

RESOLUTION APPROVING ZONING APPLICATION ABN/Z-2016-02218
(CONTROL NO. 1985-00172)
an Official Zoning Map Amendment
APPLICATION OF Boca Rio Golf Club Inc.
BY Cotleur & Hearing, Inc., AGENT
(Boca Rio Golf Club)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ABN/Z-2016-02218 was presented to the Board of County Commissioners at a public hearing conducted on August 24, 2017;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the Staff Report addressing the Standards contained in Article 2.B (Public Hearing Process) for an Official Zoning Map Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 Application ABN/Z-2016-02218, the Application of Boca Rio Golf Club Inc, by Cotleur & Hearing, Inc., Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Recreation (CRE) Zoning District, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on August 24, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	-	Aye
Commissioner Melissa McKinlay, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Absent
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 24, 2017.

Filed with the Clerk of the Board of County Commissioners on September 5th, 2017

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

THAT PARCEL OF LAND LOCATED WITHIN SECTION 29, TOWNSHIP 47 SOUTH, RANGE 42 EAST BEING A PORTION OF TRACTS 1, AND 22, BLOCK 80, PALM BEACH FARM'S COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 BOTH INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF BOCA RIO ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1863, PAGE 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SUBJECT TO LAKE WORTH DRAINAGE DISTRICT L-48 CANAL EASEMENT OVER AND ACROSS THE NORTH 35.00 FEET OF SAID TRACT 1; AND;

A PORTION OF TRACTS 2, 5 AND 6 AND ALL OF TRACTS 3, 4, AND 7 OF SAID BLOCK 80, SUBJECT TO LAKE WORTH DRAINAGE DISTRICT L-48 CANAL EASEMENT OVER AND ACROSS THE NORTH 35.00 FEET OF SAID TRACTS THEREOF; AND;

ALL OF TRACTS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 AND 21 OF SAID BLOCK 80; AND;

ALL OF TRACTS 25, 26, 27, 28, 29, 30, AND 31 OF SAID BLOCK 80; AND;
ALL OF TRACTS 42, 43, 44, 45, 46, 47, AND 48 OF SAID BLOCK 80;
THE OVERALL PROPERTY MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT 7, BLOCK 80, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45-54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE NORTH 89°59'12" EAST ALONG THE NORTH LINE OF SAID TRACT 7 AND SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL 48 CANAL, A DISTANCE OF 660.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 7;

THENCE SOUTH 00°00'00" EAST ALONG THE EAST LINE OF SAID TRACT 7, A DISTANCE OF 26.00 FEET;

THENCE NORTH 89°59'12" EAST ALONG A LINE 26.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF TRACTS 6 AND 5 AND ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL 48 CANAL PER DEED BOOK 129, PAGE 26 AND DEED BOOK 129, PAGE 189 OF SAID PUBLIC RECORDS, A DISTANCE OF 1320.00 FEET TO THE EAST LINE OF SAID TRACT 5;

THENCE NORTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 26.00 FEET TO THE NORTHEAST CORNER OF TRACT 5;

THENCE NORTH 89°59'12" EAST ACROSS THE PLATTED 30 FOOT ROAD, DYKE AND DITCH RESERVATION AND ALONG THE NORTH LINE OF TRACTS 4 AND 3 AND ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL 48 CANAL, A DISTANCE OF 1350.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 3;

THENCE SOUTH 00°00'00" EAST ALONG THE EAST LINE OF SAID TRACT 3, A DISTANCE OF 13.86 FEET;

THENCE NORTH 89°59'12" EAST ALONG A LINE 13.86 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF TRACT 2 AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL 48 CANAL PER

OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, A DISTANCE OF 660.00 FEET TO THE EAST LINE OF SAID TRACT 2;

THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 13.76 FEET;

THENCE NORTH 89°59'12" EAST ALONG A LINE 27.62 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF TRACT 1 AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL 48 CANAL PER OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, A DISTANCE OF 313.02 FEET TO THE WEST RIGHT-OF-WAY LINE OF BOCA RIO ROAD.

