

RESOLUTION NO. 2011- 054

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION 2011-020, THE 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, TO ELIMINATE THE REQUIREMENT TO 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, AND TO PROVIDE FOR SEPARATE ACCESS TO EACH PARCEL; 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 THEREFORE.

WHEREAS, on December 15, 2010, pursuant to Resolution No. 2011-020, the Town Council approved the Raymond Harrison waiver of plat application, relating to the property generally located at the northwest corner of SW 178TH Avenue and SW 66TH Street; and

WHEREAS, prior to recording the waiver of plat approval, the applicant has requested that the Town Council revisit the application to modify the requirement to dedicated a 10-foot recreational trail and utilities easement abutting the west side of the right-of-way to be dedicated on SW 178th Avenue, and to provide for separate access to each parcel; and

WHEREAS, at a duly noticed public hearing held on May 12, 2011, the Town Council reviewed the amended application; and

WHEREAS, the Town Council approved the amended application, as attached hereto and incorporated herein by reference as Exhibit "A", subject to the stipulated conditions contained in Resolution 2011-054 and those additional stipulated conditions contained herein; and

WHEREAS, until such time as a permanent access is constructed to the western parcel, containing the folio number 514006020030, the applicant shall provide a temporary shared access driveway off SW 178th Avenue, as shown on Exhibit "B", which is attached hereto and incorporated herein by reference; and

WHEREAS, such temporary access easement shall remain until such time that the western lot constructs a 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 Exhibit "C", attached hereto and made a part hereof, which shall be prior to the issuance of a certificate of occupancy, temporary or otherwise, for any structure that may be built on that parcel; and

WHEREAS, all other conditions of Resolution 2011-020, not amended herein, shall remain in full force and effect;

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 May, 12, 2011, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby amends Resolution 2011-020 to eliminate the requirement to dedicated a 10-foot recreational trail and utilities easement abutting the west side of the right-of-way to be dedicated on SW 178th Avenue, and to provide for separate access to each parcel. In addition, the applicant has stipulated to the following conditions:

- a. Prior to the issuance of a building permit, and until such time as a permanent access is constructed to the western parcel, containing the folio number 514006020030, the applicant shall provide a temporary shared access driveway off SW 178th Avenue, as shown on Exhibit "B", which is attached hereto and incorporated herein by reference.
- b. Prior to the issuance of a building permit for either parcel, this Resolution, Resolution No. 2011-054, and any exhibits thereto, shall be recorded in the public records of Broward County Florida.
- c. Prior to the issuance of a building permit, the applicant shall have the property owner to the west signoff and consent to the instant application.
- d. All other stipulations specified in Resolution No. 2011-054, not amended herein, shall remain in full force and effect.
- e. 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 application.

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.

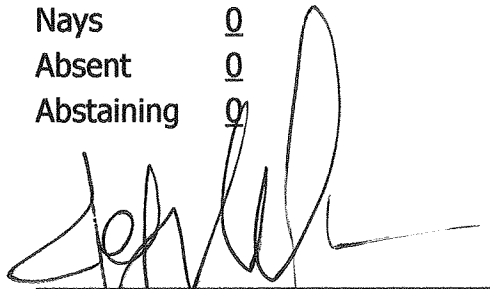
Section 4. This Resolution, and all necessary associated documents, shall be recorded in the Public Records of Broward County, Florida.

Section 5. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 12th day of May, 2011, on a motion by Vice Mayor Fisikelli and seconded by Council Member Doug McKay.

Nelson	<u>AYE</u>
Fisikelli	<u>AYE</u>
Breitkreuz	<u>AYE</u>
Jablonski	<u>AYE</u>
McKay	<u>AYE</u>

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



Jeff Nelson, Mayor

ATTEST:



Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Pollakoff, J.D., Town Attorney

ACTIVE: 3374128_1