

RESOLUTION NO. 2017-035

A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WAIVER OF PLAT APPLICATION NO. WP-16-16 TO SUBDIVIDE APPROXIMATELY 11.52 NET ACRES OF PROPERTY INTO TWO LOTS; GENERALLY LOCATED AT THE NORTHWEST CORNER OF STIRLING ROAD AT ITS INTERSECTION WITH SW 130th AVENUE (MELALEUCA ROAD), DESCRIBED AS THE EAST HALF OF TRACTS 37, 38, 39 AND 40, AND THE EAST 165 FEET OF THE WEST HALF OF TRACTS 37, 38, 39 AND 40 IN SECTION 35, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 633.02 FEET, SOUTH 40 FEET AND EAST 50 FEET OF THE SAID COMBINED PARCELS, SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA; 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 March 9, 2017, the Town Council reviewed Waiver of Plat Application No. WP-16-16 by Robert Lewin ("Owner/Petitioner") to subdivide approximately 11.52 net acres located at 5951 SW 130th Avenue, Southwest Ranches ("Property") into two (2) lots of 6.11 net acres (Lot 1) and 2.75 net acres (Lot 2) in area, and a 2.4-acre lake, without platting; and

WHEREAS, the Property 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 width of Lot 1 is 380.91 feet and the width of Lot 2 is 251.68 feet, both measured along SW 130th Avenue; and

WHEREAS, Rural Ranches zoning regulations require at least 125 feet of lot 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. 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 March 23, 2017, 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-16-16, for the Property described and depicted in Exhibits "A" and "B" attached hereto and made a part hereof, subject to the following conditions:

1. Prior to recordation of this Resolution, the Owner/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, and any related expenses that the Town has or will incur as a direct cost of this application.
2. Prior to recordation of this Resolution, Owner/Petitioner shall dedicate 15 feet of right-of-way for Stirling Road.
3. Prior to recordation of this Resolution, Owner/Petitioner shall execute a standard-form indemnification and right-of-way occupancy agreement for the landscaped berm and portions of the structural wall proposed within the area to be dedicated for right-of-way.
4. Prior to issuance of any building permit for a structure, remove the nonconforming structure on the northwest property line of Lot 2.
5. Grant an easement to Comcast along the south lot line of Lot 1 per its request.

Section 3. 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. This Resolution shall be recorded, at Owner/Petitioner's expense, in the Public Records of Broward County, Florida, upon satisfaction of conditions 1, 2 and 3 as set forth in Section 2 hereof.

Section 5. This Resolution shall become effective upon its recordation pursuant to Section 4 herein.

[Signatures on Next Page]

EXHIBIT "A"
LEGAL DESCRIPTIONS

Parent Tract

THE EAST HALF OF TRACTS 37, 38, 39, AND 40, THE EAST 165 FEET OF THE WEST HALF OF TRACTS 37, 38, 39, AND 40 IN SECTION 35, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 633.02 FEET, SOUTH 40 FEET AND EAST 50 FEET OF ALL THE FORGOING DESCRIBED PARCELS. SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA. CONTAINING 501,639.4 SQUARE FEET (11.52 ACRES) MORE OR LESS

New Lot "1"

