

RESOLUTION NO. 2008-002

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE BRITTNEY ESTATES PLAT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID PLAT; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, the Brittney Estates Plat is described as a Replat of a portion of the Southwest ¼ of the Everglades Land Company Subdivision of Section 26, Township 50 South, Range 40 East, comprising approximately 4.61 gross acres or 4.12 net acres, said lands lying and being in the Town of Southwest Ranches, Broward County, Florida;

Generally located immediately south of Griffin Road on the east side of SW 135th Avenue and west of Lupo Lane; and

WHEREAS, at a duly noticed public hearing held on September 6, 2007, which was continued to October 4, 2007, the Town Council reviewed the Brittney Estates Plat, which provides for the subdivision of an approximately 4.12 net acres in order to create four (4) single-family lots; and

WHEREAS, Lot 1 will contain approximately 1.12 net acres and will have 185 feet of frontage off of SW 135th Avenue; and

WHEREAS, Lots 2, 3 and 4 will contain exactly one (1) net acre and will have 184 feet of frontage off of SW 135th Avenue; and

WHEREAS, the parcel has a Rural Estates Land Use and zoning designation, which allows residential development at one unit per net acre; and

WHEREAS, the proposed lots comply with the minimum net lot size and dimension requirements; and

WHEREAS, access to the plat will be provided via SW 135th Avenue and this plat dedicates twenty five (25) feet of right-of-way for SW 135th Avenue; and

WHEREAS, a twenty (20) foot wide drainage easement has been dedicated along the north, west, and southern perimeters of each lot and a ten (10) foot utility easement has been dedicated along the entire perimeter of the plat; and

WHEREAS, Central Broward Drainage District has approved the site for first signatures.

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 6, 2007, which was continued to October 4, 2007, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves the Layla Estates Plat subject to the following stipulated conditions:

- a. That there is sufficient capacity of the regional roadway network as determined by Broward County. In the event that sufficient capacity is not met, then the plat shall be denied by the Town.
- b. That the Town Attorney shall review and approve the legal information, including the Opinion of Title, which must be certified to the Town and updated within 30 days of second and final signoff by the Town.
- c. That the applicant shall coordinate with the Town's Engineering Department, Broward County Engineering, and FDOT concerning access to the plat off of Griffin Road. Review and approval of the access shall be required prior to second and final signoff by the Town.
- d. That the applicant shall pay the Town's park impact fee prior to second and final by the Town.
- e. That the applicant shall record an agreement together with the owner(s) of the Layla Estates Plat, which shall be approved by the Town Attorney, for the dedication of SW 135th Avenue prior to the second and final signoff by the Town. The road improvements, as contained with the Plat shall be private. Road maintenance shall be the responsibility of the owners of the parcels within the Layla and Brittney Estates plat, the obligations of which shall be the subject of a road maintenance agreement to be prepared by the owners of the respective plat in a form approved by the Town Attorney and to be recorded in the Public Records of Broward County, Florida. The road shall not restrict or impede the flow of public traffic.

- f. Where the road improvements traverse the plat of Layla or Brittney Estates or both, it shall be two (2) lanes through and entirely within both said plats.
- g. The first lift of asphalt for the road improvements, inclusive of the turnaround, shall be laid down and completed prior to the issuance of the Certificate of Occupancy for the first residential unit in either the Layla or Brittney Estates Plat. The second lift of asphalt shall be secured by a bond, in a form approved by the Town Attorney, in favor of the Town.
- h. Until a proper cul-de-sac can be dedicated and constructed, there shall be a temporary turn around located within Lots 3 and 4 of the Brittney Estates plat, the specific size, location and legal description of which shall be determined by site plan, and shall be of a radius required by Section 90-1(F) of the Town of Southwest Ranches Unified Land Development Code so as to allow for the turnaround of a garbage truck and an emergency fire vehicle, in conformity with WB-40 design vehicle geometry, as conceptually delineated in Exhibit "A". Additionally, in conjunction with the approval of the site plan, there shall be the recordation of a temporary ingress/egress easement, the legal description of which shall correspond to the intended turnaround and related road areas which lie outside of the twenty-five (25) foot right of way dedicated by the Brittney Estates Plat. The temporary turn around easement shall terminate upon the dedication of a cul-de-sac at the southerly portion of Southwest 135 Avenue running from the south line of the Brittney Estates Plat to the North line of the property described in that certain deed recorded in Official Records Book 7287 at Page 321 of the Public Records of Broward County, Florida, which parcel is presently owned by George R. and Judy F. Williams.
- f. The road improvements, including the two lane road and temporary turnaround, shall be located and constructed solely within the Brittney Estates Plat. Roadway and turnaround drainage shall be contained within the Brittney Estates Plat and shall not be designed so as to intentionally or unintentionally run-off and drain onto the parcel described in Official Records Book 32105 at Page 339 of the Public Records of Broward County, Florida.
- g. That a cost estimate is approved, and an evergreen bond is posted for all offsite and onsite improvements, as required by the Town Engineer, prior to the second and final signoff of the plat by the Town. All improvements shall be constructed prior to the issuance of the first Certificate of Occupancy for the parcel.

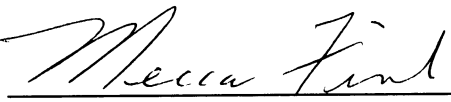
- h. That the applicant shall pay to the Town an amount equal to the total expense incurred by the Town in processing and finalizing this plat. This is to include expenses for engineering, planning, legal, advertising, a five (5) percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this plat.
- i. That the applicant shall record an agreement together with the owner(s) of the Layla Estates Plat, which shall be approved by the Town Attorney, to allow the Town's law enforcement to patrol and to issue citations on 135th Avenue.

Section 3. The Mayor, Town Administrator and Town Attorney are each authorized to execute said plat.

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

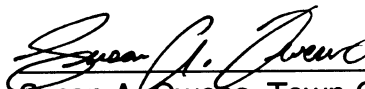
PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 4th day of October 2007, on a motion by Council Member Jeff Nelson and seconded by Council Member Aster Knight.

Fink	<u>ABSENT</u>	Ayes	<u>4</u>
Maines	<u>Y</u>	Nays	<u>0</u>
Breitkreuz	<u>Y</u>	Absent	<u>1</u>
Knight	<u>Y</u>	Abstaining	<u>0</u>
Nelson	<u>Y</u>		



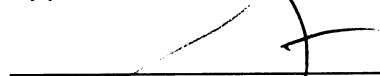
 Mecca Fink, Mayor

ATTEST:



 Susan A. Owens, Town Clerk

Approved as to Form and Correctness:



 Gary A. Poliakoff, J.D., Town Attorney
 FTL_DB: 1080314_1