

RESOLUTION No. 2010-010

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN AMENDMENT TO THE LANDMARK RANCH ESTATES SITE PLAN TO PROVIDE FOR A MASTER ELECTRONIC ENTRY GATE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE SITE PLAN AMENDMENT; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, on February 14, 2002, pursuant to Resolution No. 2002-29, the Town Council approved the Landmark Ranch Estates Site Plan; and

WHEREAS, the Landmark Ranch Estates Site Plan is described as Tracts 1 through 6 (inclusive), Tracts 9 through 18 (inclusive), the North one-half (N ½) of Tracts 21, 22, 23 and 24, in the Southwest one-quarter (SW ¼) of Section 32, Township 50 South, Range 40 East, AND: Tracts 7, 8, and the South one-half (S ½) of Tracts 23 and 24 in the Northwest one-quarter (NW ¼) of Section 32, Township 50 South, Range 40 East; TOGETHER WITH: the platted roadway adjacent to said Tracts 1, 8, 9, 10, 23 and 24, CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, at Page 68, of the Public Records of Dade County, Florida, and re-recorded in Plat Book 1, at Page 5A of the Public Records of Broward County, Florida.

Said lands lying and situate in the Town of Southwest Ranches, Broward County, Florida and containing 138.761 acres, more or less; and

WHEREAS, Landmark Ranch Estates is generally located on the east side of SW 172nd Avenue between SW 54th and SW 59th Streets; and

WHEREAS, when the original site plan was approved the developer stated that the site plan did not include a master entry gate, but that gates would be provided for the individual property owners; and

WHEREAS, the residents of Landmark Ranch Estates desire to amend the original site plan and representations to install a master electronic entry gate and to widen a portion of the south side of Windsor Boulevard to allow for visitor and guest lanes, and adding a stabilized paved stub-out on the north side of Windsor Boulevard in front of the proposed gate in order to accommodate turn around movements of larger vehicles; and

WHEREAS, the South Broward Drainage District, Town Engineer, Broward County Fire Marshal, Broward County Sheriff's Office, and Broward County Highway Construction and Engineering Division have no objections to the site plan modification;

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 15, 2009, following the review of the staff report and all written and oral evidence received during the advertised public hearing, the Town Council hereby approves a modification to the Landmark Ranch Estates Site Plan to provide a master electronic entry gate, subject to the following agreed upon conditions:

- a. That the applicant shall submit additional fixture details for approval by the Town Engineer to ensure the lighting fixtures shown on the entry gates comply with the Outdoor Lighting Standards of Article 95 of the Town's Unified Land Development Code.
- b. That the applicant shall obtain approval from FPL, AT&T, Comcast, TECO gas, and the City of Sunrise Utilities Department for the turn-around located within the utility easement.
- c. That the applicant shall provide a Knox key entry system box along with an entry pass code to the Town for emergency services personnel.
- d. That the home owners association shall execute an agreement, in a form and format approved by the Town Attorney, indemnifying and holding the Town, its agents, contractors, and employees, harmless for the installation of the master entry gate.
- e. That the applicant shall dedicate an equestrian trail easement to the general public over its existing paved roadway network to allow equestrian use of its paved roadways, and shall provide for an appropriate unencumbered equestrian entrance to its community from 172nd Avenue.
- f. That the applicant agrees to use its best efforts to investigate and, if determined by applicant to be reasonably feasible, to move the entry gate up to sixty feet (60') further inside of the community.

- g. That the applicant shall provide a safe and sufficient turn-around prior to the entry gate, as approved by the Town Engineer.
- h. That the Town Planner, Landscape Inspector, and Code Enforcement Officer, shall inspect the property to confirm that the property is in full compliance with the Town's Code and the development orders issued for the development. In the event that code violations are found, said violations shall be fixed prior to the issuance of a building permit for the construction of the entry gate.
- i. The applicant shall pay an amount equal to the total expenses incurred by the Town in the processing and finalization of this application, prior to the issuance of a building permit. This amount shall include, but shall not be limited to, expenses for engineering, planning, legal advertising, five (5%) percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.
- j. All other conditions of the original site plan approval shall remain in full force and effect.

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

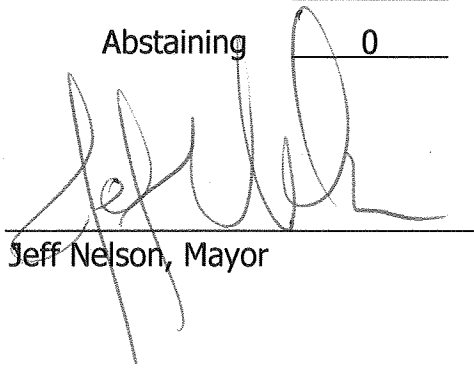
Section 4. This Resolution shall become effective immediately upon adoption.

[Signatures on Following Page]

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 15th day of October 2009, on a motion by Vice Mayor Steve Breitkreuz and seconded by Council Member Freddy Fisikelli.


Nelson Y
Breitkreuz Y
Fisikelli Y
Knight Y
McKay Y

Ayes 5
Nays 0
Absent 0
Abstaining 0




Jeff Nelson, Mayor

ATTEST:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney
ACTIVE: 2774347_1

**Mailing Address:
P.O. Box 9057
Ft. Lauderdale, FL 33310-9057**

**ADMINISTRATIVE OFFICE
3111 STIRLING ROAD
FORT LAUDERDALE, FL 33312
954.987.7550**

**WWW.BECKER-POLIAKOFF.COM
BP@BECKER-POLIAKOFF.COM**

December 16, 2010

**Reply To:
Fort Lauderdale
Carol Capri Kalliche, Esq.
Direct dial: (954) 985-4104
CKalliche@becker-poliakoff.com**

U.S. MAIL

**Ms. Debra Dore'-Thomas
Town Clerk
Town of Southwest Ranches
6589 S. W. 160 Avenue
Southwest Ranches, FL 33331**

**Re: *Town of Southwest Ranches
Landmark Custom Ranches, Inc./Homeowner's Association of
Landmark Ranch Estates, Inc.-Equestrian Trail Easement***

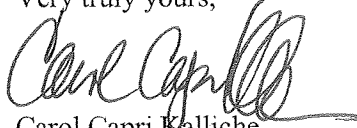
**FLORIDA OFFICES
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FORT WALTON BEACH
HOLLYWOOD
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MELBOURNE *
MIAMI
NAPLES
ORLANDO
PORT ST. LUCIE
SARASOTA
TALLAHASSEE
TAMPA BAY
WEST PALM BEACH**

Dear Debra:

In connection with the above referenced matter, enclosed herein please find a copy of the Equestrian Trail (Horse Path) Easement recorded on December 16, 2010, in Official Records Book 47591, Page 858, of the Public Records of Broward County, Florida.

Should you have any questions, please do not hesitate to call me.

Very truly yours,



**Carol Capri Kalliche
Deputy Town Attorney
For the Firm**

**CCK/th
Enclosures**

**cc: Emily S. McCord, Community Services Director, Town of Southwest Ranches
Keith Poliakoff, Esquire
(above via e-mail with enclosure)**

**U.S. & GLOBAL OFFICES
BAHAMAS
NEW JERSEY
NEW YORK CITY
PARIS *
PRAGUE
TEL AVIV ***

**ACTIVE: 3184615_1
12/16/10**

RECEIVED

DEC 17 2010

*** by appointment only**

This instrument prepared by
And record and return to:
Carol Capri Kalliche, Attorney at Law
3111 Stirling Road
Becker & Poliakoff, P.A.
Ft. Lauderdale, Florida 33312-6525

EQUESTRIAN TRAIL (HORSE PATH) EASEMENT

This Equestrian Trail (Horse Path) Easement ("Equestrian Trail Easement") is made this 19th day of November, 2010, by LANDMARK CUSTOM RANCHES, INC., a Florida corporation, (hereinafter referred to as the "Developer") joined by HOMEOWNER'S ASSOCIATION OF LANDMARK RANCH ESTATES, INC., a Florida non-profit corporation, (hereinafter referred to as the "HOA"), (the Developer and the HOA shall hereinafter be collectively referred to as the "Grantor") whose mailing address is 13190 Stirling Road, Southwest Ranches, Florida 33330, to the public.

WHEREAS, the Developer is the developer of the property located within the Town of Southwest Ranches legally described as:

LANDMARK RANCH ESTATES, as recorded in Plat Book 171, Page 120 of the Public Records of Broward County, Florida, (the "Platted Subdivision"); and

WHEREAS, the HOA is the homeowner's association charged with the responsibility of managing and maintaining the common areas located within the Platted Subdivision; and

WHEREAS, the Town Council of the Town of Southwest Ranches has requested that the Developer and the HOA grant an easement for equestrian purposes to the public, over and across the paved roads located within the Platted Subdivision; and

WHEREAS, the Developer and the HOA have determined that it is in the best interest of the members of the HOA to grant said equestrian easement.

NOW, THEREFORE, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, Grantor hereby states and declares as follows:

1. The foregoing recitals are true and correct and are incorporated herein by this reference.
2. Grantor hereby grants to the public an equestrian trail easement for equestrian purposes over and across the property described in Exhibit "A", which is attached hereto and

made a part hereof, and over and across the paved roads located within the INGRESS/EGRESS EASEMENT as shown and dedicated on the Plat of LANDMARK RANCH ESTATES, as recorded in Plat Book 171, Page 120 of the Public Records of Broward County, Florida.

3. It is intended that this Equestrian Trail Easement shall be recorded among the Public Records of Broward County, Florida, and that this Equestrian Trail Easement shall be construed and shall be enforced in accordance with the laws of the State of Florida in the courts of Broward County, Florida and the prevailing party in any action shall be entitled to attorney's fees and costs at all levels of trial.


4. This easement shall not be amended, modified or terminated without the express written consent of the Town Council of the Town of Southwest Ranches, after public hearing.

5. The easement herein granted shall constitute a covenant running with the land and shall be binding upon and shall inure to the benefit of Grantor, their successors and assigns and the public.

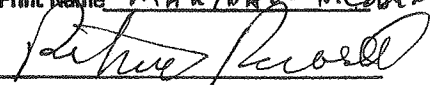
IN WITNESS WHEREOF, this Equestrian Trail Easement has been executed as of the date first above set forth.

Witnesses:

LANDMARK CUSTOM RANCHES, INC.,
a Florida corporation


Print Name MARGARET H. COWEN

By: 
Richard Bell, President


Print Name RICHARD RUSSELL

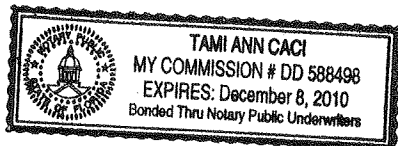
STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 19 day of November 2010, by RICHARD BELL, as President of LANDMARK CUSTOM RANCHES, INC who is personally known to me and did take an oath, or produced his/her Florida Driver's Licenses as identification.

My Commission Expires:

Notary Public, State of Florida

Notary: Print Name Tami Ann Caci



Witnesses:

HOMEOWNER'S ASSOCIATION OF
LANDMARK RANCH ESTATES, INC.,
a Florida non-profit corporation

M. Marshall
Print Name MARSHALL M. CENTER

By: *[Signature]*
Richard Bell, President

[Signature]
Print Name RICHARD RUSSELL

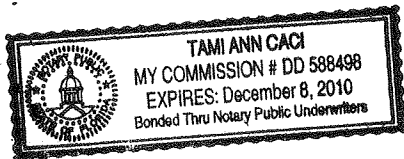
STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 19 day of November, 2010, by RICHARD BELL, as President of HOMEOWNER'S ASSOCIATION OF LANDMARK RANCH ESTATES, INC., who is personally known to me and did take an oath, or produced his/her Florida Driver's Licenses as identification.

[Signature]
Notary Public, State of Florida

My Commission Expires:

Tami Ann Caci
Notary: Print Name





IBI GROUP, Inc.

AUTHORIZATION # LB 5610

ENGINEERS SURVEYORS PLANNERS
LANDSCAPE ARCHITECTS ENVIRONMENTAL CONSULTANTS

2200 PARK CENTRAL BLVD. N. SUITE 100
POMPAN0 BEACH, FLORIDA, 33064 (954) 974-2200
2300 MATLAND CENTER PARKWAY SUITE 101
MATLAND, FLORIDA, 32751 (407) 660-2120

(SKETCH AND DESCRIPTION ONLY - NOT A SURVEY)

EXHIBIT "A" (Page 1 of 2)

LEGAL DESCRIPTION:

(HORSE PATH EASEMENT)

A PORTION OF PARCEL A, LANDMARK RANCH ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 171, AT PAGES 120 THROUGH 124, INCLUSIVE, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 34, OF SAID PLAT OF LANDMARK RANCH ESTATES; THENCE SOUTH 89°37'19" WEST ALONG THE CENTERLINE OF THAT CERTAIN 60 FOOT WIDE INGRESS/EGRESS EASEMENT AS SHOWN ON SAID PLAT OF LANDMARK RANCH ESTATES, A DISTANCE OF 71.38 FEET; THENCE SOUTH 00°22'41" EAST, A DISTANCE OF 21.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°22'41" EAST, A DISTANCE OF 15.40 FEET; THENCE SOUTH 89°37'19" WEST, A DISTANCE OF 74.00 FEET; THENCE NORTH 00°22'41" WEST, A DISTANCE OF 7.00 FEET; THENCE NORTH 89°37'19" EAST ALONG THE SOUTH LINE OF SAID 60 FOOT WIDE INGRESS/EGRESS EASEMENT, A DISTANCE OF 62.60 FEET; THENCE NORTH 00°22'41" WEST, A DISTANCE OF 8.40 FEET; THENCE NORTH 89°37'19" EAST, A DISTANCE OF 11.40 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EXISTING EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY.

SAID LANDS LYING AND SITUATE IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA.

NOTES:

1. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

2. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY IBI GROUP, INC. FOR EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

3. DATA SHOWN HEREON WAS COMPILED FROM OTHER INSTRUMENTS AND DOES NOT CONSTITUTE A FIELD SURVEY.

4. BEARINGS ARE BASED ON THE NORTH LINE OF LOT 34 LANDMARK RANCH ESTATES, PLAT BOOK 171, AT PAGES 120 THROUGH 124, INCLUSIVE, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID NORTH LINE HAVING A BEARING OF SOUTH 89°37'19" WEST.

5. IBI GROUP, INC'S CERTIFICATE OF AUTHORIZATION No. 5610, IS ISSUED BY THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description is true and correct to the best of my knowledge and belief and that it meets the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code.

For The Firm:
IBI Group, Inc.

William N. Field

WILLIAM N. FIELD, P.S.M.
PROFESSIONAL SURVEYOR and MAPPER #5999 STATE OF FLORIDA

DATE: 11/29/10 DRAWN BY BF CHECKED BY JAH FIELD BOOK N/A

20945
SKETCH NO.

REVISIONS	DATE	BY



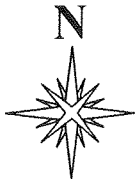
IBI GROUP, Inc.

AUTHORIZATION # LB 5610

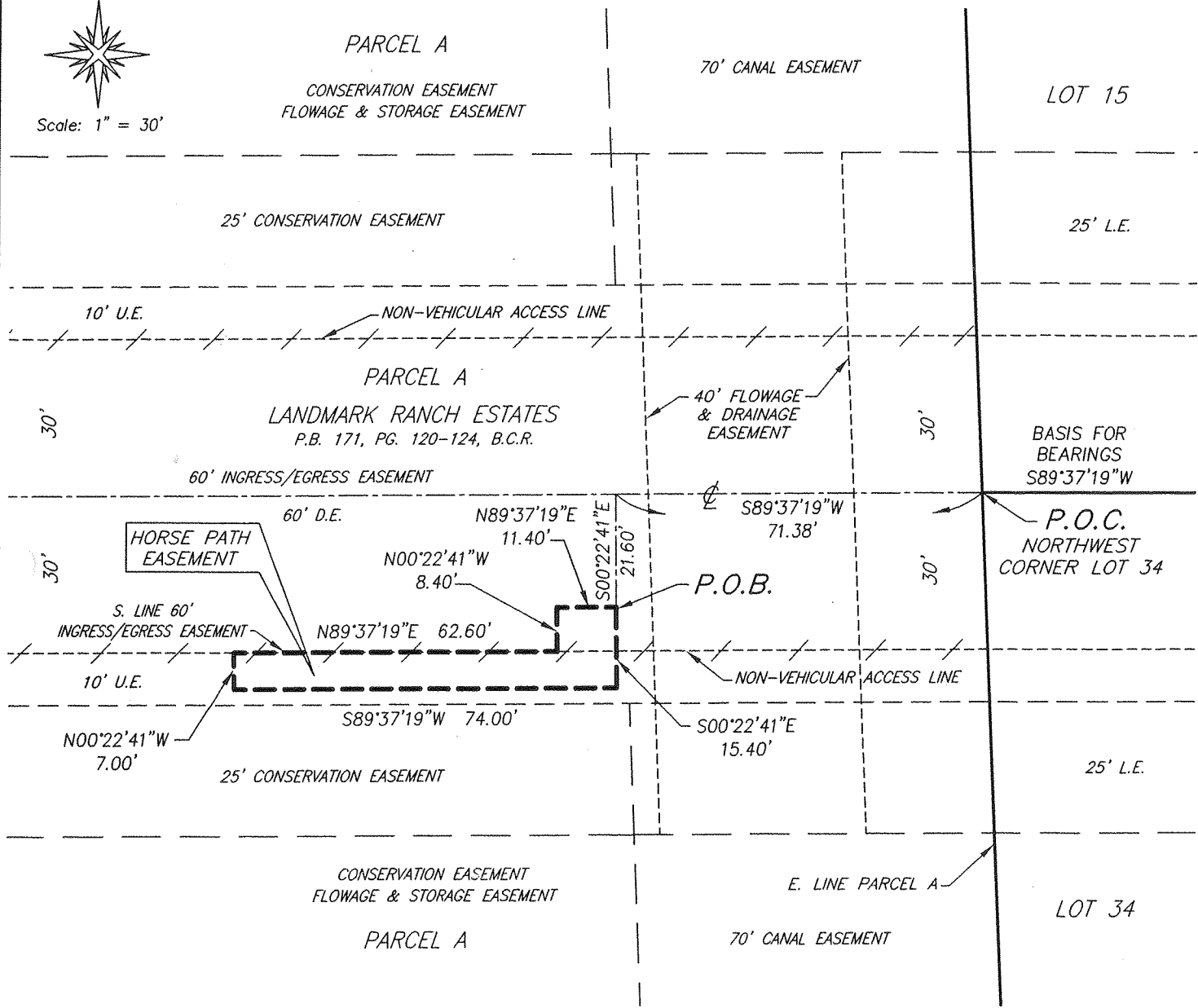
ENGINEERS SURVEYORS PLANNERS
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 POMPANO BEACH, FLORIDA, 33064 (954) 974-2200
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 MAITLAND, FLORIDA, 32751 (407) 660-2120

(HORSE PATH EASEMENT) EXHIBIT "A" (Page 2 of 2)



Scale: 1" = 30'



LEGEND:

- B.C.R. = BROWARD COUNTY RECORDS
- CL = CENTERLINE
- D.E. = DRAINAGE EASEMENT
- L.E. = LANDSCAPE EASEMENT
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.B. = PLAT BOOK
- PG. = PAGE
- U.E. = UTILITY EASEMENT

NOTE:
 ALL EASEMENTS AND NON-VEHICULAR ACCESS LINES SHOWN HEREON ARE PER THE PLAT OF LANDMARK RANCH ESTATES, PLAT BOOK 171, PAGES 120-124, BROWARD COUNTY RECORDS.

REVISIONS DATE BY

(SKETCH AND DESCRIPTION ONLY - NOT A SURVEY)

DATE: 11/29/10	DRAWN BY: BF	CHECKED BY: JAH	FIELD BOOK: N/A
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SKETCH NO. 20945