

RESOLUTION NO. 2015- 042

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A DECLARATION THAT THERE IS AN IMMEDIATE DANGER TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC, REQUIRING IMMEDIATE ACTION; PROVIDING FOR AUTHORIZATION AND DIRECTION TO THE OFFICE OF THE TOWN ATTORNEY TO FILE AN ACTION IN EQUITY SEEKING BOTH MANDATORY AND PROHIBITORY INJUNCTIVE RELIEF AGAINST THE CITY OF PEMBROKE PINES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, Southwest 54th Place, from Southwest 207th Terrace on the west to Southwest 205th Avenue on the east ("Road Segment"), is a public roadway, duly dedicated to the public for the carrying of pedestrian and vehicular traffic easterly and westerly; and

WHEREAS, the Road Segment is a public right-of-way, approximately two standard lanes in width, edge to edge; and

WHEREAS, the common boundaries of the Town of Southwest Ranches ("TOWN") and the City of Pembroke Pines ("CITY") constitute the mid-line of the Road Segment, such that the southerly half of the Road Segment lies in the TOWN, and the northerly half of the Road Segment lies with the CITY; and

WHEREAS, a resident living proximate to the Road Segment is an 85 year-old female, who is under the care of her son, and they reside at 20720 Southwest 54th Place, on a permanent basis; and

WHEREAS, prior to 2014, the Road Segment was an open traffic way for its full width, accommodating eastbound and westbound vehicular traffic; and

WHEREAS, the two privately-owned properties are situated adjacent to the southerly right-of-way line of the Road Segment, with common driveways extending into the residential property from the Road Segment; and

WHEREAS, in or about 2014, CITY, without notice, permission, license or other authority, unilaterally placed a series of concrete barriers on the common municipal borders, as depicted in Exhibit "A", attached hereto; and

WHEREAS, at the easterly terminus of the Road Segment, CITY caused the concrete barriers to be situated in such a way as to preclude pedestrian and vehicular traffic to proceed easterly along the public roadway known as Southwest 54th Place, effectively barricading the roadway at the easterly terminus of the Road Segment; and

WHEREAS, concurrently, CITY created a blockade by the erection of an electronically, digitally operated pair of gates, as depicted on Exhibit "A", attached hereto, which are activated by a code ("Blockade Facility"), controlled by CITY and, ostensibly restricted to residents of the CITY and others approved by CITY; and

WHEREAS, the Blockage Facility described in this preamble, effectively obstructs vehicular traffic from traveling northerly from Southwest 54th Place down Southwest 207th Terrace, unless one can activate the gates; and

WHEREAS, the TOWN provides police, fire rescue and other public safety services to the residents of the TOWN, including the parcels identified herein, through various fire and police agencies; and

WHEREAS, the concrete barricades described herein and the Blockade Facility described herein, substantially impair the vehicular movement of the TOWN's public safety units and the ability of the TOWN to provide public safety services to the immediate vicinity and, in particular, the two parcels identified herein; and

WHEREAS, the existing circumstances create an imminent threat to life and property by virtue of creating a significant impairment to the ability of the TOWN to provide public safety municipal services to the residents and guests in the immediate vicinity of the Road Segment.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The above referenced "WHEREAS" clauses are true and correct and are incorporated herein by reference.

Section 2. FINDINGS OF FACT; DECLARATION OF EMERGENCY: Based upon the facts sent forth in the preamble hereto, the Town Council, by three-fourths vote of its governing body, finds and determines that there exists an immediate danger to the health, safety and welfare of the public, including those residents and visitors in the vicinity of the Road Segment, particularly at the civil street address of 20720 Southwest 54th Place.

Section 3. AUTHORITY AND DIRECTION. The Town Attorney is hereby authorized and directed to take such steps as shall be necessary and appropriate, including the filing of such court papers as shall be necessary to obtain both prohibitory and mandatory injunctive relief against the City of Pembroke Pines and all others appropriate thereto for the removal of all or a portion of the concrete barricade and the Blockade Facility described in the preamble hereto and for such other relief as the court may deem mete and proper; provided that pursuant to Section 164.1041(2), Florida Statutes, not notice or public meeting or other proceeding shall be required before the action authorized and directed hereunder.

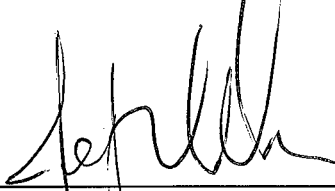
Section 4. Conflict. All Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. Severability. If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 6. Effective Date. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 9th day of April 2015, on a motion by Jim McKay and seconded by Jim Breitkreuz.


Nelson	<u>Yes</u>	Ayes	<u>5</u>
Fisikelli	<u>Yes</u>	Nays	<u>0</u>
Breitkreuz	<u>Yes</u>	Absent	<u> </u>
Jablonski	<u>Yes</u>		
McKay	<u>Yes</u>		



Jeff Nelson, Mayor

ATTEST:


Russell Muñiz, Assistant Town-Administrator/Town Clerk

Approved as to Form and Correctness:


Keith M. Poliakoff, J.D., Town Attorney

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.

