

RESOLUTION NO. R-74- 972

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, and Chapter 70-863, Laws of Florida, Special Acts of 1970, 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. 74-147 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 31 October 1974.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 31 day of October, 1974, that petition No. 74-147, the petition of DANIEL BAKST, TRUSTEE, by William R. Boose, Attorney, for a SPECIAL EXCEPTION TO ALLOW THE EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL OR OTHER EXTRACTIVE MATERIALS on Tracts 20 and 21, lying South of the West Palm Beach Canal, and Tracts 22 and 23 in Block 8; and Tracts 4 through 8 inclusive, and Tracts 17 and 18, in Block 10; all in Palm Beach Farms Company Plat No. 3 in Section 6, Township 44 South, Range 42 East according to the plat thereof recorded in Plat Book 2, pages 46 and 47. Said property located at the southeast corner of State Road No. 7 and State Road No. 80 (Southern Boulevard) in an AG-Agricultural District, was approved as advertised, subject to the following special conditions:

1. As many trees as possible, that must be removed shall be relocated to the Florida Power and Light Tank Farm and at Banyan Lakes. Those trees of an acceptable size,

as determined by the County's Urban Forester and the petitioner, that cannot be relocated will be counted and when the site is reclaimed the same number of trees that could not be relocated shall be replanted on the site;

2. Any mining done under the Florida Power and Light Easement shall be approved by Florida Power and Light Company prior to excavation of same;
3. Petitioner shall construct a left turn lane on the north approach of S.R. No. 7 and the development's entrance to facilitate truck traffic;
4. Prior to commencement of any excavation, the petitioner shall convey to Palm Beach County, eighty (80) feet of right-of-way for Pioneer Road;
5. Points of agreement outlined in a letter dated October 7, 1974, from William R. Boose, Attorney, to Mr. Thomas S. Waldron, are attached hereto and made part of the Conditions.

The foregoing resolution was offered by Commissioner Lytal , who moved its adoption. The motion was seconded by Commissioner Weaver , and upon being put to a vote, the vote was as follows:

Robert F. Culpepper	- Yes
Lake Lytal	- Yes
E. W. Weaver	- Yes
Robert C. Johnson	- Yes
George V. Warren	- Yes

The Chairman thereupon declared the resolution duly passed and adopted this 26 day of November , 1974, confirming action of 31 October 1974.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By Heena B. Datta  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

Michael B. Small  
County Attorney

LAW OFFICE  
WILLIAM R. BOOSE, III  
SUITE 104 FORUM I  
1675 PALM BEACH LAKES BOULEVARD  
WEST PALM BEACH, FLORIDA 33411  
TELEPHONE (305) 689-9511

October 7, 1974

Mr. Thomas S. Waldron  
c/o Diamond C Ranch, Inc.  
State Road 7  
West Palm Beach, Florida 33406

In Re: Confirmation memorandum for proposal  
to convey 72 acres to Waldron and  
Associates a/k/a Diamond C. Ranch

Dear Tom:

I am writing this to you to finalize the basic points making up the proposal by Daniel Bakst, Trustee, to convey 72 acres to Waldron and Associates from property presently a part of a Deposit Receipt Contract dated July 5, 1974, between Harry B. Smith, Trustee and Daniel L. Bakst, Trustee, as follows:

1. Daniel L. Bakst, Trustee, presently has an application for the excavation-removal of shellrock and other extractive materials pending before the Palm Beach County Planning Commission for the entire 110 acres being conveyed by Harry B. Smith to Daniel L. Bakst, as Trustee.
2. Daniel L. Bakst excavation activities will be contained within the 38 acres immediately abutting the southeast intersection of the right of way lines for Southern Boulevard (State Road 80 and the West Palm Beach Canal) and State Road 7 and bordered on the south by the existing Florida Power & Light easement traversing the subject property.
3. Daniel L. Bakst, Trustee, will agree not to commence with additional excavation activities outside of the subject 38 acres for a period of 9 months from the date of final site plan approval by the Palm Beach County Planning, Zoning and Building Department.
4. During the 9 month period mentioned in #3 above, Daniel L. Bakst, Trustee, will tender the remaining 72 acres of his ownership to Waldron and Associates for inclusion in a proposed Master Land Use Plan for a planned unit development encompassing the subject 72 acres and the land now known as the Diamond C Ranch and owned

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by Waldron and Associates.

