

RESOLUTION NO. 2010-079

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE MIRZA ACRES PLAT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PLAT; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, the Mirza Acres Plat is legally described as:

A REPLAT OF A PORTION OF TRACT 59, SECTION 3, TOWNSHIP 51 SOUTH, RANGE 40 EAST, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION (PB 2, PG 39, DCR), TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA.

WHEREAS, the subject site consists of 4.489 net acres located along Mustang Trail approximately 700 feet east of SW 142 Avenue and 1,650 feet west of SW 136 Avenue; and

WHEREAS, the subject site has both a land use and zoning of Rural Ranch, which allows residential development at one (1) unit per two (2) net acres; and

WHEREAS, the Applicant is platting the property in order to create two (2) single-family lots on an existing lot of record; and

WHEREAS, the proposed lots will each contain 2.245 net acres and will have 157.6 feet of frontage along Mustang Trail, satisfying the minimum width requirement of 125 feet; and

WHEREAS, Lot 1 will have access to Mustang Trail via an existing rock bridge over the Central Broward Water Control District S-19A canal; and

WHEREAS, Lot 2 will have access to Mustang trail via a new canal crossing with a new culvert; and

WHEREAS, a twenty (20) foot drainage easement has been dedicated along the perimeter of each lot and a twelve (12) foot canal maintenance easement has been dedicated along the north lot lines; and

WHEREAS, per the request of FPL, this plat dedicated ten (10) feet of utility easement abutting Mustang Trail right-of-way running along the northern perimeter of the proposed plat, to be placed on the inside edge of the drainage/canal maintenance easements; and

WHEREAS, since Mustang Trail is below the 10 year flood elevation, the Property Owner has offered to execute a Declaration of Restrictive Covenants indemnifying and holding the Town harmless in lieu of reconstructing its portion of the roadway.

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 August 4, 2010, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves the Mirza Acres 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 shall review and shall approve all of the legal information, including the Opinion of Title prior to the County's review of the plat. The Opinion of Title must also be certified to the Town and updated within 30 days of the County's approval of the plat.
- (c) That the Property Owner shall execute and record the Town's standard Declaration of Restrictive Covenants relating to public roadways, access, and minimum elevations.
- (d) That the applicant shall provide security, in a form acceptable to the Town Attorney pursuant to Section 90-160 of the ULDC, for all offsite and onsite improvements as required by the Town Engineer and Drainage District. These required improvements are enumerated in the approved Cost Estimate dated November 4, 2008, totaling \$23,230. The security provided shall equal One Hundred and Twenty Five Percent (125%) of the cost estimate. To satisfy this condition, prior to Council

approval, the Applicant provided the Town with a check in the amount of \$29,038, which the Town Attorney's office is holding in escrow. In the event that all required offsite and onsite improvements are not completed within 18 months of the date of the resolution that approves the subject plat, then the applicant agrees that the security for the improvements shall be forfeited to the Town, but the applicant shall not be relieved of the responsibility for completing the improvements. No vertical construction can occur until the offsite and onsite improvements have been constructed and approved by the Town.

- (e) That the applicant shall pay to the Town of Southwest Ranches an amount equal to the total expenses incurred by the Town in the processing and finalizing of 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, 5 percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this plat.
- (f) That the Property Owner has stipulated and has agreed to never seek a variance of similar waiver as it relates to the location of the pond and the potential development limitations on both lots. Said condition shall be included on the face of the plat.

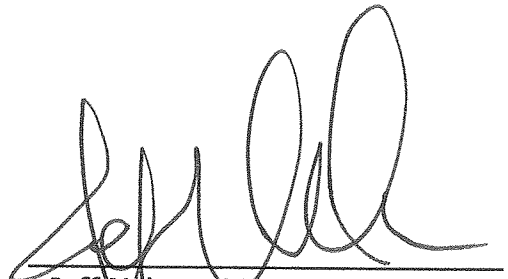
Section 3. The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate this plat.

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

PASSED AND ADOPTED this 4th day of August, 2010, on a motion made by Vice Mayor Astor Knight and seconded by Council Member Freddy Fisikelli.

Nelson	<u>AYE</u>	Ayes	<u>5</u>
Knight	<u>AYE</u>	Nays	<u>0</u>
Breitkreuz	<u>AYE</u>	Absent	<u>0</u>
Fisikelli	<u>AYE</u>	Abstaining	<u>0</u>
McKay	<u>AYE</u>		

[Signatures on Following Page]



Jeff Nelson, Mayor

Attest:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney
ACTIVE: 3067945_1