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**RESOLUTION NO. 2016-86**

**ZONING APPLICATION VPB-16-006**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO ZONING; PURSUANT TO 30-80, PLATTING AND SUBDIVISIONS, AUTHORIZING THE PLAT OF CERTAIN LANDS WITHIN THE VILLAGE LOCATED AT 17001 SW 92 COURT, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT A; CREATING THE PALMETTO BAY GARDENS PLAT, CONSISTING OF 3 LOTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Applicant, Vitran Homes LLC, submitted an application to plat certain lands within the Village of Palmetto Bay, located at 17001 SW 92 Court, bearing Folio Number 33-5033-000-0390, as more particularly described at Attachment A of this Resolution; creating Palmetto Bay Gardens consisting of 3 lots; and

**WHEREAS**, on December 8, 1988 The Board of County Commissioners, operating under the Miami-Dade County code, approved a non-use variance of lot frontage and area requirements to permit the division of the land into three building sites; and

**WHEREAS**, the property configuration complies with that order, all other requirement of the Village's Land Development Code, 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 September 19, 2016; 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 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. Whereas Clauses.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Resolution upon adoption hereof.

1           **Section 2. Public Hearing.** A public hearing on the present application was held  
2 on September 19, 2016, in accordance with the Village's "Quasi-judicial hearing procedures."  
3 Pursuant to the testimony and evidence presented during the hearing, the Village Council makes  
4 the following findings fact, conclusions of law and final order.  
5

6           **Section 3. Findings of fact.**  
7

- 8           a. On December 8, 1988 The Board of County Commissioners, operating under the  
9 Miami-Dade County code, approved a non-use variance of lot frontage and area  
10 requirements to permit the division of the land into three building sites.  
11  
12           b. The applicant is requesting the Mayor and Village Council to approve the plat  
13 request so that the applicant may record the plat with Miami-Dade County. The  
14 applicant seeks to subdivide the property to allow the construction of single-  
15 family homes on the newly created lots.  
16  
17           c. The property configuration complies with the 1988 Order, the remaining  
18 requirements of the Village's Land Development Code, and has been deemed  
19 acceptable by the Village's Public Works Department.  
20  
21           d. The Department review of the application for consistency with plat requirements  
22 at Section 30-80.2(b), entitled "Final Plat Application Requirements", found the  
23 application to be in compliance.  
24  
25           e. The Village Council had no substantive disclosures regarding ex-parte  
26 communications and the applicant raised no objections as to the form or content  
27 of any disclosures by the Council.  
28

29           **Section 4. Conclusions of law.** The request to plat the North 1/5, of the East 1/2, of  
30 the Southeast 1/4, of the Northeast 1/4, of the Northwest 1/4, less the West 25 feet,  
31 (currently one parcel); creating Palmetto Bay Gardens plat consisting of Lot 1, Lot 2, and  
32 Lot 3 (three Parcels), is found to be in compliance with Section 30-80.2(b).  
33

34           **Section 5. Order.** The Village Council approves the plat of those lands as described  
35 at the Attachment, bearing Folio Number 33-5033-000-0390; creating "Palmetto Bay  
36 Gardens", consisting of 3 lots.  
37

38           This is a final order.  
39

40           **Section 6. Record.** The record shall consist of the notice of hearing, the  
41 applications, documents submitted by the applicant and the applicants' representatives to  
42 the Village of Palmetto Bay Department of Planning and Zoning in connection with the  
43 applications, the county recommendation and attached cover sheet and documents, the  
44 testimony of sworn witnesses and documents presented at the quasi-judicial hearing, and  
45 the tape and minutes of the hearing. The record shall be maintained by the Village Clerk.  
46

47           **Section 7.** This Resolution shall take effect immediately upon approval.



# PALMETTO BAY GARDENS

A SUBDIVISION OF A PORTION OF THE NORTH  $\frac{1}{5}$ , OF THE EAST  $\frac{1}{2}$ , OF THE SOUTHEAST  $\frac{1}{4}$ , OF THE NORTHEAST  $\frac{1}{4}$ ,  
 OF THE NORTHWEST  $\frac{1}{4}$ , LESS THE WEST 25 FEET THEREOF,  
 OF SECTION 33, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN 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  
 JANUARY, 2016

**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 VITRAN HOMES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "PALMETTO BAY GARDENS", THE SAME BEING A SUBDIVISION OF THE FOLLOWING DESCRIBED PROPERTY:

**LEGAL DESCRIPTION:**

THE NORTH  $\frac{1}{5}$ , OF THE EAST  $\frac{1}{2}$ , OF THE SOUTHEAST  $\frac{1}{4}$ , OF THE NORTHEAST  $\frac{1}{4}$ , OF THE NORTHWEST  $\frac{1}{4}$ , LESS THE WEST 25 FEET THEREOF, OF 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 170TH STREET, SW 92ND COURT AND SW 92ND 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, VITRAN HOMES, LLC A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENT TO BE SIGNED FOR AND ON ITS BEHALF BY, RUBEN BERTRAN ITS MANAGING MEMBER OF VITRAN HOMES, LLC, A FLORIDA LIMITED LIABILITY COMPANY AND ITS COMPANY SEAL HEREUNTO AFFIXED IN THE PRESENCE OF THESE TWO WITNESSES, THIS 1<sup>st</sup> DAY OF February, A.D., 2016.

VITRAN HOMES, LLC; A FLORIDA LIMITED LIABILITY COMPANY

WITNESS: Maricely Santana  
 MARICELY SANTANA

BY: Ruben Bertran  
 RUBEN BERTRAN  
 MANAGING MEMBER

WITNESS: Norma Busquet  
 NORMA BUSQUET

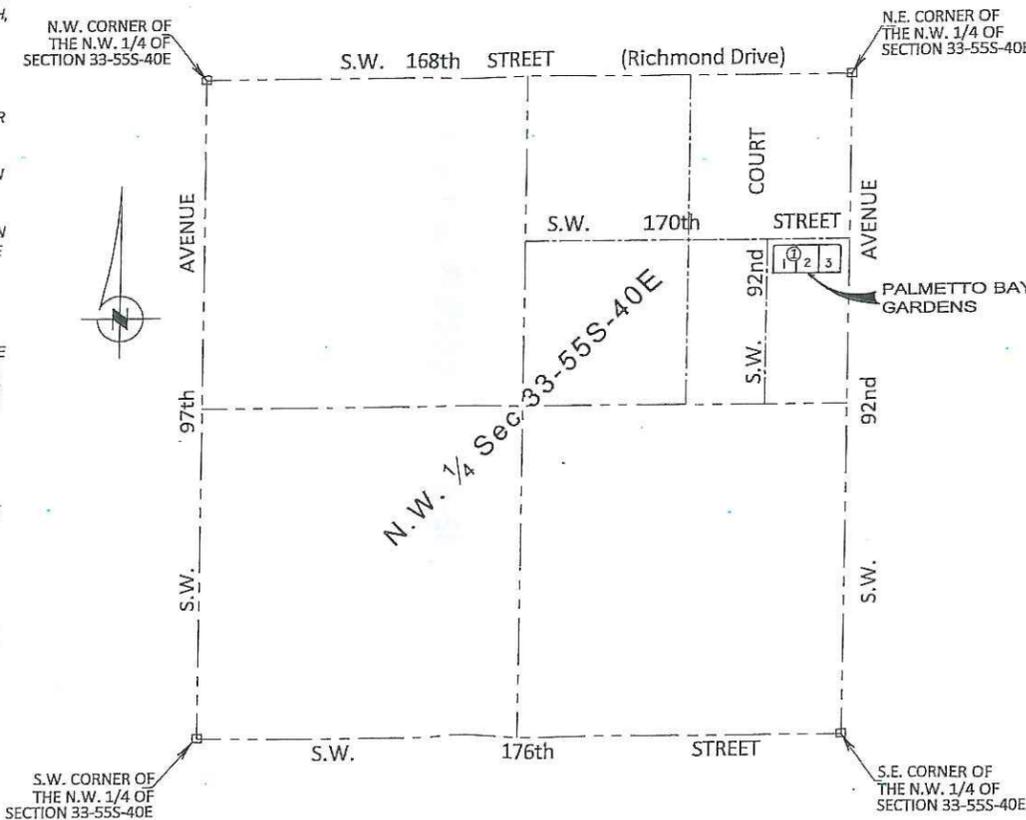
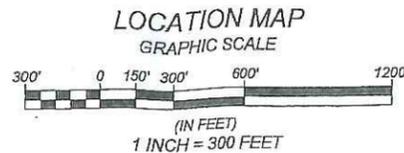
**ACKNOWLEDGMENT:**

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, RUBEN BERTRAN, AS MANAGING MEMBER OF VITRAN HOMES, 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 1<sup>st</sup> DAY OF FEBRUARY A.D., 2016.



**MORTGAGEE**

KNOW ALL MEN BY THESE PRESENTS: THAT KENWOOD REALTY CORPORATION, A FLORIDA CORPORATION, THE OWNER AND HOLDER OF THAT CERTAIN MORTGAGE DATED JANUARY 9th 2015, AND RECORDED ON JANUARY 13th 2015, UNDER OFFICIAL RECORDS BOOK 29462 AT PAGE 2432, RESPECTIVELY, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DOES HEREBY CONSENT TO THIS PLAT AND JOINS IN THE ABOVE DEDICATIONS.

**IN WITNESS WHEREOF:**

KENWOOD REALTY CORPORATION, A FLORIDA CORPORATION, HAS CAUSED THIS PRESENT TO BE SIGNED FOR AND ON ITS BEHALF BY HOWARD SHIDROWSKY, PRESIDENT AND ITS CORPORATE SEAL HEREUNTO AFFIXED AND ATTESTED IN THE PRESENCE OF THESE TWO WITNESSES, THIS 1<sup>st</sup> DAY OF FEBRUARY, A.D. 2016.

KENWOOD REALTY CORPORATION, A FLORIDA CORPORATION

BY: Howard Shidrowsky  
 HOWARD SHIDROWSKY, PRESIDENT

WITNESS: Norma Busquet WITNESS: Maricely Santana

PRINT NAME: NORMA BUSQUET PRINT NAME: MARICELY SANTANA

**ACKNOWLEDGEMENT:**

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, HOWARD SHIDROWSKY WHO IS PERSONALLY KNOWN TO ME AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED, THE EXECUTION THEREOF TO BE HIS FREE ACT AND DEED AS SUCH OFFICER FOR THE PURPOSE THEREIN EXPRESSED AND WHO DID NOT TAKE AN OATH.

WITNESS MY HAND OFFICIAL SEAL THIS 1<sup>st</sup> DAY OF February A.D., 2016.

MY COMMISSION EXPIRES: August 26<sup>th</sup> 2017 BY: Juan R. Martinez

COMMISSION NUMBER: FF015458



Juan R. Martinez  
 NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

**MIAMI-DADE COUNTY APPROVALS:**

THIS PLAT WAS APPROVED BY THE MIAMI-DADE COUNTY, FLORIDA, DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2016. THE SIZE OF THE LOTS, AND OTHER FEATURES AS SHOWN ON THIS PLAT CONFORM TO ALL REQUIREMENTS OF THE EXISTING ZONING AS OF THIS DATE. 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.

BY: \_\_\_\_\_ DIRECTOR

**RECORDING STATEMENT:**

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2016 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

**SURVEYOR'S CERTIFICATE:**

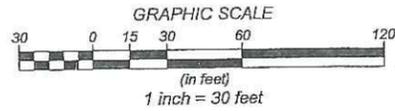
I HEREBY CERTIFY: THAT THE ATTACHED PLAT ENTITLED, "PALMETTO BAY GARDENS", IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS AS RECENTLY SURVEYED AND PLATTED UNDER MY DIRECTION, ALSO THAT THE PERMANENT REFERENCE MONUMENTS WERE IN PLACE IN ACCORDANCE WITH PART I, CHAPTER 177, LAWS OF THE STATE OF FLORIDA.

