

RESOLUTION NO. 53-12-10

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE FOR BOAT SALES AND SERVICE FOR AL'S YAMAHA SALES & SERVICE INC., WITHIN A 5,500 SQUARE FOOT ENCLOSED BUILDING LOCATED AT 110 10TH STREET IN THE C-2 COMMERCIAL ZONING DISTRICT.

WHEREAS, the Frederick M. Dahlmeier Trust , is the owner (the "Owner") of a ± 0.42 acre parcel of real property located in the C-2 business zoning district in the Town of Lake Park, Florida (the "Town"), the legal description of which is attached hereto and incorporated herein as **Exhibit "A"** (the "subject property"); and

WHEREAS, Al's Yamaha Sales & Service, Inc., would be the tenant of the subject property; and

WHEREAS, Al's Yamaha Sales & Service, Inc., (the "Applicant") has submitted an application for a special exception use for a boat sales and service facility (the "Application") within a 5,500 square foot enclosed building on the subject property; and

WHEREAS, Town Code Section 78-72 allows for "boat sales & service" as a special exception use in the C-2 zoning district; and

WHEREAS, the Town Commission conducted a quasi-judicial hearing on December 15, 2010 to consider the Application; and

WHEREAS, at this hearing the Town Commission considered the evidence presented by the Town Staff, the Owner, the Applicant, and other interested parties and members of the public as to the Application's consistency with the Town's Comprehensive Plan, and whether it meets the Town's Land Development Regulations; and

WHEREAS, at this hearing, the Town Commission considered the evidence presented by the Town Staff, the Owner, the Applicant, and other interested parties and members of the public regarding whether the Application meets the special exception criteria of Section 78-184 of the Town Code; and

WHEREAS, the Town Commission has received and considered the recommendations of the Town staff, and has otherwise been fully informed regarding this matter.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AS FOLLOWS:

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

Section 2. The Town Commission having determined that the Application for a Special Exception for a 5,500 square foot boat sales & service facility located within an enclosed building at 110 10th Street meets the special exception criteria of Section 78-184 of the Town Code, the special exception use is hereby granted.

Section 3. This Resolution shall take effect immediately upon adoption.

Exhibit "A" – Legal Description.

Exhibit "A" – Legal Description
110 10th Street, Lake Park, Florida 33403

KELSEY CITY LTS 20 TO 24 INC BLK 45



THE TOWN OF LAKE PARK
Community Development Department

115 Federal Hwy
Lake Park, FL 33403

APPLICATION FOR SPECIAL EXCEPTION REVIEW

Name of Applicant/Agent: AL's YAMAHA Sales + Service

Address: 110 10th Street

Telephone: 561-844-6668 Fax: 561-881-7903

E-mail address: ALS YAMAHA OUTBOARDS @ YAHOO.com

Owner Agent (Attach Agent Authorization Form)

Owner's Name (if not applicant): Frederick M. Dahlmeier

Address: 760 US Hwy One North Palm Beach, FL 33408

Telephone: 561-848-2200 Fax: 561-691-1901

E-Mail address: fdahlmeier@bellsouth.net

Property Location: 110 10th STREET LAKE PARK, FL 33403

Legal Description: Lots 20-24, BIK 45 Kelsey City

Property Control Number: 36-43-42-20-01-045-0200

Future Land Use: _____ Zoning: _____

Acreeage: 17,500 ft² Square Footage of Use: 5500

Proposed Use: _____

Adjacent Property

Direction	Zoning	Business Name	Use
North	C2		Commercial
East	C2		"
South	Pineia Beach (Commercial)		"
West	Railroad Tracks		"

Community

DEC - 8 2010

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SPECIAL EXCEPTION

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

Personally appeared before me, Notary Public, Frederick M. Dahlmeier, of the County of Palm Beach and State of Florida, the undersigned, who is duly sworn, deposes and says:

1. This Affidavit is made, executed and sworn to, by

Affiant.


2. Affiant is a resident of Palm Beach County, Florida; over the age of 18 years.

3. Affiant owns the following described property in said County: Commercial warehouse facility at 110 10th Street, Lake Park, Florida, 33403 TIN:36-43-42-20-01-045-0200 (the "Premises").

