

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1126.98

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; APPROVING A DEED REGARDING 322 AND 326 SOUTH PARKWAY (LOTS 34 AND 35); AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE DOCUMENT ON BEHALF OF THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town approved a conveyance of three feet along the side of lot 35 to lot 34 in Block G, Section E of Golden Beach, which conveyance was executed on April 4, 1978, and recorded on April 11, 1978, in O.R. Book 10,000, Page 522, of the Public Records of Dade County, Florida; and

WHEREAS, said conveyance was executed in consideration of issuance of a building permit by the Town and cannot be reconveyed or rescinded without the consent of the Town; and

WHEREAS, there has been a change in circumstances, planned removal of encroachments and a desire of the owners to have a residence built on lot 35 in addition to the existing residence on lot 34 (two buildable lots, two houses); and

WHEREAS, the Town desires to consent to a reversal of the 1978 conveyance subject to certain terms and conditions;

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

Section 1. That the above preambles are true and correct and are hereby adopted.

Section 2. That the "Release of Covenant, Reconveyance Deed and Consent by the Town of Golden Beach, Florida" substantially in the form as attached to this resolution as Exhibit I is hereby approved and the appropriate Town officials are hereby authorized and directed to execute said document upon completion of the following condition(s):

- A. The removal of all setback encroachments on lots 34 and 35 of Block G, Section E of Golden Beach Plat regarding docks, pilings and other structures on the land or in the water.
- B. The issuance of a valid building permit for construction and completion of a house on said lot 35.

Section 3. That the property owner shall provide a recorded copy of this resolution and the above-referenced deed to the Town at no cost to the Town.

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

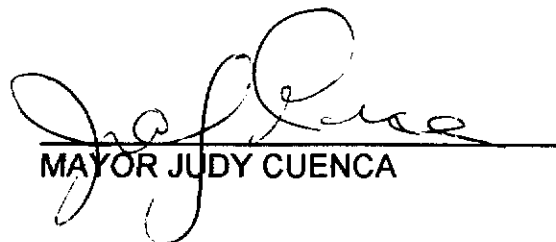
Section 5. Conflict. That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 6. Effective Date. That this Resolution shall become effective immediately upon approval of the Town Council.


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

Mayor Cuenca	<u>Aye</u>
Councilmember Chikovsky	<u>Aye</u>
Councilmember Fistel	<u>Aye</u>
Councilmember Rodriguez	<u>Aye</u>

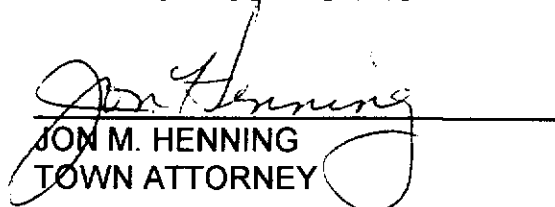
PASSED AND ADOPTED by the Town Council of the Town of Golden Beach this 2nd day of September, 1998.


MAYOR JUDY CUENCA

ATTEST:


MICHELE F. ROBINEAU, CMC
DEPUTY TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


JON M. HENNING
TOWN ATTORNEY