

RESOLUTION NO. R-98- 1114

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 83-161C.2
TO **AMEND** CONDITIONS OF APPROVAL OF RESOLUTION NO. R-95-711
WHICH APPROVED THE SPECIAL EXCEPTION OF
RICHARD E. AND MARY LEE BASTIN
PETITION NO. 83-161C

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 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 83-161C.2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on July 23, 1998; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 83-161C.2 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The development order amendment is consistent the Palm Beach County Comprehensive Plan.
2. The development order amendment is consistent with the Palm Beach County Unified Land Development Code.
3. The Palm Beach County Engineering and Public Works Department has determined that the drainage easement required by Condition Number E.2.C. is no longer needed.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the 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 recommendation of Status Report No. CR 83-161C.2, to amend Conditions of Approval of Resolution No. R-95-711, the petition of Richard E. and Mary Lee Bastin, Petition No. 83-161C, which approved a Development Order Amendment on a parcel of land legally described as follows:

PARCEL A:

Parcel 1: The South **200** feet of the North **215** feet of the East Quarter of the Northeast Quarter of the Northeast Quarter of Section **25**, Township **43** South, Range **42** East, Palm Beach County, **Florida**, subject, however, to an easement along the East 15 feet thereof, which is expressly reserved for rights of ingress and egress to adjoining lands; LESS the North **10** feet thereof **as** conveyed in Official Records Book **4386**, Page **1557**.

Parcel **2**: The South **200** feet of the North **215** feet of the West Half of the East Half of the East Half of the Northeast Quarter of the Northeast Quarter of Section **25**, Township **43** South, Range **42**, Palm Beach County, Florida; subject to an easement along the West 15 feet thereof, which is expressly reserved for rights of ingress and egress to adjoining lands; LESS the North **10** feet thereof as conveyed in Official Records Book **4386**, Page **1557**.

PARCEL B:

The East 1/8th of the Northeast Quarter of Northeast Quarter of Section 25, Township **43** South, Range **42** East, LESS the North **215** feet thereof and LESS the South **660** feet thereof in Palm Beach County, Florida.

PARCEL C:

The West Half of the East Quarter of the Northeast Quarter of the Northeast Quarter, LESS the South 660 feet thereof and **LESS** the North **215** feet thereof all in Section **25**, Township **43** South, Range **42** East.

PARCEL D:

The West Half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section **25**, Township **43** South, Range **42** East, Palm Beach County, Florida, LESS the West 200 feet, also LESS the North **15** feet; **EXCEPTING THEREFROM** that certain parcel of land previously conveyed by the party of the first part to The Firestone Tire and Rubber Company, an Ohio corporation, by date of May 10, **1972**, and recorded in Official Records Book 2013, Page **654**, Public Records of Palm Beach County, and further excepting the West **10** feet thereof as conveyed in Official Records Book **4386**, Page **1559**, being located on the southeast corner of the intersection of Okeechobee Boulevard and Indian Road, approximately 0.2 of a mile north of Westgate Avenue, within the Westgate Community Redevelopment Overlay District in the CG-General Commercial Zoning District, **is** approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition Number E.2.c. of Resolution R-95-711 which currently states:

Within **90** days of approval, the property owner shall convey a drainage easement along the ~~est~~ property line to **Palm** Beach County **as** required by the county Engineer in accordance with the proposed Westgate **Areawide** Drainage Improvements Program for purposes of providing a piped legal positive outfall to serve the adjacent properties. The petitioner shall also be responsible for all costs incurred with the piping of this easement. **Palm** Beach County shall permit the petitioner the **use** of **this** easement for required parking purposes and the required ten (10) foot wide landscape

strip. (Previously Condition 2 of Resolution 84-358, Petition No. 83-161.)
(ENGINEERING).

Is hereby deleted

Commissioner Newell moved for approval of the Resolution.

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

BURT AARONSON, CHAIRMAN	—	Aye
MAUDE FORD LEE, VICE CHAIR	—	Aye
KEN FOSTER	—	Absent
KAREN T. MARCUS	—	Aye
MARY MCCARTY	—	Absent
WARREN H. NEWELL	—	Aye
CAROL ROBERTS	—	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 23 day of
July, 1998.

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

