

RESOLUTION NO. 2018 - 057

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WAIVER OF PLAT APPLICATION NO. WP-21-18 TO SUBDIVIDE APPROXIMATELY 4.85 NET ACRES OF PROPERTY INTO TWO LOTS OF 2.85 AND 1.999 NET ACRES; GENERALLY LOCATED ON THE SOUTH SIDE OF STIRLING ROAD, APPROXIMATELY 500 FEET EAST OF HANCOCK ROAD; LEGALLY DESCRIBED AS THE EAST ONE-HALF OF TRACT 7, LESS THE NORTH 40 FEET FOR ROAD, IN SECTION 3, TOWNSHIP 51 SOUTH, RANGE 40 EAST, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 39 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS NOW LYING, BEING AND SITUATE IN BROWARD COUNTY, FLORIDA; 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 lots; and

WHEREAS, at a duly noticed public hearing held on June 14, 2018, the Town Council reviewed Waiver of Plat Application No. WP-21-18 by Ivan and Simona Aguilera ("Petitioner") to subdivide 4.85 net acres of property located at 14080 Stirling Road, Southwest Ranches ("Property") into two lots of 2.85 acres ("North Lot") and 1.999 acres ("South Lot") in area; and

WHEREAS, the Property is designated Rural Ranch on the Future Land Use Map and Rural Ranches on the Zoning Map, thereby requiring that each lot comprise at least 2.0 net acres or 2.5 gross acres in area, and 125 feet in width, with access to a public or private street; and

WHEREAS, the proposed North Lot comprises 2.85 acres in net area, 165 feet in width, and has direct access to Stirling Road; and

WHEREAS, the proposed 1.999-acre South Lot will be combined with an abutting lot to the west (the "Hosmer Lot") that, together, will constitute a single 5.05-acre parcel with approximately 290 feet of frontage on Hancock Road; and

WHEREAS, upon recordation of a to a Unity of Title Agreement that permanently binds the South Lot with the Hosmer Lot, the subdivision will comply with the minimum lot size and dimensional requirements of the effective land use plan and zoning designations, have legal and sufficient access, and 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. ADOPTION OF RECITALS. The foregoing recitals are true and correct, and are incorporated herein by reference.

Section 2. APPROVAL OF APPLICATION. That, at a duly noticed public hearing held on June 14, 2018, 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-21-18, for the subdivision of the Property, as described and depicted in Exhibit "A," attached hereto and made a part hereof, subject to the following conditions:

- (1) Petitioner shall remove the wooden structure located within the minimum setback area near the east property line of the South Lot. Applicant shall produce an updated as-built survey to the Town Planner documenting its removal.
- (2) Petitioner shall dedicate an additional 15 feet of right-of-way to the Town for Stirling Road in accordance with the 110-foot right-of-way width requirement for this corridor.
- (3) Petitioner shall provide an executed deed transferring title of the South Lot to the owner of the Hosmer Lot to the west, described in Exhibit "B" attached hereto and made a part hereof.
- (4) Petitioner shall provide an executed Unity of Title Agreement that permanently binds the South Lot and the Hosmer Lot.
- (5) Petitioner shall provide an updated opinion of title as required by the Town Attorney in connection with the recordation of the documents referenced above.
- (6) Subsequent to compliance with conditions (1) through (5) above, 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.
- (7) Failure of the Petitioner to comply with conditions (1) through (6) above within 90 days of the passage of this Resolution shall automatically cause the approval to become null and void without further notice to the Applicant.

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. The Town Attorney shall cause this Resolution to be recorded in the Public Records of Broward County, Florida only upon satisfaction of the conditions of approval enumerated in Section 2 herein.

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

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, this 18th day of June, 2018, on a motion by C/M Breitkreuz seconded by

C/M Jablonski

| | |
|------------|---------------------------|
| McKay | <u><i>[Signature]</i></u> |
| Fisikelli | <u><i>[Signature]</i></u> |
| Breitkreuz | <u><i>[Signature]</i></u> |
| Jablonski | <u><i>[Signature]</i></u> |
| Schroeder | <u><i>[Signature]</i></u> |

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

ATTEST:

[Signature]
Russell Muñiz, Assistant Town Administrator/Town Clerk

[Signature]
Doug McKay, Mayor

Approved as to legal Form and Correctness

[Signature]
Keith M. Poliakoff, Esq., Town Attorney

114931920.1

EXHIBIT "A"

LEGAL DESCRIPTION – PARENT PARCEL

THE EAST ½ OF TRACT 7, LESS THE NORTH 40 FEET FOR ROAD IN SECTION 3, TOWNSHIP 51 SOUTH, RANGE 40 EAST, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 39 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SAID LANDS LYING AND BEING IN THE CITY OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA AND CONTAINING 124250 SQUARE FEET (4.849 ACRES) MORE OR LESS.

LEGAL DESCRIPTION – NORTH LOT

THE EAST ½ OF TRACT 7, LESS THE NORTH 40 FEET FOR ROAD AND ALSO LESS THE SOUTH 528 FEET; ALL LYING IN SECTION 3, TOWNSHIP 51 SOUTH, RANGE 40 EAST, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 39 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SAID LANDS LYING AND BEING IN THE CITY OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA AND CONTAINING 124250 SQUARE FEET (2.85 ACRES) MORE OR LESS.

LEGAL DESCRIPTION – SOUTH LOT

THE SOUTH 528 FEET OF THE EAST ½ OF TRACT 7, IN SECTION 3, TOWNSHIP 51 SOUTH, RANGE 40 EAST, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 39 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SAID LANDS LYING AND BEING IN THE CITY OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA AND CONTAINING 87094 SQUARE FEET (1.999

ACRES) MORE OR LESS.

EXHIBIT "B"

LEGAL DESCRIPTION OF HOSMER LOT

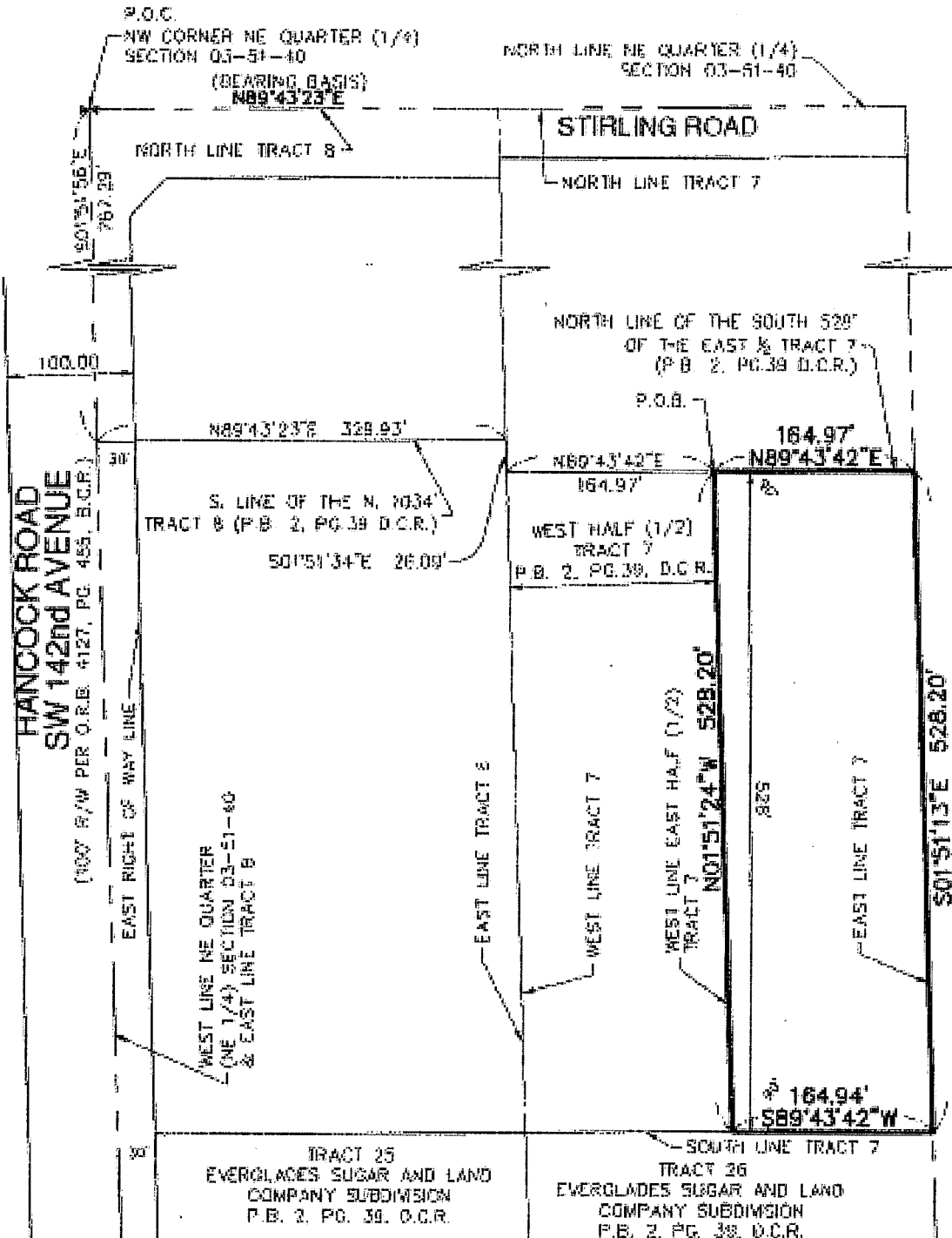
Tract 8, less the North 1,034 feet (as measured at right angles) thereof, and less the West 30 feet thereof for road right-of-way, Section 3, Township 51 South, Range 40 East, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, as recorded in Plat Book 2, Page 39, of the Public Records of Miami-Dade County, Florida, said lands situate, lying and being in Broward County, Florida, also known as Lot 4.

AND

The South 287 feet of the West 1/2 of Tract 7, in Section 3, Township 51 South, Range 40 East, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, as recorded in Plat Book 2, Page 39, of the Public Records of Miami-Dade County, Florida, said lands situate, lying and being in Broward County, Florida.

Sketch of 1.99-acre parcel to be deeded to adjoining property owner ("South Lot")

SHEET 2 OF 2



SURVEYOR'S NOTES:

1. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON A BEARING OF N89°43'23"E ALONG THE NORTH LINE OF THE NE QUARTER (1/4) OF THE SECTION 03-51-40

ABBREVIATIONS:

- P.B. - PLAT BOOK
- P.G. - PAGE
- B.C.R. - BROWARD COUNTY RECORDS
- R/W - RIGHT OF WAY
- D.C.R. - DADE COUNTY RECORDS
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING

GRAPHIC SCALE



(IN FEET)
1 INCH = 120 FEET

MILLER LEGG

South Florida Office: 1301 N. Andrews Hwy
P.O. Box 1000, Fort Lauderdale, FL 33309-2704
954-466-7000 Fax 954-466-9681
www.mlegg.com

Certificate of Authorization L.B. 6650

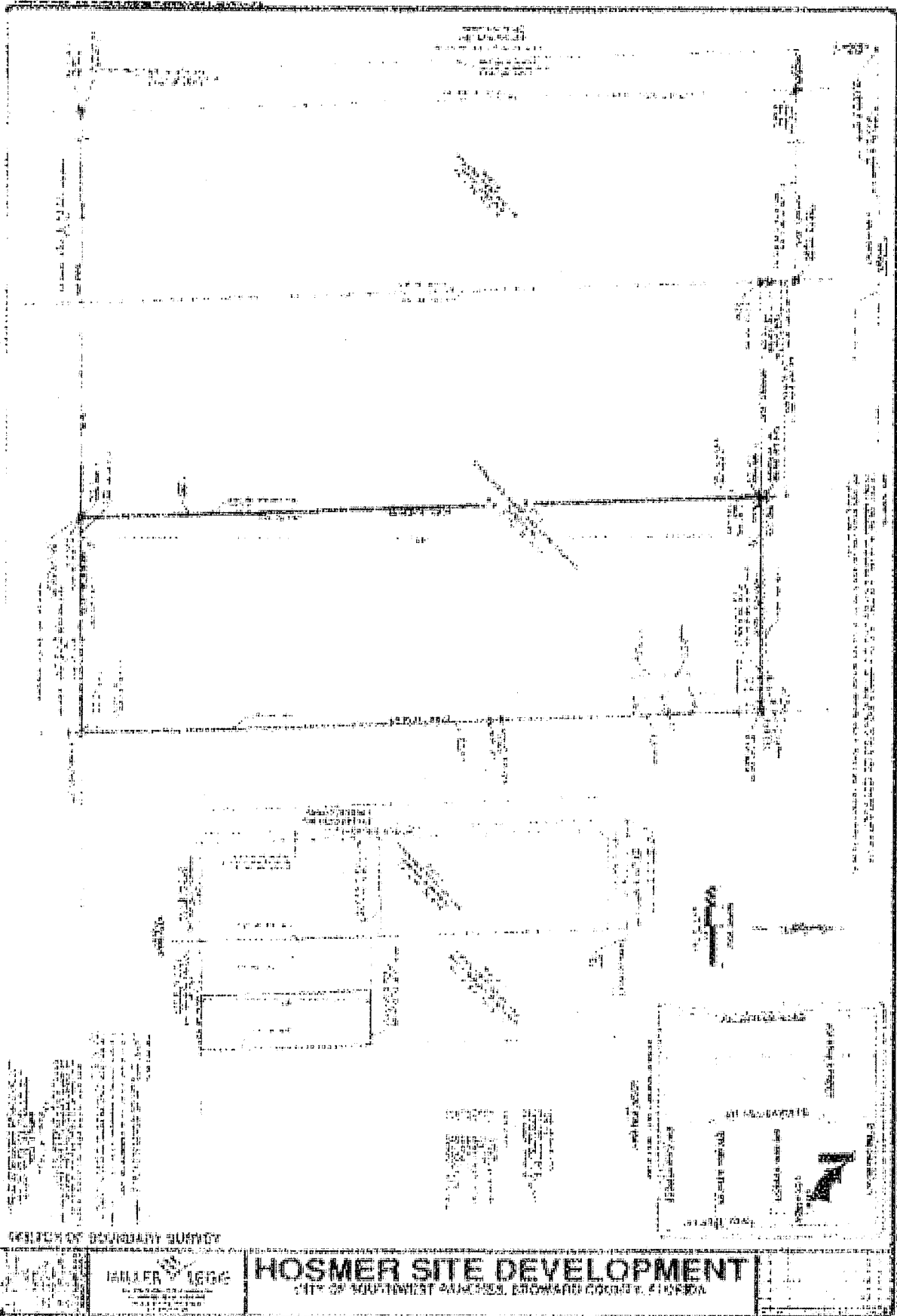
THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

SKETCH & DESCRIPTION

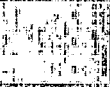
PROJECT NO.
16-00030

FILE NO.
SH-2

Sketch of 2.85-acre parcel to be retained by Petitioner ("North Lot")



SECTION OF BOUNDARY SURVEY

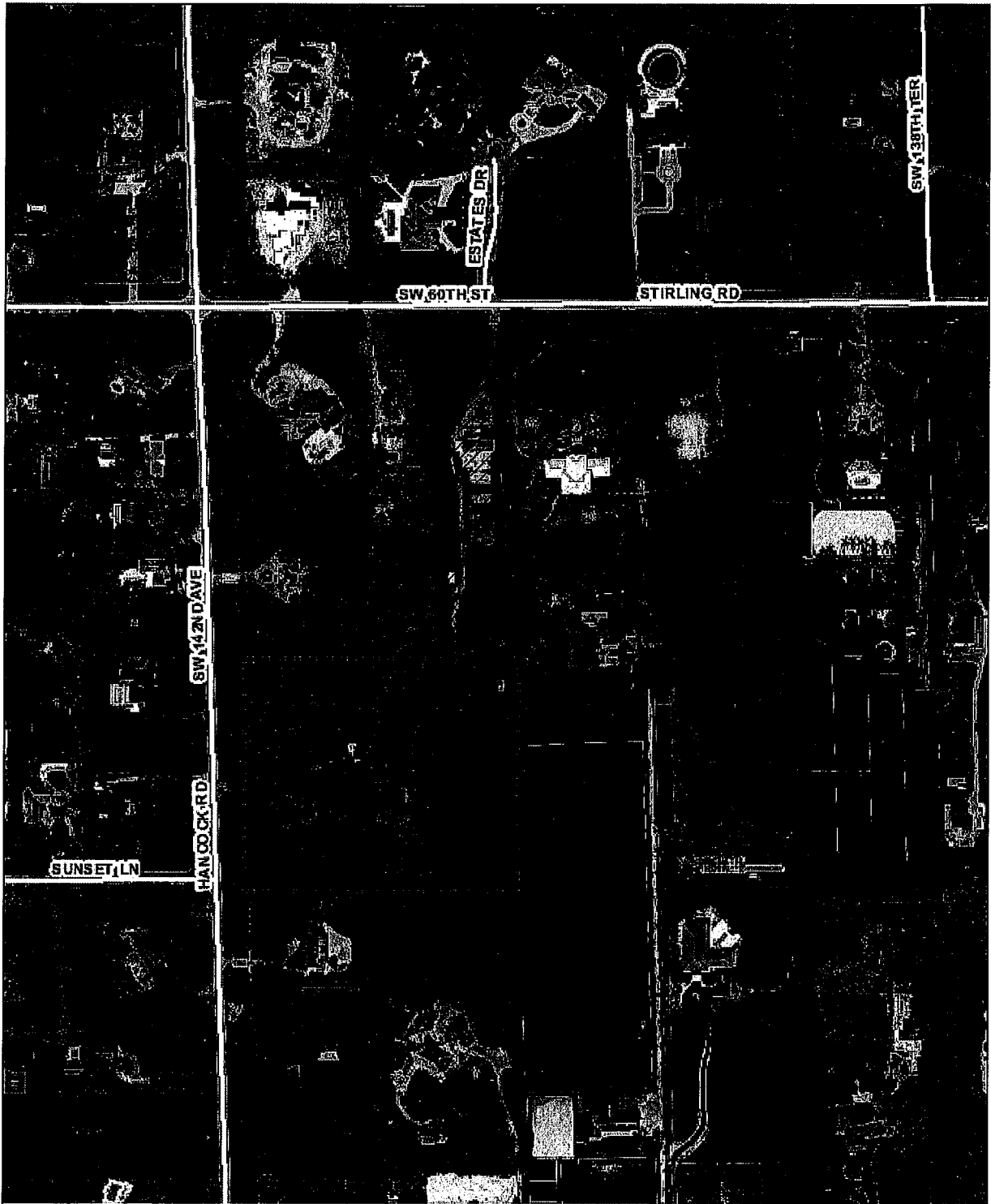


HILLER 1800
CITY OF NORTHWEST ARKANSAS
1000 WEST STATE STREET
FAYETTEVILLE, AR 72701




HOSMER SITE DEVELOPMENT

CITY OF NORTHWEST ARKANSAS, EDWARDS COUNTY, ARKANSAS





Legend

-  14080 Stirling Road | Subject Property
-  Hosmer Property
-  New Property Line Created by the Subdivision of 14080 Stirling Road and Pursuant Unity of Title with Hosmer Property

**Waiver of Plat Request
Application No. WP-21-18
14080 Stirling Road**

