

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1028.97**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; GRANTING A TEMPORARY LICENSE FOR THE PROPERTY LOCATED AT 373 CENTER ISLAND, GOLDEN BEACH, SECTION E, PB 8, PAGE 122, LOTS 18 AND 19 OF BLOCK K, FOR THE PLACEMENT OF LANDSCAPE BOULDERS ALONG THE GRASS SWALE AT LEAST FOUR FEET FROM THE PAVED STREET; PROVIDING FOR CONDITIONS; PROVIDING FOR EXPIRATION DATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Mr. W. James Reimer, property owner, has applied for the following:

(1) A TEMPORARY LICENSE for the placement of landscape boulders along the grass swale at least four feet from the paved street;

SUBJECT PROPERTY: GOLDEN BEACH, SECTION E, PB 8-122, LOTS 18  
AND 19, BLK K;  
FOLIO NUMBER

ADDRESS: 373 Center Island,  
GOLDEN BEACH, FLORIDA 33160

WHEREAS, the property owner placed boulders along the grass swale of the public right-of-way for decoration and to barricade the rising water that exits the stormwater catch basin on the property when heavy rains or high tide challenges the existing stormwater drainage system on Center Island; and

WHEREAS, a public hearing of the Town Council of the Town of Golden Beach was held, and all interested parties concerned in the matter were given an opportunity to be heard; and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Town Council that the requested license is not contrary to public

interest and that special conditions do exist to justify the granting of this license;  
NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF  
GOLDEN BEACH, FLORIDA AS FOLLOWS:

**Section 1.** That the requested Temporary License is hereby approved as follows:

A TEMPORARY LICENSE for the placement of landscape boulders along the grass swale of the public right-of-way at least four feet away from the paved street.

**Section 2.** That the application as approved, is subject to the following conditions:

A. For the safety of motor vehicle traffic, a minimum of four feet of grass swale shall be maintained parallel to the pavement, with reflectors installed and maintained as approved by the Town Engineer.

B. The property owner, Mr. W. James Reimer and his successors in interest, shall hold the Town of Golden Beach harmless, including the cost of the Town's defense to any claim by third parties as a result of the decorative boulders permitted to remain on the subject property.

C. The property owner, (Mr. Reimer) shall insure his liability resulting from this license, with minimum insurance limits of \$250,000/\$500,000, and shall name the Town an additional insured.

D. This license as stated in this Resolution (No. 1028.97) shall be recorded in the public records of Metro-Dade County.

E. This license, which is granted because of the special needs of this particular property, shall expire on May 31, 2002 (5 years) or upon the resurfacing and raising of the pavement on Center Island, particularly the pavement in front of the house located at 373 Center Island, which ever occurs first.

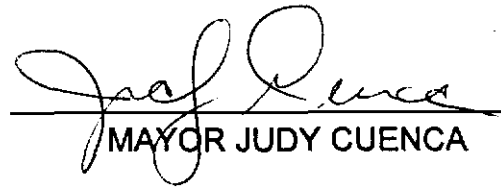
**Section 3.** The Building and Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Town of Golden Beach Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution. A copy of this Resolution shall be attached to the building permit application documents.

Section 4. Effective Date. That this Resolution shall become effective upon approval of the Town Council.

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach, Florida this 20<sup>th</sup> day of May, 1997.

The Motion to adopt the foregoing Resolution was offered by Vice Mayor Chikovsky, seconded by Council Member Lowrance and on roll call the following vote ensued:

Mayor Cuenca	<u>AYE</u>
Vice Mayor Chikovsky	<u>AYE</u>
Councilwoman Addicott	<u>ABSENT</u>
Councilman Fistel	<u>AYE</u>
Councilwoman Lowrance	<u>AYE</u>



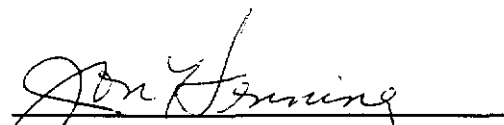
MAYOR JUDY CUENCA

ATTEST:



TOWN CLERK PAT MONGIELLO

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY



JON M. HENNING  
TOWN ATTORNEY