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RESOLUTION NO. 09-53

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REAL PROPERTY; PETITION TO DISCONTINUE THE USE OF CERTAIN REAL PROPERTY AND ABANDONING A RIGHT-OF-WAY FOR A PORTION OF LAND LYING IN SECTION 32, TOWNSHIP 55 SOUTH, RANGE 40 EAST MIAMI-DADE COUNTY, HOLCOMB AVENUE (SW 98TH AVENUE ROAD) BETWEEN E. GUAVA STREET AND E. HIBISCUS STREET AND INTERSECTING S. DIXIE HIGHWAY / US-1; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay hold title to public land in trust and have the power to discontinue the use of streets and alleys, and to vacate rights-of-way when it is in the public interest; and,

WHEREAS, Village of Palmetto Bay acquired interest in the property through a road transfer agreement entered into on January 31, 2005, by and between Miami-Dade County, a political subdivision of the state of Florida, through its Board of Commissioners and the Village of Palmetto Bay, a municipal corporation existing under the laws of the State of Florida. Section 335.0415, Florida Statutes, states, "jurisdiction and responsibility for public roads may be transferred by mutual agreement of the County and the Village; and Section 337.29(3), Florida Statutes; and,

WHEREAS, title to roads transferred pursuant to Section 335.0415, Florida Statutes, shall be in the government entity to which such roads have been transferred upon the recording of a right-of-way map in the public records (*See Exhibit B*); and,

WHEREAS, the public road lying in Section 32, Township 55 South, Range 40 East, Miami-Dade County, Florida, with the following legal description:

Begin at the northwest corner of Lot 7, Block 41 of "Town of Perrine" according to the Plat thereof, as recorded in Plat Book B at page 79 of the public records of Miami-Dade County, thence N63°51'10"W along a line being the westerly extension of the southerly right-of-way line of East Guava Street, for a distance of 28.41 feet to a point on the northerly extension of the easterly right-of-way line of USNo.1 (S. Dixie Highway), said point being a point of cusp with a curve concave to the northwest, having a radius of 3,869.83 feet and to which point a radial line bears S52°57'24"E; thence southeasterly 59.03 feet along said curve, also being 50.00 feet southeasterly of and parallel to the centerline of US No.1 (. Dixie Highway) through a central angle of 0°52'26" to a point of non-tangency, said point lying on the westerly right-of-way line of Holcomb Avenue (SW 98 Avenue Road); thence S26°09'16"W along the westerly right-of-way line of Holcomb Avenue (SW 98 Avenue Road) and the easterly limits of Block 37 of "Town of Perrine" according to the Plat thereof, as recorded in Plat Book B at page 79 of the public corner of Lot 6, Block 37 of said plat " Town of Perrine"; thence S63°51'10"E along a line being the

1 easterly extension of the northerly right-of-way line of East Hibiscus Street, for a
2 distance of 40.00 feet to the southwest corner of Lot 1, Block 41 of said plat "Town
3 of Perrine"; thence N26°09'16"E along the easterly right-of-way line of Holcomb
4 Avenue (SW 98 Avenue Road) and the westerly limits of Block 41 of said plat
5 "Town of Perrine" for a distance of 290.00 feet to the Point of Beginning. Lying and
6 being in Miami-Dade County, Florida and containing 11,260 square feet more or
7 less.

8
9 **WHEREAS**, the right-of-way and road are maintained by the Village of Palmetto Bay, is
10 not used for emergency vehicle access, and is not used as legal access to any of the properties
11 abutting the right-of-way; and,
12

13 **WHEREAS**, the Village Manager recommends road closure and vacating right-of-way to
14 permanently eliminate vehicular access on this roadway segment; and,
15

16 **WHEREAS**, all adjacent property owners have been notified in writing, by letter dated May
17 19th, 2009, of the proposed vacated right-of-way; and,
18

19 **WHEREAS**, in accordance with §336.10, Florida Statutes, the Village advertised a public
20 hearing on the proposed road closing; which was advertised in the Miami Daily Business Review on
21 May 18th, 2009, which is at least 14 days prior to this public hearing; and,
22

23 **WHEREAS**, the Mayor and Village Council desire to close the described road; and,
24

25 **WHEREAS**, ordinarily pursuant to §336.09, Florida Statutes, the vacated right-of-way
26 would be split amongst adjacent properties; and,
27

28 **WHEREAS**, the roadway and right-of-way being vacated will not be split amongst adjacent
29 properties but will continue to be maintained by the Village of Palmetto Bay, upon discontinuance
30 of vehicular traffic.
31

32 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
33 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
34

35 **Section 1.** The whereas clauses are incorporated and made a part of this resolution.
36

37 **Section 2.** The Village of Palmetto Bay road closure and vacating of the above-
38 described right-of-way.
39

40 **Section 3.** Title to the vacated right-of-way shall revert to the Village of Palmetto Bay.
41 The lot is owned by, and more particularly described, as:
42

43 **Lot 1-7 Village of Palmetto Bay, 9705 E Hibiscus Street**
44 **Miami, Florida 33157; more particularly described as:**
45

1 32 55 40 PERRINE SUB PB B-79 LOTS 1 THRU 7 BLK 41 LOT
2 SIZE 11300 SQUARE FEET OR 19755-0471 0601 1 F/A/U 30-
3 5032-004-3120.
4

5 **Section 4.** Notice of the closure of the described right-of-way shall be published one
6 time within 30 days of the adoption of this resolution in the Miami Daily Business Review. A
7 certified copy of this resolution and proof of the publications of the notice of hearing and of the
8 adoption of this resolution shall be recorded in the public records of Miami-Dade County. The
9 Village Clerk shall provide a copy of these documents to the Miami-Dade County Tax Assessor.
10

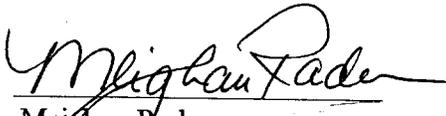
11 **Section 5.** If any section, clause, sentence, or phrase of this resolution is for any reason
12 held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the
13 validity of the remaining portions of this resolution.
14

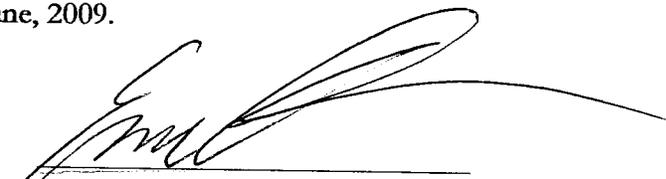
15 **Section 6.** All resolutions or parts of resolutions in conflict with the provisions of this
16 resolution are repealed.
17

18 **Section 7.** This resolution shall take effect immediately upon approval.
19

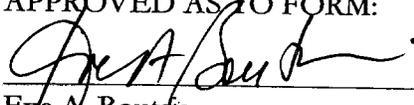
20 PASSED and ADOPTED this 1st day of June, 2009.

