

RESOLUTION NO. 2017-107

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 CLARITY POINTE 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 applicant has a development known as Clarity Pointe 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 applicant has filed an application for said waiver, consistent with the standards and timing established by Section 13-142; and

WHEREAS, at its October 12, 2016, meeting, the City's Planning and Zoning Board recommended approval of said waiver for underground placement of utilities with a payment of \$116,890 in lieu of placing adjacent utilities underground; and

WHEREAS, the City Commission of the City of Coconut Creek has determined that the applicant 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 a 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 the City Commission hereby accepts the recommendation of the Planning and Zoning Board of October 12, 2016, which recommended approval of said 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 provisions of Section 13-142 subject to the requirement of payment contained in Section 3 below.

Section 3: That said waiver shall be effective upon payment to the City's Underground Utility Fund in the amount of \$116,890 in lieu of placing adjacent utilities underground for the property known as Clarity Pointe described in Exhibit "A," attached hereto and made a part hereof.

Section 4: That this Resolution shall be in full force and effect immediately upon its adoption.

Adopted this 22nd day of June, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

Tooley _____
Rydell _____
Sarbone _____
Belvedere _____
Welch _____

EXHIBIT "A"

Legal Description:

The West 330.00 feet of Tract 40, Block 85, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45 through 54; said land lying, being, and situate in Broward County, Florida.