

ORIGINAL

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 89-118/19
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-90-823
WHICH APPROVED THE SPECIAL EXCEPTION OF
Osiris Ramos
PETITION NO. 89-118 .

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 402.6 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, pursuant to Section 402.6, Status Report CR 89-118/19 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at a public hearing conducted on February 27, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has reviewed Status Report CR 89-118/19 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 402.6 of the Palm Beach County Zoning Code authorizes the Board of County Commissioners, sitting as the Zoning Authority, to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

WHEREAS, Section 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. CR 89-118/19, amending Conditions of Approval of Resolution No. R-90-823, the Special Exception of Osiris Ramos, Petition No. 89-118, which CG-General Commercial Zoning District and granted a Special Exception to permit a commercial new and used, automobile, truck, motorcycle, mobile home, recreational vehicle, sale and rental and repair facilities and lots (auto service and used car sales) on A portion of Tract 74, Block 5, Palm Beach Farms Company Plat No.3 Section 34, Township 43 South, Range 42 East in Plat Book 2, Page 46, lying North of the West Palm Beach Canal, less the right of way for State Road 80., being located on the northeast corner of the intersection of Southern Boulevard (S.R. #80) and Tall Pines Road in a CG-General Commercial Zoning District, is approved, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition number 19 of Resolution number R-90-283 which currently states:

Prior to January 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Tall Pines, 40 feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

is hereby amended as follows:

Prior to April 15, 1992, the property owner shall place in escrow, acceptable to the Office of the Palm Beach County Attorney, a deed conveying to Palm Beach County Land Development Division a road right-of-way warranty deed for Tall Pines Road, 40 feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the county Engineer.

The escrow agreement shall provide that the deed shall remain in escrow pending resolution of Osiris Ramos v. Palm Beach County, Case No. CL 91-13212-AF. If the property owner prevails in Count IV of Case No. CL 91-13212-AF, the deed in escrow shall be returned to the property owner and this condition shall no longer apply. If Palm Beach County prevails in Count IV of the above-styled case, the right-of-way deed shall be released to Palm Beach County for recording. The escrow agreement shall remain in effect during the pendency of any appeal of the above-styled case.

Commissioner Roberts moved for approval of the Resolution.

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

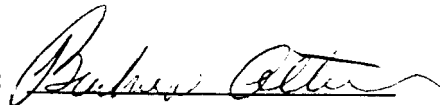
KAREN T. MARCUS, CHAIR	--	Aye
CAROL J. ELMQUIST	--	Aye
CAROL ROBERTS	--	Aye
CAROLE PHILLIPS	--	Aye
MARY MCCARTY	--	Aye
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted **this 28th** day of April, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:



MILTON T. BAUER, CLERK

BY:

