

RESOLUTION NO. 06- 367

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING AN EXTENSION OF THE CAPACITY RESERVATION FOR THE "MARRIOTT SPRINGHILL SUITES" FINAL PLAT FOR PROPERTY DESCRIBED AS A PORTION OF TRACTS 52 AND 53 OF FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, SECTION 15, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 28 of the Miami-Dade County Code, the Town Council in Resolution No. 03-193 dated December 11, 2003, approved the application of Springhill SMC Corporation, a Delaware Corporation (the "Applicant"), approving a final plat for Marriott Springhill Suites, on property legally described on the plat attached hereto as exhibit "A" (the "Final Plat") and incorporated into this Resolution by reference; and

**WHEREAS**, pursuant to Division 10.1(D)(c)(4)(a) of the Town Code, the Applicant has applied for an extension of the capacity reservation previously approved by the Town Council on December 11, 2003; and

**WHEREAS**, The Town Council has been advised by the Town Staff that the Applicant has complied with all applicable provisions of Division 10.1 of the Town Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated in to this Resolution by this reference.

**Section 2. Findings of Fact.** In accordance with the provisions of Division 10.1(B) and 10.1(D)(c)(4)(a) of the Town Code, and the record provided by the Applicant, the staff report and testimony and evidence presented to the Town Council, the Town Council finds that:

- (1) The Final Plat is an approved final development order approved by the Town Council prior to the effective date of the Town's Transportation Concurrency Management Program as specified in Division 10.1(B)(c) of the Town Code;
- (2) Based upon the finding in paragraph (1) above, the development has commenced and is continuing in good faith as defined in Division 10.1(B) of the Town Code;  
and
- (3) The Applicant has additionally provided substantive competent evidence that the development is continuing in good faith.

**Section 3. Approval of extension of capacity reservation.** The Final Plat for "Marriott Springhill Suites" is extended for an additional 180 days from the effective date of Resolution No. 03-193, for the property more particularly described as:

A PORTION OF TRACTS 52 AND 53 OF FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, SECTION 15, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Section 4. Signature.** The Mayor, Town Manager and the Town Clerk are authorized to execute any documents required to finalize approval of the extension of the Final Plat.

**Section 5. Recordation.** The Town Clerk shall forward this Resolution to Miami-Dade County for recording in the Public Records of Miami Dade County, Florida. The applicant shall pay the costs of recording this Resolution.

**Section 6. Effective Date.** This Resolution shall take effect immediately upon adoption by the Town Council. The effective date of the Final Plat extension shall be retroactive to December 11, 2005.

The foregoing Resolution was moved by Peter Thomson and Seconded by Mary Collins, and upon being put to a vote the motion carried with each Council Member voting as follows:

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Robert Meador	<u>yes</u>
Councilmember Roberto Alonso	<u>absent</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>
Councilmember Peter Thomson	<u>yes</u>

**PASSED AND ADOPTED this 24th day of January, 2006.**

Wayne Slaton  
WAYNE SLATON, MAYOR

ATTEST:

Debra Eastman  
DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR USE ONLY BY THE TOWN OF MIAMI LAKES:

[Signature]  
WEISS, SEROTA, HELFMAN, PASTORIZA,  
COLE & BONISKE  
TOWN ATTORNEY