

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1105.98

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; PROVIDING FOR THE VACATION OF A CERTAIN PORTION OF THE MUNICIPAL RIGHT-OF-WAY AT THE INTERSECTION OF GOLDEN BEACH DRIVE AND TERRACINA AVENUE IN THE TOWN; PROVIDING FOR THE OWNERSHIP OF THE VACATED RIGHT-OF-WAY TO PASS ACCORDING TO LAW TO THE ADJACENT PROPERTY OWNER, WHICH IN THIS INSTANCE IS THE TOWN OF GOLDEN BEACH; PROVIDING FOR UTILITY EASEMENTS IF NEEDED; PROVIDING FOR A PUBLIC HEARING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Golden Beach is planning an expansion to Town Hall which is located at the intersection of Terracina Avenue (a/k/a 195th Street) and Golden Beach Drive; and

WHEREAS, the Town Council desires to vacate a segment of that right-of-way; to make room for the expansion and make better use of the land where the right-of-way is located; and

WHEREAS, the centerline of the Terracina Avenue right-of-way is the boundary of the Town and the south half of the right-of-way was vacated by Dade County several years ago, prior to the incorporation of the City of Sunny Isles Beach, and the ownership of that south half of the right-of-way passed to the adjacent owner to the south; and

WHEREAS, the Town desires to now vacate a small segment of the north half of the remaining Terracina Avenue right-of-way and a segment of Golden Beach Drive at and near the intersection of those streets; and

WHEREAS, the Town Council at its May 19, 1998 meeting adopted a resolution of intent (Resolution No. 1102.98) calling for a public hearing on June 16, 1998 at 8:00pm or as soon thereafter as it can be held, said notice published two weeks in advance in conformance with Sec. 336.10, F.S.; and

CR98045

RESOLUTION NO. 1105.98

WHEREAS, a public hearing was held and the matter was considered by the Town Council;

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

Section 1. That the preambles stated above are true and correct and hereby incorporated into this resolution;

Section 2. That the designated segment of the right-of-way of Terracina Avenue and Golden Beach Drive at and near the intersection of those streets as more particularly described and depicted on the sketch attached to this Resolution as Exhibit 1, is hereby vacated under the following conditions:

A. Utility easements are hereby reserved for all utility providers.

Said utility easement is attached to this Resolution as Exhibit 2 and shall be recorded in the public records of Miami-Dade County at the expense of the utility provider granted the easement.

B. The ownership of the vacated segments of the right-of-way shall hereby pass from the public to the adjacent property owners to the north of Terracina Avenue and to the east and west of the centerline of Golden Beach Drive for the segments of vacated right-of-way governed herein. (Said owner is the Town of Golden Beach.)

Section 3. That Williams Hatfield and Stoner, the Town's Consulting Engineer, is hereby authorized and directed to prepare a survey and description of the vacated segment of right-of-way as depicted in the sketch attached hereto (Exhibit 1) and approved by the Town Engineer, a copy of which shall be attached to this Resolution as Exhibit 2. Engineering fees are approved in an amount not to exceed \$2,400.00.

Section 4. That this Resolution shall be published within 30 days in conformance with Sec. 336.10, F.S.

Section 5. 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, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

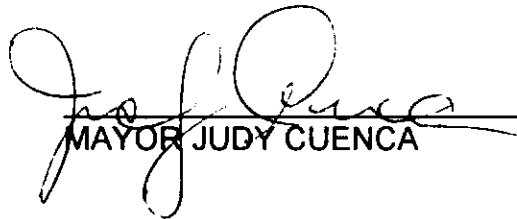
Section 6. Conflict. That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 7. Effective Date. That this Resolution shall become effective sixty (60) days after approval of the Town Council.

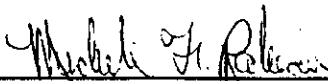
The Motion to adopt the foregoing Resolution was offered by Councilmember Chikovsky, seconded by Councilmember Rodriguez and on roll call the following vote ensued:

Mayor Cuenca	<u>Aye</u>
Vice Mayor Addicott	<u>Absent</u>
Councilmember Chikovsky	<u>Aye</u>
Councilmember Fistel	<u>Absent</u>
Councilmember Rodriguez	<u>Aye</u>


PASSED AND ADOPTED by the Town Council of the Town of Golden Beach this 16th day of July, 1998.


MAYOR JUDY CUENCA

ATTEST:


MICHELE F. ROBINEAU, CMC.
DEPUTY TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


JON M. HENNING
TOWN ATTORNEY



JUL 07 1998

16101 West Dixie Hwy.
North Miami Beach, Florida 33160
Bwd. (954) 763-8900 Dade (305) 940-0139

Easement & Right-of-Way Vacation Letter

Date: July 3, 1998

To: Mastriana & Christiansen
Attention: Jon M. Henning
1500 North Federal Highway, Suite 200
Fort Lauderdale, Florida 33304

Subject: Proposed Vacation of right-of-way at and near the intersection of Terracina Avenue and Golden Beach Drive.

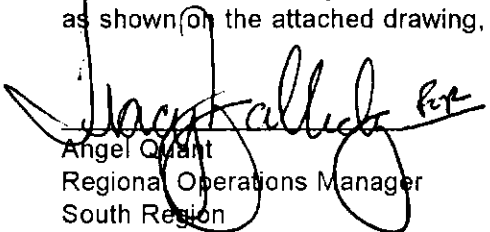
() Peoples Gas has no facilities within the referenced area to be vacated and has no objections to this vacation.

Angel Quant
Regional Operations Manager
South Region

() Peoples Gas has facilities within the referenced area to be vacated, however, we have no objections to this vacation providing the applicant will pay for the relocation or replacement of these facilities.

Angel Quant
Regional Operations Manager
South Region

(X) Peoples Gas has facilities within the referenced area to be vacated which cannot be relocated for technical reasons, however, we have no objections to this vacation providing Peoples Gas facilities remain within the designated easement (easement on existing pavement plus five feet either side) as shown on the attached drawing, is incorporated in the re-plat.


Angel Quant
Regional Operations Manager
South Region

() Peoples Gas objects to the proposed vacation for the following reasons:

Angel Quant
Regional Operations Manager
South Region

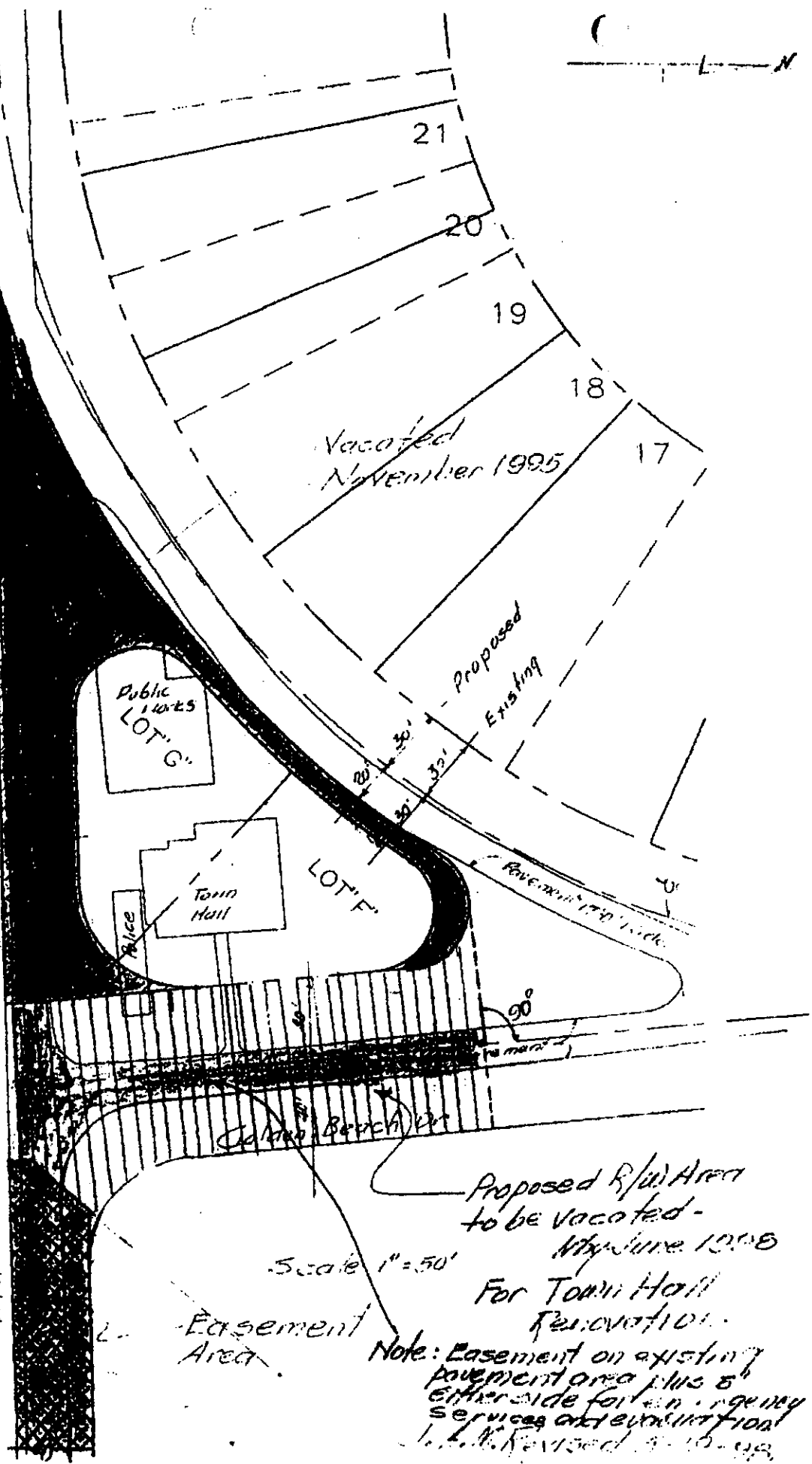
cc: Jaime Mitrani

West to East

TERRACINA AVE.

