

**RESOLUTION NO. 2021-053**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A PHASING AGREEMENT FOR ARCHBISHOP EDWARD A. MCCARTHY HIGH SCHOOL, RELATING TO ITS AMENDED SITE PLAN, WHICH WAS APPROVED ON JUNE 25, 2020, PURSUANT TO RESOLUTION NO. 2020-043; 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**, on June 25, 2020, pursuant to Resolution No. 2020-043, the Town Council of the Town of Southwest Ranches, Florida ("Town Council") approved Application No. SP-72-18 for modification of the Archbishop Edward A. McCarthy site plan to erect two multiple-classroom modular buildings totaling 18,522 square feet in floor area and an 1,830 square-foot addition to its athletic training facility; and

**WHEREAS**, the site plan is set to expire on June 25, 2021; and

**WHEREAS**, Section 120-060 of the Unified Land Development code ("ULDC") authorizes the Town Council to approve a phasing agreement for buildout of a site plan that has multiple structures at any time before the site plan expires; and

**WHEREAS**, the proposed phasing agreement allows up to two additional years for the high school to apply for building permits relating to its site plan approval; and

**WHEREAS**, the Town Council finds that the proposed phasing agreement is in accordance with Section 120-060 of the ULDC in allowing a total of three years (one year under the standard site plan approval and two under the phasing agreement) for the high school to apply for building permits.

**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.** After holding a duly noticed public hearing on May 27, 2021 the Town Council hereby approves a phasing agreement for Archbishop Edward A. McCarthy High School relating to its amended site plan, which was approved on June 25, 2020, pursuant to Resolution No. 2020-043, attached hereto as Exhibit "A" and made a part hereof.

**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 May, 2021, on a motion by Council Member Jablonski and seconded by Council Member Allbritton.

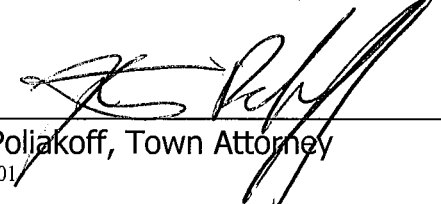
Breitkreuz	Yes	Ayes	5
Hartmann	Yes	Nays	0
Allbritton	Yes	Absent	0
Jablonski	Yes	Abstaining	0
Kuczenski	Yes		

  
\_\_\_\_\_  
Steve Breitkreuz, Mayor

ATTEST:

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

Approved as to Form and Correctness:

  
\_\_\_\_\_  
Keith Poljakoff, Town Attorney  
#100014.001

## EXHIBIT "A"

Prepared By and Return To:  
Suzanne A. Dockerty, Esquire  
J. Patrick Fitzgerald & Associates, P.A.  
110 Merrick Way, Suite 3B  
Coral Gables, Florida 33134

### SITE PLAN PHASING AGREEMENT

This Site Plan Phasing Agreement (hereinafter the "Agreement") is made and entered into this \_\_\_ day of \_\_\_\_\_, 2021 by and between The Most Reverend Thomas G. Wenski, Archbishop of the Archdiocese of Miami, his successor in office, a corporation sole ("Owner") and the Town of Southwest Ranches, a Florida municipal corporation (the "Town").

#### WITNESSETH:

Whereas, Owner owns the property located within the Town at 5451 South Flamingo Road, Southwest Ranches, Florida 33330 that is operated as Archbishop Edward A. McCarthy High School (the "School"), and which is legally described as follows:

Parcel A, Broward Central Catholic High School, according to the Plat thereof, as recorded in Plat Book 163, Page 32, of the Public Records of Broward County, Florida (the "Property"); and

Whereas, on June 25, 2020 Town adopted Resolution No. 2020-043, attached as Exhibit "A" hereto and incorporated by reference herein (the "Resolution") approving Site Plan Modification Application No. SP-72-18 modifying School's prior existing approved site plan (the "New Site Plan"); and

Whereas, the New Site Plan proposes construction of three (3) structures in two phases, with Phase I being construction of two modular classroom buildings and Phase II being construction of an athletic training facility expansion; and

Whereas, Town of Southwest Ranches Unified Land Development Code ("ULDC") Section 120-060(B) authorizes the Town Council to approve a phasing agreement, for buildout of a site plan that has multiple structures, at any time prior to the standard 12-month site plan expiration date; and

Whereas, although a petitioner is not required to demonstrate hardship to qualify for a phasing agreement under ULDC Section 120-60(B), Owner notes that compliance with Paragraph 4 of the Resolution, which requires Owner to construct Flamingo Road improvements, will not be accomplished within the timeframes established in ULDC Section 120-060(A) because of the

time needed to obtain approvals from the various governmental agencies with jurisdiction over the road; and

Whereas, in accordance with the ULDC Section 120-060(B), Owner requests and Town agrees to enter into this Site Plan Phasing Agreement to allow Owner two (2) additional years until June 25, 2023 to complete the Flamingo Road Stipulated Conditions set forth in the Resolution in order to submit complete applications for building permits for all improvements at the School as shown on the approved New Site Plan.

