

RESOLUTION NO. R-82-505

RESOLUTION AMENDING RESOLUTION NO. R-82-413  
APPROVING ZONING PETITION OF PHILIP A. SWINFORD, by Henry Skokowski, Agent  
PETITION NO. 82-6

WHEREAS, Philip A. Swinford, petitioned the Palm Beach County Planning Commission and the Board of County Commissioners, sitting as the final zoning authority, on January 7, 1982 and January 28, 1982, respectively, for the further Special Exception to allow a Planned Commercial Development on a parcel of land located on the west side of Military Trail (S.R. 809), approximately .2 mile south of L.W.D.D. Lateral Canal #36; and

WHEREAS, Resolution No. R-82-413, adopted April 13, 1982, confirming the action of the Board of County Commissioners sitting as the final zoning authority on January 28, 1982, attached hereto and made a part hereof, inadvertently contained an error in Condition No. 1;

WHEREAS, Condition No. 1 of said zoning resolution, read as follows:

1. Petitioner shall provide the County with a Clean Irrevocable Letter of Credit in the amount of Fifty Thousand and Fifty Dollars (\$50,050.00) within four (4) months of the final zoning approval granted on January 28, 1981. Said Letter of Credit shall be for a term of one year from the date of issuance and shall provide that the County shall call the Letter of Credit in the event: (a) the County requires the funds for the construction of Military Trail, or (b) the Petitioner does not deposit said sum of \$50,050.00 with the County at least ten (10) days before the expiration date of the Letter of Credit. Said letter of credit shall be approved by the County Attorney's Office before acceptance by the County. In the event the petitioner fails to provide an acceptable Letter of Credit or deposit the same amount, in lieu thereof, with the County within the four months specified, then this Special Exception approval shall be null and void.

WHEREAS, Condition No. 1 of said zoning resolution should have read;

1. Petitioner shall provide the County with a Clean Irrevocable Letter of Credit in the amount of Fifty Thousand and Fifty Dollars (\$50,050.00) within four (4) months of the final zoning approval granted on January 28, 1982. Said Letter of Credit shall be for a term of one year from the date of issuance and shall provide that the County shall call the Letter of Credit in the event: (a) the County requires the funds for the construction of Military Trail, or (b) the Petitioner does not deposit said sum of \$50,050.00 with the County at least ten (10) days before the expiration date of the Letter of Credit. Said letter of credit shall be approved by the County Attorney's Office before acceptance by the County. In the event the petitioner fails to provide an acceptable Letter of Credit or deposit the same amount, in lieu thereof, with the County within the four months specified, then this Special Exception approval shall be null and void.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. The Condition No. 1 of Resolution No. R-82-413 is amended.

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

Norman Gregory, Chairman	-	Absent
Peggy Evatt, Vice Chairman	-	<b>Aye</b>
Bill Bailey, Member		Absent
Frank Foster, Member		<b>Aye</b>
Dennis Koehler, Member		<b>Aye</b>

The Chairman thereupon declared the resolution duly passed and adopted this **18th** day of **May, 1982**

PALM BEACH COUNTY, FLORIDA, BY  
ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Paul Van Otten*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*John Cortese*  
/County Attorney

