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RESOLUTION NO. 2015-78

ZONING APPLICATION PLT-14-002a

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE PLAT OF CERTAIN LANDS WITHIN THE VILLAGE OF PALMETTO BAY AS BOUNDED BY THE HARRIEL ESTATES PLAT TO THE NORTH, SW 174 STREET TO THE SOUTH, SW 93 AVENUE TO THE EAST, AND SW 94 AVENUE TO THE WEST, CREATING PALMETTO BAY ESTATES PLAT CONSISTING OF 2 BLOCKS AND 19 LOTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant, Isabianca Investments LLC, submitted an application to plat certain lands within the Village of Palmetto Bay as bounded by the Harriel Estates Plat to the north, SW 174 Street to the south, SW 93 Avenue to the east, and SW 94 Avenue to the west, bearing Folios Numbers 33-5033-000-0410, 33-5033-000-0770, to create Palmetto Bay Estates Plat consisting of 2 blocks and 19 lots as described at Attachment A; and

WHEREAS, on January 22, 2007 The Mayor and Village Council, operating under the Miami-Dade County code, designated the property RU-1, Single Family Residential, from AU, Agricultural, with a condition, among others, that the land contain no more than nineteen lots to be laid-out in a specified configuration; and

WHEREAS, on August 20, 2009, the Village of Palmetto Bay Mayor and Village Council changed the zoning of the property from RU-1 to R-1, Single Family Residential, when they adopted their own Land Development Code and Official Zoning Map; and

WHEREAS, the property configuration complies with the Land Development Code, the conditions applied by the Mayor and Village Council in 2007, and has been deemed acceptable by the Village's Public Works Department; and

WHEREAS, the applicant is now requesting the Mayor and Village Council approve the plat request so that the applicant may record the plat 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 December 15, 2014; 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.

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

3
4 Section 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as
5 being true and correct and are hereby made a part of this Resolution upon adoption hereof.
6

7 Section 2. A public hearing on the present application was held on September 21,
8 2015, in accordance with the Village's “Quasi-judicial hearing procedures.” Pursuant to the
9 testimony and evidence presented during the hearing, the Village Council makes the following
10 findings of fact, conclusions of law and final order.
11

12 Section 3. Findings of fact.

13 a. On January 22, 2007, the Mayor and Village Council designated the property RU-
14 1, Single Family Residential, from AU, Agricultural, with a condition, among others, that the land
15 contain no more than nineteen lots to be laid-out in a specified configuration.
16

17 b. On August 20, 2009, the Village of Palmetto Bay adopted its own zoning code
18 which included rezoning those lands previously zoned RU-1 to R-1, Single Family Residential
19 Zoning district, and in so doing adopted the Village's Official Zoning Map.
20

21 c. The applicant is requesting the Mayor and Village Council to authorize the plat
22 request so that the applicant may finalize the plat application with Miami-Dade County. The
23 applicant seeks to subdivide the property to allow the construction of single-family homes on the
24 newly created lots.
25

26 d. The property configuration complies with the Land Development Code, the
27 conditions from the 2007 rezoning, and has been deemed acceptable by the Village's Public
28 Works Department.
29

30 e. The Department review of the application for consistency with plat requirements
31 at Section 30-80.2(b), entitled “Final Plat Application Requirements”, found the application to be
32 in compliance.
33

34 f. The Village Council had no substantive disclosures regarding ex-parte
35 communications and the applicant raised no objections as to the form or content of any
36 disclosures by the Council.
37

38 Section 4. Conclusions of law.

39 The request to plat those lands within the Village of Palmetto Bay as bounded by the
40 Harriel Estates Plat to the north, SW 174 Street to the south, SW 93 Avenue to the east, and SW
41 94 Avenue to the west, bearing Folios Numbers 33-5033-000-0410, 33-5033-000-0770, as more
42 particularly described as:
43

44 The south 208.75 feet of the west 208.75 feet of the NW ¼ of the SE ¼ of the
45 NW ¼ less the south and west 25 feet thereof for road purposes of section 33,
46 township 55 south, range 40 east, lying and being in Miami-Dade County, Florida
47 and the south 66 feet of the north ½ of the NW ¼ of the SE ¼ of the NW ¼ less

