

## **RESOLUTION Z05-08**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING THE EXTENSION OF RESERVATION OF CAPACITY FOR BALMORAL SUBDIVISION, PHASES II AND III; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, A.N. Garcia Enterprises ("Applicant") has requested an extension of reservation of capacity for the Balmoral Subdivision, Phases II and III; and

**WHEREAS**, the subject property, generally located at NW 44 Terrace and NW 113 Court, was issued final plat approval on September 25, 2001 for a residential project consisting of 136 homes, lake, clubhouse, pool and an entrance feature; and

**WHEREAS**, the property was the subject of significant litigation which delayed the continuous progress of the project; and

**WHEREAS**, on July 31, 2003, the Applicant requested and received an extension of eighteen months in order to complete the project, however, litigation continued through June 25, 2004; and

**WHEREAS**, the Applicant is requesting an additional eighteen months in order to complete this project; and

**WHEREAS**, after careful review and deliberation, staff has determined that this application has complied with the Code and a hardship has been proven therefore necessitating an extension of reservation of capacity;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Resolution upon adoption hereof.

**Section 2.** The City Council of the City of Doral hereby approves the extension of reservation of capacity for the Balmoral Subdivision, Phases II and III, generally located at NW 44 Terrace and NW 113 Court, subject to the following conditions:

1. All expired permits shall be re-applied in the City of Doral;
2. The Applicant shall submit all lake approval permits and bonds to the City and update any that have expired;
3. All buildings and improvements that have deteriorated or been damaged during the litigation delay shall be repaired;
4. The project is to be completed within the timeframes outlined on the letter of intent dated November 24, 2004 from Ruden McClosky, attached hereto as Exhibit "A."

**Section 3.** This Resolution, including Exhibit "A," shall be recorded in the Public Records of Dade County, Florida, with the Applicant to pay the costs thereof.

**Section 4.** This resolution shall become effective upon its passage and adoption by the City Council.

WHEREAS, a motion to approve the Resolution was offered by Councilwoman Ruiz, who moved its adoption. The motion was seconded by Councilman DiPietro and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	yes
Vice Mayor Peter Cabrera	yes
Councilmember Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilmember Robert Van Name	yes

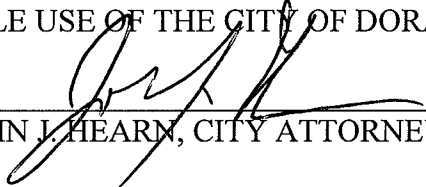
PASSED AND ADOPTED this 26<sup>th</sup> day of January, 2005.

  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
SHEILA PAUL, CMC, CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE CITY OF DORAL:

  
JOHN J. HEARN, CITY ATTORNEY