

RESOLUTION NO. 2017-018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, VACATING AND ABANDONING SEVERAL PLATTED DRAINAGE EASEMENTS LOCATED WITHIN THE TARA PLAT, AS RECORDED IN PLAT BOOK 162, PAGE 20 OF THE BROWARD COUNTY, FLORIDA PUBLIC RECORDS AND ACCEPTING NEW DRAINAGE EASEMENTS; GENERALLY LOCATED ON THE WEST SIDE OF UNIMPROVED SW 184TH AVENUE AND SOUTH OF GRIFFIN ROAD; PROVIDING FOR MAINTENANCE OF THE EASEMENTS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Akai Estates, LLC, is the owner ("Owner") of the property legally described as:

All of TARA, according to the plat thereof, as recorded in Plat Book 162, Page 40 of the Public Records of Broward County, Florida (the "Plat");

WHEREAS, Owner seeks to vacate several drainage easements located within the Plat as delineated in Exhibit "A" attached hereto and made a part hereof, via Town of Southwest Ranches Application No. VC-26-17 ("Platted Easements"); and

WHEREAS, the Plat dedicates the Platted Easements to the South Broward Drainage District ("SBDD"), and grants an easement to the public for public roadway stormwater drainage, flowage and storage within, on and through the drainage easements, canal easements and drainage easements; and

WHEREAS, changes to hydrological conditions and necessary reconfiguration of the access to the Plat require modifications to the Platted Easements within the Plat; and

WHEREAS, in order to modify the Platted Easements, they must first be vacated and then replaced, as applicable, with new easements of the desired dimensions; and

WHEREAS, the SBDD vacated the Platted Easements and accepted new drainage easements as delineated in Exhibit "B", attached hereto and made a part hereof, in May, 2016 ("New Easements"); and

WHEREAS, the Town Council held a duly noticed public hearing on December 8, 2016, to consider Vacation Application No. VC-26-17 to vacate the Platted Easements and grant the New Easements consistent with the action of the SBDD, as set forth above; and

WHEREAS, the Town Council finds that the vacation of the Platted Easements and dedication of the New Easements serves a legitimate public purpose.

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

Section 1. Recitals. 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. Vacation. It is hereby determined that it is necessary and appropriate to vacate the Platted Easements described in Exhibit "A", attached hereto and made a part hereof, and that it is in the public interest that they be abandoned and vacated, and that they be released from any and every public right, use, title and interest, except as hereinafter provided. The subject drainage easements are hereby vacated and abandoned, and are hereby released and discharged of any and every public right, title and interest of the town of Southwest Ranches.

Section 3. Dedication. The Town Council of the Town of Southwest Ranches, Florida hereby accepts Owner's grant of the New Easements described in Exhibit "B", attached hereto and made a part hereof, for drainage of public roads.

Section 4. Maintenance. The Owner, and its successors and assigns, shall be responsible for maintaining all of the New Easements unless SBDD assumes responsibility for maintenance. The Town of Southwest Ranches shall have no responsibility for maintaining the property within the New Easements.

Section 5. Effectuation. 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 6. Recordation. This Resolution shall be recorded in the Public Records of Broward County, Florida.

Section 7. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 8th day of December, 2016 on a motion by Vice Mayor Breitkreuz and seconded by Council Member Jablonski.

McKay	<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>	Abstaining	<u>0</u>
Schroeder	<u>Yes</u>		

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches,

Florida, this 8th day of December, 2016 on a motion by *Wm Breitkreuz* and

seconded by *C/m Jablonski*.

McKay	<u><i>Yes</i></u>
Breitkreuz	<u><i>Yes</i></u>
Fisikelli	<u><i>Yes</i></u>
Jablonski	<u><i>Yes</i></u>
Schroeder	<u><i>Yes</i></u>

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

ATTEST:

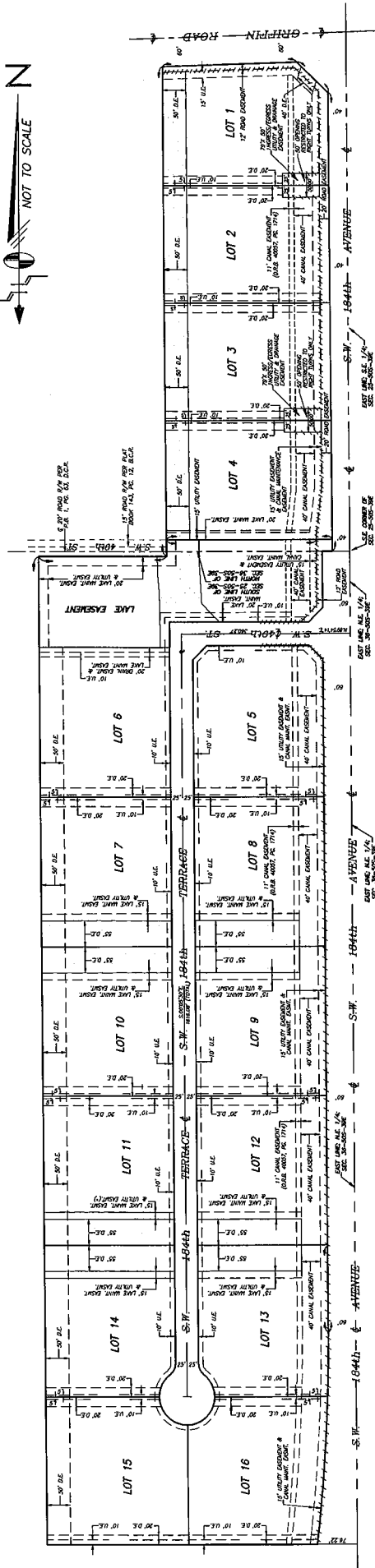
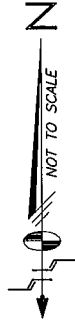
Doug McKay
Doug McKay, Mayor

Russell Muñiz
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

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

113688481.2



SKETCH OF PLATTED DRAINAGE EASEMENTS TO BE VACATED

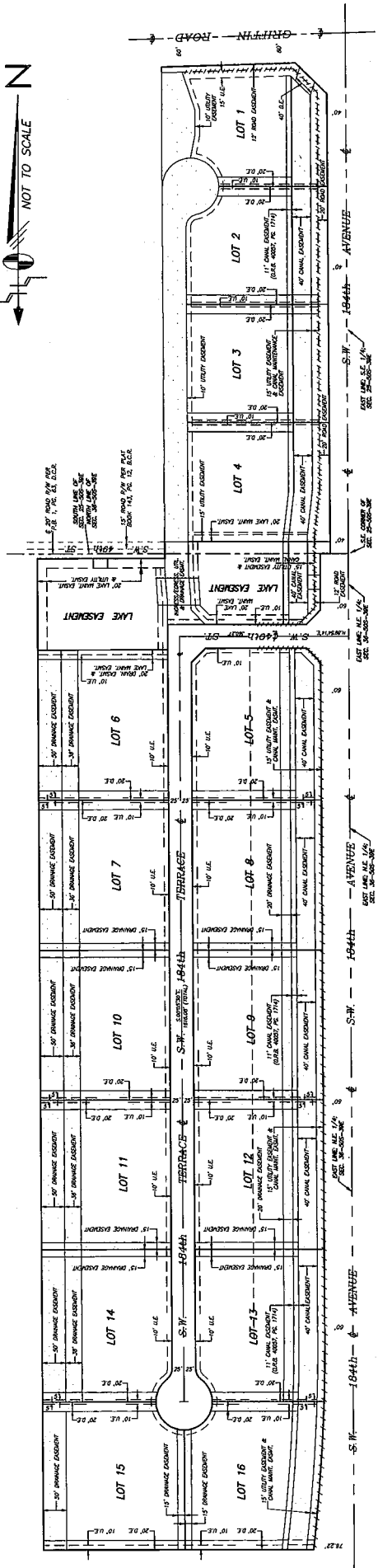
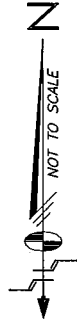
- DRAINAGE EASEMENT TO BE VACATED
- LAKE EASEMENT (WITHIN PARCEL "A") TO BE VACATED

	<p>Schwebke-Shiskin & Associates, Inc. LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025 PHONE No. (954)435-7010 FAX No. (954)438-3288 PREPARED UNDER MY SUPERVISION: RONALD A. FRYZ, ASSISTANT VICE PRESIDENT FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767</p>								
<p>ORDER NO. 203076 DATE: JULY 28, 2014 THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-87</p>									
<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>									

Exhibit "B"

LEGAL DESCRIPTIONS AND SKETCHES OF NEW DRAINAGE EASEMENTS

113688481.2



SKETCH OF FINAL DRAINAGE EASEMENTS

DRAINAGE EASEMENT

SHEET 1 OF 1 SHEETS

	Revisions _____ _____ _____ _____ _____
<p> Schwabke-Shisbin & Associates, Inc. LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025 PHONE No. (954)438-3288 FAX No. (954)435-7010 PREPARED UNDER MY SUPERVISION: ORDER NO. 203076 DATE: JULY 28, 2014 THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-87 </p>	
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