

RESOLUTION NO. 2011 - 020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING RAYMOND HARRISON'S WAIVER OF PLAT APPLICATION RELATING TO THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SW 178TH AVENUE AND SW 66TH 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; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, at a duly noticed public hearing held on December 15, 2010, the Town Council reviewed an application by Raymond Harrison to subdivide a single tract into two separate lots, without platting; and

WHEREAS, the subject property is 4.8 gross acres, and is located at the northwest corner of SW 66th Street and SW 178th Avenue, and is shown in the sketch and legal description in Exhibit "A" attached hereto and made a part hereof (has not yet been provided, but shall be provided prior to recordation); and

WHEREAS, the property is designated Rural Ranches on the Future Land Use Plan map and is zoned Rural Ranches, which requires 2.0 net or 2.5 gross acres per lot; and

WHEREAS, this application proposes lots of 2.0 and 2.14 acres of net land area, consistent with the land use and zoning designations; and

WHEREAS, both lots will have in excess of the 125 feet minimum width requirement of the Rural Ranches zoning district; and

WHEREAS, access is proposed via a shared driveway culvert crossing from SW 66th Street over the existing canal, within a 40-foot South Broward Drainage District ("SBDD") canal and canal maintenance easement, as shown on the graphic description of the property subject to this Waiver of Plat Resolution, attached hereto and made a part hereof and marked Exhibit "B" (has not yet been provided, but shall be provided prior to recordation); and

WHEREAS, the applicant has requested that the SBDD vacate the north 15 feet of the easement, to be rededicated as a canal maintenance easement only, so as not to count against the net acreage; and

WHEREAS, in accordance with the Town's requirements, the applicant has agreed to dedicate the ingress easement on 178th Avenue to the Town as a fee simple right-of-way, and to also grant an abutting 10-foot utility and recreational trail easement by separate documents which shall be recorded in the Public Records of Broward County, Florida.

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 15, 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 Raymond Harrison waiver of plat application subject to the following stipulated conditions:

- a. That the applicant shall execute a Quit Claim Deed dedicating a forty (40) feet of right-of-way on SW 178th Avenue in place of the existing easement originally dedicated to the Bailey Drainage District.
- b. That the applicant shall grant a ten (10) foot recreational trail and utilities easement abutting the west side of the right-of-way to be dedicated on SW 178th Avenue.
- c. That the SBDD has agreed to vacate the North fifteen (15) feet of the existing forty (40) foot canal and canal maintenance easement, and the applicant shall rededicate the North fifteen (15) foot portion to the SBDD as an easement for canal maintenance only.
- d. That the applicant makes the technical corrections to the survey pursuant to the memorandum from the Town Planner dated December 8, 2010.
- e. That this Resolution, and associated documents, shall be recorded in the Public Records of Broward County, after all requisite attachments to this Resolution have been finalized and approved by the Town.
- f. That prior to recordation the Town Engineer and the SBDD shall review the easement approximate to the new property line.
- g. That the applicant shall pay to the Town an amount equal to the total expense incurred by the Town in processing this application prior to the final recordation of the waiver of plat by the Town. This fee includes, but,

shall not be limited to expenses for engineering, planning, legal, advertising, a five percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this waiver of plat.

Section 3. If the applicant fails to meet all of the conditions of approval set forth in Section 2 of this Resolution within six (6) months from the date hereof, the Town Council's approval shall of the Waiver of Plat application automatically expire and become null and void.

Section 4. The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

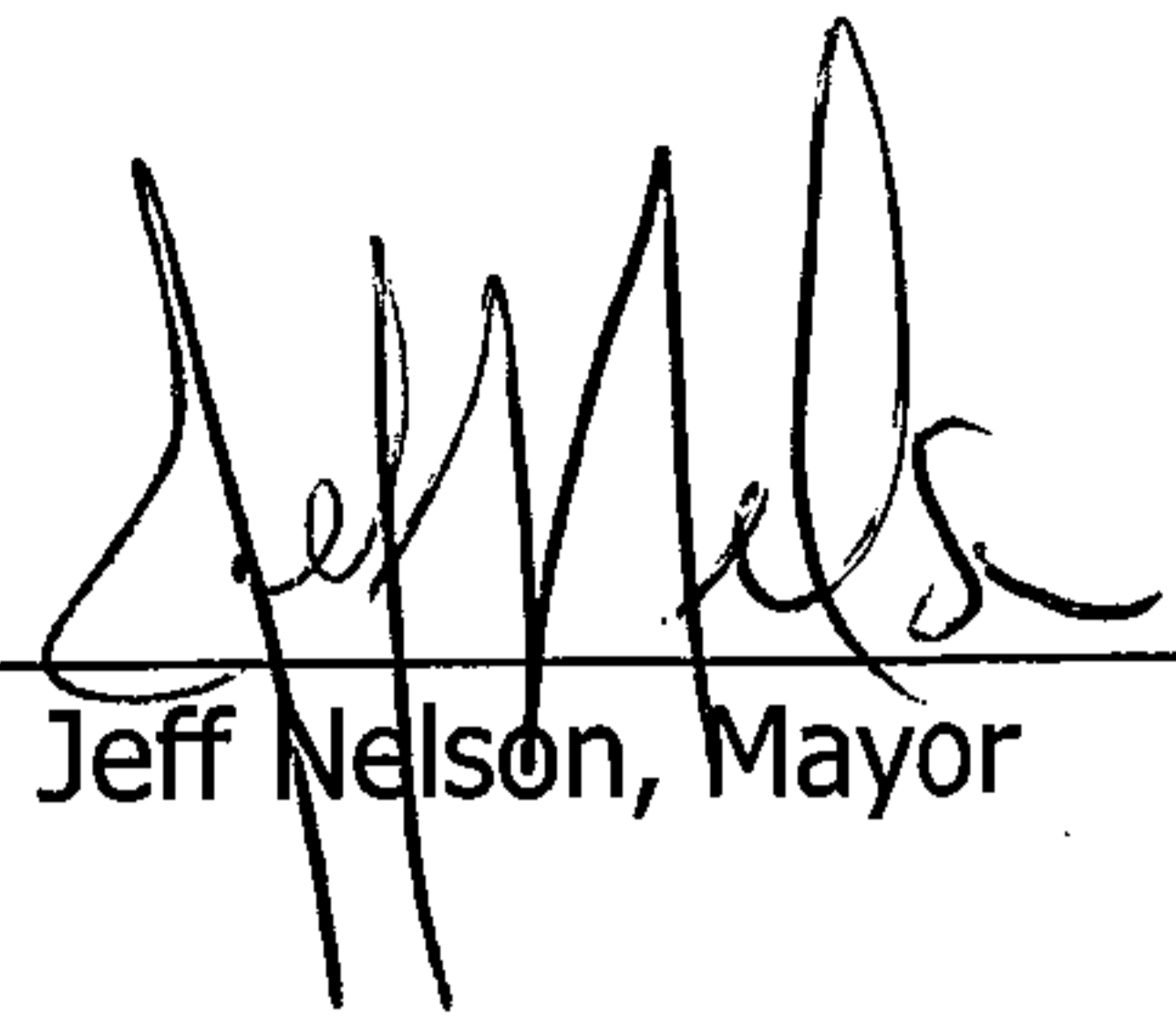
Section 5. This Resolution, and all necessary associated documents, shall be recorded in the Public Records of Broward County, Florida, after the Town has verified that the applicant has satisfied all of the terms and conditions set forth in Section 2 hereof, and Section 115-100 of the Town Unified Land Development Code. It shall be the applicant's responsibility to provide complete the necessary documentation to the Town not less than thirty (30) days prior to the expiration date.

Section 6. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 15th day of December 2010, on a motion by Council Member Doug McKay and seconded by Council Member Steve Breitkreuz.

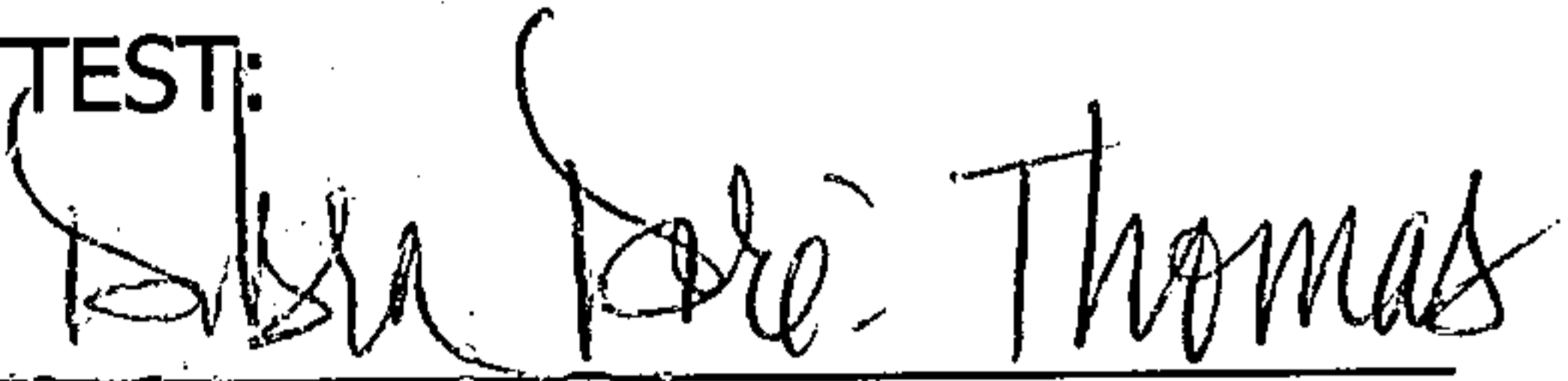
Nelson	<u>AYE</u>	Ayes	<u>5</u>
Fisikelli	<u>AYE</u>	Nays	<u>0</u>
Breitkreuz	<u>AYE</u>	Absent	<u>0</u>
Jablonski	<u>AYE</u>	Abstaining	<u>0</u>
McKay	<u>AYE</u>		

[Signatures on Following Page]



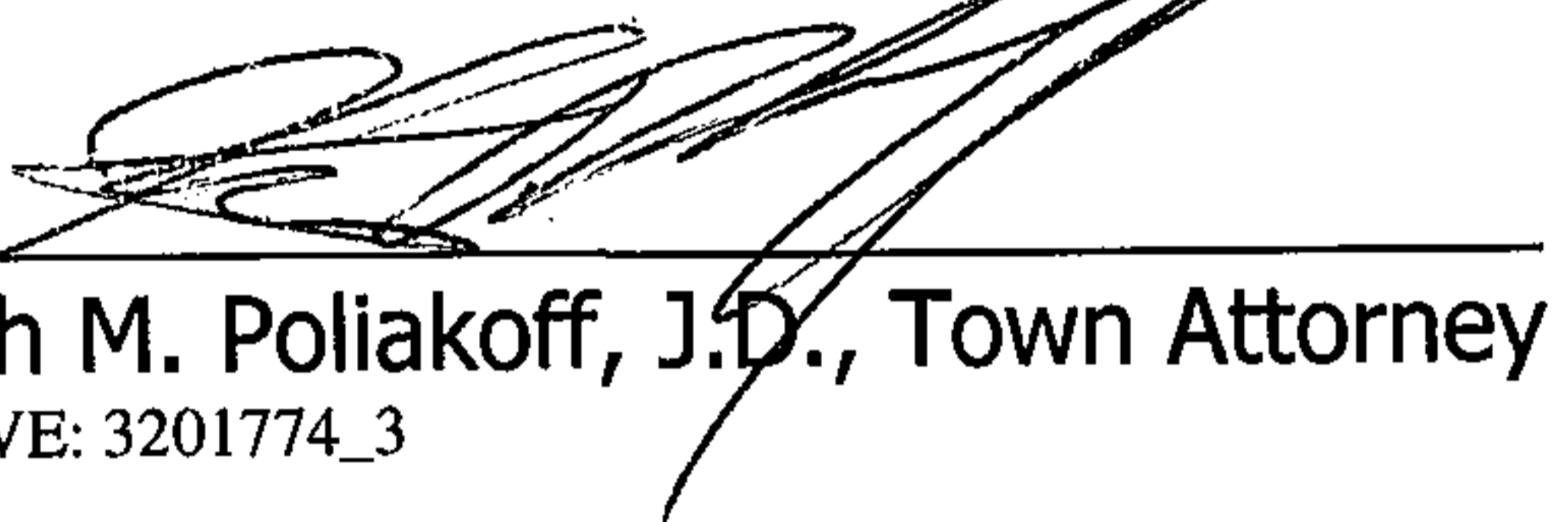
Jeff Nelson, Mayor

ATTEST:



Debra Doré-Thomas, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney
ACTIVE: 3201774_3

Prepared by and return to:

JERALD C. CANTOR, ESQ.
Phillips, Cantor & Shalek, P.A.
4000 Hollywood Blvd., Suite 500 North
Hollywood, Florida 33021

File Number: 22883
Parcel Identification Number: 514006-02-0030

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 24th day of February, 2011 between Tiger Investment Group, Inc., a Florida corporation whose post office address is 10151 Deerwood Park Boulevard, Building 100, Suite 410, Jacksonville, FL 32256, grantor, and Raymond H. Harrison and Virginia O. Harrison, husband and wife whose post office address is 6591 SW 178th Avenue, Southwest Ranches, Florida 33331, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Broward County, Florida, to-wit:

All of Tract 8, less therefrom the West 295.00' (as measured along the North and South boundary) of Tract 8, of Chamber's Land Company Subdivision of the Northwest Quarter (NW 1/4) of Section 6, Township 51 South, Range 40 East, according to the plat thereof, as recorded in Plat Book 1, page 5, of the Public Records of Broward County, Florida.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said

my
(2)

land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantor.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence: **Tiger Investment Group, Inc., a Florida corporation**

Joyce Guthrie
Print Name: Joyce Guthrie

By: Michelle Bushway
Michelle Bushway, Vice President

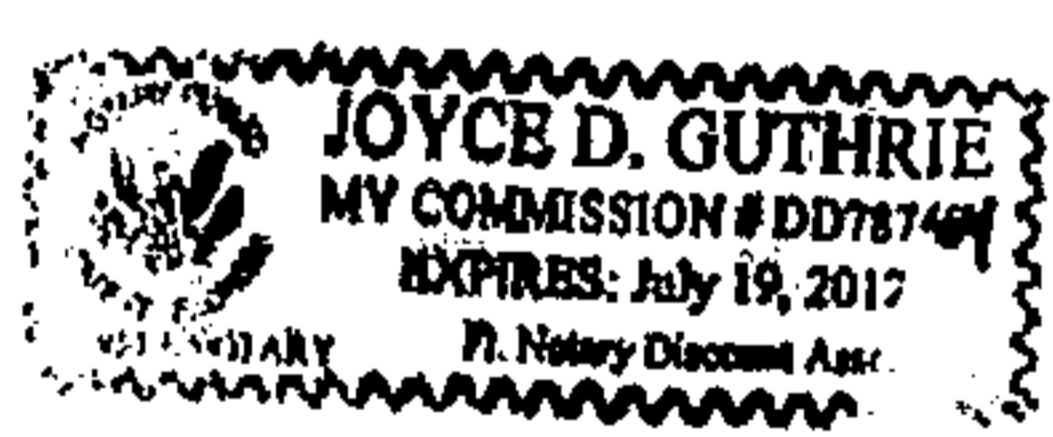
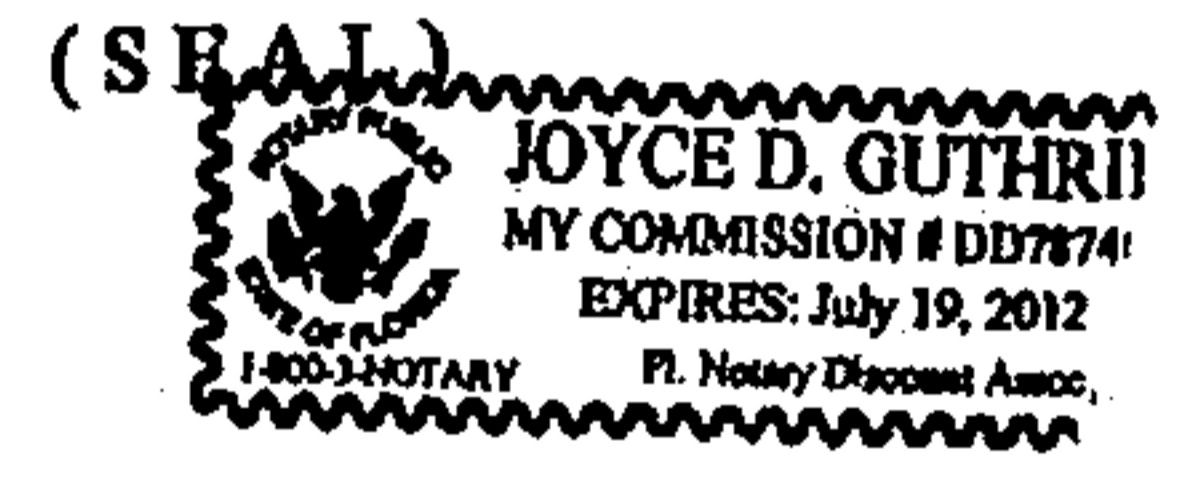
Susan Kish
Print Name: Susan Kish

STATE OF FLORIDA
COUNTY OF PINELLAS) **THIS IS NOT AN**

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared Michelle Bushway as Vice President of Tiger Investment Group, Inc., a Florida corporation, who is personally known to me or has produced a driver's license to be the person described in and who executed the foregoing instrument and who did not take an oath and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 24th day of February, 2011.