5. Waldron and Associates, as consideration for the proposed Conveyance of the remaining 72 acres of the property owned by Daniel L. Bakst, Trustee, will agree to allow shell rock mining on the Diamond C Ranch property in mutually selected approved areas yielding an acceptable quality shellrock meeting Palm Beach County road specifications, to be accomplished by Daniel L. Bakst, Trustee, at the rate of . . . per cubic yard of shellrock removed to equal the total value of the 72 acres conveyed to Waldron and Associates at a land cost figure of . . . per acre.

6. Daniel L. Bakst, Trustee, agrees to cooperate with Waldron and Associates in presenting an approvable Master Land Use Plan for the Diamond C Ranch, plus the 72 acres proposed for conveyance to Waldron and Associates, within the Land Use recommendation of the Palm Beach County Land Use Plan. In addition, Daniel L. Bakst, Trustee, agrees to present simultaneously with the Diamond C Ranch planned unit development petition, a planned commercial development special exception petition for a community shopping center to be located on Daniel L. Bakst, Trustee's, remaining 38 acres.

7. The professional services required for the Diamond C Ranch Planned Unit Development application, including legal, civil engineering, traffic engineering, site planning, surveying and the like, shall be advanced by Daniel L. Bakst, Trustee, but shall be reimbursed by additional land releases from the Diamond C Ranch for shellrock mining on the same rate basis as provided for above, i.e., . . . per cubic yard, until the total professional services billings are reimbursed to Daniel L. Bakst, Trustee.

8. Daniel L. Bakst, Trustee, further proposes that, in the event additional shell mining activities are proposed on selected areas now within the Diamond C Ranch property boundaries, Waldron and Associates can enter into an agreement with the shell mining contractors who have been engaged to complete the initial shellrock mining as part of the proposed 72 acre land conveyance noted above. This arrangement or agreement shall be between Waldron and Associates and the shellrock mining contractors and shall be independent of any obligations or responsibilities agreed upon between Daniel L. Bakst, Trustee and Waldron and Associates as provided for in the proposed agreement outlined herein.

October 7, 1974

9. Daniel L. Bakst, Trustee, agrees to relocate the State Road 7 Lake Worth Drainage District Canal E-1 to the eastern boundary of its 38 acre site. In the event that **the** existing east-west platted right of way located 1,135 feet south of State Road 80 is recommended for abandonment by Palm Beach County, Daniel L. Bakst, Trustee, agrees to return the relocated L.W.D.D. E-1 canal to its original right of way north of the existing Florida Power & Light easement. In this event, Daniel L. Bakst, Trustee, will pay for all relocation costs and required drainage structures.

In the event that Pioneer Road is the selected east-west arterial, the obligation for construction of a permanent bridge across the original L.W.D.D. Canal E-1, shall be the obligation of Waldron and Associates, and the Diamond C Ranch.

In the event that Palm Beach County requires a bridge across the relocation of L.W.D.D. Canal E-1 on the subject 38 acres, the cost of the bridge structure and attendant drainage facilities connected with the canal relocation, shall be borne on a pro rata basis by Waldron and Associates and Daniel L. Bakst, Trustee, on a 50-50 basis.

10. The matters of parcel releases, surety/bonding for shellrock removal, time schedules for shellrock removal, title legal work, etc., are not a part of this memorandum but will be delineated in specificity in the formal agreement resulting from **the** above memorandum of intent, once accepted by Waldron and Associates.

WRB/mk

William R. Boose  
Attorney for Daniel L. Bakst, Trustee  
and Trust Investors