

RESOLUTION NO. R-2009- 0892

RESOLUTION REVOKING SPECIAL EXCEPTION GRANTED
UNDER RESOLUTION R- 1989-0569
(CONTROL NO. 1988-00029)
AFFIRMING THE LEGISLATIVE ABANDONMENT
OF ZONING APPLICATION ABN/DOA-2009-01358

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, Florida Statutes, is authorized and empowered to consider applications related to zoning; and

WHEREAS, Zoning Application SE1988-029 was presented to the Board of County Commissioners at a public hearing conducted on May 27, 1988; and

WHEREAS, Resolution R-1989-0569 approving this application was adopted by the Board of County Commissioners on May 23, 1989; and

WHEREAS, the Board of County Commissioners has determined the request to legislatively abandon the development order, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) meets the requirements contained therein; and

WHEREAS, Zoning Application ABN/DOA 2009-1358 was presented for the abandonment of the development order to the Board of County Commissioners for ratification on May 28, 2009; and

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the Special Exception granted under Resolution R-1989-0956, approving Zoning Application SE1988-029, the application of DSK Associates, to allow an Auto Service Station is hereby abandoned.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
District 7	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on May 28, 2009.

Filed with the Clerk of the Board of County Commissioners on June 16th, 2009

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK  FLORIDA

EXHIBIT A

LEGAL DESCRIPTION

PROPERTY DESCRIPTION:

PARCEL I Lot 1) according to the Plat of SMITHVIEW, as recorded in Plat Book 23, page 112, Public Records of Palm Beach County, Florida

Together with

PARCEL II A parcel of land in the Northeast Quarter of the Northwest Quarter of Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the intersection of the East line of the Plat of MADRID PARK, as recorded in Plat Book 13, page 78, Public Records of Palm Beach County, Florida, with the North line of said Section 29; thence South $88^{\circ}45'36''$ East along the North line of said Section 29 (the North line of, said Section 29 is assumed to bear South $88^{\circ}45'36''$ East and all other bearings are relative thereto) a distance of 293.01 feet to the point of intersection with the northerly extension of the East line of Frank Street as shown on the Plat of Smithview, as recorded in Plat Book 23, page 112, Public Records of Palm Beach County, Florida; thence South $03^{\circ}37'04''$ West along said extension a distance of 15.00 feet to a point on the South right of way line of Okeechobee Boulevard as shown in Road Plat Book 4, page 221, Public Records of Palm Beach County, Florida and the POINT OF BEGINNING of the herein after described parcel of land; thence continue South $03^{\circ}37'04''$ West along the East line of Frank Street a distance of 192.78 feet; thence South $10^{\circ}11'09''$ West a distance of 77.00 feet; thence South $01^{\circ}55'44''$ West a distance of 300.00 feet to the south west corner of Lot 6 of said Plat of Smithview; thence South $88^{\circ}04'16''$ East along the South line of said Lot 6 a distance of 60.00 feet to the south east corner thereof; thence South $01^{\circ}55'44''$ West along the East line of Lot 5 of said Plat of Smithview a distance of 100.00 feet to the south east corner thereof and to a point on the north line of a parcel of land described in Deed Book 931, page 380, Public Records of Palm Beach County, Florida; thence South $88^{\circ}43'36''$ East along the aforementioned north line a distance of 76.46 feet; thence North $01^{\circ}44'54''$ East along the West line of a parcel of land described in Deed Book 861, page 542, Public Records of Palm Beach County, Florida a distance of 84.43 feet; thence South $88^{\circ}45'36''$ East parallel with the North line of said Section 29 a distance of 20.00 feet; thence North $01^{\circ}44'54''$ East parallel with the East line of said plat of Madrid Park a distance of 50.00 feet; thence South $88^{\circ}45'36''$ East parallel with the North line of said Section 29 a distance of 235.00 feet; thence North $01^{\circ}44'54''$ East parallel with the East line of said plat of Madrid Park a distance of 216.00 feet; thence South $88^{\circ}45'36''$ East parallel with the North line of said Section 29 a distance of 98.00 feet; thence North $01^{\circ}44'54''$ East parallel with the East line of said plat of Madrid Park a distance of 124.00 feet; thence North $88^{\circ}45'36''$ West parallel with the North line of said Section 29 a distance of 98.00 feet; thence North $01^{\circ}44'54''$ East parallel with the East line of said plat of Madrid Park a distance of 195.00 feet to a point on the south right of way line of Okeechobee Boulevard; thence North $88^{\circ}45'36''$ West along said right of way line a distance of 372.62 feet to the Point of Beginning.

LESS AND EXCEPT right-of-way for Okeechobee Boulevard as described in Official Record Book 7416, Page 1470, Public Records of Palm Beach County, Florida.

Containing in all 5.352 acres more or less.
Subject to easements and rights-of-way of record.