

RESOLUTION No. 2005-72-249-Z-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF 202 TERRACE, INC., TO MODIFY A CONDITION OF APPROVAL RELATING TO CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE REVOCATION OF A PREVIOUSLY RECORDED DECLARATION OF RESTRICTIONS; PROVIDING FOR A NEW DECLARATION OF RESTRICTIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, prior to the City of Miami Gardens being incorporated, Miami-Dade County approved Resolutions Nos. 4-ZAB-310-74, 4-ZAB-357-75, and CZAB-3-1-03 relating to certain property located at N.W. 202 Terrace, more particularly described on Exhibit "A" attached hereto (hereinafter "Property"), and

WHEREAS, there were conditions provided for in each of the aforementioned Resolutions, and

WHEREAS, 202 Terrace, Inc. ("Applicant"), now owns the Property, and

WHEREAS, the Applicant would like to amend Condition No. 2 of Resolution No. 4-ZAB-310-74 as last modified by 4-ZAB-357-75, as follows:

FROM: That in the approval of the plans the same be substantially in accordance with that submitted for the hearing entitled "Bakerman #3" as prepared by Frank Makowski and dated revised 10-17-75.

TO: That in the approval of the plans the same be substantially in accordance with that submitted for the hearing entitled "Willow Lake Townhomes" as prepared by Salazar Architectural Group Architects and Planners dated April 19, 2005 consisting of sheets: SP-1 through SP13 and landscape

plans entitled "Willow Lake" as prepared by JFS Design, Inc. dated April 21, 2005, consisting of sheets, TD-1, L-1 through L-4 and TU-1 through TU-3.

WHEREAS, the applicant is also requesting that the Declaration of Restrictions recorded in Official Records Book 21128 at Pages 2392 through 2398 of the Public Records of Miami-Dade County be revoked, and

WHEREAS, City Staff has reviewed the Applicant's request and is recommending that the City Council approve the Applicant's request, subject to certain conditions, and

WHEREAS, a public hearing on this matter has been held on May 11, 2005, and

WHEREAS, the City Council has reviewed the application, and approves the same, subject to certain additional conditions enumerated herein, and subject to a new Declaration of Restrictions,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. APPROVAL: The City Council for the City of Miami Gardens hereby approves a modification to Condition No. 2 provided for in Resolutions No. 4-ZAB-310-74, as last modified by Resolution No. 4-ZAB-357-75, relating to certain property located at N.W. 202 Terrace, more particularly described on Exhibit "A" attached hereto, as follows:

FROM: That in the approval of the plan the same be substantially in accordance with that submitted for the hearing entitled "Bakerman #3" as prepared by Frank Makowski and

dated revised 10-17-75.

TO: That in the approval of the plan the same be substantially in accordance with that submitted for the hearing entitled "Willow Lake Townhomes" as prepared by Salazar Architectural Group Architects and Planners dated April 19, 2005 consisting of sheets: SP-1 through SP13 and landscape plans entitled "Willow Lake" as prepared by JFS Design, Inc. dated April 21, 2005, consisting of sheets, TD-1, L-1 through L-4 and TU-1 through TU-3.

Section 3. **CONDITIONS:** The Applicant's request is approved subject to the following additional conditions:

1. That the Property be constructed substantially in accordance with the plans submitted for the hearing entitled "Willow Lake Townhomes" as prepared by Salazar Architectural Group Architects and Planners dated April 19, 2005 consisting of sheets: SP-1 through SP13 and landscape plans entitled "Willow Lake" as prepared by JFS Design, Inc. dated April 21, 2005, consisting of sheets, TD-1, L-1 through L-4 and TU-1 through TU-3.
2. That the Developer construct Northwest 202nd Terrace to the City's specifications, including, but not limited to, dedication of a total right-of-way of seventy (70) feet with a curb and gutter cross section with sidewalks on both sides. Sidewalks shall extend east and west of site to connect to existing sidewalks. The street shall include curbs, irrigation and plantings consisting of a minimum of 144 trees and 540 shrubs. The Developer shall mill and resurface from eastern project entrance to SR 7/US 441.
3. That the Developer re-surface and clean the Storm Water System at NW 202nd Terrace, adjacent to Developer's property.
4. That the Developer shall provide an access easement for a future bicycle and/or pedestrian facility adjacent to Snake Creek/Canal 9.
5. That the Developer shall work with City staff and to the extent feasible, without the necessity for a variance, provide an open green space area with amenities in the development.

6. That to offset some of the impacts of the development to the neighborhood, the Developer shall voluntarily pay the sum of \$20,000.00 to the City of Miami Gardens, of which it is intended that \$10,000.00 is to be contributed by the City to Miami Norland Middle School, and \$10,000.00 is to be used by the City to improve Andover Park.

Section 4. REVOCATION OF DECLARATION OF RESTRICTIONS:

Declaration of Restrictions previously recorded in Official Records Book 21128 at Pages 2392 through 2398 of the Public Records of Miami-Dade County is hereby revoked.

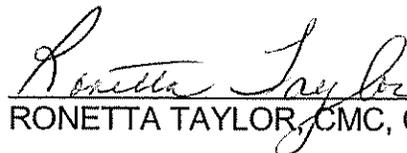
Section 5. DECLARATION OF RESTRICTIONS: The Declaration of Restrictions attached hereto as Exhibit "B," shall be recorded in the public records of Miami-Dade County.

Section 6. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON MAY 11, 2005.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilwoman Watson

SECONDED BY: Councilman Bratton

VOTE: 6-0

Mayor Gibson

(Yes) (No)

Vice Mayor Campbell

(Yes) (No) Out of town

Councilman Melvin L. Bratton

(Yes) (No)

Councilman Oscar Braynon, II

(Yes) (No)

Councilwoman Audrey J. King

(Yes) (No)

Councilwoman Sharon Pritchett

(Yes) (No)

Councilwoman Barbara Watson

(Yes) (No)

SKD/bfc

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