

**RESOLUTION NO. 2014 - 013**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ADOPTED PURSUANT TO SECTION 164.1052, FLORIDA STATUTES, DECLARING THE INTENT OF THE TOWN COUNCIL TO INITIATE THE CONFLICT RESOLUTION PROCEDURES SET FORTH IN CHAPTER 164, FLORIDA STATUTES; FINDING THAT A CONFLICT EXISTS WITH THE CITY OF PEMBROKE PINES (THE "CITY") AS IT RELATES TO THE CITY'S APPROVAL OF THE FRANKLIN ACADEMY 6-12 PLAT (CITY RESOLUTION NO. 2013-R-38); FINDING THAT THE PLAT, AS APPROVED, WILL HAVE A DELETERIOUS IMPACT ON THE TOWN; FINDING THAT THE CITY'S APPROVAL IMPROPERLY SEEKS TO VACATE PUBLIC RIGHT OF WAY, THAT IT VIOLATES THE CITY'S ZONING CODE, THAT IT VIOLATES TRAFFIC CONCURRENCY, AND THAT IT CONSTITUTES IMPROPER CONTRACT ZONING; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AND EFFECTIVE DATE.**

**WHEREAS**, on December 4, 2013, the City of Pembroke Pines (the "City") approved Resolution No. 2013-R-38, the Franklin Academy 6-12 Plat, which seeks to plat an approximately 43 acre parcel for an approximately 2,500 student charter school; and

**WHEREAS**, the Town believes that the approval of this plat will dramatically impact the Town through the substantial impact to its roadway network; and

**WHEREAS**, the Town filed as a party intervener in this matter and submitted evidence to Pines that the plat, as proposed improperly seeks to vacate a public right of way, that it violates the City's zoning code, that it violates traffic concurrency, and that it constitutes contract zoning; and

**WHEREAS**, despite the clear evidence presented by the Town on each of the above noted items, the City approved the plat; and

**WHEREAS**, as a direct result of the City's improper and unlawful decision to approve the plat as proposed, the Town will be substantially impacted; and

**WHEREAS**, Chapter 164, Florida Statutes, entitled the "Florida Governmental Conflicts Resolution Act," ("Act") provides that governmental entities in dispute must attempt to negotiate their differences pursuant to the procedures outlined in the Act prior to commencing litigation regarding the conflict; and

**WHEREAS,** Section 164.1052, Florida Statutes, requires the governing body of the government entity initiating the conflict resolution procedures to adopt a Resolution expressing its intent to initiate such procedure; and

**WHEREAS,** this Resolution seeks to comply with the statutory requirements.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Southwest Ranches, Florida:

**Section 1.** The above referenced "WHEREAS" clauses are true and correct and are incorporated herein by reference.

**Section 2.** The Town Council of the Town of Southwest Ranches, Florida, hereby expresses its intent to initiate the conflict resolution procedure pursuant to section 164.1052, Florida Statutes, with the City of Pembroke Pines concerning the City's approval of the Franklin Academy 6-12 Plat (City Resolution No. 2013-R-38).

**Section 3.** The Town Council finds that a conflict exists with the City as it relates to the City's approval of the plat. The Town further finds that the plat will have a deleterious impact on the Town, especially as it relates to the improperly mitigated impacts on the Town's roadways.

**Section 4.** The Town Council finds that the City's approval of the plat improperly seeks to vacate a public right of way, that it violates traffic concurrency, and that it constitutes improper contract zoning. The Town has previously placed the City on notice of its findings in letter form, all of which letters have been attached hereto and are incorporated herein by reference as Composite Exhibit "A".

**Section 5.** The Town Council hereby directs the Town Administrator through coordination with the Town Attorney, to forward a certified copy of this Resolution, as well as the required Conflict Resolution Letter, to the City Manager of Pembroke Pines, within five (5) days, by certified mail, return receipt requested, pursuant to Section 164.1052(1), Florida Statutes. The Conflict Resolution Letter shall include all items required by Section 164.1052(1), Florida Statutes, including without limitation:

- a. Description of the conflict between Southwest Ranches and City of Pembroke Pines;
- b. The Town's justification for initiating the conflict resolution procedures of this Act;
- c. Suggestions as to which individuals should be in attendance at the Conflict Assessment Meeting.

The Town Administrator is directed to also send a copy of the letter to any other state, county or other local governmental entity that may be affected by the City's actions or by a settlement arising out of the Conflict Assessment Meeting, or whose interests may be substantially affected by the resolution of the conflict, or any other governmental entity the Town Administrator seems appropriate.

**Section 6.** The appropriate Town officials are hereby authorized and directed to take all steps necessary to effectuate this Resolution.

**Section 7.** All Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 8. Severability.** If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Section 9. Effective Date.** This Resolution shall be effective immediately upon its adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 12<sup>th</sup> day of December, on a motion by Council Member Breitkreuz and seconded by Council Member McKay.

|            |            |
|------------|------------|
| Nelson     | <u>YES</u> |
| Jablonski  | <u>YES</u> |
| Fisikelli  | <u>YES</u> |
| Breitkreuz | <u>YES</u> |
| McKay      | <u>YES</u> |

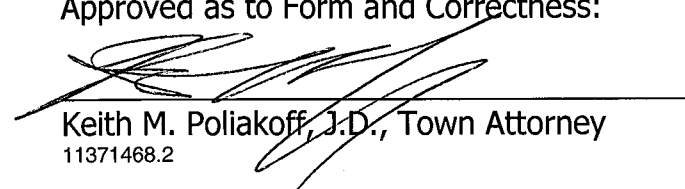
|        |          |
|--------|----------|
| Ayes   | <u>5</u> |
| Nays   | <u>0</u> |
| Absent | <u>0</u> |

  
Jeff Nelson, Mayor

ATTEST:

  
Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:

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

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