

RESOLUTION NO. 2017-64

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REAL PROPERTY; VACATING AN APPROXIMATE 5 FOOT WIDE STRIP OF RIGHT-OF-WAY ALONG THE EASTERN MOST PORTION OF 97 AVENUE (FRANJO ROAD), BEGINNING AT SW 180 STREET FOR A DISTANCE OF APPROXIMATELY 209 FEET, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT “A”; PROVIDING FOR SERVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay hold 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, on December 14, 2015, the Mayor and Village Council of Village of Palmetto Bay adopted Ordinance No. 2015-19, which established the Downtown Urban Village (DUV) zoning regulations, which included right-of-way standards throughout the district; and

WHEREAS, the DUV zoning provisions call for a 70 foot right-of-way along Franjo Road which is to be equally dedicated by all adjacent property owners with each providing 35 feet as measured from the frontage property line to the centerline of the required right-of-way; and

WHEREAS, on June 20, 2015, the Mayor and Village Council adopted Resolution No. 2016-51, approving the Atlantico site plan at the northeast corner of Franjo Road and SW 180 Street, consistent with the right-of-way standards prescribed by the DUV zoning provisions; and

WHEREAS, the existing right-of-way adjacent to the Atlantico project site is 75 feet wide of which 40 feet represents Atlantico’s portion, which is 5 feet more than is required by the DUV code; and

WHEREAS, in order to ensure the Atlantico site is developed consistent with adopted plans and the DUV zoning provisions, the Mayor and Village Council desire to vacate an approximate 5 foot strip of land along the eastern most portion of the 97 Avenue (Franjo Road) right-of-way for an approximate distance of 208 feet, as more particularly described at Attachment “A”, of which the vacated land shall revert to the owners on record according to the Miami Dade Property Appraiser, and

WHEREAS, all adjacent property owners have been notified in writing, by letter dated February 21, 2017, of the proposed vacated right-of-way; and

WHEREAS, in accordance with §336.10, Florida Statutes, the Village advertised a public hearing on the proposed vacation; which was advertised in The Daily Business Review on February 16, 2017 which is at least 14 days prior to this public hearing.

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

1 Section 1. Incorporate Whereas Clauses.

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3 The whereas clauses are incorporated and made a part of this resolution.

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5 Section 2. Vacation.

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7 The Village of Palmetto Bay vacates an approximate 5 foot strip of land along the eastern
8 most portion of the 97 Avenue (Franjo Road) right-of-way for an approximate distance of 208 feet,
9 as more particularly described at Attachment “A” of the above-described right-of-way.

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11 Section 3. Title.

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13 Title to the vacated right-of-way shall revert to the Florida Crystals Inc, and/or their heirs or
14 successors to such title, as more particularly described on the Miami-dade property appraisers
15 webpage.

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17 Section 4. Notice.

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19 Notice of the closure of the described right-of-way shall be published one time within 30
20 days of the adoption of this resolution in The Daily Business Review. A certified copy of this
21 resolution and proof of the publications of the notice of hearing and of the adoption of this
22 resolution shall be recorded in the public records of Miami-Dade County. The Village Clerk shall
23 provide a copy of these documents to the Miami-Dade County Tax Assessor.

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25 Section 5. Validity.

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27 If any section, clause, sentence, or phrase of this resolution is for any reason held invalid or
28 unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the
29 remaining portions of this resolution.

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31 Section 6. Repealer.

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33 All resolutions or parts of resolutions in conflict with the provisions of this resolution are
34 repealed.

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36 Section 7. Final Order.

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38 **This is a final order.**

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40 Section 8. Record.

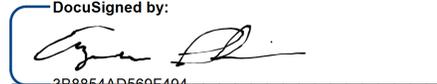
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42 The record shall consist of the notice of hearing, the applications, documents submitted by
43 the applicant and the applicants’ representatives to the Village of Palmetto Bay Department of
44 Planning and Zoning in connection with the applications, the county recommendation and attached
45 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
46 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
47 the Village Clerk.

1 Section 9. This resolution shall take effect immediately upon approval.

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PASSED and ADOPTED this 17th day of April, 2017.

Attest: 
Missy Arocha
Village Clerk


Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:


Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Karyn Cunningham YES
- Council Member David Singer YES
- Council Member Larissa Siegel Lara YES
- Vice-Mayor John DuBois NO
- Mayor Eugene Flinn YES