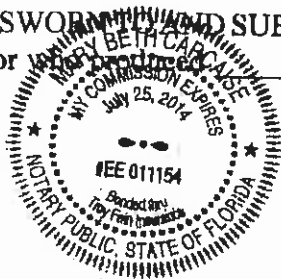
4. Affiant acquired the Premises by way of Warranty Deed recored in Official Record Book 4784, page 87 of the public records of Palm Beach County, Florida; a copy of said deed is attached hereto as Exhibit A.

5. Affiant authorizes Al's Yamaha Sales & Service, Inc., a Florida Corporation, the tenant of the Premises, to act as Agent for Affiant with respect to an Application for Special Exception with the Town of Lake Park with respect to the Premises.

FURTHER AFFIANT SAYETH NOT.


FREDERICK M. DAHLMEIER

SWORN TO AND SUBSCRIBED before me by Frederick M. Dahlmeier, who is personally known by me or who produced _____ as identification on this 8th day of November, 2010.



Mary Beth Carcaise
1 Mary Beth Carcaise

1856

WARRANTY DEED
MAY BE TO INTEREST

This Warranty Deed Made the 3rd day of February 1986 by

Robert Needle, a married person, and Michael Barry, a married person

hereinafter called the grantor.

Frederick M. Dahlmeier, Trustee

whose principal address is 2001 Broadway, #601, Riviera Beach, Florida 33404
hereinafter called the grantor.

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10,000 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, conveys, releases, remises, releases, remises and confers unto the grantee, all that certain land situated in Palm Beach County, Florida, to-wit:

Lots 20 through 24, Block 45, LAKE PARK (formerly Kelsey City), according to the Plat thereof, recorded in Plat Book 8, Page 27, Public Records of Palm Beach County, Florida.

SUBJECT to mortgage executed by Michael Barry and Robert Needle, member of Sunrise Savings and Loan Association of Florida, Inc., dated December 30, 1983 and filed January 6, 1984 in Official Records Book 4128, Page 288, as modified by Note and Modification Agreement filed July 2, 1984 in Official Records Book 4285, Page 260 and further modified by Mortgage and Modification Agreement filed October 3, 1984 in Official Records Book 4363, Page 947, Public Records of Palm Beach County, Florida, original principal amount of \$ 157,500.00.

Grantors herein affirm that subject property is not their homestead property. (Robert Needle resides at 1901 Embassy Drive, West Palm Beach, Florida 33401 and Michael Barry resides at 1515 N. Congress Avenue, West Palm Beach, Florida 33401) Together with all the tenements, appurtenances and appurtenances thereto existing or in any-wise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple, that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whatsoever; and that said land is free of all encumbrances, except those accruing subsequent to December 31, 1985.

Notary Public in and for the State of Florida
Frederick M. Dahlmeier, Trustee

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Signature of Robert Needle
Signature of Michael Barry

Signature of Notary
MICHAEL BARRY

STATE OF FLORIDA
COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

Robert Needle, a married person, and Michael Barry, a married person

to me known to be the person so described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 3rd day of February A. D. 1986.

My Commission Expires: 11/2/88

This instrument prepared by:
The Title Store, Inc.
Address: 4524 Gun Club Road, #104
West Palm Beach, Florida 33415

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B DUNKLE
CLERK CIRCUIT COURT

