

RESOLUTION NO. 05- 297

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A VACANT LAND CONTRACT BETWEEN AFRC REALTY CORP., AS SELLER, AND THE TOWN OF MIAMI LAKES, AS BUYER; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE VACANT LAND CONTRACT AND ANY ADDITIONAL DOCUMENTS PERTAINING TO THE CONTRACT AND TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT AND CLOSE ON THE PURCHASE OF THE PROPERTY; FINDING AND DETERMINING THAT THE PROPERTY ACQUIRED BY THE TOWN SHALL BE USED FOR MUNICIPAL OR PUBLIC PURPOSES; AUTHORIZING THE TOWN CLERK TO PROVIDE A COPY OF THE RESOLUTION TO THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, AFRC Realty Corp. (“Seller”) is the owner of certain real property (“Property”) located within the municipal boundaries of the Town of Miami Lakes (the “Town”); and

**WHEREAS**, the Town Council directed Town staff to obtain title to certain vacant lands within the Town for use as tot lots; and

**WHEREAS**, the Town Manager and Town Attorney negotiated and executed that certain Vacant Land Contract attached hereto as Exhibit “A” (the “Contract”); and

**WHEREAS**, the Town has obtained an appraisal of the Property in an amount greater than the purchase price; and

**WHEREAS**, the Town has concluded the due diligence investigation concerning the Property as provided for in the Contract; and

**WHEREAS**, the Town Council finds that the approval of the closing of the purchase of the Property is in the best interest of the Town; and

**WHEREAS**, pursuant to Article VII, Section 3(a) of the Florida Constitution, and Section 196.199(1)(c), Florida Statutes, all property owned by a municipality and used by the municipality for a municipal or public purpose is exempt from ad valorem taxation; and

**WHEREAS**, the Town intends to acquire the Property for public purposes.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Approval of Contract.** That the Contract between the Town and Seller, in the form attached hereto as Exhibit "A", is hereby approved together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney.

**Section 3. Authorization of Town Officials.** That the appropriate Town officials including the Mayor, Town Manager and Town Attorney, as applicable, are authorized to execute and deliver the Contract and any additional documents pertaining to the Contract, including but not limited to addenda to the Contract (which do not increase the purchase price of the Property or result in any additional material obligations on behalf of the Town), termination of the Contract if necessary, closing documents, to take all action necessary to implement the terms and conditions of the Contract, and to close on the purchase of the Property.

**Section 4. Determination of Public Purpose.** The Town Council finds and determines that the Property shall be held or used for public purposes, specifically as a tot lot.

**Section 5. Exemption from Tax Rolls.** The Town Council requests the Miami-Dade County Property Appraiser to exempt the Property from the tax rolls of Miami-Dade County.

**Section 6. Notice to Property Appraiser.** That the Town Clerk is directed to provide a certified copy of this Resolution to the Miami-Dade County Property Appraiser.

**Section 7. Effective Date.** That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 12 day of April, 2005.

Motion to adopt by Mary Collins, second by Nancy Simon.

FINAL VOTE AT ADOPTION

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Roberto Alonso	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Robert Meador	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>
Councilmember Peter Thomson	<u>yes</u>

Wayne Slaton  
Wayne Slaton  
MAYOR

ATTEST:

Debra Eastman  
Debra Eastman, MMC  
TOWN CLERK

Approved as to form and legality for the use and benefit of the Town of Miami Lakes only:

[Signature]  
Weiss, Serota, Helfman, Pastoriza, Guedes,  
Cole & Boniske, P.A.  
TOWN ATTORNEY