Joyce Guthrie
Notary Public, State of Florida
My commission expires:
Print Name: Joyce Guthrie



**TOWN OF SOUTHWEST RANCHES
TOWN COUNCIL AGENDA REPORT**

December 15, 2010

SUBJECT: Waiver of Plat Application WP-001-10; Raymond Harrison

LOCATION: Generally located at the northwest corner of SW 178th Avenue and SW 66th Street

APPLICANT: Raymond Harrison
2590 Hollywood Blvd.
Hollywood, Florida 33020

OWNER: Tiger Investment Group, Inc.
8200 N 66th Street
Pinellas Park, Florida 33770

LAND USE PLAN DESIGNATION: Rural Ranch

ZONING: RR, Rural Ranches District

EXHIBITS: Staff report, survey showing entire plot, survey showing proposed subdivision, and aerial photograph

BACKGROUND AND ANALYSIS

Application WP-001-10 is a request for Town Council approval to subdivide a single tract into two separate lots of record, without platting. Submitted for Town Council review and approval is a boundary survey showing the tract as it exists today, and a second survey showing the proposed subdivision into two lots.

The subject property of this application is 4.8 gross acres in area, located at the northwest corner of SW 66th Street and SW 178th Avenue, and legally described as "All of Tract 8, of the Chambers Land Company Subdivision of the northwest quarter of Section 6, Township 51 South, Range 40 East, recorded in Plat Book 1, Page 5, of the Public Records of Broward County". The applicant, Raymond Harrison, is under contract to purchase the undeveloped property from Tiger Investment Group, owner.

The property is designated Rural Ranches on the Future Land Use Plan and is zoned Rural Ranches District, both of which require 2.0 net or 2.5 gross acres per lot. The application proposes lots of 2.0 and 2.14 acres of net land area, consistent with the land use and zoning designations. Both lots will have in excess of the 125 feet minimum width requirement of the Rural Ranches Zoning District.

Access is proposed via a shared driveway culvert crossing from SW 66th Street over the existing canal, within a 40-foot SBDD canal and canal maintenance easement. SBDD has conceptually approved the location of the crossing. The applicant has requested that SBDD vacate the north 15 feet of the easement, to be rededicated as a canal maintenance easement only, so as not to count against his net acreage (land encumbered by a canal easement is excluded from net lot area calculations). SBDD staff has indicated its support for the vacation and rededication, subject to approval from the SBDD Board. Town approval of this application must be conditioned upon the vacation.

In accordance with Town policy, and consistent with plats to the north of the subject property, the applicant is required to dedicate the ingress easement on SW 178th Avenue to the Town as fee-simple right-of-way, and to also grant an abutting 10-foot utility and recreational trail easement. The ingress/egress easement is currently excluded from the net lot area calculation, therefore the dedication will not reduce the net acreage of the lots.

Staff finds that the proposed subdivision complies with the requirements of the land development regulations, subject to the noted dedications and vacations.

RECOMMENDATION

1. The Council could choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council could table this item to seek additional information.
3. The Council could choose to approve this item with a finding that the applicant has shown by competent substantial evidence that they have met the requirements of the ULDC.
4. The Council could choose to approve this item with conditions such as:
 - a) Dedicate 40 feet of right-of-way on SW 178th Avenue in place of the existing easement originally dedicated to the Balley Drainage District.
 - b) Dedicate a 10-foot recreational trail and utilities easement abutting the west side of the right-of-way to be dedicated on SW 178th Avenue.
 - c) Vacate the north 15 feet of the 40-foot canal and canal maintenance easement through SBDD, and rededicate the north 15-foot portion to SBDD as an easement for canal maintenance only.
 - d) Make technical corrections to the survey pursuant to the memorandum from the town planner dated December 8, 2010.
 - e) Record the resolution approving Application WP-001-10 with surveys and other attachments as determined by the Town Attorney in the Public Records of Broward County.

