

INTER-OFFICE COMMUNICATION

Palm Beach County

TO Lucille Carter, Supervisor Building Department DATE February 4, 1987
FROM Alan A. Kurtis, P.E., Director Land Development Division FILE Lakes of Boynton Beach P.U.D. Petition 83-58D
RE BUILDING PERMITS

Please do not issue any additional Building Permits within Lakes of Boynton Beach P.U.D. due to non-compliance with Condition 4A (copy attached). This Condition requires construction on Boynton Beach Boulevard to commence within 60 days of issuance of the permit from F.D.O.T. The permit was issued on December 3, 1986 (copy attached). The plats recorded within this P.U.D. are:

Briarridge, Plat 1 (P.B. 52, Pg. 57-60) aka Countryfair
Briarridge, Plat 2 (P.B. 54, Pg. 55-57)
Strathmore Estates, Plat 1 (P.B. 49, Pg. 26-27)

Do not issue any Building Permits in these plats until further notice.

If you have any questions, please call Tony Miller at 684-4079.

Signed Alan A. Kurtis
AAK:TMM:ev

cc: George T. Webb, P.E. - Assistant County Engineer
G. Haney Frakes, P.E. - Assistant County Engineer

INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY

TO: LUCILLE CARTER ZONING DIVISION DATE: 12/23/87
FROM: ANDREW S. HERTZEL ENGINEERING ASSISTANT III, TRAFFIC DIVISION
RE: PETITION NUMBER 83-58 LAKES AT BOYNTON BEACH, PUD

This is to confirm our telephone conversation of this date in which I requested that you release the remaining building permits in the subject project.

Please feel free to contact me if you have any questions.

Andrew S. Hertel - Traffic Division

cc: George T. Webb, P.E.
Alan A. Kurtis, P.E.
Richard W. Carlson, Jr.
Charles R. Walker, Jr., P.E.

Attachment: 12/10/87 memo
File: Lakes at Boynton Beach

George Webb
December 10, 1987
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provided the County Engineer is satisfied with the general progress of Boynton Beach Boulevard set forth in Condition No. 4.

As much as I can ascertain from the Zoning Division's files, other amendments to the PUD were either withdrawn or were not pertinent to the issue at hand.

Unfortunately, the language is quite clear in establishing that once the Letter of Credit is posted securing performance under the listed conditions, all 1,446 permits shall be authorized subject only to the dissatisfaction of the County Engineer with the "general progress" of Boynton Beach Boulevard. No provision was established relative to the progress of Jog Road. Accordingly permits should be released notwithstanding the failure of the developer-owners to perform.

As I understand it the funds available under the Letter of Credit may not be sufficient to completely fund the required work on Jog Road. I suggest that we develop a recommendation for consideration by the County Commission on those remedies that should be pursued by the County against the developer-owners of the project.

I trust this information is of some assistance. Should you have any questions or concerns, please do not hesitate to contact me.

Richard W. Carlson, Jr.
RWC:bd

cc: Richard Graddock, Esq.
Charlie Walkey
Andy Hertel
Lucille Carter
Cliff Hertz, Esq.

Board of County Commissioners

Karen T. Marcus, District 1
Carol A. Roberts, District 2
Carol J. Elmquist, District 3
Dorothy Wilken, District 4
Kenneth M. Adams, District 5

County Attorney
Gary M. Brandenburg



MEMORANDUM

DATE: December 10, 1987
TO: George Webb Deputy County Engineer
FROM: Richard W. Carlson, Jr. Assistant County Attorney
RE: Withholding of permits on Boynton Beach Country Club for failure to build Jog Road

I have received correspondence from Cliff Hertz, Esq., representing Levitt Homes regarding the refusal to issue further building permits to Levitt Homes because of a failure to complete Jog Road as set forth in resolutions approving Zoning Petition 83-58 and 83-58(B). Mr. Hertz has objected to our refusal to issue building permits.

Resolution No. 84-58 approved Zoning Petition 83-58. Condition number 5 of this resolution stated:

Developer shall construct Jog Road as a 2-lane section from the north right-of-way line of the Boynton Canal south to Boynton Beach Boulevard (including the bridge over the Boynton Canal) as required by the County Engineer to provide continuity for Jog Road but in no case later than 4 years after Special Exception approval.

Various other conditions were set forth in the resolution, including a requirement that Boynton Beach be constructed.

Resolution No. R-85-1078 approved Zoning Petition 83-58(B). Condition number 5 was not amended therein. However, the resolution was amended to add to condition 9, as follows:

With conditions 5, 6, 7, 8(a), (c), (d) and 9 having Letters of Credit posted by June 1, 1985 with the County Engineer's office then the total allowable permits of 1446 shall be authorized,

24/22
RECEIVED BY PERMITS DIVISION
DATE OF RECEIPT: 12/23/87
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