

RESOLUTION NO. 128-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT APPLICATION FOR A MAJOR SUBDIVISION WITH A WAIVER REQUEST, FOR A SIX-LOT SUBDIVISION KNOWN AS "PINEAPPLE ROAD PLAT", WHICH CONSISTS OF A REPLAT OF PARCEL 2 OF LAKEVIEW BAPTIST CHURCH PLAT, AS RECORDED IN PLAT BOOK 130 PAGE 168 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida ("the City") received a Final Plat application for a major subdivision (2020-008) with a waiver request for the creation of six lots, a private street tract, and associated easements as part of the Pineapple Trail Plat. The subject property consists of Parcel 2 of Lakeview Baptist Church Plat, as recorded in Plat Book 130 Page 168, of the Public Record of Palm Beach County, Florida, more particularly described in exhibit "A"; and

WHEREAS, the proposed Final Plat requires relief from the Land Development Regulations ("the LDRs") to reduce the width for a private street access, identified as Tract A in Exhibit "A", from a minimum of 50 feet to 40 feet; and

WHEREAS, LDR Section 5.3.1(D)(2) and Table MLB-1 of the Comprehensive Plan Mobility Element require local streets (public or private) have a minimum width of 50 feet; and

WHEREAS, per LDR Section 5.3.1(D)(5), a reduction in the required right-of-way width may be granted by the City Commission in developments in which new streets are created. The proposed Final Plat proposes to create a new, private street to accommodate the 40-unit development; and

WHEREAS, at its meeting of June 15, 2020, meeting, the Planning and Zoning Board voted 6 to 0 to approve the Preliminary Plat and to recommend approval to the City Commission of the Final Plat with a waiver request from LDR Section 5.3.1(D)(2); and

WHEREAS, the City Commission considered the requested waiver associated with the proposed Pineapple Road plat and deemed, in accordance with LDR Section 2.4.7(B)(5), the granting of the waivers would not adversely affect the neighboring area, would not significantly diminish the provision of public facilities, would not create an unsafe situation, and would not result in the granting of a special privilege in that the same waiver would be granted under a similar circumstance on other property for another applicant or owner; and

WHEREAS, the City Commission approves the certification of the Final Plat, which includes a waiver to LDR Section 5.3.1(D)(2), to reduce the minimum width for the proposed internal, local private street to 40 feet, by finding that the request is consistent with the Comprehensive Plan and meets criteria

set forth in the LDRs.

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

Section 1. That the forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission makes positive findings for the granting of the waiver from LDR Section 5.3.1(D)(2).

Section 3. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

PINEAPPLE ROAD PLAT

BEING A REPLAT OF PARCEL 2 OF LAKEVIEW BAPTIST CHURCH, AS RECORDED IN PLAT BOOK , PAGES LYING IN SECTIONS 4 AND 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT LAKEVIEW BAPTIST CHURCH OF DELRAY BEACH. INC. ALSO KNOWN AS LAKEVIEW BAPTIST CHURCH, THE OWNER OF THE LANDS SHOWN HEREON, BEING A PORTION OF SECTIONS 4 AND 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, SHOWN HEREON AS PINEAPPLE ROAD PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE FOLLOWING DESCRIBED TO WIT:

PARCEL 2 OF LAKEVIEW BAPTIST CHURCH PLAT AS RECORDED IN PLAT BOOK ____ , PAGE ____ OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

SAID LANDS SITUATE LYING AND BEING IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA. CONTAINING 83,599 SQUARE FEET +/- OR 1.9191 ACRES, MORE OR LESS.

HAVE CAUSED SAID LANDS TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE PINEAPPLE ROAD PLAT AND FURTHER DEDICATE AS FOLLOWS:

ROAD TRACT "A" IS HEREBY DEDICATED TO PINEAPPLE ROAD HOMEOWNERS ASSOCIATION, INC., AS A PRIVATE STREET TO BE OWNED AND MAINTAINED BY SAID ASSOCIATION WITH THE RIGHT OF THE CITY OF DELRAY BEACH TO ACCESS AND OR REPAIR WATER AND SEWER MAINS WITHIN SAID TRACT.

ALONG WITH THE FOLLOWING EASEMENT:

GENERAL UTILITY EASEMENTS 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, INSTALLTION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITY AND SERVICES OF ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC FACILITY.

ACCESS EASEMENTS ARE MADE TO THE PUBLIC FOR ACCESSING PURPOSE.

ALL DRAINAGE EASEMENTS ARE DEDICATED TO THE PINEAPPLE ROAD HOMEOWNERS ASSOCIATION INC. ITS SUCCESSORS AND/OR ASSIGNS, AND ARE THE PERPETUAL MAINTENANCE OBLIGATION OF THE SAID HOMEOWNERS ASSOCIATION WITHOUT RECOURSE TO THE CITY OF DELRAY BEACH.

