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**RESOLUTION NO. 2020-35**

**A RESOLUTION OF THE VILLAGE COMMISSION REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION CANCEL ALL FURTHER DESIGN AND DEVELOPMENT WORK ON THE PROPOSED MODIFICATIONS OF SR 915/6<sup>th</sup> AVENUE IN THE VILLAGE OF BISCAYNE PARK, FLORIDA, TO ALLOW THE VILLAGE OF BISCAYNE PARK COMMISSION TO DEVELOP, WITH RESIDENTS' INPUT, ALTERNATE DESIGN PROPOSALS FOR THE PROPOSED MODIFICATIONS CONSISTENT WITH VILLAGE'S COMMUNITY CHARACTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, on July 22, 2020, the Florida Department of Transportation ("FDOT") presented a preliminary design to the Village of Biscayne Park ("Village") for the modification of SR 915 / 6<sup>th</sup> Avenue for the eight (8) blocks where it passes through the Village from 121 Street to 113 Street; and

**WHEREAS**, FDOT's budget for the project is \$2.6 million; and

**WHEREAS**, FDOT has already spent more than \$580,000 on the preliminary design as part of that total budget; and

**WHEREAS**, the Village desires to take appropriate advantage of FDOT's time, skills, and generous budget to improve 6<sup>th</sup> Avenue with elements that also reflect the Village's overall vision for the community; and

**WHEREAS**, FDOT's presentation includes elements within the "Project Scope" that were not requested by or agreed upon with the Village; and

**WHEREAS**, FDOT in "Background" in the presentation states, "Project originated as a request from the Village..." and FDOT staff further reported during the workshop that the request came from "a few commissioners;" and

**WHEREAS**, the Village speaks only by majority vote of the Commission as it relates to such requests; and

**WHEREAS**, FDOT further advised the Village that it will continue to work on the project design while awaiting official Village response, costing Florida taxpayers additional money on a project that may very well change; and



1 The foregoing Resolution was offered by Vice Mayor MacDonald Kennedy, who moved its  
2 adoption. The motion was seconded by Commission Roxanna Ross, and upon being put to a vote the vote  
3 was as follows:

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5	Virginia O'Halpin, Mayor	YES
6	MacDonald Kennedy, Vice Mayor	YES
7	Daniel Samaria, Commissioner	YES
8	Roxanna Ross, Commissioner	YES
9	William Tudor, Commissioner	NO

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12 VILLAGE OF BISCAYNE PARK

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16 Virginia O'Halpin, Mayor  
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20 ATTEST:

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24 Roseann Prado, Village Clerk  
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27 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
28 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

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32 John R. Herin, Jr., Interim Village Attorney  
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