

RESOLUTION NO. 2020-031

A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WAIVER OF PLAT APPLICATION NO. WP-24-20 TO SUBDIVIDE APPROXIMATELY 23.76 ACRES OF PROPERTY INTO TWO LOTS; GENERALLY LOCATED AT THE NORTHEAST CORNER OF STIRLING ROAD AT ITS INTERSECTION WITH SW 136th AVENUE (HOLATEE ROAD), AND DESCRIBED AS THE WEST HALF OF TRACTS 43 AND 44 LESS THE WEST 40 FEET FOR RIGHT-OF-WAY, TOGETHER WITH THE WEST HALF OF THE EAST HALF, AND THE WEST HALF OF THE EAST HALF OF THE EAST HALF, OF TRACTS 41, 42, 43, AND 44 LESS AND EXCEPT THE SOUTH 40 FEET THEREOF FOR RIGHT-OF-WAY, OF THE SUBDIVISION OF SECTION 35, 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 MIAMI- DADE COUNTY, FLORIDA, SAID LAND SITUATED IN THE TOWN OF SOUTHWEST RANCHES, 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; and

WHEREAS, at a duly noticed public hearing held on April 9, 2020, the Town Council reviewed Waiver of Plat Application No. WP-24-20 by Issa Assad ("Petitioner") to subdivide approximately 23.76 net acres located at 13341 Stirling Road and 5800 Holatee Trail, Southwest Ranches, ("Parent Tract") as described in Exhibit "A" hereto, and made part hereof, into two (2) lots of 19.36 net acres (Lot 1) and 4.40 net acres (Lot 2) 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 April 9, 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-24-20 to subdivide the Parent Tract as described and depicted in Exhibit "B" attached hereto and made a part hereof, subject to the following conditions:

1. Prior to recordation of the resolution:
 - a. Payment 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.
 - b. Owner shall provide clear title and dedicate 15 feet of right-of-way for Stirling Road.
 - c. Owner shall grant a 10-foot easement for utilities along Stirling Road.
2. The existing shed on proposed Lot 1 shall be demolished prior to issuance of a Certificate of Occupancy for Lot 1.
3. Owner shall obtain a building permit for the structural fence columns located adjacent to Stirling Road, prior to or concurrent with issuance of the first building permit for a residence.
4. Excavation of future lakes that cross property lines shall not reduce the dry land area of either lot below the minimum 2.0 net-acre requirement.
5. That the applicant adheres to the Memorandum of Understanding between itself and the Town dated February 24, 2020, attached hereto and incorporated herein by reference as Exhibit "C".
6. All portions of the property shall only be utilized for residential and respective ancillary purposes. There shall be no commercial use of the property, no rental of recreational amenities to third parties, no boarding of horses not owned by the property owners, no stall rentals, and no grooms quarters.
7. All portions of the property shall only be utilized by the family who occupies the property and their guests and/or invitees.
8. The Holatee Trail access shall only be utilized as a limited access.
9. The general location of the homes and ancillary structures, shall be in accordance with the site plan attached hereto and incorporated herein by reference as Exhibit "D", which was presented to the Council.
10. Prior to platting, the Petitioner shall conduct a complete traffic study, by a certified traffic engineer, in accordance with the terms and conditions determined by the Town.

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 condition no. 1 as set forth in Section 2 hereof.

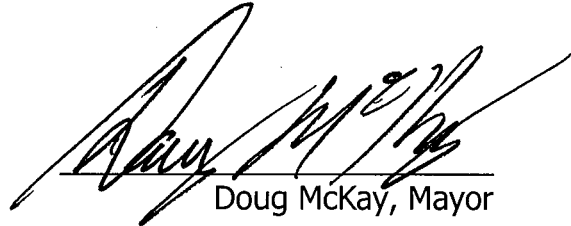
Section 5. This Resolution shall become effective upon its recordation pursuant to Section 4 herein.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 9th day of April 2020, on a motion by Vice Mayor Schroeder and seconded by Council Member Amundson.