Total South Limit

A-1-A
January 1995



Vacated
November 1995

Public Works
LOT G

Town Hall
LOT F

Proposed
Existing

Ravenna

Proposed R/W Area
to be vacated -
July June 1995

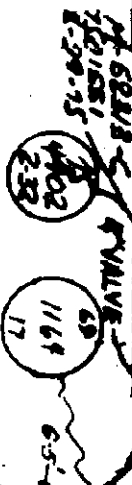
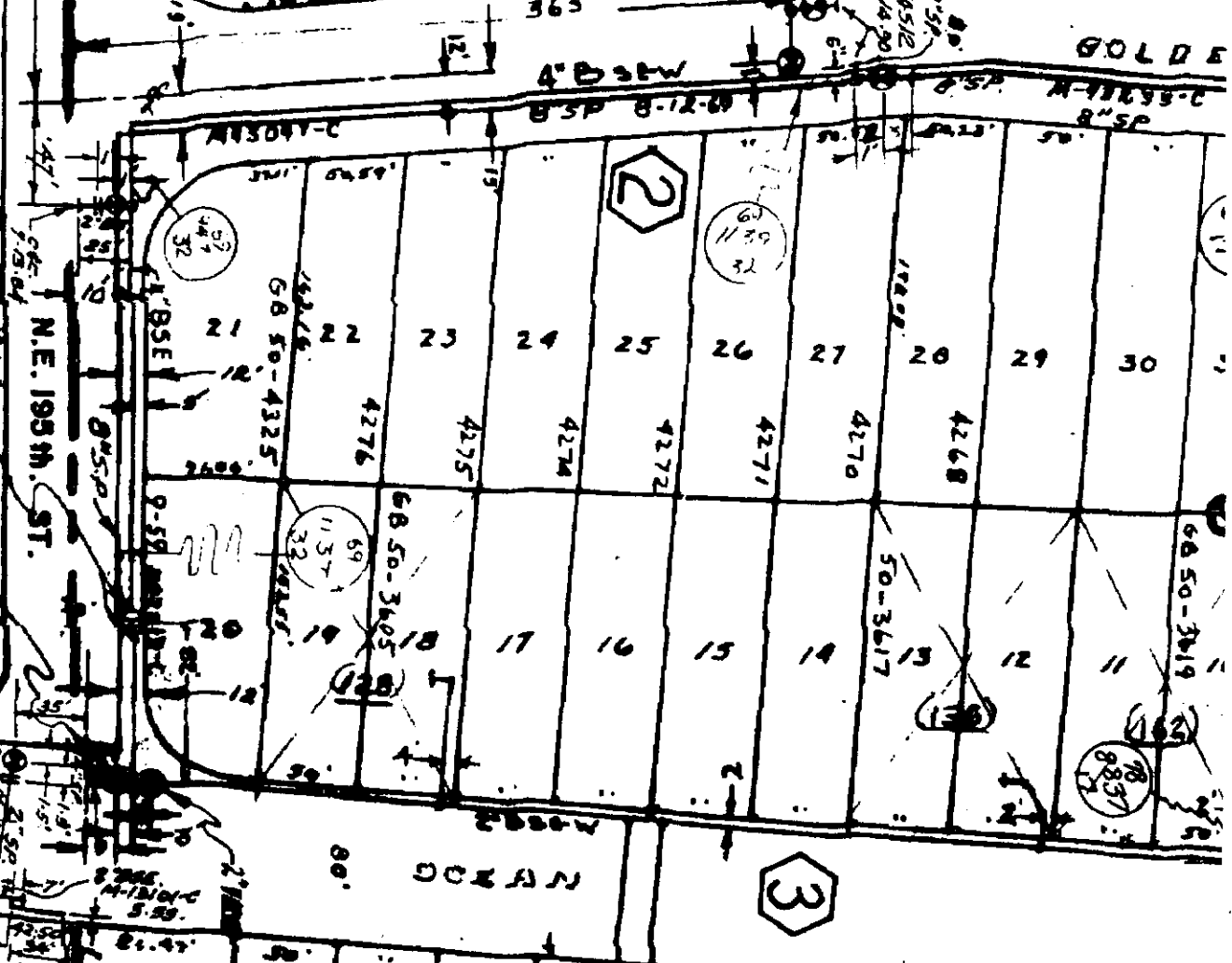
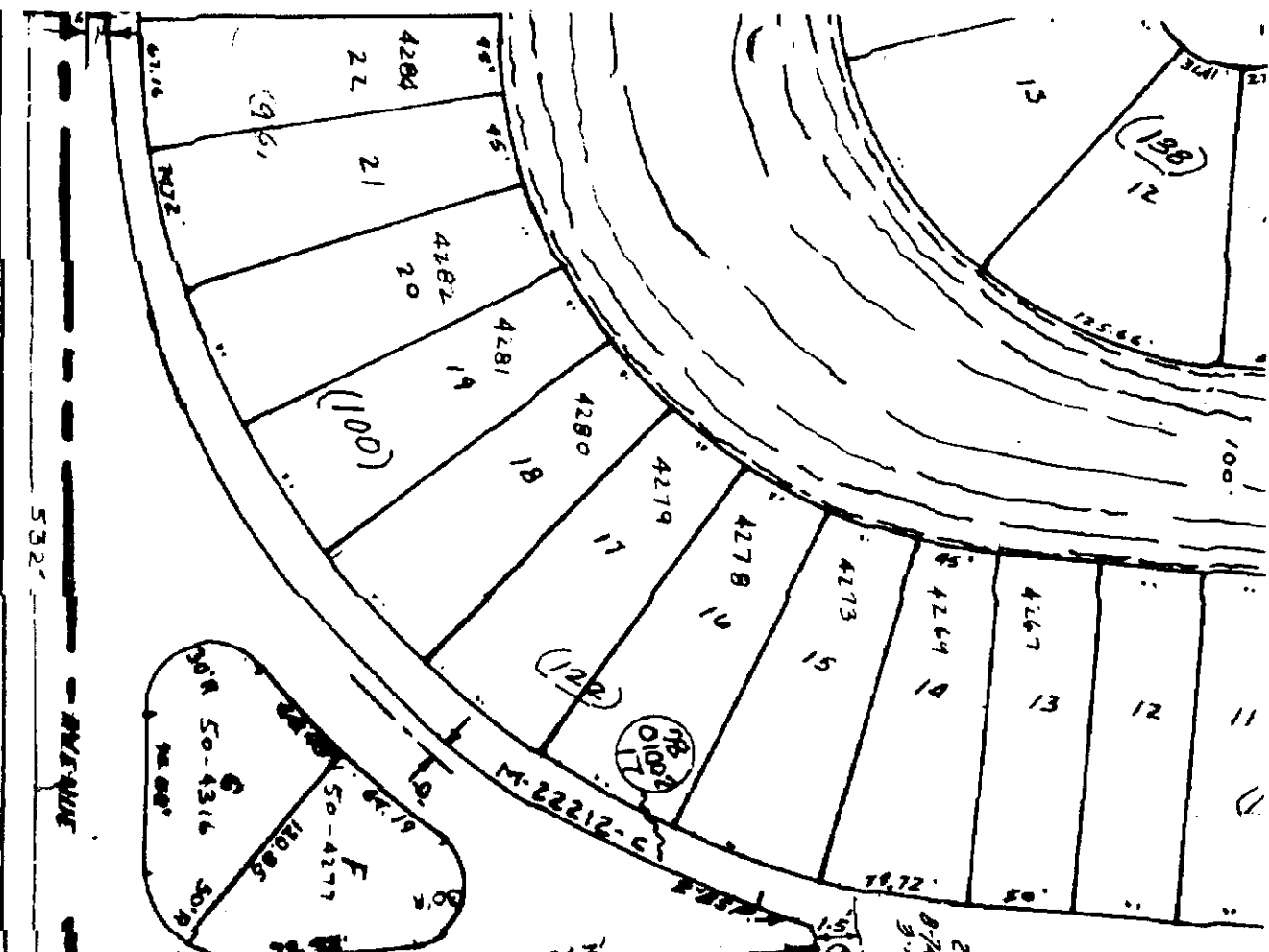
For Town Hall
Renovation

