

**RESOLUTION NO. 04-38**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE TRANSFER OF ROADS BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH MIAMI-DADE COUNTY ACCEPTING JURISDICTION, OWNERSHIP AND RESPONSIBILITY FOR PUBLIC ROADS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF PALMETTO BAY EXCEPT FOR THE ROADS IDENTIFIED AS "EXEMPT ROADS" PER THE ATTACHED AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fourth Interlocal Agreement between Miami-Dade County and the Village of Palmetto Bay provides that certain public roads on the County Road System that are within the corporate limits of the Village of Palmetto Bay be transferred to the Village; and

WHEREAS, the County and the Village are desirous of transferring the underlying title and responsibility for the planning, design, construction, improvement and maintenance of public roads from the Miami-Dade County to the Village with the exception of streets listed in "Exhibit A" that shall remain County streets and shall be maintained by the County; and

WHEREAS, pursuant to Section 335.0415, Florida Statutes, jurisdiction and responsibility for public roads may be transferred by mutual Agreement of the County and the Village; and

WHEREAS, the County and the Village have determined that it is in the best interest of the parties that responsibility for the operation, maintenance, planning, design and construction of the public roads and any future improvements thereto be transferred to the Village; and

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

Section 1: Village Manager is authorized to accept and execute the Road Transfer Agreement with Miami-Dade County.

Section 2: The County shall transfer municipal streets to the Village after the execution of the agreement.

Section 3: This Resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 3rd day of May, 2004.

ATTEST: Meighan Pier  
Meighan Pier  
City Clerk

APPROVED: Eugene P. Flinn  
Eugene P. Flinn  
Mayor

READ AND APPROVED AS TO FORM:

Earl G. Gallop  
Earl G. Gallop  
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Paul Neidhart	<u>YES</u>
Council Member John Breder	<u>YES</u>
Vice-Mayor Linda Robinson	<u>YES</u>
Mayor Eugene P. Flinn	<u>YES</u>

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