EXHIBIT "1"

RESOLUTION NO. 2016-28

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO SECTION 30-30.15, ENTITLED TRANSFER OF DEVELOPMENT RIGHTS (TDR); TRANSFERRING 85 RESIDENTIAL UNITS FROM 17901 OLD CUTLER ROAD, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT A; TO 17777 OLD CUTLER ROAD, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT B; AND ACCEPTING BY THE VILLAGE, AS A CONDITION THEREOF, THE OWNERSHIP OF PARCELS OF APPROXIMATELY 40± ACRES, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT C, FOR PUBLIC FACILITIES, PARKS, AND CONSERVATION PURPOSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Applicant, 17777 Old Cutler Road, LLC, made an application to transfer the development rights of 85 residential units from 17901 Old Cutler Road (sender site), as more particularly described at Attachment A, to 17777 Old Cutler Road (receiver site), as more particularly described at Attachment B; and

WHEREAS, the sender site is a 22± acre parcel of undeveloped land which contains wetlands, pine up-lands, and native fauna and vegetation; and the receiver site is over 40± acres and is developed with office buildings and is permitted to have multifamily uses; and

WHEREAS, in transferring the development right to the receiver property the applicant has offered and intends to deed the property together with other lands of approximately 40± acres, as more particularly described at Attachment C, to the Village of Palmetto Bay; and

WHEREAS, by transferring the development rights from the sender site and deeding the land to the Village of Palmetto Bay, it becomes available for a passive park and conservation area with only ancillary structures, and the north 1 ½ acres of the 22± parcel, can be made available to locate a much needed fire rescue facility; and

WHEREAS, the request is consistent with and in furtherance of the recognized purpose of the TDR program including the creation to additional opens space, preservation of environmentally sensitive lands, and public facilities; and

WHEREAS, the applicant has agreed to transfer approximately 40± acres of land for the purpose of providing for parks, conservation, and public facilities; and

WHEREAS, once development rights are transferred, they are not available for private development on the sender site; and

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street, on March 7, 2016 and May 2, 2016; and

Additions shown by underlining and deletions shown by ~~overstriking~~.
"***" indicates portions of code excluded.

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the transfer of development rights is consistent with the Village of Palmetto Bay's 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. **Quasi-judicial.** A public hearing on the present applications were held on March 7, 2016, and May 2, 2016, 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 2. **Recitals.** The above recitals are true and correct and incorporated herein by this reference.

Section 3. **Findings of fact.**

1. The transfer of development rights is consistent with the Village's Comprehensive Plan, as further specified in the Analysis Section of the Village's Staff report.

2. The rules that govern transfer of development rights are at Section 30-30.15 of the Land Development Regulations. A review of that Code, as evidenced in the analysis of staff, which is incorporated by reference into this resolution, and after hearing the applicant and applicant's experts, the Village Council found the request consistent with those criteria.

3. The Village adopts and incorporates by reference the Planning & Zoning Department staff report, which expert report is considered competent substantial evidence.

4. The applicant has agreed to all conditions in the section entitled Order.

5. 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.**

The transfer of development rights application was reviewed pursuant to Section 30-30.15(f) of the Village of Palmetto Bay's Code of Ordinances, and was found to be conditionally consistent.

Additions shown by underlining and deletions shown by ~~overstriking~~.
"***" indicates portions of code excluded.

Section 5. Order.

The Village Council grants the transfer of developments request with the following conditions:

1. The applicant shall provide sealed surveys that accurately depict the sender site, receiver, and land dedication site, prior to the transfer of the 85 residential units. Said surveys will be deemed acceptable for purposes of transferable rights and land dedication upon staff determination that they are generally reflective of the Attachments A, B and C, of the Resolution.

2. As part of the land dedication process, and prior to transfer of the 85 residential units, the lands involved shall comply with Chapter 28, Subdivisions, of the Miami-Dade County Code of Ordinances, and/or record any other legal instrument deemed necessary to ensure clear title.

3. The approved Resolution shall be recorded to the titles of all lands involved.

4. Prior to transfer of the 85 residential units The Village shall receive clear title to the dedicated lands as generally described in Attachment C of the Resolution and as further depicted in the survey submitted and accepted pursuant to condition of 2 of this recommendation.

5. All previous conditions, approvals, covenants and resolutions shall remain in effect unless otherwise altered by the granting of this request and any conditions assigned therein.

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. Effective date.

This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 2nd day of May, 2016.

Attest: Meighan Alexander

Meighan Alexander
Village Clerk

Eugene Flinn
Mayor

Additions shown by underlining and deletions shown by ~~overstriking~~.
"***" indicates portions of code excluded.

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

Dexter W. Lehtinen
Village Attorney

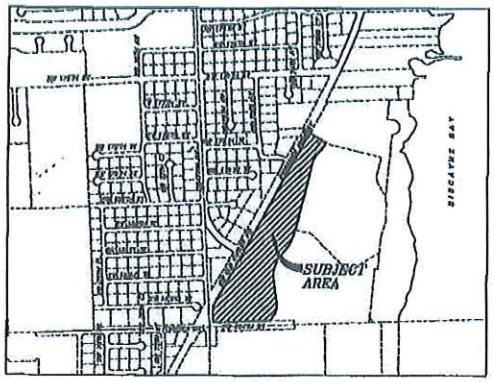
FINAL VOTE AT ADOPTION:

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

This Resolution was filed in the Office of the Village Clerk on this 12th day of May, 2016.

Meighan Alexander
Village Clerk

Additions shown by underlining and deletions shown by ~~overstriking~~.
"***" indicates portions of code excluded.



LOCATION MAP

A PORTION OF SECTION 35, TOWNSHIP 53 SOUTH, RANGE 40 EAST
MIAMI-DADE COUNTY, FLORIDA
NOT TO SCALE

NOTES REGARDING SCHEDULE B-II OF TITLE INSURANCE COMMITMENT FILE NO.1003-3138284 ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF MARCH 03, 2014 AT 11:59 P.M.

SHEET 5

SHEET 4

SHEET 2

SHEET 3

NOT A PART

TRACT "A" BURGER KING WORLD HEADQUARTERS (P.B.117,PG. 88)

TRACT "B" BURGER KING WORLD HEADQUARTERS (P.B.117,PG. 88)

POINT OF BEGINNING P.B.M.

LEGAL DESCRIPTION

NOTES:

SURVEYOR'S CERTIFICATE:

Schwebke-Shiskin & Associates, Inc.

MARK STEVEN SCHWEBKE
PROFESSIONAL LAND SURVEYOR No. 4718
STATE OF FLORIDA

REVISIONS

Date	Field Book	Field Book	Description	By

ALTA/ACSM LAND TITLE SURVEY

PREPARED FOR: TERRA WORLD INVESTMENTS LLC.

Section 35, Township 53 South, Range 40 East, Miami-Dade County, Florida

Schwebke-Shiskin & Associates, Inc.
LAND PLANNERS • ENGINEERS • LAND SURVEYORS
2000 PONCE DE LEON BLVD., CORAL GABLES, FLORIDA 33134 (305) 446-1979 FAX (305) 446-9388

CERTIFICATE OF AUTHORIZATION No. LB-43

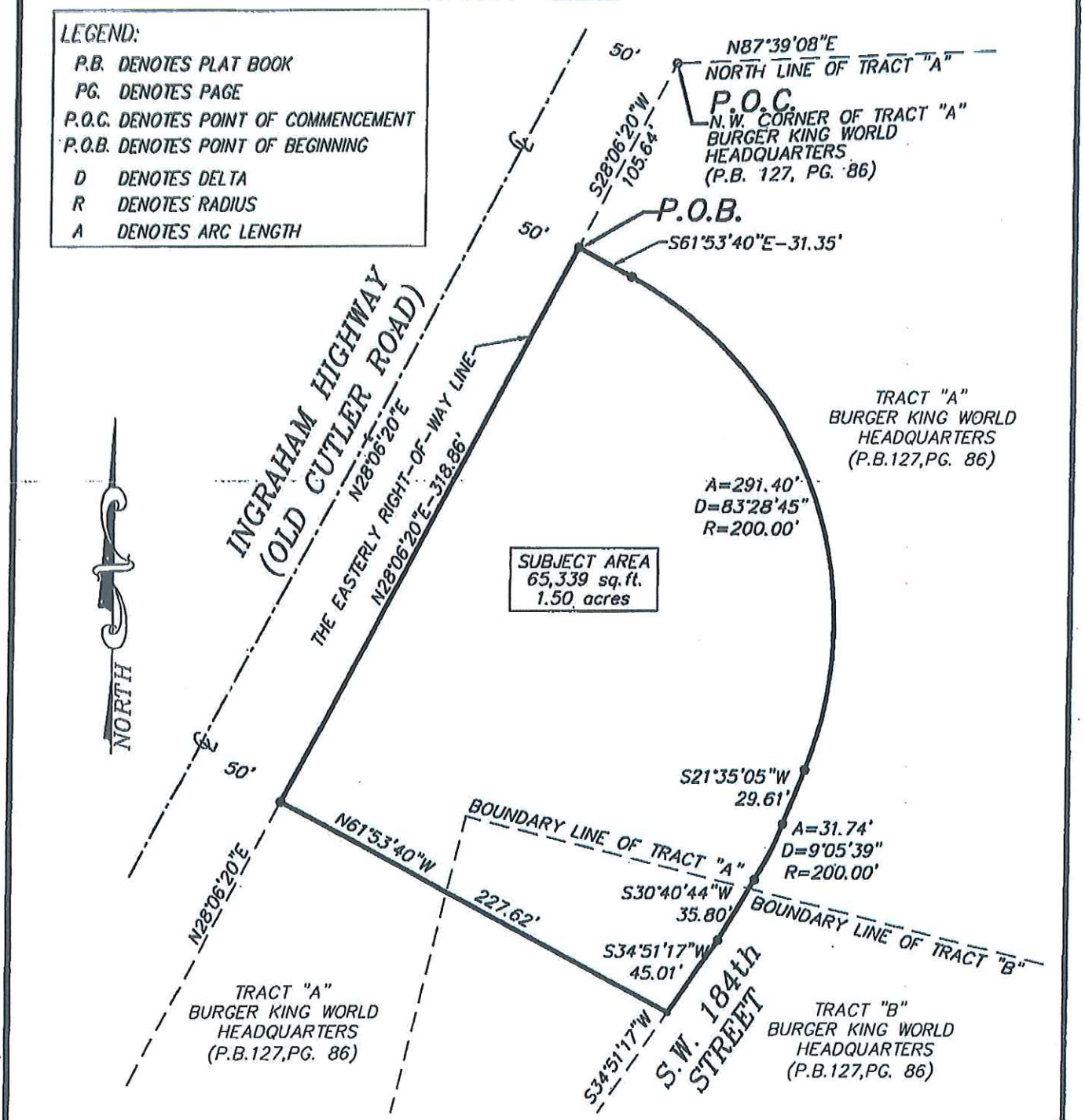
NOTE: This sketch is not valid unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper.

