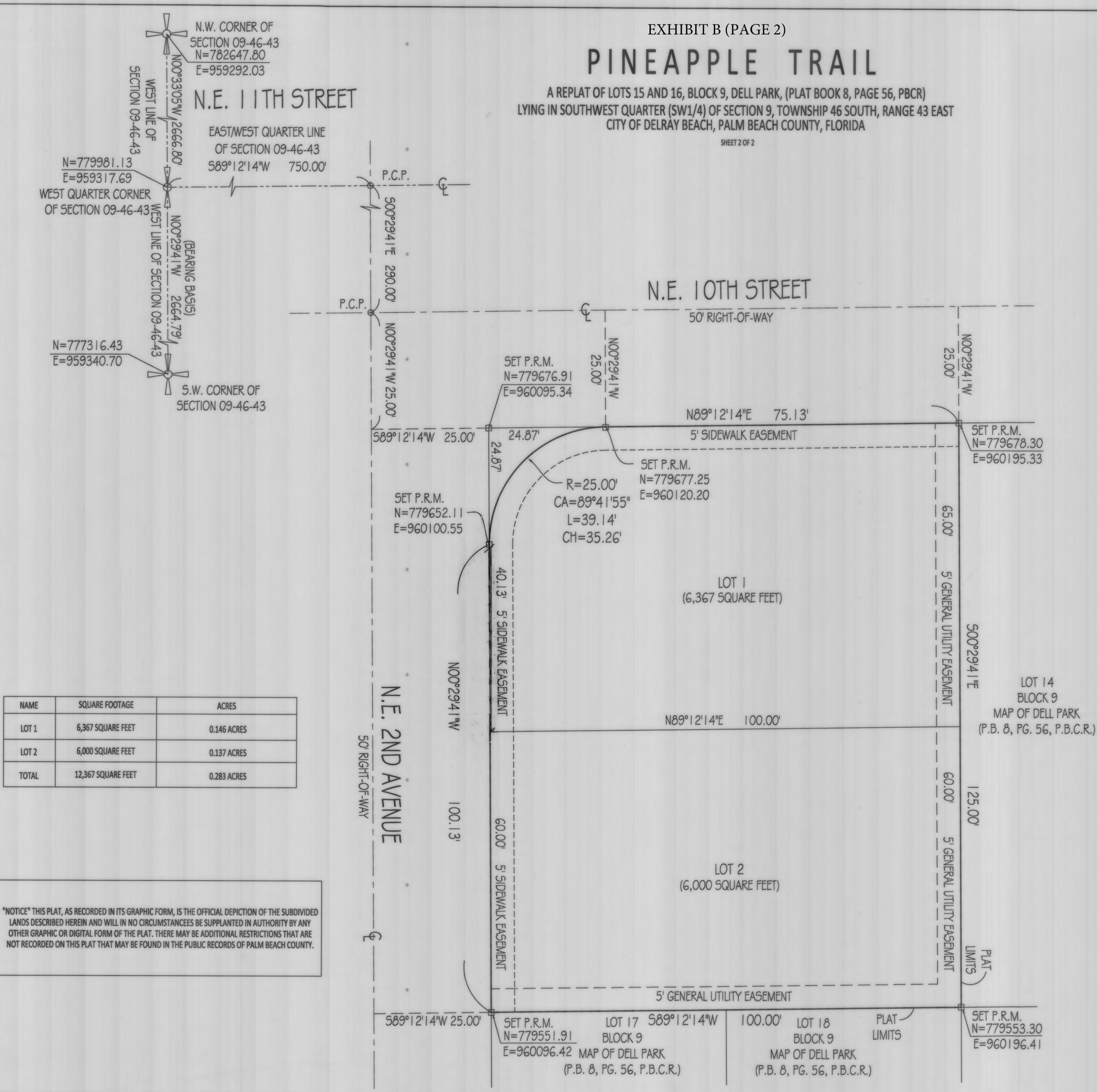
SHEET 1 OF 2

SURVEYOR'S NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM OF NAD 83. 1990 ADJUSTMENT. THE LINE BETWEEN THE WEST ONE QUARTER CORNER BEING A PALM BEACH COUNTY BRASS DISC SET IN A CONCRETE MONUMENT 10" IN DIAMETER AND THE SOUTHWES CORNER BEING A PALM BEACH COUNTY BRASS DISC SET IN A CONCRETE MONUMENT 10" IN DIAMETER OF SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST HAS A BEARING OF NORTH 00°29'41" WEST, ALL OTHER BEARINGS RELATIVE THERETO.
- 2. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- 3. THE CITY OF DELRAY BEACH IS HEREBY GRANTED THE RIGHT OF ACCESS FOR EMERGENCY MAINTENANCE PURPOSES.
- 4. THERE SHALL BE NO BUILDINGS OR ANY KIND OF CONSTRUCTION PLACED ON WATER, SEWER OR DRAINAGE EASEMENTS. NO STRUCTURES SHALL BE PLACED WITHIN A HORIZONTAL DISTANCE OF 10 FEET FROM ANY EXISTING OR PROPOSED CITY OF DELRAY BEACH MAINTAINED WATER SEWER OR DRAINAGE FACILITIES. CONSTRUCTION OR LANDSCAPING UPON MAINTENANCE OR MAINTENANCE ACCESS EASEMENTS MUST BE IN CONFORMANCE WITH ALL BUILDING AND ZONING CODES AND/OR ORDINANCES OF THE CITY OF DELRAY BEACH.
- 5. THERE SHALL BE NO TREES OR SHRUBS PLACED ON UTILITY EASEMENTS WHICH ARE PROVIDED FOR WATER AND SEWER USE OR UPON DRAINAGE EASEMENTS. LANDSCAPING ON OTHER UTILITY EASEMENTS SHALL BE ALLOWED ONLY AFTER CONSENT OF ALL UTILITY COMPANIES OCCUPYING SAME.
- 6. IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENT WILL HAVE FIRST PRIORITY, UTILITY EASEMENTS HAVE SECOND PRIORITY ANY ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITIES BEING DETERMINED BY USE RIGHTS GRANTED
- COORDINATES SHOWN ARE GRID COORDINATES DATUM = NAD 83 (1990 ADJUSTMENT). ZONE = FLORIDA EAST ZONE LINEAR UNIT = U.S. SURVEY FEET COORDINATES SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION ALL DISTANCES ARE GROUND. SCALE FACTOR = 1.000002357 PLAT BEARING = GRID BEARING GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
- 8. DIMENSIONS SHOWN AT BLOCK CORNERS ARE TO THE INTERSECTIONS THERETO.
- CURVE RADIUS ARE 25 FEET UNLESS OTHERWISE SHOWN.

