

RESOLUTION NO. R- 83-29

RESOLUTION APPROVING ZONING PETITION 82-91 SPECIAL CONDITION
ON PETITION 81-224

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. 82-91 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 1 July 1982 ; 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 1st day of January, 1983 , that Petition No. 82-91 the petition of BOYNTON BEACH DEVELOPMENT CORPORATION by Leon Smiles, President, to DELETE the following Special Condition placed on Petition No. 81-224 approved on December 23, 1981:

CONDITION NO. 1 STATES:

Petitioner shall: 1. (a) Convey to Palm Beach County within ninety (90) days of Special Exception approval 240 feet from the base line of survey according to R.B. 1, page 38, for the ultimate right of way for S.R. 7. or,

(b) Apply to Board of Adjustment for a variance approval relative to the building setbacks; if approved within ninety (90) days of

Special Exception approval; Condition #1(a) shall be modified to read:

'Reserve for Palm Beach County 240 feet from the base line of the survey according -to R.B. 1, page 38, for the ultimate right of way for S.R. 7. This right of way shall be conveyed at no cost to the County or State Department of Transportation at the time of acquisition of S.R. 7 right of way., and Petitioner assumes all risk of loss for structures placed therein, including costs of demolition or removal.' Said property located on the west side of S.R.7 (U.S.4411 and being bounded on the north by L.W.D.D. Lateral Canal L-36 1/2 West, was approved by Modifying Condition No. 1 to read:

1(a). Developer shall limit the liability of government for future condemnation of this property to the fair market value of the land and improvements as it exists on December 23, 1981, prior to the grant. of the rezoning.

Commissioner Foster 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:

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

The foregoing resolution was declared duly passed and adopted this 4th day of January, 1983, confirming action of 1 July 1982.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk'

By: Kathleen Sinkler
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John LaBette
County Attorney