

**RESOLUTION NO. 17-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A REQUEST IN ACCORDANCE WITH SUBSECTION 13-308(F)(3) OF THE LAND DEVELOPMENT CODE FOR A FINAL PLAT ENTITLED “TGC LAKESIDE SOUTH”, SUBMITTED FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF COMMERCE WAY AND NW 82<sup>ND</sup> AVENUE, MIAMI LAKES, FLORIDA, IN THE IU-C ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Subsection 13-308(f)(3) of the Town of Miami Lakes (“Town”) Land Development Code (“LDC”), TGC BPW South, LLC (the “Applicant”) has applied to the Town for approval of a Final Plat, a copy of the Plat being attached hereto as **Exhibit “A”** and incorporated herein by reference (“Final Plat”), for property generally located at the southwest corner of Commerce Way and NW 82<sup>nd</sup> Avenue, Miami-Dade Tax Folio No. 32-2022-001-0530 (“Property”), as legally described in **Exhibit “B”**, and containing approximately 5.308 acres of land; and

**WHEREAS**, Subsection 13-308(f)(3) of the Town LDC sets forth the authority of the Town Council to consider and act upon an application for a Final Plat; and

**WHEREAS**, on December 6, 2016, the Town Council adopted Resolution No. 16-1418 approving the associated preliminary plat, and the proposed Final Plat is consistent with that approved preliminary plat; and

**WHEREAS**, in accordance with Section 13-309 of the Town LDC, proper notice was mailed to the appropriate property owners of record, the property was posted as required and the

hearing was duly advertised in the newspaper; the public hearing on the Final Plat was noticed for Tuesday, May 2<sup>nd</sup>, 2017 at 6:30 P.M. at Town Hall, 6601 Main Street, Miami Lakes, Florida; and all interested parties have had the 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 request for Final Plat Approval, 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; and

**WHEREAS**, the Director of Planning, acting as the Administrative Official, has determined that the Application has met the conditions and prerequisites imposed in Section 13-308 of the LDC; and

**WHEREAS**, the Town Council, in accordance with Section 13-308(f)(3) has considered the criteria for adoption of a Final Plat; and

**WHEREAS**, the Town Council considered the written recommendations of staff, other reviewing agencies, and testimony by the public.

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

**Section 1. Recitals.** The above Recitals are true and correct and incorporated herein by this reference.

**Section 2. Findings.** In accordance with Section 13-308(f)(3), the Town Council finds that the application meets the criteria for a Final Plat approval which are further detailed in the Staff Report which is incorporated herein by reference.

**Section 3. Approval of Final Plan.** The Final Plat, as attached hereto at Exhibit A, entitled “TGC Lakeside South”, as prepared by Schwebke-Shiskin and Associates, Inc., consisting of two (2) sheets signed by Mark Steven Johnson, State of Florida Professional Surveyor and Mapper No. 4775, on January 24<sup>th</sup> 2017, is hereby approved subject to the following conditions:

1. The Applicant shall comply, prior to final plat approval, with all platting requirements of the Town LDC and Chapter 28 of the Miami-Dade County Code.
2. Upon recordation of the final plat, the Applicant shall provide the Town with one signed and sealed original and one digital copy.

**Section 4. Violation of Conditions.** Failure to adhere to the terms and conditions of this Resolution 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 must comply with all other applicable requirements of the Town LDC before it may commence operation, and that the foregoing approval 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 the Town Surveyor are authorized to sign the face of the Final Plat and to execute any other required documents necessary for approval of the Final Plat consistent with and to implement the intent of the Town Council.

**Section 6. Appeal.** In accordance with Section 13-310 of the Town LDC, the Applicant or any affected party may seek review of development orders of the Town Council by the filing of an action in the appropriate court as prescribed by Florida law.

**Section 7. Final Order**

**This is a Final Order**

**Section 8. Effective date.** This Resolution shall become effective immediately upon adoption hereof.

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**PASSED AND ADOPTED** this \_\_\_\_ day of May, 2017.

Motion to adopt by \_\_\_\_\_, second by \_\_\_\_\_.

**FINAL VOTE AT ADOPTION**

|                                |       |
|--------------------------------|-------|
| Mayor Manny Cid                | _____ |
| Vice Mayor Tony Lama           | _____ |
| Councilmember Luis Collazo     | _____ |
| Councilmember Tim Daubert      | _____ |
| Councilmember Ceasar Mestre    | _____ |
| Councilmember Frank Mingo      | _____ |
| Councilmember Nelson Rodriguez | _____ |

\_\_\_\_\_  
Manny Cid  
MAYOR

Attest:

Approved as to Form and Legal Sufficiency

\_\_\_\_\_  
Gina Inguanzo  
TOWN CLERK

\_\_\_\_\_  
Raul Gastesi  
TOWN ATTORNEY

This Resolution was filed in the Office of the Town Clerk on this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Gina Inguanzo  
Town Clerk

**Exhibit A**

**Final Plat**

## **Exhibit B**

### **Legal Description**

A PORTION OF TRACTS 5, 6 AND 24 IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 52 SOUTH, RANGE 40 EAST AS SHOWN ON THE PLAT OF "CHAMBERS LAND COMPANY SUBDIVISION," AS RECORDED IN PLAT BOOK 2 AT PAGE 68 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF TRACT "F", "MIAMI LAKES BUSINESS PARK SECTION TWO", AS RECORDED IN PLAT BOOK 156 AT PAGE 68, IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 02 DEGREES 13 MINUTES 40 SECONDS WEST FOR 295.60 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY AND NORTHWESTERLY ALONG A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 87 DEGREES 40 MINUTES 43 SECONDS FOR AN ARC DISTANCE OF 38.26 FEET TO A POINT OF TANGENCY; THENCE NORTH 89 DEGREES 54 MINUTES 23 SECONDS WEST FOR 645.09 FEET; (SAID LAST THREE COURSES BEING ALONG THE WEST RIGHT-OF-WAY LINE FOR N. W. 82ND AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF COMMERCE WAY AS SHOWN ON THE PLAT OF "MIAMI LAKES BUSINESS PARK 22-2", AS RECORDED IN PLAT BOOK 149 AT PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA); THENCE SOUTH 0 DEGREES 05 MINUTES 37 SECONDS WEST FOR 36.00 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 23 SECONDS WEST FOR 55.00 FEET; (SAID LAST TWO COURSES BEING ALONG THE EASTERLY AND SOUTHERLY LINES OF TRACT "D" OF THE SAID PLAT OF "MIAMI LAKES BUSINESS PARK 22-2"); THENCE SOUTH 0 DEGREES 05 MINUTES 37 SECONDS WEST ALONG THE EAST LINE OF THE PLAT OF "LAKE HOUSE APARTMENTS", AS RECORDED IN PLAT BOOK 168 AT PAGE 27 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA FOR 283.34 FEET; THENCE SOUTH 89 DEGREES 54 MINUTES 23 SECONDS EAST ALONG THE NORTH LINE OF THE AFORESAID TRACT "F", "MIAMI LAKES BUSINESS PARK SECTION TWO" FOR 737.04 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN THE TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA.

MIAMI-DADE COUNTY, FLORIDA, TAX FOLIO NO.'S 32-2022-001-0530 AND 32-2022-001-0650