

**LAW OFFICES OF
THOMAS G. SHERMAN
PROFESSIONAL ASSOCIATION**

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Coral Gables, Florida 33134

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Jonathan S. Trabit, Esq.
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LOT SPLIT OPINION OF TITLE

**City of Miami Beach
Attn: Planning Department
1700 Convention Center Drive
2nd Floor
Miami Beach, FL 33139**

RE: 291 Palm Avenue, Miami Beach, FL 33139- Opinion of Title Lot Split Application - Planning Board File No. _____

Dear Mr. Sir or Madam:

Pursuant to Section 118-321(A)(1) of the Code of the City of Miami Beach, and with the express understanding that this Opinion of Title is furnished to you as inducement for approval of the subject application (“Application”) for a lot split of the property identified in this opinion (the “Property”), I render this Opinion of Title as of August 06, 2021 before the Planning Board’s decision upon the application.

I certify that accompanying this Opinion of Title, as part of the Application, are copies of all deed restrictions, reservations, and covenants applicable to the Property.

I have conducted a title examination of the Property; whose legal description is as follows:

Lots 55 and 56, Block 2B, AMENDED RIVIERA AND THE FIRST AND SECOND ADDITIONS thereto, according to the Plat thereof, as recorded in Plat Book 32, Page 37 of the Public Records of Miami-Dade County, Florida, (the “Property”).

In my opinion: The fee simple title to the Property is vested in:

Casa De Palm LLC, a Florida limited liability company

Title to the Property is subject to the following:

1. Taxes and assessments for the year 2021 and subsequent years, which are not yet due and payable.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.

3. Rights or claims of parties in possession not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
6. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.
7. All matters contained on the Plat of AMENDED RIVIERA AND THE FIRST AND SECOND ADDITIONS THERETO, as recorded in Plat Book 32, Page 37, of the Public Records of Miami-Dade County, Florida.
8. Ordinance No. 80-32 Creating and Establishing a Special Taxing District know as Palm and Hibiscus Island Security Guard Special Taxing District, recorded in Official Records Book 10731, Page 361, of the Public Records of Miami-Dade County, Florida.
9. Interlocal Agreement between Dade County, Florida and the City of Miami Beach recorded in Official Records Book 14896, Page 1832, of the Public Records of Miami-Dade County, Florida.
10. Board of Adjustment Order recorded in Official Records Book 30717, Page 1321, of the Public Records of Miami-Dade County, Florida
11. Any and all matters on that certain survey, as shown by that certain survey dated 03/25/21, prepared by MAQ Services, Inc., job # 17-05291.

In my opinion, none of the above deed restrictions, reservations, or covenants applicable to the Property prevents or serves as exceptions to the lot split being requested.

I certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of The Florida Bar.

Attachments – copies of the above-identified documents.

Respectfully submitted,

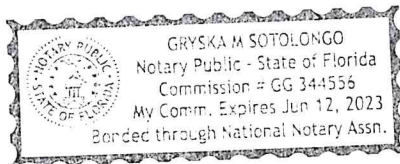

Thomas G. Sherman, Esq.
Florida Bar No. 221287

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

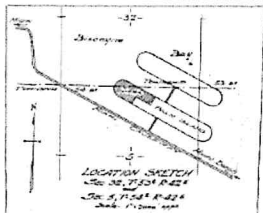
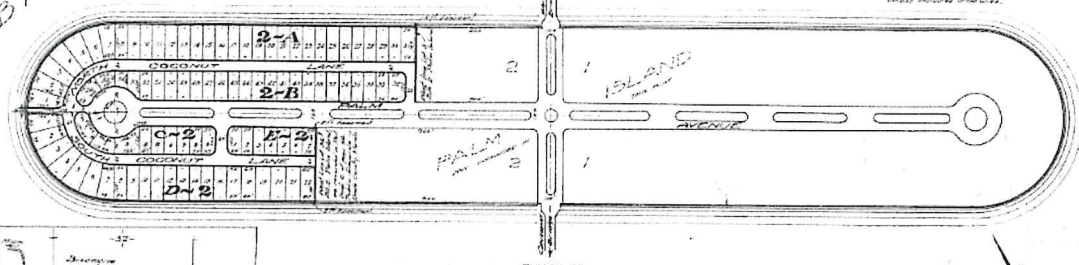
The foregoing instrument was acknowledged and sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 6th day of August 2021 by **Thomas G. Sherman**, who ☒ is personally known to me or who [] have produced _____ as identification.

My Commission Expires:

/s/ 
Print Name: Gryska Sotolongo



DISCAYNE BAY



ENTITLED AMENDED RIVIERA

AND
FIRST & SECOND ADDITIONS
DEVELOPMENT OF LOTS 6 TO 24 INCLUSIVE BLOCK 2
PALM ISLAND OF THE DISCAYNE BAY ISLANDS CO.
MIAMI BEACH, FLORIDA

Scale: 1" = 200' W.E. Dwyer Engineering Co., Inc. Civil Engineers Miami, Florida January 1928

ALFRED J. TITTA, President of the Discayne Bay Islands Company, presents this plat to the public for their consideration. The Discayne Bay Islands Company, a corporation with its principal office in the City of Miami, Florida, has acquired the lots shown on this plat and has caused them to be surveyed and platted as shown. The Discayne Bay Islands Company is a corporation organized under the laws of the State of Florida and has its principal office in the City of Miami, Florida. The Discayne Bay Islands Company is a corporation organized under the laws of the State of Florida and has its principal office in the City of Miami, Florida.

Witness my hand and seal of office this 15th day of January, 1928.

Alfred J. Titta
President

I hereby certify that the above plat was prepared and approved by me as the Surveyor of the County of Dade, Florida, on the 15th day of January, 1928, and that the same is in accordance with the laws of the State of Florida and the rules and regulations of the Board of Surveyors of the County of Dade, Florida. I have caused the same to be recorded in the public records of the County of Dade, Florida, and the same is now a part of the public records of the County of Dade, Florida.

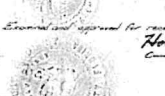
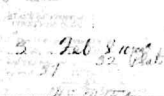
W. E. Dwyer
Surveyor

This is to certify that the attached plat is made in accordance with the laws of the State of Florida and the rules and regulations of the Board of Surveyors of the County of Dade, Florida, and that the same is now a part of the public records of the County of Dade, Florida.

Robert Bradley, Jr.
County Engineer

This plat was approved and adopted by the City Council of Miami Beach, Dade County, Florida, on the 15th day of January, 1928.

Robert Bradley, Jr.
County Engineer



ORDINANCE NO. 80-32

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS "PALM AND HIBISCUS ISLAND SECURITY GUARD SPECIAL TAXING DISTRICT" IN ACCORDANCE WITH PROVISIONS OF CHAPTER 18 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 11) grants to the electors of Dade County power to adopt a home rule charter of government for Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Dade County from time to time; and

WHEREAS, the Home Rule Charter adopted by the electors of Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and the governing body of Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including police protection services, and that all funds shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

WHEREAS, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Metropolitan Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefor; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Metropolitan Dade County, Florida, a petition for the creation of a special taxing district to be known as the "PALM AND HIBISCUS ISLAND SECURITY GUARD SPECIAL TAXING DISTRICT" duly signed by fifty percent of the owners within the proposed district, was filed with the Clerk of the County Commission. Such petition prayed for the creation and

m/c

establishment of a special taxing district for the purpose of providing security guard services to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

WHEREAS, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Manager who examined it and filed a written report with the Clerk certifying that such petition was sufficient in form and substance and signed and properly presented in accordance with the requirements of Chapter 18 of the Code of Metropolitan Dade County, Florida; and

WHEREAS, the County Manager, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners his written report and recommendations setting forth the boundaries of the proposed special taxing district, the location, nature and character of the security guard services to be provided and maintained within the proposed district, an estimate of the cost of establishing and maintaining such project, certifying that the proposed project and proposed district conform to the master plan of development for the County, and setting forth his recommendations concerning the need and desirability for the requested project, the ability of the affected property to bear special assessments for financing the cost of maintaining such project, and expressing his opinion that the property to be specially assessed will be benefited in excess of the special assessments to be levied, an estimate of the amount to be assessed against each thousand dollars (\$1,000) property valuation of the benefited property within the proposed district, and the County Manager attached to such report and recommendations a map or sketch showing the boundaries and location of the proposed district. Such report and recommendations of the County Manager was filed with the Clerk and transmitted to the Mayor; and

WHEREAS, it appearing to the Board of County Commissioners from such report of the County Manager and other investigations that the project petitioned for would be of special benefit to all property within the proposed district and that the total amount of the special

assessments to be levied would not be in excess of such special benefit, the Clerk of the Board certified the place, date, and hour for a public hearing on the petition and the report and recommendations of the County Manager to be held on Tuesday, April 15, 1980. Copies of said certificate were duly published in newspapers of general circulation published in Dade County, and copies thereof were posted in more than five (5) public places within the proposed district, and copies thereof mailed to all owners of taxable real property within the boundaries of the proposed district as their names and addresses appear on the latest Dade County tax assessment roll and to all persons, firms or corporations having any right, title or interest in said property; and

WHEREAS, pursuant to said notice, the Board of County Commissioners on Tuesday, April 15, 1980, held a public hearing in accordance with the provisions of said Clerk's certificate, at which public hearing all interested persons were afforded the opportunity to present their objections, if any, to the creation and establishment of the proposed special taxing district; and

WHEREAS, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Manager and the views expressed by the property owners within the proposed special taxing district, has determined to create and establish such special taxing district in accordance with the report and recommendations of the County Manager; and

WHEREAS, pursuant to the provisions of Chapter 18 of the Metropolitan Dade County Code, the governing body of the City of Miami Beach has by Resolution No. 79-15827 consented to the creation and establishment of the special taxing district herein proposed encompassing property within its municipal limits,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. In accordance with the provisions of Chapter 18 of the Code of Metropolitan Dade County, Florida, a special taxing district

located within the city limits of the incorporated municipality of Miami Beach, known and designated as the "PALM AND HIBISCUS ISLAND SECURITY GUARD SPECIAL TAXING DISTRICT" is hereby created and established.

Section 2. The area or boundaries of this proposed special taxing district are as follows:

All of Palm Island recorded in Plat
Book 6 at Page 54;

AND

All of amended Riviera and the First
and Second Additions of thereto recorded
in Plat Book 32 at Page 37;

AND

All of Hibiscus Island recorded in Plat
Book 8 at Page 75;

AND

All of a resubdivision of Blocks C and D
of Hibiscus Island recorded in Plat Book
34 at Page 87.

The area and location of this proposed special taxing district are shown on the map or sketch which is made a part hereof by reference.

Section 3. The services to be provided within this proposed special taxing district will consist of the following:

One uniformed, unarmed security guard, 24 hours
a day, 365 days a year, located at the security
guard station located at the causeway entrance
to the Palm and Hibiscus Island.

Section 4. The estimated net cost to the property owners for the security guard services including engineering and administrative, and billing, collecting and processing for the first year is \$48,542.00 and \$46,386.00 for each year thereafter. The County will advance funds for this program, which sum shall be reimbursed by special assessments. Assessment may be paid at the office of the finance director within thirty (30) days after the date of the recording of the assessment roll, without interest. Thereafter all assessments shall be payable in accordance with Section 18-14 (7) of the Code of Metropolitan Dade County, Florida. Unless paid when due, such assessments shall be deemed delinquent and payment thereof may be enforced by means of the procedures provided by the provisions of Section 18-14 (8) of the Code of Metropolitan Dade County, Florida. It is estimated that the cost per one thousand dollars (\$1,000) valuation of real property within the proposed

district for the first year is \$2.10 and \$2.00 for the second and succeeding years.

Section 5. It is hereby declared that said project will be a special benefit to all property within the proposed special taxing district and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 6. The County Manager is hereby authorized and directed to take all necessary steps to solicit and receive competitive bids in accordance with established County procedures, for providing security guard services within the district.

Section 7. The County Manager is directed to cause to be prepared and filed with the Clerk of the County Commission a Preliminary Assessment Roll in accordance with the provisions of Section 18-14 of the Code of Metropolitan Dade County, Florida.

Section 8. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Dade County, Florida, and recorded in the appropriate book of records.

Section 9. The provisions of this Ordinance shall take effect when approved at an election to be formally called by this Board and noticed and conducted as this Board shall determine by resolution.

PASSED AND ADOPTED:

APR 15 1980

Approved by County Attorney as
to form and legal sufficiency.

[Signature]

MEMORANDUM

TO: M. R. Stierheim
County Manager
ATTN: Dennis I. Garter
Assistant County Manager

DATE: February 4, 1980
SUBJECT: Palm and Hibiscus Island Security
Guard Special Taxing District

FROM: *William M. Powell*
William M. Powell, Director
Public Works Department

A petition has been submitted to Dade County in accordance with Chapter 18 of the Code, requesting the creation and establishment of a security guard special taxing district.

Pursuant to Chapter 18 of the Code of Metropolitan Dade County, the County Manager is required to submit a report and recommendation for the creation and establishment of special taxing districts. Under this section of the Code, the Manager is required to cause to be made under his supervision and direction such investigation, surveys, plans and specifications as may be necessary to enable him to compile and file with the Board a written report concerning such districts.

As Public Works Director, responsible for the detailed investigation of such districts, the following facts are hereby submitted concerning the creation of the "Palm and Hibiscus Island Security Guard Special Taxing District."

1. BOUNDARIES OF THIS DISTRICT

The proposed district is located entirely within the municipal limits of the City of Miami Beach, Florida. Pursuant to Chapter 18 of the Code, Metropolitan Dade County has received approval from the City of Miami Beach to create this special taxing district for security service, per Resolution No. 79-15827 duly passed and executed on February 7, 1979. (Copy of which is attached.)

Therefore the boundaries, as set forth in the petition and recommended herein are:

All of Palm Island recorded in Plat
Book 6 at Page 54;

AND

All of amended Riviera and the First
and Second Additions of thereto recorded
in Plat Book 32 at Page 37;

AND

All of Hibiscus Island recorded in Plat
Book 8 at Page 75;

AND

All of a resubdivision of Blocks C and D
of Hibiscus Island recorded in Plat Book
34 at Page 87.

All of the above plats being recorded in the Public Records of Dade County, Florida.

The boundaries recommended are shown on the attached plan entitled "Palm and Hibiscus Island Security Guard Special Taxing District" and hereinafter referred to as Exhibit "A".

2. LOCATION OF THE SERVICE TO BE PROVIDED

The service as specified by the petition will be a visible safety and passive security program utilizing the existing security guard station located at the causeway entrance to the Palm and Hibiscus Islands. The service to be supplied for the district will consist of one uniformed, unarmed security guard, 24 hours a day, 7 days a week, 365 days a year, located at the security guard station.

This service is to be supplied by a duly licensed and bonded, State of Florida approved security service company, on a low-competitive hourly rate basis. The service, as administered by the Dade County Public Works Department, will commence at the earliest practicable time following the creation and establishment of the district by the Dade County Board of County Commissioners and said creation ratified by the electorate at the required subsequent referendum.

3. ESTIMATED COST FOR THIS IMPROVEMENT

The request made by the petitioners is for continual unarmed security service as indicated in Item Number 2.

Cost estimates were secured from the private sector by the Dade County Public Works Department. For its report, a mean hourly rate was calculated and multiplied by the annual number of hours of service for annual service cost of \$45,990.

In addition to the cost for the security service, it will be necessary for the County to recover the engineering and administrative costs involved in establishing and maintaining the district as provided by Chapter 18 of the Code. This is estimated to be \$801 the first year and \$210 annually thereafter. Also, it will be necessary for the County to charge the district a fee for handling the billing, collecting the assessments, and processing the monthly invoices to the security service company. This cost is estimated to be \$1,751 the first year and \$186 annually thereafter.

ESTIMATED ANNUAL COSTS

<u>Item</u>	<u>AMOUNTS</u>	
	<u>First Year</u>	<u>Each Year Thereafter</u>
Annual Cost of Service	\$45,990.00	\$45,990.00
Engineering & Administrative Costs	801.00	210.00
Billing, Collecting & Processing Costs	1,751.00	186.00
EST. TOTAL COST TO DISTRICT	\$48,542.00	\$46,386.00

3a. PROCEDURE

Dade County enters into a contractual agreement with the low-competitive hourly rate bidder, wherein it is agreed that Dade County will pay to the security service company, in equal monthly payments, one-twelfth of the annual cost now estimated to be \$45,990 or approximately \$3,833 per month.

Each property owner in the district will pay the County by a special assessment a proportionate share of the total annual cost.

4. CONFORMITY TO THE MASTER PLAN OF DADE COUNTY

The proposed improvement conforms to and in no way conflicts with the master plan of development for Dade County. (Memorandum from Planning Department is attached.)

5. RECOMMENDATION CONCERNING DESIRABILITY OF THIS IMPROVEMENT

The proposed security program is desirable as evidenced by the property owners petition. The attached memorandum from the Property Appraisor's Office shows the 1979 gross property valuation within the district to be \$24,877,776 and is a good indication that the affected property is able to support such assessments as may be required. In my opinion, the proposed improvement will provide special benefits to property within the district exceeding the amount of special assessments to be levied.

6. ESTIMATE OF ASSESSMENT AGAINST BENEFITTED PROPERTY

The combined cost for the security service and administrative expenses as estimated and indicated in Item Number 3 is \$48,542. The cost is to be paid for by special assessment against benefitted properties and is to be apportioned to individual properties within the boundaries of the district on the basis of net property valuation

The cost per \$1,000 valuation to be assessed for this service is estimated as follows:

	<u>First Year</u>	<u>Each Year Thereafter</u>
Total Cost to District	\$48,542.00	\$46,386.00
Estimated Net Property Valuation Within the District Limits	\$23,142,998	
Cost Per \$1,000 Property Valuation	\$ 2.10	\$ 2.00

SAMPLE ASSESSMENT

	<u>First Year</u>	<u>Each Year Thereafter</u>
Cost Per \$1,000 Property Valuation	\$ 2.10	\$ 2.00
Cost Per Year for a Typical Residence Appraised at \$60,000	\$126.00	\$120.00

These costs are based on a preliminary estimate of \$23,142,998 net property valuation and will be adjusted from actual experience.

7. RECOMMENDATION OF REFERENDUM REQUIREMENT

It is my recommendation that the referendum required by Chapter 18 of the Code be conducted by the Dade County Elections Department using a mailed ballot. Upon approval by the County Commission of this referendum, the Elections Department will send a summary of the report, a copy of which is attached, on this district to each registered voter living within the district. My office will also be available to answer any questions from the public or from your office in regard to the financial and/or engineering facts of this district.

We further recommend that the County Manager sign the attached report to the Board of County Commissioners; after you have reviewed this report and concur with our findings.

- Encls: (1) Plan of proposed improvement (Exhibit "A")
 (2) Copy of memo from Planning Department
 (3) Copy of memo from Property Appraisal Department
 (4) Copy of Summary of Report and (Exhibit "B")
 (5) Copy of Resolution from the City of Miami Beach

MEMORANDUM

107.07-17A

TO Mr. David P. Duncan, Head
Special Taxing Section
Public Works Department

FROM Reginald E. Walters, Director
Planning Department

DATE November 6, 1979

SUBJECT Palm & Hibiscus Security
Improvement Special Taxing
District

Reginald E. Walters

We have reviewed the proposal to create a Special Taxing District for the purpose of providing Security Improvements to Palm and Hibiscus Islands. We find the proposal to be in conformance with the goals, policies, and objectives contained in the Comprehensive Development Master Plan.

REW:SRR:ee

RECEIVED
NOV 30 1979

107-07-17A

TO David P. Duncan, Head
Special Taxing Section
Civil Engineering Division

DATE 29 November 1979

PUBLIC WORKS DEPT.

SUBJECT Palm/Hibiscus Security S.I.D.

FROM Edwin Lorenc, Adm. Supervisor
Assessment Data & Control
Property Appraisal Department

Below is the information needed for your report to the County Manager.

According to the latest assessment roll, it is as follows:

Gross Assessment \$ 24, 877, 776

Net Assessment \$ 23, 142, 998

Number of Parcels 295

Number of Owners 275

If there are any questions, please call 579-4104.

EL:ljg

RESOLUTION NO. 79-15827

A RESOLUTION APPROVING CREATION OF A SPECIAL TAXING DISTRICT FOR PALM AND HIBISCUS ISLANDS IN ORDER TO PROVIDE 24-HOUR GUARD SERVICE, SUBJECT TO COMPLIANCE WITH APPLICABLE METRO CHARTER REQUIREMENTS.

WHEREAS, the Citizens of Miami Beach, residing on PALM ISLAND and HIBISCUS ISLAND have petitioned Dade County under Chapter XVIII of the Metropolitan Charter and §18-2 of the Dade County Code to create a Special Taxing District for a Special Guard Protection of the islands, located in said District, and

WHEREAS, the Dade County Property Appraisal Department has certified that sixty-seven percent of the resident property owners of property within the boundaries of the proposed District have signed said petition, and

WHEREAS, the residents of PALM ISLAND and HIBISCUS ISLAND request the approval of the Miami Beach City Commission to hold a referendum vote of the residents of said islands, at no expense to the City of Miami Beach, to determine whether a Special Taxing District should be created on said islands,

NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, that creation of a Special Taxing District on PALM ISLAND and HIBISCUS ISLAND, Miami Beach, Florida, in accordance with Chapter XVIII of the Metropolitan Charter and §18-2 of the Dade County Code for Special Guard Protection is hereby approved by the City Commission of the City of Miami Beach, Florida, said Special Guard Protection to consist of contracting for twenty-four hours a day, seven days a week, 365 days a year, unarmed, uniformed, Guard services with a duly licensed and bonded, State of Florida approved Security Guard Service, to provide such services at the entrance of the District, such approval being further conditioned upon the affirmative vote of the residents of PALM ISLAND and HIBISCUS ISLAND in an election to be conducted according to the Metropolitan Dade County Code and further subject to approval of the Dade County Commission.

PASSED and ADOPTED this 7th day of February, 1979.

Ph. Samuel Weber
Mayor

Attest:

Elaine Matthews
City Clerk

STATE OF FLORIDA
COUNTY OF DADE:

I, ELAINE MATTHEWS, City Clerk of the City of Miami Beach, Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in this office.

WITNESS my hand and the seal of said City this 14 day of March A.D. 1979.

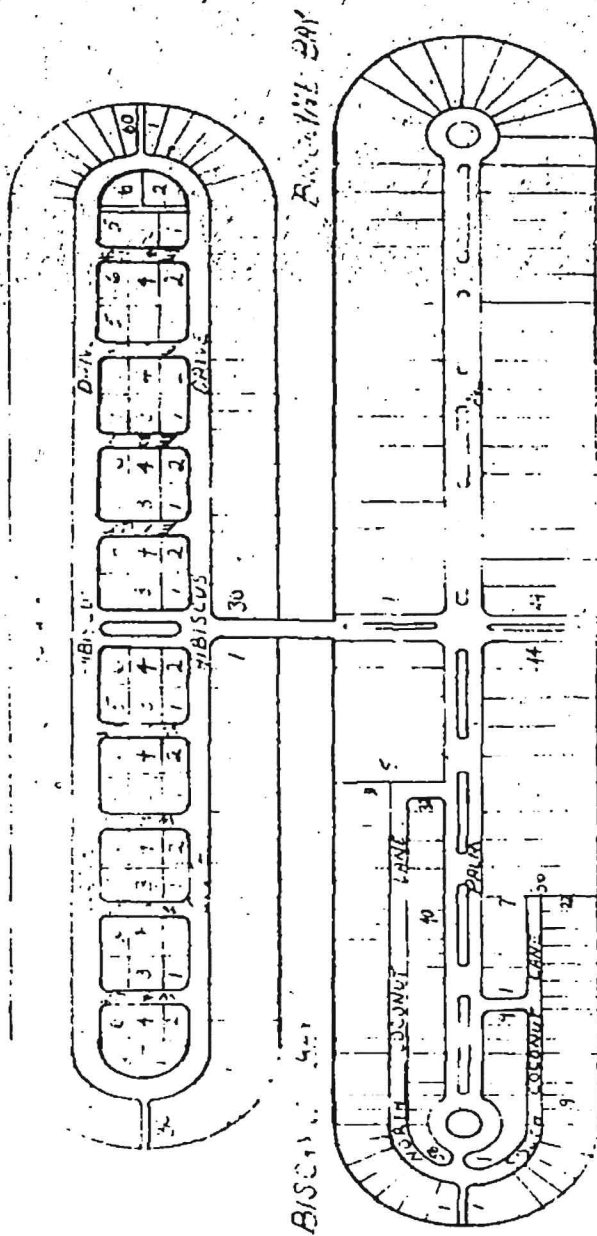
ELAINE MATTHEWS
City Clerk of the City of Miami Beach, Florida
Elaine Matthews
By: Deputy

PROPOSED DISTRICT BOUNDARIES

N

PALM AND HIBISCUS

SECURITY IMPROVEMENT SPECIAL TAXING DISTRICT



MACARTHUR CAUSEWAY

SECTION 4-5-54-42

EXHIBIT 'B'

MEMORANDUM

Agenda Item No. 2 (m)
(4-15-80--Public Hearing)TO HONORABLE MAYOR AND MEMBERS
BOARD OF COUNTY COMMISSIONERS

DATE March 18, 1980

FROM

SUBJECT Palm and Hibiscus Island
Security Guard Special
Taxing DistrictM. J. Stein
County Manager

80-321

RECOMMENDATION:

It is recommended that the Board approve a petition submitted in accordance with Article I, Chapter 18 of the Code, for creation of the Palm and Hibiscus Island Security Guard Special Taxing District.

Boundaries:	Palm and Hibiscus Island Miami Beach, Florida
Number of Parcels:	295
Number of Owners:	278
Number of Owners With Homestead Exemption Signing Petition:	117 or 58% of Homestead property owners
Preliminary Public Hearing:	January 29, 1979
Objections:	None
Cost Per \$1,000 Property Valuation:	1st Year - \$2.10 Each Year Thereafter - \$2.00
Type of Service:	Security guard service at islands' entrance 24 hours a day, 365 days a year.

As required by the provisions of Chapter 18 of the Code, I have reviewed the facts submitted by the Public Works Director and concur with his recommendation that this district be created.

STATE OF FLORIDA)
COUNTY OF DADE)

I, RICHARD P. BRINKER, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of ORDINANCE OR SECTION (s) of CODE of Dade County, Florida, as appears of record.

1. ORDINANCE NO. 80-32, adopted by the said Board of County Commissioners at its meeting held on April 15, 1980.

The effective date of this ORDINANCE is:

when approved at an election to be formally called by this Board and
noticed and conducted as this Board shall determine by Resolution.

2. SECTION (s) of CODE of Dade County, Florida.

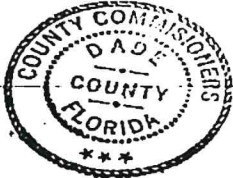
SAID SECTION (s) are/were in full force and effect as of:

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
on this 22nd day of April A.D. 1980.

RICHARD P. BRINKER, Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

By Elizabeth D. Elkin
Deputy Clerk

SEAL



RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA.
RECORD VERIFIED
RICHARD B. BRINKER,
CLERK CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

**INTERLOCAL AGREEMENT
BY AND BETWEEN DADE COUNTY, FLORIDA AND THE
CITY OF MIAMI BEACH SECURING OFF-DUTY CITY
OF MIAMI BEACH POLICE OFFICERS TO PERFORM
GUARD SERVICES FOR THE PALM AND HIBISCUS ISLAND
SECURITY GUARD SPECIAL TAXING DISTRICT**

OFF.
REC. 14896-1832

THIS INTERLOCAL AGREEMENT, made and entered into this 5th day of February, 1991, by and between DADE COUNTY, FLORIDA (the "COUNTY"), a political subdivision of the State of Florida, and the CITY OF MIAMI BEACH, FLORIDA (the "CITY"), a municipality organized and existing under the laws of the State of Florida.

WHEREAS, Section 163.01, Florida Statutes (1987) and the Metropolitan Dade County Home Rule Charter, as amended, permit the County, and the City to enter into interlocal agreements; and

WHEREAS, the Board of County Commissioners, by the adoption of Ordinance No. 80-32 on April 15, 1980, as amended by Ordinance No. 83-122 and Ordinance No. 88-62, created the PALM AND HIBISCUS ISLAND SECURITY GUARD SPECIAL TAXING DISTRICT, pursuant to Chapter 18 of the Code of Metropolitan Dade County, Florida, and Section 101(a)(11) of the Dade County Home Rule Charter; and

WHEREAS, the City Commission of the City of Miami Beach passed and adopted on February 7, 1979, Resolution No. 79-15827 approving creation of the Palm and Hibiscus Island Security Guard Special Taxing District; and

WHEREAS, the City Commission of the City of Miami Beach passed and adopted a subsequent Resolution No. 88-19257 on May 26, 1988, requesting the Board of County Commissioners to amend Ordinances No. 80-32 and 83-122 to permit the use of off duty police officers to provide security guard services; and

WHEREAS, the Board of County Commissioners, by the adoption Ordinance No. 88-62 on July 5, 1988, amended Ordinance No. 80-32 to provide for the utilization of off-duty police officers to perform guard services twenty-four (24) hours per day, seven (7) days per week, three hundred and sixty-five (365) days per year, at the security guard station located at the causeway entrance to

the Palm and Hibiscus Islands, and to provide for the authorization to use an interlocal agreement to secure such services; and

WHEREAS, the parties hereto, for the consideration herein as set forth mutually agree as follows:

1. The CITY or its agent shall not in any event be considered nor shall it represent itself as an agent, officer, servant or employee of the COUNTY in performance of its activities under this agreement.

2. The CITY agrees to be responsible for furnishing management, supervision, manpower, equipment and supplies as required to provide one uniformed and armed off-duty police officer twenty-four (24) hours per day, three hundred and sixty-five (365) days per year at the Palm Hibiscus Island Security Guard Special Taxing District guard station. Provided, however that the City shall have no duty to provide the off duty police officers in the event of any emergency or extraordinary condition which prevents the availability of such officers.

3. The COUNTY agrees to pay a fixed hourly rate of Eighteen Dollars and Sixty-Four Cents (\$18.64) per hour for the actual number of service hours performed, except that on the following days the County agrees to pay Thirty Four Dollars and Sixty-Four Cents (\$34.64) per hour:

New Year's Eve	Labor Day
New Year's Day	Veterans Day
Washington's Birthday	Thanksgiving Day
Memorial Day	Christmas Eve
Independence Day	Christmas Day

The fixed hourly rates are inclusive of all costs necessary to provide security service as described in this Agreement.

4. The orders, called post orders, shall be prepared and published by the COUNTY and posted at the security guard station. All officers must comply with and have access to these post orders at all times while on duty. All post orders, (initial or revised) must be approved by the COUNTY. Current District Post Orders are set forth in Exhibit A, attached hereto and incorporated herein by reference.

Said orders may be amended from time to time by the county in its discretion as it deems appropriate.

5. The COUNTY will furnish at no cost to the CITY:

1. Time clock and related keys.
2. Sufficient number of all required forms.
3. Desk book.

6. To the extent permitted by applicable law but in any event only to the limits set forth in Florida Statutes, Section 768.28, the CITY hereby agrees to indemnify and hold harmless the COUNTY from any and all claims, liability, losses and causes of action which may arise out of the negligence of the City or its police officers. To the limits set forth in Section 768.28, Florida Statutes, the CITY shall pay all claims and losses arising out of the negligence of the CITY or the police officers, and shall defend all suits, in the name of the COUNTY when applicable, and shall pay all costs and judgments which may issue therefrom. The foregoing indemnity shall not require the CITY to indemnify the COUNTY for the COUNTY's own negligence. Any and all claims the CITY becomes legally liable for shall be covered under the CITY's Self Insurance Program. Prior to the commencement of this Agreement, the CITY must provide to the County proof of self-insurance pursuant to Section 768.28, Florida Statutes, for the following:

1. Workers' Compensation
2. Comprehensive General Liability
3. Automobile Liability

7. The term of this Agreement is for a one (1) year period from February 13, 1991 to February 12, 1992. This Agreement can be terminated by either party, at any time, by thirty (30) days prior notification in writing of desire to terminate.

8. The COUNTY retains the option of renewing this Agreement for an additional one year period with the consent of the CITY. At the time of Agreement renewal, the COUNTY will consider an adjustment to price equal to the current off-duty police officer rate as determined by the City of Miami Beach.

The renewal Agreement can be terminated by either party, at any time, by thirty (30) days prior notification in writing of desire to terminate.

9. The CITY agrees to bill the COUNTY for services monthly. This billing will be based upon the fixed hourly rate as agreed charges billed for services rendered prior to payment of said charges. All funds used to reimburse the CITY pursuant to this agreement shall be provided from service charges, special assessments or general tax levies within the Palm and Hibiscus Island Security Guard Special Taxing District only.

10. All written notices under this Agreement will be by certified mail addressed to the following address of the COUNTY:

**Metro-Dade
Public Works Department
Special Taxing District Division
111 N.W. 1st Street
Suite 150
Miami, Florida 33128**

and the following address for the CITY:

**City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139**

11. Nothing expressed or implied herein is intended or shall be construed to confer upon or to give any person, firm, corporation or other entity, other than the parties hereto, any right, remedy or claim under or by reason of this Interlocal Agreement or by reason of any term, covenant, condition, promise and agreement contained herein, all of said rights, remedies and any claims whatsoever hereunder being for the sole and exclusive benefit of the parties hereto, their successors and assigns. No third party beneficiary rights are intended or implied.

12. This Interlocal Agreement shall be binding upon the parties hereto, their successors and assigns.

13. This Interlocal Agreement has been duly authorized, executed and delivered by each party hereto and constitutes a legal, valid and binding obligation of each party in accordance with its terms.

14. The terms of this Interlocal Agreement shall be enforceable by either party hereto in a court of competent jurisdiction by use of all available equitable and legal remedies.

15. This Interlocal Agreement shall be effective when approved, executed and delivered by the City Commission of the City of Miami Beach and the Board of County Commissioners of Dade County.

16. As a condition precedent to the effectiveness of this Interlocal Agreement and any subsequent amendments thereto, this Interlocal Agreement and such amendments must be filed with the Clerk of the Circuit Court, in and for Dade County, Florida.

17. This document embodies the entire agreement and understanding between the parties hereto, and any other agreements and understandings, whether oral or written, with reference to the subject matter of this Interlocal Agreement are merged herein or superseded hereby.

18. No alteration, change or modifications of the terms of this Interlocal Agreement shall be valid unless made in writing and signed by all parties hereto and, if deemed by either the City Attorney or the County Attorney to be a material amendment, then only upon approval by both City and County Commissions.

IN WITNESS WHEREOF, the parties having caused this Interlocal Agreement to be by their respective and duly authorized officers.

ATTEST:

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

BY: Elizabeth Adorno
DEPUTY CLERK

BY: Joaquin G. Avino
JOAQUIN G. AVINO, P.E., P.L.S.



ATTEST:

CITY OF MIAMI BEACH
BY ITS CITY COMMISSION



BY: Alex Daoud
ALEX DAUD
MAYOR

(SEAL)

FORM APPROVED
LEGAL DEPT.

By: [Signature]
Date: 1/21/91

HCM:ses
01/31/91

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
[Signature]
Assistant County Attorney

OFF.
REC. 148967 1838

EXHIBIT A

District Post Orders

MIAMI BEACH POLICE DEPARTMENT

**PALM/HIBISCUS ISLANDS
OFF-DUTY SECURITY DETAIL**

S.O.P.

1. Officers are to report for work on time. If, due to circumstances beyond your control you will be late, call the officer that you are to relieve and advise. The phone number is 534-1808.
2. Park your vehicle properly. Do not block access to the mailbox or the view of cars stopping at the stop sign.
3. Check with officer you relieve reference any instructions or special problems. Leave a note on the bulletin board for long term information.
4. Keep the guard house clean.
5. No television may be used during this assignment.
6. Private radios and reading material are permissible as long as it does not interfere with your attention to work.
7. Civilian visitors are permissible as long as the number of visitors and length of visit are kept to a minimum and does not interfere with your attention to work.
8. Limited personal phone calls are permissible, but should be kept to a minimum and not interfere with your attention to work.
9. If you cannot work your shift, it is your responsibility to find a suitable replacement.
10. The standard issue uniform will be worn and the police radio will be monitored during your shift.
11. Palm/Hibiscus are public islands. No one is to be refused entry.
12. The gate is to be kept down between all cars. Report malfunctions of gate to Dade County Public Works immediately.
13. Information log; attempt to record as much information as possible. Do not stop access to islands. Use Departmental procedures regarding suspicious vehicles/people.

- A. Commercial vehicles
 - 1. Tag
 - 2. Make/Model/Color
 - 3. Company name
 - 4. Arrival time
 - 5. Destination
 - B. Non-Resident's vehicles
 - 1. Tag
 - 2. Make/Model/Color
 - 3. Arrival time
 - 4. Destination
 - C. Pedestrians
 - 1. Name
 - 2. Arrival time
 - 3. Destination
14. Logs will be made available to authorized directors of the Island Taxpayers Association upon request.
 15. Do not give out any information about residents.
 16. Do not leave guard house during shift, unless:
 - A. Extreme emergency involving life or death.
 - B. Serious problem involving children at park across from guard house.
 - C. In all cases, notify P.S.C.U. if you have to leave and request back up as necessary.
 - D. To chase fishermen off bridge.
 17. Private vehicles parked illegally by the city park present a problem. When observed by yourself or when requested by a resident, you are to call an on-duty officer to write tickets.
 18. No alcoholic beverages are allowed in the guard house.
 19. Items in the guard house in need of repair are to be brought to the coordinators attention.
 20. Monthly printouts of police calls and appropriate crime reports will be posted. Each officer is to review and initial same.
 21. Any problems - contact Captain Robbins.

The homeowners of Palm and Hibiscus Islands pay our off-duty salaries through a special taxing arrangement. They are our employer. This security detail is arranged to provide an added level of security for the residents and their property. This is to be balanced against the rights of everyone to enter and use the islands.

If you want to ruin this detail for yourself and possibly everyone else, ignore these rules.

 SDR/lk

cc: Homeowner's Association President
Mr. C. Small, Special Taxing Districts

RESOLUTION NO. 91-20236

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BY AND BETWEEN DADE COUNTY, FLORIDA AND THE CITY OF MIAMI BEACH SECURING OFF-DUTY CITY OF MIAMI BEACH POLICE OFFICERS TO PERFORM GUARD SERVICES FOR THE PALM AND HIBISCUS ISLAND SECURITY GUARD SPECIAL TAXING DISTRICT

WHEREAS, Section 163.01, Florida Statutes (1987) and the Metropolitan Dade County Home Rule Charter, as amended, permit the County, and the City to enter into interlocal agreements; and

WHEREAS, the Board of County Commissioners, by the adoption of Ordinance No. 80-32 on April 15, 1980, as amended by Ordinance No. 83-122 and Ordinance No. 88-62, created the PALM AND HIBISCUS ISLAND SECURITY GUARD SPECIAL TAXING DISTRICT, pursuant to Chapter 18 of the Code of Metropolitan Dade County, Florida, and Section 101(a) (11) of the Dade County Home Rule Charter; and

WHEREAS, the City Commission of the City of Miami Beach passed and adopted a subsequent Resolution No. 88-19257 on May 26, 1988, requesting the Board of County Commissioners to amend Ordinances No. 80-32 and 83-122 to permit the use of off-duty officers to provide security guard services; and

WHEREAS, the Board of County Commissioners, by the adoption of Ordinance No. 88-62 on July 5, 1988, amended Ordinance No. 80-32 to provide for the utilization of off-duty police officers to perform guard services twenty-four (24) hours per day, seven (7) days per week, three hundred and sixty-five (365) days per year, at the security guard station located at the causeway entrance to the Palm and Hibiscus Islands, and to provide for the authorization to use an interlocal agreement to secure such services; and

WHEREAS, the Interlocal Agreement, (attached hereto) provides for City of Miami Beach police officers to perform guard services for the Palm and Hibiscus Island Security Guard Special Taxing District; and

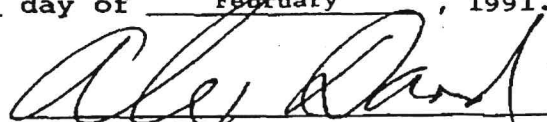
WHEREAS, the Interlocal Agreement, a copy of which is attached hereto, has been recommended by the City Manager, and approved as to form by the City Attorney.

NOW THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor is authorized to execute an Interlocal Agreement by and between Dade County, Florida and the City of Miami Beach securing off-duty City of Miami Beach Police Officers to perform guard services for the Palm and Hibiscus Island Security Guard Special Taxing District.

PASSED AND ADOPTED this 6th day of February, 1991.

Attest:

Richard E. Brown
City Clerk


MAYOR
FORM APPROVED
LEGAL DEPT.
By Paul M. Brown
Date 1/31/91

OFF.
REC. 14896701843

STATE OF FLORIDA :
COUNTY OF DADE :

I, RICHARD E. BROWN, City Clerk of the City of Miami Beach, Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in this office.

WITNESS, my hand and the seal of said Agency, this 8th day of February A.D. 199 1

RICHARD E. BROWN

City Clerk of the City of Miami Beach, Florida

By: Maria Elena Williams
Deputy

City of Miami Beach

FLORIDA 33139

"VACATIONLAND U. S. A."



OFFICE OF THE CITY MANAGER
ROB W. PARKINS
CITY MANAGER

CITY HALL
1700 CONVENTION CENTER DRIVE
TELEPHONE: 673-7010

COMMISSION MEMORANDUM NO. 54-91

DATE: February 6, 1991

TO: Mayor Alex Daoud and
Members of the City Commission

FROM: Rob W. Parkins
City Manager

SUBJECT: INTERLOCAL AGREEMENT WITH DADE COUNTY, SECURING OFF-DUTY
CITY OF MIAMI BEACH POLICE OFFICERS TO PERFORM GUARD
SERVICES FOR THE PALM AND HIBISCUS ISLAND SECURITY GUARD
SPECIAL TAXING DISTRICT

BACKGROUND

Pursuant to City Commission Resolution No. 79-15827, adopted February 7, 1979, the City approved the creation of the Palm and Hibiscus Island Security Guard Special Taxing District. Subsequently, the Board of County Commissioners amended applicable ordinances to provide for the utilization of off-duty police officers to perform guard services twenty-four (24) hours per day, seven (7) days per week, three hundred and sixty-five (365) days per year, at the security guard station located at the causeway entrance to Palm and Hibiscus Islands and to provide for the authorization of an interlocal agreement to secure such services.

Pursuant to City Commission Resolution No. 89-19717, the City approved an Interlocal Agreement for the provision of these services for the period February 13, 1989 through February 12, 1990, with a one (1) year renewal option, which was implemented satisfactorily.

The proposed agreement continues the services as currently provided for a one year term, (February 13, 1991 - February 12, 1992) with one, one year renewal option and incorporates an adjustment in the hourly rate paid to the City to include compensation to officers and administrative expense (\$18.64 per hour daily and \$34.64 per hour for ten designated holidays).

RECOMMENDATION:

The City Administration recommends that the City Commission approve a Resolution authorizing the Mayor and City Clerk to execute an Interlocal Agreement by and between Dade County, Florida and the City of Miami Beach securing off-duty City of Miami Beach Police Officers to perform guard services for the Palm and Hibiscus Island Security Guard Special Taxing District.

