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RESOLUTION NO. 2016-27

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SECTION 30-160 OF THE ART-IN-PUBLIC PLACES (AIPP) PROGRAM, ACCEPTING THE RECOMMENDATION OF THE AIPP ADVISORY BOARD TO ACCEPT PAYMENT OF THE AIPP FEE IN LIEU OF THE PREVIOUSLY APPROVED ART PIECE AS AUTHORIZED PURSUANT TO RESOLUTION NO. 2010-10, FOR THE PROPERTY LOCATED AT 17225 SOUTH DIXIE HIGHWAY; AUTHORIZING THE VILLAGE MANAGER TO RELEASE THE PROPERTY OWNER FROM THE UNDERLYING DECLARATION OF RESTRICTIONS AS APPLYING THERETO; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, on October 1st, 2007 the Mayor and Village Council established the Art-in- Public Places Program (AIPP) via Resolution 07-05, designed to promote the general welfare by encouraging pride in the community, increasing property values, enhancing the quality of life through artistic opportunities, uniting the community through shared cultural experiences, and creating a cultural legacy for future generations through the collection and exhibition of high-quality art pieces that reflect diverse styles, chronicling history through the collection of artifacts, documents and memorabilia that will acknowledge the past and create programs and activities that will further these goals; and

WHEREAS, as part of the program, the Village's AIPP Advisory Board was created to oversee the public education, and curatorial aspects of the program; and

WHEREAS, on January 11, 2010, pursuant to Section 30-160, Art in Public Places (AIPP), the Village Council adopted Resolution No. 2010-10, approving the installation of an art piece for the property located at 17225 South Dixie Highway; and

WHEREAS, since that time the owner of the property, citing concerns of theft and/or vandalism, no longer desires to locate the sculpture in the plaza area of the property and now prefers to pay the AIPP fee instead; and

WHEREAS, in light of those concerns, the Village sponsors this request in order to minimize any additional expense that the property owner may incur beyond the required AIPP fee; and

WHEREAS, the AIPP Advisory Board recommends, pursuant to Section 30-160, allowing the applicant to pay the AIPP fee in lieu of providing the art installation; and

WHEREAS, pursuant to 30-160, the AIPP fee amount equals 1% of the cost of the development project subject thereto; and

WHEREAS, the construction value of the property 17225 South Dixie Highway was approximately \$1,500,000 with a minimum AIPP requirement of \$15,000; and

1
2 **WHEREAS**, the Village Council now desires to accept the AIPP Fee of \$15,000, in lieu
3 of the previous order, Resolution No. 2010-10, which was rendered on January 11, 2010.
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6 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
7 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
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9 **Section 1.** The Mayor and Village Council hereby accepts the recommendation of
10 the Art-In-Public-Places Advisory Board to accept the AIPP fee of \$15,000 in lieu of the prior
11 order, Resolution No. 2010-10, for the property located at 17225 South Dixie Highway with the
12 following conditions:
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- 14 1. That the AIPP fee be paid within 60 days of this order
- 15 2. Failure to make payment will result in re-imposition of Resolution 2010-10.
- 16 3. No other develop orders or permits shall be issued to the property until the conditions of
17 this Resolution or Resolution No. 2010-10, whichever is applicable, are fulfilled.
18

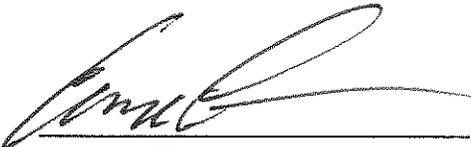
19 **Section 3. Release of Declaration of Restrictions.** The Mayor and Village Council
20 authorizes the Village Manager to release the Declaration of Restrictions as recorded in the
21 Miami-Dade County Public Records, OR BK 27175 Pages 4886-4892, from the property located
22 at 17225 South Dixie Highway, once the AIPP fee of \$15,000 is made in full to the Village of
23 Palmetto Bay.
24

25 **Section 3. Effective Date.** This Resolution shall take effect immediately upon
26 approval.
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28 **PASSED and ADOPTED** this 4th day of April, 2016.
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31
32 Attest:


33 Meighan Alexander
34 Village Clerk
35


36 Eugene Flinn
37 Mayor

38 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
39 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
40

41 
42 Dexter W. Lehtinen
43 Village Attorney
44
45
46
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- 1 FINAL VOTE AT ADOPTION:
- 2 Council Member Katryn Cunningham YES
- 3 Council Member Tim Schaffer YES
- 4 Council Member Larissa Siegel Lara YES
- 5 Vice-Mayor John DuBois YES
- 6 Mayor Eugene Flinn YES