THENCE SOUTHERLY BY A BEARING OF SOUTH 00°42'52" EAST A DISTANCE OF 1307.48' SOUTHERLY ALONG THE WESTERN RIGHT OF WAY OF BOCA RIO ROAD AND THROUGH A PLATTED RIGHT OF WAY TO A POINT; SAID POINT BEING THE MID POINT OF THE 30.0' WIDE ABANDONED RIGHT OF WAY; SAID RIGHT OF WAY, A PLATTED AND ABANDONED 30.0' RIGHT OF WAY PER OFFICIAL RECORDS BOOK 5081, PAGE 35 PALM BEACH COUNTY, FLORIDA;

THENCE WESTERLY ALONG THE CENTERLINE OF THE AFOREMENTIONED RIGHT OF WAY ALONG BY A BEARING OF SOUTH 89°59'12" WEST A DISTANCE OF 659.32 FEET TO A POINT 15 FEET NORTH OF THE NORTHEAST CORNER OF TRACT 25, BLOCK 80;

THENCE SOUTHERLY THROUGH AN ABANDONED RIGHT OF WAY AND THEN ALONG THE EASTERN BOUNDARY OF TRACTS 25 AND 48 AND THEN THROUGH AN ABANDONED RIGHT OF WAY BY A BEARING OF SOUTH 00 °00'00" EAST A DISTANCE OF 1350.00 FEET TO A POINT; SAID POINT BEING THE MIDPOINT OF A 30.0 FEET WIDE RIGHT OF WAY; SAID RIGHT OF WAY PLATTED AND ABANDONED;

THENCE WESTERLY ALONG THE CENTERLINE OF THE AFOREMENTIONED RIGHT OF WAY ALONG BY A BEARING OF SOUTH 89°59'12" WEST A DISTANCE OF 2340.00 FEET TO A POINT 15 FEET SOUTH OF THE SOUTHWEST CORNER OF TRACT 42, BLOCK 80;

THENCE NORTHERLY THROUGH AN ABANDONED RIGHT OF WAY AND THEN ALONG THE WESTERN BOUNDARY OF TRACTS 42 AND 31 AND THEN THROUGH AN ABANDONED RIGHT OF WAY BY A BEARING OF NORTH 00°00'00" EAST A DISTANCE OF 1350.00 TO A POINT BEING THE MID-POINT OF A 30.0 FEET WIDE RIGHT OR WAY; SAID RIGHT OF WAY PLATTED AND ABANDONED;

THENCE WESTERLY ALONG THE CENTERLINE OF THE AFOREMENTIONED RIGHT OF WAY ALONG BY A BEARING OF SOUTH 89°59'12" WEST A DISTANCE OF 1320.00 FEET TO A POINT; SAID POINT BEING 15 FEET SOUTH OF THE SOUTHWEST CORNER OF TRACT 10, BLOCK 80;

THENCE NORTHERLY BY A BEARING OF NORTH 00°00'00" EAST A DISTANCE OF 1335.00' THROUGH AN ABANDONED RIGHT OF WAY AND THEN ALONG THE WESTERN BOUNDARY OF TRACTS 10 AND 7 TO A POINT; SAID POINT BEING THE POINT OF BEGINNING.

PARCEL IS SUBJECT TO EASEMENTS IN FAVOR OF THE LAKE WORTH DRAINAGE DISTRICT RECORDED IN OFFICIAL RECORDS BOOK 4874, PAGE 1765 AND OFFICIAL RECORDS BOOK 5516, PAGE 234.

CONTAINING 203.45 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

VICINITY MAP

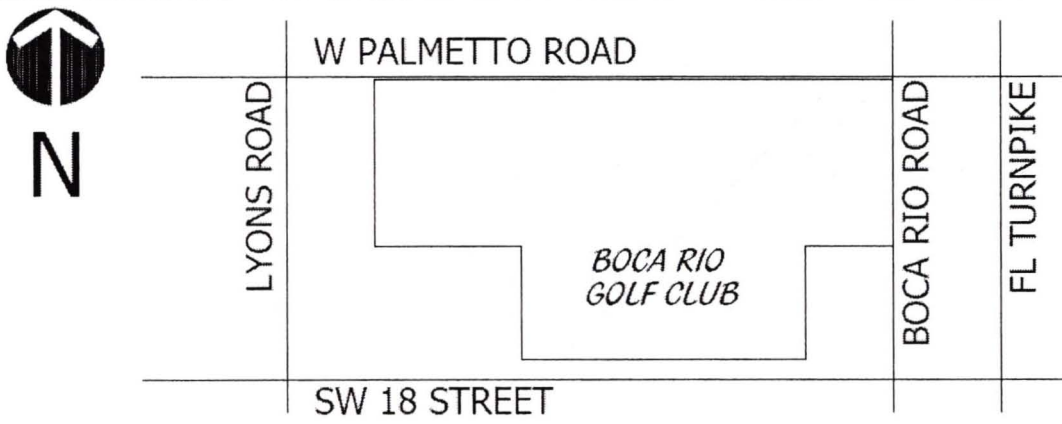


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.