



## RESOLUTION # 2016-65

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN RESOLUTION #2016-15 BY ADDING SECTION Y, UNITY OF TITLE, AS A CONDITION OF THE CITY'S APPROVAL OF THE APPLICATION FOR A SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT (APPLICATION #2016-002) SUBMITTED BY GREEN GABLES INVESTMENTS, LLC FOR PLANNED DEVELOPMENT AT 6400 SW 8 STREET, WEST MIAMI, FLORIDA 33144; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Green Gables Investments, LLC ("GGI" or "Owner") is the owner of lots 19, 20, 21, 22, 23 and 24 facing SW 8 Street and lots 25, 26, 27 and 28 facing SW 9 Street of the Fairlawn Subdivision Section B according to Plat Book 13 at Page 55 of the Official Records of Miami-Dade County, Florida (the "Property"); and

**WHEREAS**, GGI previously submitted an application for a Special Use Permit for Planned Development (Application #2016-002) for planned development on the Property (the "Project");

**WHEREAS**, the Project described hereinabove was reviewed by the Planning and Zoning Board at a duly noticed public hearing on March 22, 2016;

**WHEREAS**, the Project was further reviewed by the City Commission at a duly noticed public hearing on April 20, 2016;

**WHEREAS**, during the course of the City's review and approval of the Project, the City required, and GGI agreed to provide to the City, a Unity of Title prior to the issuance of a full building permit for the Project;

**WHEREAS**, the condition requiring a Unity of Title was inadvertently omitted from the conditions of approval contained in Resolution #2016-15 approving the Special Use Permit for Planned Development application;

**WHEREAS**, this Resolution is intended to correct the scrivener's error that inadvertently omitted said condition from Resolution #2016-15; and

**WHEREAS**, Resolution #2016-15 is unchanged in any other respect.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA AS FOLLOWS:**

**SECTION 1.** The recitals set forth above are true and correct and are fully incorporated herein.

**SECTION 2.** Resolution #2016-15 remains in full force and effect but is corrected to contain condition Y set forth in Section 3 below.

**SECTION 3.** There shall be a condition added to Section 4 of Resolution #2016-15 which shall read as follows:

Y. In consideration for the issuance of a full building permit for the Project, the Owner shall file a Unity of Title providing that said property shall be considered as one plot and parcel of land and no portion of said land shall be sold, transferred, devised, or assigned separately except in its entirety as one plot or parcel of land. Accordingly, prior to the issuance of a full building permit for the Project, the Owner shall provide the City with a Unity of Title in recordable form acceptable to the City Attorney. Said Unity of Title shall, on the part of the Owner, constitute a covenant running with the land and shall be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors, and assigns until such time as the same is modified or released by the City. The Unity of Title, during its lifetime, shall be for the benefit of, and shall serve as a limitation upon, all present and future owners of the real property and the public welfare. In the event that the Owner elects not to proceed with the approvals granted by Resolution #2016-15, upon notice of such election, this condition shall be deemed vacated.

**SECTION 4.** If any section, part of a section, paragraph, clause, phrase, or word of this Resolution is declared invalid or unenforceable, the remaining provisions of this Resolution shall not be affected and shall remain valid and enforceable. Any invalidity or unenforceability pertaining to this Resolution shall not affect the underlying approval (Resolution #2016-15), which shall remain valid and enforceable.

**SECTION 5.** This Resolution shall become effective immediately upon passage.

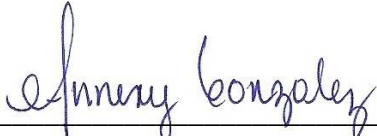
PASSED AND ADOPTED this 21<sup>st</sup> day of September, 2016.

APPROVED:



**EDUARDO H. MUHIÑA, MAYOR**

ATTEST:



**ANNERY GONZALEZ, CMC  
CITY CLERK**

APPROVED AS TO FORM AND SUFFICIENCY:



**JOSE A. VILLALOBOS, CITY ATTORNEY**

ROLL CALL:

<b>MAYOR EDUARDO H. MUHIÑA</b>	<u>Y</u>
<b>VICE -MAYOR CANDIDA BLANCA</b>	<u>Y</u>
<b>COMMISSIONER JUAN M. BLANES</b>	<u>Y</u>
<b>COMMISSIONER RHONDA A. RODRIGUEZ</b>	<u>Y</u>
<b>COMMISSIONER LUCIANO L. SUAREZ</b>	<u>N</u>