

RESOLUTION NO. 2017-019

A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WAIVER OF PLAT APPLICATION NO. WP-15-16 TO SUBDIVIDE APPROXIMATELY 4.55 NET ACRES OF PROPERTY INTO TWO LOTS OF APPROXIMATELY 2.28 AND 2.17 NET ACRES; GENERALLY LOCATED AT THE NORTHWEST QUADRANT OF SW 208th LANE AND SW 54TH PLACE, 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, SWR 5080, LLC, a Florida limited liability company, is the owner ("Owner") of a 4.55 acre parcel of land legally described as:

Tract 63, In Section 34, Township 50 South, Range 39 East, "EVERGLADES LAND COMPANY SUBDIVISION", according to the Plat thereof recorded in Plat Book 2 Page 1, of the Public Records Of Miami-Dade County, said lands situate, lying and being in Broward County, Florida, LESS the East 25 feet for road right-of-way (the "Property"); and

WHEREAS, Section 115-070 of the Town of Southwest Ranches Unified Land Development Code ("ULDC") requires Town Council approval of a plat or Waiver of Plat application prior to the subdivision of a parcel of land into two (2) lots; and

WHEREAS, at a duly noticed public hearing held on December 8, 2016 the Town Council reviewed Application No. WP-15-16 submitted by Owner, with Pulice Land Surveyors, Inc., acting as agent, to subdivide the Property, which is 4.55 acres (before right-of-way dedication) into two parcels of 2.17 and 2.28 acres net area (post right-of-way dedication) without platting; and

WHEREAS, the Property has a Rural Ranch land use plan designation and Rural Ranches zoning designation, both of which require 2.0 net or 2.5 gross acres per lot; and

WHEREAS, the Rural Ranches zoning regulations require a minimum lot width of 125 feet; and

WHEREAS, the subdivision complies with the minimum lot size and dimensional requirements of the Rural Ranch land use plan designation and Rural Ranches zoning designations, has legal and sufficient access, and will not create or exacerbate any nonconformities with the development standards of the ULDC.

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. Approval with conditions. That, at a duly noticed public hearing held on December 8, 2016 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-15-16, for the property described below and depicted in Exhibits "A," through "C" attached hereto and made a part hereof, subject to the following conditions of approval, all of which shall have been satisfied prior to the recordation of this Resolution:

1. Provide proof of clear title to the Town Attorney, in the form of an Opinion of Title.
2. Execute and record a quit-claim deed to the Town for 15 feet of right-of-way for SW 54th Place prior to recordation of the resolution approving this application.
3. Execute a right-of-way occupancy agreement with the Town for the fence located within the newly dedicated right-of-way.
4. Applicant 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, legal, and any related expenses that the Town has or will incur as a direct cost of this application.
5. Conditions 1 through 4 above must be satisfied by June 8th, 2017 (six (6) months from the date of approval). Failure to do so will cause this approval to expire and become null and void.

Section 3. 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 4. Recordation. This Resolution shall be recorded in the Public Records of Broward County, Florida upon the Owners satisfaction of all conditions of approval enumerated in Section 2 herein.

Section 5. Effective date. This Resolution shall become effective upon the property owner's satisfaction of the conditions of approval enumerated in Section 2 herein.

LEGAL DESCRIPTION: OVERALL

TRACT 63, IN SECTION 34, TOWNSHIP 50 SOUTH, RANGE 39 EAST, "EVERGLADES LAND COMPANY SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 1, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA, LESS THE EAST 25 FEET FOR ROAD RIGHT-OF-WAY.

