

RESOLUTION NO. 2021-087

A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WAIVER OF PLAT APPLICATION NO. WP-30-21 TO SUBDIVIDE 4.136 ACRES OF PROPERTY INTO TWO LOTS OF 2.0 NET ACRES EACH; GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE LURAY ROAD AND HOLATEE TRAIL INTERSECTION; LEGALLY DESCRIBED AS THE NORTH ONE HALF OF TRACT 48, LESS THE WEST 40 FEET AND LESS THE NORTH 40 FEET FOR ROADS, OF THE SUBDIVISION OF SECTION 2, TOWNSHIP 51 SOUTH, RANGE 40 EAST OF "EVERGLADES SUGAR AND LAND CO.", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 39 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES IN BROWARD COUNTY, FLORIDA; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 115-070 of the Town of Southwest Ranches Unified Land Development Code ("ULDC") requires Town Council approval of a Plat or Waiver of Plat Application prior to the subdivision of a parcel; and

WHEREAS, at a duly noticed public hearing held on September 23, 2021 the Town Council reviewed Waiver of Plat Application No. WP-30-21 by Neida B. Padron and Abraham Gomez ("Petitioner") to subdivide 4.136 acres into two lots of 2.0 net acres each, exclusive of a 0.13-acre ingress/egress easement; and

WHEREAS, the proposed subdivision complies with the minimum lot size and dimensional requirements of the effective land use plan and zoning designations, has legal and sufficient access, and will not create or exacerbate any nonconformities with the development standards of the ULDC.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. That, at a duly noticed public hearing held on September 23, 2021, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves Waiver of Plat Application No. WP-30-21 to subdivide the property described in Exhibit "A" attached hereto and made a part hereof, into two parcels described and depicted in Exhibit "B" attached hereto and made a part hereof, subject to the following conditions that shall be satisfied prior to recording this Resolution:

1. Recordation of an easement agreement approved by the Town Attorney as to form, granting ingress and egress rights to proposed Tract "A" and providing for maintenance of the improvements within the easement.
2. Renters must be out of the existing house within 120 days from the date of approval (meeting date 09/23/21). The house shall not be rented thereafter for the duration of the time period set forth in condition number 5., below.
3. The existing house must be homesteaded in the names of the current owners within 18 months of the date of approval (meeting date 09/23/21).
4. Once construction of the second house is complete, homestead exemption in the name of Krystie Castillo and spouse if applicable, must be obtained within 12 months from the date of certificate of occupancy.
5. There shall be no sale or transfer of title of either parcel within 48 months of the date that both parcels have been occupied (which will be the date that both parcels are homesteaded).

Section 3. The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

Section 4. This approval shall expire 180 days from the date of approval if this Resolution is not first recorded in the Public Records of Broward County, Florida.

Section 5. This Resolution shall become effective upon recordation in the Public Records of Broward County, Florida with all required signatures.

[Signatures on the Following Page]

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 23rd day of September 2021, on a motion by Council Member Jablonski and seconded by Council Member Kuczenski.

Breitkreuz	<u>Y</u>
Hartmann	<u>Y</u>
Allbritton	<u>Y</u>
Jablonski	<u>Y</u>
Kuczenski	<u>Y</u>

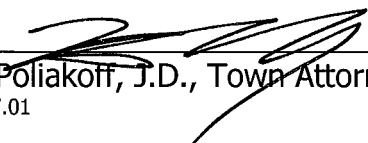
Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>


Steve Breitkreuz, Mayor

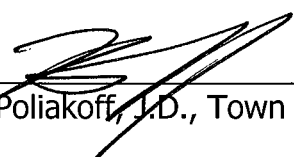
ATTEST:


Russell Muñoz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:


Keith Poliakoff, J.D., Town Attorney
1001.437.01

I hereby affirm that all conditions of Town Council approval have been satisfied, and authorize recordation of this Resolution:


Keith Poliakoff, J.D., Town Attorney

9-23-21
Date

Exhibit "A"

Parent Tract Legal Description

THE NORTH ONE HALF OF TRACT 48, LESS THE WEST 40 FEET AND LESS THE NORTH 40 FEET FOR ROADS, OF THE SUBDIVISION OF SECTION 2, TOWNSHIP 51 SOUTH, RANGE 40 EAST OF "EVERGLADES SUGAR AND LAND CO.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 39 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA, AND CONTAINING 180,143 SQUARE FEET (4.1355 ACRES), MORE OR LESS.

