

RESOLUTION NO. R- 85-707

RESOLUTION APPROVING ZONING PETITION 84-92(A), Modification

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. 84-92(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th February 1985; 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 28th of February 1985, that Petition No. 84-92(A) the petition of PALERMO CONSTRUCTION COMPANY, INC., By Joseph Palermo, Agent to MODIFY THE FOLLOWING SPECIAL CONDITION PLACED ON ZONING PETITION NO. 84-92, APPROVED JUNE 29, 1984:

CONDITION NO. 6 STATES:

6. Construct concurrent with the improvements of the first plat:
 - a) Left turn lane, east approach and a right turn lane, west approach on Boynton Beach Boulevard at Hagen Ranch Road.
 - b) Right turn lane, north approach on Hagen Ranch Road at Boynton Beach Boulevard.
 - c) Right turn lane, north approach on Boynton Beach

Boulevard at the project's entrance road.

- d) Signalization at the intersection of Hagen Ranch Road and Boynton Beach Boulevard, when warranted, as determined by the County Engineer.

MODIFY CONDITION NO. 6 TO READ:

6. Construct concurrent with the improvements of the first plat:

- a) Left turn lane, east approach and a right turn lane, west approach on Boynton Beach Boulevard at Hagen Ranch Road.
- b) Right turn lane, north approach on Hagen Ranch Road at Boynton Beach Boulevard.
- c) Right turn lane, north approach on Boynton Beach Boulevard at the project's entrance road.
- d) Signalization at the intersection of Hagen Ranch Road and Boynton Beach Boulevard, when warranted, as determined by the County Engineer.
- e) The developer shall receive credit toward the \$198,000.00 as outlined in Condition No. 5 above based upon a certified cost estimate from the Developer's Engineer subject to approval by the County Engineer for that portion of construction related to the reconstruction of the canal crossing of Lake Worth Drainage District Lateral No. 24.

Said property located on the east side of Jog Road, approximately .5 mile south of Boynton Beach Boulevard (S.R. 804) in an RS-Residential Single Family District was approved as advertised subject to the following conditions:

1. 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.

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

3. CONDITION NO. 6 WHICH STATES:

" 6. Construct concurrent with the improvements of the first plat:

- a. Left turn lane, east approach and a right turn lane, west

approach on Boynton Beach Boulevard at Hagen Ranch Road.

b. Right turn lane, north approach on Hagen Ranch Road at Boynton Beach Boulevard.

c. Right turn lane, north approach on Boynton Beach Boulevard at the project's entrance road.

d. Signalization at the intersection of Hagen Ranch Road and Boynton Beach Boulevard, when warranted, as determined by the County Engineer."

IS HEREBY REWORDED TO READ:

" 6. Construct concurrent with the improvements of the first plat:

a. Left turn lane, east approach and a right turn lane, west approach on Boynton Beach Boulevard at El Clair Ranch Road.

b. Right turn lane, south approach on **El** Clair Ranch Road at Boynton Beach Boulevard.

c. Signalization at the intersection of El Clair Ranch Road and Boynton Beach Boulevard, when warranted, as determined by the County Engineer.

d. The developer shall receive credit toward the \$198,000.00 as outlined in Condition No. 5 above based upon a certified cost estimate from the Developer's Engineer subject to approval by the County Engineer for that portion of construction related to the reconstruction of the canal crossing of Lake Worth Drainage District Lateral No. 24."

4. CONDITION NO. 9 WHICH STATES:

" 9. Lake Worth Drainage District will require the 75 feet of right of way as shown on the survey for the subject parcel, for the required right of way for Lateral Canal No. 25. Conveyance shall be by Quit Claim or Easement Deed."

IS HEREBY REWORDED TO READ:

"9. The petitioner shall convey to the Lake Worth Drainage District the eighty-five (85) feet of right-of-way as shown on the survey for the subject parcel, for the required right-of-way for Lateral Canal No. 25, by quit claim deed or an easement deed in the form provided by said district, within ninety (90) days of adoption of the resolution by the Board of County Commissioners."

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

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this **MAY 7 1985** confirming action of the 28th February 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia Weaver
Deputy Clerk

APPROVED AS TO FORM.
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney