

RESOLUTION NO. R-81-200

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. 80-212 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29 January 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 29th day of January, 1981, that Petition No. 80-212 petition of TARTAN-CARMA DEVELOPMENT by Conrad Schaefer, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW THE EXPANSION AND MODIFICATION TO AN EXISTING PLANNED UNIT DEVELOPMENT KNOWN AS TARTAN PREVIOUSLY APPROVED UNDER PETITION NO. 79-126 on the Northwest 1/4

of Section 2, Township 46 South, Range 42 East; the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 2, Township 46 South, Range 42 East; the North 120 feet of the Northeast 1/4 of Section 2, Township 46 South, Range 42 East; the North 1/2 of Section 3, Township 46 South, Range 42 East; Tracts 1 through 8, 25 through 40, 57 through 64, all inclusive, Block 64, Palm Beach Farms Co. Plat No. 2, as recorded in Plat Book 2, page 45 through 54 inclusive; excepting the rights-of-way for Lake Worth Drainage District Lateral and Equalizing Canals; also, excepting the right-of-way for Military Trail (S.R. 809), also, excepting the following described parcel of land: the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 2, Township 45 South, Range 42 East. Said property located at the northeast corner of the intersection of Hagen Ranch Road and 125th Street South, being bounded on the east by Military Trail (S.R. 809) and north of L.W.D.D. Lateral Canal No. 28, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County one hundred twenty (120) feet for the ultimate right-of-way for Jog Road through the project's limits.
2. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County one hundred twenty (120) feet for the ultimate right-of-way for El Clair Ranch Road through the project's limits.
3. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet from the east line of Section 2, Township 46 South, Range 42 East for the ultimate right-of-way for Military Trail.
4. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County forty (40) feet from the east line for the ultimate right-of-way for Hagen Ranch Road.
5. Petitioner shall construct Jog Road as a two-lane section through the project's limits.
6. Petitioner shall construct El Clair Ranch Road as a two-lane section from the proposed southern limits of construction by Indian Springs PUD to the proposed southern limit of construction by Villa Delray.

7. Petitioner shall construct at the intersection of Hagen Ranch Road East the project's entrance road:
  - a. left turn lane, north approach
  - b. left turn lane, east approach
  - c. Signalization when warranted as determined by the County Engineer
  
8. Petitioner shall construct at the intersection of El Clair Ranch Road and the project's entrance road:
  - a. left turn lane, north approach
  - b. left turn lane, south approach
  - c. left turn lane, east approach
  - d. left turn lane, west approach
  - e. Signalization when warranted as determined by the County engineer.
  
9. Petitioner shall construct at the project's entrance road and Military Trail:
  - a. right turn lane, north approach
  - b. left turn lane, south approach
  - c. One lane entering and two lanes exiting.
  - d. Signalization when warranted as determined by the County Engineer.
  
10. Petitioner shall construct at the project's entrance road and Jog Road:
  - a. left turn lane, north approach
  - b. left turn lane, south approach
  - c. left turn lane, east approach
  - d. left turn lane, west approach
  
11. Petitioner shall construct at the intersection of Military Trail and S.W. 23rd Avenue:
  - a. left turn lane, north approach
  - b. left turn lane, south approach
  
12. Petitioner shall construct at the intersection of Coconut Lane and Military Trail:
  - a. left turn lane, north approach
  
13. All conditions of the approval of Petition 79-126 shall be retained with the exception of the two units per acre density limit.
  
14. The Lake Worth Drainage District will require the same rights-of-way for Lateral Canals No. 28 and 29 and Equalizing Canal No. 3 as were previously set for under Zoning Petition 79-126 during the June 1979 Hearing. We will accept the right-of-way by Quit Claim Deed or Easement (on our form), whichever the owner prefers.
  
15. Palm Beach County will acquire right of way (120 feet right of way) for the Military Trail four-laning between Boynton West Road and Project entrance using funds provided by the developer. Funds shall be provided to Palm Beach County as required within thirty (30) days of the date of request. During right of way acquisition, the project may proceed with a first phase not to exceed 500 units.

16. The developer shall prepare plans to four-lane Military Trail from Boynton Road to project entrance (2 miles <sup>4</sup>) to County Standards (rural section, 1-5' concrete sidewalk in right of way). Plans to be approved by the County Engineer's Office. Upon approval of plans, an additional 450 units may be approved. Plans shall be available within nine (9) months of project approval.
17. Developer shall let to contract the four-lane construction of Military Trail between Boynton Road and the project entrance. This construction contract shall be let prior to March 1982. At the time of letting, the remainder of the project shall be allowed to proceed.
18. Palm Beach County shall assist with utility relocation in Military Trail right of way. It is the intent that the developer shall not be required to bear the cost of utility relocation.
19. It is agreed that any P.R.C.C. funds collected (within five (5) years of project approval) which impact the area of construction on Military Trail shall be reimbursed to this developer for any funds expended on Military Trail Construction which exceed \$1 million. Certified costs shall be provided to Palm Beach County to document any expenditures in excess of \$1 million. The reimbursement is subject to a ruling by the County Attorney, as to its legal validity.

Commissioner Gregory, moved for approval of the petition.

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

Frank Foster, Chairman	-	AYE
Norman Gregory, Vice Chairman	-	AYE
Bill Bailey, Member	-	ABSENT
Dennis Koehler, Member	-	AYE
Peggy B. Evatt, Member	-	AYE

The foregoing resolution was declared duly passed and adopted this 24th day of February, 1981, confirming action of 29 January 1981.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: *[Signature]*

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