

RESOLUTION NO. R-80-666

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. 80-35 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24 April 1980; 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
2. The proposal would not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of April , that Petition No. 80-35 the petition of ALMATO INVESTMENT CORPORATION, N.V., by Jules Romfh, President, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on a parcel of land in the South 1/2 of Section 26, Township 46 South, Range 42 East, being more particularly described as follows: Commencing at the Southeast corner of said Section 26; thence run on an assumed bearing of South 89°07'44" West 2598.20 feet along the south line of said Section 26 to the Point of Beginning; thence continue South 89°07'44" West 85.00 feet along said south line to the South 1/4 corner of said Section 26; thence continue South 89°07'44" West 859.00 feet along said south line to a point; thence run North 00°56'28" West 2704.94 feet along a line 859.00 feet west of and parallel to the east line of the Southwest 1/4 of said Section 26 to a point; thence run North 89°21'35" East 859.01 feet along the north line of said Southwest 1/4 to a point; thence run South 00°56'28" East 1350.74 feet along the east line of said Southwest 1/4 to a point; thence run North 89°14'38" East 63.76 feet along the north line of the South 1/2 of the Southeast 1/4 of said Section 26 to a point; thence run South 01°50'32" East 1350.81 feet to the Point of Beginning. Said property located approximately .4 mile west of Military Trail (S.R. 809) being bounded on the south by L.W.D.D. Lateral Canal No. 38 and bounded on the north by L.W.D.D. Lateral Canal No. 37 in an RE-Residential Estate District, was approved as advertised subject to the following conditions:

1. Petitioner shall contribute Sixteen Thousand Five Hundred Dollars (\$16,500.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). This Fair Share Traffic Impact contribution has been determined in accordance with the provisions of Ordinance 79-7 as follows:

Single Family

\$300.00/d.u.

However, regardless of the present or future status of this ordinance, this development shall be required to provide the above Sixteen Thousand Five Hundred Dollars toward alleviating some of its direct and identifiable traffic impact.

2. The Lake Worth Drainage District will require the South 105 feet of the subject property for the right-of-way of Lateral Canal No. 38 and the North 70 feet of the subject property for the right-of-way of Lateral Canal No. 37 and an irregular parcel along the east boundary for the right-of-way of Equalizing Canal No. 3. Said irregular parcel is more clearly shown on Sheet 219 of 240 of the L.W.D.D. Right-of-Way Maps as recorded in O.R.B. 1732, page 612. We will accept a Quit Claim Deed or an Easement (on our form), whichever the owner prefers.
3. Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute four-tenths (4/10) of one percent (1%) of the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of the development's school impact.

Commissioner Gregory, 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:

Dennis Koehler, Chairman		Aye
Frank Foster, Vice Chairman	-	Aye
Bill Bailey, Member		Aye
Norman R. Gregory, Member	-	Aye
Peggy B. Evatt, Member		Absent

The foregoing resolution was declared duly passed and adopted
this 20th day of May, 1980, confirming action of
24 April 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: _____
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney

