

RESOLUTION NO. R- 87-96

**RESOLUTION APPROVING ZONING PETITION 83-58(D):
Modification of Commission Requirements**

WHERECIS, 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

WHERECIS, 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. 83-58(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 24, 1986 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

WHEREFIS, 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 27th day of January, 1987, that: Petition No. 83-58(D), the petition of BOYNTON BEACH COUNTRY CLUB, INC., By Donald B. Stiller, President, for a MODIFICATION OF COMMISSION REQUIREMENTS, TO MODIFY THE FOLLOWING SPECIAL CONDITION PLACED ON ZONING PETITION NO. 83-58(B), APPROVED MAY 23, 1985:

median divided section from Congress Avenue to Military Trail and to let and administer the contract for this work. Should Palm Beach County participate in this construction then the County, at its option, may elect to do the following:

- (1) Fund the additional cost of 6 laning by paying the difference between 4 laning and 6 laning this section of road.
- (2) This developer shall make available to Palm Beach County the necessary funds to construct Boynton Beach Boulevard as a 4 lane, median divided section as outlined in paragraph a above.

These funds shall be made available within 30 days notification by the office of the County Engineer in which the Developer may elect to substitute the acceptable surety with cash.

REQUEST: CONDITION NO. 4 TO READ:

- 4.a) The Developer shall construct Boynton Beach Boulevard as a four lane median divided section from the existing four lane terminus west of Congress Avenue to the east property line of the development approved as Petition 81-152 plus the appropriate tapers per the County Engineer's approved Construction Plans. This construction shall be commenced prior to the issuance of the 714th Building permit and construction shall commence within 60 days of issuance of D. O. T. permit and shall be substantially completed (open to traffic) within 18 months of commencement. Acceptable surety shall be posted prior to June 1, 1985 with the County Engineer's office in the amount of 1.2 million dollars. No

These funds shall be made available within 30 days notification by the office of the County Engineer in which the Developer may elect to substitute the acceptable surety with cash.

Said property located on the north side of Boynton West Road and on the east and west side of Jog Road in an RS-Residential single Family District was approved as advertised subject to the following conditions:

1 All conditions of previous approvals shall remain in effect unless expressly modified herein.

2 Condition No. 4 of Petition 83-58(B) which presently states:

"4.a) The Developer shall construct Boynton Beach Boulevard as a four lane median divided section from the existing four lane terminus west of Congress Avenue to the east property line of the development approved as Petition 81-152 plus the appropriate tapers per the County Engineer's approved Construction Plans. This construction shall be commenced prior to the issuance of the 714th Building permit and shall be substantially completed (open to traffic) prior to July 1, 1986. acceptable surety has been posted prior to June 1, 1985 with the County Engineer's office in the amount of 1.2 million dollars. No further building permits beyond the 714th shall be issued until Boynton Beach Boulevard has been substantially completed (open to traffic) between Congress Avenue and the east property line of Petition 81-152.

Should the cost of this construction be less than 1.2 million, the Developer shall pay to Palm Beach County the difference between that amount and the actual certified construction cost toward Palm Beach County road construction program. In the event that this certified construction cost exceeds 1.2 million, the impact fee monies collected by the County Through Fair Share Impact Fees, or through Special Exception approvals for other projects impacting this link of Boynton Beach Boulevard, shall be made available to this Developer in an amount not to exceed \$380,000.00.

b) Palm Beach County may elect to participate in the construction of Boynton Beach Boulevard as a 6 lane median divided section from Congress Avenue to Military Trail and to let and administer the contract for this work. Should Palm Beach County participate in this construction then the County, at its option, may elect to do the following:

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

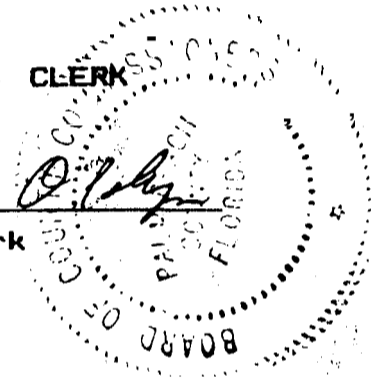
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Ken Spillias, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT
Kenneth M. Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 27th day of January, 1982, confirming action of July 24, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Kelly
Deputy Clerk



APPROVED AS TO FORM
FIND LEGAL SUFFICIENCY

[Signature]
County Attorney