

**RESOLUTION NO. 2008 - 010**

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

**WHEREAS**, the Southwest Nursery Plat is legally described as:

TRACT 64 IN SECTION 36, TOWNSHIP 50 SOUTH, RANGE 39 EAST OF "EVERGLADES LAND COMPANY SUBDIVISION", RECORDED IN PLAT BOOK 1, PAGE 63 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS THAT PORTION OF LYING WITHIN 120.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 36, AND ALSO LESS THAT PORTION LYING WITHIN 55 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 36 AND ALSO LESS THAT PORTION LYING SOUTHEASTERLY OF THE CHORD BASED ON A 35.00 FOOT RADIUS, THE ARC OF WHICH FALLS TANGENT TO A LINE 120.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 36 AND TANGENT TO A LINE 555.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 36, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA. SUBJECT TO EASEMENTS OVER THE WEST 25 FEET AND THE NORTH 25 FEET OF SAID TRACT 64; and

**WHEREAS**, the Southwest Nursery Plat is generally located on the northwest corner of SW 184<sup>th</sup> Avenue and Stirling Road; and

**WHEREAS**, at a duly noticed public hearing held on October 11<sup>th</sup>, 2007, the Town Council reviewed the Southwest Nursery Plat, which provides for the subdivision of an approximately 7.13 net acre lot in order to create three (3) single-family lots; and

**WHEREAS**, two (2) of the proposed lots will comprise 2.38 net acres after accounting for a twenty-five (25) foot dedication of right-of-way for SW 185<sup>th</sup> Way; and

**WHEREAS**, the third lot will comprise just under 2.37 net acres after a twenty-five (25) foot dedication of right-of-way and two (2) corner chords for Stirling Road intersections.

**WHEREAS**, the parcel has a Rural Ranch (RR) Land Use and an Agricultural Estate (A-1) zoning designation, which allows residential development at one (1) unit per two (2) net acre, or one (1) unit per two and one-half (2.5) gross acres; and

**WHEREAS**, all three (3) lots have one dimension of approximately five hundred fifteen (515) feet.

**WHEREAS**, the proposed lots comply with the minimum lot width and size requirements; and

**WHEREAS**, all lots have direct access to SW 185<sup>th</sup> Way; and

**WHEREAS**, South Broward Drainage District has approved the site for first signatures; and

**WHEREAS**, twenty-five (25) foot surface water management areas have been dedicated, as required, at the north and south boundaries of each lot; and

**WHEREAS**, ten (10) foot drainage easements are provided along side the 25-foot surface water management areas; and

**WHEREAS**, the plat provides a ten (10) foot utility and drainage easement running along the north, south, and east boundaries of the plat and a twelve (12) foot utility and drainage easement along the interior edge of the twenty-five (25) foot right-of-way dedication for SW 185<sup>th</sup> Way. The applicant proposes to utilize a well and septic tank for water and sewer; and

**WHEREAS**, the owner has paid the Park Impact Fee required by 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 October 11<sup>th</sup>, 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 Southwestern Nursery 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 will review and will approve all necessary

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 must provide a conceptual access and drainage plan that satisfies all ULDC requirements prior to second and final plat signoff.
- d. A cost estimate must be approved, and security must be provided in a form acceptable to the Town Attorney for all offsite and onsite improvements as required by the Town Engineer and Drainage District prior to second signoff by the Town.
- e. That applicant must execute a declaration of restrictive covenants prior to the Town's second and final plat signoff acknowledging, and holding the Town harmless for SW 185<sup>th</sup> Way being below the ten year flood elevation.
- f. That the applicant will pay to the Town an amount equal to the total expenses incurred by the Town in processing this plat, including but not limited to, engineering, planning, legal, advertising, a 5% administrative fee, and any related expenses that the Town has or will incur as a direct cost of this plat, prior to second and final signoff by the Town.

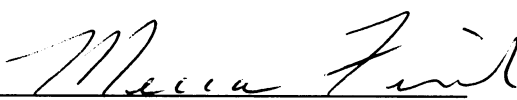
**Section 3.** The Mayor, Town Administrator and Town Attorney are each authorized to execute said plat.

**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 11<sup>th</sup> day of October 2007, on a motion by Council Member Aster Knight and seconded by Vice Mayor Don Maines.

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

**[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

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