

ORDINANCE NO. 06-2015

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ASSIGNING A FUTURE LAND USE DESIGNATION OF "RESIDENTIAL/COMMERCIAL" TO THAT 0.49 ACRE PORTION OF THE EAST JASMINE DRIVE RIGHT OF WAY, LOCATED EAST OF FEDERAL HIGHWAY AND TERMINATING AT LAKESHORE DRIVE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Lake Park, Florida (the "Town") , has adopted a Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes, formerly known as the "Local Government Comprehensive Planning and Land Development Regulation Act" and now known as the Community Planning Act (the "Act"); and,

WHEREAS, the Town's Comprehensive Plan has been determined to be "in compliance" with the Act; and,

WHEREAS, Earl Stewart LLC and Commercial Investments LLC submitted an application to abandon the 0.49 acre portion of East Jasmine Drive owned by the Town as legally described in **Exhibit "A"** which is attached hereto and incorporated herein (the "Property") and to incorporate the Property into the Earl Stewart Toyota Planned Unit Development; and,

WHEREAS, the Town Commission has adopted an Ordinance abandoning the Property; and,

WHEREAS, the general location of the Property is as shown in **Exhibit "B"** which is also attached; and,

WHEREAS, the Town's Community Development Department has recommended that the Property be assigned a future land use designation of Residential/Commercial; and

WHEREAS, pursuant to the Act, the Town's Local Planning Agency (the LPA) has conducted a public hearing, as required by Section 163.3174(4)(a), Florida Statutes, and has recommended that the Commission assign a future land use designation of Residential/Commercial to the subject property.

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

Section 1. The whereas clauses are incorporated herein, are true and correct and constitute the legislative findings of the Town Commission.

Section 2. The future land use designation of Residential/Commercial is hereby assigned to the Property.

Section 3. The Future Land Use Map of the Town's Comprehensive Plan is hereby amended to reflect the assignment of the future land use designation of Residential/Commercial to the Property.

Section 4. Severability. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 5. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. The provisions of this Ordinance shall become effective pursuant to Section 163.3184(3)(c), Florida Statutes.

**Attachments: Exhibit "A" - Legal Description of the Subject Property
Exhibit "B" - General Location Map**

Exhibit "A"

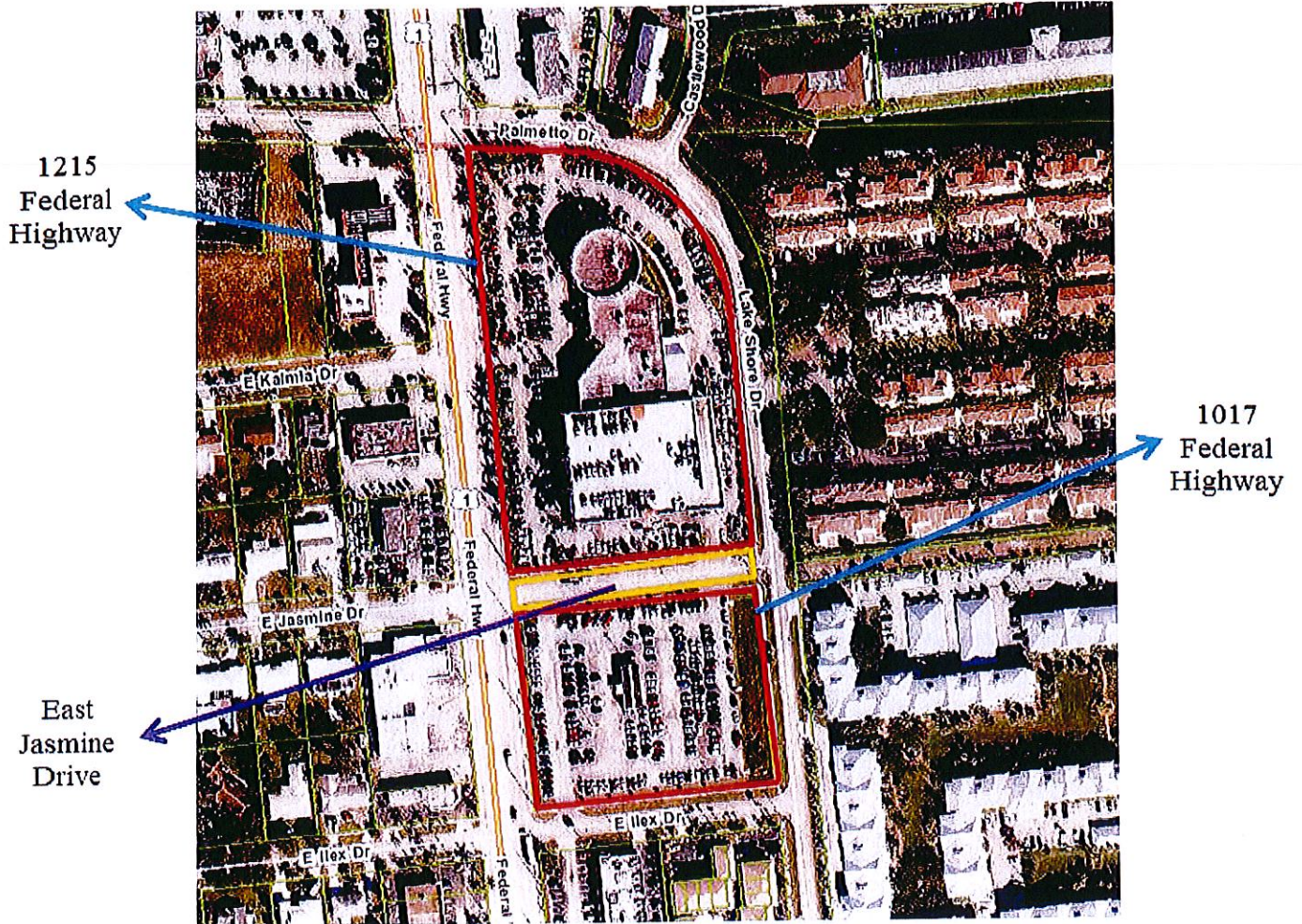
Legal Description of the Subject Property

A portion of the existing right of way known as Jasmine Drive and shown as Avenue "J", 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 B, Pages 15 and 35, and more particularly described as follows:

Bounded on the South by the North line of Block 121, said KELSEY CITY; Bounded on the North by the South line of Block 122, said KELSEY CITY; Bounded on the East by the West right of way line of Lake Shore Drive (a 60 foot right of way), said Kelsey City; Bounded on the West by the East right of way line of U.S. Highway # 1 (State Road # 5) as conveyed to the State of Florida in Deed Book 803, Page 158, Public Records of Palm Beach County.

CONTAINING IN ALL, 21,275 SQ. FT. AND/OR 0.49 ACRES.

Exhibit "B"
General Location Map



Upon First Reading this 20 day of May, 2015, the foregoing Ordinance was offered by Commissioner Flaherty who moved its approval. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 7 DAY OF June, 2015

Upon Second Reading this 19 day of August, 2015, the foregoing Ordinance, was offered by Commissioner Flaherty who moved its adoption. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

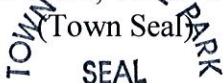
The Mayor thereupon declared **Ordinance No.** 06-2015 duly passed and adopted this 19 day of August, 2015.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Mendez
Town Clerk, Vivian Mendez
(Town Seal)



Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA