

RESOLUTION NO. R-1830

RESOLUTION APPROVING ZONING PETITION 83-17(A), Modification

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, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 83-17(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 26th of July 1984; and

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 and the recommendations of the Planning Commission; and

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

1. The proposal is consistent with the Comprehensive Plan and Zoning Code requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 26th of July 1984, that Petition No. 83-17(A) the petition of SOUTH FLORIDA TROTTER CENTER, INC., By David S. Pressly, Attorney, to MODIFY THE FOLLOWING 'SPECIAL CONDITIONS PLACED ON ZONING PETITION NO. 83-17 APPROVED MAY 24, 1983:

CONDITION NO. 2 STATES:

The property owner shall dedicate the North 40.00 feet of Tracts 17, 18, 19 & 20, Block 44, Palm Beach Farms Company Plat No. 3, for the right-of-way for Canal S-8 according to the maps on file in the Clerk of the Circuit Court's Office. All rights-of-way can be by Quit Claim Deed or Easement (on our form), whichever the owner prefers. All rights-of-way must be unencumbered.

REQUEST: MODIFY CONDITION NO. 2 TO READ:

The property owner shall dedicate the North 40.00 feet of Tracts 17,

18, 19 & 20, Block 44, Palm Beach Farms Company Plat No. 3, for the right-of-way for Canal S-8 according to the maps on file in the Clerk of the Circuit Court's office. All rights-of-way can be by Quit Claim Deed or Easement (on our form), whichever the owner prefers. The right-of-way may be encumbered by that certain Mortgage from Palm Beach Trotting Center, Inc., as Mortgagor, to Domenic Mirabile, Trustee, as Mortgagee, recorded in Official Record Book 3481, Page 1515, in the Public Records of Palm Beach County, Florida, but such Mortgage shall be satisfied as per Condition No. 5 below.

CONDITION NO. 5 STATES:

The property owner shall convey to Palm Beach County, within ninety (90) days of Special Exception approval, 240 feet west of the Base Line Survey according to Road Book 1, Page 39 for the ultimate right-of-way for S.R. 7 (approximately an additional 165 feet of right-of-way).

All rights-of-way must be unencumbered.

REQUEST: MODIFY CONDITION NO. 5 TO READ:

The property owner shall convey to Palm Beach County, within ninety (90) days of Special Exception approval, 240 feet west of the Base Line Survey according to Road Book 1, Page 39, for the ultimate right-of-way for S.R. 7 (approximately an additional 165 feet of right-of-way). The right-of-way may be encumbered by that certain Mortgage from Palm Beach Trotting Center, Inc., as Mortgagor, to Domenic Mirabile, Trustee, as Mortgagee, recorded in Official Record Book 3481, Page 1515, in the Public Records of Palm Beach County, Florida, but such Mortgage shall be satisfied at such time as the County commences expansion of S.R. 7 over the subject right-of-way.

Said property located on the Southwest corner of the intersection of U.S. 441 (S.R. 7) and 75th Street South was approved as advertised subject to the following conditions:

No. 2 - The property owner shall dedicate the North 40.00 feet of Tracts 17, 18, 19 & 20, Block 44, Palm Beach Farms Co. Plat No. 3, for the right-of-way for Canal S-8 according to the maps on file in the Clerk of the Circuit Court's office. All rights-of-way can be by Quit Claim Deed or Easement (on our form), whichever the owner prefers. The right-of-way may be encumbered by that certain Mortgage from Palm Beach Trotting Center, Inc., as Mortgagor, to Domenic Mirabile, Trustee, as Mortgagee, recorded in Official Records Book 3481, Page 1515, in the Public Records of Palm Beach County, Florida, but such Mortgage shall be satisfied as per Condition No. 5 below.

No. 5 - The property owner shall convey to Palm Beach County, within

(90) days of Special Exception approval, 240 feet west of the Base Line Survey according to Road Book 1, Page 39, for the ultimate right-of-way for S.R. 7 (approximately an additional 165 feet of right-of-way). The right-of-way may be encumbered by that certain Mortgage from Palm Beach Trotting Center, Inc., as Mortgagor, to Domenic Mirabile, Trustee, as Mortgagee, recorded in Official Records Book 3481, page 1515, in the Public Records of Palm Beach County, Florida, but such Mortgage shall be satisfied at such time as the County Engineer requires. The property owner shall post a bond or letter of credit, in the amount of the mortgage, to be called by the County upon 30 days notice, to satisfy this condition.

Commissioner Bailey, moved for approval of the petition. The motion was seconded by Commissioner Koehler, and upon being put to a vote, the vote was as follows:

Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of DEC 11 1984, confirming action of the 26th of July 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Donna McWilliam
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Franky Adams
County Attorney

