

RESOLUTION NO. 2009-071

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A DELEGATION REQUEST TO ELIMINATE THE NON-VEHICULAR ACCESS LINE DEDICATED BY THE RODRIGUEZ PLAT LOCATED ALONG SW 190TH AVENUE AND SOUTHWEST 63RD STREET; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, the Rodriguez Plat is generally located on the southwest corner of the intersection of SW 190th Avenue and SW 63rd Street, with a site address of 6300 SW 190th Avenue, and a legal description of Parcel "A" of the Rodriguez Plat, as recorded in Plat Book 153 at Page 1 of the public records of Broward County, Florida; and

WHEREAS, the Rodriguez Plat consists of 2.03 net acres, and is restricted to one single-family unit; and

WHEREAS, when the Rodriguez Plat was recorded on January 11, 1993, a Non-Vehicular Access Line (NVAL) was included per the plat along the entire frontage of SW 190th Avenue continuing to include the eastern 100 feet of frontage along SW 63rd Street; and

WHEREAS, subsequent to the plat's recordation, the prior owner illegally installed one driveway on SW 190th Avenue, and one driveway on SW 63rd Street, both encroaching the NVAL; and

WHEREAS, the NVAL was originally required by Broward County since SW 190th Avenue was considered a "non-trafficway" collector road since it followed the quarter-section line and SW 63rd Street since it bordered a collector road; and

WHEREAS, today the Trafficways Plan no longer designates SW 190th Avenue as a Trafficway Corridor or non-Trafficway collector, and the Town has no current plans of making SW 190th Avenue a collector road; and

WHEREAS, accordingly, if the property was platted today, the Town would not have required the NVAL line; and

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 July 16, 2009, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves the delegation request to remove the non-vehicular access lines placed on the Rodriguez Plat, subject to the following stipulated condition:

a. The applicant shall pay any and all after-the-fact permit fees for the driveway located on SW 63rd Street, or provide documentation that Broward County approved the driveway prior to the Town's incorporation.

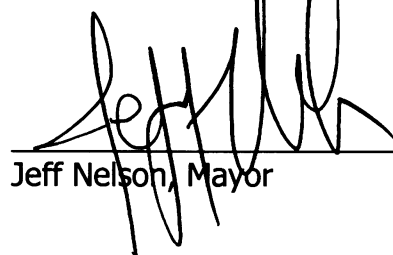
Section 3. The Mayor, Town Administrator and Town Attorney are hereby authorized to execute any and all documents necessary and proper to effectuate the intent of this Resolution.

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

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 16th day of July 2009, on a motion by Vice Mayor Breitkreuz seconded by Council Member McKay.

Nelson	<u>Y</u>
Breitkreuz	<u>Y</u>
Fisikelli	<u>Y</u>
Knight	<u>ABSENT</u>
McKay	<u>Y</u>

Ayes	<u>4</u>
Nays	<u>0</u>
Absent	<u>1</u>
Abstaining	<u>0</u>



Jeff Nelson, Mayor

ATTEST:



Debra Dore-Thomas, Town Clerk

Approved as to Form and Correctness:



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

ACTIVE: 2650498_1