

RESOLUTION NO. R-2004-0727

RESOLUTION CORRECTING RESOLUTION NO. R-2003-1398  
RESOLUTION APPROVING ZONING PETITION OF  
J.P.B. LEMONTREE PLAZA LLC  
PETITION NO. Z/COZ2002-056

WHEREAS, J.P.B. Lemontree Plaza LLC petitioned the Palm Beach County Board of County Commissioners on September 17, 2003 for Official Zoning Map Amendment Rezoning from the Residential Medium Density (RM) Zoning District to the General Commercial Zoning District with a Conditional Overlay Zone (CG/COZ); and

WHEREAS, Resolution No. R-2003-1398 adopted September 17, 2003 confirming the action of the Board of County Commissioners, inadvertently contained an incorrect legal description; and

WHEREAS, the legal description of Resolution No. R-2003-1398 should have read as shown on Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. The legal description of Resolution No. R-2003-1398 is hereby corrected.

Commissioner Newell moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	Aye
Tony Masilotti, Vice Chairman	-	Absent
Jeff Koons	-	Absent
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared the resolution was duly passed and adopted on April 22, 2004.

Filed with the Clerk of the Board of County Commissioners on 17 day of May, 2004.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY


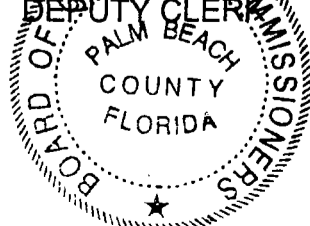
BY:   
DEPUTY CLERK  


EXHIBIT A

LEGAL DESCRIPTION

LOTS 1 THROUGH 9 INCLUSIVE, LESS THE WEST 3.0 FEET THEREOF AND ALL OF LOTS 18 AND 19, ACCORDING TO THE REPLAT OF BERGANTINO ESTATES SUBDIVISION, AS RECORDED IN PLAT BOOK 23, PAGE 193 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

THE FORTY (40) FOOT STRIP CONSTITUTING THE VACATED PORTION OF PARK AVENUE NORTH OF THE ADJOINING SAID LOT NO. ONE (1), WHICH FORTY (40) FOOT STRIP LIES BETWEEN SAID LOT NO. ONE (1) AFORESAID AND THE LAKE WORTH DISTRICT ANAL ADJOINING AND SOUTH OF DILLMAN ROAD, THE ENTIRE PREMISES DESCRIBED IN THIS PARAGRAPH BEING LOCATED ON THE EAST SIDE OF MILITARY TRAIL AND EXTENDING FROM DILLMAN ROAD TO COCOANUT ROAD (EXCEPT OF THE LAKE WORTH DISTRICT CANAL), PALM BEACH COUNTY, FLORIDA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 18 OF SAID REPLAT OF BERGANTINO ESTATES SUBDIVISION; THENCE NORTH 01 DEGREES 28 MINUTES 24 SECONDS EAST ALONG THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF SAID LOT 18, A DISTANCE OF 40.00 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 6; SAID SOUTH RIGHT-OF-WAY LINE BEING 53.00 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE NORTH 88 DEGREES 33 MINUTES 36 SECONDS WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 224.13 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809) AS SHOWN IN ROAD PLAT BOOK 3, PAGES 72 THROUGH 76 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD 809 BEING A CIRCULAR CURVE CONCAVE TO THE EAST AND WHOSE RADIUS POINT BEARS SOUTH 89 DEGREES 46 MINUTES 44 SECONDS EAST FROM SAID INTERSECTION AND SAID CURVE HAVING A RADIUS OF 21,432.94 feet; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00 DEGREES 06 MINUTES 25 SECONDS SUBTENDING AN ARC OF 40.01 FEET ALONG THE SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD 809 TO AN INTERSECTION WITH THE NORTH LINE OF LOT 1 OF SAID REPLAT OF BERGANTINO ESTATES SUBDIVISION; THENCE SOUTH 88 DEGREES 33 MINUTES 36 SECONDS EAST ALONG SAID NORTH LINE OF LOT 1, A DISTANCE OF 223.27 FEET TO THE POINT OF BEGINNING.

EXCEPTING AND LESSING THEREFROM PARCEL NO. 21 AS DESCRIBED IN THAT LIS PENDENS (OFFICIAL RECORD BOOK 4835, PAGE 487) ORDER OF TAKING (OFFICIAL RECORD BOOK 4973, PAGE 574), PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOTS 1-9 INCLUSIVE OF THE REPLAT OF BERGANTINO ESTATES AS RECORDED IN PLAT BOOK 23, PAGE 193, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LOTS 1-9 AS BEING DESCRIBED IN OFFICIAL RECORD BOOK 3101, PAGE 1690, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF STATE ROAD 809 AS SHOWN IN ROAD PLAT BOOK 3, PAGES 72 THROUGH 76, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE NORTHERLY RIGHT-OF-WAY OF PARK AVENUE AS SHOWN ON SAID REPLAT OF BERGANTINO ESTATES AND ABANDONED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY IN DECEMBER OF 1959, SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 809 BEING A CIRCULAR CURVE CONCAVE TO THE EAST AND WHOSE RADIUS POINT BEARS SOUTH 89 DEGREES 46 MINUTES 44 SECONDS EAST FROM SAID POINT OF BEGINNING; RUN THENCE SOUTH 88 DEGREES 33 MINUTES 36 SECONDS EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF PARK AVENUE, A DISTANCE OF 4.94 FEET TO AN INTERSECTION WITH A CIRCULAR CURVE CONCAVE TO THE EAST WHOSE RADIUS

POINT BEARS SOUTH 89 DEGREES 46 MINUTES 44 SECONDS EAST FROM SAID INTERSECTION AND SAID CURVE HAVING A RADIUS OF 21,428.00 FEET AND A CENTRAL ANGLE OF 00 DEGREES 30 MINUTES 01 SECONDS; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 187.14 FEET TO AN INTERSECTION WITH A NON TANGENT LINE BEARING SOUTH 01 DEGREES 09 MINUTES 49 SECONDS WEST AND SAID RADIUS POINT OF SAID CURVE BEARS NORTH 89 DEGREES 19 MINUTES 03 SECONDS EAST FROM SAID INTERSECTION; THENCE SOUTH 01 DEGREES 09 MINUTES 49 SECONDS WEST ALONG SAID NON TANGENT LINE, A DISTANCE OF 99.48 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF COCOANUT ROAD AS SHOWN ON SAID REPLAT OF BERGANTINO ESTATES; THENCE NORTH 88 DEGREES 33 MINUTES 36 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF COCOANUT ROAD, A DISTANCE OF 2.21 FEET TO AN INTERSECTION WITH THE SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 809, SAID EASTERLY RIGHT-OF-WAY LINE BEING A CIRCULAR CURVE CONCAVE TO THE EAST AND WHOSE RADIUS POINT BEARS NORTH 89 DEGREES 27 MINUTES 21 SECONDS EAST FROM SAID INTERSECTION AND SAID CURVE HAVING A RADIUS OF 21,432.94 FEET AND A CENTRAL ANGLE OF 00 DEGREES 45 MINUTES 59 SECONDS; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND ARC DISTANCE OF 286.67 FEET TO THE POINT OF BEGINNING.;

CONTAINING 79,630 SQUARE FEET OR 1.828 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD.

NOTE: BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED BEARING OF SOUTH 88 DEGREES 33 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SECTION 12.