21
22
23 Attest:

24 
25 Meighan Rader
26 Village Clerk

27 
28 Eugene P. Flinn, Jr.
29 Mayor

30 APPROVED AS TO FORM:

31 
32 Eve A. Boutsis,
33 Office of Village Attorney

34 FINAL VOTE AT ADOPTION:

35 Council Member Ed Feller YES
36
37 Council Member Howard J. Tendrich YES
38
39 Council Member Shelley Stanczyk YES
40
41 Vice-Mayor Brian W. Pariser YES
42
43 Mayor Eugene P. Flinn, Jr. YES

PETITION TO CLOSE ROAD

April 29, 2009

To: Village of Palmetto Bay Council
Miami-Dade County Florida

The Village of Palmetto Bay holds title to public land, more specifically, right of way for Holcombe Road (SW 98th Avenue Road between E. Hibiscus Street and E. Guava Street and has the power to discontinue the use of streets and alleys, and to abandon and vacate rights-of-ways when it is in the public interest. The Village intends to close the following section of road: Holcombe Road (SW 98th Avenue Road between E. Hibiscus and E. Guava. The right-of-way is maintained by the village, is not used for emergency vehicle access, and is not used as legal access to any of the properties abutting the right-of-way.

Pursuant to Sections 336.09 – 336.12 Florida Statutes, the Village of Palmetto Bay Council can vacate, abandon, discontinue and close existing public or private streets, alleyways, roadways, highways, or other place used for travel, or any other portion thereof, other than state or federal highway, and to renounce and disclaim any right of the Village and the public in and to any land in connection therewith; or to renounce and disclaim any right of the Village and the public in and to certain, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the Village and the public in and to certain land delineated on recorded map or plat as a street, alleyway, road or highway.

1. Legal Description: The complete and accurate legal description of the road, right of way or land sought to be closed is as follows: (See Exhibit A)

A portion of land, a public road lying in Section 32, Township 55 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

Begin at the northwest corner of Lot 7, Block 41 of "Town of Perrine" according to the Plat thereof, as recorded in Plat Book B at page 79 of the public records of Miami-Dade County, thence N63°51'10"W along a line being the westerly extension of the southerly right-of-way line of East Guava Street, for a distance of 28.41 feet to a point on the northerly extension of the easterly right-of-way line of US No. 1 (S. Dixie Highway), said point being a point of cusp with a curve concave to the northwest, having a radius of 3,869.83 feet and to which point a radial line bears S52°57'24"E; thence southeasterly 59.03 feet along said curve, also being 50.00 feet southeasterly of and parallel to the centerline of US No. 1 (S. Dixie Highway) through a central angle of 0°52'26" to a point of non-tangency, said point lying on the westerly right-of-way line of Holcomb Avenue (SW 98 Avenue Road); thence S26°09'16"W along the westerly right-of-way line of Holcomb Avenue (SW 98 Avenue Road) and the easterly limits of Block 37 of "Town of Perrine" according to the Plat thereof, as recorded in Plat Book B at page 79 of the public corner of Lot 6, Block 37 of said plat "Town of Perrine"; thence S63°51'10"E along a line being the easterly extension of the northerly right-of-way line of East Hibiscus Street, for a distance of 40.00 feet to the southwest corner of Lot 1, Block 41 of said plat "Town of Perrine"; thence N26°09'16"E along the easterly right-of-way line of Holcomb Avenue (SW 98 Avenue Road) and the westerly limits of Block 41 of said plat "Town of Perrine" for a distance of 290.00 feet to the Point of

Beginning, Lying and being in Miami-Dade County, Florida and containing 11.260 square feet more or less.

2. Village Interest In Road: The title or interest of the Village in the above described road, right-of-way was acquired and is evidenced in the following manner:

Village of Palmetto Bay acquired interest in the property through a road transfer agreement entered into on January 31, 2005, by and between Miami-Dade County, Florida, a political subdivision of the state of Florida, through its Board of Commissioners and the Village of Palmetto Bay, a municipal corporation existing under the laws of the state of Florida. Section 335.0415, Florida Statutes, states, "jurisdiction and responsibility for public roads may be transferred by mutual agreement of the County and the Village; and Section 337.29(3), Florida Statutes, provides that title to roads transferred pursuant to Section 335.0415, Florida Statutes, shall be in the government entity to which such roads have been transferred upon the recording of a right-of-way map in the public records. (Exhibit B)

3. Attach Survey Sketch: Attached hereto is a survey accurately showing and describing the above described right-of-way and its location and relation to surrounding property.

(See Exhibit A)

4. Abutting Property Owners: The following constitutes a complete and accurate schedule of all owners abutting upon or adjacent to the above described right-of-way. These firms or individuals have been advised in writing of the proposed closure.

Print Name	Folio No.	Address	Mailing Address
Miami Dade County Water & Sewer	3350320042830	17901 S Dixie Hwy	PO Box 330316 Miami, Florida
Joseph E. Hagan, Donald M. Hagan, M. C. Hagan, C. H. Nash	3350320043180	17625 S Dixie Hwy	Marie Hagan PO Box 819 Perrine, Florida
Miami-Dade County Fire Rescue Dept.	33503200431109798	E.Hibiscus St.	9300 NW 41 st Street Miami, Florida
Kelly O Enterprises Inc.	335032004290017801	S. Dixie Hwy	15090 SW 74 th Ave. Miami, Florida

5. Access to Other Property: The Village certifies that in the event this road closure is granted no property owner will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

6. No Federal or State Highway Affected: The above described road, right-of-way or land is not part of any state or federal highway and was not acquired or dedicated for state or federal highway

purposes; and such road, right-of-way or land is under the control and jurisdiction of the Village of Palmetto Bay Council.

7. Grounds for Requesting Petition and Proposed Use for the Land by This Request:

The Village of Palmetto is proposing to build its municipal center at its recently acquired property located 9705 E. Hibiscus Street which will mark the first step in the renaissance of our urban core. The general plan of the property includes various enhancements with landscaping, lighting and other street improvements in accordance with adopted FT&I standards. Now, the Village seeks to formally and permanently eliminate vehicular access on this roadway segments to allow for space requirements for the future Palmetto Bay Village Hall. Without a road closing, the Village will not be able to restrict vehicular access and develop a gateway to the future Palmetto Bay Village Hall.

Signature of all abutting property owners:

Respectfully submitted.

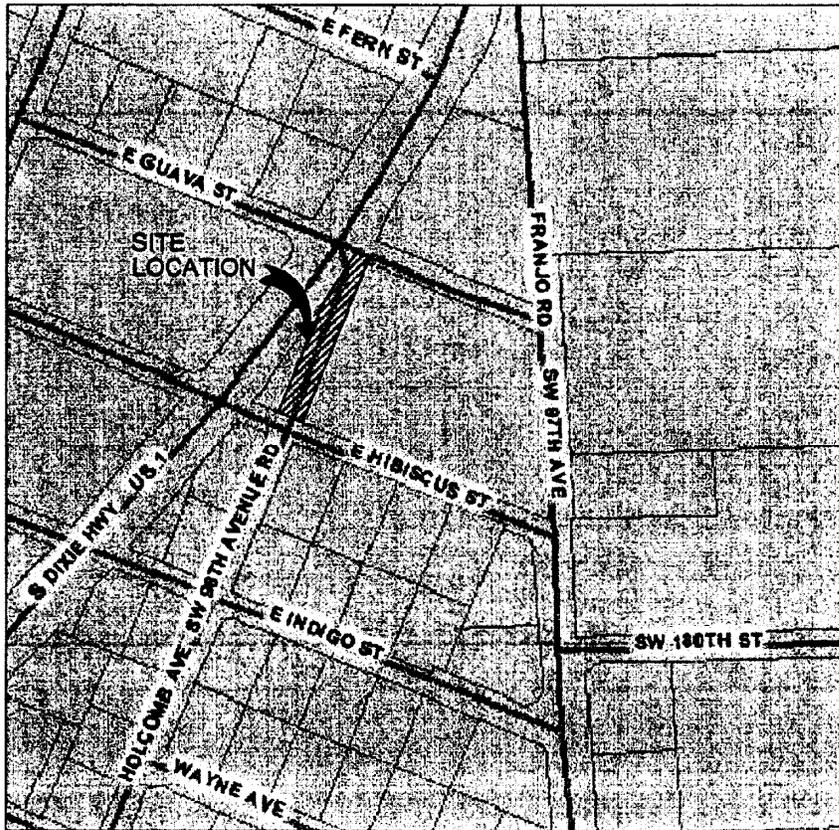
SIGNATURE

ADDRESS

LOCATION MAP

A PORTION OF LAND LYING IN SECTION 32,
TOWNSHIP 55 SOUTH, RANGE 40 EAST
MIAMI-DADE COUNTY
NOT TO SCALE

NORTH



P(3)SM, L.L.C.

L.B. No. 7335

PROFESSIONAL SURVEYORS & MAPPERS
3900 NW 79 AVENUE, SUITE #235 DORAL, FLORIDA 33168 PHONE:(305) 463-0912 FAX:(305) 463-0913

SKETCH AND LEGAL DESCRIPTION

DATE:	DRAWN BY	SCALE:	F.B. / PG.	JOB No.	SHEET:
04-22-09	JP	AS SHOWN	N/A	0901-00006-002	1 of 4

SURVEYOR'S NOTES AND CERTIFICATE

SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.
2. NORTH ARROW DIRECTION AND BEARING SHOWN HEREON ARE BASED ON AN ASSUMED VALUE OF N 26°09'16" E, ALONG THE CENTERLINE OF HOLCOMB AVENUE (SW 98 AVENUE ROAD).
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
4. THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THIS SKETCH & LEGAL THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THIS PROPERTY.
5. NO TITLE RESEARCH HAS BEEN PERFORMED TO DETERMINE IF THERE IS ANY CONFLICT EXISTING OR ARISING OUT OF THE CREATION OF THIS EASEMENT, OR ANY OTHER TYPE OF ENCUMBRANCES THAT THE HEREIN DESCRIBED LEGAL MAY BE UTILIZED FOR.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS DRAWING IS A TRUE AND CORRECT REPRESENTATION OF THE SKETCH AND LEGAL DESCRIPTION, OF THE REAL PROPERTY DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE.

Date: APRIL 22, 2009

EDUARDO M. SUAREZ, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA, REGISTRATION No. 6313

P(3)SM, L.L.C.				L.B. No. 7335	
PROFESSIONAL SURVEYORS & MAPPERS					
3900 NW 79 AVENUE, SUITE #235 DORAL, FLORIDA 33166 PHONE:(305) 463-0912 FAX:(305) 463-0913					
SKETCH AND LEGAL DESCRIPTION					
DATE:	DRAWN BY	SCALE:	F.B. / PG.	JOB No.	SHEET:
04-22-09	JP	AS SHOWN	N/A	0901-00006-002	2 of 4

LEGAL DESCRIPTION

EXHIBIT "A"

A portion of land lying in Section 32, Township 55 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

Begin at the Northwest Corner of Lot 7 Block 41 of "TOWN OF PERRINE" according to the Plat thereof, as recorded in Plat Book B at page 79 of the public records of Miami-Dade County, thence N63°51'10"W for a distance of 28.41 feet to a point of cusp with a curve concave to the northwest having a radius of 3869.83 feet and to which point a radial line bears S52°57'24"E; thence southeasterly 59.03 feet along said curve through a central angle of 0°52'26" to a point of non-tangency; thence S26°09'16"W for a distance of 232.12 feet; thence S63°51'10"E for a distance of 40.00 feet to a point; thence N26°09'16"E for a distance of 290.00 feet to the Point of Beginning Containing 11,260 sq. ft. more or less.

P(3)SM, L.L.C.

L.B. No. 7335

PROFESSIONAL SURVEYORS & MAPPERS

3900 NW 79 AVENUE, SUITE #235 DORAL, FLORIDA 33166 PHONE:(305) 463-0912 FAX:(305) 463-0913

SKETCH AND LEGAL DESCRIPTION

DATE:	DRAWN BY	SCALE:	F.B. / PG.	JOB No.	SHEET:
04-22-09	JP	AS SHOWN	N/A	0901-00006-002	3 of 4

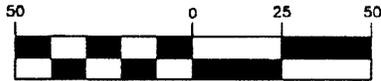
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A"

