

RESOLUTION NO. R-2022- 0040

RESOLUTION REVOKING RESOLUTION R-2017-0698
(CONTROL NUMBER 2008-00421)
AFFIRMING THE LEGISLATIVE ABANDONMENT
OF ZONING APPLICATION ZV/ABN/DOA-2021-01341

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;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application SV/DOA/R-2015-01464 was presented to the Board of County Commissioners at a public hearing on May 25, 2017;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, Resolution R-2017-0698 was adopted by the Board of County Commissioners on May 25, 2017;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the 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 Resolution R-2017-0698 approving Zoning Application SV/DOA/R-2015-01464 the application of Mazzoni William Trs, M&M Reality Partner's at Hagen Ranch LLC- Jack Morris, by Urban Design Kilday Studios, Agent, for a Requested Use to allow a Type I Restaurant with Drive-through is hereby revoked.

Commissioner Sachs moved for the approval of the Resolution.

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

- | | |
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| Commissioner Robert S. Weinroth, Mayor | - Aye |
| Commissioner Gregg K. Weiss, Vice Mayor | - Aye |
| Commissioner Maria G. Marino | - Aye |
| Commissioner Dave Kerner | - Absent |
| Commissioner Maria Sachs | - Aye |
| Commissioner Melissa McKinlay | - Aye |
| Commissioner Mack Bernard | - Aye |

The Mayor thereupon declared that the resolution was duly passed and adopted on January 27, 2022.

Filed with the Clerk of the Board of County Commissioners on January 31st, 2022.

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

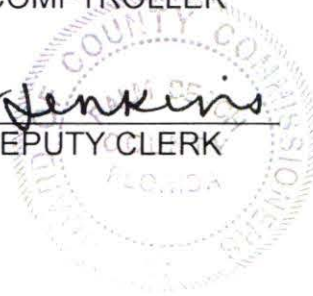


EXHIBIT A

LEGAL DESCRIPTION

TRACTS 103, 104, AND THAT PORTION OF THE 30 FOOT ROAD RIGHT-OF-WAY LYING WEST OF TRACT 104, BLOCK 49, THE PALM BEACH FARMS CO. PLAT NO. 3, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 30 FEET OF TRACTS 103 AND 104 AND LESS THE RIGHT-OF-WAY FOR BOYNTON BEACH BOULEVARD (STATE ROAD NO. 804), AS DESCRIBED IN OFFICIAL RECORD BOOK 6366, PAGE 721 AND OFFICIAL RECORD BOOK 6690, PAGE 1384, AND LESS THAT PORTION OF TRACTS 103 AND 104, DESCRIBED AS FOLLOWS IN PARCELS A AND C:

PARCEL OF LAND IN TRACTS 103 AND 104, BLOCK 49, OF THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT "S" OF PALM ISLES, A P.U.D., AS RECORDED IN PLAT BOOK 67, PAGES 116 THRU 127, INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ON A GRID BEARING OF S 00° 56' 17" E, ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT "S", A DISTANCE OF 1.00 FOOT; THENCE S 89° 03' 17" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF WEST BOYNTON BEACH BOULEVARD, A DISTANCE OF 174.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 89° 03' 17" W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 484.51 FEET TO THE WEST LINE OF SAID TRACT 104; THENCE N 00° 56' 17" W, ALONG SAID WEST LINE, A DISTANCE OF 565.12 FEET TO THE NORTHWEST COMER OF SAID TRACT; THENCE N 89° 03' 43" E, ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 31.91 FEET; THENCE S 02° 52' 10" E, A DISTANCE OF 225.24 FEET TO A LINE 39.50 FEET EAST OF AND PARALLEL WITH THE SAID WEST LINE OF TRACT 104; THENCE S 00° 56' 17" E, ALONG SAID PARALLEL LINE, A DISTANCE OF 287.99 FEET; THENCE S 45° 56' 30" E, A DISTANCE OF 56.57 FEET TO A LINE 12.00 FEET NORTH OF AND PARALLEL WITH THE SAID NORTH RIGHT-OF-WAY LINE OF WEST BOYNTON BEACH BOULEVARD; THENCE N 89° 03' 17" E, ALONG SAID PARALLEL LINE A DISTANCE OF 355.74 FEET; THENCE S 77° 15' 17" E, A DISTANCE OF 50.70 FEET TO THE POINT OF BEGINNING; TOGETHER WITH PARCEL C, DESCRIBED AS FOLLOWS:

PARCEL C:

A STRIP OF LAND 30.00 FEET IN WIDTH FOR ROAD RIGHT-OF-WAY PURPOSES BEING A PORTION OF THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, PALM BEACH COUNTY PUBLIC RECORDS, SITUATE IN SECTION 21, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE 30.00 FOOT ROAD RIGHT-OF-WAY LYING BETWEEN TRACTS 104 AND 105, BLOCK 49, AS SHOWN ON THE PLAT OF THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE SOUTH 95.00 FEET THEREOF.

(THE ABOVE DESCRIBED PARCEL C BEING A PART OF THE LAND DEEDED TO WILLIAM MAZZONI BY QUIT CLAIM DEED RECORDED IN BOOK 8746, PAGE 534, AND PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.)

ADDITIONALLY LESS ADDITIONAL RIGHT-OF-WAY FOR BOYNTON BEACH BOULEVARD AND HAGEN RANCH ROAD

ALSO KNOWN AS

A PORTION OF TRACTS 103 AND 104, BLOCK 49, PALM BEACH FARMS COMPANY PLAT NO. 3, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF TRACT "S" OF PALM ISLES, A P.U.D., AS RECORDED IN PLAT BOOK 67, PAGES 116 THRU 127 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ON A GRID BEARING OF N.00°56'17"W., ALONG THE WEST LINE OF SAID TRACT "S", A DISTANCE OF 564.00 FEET TO THE SOUTHEAST CORNER OF PALM ISLES WEST, AS RECORDED IN PLAT BOOK 75, PAGES 83 THROUGH 87 OF SAID PUBLIC RECORDS; THENCE S89°03'43"W ALONG THE SOUTH LINE OF TRACT H OF SAID PALM ISLES WEST, A DISTANCE OF 627.50 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 8898, PAGE 220 OF SAID PUBLIC RECORDS; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES AND DISTANCES; THENCE S02°52'10"E, A DISTANCE OF 225.24 FEET; THENCE S00°56'17"E, A DISTANCE OF 287.99 FEET; THENCE S45°56'30"E, A DISTANCE OF 56.57 FEET; THENCE N89°03'17"E ALONG THE NORTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD, AS RECORDED IN SAID OFFICIAL RECORD BOOK 8898, PAGE 220 OF SAID PUBLIC RECORDS, A DISTANCE OF 355.74 FEET; THENCE S77°21'43"E ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 50.98 FEET; THENCE N89°03'17"E ALONG THE NORTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD, AS RECORDED IN OFFICIAL RECORD BOOK 6690, PAGE 1384

OF SAID PUBLIC RECORDS, A DISTANCE OF 174.63 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY PROLONGATION OF AFORESAID WEST LINE OF TRACT S; THENCE N00°56'17"W ALONG SAID PROLONGATION, A DISTANCE OF 1.00 FEET TO THE POINT OF BEGINNING.
SAID LANDS LYING IN SECTION 21, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.
CONTAINING 345,304 SQUARE FEET/7.9271 ACRES, MORE OR LESS.