

RESOLUTION NO. 2014-047

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WAIVER OF PLAT APPLICATION NO. WP-007-14 RELATING TO 4.7 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF MUSTANG TRAIL, APPROXIMATELY 750 FEET WEST OF SW 136TH AVENUE (HOLATEE TRAIL) TO ALLOW FOR THE CREATION OF TWO SINGLE-FAMILY LOTS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at a duly noticed public hearing held on July 10th, 2014, the Town Council reviewed an application by Marson SW Ranches, LLC to subdivide a single tract into two separate lots, without platting; and

WHEREAS, the subject property is approximately 4.7 net acres in area, and is located on the south side of Mustang Trail, Approximately 750 feet west of SW 136th Avenue, and legally described in Exhibit "A"; 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 two lots of 2.34 and 2.27 acres of net land area, consistent with the land use and zoning designations, which net land area excludes an ingress/egress easement totaling approximately 0.07 acre; 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 available to both proposed lots via Volunteer Road.

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 July 10, 2014, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves Waiver of Plat Application No. WP-007-14 to subdivide the subject property as depicted in Exhibit "B" attached hereto and made a part hereof, subject to the following conditions that must be satisfied before this resolution becomes effective:

1. The existing single-family residence shall be demolished.
2. Access to proposed Lot 2 shall be provided, either by construction of a second canal crossing or submittal of an executed grant of easement accompanied by an Opinion of Title approved by the Town Attorney.
3. 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 application. 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 application.
4. Prior to the issuance of a building permit, Petitioner shall pay to the Town, an amount as determined by the Town's Engineer based upon Petitioner's property's linear footage, to help pay for a guardrail to be installed along the canal bank, when and if the Town collects sufficient funds from neighboring property owners, or a granting authority, to pay for the construction of a significant segment of same.

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 shall be recorded in the Public Records of Broward County, Florida.

Section 5. This Resolution shall become effective upon the property owner's satisfaction of all conditions of approval enumerated in Section 2 herein, with the exclusion of condition number four, which shall be satisfied prior to the issuance of a building permit.

[Signatures on Following Page]

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 10th day of July 2014, on a motion by Council Member Breikreuz and seconded by Council Member Fisikelli.

Nelson	<u>Yes</u>
Jablonski	<u>Yes</u>
Breikreuz	<u>Yes</u>
Fisikelli	<u>Yes</u>
McKay	<u>Yes</u>

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

ATTEST:


Russell Muñiz, MBA, MPA, MMC


Jeff Nelson, Mayor

Approved as to Form and Correctness:


Keith Poliakoff, J.D., Town Attorney
#11883572v1

EXHIBIT "A"

LEGAL DESCRIPTION: PARENT TRACT

THE NORTH ONE-HALF (N 1/2) OF TRACT 62, LESS THE NORTH 40 FEET THEREOF, IN SECTION 3, TOWNSHIP 51 SOUTH, RANGE 40 EAST, OF "THE EVERGLADES SUGAR AND LAND CO. SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 39, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LAND BEING SITUATE IN SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA.

LEGAL DESCRIPTION: LOT 1

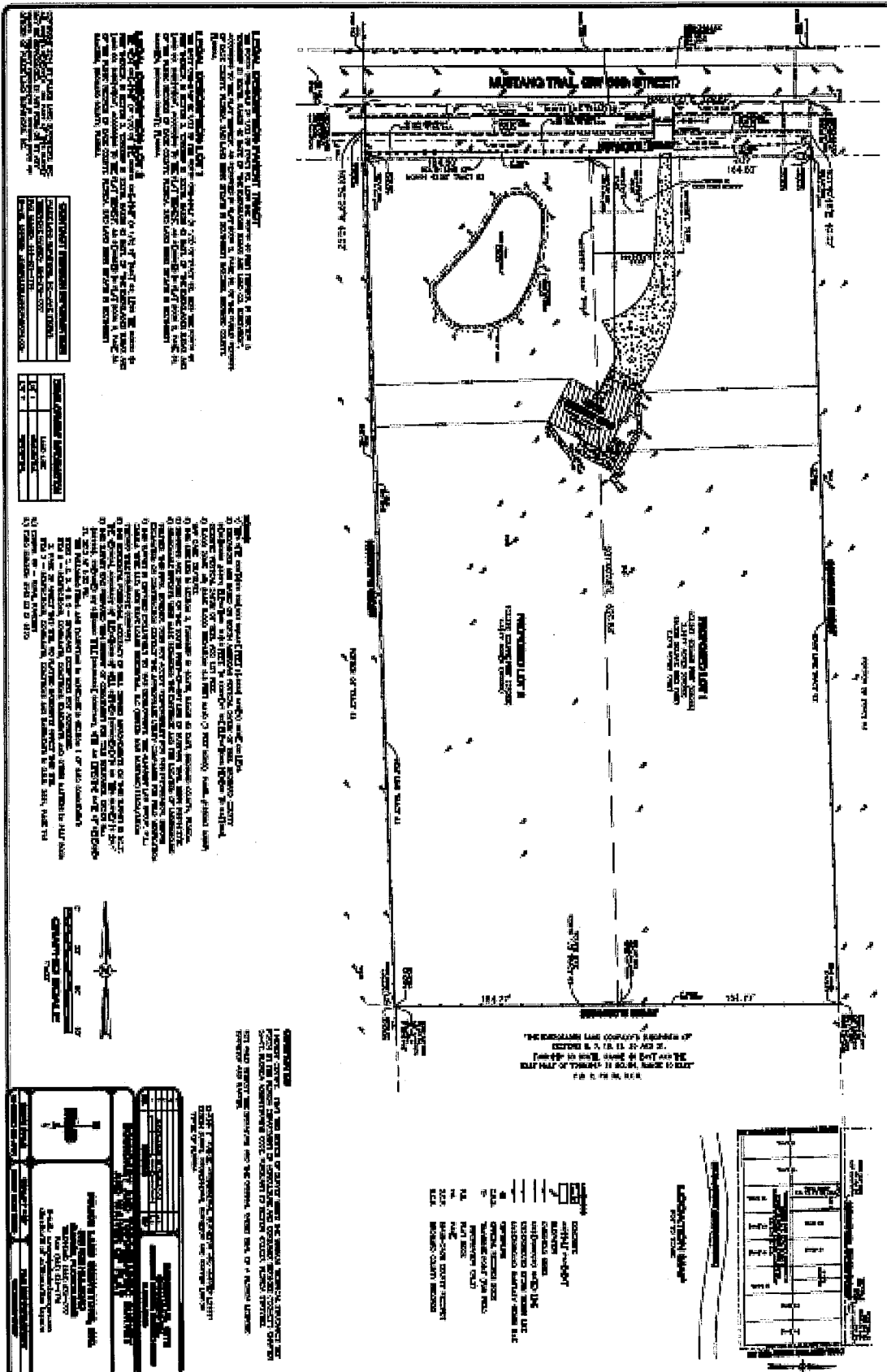
THE EAST ONE-HALF (E 1/2) OF THE NORTH ONE-HALF (N 1/2) OF TRACT 62, LESS THE NORTH 40 FEET THEREOF, IN SECTION 3, TOWNSHIP 51 SOUTH, RANGE 40 EAST, OF "THE EVERGLADES SUGAR AND LAND CO. SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 39, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LAND BEING SITUATE IN SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA.

LEGAL DESCRIPTION: LOT 2

THE WEST ONE-HALF (W 1/2) OF THE NORTH ONE-HALF (N 1/2) OF TRACT 62, LESS THE NORTH 40 FEET THEREOF, IN SECTION 3, TOWNSHIP 51 SOUTH, RANGE 40 EAST, OF "THE EVERGLADES SUGAR AND LAND CO. SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 39, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LAND BEING SITUATE IN SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA.

EXHIBIT "B" (1 of 3)

Complete Survey



MUSTANG TRAIL (SW 89th STREET)

NORTH LINE TRACT 62

N89°44'21"E 329.80'

N89°44'21"E 329.80'

164.80'

SOUTH LINE OF NORTH 40.00' TRACT 62

164.80'

37.77'

164.80'

PROPOSED LOT 1

102,266 SQUARE FEET (GROSS)

2,274 ACRES (NET)

90°49'48"E 40.02'

80°49'48"E 620.85'

EAST LINE TRACT 62

PROPOSED LOT 2

102,266 SQUARE FEET (GROSS)

2,477 ACRES (NET)

S01°18'58"E 620.84'

164.77'

88°44'30"W 328.54'

WEST LINE TRACT 62

N01°50'09"W 40.02'

N01°50'09"W 620.83'

PORTION OF TRACT 63

PORTION OF TRACT 61

PORTION OF TRACT 62

PORTION OF TRACT 64

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EXHIBIT "B" (3 of 3) Partial Survey Enlargement

