

**RESOLUTION NO. 2015-17
ZONING APPLICATION PLT-14-003**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AUTHORIZING THE PLAT OF THE NORTHWEST CORNER OF 6525 SW 152 STREET, CREATING THE F.P.L CUTLER PLANT SUBSTATION PLAT CONSISTING OF 583,660 SQ. FEET (13.4 ACRES).

WHEREAS, the Applicant, Florida Power and Light Company, submitted an application to plat the northwest corner of 6525 SW 152 Street, creating the F.P.L Cutler Plant Substation plat consisting of 583,660 sq. feet (13.4 acres), bearing Folios Number 33-5024-000-0020, as more particularly described at Attachment A of this Resolution; and

WHEREAS, on September 15, 1947 the Board of Miami-Dade County approved the development of the 84 acre site as a power plant facility.

WHEREAS, in November of 2012 the property ceased its power generation activities, and now only serves as a substation for the distribution of power produced at FP&L's Turkey Point Facility, and as such, FP&L is no longer interested in retaining all 84 acres of the site; and

WHEREAS, the plat application submitted by FP&L separates approximately 13.4 acres from the site which they tend to retain for the purpose of operating the existing power distribution substation; and

WHEREAS, the applicant is now requesting the Mayor and Village Council authorize the plat request so that the applicant may finalize the plat application with Miami-Dade County; and

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial public hearing on the application at Village Hall, 9705 East Hibiscus Street on January 20, 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.

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

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. A public hearing on the present application was held on January 20, 2015, in accordance with the Village's "Quasi-judicial hearing procedures." Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law and final order.

Section 3. Findings of fact.

a. On September 15, 1947, the Board of Miami-Dade County approved the development of the 84 acre site as a power plant facility.

b. In November of 2012, the property ceased its power generation, and now only serves as a substation for the distribution of power produced at FP&L's Turkey Point Facility. As such in this reduced role, FP&L is no longer interested in retaining all 84 acres of the site. The plat application submitted by FP&L separates approximately 13.4 acres from the site which they tend to retain for the purpose of operating the existing substation.

c. The applicant is requesting the Mayor and Village Council to authorize the plat request so that the applicant may finalize the plat application with Miami-Dade County. The applicant seeks to subdivide the property to allow the construction of single-family homes on the newly created lots.

d. The property configuration has been deemed acceptable by the Village's Public Works Department.

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

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

Section 4. Conclusions of law.

a. Florida Power and Light, is requesting to plat the northwest corner of 6525 SW 152 Street, creating the F.P.L Cutler Plant Substation Plat consisting of 583,660 sq. feet (13.4 acres), bearing Folios Number 33-5024-000-0020, as more particularly described at Attachment A of this Resolution, for the purpose of retaining those lands for a power distribution substation.

b. The Application is in compliance with the adopted 2009 Village of Palmetto Bay Comprehensive Plan and Future Land Use Map.

c. The standard of review for a plat application request is found at Section 30-80.2(b), entitled "Final Plat Application Requirements". The Applicant's request to plat the property as described in Attachment A is in compliance with the applicable standards.

Section 5. Order.

a. The Village Council authorizes the plat of those lands described at Attachment A, bearing Folio Number 33-5024-000-0020; creating "F.P.L. Cutler Plant Plat".

b. This is a final order.

Section 6. Record.

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

Section 7. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 20th day of January, 2015.

Attest: 
Meighan Alexander
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	<u>YES</u>
Council Member Tim Schaffer	<u>YES</u>
Council Member Larissa Siegel Lara	<u>YES</u>
Vice-Mayor John DuBois	<u>YES</u>
Mayor Eugene Flinn	<u>YES</u>

This Resolution was filed in the Office of the Village Clerk on this 26th day of January, 2015.

Meighan Alexander
Meighan Alexander
Village Clerk

F.P.L. CUTLER PLANT SUBSTATION P.B. PG.

LYING AND BEING IN THE S.W. 1/4 OF SECTION 24, TOWNSHIP 55 SOUTH, RANGE 40 EAST
VILLAGE OF PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA

SHEET 1 OF 1

JUNE 2014



0 50' 100' 200' 300'
SCALE: 1 INCH = 100 FEET
GRAPHIC SCALE:

PREPARED BY:
A. R. TOUSSAINT & ASSOCIATES, INC.
LAND SURVEYORS
PH: (305) 891-7340 FAX: (305) 893-0325
620 N.E. 126 STREET NORTH MIAMI, FLORIDA 33161
FLORIDA CERTIFICATE OF AUTHORIZATION LB-273

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.

