

**ORDINANCE NO. 03-34**

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA PROVIDING RECITALS; PROVIDING FINDINGS; PROVIDING FOR THE REFORMATION OF ORDINANCE NO. 02-26 RELATING TO THE MIXED USE DEVELOPMENT KNOWN AS DUNNWOODY LAKES TO CORRECT THE LEGAL DESCRIPTION OF THE REZONED PROPERTY AND SITE PLAN **FROM:** DESCRIPTION OF A PORTION OF LAND BEING AND LYING IN SECTION 16 TOWNSHIP 52 SOUTH, RANGE 40 EAST IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST; LESS BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED SECTION 16; THENCE N89°34'49"E ALONG THE SOUTH LINE OF SECTION 16 FOR A DISTANCE OF 1441.84 FEET; THENCE N00°25'14"W FOR 140 FEET; THENCE S89° 34'48"W FOR A DISTANCE OF 1197.72 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, THENCE S02°37'29"E FOR A DISTANCE OF 140.05 FEET TO THE POINT OF BEGINNING. C ONTAINING 1 56.20 ACRES MORE OR LESS **TO** DESCRIPTION OF A PORTION OF LAND BEING AND LYING IN SECTION 16 TOWNSHIP 52 SOUTH, RANGE 40 EAST IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST; LESS COMMENCE AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED SECTION 16, THENCE S89° 34'49"W ALONG THE SOUTH LINE OF SECTION 16 FOR A DISTANCE OF 1441.84 FEET TO THE POINT OF BEGINNING; THENCE N00° 25'11"W FOR 140 FEET; THENCE S89 34'49"W FOR 1203.11 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16; THENCE ALONG SAID LINE S02° 37'29"E A DISTANCE OF 140.10 FEET; THENCE N89°34'49"E FOR 1197.72 FEET TO THE POINT OF BEGINNING. CONTAINING 156.20 ACRES MORE OR LESS; PROVIDING FOR RECORDING; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE.

WHEREAS, on October 9, 2002, The Town Council of the Town of Miami Lakes adopted Ordinance No. 02-26, granting a request for a rezoning of property located between N.W. 154<sup>th</sup> Street and 162<sup>nd</sup> Street, west of 87<sup>th</sup> Avenue from AU to RU-3M, and property located at the northwest corner of N.W. 87<sup>th</sup> Avenue and N.W. 154<sup>th</sup> Street from AU to BU-1A,

and also approving site plans for a residential development and a commercial development, respectively, for the properties; and

WHEREAS, the Applicants Lowell S. Dunn and Betty L. Dunn, through their attorney Stanley B. Price, applied on November 7, 2002 to reform Ordinance 02-26 (the "Reformation Application") pursuant to Section 33-315.1 of the Town Code in order to correct the overall legal description for the property as contained on Exhibit C of Ordinance 02-26; and

WHEREAS, the Town Council has been designated as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, the Town Council acting in its capacity as the Local Planning Agency has reviewed the Reformation Application and has determined that this Ordinance is consistent with the Town of Miami Lakes Comprehensive Development Master Plan; and

WHEREAS, the Town Council held a duly noticed first reading of this Ordinance on April 22, 2003, and held second reading of this Ordinance at a duly noticed public hearing on May 6, 2003; and

WHEREAS, all interested persons have had the opportunity to be heard on the Applicants' request.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, that:

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and incorporated within this ordinance.

Section 2. Findings. The Town Council finds that the Reformation Application meets each of the standards for correction of a technical error pursuant to Section 33-315.1(c) of the Town Code.

Section 3. Reformation of Ordinance 02-26. The overall legal description for the property as contained on Exhibit C of Ordinance 02-26 is hereby changed **from** the following description:

DESCRIPTION OF A PORTION OF LAND BEING AND LYING IN SECTION 16 TOWNSHIP 52 SOUTH, RANGE 40 EAST IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST; LESS BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED SECTION 16; THENCE N89°34'49"E ALONG THE SOUTH LINE OF SECTION 16 FOR A DISTANCE OF 1441.84 FEET; THENCE N00°25'14"W FOR 140 FEET; THENCE S89° 34'48"W FOR A DISTANCE OF 1197.72 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, THENCE S02°37'29"E FOR A DISTANCE OF 140.05 FEET TO THE POINT OF BEGINNING. CONTAINING 156.20 ACRES MORE OR LESS.

To the following description:

DESCRIPTION OF A PORTION OF LAND BEING AND LYING IN SECTION 16 TOWNSHIP 52 SOUTH, RANGE 40 EAST IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST; LESS COMMENCE AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED SECTION 16, THENCE S89° 34'49"W ALONG THE SOUTH LINE OF SECTION 16 FOR A DISTANCE OF 1441.84 FEET TO THE POINT OF BEGINNING; THENCE N00° 25'11"W FOR 140 FEET; THENCE S89° 34'49"W FOR 1203.11 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16; THENCE ALONG SAID LINE S02° 37'29"E A DISTANCE OF 140.10 FEET; THENCE N89°34'49"E FOR 1197.72 FEET TO THE POINT OF BEGINNING. CONTAINING 156.20 ACRES MORE OR LESS.

Section 4. **Recording.** The Applicants shall be responsible for recording this reformation ordinance in the Public Records of Miami-Dade County, Florida at their sole cost.

Section 5. **Severability.** If any section, subsection, sentence, clause or provision of this reformation ordinance is held invalid, the remainder of this reformation ordinance shall not be affected thereby.

Section 6. **Exclusion.** This reformation ordinance shall be excluded from the Town of Miami Lakes Code.

Section 7. **Effective Date.** This reformation ordinance shall become effective upon adoption at second reading, provided further that pursuant to Section 33-315.1 of the Town Code, the reformation ordinance shall relate back to the original Ordinance 02-26 and the effective date of the corrected language shall be deemed to be the same as the effective date of Ordinance 02-26.

The foregoing Ordinance was offered by Councilmember Meador, who moved its adoption on first reading. The motion was seconded by Councilmember Simon and upon being put to a vote, the vote was as follows: 4-0 (3 absent):

Councilmember Mary Collins	<u>Absent</u>
Councilmember Robert B. Meador II	<u>Yes</u>
Councilmember Michael Pizzi	<u>Absent</u>
Councilmember Nancy Simon	<u>Yes</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Mayor Wayne Slaton	<u>Absent</u>

PASSED AND ADOPTED on first reading this 22nd day of May, 2003.

The foregoing Ordinance was offered by Councilmember Thomson, who moved its adoption on second reading. The motion was seconded by Councilmember Simon, and upon being put to a vote, the vote was as follows: 5-0-2

Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert B. Meador II	<u>Absent</u>
Councilmember Michael Pizzi	<u>Absent</u>
Councilmember Nancy Simon	<u>Yes</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Mayor Wayne Slaton	<u>Yes</u>

PASSED AND ADOPTED on second reading this 7 day of May, 2003.

Wayne Slaton  
WAYNE SLATON  
Mayor

ATTEST:

Beat M. Arguelles  
BEATRIS M. ARGUELLES, CMC  
Town Clerk

APPROVED AS TO FORM:

Nancy T. Sroufe  
WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES, P.A.  
Town Attorney