

**VILLAGE OF EL PORTAL, FLORIDA**

**ORDINANCE NO. 2019-08**

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND VILLAGE MANAGER TO EXECUTE AND TO OTHERWISE ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF EL PORTAL AND BH 495 NE 83<sup>RD</sup> ST., LLC, FOR THE DEVELOPMENT OF PROPERTY LOCATED WITHIN THE VILLAGE, AS RECORDED IN OFFICIAL RECORDS BOOK 28751, PAGES 808-809 AND OFFICIAL RECORDS BOOK 28673, PAGES 4489-4491 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND AS MORE FULLY DESCRIBED IN THE DEVELOPMENT AGREEMENT WHICH IS ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO DO ALL THINGS NECESSARY TO EFFECTUATE THE INTENT OF THIS ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village of El Portal Mayor and Village Council ("Village"), hereby finds that the development of property for residential and commercial uses within the Village is desired, and that residential and commercial development provides for an increased tax base, improved property values, and a more positive community appearance; and,

**WHEREAS**, the Mayor and Village Council desires to encourage developers who want to provide residential and commercial development within the Village in association with the recognition of the impacts on the Village's public facilities associated with the development; and,

**WHEREAS**, pursuant to the Florida Local Government Development Agreement Act, Sections 163.3220 through 163.3243, Florida Statutes, the Mayor and Village Council desires to enter into the Development Agreement with BH 495 NE 83<sup>RD</sup> ST., LLC, which is attached hereto as Exhibit “A”, and incorporated herein by reference, for the purpose of developing approximately 1.9 acres, comprising of two (2) contiguous parcels located at 471 NE 83<sup>rd</sup> Street, El Portal Florida 33138 and legally described in Exhibit “A”; and,

**WHEREAS**, pursuant to the requirements of Chapter 163, Florida Statutes, the Village has conducted the two (2) duly noticed public hearings relating to the consideration of the Development Agreement; and,

**WHEREAS**, the Village Council finds that the approval of the Development Agreement is in the best interest of the health, safety, and welfare of the citizens and residents of the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are incorporated herein by this reference. All exhibits attached hereto are incorporated herein and made a specific part of this Ordinance.

**Section 2.** Pursuant to the Florida Local Government Development Agreement Act, Sections 163.3220 through 163.3243, Florida Statutes, the Village Council hereby approves the Development Agreement between the Village and BH 495 NE 83<sup>RD</sup> ST., LLC, which is attached hereto as Exhibit “A”, and authorizes the Mayor and Village Manager to execute the Development Agreement.

**Section 3.** The Development Agreement shall take effect upon proper recordation in the public records of Miami-Dade County, pursuant to Section 163.3239 Florida Statutes.

**Section 4.** The Village Clerk shall record a certified copy of this Ordinance and the Development Agreement in the Public Records of Miami-Dade County, Florida, at the expense of BH 495 NE 83<sup>RD</sup> ST., LLC.

**Section 5.** The Mayor and Village Council hereby authorizes and directs the appropriate Village Officials to do all things necessary and expedient to effectuate the intent of this Ordinance.

**Section 6.** All Ordinances inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

**Section 7.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 8.** This Ordinance shall become effective upon its passage and adoption by the Mayor and Village Council.

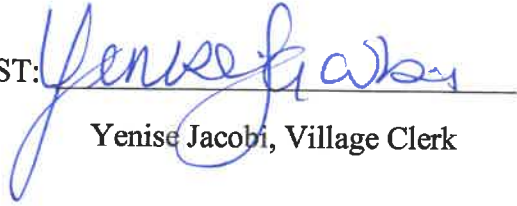
PASSED, FIRST READING this 17 day of December, 2019.

PASSED, SECOND READING this 28 day of April, 2020.

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Claudia V. Cubillos, Mayor

ATTEST:

  
Yenise Jacobi, Village Clerk

Approved as to form and legal sufficiency:

Interim Village Attorney

Law Office of Norman C. Powell

By: \_\_\_\_\_

Norman C. Powell, Esq.

