

RESOLUTION NO. R-81-1067

RESOLUTION APPROVING ZONING PETITION

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. 81-131 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23 July 1981; 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. The proposal would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this **23** day of July **1981**, that Petition No. 81-131 the petition of RADICE CORPORATION by William L. Hazlett, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW THE EXPANSION OF A PLANNED UNIT DEVELOPMENT KNOWN AS PALO VERDE ESTATES, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-35 on a parcel of land being more particularly described as follows: Parcel 'A' on the East 859.00 feet

of the Southwest 1/4 of Section 26, Township 46 South, Range 42 East, together with the North 1/2 of the North 1/2 of the South 1/2 of the Southeast 1/4 of Section 26, Township 46 South, Range 42 East, less the East 75.0 feet thereof for Military Trail right-of-way, together with Parcel 'B' on the South 3/4 of the South 1/2 of the Southeast 1/4 of Section 26, Township 46 South, Range 42 East, less the East 75.0 feet thereof for Military Trail right-of-way. Said property located on the west side of Military Trail (S.R. 809) and being bounded on the south by L.W.D.D. Lateral Canal No. 38, was approved as advertised subject to the following conditions:

1. Petitioner shall construct the main entrance road as an 80' right of way from the E-3 Canal to Military Trail.
2. Petitioner shall construct at the project's entrance and Military Trail prior to the issuance of any Certificates of Occupancy:
  - a. right turn lane north approach
  - b. left turn lane south approach
3. Petitioner shall provide the County with a clean irrevocable letter of credit in the amount of \$250,000 at OR prior to such time as developer secures a land development permit or within six (6) months after final zoning approval, whichever shall first occur. Said letter of credit shall be renewable and shall provide that the County can call on the funds for the construction of Military Trail. In the event the County does not call on the letter within one year the developer may substitute the sum of \$250,000 for deposit with the County.
4. Petitioner shall provide at his expense the construction plans of Military Trail between Linton Boulevard and New Clint Moore Road a 4-lane median divided roadway section. Said plans shall be prepared to Department of Transportation standards and Palm Beach County standards, as applicable, and submitted to the County within one (1) year of final zoning approval.
5. Petitioner shall be limited to the development of four hundred twenty (420) dwelling units with a completion Of the above listed conditions. An additional seventy-seven (77) units may be developed subsequent to OR concurrent with the 4-laning of Military Trail from this project's entrance to Linton Boulevard or from this project's entrance to New Clint Moore Road.
6. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.

7. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
8. The Lake Worth Drainage District will require the North 70.00 feet of the East 859.00 feet of the Southwest 1/4 of Section 26, 46/42 for the right of way for Lateral Canal No. 37. We will require the South 105.00 feet of the entire subject parcel for the right of way for Lateral Canal No. 38. We will require a parcel of land 72.50 feet in width lying each side of the centerline of the existing canal adjacent to or through the subject parcel for the right of way for Equalizing Canal No. 3. We will accept all of the above rights of way by Quit Claim Deed or Easement (on our form), whichever the owner prefers.

Commissioner Koehler , moved for approval of the petition.

The motion was seconded by Commissioner **Evatt** , and upon being put to a vote, the vote was as follows:

Frank Foster, Chairman	- <b>Aye</b>
Norman Gregory, Vice Chairman	- Absent
Bill Bailey, Member	- Absent
Dennis Koehler, Member	- <b>Aye</b>
Peggy B. Evatt, Member	- <b>Aye</b>

The foregoing resolution was declared duly passed and adopted this 25 day of August 1981 , confirming action of 23 July 1981.

PALM BEACH COUNTY, FLORIDA  
 BY ITS BOARD OF COUNTY  
 COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Quetta Law*  
 Deputy Clerk

APPROVE AS TO FORM  
 AND LEGAL SUFFICIENCY

*Joseph M. Bradbury*  
 County Attorney

