

RESOLUTION NO. 2015-178

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, GRANTING A WAIVER FROM THE REQUIREMENT FOR THE UNDERGROUND PLACEMENT OF UTILITIES, AS ESTABLISHED BY SECTION 13-142, CODE OF ORDINANCES, ENTITLED "UNDERGROUND UTILITIES REQUIRED," FOR THE PROPERTY KNOWN AS AMERICAN TOP TEAM LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, SAID ORDINANCE PROVIDING FOR SUCH A WAIVER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 22, 2005, the City Commission of the City of Coconut Creek adopted Ordinance No. 2005-032, codified as Section 13-142, Code of Ordinances, entitled "Underground Utilities Required" (hereafter Section 13-142), establishing the underground placement of all utilities for any new commercial, industrial, retail, or residential development of five (5) acres or more; and

WHEREAS, said Section contains a process for waiver from the terms of underground placement of utilities; and

WHEREAS, the owner has a development known as American Top Team described in Exhibit "A," attached hereto and made a part hereof, and is subject to the requirement for the underground placement of utilities; and

WHEREAS, the owner has filed an application for said waiver, consistent with the standards and timing established by Section 13-142; and

WHEREAS, at its August 12, 2015 meeting, the City's Planning and Zoning Board recommended approval of said waiver for underground placement of utilities; and

WHEREAS, the City Commission of the City of Coconut Creek has determined that the owner has demonstrated compliance with said standards.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the request for waiver from the requirement for the underground placement of utilities was submitted to the City in accordance with the standards and timing established by Section 13-142.

Section 2: That said waiver shall be effective upon payment to the City's Underground Utility Fund in the amount of \$116,603 in lieu of placing adjacent utilities underground for the property known as American Top Team described in Exhibit "A," attached hereto and made a part hereof.

Section 3: That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of August 12, 2015, which recommended approval of a waiver from the requirement for underground placement of utilities and has determined that the owner has demonstrated compliance with the required criteria and standards as contained in Section 13-142; and hereby grants the request of the applicant for a waiver from the provision of Ordinance No. 2005-032 subject to the requirement of payment contained in Section 2 above.

Section 4: That this Resolution shall take effect immediately upon its passage and adoption.

Adopted this 10th day of September, 2015.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, MMC
City Clerk

Tooley	<u>Aye</u>
Belvedere	<u>Aye</u>
Sarbone	<u>Aye</u>
Welch	<u>Aye</u>
Rydell	<u>Aye</u>

EXHIBIT "A"

Legal Description:

Parcels A and L-1, Grove Parc Plat, according to the Plat thereof, as recorded in Plat Book 178, Page 146, of the Public Records of Broward County, Florida.