

RESOLUTION NO. R-2015- 1350

RESOLUTION REVOKING RESOLUTION REQUESTED USE GRANTED
UNDER R-1993-1361
(CONTROL NUMBER 1984-00099)
AFFIRMING THE LEGISLATIVE ABANDONMENT
OF ZONING APPLICATION DOA/R/ABN-2015-00323

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 petitions related to zoning; and

WHEREAS, Zoning Application DOA-1984-99 (E) was presented to the Board of County Commissioners at a public hearing on October 28, 1993; and

WHEREAS, Resolution R-1993-1361 approving this application was adopted by the Board of County Commissioners on October 28, 1993 and

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

WHEREAS, the Zoning Director has legislatively abandoned the development order, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) and

WHEREAS, the Zoning Director presented the abandonment of the development order to the Board of County Commissioners for ratification on September 24, 2015; and

WHEREAS, Article 2.A.1.K (Public Hearing Procedures) of the Palm Beach County Unified Land Development Code (ULDC) 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 Requested Use granted under Resolution R-1993-1361, approving Zoning Application DOA-1984-99 (E), the application of Mission Bay Plaza Association, for a Requested Use to allow Indoor Entertainment is hereby revoked.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Absent
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Absent
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 24, 2015.

Filed with the Clerk of the Board of County Commissioners on 29th day of September
2015

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS
SHARON R BOCK,
CLERK & COMPTROLLER



BY: 
DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

PARCEL 1:

Tracts A and B, MISSION BAY PLAZA, according to the Plat thereof, recorded in Plat Book 49, Pages 160-162, as amended by Surveyor's Affidavit recorded in Official Records Book 4465, Page 1514, Public Records of Palm Beach County Florida.

ALSO, all of the lands which constitute a portion of the 30 foot right-of-way as shown on the Florida Fruit Lands Company's Subdivision No 2 of Section, 13, Township 47 South Range 41 East, which was abandoned per Resolution No. R-64-1932 adopted by the Board of County Commissioners of Palm Beach County as recorded in Official Records Book 4438, Pages 1770-1773, Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the most Northerly Northeast corner of Tract A of the Plat of Mission Bay Plaza, as recorded in Plat Book 49, Pages 160-162, Public Records of Palm Beach County Florida; thence South 00 degrees 51 minutes 43 seconds East, a distance of 560.64 feet; thence South 01 degree 06 minutes 06 seconds West, a distance of 36.68 feet to the Point of Beginning, the last two courses being coincident with the East boundary of Tract A of said Mission Bay Plaza; thence continue South 01 degree 06 minutes 06 seconds West, a distance of 30.01 feet; thence South 89 degrees 47 minutes 02 seconds West, a distance of 1062.72 feet to the West boundary of said Mission Bay Plaza; thence along said West boundary North 12 degrees 51 minutes 43 seconds West, a distance of 30.75 feet; thence North 89 degrees 47 minutes 02 seconds East, a distance of 1070.15 feet to the Point of Beginning.

LESS AND EXCEPTING THEREFROM the following described lands:

A parcel of land within the Plat of MISSION BAY PLAZA, as recorded in Plat Book 49, Pages 160 through 162, inclusive, of the Public Records of Palm Beach County, Florida and being more particularly described as follows:

Commence at the most southerly and the most westerly Southwest corner of said Mission Bay Plaza; thence, North 89 degrees 08 minutes 17 seconds East, a distance of 375.00 feet; thence North 37 degrees 08 minutes 16 seconds East, a distance of 180.00 feet; thence North 89 degrees 08 minutes 17 seconds East, a distance of 2.55 feet to the Point Of Beginning, the last three described courses being coincident with the Southerly boundary of said Mission Bay Plaza; thence North 00 degrees 51 minutes 43 seconds West, a distance of 142.00 feet; thence North 89 degrees 08 minutes 17 seconds East, a distance of 137.45 feet; thence South 00 degrees 51 minutes 43 seconds East, a distance of 142.00 feet; thence South 89 degrees 08 minutes 17 seconds West, a distance of 137.45 feet to the Point Of Beginning, the last two (2) described courses being coincident with the boundary of said Mission Bay Plaza.

PARCEL 2:

Non-exclusive ingress/egress and utility easement for the benefit of Parcel 1 as contained in that certain Easement Deed granted by Mission Bay Development Co., Inc., and Mission Bay Community Association, Inc. to Mission Bay Plaza Associates recorded in Official Records Book 5014, Page 866 over the following described property:

A portion of the Plat of Mission Bay, a P.U.D., as recorded in Plat Book 53, Pages 112-120, inclusive, Public Records of Palm Beach County Florida, being more particularly described as follows:

Commence at the Southwest corner of Mission Bay Plaza, as recorded in Plat Book 49, Pages 160-162, inclusive. Public Records of Palm Beach County, Florida; thence North 89 degrees 08 minutes 17 seconds East along a South line of said Mission Bay Plaza, a distance of 270.00 feet to the Point of Beginning; thence continued North 89 degrees 08 minutes 17 seconds East a distance of 105.00 feet; thence North 37 degrees 08 minutes 16 seconds East, a distance of 24.36 feet; thence South 00 degrees 51 minutes 43 seconds East a distance of 142.20 feet; thence South 83 degrees 25 minutes 39 seconds West, a distance of 120.60 feet; thence North 00 degrees 51 minutes 43 seconds West, a distance of 135.00 feet to the Point of Beginning.