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

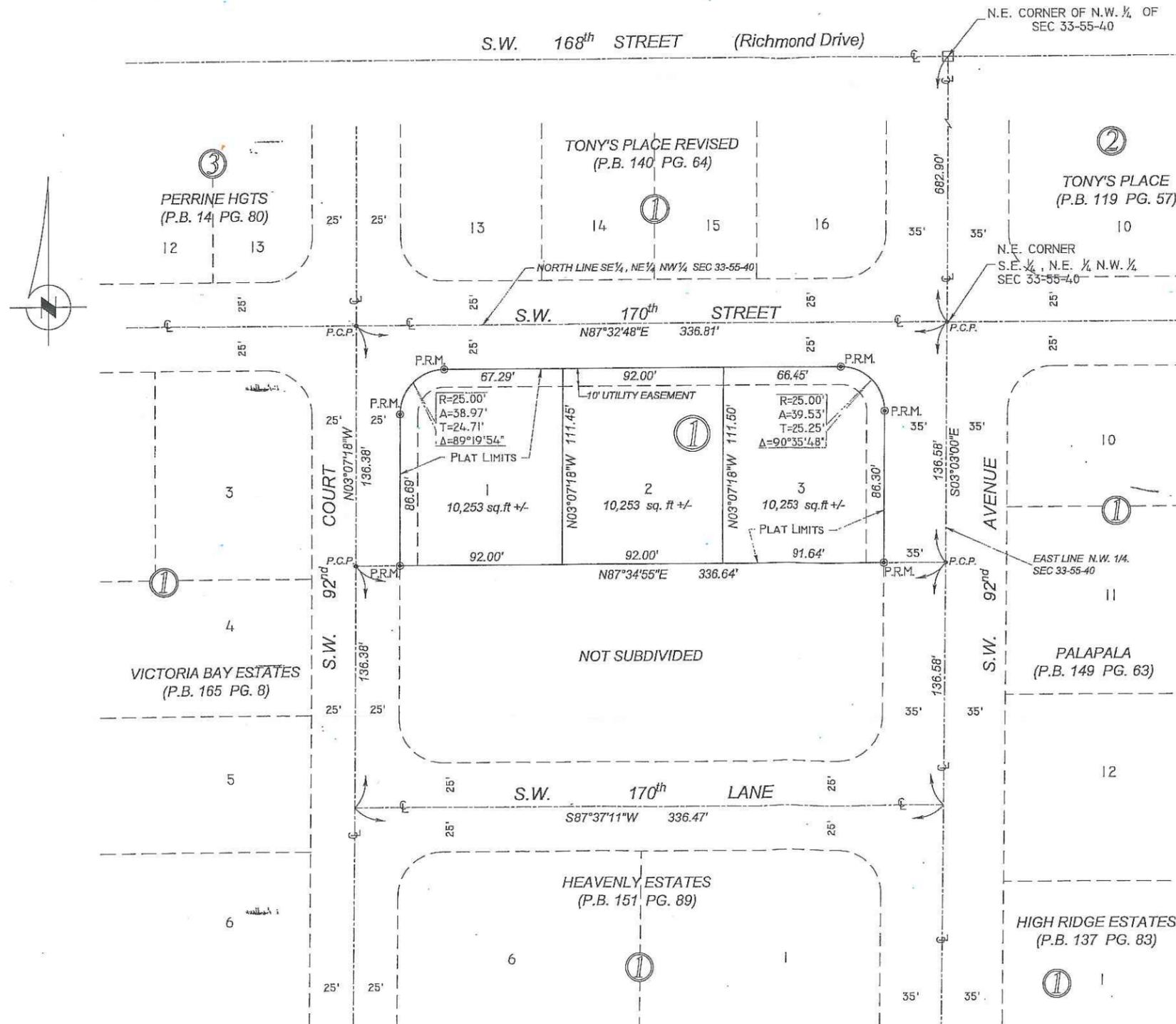
SIGNED: \_\_\_\_\_ MAYOR ATTEST: \_\_\_\_\_

# PALMETTO BAY GARDENS

A SUBDIVISION OF A PORTION OF THE NORTH  $\frac{1}{5}$ , OF THE EAST  $\frac{1}{2}$ , OF THE SOUTHEAST  $\frac{1}{4}$ , OF THE NORTHEAST  $\frac{1}{4}$ , OF THE NORTHWEST  $\frac{1}{4}$ , LESS THE WEST 25 FEET THEREOF, OF SECTION 33, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.  
VILLAGE OF PALMETTO BAY



PREPARED BY:  
JUAN R. MARTINEZ & ASSOCIATES, INC.  
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8550 WEST FLAGLER STREET, SUITE 106, MIAMI, FLORIDA 33144  
JANUARY, 2016



- 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
  - CL : 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 170TH STREET, WHICH BEARS NORTH 87°32'48" EAST.

**RECORDING STATEMENT:**  
FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2016 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.