

RESOLUTION NO. 11-956

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, VACATING PORTIONS OF THOSE CERTAIN FIFTEEN (15) FOOT AND TEN (10) FOOT UTILITY EASEMENTS LOCATED ON A VACANT PARCEL OF LAND, LOCATED AT 6601 MAIN STREET, IN THE TOWN OF MIAMI LAKES, FLORIDA (FOLIO NUMBER 32-2013-001-0432) IN ACCORDANCE WITH DIVISION 6.9 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC"), FLORIDA; PROVIDING FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes has purchased a vacant parcel of land located at 6601 Main Street (Folio No. 32-2013-001-0432) for the purpose of constructing a Town Hall facility; and

WHEREAS, portions of the fifteen (15) foot and ten (10) foot utility easements located on the above referenced property, as depicted on EXHIBIT 1 attached hereto, are no longer necessary and are in conflict with the proposed design of the Town Hall facility; and

WHEREAS, as part of the Site Plan Review process the Town of Miami Lakes will be coordinating with various utility providers to coordinate provision of utilities to the subject property, therefore, those portions of the fifteen (15) foot and ten (10) foot utility easements recorded in Official Records Book 21062, at Page 1541 in the Public Records of Miami-Dade County, Florida, as depicted on EXHIBIT 1, are no longer necessary; and

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 utility easements; 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, December 13, 2011, at 6:30 P.M. at Royal Oaks Park Community Center, 16500 NW 87th Avenue, Miami Lakes, Florida 33018 and all interested parties have had the opportunity to address their comments to the Town Council; and

WHEREAS, Town staff has reviewed the proposed vacation of easement and recommends approval, 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 vacation of easement 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 proposed vacation of the portions of the fifteen (15) foot and ten (10) foot utility easements, as shown on the attached Exhibit "1", is hereby approved.

Section 4. Recordation.

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

Section 5. Effective Date.

This Resolution shall take effect upon adoption.

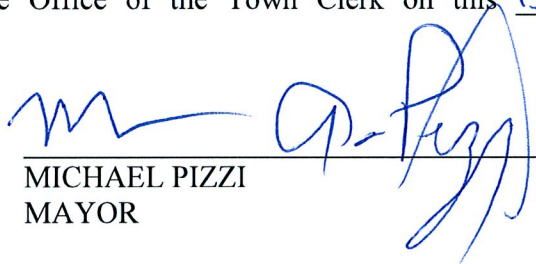
The foregoing Resolution was adopted by motion as provided herein by Councilmember Caesar Mestre and seconded by Councilmember Michael Pizzi, by a vote of 7-0 with each Town Councilmember voting as follows:

Mayor Michael Pizzi	<u>yes</u>
Vice-Mayor Caesar Maestre	<u>yes</u>
Councilmember Nick Perdomo	<u>yes</u>

Council Member Richard Pulido yes
Councilmember Mary Collins yes
Councilmember Nelson Hernandez yes
Councilmember Tim Daubert yes

PASSED AND ADOPTED this 13 day of December 2011.

This Resolution was filed in the Office of the Town Clerk on this 13 day of Dec., 2011.


MICHAEL PIZZI
MAYOR

ATTEST:


MARJORIE TEJEDA,
TOWN CLERK

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

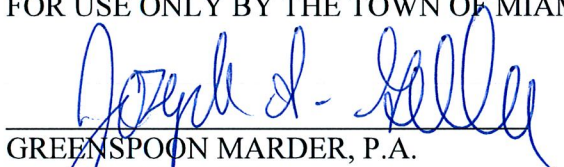

GREENSPOON MARDER, P.A.
TOWN ATTORNEY

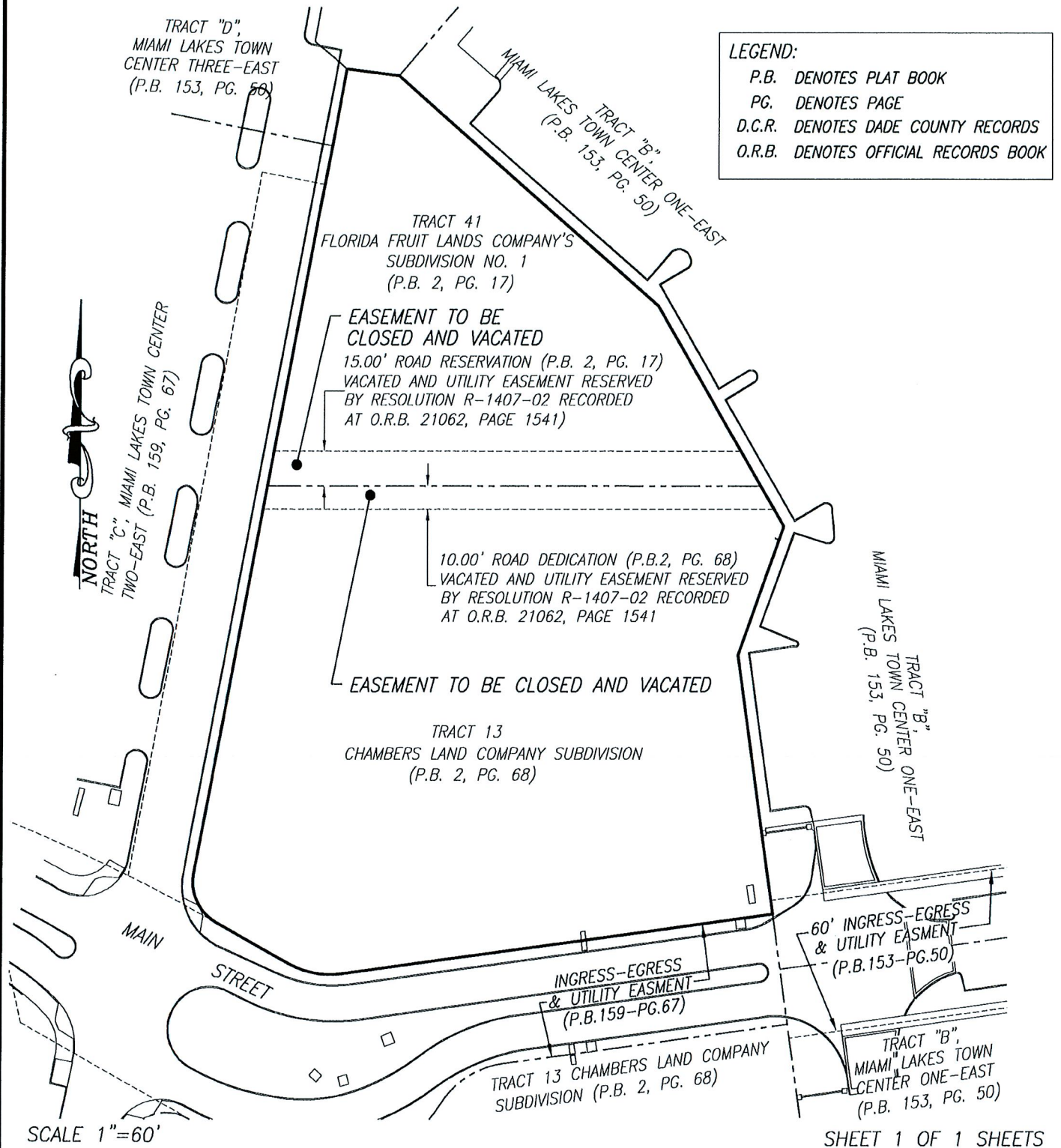
EXHIBIT 1

LEGAL DESCRIPTION

PORTIONS OF THOSE CERTAIN FIFTEEN (15) FOOT AND TEN (10) FOOT UTILITY EASEMENTS LOCATED ON A VACANT PARCEL OF LAND, LOCATED AT 6601 MAIN STREET, IN THE TOWN OF MIAMI LAKES, FLORIDA (FOLIO NUMBER 32-2013-001-0432) AS RECORDED IN OFFICIAL RECORDS BOOK 21062, AT PAGE 1541 IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID EASEMENTS LYING EASTERLY OF AND BOUNDED BY THE EASTERLY LINE OF TRACT C OF MIAMI LAKES TOWN CENTER TWO – EAST (PLAT BOOK 159 PAGE 67) AND LYING WESTERLY OF AND BOUNDED BY THE WESTERLY LINE OF TRACT “B” OF MIAMI LAKES TOWN CENTER ONE - EAST (PLAT BOOK 153 PAGE 50).” AND AS DEPICTED ON THE SKETCH ATTACHED HERETO AS PREPARED BY SCHWEBKE, SHISKIN & ASSOCIATES, INC. DATED NOVEMBER 28, 2011.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EASEMENTS TO BE CLOSED AND VACATED



Schwebke-Shiskin & Associates, Inc.
 LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025
 PHONE No.(954)435-7010 FAX No. (954)438-3288
 ORDER NO. 198274 PREPARED UNDER THE SUPERVISION OF:
 DATE: NOV. 28, 2011
 THIS IS NOT A "BOUNDARY SURVEY"
 CERTIFICATE OF AUTHORIZATION No. LB-87

MARK STEVEN JOHNSON, SEC'Y & TREAS.
 FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS