

RESOLUTION No. R- 82-642

RESOLUTION APPROVING ZONING PETITION 82-54, ~~and Rezoning~~ Special Exception

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. 82-54 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29 April 1982; 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

WHEREAS, the petitioner requested that Petition 82-54 be amended for a SPECIAL EXCEPTION TO INCLUDE A PLANNED INDUSTRIAL DEVELOPMENT, and such request was granted.

-NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day of April, 1982, that Petition No. 82-54 the petition of JOE FEARNLEY, GEORGE and AGNES MORALTIS, by Henry Skokowski, Agent, for a SPECIAL EXCEPTION TO INCLUDE A PLANNED INDUSTRIAL DEVELOPMENT of the South 100 feet of Tract 17; together with all that part of Tract 20 lying North of the Right-of-Way for State Road No. 80; together with all that part of that formerly Platted 30 foot road Right-of-Way, now abandoned, lying between said Tracts 17 and 20. All in Block 8, Palm Beach Farms Company Plat No. 3, in Section 31, Township 43 South, Range 42 East, as recorded in Plat Book 2, pages 45 through 54, inclusive. Excepting however, the East 30 feet of the above described lands. Said property located on the northeast corner of the intersection of Southern Boulevard (S.R. 80) and 95th Avenue North, was approved as amended subject to the following conditions:

1. The developer shall reserve a total of 220 ft. north of the existing guardrail on the south side of Southern Boulevard within 90 days of Special Exception approval.
2. The developer shall convey an additional 15 ft. for 95th Avenue North and an additional 15 ft. for Sunshine Road within 90 days of Special Exception approval.
3. The developer shall construct turnlanes on S.R. 80 when required by the County Engineer.
4. The developer shall contribute Two Thousand Three Hundred and Eighty-eight Dollars (\$2,388.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid on a pro-rata basis at the time of issuance of the building permit(s).
5. As the developer agreed at the public hearing, no governmental entity will be liable in any future condemnation for any increase in value attributable to this grant of rezoning and special exception.
6. The petitioner shall execute and record a removal agreement for any improvements to be placed within ultimate right of way.
7. This resolution shall be recorded in the Official Records of the Clerk of the Circuit Court for Palm Beach County, Florida.

8. The developer shall provide **site plans** addressing areas to be reserved for the ultimate right of way for S.R. 80, and apply to the Board of Adjustment for a variance approval for any site development to be located within the ultimate right of way for S.R. 80 with the further condition that the petitioner assumes all risk of loss for structures placed therein, including costs of demolition or removal.

Commissioner **Bailey**, moved for approval of the petition.

The motion was seconded by Commissioner **Foster**, and upon being put to a vote, the vote was as follows: **5-0**

Norman Gregory, Chairman	YES
Peggy Evatt, Vice Chairman	YES
Bill Bailey, Member	YES
Dennis Koehler, Member	YES
Frank Foster, Member	YES

The foregoing resolution was declared duly passed and adopted this **29th** day of June, 1982, confirming action of 29 April 1982.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Ann Ottewill*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John E. ...
County Attorney