

RESOLUTION NO. R-74-769 -E

RESOLUTION APPROVING ZONING PETITION

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and Chapter 70-863, Laws of Florida, Special Acts of 1970, 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. 74-149 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 September 1974.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 26th day of September, 1974, that petition No. 74-149, the petition of SAL S. AND FRANCES R. BUCK for the REZONING, FROM CN-NEIGHBORHOOD COMMERCIAL DISTRICT IN PART AND RM-RESIDENTIAL MULTIPLE FAMILY DISTRICT (MEDIUM DENSITY) IN PART TO CG-GENERAL COMMERCIAL DISTRICT AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A FOOD STORE WITH PETROLEUM FACILITIES on a parcel of land beginning at the Northwest corner of Tract 17, Section 19, Township 44 South, Range 43 East, of the Frank Swan Subdivision of Section 19, as recorded in Plat Book 6, page 66; thence Easterly along the North line of Tract 17, a distance of 25 feet to the Point of Beginning; thence Southerly parallel to the West line of Tract 17, a distance of 352 feet; thence Easterly, parallel to the North line of Tract 17, a distance of 134 feet; thence Northerly, parallel with the West line of Tract 17,

a distance of 592 feet; thence westerly a distance of 134 feet to the Point of Beginning; less the following parcel: beginning at the Northwest corner of Tract 17 according to the Plat of Swan's Subdivision of Section 19, Township 44 South, Range 43 East as recorded in Plat Book 6, page 66, run Easterly 25 feet to a point in the East right-of-way line of Kirk Road as now laid out and in use; thence run Southerly along said right-of-way line a distance of 21.14 feet; thence run South 88° 12' 26" East a distance of 134.01 feet to a point in the East boundary line of the East 134 feet of the West 159 feet of said Tract 17; thence run Northerly along said East line a distance of 19.94 feet to a point; thence run North 87° 38' 59" West a distance of 134 feet to the Point of Beginning. Said property located at the southeast corner of Tenth Avenue North and Kirk Road, was approved as advertised, subject to the following special conditions:

- 1) Prior to the issuance of any building permits the developer shall convey to Palm Beach County the additional rightofway required to provide for fifty-four (54) feet of right-of-way from the centerline of Tenth Avenue North;
- 2) The approval for the Gas Pumps shall become null and void if a variance of the required setbacks is denied by the Palm Beach County Board of Adjustment.

The foregoing resolution was offered by Commissioner Johnson who moved its adoption. The motion was seconded by Commissioner Weaver, and upon being put to a vote, the vote was as follows:

Robert F. Culpepper	- Yes
Lake Lytal	- Yes
E. W. Weaver	- Yes
Robert C. Johnson	- Yes
George V. Warren	- Yes

The Chairman thereupon declared the resolution duly passed and adopted this 22nd day of October, 1974, confirming action of 26 September 1974.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, Clerk

By Mary J. Wilkerson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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