EXHIBIT "B"
NEW PARCEL LEGAL DESCRIPTIONS

TRACT "A"

A PORTION OF THE NORTH ONE-HALF OF TRACT 48 LESS THE WEST 40 FEET AND THE NORTH 40 FEET THEREOF, OF THE SUBDIVISION OF SECTION 2, TOWNSHIP 51 SOUTH, RANGE 40 EAST OF "EVERGLADES SUGAR AND LAND COMPANY'S SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 39 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 2; THENCE SOUTH 01°49'05" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 40.01 FEET; THENCE NORTH 89°42'31" EAST ALONG A LINE 40 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST 1/4, 190.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°42'31" EAST ALONG SAID PARALLEL LINE 140.15 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 48; THENCE SOUTH 01°49'32" EAST ALONG SAID EAST LINE 620.88 FEET TO THE SOUTHEAST CORNER OF THE NORTH ONE-HALF OF SAID TRACT 48; THENCE SOUTH 89°42'12" WEST ALONG THE SOUTH LINE OF SAID NORTH ONE-HALF OF TRACT 48 FOR 66.70 FEET; THENCE NORTH 01°49'05" WEST 254.67 FEET; THENCE SOUTH 88°10'55" WEST 171.50 FEET; THENCE NORTH 01°49'05" WEST ALONG A LINE 92 FEET EAST OF AND PARALLEL WITH SAID WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 2 FOR 106.75 FEET; THENCE NORTH 16°19'04" EAST 99.38 FEET; THENCE NORTH 71°21'10" EAST 70.07 FEET; THENCE NORTH 01°49'05" WEST ALONG A LINE 190 FEET EAST OF AND PARALLEL WITH SAID WEST LINE 146.69 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA, AND CONTAINING 98,299 SQUARE FEET (2.0041 ACRES), MORE OR LESS.

TRACT "B"

A PORTION OF THE NORTH ONE-HALF OF TRACT 48 LESS THE WEST 40 FEET AND THE NORTH 40 FEET THEREOF, OF THE SUBDIVISION OF SECTION 2, TOWNSHIP 51 SOUTH, RANGE 40 EAST OF "EVERGLADES SUGAR AND LAND COMPANY'S SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 39 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 2; THENCE SOUTH 01°49'05" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 40.01 FEET; THENCE NORTH 89°42'31" EAST ALONG A LINE 40 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST 1/4 FOR 40.01 FEET TO A POINT ON A LINE 40 FEET EAST OF AND PARALLEL WITH SAID WEST LINE AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°42'31" EAST ALONG SAID LINE PARALLEL TO THE NORTH LINE OF THE SOUTHWEST 1/4 FOR 150.05 FEET; THENCE SOUTH 01°49'05" EAST ALONG A LINE 190 FEET EAST OF AND PARALLEL WITH SAID WEST LINE 146.69 FEET; THENCE SOUTH 71°21'10" WEST 70.07 FEET; THENCE SOUTH 16°19'04" WEST 99.38 FEET; THENCE SOUTH 01°49'05" EAST ALONG A LINE 92 FEET EAST OF AND PARALLEL WITH SAID WEST LINE, 106.75 FEET; THENCE NORTH 88°10'55" EAST 171.50 FEET; THENCE SOUTH 01°49'05" EAST 254.67 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTH ONE-HALF OF TRACT 48; THENCE SOUTH 89°42'12" WEST ALONG SAID SOUTH LINE, 223.58 FEET TO A POINT ON SAID LINE 40 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4; THENCE NORTH 01°49'05" WEST, ALONG SAID PARALLEL LINE 620.90 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA, AND CONTAINING 92,828 SQUARE FEET (2.1310 ACRES), MORE OR LESS INCLUDING THE INGRESS/EGRESS EASEMENT, AND 87,128 SQUARE FEET (2.0002 ACRES) EXCLUDING THE INGRESS/EGRESS EASEMENT.