1 the west 25 feet thereof for right-of-way purposes of Section 33, Township 55
2 south, Range 40 east, lying and being in Miami-Dade County, Florida and the
3 south 1/2 of the NW 1/4 of the SE 1/4 of the NW 1/4, less the south 208.75 feet of
4 the west 208.75 feet and less the south 25 feet of the SE 1/4 of the NW 1/4 of the SE
5 1/4 of the NW 1/4 for right-of-way purposes lying and being in Section 33,
6 Township 55 south, Range 40 east, lying and being in Miami-Dade County,
7 Florida;

8
9 creating Palmetto Bay Estates Plat, consisting of 2 blocks and 19 lots as described at Attachment
10 A, is found to be in compliance with Section 30-80.2(b).

11
12 Section 5. Order.

13 a. The Village Council authorizes the plat of those lands described at Section 4 of
14 this order; creating "Palmetto Bay Estates Plat", consisting of 2 blocks and 19 lots as further
15 described at Attachment A of this resolution.

16
17 b. This is a final order.

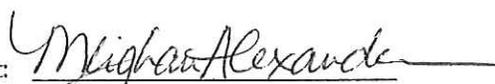
18
19 Section 6. Record.

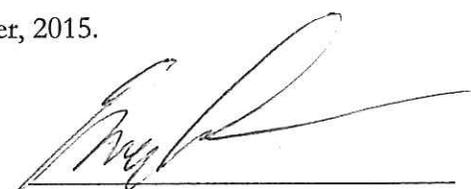
20 The record shall consist of the notice of hearing, the applications, documents submitted
21 by the applicant and the applicants' representatives to the Village of Palmetto Bay Department of
22 Planning and Zoning in connection with the applications, the county recommendation and
23 attached cover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

26
27 Section 7. This resolution shall take effect immediately upon approval.

28
29 PASSED and ADOPTED this 21st day of September, 2015.

30
31
32
33 Attest:

34 
35 Meighan Alexander
36 Village Clerk

37 
38 Eugene Flinn
39 Mayor

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

42
43 
44 Dexter W. Lehtinen
45 Village Attorney
46

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FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham YES
Council Member Tim Schaffer YES
Council Member Larissa Siegel Lara YES
Vice-Mayor John DuBois YES
Mayor Eugene Flinn YES

This Resolution was filed in the Office of the City Clerk on this 23rd day of September, 2015.


Meighan Alexander, Village Clerk

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, Meighan Alexander, Village Clerk of the Village of Palmetto Bay, Florida, hereby certify that the attached is a true and correct copy of Resolution 2015-78, as shown in the records of the Village on file in the office of the Village Clerk.

Witness my hand and corporate seal of the Village of Palmetto Bay, FL, this 24th day of September, 2015.


Meighan Alexander, Village Clerk

PALMETTO BAY ESTATES

PLAT BOOK: _____ PAGE _____
SHEET: 1 OF 2

A SUBDIVISION OF A PORTION OF THE NW 1/4 OF SECTION 33,
TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.
VILLAGE OF PALMETTO BAY

PREPARED BY:
JUAN R. MARTINEZ & ASSOCIATES, INC.
CONSULTING ENGINEERS - LAND PLANNERS - LAND SURVEYORS
8550 WEST FLAGLER STREET, SUITE 106, MIAMI, FLORIDA 33144
AUGUST, 2015



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.

KNOW ALL MEN BY THESE PRESENTS:

THAT ISABIANCA INVESTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "PALMETTO BAY ESTATES", THE SAME BEING A SUBDIVISION OF THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

THE SOUTH 208.75 FEET OF THE WEST 208.75 FEET OF THE NW 1/4 OF THE SE 1/4 OF THE NW 1/4 LESS THE SOUTH AND WEST 25 FEET THEREOF FOR ROAD PURPOSES OF SECTION 33, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

AND

THE SOUTH 66 FEET OF THE NORTH 1/2 OF THE NW 1/4 OF THE SE 1/4 OF THE NW 1/4, LESS THE WEST 25 FEET THEREOF FOR RIGHT-OF-WAY PURPOSES OF SECTION 33, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

AND

THE SOUTH 1/2 OF THE NW 1/4 OF THE SE 1/4 OF THE NW 1/4, LESS THE SOUTH 208.75 FEET OF THE WEST 208.75 FEET AND LESS THE SOUTH 25 FEET OF THE SE 1/4 OF THE NW 1/4 OF THE SE 1/4 OF THE NW 1/4 FOR RIGHT-OF-WAY PURPOSES LYING AND BEING IN SECTION 33, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

MIAMI-DADE COUNTY PLAT RESTRICTIONS:

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

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

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

VILLAGE OF PALMETTO BAY PLAT RESTRICTIONS:

THAT SW 174TH STREET, SW 173RD TERRACE, SW 93RD AVENUE AND SW 94TH 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 REVERSIONS THEREOF, WHENEVER DISCONTINUED BY LAW.

OWNER'S PLAT RESTRICTION:

THAT THE UTILITY EASEMENTS, AS SHOWN BY DASHED LINES ON THE ATTACHED PLAT, ARE HEREBY RESERVED FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES.

IN WITNESS WHEREOF:

THE SAID, ISABIANCA INVESTMENTS, LLC A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED FOR AND ON ITS BEHALF BY, ALVARO LUIS ADRIAN ITS MANAGER OF ISABIANCA INVESTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY AND ITS COMPANY SEAL HEREUNTO AFFIXED IN THE PRESENCE OF THESE TWO WITNESSES, THIS 26TH DAY OF August, A.D., 2015.

ISABIANCA INVESTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY

WITNESS: MARICELY FIGUEIREDO BY: ALVARO LUIS ADRIAN
MANAGER

WITNESS: NORMA BUSQUET

ACKNOWLEDGMENT:

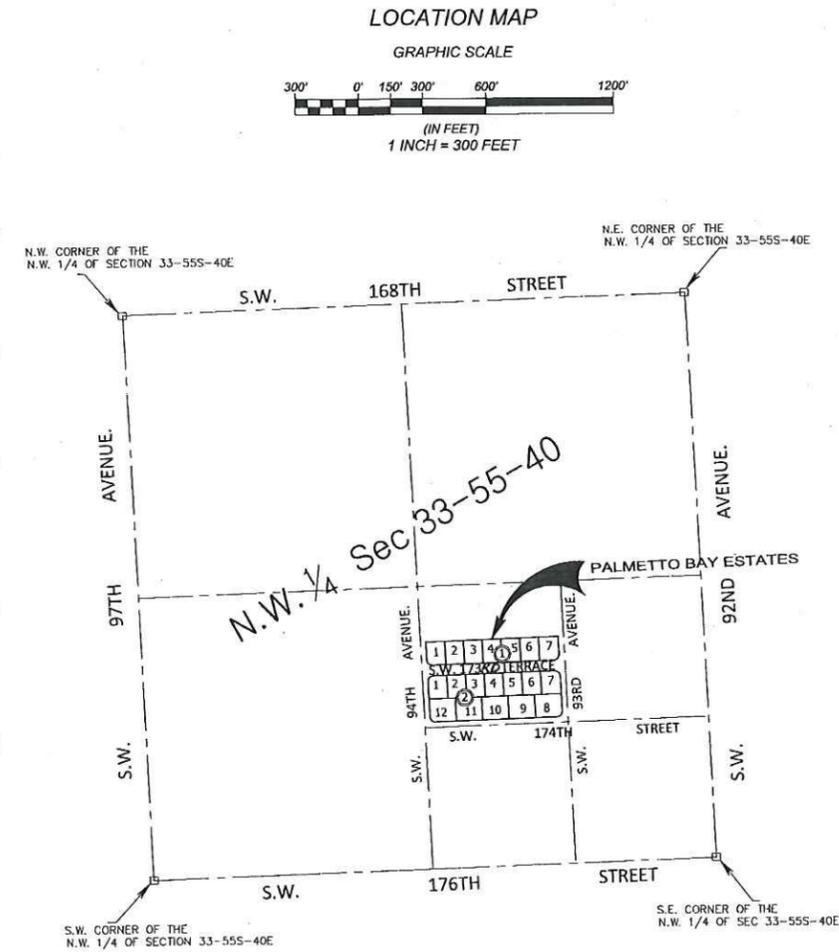
STATE OF FLORIDA }
COUNTY OF MIAMI-DADE } SS:

I HEREBY CERTIFY: THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGMENTS, ALVARO LUIS ADRIAN, AS MANAGER OF ISABIANCA INVESTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO ME AND WHO EXECUTED THE FOREGOING INSTRUMENT FREELY AND VOLUNTARILY AS SUCH OFFICER FOR THE PURPOSES THEREIN EXPRESSED AND WHO DID NOT TAKE AN OATH.

WITNESS MY HAND AND OFFICIAL SEAL THIS 26TH DAY OF August, A.D., 2015.

MY COMMISSION EXPIRES: AUGUST 26, 2017 BY: JUAN R. MARTINEZ

COMMISSION NUMBER: FF 015458 NOTARY PUBLIC, STATE OF FLORIDA AT LARGE



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 MIAMI-DADE COUNTY CODE. CERTIFIED THIS _____ DAY OF _____, A.D., 2015. 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.

RECORDING STATEMENT:

FILED FOR RECORD THIS _____ DAY OF _____ A.D., 2015, AT _____ M., 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, THE CLERK OF THE CIRCUIT COURT.

BY: _____ DEPUTY CLERK

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: THAT THE ATTACHED PLAT ENTITLED, "PALMETTO BAY ESTATES", IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS AS RECENTLY SURVEYED AND PLATTED UNDER MY DIRECTION, ALSO THAT THE PERMANENT REFERENCE MONUMENTS WERE IN PLACE IN ACCORDANCE WITH PART I, CHAPTER 177, LAWS OF THE STATE OF FLORIDA.

JUAN R. MARTINEZ & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION No.1751

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. 2015-28 PASSED AND ADOPTED BY THE CITY COMMISSION OF THE VILLAGE OF PALMETTO BAY, FLORIDA, THIS 21ST DAY OF September, A.D. 2015.

SIGNED: [Signature] MAYOR ATTEST: [Signature]

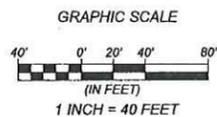
BY: [Signature]
JUAN R. MARTINEZ
PROFESSIONAL LAND SURVEYOR NO. 2160
STATE OF FLORIDA



