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**RESOLUTION NO. 08-76**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO MITIGATION; THANKING COMMISSIONER KATY SORENSON FOR SPONSORING A RESOLUTION SUPPORTING THE EXPLORATION OF RESOLVING MITIGATION; SUPPORTING AND RECOMMENDING APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF COMMISSIONER NATACHA SEIJAS'S RESOLUTION TO ELIMINATE THE MITIGATION PAYMENTS BY THE CITY OF MIAMI LAKES; AND REQUEST OF COMMISSIONER SORENSON AND THE ENTIRE THE BOARD OF COUNTY COMMISSIONERS TO MOVE FORWARD WITH A SIMILAR RESOLUTION ENDING THE MITIGATION PAYMENTS OF THE VILLAGE OF PALMETTO BAY AND CITY OF DORAL; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.]

WHEREAS, the Mayor and Village Council extend their appreciation to Miami-Dade County Commissioner Katy Sorenson for her dedication and her efforts to assist the Village of Palmetto Bay with eliminating the dispute over mitigation and ask that Commissioner Sorenson take the same action as Commissioner Seijas; and,

WHEREAS, the Mayor and Village Council applaud commissioner Seijas for taking a definitive role and seeking significant action to end mitigation for Miami Lakes, the community she represents; and,

WHEREAS, the Village is hopeful that Commissioner Sorenson will take the same stance and support the Palmetto Bay community, as well; and,

WHEREAS, After 5 years of negotiation, now is the time for action by the Board of County Commissioners of Miami-Dade County; and,

WHEREAS, as the Board of County Commissioners of Miami-Dade County are aware, the Village has strongly advocated for years that mitigation should end; and,

WHEREAS, since the incorporation of the Town of Miami Gardens, the Village of Palmetto Bay has advocated to the reduction and removal of mitigation payments; and,

WHEREAS, Miami-Dade County Commissioner Natacha Seijas has sponsored County Agenda item 10-7-08 relating to a resolution approving an amendment to the City of Miami Lakes Charter eliminating mitigation payments to Miami-Dade County for fiscal year 2006-2007, and the "Most Favored Nations Clause" as it applies to Mitigation upon Certain Conditions"; and,

WHEREAS, the Board of County Commissioner expressed its intent to phase out mitigation through the adoption of Resolution No. R-508-01; and,

1 WHEREAS, the Board of County Commissioners, in furtherance of its Home Rules powers,  
2 desires to phase out mitigation payments by the Town of Miami Lakes for fiscal year 2006-2007  
3 forward; and,  
4

5 WHEREAS, Commissioner Seijas also requested that the Town of Miami Lakes voluntarily  
6 dismiss with prejudice the appeal to the Third District Court of Appeals in *Town of Miami Lakes v.*  
7 *Miami Dade County*, under case no.: 3D08-1724; and the litigation under the original action *Town of*  
8 *Miami Lakes v. Miami-Dade County*, Case no.: 07-30357 (CA 31); and,  
9

10 WHEREAS, both the City of Doral and the Village of Palmetto Bay are affected by the  
11 litigation identified above, and in fact, the City of Doral is a party to the appellate litigation under  
12 case no.: 3D08-1724; and,  
13

14 WHEREAS, the Village of Palmetto has its own original action under the matter entitled  
15 *Village of Palmetto Bay v. Miami-Dade County*, under case no.: 08-14156 (CA 27); and,  
16

17 WHEREAS, the Village of Palmetto Bay and the City of Doral should be considered a part  
18 of County Commissioner Seijas's progressive and considerate agenda item (10-7-08), as joining the  
19 Village and the City of Doral would resolve all outstanding issues between the three municipalities  
20 and Miami-Dade County; and,  
21

22 WHEREAS, the Mayor and Village Council encourage County Commissioner Katy  
23 Sorenson to sponsor such a resolution, and/or move to make a friendly amendment to County  
24 Commissioner Seijas's agenda item; and,  
25

26 WHEREAS, the Mayor and Village Council desire to adopt this resolution and to forward a  
27 copy of this resolution to the County Manager, the entire Board of County Commissioners, the  
28 Mayor and Council for Doral; and the Mayor and Council for Miami Lakes.  
29

30 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE  
31 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:  
32

33 Section 1. The above whereas clauses are incorporated by reference herein.  
34


35 Section 2. The Mayor and Village Council support the end of mitigation and request  
36 that County Commissioner Katy Sorenson take action to support County Commissioner Seijas and  
37 further, request that County Commissioner Sorenson make a friendly amendment to Commissioner  
38 Seijas's resolution (agenda item 10-7-08) to include both the Village of Palmetto Bay and the City of  
39 Doral; or alternatively, to sponsor a similar resolution to Commissioner Seijas's agenda item (10-7-  
40 08) on behalf of the Village of Palmetto Bay and the City of Doral for the elimination of mitigation  
41 for fiscal year 2006-2007 forward.  
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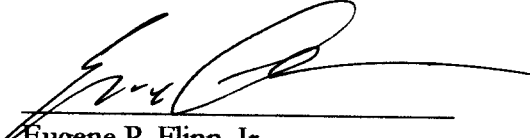
43 Section 3. The Village Clerk is directed to distribute a copy of this Village Resolution to  
44 the County Manager, the entire Board of County Commissioners, the Mayor and Council for the  
45 City of Doral, and the Mayor and Council for the Town of Miami Lakes.

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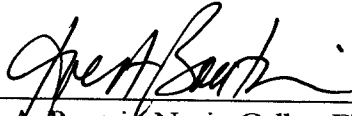
Section 4. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 8<sup>TH</sup> day of September, 2008.

Attest:   
Meighan Rader  
Village Clerk

  
Eugene P. Flinn, Jr.  
Mayor

APPROVED AS TO FORM:

  
Eve A. Boutsis, Nagin Gallop Figueredo, P.A.  
Office of Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Ed Feller YES
- Council Member Paul Neidhart YES
- Council Member Shelley Stanczyk YES
- Vice-Mayor Linda Robinson YES
- Mayor Eugene P. Flinn, Jr. YES