

**RESOLUTION NO. 2007-067**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A MODIFICATION TO THE ROLLING OAKS ESTATES, LLC SITE PLAN; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

**WHEREAS**, the Rolling Oaks Estates Site Plan is described as:

LOTS 1 THROUGH 18 INCLUSIVE, ACCORDING TO THE PLAT OF CLINGAN'S COVE, AS RECORDED IN PLAT BOOK 168 AT PAGE 49 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LANDS SITUATE IN BROWARD COUNTY, FLORIDA AND CONTAINING 37.1069 ACRES, MORE OR LESS; and

**WHEREAS**, the property is generally located on the west side of 178<sup>th</sup> Avenue, North of Stirling Road; and

**WHEREAS**, the property contains approximately 37.95 gross acres, and is comprised of 18 lots; and

**WHEREAS**, on June 8, 2006, pursuant to Resolution No. 2006-069, the Town Council approved a site plan to construct eighteen single family dwelling units on the property in accordance with the Clingan's Cove Plat; and

**WHEREAS**, as part of the site plan approval the applicant agreed that the landscape berm along 178<sup>th</sup> Avenue would be lowered from four feet to two feet; and

**WHEREAS**, notwithstanding this agreement, when the site was developed the berm was installed at a height of four feet, in violation of the approved site plan and in violation of the submitted building permit; and

**WHEREAS**, the applicant desires to rectify this violation by seeking to modify the site plan to increase the berm height from two feet to four feet.

**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 May 11<sup>th</sup>, 2007, following the review of the staff report and all written and oral evidence received during the advertised public hearing, the Town Council hereby approves the modification to the Rolling Oaks Estates, LLC Site Plan subject to the following agreed upon conditions:

- a. That the applicant shall ensure that the berm will meet all of the necessary drainage requirements of the Town and the applicable Water Management District(s).
- b. That to help mitigate the damages caused by the installation of the berm, including but not limited to the aesthetic effect on the community, the applicant has offered to provide the Town with Fourteen Thousand Dollars (\$14,000.00) in direct payment or, at the Town Administrator's sole option, in kind services, to help beautify the Town's Equestrian Park.
- c. All other conditions of the original site plan approval shall remain in full force and effect.

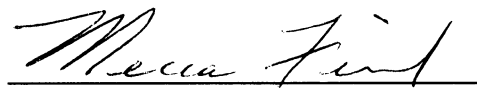
**Section 3.** The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

**Section 4.** This Resolution shall become effective immediately upon adoption.

Fink	<u>Y</u>	Ayes	<u>5</u>
Maines	<u>Y</u>	Nays	<u>0</u>
Breitkreuz	<u>Y</u>	Absent	<u>0</u>
Knight	<u>Y</u>	Abstaining	<u>0</u>
Nelson	<u>Y</u>		

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 10<sup>th</sup> day of May 2007, on a motion by Council Member Jeff Nelson and seconded by Council Member Aster Knight.

**[Signatures on Following Page]**



Mecca Fink, Mayor

ATTEST:

  
Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

  
Gary A. Poliakoff, J.D., Town Attorney  
FTL\_DB: 1048830\_1