RESOLUTION NO. 2021-087

A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WAIVER OF PLAT APPLICATION NO. WP-30-21 TO SUBDIVIDE 4.136 ACRES OF PROPERTY INTO TWO LOTS OF 2.0 NET ACRES EACH; GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE LURAY ROAD AND HOLATEE TRAIL INTERSECTION; LEGALLY DESCRIBED AS THE NORTH ONE HALF OF TRACT 48, LESS THE WEST 40 FEET AND LESS THE NORTH 40 FEET FOR ROADS, OF THE SUBDIVISION OF SECTION 2, TOWNSHIP 51 SOUTH, RANGE 40 EAST OF "EVERGLADES SUGAR AND LAND CO.", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 39 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES IN BROWARD COUNTY, FLORIDA; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 115-070 of the Town of Southwest Ranches Unified Land Development Code ("ULDC") requires Town Council approval of a Plat or Waiver of Plat Application prior to the subdivision of a parcel; and

WHEREAS, at a duly noticed public hearing held on September 23, 2021 the Town Council reviewed Waiver of Plat Application No. WP-30-21 by Neida B. Padron and Abraham Gomez ("Petitioner") to subdivide 4.136 acres into two lots of 2.0 net acres each, exclusive of a 0.13-acre ingress/egress easement; and

WHEREAS, the proposed subdivision complies with the minimum lot size and dimensional requirements of the effective land use plan and zoning designations, has legal and sufficient access, and will not create or exacerbate any nonconformities with the development standards of the ULDC.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. That, at a duly noticed public hearing held on September 23, 2021, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves Waiver of Plat Application No. WP-30-21 to subdivide the property described in Exhibit "A" attached hereto and made a part hereof, into two parcels described and depicted in Exhibit "B" attached hereto and made a part hereof, subject to the following conditions that shall be satisfied prior to recording this Resolution:

1. Recordation of an easement agreement approved by the Town Attorney as to form, granting ingress and egress rights to proposed Tract "A" and providing for maintenance of the improvements within the easement.
2. Renters must be out of the existing house within 120 days from the date of approval (meeting date 09/23/21). The house shall not be rented thereafter for the duration of the time period set forth in condition number 5., below.
3. The existing house must be homesteaded in the names of the current owners within 18 months of the date of approval (meeting date 09/23/21).
4. Once construction of the second house is complete, homestead exemption in the name of Krystie Castillo and spouse if applicable, must be obtained within 12 months from the date of certificate of occupancy.
5. There shall be no sale or transfer of title of either parcel within 48 months of the date that both parcels have been occupied (which will be the date that both parcels are homesteaded).

Section 3. The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

Section 4. This approval shall expire 180 days from the date of approval if this Resolution is not first recorded in the Public Records of Broward County, Florida.

Section 5. This Resolution shall become effective upon recordation in the Public Records of Broward County, Florida with all required signatures.

[Signatures on the Following Page]

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 23rd day of September 2021, on a motion by Council Member Jablonski and seconded by Council Member Kuczenski.

Breitkreuz	<u>Y</u>
Hartmann	<u>Y</u>
Allbritton	<u>Y</u>
Jablonski	<u>Y</u>
Kuczenski	<u>Y</u>

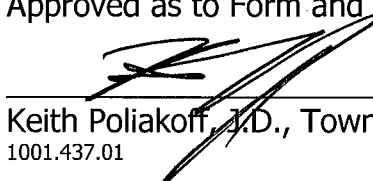
Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>


Steve Breitkreuz, Mayor

ATTEST/


Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:


Keith Poliakoff, J.D., Town Attorney
1001.437.01

I hereby affirm that all conditions of Town Council approval have been satisfied, and authorize recordation of this Resolution:


Keith Poliakoff, J.D., Town Attorney

9-23-22
Date

Exhibit "A"

Parent Tract Legal Description

THE NORTH ONE HALF OF TRACT 48, LESS THE WEST 40 FEET AND LESS THE NORTH 40 FEET FOR ROADS, OF THE SUBDIVISION OF SECTION 2, TOWNSHIP 51 SOUTH, RANGE 40 EAST OF "EVERGLADES SUGAR AND LAND CO.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 39 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA, AND CONTAINING 180,143 SQUARE FEET (4.1355 ACRES), MORE OR LESS.

