

**RESOLUTION NO. 16-1383**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, MAKING CERTAIN FINDINGS UNDER THE DEVELOPMENT AGREEMENT APPROVED PURSUANT TO RESOLUTION NO. 11-883 OF THE TOWN COUNCIL, RESOLUTION 15-1336 OF THE TOWN COUNCIL, AND ORDINANCE 16-192 OF THE TOWN COUNCIL, CONFIRMING AVAILABILITY OF THE TOWN OF MIAMI LAKES MOBILITY FEE ORDINANCE TO SATISFY THE TOWN'S TRANSPORTATION CONCURRENCY REQUIREMENTS FOR THE RESIDENTIAL DEVELOPMENT OF THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF NW 87 AVENUE AND NORTHWEST 154 STREET AND IDENTIFIED BY MIAMI DADE COUNTY TAX FOLIO NO. 32-2016-000-0020 ("DUNNWOODY LAKE"); AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Lennar Homes, LLC (the "**Owner**") owns that certain parcel of land generally located at the northwest corner of Northwest 87 Avenue and Northwest 154 Street within the boundaries of the Town of Miami Lakes (the "**Town**") and identified by Miami-Dade Tax Folio No. 32-2016-000-0020 ("**Dunnwoody Lake**" or "**Property**"), the legal description of which is attached hereto as Exhibit A;

**WHEREAS**, on October 9, 2002, the Town adopted Ordinance 02-26 (the "**Ordinance**") which approved a rezoning and site plan for the development of the Property and accepted that certain Declaration of Restrictions (the "**Declaration**") proffered by the Owner's predecessors in interest, which is recorded at Official Records Book 2081, Page 4767 of the Public Records of Miami-Dade County;

**WHEREAS**, on March 28, 2011, the Town adopted Resolution 11-883 which approved a Chapter 163, Florida Statutes, Development Agreement (the "**Development Agreement**") concerning the future development of the Property and other parcels;

**WHEREAS**, Section 9 of the Development Agreement sets forth the requirements and conditions for Transportation Final Concurrency Determination for the residential development of the Property;

**WHEREAS**, the Town commissioned an Alternative to Concurrency Study to encourage multimodal concurrency mitigation to supplement more traditional on and off-site transportation improvements (such as those contemplated by Section 9(b) of the Development Agreement), and determine methods to allow for the mitigation of transportation impacts of development that will more equitably fund multimodal mobility improvements rather than only automobile related improvements, as well as encourage better quality development and be more business friendly by providing for a simpler and less time-intensive approval process;

**WHEREAS**, on November 3, 2015, the Town adopted Resolution 15-1336 which established that the Owner may satisfy the Town’s transportation concurrency requirements for the residential development of the Property by voluntarily selecting—from a number of alternatives, including providing for alternative mitigation as set forth in the Alternative to Concurrency Study if adopted by the Town Council;

**WHEREAS**, on April 16, 2016, the Town adopted Ordinance 16-192 which approved the Town of Miami Lakes Mobility Fee Ordinance (the “Mobility Fee Ordinance”);

**WHEREAS**, Section 13-2009(g) of the Mobility Fee Ordinance provides that “a property owner with an existing transportation concurrency determination or determination of vested rights may voluntarily, subject to acceptance by the Town, choose to forego that previous determination and instead be subject to [the] Mobility Fee Ordinance;” and

**WHEREAS**, the Owner has requested that the Town reaffirm the findings of Resolution No. 15-1336 by accepting its payment of the applicable mobility fee under the Mobility Fee

Ordinance in lieu of the transportation concurrency determination made under the Development Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES THAT:**

**Section 1. Recitals.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made part of this Resolution upon adoption hereof.

**Section 2. Findings and Approval of Alternative Transportation Concurrency Methods.** The Town Council of the Town of Miami Lakes hereby confirms that the Owner may satisfy the Town's transportation concurrency requirements for the residential development of the Property by paying the applicable mobility fee under the Mobility Fee Ordinance.

**Section 3. Authorization of Town Officials.** The Town Manager and the Town Attorney are hereby authorized to take all steps necessary to execute the intent of this Resolution.


**Section 4. Effective Date.** This Resolution shall become effective upon its passage and adoption by the Town Council.

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

Mayor Michael Pizzi	<u>no</u>
Vice Mayor Tim Daubert	<u>yes</u>
Councilmember Manny Cid	<u>yes</u>
Councilmember Tony Lama	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>

PASSED AND ADOPTED this 7<sup>th</sup> day of June, 2016.

This Resolution was filed in the Office of the Town Clerk on this 7<sup>th</sup> day of June, 2016.



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Michael A. Pizzi  
MAYOR

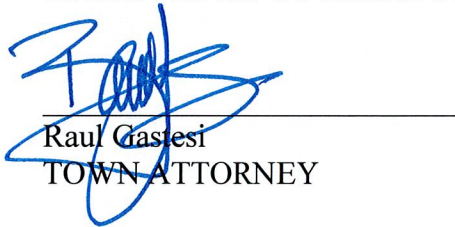
ATTEST:



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Gina Inguanzo  
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY



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Raul Gastesi  
TOWN ATTORNEY

**EXHIBIT A**

**LEGAL DESCRIPTION**

Folio No. 32-2016-000-0020 (Partial)

The Southeast 1/4 of Section 16, Township 52 South, Range 40 East, lying and being in Miami-Dade County, Florida, LESS AND EXCEPT that portion thereof lying within the lands designated as part of Parcel No. 102 and conveyed to the State of Florida Department of Transportation, pursuant to that Deed recorded in Official Records Book 9942, Page 1740, of the Public Records of Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof acquired by Miami-Dade County, Florida pursuant to that Final Judgment recorded in Official Records Book 27731, Page 2513, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

Parcel No. 1: The East 40.00 feet of the South 1275.00 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida;

and,

Parcel No. 1A; The East 40 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida, LESS the South 1275.00 feet thereof.

FURTHER LESS AND EXCEPT that portion thereof conveyed to the Town of Miami Lakes pursuant to that Right-of-Way Deed recorded in Official Records Book 28429, Page 801, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

Parcel II: The South 50 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, lying East of Interstate 75 (State Road Number 93) Ramp Limited Access Right-of-Way line as shown on Florida Department of Transportation Right-of-Way Map for Section 87075-2401, Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof conveyed to Miami-Dade County, Florida pursuant to that Quit-Claim Deed recorded in Official Records Book 28634, Page 307, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

The external area formed by a 25-foot radius arc concave to the Northwest and tangent to the West line of the East 40 feet of said Section 16 and tangent to the North line of the South 50 feet of said Section 16, Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof described as follows:

A portion of land lying and being in the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, in Miami-Dade County, Florida; being more particularly described as follows:

Commencing at the Southeast corner of said Section 16; thence S 89° 34' 49" W along the South line of the Southeast 1/4 of said Section 16, for a distance of 67.90 feet to a point; thence N 00° 25' 11" E for 50.00 feet to the Point of Beginning; thence S 89° 34' 49" W along a line 50 feet North of and parallel with the South line of the Southeast 1/4 of said Section 16 a distance of 485.40 feet to a point ; thence N 00° 25' 11" W for 564.21 feet to a point; thence N 29° 56' 58" E for 375.94 feet to a point; thence N 87° 24' 00" E for 87.27 feet to a point; thence N 02° 36' 00" W for 20.00 feet to a point; thence N 87° 24' 00" E for 200.00 feet; thence S 02° 36' 00" E along a line 40 feet West of and parallel with the East line of the Southeast 1/4 of Section 16 a distance of 894.18 feet to a point of curvature of a circular curve concave to the Northwest and having for its elements a central angle of 92° 10' 49", a radius of 25.00 feet, an arc distance of 40.22 feet and a chord distance of 36.02 feet to the Point of Beginning.

ALL OF SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.