

RESOLUTION NO. 2013 - 045

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE TERRA RANCHES PLAT FOR ELEVEN SINGLE-FAMILY DWELLING LOTS ON A 19.49-ACRE TRACT DESIGNATED RURAL ESTATES (1 DU/AC) ON THE FUTURE LAND USE PLAN MAP AND RURAL ESTATE ON THE OFFICIAL ZONING MAP; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, MMA Tamarac, LLC is the owner of real property legally described as Tracts 31 and 32, in Section 5, Township 51 South, Range 40 East, Florida Fruit Lands Company's Subdivision No. 1, according to the plat thereof as recorded in Plat Book 2, Page 17 of the Public Records of Dade County, Florida (the "Property"), which is located on the east side of SW 172nd Avenue immediately south of the unimproved Stirling Road right-of-way; and

WHEREAS, the entire Property is zoned RE, Rural Estate District, and is surrounded by properties zoned RE to the north, south and east, and, Rural Ranches to the west; to the north is a private airstrip; and

WHEREAS, the owner of the Property submitted for approval a Plat Application (PL-52-13) for eleven single-family dwelling lots, which was accompanied with an application for Site Plan Approval (SP-52-13); and

WHEREAS, the Town Council of the Town of Southwest Ranches, Florida, having considered the Applicant's request, submitted evidence, criteria set forth in the Town's Unified Land Development Code, the analysis and recommendations of the Town Staff, and comments from other interested parties, upon motions duly made and acted upon, approved the site plan modification subject to the conditions set forth herein.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. Recitals. That the foregoing recital clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated and made a specific part of this Resolution.

Section 2. Plat Approval. That, upon reviewing the testimony and the evidence submitted at a duly noticed public hearing held May 23, 2013 the Town Council of the Town of Southwest Ranches, approved Plat Application No. PL-52-13, in accordance with the following stipulated conditions:

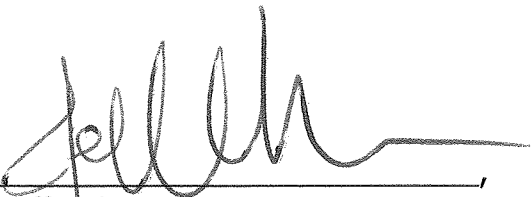
- (A) Petitioner shall record a declaration of restrictive covenants that has been approved by the Town Attorney, acknowledging that no building permit will be issued until developer constructs all improvements required by the Town, and said improvements are found acceptable by the Town Engineer.
- (B) Petitioner shall record a notice in the public records of Broward County that has been approved by the Town Attorney, advising prospective purchasers of lots within Terra Ranches that an active private aviation runway is situated to the north of the Property, and that the Property is subject to aircraft over flight and noise.
- (C) Developer shall clear all invasive trees from the Property, and all trees within the Stirling Road right-of-way that abuts the plat. Developer shall obtain a tree removal or relocation permit from the Town for any protected trees within the Stirling Road right-of-way prior to removal.
- (D) Compliance with all technical comments in the DRC memorandum dated April 11, 2013.
- (E) Petitioner 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.

Section 3. Severability. If any word, phrase, clause, sentence or section of this Resolution is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Resolution, provided that such severability does not affect the intent of this Resolution.


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

DONE AND ORDERED this 23rd day of May 2013, on a motion to approve made by Council Member Fisikelli and seconded by Vice Mayor Breitkreuz.

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

By: 
Jeff Nelson, Mayor

This is to certify that this Resolution and Final Order has been filed by the undersigned for the records, and a copy provided to the Applicant and/or authorized agent this 19th day of June 2013.

By: 
Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:


Keith M. Poliakoff, Town Attorney
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