LEGEND:

- ⊙ = P.R.M. INDICATES PERMANENT REFERENCE MONUMENT
- = P.C.P. INDICATES PERMANENT CONTROL POINT
- ℄ = CENTERLINE
- P.B. = PLAT BOOK
- P.O.B. = POINT OF BEGINNING
- P.C. = PAGE
- LB = LICENSED BUSINESS
- S.F. = SQUARE FEET
- ± = MORE OR LESS

KNOW ALL MEN BY THESE PRESENTS:

THAT FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION LICENSED TO DO BUSINESS IN THE STATE OF FLORIDA, HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "F.P.L. CUTLER PLANT SUBSTATION", THE SAME BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 54 SOUTH, RANGE 40 EAST.

LEGAL DESCRIPTION:

A PORTION OF THE SOUTHWEST 1/4, OF SECTION 24, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LOCATED IN THE VILLAGE OF PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4, OF THE SOUTHWEST 1/4, OF SECTION 24, TOWNSHIP 55 SOUTH, RANGE 40 EAST; THENCE RUN NORTH 88°01'36" EAST ALONG THE SOUTH LINE OF THE NORTHWEST 1/4, OF THE SOUTHWEST 1/4, OF THE SAID SECTION 24 FOR A DISTANCE OF 50.00 FEET; TO THE POINT OF BEGINNING; THENCE RUN NORTH 2°11'04" WEST ALONG A LINE 50.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 24 FOR A DISTANCE OF 200.00 FEET; THENCE RUN NORTH 88°01'36" EAST ALONG A LINE 200.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST 1/4, OF THE SOUTHWEST 1/4, OF THE SAID SECTION 24, FOR A DISTANCE OF 985.00 FEET; THENCE RUN SOUTH 2°11'04" EAST, ALONG A LINE THAT IS 1035.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST 1/4, OF SAID SECTION 24 FOR A DISTANCE OF 200.00 FEET; THENCE RUN NORTH 88°01'36" EAST ALONG THE NORTH LINE OF THE SAID SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, FOR A DISTANCE OF 80.00 FEET; THENCE RUN SOUTH 2°11'04" EAST ALONG A LINE THAT IS 1115.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST 1/4, OF SAID SECTION 24 FOR A DISTANCE OF 370.00 FEET; THENCE RUN SOUTH 88°01'36" WEST ALONG A LINE THAT IS 370.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, OF SAID SECTION 24 FOR A DISTANCE OF 352.00 FEET; THENCE RUN SOUTH 2°11'04" EAST ALONG A LINE THAT IS 763.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 24 FOR A DISTANCE OF 205.00; THENCE RUN SOUTH 88°01'36" WEST ALONG A LINE THAT IS 575 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, OF THE SAID SECTION 24, FOR A DISTANCE OF 360.00 FEET; THENCE RUN NORTH 2°11'04" WEST, ALONG A LINE THAT IS 403.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST 1/4, OF SAID SECTION 24, FOR A DISTANCE OF 435.00 FEET; THENCE RUN SOUTH 88°01'36" WEST ALONG A LINE THAT IS 140.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, OF THE SAID SECTION 24 FOR A DISTANCE OF 353.00 FEET; THENCE RUN NORTH 2°11'04" WEST ALONG A LINE THAT IS 50.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST 1/4, OF SAID SECTION 24 FOR A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING.

THERE ARE 583,660.00 OR 13.399 ACRES OF LAND, MORE OR LESS.

IN WITNESS WHEREOF:

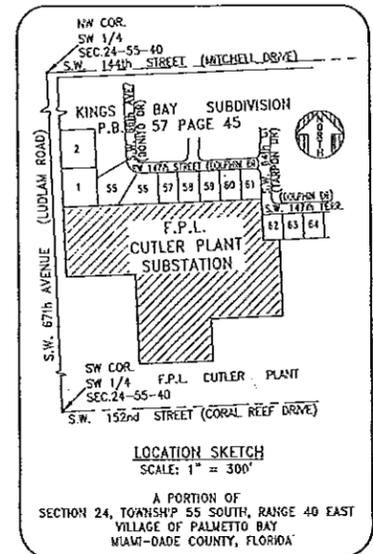
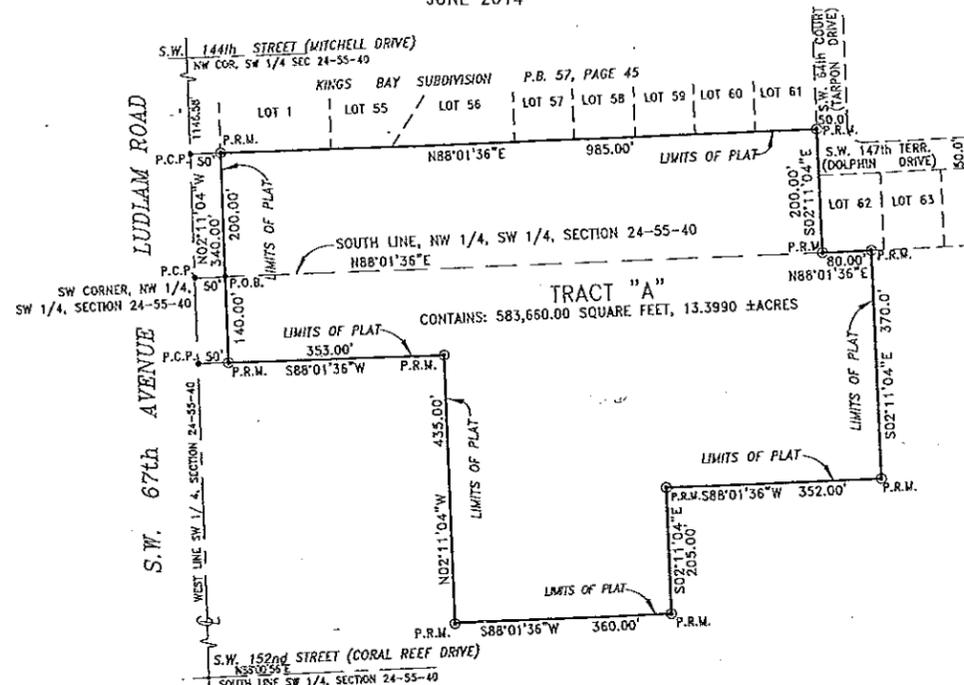
THAT SAID FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, LICENSED TO DO BUSINESS IN THE STATE OF FLORIDA, HAS CAUSED THESE PRESENTS TO BE SIGNED ON ITS BEHALF BY DEAN J. GIRARD ITS DIRECTOR OF CORPORATE REAL ESTATE, AND ITS CORPORATE SEAL TO BE HERETO AFFIXED THIS _____ DAY OF _____ A.D. 2014.

FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION

BY: _____
DIRECTOR OF CORPORATE REAL ESTATE
PRINT NAME: DEAN J. GIRARD

WITNESS: _____ WITNESS: _____

PRINT NAME: _____ PRINT NAME: _____



ACKNOWLEDGMENT:

STATE OF _____)
SS: _____)
COUNTY OF _____)

I HEREBY CERTIFY THAT ON THIS DAY, PERSONALLY APPEARED BEFORE ME, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGMENTS, DEAN J. GIRARD, DIRECTOR OF CORPORATE REAL ESTATE OF FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, WHO IS PERSONALLY KNOWN TO ME AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS FREE ACT AND DEED AS SUCH OFFICER FOR THE PURPOSES THEREON EXPRESSED AND WHO DID NOT TAKE AN OATH. WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____ A.D. 2014.

_____, NOTARY PUBLIC

PRINT NAME OF NOTARY PUBLIC _____

NOTARY PUBLIC STATE OF FLORIDA SERIAL NUMBER _____

COMMISSION EXPIRES _____

MORTGAGE:

STATE OF _____)
SS: _____)
COUNTY OF _____)

KNOW ALL MEN BY THESE PRESENTS, THAT BANKERS TRUST COMPANY (NOW KNOWN AS DEUTSCHE BANK TRUST COMPANY AMERICAS) AND THE FLORIDA NATIONAL BANK OF JACKSONVILLE, AS TRUSTEES, HOLDER OF THAT CERTAIN MORTGAGE DATED JANUARY 1, 1944, ENCLUMBERING THE LANDS DESCRIBED HEREON AND RECORDED IN MORTGAGE BOOK 346, PAGE 167 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND DOES HEREBY JOIN AND CONSENT TO THIS PLAT FOR THE USES AND PURPOSES HEREIN SET FORTH.

