

RESOLUTION NO. 08-687

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING WITH CONDITIONS A REVISED FINAL PLAT APPROVAL ENTITLED DUNNHILL COVE FIRST ADDITION SUBMITTED IN ACCORDANCE WITH DIVISION 3.8(a)5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR PROPERTY GENERALLY LOCATED SOUTH OF 162ND STREET BETWEEN 83RD PLACE AND 87TH AVENUE, MIAMI LAKES, FLORIDA IN THE RU-1 RESIDENTIAL DISTRICT TO REFLECT CURRENT OWNERSHIP PRIOR TO RECORDING OF THE SUBJECT PLAT; PROVIDING FOR APPROVAL WITH CONDITIONS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Division 3.8(a)5 of the Town of Miami Lakes Land Development Code (the "Town LDC"), F78-3, LLC ("the Applicant") has applied for a revised approval of a final plat, a copy of which is attached hereto as Exhibit "A", for property legally described as:

Tract 48 of Florida Fruitland's Company's Subdivision No. 1 as recorded in Plat Book 2, at Page 17 of the Public Records of Miami-Dade County, Florida.

generally located South of N.W. 162nd Street between 83rd place and 87th Avenue, Miami Lakes, Florida; and

WHEREAS, T-plat approval (T-Plat No. T-17762) was previously granted by the Miami Dade County Plat Approval Committee and extension through February 22, 2008; and

WHEREAS, a Final Plat was approved by the Town of Miami Lakes as per Resolution 04-260, passed on November 16, 2004; and

WHEREAS, the originally approved Final Plat reflects the names of the then owners, Lowell and Betty Dunn; and

WHEREAS, the property has been transferred to F78-3, LLC, a Florida limited liability corporation with Betty L. Dunn as the sole managing member; and

WHEREAS, the Applicant has requested modification to the approved “Dunnhill Cove First Addition” Final Plat to reflect current ownership in the name of the corporation pursuant to requirements of Miami Dade County requirements and Section 3.8(a)5 of the Town of Miami Lakes Land Development Code; and

WHEREAS, the Director of Planning and Development, acting as the Administrative Official, determined that the Applicant has met all the conditions and prerequisites to revised final

plat approval contained in the Town LDC, the Miami-Dade County Code and imposed by the Miami-Dade Plat Committee; and

WHEREAS, the Director of Planning and Development has recommended approval of the final plat, with conditions as set forth in the Staff Analysis and Recommendation, a copy of which is on file in the Town of Miami Lakes Clerk's Office and incorporated into this Resolution by reference; and

WHEREAS, in accordance with Division 3.9 of the Town LDC, proper notice was posted, published and mailed to the appropriate property owners of record; a public hearing was held on September 23, 2008 at 5:05 p.m. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, Florida 33014; and all interested parties had an opportunity to address their comments to the Town Council; and

WHEREAS, Town staff has reviewed the application and recommends approval subject to conditions, of the Requested Final Plat Modification, as set forth in the Town of Miami Lakes Staff Analysis and Recommendation, a copy of which is on file in the Town of Miami Lakes Clerk's Office and incorporated into this Resolution by reference.

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. Approval of Final Plat.

The request for revised final plat for “Dunnhill Cove First Addition”, as legally described herein, is hereby approved with conditions.

Section 3. Conditions.

1. The Applicant shall comply with all requirements of Chapter 28 of the Miami Dade County Code as per Miami-Dade County approved Tentative Plat No. 17762.
2. That all the conditions of Resolution No. 04-260 with respect to the previously approved Final Plat for the subject property shall remain in full force and effect.
3. The Applicant shall submit all administrative site plans for approval in keeping with the Declaration of Restrictions recorded in Official Records Book 17727 on Page 486 of the Official Records of Miami-Dade County, Florida, providing that the density on the subject property shall be limited to a maximum of 6.0 dwelling units per gross acre.
4. The Applicant shall comply with all requirements and obtain approval from the Miami-Dade County Department of Environmental Resources Management (DERM) and the

Miami-Dade County Water and Sewer Department (MDWASA), including but not limited to approval for water and sewer plans, prior to issuance of a final building permit.

5. The Applicant shall be required to install underground utilities, including franchised utilities, power and light, telephone and telegraph, water, sewer, cable television, wiring to street-lights and gas in compliance with Town Code Section 3.8(b)24 to meet with the approval of the Town Engineer prior to issuance of a final building permit.
6. The Applicant shall record a Unity of Title for the subject parcel in a form approved by the Town Attorney to be released by the Town Manager upon the completion of the following conditions:
 - a. submittal of a valid certification of exemption, a concurrency reservation, or a conditional concurrency reservation; and
 - b. acceptance of all dedications of landscaping, public space, parks, streets, or other like improvements by the Town Council pursuant to 3.8(k), meeting the standards of the Town Land Development Code, including submission of any required environmental audits; and
 - c. submission of an executed agreement, meeting with the approval of the Town attorney, guaranteeing all improvements against defect in workmanship and materials for one year after acceptance of such improvements.
7. The Applicant shall provide an updated Opinion of Title, in a form approved by the Town Attorney, before the final plat is transmitted to the County for recordation.
8. No certificate of occupancy shall be issued until the final plat is recorded.

Section 4. Violation of Conditions.

Failure to adhere to the terms and conditions of this Resolution in Section 3, if any, shall be considered a violation of the Town LDC and persons found violating the conditions shall be subject to the penalties prescribed by the Town LDC, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town LDC before it may commence construction or operation, and that the foregoing approval(s), if any, in this Resolution may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town LDC.

Section 5. Authorization.

Subject to review by the Town Attorney, the Town Manager, the Town Clerk and Town Surveyor are authorized to sign the final plat and to execute any other needed documents consistent with and to implement the intent of the Town Council.

Section 6. Appeal.

In accordance with Division 3.10 of the Town LDC, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council by filing a Writ of

Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 7. Effective Date.

This Resolution shall take effect immediately upon adoption by the Town Council.

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The foregoing Resolution was adopted by motion as provided herein by Councilmember Robert Meador and seconded by Councilmember Mary Collins, by a vote of 7-0 with each Town Councilmember voting as follows:

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Nancy Simon	<u>yes</u>
Councilmember Roberto Alonso	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Robert Meador II	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Richard Pulido	<u>yes</u>

PASSED AND ADOPTED this 23 day of September 2008.

This Resolution was filed in the Office of the Town Clerk on this 25 day of September, 2008.

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:

Kathryn M. Helfman
WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L., TOWN ATTORNEY

"DUNNHILL COVE FIRST ADDITION"

PLAT BOOK _____ PAGE _____

A REPLAT OF A PORTION OF TRACT 48 OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1 AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA LYING IN SECTION 15, TOWNSHIP 52 SOUTH, RANGE 40 EAST, TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA.

ROBAYNA AND ASSOCIATES, INC.
CONSULTING ENGINEERS PLANNERS SURVEYORS
AUGUST 2003

DEDICATION

KNOW ALL MEN BY THESE PRESENTS

THAT F78-3 LLC, A FLORIDA LIMITED LIABILITY COMPANY HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "DUNNHILL COVE FIRST ADDITION", THE SAME BEING A REPLAT OF THE FOLLOWING DESCRIBED PROPERTY.

LEGAL DESCRIPTION: DUNNHILL COVE FIRST ADDITION

THE NORTH 150 FEET OF TRACT 48 OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1 IN SECTION 15, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA LYING WITHIN THE NORTH 180.00 FEET OF THE WEST 1/2 OF THE SW 1/4 OF SAID SECTION 15.

MIAMI-DADE COUNTY PLAT RESTRICTIONS

THAT INDIVIDUAL WELLS SHALL NOT BE PERMITTED WITHIN THE SUBDIVISION, EXCEPT FOR SWIMMING POOLS, SPRINKLER SYSTEM AND/OR AIR CONDITIONERS.

THAT ALL NEW ELECTRIC AND COMMUNICATION LINES, EXCEPT TRANSMISSION LINES WITHIN THIS SUBDIVISION, SHALL BE INSTALLED UNDERGROUND.

THE USE OF SEPTIC TANKS WILL NOT BE PERMITTED WITHIN THE SUBDIVISION UNLESS APPROVED FOR TEMPORARY USE IN ACCORDANCE WITH COUNTY AND STATE REGULATIONS.

THAT RETAINMENT TO THE LAKE ARE TO BE GRADED TO PREVENT OVERLAND STORMWATER DISCHARGE INTO THE LAKE.

THE SIGNAL UTILITY EASEMENT AS SHOWN ON THE ATTACHED PLAT IS HEREBY PROVIDED FOR THE INSTALLATION AND MAINTENANCE OF TRAFFIC SIGNAL EQUIPMENT AND/OR STREET LIGHTS.

TOWN OF MIAMI LAKES RESTRICTIONS

THAT THE 182ND STREET, NW 85TH AVENUE AND NW 87TH AVENUE, AS SHOWN ON THE ATTACHED PLAT, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING, TREES, SHRUBBERY AND FIRE HYDRANTS THEREON ARE HEREBY DEDICATED TO THE PERPETUAL USE OF THE PUBLIC FOR PROPER PURPOSES, RESERVING TO THE DEDICATOR, THEIR SUCCESSORS OR ASSIGNS THE REVERSION OR REVERSIONS THEREOF, WHENEVER DISCONTINUED BY LAW.

THAT THE LAKE SHOWN HEREON IS HEREBY RESERVED TO THE JOINT USE OF ALL ADJUTING PROPERTY OWNERS, RESERVING A PUBLIC RIGHT IN SAID LAKE AS A STORAGE BASIN FOR STORM WATER DISCHARGE AND SHALL BE OWNED AND MAINTAINED IN ACCORDANCE WITH THE TOWN OF MIAMI LAKES APPROVED HOMEOWNER'S ASSOCIATION OR MAINTAINED BY A MIAMI-DADE COUNTY SPECIAL TAXING DISTRICT.

OWNER'S PLAT RESTRICTIONS

THE UTILITY EASEMENTS AS SHOWN ON THIS PLAT BY DASHED LINES ARE HEREBY RESERVED FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES.

ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL BE ALSO EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES, PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

IN WITNESS WHEREOF:

F78-3 LLC A FLORIDA LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED IN ITS COMPANY NAME BY ITS MANAGING MEMBER AND ITS COMPANY SEAL TO BE HERETO AFFIXED IN THE PRESENCE OF THIS TWO WITNESSES.

THIS 15th DAY OF September 2003

WITNESSES:

Eric Hernandez BY Betty L. Dunn SEAL
(PRINT NAME) ERIC HERNANDEZ (PRINT NAME) BETTY L. DUNN, MANAGING MEMBER

WITNESSES:

Yago Ovalles
(PRINT NAME) YAGO OVALLES

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGEMENTS, BETTY L. DUNN, MANAGING MEMBER OF F78-3, LLC, WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED _____ AS IDENTIFICATION AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HER FREE ACT AND DEED AS SUCH OFFICER FOR THE PURPOSES THEREIN EXPRESSED AND WHO DID TAKE AN OATH.

WITNESS MY HAND AND OFFICIAL SEAL THIS 15th DAY OF September, A.D. 2003

NOTARY PUBLIC Kenny M. Rangel
STATE OF FLORIDA
COMMISSION NUMBER 90-000000 PD60667
MY COMMISSION EXPIRES JANU 9, 2011



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT ENTITLED "DUNNHILL COVE FIRST ADDITION" IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS AS RECENTLY SURVEYED AND PLATTED UNDER MY DIRECTION, ALSO THAT THE PERMANENT REFERENCE MONUMENTS WERE IN PLACE ON THE 15th DAY OF September, 2003 IN ACCORDANCE WITH CHAPTER 177, PART 1 OF THE FLORIDA STATUTES.

BY: Carlos A. Hernandez P.S.M. #3718
STATE OF FLORIDA



ROBAYNA AND ASSOCIATES, INC.
CONSULTING ENGINEERS PLANNERS SURVEYORS
5628 NW 156th STREET MIAMI LAKES, FL 33014
LD 0004

MIAMI-DADE COUNTY APPROVAL:

THIS IS TO CERTIFY THAT THIS PLAT APPEARS TO CONFORM TO ALL OF THE REQUIREMENTS OF CHAPTER 28 OF THE MIAMI-DADE COUNTY CODE.

CERTIFIED THIS _____ DAY OF _____, A.D. 2003.

SIGNED _____ DIRECTOR
MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT

BOARD OF COUNTY COMMISSIONERS

ATTEST: CLERK OF THE CIRCUIT COURT

BY _____ DEPUTY CLERK

RECORDING STATEMENT

FILED FOR RECORD THIS _____ DAY OF _____, 2003, AT _____ IN BOOK _____ OF PLATS
AT PAGE _____ OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THIS PLAT COPIES WITH
THE LAWS OF THE STATE OF FLORIDA AND MIAMI-DADE COUNTY, FLORIDA.

HARVEY RUVIN, THE CLERK OF THE CIRCUIT COURT

BY _____
DEPUTY CLERK

NOTICE
THIS PLAT AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DEPOSITION OF THE SUBDIVISION DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLEMENTED IN ANY OTHER FORM OR BY OTHER MEANS. ANY CHANGES TO THE PLAT SHALL NOT BE ACCEPTED UNLESS THEY ARE RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY.

THIS PLAT HAS BEEN REVIEWED BY THE FOLLOWING PROFESSIONAL SURVEYOR & MAPPER UNDER CONTRACT TO THE TOWN OF MIAMI LAKES IN ACCORDANCE WITH SECTION 177.001(1) FLORIDA STATUTES, WHO AGREES THAT THE LOTS AND TRACTS AND OTHER FEATURES AS SHOWN ON THIS PLAT CONFORM TO CHAPTER 177.001(1), FLORIDA STATUTES.

THIS 16th DAY OF September A.D. 2003

BY: E.C. Davis
PROFESSIONAL SURVEYOR AND MAPPER No. 8178
STATE OF FLORIDA

