

RESOLUTION NO. 2014 - 014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AUTHORIZING ITS TOWN COUNSEL TO FILE A WRIT OF CERTIORARI AGAINST THE CITY OF PEMBROKE PINES TO APPEAL THE CITY'S DECISION AS IT RELATES TO THE CITY'S IMPROPER APPROVAL OF THE FRANKLIN ACADEMY 6-12 PLAT (CITY RESOLUTION NO. 2013-R-38); AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN 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, as a result, the Town Council desires its legal counsel to file a Writ of Certiorari against the City to require the City to follow its Code and Florida law as it relates to the City's review of this matter.

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 directs its legal counsel to file a Writ of Certiorari against the City of Pembroke Pines to appeal the City's improper approval of the Franklin Academy 6-12 Plat (City Resolution No. 2013-R-38).

Section 3. The appropriate Town officials are hereby authorized and directed to take all steps necessary to effectuate this Resolution.

Section 4. All Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

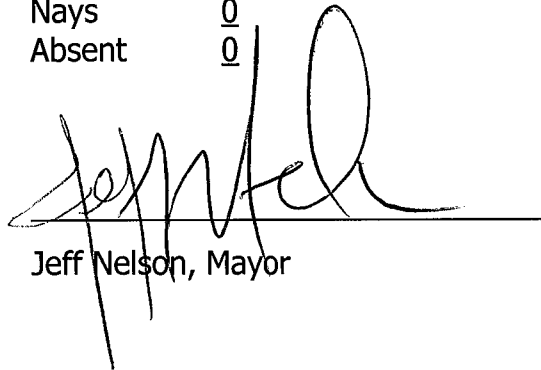
Section 5. Severability. If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 6. 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 12th 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>



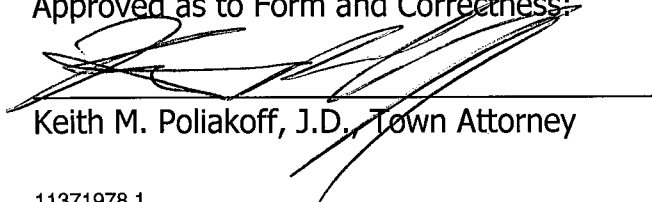
Jeff Nelson, Mayor

ATTEST:



Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



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

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