

**RESOLUTION NO. 2008 - 096**

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

**WHEREAS**, the Magnate Plat is legally described as:

A REPLAT OF A PORTION OF TRACTS 49 AND 50 OF "THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SECTIONS 6, 7, 18, 19, 30 AND 31, TOWNSHIP 50 SOUTH, RANGE 40 EAST AND THE EAST HALF OF TOWNSHIP 51 SOUTH, RANGE 40 EAST", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 39 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA SECTION 3, TOWNSHIP 51 SOUTH, RANGE 40 EAST TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA.

**WHEREAS**, the site consists of 5.13 net acres located on the northeast corner of the intersection of SW 148<sup>th</sup> Avenue (Volunteer Road) and Sheridan Street; and

**WHEREAS**, the property has a Rural Ranch (RR) Land Use and a Rural Ranch (RR) zoning designation, both of which allow single-family detached residences on lots of two (2) net acres, or two and one-half (2.5) gross acres; and

**WHEREAS**, the applicant is platting to property in order to create two (2) single-family lots; and

**WHEREAS**, Lot 1 will consist of 3.0 net acres and Lot 2 will consist of 2.12 net acres; and

**WHEREAS**, an existing home and a detached structure will remain on Lot 2; and

**WHEREAS**, a barn and a greenhouse on Lot 1 will be demolished as it does not meet the minimum setback requirement from the new lot line created by this plat; and

**WHEREAS**, Lot 1 will have access solely to Volunteer Road via a canal crossing; and

**WHEREAS**, Lot 2 will have access from Old Sheridan Street; and

**WHEREAS**, necessary right-of-way for both Volunteer Road and Sheridan Street were previously dedicated by separate instrument; however, additional turnaround

easement will be dedicated for a permanent cul-de-sac by separate instrument at the terminus of Old Sheridan Street; and

**WHEREAS**, trail improvements have already been made in this area and are located in the rights-of-way of Volunteer Road and Old Sheridan Street; and

**WHEREAS**, the plat and all required improvements will be completed without negatively impacting the trail on Volunteer Road or Old Sheridan Street; 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 residence on Lot 1; and

**WHEREAS**, a twenty (20) foot drainage easement has been dedicated, as required, along the perimeter of each lot and a twenty (20) foot canal maintenance easement has been dedicated along the west lot lines; and

**WHEREAS**, a ten (10) foot utility easement has been dedicated around the perimeter of the plat on the inside edge of the drainage/canal maintenance easements; and

**WHEREAS**, potable water will be provided by the City of Pembroke Pines and sanitary sewage treatment will be provided through an on-site septic systems.

**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 4<sup>th</sup>, 2008, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves the Magnate 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 shall provide documentation from Pembroke Pines concerning the provision of potable water to this plat prior to second and final signoff.
- d. That the applicant shall record the turnaround easement for a 40-foot radius cul-de-sac at the terminus of Old Sheridan Street prior to second signoff by the Town.
- e. The existing greenhouse and barn on Lot 1 shall be removed prior to second and final signoff.
- f. That a cost estimate must be approved, and security must be provided pursuant to Section 90-160 of the Town's Unified Land Development Code for all offsite and onsite improvements as required by the Town Engineer and the Drainage District prior to second signoff by the Town.
- g. 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.
- h. That the applicant shall amend the plat to include a non-vehicular access line ("NVAL") on the Southern boundary of Lot 1 (between Lots 1 & 2) to prevent access from Lot 1 to Old Sheridan Street.

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

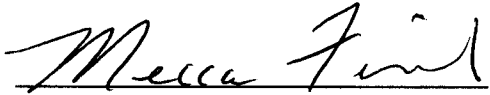
**Section 4.** This Resolution shall become effective immediately upon adoption.

**[Signatures on Following Page]**

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 4<sup>th</sup> day of September 2008, on a motion by Council Member Steve Breitzkreuz and seconded by Council Member Don Maines.

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

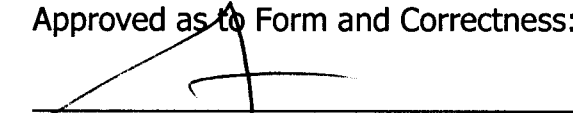
Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>

  
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Mecca Fink, Mayor

ATTEST:

  
\_\_\_\_\_  
Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:

  
\_\_\_\_\_  
Gary A. Poliakoff, J.D., Town Attorney  
FTL\_DB: 1139325\_1