LEGAL DESCRIPTION: LEWIN LOT 1

A PORTION OF TRACTS 39 AND 40 IN SECTION 35 TOWNSHIP 50 SOUTH, RANGE 40 EAST, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER (¼) OF THE SAID SECTION 35, TOWNSHIP 50 SOUTH, RANGE 40 EAST; THENCE SOUTH 89°43'46" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER (¼) OF THE SAID SECTION 35, A DISTANCE OF 824.79 FEET; THENCE NORTH 01°47'01" WEST, A DISTANCE OF 55.21 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°47'01" WEST, A DISTANCE OF 571.83 FEET; THENCE NORTH 89°56'11" EAST, A DISTANCE OF 228.94 FEET; THENCE SOUTH 29°30'37" EAST, A DISTANCE OF 286.49 FEET; THENCE NORTH 89°55'15" EAST, A DISTANCE OF 294.20 FEET TO A POINT, SAID POINT BEING THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE EAST, SAID POINT HAVING A RADIAL BEARING OF SOUTH 40°26'56" WEST, SAID CURVE HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 111°03'29"; THENCE NORTHWESTERLY AND NORTHEASTERLY ALONG THE ARC, A DISTANCE OF 96.92 FEET TO A POINT; THENCE SOUTH 28°29'07" EAST, A DISTANCE OF 15.00 FEET, ALONG A LINE RADIAL TO THE FOLLOWING NON-TANGENT CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 35.00 FEET, AND A CENTRAL ANGLE OF 75°37'48"; THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC, A DISTANCE OF 46.20 FEET TO A POINT; THENCE NORTH 89°56'35" EAST, A DISTANCE OF 58.32 FEET; THENCE SOUTH 01°46'48" EAST, A DISTANCE OF 380.91 FEET; THENCE SOUTH 89°43'25" WEST, A DISTANCE OF 774.71 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES. CONTAINING 330,852.41 SQUARE FEET (7.6 ACRES) MORE OR LESS.

New Lot "2"

LEGAL DESCRIPTION: LEWIN LOT 2

A PORTION OF TRACTS 38, 39, AND 40, IN SECTION 35 TOWNSHIP 50 SOUTH, RANGE 40 EAST, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER ($\frac{1}{4}$) OF THE SAID SECTION 35, TOWNSHIP 50 SOUTH, RANGE 40 EAST; THENCE SOUTH 89°43'46" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER ($\frac{1}{4}$) OF THE SAID SECTION 35, A DISTANCE OF 824.79 FEET; THENCE NORTH 01°47'01" WEST, A DISTANCE OF 826.85 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°56'11" EAST, A DISTANCE OF 228.94 FEET; THENCE SOUTH 29°30'37" EAST, A DISTANCE OF 286.49 FEET; THENCE NORTH 89°55'15" EAST, A DISTANCE OF 294.20 FEET TO A POINT, SAID POINT BEING THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE EAST, SAID POINT HAVING A RADIAL BEARING OF SOUTH 40°26'56" WEST, SAID CURVE HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 111°03'29"; THENCE NORTHWESTERLY AND NORTH EASTERLY ALONG THE ARC, A DISTANCE OF 96.92 FEET TO A POINT; THENCE SOUTH 28°29'07" EAST, A DISTANCE OF 15.00 FEET, ALONG A LINE RADIAL TO THE FOLLOWING NON-TANGENT CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 35.00 FEET, AND A CENTRAL ANGLE OF 75°37'48"; THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC, A DISTANCE OF 46.20 FEET TO A POINT; THENCE NORTH 89°56'35" EAST, A DISTANCE OF 58.32 FEET; THENCE NORTH 01°46'48" WEST, A DISTANCE OF 251.68 FEET; THENCE SOUTH 89°44'33" WEST, A DISTANCE OF 774.75 FEET; THENCE SOUTH 01°47'01" EAST, A DISTANCE OF 61.22 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES. CONTAINING 159,202.96 SQUARE FEET (3.65 ACRES) MORE OR LESS.

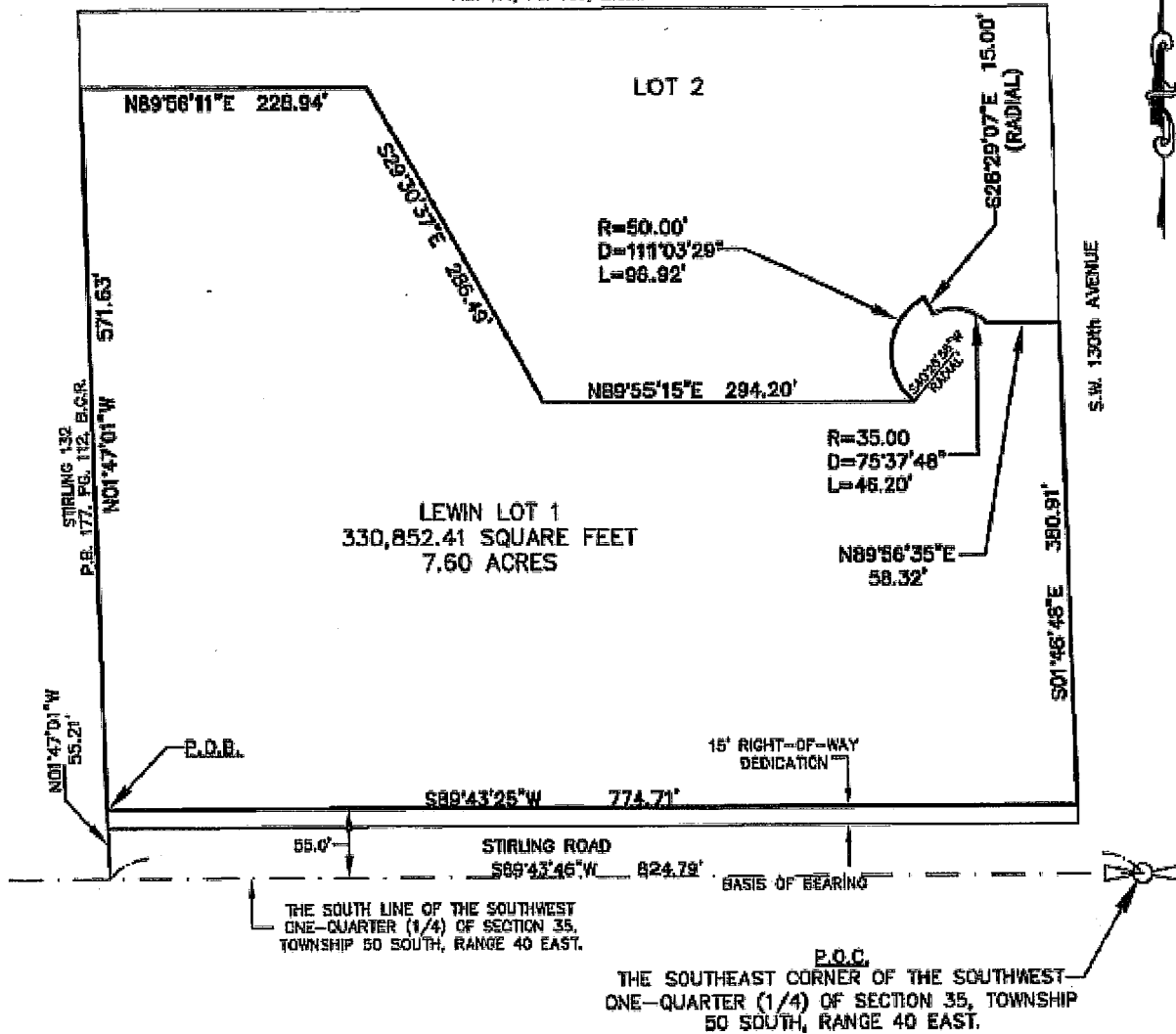
EXHIBIT "B"
SKETCHES OF LEGAL DESCRIPTIONS FOR NEW LOTS

LOT 1

— SKETCH AND DESCRIPTION —

NOTE: THIS IS NOT A SURVEY.
 (SEE ATTACHED DESCRIPTION)

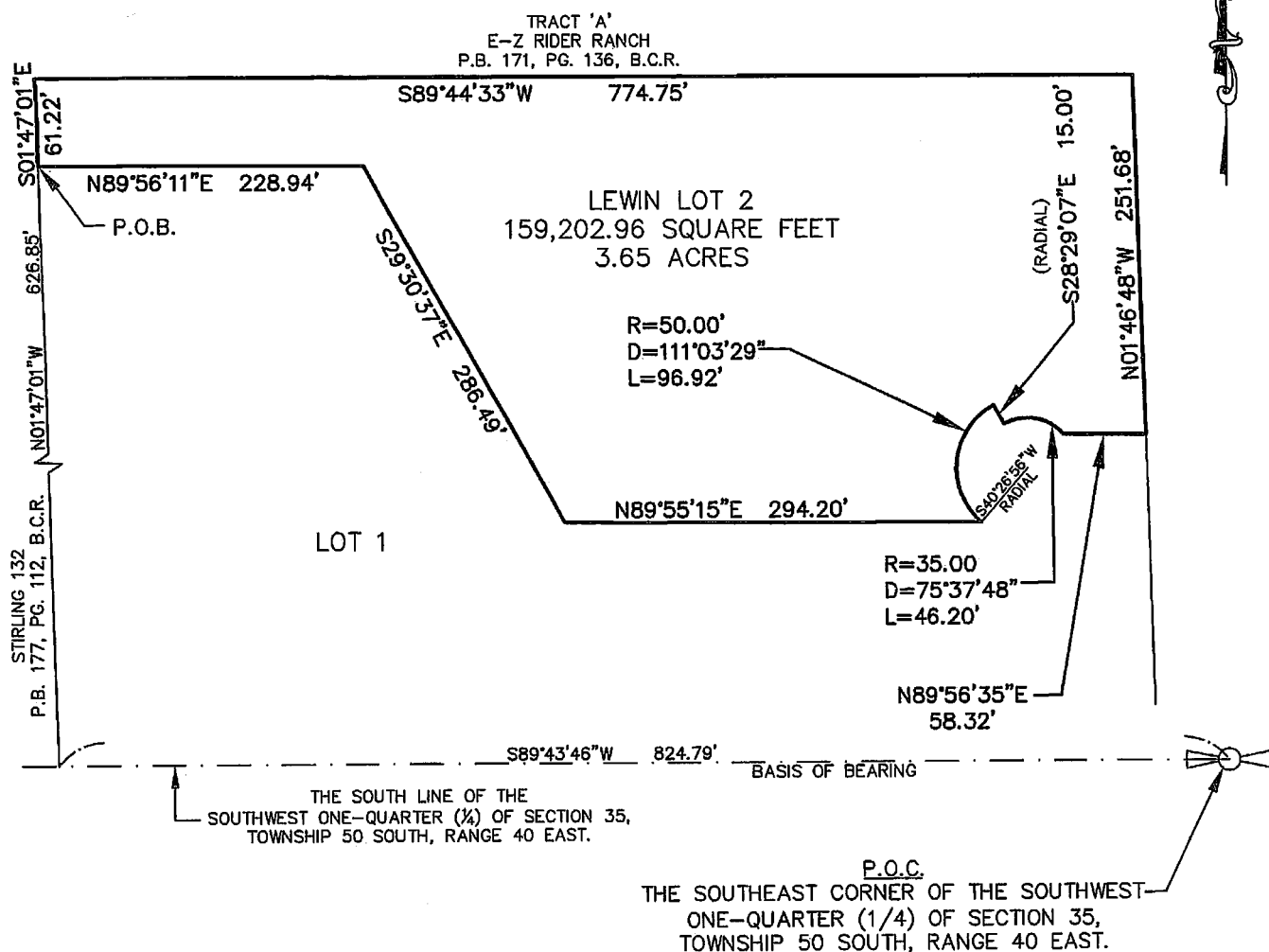
TRACT "A"
 E-Z RIDER RANCH
 P.B. 171, PG. 136, B.C.R.



LOT 2

- SKETCH AND DESCRIPTION -

NOTE: THIS IS NOT A SURVEY.
(SEE ATTACHED DESCRIPTION)



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

Florida, this 23rd day of March 2017, on a motion by Y/m Breitkreuz and
seconded by Y/m Jablonski.

McKay Yes
Breitkreuz Yes
Fisikelli Yes
Jablonski Yes
Schroeder Yes

Ayes 5
Nays 0
Absent 0
Abstaining 0

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

113932537.1