

RESOLUTION NO. R-2002- 2205

RESOLUTION APPROVING ZONING PETITION PDD1997-104C
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF THE OAKS AT BOCA RATON
BY KILDAY AND ASSOCIATES, AGENT
(THE OAKS AT BOCA (AKA RAINBOW PUD)
BEDNER AND WALKER PARCELS)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD1997-104C was presented to the Board of County Commissioners at a public hearing conducted on December 9, 2002; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDDI997-104C, the petition of The Oaks at Boca Raton by Kilday and Associates, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from Agricultural Reserve to Agricultural Reserve Planned Unit Development on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 9, 2002, subject to the conditions of approval as contained in EXHIBIT C of DOA1997-104C.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Masilotti and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	-	Nay
Tony Masilotti, Vice Chairman	-	Aye
Jeff Koons	-	Nay
Warren H. Newell	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on December 9, 2002.

Filed with the Clerk of the Board of County Commissioners on 14 day of January, 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

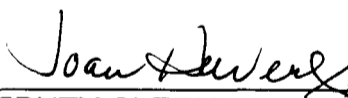
BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION (BEDNER FARMS)

DESCRIPTION

BEING A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING DELINEATED ON THE ADAIR AND BRADY, INC. SURVEY DRAWING NO. FP-1298 AS REVISED JUNE 17, 1982, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SECTION 1 MARKED BY AN 8" ROUND CONCRETE MONUMENT WITH A DISK MARKED "PRECISE SURVEY CITY OF WEST PALM BEACH" AS SET BY BROCKWAY, WEBER & BROCKWAY; THENCE SOUTH 89° 26' 55" WEST (STATE PLANE GRID DATUM) ALONG THE NORTH LINE OF SECTION 1, A DISTANCE OF 94.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7, AS RECORDED IN ROAD BOOK 1, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN; THENCE SOUTH 88° 26' 55" WEST ALONG SAID NORTH LINE, 2539.75 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 1 AS MARKED BY A 1- 1/4" PIPE SET BY BROCKWAY, WEBER & BROCKWAY IN 1955:

THENCE SOUTH 00° 53' 50" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 1, A DISTANCE OF 1814.18 FEET TO A POINT ON A LINE THAT IS 990.00 FEET NORTH OF AN PARALLEL WITH THE SOUTH LINE, 1216.78 FEET TO AN IRON ROD; THENCE NORTH 01° 04' 52" WEST, 110.04 FEET TO THE SOUTHWEST CORNER OF THE JOHN I. WHITWORTH PARCEL AS MARKED BY A 4" SQUARE CONCRETE MONUMENT; THENCE NORTH 01° 24' 23" EAST ALONG THE WEST LINE OF THE JOHN I WHITWORTH PARCEL, 550.15 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AS MARKED BY A 1-1/2" PIPE; THENCE NORTH 89° 34' 49" EAST ALONG THE NORTH LINE SAID PARCEL, 1304.14 FEET TO THE WESTERLY RIGHT-OF WAY LINE OF SAID STATE ROAD NO. 7; THENCE NORTH 01° 10' 14" WEST ALONG SAID RIGHT-OF-WAY LINE, 380.61 FEET TO THE POINT OF INTERSECTION (P.I.) BEING THE STATE ROAD DEPT. STATION NUMBER 621+00 AS DELINEATED ON SAID RIGHT-OF-WAY MAP; THENCE NORTH 00° 58' 33" WEST ALONG SAID RIGHT-OF-WAY LINE, 779.50 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

