

RESOLUTION NO. R- 81-1585

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. 81-130 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29 October 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 October, 1981, that Petition No. 81-130 the petition of GOODRATCH, INC., by F. Martin Perry, Attorney, to MODIFY the following Special Conditions placed on Zoning Petition 80-206 (Boca Del Prado Planned Unit Development) approved February 26, 1981:

CONDITION NO. 4 STATES: Petitioner shall construct 2 lanes on Lyons Road from the proposed northern limits of construction by the Hamptons of Boca Raton to the project's north property line concurrently with Phase I.

REQUEST: MODIFY CONDITION NO. 4 TO READ: Petitioner shall construct 2 lanes on NW 51st Street from the project entrance on S.R. 7 to the easterly boundary of Phase I (initial westerly phase) concurrently with development of that phase.

CONDITION NO. 5 STATES: Petitioner shall construct 2 lanes on N.W. 51st Street from Lyons Road westerly to the project's entrance concurrently with Phase II.

REQUEST: MODIFY CONDITION NO. 5 TO READ: Petitioner shall construct a continuation of 2 lanes on N.W. 51st Street from the easterly boundary of Phase I to the easterly boundary of Phase II (Center Phase) concurrently with development of Phase II.

CONDITION NO. 6 STATES: Petitioner shall construct 2 lanes on N.W. 51st Street from the project entrance westerly to S.R. 7 concurrently with the last phase of construction.

REQUEST: MODIFY CONDITION NO. 6 TO READ: Petitioner shall construct a continuation of the 2 lanes on N.W. 51st Street from the easterly boundary of Phase II to the project's entrance on Lyons Road and to construct 2 lanes on Lyons Road from the northern limits of construction by the Hamptons of Boca Raton to the project's north property line concurrent with the construction of Phase III (last easterly most phase).

was approved as amended, subject to the following conditions:

1. Petitioner shall convey to Palm Beach County:
  - a. One hundred twenty (120) feet for the ultimate right-of-way for N.W. 51st Street from S.R. 7 to Lyons Road.
  - b. Fifty-four (54) feet from the centerline for the ultimate right-of-way for Lyons Road through the project's limits.
2. Petitioner shall reserve the additional right-of-way required for the 'Special Intersections' as follows:
  - a. an additional 20' for N.W. 51st Street (above and beyond the 120') from Lyons Road westerly a distance of approximately 700'.
  - b. an additional 22' for Lyons Road (above and beyond) the 54' from centerline from N.W. 51st Street northerly a distance of approximately 700'.
3. Petitioner shall convey to Palm Beach County the necessary right-of-way through the 2 out parcels. Credit shall be given for the acquisition of the necessary right-of-way through the out parcel or N.W. 51st Street, as approved by the County Engineer.

4. Petitioner shall construct 2 lanes on Lyons Road from the proposed northern limits of construction by the Hamptons of Boca Raton to the project's north property line concurrently with Phase III.
5. Petitioner shall construct 2 lanes on N.W. 51st Street from Lyons Road westerly to the project's entrance concurrently with Phase III.
6. Petitioner shall construct 2 lanes on N.W. 51st Street from the project's entrance road westerly to the west property line of the out parcel concurrent with Phase IV.
7. Petitioner shall continue the construction of N.W. 51st from the west property line of the out parcel to S.R. 7. This section to include any necessary canal crossings.
8. Petitioner shall construct at the project's entrance and N.W. 51st Street:
  - a. left turn lane, north approach
  - b. right turn lane, east approach
  - c. left turn lane, west approach
  - d. signalization when warranted as determined by the County Engineer
9. Petitioner shall construct at the intersection of N.W. 51st Street and Lyons Road:
  - a. right turn lane, north approach
  - b. left turn lane, south approach
  - c. left turn lane, west approach
  - d. signalization when warranted as determined by the County Engineer
10. Petitioner shall construct at the intersection of S.R. 7 and N.W. 51st Street:
  - a. left turn lane, north approach
  - b. right turn lane, south approach
  - c. left turn lane, east approach
  - d. signalization when warranted as determined by the County Engineer
11. Petitioner shall construct at the project's entrance and Lyons Road:
  - a. right turn lane, north approach
  - b. left turn lane, south approach
  - c. left turn lane, west approach
  - d. signalization when warranted as determined by the County Engineer
12. Petitioner shall construct at the project's entrance and S.R. 7:
  - a. left turn lane, north approach
  - b. right turn lane, south approach
  - c. left turn lane, east approach
  - d. signalization when warranted as determined by the County Engineer

13. The developer will take reasonable precautions to insure that run-off from this project will not pollute adjacent or nearby surface waters.
14. The developer will take reasonable precautions during the development of this project to insure that fugitive **particulates** (dust particles) from the project do not become a nuisance to neighboring properties.
15. Petitioner shall dedicate to the County without cost, the 6.5 acre civic site. The applicant shall reserve for dedication to the School Board, an additional 5 acre parcel. When the County deeds to the petitioner the 5 acre out parcel along Lyons Road, the applicant shall deed the reserved 5 acre parcel mentioned above to the School Board at no cost. The County will allow the petitioner to include the 5 acre out parcel in the subject PUD, subject to Site Plan Review Committee approval.
16. The applicant shall reserve for purchase by the School Board at fair market value under current AG zoning an additional 8.5 acres for a period of 5 years from the date of this approval. This additional 8.5 acres shall be offered on a first refusal basis to the applicant for re-purchase at the original sales price if the School Board decides not to develop this property. All of the above referenced parcels shall be contiguous and in a configuration suitable to accommodate a 20 acre elementary school site. The applicant shall provide for this school site through his design and engineering plans for electric, sewer, water, and drainage systems and to provide 100% of school site drainage retention on the applicant's property. Title to all lands conveyed to the School Board shall be good and marketable and shall be able to be insured by a Title Insurance Company.
17. The Lake Worth Drainage District will require the North 55.0 feet of Tract 65 to 80, inclusive, Block 73, Palm Beach Farms Co. Plat No. 3, Plat Book 2, pages 45-54, inclusive, for the right of way for Lateral Canal No. 41 and the West 100 feet of the East 115 feet of Tract 78, 83, 110 and 115, Block 73, Palm Beach Farms Co. Plat No. 3 and a 100 ft. wide portion of the 30 ft. road right of way lying between Tract 83 and 110 all for the right of way for Equalizing Canal No. 1.

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	- Yes
Norman Gregory, Vice Chairman	- Yes
Bill Bailey, Member	- Absent
Dennis Koehler, Member	- Yes
Peggy B. Evatt, Member	- Yes

The foregoing resolution was declared duly passed and adopted  
this 22nd day of December 1981 , confirming action of  
29 October 1981.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Deborah A. ...*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*Cliff A. ...*  
County Attorney