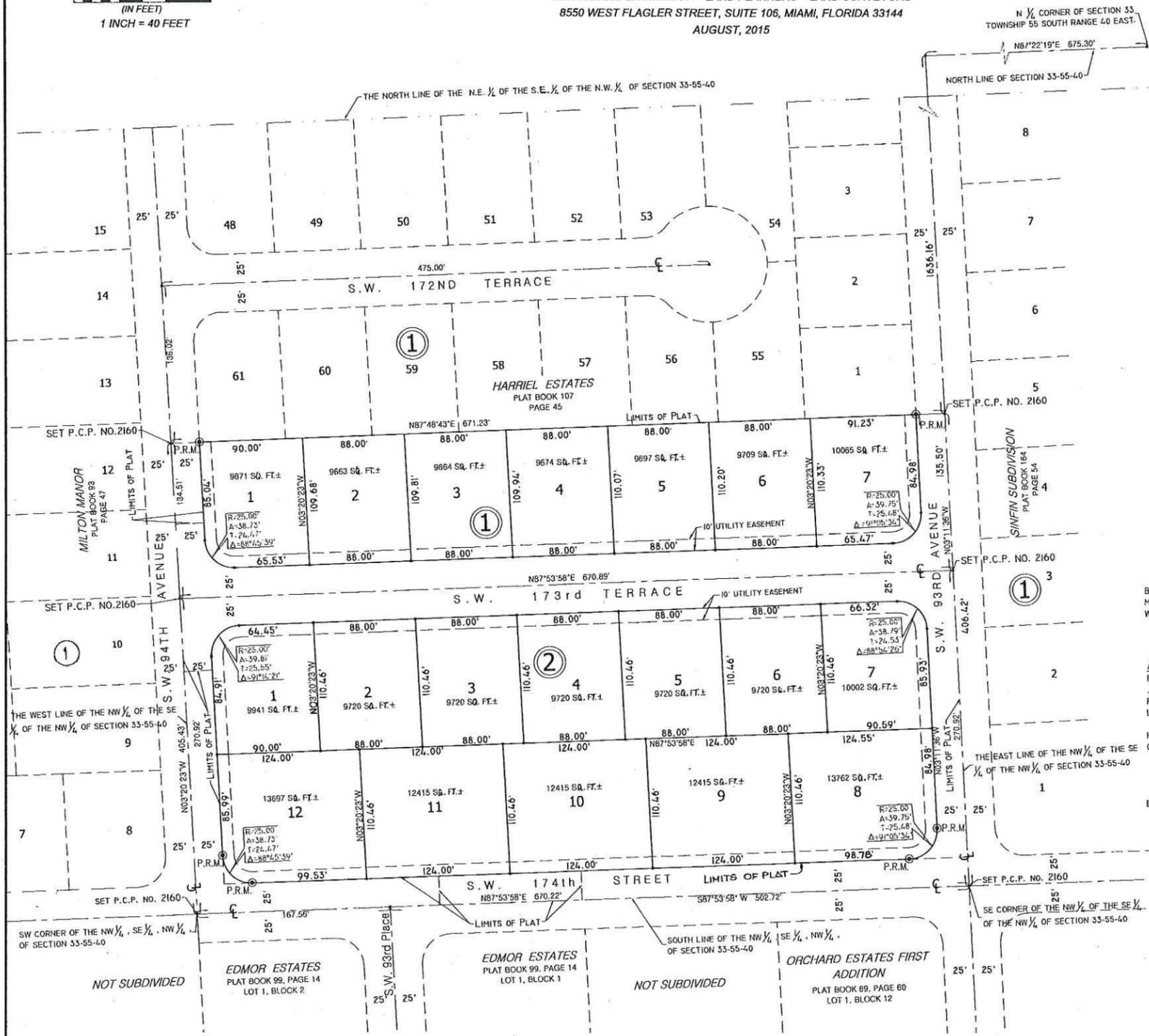
PALMETTO BAY ESTATES

A SUBDIVISION OF A PORTION OF THE NW 1/4 OF SECTION 33,
TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.
VILLAGE OF PALMETTO BAY

PLAT BOOK: _____ PAGE _____
SHEET: 2 OF 2



PREPARED BY:
JUAN R. MARTINEZ & ASSOCIATES, INC.
CONSULTING ENGINEERS - LAND PLANNERS - LAND SURVEYORS
8550 WEST FLAGLER STREET, SUITE 106, MIAMI, FLORIDA 33144
AUGUST, 2015



- SURVEYOR'S NOTES:**
- P.R.M. : DENOTES PERMANENT REFERENCE MONUMENT
 - P.C.P. : DENOTES PERMANENT CONTROL POINT
 - Δ : DENOTES CENTRAL ANGLE (DELTA ANGLE)
 - R : DENOTES RADIUS
 - A : DENOTES ARC LENGTH
 - SQ.FT. : DENOTES SQUARE FEET
 - C : DENOTES CENTERLINE
 - SEC : DENOTES SECTION
 - T : DENOTES TANGENT DISTANCE
 - : DENOTES 10' UTILITY EASEMENT
 - N : DENOTES NORTH
 - W : DENOTES WEST
 - E : DENOTES EAST
 - S : DENOTES SOUTH

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN ALONG THE CENTERLINE OF SW 174TH STREET, WHICH BEARS NORTH 87°53'58" EAST.

RECORDING STATEMENT:
FILED FOR RECORD THIS _____ DAY OF _____, A.D., 2015 AT _____
M., 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.

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