LESS

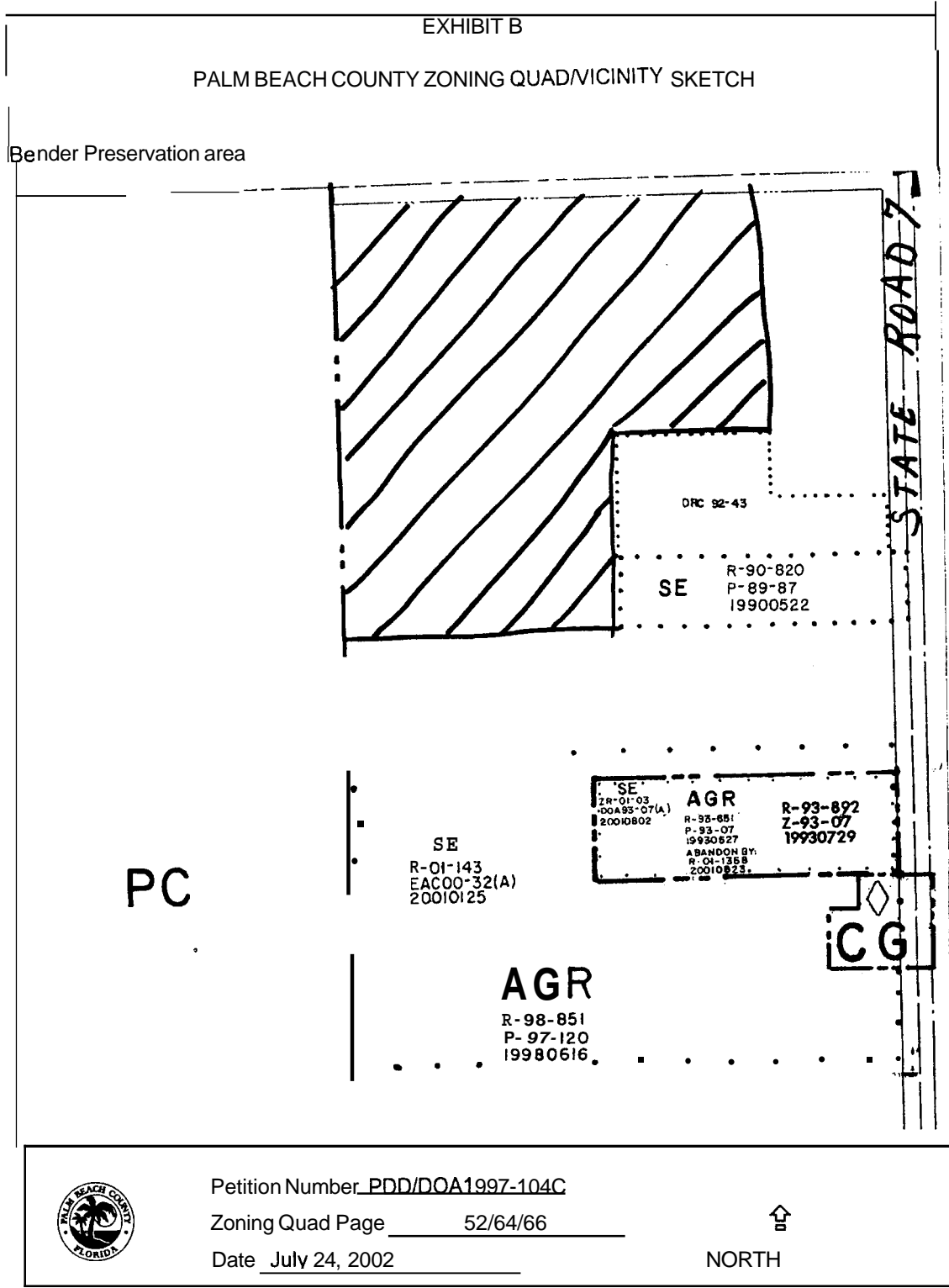
A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC IN CONCRETE MARKING THE NORTHEAST CORNER OF SAID SECTION 1, THENCE SOUTH 89° 28' 58" WEST ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 5.735 METERS (18.82 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR THE STATE ROAD 7 (US 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93210-2524; THENCE NORTH 00° 57' 44" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.557 METERS (1.83 FEET); THENCE SOUTH 89° 02' 16" WEST AT A RIGHT ANGLE TO THE PREVIOUSLY DESCRIBED COURSE, A DISTANCE OF 71.635 METERS (235.02 FEET) TO THE POINT OF BEGINNING AND A POINT ON THE NORTH LINE OF SAID SECTION 1; THENCE NORTH 89° 28' 58" EAST ALONG SAID NORTH SECTION LINE, A DISTANCE OF 48.777 METERS (160.03 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT-OF-WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY; THENCE SOUTH 00° 57' 44" EAST ALONG SAID WESTERLY EXISTING RIGHT-OF-WAY LINE AND SAID PARALLEL LINE, A DISTANCE OF 237.223 METERS (778.29 FEET); THENCE SOUTH 01° 10' 57" EAST CONTINUING ALONG SAID WESTERLY EXISTING RIGHT-OF-WAY LINE AND SAID PARALLEL LINE, A DISTANCE OF 115.893 METERS (380.23 FEET); THENCE SOUTH 89° 34' 42" WEST, A DISTANCE OF 48.770 METERS (160.61 FEET); THENCE NORTH 01° 10' 57" WEST, A DISTANCE OF 115.338 METERS (378.41 FEET); THENCE NORTH 00° 57' 52" WEST, A DISTANCE OF 237.697 METERS (779.84 FEET) TO A POINT ON THE NORTH LINE OF SAID SECTION 1 AND TO THE POINT ON THE NORTH LINE OF SAID SECTION 1 AND TO THE POINT OF BEGINNING.

LESS THE EASTERLY 14 ACRES ALONG STATE ROAD 7 (US 441).

APPROXIMATELY 67.88 ACRES, SUBJECT TO LEGAL DESCRIPTION, SURVEY AND CERTIFICATION.

EXHIBIT B
VICINITY SKETCH



Petition Number PDD/DOA1997-104C
 Zoning Quad Page 52/64/66
 Date July 24, 2002


NORTH

LEGAL DESCRIPTION
(WALKER PROPERTY)

PARCEL 1:

TRACTS 29, 30, 31 AND 32, BLOCK 44, "THE PALM BEACH FARMS CO. PLAT NO. 3", ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45; SAID LANDS SITUATED, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 35 FEET OF TRACTS 29, 30, 31 AND 32 AND LESS THE WEST 55 FEET OF TRACT 29.

PARCEL 2:

THE SOUTH HALF (S-1/2) OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 117.26 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

