

GOLDEN BEACH, FLORIDA

Revised 11/21/95

Revised 01/04/96

ORDINANCE NO. 412.95

AN ORDINANCE OF THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA; PROVIDING FOR THE VACATION OF A PORTION OF THE RIGHT-OF-WAY OF TERRACINA AVENUE TO PROVIDE FOR THE RENOVATION AND EXPANSION OF THE TOWN HALL AND PUBLIC WORKS COMPLEXES; PROVIDING FOR A NOTICE TO AFFECTED ENTITIES FOR EASEMENT PURPOSES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, historically the centerline of the Terracina Avenue right-of-way established the southern border of the Town as it abutted unincorporated Dade County; and

WHEREAS, the southern half of the right-of-way was vacated by the Board of County Commissioners of Metropolitan Dade County and that southern half of the right-of-way became the property of the adjacent property owner to the south; and

WHEREAS, the Town of Golden Beach now desires to vacate a segment of the remaining north half of the Terracina Avenue right-of-way to allow for a renovation and expansion of the Town Hall and Public Works complexes; and

WHEREAS, the Town is vested from the State with certain home rule powers, as provided in Chapter 166 of Florida Statutes, which give the Town the legal authority to vacate portions of right-of-way as provided in this ordinance;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the full width of the portion of the right-of-way of Terracina Avenue located in the Town, commencing at the Golden Beach Drive right-of-way and extending west, as well as the portions of the Golden Beach Drive right-of-way, as depicted on the land survey sketch and legal description which is attached to and made a part of this ordinance by reference as Exhibit 1.

Section 2. That FPL, Bell South (f/k/a Southern Bell), Dade County Water and Sewer Authority, North Miami Beach Utilities, Gold Coast Cablevision, and Peoples Gas shall be given 30 days advance written notice from the town prior to the vacation of right-of-way becoming effective, so that said utilities may submit to the Town for the Town's consideration, utility easements or written waivers of utility easements for the right-of-way to be vacated, if said easements are needed by the utility companies.

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Section 3. That upon the effective date of this ordinance, the portion of the right-of-way as defined in the design sketch of Terracina Avenue (Exhibit 1), is hereby vacated, and title is then hereby transferred to the adjacent property owner to the north, to wit: the Town of Golden Beach.

Section 4. That nothing in this ordinance is intended to conflict with Resolution No. ~~663.90~~, which adopted an Easement Agreement dated November, 1990, nor is anything intended to expand the rights of the easement holders as a result of this ordinance.

Section 5. That the vacated portion of the right-of-way is hereby deemed to be the property of the adjacent property owner, the Town of Golden Beach, Florida.

Section 6. That the appropriate town officials are authorized and directed to sign the necessary deeds, easements and other documents to carry out the provisions of this ordinance.

Section 7. That this ordinance, upon adoption shall be recorded by the Town Clerk in the Official Records of Dade County, Florida.

Section 8. Conflict That all ordinances or parts of ordinances, all Town Code sections or parts of Town Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 9. Severability That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 10. Effective Date. That this Ordinance shall become effective forty (40) days after final passage.

PASSED AND ADOPTED on first reading this 21st day of November, 1995.

The Motion to adopt the foregoing Ordinance on first reading was offered by Vice Mayor Lowrance, seconded by Councilman Fistel and on roll call the following vote ensued:

Mayor Cuenca	Aye
Vice Mayor Lowrance	Aye
Councilman Addicott	Absent
Councilman Fistel	Aye
Councilman Rosenthal	Absent

PASSED AND ADOPTED on second reading this 9th day of January, 1996.

The Motion to adopt the foregoing Ordinance on second reading was offered by VICE MAYOR LOWRANCE, seconded by COUNCILMAN ADDICOTT, and on roll call the following vote ensued:

Mayor Cuenca	AYE
Vice Mayor Lowrance	AYE
Councilman Addicott	AYE
Councilman Fistel	AYE
Councilman Rosenthal	ABSENT



MAYOR JUDY CUENCA

ATTEST:

Pat Mongiello
TOWN CLERK ~~PAT MONGIELLO~~

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Jon Henning
JON M. HENNING
TOWN ATTORNEY