[Signatures on the Following Page]

McKay	<u>Yes</u>
Schroeder	<u>Yes</u>
Amundson	<u>Yes</u>
Hartmann	<u>Yes</u>
Jablonski	<u>Yes</u>

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



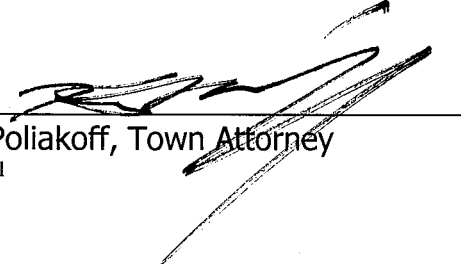
Doug McKay, Mayor

Attest:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, Town Attorney
37058364.1

Exhibit "A"

Parent Tract Legal Description

THE WEST HALF OF TRACTS 43 AND 44, IN SECTION 35, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No.1 ", AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

TOGETHER WITH;

THE WEST HALF OF THE EAST HALF AND THE WEST HALF OF THE EAST HALF OF THE EAST HALF OF TRACTS 41, 42, 43, AND 44, OF THE SUBDIVISION OF SECTION 35, 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 MIAMI- DADE COUNTY, FLORIDA.

LESS AND EXCEPT; THE SOUTH 40 FEET THEREOF, AND THE WEST 40 FEET OF TRACTS 43 AND 44, AS CONVEYED TO BROWARD COUNTY BY QUITCLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 4230, PAGE 627, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LAND SITUATED IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA. CONTAINING 1,042,780.43 SQUARE FEET (23.939 ACRES), MORE OR LESS.

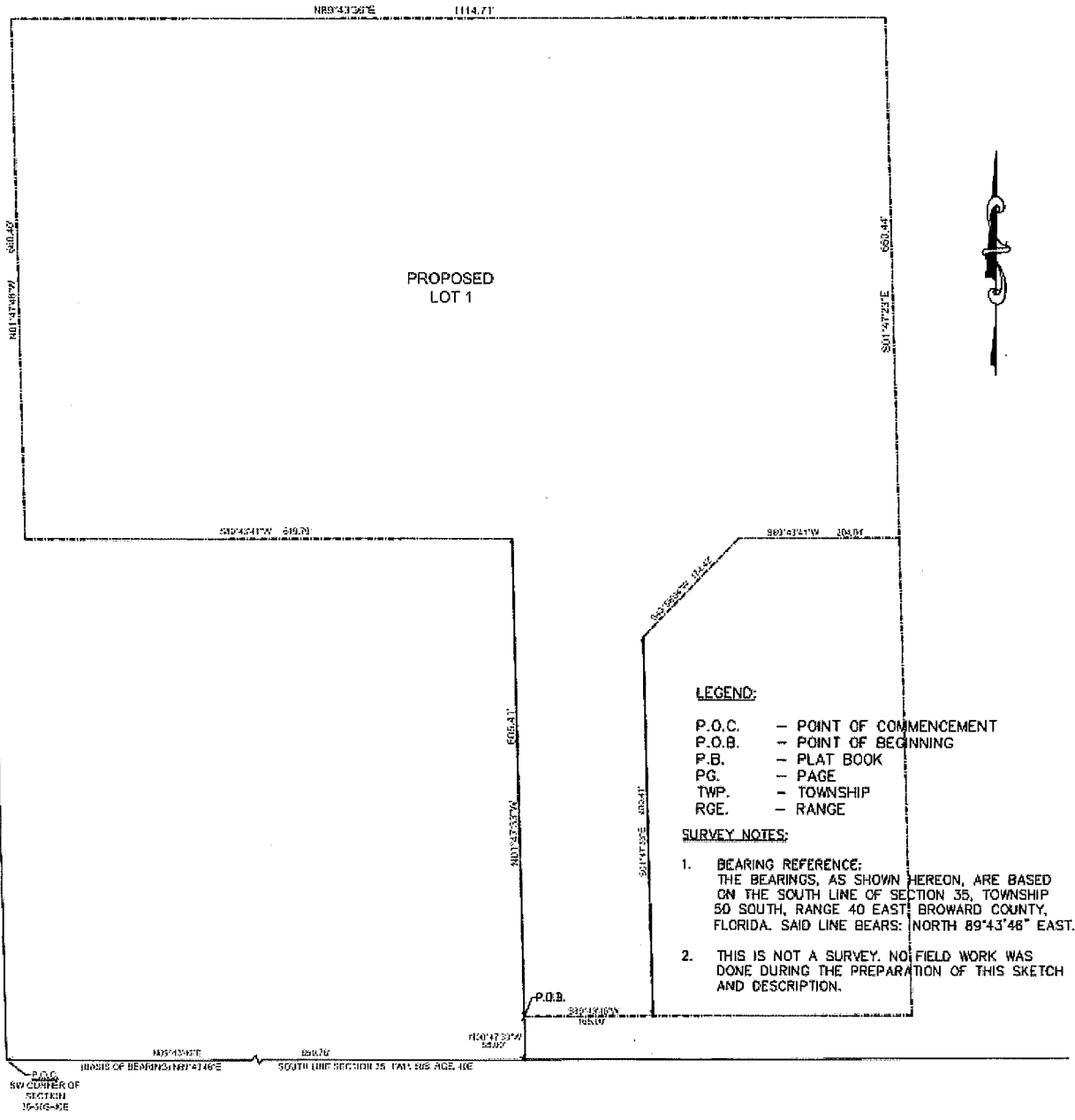
EXHIBIT "B"

SKETCHES OF LEGAL DESCRIPTIONS FOR NEW LOTS

LOT 1

—SKETCH AND DESCRIPTION—

NOTE: THIS IS NOT A SURVEY.



New Lot "1" Legal Description:

THE WEST HALF OF TRACTS 43 AND 44, IN SECTION 35, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TOGETHER WITH;

THE WEST HALF OF THE EAST HALF AND THE WEST HALF OF THE EAST HALF OF THE EAST HALF OF TRACTS 43 AND 44, AND PORTION OF WEST HALF OF THE EAST HALF OF TRACTS 41 AND 42, ACCORDING TO THE PLAT THEREOF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 50 SOUTH, RANGE 40 EAST; THENCE NORTH 89°43'46" EAST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 659.76 FEET; THENCE NORTH 00°47'33" WEST, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°47'33" WEST, A DISTANCE OF 605.41 FEET; THENCE SOUTH 89°43'41" WEST, A DISTANCE OF 619.79 FEET; THENCE NORTH 01°47'46" WEST, A DISTANCE OF 660.40 FEET; THENCE NORTH 89°43'36" EAST, A DISTANCE OF 1,114.71; THENCE SOUTH 01°47'23" EAST, A DISTANCE OF 660.44 FEET; THENCE SOUTH 89°43'41" WEST, A DISTANCE OF 204.84 FEET; THENCE SOUTH 43°58'04" WEST, A DISTANCE OF 174.42 FEET; THENCE SOUTH 01°47'33" EAST, A DISTANCE OF 480.41 FEET; THENCE SOUTH 89°43'46" WEST, A DISTANCE OF 165.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT;

