

RESOLUTION NO. 08-688

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING WITH CONDITIONS A FINAL PLAT ENTITLED LAKE HOUSE APARTMENTS SUBMITTED IN ACCORDANCE WITH DIVISION 3.8 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE TO APPROVE SAID FINAL PLAT OF PROPERTY LOCATED IN THE RM-13 RESIDENTIAL DISTRICT, GENERALLY LOCATED EAST OF NW 84TH COURT AND SOUTH OF COMMERCE WAY, MIAMI LAKES, FLORIDA; 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.F.3 of the Town of Miami Lakes Land Development Code (the "Town LDC"), The Graham Companies ("the Applicant") has applied for approval of a final plat, a copy of which is attached hereto as Exhibit "A", for property legally described as:

A PORTION OF Tracts 22, 23, and 24, "CHAMBERS LAND COMPANY SUBDIVISION" of the Southwest ¼ of Section 22, Township 52 South, Range 40 East, according to the plat thereof, as recorded in Plat Book 2, at Page 68, of the Public Records of Dade County, Florida, including a portion of Right-Of-Way for N.W. 87th Avenue Overpass and Service Road, as recorded in Official Records

Book 10551, Page 2501, Public Records of Miami-Dade County, Florida and being more particularly described as follows:

Commence at the Southwest corner of said Section 22; thence run North 02 degrees 13 minutes 43 seconds West, along the West line of the Southwest  $\frac{1}{4}$  of said Section 22, for 70.06 feet; thence South 89 degrees 54 minutes 23 seconds East, along a line parallel with and 70.00 feet North of, as measured at right angles to, the South line of the Southwest  $\frac{1}{4}$  of said Section 22, for 1014.14 feet to the Point of Beginning of the following described parcel of land; thence North 00 degrees 05 minutes 37 seconds East, along the East boundary of Tract "A", "LUXCOM AT MIAMI LAKES", according to the plat thereof, as recorded in Plat Book 155, at Page 65, Public Records of Miami-Dade County, Florida, for 1109.34 feet, thence South 89 degrees 54 minutes 23 seconds East, along the Southerly Right-Of-Way line of Commerce Way, for 821.70 feet; thence South 00 degrees 05 minutes 37 seconds West, along the Westerly Boundary Line of Tract "D" and its Southerly prolongation for 1109.34 feet (last mentioned two courses are coincident in part with the Boundary lines of "MIAMI LAKES BUSINESS PARK 22-2", according to the plat thereof, as recorded in Plat Book 149, at Page 15 and Tract "F", "MIAMI LAKES BUSINESS PARK SECTION TWO", according to the plat thereof, as recorded in Plat Book 156, at Page 68, and Tract "G", "MIAMI LAKES BUSINESS PARK SECTION THREE", according to the plat thereof, as recorded in Plat Book 157, at Page 50, all of the Public Records of Miami-Dade County, Florida); thence North 89 degrees 54 minutes 23 seconds West, along a line parallel with and 70.00 feet North of, as measured at right angles to, the South line of the Southwest  $\frac{1}{4}$  of said Section 22, for 821.70 feet, to the Point of Beginning.

generally located east of NW 84th Court and south of Commerce Way, Miami Lakes, Florida,

Folio # 32-2022-001-0650; and

**WHEREAS**, a preliminary plat for the above described property was approved by the Town Council on November 7, 2007 (Resolution No. 07-597Z) and a Tentative Plat was approved by the Miami-Dade County Plat Committee on February 15, 2008 (Tentative Plat No. T-22926-1); 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 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 16, 2008 at 6:00 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.

**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/Approval with Conditions/Denial of Preliminary Plat.**

The final plat for Lake House Apartments, 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. 22926-1.
2. 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 lake excavation and water and sewer plans, prior to issuance of a final building permit.
3. The Applicant shall submit all administrative site plans for approval pursuant to Resolution Z-185-96 and the Declaration of Restrictions recorded in Official Records Book 17727 on Page 486 of the Official Records of Miami-Dade County,

Florida, to the Miami Dade County Fire Rescue Department for review and comment.

4. The Applicant shall provide prior to recording of final plat approval evidence of transit amenities pursuant to Resolution Z-185-96, at no cost to the Town of Miami Lakes, to include but not be limited to transit pedestrian/wheelchair ramps, bus pull-out bay, and a bus shelter, unless otherwise waived by Miami-Dade County, Florida, prior to recording of the final plat. If a bus shelter is required, no building permit shall be issued unless the bus shelter easement is recorded.
5. No development work shall be allowed on the property until a unity of title in a form approved by the Town Attorney is recorded and 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 4, 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.

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

The foregoing Resolution was adopted by motion as provided herein by Councilmember Nancy Simon and seconded by Councilmember Mary Collins, by a vote of 3-1 with each Town Councilmember voting as follows:

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Nancy Simon	<u>yes</u>
Councilmember Roberto Alonso	<u>absent</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Robert Meador II	<u>absent</u>
Councilmember Michael Pizzi	<u>no</u>
Councilmember Richard Pulido	<u>absent</u>

PASSED AND ADOPTED this 16 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. Mahaffey  
WEISS SEROTA HELLMAN PASTORIZA  
COLE & BONISKE, P.L. TOWN ATTORNEY

# LAKE HOUSE APARTMENTS

PLAT BOOK

BEING A REPLAT OF A PORTION OF TRACTS 22, 23 AND 24, "CHAMBER'S LAND COMPANY SUBDIVISION", OF SECTION 22, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 68 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA.

SHEET 1 OF 3 SHEETS

Prepared by  
**Singer & Sons, Inc.**  
Surveyors and Engineers  
1000 Commercial Ave., Miami, Florida

### KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, **Singer & Sons, Inc.**, a Florida corporation, do hereby certify that the attached plat, together with all covenants and restrictions thereon, was prepared by the undersigned and is a true and correct copy of the original as the same appears in the public records of Miami-Dade County, Florida, and also as more fully described as follows:

**LEGAL DESCRIPTION:** BEING A REPLAT OF A PORTION OF TRACTS 22, 23 AND 24, "CHAMBER'S LAND COMPANY SUBDIVISION", OF SECTION 22, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 68 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA, AND ALSO AS MORE FULLY DESCRIBED AS FOLLOWS:

**OWNER'S PLAT RESTRICTIONS:** THAT THE BODIES, COERCES AND UTILITY COVENANTS, AS SHOWN ON THE ATTACHED PLAT, IS HEREBY REPEALED FOR THE OWNERS, THEIR HEIRS, SUCCESSORS, AGENTS, TENANTS, LESSEES AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, THE UTILITY EASEMENTS, AND ALL RIGHTS OF THE PUBLIC, AND THE PLAT SHALL BE SUBJECT TO THE EASEMENTS AND RESTRICTIONS OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**MIAMI-DADE COUNTY PLAT RESTRICTIONS:** THAT THE BODIES, COERCES AND UTILITY COVENANTS, AS SHOWN ON THE ATTACHED PLAT, IS HEREBY REPEALED FOR THE OWNERS, THEIR HEIRS, SUCCESSORS, AGENTS, TENANTS, LESSEES AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, THE UTILITY EASEMENTS, AND ALL RIGHTS OF THE PUBLIC, AND THE PLAT SHALL BE SUBJECT TO THE EASEMENTS AND RESTRICTIONS OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**ACKNOWLEDGMENT:** I, **HERBERT C. WILKINSON**, President of **THE GRAHAM COMPANIES**, a Florida corporation, do hereby certify that the attached plat, together with all covenants and restrictions thereon, was prepared by the undersigned and is a true and correct copy of the original as the same appears in the public records of Miami-Dade County, Florida, and also as more fully described as follows:

**ACKNOWLEDGMENT:** I, **HERBERT C. WILKINSON**, President of **THE GRAHAM COMPANIES**, a Florida corporation, do hereby certify that the attached plat, together with all covenants and restrictions thereon, was prepared by the undersigned and is a true and correct copy of the original as the same appears in the public records of Miami-Dade County, Florida, and also as more fully described as follows:

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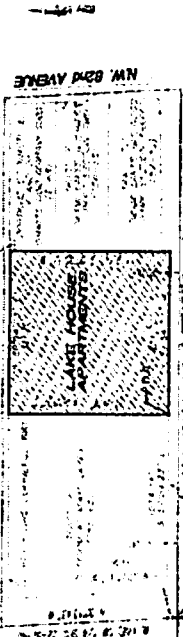
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**LOCATION MAP**  
TOWNSHIP 52 SOUTH, RANGE 40 EAST  
SCALE 1" = 50'  
TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA

**TOWNSHIP OF MIAMI LAKES APPROVALS:**  
APPROVED AND ORDERED AS SHOWN ON THE PLAT, TOGETHER WITH ALL COVENANTS AND RESTRICTIONS THEREON, BY THE BOARD OF TOWNSHIP COMMISSIONERS OF THE TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA, THIS 15th DAY OF AUGUST, 1960.

**MIAMI-DADE COUNTY APPROVALS:**  
APPROVED AND ORDERED AS SHOWN ON THE PLAT, TOGETHER WITH ALL COVENANTS AND RESTRICTIONS THEREON, BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, THIS 15th DAY OF AUGUST, 1960.

**RECORDING STATEMENT:**  
THIS PLAT AND ALL COVENANTS AND RESTRICTIONS THEREON, TOGETHER WITH ALL COVENANTS AND RESTRICTIONS THEREON, WAS PREPARED BY THE UNDERSIGNED AND IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS THE SAME APPEARS IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**SURVEYOR'S NOTES:**  
I, **HERBERT C. WILKINSON**, Surveyor, do hereby certify that the attached plat, together with all covenants and restrictions thereon, was prepared by the undersigned and is a true and correct copy of the original as the same appears in the public records of Miami-Dade County, Florida, and also as more fully described as follows:

**RECORDING STATEMENT:**  
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# LAKE HOUSE APARTMENTS

PLAT BOOK \_\_\_\_\_

PAGE \_\_\_\_\_

SHEET 2 OF 2 SHEETS

BEING A REPLAT OF A PORTION OF TRACTS 22, 23 AND 24, "CHAMBER'S LAND COMPANY SUBDIVISION", OF SECTION 22, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LYING AND BEING IN THE TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA.

