

RESOLUTION NO. R-2010- 1478

**RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR-1994-0078-2
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR RESOLUTION NO. R-95-1119 WHICH AMENDED CONDITIONS OF APPROVAL
OF RESOLUTION NO. 95-113 WHICH APPROVED THE REZONING APPLICATION
OF THE PALM BEACH COUNTY SOLID WASTE AUTHORITY
CONTROL NO. 1994-0078
APPLICATION NO. Z-1994-00078**

WHEREAS, the Board of County Commissioners (BCC), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report CR-1994-0078-1 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on September 30, 2010; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR-1994-0078-2 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. authorizes the Board of County Commissioners to approve Development Order Amendments; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The Land Development Division recommends the following amendments to Conditions ENG.2 and ENG. 3 of Resolution R-95-1119; and
2. This amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. CR-1994-0078-2, to approve a Development Order Amendment to amend Conditions of Approval ENG.2 and ENG.3 of Resolution R-95-1119 which amended the development order previously granted by the approval of the application of Palm Beach County Solid Waste Authority, Control # 1994-0078, confirmed by the adoption of Resolution R-95-113 on all of the north one-half (N. ½) of Section 26, Township 42 South, Range 42 East, Palm Beach County, Florida, lying south of the southerly right-of-way line of the Seaboard Coast Line Railroad, and west of the westerly right-of-way line of Haverhill Road;

Together with:

All that part of the south one-half (S. ½) of Section 26, Township 42 South, Range 42 East, Palm Beach County, Florida, lying west of the westerly right-of way of Haverhill Road and lying south of the southerly right-of-way line of the Seaboard Coast Line Railroad and that part of Section 35, Township 42 South, Range 42 East, Palm Beach County, Florida, lying west of the westerly right-of-way line of Haverhill Road and the westerly right-of-way line of a turn lane for Haverhill Road, per right-of-way quit claim deed recorded in official records book 6779, pages 1703 through 1706, inclusive of the public records of Palm Beach County, Florida, and lying north of the southerly right-of-way of Dyer Boulevard and the westerly extension thereof, as shown on Palm Beach County, Florida Engineering

Department ownership survey of Sections 22, 23, 26, 27, 34 and 35, Township 42 South, Range 42 East, and Sections 2 and 3, Township 43 South, Range 42 East, Drawing No. S3-82-722B, Sheet 4 of 8, Dated 9/23/82, last revised 11/12/91.

Less and except there from:

All that portion of land described in right-of-way deed for Northern Palm Beach County Water Control District, lying north of the southerly right-of-way line of said Dyer Boulevard.

Said lands lying in Palm Beach County, Florida, being located on the southwest corner of Haverhill Road and Beeline Highway (SR #710), in the PO Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Voluntary Commitment ENG.2 of Resolution R-1995-1119 which currently states:

On or before October 1, 1995 the property owner shall convey to the Land Development Division adequate road drainage easement (s) through the project's internal surface water management system to provide drainage for runoff from Haverhill Road along the property frontage. Said easements shall be no less than 20 feet in width. Should the drainage easement(s) be utilized, Palm Beach County Engineering shall be responsible for the design, permitting, regulatory compliance, construction and associated costs of the drainage system. (MONITORING - Engineering)

is hereby amended to read:

Within 90 days of notice by the County Engineer, the property owner shall convey to the Land Development Division adequate road drainage easement (s) through the project's internal surface water management system to provide drainage for runoff from Haverhill Road along the property frontage. Said easements shall be no less than 20 feet in width. Should the drainage easement(s) be utilized, Palm Beach County Engineering shall be responsible for the design, permitting, regulatory compliance, construction and associated costs of the drainage system. (MONITORING - Engineering)

3. Voluntary Commitment ENG.3 of Resolution R-1995-1119 which currently states:

On or before October 1, 1995, the property owner shall convey to Land Development Division by road right-of-way warranty deed for Haverhill Road, 55 feet from centerline or five feet west of the east property line, whichever is less. Right of way conveyance shall be along the projects entire frontage . Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (MONITORING - Engineering)

is hereby amended to read:

Within 90 days of notice by the County Engineer, the property owner shall convey to Land Development Division by road right-of-way warranty deed for Haverhill Road, 55 feet from centerline or five feet west of the east property line, whichever is less. Right of way conveyance shall be along the projects entire frontage . Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (MONITORING - Engineering)

The foregoing Resolution was offered by Commissioner Vana who moved its adoption. The motion was seconded by Commissioner Abrams and, upon being put to a vote, the vote was as follows:

Commissioner Burt Aaronson, Chair	Aye
Commissioner Karen T. Marcus, Vice Chair	Absent
Commissioner District 2	—
Commissioner Shelley Vana	Aye
Commissioner Steven L. Abrams	Aye
Commissioner Jess R. Santamaria	Absent
Commissioner Priscilla A. Taylor	Aye

The Chair thereupon declared the resolution duly passed and adopted this 30th day of September, 2010.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

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

SHARON R. BOCK, CLERK AND COMPTROLLER

By: 
Assistant County Attorney

By: 
Deputy Clerk



Filed with the Clerk of the Board of County Commissioners on the 13th day of October, 2010