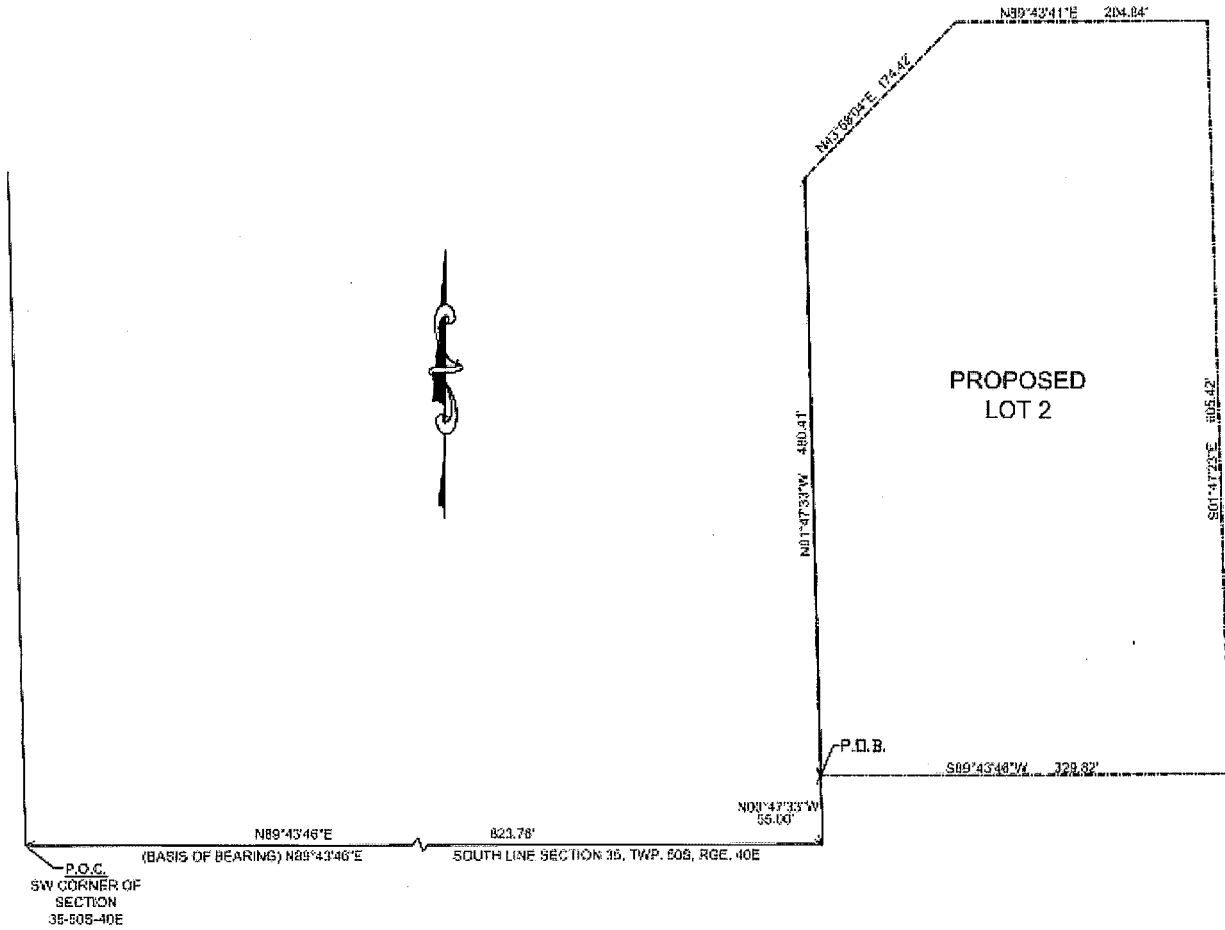
THE SOUTH 40 FEET THEREOF, AND THE WEST 40 FEET OF TRACTS 43 AND 44, AS CONVEYED TO BROWARD COUNTY BY QUIT-CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 4230, PAGE 627, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA. CONTAINING 843,122.09 SQUARE FEET (19.36 ACRES) MORE OR LESS.

LOT 2

—SKETCH AND DESCRIPTION—

NOTE: THIS IS NOT A SURVEY.



New Lot "2" Legal Description:

THE WEST HALF OF THE EAST HALF OF THE EAST HALF OF TRACTS 41 AND 42, AND PORTION OF WEST HALF OF THE EAST HALF OF TRACTS 41 AND 42, IN SECTION 35, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", 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 SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 50 SOUTH, RANGE 40 EAST; THENCE NORTH 89°43'46" EAST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 824.76 FEET; THENCE NORTH 00°47'33" WEST, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°47'33" WEST, A DISTANCE OF 480.41 FEET; THENCE NORTH 43°58'04" EAST, A DISTANCE OF 174.42 FEET; THENCE NORTH 89°43'41" EAST, A DISTANCE OF 204.84 FEET; THENCE SOUTH 01°47'23" EAST, A DISTANCE OF 605.42; THENCE SOUTH 89°43'46" WEST, A DISTANCE OF 329.82 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT;

