

RESOLUTION NO. R-87-1113

RESOLUTION APPROVING ZONING PETITION 85-96(A): Rezoning

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. 85-96(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning authority, at its public hearing conducted on March 26, 1987 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, since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the subject property; and

WHEREAS, the development shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of permit application, but as a minimum, the development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division- The drainage system shall be maintained in an acceptable condition per the County Engineer's approval; and

WHEREAS, the property owner shall construct Davis Road as a 3-lane section (minimum 36 feet wide) from Forest Hill Boulevard

south to the project's south entrance road plus the appropriate tapers concurrent with onsite paving and drainage improvements; and

WHEREAS, the property owner shall install signalization if warranted as determined by the County Engineer at Davis Road and Forest Hill Boulevard. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, the property owner shall be relieved from this condition; and

WHEREAS, the developer shall plant solid sod in the area between Tucker Road and this project's west property line. This area shall be maintained by the developer; and

WHEREAS, the petitioner shall convey to the Lake Worth Drainage District the required right-of-way for Lateral Canal No. 20 to fit the physical ditch. This alignment shall be approved by the Lake Worth Drainage District, Conveyance shall be by quit claim deed or an easement deed in the form provided by Lake Worth District within 90 days of adoption of the Resolution by the Board of County Commissioners; and

WHEREAS, the petitioner shall construct a right turn lane west approach on Forest Hill Boulevard at Tucker Road; and

WHEREAS, the Board of County Commissioners and the School Board have identified off-site impacts of this development which the parties desire to mitigate; and

WHEREAS, the Board of County Commissioners and the School Board have agreed to enter into an Interlocal Agreement substantially similar to the draft attached as Appendix A to this Resolution which will permit off-site impacts to be mitigated; 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 local land development regulations,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session that Petition No. 85-96(A), the petition of THE SCHOOL

BORRD OF PRLM BERCH COUNTY By Agustin A. Hernandez, Agent, for a REZONING, FROM RM-RESIDENTIAL MULTIPLE FAMILY DISTRICT (MEDIUM DENSITY) TO PO-PUBLIC OWNERSHIP DISTRICT on the South 545.76 feet of the North 875 feet of the West 3/4 of Lot 5, Block 4, Palm Beach Plantations, in Section 7, Township 44 South, Range 43 East, Less the West 40 feet thereof for Right-of-way of Davis Road Together with: The East 1/4 of Lot 5 and all of Lot 6, Block 4, Palm Beach Plantations, in Section 07, Township 44 South, Range 43 East, Less the North 445.1 feet thereof and less the South 40 feet thereof for Canal Right-of-way, Said property located on the east side of Tucker Road, approximately 270 feet south of Forest Hill Boulevard (S.R. 882) being bounded on the south by Lake Worth Drainage District Lateral Canal **Nb 8** was approved as advertised,

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

Carol A. Roberts	-- Rye
Karen T. Marcus	— Aye
Dorothy Uilken	-- Rye
Kenneth M. Adams	-- Aye
Carol J. Elmquist	-- Aye

The foregoing resolution was declared duly passed and adopted this 28th day of July, 1987 confirming action of March 26, 1987.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

87- IU3

APPROVED AS TO FORM
FIND LEGAL SUFFICIENCY


County Attorney

DRAFT

APPENDIX A

INTERLOCAL AGREEMENT

THE SCHOOL BOARD OF PALM BEACH COUNTY

FIND

THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

THIS AGREEMENT MADE THIS _____ DAY OF _____, 1987, by and between THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, a corporate body politic pursuant to the Constitution and Statutes of the State of Florida, 3323 Belvedere Road, West Palm Beach, Florida 33402, (hereinafter referred to as "SCHOOL BOARD"), and the PALM BEACH COUNTY BOARD OF C O W COMMISSIONERS, (hereinafter referred to as "COMMISSIONERS").