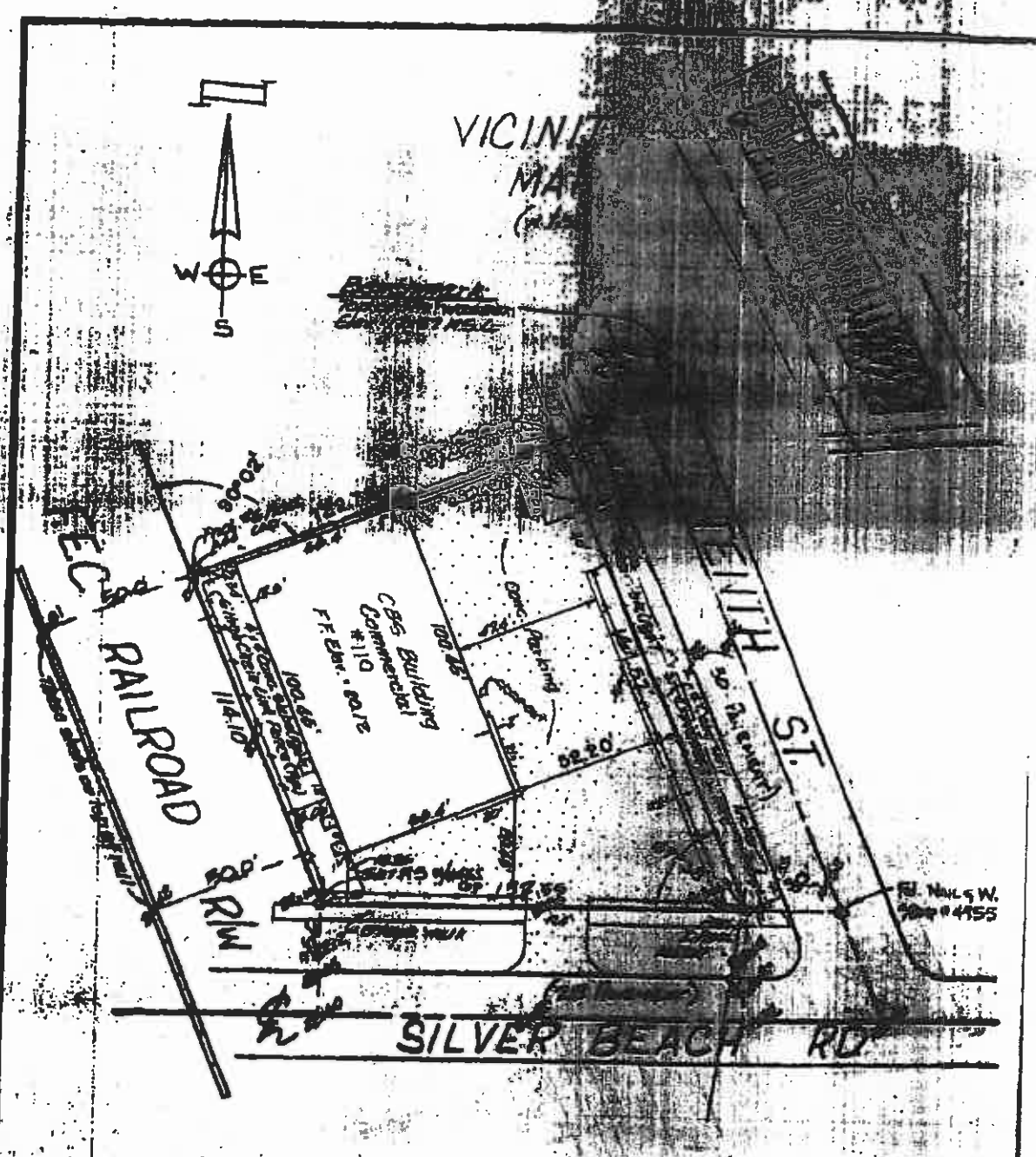
EXHIBIT A

86 029734

1986 FEB -4 PM 3 16

210
3:00
1050 CO

84784 P0087



SURVEY FOR: Frederick M. Vahlmer, Trustee and First Federal Savings of the Palm Beaches.

DESCRIPTION: Lots 20, 21, 22, 23 and 24, Block 45, according to the plat of KELSEY CITY, as recorded in Plat Book 8, Page 27, in and for the public records of Palm Beach County, Florida.

I Heraby Certify that this survey meets the minimum technical standards pursuant to Section 472.027 Florida State Statutes, and I HEREBY CERTIFY that the plat shown hereon is a true and correct representation of a survey made under my direction, and I assume no liability to the best of my knowledge and belief.

Donald D. Daniels

Donald D. Daniels, Inc.

PROFESSIONAL LAND SURVEYORS

1000 N. Florida Beach Rd. • Building 144 • West Palm Beach, FLA. 33411 • (305) 833-1344

Professional Land Surveyor
 No. 12127
 State of Florida
 License No. 12127
 Date: 8-27
 Exp. No. 80-105

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

	AYE	NAY
Mayor Desca DuBois	<u>/</u>	—
Vice Mayor Patricia Osterman	<u>/</u>	—
Commissioner Steve Hockman	<u>/</u>	—
Commissioner Jeanine Longtin	<u>/</u>	—
Commissioner Kendall R. Rumsey	<u>/</u>	—

The Town Commission thereupon declared the foregoing Resolution NO. 53-12-10 duly passed and adopted this 15 day of December, 2010.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois
DESCA DUBOIS
MAYOR

ATTEST:

Vivian Lemley
VIVIAN LEMLEY
TOWN CLERK
TOWN OF LAKE PARK
SEAL
TOWN SEAL
FLORIDA

Approved as to form and legal
Sufficiency:

BY: Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY