



CFN 2011R0876627
DR Bk 27946 Pgs 3403 - 3408; (6pgs)
RECORDED 12/30/2011 11:48:54
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. 2011-24

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA APPROVING AN ABANDONMENT AND VACATION OF 57.5 FEET OF THE OCEAN DRIVE RIGHT-OF-WAY; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Consultatio Key Biscayne LLC (the “Applicant”) is the owner of approximately 10.11 acres of real property located at 350 Ocean Drive, Key Biscayne, Florida (the “Property”); and

WHEREAS, for several decades the Property was used as a hotel and was a place of public accommodation, which required an ongoing need for a substantial public right-of-way; and

WHEREAS, the Applicant desires to change the use of the Property, which would alleviate the need for the existing width of the Ocean Drive right-of-way (the “Right-of-Way”); and

WHEREAS, the Applicant has filed a Planning and Zoning Application seeking to abandon and vacate 57.5 feet of the Right-of-Way; and

WHEREAS, after proper public notice, the Village Council has conducted a public hearing and considered all testimony and other evidence presented and otherwise made part of the record; and

WHEREAS, the Village Council has determined that there is no longer a public need for the existing width of the Right-of-Way, and that reducing the Right-of-Way to 57.5 feet is in the public’s interest as this will enhance pedestrian safety as well as traffic circulation.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. The recitals set forth above are hereby adopted and confirmed.

Section 2. Approval of a Partial Abandonment & Vacation of the Right-of-Way.
The Village Council hereby abandons and vacates 57.5 feet of the Right-of-Way, as legally described on Exhibit "A." To the extent that any portion of the abandoned and vacated Right-of-Way is owned in fee simple title by the Village, the Village shall transfer its interest to the adjacent fee simple title property owner.

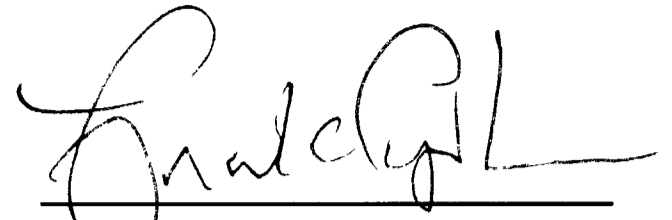
Section 3. Conditions. The approvals granted by this Resolution are subject to compliance with the following condition, to which the Applicant stipulated and agreed to at the public hearing:

- 1, The Property is developed in accordance with the site plan prepared by Arquitectonica International Corporation, entitled "Proposed Site Plan," dated July 15, 2011, and consisting of 37 pages.

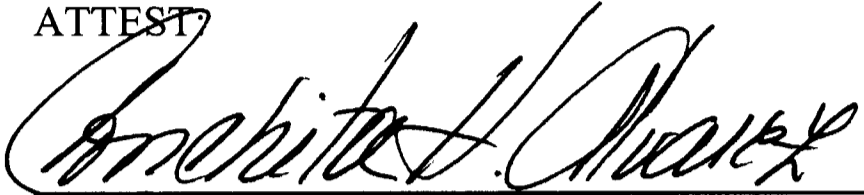
Section 4. Recording. This Resolution shall be recorded, prior to the issuance of a building permit, by the Applicant at its expense in the public records of Miami-Dade County. A copy of the proof of recordation shall be submitted to the Building, Zoning and Planning Department prior to the issuance of any building permits.

Section 5. Effective Date. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 22nd day of August, 2011.


