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**RESOLUTION NO. 04-47**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, APPROVING THE CLOSURE OF AN ARCH SHAPED PORTION OF RIGHT-OF-WAY APPROXIMATELY 117 FEET LONG AT SW 71<sup>ST</sup> AVENUE AND SW 149TH TERRACE (ROAD CLOSING PETITION NO. P-752), LYING WITHIN THE VILLAGE OF PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA; SETTING AN EFFECTIVE DATE.

WHEREAS, Andy Zitman presents to the Village Council a petition to close an arch shaped portion of right-of-way approximately 117 feet long at SW 71<sup>st</sup> Avenue and SW 149<sup>th</sup> Terrace, right-of-way was dedicated to Miami-Dade County in 1969, the Plat of OLD CUTLER ESTATES SECTION TWO, recorded in Plat Book 86, Page 77, of the Public Records of Miami-Dade County, Florida; and

WHEREAS, plat contains a reverter clause stipulating that the property will revert back to the abutting property owners whenever the right-of-way is discontinued; and

WHEREAS, the granting of the petition to close this portion of the right-of way does not have a negative impact in the traffic continuity of the neighborhood nor the accessibility to the subject, or any other property; and

WHEREAS, Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to the right-of-way closing

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

Section 1. Road Closing Petition No. P-752 is hereby approved; that the alleyway, street, road, highway or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, all rights of the Village of Palmetto Bay and the public in and to the same are hereby renounced and disclaimed; this approval is conditioned upon proper execution of all documents required by the Village's Attorney's office.

Section 2. The Mayor is authorized to execute said Road Closing Petition P-752 based upon the attached boundary survey hereby included as Exhibit 1 and bearing the legal description of the following:

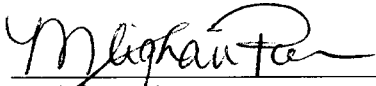
LOT 5 BLOCK 2 OLD CUTLER ESTATES SECTION TWO ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 86 AT PAGE 77 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA. LEGAL DESCRIPTION FOR PARCEL OF RIGHT OF WAY THAT WE ARE REQUESTING CLOSED; COMMENCE AT NORTHWEST CORNER OF SAID LOT 5; THENCE N78°46'27"E ALONG THE NORTH LINE OF LOT 5 FOR 163.09 FEET TO THE NORTHEASTERLY CORNER OF LOT 5, SAID CORNER ALSO

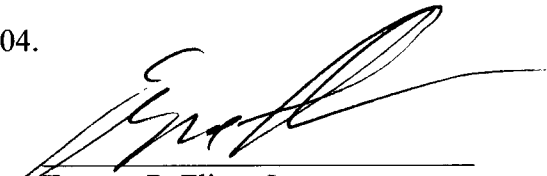
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BEING THE POING OF BEGINNING OF A PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE SOUTHERLY AND EASTERLY ALONG A CIRCULAR CURVE TO THE LEFT WHICH RADIUS POINT BEARS S85°13'40"E SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 64.0 FEET A DELTA (CENTRAL ANGLE) OF 112°05'36" FOR AN ARC DISTANCE OF 125.21 FEET TO THE EASTERLY CORNER OF LOT 5 ALSO BEING THE POINT OF TANGENCY OF A REVERSE CIRCULAR CURVE TO THE RIGHT SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 25.0 FEET AND DELTA (CENTRAL ANGLE) OF 34°35'01"; THENCE SOUTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE FOR AN ARC DISTANCE OF 15.09 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 50.0 FEET AND DELTA (CENTRAL ANGLE) OF 160°04'44"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE FOR AN ARC DISTANCE OF 140.48 FEET TO THE POINT OF BEGINNING. CONTAINING 654.20 SQUARE FEET MORE OF LESS.

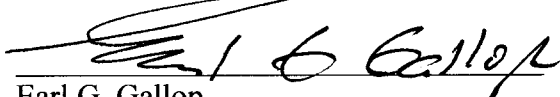
Section 3. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 7<sup>th</sup> day of June, 2004.

Attest:   
Meighan Pier  
Village Clerk

  
Eugene P. Flinn, Jr.  
Mayor

APPROVED AS TO FORM:

  
Earl G. Gallop,  
Village Attorney

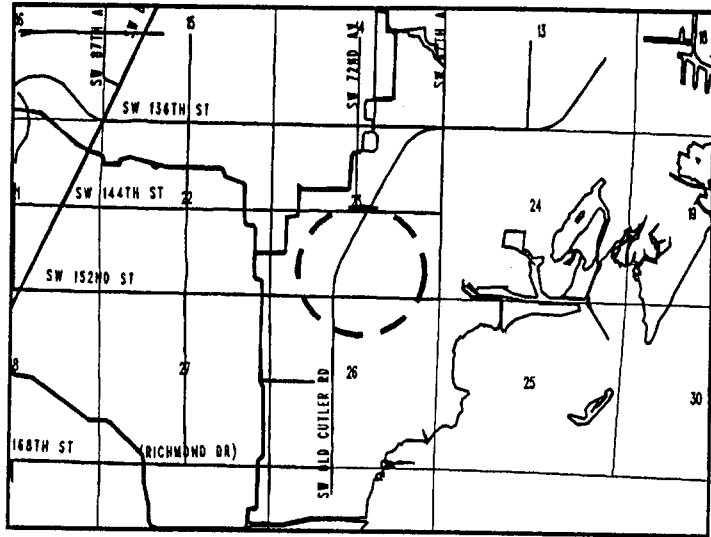
FINAL VOTE AT ADOPTION:

Council Member Ed Feller Yes  
Council Member Paul Neidhart Yes  
Council Member John Breder Yes  
Vice-Mayor Linda Robinson Yes  
Mayor Eugene P. Flinn, Jr. Yes

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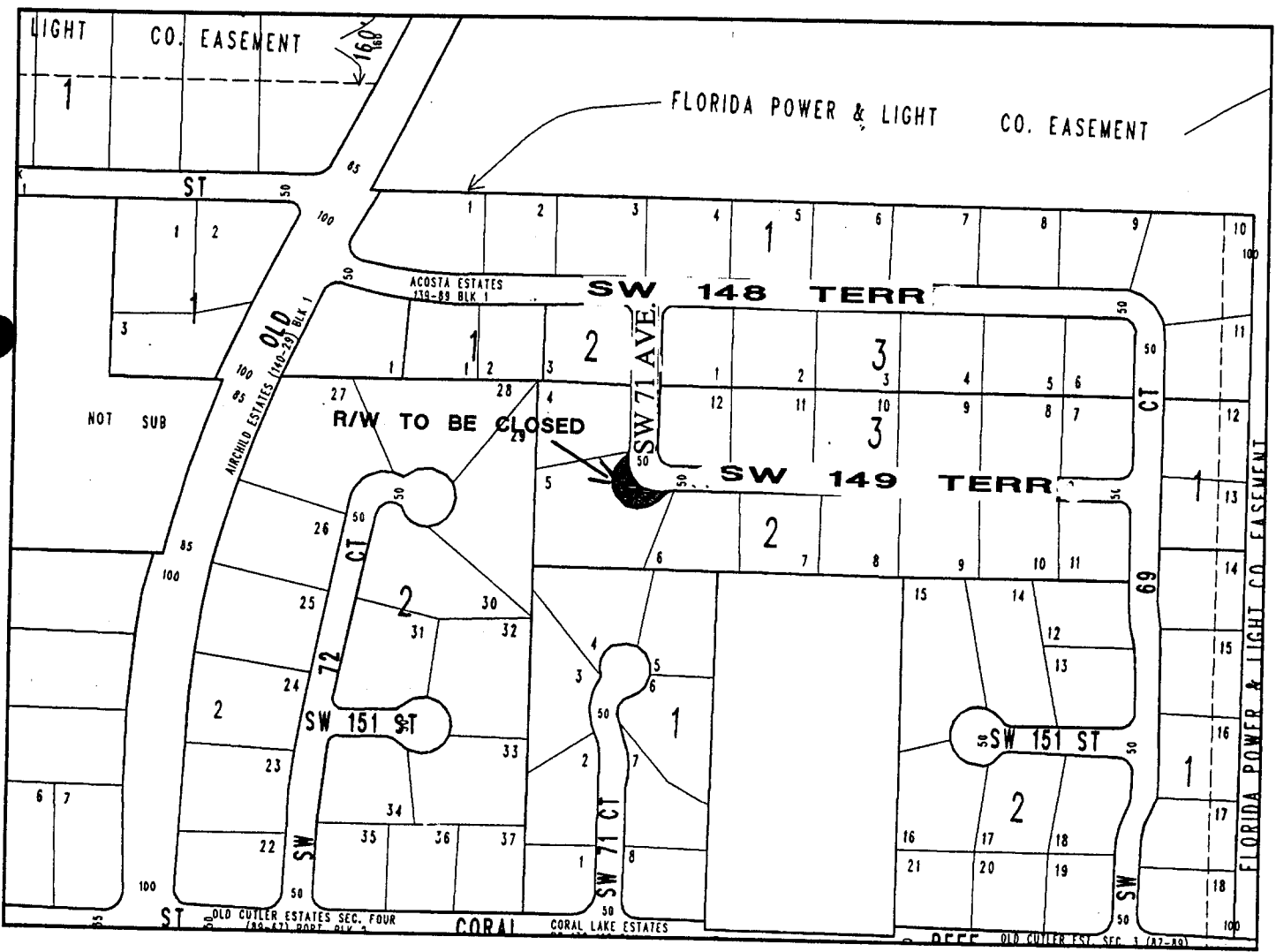
# EXHIBIT 1

P752



Sec 23  
Twn 55  
Rng 40

Location Plan



LEGEND

RIGHT OF WAY TO BE CLOSED



2/28/03 S.E.