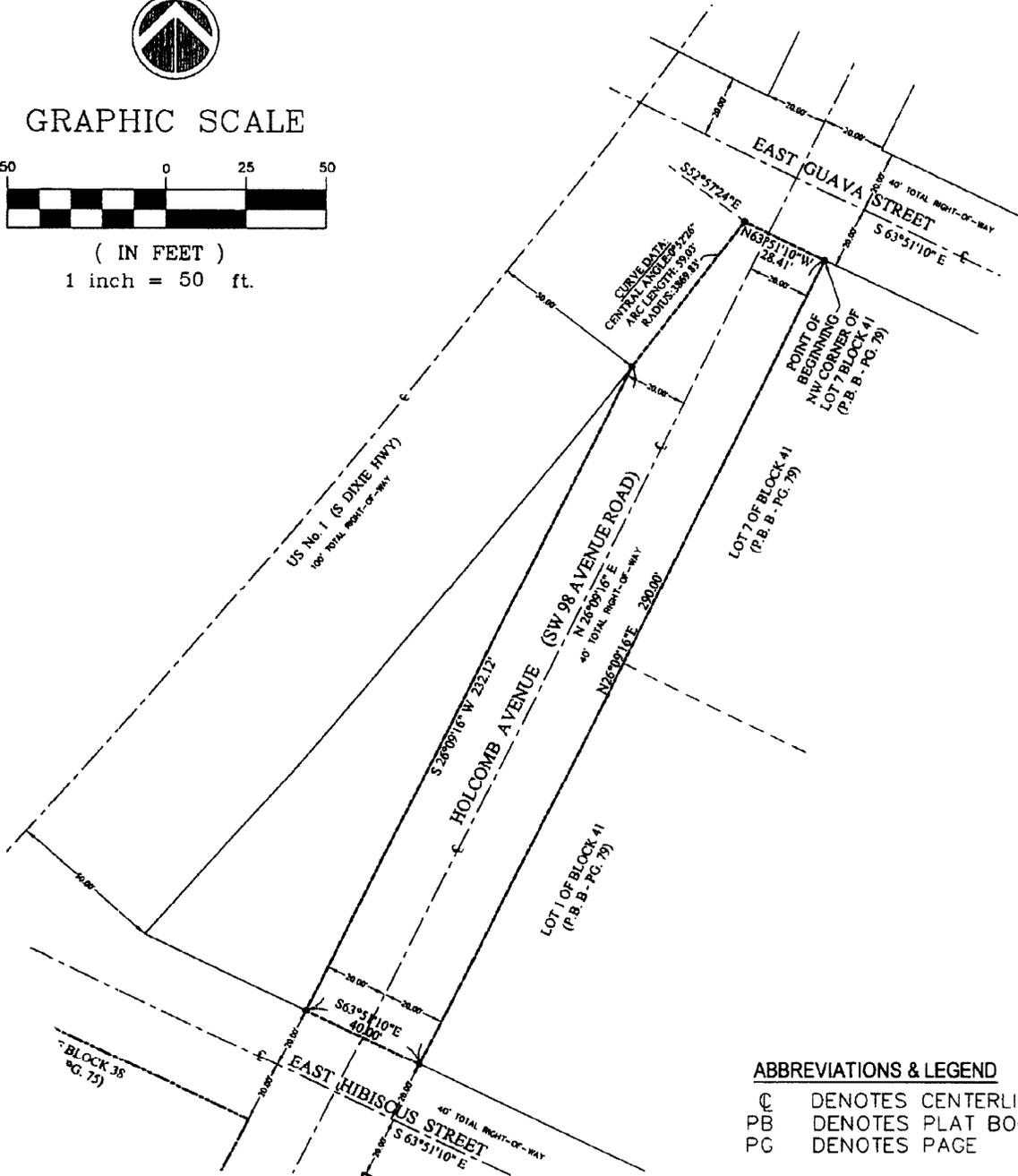
NORTH



GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



ABBREVIATIONS & LEGEND

- Ⓢ DENOTES CENTERLINE
- PB DENOTES PLAT BOOK
- PG DENOTES PAGE

P(3)SM, L.L.C.

L.B. No. 7335

PROFESSIONAL SURVEYORS & MAPPERS
3900 NW 79 AVENUE, SUITE #235 DORAL, FLORIDA 33166 PHONE:(305) 463-0912 FAX:(305) 463-0913

SKETCH AND LEGAL DESCRIPTION

DATE:	DRAWN BY	SCALE:	F.B. / PG.	JOB No.	SHEET:
04-22-09	JP	AS SHOWN	N/A	0901-00006-002	4 of 4

ROAD TRANSFER AGREEMENT

Between

MIAMI-DADE COUNTY, FLORIDA

And

VILLAGE OF PALMETTO BAY

THIS AGREEMENT made and entered into this 31 day of January, 2005, by and between: MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the state of Florida, (the "COUNTY"), through its Board of County Commissioners,

AND

The VILLAGE OF PALMETTO BAY, a Florida municipal corporation existing under the laws of the state of Florida (the "VILLAGE").

WITNESSETH:

WHEREAS, certain public roads on the County Road System are within the municipal limits of the VILLAGE (hereinafter referred to as "Road Segments"); and

WHEREAS, the COUNTY and the VILLAGE are desirous of transferring the underlying title and responsibility for the planning, design, construction, improvement and maintenance for the Road Segments from the COUNTY to the VILLAGE; and

WHEREAS, pursuant to Section 335.0415, Florida Statutes, jurisdiction and responsibility for public roads may be transferred by mutual Agreement of the COUNTY and the VILLAGE; and

WHEREAS, Section 337.29(3), Florida Statutes, provides that title to roads transferred pursuant to Section 335.0415, Florida Statutes, shall be in the government entity to which such roads have been transferred upon the recording of a right-of-way map in the public records; and

WHEREAS, the COUNTY and the VILLAGE have determined that it is in the best interest of the parties that responsibility for the operation, maintenance, planning, design and construction of the Road Segments and of any future improvements thereto be transferred to the VILLAGE.

NOW, THEREFORE, in consideration of the promises and the mutual covenants contained herein, the parties hereby agree as follows:

1. The above recitals are true and correct and incorporated herein.

2. The jurisdiction, ownership and control of all public roads within the corporate limits of the VILLAGE OF PALMETTO BAY of the "Road Segments" heretofore designated as part of the County road system prior to the effective date of this agreement are hereby transferred and conveyed to the Village road system, except for the following roads (which are hereafter referred to as "Exempt Roads"):

- (a) SW 136 Street from US-1 to Old Cutler Road east of SW 62 Avenue
- (b) SW 152 Street from US-1 to SW 67 Avenue
- (c) SW 168 Street from US-1 to Old Cutler Road
- (d) SW 184 Street from US-1 to Old Cutler Road
- (e) SW 97 Avenue from SW 184 Street to US-1
- (f) SW 87 Avenue from SW 184 Street to SW 144 Street
- (g) SW 77 Avenue from Old Cutler Road to SW 136 Street
- (h) Old Cutler Road from SW 184 Street to SW 136 Street
- (i) SW 67 Avenue from SW 152 Street to SW 136 Street

3. The right and responsibility to regulate traffic and determine appropriate measures for and provide traffic control devices such as traffic signals, signs and pavement markings, including road closures or traffic-calming devices and setting the hours and days that construction by any Department or Agency of the COUNTY in or on any public street is not transferred to the VILLAGE. The COUNTY retains jurisdiction over traffic engineering matters within the territorial area of Miami-Dade County including within municipalities, except state road rights of way.

4. The VILLAGE agrees to accept all legal rights, responsibilities and obligations with respect to the Road Segments, including but not limited to the planning, design, construction, improvement, and maintenance of the Road Segments.

5. The COUNTY shall remain responsible for the planning, design, construction, improvement, and maintenance of all stormwater drainage related functions of the Road Segments at the same level of service provided in UMSA until such time that the Miami-Dade County Board of County Commissioners approves the CITY's request for exemption (opt-out) of the Miami-Dade County Stormwater Utility.

6. The COUNTY shall remain responsible for any tort liability for any actions arising out of the COUNTY's operation and maintenance of the Road Segments prior to and up to the effective date of the transfer of such roadways.

7. The VILLAGE and the COUNTY agree that no indemnification or hold harmless agreement shall be in effect concerning any claims, demands, damages and causes of action that may be brought against either party pursuant to this Agreement. The VILLAGE and the COUNTY shall each individually defend any action or proceedings brought against their respective agencies pursuant to this Agreement and shall be individually responsible for all of their respective costs, attorneys fees, expenses and liabilities incurred as a result of any such claims, demands, suits, actions, damages and causes of action, including the investigation or the defense thereof, and from and against any orders, judgments or decrees that may be entered as a result thereof.

8. The COUNTY shall provide the VILLAGE with all of the County's Engineering Division's Section Maps, which generally depict the rights-of-way.

9. The COUNTY agrees to meet with the VILLAGE regarding any issues involving completed roadway projects funded by Federal Emergency Management (FEMA) grants and Quality Neighborhood Improvement (QNIP) funds completed within 24 months of the date of this agreement and upon the Village Manager's request.

10. Upon execution of this Agreement, the County Manager and Village Manager shall determine a mutually agreeable date for the recordation and transfer of the Road Segments following the approval of this road transfer agreement by the Board of County Commissioners.

11. Whenever one of the parties to this Agreement desires to give notice to the other, such notice must be in writing, sent by U.S. Mail, certified, return receipt requested, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving of notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

For the COUNTY:

George M. Burgess
County Manager
County Manager's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2910
Miami, Florida 33128
Telephone: (305) 375-5311
Facsimile: (305) 375-4658

For the VILLAGE:

Charles Scurr
Village Manager
Village of Palmetto Bay
8950 SW 152 Street
Miami, FL 33157
Telephone: (305) 259-1234
Facsimile: (305) 259-1290

12. The VILLAGE and the COUNTY agree that this is the entire Agreement between the parties. This Agreement supersedes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein and there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. This Agreement cannot be modified or amended without the express written consent of the parties. Accordingly, no modification, amendment or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity therewith.

13. If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remainder of this Agreement shall not be affected and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

14. The failure of either party to insist upon strict performance of any terms of this Agreement shall not be considered a waiver of any provisions set forth herein and shall not prevent enforcement of this Agreement.

15. Neither this Agreement nor any term or provision hereof or right hereunder shall be assignable by any parties and any attempt to make such assignment shall be void.

16. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same Agreement.

17. This Agreement shall be construed in accordance with the laws of the State of Florida and any proceedings arising in any matter pertaining to this Agreement shall, to the extent permitted by law, be held in Miami-Dade County, Florida.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: the COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through the County Manager, authorized to execute same by Board action on the ____ day of _____, 2005, and the VILLAGE, signing by and through its Manager, authorized to execute same by Council action on the 8th day of September, 2004.

(Signature page follows)

ATTEST:

VILLAGE OF PALMETTO BAY,
a municipal corporation

By *M. Mighan*
Village Clerk

By *Charles Sum*
Village Manager

04.16.04

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By *Jeff Burt*
Village Attorney

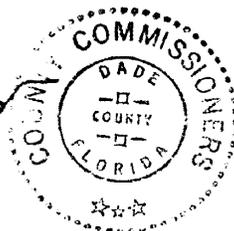
MIAMI-DADE COUNTY
a political subdivision of
the State of Florida
By its Board of County
Commissioners:

[Signature]
County Manager

Date: 2/9/05

ATTEST:
HARVEY RUVIN, CLERK

By *[Signature]*
Deputy Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By *[Signature]*
County Attorney

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared O.V. FERBEYRE, who on oath says that he or she is the VICE PRESIDENT, Legal Notices of the Miami Daily Business Review (A/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

VILLAGE OF PALMETTO BAY - NOTICE OF PUBLIC HEARING
JUNE 1, 2009 - RESOLUTION OF THE MAYOR, ETC.

in the XXXX Court,
was published in said newspaper in the issues of

05/18/2009

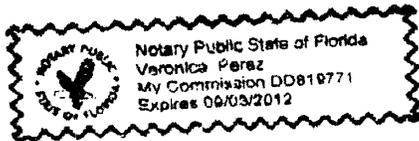
Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

Sworn to and subscribed before me this

18 day of MAY, A.D. 2009

(SEAL)

O.V. FERBEYRE personally known to me



VILLAGE OF PALMETTO BAY NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that the Village Council of the Village of Palmetto Bay, Florida will conduct a public hearing during its regular Council Meeting on June 1, 2009 beginning at 7:00 p.m., at Deering Estate Visitor Center, 18701 S.W. 72 Avenue, Palmetto Bay, FL to consider the following described resolution:

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REAL PROPERTY; PETITION TO DISCONTINUE THE USE OF CERTAIN REAL PROPERTY AND ABANDONING A RIGHT-OF-WAY FOR A PORTION OF LAND LYING IN SECTION 32, TOWNSHIP 50 SOUTH, RANGE 40 EAST MIAMI-DADE COUNTY BETWEEN E. GUAVA STREET AND EAST HIBISCUS STREET AND INTERSECTING S. DIXIE HIGHWAY / US-1; AND PROVIDING AN EFFECTIVE DATE.

The said resolution can be inspected in the Village Clerk's Office, Monday - Friday during regular office hours. Inquiries concerning these items should be directed to the Village Manager's office at: (305) 259-1234. All interested parties are invited to attend and will be heard.

Meighan J. Rader, Village Clerk

Pursuant to section 296.0105, Florida Statutes, the Village hereby advises the public that if a person decides to appeal any decision made by this Board, Agency or Council with respect to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, affected person may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.
5/18 09-3-06/1233702M

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Miami Dade County
Water and Sewer Department
PO Box 330316
Miami, Florida 33233

2. Article Number
(Transfer from service label)

7008 1300 0002 1535 0063

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Sandra Sanchez

Agent
 Addressee

B. Received by (Printed Name)

Sandra Sanchez

C. Date of Delivery

5/20/07

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Marie G. Hagan
PO Box 819
Miami, FL 33257

2. Article Number
(Transfer from service label)

7008 1300 0002 1535 0056

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *M. Hagan*

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

5/20/07

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>x m Mitchell</i></p> <p>B. Received by (Printed Name) C. Date of Delivery <i>G. Mitchell</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Miami-Dade County Fire Rescue Department 9300 NW 41ST Street Miami, FL 33178</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center; font-size: large;">7008 1300 0002 1535 0087</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>x Kelly Mulligan</i></p> <p>B. Received by (Printed Name) C. Date of Delivery <i>K. Mulligan 5/20/09</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Kelly O Enterprises 15090 SW 74th Avenue Miami, Florida 33157</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center; font-size: large;">7008 1300 0002 1535 0070</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	



VILLAGE OF PALMETTO BAY

VILLAGE MANAGER
RON E. WILLIAMS

May 19, 2009

Sent via Certified Mail

Marie G. Hagan
PO Box 819
Miami, FL 33257

Re: Road Closure and Abandoning of Right-of-Way for Holcomb Avenue (SW 98th Avenue Road) between E. Hibiscus Street and E. Guava Street within the Village of Palmetto Bay

The Village of Palmetto Bay holds title to public land, more specifically, right of way for Holcomb Avenue (SW 98th Avenue Road between E. Hibiscus Street and E. Guava Street) and has the power to discontinue the use of streets and alleys, and to abandon and vacate rights-of-ways when it is in the public interest. The Village intends to close the following section of road: Holcomb Avenue (SW 98th Avenue Road between E. Hibiscus Street and E. Guava Street). The right-of-way is maintained by the Village, is not used for emergency vehicle access, and is not used as legal access to any of the properties abutting the right-of-way.

Legal Description: The complete and accurate legal description of the road, right-of-way or land sought to be closed is as follows: (See Exhibit A)

A portion of land, a public road lying in Section 32, Township 55 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

Begin at the northwest corner of Lot 7, Block 41 of "Town of Perrine" according to the Plat thereof, as recorded in Plat Book B at page 79 of the public records of Miami-Dade County, thence N63°51'10"W along a line being the westerly extension of the southerly right-of-way line of East Guava Street, for a distance of 28.41 feet to a point on the northerly extension of the easterly right-of-way line of US No.1 (S. Dixie Highway), said point being a point of cusp with a curve concave to the northwest, having a radius of 3,869.83 feet and to which point a radial line bears S52°57'24"E; thence southeasterly 59.03 feet along said curve, also being 50.00 feet southeasterly of and parallel to the centerline of US No.1 (. Dixie Highway) through a central angle of 0°52'26" to a point of non-tangency, said point lying on the westerly right-of-way line of Holcomb Avenue (SW 98 Avenue Road); thence S26°09'16"W along the westerly right-of-

8950 Southwest 152nd Street • Palmetto Bay, Florida 33157 • Tel: 305-259-1234 • Fax: 305-259-1290
rwilliams@palmettobay-fl.gov • www.palmettobay-fl.gov

way line of Holcomb Avenue (SW 98 Avenue Road) and the easterly limits of Block 37 of "Town of Perrine" according to the Plat thereof, as recorded in Plat Book B at page 79 of the public corner of Lot 6, Block 37 of said plat "Town of Perrine"; thence S63°51'10"E along a line being the easterly extension of the northerly right-of-way line of East Hibiscus Street, for a distance of 40.00 feet to the southwest corner of Lot 1, Block 41 of said plat "Town of Perrine"; thence N26°09'16"E along the easterly right-of-way line of Holcomb Avenue (SW 98 Avenue Road) and the westerly limits of Block 41 of said plat "Town of Perrine" for a distance of 290.00 feet to the Point of Beginning. Lying and being in Miami-Dade County, Florida and containing 11,260 square feet more or less.

Once the roadway is closed, the Village of Palmetto Bay as an adjacent property owner, will automatically take action to permanently eliminate vehicular access on this roadway segment, and further be responsible for any and all portion of property adjacent to a portion of lot 6 and 7 of block 37 (P.B. B, Page 37). The adjacent lot is owned by Miami-Dade County, WASD, and more particularly described as:

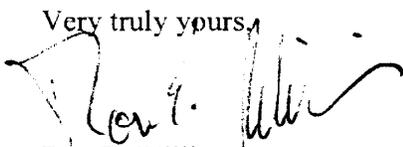
Miami-Dade County, Water and Sewer Department
P.O. Box 330316
Miami, Florida 33233

The Village Clerk will provide a copy of all documents for recordation to Miami-Dade County Tax Appraiser once the roadway has been closed.

A public hearing will be held on the Village of Palmetto Bay's Resolution seeking road closure and abandoning of right of way for Holcomb Avenue (SW 98th Avenue Road) between E. Hibiscus Street and E. Guava Street within the Village of Palmetto Bay. Enclosed is a copy of the proposed resolution for your review. The Village invites you to attend a public hearing scheduled for June 1, 2009 at the Deering Estate Visitor's Center, 16701 SW 72 Avenue, at 7:00 p.m. to speak on this matter.

If you have any questions or comments, the Village asks that you contact Corrice E. Patterson, the Village's Public Works Director at (305) 259-1234.

Very truly yours,



Ron E. Williams
Village Manager

LEGAL DESCRIPTION

EXHIBIT "A"

A portion of land, being a public road lying in Section 32, Township 55 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

Begin at the northwest Corner of Lot 7, Block 41 of "TOWN OF PERRINE" according to the Plat thereof, as recorded in Plat Book B at page 79 of the public records of Miami-Dade County, thence N63°51'10"W along a line being the westerly extension of the southerly right-of-way line of East Guava Street, for a distance of 28.41 feet to a point on the northerly extension of the easterly right-of-way line of US No.1 (S. Dixie Highway), said point being a point of cusp with a curve concave to the northwest, having a radius of 3,869.83 feet and to which point a radial line bears S52°57'24"E; thence southeasterly 59.03 feet along said curve, also being 50.00 feet southeasterly of and parallel to the centerline of US No.1 (S. Dixie Highway) through a central angle of 0°52'26" to a point of non-tangency, said point lying on the westerly right-of-way line of Holcomb Avenue (SW 98 Avenue Road); thence S26°09'16"W along the westerly right-of-way line of Holcomb Avenue (SW 98 Avenue Road) and the easterly limits of Block 37 of "TOWN OF PERRINE" according to the Plat thereof, as recorded in Plat Book B at page 79 of the public records of Miami-Dade County, for a distance of 232.12 feet to the southeast corner of Lot 6, Block 37 of said plat "TOWN OF PERRINE"; thence S63°51'10"E along a line being the easterly extension of the northerly right-of-way line of East Hibiscus Street, for a distance of 40.00 feet to the southwest corner of Lot 1, Block 41 of said plat "TOWN OF PERRINE"; thence N26°09'16"E along the easterly right-of-way line of Holcomb Avenue (SW 98 Avenue Road) and the westerly limits of Block 41 of said plat "TOWN OF PERRINE" for a distance of 290.00 feet to the Point of Beginning.

Containing 11,260 sq. ft. more or less.

P(3)SM, L.L.C.

L.B. No. 7335

PROFESSIONAL SURVEYORS & MAPPERS

3900 NW 79 AVENUE, SUITE #235 DORAL, FLORIDA 33166 PHONE:(305) 463-0912 FAX:(305) 463-0913

SKETCH AND LEGAL DESCRIPTION

DATE:	DRAWN BY	SCALE:	F.B. / PG.	JOB No.	SHEET:
04-22-09	JP	AS SHOWN	N/A	0901-00006-002	3 of 4

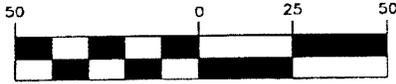
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A"