Scale 1"=50'

Easement
Area

Note: Easement on existing
pavement area plus 5'
either side for an agency
services and utility
L.L. Revised 3-10-95

R'RISEA
M43084-C 7-8-69



M-78800
99-6
129



SERVE • CONSERVE

June 16, 1998

Jon M. Henning, Esq.
Town Attorney
Town of Golden Beach
1500 North Federal Highway, Suite 200
Fort Lauderdale, FL 33304

Via US Mail and Facsimile

RE: Proposed Vacation of Right of Way at and near the Intersection
of Terracina Avenue and Golden Beach Drive.

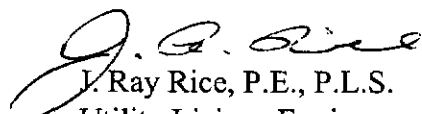
Dear Mr. Henning:

I received, this morning, the fax that you sent to Rafael Ballesteros at 3:27pm on Friday June 12, 1998. Please be advised that the sketch included in your fax is not legible. I cannot ascertain from this sketch the exact area of right of way to be closed or the limits of easements being reserved.

This Department has both a gravity sewer line and a sewer force main in the general vicinity. If these facilities remain in place, we will need easements which have a minimum dimension of 7.5 feet each side of the gravity line or 6 feet each side of the force main.

If you need any additional information, please call me at 669-7650.

Sincerely,


J. Ray Rice, P.E., P.L.S.
Utility Liaison Engineer

JRR/ld

cc: Rick Herrera
reading file
file

(WP:Shanning/ld)

JUN 17 1998

MASTRIANA & CHRISTIANSEN, PA

ATTORNEYS AT LAW

1500 North Federal Highway, Suite 200
Fort Lauderdale, Florida 33304

Broward: (954) 566-1234
Dade: (305) 949-1234
Fax: (954) 566-9219
Fax: (954) 564-1592

mikec64029@aol.com (Mike Christiansen)
framoffice@aol.com (Ron Mastriana)
Sthoff5195@aol.com (Steve Hoffman)
cityatty@aol.com (Jon Henning)

June 18, 1998

Michele Robineau
Deputy Town Clerk
Town of Golden Beach
One Golden Beach Drive
Golden Beach, FL 33160

Re: Proposed Vacation of Right-of-Way at and near the Intersection of
Terracina Avenue and Golden Beach Drive

Dear Michelle:

Enclosed please find the letter we received yesterday from the Miami-Dade Water and Sewer Department. This is a request for a utility easement to be reserved regarding the above-mentioned right-of-way vacation. The original letter is for your files, and the copy is for Jaime Mitrani.

If you have any questions, please call our office.

Sincerely,



Rachel Fallet-Lax
for Jon M. Henning, Town Attorney

Encl.