

RESOLUTION NO. 08-689

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING WITH CONDITIONS A WAIVER OF PRELIMINARY PLAT AND FINAL PLAT APPROVAL ENTITLED DUNNHILL ISLE SUBMITTED IN ACCORDANCE WITH DIVISION 3.8 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR PROPERTY GENERALLY LOCATED SOUTH OF NORTHWEST 162ND STREET AND EAST OF NORTHWEST 87TH AVENUE, MIAMI LAKES, FLORIDA IN THE RU-1 RESIDENTIAL DISTRICT; 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 of the Town of Miami Lakes Land Development Code (the "Town LDC"), F78-3, LLC ("the Applicant") has applied for waiver of preliminary plat and approval of a final plat, a copy of which is attached hereto as Exhibit "A", for property legally described as:

All of Tracts 47 and 48 of Florida Fruitland Company's Subdivision No. 1 being and lying in Section 15, Township 54 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 and Less All that part of Tract 48 of Fruitland Company's Subdivision No. 1 of

Section 15, Township 52 South, Range 40 East, according to the Plat thereof recorded in Plat Book 2, at page 17 of the Public Records of Miami-Dade County, Florida Lying within the North 165 feet of the west ½ of the SW ¼ of said Section 15. Tentative Plat No. T-21381-6 approved on 2-22-08 by the Miami-Dade County Plat Committee.

generally located South of N.W. 162nd Street and East of N.W. 87th Avenue, Miami Lakes, Florida, Folio # 32-2022-001-0650; and

**WHEREAS**, a Tentative Plat was approved by the Miami-Dade County Plat Committee on October 17, 2003 and said Tentative Plat Approval was extended by the Miami-Dade county Plat Committee on February 22, 2008 (Tentative Plat No. T-21381-6); and

**WHEREAS**, the Town of Miami Lakes, in Resolution 07-528, and Miami-Dade County, in Ordinance No. 08-38, included the area within the Royal Oaks Section 1 Security Guard Special Taxing District; and

**WHEREAS**, the Director of Planning and Development, acting as the Administrative Official, determined that the Applicant has met all the conditions and prerequisites for 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 for waiver of preliminary plat and 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 of Waiver and of Final Plat with Conditions.**

The waiver of preliminary plat and request for final plat for Dunnhill Isle, as legally described herein, are 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. 21381-6.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
  7. No certificate of occupancy shall be issued until the final plat is recorded said plat to be recorded only after the recordation of the “Dunhill Cove First Addition” final plat as approved via Resolution 04-260.

**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.

The foregoing Resolution was adopted by motion as provided herein by Councilmember Nancy Simon and seconded by Councilmember Mary Collins, by a vote of 4-0 with each Town Councilmember voting as follows:

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

PASSED AND ADOPTED this 10 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 McHaffey  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.L. TOWN ATTORNEY

# "DUNNHILL ISLE"

A REPLAT OF TRACT 47 AND 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 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 2004 JOB No 020188

### DEDICATION

THESE PLATS ARE DEDICATED TO THE PUBLIC USE OF THE STATE OF FLORIDA AND THE COUNTY OF MIAMI-DADE, FLORIDA, AND THE TOWN OF MIAMI LAKES, FLORIDA, FOR THE PURPOSES OF THE PLATS HEREIN.

### LEGAL DESCRIPTION

**DUNNHILL ISLE**

THESE PLATS ARE DEDICATED TO THE PUBLIC USE OF THE STATE OF FLORIDA AND THE COUNTY OF MIAMI-DADE, FLORIDA, AND THE TOWN OF MIAMI LAKES, FLORIDA, FOR THE PURPOSES OF THE PLATS HEREIN.

### MIAMI-DADE COUNTY PLAT RESTRICTIONS

THESE PLATS ARE DEDICATED TO THE PUBLIC USE OF THE STATE OF FLORIDA AND THE COUNTY OF MIAMI-DADE, FLORIDA, AND THE TOWN OF MIAMI LAKES, FLORIDA, FOR THE PURPOSES OF THE PLATS HEREIN.

### TOWN OF MIAMI LAKES RESTRICTIONS

THESE PLATS ARE DEDICATED TO THE PUBLIC USE OF THE STATE OF FLORIDA AND THE COUNTY OF MIAMI-DADE, FLORIDA, AND THE TOWN OF MIAMI LAKES, FLORIDA, FOR THE PURPOSES OF THE PLATS HEREIN.

### OWNERS PLAT RESTRICTIONS

THESE PLATS ARE DEDICATED TO THE PUBLIC USE OF THE STATE OF FLORIDA AND THE COUNTY OF MIAMI-DADE, FLORIDA, AND THE TOWN OF MIAMI LAKES, FLORIDA, FOR THE PURPOSES OF THE PLATS HEREIN.

### IN WITNESS WHEREOF

THESE PLATS ARE DEDICATED TO THE PUBLIC USE OF THE STATE OF FLORIDA AND THE COUNTY OF MIAMI-DADE, FLORIDA, AND THE TOWN OF MIAMI LAKES, FLORIDA, FOR THE PURPOSES OF THE PLATS HEREIN.

### ACKNOWLEDGMENT

THESE PLATS ARE DEDICATED TO THE PUBLIC USE OF THE STATE OF FLORIDA AND THE COUNTY OF MIAMI-DADE, FLORIDA, AND THE TOWN OF MIAMI LAKES, FLORIDA, FOR THE PURPOSES OF THE PLATS HEREIN.

### TOWN OF MIAMI LAKES APPROVAL

THESE PLATS ARE DEDICATED TO THE PUBLIC USE OF THE STATE OF FLORIDA AND THE COUNTY OF MIAMI-DADE, FLORIDA, AND THE TOWN OF MIAMI LAKES, FLORIDA, FOR THE PURPOSES OF THE PLATS HEREIN.

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### SURVEYORS CERTIFICATE

THESE PLATS ARE DEDICATED TO THE PUBLIC USE OF THE STATE OF FLORIDA AND THE COUNTY OF MIAMI-DADE, FLORIDA, AND THE TOWN OF MIAMI LAKES, FLORIDA, FOR THE PURPOSES OF THE PLATS HEREIN.

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### MIAMI-DADE COUNTY APPROVAL

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### RECORDING STATEMENT

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