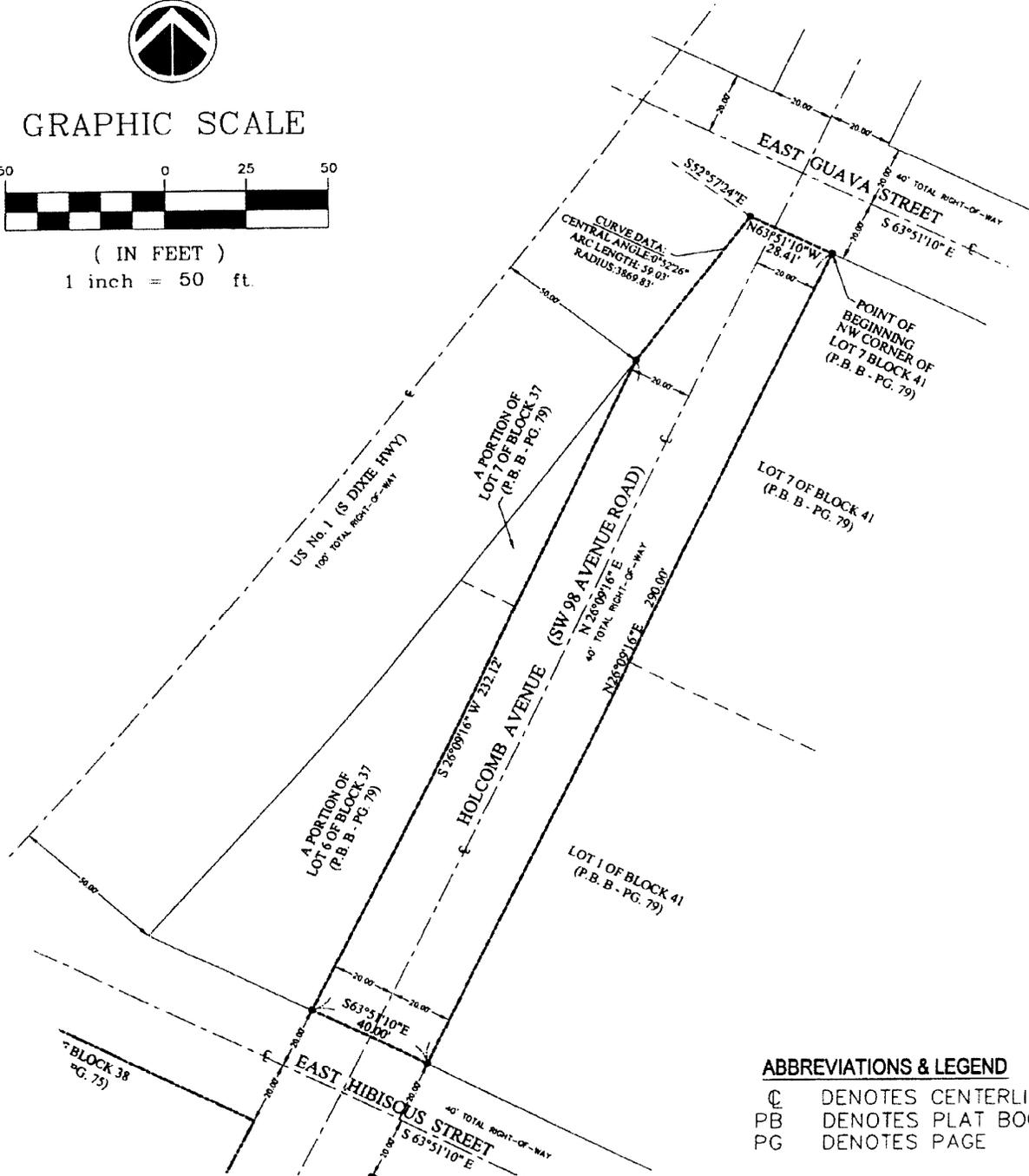
NORTH



GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



ABBREVIATIONS & LEGEND

- C DENOTES CENTERLINE
- PB DENOTES PLAT BOOK
- PG DENOTES PAGE

P(3)SM, L.L.C.

L.B. No. 7335

PROFESSIONAL SURVEYORS & MAPPERS
3900 NW 79 AVENUE, SUITE #235 DORAL, FLORIDA 33166 PHONE:(305) 463-0912 FAX:(305) 463-0913

SKETCH AND LEGAL DESCRIPTION

DATE:	DRAWN BY	SCALE:	F.B. / PG.	JOB No.	SHEET:
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REAL PROPERTY; PETITION TO DISCONTINUE THE USE OF CERTAIN REAL PROPERTY AND ABANDONING A RIGHT-OF-WAY FOR A PORTION OF LAND LYING IN SECTION 32, TOWNSHIP 55 SOUTH, RANGE 40 EAST MIAMI-DADE COUNTY BETWEEN E. GUAVA STREET AND EAST HIBISCUS STREET AND INTERSECTING S DIXIE HIGHWAY / US-1; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay hold title to public land in trust and have the power to discontinue the use of streets and alleys, and to vacate rights-of-way when it is in the public interest; and,

WHEREAS, Village of Palmetto Bay acquired interest in the property through a road transfer agreement entered into on January 31, 2005, by and between Miami-Dade County, a political subdivision of the state of Florida, through its Board of Commissioners and the Village of Palmetto Bay, a municipal corporation existing under the laws of the state of Florida. Section 335.0415, Florida Statutes, states, "jurisdiction and responsibility for public roads may be transferred by mutual agreement of the County and the Village; and Section 337.29(3), Florida Statutes; and,

WHEREAS, title to roads transferred pursuant to Section 335.0415, Florida Statutes, shall be in the government entity to which such roads have been transferred upon the recording of a right-of-way map in the public records (*See Exhibit B*); and,

WHEREAS, the public road lying in Section 32, Township 55 South, Range 40 East, Miami-Dade County, Florida, with the following legal description:

Begin at the northwest corner of Lot 7, Block 41 of "Town of Perrine" according to the Plat thereof, as recorded in Plat Book B at page 79 of the public records of Miami-Dade County, thence N63°51'10"W along a line being the westerly extension of the southerly right-of-way line of East Guava Street, for a distance of 28.41 feet to a point on the northerly extension of the easterly right-of-way line of USNo.1 (S. Dixie Highway), said point being a point of cusp with a curve concave to the northwest, having a radius of 3,869.83 feet and to which point a radial line bears S52°57'24"E; thence southeasterly 59.03 feet along said curve, also being 50.00 feet southeasterly of and parallel to the centerline of US No.1 (. Dixie Highway) through a central angle of 0°52'26" to a point of non-tangency, said point lying on the westerly right-of-way line of Holcomb Avenue (SW 98 Avenue Road); thence S26°09'16"W along the westerly right-of-way line of Holcomb Avenue (SW 98 Avenue Road) and the easterly limits of Block 37 of

1 "Town of Perrine" according to the Plat thereof, as recorded in Plat Book B at page 79 of the
2 public corner of Lot 6, Block 37 of said plat "Town of Perrine"; thence S63°51'10"E along a
3 line being the easterly extension of the northerly right-of-way line of East Hibiscus Street, for a
4 distance of 40.00 feet to the southwest corner of Lot 1, Block 41 of said plat "Town of Perrine";
5 thence N26°09'16"E along the easterly right-of-way line of Holcomb Avenue (SW 98 Avenue
6 Road) and the westerly limits of Block 41 of said plat "Town of Perrine" for a distance of 290.00
7 feet to the Point of Beginning. Lying and being in Miami-Dade County, Florida and containing
8 11,260 square feet more or less.
9

10
11 WHEREAS, the right-of-way and road are maintained by the Village of Palmetto Bay, is
12 not used for emergency vehicle access, and is not used as legal access to any of the properties
13 abutting the right-of-way; and,
14

15 WHEREAS, the Village Manager recommends road closure and vacating right-of-way to
16 permanently eliminate vehicular access on this roadway segment; and,
17

18 WHEREAS, all adjacent property owners have been notified in writing, by letter dated
19 _____, of the proposed vacated right-of-way; and,
20

21 WHEREAS, in accordance with §336.10, Florida Statutes, the Village advertised a public
22 hearing on the proposed road closing; which was advertised in The Miami Herald on
23 _____, which is at least 14 days prior to this public hearing; and,
24

25 WHEREAS, the Mayor and Village Council desire to close the described road; and,
26

27 WHEREAS, ordinarily pursuant to §336.09, Florida Statutes, the vacated right-of-way
28 would be split amongst adjacent properties; and,
29

30 WHEREAS, the roadway and right-of-way being vacated will not be split amongst
31 adjacent properties but will continue to be maintained by the Village of Palmetto Bay, upon
32 discontinuance of vehicular traffic.
33

34
35 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE
36 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:
37

38 Section 1. The Whereas clauses are incorporated and made a part of this resolution.
39

40 Section 2. The Village of Palmetto Bay road closure and vacating of the above-
41 described right-of-way.
42

1 Section 3. Title to the vacated right-of-way shall revert to the Village of Palmetto
2 Bay. The lot is owned by, and more particularly described, as:

3
4
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7
8 **Lot 1-7 Village of Palmetto Bay, 9705 E Hibiscus Street**
9 **Miami, Florida 33157; more particularly described as:**

10 32 55 40 PERRINE SUB PB B-79 LOTS 1 THRU 7 BLK 41 LOT
11 SIZE 11300 SQUARE FEET OR 19755-0471 0601 1 F/A/U 30-
12 5032-004-3120.
13

14
15
16 Section 5. Notice of the closure of the described right-of-way shall be published one
17 time within 30 days of the adoption of this resolution in The Miami Herald. A certified copy of
18 this resolution and proof of the publications of the notice of hearing and of the adoption of this
19 resolution shall be recorded in the public records of Miami-Dade County. The Village Clerk
20 shall provide a copy of these documents to the Miami-Dade County Tax Assessor.
21

22 Section 6. If any section, clause, sentence, or phrase of this resolution is for any
23 reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not
24 affect the validity of the remaining portions of this resolution.
25

26 Section 7. All resolutions or parts of resolutions in conflict with the provisions of this
27 resolution are repealed.
28

29 Section 8. This resolution shall take effect immediately upon approval.
30

31 PASSED AND ENACTED this ____ day of _____, 2009.
32

33
34 First Reading: _____
35

36 Second Reading: _____
37

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39
40 Attest: _____

41 Meighan Rader,
42 Village Clerk

Eugene P. Flinn, Jr.,
Mayor

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APPROVED AS TO FORM:

Eve A. Boutsis,
FBM Law Offices, P.A.
Office of Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller _____
Council Member Howard J. Tendrich _____
Council Member Shelley Stanczyk _____
Vice-Mayor Brian W. Pariser _____
Mayor Eugene P. Flinn, Jr. _____



Miami-Dade Water and Sewer Department
 P. O. Box 330316 • 3071 SW 38th Avenue
 Miami, Florida 33233-0316
 T 305-665-7471

miamidade.gov

- MDA Coordinator
- Agency Coordinator
- Capital Services
- Area Public Affairs
- Air and Management Services
- Aviation
- Building
- Building Code Compliance
- Business Development
- Capital Improvement Construction Administration
- Capital Improvement Construction Administration
- Construction Division and M&E Unit
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Cultural Affairs
- Elections
- Emergency Management
- Employer Relations
- Employment Training
- Enterprise Technology Services
- Environmental Resources Management
- Fair Employment Practices
- Finance
- Inspection
- General Services Administration
- Human Resources
- Homeless Unit
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Board
- International Trade Association
- Juvenile Assessment Unit
- Medical Examiner
- Metro Miami Action Plan
- Metropolitan Planning Organization
- Procurement Services
- Planning and Zoning
- Police
- Procurement Management
- Property Appraisal
- Public Affairs Section
- Public Works
- Safe Neighborhood Parks
- School
- Small Business Management
- Strategic Business Management
- Traffic Motor
- Transportation
- Transportation and Urban Form and Revitalization
- Water & Sewer

May 15, 2009

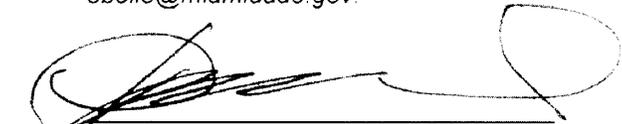
Mr. Edward Silva
 Village of Palmetto Bay
 Miami-Dade County, Florida

RE:
40' Right of Way of Holcomb Avenue (S.W. 98th Avenue Rd.)
located Northwesterly of Block 41 as dedicated per Plat
Book B, at Page 79, Public Records of Miami-Dade County,
Florida limited by the Southerly R/W of East Guava Street
and the Northerly Right of Way of East Hibiscus Street, all in
Section 32, Township 55 South, Range 40 East

To Whom It May Concern:

Miami-Dade Water and Sewer Department (M-DWASD) has no objection to the closure of the above mentioned Right of Way portion as long as the full right of way width be reserved as a Utility Easement for the installation, maintenance and repair of WASD facilities and a portion of said Easement to be dedicated for Ingress and Egress to Pump Station Site at the portion located adjoining and contiguous to said Pump Station.

Should you have any questions regarding this matter, please contact Odalys C. Bello, P.S.M. at 786-268-5268 or via e-mail to obello@miamidade.gov.



Odalys C. Bello, P.S.M.
 Right of Way Unit - Plans Review Section
 M-DWASD New Customer Division

C: Sergio A. Garcia, P. E. Plans Review Section Manager
 file

Memorandum



Date: 5/23/09
To: CFO P. Albury
Batt. 9 B
From: Capt. G. Smart
R 50 B
Subject: Road Closure

I have discussed the proposed closure of 98 Ave between Hibiscus St and Guava St with the other officers at station 50 (R 50 / E 62). The consensus is that this road closure would negatively impact our ability to provide emergency response to the majority of our territory.

We use 98 Ave to access northbound US 1 and cross northbound US 1 at Guava St. If it is closed we would have to access / cross US 1 at Hibiscus St. To do so usually requires traveling against the flow of traffic (westbound in the eastbound lanes) due to traffic waiting at the traffic light at this intersection. This would needlessly endanger fire department personnel and the public as well as delay our response.

If the decision is made to close this portion of 98 Ave the delay to our response could be eliminated with the installation in station 50 of a traffic light preemption button to preempt the lights at Hibiscus St and both northbound and southbound US 1.

Although on CR I will be available if the departments is in need of someone to speak on this issue to the Village of Palmetto Bay's public hearing scheduled for Monday, June 1, 2009.