

**RESOLUTION NO. 15-1336**

**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, APPROVING ALTERNATIVE METHODS FOR FINAL CONCURRENCY DETERMINATION FOR TRANSPORTATION 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**, F71-1, 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 (the “Original Site Plan”), 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 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 Owner has submitted an application to the Town for the consideration of an alternate site plan (the “New Site Plan”) that would allow the Property to be developed in accordance with either one of the New Site Plan or the Original Site Plan, at the Owner’s election;

**WHEREAS**, the Town is in the process of preparing and presenting to the Town Council for review and ratification a new “Alternative to Concurrency” to encourage multi-modal concurrency mitigation to supplement more traditional on and off-site transportation improvements (such as those contemplated by Section 9(b) of the Development Agreement);

**WHEREAS**, in an effort to provide flexibility in meeting the requirements set forth in Section 9(b) of the Development Agreement, the Town Council wishes to authorize the implementation and acceptance by Town Manager of any future alternative transportation concurrency mechanisms, including, but not limited to, those proposed in the “Alternative to Concurrency” study, in lieu of those improvements and conditions set forth in Section 9(b) of the Development Agreement;

**WHEREAS**, Section 9 (a) (iv) of the Development Agreement and Paragraph 14 of the Declaration contemplate the widening of NW 154<sup>th</sup> Street to four (4) lanes from the end of the 4 lane segment east of NW 87<sup>th</sup> Avenue to sixty (60) feet west of NW 89<sup>th</sup> Avenue;

**WHEREAS**, as part of the future development of the Property, the Owner will be required to prepare and submit to the Town and the County for review and approval plans for the

construction of NW 154<sup>th</sup> Street and to submit a surety to secure its obligation to improve NW 154<sup>th</sup> Street, as contemplated in the Development Agreement and the Declaration; and

**WHEREAS**, the Owner, its successor or assigns, will construct NW 154<sup>th</sup> Street as part of its development of the infrastructure for the Property.

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

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

**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 selecting, in its discretion, one or more of the following methods: (a) meeting the requirements set forth in Section 9 of the Development Agreement, (b) providing for alternative mitigation as set forth in the proposed "Alternative to Concurrency" study, as adjusted to account for the capacity created by any of the roadway improvements contemplated in the Development Agreement that are actually implemented; or (c) providing proportionate fair-share mitigation under the Town's Transportation Concurrency Management Regulations, as adjusted to account for the capacity created by any of the roadway improvements contemplated in the Development Agreement that are actually implemented. Moreover, the Owner shall have satisfied its obligations under Section 9 (a)(iv), Section 9(c) and Section 10 of the Development Agreement, Section 7 of the Ordinance and Paragraph 14 of the Declaration once the design plans for NW 154<sup>th</sup> Street have been approved by the Town and/or the County and a surety is in place to secure the Owner's obligation to build the remaining portions of NW 154<sup>th</sup> Street.

**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.

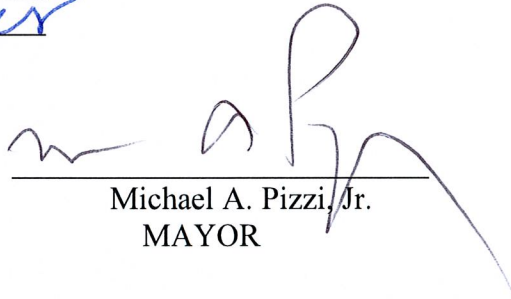
**PASSED AND ADOPTED** this 3rd day of November, 2015.

Motion to adopt by Ceasar Mestre, second by Manny Cid.

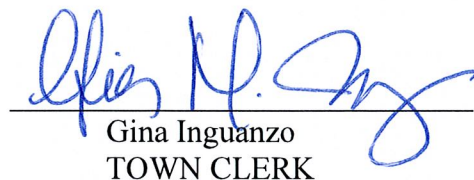
**FINAL VOTE AT ADOPTION**

Mayor Michael A. Pizzi, Jr.  
Vice Mayor Manny Cid  
Councilmember Tim Daubert  
Councilmember Tony Lama  
Councilmember Ceasar Mestre  
Councilmember Frank Mingo  
Councilmember Nelson Rodriguez

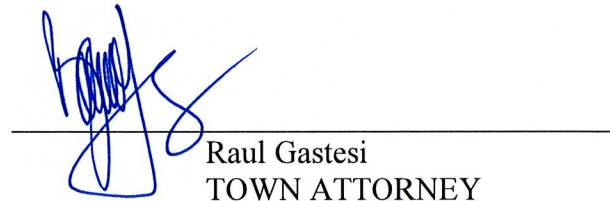
yes  
yes  
yes  
absent  
yes  
yes  
yes

  
\_\_\_\_\_  
Michael A. Pizzi, Jr.  
MAYOR

Attest:

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

Approved as to Form and Legal Sufficiency

  
\_\_\_\_\_  
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.