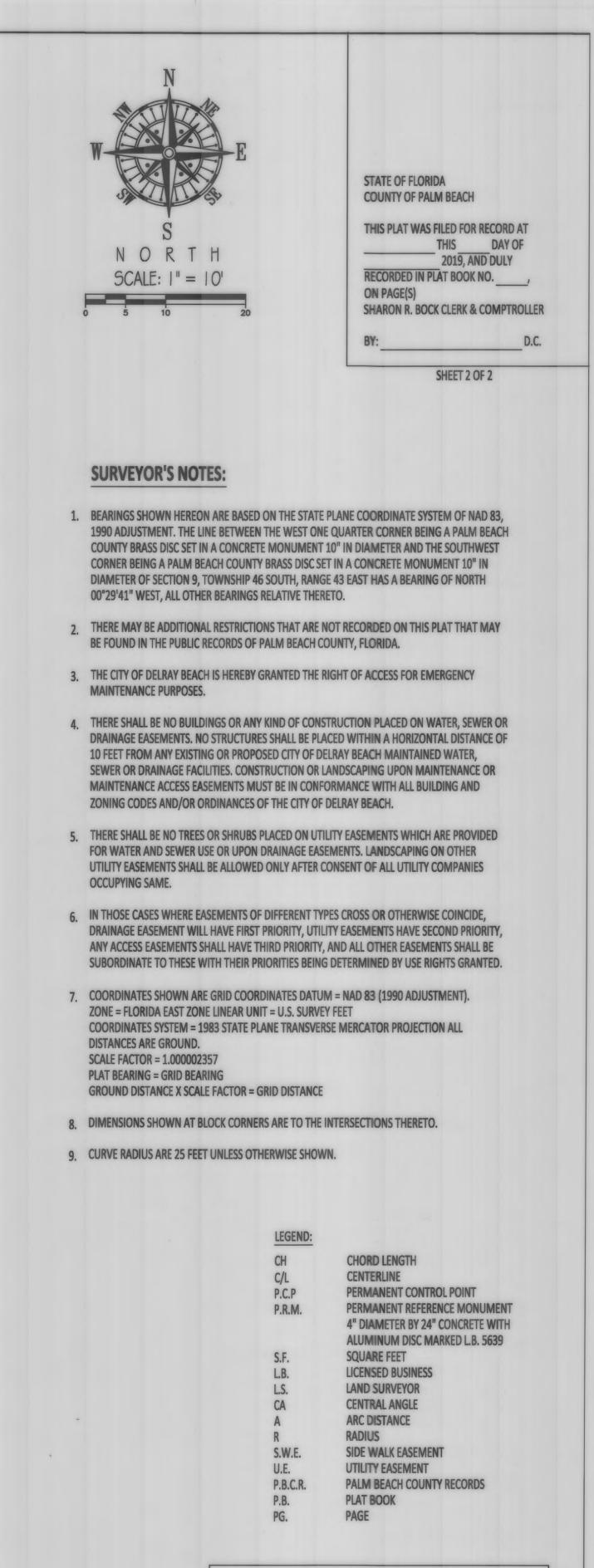
"NOTICE" THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCEES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY.

CITY DELRAY BEACH SEAL	REVIEWING SURVEYOR SEAL	SURVEY
	DOOG AL	
	STATE OF	
	CITY DELRAY BEACH SEAL	CITY DELRAY BEACH SEAL



NAME	SQUARE FOOTAGE	ACRES
LOT 1	6,367 SQUARE FEET	0.146 ACRES
LOT 2	6,000 SQUARE FEET	0.137 ACRES
TOTAL	12,367 SQUARE FEET	0.283 ACRES

LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCEES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY.





THIS INSTRUMENT WAS PREPARED BY ANDREW SNYDER, P.S.M. 5369, STATE OF FLORIDA LANDTEC SURVEYING, INC. 600 FAIRWAY DRIVE - SUITE 101 **DEERFIELD BEACH, FLORIDA 33441**