

**RESOLUTION NO. 2008 - 022**

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

**WHEREAS**, the Appaloosa Trail Plat is legally described as:

A PORTION OF TRACTS 26, 27, AND 28, "EVERGLADES SUGAR AND LAND CO SUBDIVISION" OF SECTION 2, TOWNSHIP 51 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 39 OF THE PUBLIC RECORDS OF DATE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 27; THENCE SOUTH 01°53'29" EAST ON THE WEST LINE OF SAID TRACT 27 FOR 660.57 FEET TO THE INTERSECTION WITH A LINE PARALLEL TO AND 660.30 FEET SOUTH OF THE NORTH LINE OF SAID TRACTS 26, 27 AND 28 AND THE POINT OF BEGINNING; THENCE NORTH 89°43'09" EAST ON SAID PARALLEL LINE 640.23 FEET TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF APPALOOSA TRAIL (SOUTHWEST 127<sup>TH</sup> AVENUE); THENCE SOUTH 01°54'22" EAST ON SAID RIGHT-OF-WAY LINE 330.34 FEET TO THE INTERSECTION WITH A LINE PARALLEL TO AND 990.51 FEET SOUTH OF SAID NORTH LINE; THENCE SOUTH 89°43'09" WEST ON SAID PARALLEL LINE 660.32 FEET TO THE INTERSECTION WITH A LINE PARALLEL TO AND 20.00 FEET WEST OF THE EAST LINE OF SAID TRACT 26; THENCE NORTH 01°53'29" WEST ON SAID PARALLEL LINE 330.33 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED NORTH LINE; THENCE NORTH 89°43'09" EAST ON SAID PARALLEL LINE 20.01 FEET TO THE POINT OF BEGINNING.

SAID LINES SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA, AND CONTAINING 218,026 SQUARE FEET (5.0052 ACRES).

**WHEREAS**, the Appaloosa Trail Plat is generally located approximately 0.4 of a mile south of Stirling Road on the west side of SW 127<sup>th</sup> Avenue (Appaloosa Trail); and

**WHEREAS**, at a duly noticed public hearing held on December 6<sup>th</sup>, 2007, the Town Council reviewed the Appaloosa Trail Plat, which provides for the subdivision of an approximately 5.01 acre lot in order to create two (2) single-family lots; and

**WHEREAS**, the parcel has a Rural Ranch (RR) Land Use and a Rural Ranch (RR) zoning designation, both of which allow residential development at one (1) unit per two (2) net acres, or one (1) unit per two and one-half (2.5) gross acres; and

**WHEREAS**, each of the proposed lots will compromise approximately 2.39 net acres after accounting for a thirty (30) foot dedication of right-of-way for SW 127<sup>th</sup> Avenue; and

**WHEREAS**, each lot will be 165 feet in width, which exceeds the minimum width requirement of 125 feet; and

**WHEREAS**, this plat satisfies both minimum lot width and area requirements; and

**WHEREAS**, both lots have direct access to SW 127<sup>th</sup> Avenue; and

**WHEREAS**, Central Broward Water Control District has approved the plat for first signoff, and must approve the final drainage plan prior to issuance of a building permit for the proposed single-family residences; and

**WHEREAS**, at the request of Florida Power and Light, the plat provides a twenty (20) foot utility easement running along the middle of Lots 1 and 2, a ten (10) foot utility easement along SW 127<sup>th</sup> Avenue, and 6-foot utility easements along the northern boundary of Lot 1 and the southern boundary of Lot 2; and

**WHEREAS**, 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 December 6<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 Appaloosa Trail 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 deemed denied by the Town of Southwest Ranches.
- 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 letter of no objection from AT&T prior to second and final Town signoff.
- d. That a cost estimate must be approved, and security must be provided pursuant to Section 90-160 of the ULDC for all offsite and onsite improvements as required by the Town Engineer and the Drainage District prior to second signoff by the Town.
- e. That applicant must execute the Town's standard form indemnification agreement for the surface of SW 127<sup>th</sup> Avenue being below 10-year flood elevation.
- f. That the applicant shall pay to the Town an amount equal to the total expenses incurred by the Town in processing and finalizing this plat, prior to second and final signoff of the plat. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, a 5 percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this plat.

**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.

**[SIGNATURES ON FOLLOWING PAGE]**

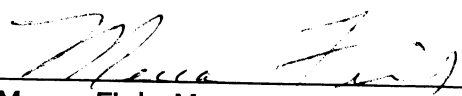
**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 6<sup>th</sup> day of December 2007, on a motion by Vice Mayor Jeff Nelson and seconded by Council Member Steve Breitkreuz.

Fink	<u>Y</u>
Nelson	<u>Y</u>
Breitkreuz	<u>Y</u>
Knight	<u>Y</u>
Maines	<u>Y</u>

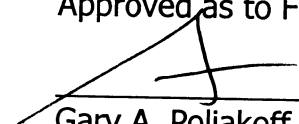
Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>

ATTEST:

  
Susan A. Owens, Town Clerk

  
Mecca Fink, Mayor

Approved as to Form and Correctness:

  
Gary A. Poliakoff, J.D., Town Attorney

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