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RESOLUTION NO. 2015-77

ZONING APPLICATION PLT-15-002

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE PLAT OF CERTAIN LANDS WITHIN THE VILLAGE OF PALMETTO BAY LOCATED AT 7311 SW 173 STREET, CREATING DEL MAR EDGE SUBDIVISION PLAT CONSISTING OF 1 BLOCK, 2 LOTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicants, Roy A. Mines and Ana Schmelz, submitted an application to plat certain lands within the Village of Palmetto Bay. It is the intention of the applicant to subdivide the property to allow the construction of a single-family home on the newly created lot.

WHEREAS, the property in question was originally platted as Lot 14, Block 3, of the "Del-Mar Estates Plat," found at Book 76, Page 23, as recorded in the Miami-Dade County Public Records; and

WHEREAS, On July 13, 1978, the Board of Miami-Dade County Commissioners, via Resolution 4-ZAB-265-78, approved a request for a special exception, and a variance. The special exception permits the subdivision of the platted lot. The variance reduced the required lot size for one of the newly authorized lots from 43,560 gross square feet to 35,102 gross square feet.

WHEREAS, the applicant is now requesting the Mayor and Village Council approve the plat request so that the applicant may have the plat recorded Miami-Dade County.

WHEREAS, the property configuration complies with the Land Development Code consistent with Resolution 4-ZAB-265-78, and has been deemed acceptable by the Village's Public Works Department; and

WHEREAS, the Village Council of the Village of Palmetto Bay, Florida conducted a quasi-judicial/public hearing on the application at Village Hall, 9705 East Hibiscus Street on September 21, 2015; and,

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the plat is consistent with the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations; and

WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to grant the application, as provided in this resolution.

1 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
2 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
3

4 Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as
5 being true and correct and are hereby made a part of this Resolution upon adoption hereof.
6

7 Section 2. A public hearing on the present application was held on September 21,
8 2015, in accordance with the Village's "Quasi-judicial hearing procedures." Pursuant to the
9 testimony and evidence presented during the hearing, the Village Council makes the following
10 findings of fact, conclusions of law and final order.
11

12 Section 3. Findings of fact.
13

14 a. The property in question was originally platted as Lot 14, Block 3, of the "Del-
15 Mar Estates Plat," found at Plat Book 76, Page 23, as recorded in the Miami-Dade County Public
16 Records.
17

18 b. On July 13, 1978, the Board of Miami-Dade County Commissioners, via
19 Resolution 4-ZAB-265-78, approved a request for a special exception, and a variance. The special
20 exception permits the subdivision of the platted lot. The variance reduced the required lot size
21 for one of the newly authorized lots from 43,560 gross square feet to 35,102 gross square feet.
22

23 c. The applicant is requesting the Mayor and Village Council to authorize the plat
24 request so that the applicant may finalize the plat application with Miami-Dade County. The
25 applicant seeks to subdivide the property to allow for the construction of a single-family home on
26 the newly created lot.
27

28 d. The Department review of the application for consistency with plat requirements
29 at Section 30-80.2(b), entitled "Final Plat Application Requirements", found the application to be
30 in compliance.
31

32 e. The Village Council had no substantive disclosures regarding ex-parte
33 communications and the applicant raised no objections as to the form or content of any
34 disclosures by the Council.
35

36 Section 4. Conclusions of law.
37

38 The request to plat those lands within the Village of Palmetto Bay located at 7311 SW
39 173 Street, creating Del Mar Edge Subdivision consisting of one block, two lots, is found to be in
40 compliance with Section 30-80.2(b).
41

41 Section 5. Order.
42

43 a. The Village Council approves the request to plat of those lands described at
44 Attachment A, bearing Folio Number 33-5035-004-0530; creating "Del Mar Edge Subdivision",
45 consisting of 1 block, 2 lots.
46

47 b. This is a final order.

DEL MAR EDGE SUBDIVISION

A REPLAT OF LOT 14, BLOCK 3 OF DEL-MAR ESTATES AS RECORDED IN
 PLAT BOOK 76 AT PAGE 23, LYING IN THE NW. 1/4 OF
 SECTION 35, TOWNSHIP 55 SOUTH, RANGE 40 EAST,
 VILLAGE OF PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA.

P.B. _____ PG. _____
 SHEET 1 OF 2

PREPARED BY:
 WENCESLAO ORTEGA
 PROFESSIONAL LAND SURVEYOR and MAPPER
 No. 2091 STATE OF FLORIDA
 931 - A S.W. 87th AVENUE, MIAMI, FLORIDA 33174
 OCTOBER, 2014

NOTICE:
 THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION
 OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO
 CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR
 DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS
 THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE
 PUBLIC RECORDS OF THIS COUNTY.

KNOW ALL MEN BY THESE PRESENTS :

Those ROY A. MINES, a single man and ANA SCHMELZ, a single woman, have
 caused to be made the attached Plat entitled "DEL MAR EDGE SUBDIVISION",
 the same being a replat of the following described property:

LEGAL DESCRIPTION:

Lot 14 in Block 3 of "DEL-MAR ESTATES", according to the plat thereof, as
 recorded in Plat Book 76, at Page 23, of the Public Records of Miami-Dade
 County, Florida.

MIAMI-DADE COUNTY PLAT RESTRICTIONS :

That the Road as shown on the attached Plat, together with all existing
 and future planting, trees, shrubbery, and fire hydrants thereon are hereby
 dedicated to the perpetual use of the public for proper purposes,
 reserving to the dedicators, their successors or assigns the reversion or
 reversions thereof, whenever discontinued by law.
 That all new electric and communication lines, except transmission lines,
 within this subdivision, shall be installed underground.
 That individual wells shall not be permitted within this subdivision except for
 swimming pools, sprinkler systems, and/or air conditioners.
 That the use of Septic Tanks will not be permitted on any lot within this
 Subdivision, unless approved for temporary use, in accordance with County
 AND State regulations.

VILLAGE OF PALMETTO BAY PLAT RESTRICTION :

That the Street as shown on the attached Plat, together with all existing
 and future planting, trees, shrubbery, and fire hydrants thereon are hereby
 dedicated to the perpetual use of the public for proper purposes,
 reserving to the dedicators, their successors or assigns the reversion or
 reversions thereof, whenever discontinued by law.

OWNER'S PLAT RESTRICTION :

That the Utility Easement as shown hereon by dashed lines on the
 attached plat, is hereby reserved for the installation and maintenance of
 Public Utilities.

IN WITNESS WHEREOF:

I, ROY A. MINES, have hereunto set my hand and seal this 24
 day of Oct., A.D. 2014.

Witness: [Signature] By: Roy A. Mines
 Print Name: Edwin Vasquez
 Witness: [Signature] Print Name: ROY A. MINES
 Print Name: Jessica Morales

IN WITNESS WHEREOF:

I, ANA SCHMELZ, have hereunto set my hand and seal this 24
 day of October, A.D. 2014.

Witness: [Signature] By: Ana Schmeltz
 Print Name: Edwin Vasquez
 Witness: [Signature] Print Name: ANA SCHMELZ
 Print Name: Jessica Morales

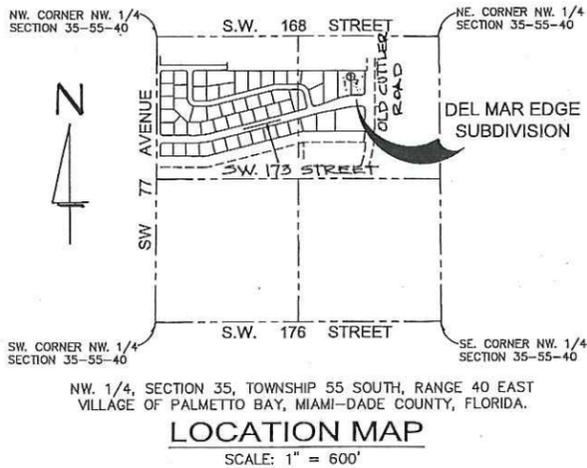
ACKNOWLEDGEMENT:

STATE OF FLORIDA] S.S.
 COUNTY OF MIAMI-DADE]

I HEREBY CERTIFY: That on this day personally appeared before me, an
 officer duly authorized to administer oaths and take acknowledgements,
 and who executed the foregoing instrument and acknowledged the
 execution thereof to be a free act and deed for the purposes herein
 expressed and who did not take an oath.

Witness: My hand and official seal this 24 day of October
 A.D. 2014.

[Signature]
 (Signature of Person taking Acknowledgement)
 Printed Name of Acknowledgement: Brenda Bly
 Notary Public, State of Florida
 Commission Number : EE 119919
 My Commission Expires : Aug. - 7 - 15



MORTGAGE:

KNOW ALL MEN BY THESE PRESENTS :

That HOME FINANCING CENTER, INC., A FLORIDA CORPORATION
 the owner and holder of that certain
 Mortgage dated July 7, 2014 and recorded July 17, 2014 in Official Records
 Book 29232, Page 3674 of the Public Records of Miami-Dade County,
 Florida, does hereby consent to this plat and joins in the above dedications.

IN WITNESS WHEREOF:

I, HOME FINANCING CENTER, INC., A FLORIDA CORPORATION
 the said, HOME FINANCING CENTER, INC., has caused these presents to be
 signed in its corporate name by its PRESIDENT and its
 corporate seal to be hereunto affixed and attested by its Vice President
 this 6th day of NOVEMBER, 2014, A.D.

HOME FINANCING CENTER, INC.

Attest: [Signature] By: Claudia G. Clave
 Print Name: SHARON COSTA Print Name: CLAUDINE CLAVE
 and Title: RISK + COMPLIANCE OFFICER and Title: PRESIDENT

ACKNOWLEDGEMENT:

STATE OF FLORIDA] S.S.
 COUNTY OF MIAMI-DADE]

I HEREBY CERTIFY: That on this day personally appeared before me, an
 officer duly authorized in the State of FLORIDA
 in the
 aforementioned County to administer oaths and take acknowledgements,
CLAUDINE CLAVE and SHARON COSTA
 respectively of HOME FINANCING CENTER, INC., who are personally known to
 me to be the officers described herein and who executed the foregoing
 instrument and acknowledged the execution thereof to be their
 free act and deed as such officers for the purposes therein expressed
 and who did not take an oath.

Witness: My hand and official seal this 6th day of NOVEMBER
 A.D. 2014.

[Signature]
 (Signature of Person taking Acknowledgement)
 Printed Name of Kariva Bas
 Notary Public, State of Florida
 Commission Number : EE 119919
 My Commission Expires : Aug. - 7 - 15



VILLAGE OF PALMETTO BAY APPROVAL:

This Plat will not result in a reduction in the level of services for the
 affected public facilities below the level of services provided in the
 municipality's comprehensive plan; therefore, it was approved and the
 dedications were accepted and approved by Resolution No. _____
 passed and adopted by the City Commission of the VILLAGE OF PALMETTO
 BAY, Florida, this ___ day of _____ A.D. 2015.

Signed: _____ Mayor Attest: _____

MIAMI-DADE COUNTY APPROVALS:

The Department of Regulatory and Economic Resources certifies that this plat
 appears to conform to all of the requirements of Chapter 28 of the
 Miami-Dade County code certified this ___ day of _____
 A.D., 2015.

This Plat has been reviewed by a Professional Surveyor and Mapper employed
 by Miami-Dade County in accordance with Section 177.061(1) of the Florida
 Statutes.

Signed: _____ Director

This Plat was approved by the Miami-Dade County Public Works and Waste
 Management Department this ___ day of _____ A.D., 2015.

Signed: _____ Director

Signed: _____ County Engineer

RECORDING STATEMENT:

Filed for record this ___ day of _____ A.D., 2015,
 at _____ M., in Book _____ of Plats, at Page _____ of the Public
 Records of Miami-Dade County, Florida. This plat complies with the Laws
 of the State of Florida and Miami-Dade County, Florida.

HARVEY RUVIN, CLERK OF THE CIRCUIT COURT

By _____ Deputy Clerk

SURVEYOR'S CERTIFICATE :

I HEREBY CERTIFY: That the attached plat entitled "DEL MAR EDGE SUBDIVISION", is a
 correct representation of the lands above described as recently surveyed and platted under my
 direction. The data shown on this
 plat complies with all the applicable requirements of Part I, Chapter 177, Florida Statutes, and
 that the Permanent Control Points and the Permanent Reference Monuments were set in
 accordance with Part I, Chapter 177 of the Laws of the State of Florida.

WENCESLAO ORTEGA

By: [Signature]
 WENCESLAO ORTEGA, P.S.M.
 Professional Land Surveyor and Mapper
 State of Florida
 Registration No. 2091
 931-A SW. 87th Avenue
 Miami, Florida 33174



HOME FINANCING CENTER, INC.
 Corporate Seal

Reg. Land Surveyor Seal
 WENCESLAO ORTEGA

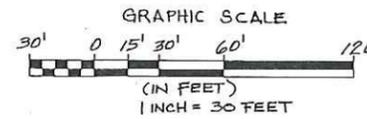
DEL MAR EDGE SUBDIVISION

A REPLAT OF LOT 14, BLOCK 3 OF DEL-MAR ESTATES AS RECORDED IN
 PLAT BOOK 76 AT PAGE 23, LYING IN THE NW. 1/4 OF
 SECTION 35, TOWNSHIP 55 SOUTH, RANGE 40 EAST,
 VILLAGE OF PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA.

P.B. _____ PG. _____

SHEET 2 OF 2

PREPARED BY:
 WENCESLAO ORTEGA
 PROFESSIONAL LAND SURVEYOR and MAPPER
 No. 2091 STATE OF FLORIDA
 931-A S.W. 87th AVENUE, MIAMI, FLORIDA 33174
 SCALE: 1" = 30' OCTOBER, 2014



NOTICE:
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 OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO
 CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR
 DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS
 THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE
 PUBLIC RECORDS OF THIS COUNTY.

SURVEYOR'S NOTES:

- ⊕ Denotes Corner
- ⊙ Denotes Center Line
- ⊙ P.R.M. - Denotes Permanent Reference Monument
- ⊙ P.C.P. - Denotes Permanent Control Point
- CB - Chord Bearing
- Ch - Chord Distance
- L - Arc Length
- Δ - Central angle
- R - Radius
- SQ.FT. - Square Feet
- P.B. - Plat Book
- PG. - Page
- U.E. - Utility Easement

Bearings shown are referred to and assumed meridian value
 N00°02'23"E for the center line of OLD CUTLER ROAD.
 All distances are expressed in US Surveyor Foot.

THIS PLAT IS SUBJECT TO:
 ASSIGNMENT AND QUITCLAIM OF RIGHTS-OF-WAY
 AND EASEMENTS, RECORDED IN OFFICIAL RECORDS
 BOOK 10244, PAGE 1115, AND BILL OF SALE AND
 EASEMENT, RECORDED IN OFFICIAL RECORDS
 BOOK 3823, PAGE 181, BOTH OF THE PUBLIC RECORDS
 OF MIAMI-DADE COUNTY, FLORIDA.

RECORDING STATEMENT:

Filed for record this _____ day of _____ A.D., 2015,
 at _____ M., in Book _____ of Plats, at Page _____ of the Public
 Records of Miami-Dade County, Florida. This plat complies with the Laws
 of the State of Florida and Miami-Dade County, Florida.

HARVEY RUVIN, CLERK OF THE CIRCUIT COURT

By _____ Deputy Clerk

SURVEYOR'S CERTIFICATE :

I HEREBY CERTIFY: That the attached plat entitled, "DEL MAR EDGE SUBDIVISION", is a
 correct representation of the lands above described as recently surveyed and platted under
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 plat complies with all the applicable requirements of Part I, Chapter 177, Florida Statutes,
 and that the Permanent Control Points and the Permanent Reference Monuments were set in
 accordance with Part I, Chapter 177 of the Laws of the State of Florida.

WENCESLAO ORTEGA

By: *Wenceslao Ortega*
 WENCESLAO ORTEGA, P.S.M.
 Professional Land Surveyor and Mapper
 State of Florida
 Registration No. 2091
 931-A SW. 87th Avenue
 Miami, Florida 33174

