

**RESOLUTION NO. 2017-010**

**A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WAIVER OF PLAT APPLICATION NO. WP-17-16 TO SUBDIVIDE APPROXIMATELY 9.24 NET ACRES OF PROPERTY INTO TWO LOTS OF 4.65 ACRES (LOT A) AND 4.59 ACRES (LOT B); GENERALLY LOCATED ON THE EAST SIDE OF SW 142<sup>ND</sup> AVENUE (HANCOCK ROAD) APPROXIMATELY 990 FEET NORTH OF STIRLING ROAD, AND DESCRIBED AS TRACT 20 OF "THE EVERGLADES SUGAR & LAND CO SUBDIVISION OF SECTION 34 TOWNSHIP 50 SOUTH, RANGE 40 EAST." ACCORDING TO THE MAP OR 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 TO PROPERLY 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 Waiver of Plat Application No. WP-17-16 by Petitioners David and Jennifer Lopez to subdivide 9.24 net acres located at 5700 SW 142<sup>nd</sup> Avenue (Hancock Road), Southwest Ranches ("Parent Parcel") into two separate (2) lots of 4.65 net acres (Lot A) and 4.59 net acres (Lot B) in area and 330.18 feet in width without platting; and

**WHEREAS**, the Parent Parcel has a Rural Ranch land use plan designation and Rural Ranches zoning, 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**, access to the lots will be provided from an existing 30-foot ingress/ egress easement that also provides access to two (2) adjoining lots to the south; 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**, 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 subdivision complies with the minimum lot size and dimensional requirements of the effective 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. 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.** 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-17-16, for the subdivision of the Parent Parcel, which is legally described and depicted in Exhibit "A" attached hereto and made a part hereof, as follows:

Lot A – consisting of 4.65 net acres and legally described and depicted in Exhibit "B" attached hereto and made a part hereof; and

Lot B - consisting of 4.69 acres and legally described and depicted in Exhibit "C" attached hereto and made a part hereof.

Lot A and Lot B shall collectively be referred to as the "Property."

**Section 3. Unity of Title.** 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 Property shall be permitted.

**Section 4. Vehicular Turnaround.** As a condition of the plat waiver, Petitioners shall execute a turnaround Easement in form acceptable to the Town Attorney, which easement shall be recorded in the Public Records of Broward County, Florida. In addition, the turnaround shall be constructed and approved on final inspection by the Town prior to issuance of a building permit for a principal building on the Property.

**Section 6. Cost Recovery.** 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, 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 7. 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 8. Recordation.** This Resolution shall be recorded in the Public Records of Broward County, Florida.

**Section 9. Effective Date.** This Resolution shall become effective upon Petitioners' satisfaction of all of the conditions of approval.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 10<sup>th</sup> day of November, 2016 on a motion by Wm Breitkreuz and seconded by Council Member Fisikelli

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

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

113623402.1

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Exhibit "A"**

**Legal Description**

**Parent Parcel**

TRACT 20 OF "THE EVERGLADES SUGAR & LAND CO SUBDIVISION OF SECTION 34 TOWNSHIP 50S., RANGE 40E." ACCORDING TO THE MAP OR 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

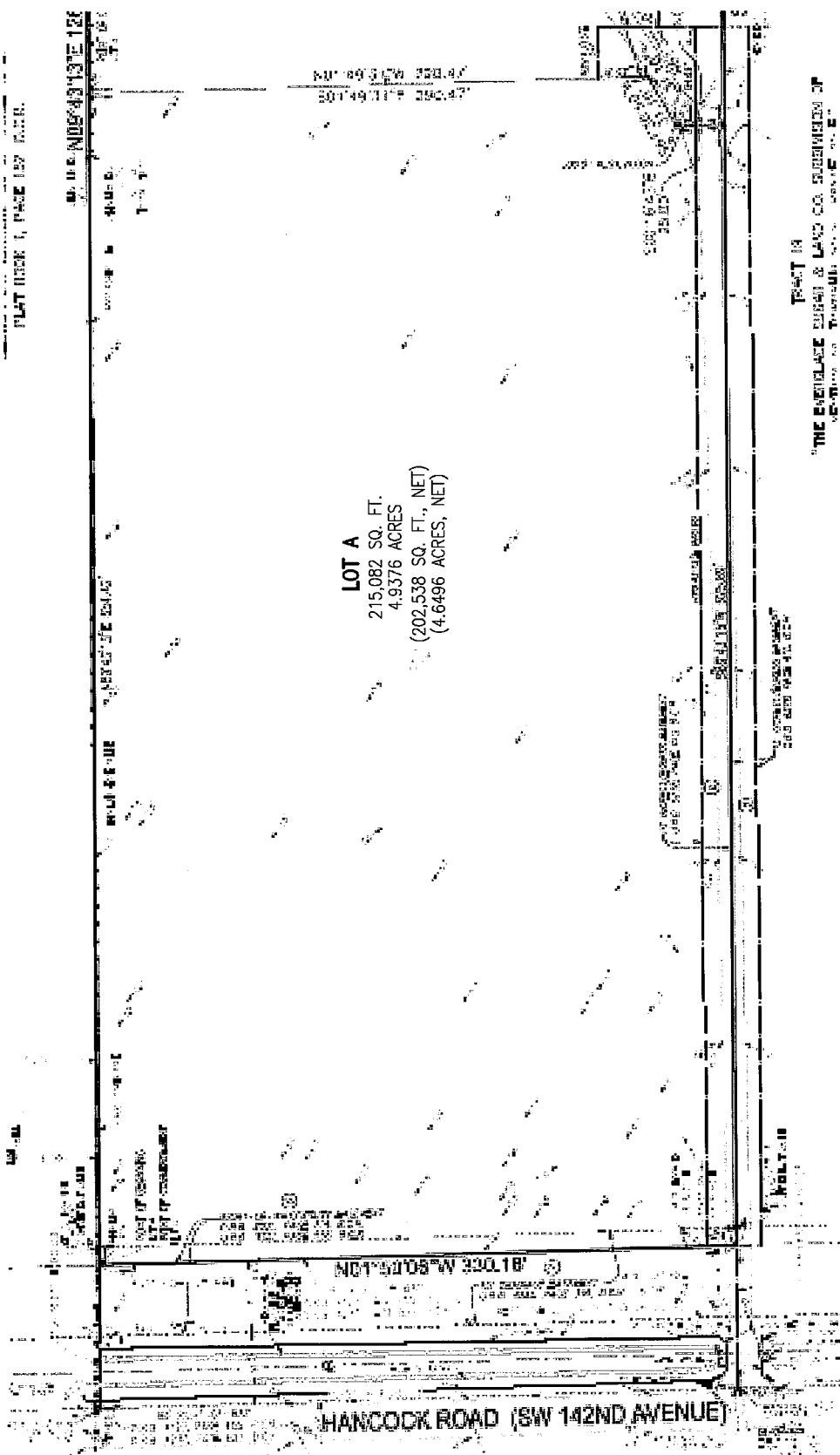
**Exhibit "B" (Page 1 of 2)**

**Lot "A"**

A PORTION OF TRACT 20 OF "THE EVERGLADES SUGAR & LAND CO SUBDIVISION OF SECTION 34 TOWNSHIP 50S., RANGE 40E." ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 152, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID TRACT 20 WITH THE EAST RIGHT-OF-WAY LINE OF HANCOCK ROAD (S.W. 142<sup>ND</sup> AVENUE) 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 NORTH 89°43'13" EAST ON SAID NORTH LINE OF TRACT 20 FOR 654.42 FEET; THENCE SOUTH 01°49'31" EAST 290.47 FEET; THENCE SOUTH 61°30'50" WEST 31.10 FEET; THENCE SOUTH 00°16'45" EAST 25.00 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 20; THENCE SOUTH 89°43'15" WEST ON SAID SOUTH LINE 625.89 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE OF HANCOCK ROAD (S.W. 142<sup>ND</sup> AVENUE); THENCE NORTH 01°50'06" WEST ON SAID EAST RIGHT-OF-WAY LINE 330.18 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATED, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA AND CONTAINING A GROSS AREA OF 215,082 SQUARE FEET (4.9376 ACRES), AND A NET AREA OF 202,538 SQUARE FEET (4.6496 ACRES), MORE OR LESS.



**LOT A**  
 215,082 SQ. FT.  
 4.9376 ACRES  
 (202,538 SQ. FT., NET)  
 (4.6496 ACRES, NET)

N01°59'31\"/>

HANCOCK ROAD (SW 142ND AVENUE)

PLAT BOOK 1, PAGE 182 CORR.

TRACT 14  
 THE EVERGLADE SUBDIVISION & LAND CO. SUBDIVISION OF  
 SECTION 34, TOWNSHIP 30S, RANGE 20E

## **Exhibit "C" (Page 1 of 2)**

### **Lot "B"**

A PORTION OF TRACT 20 OF "THE EVERGLADES SUGAR & LAND CO SUBDIVISION OF SECTION 34 TOWNSHIP 50S., RANGE 40E." ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 152, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID TRACT 20 WITH THE EAST RIGHT-OF-WAY LINE OF HANCOCK ROAD (S.W. 142ND AVENUE) 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 NORTH 89°43'13" EAST ON SAID NORTH LINE OF TRACT 20 FOR 654.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°43'13" EAST ON SAID NORTH LINE 606.04 FEET TO THE NORTHEAST CORNER OF SAID TRACT 20, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF S.W. 139TH AVENUE AS RECORDED IN PLAT BOOK 1, PAGE 152, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 01°48'56" EAST ON SAID WEST RIGHT-OF-WAY LINE AND THE EAST LINE OF SAID TRACT 20 FOR 330.19 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 20; THENCE SOUTH 89°43'15" WEST ON THE SOUTH LINE OF SAID TRACT 20 FOR 634.47 FEET; THENCE NORTH 00°16'45" WEST 25.00 FEET; THENCE NORTH 61°30'50" EAST 31.10 FEET; THENCE NORTH 01°49'31" WEST 290.47 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATED, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA AND CONTAINING A GROSS LAND AREA OF 200,934 SQUARE FEET (4.6128 ACRES), AND A NET LAND AREA OF 200,114 SQUARE FEET (4.594 ACRES) MORE OR LESS.