LOTS 1, 2, 3, 4, 5 AND 6 ARE HEREBY PLATTED FOR PRIVATE PURPOSES AS ALLOWED PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH.

IN WITNESS WHEREOF, LAKEVIEW BAPTIST CHURCH OF DELRAY BEACH, INC., A FLORIDA NOT FOR PROFIT CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED THIS ____ DAY OF _____, 20____

WITNESS AS TO BOTH: _____ BY: _____
PRINT NAME NAME: CHARLIE BLACK
DEACON

WITNESS AS TO BOTH: _____ BY: _____
PRINT NAME NAME: ROBERT GRAFF
TREASURER

ACKNOWLEDGEMENT:

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF ____ PHYSICAL PRESENCE OR ____ ONLINE NOTARIZATION, THIS ____ DAY OF _____, 20____ BY _____ ON BEHALF OF THE _____ WHO IS ____ PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS ____ DAY OF _____.

NOTARY PUBLIC

PRINT NAME

MY COMMISSION EXPIRES _____

COMMISSION NUMBER: _____

(SEAL)

LAKEVIEW BAPTIST CHURCH OF DELRAY BEACH, INC.

CITY OF DELRAY BEACH

ACKNOWLEDGEMENT:

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF ____ PHYSICAL PRESENCE OR ____ ONLINE NOTARIZATION, THIS ____ DAY OF _____, 20____ BY _____ ON BEHALF OF THE _____ WHO IS ____ PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS ____ DAY OF _____.

NOTARY PUBLIC

PRINT NAME

MY COMMISSION EXPIRES _____

COMMISSION NUMBER: _____

(SEAL)

TITLE CERTIFICATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

I MARK KRALL, A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT I FIND THE TITLE TO THE PROPERTY IS VESTED TO LAKEVIEW BAPTIST CHURCH OF DELRAY BEACH, INC. ALSO KNOWN AS LAKEVIEW BAPTIST CHURCH THAT THE CURRENT TAXES HAVE BEEN PAID; THAT THERE ARE NO MORTGAGES OF RECORD; AND THAT THERE ARE ENCUMBRANCES OF RECORD, BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

DATE _____ BY: _____
ATTORNEY-AT-LAW
MEMBER OF FLORIDA BAR
LISTICK AND KRALL, P.A.

ACCEPTANCE OF RESERVATIONS:

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

THE PINEAPPLE ROAD HOMEOWNERS ASSOCIATION, INC., A FLORIDA NOT FOR PROFIT CORPORATION HEREBY ACCEPTS THE DEDICATIONS OR RESERVATIONS TO SAID ASSOCIATION AS STATED AND SHOWN STATED HEREON, AND HEREBY ACCEPTS ITS MAINTENANCE OBLIGATIONS FOR SAME AS STATED HEREON, DATED THIS ____ DAY OF _____, 2020.

WITNESS: _____

PRINT NAME: _____

PINEAPPLE ROAD HOMEOWNER ASSOCIATION, INC.
A FLORIDA NOT FOR PROFIT CORPORATION

WITNESS: _____

PRINT NAME: _____

BY: _____
MARC JULIEN
PRESIDENT

ACKNOWLEDGEMENT:

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF ____ PHYSICAL PRESENCE OR ____ ONLINE NOTARIZATION, THIS ____ DAY OF _____, 20____ BY _____ ON BEHALF OF THE _____ WHO IS ____ PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS ____ DAY OF _____.

NOTARY PUBLIC

PRINT NAME

MY COMMISSION EXPIRES _____

COMMISSION NUMBER: _____

(SEAL)