Now Therefore, in consideration of the conditions, covenants and mutual promises hereinafter set forth, Owner and Town agree as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated by reference hereto.
2. Intent. It is the intent of Owner and Town that this Agreement should be construed and implemented as to effectuate the purposes and intent of the parties and the purpose and intent of the Town's Code of Ordinances, Section 120-060(B).
3. Effective Date and Duration.
  - (a) This Agreement shall become effective (the "Effective Date") on the date that is the latter of the date of execution of this Agreement by Owner and Town and the date which the Agreement has been finally approved by Town Council and upon the expiration of all appeals and challenges thereto (the "Approval"). Upon Approval the Agreement shall be recorded in the public records of Broward County and shall run with the land and shall be binding on all parties and all persons claiming under it.
  - (b) Owner shall work diligently and in good faith with FDOT, Broward County, and the City of Cooper City, to obtain design approval, to commence construction, and to obtain final approval of the Flamingo Road Stipulated Conditions once constructed.
  - (c) The expiration date of this Agreement shall be June 25, 2023 (the "Expiration Date").
  - (d) The time frames expressed within the Agreement shall be considered stayed and tolled for the time lost resulting from the pendency of any moratorium, litigation or challenges which materially limit the ability of Owner to continue with the Flamingo Road Stipulated Conditions set forth in the Resolution.

IN WITNESS WHEREOF, the party has executed this Agreement as of the dates set forth below.

Owner

Witnesses:

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
The Most Reverend Thomas G. Wenski, Archbishop  
of the Archdiocese of Miami, his successors in  
office, a corporation sole

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_

State of Florida  
County of Miami-Dade

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_\_\_, 2021, The Most Reverend Thomas G. Wenski, Archbishop of the Archdiocese of Miami, his successors in office, a corporation sole, who is  personally known to me  or has produced \_\_\_\_\_ as identification and who did/did not take an oath.

SWORN TO AND SUBSCRIBED before me this \_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Notary Public – State of Florida at Large

Notary seal:

Town of Southwest Ranches

Witnesses:

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Print Name: Andrew D. Berns  
Title: Town Administrator

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_

State of Florida  
County of Broward

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_\_\_, 2021, \_\_\_\_\_ as the Town Administrator for the Town of Southwest Ranches, who is  personally known to me  or has produced \_\_\_\_\_ as identification and who did/did not take an oath.

SWORN TO AND SUBSCRIBED before me this \_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Notary Public – State of Florida at Large

Notary seal:

Attest:

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

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith Poliakoff, Town Attorney

Prepared By and Return To:  
Suzanne A. Dockerty, Esquire  
J. Patrick Fitzgerald & Associates, P.A.  
110 Merrick Way, Suite 3B  
Coral Gables, Florida 33134

## SITE PLAN PHASING AGREEMENT

This Site Plan Phasing Agreement (hereinafter the "Agreement") is made and entered into this 27 day of May, 2021 by and between The Most Reverend Thomas G. Wenski, Archbishop of the Archdiocese of Miami, his successor in office, a corporation sole ("Owner") and the Town of Southwest Ranches, a Florida municipal corporation (the "Town").

### WITNESSETH:

Whereas, Owner owns the property located within the Town at 5451 South Flamingo Road, Southwest Ranches, Florida 33330 that is operated as Archbishop Edward A. McCarthy High School (the "School"), and which is legally described as follows:

Parcel A, Broward Central Catholic High School, according to the Plat thereof, as recorded in Plat Book 163, Page 32, of the Public Records of Broward County, Florida (the "Property"); and

Whereas, on June 25, 2020 Town adopted Resolution No. 2020-043, attached as Exhibit "A" hereto and incorporated by reference herein (the "Resolution") approving Site Plan Modification Application No. SP-72-18 modifying School's prior existing approved site plan (the "New Site Plan"); and

Whereas, the New Site Plan proposes construction of three (3) structures in two phases, with Phase I being construction of two modular classroom buildings and Phase II being construction of an athletic training facility expansion; and

Whereas, Town of Southwest Ranches Unified Land Development Code ("ULDC") Section 120-060(B) authorizes the Town Council to approve a phasing agreement, for buildout of a site plan that has multiple structures, at any time prior to the standard 12-month site plan expiration date; and

Whereas, although a petitioner is not required to demonstrate hardship to qualify for a phasing agreement under ULDC Section 120-60(B), Owner notes that compliance with Paragraph 4 of the Resolution, which requires Owner to construct Flamingo Road

improvements, will not be accomplished within the timeframes established in ULDC Section 120-060(A) because of the time needed to obtain approvals from the various governmental agencies with jurisdiction over the road; and

Whereas, in accordance with the ULDC Section 120-060(B), Owner requests and Town agrees to enter into this Site Plan Phasing Agreement to allow Owner two (2) additional years until June 25, 2023 to complete the Flamingo Road Stipulated Conditions set forth in the Resolution in order to submit complete applications for building permits for all improvements at the School as shown on the approved New Site Plan.

Now Therefore, in consideration of the conditions, covenants and mutual promises hereinafter set forth, Owner and Town agree as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated by reference hereto.
2. Intent. It is the intent of Owner and Town that this Agreement should be construed and implemented as to effectuate the purposes and intent of the parties and the purpose and intent of the Town's Code of Ordinances, Section 120-060(B).
3. Effective Date and Duration.
  - (a) This Agreement shall become effective (the "Effective Date") on the date that is the latter of the date of execution of this Agreement by Owner and Town and the date which the Agreement has been finally approved by Town Council and upon the expiration of all appeals and challenges thereto (the "Approval"). Upon Approval the Agreement shall be recorded in the public records of Broward County and shall run with the land and shall be binding on all parties and all persons claiming under it.
  - (b) Owner shall work diligently and in good faith with FDOT, Broward County, and the City of Cooper City, to obtain design approval, to commence construction, and to obtain final approval of the Flamingo Road Stipulated Conditions once constructed.
  - (c) The expiration date of this Agreement shall be June 25, 2023 (the "Expiration Date").
  - (d) The time frames expressed within the Agreement shall be considered stayed and tolled for the time lost resulting from the pendency of any moratorium, litigation or challenges which materially limit the ability of Owner to continue with the Flamingo Road Stipulated Conditions set forth in the Resolution.



IN WITNESS WHEREOF, the party has executed this Agreement as of the dates set forth below.

Witnesses:

By: [Signature]  
Print Name: S. ORTIZ

By: [Signature]  
Print Name: Ashley Cruz

Owner

By: [Signature]  
The Most Reverend Thomas G. Wenski,  
Archbishop of the Archdiocese of Miami,  
his successors in office, a corporation sole

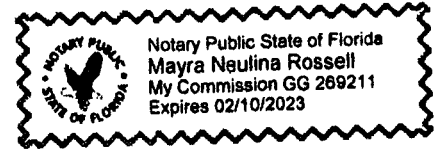
State of Florida  
County of Miami-Dade

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 11 day of May, 2021, The Most Reverend Thomas G. Wenski, Archbishop of the Archdiocese of Miami, his successors in office, a corporation sole, who is  personally known to me  or has produced \_\_\_\_\_ as identification and who did/did not take an oath.

SWORN TO AND SUBSCRIBED before me this 11 day of May 2021.

[Signature]  
Notary Public - State of Florida at Large

Notary seal:



Town of Southwest Ranches

Witnesses:

By: Danielle Caban  
Print Name: Danielle Caban

By: Susan Rutz  
Print Name: Susan Rutz

By: Andrew D. Berns  
Print Name: Andrew D. Berns  
Title: Town Administrator

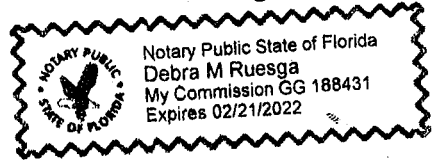
State of Florida  
County of Broward

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 27 day of May, 2021, Andrew D. Berns as the Town Administrator for the Town of Southwest Ranches, who is  personally known to me  or has produced \_\_\_\_\_ as identification and who did/did not take an oath.

SWORN TO AND SUBSCRIBED before me this 27 day of May, 2021.

Debra M. Ruesga  
Notary Public – State of Florida at Large

Notary seal:



Attest:

Russell Muñiz  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff  
Keith Poliakoff, Town Attorney

**RESOLUTION NO. 2020-043**

**A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING APPLICATION NO. SP-72-18 BY ARCHBISHOP EDWARD A. MCCARTHY HIGH SCHOOL TO AMEND ITS SITE PLAN BY REPLACING ITS EXISTING 5,820 SQUARE FEET OF MODULAR CLASSROOMS WITH 18,552 SQUARE FEET OF NEW MODULAR CLASSROOMS AND EXPANDING THE ATHLETIC TRAINING FACILITY BY 1,830 SQUARE FEET; 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**, Archdiocese of Miami, Edward A. McCarthy High School is the current owner ("Owner") of Broward Central Catholic High School Plat, as recorded in Plat Book 163 Page 32 of the Broward County, Florida Public Records ("Property"); and

**WHEREAS**, Owner requests modification of its existing approved site plan to erect two multiple-classroom modular buildings totaling 18,522 square feet in floor area and a 1,830 square-foot addition to its athletic training facility; and

**WHEREAS**, the Town Council of the Town of Southwest Ranches, Florida ("Town Council") finds that the proposed site plan amendment will comply with the requirements of the Town's Unified Land Development Code ("ULDC") upon implementation 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 June 25, 2020 the Town Council hereby approves Site Plan Modification Application No. SP-72-18, in accordance with the following stipulated conditions to be satisfied prior to issuance of a building permit for any of the proposed improvements:

1. Execute a Declaration of Restrictive Covenants that:
  - a. Prohibits access to the Broward Central Catholic High School Plat from any street other than Flamingo Road;

- b. Restricts the school's capacity to its 2019-2020 level of 1,700 students prior to completion and county or state acceptance of the roadway improvements required herein and subsequently to 1,800 students;
    - c. Requires regular reporting in a form determined acceptable by the Town Attorney, which at a minimum shall be the enrollment list thirty (30) days prior to the fall semester and thirty (30) days prior to the spring semester. The Town shall be allowed to seek an updated enrollment list at any time.
2. Revise the site plan to reflect the 1,800-student enrollment cap, subject to the requirements contained herein.
3. Comply with technical corrections to the site plan documents pursuant to the final Development Review Comments memorandum dated May 15, 2020, to be approved administratively, including requirement for a tree relocation permit.
4. Construct/implement the following improvements:
  - a. Extend the southbound right turn lane on Flamingo Road at the main entrance to the longest distance feasible which is approximately 450 feet of storage plus 50 feet of taper.
  - b. Extend the southbound left turn lane on Flamingo Road at the main entrance/SW 53rd Street for a total of approximately 450 feet of storage plus 50 feet of taper.
  - c. Extend the southbound left turn lane on Flamingo Road at SW 55th Street to run "back to back" with the northbound left turn lane on Flamingo Road at the main school entrance. This improvement includes modifying the existing taper from approximately 175 feet to 50 feet with the remaining 125 feet converting to vehicle storage for the southbound left turn lane.
  - d. Coordinate with Broward County to optimize signal timing at the intersections of Flamingo Road at Griffin Road and SW 55th Street.
5. Submit an action plan to the Town Administrator for directing higher utilization of north school driveway, particularly during school dismissal to help alleviate traffic backup onto Flamingo Road and improve overall efficiency of the roadway corridor. Implement the plan following the Town Administrator's approval. It is noted that the north school driveway has approximately 71 queueing spaces onsite compared to just 30 queueing spaces for the main driveway. The action plan may be amended by the Town at any time to satisfy its traffic and life safety concerns.
6. Adjust the start and end times of the high school and adjacent St. Marks school as approved by the Town's Administrator based upon the traffic engineer's recommendations.
7. Retain a certified school safety expert, approved by the Town Administrator, to perform a Florida Safe School Assessment, in accordance with Section 1006.1493 Florida Statutes, and to implement such recommendations in accordance with the Marjory Stoneman Douglas High School Public Safety Act. In the event that the

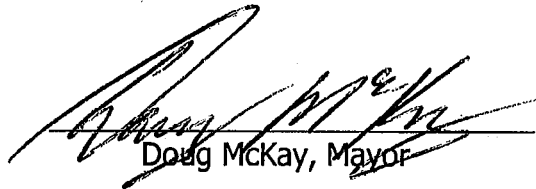
recommendations cannot be readily implemented, Owner shall propose a timeline to bring the property into compliance, which shall be subject to the approval of the Town Administrator.

**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 25<sup>th</sup> day of June, 2020, on a motion by Council Member Hartmann and seconded by Vice Mayor Jablonski.

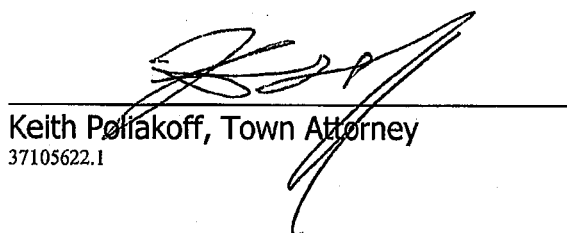
McKay	<u>Yes</u>	Ayes	<u>5</u>
Schroeder	<u>Yes</u>	Nays	<u>0</u>
Amundson	<u>Yes</u>	Absent	<u>0</u>
Hartmann	<u>Yes</u>	Abstaining	<u>0</u>
Jablonski	<u>Yes</u>		

  
Doug McKay, Mayor

ATTEST:

  
Russell Muniz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

  
Keith Poliakoff, Town Attorney

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