

RESOLUTION NO. 2017-009

A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WAIVER OF PLAT APPLICATION NO. WP-012-15 TO SUBDIVIDE 9.55 NET ACRES OF PROPERTY INTO TWO LOTS OF 4.18 AND 5.37 NET ACRES; GENERALLY LOCATED ON THE EAST SIDE OF SW 142ND AVENUE, APPROXIMATELY 650 FEET NORTH OF STIRLING ROAD, AND GENERALLY DESCRIBED AS TRACT 19 OF THE EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION OF SECTION 34, TOWNSHIP 50 S., RANGE 40 E. ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 152 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, SAID LAND NOW LYING AND BEING SITUATED IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA, LESS THE WEST 40 FEET FOR RIGHT-OF-WAY PURPOSES; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

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 November 10, 2016, the Town Council reviewed Application No. WP-012-15 by Petitioners Manuel and Lorraine Quintero; and John and Raquel Licata to subdivide 9.55 net acres of land ("Parent Parcel") into two parcels measuring 4.18 acres ("Eastern Parcel") and 5.37 acres in area ("Western Parcel"), and 330 feet in width, without platting; and

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

WHEREAS, the minimum lot width in the Rural Ranches district must be 125 feet; and

WHEREAS, access to the lots will be provided from an existing 25-foot ingress/ egress easement that also provides access to adjoining property to the north; and

WHEREAS, Subsection 090-080(C)(2) of the ULDC authorizes up to four (4) lots to obtain access to a public street from an ingress/egress easement of at least 25 feet in width; and

WHEREAS, the owners of the abutting properties and the Petitioners have jointly executed a Shared Roadway Maintenance Agreement for the maintenance and repair of the existing ingress/egress easement; and

WHEREAS, the subdivision complies with the lot size and dimensional requirements of the Rural Ranches land use plan and 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. 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 November 10, 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-012-15, for subdivision of the Parent Parcel, which is legally described and depicted in Exhibit "A", attached hereto and made a part hereof, into 2 separate parcels as follows:

WESTERN PARCEL – consisting of 5.27 acres and legally described and depicted in Exhibit "B" attached hereto and made a part hereof; and

EASTERN PARCEL - consisting of 4.18 acres and legally described and depicted in Exhibit "C" attached hereto and made a part hereof.

Section 3. As a condition of the plat waiver, Petitioners shall execute and record a Unity of Title Agreement wherein the Petitioners agree that no further subdivision of the parcels shall be permitted.

Section 4. Petitioners shall pay 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, five percent (5%) percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.

Section 5. 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. This Resolution shall be recorded in the Public Records of Broward County, Florida upon the property owner's satisfaction of all conditions of approval enumerated in Section 2 herein.

Section 7. This Resolution shall become effective upon the property owner's satisfaction of the condition of approval enumerated in Section 2 herein.

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

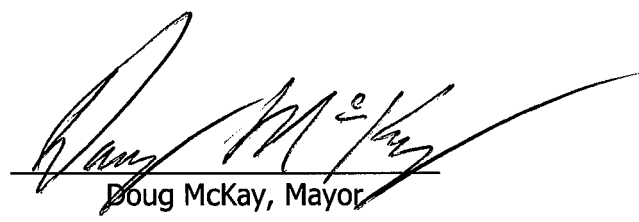
this 10th day of November 2016, on a motion by *Tom Breithaupt* and seconded by *C/M Jisibelli*.

McKay
Breitkreuz
Fisikelli
Jablonski
Schroeder

Ayes
✓
Ayes
✓
Ayes
✓
Ayes
✓
Ayes
✓

Ayes
Nays
Absent
Abstaining

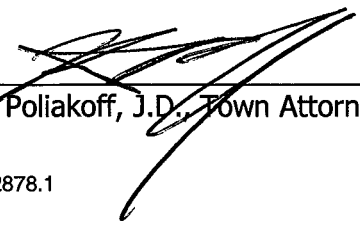
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Doug McKay, Mayor

ATTEST:


Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:


Keith Poliakoff, J.D., Town Attorney

113622878.1

EXHIBIT "A"

LEGAL DESCRIPTION OF PARENT TRACT

ALL THAT PORTION OF TRACT 19 IN SECTION 34, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION OF SECTION 34, TOWNSHIP 50 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 152, PUBLIC RECORDS OF DADE COUNTY, FLORIDA, INCLUDED WITHIN THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4/ OF THE SOUTHEAST 1/4 OF SAID SECTION 34.