W I T N E S S E T H

WHEREAS SCHOOL BOARD and COMMISSIONERS are in conformity with, and in furtherance of, the existing role, process, and coordination of local governments in the establishment and implementation of planning programs on the proposed development of a School Board Administrative Headquarters site; and

WHEREAS one of the intents of this agreement is for The School Board to coordinate with local governments the development of Zoning Petition 85-96(A); and

WHEREAS the SCHOOL BOARD has demonstrated the need for an Administrative Headquarters to service the public schools of Palm Beach County; and

WHEREAS SCHOOL BOARD is presently seeking rezoning of a 22.4 acre parcel of land described in Palm Beach County Zoning Petition 85-96(A) from RM-Multiple Family Residential Zoning District (Medium Density) with a Special Exception for a Planned Residential Development (SE-PRD) to PO-Public Ownership Zoning District; and

WHEREAS COMMISSIONERS, as part of their continued interest in the provision of higher quality education of Palm Beach County, desire to provide to the SCHOOL BOARD adequate zoning to provide for School Administrative Headquarters to service the public schools of Palm Beach County; and

WHEREAS each party can preserve, enhance, and encourage the most appropriate use of landscaping, buffering, and traffic circulation consistent with the public interest; overcome present handicaps; and deal efficiently with future problems that may result from the use and development of land of adjacent municipalities) and

WHEREAS, it is the intent of this agreement to encourage and assure cooperation between the SCHOOL BOARD and COMMISSIONERS; and

WHEREAS, through the process of coordination of site planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, appearance, convenience, law enforcement, fire prevention, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation; and conserve, develop, utilize, and protect natural resources within site boundaries; and

WHEREAS, the Palm Beach County Board of County Commissioners, in its March 26, 1987 meeting, sitting as zoning authority, approved Zoning Petition 85-96(A) and in satisfaction of conditions of approval outlined in Section I.

WHEREAS, the Board of County Commissioners and School Board have identified off-site impacts which the parties desire to mitigate, and WHEREAS the zoning action does not allow the imposition of conditions; and WHEREAS, the off-site impacts can be mitigated through this agreement.

NOW THEREFORE, for furtherance of interlocal coordination, the parties hereto, intending to be legally bound, and in

consideration of the mutual covenants herein contained, and for the public benefit agree as follows:

SECTION I

Subject to final approval by the Palm Beach County Board of County Commissioners, SCHOOL BOARD agrees to perform the following:

- (1) In designing its project, the School Board shall, at a minimum, apply the standards established by the Palm Beach County Landscape Code. The School Board shall not be required to submit any plans to Palm Beach County for prior approval. The School Board shall submit a courtesy copy of a landscape plan to the Palm Beach County Zoning Division prior to development of the land site plan,
- (2) Measures shall be taken to promote adequate buffering of existing neighborhoods adjacent to subject parcel.
- (3) The development shall retain onsite the first three (3) inches of the stormwater run-off generated by a storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition.
- (4) The School Board shall pay for the cost of acquiring sufficient right-of-way to accommodate the construction of Davis Road as a three-lane section (minimum width, thirty-six (36) feet) from Forest Hill Boulevard south to the entranceway to the subject property, plus the appropriate tapers. Said right-of-way presently forty (40) feet wide shall be enlarged to a width of sixty (60) feet, The School Board's financial contribution toward the acquisition of said right-of-way shall not

exceed the amount of twenty-five thousand dollars (\$25,000.00). If the cost exceeds, \$25,000, the parties shall renegotiate the apportionment of the excess cost.

The County shall be responsible for the actual negotiation and acquisition of the necessary right-of-way. The School Board may monitor and assist the County in the negotiation and acquisition of said right-of-way to the extent the School Board so desires.

Contemporaneous with its improvement of the subject property, the School Board shall improve Davis Road to a three-lane paved section, with drainage plus appropriate tapers per County Engineering standards from Forest Hill Boulevard south to the entrance road to the subject property.

- (5) The School Board shall install signalization, if warranted, as determined by the County Engineer at the intersection of Davis Road and Forest Hill Boulevard.

The School Board shall notify the County Engineer, Traffic Division, in writing by certified mail, return receipt requested, that the project is completed and the buildings fully occupied. Should the signal not be warranted within twelve (12) months of the project's being fully occupied, the School Board shall be relieved of this requirement.

- (6) The School Board shall convey to the Lake Worth Drainage District the required right-of-way for Lateral Canal No. 20 to fit the physical ditch. This alignment

shall be approved by the Lake Worth Drainage District. Conveyance shall be by quit claim deed or an easement deed in the form provided by Lake Worth Drainage District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners,

- (7) The School Board shall construct a right turn lane on Forest Hill Boulevard at Davis Road,

SECTION II

CONDITION PRECEDENT

This Agreement is expressly conditioned in the final approval of Petition 85-96(A) by Palm Beach County Board of County Commissioners and shall be effective upon the expiration of all applicable appeal periods.

SECTION III

NOTICE TO PARTIES

All notice given pursuant to the terms of this Agreement, or which any party may desire to give hereunder, shall be in writing and delivered personally, telegraphed or sent registered or certified mail, and shall be conclusively presumed to have been given by such delivery. All notices shall be given to each of the following:

PETITIONERS: BOARD OF COUNTY COMMISSIONERS
Jan Winters, County Administrator
301 N. Olive Avenue, 11th Floor
West Palm Beach, Florida 33401

SCHOOL BOARD: Office of General Counsel
THE SCHOOL BOARD OF PALM BEACH
COUNTY
3323 Belvedere Road
West Palm Beach, Florida 33402

with copy to: Superintendent of Schools
THE SCHOOL BOARD OF PALM BEACH
COUNTY
3323 Belvedere Road
West Palm Beach, Florida 33402

SECTION IV

WORDS OF GENDER

All words used in the singular number shall extend to and include the plural number, and all words used herein in the plural number shall extend to and include the singular, when the context or facts require same. All words used herein in any gender shall extend to and include all genders, and any pronoun will be taken to refer to the person or persons indicated, regardless of number or gender.

SECTION V

INTEGRATION

This Agreement supersedes all previous agreements and representations, either verbal or written, heretofore in effect between the parties, made with respect to matters herein contained, and when duly executed constitutes the agreement between the parties. No additions, alterations or variations of the terms of this Agreement shall be valid, nor can provisions of this Agreement be waived by any party, unless such additions, alterations, variations or waivers are expressed in writing and duly executed.

SECTION VI

APPLICABLE LAW

This agreement shall be governed by the laws of the State of Florida. In the event that either party is required to enforce this Agreement by court proceedings or otherwise by instituting suit, then the prevailing party shall be entitled to recover all costs incurred, including reasonable attorney's fees.

IN WITNESS WHEREOF, this Agreement has been executed in multiple or originals on the day and year first above written.

Signed, sealed and delivered
in the presence of:

THE SCHOOL BOARD OF PALM BEACH
COUNTY, FLORIDA, a corporate
body politic pursuant to the
Constitution and Statutes of
Florida

By: -----
Chairman

Attest: -----
Superintendent

(SEAL)

Signed, sealed and delivered
in the presence of:

PALM BEACH COUNTY BOARD OF
COUNTY COMMISSIONERS

By: -----
Authorized Agent

(SEAL)

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT was acknowledged before me this
_____ day of _____, 1987, by _____,
Chairman, and by _____, Superintendent of THE SCHOOL
BOARD OF PALM BEACH COUNTY, FLORIDA, a corporate body politic
pursuant to the Constitution and Statutes of the State of Florida,
on behalf of the School Board of Palm Beach County, Florida.

----- Notary Public, State of Florida, at Large

My Commission Expires

(NOTARY SEAL)

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT was acknowledged before me this
_____ day of _____, 1987, by

_____ Notary Public, State of Florida, at Large
My Commission Expires:

(NOTARY SEAL)

