

**RESOLUTION NO. 2020-051**

**A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING APPLICATION NO. SP-76-20, THE CIRCLE S ESTATES SITE PLAN FOR 42 SINGLE-FAMILY DWELLINGS ON 47.48 ACRES, GENERALLY LOCATED 500 FEET SOUTH OF GRIFFIN ROAD ON THE EAST SIDE OF SW 160<sup>TH</sup> AVENUE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, CC Homes at Southwest Ranches, LLC has submitted Application No. SP-76-20 to construct 42 single-family dwellings on 47.48 acres known as Circle S Farms; and

**WHEREAS**, the Town Council of the Town of Southwest Ranches, Florida ("Town Council") finds that the proposed site plan complies with the requirements of the Town's Unified Land Development Code ("ULDC") subject to satisfaction of the conditions set forth herein.

**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, upon reviewing the application, analysis of the Town Staff, testimony and the evidence submitted at a duly noticed public hearing held on August 27, 2020 the Town Council hereby approves Site Plan Application No. SP-76-20 for the property legally described in Exhibit "A", attached hereto and made a part hereof, subject to the following agreed upon conditions:

1. The Circle S Estates Plat must be recorded prior to issuance of building permits for any dwelling unit, or as may otherwise be provided by interlocal agreement between the City, Broward County and the developer.
2. The Town shall inspect the landscaping within the development site and within the SW 160<sup>th</sup> Avenue right-of-way on a periodic basis to ensure that it is being properly maintained and growing at a normal rate. The Town may require the developer or HOA, as applicable, to install additional landscaping material or replace landscape materials in any area with dead or unhealthy materials, or materials that are not growing at a normal rate as would be expected based on the approved landscaping plan. Failure to maintain the landscaping as set

forth above shall constitute a violation of this approval and the Town's Unified Land Development Code.

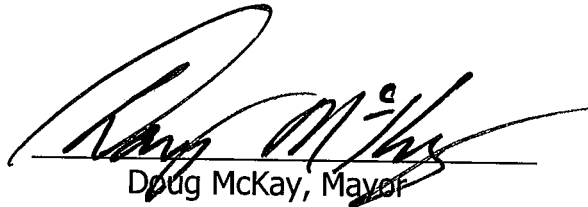
3. The declaration of restrictive covenants that shall run with the community must be approved by the Town Planner and Town Attorney before recordation, which must occur prior to issuance of the first building permit for a dwelling. Such declaration shall, other than the following exceptions, specify that it shall be in full compliance with the Town Code, as may be amended from time to time. Full compliance means not regulating differently than the Code of Ordinances, with the following exceptions:
  - i. Aside from the white split rail PVC fencing along Dykes Road, there shall be no restriction on fencing material.
  - ii. All outdoor storage containers shall be limited to sheds.
  - iii. Mobile homes on lots that do not have certificates of occupancy shall be prohibited.
  - iv. Aside from farm products, retail sales of goods shall be prohibited.
  - v. The homeowner's association may enforce their property standards which shall be in compliance with the Town's Code but they can restrict short term rentals.
  - vi. Only prior to turnover may the homeowner's association restrict the architectural elements of homes.
4. The developer shall execute a landscaping maintenance, encroachment and indemnification agreement in a form acceptable to the Town Attorney for the landscaping and irrigation equipment in the SW 160<sup>th</sup> Avenue right-of-way prior to issuance of the first building permit.
5. Developer shall comply with technical corrections to the site plan and plat documents pursuant to the final development review comments memorandum dated July 31, 2020, prior to issuance of the first building permit.
6. Developer shall obtain town permits for the removal and relocation of trees.
7. Approvals of the plat and site plan are specifically conditioned on no widening of Dykes Road south of Griffin Road. In the event that the plat triggers the widening of Dykes Road south of Griffin Road, the site plan and plat approvals shall be null and void.
8. The Rural Public Arts And Design Advisory Board shall review the community entrance sign and make design recommendations. Developer shall consider its recommendations. Stylistic changes made consistent with the Board's recommendations shall be approved administratively.

**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 become effective immediately upon adoption.

**PASSED** by the Town Council of the Town of Southwest Ranches, Florida, this 27<sup>th</sup> day of August, 2020, on a motion by Council Member Hartmann and seconded by Council Member Jablonski.

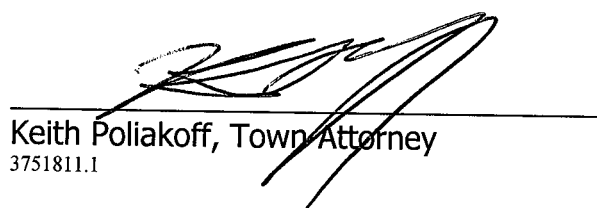
McKay	<u>Yes</u>	Ayes	<u>5</u>
Schroeder	<u>Yes</u>	Nays	<u>0</u>
Amundson	<u>Yes</u>	Absent	<u>0</u>
Hartmann	<u>Yes</u>	Abstaining	<u>0</u>
Jablonski	<u>Yes</u>		

  
Doug McKay, Mayor

ATTEST:

  
Russell Muniz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

  
Keith Poliakoff, Town Attorney  
3751811.1

## EXHIBIT "A"

### LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 50 SOUTH, RANGE 40 EAST; THENCE NORTHERLY, ALONG THE WEST LINE OF SECTION 28, A DISTANCE OF 545.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ALONG THE WEST LINE OF SECTION 28 A DISTANCE OF 322.75 FEET; THEN EASTERLY PARALLEL WITH THE SOUTH LINE OF SAID SECTION 28, A DISTANCE OF 674.93 FEET; THEN SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID SECTION 28, A DISTANCE OF 322.75 FEET; THENCE WESTERLY, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 28, A DISTANCE OF 674.83 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

ALL OF TRACTS 31 AND 32 TOGETHER WITH THE NORTH 149.80 FEET OF TRACT 30, SECTION 33, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO FLORIDA FRUIT LANDS COMPANY'S PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

LESS AND EXCEPT THAT PART CONVEYED BY RALPH C. SESSA AND ELIZABETH A. SESSA, HIS WIFE TO BROWARD COUNTY IN QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 7572, PAGE 723, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 50 SOUTH, RANGE 40 EAST; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID SECTION 28, A DISTANCE OF 223.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ALONG THE WEST LINE OF SECTION 28, A DISTANCE OF 322.75 FEET; THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF SAID SECTION 28, A DISTANCE OF 404.90 FEET; THENCE SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID SECTION 28, A DISTANCE OF 322.75 FEET; THENCE WESTERLY, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 28, A DISTANCE OF 404.90 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF THE WEST ONE-HALF OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 50 SOUTH, RANGE 40 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE N 0°33'38" W, ON AN ASSUMED BEARING, ALONG THE WEST LINE OF SAID SECTION 28, A DISTANCE OF 223.0 FEET; THENCE S 89°17'43" E, A DISTANCE OF 404.9 FEET; THENCE N 0°33'38" W, A DISTANCE OF 322.75 FEET; THENCE S 89°17'43" E, A DISTANCE OF 269.93 FEET; THENCE N 0°33'38" W, A DISTANCE OF 177.38 FEET; THENCE S 89°17'43" E, A DISTANCE OF 647.06 FEET; THENCE S 0°37'49" E, A DISTANCE OF 723.15 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 28; THENCE N 89°17'43" W, ALONG THE SOUTH LINE OF SAID SECTION 28, A DISTANCE OF 1322.77 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PART CONVEYED BY RALPH C. SESSA AND ELIZABETH A. SESSA, HIS WIFE TO BROWARD COUNTY IN QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 7572, PAGE 723, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS: THE WEST 55.0 FEET OF THE SOUTH 223.0 FEET OF SECTION 28, TOWNSHIP 50 SOUTH, RANGE 40 EAST; TOGETHER WITH THAT PORTION OF THE FOLLOWING DESCRIBED PARCEL OF LAND LYING WITHIN 55.0 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SECTION 33, TOWNSHIP 50 SOUTH, RANGE 40 EAST: TRACTS 31, 32 AND THE NORTH 149.80 FEET OF TRACT 30, "FLORIDA FRUIT LANDS CO. SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

ALL SAID LANDS LYING, SITUATE, AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA AND CONTAINING 2,068,101 SQUARE FEET OR 47.477 ACRES, MORE OR LESS.