

RESOLUTION NO. 2010-080

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE CAMPBELL-MIRZA ESTATES PLAT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PLAT; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, the Campbell-Mirza Estates Plat is legally described as:

A REPLAT OF A PORTION OF TRACT 46, SECTION 3, TOWNSHIP 51 SOUTH, RANGE 40 EAST, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION (PB 2, PG 39, DCR), TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA.

WHEREAS, the subject site consists of 4.695 net acres located along Mustang Trail approximately 675 feet east of SW 148 Avenue (Volunteer Road) and 1,600 feet west of SW 142 Avenue (Hancock Road); and

WHEREAS, the subject site has both a land use and zoning of Rural Ranch, which allows residential development at one (1) unit per two (2) net acres, or one (1) unit per two and one-half (2.5) gross acres; and

WHEREAS, the Applicant is platting the property in order to create two lots, which will add one (1) additional single-family lot adjacent to its existing residence; and

WHEREAS, Lot 1 will contain approximately 2.239 net acres, with 157 feet of frontage along Mustang Trail, while Lot 2 will contain 2.456 net acres and 172 feet of frontage along Mustang Trail, satisfying the minimum lot width requirement of 125 feet; and

WHEREAS, Lot 1 will have access to Mustang Trail via a proposed impervious driveway; and

WHEREAS, Lot 2 will have access to Mustang Trail via an existing driveway; and

WHEREAS, a twenty (20) foot drainage easement has been dedicated along the perimeter of each lot and a ten (10) foot utility easement runs along the perimeter of the proposed plat, and will be situated on the inside edge of the drainage easements; and

WHEREAS, the applicant proposes to utilize a well and septic tank for water and sewer, while the water and sewer service for Lot 2 is already provided; and

WHEREAS, since Mustang Trail is below the 10 year flood elevation, the Property Owner has offered to execute a Declaration of Restrictive Covenants indemnifying and holding the Town harmless in lieu of reconstructing its portion of the roadway.

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 August 4, 2010, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves the Campbell-Mirza Estates Plat subject to the following stipulated conditions:

- (a) That there is sufficient capacity of the regional roadway network as determined by Broward County. In the event that sufficient capacity is not met, then the plat shall be deemed denied by the Town of Southwest Ranches.
- (b) That the Town Attorney shall review and shall approve all of the legal information, including the Opinion of Title prior to the County's review of the plat. The Opinion of Title must also be certified to the Town and updated within 30 days of the County's approval of the plat.
- (c) That the Property Owner shall execute and record the Town's standard Declaration of Restrictive Covenants relating to public roadways, access, and minimum elevations.
- (d) That the applicant shall provide security, in a form acceptable to the Town Attorney pursuant to Section 90-160 of the ULDC, for all offsite and onsite improvements as required by the Town

Engineer and Drainage District. These required improvements are enumerated in the approved Cost Estimate dated November 5, 2008, totaling \$16,270. The security provided shall equal One Hundred and Twenty Five Percent (125%) of the cost estimate. To satisfy this condition, prior to Council approval, the Applicant provided the Town with a check in the amount of \$20,338, which the Town Attorney's office is holding in escrow. In the event that all required offsite and onsite improvements are not completed within 18 months of the date of the resolution that approves the subject plat, then the applicant agrees that the security for the improvements shall be forfeited to the Town, but the applicant shall not be relieved of the responsibility for completing the improvements. No vertical construction can occur until the offsite and onsite improvements have been constructed and approved by the Town.

- (e) That the applicant 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 plat, prior to second and final signoff of the plat. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, 5 percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this plat.

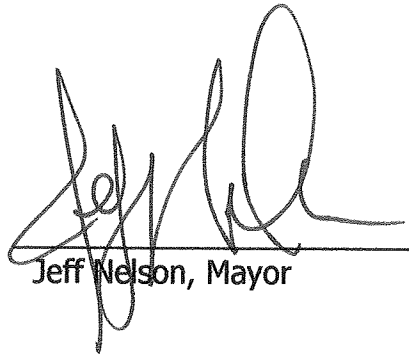
Section 3. The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate this plat.

Section 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 4th day of August, 2010, on a motion made by Vice Mayor Astor Knight and seconded by Council Member Steve Breitkreuz.


Nelson	<u>AYE</u>	Ayes	<u>5</u>
Knight	<u>AYE</u>	Nays	<u>0</u>
Breitkreuz	<u>AYE</u>	Absent	<u>0</u>
Fisikelli	<u>AYE</u>	Abstaining	<u>0</u>
McKay	<u>AYE</u>		

[Signatures on Following Page]



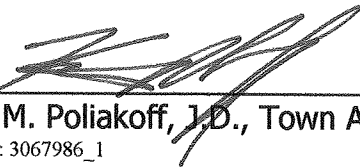
Jeff Nelson, Mayor

Attest:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney
ACTIVE: 3067986_1