EXHIBIT "B"
NEW PARCEL LEGAL DESCRIPTIONS

TRACT "A"

A PORTION OF THE NORTH ONE-HALF OF TRACT 48 LESS THE WEST 40 FEET AND THE NORTH 40 FEET THEREOF, OF THE SUBDIVISION OF SECTION 2, TOWNSHIP 51 SOUTH, RANGE 40 EAST OF "EVERGLADES SUGAR AND LAND COMPANY'S SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 39 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 2; THENCE SOUTH 01°49'05" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 40.01 FEET; THENCE NORTH 89°42'31" EAST ALONG A LINE 40 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST 1/4, 190.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°42'31" EAST ALONG SAID PARALLEL LINE 140.15 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 48; THENCE SOUTH 01°49'32" EAST ALONG SAID EAST LINE 620.88 FEET TO THE SOUTHEAST CORNER OF THE NORTH ONE-HALF OF SAID TRACT 48; THENCE SOUTH 89°42'12" WEST ALONG THE SOUTH LINE OF SAID NORTH ONE-HALF OF TRACT 48 FOR 66.70 FEET; THENCE NORTH 01°49'05" WEST 254.67 FEET; THENCE SOUTH 88°10'55" WEST 171.50 FEET; THENCE NORTH 01°49'05" WEST ALONG A LINE 92 FEET EAST OF AND PARALLEL WITH SAID WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 2 FOR 106.75 FEET; THENCE NORTH 16°19'04" EAST 99.38 FEET; THENCE NORTH 71°21'10" EAST 70.07 FEET; THENCE NORTH 01°49'05" WEST ALONG A LINE 190 FEET EAST OF AND PARALLEL WITH SAID WEST LINE 146.69 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA, AND CONTAINING 98,299 SQUARE FEET (2.0041 ACRES), MORE OR LESS.

TRACT "B"

A PORTION OF THE NORTH ONE-HALF OF TRACT 48 LESS THE WEST 40 FEET AND THE NORTH 40 FEET THEREOF, OF THE SUBDIVISION OF SECTION 2, TOWNSHIP 51 SOUTH, RANGE 40 EAST OF "EVERGLADES SUGAR AND LAND COMPANY'S SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 39 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 2; THENCE SOUTH 01°49'05" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 40.01 FEET; THENCE NORTH 89°42'31" EAST ALONG A LINE 40 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST 1/4 FOR 40.01 FEET TO A POINT ON A LINE 40 FEET EAST OF AND PARALLEL WITH SAID WEST LINE AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°42'31" EAST ALONG SAID LINE PARALLEL TO THE NORTH LINE OF THE SOUTHWEST 1/4 FOR 150.05 FEET; THENCE SOUTH 01°49'05" EAST ALONG A LINE 190 FEET EAST OF AND PARALLEL WITH SAID WEST LINE 146.69 FEET; THENCE SOUTH 71°21'10" WEST 70.07 FEET; THENCE SOUTH 16°19'04" WEST 99.38 FEET; THENCE SOUTH 01°49'05" EAST ALONG A LINE 92 FEET EAST OF AND PARALLEL WITH SAID WEST LINE, 106.75 FEET; THENCE NORTH 88°10'55" EAST 171.50 FEET; THENCE SOUTH 01°49'05" EAST 254.67 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTH ONE-HALF OF TRACT 48; THENCE SOUTH 89°42'12" WEST ALONG SAID SOUTH LINE, 223.58 FEET TO A POINT ON SAID LINE 40 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4; THENCE NORTH 01°49'05" WEST, ALONG SAID PARALLEL LINE 620.90 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA, AND CONTAINING 92,828 SQUARE FEET (2.1310 ACRES), MORE OR LESS INCLUDING THE INGRESS/EGRESS EASEMENT, AND 87,128 SQUARE FEET (2.0002 ACRES) EXCLUDING THE INGRESS/EGRESS EASEMENT.