

RESOLUTION NUMBER Z-96-069A

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Wal-Mart Stores, Inc., represented by Accord Real Estate Group, Inc., who authorized Pavese, Garner, Haverfield, Dalton, Harrison & Jensen and Johnson Engineering, Inc., to act as agents to pursue an application for a rezoning from CPD (Commercial Planned Development) to CPD (Commercial Planned Development), in reference to Cypress Lake Center, Phase II, Lot 2; and

WHEREAS, a public hearing on this application was previously advertised and held on November 19, 1996 before the Lee County Hearing Examiner in Case No. 96-09-098.03Z 01.01 who gave full consideration of the evidence available; and

WHEREAS, a public hearing was also advertised and held on December 16, 1996, before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons, and thereafter approved the application as evidenced by Zoning Resolution Z-96-069; and

WHEREAS, a scrivener's error was discovered in originally approved Zoning Resolution Z-96-069, in that Lot 6 and Tract B of Cypress Lake Center, Phase II, as recorded in Plat Book 39 at Pages 22 through 24, inclusive, less and except Phase B-1, as recorded in Plat Book 43 at Page 11, Public Records of Lee County, Florida, were inadvertently included in the legal description of that resolution even though those lands were not part of the advertised or mailed notices in the case and were not owned by Wal-Mart Stores, Inc.; and

WHEREAS, this corrective resolution acts to delete the above-described lands from Resolution Z-96-069 as set forth in the corrected legal description below; and

WHEREAS, this same scrivener's error was contained in the Covenant of Unified Control dated August 28, 1996, recorded December 20, 1996 in Official Records Book 2774, Page 3782, Public Records of Lee County, Florida, which necessitated re-recording the Covenant of Unified Control with the corrected legal description below; and

WHEREAS, the subject property is located at 7090 Cypress Terrace, and is described more particularly as:

LEGAL DESCRIPTION: In Section 23, Township 45 South, Range 24 East, Lee County, Florida:

A tract or parcel of land further bounded and described as follows:

Lot 2, Phase II as recorded in Plat Book 39 at Pages 22 through 24, inclusive, Public Records of said Lee County, Florida; and

WHEREAS, the applicant has indicated the property's current STRAP number is 23-45-24-44-00000.0020.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board **APPROVES** the Applicant's request to correct the legal description, as follows:

1. The legal description of Zoning Resolution Z-96-069 is amended to reflect that only the following described lands are affected by the provisions of Z-96-069:

Lot 2, Phase II, situated in the County of Lee, Section 23, Township 45 South, Range 24 East, as recorded in Plat Book 39 at Pages 22 through 24, inclusive, Public Records of said Lee County, Florida.

2. All other terms, provisions, and conditions of Z-96-069 are unchanged and remain in full force and effect.

The foregoing resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Ray Judah and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 17th day of November, 1997.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Ma L. Parise*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *John E. Albion*
Vice-Chairman

FILED

Approved as to form by:

Smith
County Attorney's Office

NOV 21 1997

CLERK
BY: *lp* D.C.