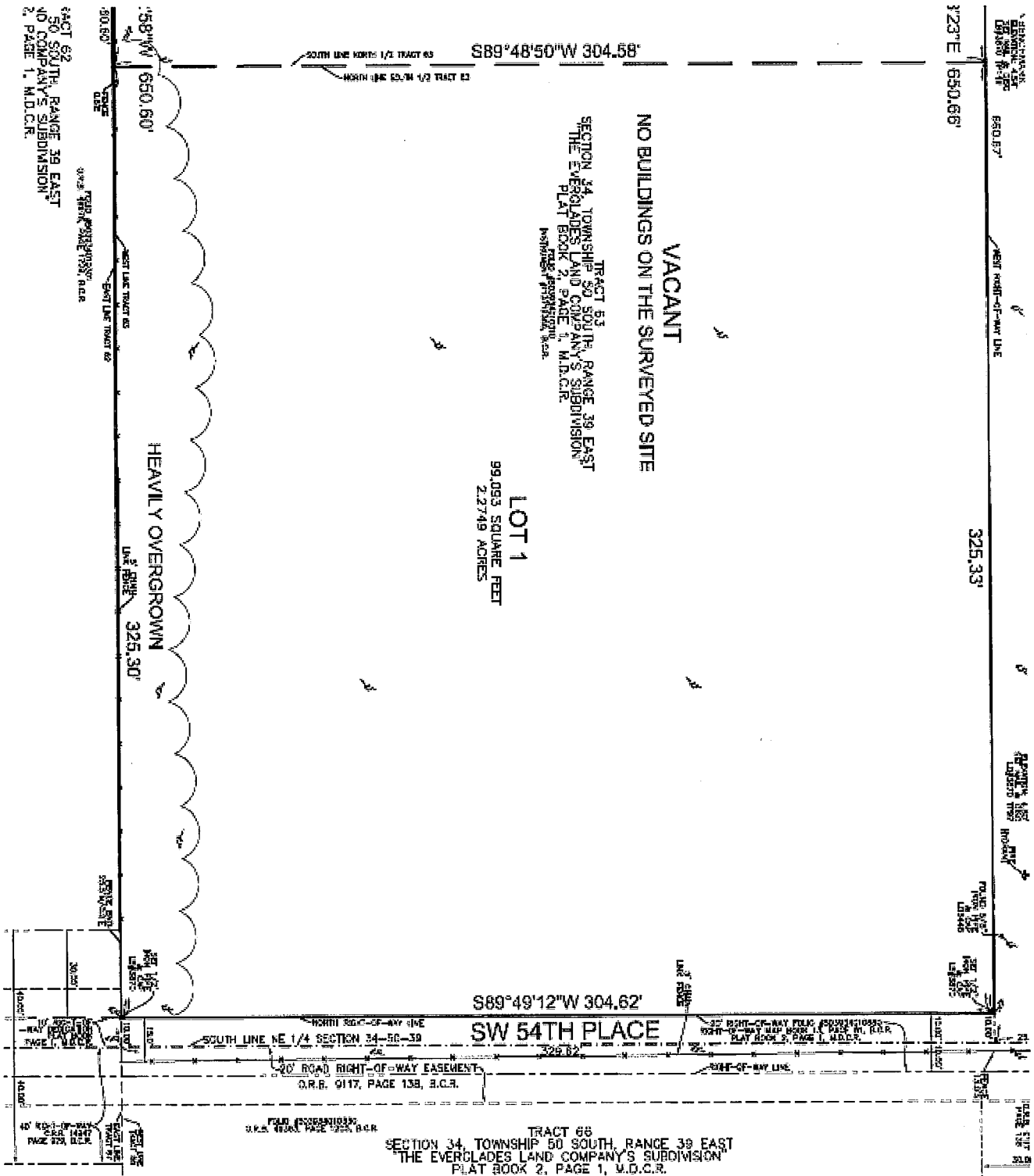
LEGAL DESCRIPTION: LOT 1

THE SOUTH 1/2 OF TRACT 63, IN SECTION 34, TOWNSHIP 50 SOUTH, RANGE 39 EAST, "EVERGLADES LAND COMPANY SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 1, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, SAID LANDS SITUATE, LYING AND BEING

LEGAL DESCRIPTION: LOT 2

THE NORTH 1/2 OF TRACT 63, IN SECTION 34, TOWNSHIP 50 SOUTH, RANGE 39 EAST, "EVERGLADES LAND COMPANY SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 1, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA, LESS THE EAST 25 FEET FOR ROAD RIGHT-OF-WAY.

EXHIBIT "B" SURVEY OF LOT 1



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

Florida, this 8th day of December 2016, on a motion by V/m Breitkreuz and
seconded by C/m Jablonski.

McKay	<u>ayer</u>	Ayes	<u>5</u>
Breitkreuz	<u>ayer</u>	Nays	<u>0</u>
Fisikelli	<u>ayer</u>	Absent	<u>0</u>
Jablonski	<u>ayer</u>	Abstaining	<u>0</u>
Schroeder	<u>ayer</u>		

Doug McKay
Doug McKay, Mayor

ATTEST:

Russell Muñiz
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

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