

**ORDINANCE NO. 2003-09**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, PROVIDING A TEN (10) FOOT WIDE DRAINAGE EASEMENT TO THE SOUTH BROWARD DRAINAGE DISTRICT ON THE TOWN'S UNIMPROVED RIGHT OF WAY GENERALLY LOCATED WITHIN THE S.W. 49<sup>th</sup> STREET ROAD RIGHT OF WAY, AN UNIMPROVED BUT PLATTED ROAD, BEGINNING AT THE INTERSECTION OF S.W. 190<sup>th</sup> AVENUE AND ENDING AT THE DEAD END CANAL, AS MORE PARTICULARLY DESCRIBED IN COMPOSITE EXHIBIT "A;" SUBJECT TO ANY EASEMENTS, CONDITIONS, RESTRICTIONS, & LIMITATIONS IF ANY; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town is the legal owner of a ten (10) foot wide unimproved road right of way generally known as S.W. 49<sup>th</sup> Street, an unimproved but platted road, beginning at the intersection of S.W. 190<sup>th</sup> Avenue and ending at the dead end, which is a South Broward Drainage District Canal, as more particularly described in Composite Exhibit "A," located within the Town of Southwest Ranches; and

**WHEREAS**, the Town has determined that it will not be improving S.W. 49<sup>th</sup> Street at this location due to the size of this right of way and the Town's desire not to extent this local road; and

**WHEREAS**, Florida Power and Light Company ("FPL") has obtained all necessary permits and has constructed the "Windmill Substation" on the northwest corner of S.W. 190<sup>th</sup> Avenue and S.W. 49<sup>th</sup> Street; and

**WHEREAS**, FPL has satisfied all of its landscape requirements, but voluntarily seeks to add additional vegetation to an area within the southern portion of the substation property to further buffer the facility from the surrounding community; and

**WHEREAS**, that portion of the substation property to be improved with additional vegetation is low lying and at its current elevation will not sustain appropriate landscape buffer material; and

**WHEREAS**, any increase in the elevation of that portion of the substation site will result in increased overflow drainage requirements; and

**WHEREAS**, the South Broward Drainage District has determined that the ten (10) foot wide road right of way is acceptable as drainage outfall provided that the Town grants the South Broward Drainage District a drainage easement over the S.W. 49<sup>th</sup> Street road right of way; and

**WHEREAS**, the drainage easement will not be exclusive to FPL and may provide drainage to other properties lying adjacent to the easement; and

**WHEREAS**, to insure the health, safety and welfare of the Town's residents residing within this area, the Town has determined that it is in the residents' best interest to grant this drainage easement; and

**WHEREAS**, in consideration of granting the drainage easement Florida Power and Light has agreed to install, at Florida Power and Light's own cost, a drainage pipe for drainage purposes.

**NOW, THEREFORE, BE IT RESOLVED** BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA THAT:

**Section 1:** The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council. All exhibits referenced herein and attached hereto are hereby incorporated herein.

**Section 2:** The Town Council, of the Town of Southwest Ranches, Florida, hereby grants the South Broward Drainage District a ten (10) foot wide drainage easement over the Town's unimproved road right of way generally known as S.W. 49<sup>th</sup> Street, an unimproved but platted road, beginning at the intersection of S.W. 190<sup>th</sup> Avenue and ending at the dead end canal, as more particularly described in Composite Exhibit "A," subject to any easements, conditions, restrictions, and limitations, if any.

**Section 3:** The appropriate Town officials are hereby authorized to execute a Drainage Easement in substantially the same form as Exhibit "B".

**Section 4.** The Town Clerk is hereby directed to record a copy of this Ordinance in the Public Records of Broward County, Florida.

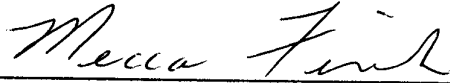
**Section 5. Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 6. 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.

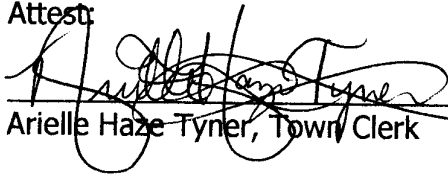
**Section 7. Effective Date.** This Ordinance shall be effective immediately upon its adoption.

**PASSED ON FIRST READING** this 10<sup>th</sup> day of April, 2003.


**PASSED AND ADOPTED ON SECOND READING** this 10 day of July 2003.

  
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Mecca Fink, Mayor

Attest:

  
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Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:

  
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Gary A. Poliakoff, J.D., Town Attorney  
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