SIGNED AND SEALED THIS _____ DAY OF _____ A.D. 2014.

BY: _____
NAME, TITLE
(CORPORATE SEAL)

WITNESS: _____ WITNESS: _____

PRINT NAME: _____ PRINT NAME: _____

ACKNOWLEDGMENT:

STATE OF _____)
SS: _____)
COUNTY OF _____)

I HEREBY CERTIFY THAT ON THIS DAY, BEFORE ME, AN OFFICER DULY AUTHORIZED IN THE STATE AFORESAID AND IN THE COUNTY AFORESAID TO TAKE ACKNOWLEDGMENTS PERSONALLY APPEARED _____ AS IDENTIFICATION.

WITNESS MY HAND AND OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID THIS _____ DAY OF _____ A.D. 2014.

COMMISSION NO: _____ NOTARY PUBLIC STATE OF FLORIDA

EXPIRATION DATE: _____

PRINT NAME _____

VILLAGE OF PALMETTO BAY PLAT RESTRICTIONS:

THAT SW 67th AVENUE, 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.

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 FOREGOING 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. 2014.

SIGNED: _____ MAYOR ATTEST: _____

PRINT NAME _____ PRINT NAME _____

PRINT TITLE _____ PRINT TITLE _____

MIAMI-DADE COUNTY PLAT RESTRICTIONS:

THAT THE USE OF SEPTIC TANKS SHALL NOT BE PERMITTED WITHIN THIS SUBDIVISION, UNLESS APPROVED FOR TEMPORARY USE, IN ACCORDANCE WITH THE STATE AND COUNTY REGULATIONS.

THAT INDIVIDUAL WELLS SHALL NOT BE PERMITTED WITHIN THIS SUBDIVISION, EXCEPT FOR SPRINKLER SYSTEMS, AIR CONDITIONERS, AND/OR SWIMMING POOLS.

THAT ALL NEW ELECTRIC AND COMMUNICATION LINES, EXCEPT TRANSMISSION LINES, WITHIN THIS SUBDIVISION SHALL BE INSTALLED UNDERGROUND.

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 CODE OF MIAMI-DADE COUNTY, FLORIDA.

CERTIFIED THIS _____ DAY OF _____ A.D. 2014. THIS PLAT HAS BEEN REVIEWED BY A PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY MIAMI-DADE COUNTY IN ACCORDANCE WITH SECTION 177.081 (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. 2014.

SIGNED: _____ DIRECTOR

SIGNED: _____ COUNTY ENGINEER

RECORDING STATEMENT:

FILED FOR THE RECORD THIS _____ DAY OF _____ A.D. 2014, AT _____ AM PM 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 CIRCUIT COURT

BY: _____ DEPUTY CLERK

SURVEYOR'S NOTE:

THE BEARINGS SHOWN HEREON ARE BASED UPON THE STATE OF FLORIDA PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM, TRANSVERSE MERCATOR GRID, EAST ZONE. REFERENCE BEARING CENTER LINE S.W. 67th AVENUE (WEST LINE SW 1/4, SECTION 24-55-40) IS N 02°11'04"W. SOURCE MIAMI-DADE COUNTY, GPS STA. 157 "WHITUNG, AZ MK" (AZMUTH MARK)

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED PLAT ENTITLED F.P.L. CUTLER PLANT SUBSTATION IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS RECENTLY SURVEYED, SUBDIVIDED AND PLATTED UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION, THAT THE SURVEY DATA SHOWN COMPLIES WITH THE APPLICABLE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND WITH THE APPLICABLE SECTIONS OF CHAPTER 51-17, FLORIDA ADMINISTRATIVE CODE, AND FURTHER THAT THE PERMANENT REFERENCE MONUMENTS (P.R.M.'S) AND PERMANENT CONTROL POINTS (P.C.P.'S) WERE SET ON THE _____ DAY OF _____ A.D. 2014 IN ACCORDANCE WITH SECTION 177.021 OF SAID CHAPTER 177, PART 1.

A.R. TOUSSAINT & ASSOCIATES, INC.

BY: _____ PRES.

ALBERT R. TOUSSAINT, PRESIDENT

SURVEYOR AND MAPPER LS 907

STATE OF FLORIDA
A.R. TOUSSAINT & ASSOCIATES, INC. LB-273

RECEIVED
Zoning Department
12/19/14
Village of Palmetto Bay
Building & Zoning Department
By: *[Signature]*

