

RESOLUTION R-99- 7

RESOLUTION CORRECTING RESOLUTION R-98-1811  
RESOLUTION APPROVING ZONING PETITION OF PALM BEACH COUNTY  
PETITION Z/COZ98-41

WHEREAS, the Board of County Commissioners, petitioned the Palm Beach County Board of County Commissioners on October 22, 1998 for an Official Zoning Map Amendment Rezoning from Agricultural Residential (AR) to Public Ownership (PO) with a Conditional Overlay Zone (Z/COZ); and

WHEREAS, Resolution R-98-1811, adopted on October 22, 1998 confirming the action of the Board of County Commissioners inadvertently contained an error in Conditions 1.1, 1.2 and 1.3 of Exhibit C; and

WHEREAS, Conditions 1.1, 1.2 and 1.3 of Exhibit C of Resolution R-98-1811 should have read as shown:

I. PREM

1. Petitioner is to convey title to the site to Indian Trail Water Control District by statutory warranty deed by November 1, 1999. Petitioner is to plat and dedicate the Civic site to Indian Trail Water Control District prior to conveying the deed and shall have satisfied each of the following conditions prior to deed conveyance.

a. Developer to provide a title policy insuring marketable title to ~~Palm Beach County~~ Indian Trail Water Control District for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval.

b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated as of the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.

c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.

~~d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:~~

~~1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.~~

~~2) As easement across Developer's property from the proposed civic site to the retention basins, if required.~~

e.d. By acceptance of these conditions developer agrees to allow the County and Indian Trail Water Control District to perform any on site inspections deemed appropriate to support the acquisition of the civic site.

- f.e. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
- g.f. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)
- h.g. Palm Beach County shall have the right to connect to water and sewer service upon payment of normal, customary and reasonable connection charges and without payment of any capital charges for construction/installation of water and sewer improvements.
- i.h. The site shall be leased to County by Indian Trail Water Control District for 99 years in accordance with a lease to be drafted by Palm Beach County upon such terms as the County may require. ~~The lease agreement shall be tentatively approved by County and Indian Trail Water Control staff.~~

2. The property owners shall provide PREM and Indian Trail Water Control District with a certified survey of the proposed civic site by September 1, 1999. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
- b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c. The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)

3. The property owners shall provide PREM and Indian Trail Water Control District with an Environmental Assessment of the proposed civic site by September 1, 1999. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b. Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
  - 2) Comprehensive Environmental Response
  - 3) Compensation and Liability Act System
  - 4) List (CERCLA)
  - 5) Hazardous Waste Data Management System
  - 6) List (HWDMS).
- c. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
  - d. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
  - e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)

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. Conditions 1.1, 1.2 and 1.3 of Exhibit C of Resolution R-98-1811 are hereby corrected.

Commissioner McCarty moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	—	Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus	—	Aye
Carol A. Roberts	—	Aye
Mary McCarty	—	Aye
Burt Aaronson	—	Aye
Tony Masilotti	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted on January 7, 1998.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara Allen*  
COUNTY ATTORNEY

BY: *Joan Hawley*  
DEPUTY CLERK