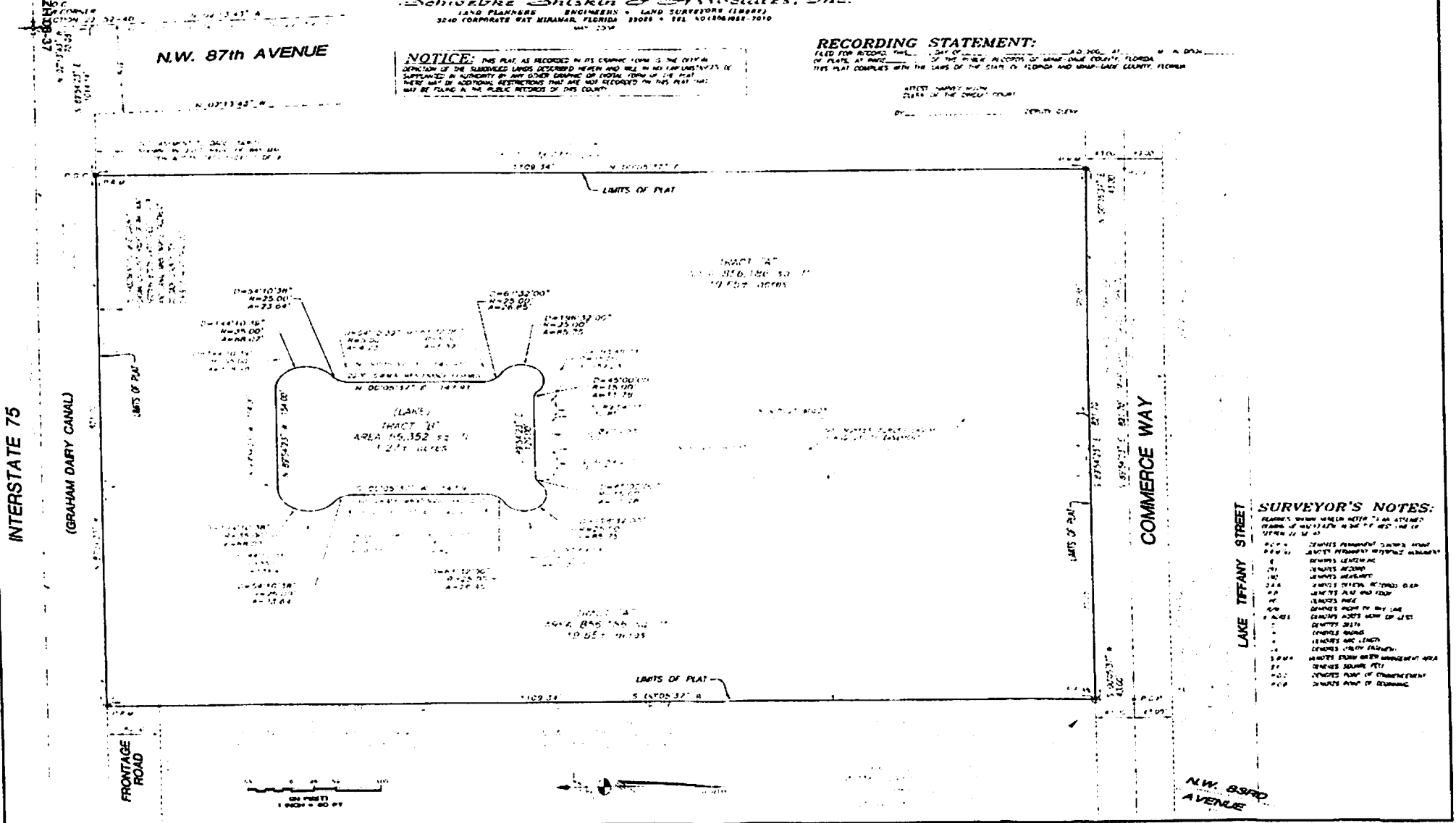
PREPARED BY  
*Schwarbke Shilkin & Associates, Inc.*  
LAND PLANNERS ENGINEERS & LAND SURVEYORS (LICENSED)  
3240 CORPORATE WAY MIAMI, FLORIDA 33106 • TEL. 101586-9111-7010  
MAY 1978

### RECORDING STATEMENT:

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 1978, AT \_\_\_\_\_ OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THIS PLAT COMPLES WITH THE LAWS OF THE STATE OF FLORIDA AND MIAMI-DADE COUNTY, FLORIDA.

**NOTICE:** THIS PLAT, AS RECORDED IN ITS CORNER, IS THE OFFICIAL COPY OF THE SUBDIVISION LOTS DESCRIBED HEREIN AND WILL BE SO TREATED UNLESS IT IS SUPERSEDED BY A SUBSEQUENT RECORDING OF TITLES, TERMS OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED IN THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

STREET NAMES AND PLATS OF THE CIRCUIT COURT  
BY \_\_\_\_\_ COUNTY CLERK



**SURVEYOR'S NOTES:**  
 1. READER'S SHOULD REFER TO THE PLAT BOOK 2 AT PAGE 68 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA FOR THE ORIGINAL PLAT OF TRACTS 22, 23 AND 24.  
 2. THE LOTS DESCRIBED IN THIS PLAT ARE THE SAME AS THOSE DESCRIBED IN THE ORIGINAL PLAT.  
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N.W. 87th AVENUE