TOGETHER WITH AN EASEMENT OF INGRESS AND EGRESS OVER THE SOUTH 15 FEET OF THE WEST 720.30 FEET OF TRACT 20, SECTION 34, TOWNSHIP 50 SOUTH, RANGE 40 EAST, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 152 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA, CONTAINING 416,077.56 SQUARE FEET (9.55 ACRES) MORE OR LESS.

EXHIBIT "B" (Page 1 OF 2)

SKETCH AND LEGAL DESCRIPTION OF WESTERN PARCEL

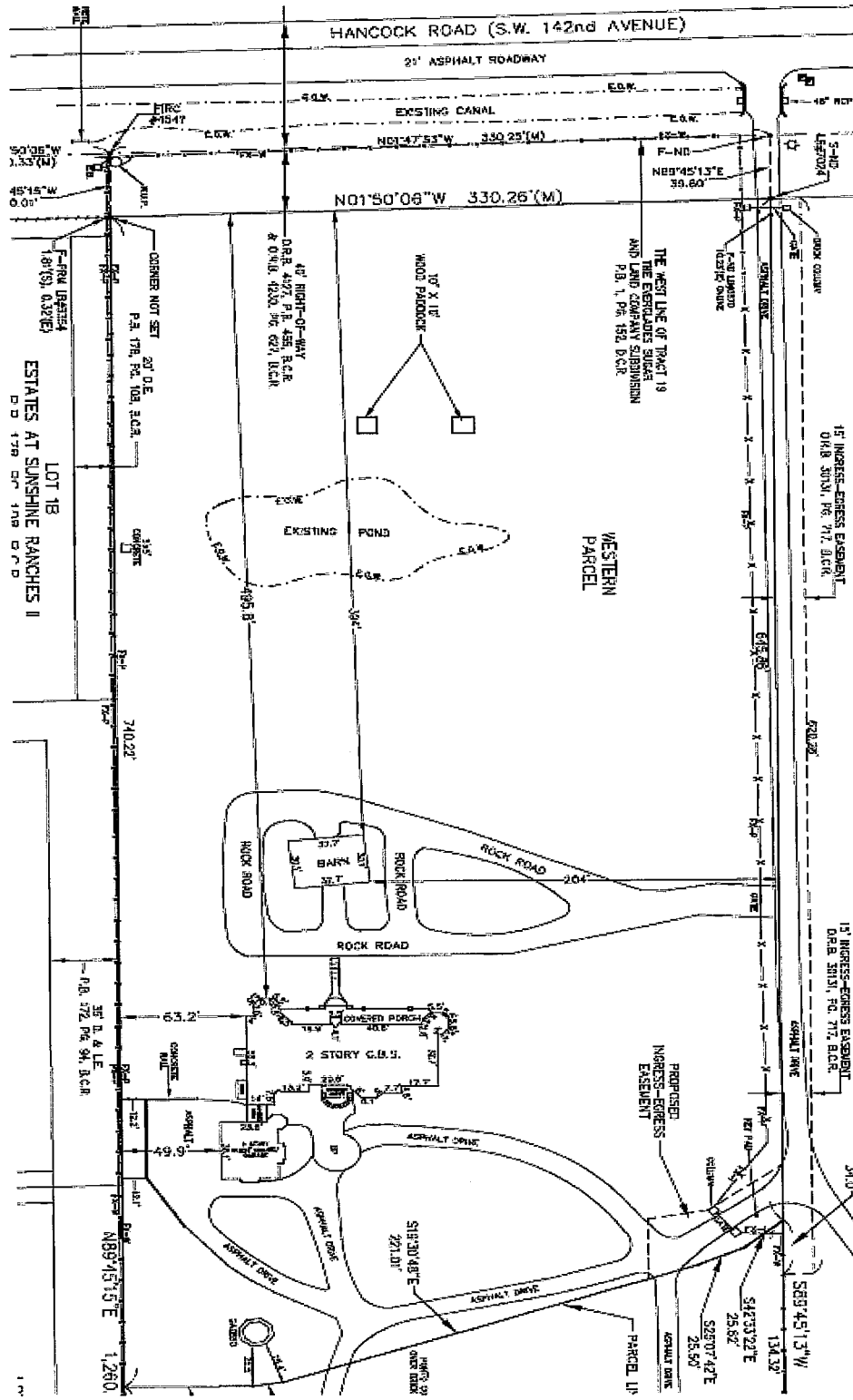


EXHIBIT "B" (Page 2 OF 2)

WESTERN PARCEL

A PORTION OF TRACT 19, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 152, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 34, TOWNSHIP 50 SOUTH, RANGE 40 EAST; THENCE NORTH 01°50'06" WEST, ALONG THE WESTERLY LINE OF THE SAID SOUTHEAST ONE-QUARTER (1/4), A DISTANCE OF 660.33 FEET; THENCE NORTH 89°45'15" EAST, A DISTANCE OF 40.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°45'15" EAST, ALONG THE SOUTHERLY LINE OF THE SAID TRACT 19, A DISTANCE OF 740.22 FEET; THENCE NORTH 00°14'45" WEST, A DISTANCE OF 64.20 FEET; THENCE NORTH 09°58'28" WEST, A DISTANCE OF 15.45 FEET; THENCE NORTH 19°30'48" WEST, A DISTANCE OF 221.01 FEET; THENCE NORTH 25°07'42" WEST, A DISTANCE OF 25.50 FEET; THENCE NORTH 42°33'22" WEST, A DISTANCE OF 25.62 FEET TO A POINT ON THE NORTHERLY LINE OF THE SAID TRACT 19; THENCE SOUTH 89°45'13" WEST, ALONG THE SAID NORTHERLY LINE, A DISTANCE OF 645.86 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE FOR SOUTHWEST 142nd AVENUE, (HANCOCK ROAD), AS RECORDED IN OFFICIAL RECORDS BOOK 4127, PAGE 455, AND OFFICIAL RECORDS BOOK 4230, PAGE 627, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 01°50'06" EAST, ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 330.26 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA. CONTAINING 233,932.63 SQUARE FEET (5.37 ACRES) MORE OR LESS.