This is a "Boundary Survey."

Date 03/03/2014 Revised 05-14-14 | Drawn By: MS | Checked By: MS | Date 05-14-2014
Order No. 20701 F.B. No. 2011/Pg 11 2012/Pg 11 | Scale 1:1 (FLOATER)
File No. 11-5174 | Sheet 1 of 5 Sheets

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "____"



NOT TO SCALE

SHEET 1 OF 2 SHEETS

Schwebke-Shiskin & Associates, Inc.
LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025
PHONE No.(954)435-7010 FAX No. (954)438-3288

ORDER NO. 203019

DATE: JULY 14, 2014

THIS IS NOT A " BOUNDARY SURVEY"

CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:

JOSE G. HERNANDEZ ASSISTANT VICE-PRESIDENT

FLORIDA PROFESSIONAL LAND SURVEYOR No. 6952

REVISIONS

A355540\BURGER KING TRACT\SURVEY\dwg\NORT PARCEL - LEGAL DESCRIPTION.dwg

LEGAL DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "____"

A PORTION OF TRACT "A" AND TRACT "B", "BURGER KING WORLD HEADQUARTERS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 127 AT PAGE 86, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "A"; THENCE SOUTH 28 DEGREES 06 MINUTES 20 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INGRAHAM HIGHWAY (OLD CUTLER ROAD), FOR A DISTANCE OF 105.64 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE RUN SOUTH 61 DEGREES 53 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 31.35 FEET TO THE POINT OF CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 200.00 FEET; THENCE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 291.40 FEET THROUGH A CENTRAL ANGLE OF 83 DEGREES 28 MINUTES 45 SECONDS TO A POINT OF TANGENCY; THENCE SOUTH 21 DEGREES 35 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 29.61 FEET TO THE POINT OF CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 200.00 FEET; THENCE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 31.74 FEET THROUGH A CENTRAL ANGLE OF 9 DEGREES 05 MINUTES 39 SECONDS TO A POINT OF TANGENCY; THENCE SOUTH 30 DEGREES 40 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 35.80 FEET; THENCE SOUTH 34 DEGREES 51 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 45.01 FEET; THENCE NORTH 61 DEGREES 53 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 227.62 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF INGRAHAM HIGHWAY (OLD CUTLER ROAD); THENCE NORTH 28 DEGREES 06 MINUTES 20 SECONDS EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INGRAHAM HIGHWAY (OLD CUTLER ROAD), FOR 318.86 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 65,339 SQUARE FEET MORE OR LESS (1.50 ACRES MORE OR LESS)

LYING AND BEING IN SECTION 35, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.

NOTES:

1) BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF NORTH 28°06'20" EAST, ALONG TTHE EASTERLY RIGHT-OF-WAY LINE OF INGRAHAM HIGHWAY (OLD CUTLER ROAD).
2) ORDERED BY: GROUPER FINANCIAL, INC.
3) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE EMBOSSED SEAL OF THE ATTESTING PROFESSIONAL LAND SURVEYOR.

Schwebke-Shiskin & Associates, Inc.
LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025
PHONE No.(954)435-7010 FAX No. (954)438-3288

ORDER NO. 203019
DATE: JULY 14, 2014
THIS IS NOT A " BOUNDARY SURVEY"
CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:
JOSE G. HERNANDEZ ASSISTANT VICE-PRESIDENT
FLORIDA PROFESSIONAL LAND SURVEYOR No. 6952

REVISIONS

A35S540\BURGER KING TRACT\SURVEY\dwg\NORT PARCEL - LEGAL DESCRIPTION.dwg

Attachment B
Receiver Site

Attachment C
Donation Site