

RESOLUTION NO. R-79- 605

RESOLUTION APPROVING ZONING PETITIO):

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 79-90 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 April 1979.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 26th day of April, 1979, that petition No. 79-90 the petition of FORREST C. MOBLEY, AS TRUSTEE, NEIL and DOROTHY E. SWANGER, DANIEL L. BAKST, AS TRUSTEE, PALMJIM, INC., and HARRY S. HAMILTON, AS TRUSTEE, by William R. Boose, III, Attorney, for a SPECIAL EXCEPTION TO ALLOW A DRIVE-IN RESTAURANT on a parcel of land lying in the Northeast 1/4 of the Northwest 1/4 of Section 25, Township 43 South, Range 42 East, being more particularly described as follows: Commencing at a found Palm Beach County concrete monument marking the North 1/4 corner of said Section 25; thence, run South 00°43'36" West, along the East line of the Northwest 1/4 of said Section 25 and the centerline of Military Trail (S.R. 809) (a 106 foot road right-of-way), a distance of 70.01 feet; thence, South 89°52'06" West, a distance of 53.01 feet to a point in the Westerly right-of-way line of said Military Trail (S.R. 809) and the Point of Beginning; thence, South 00°43'36" West, along a line 3 feet Westerly of and parallel with the East line of the Plat of East View Estates, according to the Plat thereof, as recorded in Plat Book 18, page 18, and along said Westerly Right-Of-Way line, a distance

of 515.02 feet to a point in the North line of said Lot 5 said Plat of East View Estates; thence, South $89^{\circ}52'06''$ West, along said North line, a distance of 166.09 feet; thence, South $00^{\circ}43'36''$ West, parallel with the East line of said Plat of East View Estates, a distance of 150.00 feet to a point in the South line of the North 1/2 of Lot 6 said Plat of East View Estates; thence, North $89^{\circ}52'06''$ East, along said South line, a distance of 166.09 feet to a point in said West Right-Of-Way line of Military Trail (S.R. 809); thence, South $00^{\circ}43'36''$ West, along a line 3 feet Westerly of and parallel with the East line of said Plat of East View Estates and continuing along said West Right-Of-Way line, a distance of 577.31 feet to a point in the Northerly Right-Of-Way line of Elmhurst Road (a 60 foot road right-of-way); thence, North $89^{\circ}51'55''$ West, along said Northerly Right-Of-Way line and its Westerly prolongation, a distance of 956.38 feet to a point in the East line of the West 1/2 of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of said Section 25; thence, North $00^{\circ}37'25''$ East, along said line, a distance of 99.48 feet to a point in the South line of the North 129.48 feet of the South 258.96 feet of the West 1/2 of the Southwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 25; thence, North $89^{\circ}51'55''$ West, along said South line, a distance of 336.52 feet to a point in the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 25; thence, North $00^{\circ}35'21''$ East, along said West line, a distance of 129.48 feet to a point in the North line of the South 258.96 feet of the West 1/2 of the Southwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 25; thence, South $89^{\circ}51'55''$ East, a distance of 336.60 feet to a point in the East line of the West 1/2 of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of said Section 25; thence, North $00^{\circ}37'25''$ East, along said line, a distance of 878.87 feet to a point in the South line of the North 200 feet of the Northeast 1/4 of the Northwest 1/4 of said Section 25; thence, North $89^{\circ}52'06''$ East, along said South line,

a distance of 132.01 feet to a point in the East line of the West 132 feet of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 25; thence, North 00°37'25" East, along said line, a distance of 130.01 feet to a point in the South Right-Of-Way line of Lake Worth Drainage District Canal L-1, according to the lands recorded in Official Record Book 1731, page 612; thence, North 89°52'06" East, along said Southerly Right-Of-Way line, a distance of 826.65 feet to the Point of Beginning. Said property located on the southwest corner of the intersection of Military Trail (S.R. 809) and Okeechobee Boulevard (S.R. 704) in a CG-General Commercial District, was approved as advertised subject to the following condition:

1. Petitioner shall provide either a seventy (70) foot right-of-way for the L.W. D.D. Lateral Canal No. 1 or an approved culvert system with a lesser width right-of-way. Petitioner shall provide the necessary right-of-way either by Easement Agreement or Quit Claim Deed.

Commissioner Foster, moved for approval of the petition.

The motion was seconded by Commissioner Koehler, and upon being put to a vote, the vote was as follows:

Bill Bailey, Chairman	-	Yes
Dennis Koehler, Vice Chairman	-	Yes
Peggy Evatt, Member	-	Absent
Frank Foster, Member	-	Yes
Norman Gregory, Member	-	Yes

The foregoing resolution was declared duly passed and adopted this 8th day of May, 1979, confirming action of 26 April 1979.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Ann Ottaviano*
 Deputy Clerk

APPROVE AS TO FORM
 AND LEGAL SUFFICIENCY

Charles F. ...
 County Attorney

