

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 908.94

RESOLUTION NO. 968.94 OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH AMENDING RESOLUTION NO. 663-90 APPROVING AN AMENDMENT TO AN EASEMENT AND INDEMNITY AGREEMENT PREVIOUSLY ENTERED INTO BETWEEN THE TOWN AND JEFFREY I. FRIEDMAN, TRUSTEE AND FOREST CITY RENTAL PROPERTIES; WAIVING THE TOWN'S APPELLATE RIGHTS REGARDING METRO DADE COUNTY ZONING APPEALS BOARD RESOLUTION NO. ZAB-120-94 GRANTING SEVERAL VARIANCES TO PROPERTY NOW OWNED BY BREAKSTONE BEACH PROPERTY, LTD. AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA:

Section 1. That an amendment to the Easement and Indemnity Agreement dated October 23, 1990 between Jeffrey I. Friedman, Trustee and Forest City Rental Properties Corp., (jointly "Owners") and the Town of Golden Beach substantially in the form and covering the substance of the provisions contained in Exhibit A which is attached to and made a part of this resolution is hereby approved to be entered into with Breakstone Beach Property, LTD. the successor in interest to the owners above.

Section 2. That in consideration for the amendment referenced in Section 1 above, the Town hereby waives its rights to appeal Metro Dade County Zoning Appeals Board Resolution No. ZAB-120-94 regarding the property now owned by Breakstone Beach Property LTD. immediately south of the southern border of the Town.

Section 3. That the appropriate Town officials are hereby authorized to execute the necessary documents provided for herein.

Section 4. Severability That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution 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 Resolution but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

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Section 5 Effective Date. That this Resolution shall become effective upon approval of the Town Council.

The Motion to adopt the foregoing Resolution was offered by Councilman Appicott, seconded by Councilman Duffner and on roll call the following vote ensued:

Mayor Nelson	<u>YAY</u>
Vice Mayor Rosenthal	<u>ABSTAINED</u>
Councilman Duffner	<u>NOY</u>
Councilman Mena	<u>NOY</u>
Councilman Addicott	<u>NOY</u>

~~PASSED AND ADOPTED~~ by the Mayor and Town Council of the Town of Golden Beach

Florida, this 5 day of Sept, 1994.

Motion failed.

MAYOR BARRY A. NELSON

TOWN CLERK/DEPUTY TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

TOWN ATTORNEY
JON M. HENNING

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