

RESOLUTION NO. 09- 719 Z

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO A RIGHT-OF-WAY VACATION REQUEST FILED BY LOCH LOMOND HOMEOWNERS ASSOCIATION, VINCENTE TOME, TOMAS BURCET, IDANIA BURCET, RIGOBERTO RIVAS, LOURDES T. RIVAS, ALEX DEBOGERY AND SHERRY DEBOGERY IN ACCORDANCE WITH DIVISION 6.9 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") GRANTING A REQUEST TO VACATE APPROXIMATELY 316 SQUARE FEET OF RIGHT-OF-WAY AT THE EASTERN END OF THE GLENEAGLE DRIVE CUL-DE-SAC AND THE WESTERN END OF THE UNDEVELOPED KINGSMOOR WAY RIGHT-OF-WAY, MIAMI LAKES, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR THE RESERVATION OF AN EASEMENT FOR PUBLIC UTILITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Division 3.5 of the Town of Miami Lakes Land Development Code (the "Town LDC"), Loch Lomond Homeowners Association together with Vincente Tome, Tomas Burcet, Idania Burcet, Rigoberto Rivas, Lourdes T. Rivas, Alex Debogery and Sherry Debogery (the "Applicant") have applied to the Town of Miami Lakes (the "Town") for approval of a request to vacate a portion of the right-of-way for transfer to the Homeowner's Association for property generally located at the eastern end of the Gleneagle Drive cul-de-sac and the western end of the undeveloped Kingsmoor Way right-of-way, Miami Lakes, Florida (the "Right-of-Way"), as legally described in Exhibit "1" attached hereto.

WHEREAS, Division 6.9 of the Town LDC sets forth the authority of the Town Council to consider and act upon an application for the vacation of right-of-way; and

WHEREAS, in accordance with Division 3.9 of the Town LDC, proper notice was mailed to the appropriate property owners of record; the public hearing on the vacation was noticed for Tuesday, February 17, 2009, at 6:00 P.M. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, Florida 33014 and all interested parties have had the opportunity to address their comments to the Town Council; and

WHEREAS, Town staff has reviewed the application and recommends approval of the request subject to reservation of an easement for any needed public utilities, as set forth in the Town of Miami Lakes Staff Analysis and Recommendation, a copy of which is on file in the Town of Miami Lakes Clerk's Office and incorporated into this Resolution by reference.

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

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Findings.

In accordance with Division 6.9 of the Town LDC, the Town Council, having conducted a public hearing, finds that the Applicant satisfies the criteria of Division 6.9(c)1 thru 8 of the Town LDC, which are as follows:

1. Whether the public benefits from the use of the subject right-of-way or easement as part of the Town's roadway system;
2. Whether the subject right-of-way or easement is necessary for future needs of the Town;
3. Whether the proposed action is consistent with the Town Comprehensive Plan;

4. The impacts of the proposed action on traffic circulation including the results of any applicable traffic study;
5. The effect of the proposed action upon the safety of pedestrians and vehicular traffic;
6. The effect of the proposed action upon the provision of municipal services, including, but not limited to police, fire-rescue, and solid waste services;
7. The estimated immediate and future cost to the Town, if any, as a result of the vacation and any mitigation plan proposed by the applicant to offset any potential impacts; and
8. The reason identified by the applicant for the proposed vacation.

Section 3. Grant/Denial.

The request to vacate the Right-of-Way, as shown on the attached Exhibit "2", is hereby approved subject to reservation by the Town of Miami Lakes of an easement for any needed public utilities as Specified in Section 4.

Section 4. Easement for Public Utilities.

The Town reserves an easement for public utilities over, under and/or upon the Right-of-Way, including the right of ingress and egress to the Right of Way for the purpose of constructing and maintaining said public utilities which may now or hereafter be located in, over, under and/or upon the Right-of-Way.

Section 5. Recordation.

The Town Clerk shall record this Resolution in the public records of Miami-Dade County, Florida.

Section 6. Effective Date.

This Resolution shall take effect upon adoption.

The foregoing Resolution was adopted by motion as provided herein by Councilmember Nancy Simon and seconded by Councilmember Robert Meador, by a vote of 6-0 with each Town Councilmember voting as follows:


Mayor Michael Pizzi	<u>yes</u>
Vice-Mayor Richard Pulido	<u>absent</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember George Lopez	<u>yes</u>
Councilmember Robert Meador II	<u>yes</u>
Councilmember Nick Perdomo	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>

PASSED AND ADOPTED this 17 day of February 2009.

This Resolution was filed in the Office of the Town Clerk on this 4 day of March, 2009.


MICHAEL PIZZI
MAYOR

ATTEST:


DEBRA EASTMAN, MMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR USE ONLY BY THE TOWN OF MIAMI LAKES:



WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
TOWN ATTORNEY

EXHIBIT "1"
Loch Lomond Right of Way Vacation
Application 08-47

A portion of Kingsmoor Way "Miami Lakes Loch Lomond East" according to the Plat thereof as recorded in Plat Book 93, Page 44 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Commence at the Southwest corner of Lot 1 in Block 2 of "Miami Lakes Loch Lomond East" according to the plat thereof as recorded in Plat Book 93, at Page 44 of the Public Records of Miami-Dade County, Florida, thence run $S0^{\circ}03'28''W$ for a distance of 25.00 feet to a point on a non-tangent circular curve concave to the south and having for its elements a radius of 112.03 feet, and a central angle of $17^{\circ}14'47''$, thence run along said circular curve an arc distance of 33.72 feet to a point, said point bears $N17^{\circ}18'15''E$ from radius point; thence run $S72^{\circ}41'45''E$ for a distance of 64.33 feet to the Point of Beginning of the parcel of land hereinafter described; thence run $N17^{\circ}18'15''E$ for a distance of 25.00 feet to a point; thence run $S72^{\circ}41'45''E$ for a distance of 6.32 feet to a point; thence run $S17^{\circ}18'15''W$ for a distance of 50.00 feet to a point; thence run $N72^{\circ}41'45''W$ for a distance of 6.32 feet to a point; thence run $N17^{\circ}18'15''E$ for a distance of 25.00 feet to the Point of Beginning.

EXHIBIT "2"
Loch Lomond Right of Way Vacation
Application 08-47

