

RESOLUTION No. 90-11-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING RESOLUTION 59-10-2006, TO AMEND A CONDITION OF THE RESOLUTION WHICH REQUIRED THAT THE OWNER INITIATE DEVELOPMENT WITHIN SIX MONTHS OF THE APPROVAL OF THE RESOLUTION GRANTING A SIX MONTH EXTENSION OF THE DEVELOPMENT ORDER AND ALLOWING FOR AN ADDITIONAL THREE MONTH EXTENSION FOR THE PROJECT KNOWN AS “VILLA LIANA” LOCATED ON LOTS 17 TO 28 OF BLOCK 47, ON THE EAST SIDE OF 10TH STREET, SOUTH OF PARK AVENUE AND APPROXIMATELY 211 FEET SOUTH OF EVERGREEN DRIVE, IN THE TOWN OF LAKE PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission, as the governing body of the Town of Lake Park, Florida, adopted Resolution 34-09-05 approving a site plan with conditions for Villa Liana; and

WHEREAS, 10th Avenue, LLC, (“Owner”) is the owner of real property, located on the east side of 10th Street, Lake Park, Florida, also described as Lots 17 to 28, Block 47, more particularly described in **Exhibit “A”** (“subject property”) attached hereto and incorporated by reference; and

WHEREAS, on October 4, 2006 the Town Commission approved a six month extension to initiate development of the project known as “Villa Liana”; and

WHEREAS, the Owner has requested an additional three (3) month extension of the original six (6) month extension extend the previously approved Site Plan for a project consisting of twelve (12) residential units to be known as “Villa Liana”; and

WHEREAS, the subject property is zoned, R-2 Multi-family Residential; and

WHEREAS, The Town Commission has considered the evidence presented by staff, Owner, and members of the public, regarding the Extension Application’s consistency with the Town’s Comprehensive Plan, and whether it meets the Town’s Land Development Regulations; and

WHEREAS, the Town Commission has determined that there were conditions beyond the Owner’s control which warrant an extension of the original date to initiate development; and

WHEREAS, as a condition of the Town Commission’s extension of the date by which development shall be initiated, the Owner, its successors and assigns shall be subject to the additional conditions contained in Section 2 herein below; and

WHEREAS, all conditions previously imposed shall remain in full force.

NOW THEREFORE, be it resolved by the Town Commission of the Town of Lake Park;

Section 1: The whereas clauses are incorporated herein as true and correct as the findings of fact and conclusions of law of the Town Commission.

Section 2: The Town Commission hereby approves a three month extension authorizing the subject property, to be developed as a 14,276 square foot, twelve unit (12) residential multi-family condominium building (the Project) subject to the following conditions:

1. Upon approval of the extension of the Site Plan approval by the Town Commission, the Applicant/Owner shall have three (3) months to secure a building permit from the Town's Community Development Department. If the Owner fails to secure a building permit in said three (3) month time period, this approval shall become null and void.
2. Prior to the issuance of the first building permit, the Owner shall comply with all required conditions as enumerated in Resolution 34-09-06 and Resolution 59-10-2006 and shall be subject to Staff's approval.
3. Prior to the issuance of the first building permit the Owner shall submit for review and approval by the Town, covenants establishing a condominium owners association. Such covenants shall at a minimum provide for the upkeep and maintenance of the property.
4. The owner shall secure a building permit on or before March 5, 2008. A secured building permit means a permit issued by the town that has been approved by the Palm Beach County Fire Department, Seacoast Authority, and the Town of Lake Park Building Department. In addition to all approvals, all impact fees must be paid prior to the issuance of a building permit.

Section 3: The Owner shall initiate development (start construction and receive the first approved inspection) on or before April 5, 2008. This shall be the final extension. The Applicant/Owner shall not be eligible to apply for any additional extensions.


Section 4: This Resolution shall become effective upon adoption.

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

	AYE	NAY
MAYOR PAUL W. CASTRO	_____	<u>X</u> _____
VICE-MAYOR ED DALY	<u>X</u> _____	_____
COMMISSIONER CHUCK BALIUS	<u>X</u> _____	_____
COMMISSIONER JEFF CAREY	<u>X</u> _____	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u> _____	_____

The Town Commission thereupon declared the foregoing Resolution NO. 90-11-07 duly passed and adopted this 5 day of December, 2007.

TOWN OF LAKE PARK, FLORIDA

BY: 
PAUL W. CASTRO
MAYOR

ATTEST:


VIVIAN MENDEZ
TOWN CLERK



FLORIDA

Approved as to form and legal sufficiency:

BY: 
THOMAS J. BAIRD
TOWN ATTORNEY

EXHIBIT A
Legal Description of Subject Property

Lots 17-28 of Block 47, Kelsey City, now known as Lake Park, according to the map of plat thereof as recorded in Plat Book 8, Page 34, Public Records of Palm Beach County, Florida.

Together with:

Lot 23, Block 47, Kelsey City, now known as Lake Park, according to the map of plat thereof as recorded in Plat Book 8, page 34, Public Records of Palm Beach County, Florida, for Detention Area