

**RESOLUTION NO. 2020-040**

**A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WAIVER OF PLAT APPLICATION NO. WP-25-20 TO SUBDIVIDE APPROXIMATELY 4.2 NET ACRES OF PROPERTY INTO TWO LOTS; GENERALLY LOCATED AT THE EASTERN TERMINUS OF SW 52 COURT APPROXIMATELY 1,900 FEET EAST OF MATHER BOULEVARD, AND DESCRIBED AS THE EAST ONE-HALF OF TRACTS 4 AND 5, SECTION 31, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LANDS SITUATED AND BEING IN SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA, LESS THE EAST 100 FEET THEREOF AND ALSO LESS THE NORTH 165 FEET OF TRACT 4 AND SOUTH 165 FEET OF TRACT 5; 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; and

**WHEREAS**, at a duly noticed public hearing held on May 28, 2020, the Town Council reviewed Waiver of Plat Application No. WP-25-20 by David and Virginia Garmizo ("Petitioner") to subdivide approximately 4.2 net acres located at 17301 SW 52 Court (Carolton Lane), Southwest Ranches, ("Parent Tract") as described in Exhibit "A" hereto, and made part hereof, into two (2) lots of 2.028 net acres in area; and

**WHEREAS**, the proposed 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 May 28, 2020, 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-25-20 to subdivide the

Parent Tract into two parcels as described and depicted in Exhibit "B" attached hereto and made a part hereof, subject to:

- a. Petitioner paying to the Town 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.
- b. Petitioner recording a shared roadway easement approved as to form by the Town Attorney.
- c. Prior to clearing the property, Petitioner shall install screening to help prevent animals from impacting neighboring properties. In addition, Petitioner shall clear its property from West to East.

**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.

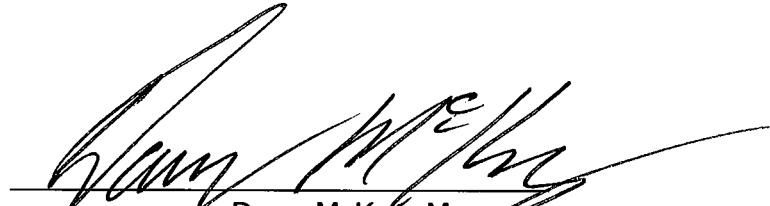
**Section 4.** This Resolution shall be recorded in the Public Records of Broward County, Florida upon satisfaction of all conditions as set forth in Section 2 hereof.

**Section 5.** This Resolution shall become effective upon its recordation.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 28<sup>th</sup> day of May 2020, on a motion by Vice Mayor Schroeder and seconded by Council Member Amundson.

McKay	<u>Yes</u>	Ayes	<u>5</u>
Schroeder	<u>Yes</u>	Nays	<u>0</u>
Amundson	<u>Yes</u>	Absent	<u>0</u>
Hartmann	<u>Yes</u>	Abstaining	<u>0</u>
Jablonski	<u>Yes</u>		

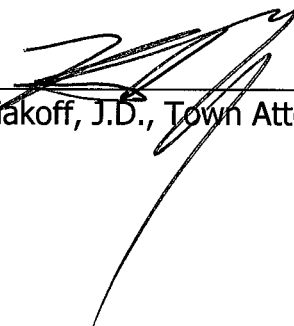
**[Signatures are on the following page]**

  
\_\_\_\_\_  
Doug McKay, Mayor

ATTEST:

  
\_\_\_\_\_  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

  
\_\_\_\_\_  
Keith Poliakoff, J.D., Town Attorney  
37000823.1

## **Exhibit "A"**

### **Parent Tract Legal Description**

THE EAST 1/2 OF TRACT 4, SECTION 31, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LANDS SITUATED AND BEING IN BROWARD COUNTY, FLORIDA; LESS THE EAST 100 FEET THEREOF AND ALSO LESS THE NORTH 165 FEET THEREOF.

TOGETHER WITH THE EAST 1/2 OF TRACT 5, SECTION 31, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", AS RECORDED IN PLAT BOOK 2 PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA; LESS THE EAST 100 FEET THEREOF AND ALSO LESS THE SOUTH 165 FEET THEREOF.

TOGETHER WITH AN EASEMENT OVER THE WEST 25 FEET OF THE SOUTH 165 FEET OF THE EAST 1/2 SAID TRACT 5.

## **Exhibit "B"**

### **New Parcel Legal Descriptions**

#### **LEGAL DESCRIPTION: (PROPOSED LOT 1)**

A PORTION OF THE EAST 1/2 OF TRACTS 4 AND 5, SECTION 31, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID EAST 1/2 OF TRACT 5; THENCE NORTH 01°49'52" WEST ALONG THE WEST LINE OF SAID EAST 1/2 OF TRACT 5 FOR 165.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°49'52" WEST ALONG SAID WEST LINE 105.04 FEET; THENCE NORTH 89°43'53" EAST 25.01 FEET; THENCE NORTH 01°49'52" WEST 65.38 FEET; THENCE NORTH 89°43'54" EAST 518.20 FEET TO A POINT ON THE WEST LINE OF THE EAST 100 FEET OF SAID TRACT 4; THENCE SOUTH 02°04'43" EAST ALONG SAID WEST LINE AND THE WEST LINE OF THE EAST 100 FEET OF SAID TRACT 5 FOR 170.44 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 165 FEET OF SAID TRACT 5; THENCE SOUTH 89°43'53" WEST ALONG SAID NORTH LINE 543.95 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA AND CONTAINING 90,968 SQUARE FEET (2.0883 ACRES), MORE OR LESS.

#### **LEGAL DESCRIPTION: (PROPOSED LOT 2)**

A PORTION OF THE EAST 1/2 OF TRACTS 4 AND 5, SECTION 31, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID EAST 1/2 OF TRACT 5; THENCE NORTH 01°49'52" WEST ALONG THE WEST LINE OF SAID EAST 1/2 OF TRACT 5 FOR 270.10 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°49'52" WEST ALONG SAID WEST LINE AND THE WEST LINE OF EAST 1/2 OF SAID TRACT 4 FOR 225.16 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 165 FEET OF SAID TRACT 4; THENCE NORTH 89°43'54" EAST ALONG SAID SOUTH LINE 542.52 FEET TO A POINT ON THE WEST LINE OF THE EAST 100 FEET OF SAID TRACT 4; THENCE SOUTH 02°04'43" EAST ALONG SAID EAST LINE AND THE WEST LINE OF THE EAST 100 FEET OF SAID TRACT 5 FOR 159.80 FEET; THENCE SOUTH 89°43'54" WEST 518.20 FEET; THENCE SOUTH 01°49'52" EAST 65.38 FEET; THENCE SOUTH 89°43'53" WEST 25.01 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES,  
BROWARD COUNTY, FLORIDA AND CONTAINING 88,342 SQUARE FEET (2.0280 ACRES),  
MORE OR LESS.