MAYOR FRANKLIN CAPLAN

ATTEST


CONCHITA H. ALVAREZ, MMC VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


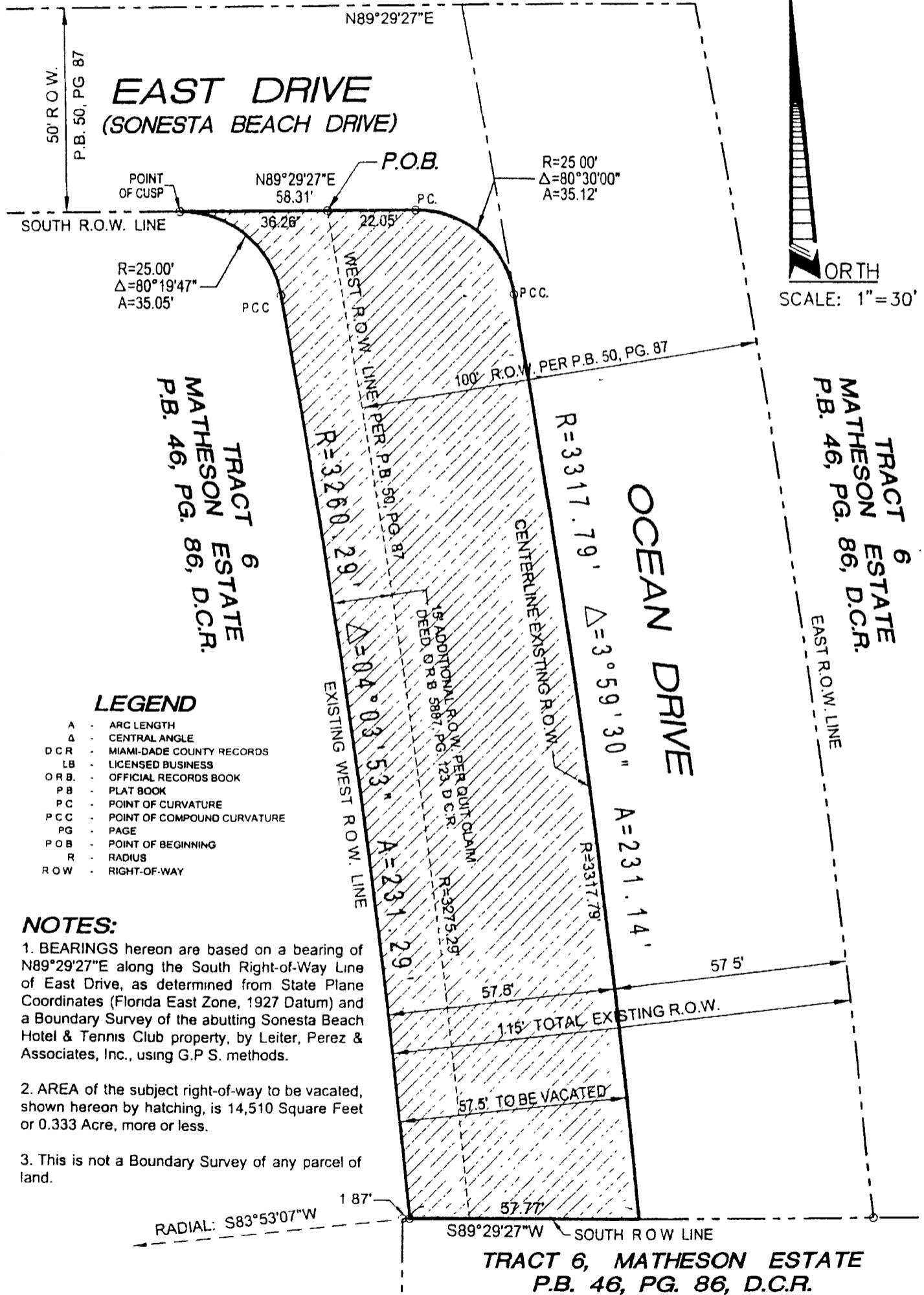

VILLAGE ATTORNEY



EXHIBIT "A"
OCEAN DRIVE R.O.W. TO BE VACATED
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

TRACT 6, MATHESON ESTATE
 P.B. 46, PG. 86, D.C.R.



LEGEND

- A - ARC LENGTH
- Δ - CENTRAL ANGLE
- D.C.R. - MIAMI-DADE COUNTY RECORDS
- L.B. - LICENSED BUSINESS
- O.R.B. - OFFICIAL RECORDS BOOK
- P.B. - PLAT BOOK
- P.C. - POINT OF CURVATURE
- P.C.C. - POINT OF COMPOUND CURVATURE
- P.G. - PAGE
- P.O.B. - POINT OF BEGINNING
- R - RADIUS
- R.O.W. - RIGHT-OF-WAY

NOTES:

1. BEARINGS hereon are based on a bearing of N89°29'27"E along the South Right-of-Way Line of East Drive, as determined from State Plane Coordinates (Florida East Zone, 1927 Datum) and a Boundary Survey of the abutting Sonesta Beach Hotel & Tennis Club property, by Leiter, Perez & Associates, Inc., using G.P.S. methods.

2. AREA of the subject right-of-way to be vacated, shown hereon by hatching, is 14,510 Square Feet or 0.333 Acre, more or less.

3. This is not a Boundary Survey of any parcel of land.

NOTE: THIS IS NOT A LAND SURVEY.
 FOR LEGAL DESCRIPTION, SEE SHEET 2 OF 2.



LEITER, PEREZ & ASSOCIATES, INC.
 LAND DEVELOPMENT CONSULTANTS
 CIVIL ENGINEERS - LAND SURVEYORS
 LAND PLANNERS - ENVIRONMENTAL
 160 N.W. 176TH ST. SUITE 403, MIAMI, FLORIDA 33169
 MIAMI-DADE (305) 652-5133 BROWARD (954) 524-2202 FAX (305) 652-0411
 E Mail office@leiterperez.com WEBSITE www.leiterperez.com LICENSED BUSINESS No 6787

| REVISION | |
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| 07-17-11 | 57.5' ROW |
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FILE 11-137Vacated.dwg
 SHEET 1 OF 2

DATE: 07-12-11 JOB NO: 11-137 FILE: L-1819(1)



V I L L A G E O F K E Y B I S C A Y N E

Office of the Village Clerk

Village Council

Franklin H. Caplan, *Mayor*
Michael E. Kelly, *Vice Mayor*
Michael W. Davey
Enrique Garcia
Robert Gusman
Mayra P. Lindsay
James S. Taintor

Village Clerk

Conchita H. Alvarez, *MMC*

I, Myriam Restrepo, hereby certify that Resolution 2011-24 was filed in the official records of the Village of Key Biscayne on September 7, 2011.

Myriam Restrepo
Assistant to the Village Clerk
Village of Key Biscayne