

**RESOLUTION NO. 2015-041**

**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 NORTH BROWARD PREPARATORY SCHOOL LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, SAID ORDINANCE PROVIDING FOR SUCH A WAIVER; 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 North Broward Preparatory School 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 January 14, 2015 meeting, the City's Planning and Zoning Board recommended approval of said waiver for underground placement of utilities subject to the following condition:

1. Prior to the issuance of a building permit, the applicant shall ask the neighboring property owners to the north and south if they are willing to underground the utility lines in conjunction with coordinating with FPL and if not in the alternative the applicant will pay the \$304,100 to the Utility Trust Fund; 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 \$304,100 in lieu of placing adjacent utilities underground for the property known as North Broward Preparatory School described in Exhibit "A," attached hereto and made a part thereof.

**Section 3:** That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of January 14, 2015, which recommended approval of waiver from the requirement for underground placement of utilities subject to the following condition:

1. Prior to the issuance of a building permit, the applicant shall ask the neighboring property owners to the north and south if they are willing to underground the utility lines in conjunction with coordinating with FPL and if not in the alternative the applicant will pay the \$304,100 to the Utility Trust Fund;

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 \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Rebecca A. Tooley, Acting Mayor

Attest:

\_\_\_\_\_  
Leslie Wallace May, MMC  
City Clerk

Tooley \_\_\_\_\_  
Sarbone \_\_\_\_\_  
Belvedere \_\_\_\_\_  
Welch \_\_\_\_\_

## **EXHIBIT "A"**

### **Legal Description:**

All of the North Broward School Plat, as recorded in Plat Book 163, at Page 19, of the Public Records of Broward County, Florida and all of Marblehead Subdivision - Section 1 Plat as recorded in Plat Book 165, at Page 49.