

RESOLUTION NO. R-2019- 0253

RESOLUTION REVOKING RESOLUTION R-2017-0693  
(CONTROL NUMBER 2004-00459)  
AFFIRMING THE LEGISLATIVE ABANDONMENT  
OF ZONING APPLICATION ZV/ABN/DOA-2018-01725

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, Supplement 23, have been satisfied;

WHEREAS, Zoning Application ZV/ABN/DOA-2018-01725 was presented to the Board of County Commissioners at a public hearing on February 28, 2019;

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-2017-0693 was adopted by the Board of County Commissioners on June 8, 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 2017-0693, approving Zoning Application ZV/PDD/R-2016-00845 the application of W95 Glades, Glades W95 LLC, Daniel Johns, by Wantman Group Inc., Agent, for a Requested Use to allow a Type I Restaurant with Drive-through (Building C-6) is hereby revoked.

Commissioner Weinroth 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:

Commissioner Mack Bernard, Mayor	- Aye
Commissioner Dave Kerner, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Robert S. Weinroth	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Melissa McKinlay	- Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on February 28, 2019.

Filed with the Clerk of the Board of County Commissioners on March 25th, 2019

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

DESCRIPTION: (OVERALL PROPERTY SURVEYED)

#### PARCEL A

TRACTS 105, 106, 107, 108, 117 AND 120, AND THE EAST 51 FEET OF TRACTS 109 AND 116, BLOCK 77 OF PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE LAND CONVEYED TO THE COUNTY OF PALM BEACH BY THE RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 57, PAGE 330 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE LAND CONVEYED TO THE STATE OF FLORIDA, FOR THE USE AND BENEFIT OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, BY THE DEEDS RECORDED IN OFFICIAL RECORDS BOOK 6782, PAGE 1185 AND OFFICIAL RECORDS BOOK 6782, PAGE 1187, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT ANY PORTION OF SAID LAND CONVEYED TO EZON INVESTMENT COMPANY BY THE WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 6912, PAGE 863 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE LAND VESTED IN PALM BEACH COUNTY BY THE ORDER OF TAKING ON PLAINTIFF'S PETITION RECORDED IN OFFICIAL RECORDS BOOK 9830, PAGE 702 AND THE AMENDED ORDER OF TAKING ON PLAINTIFF'S PETITION RECORDED IN OFFICIAL RECORDS BOOK 9840, PAGE 984, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

#### PARCEL B

TRACTS 118 AND 119, BLOCK 77 OF PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

#### PARCEL C

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF A PORTION OF PARCEL A DESCRIBED ABOVE, CREATED BY AND MORE PARTICULARLY DESCRIBED IN THE ACCESS EASEMENT BETWEEN EZON INVESTMENT COMPANY AND YOLAND ELIZABETH SPRATT RINGGER, ET AL., RECORDED IN OFFICIAL RECORDS BOOK 6919, PAGE 326 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

#### PARCELS A AND B ALSO KNOWN AS

A PORTION OF TRACTS 105, 106, 107, 108, 109, 116, 117, 118, 119 AND 120, BLOCK 77, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTIONS 18 AND 19, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT A-1, FESTIVAL SHOPPES OF BOCA RATON REPLAT ONE, AS RECORDED IN PLAT BOOK 120, PAGES 9 THROUGH 12 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.00°50'59"W. ALONG THE EAST LINE OF SAID FESTIVAL SHOPPES OF BOCA RATON, AND THE EAST LINE OF FESTIVAL SHOPPES OF BOCA RATON, AS RECORDED IN PLAT BOOK 69, PAGES 172 THROUGH 174 OF SAID PUBLIC RECORDS, A DISTANCE OF 1275.30 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 808 (GLADES ROAD), AS RECORDED IN OFFICIAL RECORD BOOK 6782, PAGE 1185 OF SAID PUBLIC RECORDS; THENCE N.89°37'59"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE, AS RECORDED IN OFFICIAL RECORD BOOK 6782, PAGE 1185, AND OFFICIAL RECORD BOOK 6782, PAGE 1187 OF SAID PUBLIC RECORDS, A DISTANCE OF 1303.02 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF 95TH AVENUE SOUTH, AS RECORDED IN OFFICIAL RECORD BOOK 12092, PAGE 211 OF SAID PUBLIC RECORDS; THENCE S.00°22'01"E. ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1275.25 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 120; THENCE S.89°37'59"W. ALONG THE SOUTH LINE OF SAID TRACTS 116 THROUGH 120, A DISTANCE OF 1292.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,654,834 SQUARE FEET/37.9898 ACRES MORE OR LESS