LAND BOUNDARY SURVEY FOR: RAYMOND H. HARRISON & VIRGINIA O. HARRISON

LEGAL DESCRIPTION

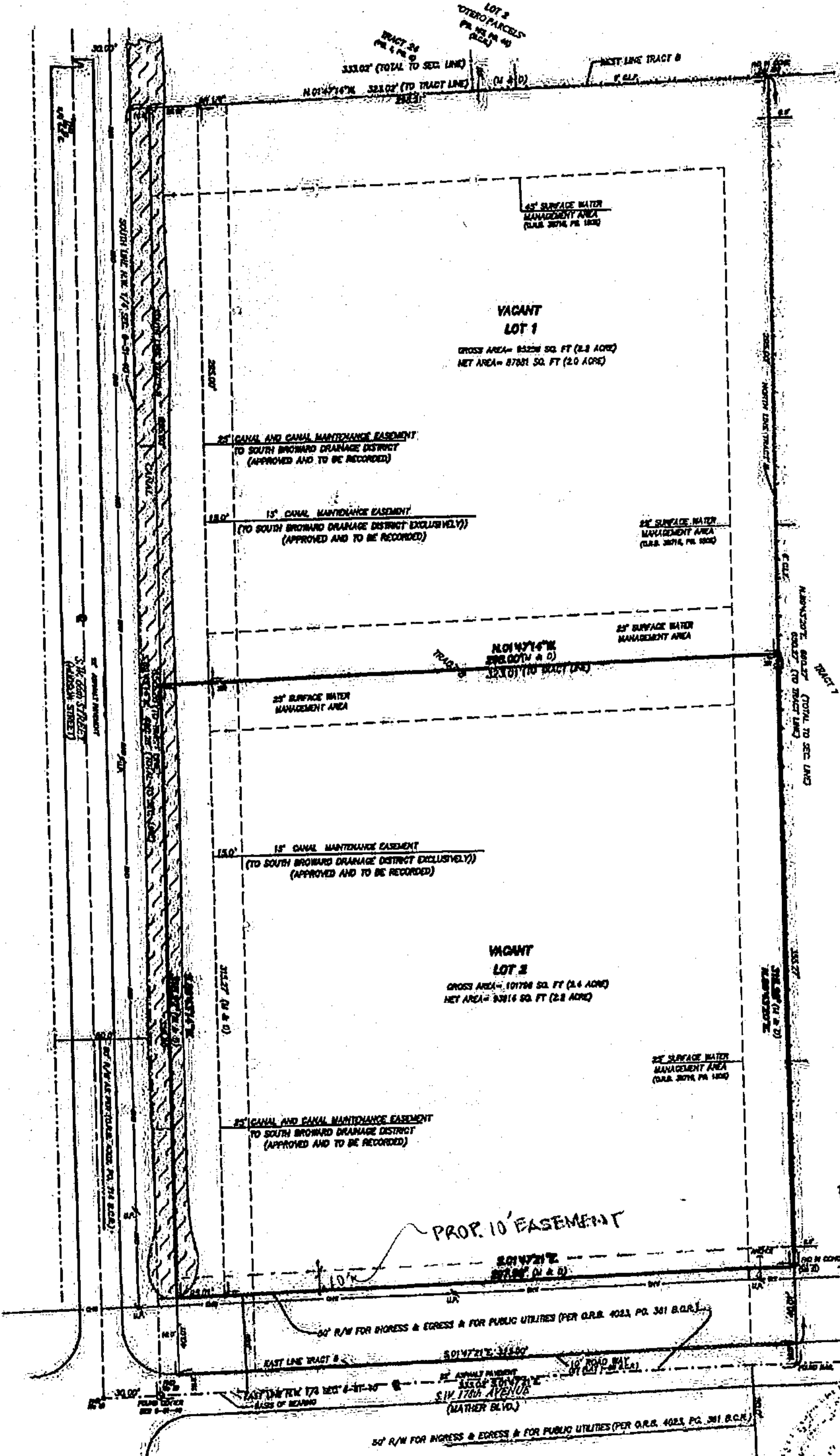
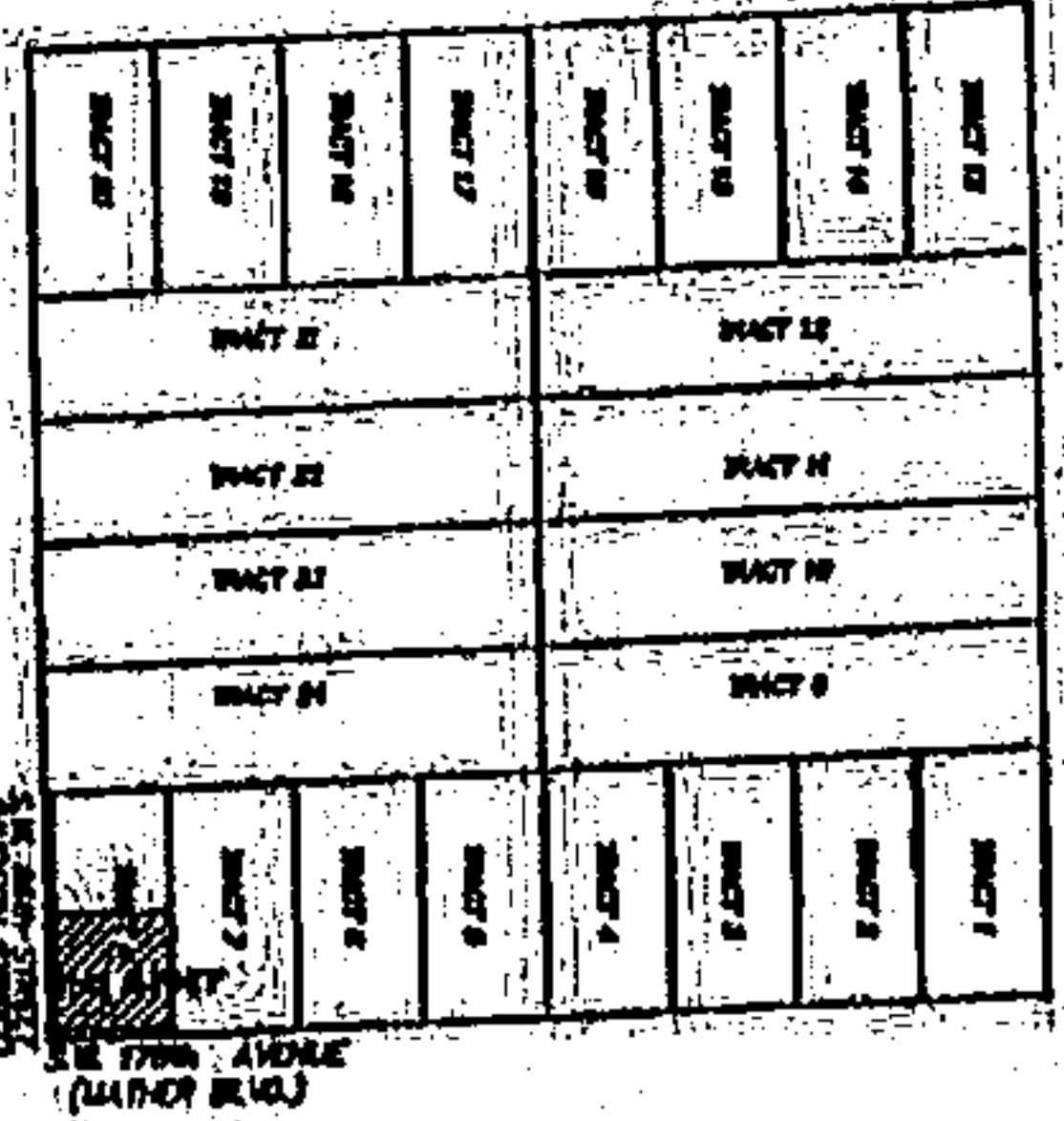
LOT 2
ALL OF TRACT 8, LESS THEREFROM THE WEST 200.00 FEET (AS MEASURED ALONG THE NORTH AND SOUTH BOUNDARY) OF TRACT 8, AND LESS THEREFROM THE EAST 40.00 FEET OF TRACT 8, OF CHAMBER'S LAND COMPANY SUBDIVISION OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 8, TOWNSHIP 31 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREON, AS RECORDED IN PLAT BOOK 1, PAGE 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

CERTIFIED TO:

RAYMOND H. HARRISON & VIRGINIA O. HARRISON
PHELPS, GANTON & SPALDX, P.A.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
THIRD FEDERAL SAVINGS
ITS SUCCESSORS AND/OR ASSIGNS
AS THEIR INTEREST MAY APPEAR

FLOOD ZONE INFORMATION

COMMUNITY No.: 133063
FLOOD No.: 0205 F
ZONE: A1
BASE FLOOD ELEVATION: 8.0'
EFFECTIVE: 10/2/97



- LEGEND
- ALL CONVEYANCES
 - ALL EASEMENTS
 - ALL ENCUMBRANCES
 - ALL RIGHTS OF WAY
 - ALL RIGHTS OF ACCESS
 - ALL RIGHTS OF UTILITIES
 - ALL RIGHTS OF BURIED UTILITIES
 - ALL RIGHTS OF BURIED CANALS
 - ALL RIGHTS OF BURIED CABLES
 - ALL RIGHTS OF BURIED TELEPHONE LINES
 - ALL RIGHTS OF BURIED TELEVISION LINES
 - ALL RIGHTS OF BURIED GAS LINES
 - ALL RIGHTS OF BURIED WATER LINES
 - ALL RIGHTS OF BURIED SEWER LINES
 - ALL RIGHTS OF BURIED FIBER OPTIC CABLES
 - ALL RIGHTS OF BURIED POWER LINES
 - ALL RIGHTS OF BURIED LIGHTNING RODS
 - ALL RIGHTS OF BURIED AIR CONDITIONING LINES
 - ALL RIGHTS OF BURIED RADIATION DETECTORS
 - ALL RIGHTS OF BURIED SECURITY SYSTEMS
 - ALL RIGHTS OF BURIED SATELLITE DISH ANTENNAS
 - ALL RIGHTS OF BURIED SOLAR PANELS
 - ALL RIGHTS OF BURIED WIND TURBINES
 - ALL RIGHTS OF BURIED GEOTHERMAL SYSTEMS
 - ALL RIGHTS OF BURIED HYDRO-PNEUMATIC TANKS
 - ALL RIGHTS OF BURIED WATER TREATMENT PLANTS
 - ALL RIGHTS OF BURIED WASTE TREATMENT PLANTS
 - ALL RIGHTS OF BURIED AIR POLLUTION CONTROL DEVICES
 - ALL RIGHTS OF BURIED NOISE ABATEMENT DEVICES
 - ALL RIGHTS OF BURIED VIBRATION MITIGATION DEVICES
 - ALL RIGHTS OF BURIED EROSION CONTROL DEVICES
 - ALL RIGHTS OF BURIED LANDSLIDE PREVENTION DEVICES
 - ALL RIGHTS OF BURIED FLOOD PREVENTION DEVICES
 - ALL RIGHTS OF BURIED TERRORISM PREVENTION DEVICES
 - ALL RIGHTS OF BURIED BIOTERRORISM PREVENTION DEVICES
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 - ALL RIGHTS OF BURIED CLIMATE CHANGE PREVENTION DEVICES
 - ALL RIGHTS OF BURIED OZONE DEPLETING SUBSTANCE PREVENTION DEVICES
 - ALL RIGHTS OF BURIED GREENHOUSE GAS PREVENTION DEVICES
 - ALL RIGHTS OF BURIED AIR QUALITY PREVENTION DEVICES
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 - ALL RIGHTS OF BURIED MINERAL QUALITY PREVENTION DEVICES
 - ALL RIGHTS OF BURIED ENERGY QUALITY PREVENTION DEVICES

- NOTES
1. BASIS OF BEARINGS AS INDICATED ON SKETCH.
 2. LEGAL DESCRIPTION PROVIDED BY CLIENT.
 3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THE OFFICE FOR EXAMINATION, RIGHT-OF-WAYS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD.
 4. DIMENSIONS SHOWN ARE BASED ON NAD 83 (1983) AND ORIGINATE FROM BENCH MARK.
 5. MEASURED BOUNDARY DIMENSIONS ALONG WITH RECORDED DIMENSIONS WITHIN ONE TENTH OF A FOOT (0.1') EXCEPT DIMENSIONS SHOWN.
 6. THIS SURVEY WAS CONDUCTED ONLY FOR TITLE PURPOSES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION.
 7. BEARINGS AND BOUNDARY DIMENSIONS ARE BASED ON QUALITY WORKMANSHIP AND ASSUMES THE ACCURACY OF ALL OF THE INSTRUMENTS IN SOUTH RANGE 40 EAST, PLAT BOOK 1, PAGE 4, SHEET 1 AND FIELD SURVEY OF MOHAWK PLANTATION FOUND IN THE FIELD.
 8. THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

4/18/2011: MARKED WITH LOCATION OF EXTG. FENCE AND PROPOSED 10' EASEMENT.

EXTG BLOCK FENCE

PROPERTY ADDRESS: 8591 SW 178th AVENUE, SOUTHWEST RANCHES, FLORIDA 33322

R.T. BOGLE & ASSOC. INC.
LAND SURVEYORS
7080 TAY STREET, HOLLYWOOD, FL 33024
TEL: (904) 981-3000

BOUNDARY SURVEY
A PORTION OF TRACT 8 (LOT 2)
CHAMBER'S LAND COMPANY SUBDIVISION
(NW 1/4) SEC. 8-51-40, PLAT BOOK 1, PAGE 5
SOUTHWEST RANCHES - FLORIDA

REVISIONS	DATE
SURVEY AMENDED	11/04/10
SURVEY AMENDED	3/29/11

SURVEYOR'S CERTIFICATE
I, RAYMOND H. HARRISON, being duly sworn, depose and say that I am a duly licensed and qualified land surveyor in the State of Florida, and that I am the author of the above described survey, and that the same was made by me or under my direct supervision and control, and that I am a duly licensed and qualified land surveyor in the State of Florida, and that I am the author of the above described survey, and that the same was made by me or under my direct supervision and control.

DATE OF SWORN: 3/29/11
NOTED AND SIGNED AND SEALED: [Signature]
STATE OF FLORIDA