

RESOLUTION R-2005- 0281

RESOLUTION CORRECTING RESOLUTION R-2005-2288
(CONTROL NO. 2004-456)
RESOLUTION APPROVING ZONING APPLICATION OF ANSCA COMMUNITIES LLC
TERRA NOVA PUD
APPLICATION PDD2004-658

WHEREAS, Anasca Communities LLC, petitioned the Palm Beach County Board of County Commissioners on November 17, 2005 for an Official Zoning Map Amendment to a Planned Development District from the Agricultural Residential Zoning District to the Residential Planned Unit Development District ; and

WHEREAS, Resolution R-2005-2288, adopted on November 17, 2005 confirming the action of the Board of County Commissioners inadvertently omitted PREM Conditions in Exhibit C; and

WHEREAS, Prem Conditions of Exhibit C in Resolution R-2005-2288 should have read as follows:

PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 1.87 acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by November 1, 2006. Developer to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
 - a) The property owner shall provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the property owner. The property owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.
 - b) The property owner shall assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The property owner shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips.
 - c) All ad valorem real estate taxes and assessments for the year of acceptance shall be pro-rated to include the day of acceptance.
 - d) Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

- e) The property owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. The property owner shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the property owner's water retention basins.
 - 2) As easement across the property owner's property from the proposed civic site to the retention basins, if required.
 - f) By acceptance of these conditions the property owner agrees to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of the civic site.
 - g) The property owner shall perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.
 - h) Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with
 - 1) sod and watered or,
 - 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations.
 - i) The property owner shall provide water and sewer stubbed out to the property line and other required utilities as determined by PREM. (DATE: MONITORING-PREM)
2. The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by November 1, 2006. 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 and all title exceptions are to be shown on the survey. (DATE: MONITORING-PREM)
3. The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by November 1, 2006. 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 Compensation and Liability Act System List (CERCLA)
 - 3) Hazardous Waste Data Management System 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.
- f) If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well. (DATE: MONITORING-PREM)
4. The property owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the property owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the expense of the property owner, or if the property owner is a contract purchaser, the per acre value used for the entire PUD may be used to determine the civic site value. If the cash-out method is used, payment shall be made to the County prior to the first recorded plat for the PUD. If off-site land or cash contribution is accepted by Palm Beach County, the property owner shall be deemed to have satisfied the intent of ULDC.

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. Prem Conditions of Exhibit C in Resolution R-2005-2288 are hereby corrected.

Commissioner Marcus moved for the approval of the Resolution.

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

Tony Masilotti, Chair	-	Aye
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Absent

The Chairman thereupon declared the resolution was duly passed and adopted on February 23, 2006.

Filed with the Clerk of the Board of County Commissioners 23rd day of February, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK

