



40           **WHEREAS**, based on the foregoing finding, the Mayor and Village  
41 Council determined to grant the application, as provided in this Resolution.  
42

43           **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**  
44 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA,**  
45 **AS FOLLOWS:**  
46

47           **Section 1.** A public hearing on the present application was held on  
48 January 28, 2019, in accordance with the Village’s “Quasi-judicial Hearing  
49 Procedures”. Pursuant to the testimony and evidence presented during the  
50 hearing, the Village Council makes the following findings of fact, conclusions  
51 of law, and final order.  
52

- 53           **Section 2.** Findings of fact.
- 54           a. That the property is located at 6525 SW 152<sup>nd</sup> Street.
  - 55           b. After hearing testimony from staff, the applicant, the applicant’s  
56           experts, and the public, the Village Council found the plat request is  
57           consistent with the plat criteria at Section 30-80.1 of the Village’s Land  
58           Development Code.
  - 59           c. The Village adopts and incorporates by reference the Planning and  
60           Zoning Department staff report, which expert report is considered  
61           competent substantial evidence.
  - 62           d. The Village Council did not have any substantive disclosures regarding  
63           ex-parte communications and the applicant did not raise any objections  
64           as to the form or content of any disclosures by the Council.  
65

66           **Section 3.** Conclusions of law.  
67 The requested plat was reviewed pursuant to Section 30-80.1 of the Village’s  
68 Land Development Regulations and was found to be consistent.  
69

70           **Section 4.** Order.  
71 The Village Council approves the plat requests for certain lands within the  
72 Village of Palmetto Bay, located at 6525 SW 152<sup>nd</sup> Street, bearing folio  
73 number 33-5024-000-0020, as more particularly described in the attached  
74 plat that is included in this public hearing package, separating approximately  
75 13.40 acres from the 81.91-acre land, and separating the western 25 feet for  
76 dedication as public right-of-way along SW 67<sup>th</sup> Avenue (Ludlum Road) as  
77 depicted in the attached plat; This is the final order.  
78

79           **Section 5.** Record.

80 The record shall consist of the notice of hearing, the applications, documents  
81 submitted by the applicant and the applicants' representatives to the Village  
82 of Palmetto Bay Department of Planning and Zoning in connection with the  
83 applications, the testimony of sworn witnesses and documents presented at  
84 the quasi-judicial hearing, and the tape and minutes of the hearing. The  
85 record shall be maintained by the Village Clerk.

86  
87 **Section 6.** This Resolution shall take effect immediately upon  
88 approval.

89  
90 **PASSED AND ADOPTED** this 28<sup>th</sup> day of January 2019.

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92  
93 DocuSigned by:  
94 *Missy Arocha*  
95 \_\_\_\_\_  
96 Missy Arocha  
97 Village Clerk

DocuSigned by:  
*Karyn Cunningham*  
\_\_\_\_\_  
Karyn Cunningham  
Mayor

98  
99 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
100 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

101  
102  
103 DocuSigned by:  
104 *Dexter W. Lehtinen*  
105 \_\_\_\_\_  
106 Dexter Lehtinen, Esq.  
107 Village Attorney

108 **FINAL VOTE AT ADOPTION:**

- 109
- 110 Council Member Patrick Fiore YES
- 111
- 112 Council Member David Singer YES
- 113
- 114 Council Member Marsha Matson YES
- 115
- 116 Vice-Mayor John DuBois YES
- 117
- 118 Mayor Karyn Cunningham YES