

RESOLUTION NO. R-2009-12

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO AMEND THE RESTRICTIVE COVENANT DECLARING CERTAIN CITY LAND AS "ARCH CREEK EAST ENVIRONMENTAL PRESERVE" IN PERPETUITY TO INCLUDE THE RIGHT OF WAY LOCATED AT THE SOUTHWESTERN EDGE OF THE ARCH CREEK EAST PRESERVE TO THE WESTERN RIGHT OF WAY LINE OF BAY VISTA BOULEVARD; AND PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, the City of North Miami established the Arch Creek East Environmental Preserve by resolution and now wishes to amend the restrictive covenant to include the right of way abutting the preserve from the southwestern edge of the preserve to the western right of way line of Bay Vista Boulevard as displayed on Exhibit "A"; and

WHEREAS, the City of North Miami is the owner of the aforementioned right of way based on Miami-Dade County Resolution ; and


WHEREAS, to preserve the nature of the right of way and prevent any future expansion or use contrary to the nature of the preserve it is necessary to execute amend the restrictive covenant which runs with the land.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

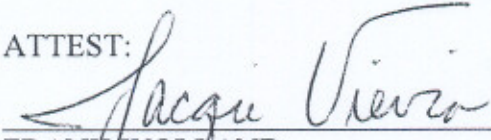
**Section 1.** **Authority of the City Manager.** The City Manager is hereby authorized to amend the Declaration of Restrictive Covenant declaring that certain City parcel as described in Exhibit "A", Arch Creek East Environmental Preserve in perpetuity to include the right of way which abuts the preserve from the southwestern boundary of the preserve to the western right of way line of Bay Vista Boulevard.

**Section 2.** **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 10 day of February, 2009.

  
\_\_\_\_\_  
KEVIN A. BURNS  
MAYOR

ATTEST:

*Deputy for*  
  
\_\_\_\_\_  
FRANK WOLAND  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
V. LYNN WHITFIELD  
CITY ATTORNEY

SPONSORED BY: COUNCILPERSON SCOTT GALVIN

Moved by: Councilman Despinosse

Seconded by: Vice Mayor Blynn

**Vote:**

Mayor Kevin A. Burns	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Michael R. Blynn	<u>X</u>	(Yes)	_____	(No)
Councilperson Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilperson Jacques A. Despinosse	<u>X</u>	(Yes)	_____	(No)
Councilperson Marie Erlande Steril	<u>X</u>	(Yes)	_____	(No)