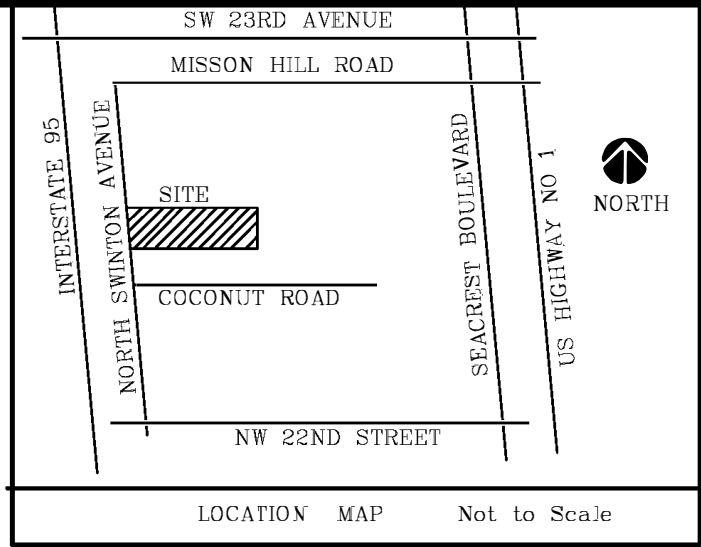


EXHIBIT A - 1 OF 2

STATE OF FLORIDA
COUNTY OF PALM BEACH

THIS PLAT WAS FILED FOR
RECORD AT ____ M.
THIS ____ DAY OF ____
A.D. 20____ AND DULY RECORDED
IN PLAT BOOK ____ ON
PAGE ____

SHARON R. BOCK
CLERK AND COMPTROLLER

BY: _____
DEPUTY CLERK

SHEET 1 OF 2

DEPUTY CLERK

TABULAR DATA

NAME	SQUARE FEET	ACRES
LOTS 1-6	59,969	1.3767
TRACT A	23,629	0.5424
TOTAL	83,599	1.9191

SURVEYOR'S NOTES:

1. BEARINGS SHOWN AS IT APPEARS HEREON RELATE TO A BEARING OF N 11°18'13" W., ALONG THE WEST LINE OF PARCELS 1 AND 2 AS SHOWN ON THE LAKEVIEW BAPTIST CHURCH PLAT AS RECORDED IN PLAT BOOK ____ PAGE ____.

2. NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES 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, FLORIDA

3. THE CITY OF DELRAY BEACH IS HEREBY GRANTED THE RIGHT OF ACCESS FOR EMERGENCY AND 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, FLORIDA.

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 THE UTILITY COMPANIES OCCUPYING SAME.

6. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA UNLESS OTHERWISE NOTED

CITY APPROVAL

THIS PLAT OF PINEAPPLE ROAD PLAT AS APPROVED ON THE ____ DAY OF _____, A.D. 20____, BY THE CITY COMMISSION OF CITY OF DELRAY BEACH.

ATTEST: _____
MAYOR CITY CLERK

AND REVIEWED, ACCEPTED AND CERTIFIED BY:

DEVELOPMENT SERVICES DIRECTOR FIRE MARSHAL

PLANNING AND ZONING BOARD CHAIR CITY ENGINEER

REVIEWING SURVEYOR'S STATEMENT

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 ROAD PLAT, AS REQUIRED BY CHAPTER 177.081 (1) FLORIDA STATUTES, AND FINDS THAT IT COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177.091, FLORIDA STATUTES.

BY: _____ DATE: _____
DAVID P. LINDLEY, P.L.S.
PROFESSIONAL LAND SURVEYOR, # 5005
STATE OF FLORIDA
CAULFIELD AND WHEELER, INC.
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA 33434
CERTIFICATE OF AUTHORIZATION NUMBER LB3591

SURVEYOR AND MAPPER'S CERTIFICATE:

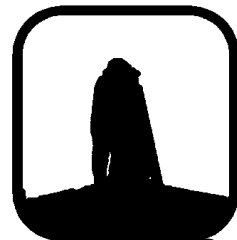
THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN PLACED AS REQUIRED BY LAW AND MONUMENTS ACCORDING TO SEC. 177.091(9), F.S., WILL BE SET UNDER THE GUARANTEES POSTED WITH THE CITY OF DELRAY BEACH, FLORIDA FOR THE REQUIRED IMPROVEMENTS, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, PLATTING, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA.

DATE: _____

PAUL A. DAVIS, P.S.M.
PROFESSIONAL SURVEYOR
AND MAPPER #4531
STATE OF FLORIDA
LB 7219

THIS INSTRUMENT PREPARED BY
PAUL A. DAVIS, INC.

LB #0007219
Land Surveyors • Land Development Consultants • Planners
4710 N.E. 17TH AVE., POMPANO BEACH, FLA. 33064-5637
Phone: (954) 263-3102
Subdivisions & Condominiums Land & Site Plat
Lot Surveys • Mortgage Surveys • Acreage Surveys • Topographic Surveys • Record Plats • Condominium Plats • Construc



REVIEWING SURVEYOR'S SEAL

SURVEYOR'S SEAL

PINEAPPLE ROAD PLAT

BEING A REPLAT OF PARCEL 2 OF LAKEVIEW BAPTIST CHURCH PLAT, IN PLAT BOOK , PAGES
LYING IN SECTIONS 4 AND 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH,
PALM BEACH COUNTY, FLORIDA

