

**RESOLUTION NO. 2021-028**

**A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WAIVER OF PLAT APPLICATION NO. WP-27-20 TO SUBDIVIDE 4.42 NET ACRES OF PROPERTY INTO TWO LOTS OF 2.0 AND 2.42 ACRES; GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE MUSTANG AND APPALOOSA TRAILS INTERSECTION; LEGALLY DESCRIBED AS THE SOUTH HALF OF TRACT 37, LESS THE SOUTH 40 FEET AND LESS THE EAST 20 FEET THEREOF, SECTION 2, TOWNSHIP 51 SOUTH, RANGE 40 EAST OF THE EVERGLADES SUGAR AND LAND CO. SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 39 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LANDS LYING AND BEING 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; and

**WHEREAS**, at a duly noticed public hearing held on February 11, 2021 the Town Council reviewed Waiver of Plat Application No. WP-27-20 by Marianne Allen ("Petitioner") to subdivide 4.48 net acres into two lots of 2.0 and 2.42 acres; 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 February 11, 2021, 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-27-20 to subdivide the property described in Exhibit "A" attached hereto and made a part

hereof, into two parcels described and depicted in Exhibit "B" attached hereto and made a part hereof.

**Section 3.** The existing 24.5'x12' and 10'x15.7 wood sheds shown on the Petitioner's as-built survey from Atlantic Coast Surveying Co., dated 09/17/20, and located 3.6' and 12.9' respectively from the west property line, are farm structures that do not conform to the minimum side setback requirement of the ULDC. Upon cessation of the property's agricultural property tax exemption, the northernmost structure measuring 24.5'x12' shall be removed and the southernmost structure measuring 10'x15.7' shall be removed or relocated via building permit in conformity with minimum setback requirements of the ULDC, pending a Town determination that it is structurally sound for relocation. Furthermore, should either structure be damaged or destroyed, it shall not be rebuilt except in conformance with the setback requirements in the ULDC.

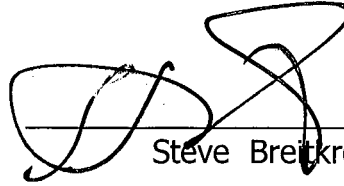
**Section 4.** The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

**Section 5.** This approval shall expire 180 days from the date of approval if this Resolution is not first recorded in the Public Records of Broward County, Florida.

**Section 6.** This Resolution shall become effective upon its recordation.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 25<sup>th</sup> day of February 2021, on a motion by Council Member Jablonski and seconded by Council Member Kuczenski.

|            |            |            |          |
|------------|------------|------------|----------|
| Breitkreuz | <u>Yes</u> | Ayes       | <u>5</u> |
| Hartmann   | <u>Yes</u> | Nays       | <u>0</u> |
| Allbritton | <u>Yes</u> | Absent     | <u>0</u> |
| Jablonski  | <u>Yes</u> | Abstaining | <u>0</u> |
| Kuczenski  | <u>Yes</u> |            |          |



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Steve Breikreuz, Mayor

ATTEST:



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Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:



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Keith Poliakoff, J.D., Town Attorney

37950452.1

## **Exhibit "A"**

### **Parent Tract Legal Description**

**THE SOUTH HALF OF TRACT 37, LESS THE SOUTH 40 FEET AND LESS THE EAST 20 FEET THEREOF, SECTION 2, TOWNSHIP 51 SOUTH, RANGE 40 EAST OF THE EVERGLADES SUGAR AND LAND CO. SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 39 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LANDS LYING AND BEING SITUATE IN BROWARD COUNTY, FLORIDA**

## Exhibit "B"

### Legal description of Subdivided Lots

#### **PARCEL A**

LEGAL DESCRIPTION:

**THE NORTH 280.93 FEET OF THE SOUTH<sup>1</sup>/<sub>2</sub> OF TRACT 37, LESS THE EAST 20 FEET THEREOF, SECTION 2, TOWNSHIP 51 SOUTH, RANGE 40 EAST OF THE EVERGLADES SUGAR AND LAND COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 39 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.**

#### **PARCEL B**

LEGAL DESCRIPTION:

**THE SOUTH <sup>1</sup>/<sub>2</sub> OF TRACT 37, LESS THE NORTH 280.93 FEET, LESS THE SOUTH 40 FEET AND LESS THE EAST 20 FEET THEREOF, SECTION 2, TOWNSHIP 51 SOUTH, RANGE 40 EAST OF EVERGLADES SUGAR AND LAND COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 39 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.**