EXHIBIT "C" (Page 1 OF 2)
SKETCH AND LEGAL DESCRIPTION OF EASTERN PARCEL

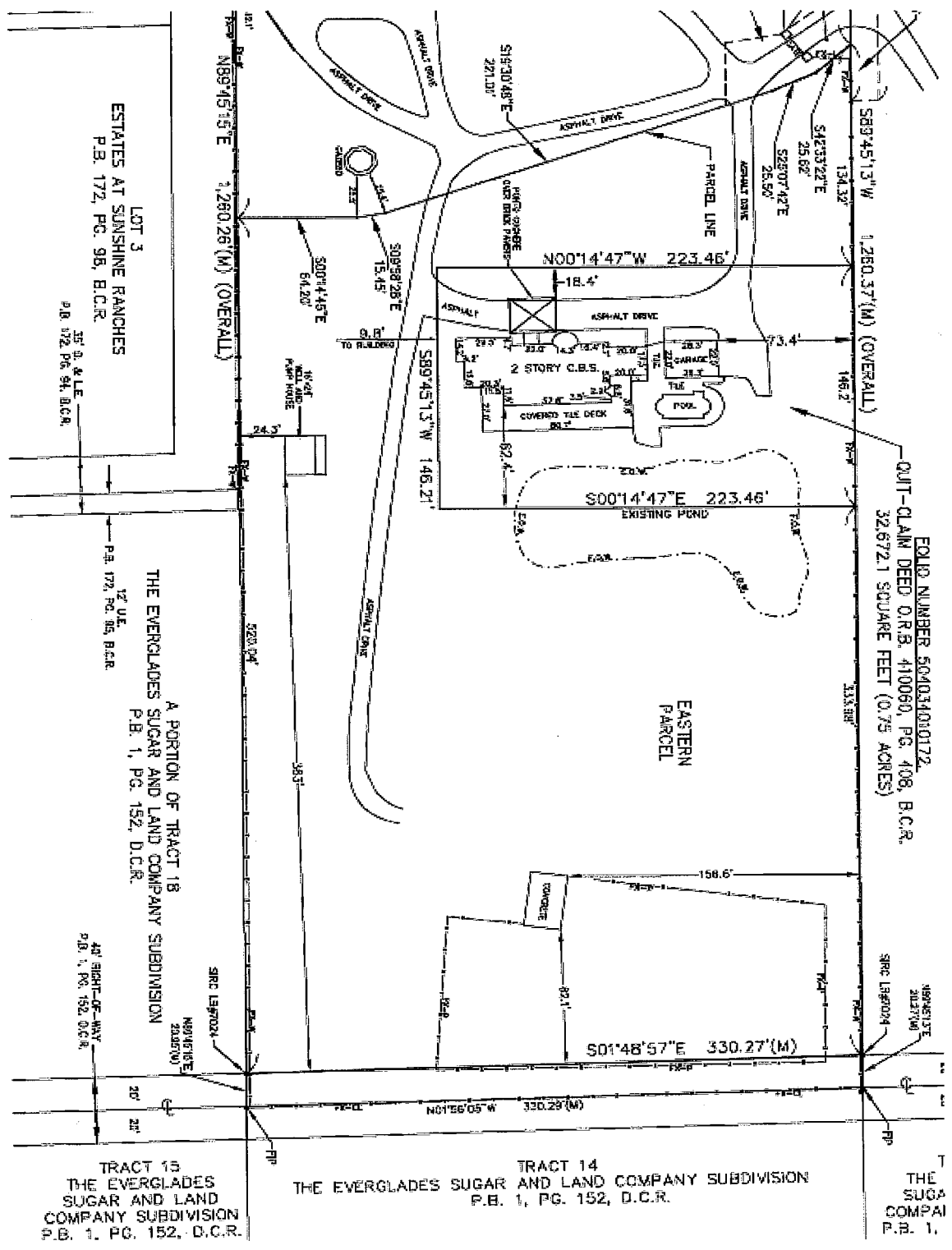


EXHIBIT "C" (Page 2 OF 2)

EASTERN PARCEL

A PORTION OF TRACT 19, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 152, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 34, TOWNSHIP 50 SOUTH, RANGE 40 EAST; THENCE NORTH 01°50'06" WEST, ALONG THE WESTERLY LINE OF THE SAID SOUTHEAST ONE-QUARTER (1/4), A DISTANCE OF 660.33 FEET; THENCE NORTH 89°45'15" EAST, A DISTANCE OF 780.23 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°45'15" EAST, ALONG THE SOUTHERLY LINE OF THE SAID TRACT 19, A DISTANCE OF 520.04 FEET TO THE SOUTHEAST CORNER OF THE SAID TRACT 19; THENCE NORTH 01°48'57" WEST, ALONG THE EASTERLY LINE OF THE SAID TRACT 19, A DISTANCE OF 330.27 FEET; TO THE NORTHEAST CORNER OF THE SAID TRACT 19; THENCE SOUTH 89°45'13" WEST, ALONG THE NORTHERLY LINE OF THE SAID TRACT 19, A DISTANCE OF 614.51 FEET; THENCE SOUTH 42°33'22" EAST, A DISTANCE OF 25.62 FEET; THENCE SOUTH 25°07'42" EAST, A DISTANCE OF 25.50 FEET; THENCE SOUTH 19°30'48" EAST, A DISTANCE OF 221.01 FEET; THENCE SOUTH 09°58'28" EAST, A DISTANCE OF 15.45 FEET; THENCE SOUTH 00°14'45" EAST, A DISTANCE OF 64.20 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA. CONTAINING 182,144.93 SQUARE FEET (4.18 ACRES) MORE OR LESS.