EXHIBIT A - 2 OF 2

STATE OF FLORIDA
COUNTY OF PALM BEACH

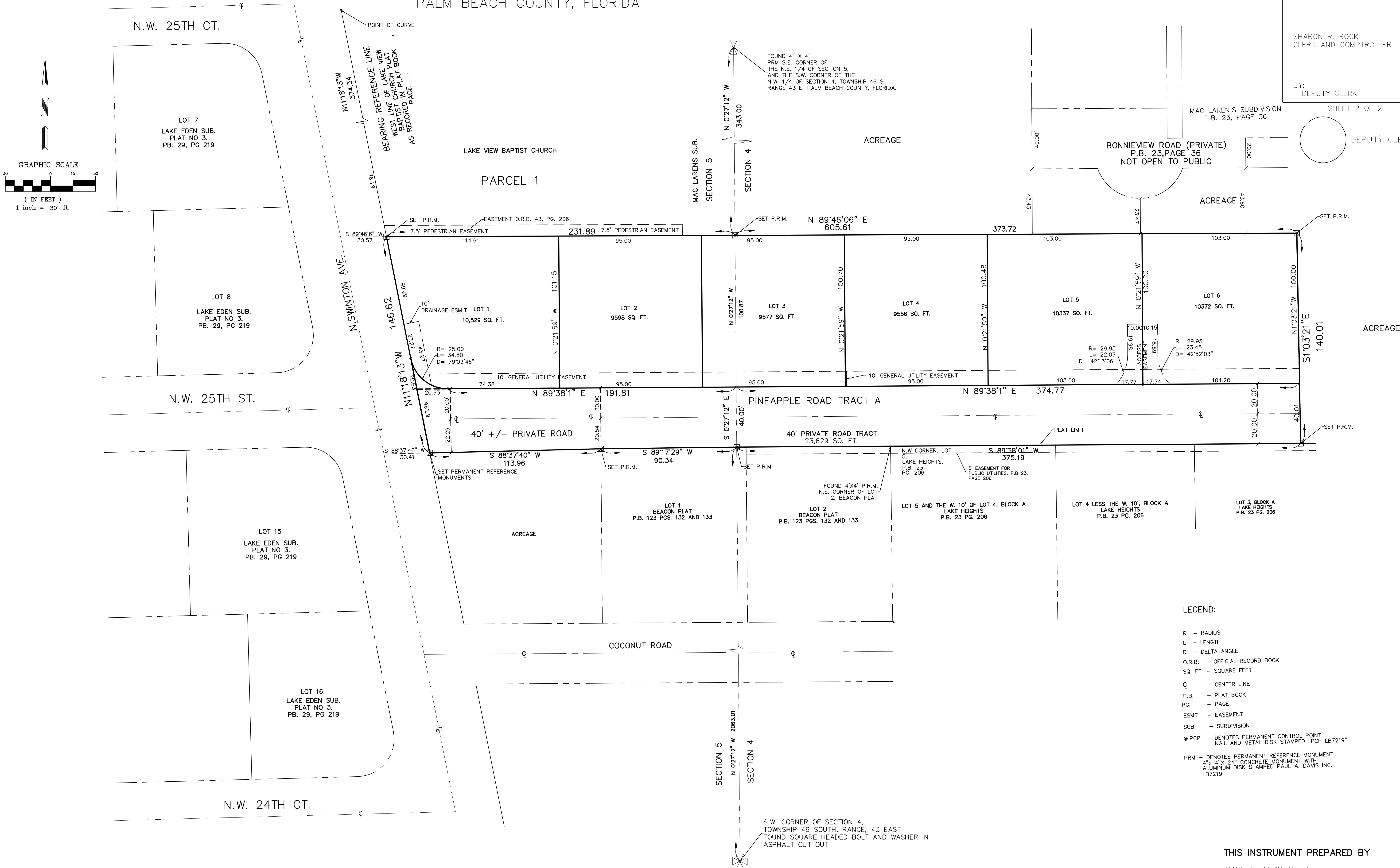
THIS PLAT WAS FILED FOR
RECORD AT _____ M.
THIS _____ DAY OF _____
A.D. 20____ AND DULY RECORDED
IN PLAT BOOK _____ ON
PAGE _____

SHARON R. BOCK
CLERK AND COMPTROLLER

BY:
DEPUTY CLERK

SHEET 2 OF 2

DEPUTY CLERK



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

THIS INSTRUMENT PREPARED BY

PAUL A. DAVIS, P.S.M.
PROFESSIONAL SURVEYOR &
MAPPER CERTIFICATE PSM 4531
STATE OF FLORIDA
PAUL A. DAVIS, INC.
4710 N.E. 17TH AVENUE
POMOANO BEACH, FLA. 33064
LICENSED BUSINESS NO. 7219