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3 **RESOLUTION NO. 2022-79**

4 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE**
5 **VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE**
6 **ACQUISITION OF LAND; AUTHORIZING THE VILLAGE MANAGER**
7 **TO NEGOTIATE AN ADDENDUM TO THE AGREEMENT FOR THE**
8 **PURCHASE OF THE LAND BY THE VILLAGE FOR ONE DOLLAR**
9 **AND NO CENTS; PROVIDING AN EFFECTIVE DATE. (*Sponsored by***
10 ***Village Administration*)**

11 **WHEREAS**, certain land located within the Village of Palmetto
12 Bay will be suitable for public uses under Village ownership; and

13
14 **WHEREAS**, the vacant land of approximately 3.0973 acres in the
15 vicinity of SW 164 Street and SW 93 Avenue (the "Site"), has been
16 identified as a suitable location for a Village Park honoring United
17 States military veterans; and

18
19 **WHEREAS**, on December 11, 2015, the Village and the owner
20 (the "Owner") of the Site entered into a Public Recreation and Use
21 Easement which provided for, *inter alia*, the right of the Village to
22 purchase the Site for the sum of one dollar and no cents (\$1.00) for use
23 as a veterans' park (the "Veterans' Park"); and

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25 **WHEREAS**, the Village is interested in acquiring the Site for the
26 purpose of using it as a Village Park honoring United States veterans;
27 and

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29 **WHEREAS**, on February 2, 2021, a First Turnover Agreement
30 was recorded in the Public Records of Miami-Dade County, Florida, to
31 memorialize the completion of the turnover of the First Park Phase of
32 the Site to the Village; and

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34 **WHEREAS**, the Owner of the Site and the Village Administration
35 have negotiated a Second Turnover Agreement to memorialize the
36 turnover to the Village of the remainder of the; and

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38 **WHEREAS**, the Owner of the Site and the Village Administration
39 have negotiated the Declaration of Restrictive Covenants required by
40 prior Village Resolutions for the Owner of the Site and adjoining land to
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42 remain in compliance with the Village's Land Development Code once
43 the Site is purchased by the Village; and

44
45 **WHEREAS**, the Village is prepared to purchase the Site for
46 one dollar and no cents (\$1.00) pursuant to the aforementioned Public
47 Recreation and Use Easement; and

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49 **WHEREAS**, *however*, the actual closing on the Village's
50 purchase of the Site cannot occur until the Site and the land adjoining
51 the Site owned by the Owner are platted, which necessitates the
52 amendment of the parties' Purchase Agreement to accommodate this
53 requirement.

54
55 **NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
56 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
57 **FLORIDA, AS FOLLOWS:**

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59 **Section 1.** That the above recitals are incorporated as if set forth
60 in full.

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62 **Section 2.** The Village Manager is authorized to proceed with
63 negotiating an amendment to the Purchase Agreement to provide for
64 (i), the closing of the Village's purchase of the Site once the Site and
65 adjoining properties are platted; (ii), to execute the Purchase
66 Agreement and Addendum amending the Purchase Agreement; (iii), to
67 take all such further actions that may be necessary to carry out the
68 terms of the Purchase Agreement, as amended, in order to conclude
69 the Village's acquisition of the Site for one dollar and no cents (\$1.00);
70 and (iv), for the purpose of establishing the Veterans' Park honoring
71 United States military veterans.

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73 **Section 3.** The Council shall review a proposed Declaration of
74 Covenants and the Second Turnover Agreement upon the platting of
75 the site being completed.

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77 **Section 4.** This Resolution shall take effect immediately upon
78 approval.

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PASSED AND ADOPTED this 12th day of September 2022.

ATTEST:

VILLAGE OF PALMETTO BAY

DocuSigned by:

Missy Arocha

Missy Arocha
Village Clerk

DocuSigned by:

Karyn Cunningham

Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

DocuSigned by:

George Lott, Esq.

George Lott, Esq.

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FINAL VOTE AT ADOPTION:

- Council Member Patrick Fiore YES
- Council Member Steve Cody YES
- Council Member Marsha Matson NO
- Vice-Mayor Leanne Tellam YES
- Mayor Karyn Cunningham YES