

**RESOLUTION NO. 2018-035**

**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 LEDER HILLSBORO LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, SAID ORDINANCE PROVIDING FOR SUCH A WAIVER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** on December 22, 2005, the City Commission 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 13-142 contains a process for waiver from the terms of underground placement of utilities; and

**WHEREAS,** the development known as Leder Hillsboro described in Exhibit "A," attached hereto and made a part hereof, 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,** the City's Planning and Zoning Board recommended approval of said waiver for underground placement of utilities at its January 10, 2018, meeting; 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 foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution. All Exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

**Section 2:** 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 3:** That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of January 10, 2018, which recommended approval of waiver from the requirement for underground placement of utilities, and has determined that the applicant 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 Section 13-142 subject to the requirement of payment contained in Section 4 below.

**Section 4:** That said waiver shall be effective upon payment to the City’s Underground Utility Fund in the amount of \$67,600 in lieu of placing adjacent utilities underground for the property known as Leder Hillsboro described in Exhibit “A,” attached hereto and made a part thereof.

**Section 5:** That if any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this Resolution.

**Section 6:** That this Resolution shall be in full force and effect immediately upon its adoption.

**Adopted this 22<sup>nd</sup> day of February, 2018.**

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

Attest:

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

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

WSS; jw  
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## EXHIBIT "A"

### **Legal Description:**

All of Parcel "A," "LEDER HILLSBORO COMPANY LIMITED - PART 2," according to the Plat thereof, as recorded in Plat Book 166, Page 43, of the Public Records of Broward County, Florida. TOGETHER WITH: All of Tract "A," "LEDER HILLSBORO COMPANY LIMITED - PART 1," according to the Plat thereof, as recorded in Plat Book 125, Page 31, of the Public Records of Broward County, Florida.