

RESOLUTION NO. 15- 1285

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A MASS REPLANTING/REFORESTATION AT CYPRESS VILLAGE SHOPPING CENTER PER THE REQUIREMENTS OF ORDINANCE NUMBER 12-151; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 9, 2012, the Town Council adopted Ordinance Number 12-151 (“tree removal ordinance”) providing for tree removal permit applications, requirements, review, fees and criteria for removal; and

WHEREAS, subsection C.5.iii of the tree removal ordinance exempts “[t]rees that are part of a Mass Replanting/Reforestation program as approved by the Town Council” from tree removal permits and fees; and

WHEREAS, a Mass Replanting/Reforestation is defined by the tree removal ordinance as “[a]ny removal, replanting and/or replacement affecting 25 or more Trees;” and

WHEREAS, the Town Council has determined that black olive trees (scientific name *Bucida buceras*) are a nuisance, as reflected in the Town’s Beautification Master Plan adopted via Resolution 14-1170 and in the Town’s program to remove all of the approximately 3,600 black olive trees in the Town over a 15 year period; and

WHEREAS, the Graham Companies has requested approval of a Mass Replanting/Reforestation at the Cypress Village Shopping Center, the legal description for which is attached to this Resolution as Exhibit “A,” and has specifically requested that the existing black olive trees be permitted to be replaced by other canopy trees on a one-to-one basis, rather than on the basis of the amount of existing tree canopy, as would otherwise be required by the tree removal ordinance; and

WHEREAS, the Town Manager has reviewed the Graham Companies request, and finds that approval of the request, if approved with the conditions specified below in Section 3, will advance the Town’s interest in the removal of black olive trees, facilitate a redevelopment project that will benefit the Town and its residents, and in the long term result in a tree canopy at the Cypress Village Shopping Center that is at least as extensive as the existing canopy with

more appropriate tree species, and therefore recommends approval of the request for a Mass Replanting/Reforestation.

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

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Approval of Mass Replanting/Reforestation. The Council hereby approves a Mass Replanting/Reforestation of trees at the site legally described in Exhibit "A," subject to the conditions as set out in Section 3.

Section 3. Conditions. The Mass Replanting/Reforestation approved herein shall be subject to the following conditions:

1. Removal and replacement of trees under the terms of this Resolution shall be in accordance with an approved site plan, per the provisions of Chapter 13 of the Town Code, and said site plan approval shall ensure compliance with the terms of this Resolution, in addition to the requirements of the Town Code.
2. All tree removal work under the provisions of this Resolution must include the removal of all black olive trees at the Cypress Village Shopping Center, as legally described in Exhibit "A."
3. All tree removals and planting of replacement trees must comply with all applicable requirements of the Land Development Code.
4. Each black olive tree to be removed under the provisions of this Resolution must be replaced by at least one other canopy tree, subject to the approval of the Town Arborist and in accordance with provisions for replacement trees in Ordinance 12-151, such that at the time of maturity of the replacement trees, the tree canopy at the Cypress Village Shopping Center (as legally described in Exhibit "A") shall be at least as extensive as at the time that this Resolution is passed. Tree replacement requirements for trees other than black olive trees shall be as otherwise required under the terms of the tree removal ordinance.

Section 4. Violation of Conditions. Failure by the Graham Companies to adhere to the terms and conditions of Section 3 of this Resolution shall render the approval granted herein null and void, and any work dependent upon this approval shall not be permitted, and all tree removal

shall be subject to the permit and replacement requirements otherwise stipulated in Ordinance 12-151, as the same may be amended from time to time. Additionally, any violation of the terms and conditions of this Resolution that also constitutes a violation of any other provisions of the Code of the Town of Miami Lakes shall be additionally punishable as otherwise provided.

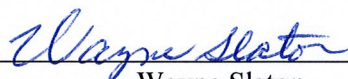
Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

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Passed and adopted this 3rd day of February, 2015.

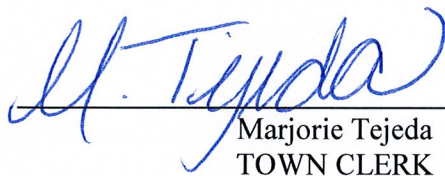
The foregoing resolution was offered by Cesar Mestre who moved its adoption. The motion was seconded by Tim Daubert and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Manny Cid	<u>yes</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Tony Lama	<u>yes</u>
Councilmember Cesar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>



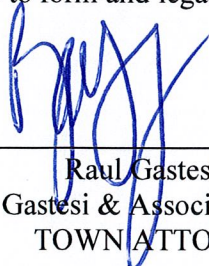
Wayne Slaton
MAYOR

Attest:



Marjorie Tejada
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT “A”

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Portions of Tract "A", MIAMI LAKES CYPRESS SHOPPING PLAZA, according to the Plat thereof, as recorded in Plat Book 92, at Page 54, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Begin at the Northeasterly corner of said Tract "A"; thence run South 79°25'49" West, along the North line of said Tract "A", for 434.85 feet; thence South 10°34'11" East, at right angles to the last described course, for 89.82 feet; thence South, for 111.38 feet; thence East at right angles to the last and next mentioned courses, for 239.00 feet; thence South, for 349.08 feet; thence West, at right angles to the last mentioned course, for 51.33 feet; thence North 0°06'46" East, for 116.67 feet; thence North 89°53'14" West, at right angles to the last mentioned course, for 187.94 feet; thence North 66°41'25" West, for 10.65 feet; thence North 89°09'45" West, for 90.72 feet; thence South, for 54.90 feet; thence South 41°11'47" West, radial, to the next described curve, for 91.12 feet; thence Southeasterly, along a circular curve to the left, having a radius of 1100.00 feet and a central angle of 33°12'13", for an arc distance of 637.46 feet to a point on said curve; thence North, for 891.02 feet to the Point of Beginning, (last mentioned two courses being coincident with the Southerly and Easterly boundary lines of said Tract "A"). Lying and being in the North 1/2 of Section 23, Township 52 South, Range 40 East, Miami-Dade County, Florida.