

RESOLUTION NO R-83-121

RESOLUTION APPROVING ZONING PETITION 82-124, MODIFYING APPROVAL
OF PETITION NO. 81-200

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. 82-124 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 August 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 26th day of August, 1982, that Petition No. 82-124 the petition of TARTAN-CARMA DEVELOPMENT By James R. Brindell, Esquire, to MODIFY the following Special Condition placed on Petition No. 80-212 approved on February 4, 1981:

CONDITION ¹NO. 17 STATES:

Developer Shall:

1. (a) 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.

REQUEST: MODIFY CONDITION NO. 17 TO READ AS FOLLOWS:

17. Developer shall let to contract the four-lane construction of Military Trail between Boynton Road and the project entrance as set forth herein:
 - a. Developer shall award contracts for the clearing of the right-of-way for said road construction within sixty (60) days after receipt of written certification from the County that the right-of-way has been acquired. The clearing of said ~~right-of-way~~ shall be completed within ninety (90) days of the awarding of the contract for the clearing of the right-of-way, unless completion is prevented by circumstances beyond the control of the developer;
 - b. Within five (5) days of the completion of the clearing of the right-of-way, the developer shall notify the County of said completion so that any necessary relocation of utility lines can be undertaken by the utility companies or the County;
 - c. Developer shall award the contract for the road construction required by this condition within ninety (90) days of receipt of written notice from the County that all utility line relocations have been completed. Actual road construction shall commence within fourteen (14) days after the contract has been awarded;
 - d. At the time of awarding the contract for the construction of Military Trail required by this condition, the remainder of the units authorized for construction in the project by this resolution shall be allowed to proceed to construction. In the alternative, the developer shall be entitled to proceed with the construction of said remainder of units at any time developer posts a \$2 million surety for the construction of Military Trail required by this condition.

Said property located at the northeast corner of the intersection of **Hagan** 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, and condition No. 17 appearing in Resolution No. 81-200, is hereby amended to read:

17. Developer shall let to contract the four lane construction of Military Trail between Boynton Road and the project entrance as set forth herein:
 - a. Developer shall award contracts for the clearing of the right-of-way for said road construction within sixty (60) days after receipt of written certification from the County that the right-of-way has been acquired. The clearing of said right-of-way shall be completed within ninety (90) days of the awarding of the contract for the clearing of the right-of-way, unless completion is prevented by circumstances beyond the control of the developer;
 - b. Within Five (5) days of the completion of the clearing of the right-of-way, the developer shall notify the County of said completion so that any necessary relocation of utility lines can be undertaken by the utility companies or the County;

- c. Developer shall award the contract for the road construction required by this condition within ninety (90) days of receipt of written notice from the County that all utility line relocations have been completed. Actual road construction shall commence within fourteen (14) days after the contract has been awarded;
- d. At the time of awarding the contract for the construction of Military Trail required by this condition, the remainder of the units authorized for construction in the project by this resolution shall be allowed to proceed to construction. In the alternative, the developer shall be entitled to proceed with the construction of said remainder of units at any time developer posts a \$2 million surety for the construction of Military Trail required by this condition.

Commissioner Koehler, 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:

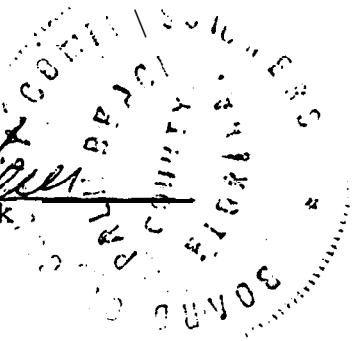
Frank Foster, Chairman	Aye
Norman Gregory, Vice Chairman	Absent
Bill Bailey, Member	Aye
Dennis Koehler, Member	Aye
Peggy B. Evatt, Member	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of January, 1983, confirming action of 26 August 1982.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *David J. [Signature]*
 Deputy Clerk



APPROVE AS TO FORM
 AND LEGAL SUFFICIENCY

John [Signature]
 County Attorney