

RESOLUTION NO. 38-05-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CONDITION NO. 2 OF RESOLUTION NO. 43-07-04 DATED AUGUST 4, 2004, TO PROVIDE A SIX MONTH EXTENSION OF TIME UNTIL FEBRUARY 4, 2008 BY WHICH EARL STEWART TOYOTA MUST OBTAIN ALL AMENDMENTS TO THE TOWN'S COMPREHENSIVE LAND USE PLAN AND THE TOWN'S LAND DEVELOPMENT REGULATIONS THAT ARE NECESSARY FOR THE EXPANSION OF THE EXISTING COMMERCIAL PLANNED UNIT DEVELOPMENT (AUTOMOTIVE DEALERSHIP) TO INCLUDE THE PROPERTY CURRENTLY OCCUPIED BY THE JOURNEY'S INN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park ("Town"), is the owner of certain real property which is currently used as a public road right-of-way, known as East Jasmine Drive, the legal description of which is attached hereto and incorporated herein as **Exhibit "A"** (the "subject property"); and

WHEREAS, the Earl Stewart Toyota Automobile dealership ("Applicant") is the owner of real property consisting of a commercial planned unit development ("PUD") with an automobile dealership use, which PUD is adjacent to and immediately north of the subject property; and

WHEREAS, in 2004 the Town Commission adopted Resolution No. 43-07-04, which provided for the abandonment of the subject property upon the fulfillment of three conditions of approval, and

WHEREAS, subsequent to the adoption of Resolution No. 43-07-04, the Applicant acquired the real property, which is adjacent to and immediately south of the subject property, now known as Journey's Inn, which will facilitate the expansion of the Applicant's dealership, including the abandoned subject property; and

WHEREAS, due to circumstances beyond the control of the Applicant involving the Town's Comprehensive Plan, it is unlikely that the Applicant can fulfill the requirements of Condition No. 2 of Resolution No. 43-07-04 within the required three year time period (August 4, 2007); and

WHEREAS, Gentile, Holloway, O'Mahoney, as the agent for the Applicant, has submitted a request for extension of time to fulfill the requirements of Condition No. 2 of Resolution No. 43-07-04, and

WHEREAS, Town staff has reviewed the Applicant's request and has recommended approval of a one-time six (6) month time extension and the amendment to Condition No. 2 of Resolution No. 43-07-04 to reflect the extension of time until February 4, 2008.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1: The whereas clauses are incorporated herein as true and correct findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby amends Condition No. 2 of Resolution No. 43-07-04 to read as follows:

2. The Applicant (Stewart) shall obtain any and all appropriate amendments to the Town's Comprehensive Plan and land development regulations such that the subject property and the Journey's Inn property can be operated as an automobile dealership on or before February 4, 2008. ~~within three years from the effective date of this Resolution.~~

Section 3. This Resolution shall become effective upon adoption.

The foregoing Resolution was offered by Commissioner Balius, who moved its adoption. The motion was seconded by Vice-Mayor Daly, and upon being put to a roll call vote, the vote was as follows:

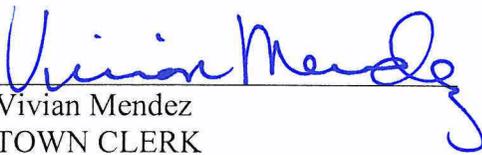
	AYE	NAY
MAYOR PAUL W. CASTRO	<u>X</u>	___
VICE-MAYOR ED DALY	<u>X</u>	___
COMMISSIONER CHUCK BALIUS	<u>X</u>	___
COMMISSIONER JEFF CAREY	<u>X</u>	___
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	___

The Town Commission thereupon declared the foregoing Resolution NO. 38-05-07 duly passed and adopted this 2 day of May, 2007.

TOWN OF LAKE PARK, FLORIDA

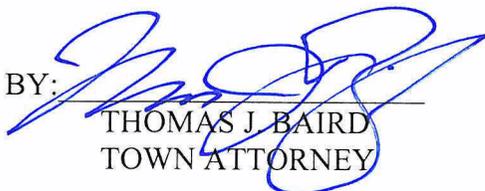
BY: 
PAUL W. CASTRO
MAYOR

ATTEST:


Vivian Mendez
TOWN CLERK

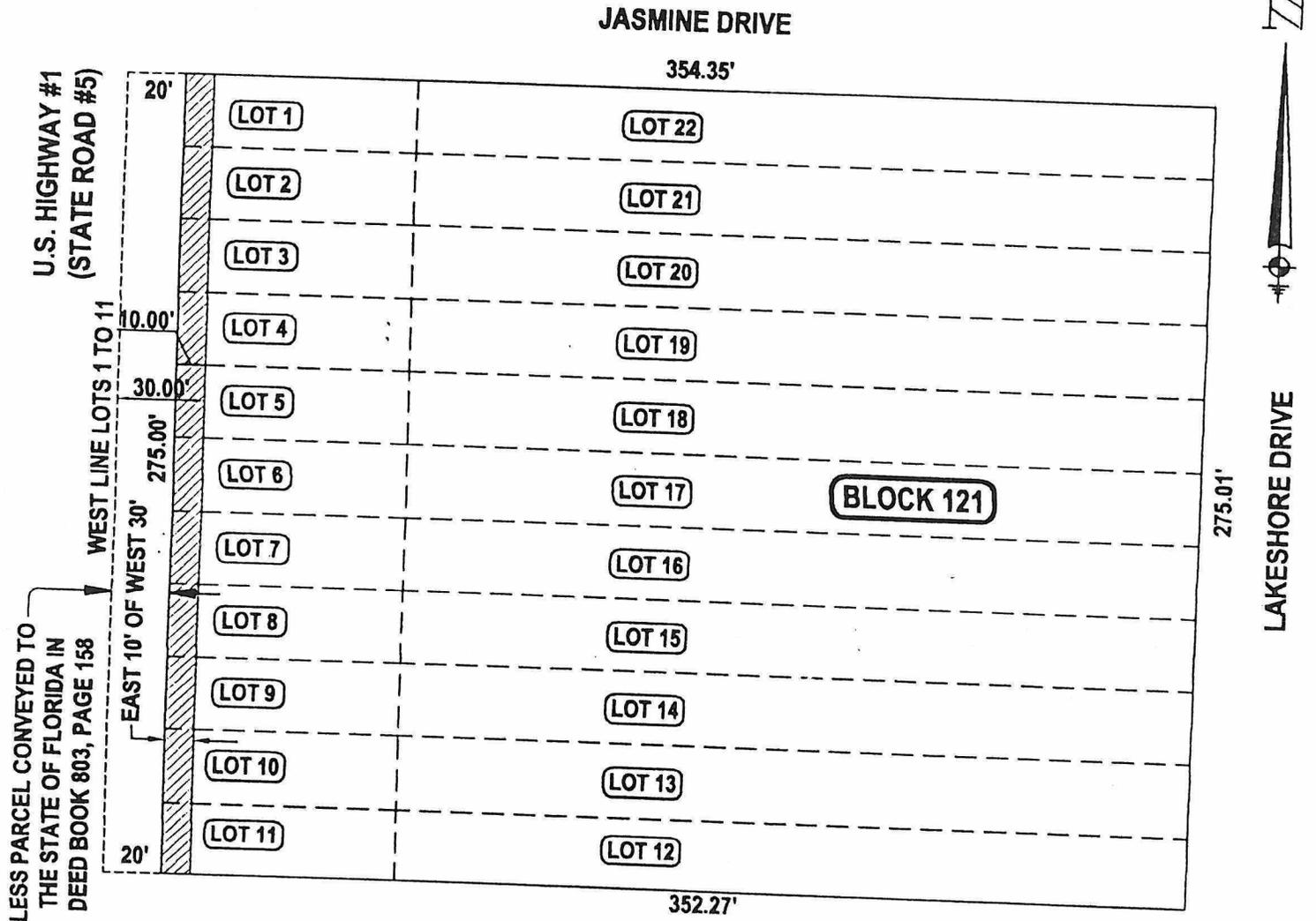


Approved as to form and legal sufficiency:

BY: 
THOMAS J. BAIRD
TOWN ATTORNEY

LEGAL DESCRIPTION (proposed Bellsouth Easement)

The East 10 feet of the West 30 of Lots 1 through 11, inclusive, Block 121, KELSEY CITY, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, at Plat Book 8, Pages 15 and 35. (KELSEY CITY IS NOW KNOWN AS LAKE PARK)



U.S. HIGHWAY #1
(STATE ROAD #5)

WEST LINE LOTS 1 TO 11

EAST 10' OF WEST 30'

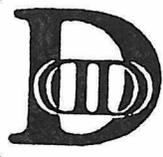
LESS PARCEL CONVEYED TO THE STATE OF FLORIDA IN DEED BOOK 803, PAGE 158

EAST INLEX DRIVE

THIS SKETCH IS NOT A SURVEY

Donald D. Daniels

SHEET 1 OF 1



THIS INSTRUMENT WAS PREPARED BY:
 IN THE OFFICES OF DONALD D. DANIELS, INC.
 FLORIDA CERTIFICATE L.B. NO. 4165
 725 NORTH A1A SUITE C111
 JUPITER, FL 33477 PHONE (561) 747-9894

DONALD D. DANIELS
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA CERTIFICATE NO. 2608

SCALE: 1"=60'
 DWG. NUMBER: 95-147.7
 DATE: JUNE 18, 2004