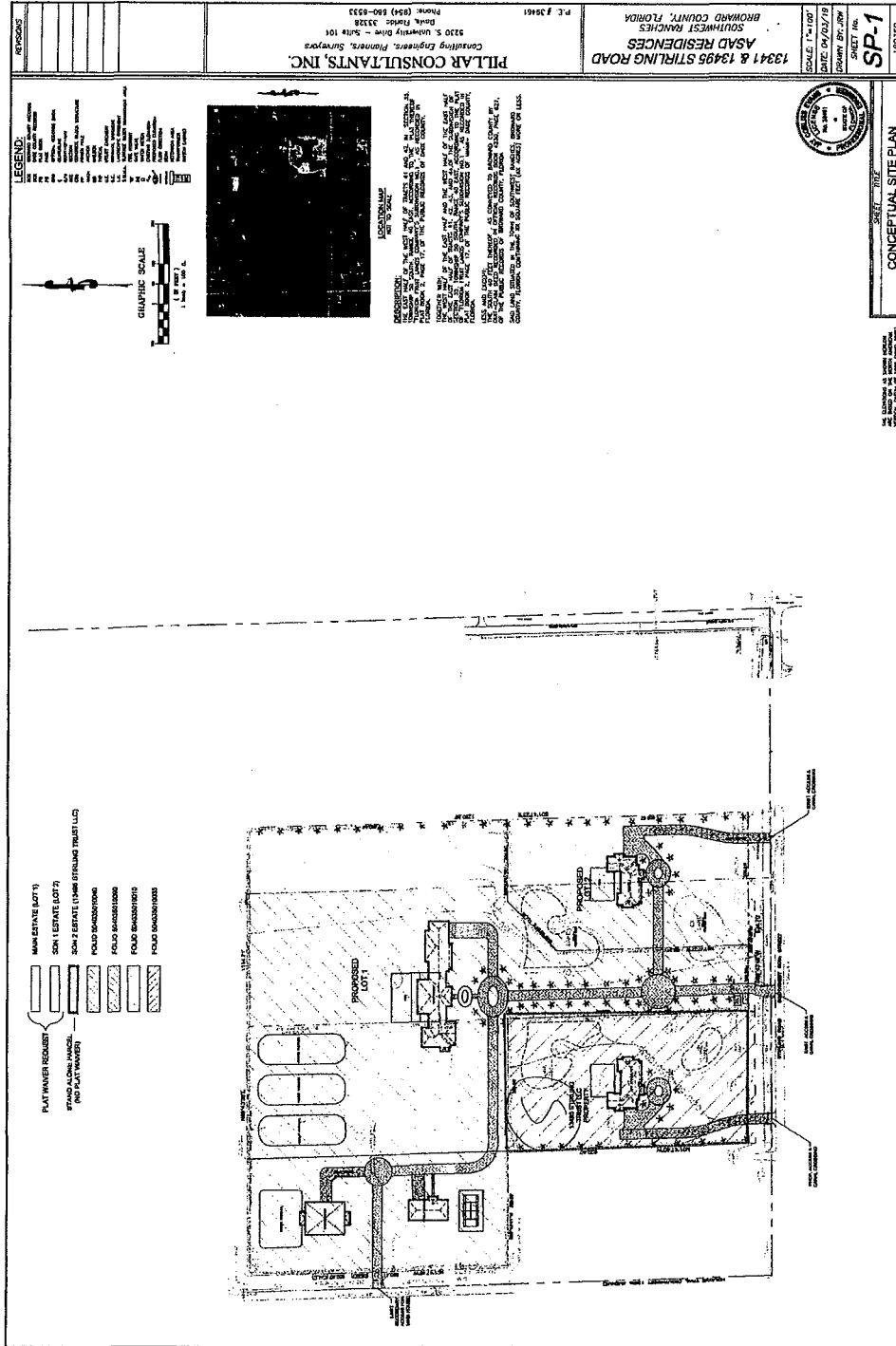
THE SOUTH 40 FEET THEREOF, AS CONVEYED TO BROWARD COUNTY BY QUIT-CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 4230, PAGE 627, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA. CONTAINING 191,807.63 SQUARE FEET (4.40 ACRES) MORE OR LESS.

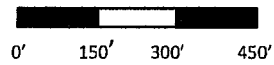
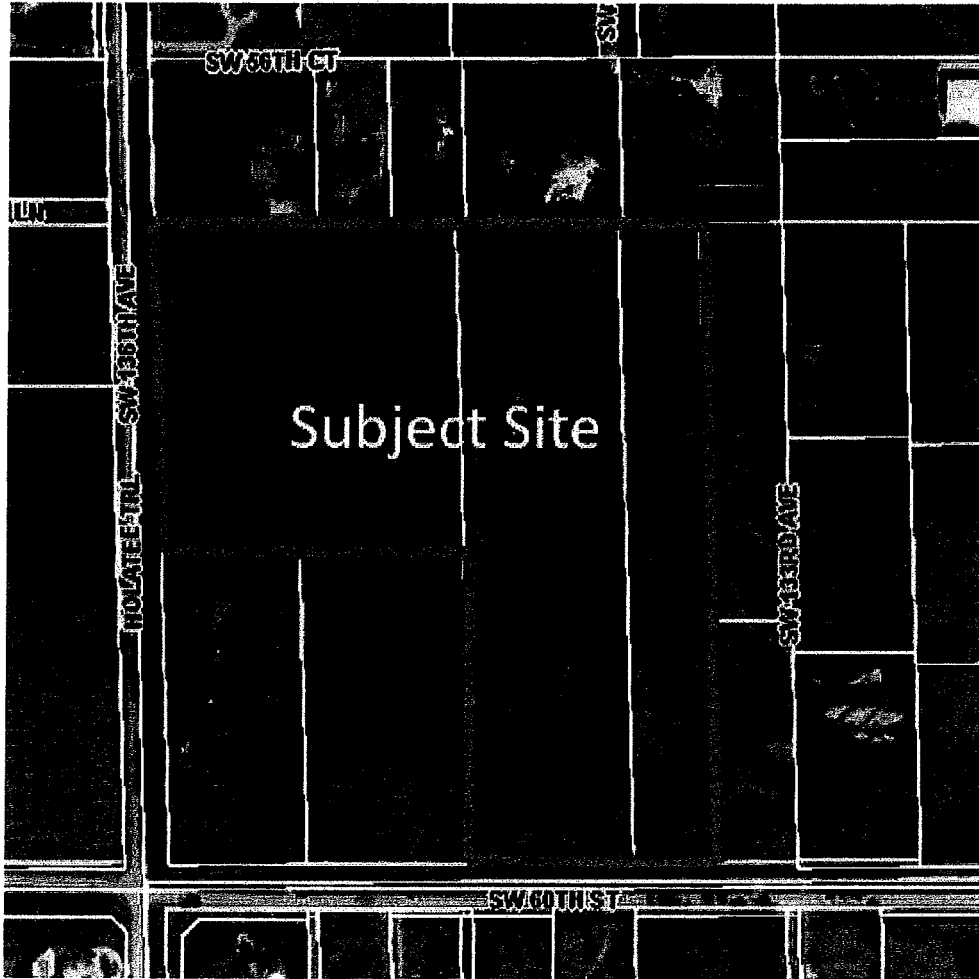
ASAD FAMILY COMPOUND
MEMORANDUM OF UNDERSTANDING

1. The current Plat Waiver application previously filed for Folios 5040-35-01-0040; 5040-35-01-0090 and 5040-35-01-0100 titled in the name of **Ammar & Ali Asad Irrevocable Trust U/A/D December 3, 2019**, totaling approximately 25 acres, for Proposed Lots 1 and 2 will be processed by the Town.
2. Building permits for one home and 2 ancillary buildings to be located on Proposed Lot 1 and one home on Proposed Lot 2 would be issued once building permits are approved and the Plat Waiver has been approved by the Town Council and recorded. Other than comply with building and land development code requirements, no other special Town approvals are needed for the construction of these improvements.
3. A plat for Folio 5040-35-01-0035 titled in the name of **Adnan Issa M. Asad Irrevocable Trust U/A/D December 3, 2019**, totaling approximately 5 acres, for Proposed "Lot 3" only will be processed through the Town and County. The platting process for Lot 3 will have no effect on the permits, construction and certificates of occupancy on Lots 1 and 2.
4. Clearing, grubbing, excavation, site preparation, bridges, landscape, driveways, site work and utilities (collectively, "Site Work") will be allowed for all Lots including Lot 3 during the Plat Waiver and Plat process. Permits for the Site Work will be applied for and shall not be withheld for any of the Lots.
5. Building plans for the home on Lot 3 will be submitted during the platting process and the Town will review them with feedback and corrections so that plans can be approved by all Town departments during the platting process. The Town will not actually issue the building permit for the home on Lot 3 until the Plat is recorded. The Owner understands that no concrete foundation or vertical building erection may occur on Lot 3 until after the building permit is issued. However, the Town will allow the Site Work, as set forth in Paragraph 4 above, to be performed on Lot 3 during the platting process.
6. All Lots will be interconnected via paved drive aisles.
7. The Town acknowledges that Lot 1 may be platted sometime in the future for additional lots as may be allowed by the Town and the County. All lots must conform with the Town's Code Requirements, including but not limited to lot size, and setback requirements.
8. The Owner has submitted an application for municipal water with Cooper City and the Town. The Owner understands that such applications are subject to approval by the Town Council and an agreement with Cooper City and an amended ordinance with Broward County stating that no other resident will be impacted by the connection. The Town does not guarantee that such agreements will be approved. The Town confirms that, as of the date of this MOU, there are no extraordinary Town imposed costs (impact fees or plant connection fees) associated with such water line extension and service other than normal permitting and construction costs.

CONCEPTUAL DEVELOPMENT PLAN



WAIVER OF PLAT APPLICATION NO. WP-24-20
LOCATION MAP



Graphic Scale