RWP:WHH:HCM:sas

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AGENDA
ITEM

DATE

C-4-C
2-6-91

ORDINANCE NO.88-62

ORDINANCE AMENDING ORDINANCE NO. 80-32 RELATING TO "THE "PALM AND HIBISCUS ISLAND SECURITY GUARD SPECIAL TAXING DISTRICT"; PROVIDING FOR THE UTILIZATION OF OFF-DUTY POLICE OFFICERS TO PERFORM GUARD SERVICES; PROVIDING AUTHORIZATION TO USE AN INTERLOCAL AGREEMENT TO SECURE SUCH SERVICES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Home Rule Charter adopted by the electors of Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and the governing body of Dade County, shall have the power to establish and govern special taxing districts with Dade County, Florida; and

WHEREAS, the Board of County Commissioners, by the adoption of Ordinance 80-32, on April 15, 1980, as amended by Ordinance 83-122, created the "Palm and Hibiscus Island Security Guard Special Taxing District" pursuant to Chapter 18 of the Code of Metropolitan Dade County, Florida; and

WHEREAS, a petition has been filed by more than 50% of the resident owners of property within the Palm and Hibiscus Island Security Guard Special Taxing District requesting the County to utilize off-duty police officers rather than unarmed security guards to provide guard services within the Palm and Hibiscus Island Security Guard Special Taxing District,

WHEREAS, pursuant to the provisions of Chapter 18 of the Metropolitan Dade County Code, the governing body of the City of Miami Beach has by Resolution No. 88-19257 consented to the petitioned for ordinance amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. Sections 3 and 6 of Ordinance No. 80-32 are hereby amended to read as follows: 1/

Section 3. The services to be provided within this proposed special taxing district will consist of the following:

OFF.
REC. 1489670 1846

One uniformed, unarmed private sector security guard and/or one armed off-duty police officer, 24 hours a day, 7 days a week, 365 days a year, located within the Palm and Hibiscus Island Security Guard Special Taxing District

Section 6. The County Manager is hereby authorized and directed to take necessary steps to solicit and receive competitive bids in accordance with established County procedures, or, in his discretion, enter into an interlocal agreement or solicit an RFP for providing security guard services within the district.

Section 2. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Dade County, Florida, and recorded in the appropriate book of records.

Section 3. The provisions of this Ordinance shall become effective ten (10) days after the date of its enactment.

PASSES AND ADOPTED:

Approved by County Attorney as to
form and legal sufficiency. _____

Prepared by:

1/ Words stricken through shall be deleted. Underscored words constitute the amendment proposed. Remaining provision are now in effect and remain unchanged.

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
Clerk of Circuit & County
Courts

**BOARD OF ADJUSTMENT
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 291 Palm Avenue

FILE NO. ZBA17-0041

IN RE: The application for variances from the required front setback for a building structure, from the required front and interior side setbacks for a pool and pool deck, and to reduce the minimum landscaped open space required in the front yard in order to construct one-story additions and a pool to the existing two-story single family home.

LEGAL DESCRIPTION: Lots 55 and 56, Block 2B, of "Amended Riviera 1st and 2nd Addition Subdivision", According to the Plat Thereof, as recorded in Plat Book 32 at Page 37 of the Public Records of Miami-Dade County, Florida.

MEETING DATE: October 6, 2017.

ORDER

The applicant, William Valdes Zuazo, filed an application with the Planning Department for the following variances:

1. A variance to reduce by a range from 14'-8" to 14'-4" the minimum required front setback of 20'-0" in order to construct one story additions along the front of the property at a setback ranging from 5'-4" to 5'-8" from the front property line facing North Coconut Lane.
2. A variance to reduce by 5'-3" the minimum required 7'-6" setback from the interior side property line to the pool deck in order to allow a setback of 2'-3" from the east side property line to the pool deck.
3. A variance to reduce by 4'-7" the minimum required 10'-0" setback from the front property line to the pool deck in order to allow a setback of 5'-5" from the front property line to the pool deck facing North Coconut Lane.
4. A variance to reduce by 9'-9" the minimum required 20'-0" setback from the front property line to the pool deck in order to allow a setback of 10'-3" from the front property line to the pool deck facing Palm Avenue.
5. A variance to reduce by 4.2% (143.2 s.f.) the minimum required 50% (1,709.5 s.f.) landscaped pervious open space required within the front yard, in order to allow an open space of 45.8% (1,566.3 s.f.) facing North Coconut Lane.

The City of Miami Beach Board of Adjustment makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

MB

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the Planning Department Staff Report, the project as submitted satisfies the requirements of Section 118-353(d) of the Miami Beach Code. Accordingly, the Board of Adjustment has determined the following:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- B. The Board hereby **Approves** the requested variances and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.

- b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
- c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- e. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of the Public Works Department.
- f. Canopy shade trees as required by code should be provided in the public ROW subject to the review and approval of the Urban Forestry Division and the Planning Department
- g. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right-of-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- k. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
3. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
4. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
5. The applicant shall comply with all conditions imposed by the Public Works Department.
6. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
7. The conditions of approval herein are binding on the applicant, the property's owners and all successors in interest and assigns.
8. The final order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
9. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code, except to the extent of the variance(s) granted herein.
10. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including staff recommendations, as modified by the Board of Adjustment, that the application for Variance(s) Approval is GRANTED for the above-referenced project, subject to those certain conditions specified in Paragraph B (Condition Nos. 1-10, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Board of Adjustment, as determined by staff, entitled "Remodeling & Addition 291 Palm Ave" as

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prepared by 3Design Architecture, signed and sealed July 24, 2017, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of this Order does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Variance Approval was granted, the subject Approval will expire and become null and void, unless the applicant makes application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), and not reinstated by the Building Official or designee, the Variance Approval will expire and become null and void.

Dated this 6th day of OCTOBER, 2017.

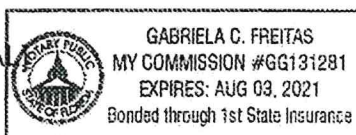
BOARD OF ADJUSTMENT
 CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
 Michael Belush, AICP
 Chief of Planning and Zoning
 For the Chair

STATE OF FLORIDA)
 COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 6 day of October, 2017, by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



Notary: Gabriela C. Freitas
 Print Name: Gabriela C. Freitas
 Notary Public, State of Florida
 My Commission Expires: 8-3-21
 Commission Number: GG131281

mb

Approved As To Form:
City Attorney's Office (Nick Callegas 10/6/2017)

Filed with the Clerk of the Board of Adjustment on Jessie Murray (10/6/17)

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