

RESOLUTION 86-2011 - FAILED

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A REQUEST TO FLORIDA DEPARTMENT OF TRANSPORTATION TO REDUCE THE SPEED ON SR 514, MALABAR ROAD FROM THE WESTERN BOUNDARIES OF THE TOWN TO APPROXIMATELY MARIE STREET TO 45 MPH FROM 55MPH WITHIN THE JURISDICTION OF THE TOWN OF MALABAR; PROVIDING FOR DISTRIBUTION OF REQUEST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Road is a State Road that intersects the Town of Malabar from east to west at Township lines 28 and 29 in South Brevard County; and,

WHEREAS, the distance between traffic control devices (traffic lights) on SR 514 Malabar Road from US Highway 1 to Babcock Street (in Palm Bay) is approximately three and a half miles of which three miles is within the jurisdiction of the Town of Malabar; and,

WHEREAS, the speed limit on SR 514 west of the Municipal boundaries of Malabar jurisdiction is 45 miles per hour and,

WHEREAS, the speed limit on SR 514 at the east end of the Municipal boundaries of Malabar jurisdiction is 30 miles per hour; and,

WHEREAS, the Town of Malabar has allocated transportation impact fees for the a flashing emergency signal in front of the Malabar Fire Department, 1840 Malabar Road, which is approximately midway on SR 514 within Malabar; and

WHEREAS, the right of the Town of Malabar to determine the speed limit within its jurisdiction should be up to the governing body of the Town of Malabar; and,

WHEREAS, from the western boundaries of the Town to approximately Marie Street the posted speed limit on SR 514 is 55MPH; and,

WHEREAS, the Town of Malabar receives calls and requests regularly from its citizens regarding reducing the speed along SR 514; and,

WHEREAS, due to the amount of traffic on SR 514 within the jurisdiction of Malabar, the number of business and residences located adjacent to SR 514 and the location of emergency services as well as school bus stops on SR 514 the speed limits on that portion of SR 514 from the western boundaries of the Town to approximately Marie Street should be reduced to 45MPH.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF MALABAR OF BREVARD COUNTY, FLORIDA that;

SECTION 1. Request for Reduced Speed on State Road 514.

The Town Council of the Town of Malabar hereby submits to the Florida Department of Transportation a request for reduced speed limit to 45 MPH from 55MPH_along SR 514 from the western boundaries of the Town to approximately Marie Street.

SECTION 2. Distribution.

The Town Council of the Town of Malabar hereby directs the Town Clerk to distribute a copy of this resolution to the following: Secretary of the Florida Department of Transportation Mr. Ananth Prosad, Governor Rick Scott, U.S. Senator Bill Nelson, U.S. Senator Marco Rubio, Congressman Bill Posey, State Senator Mike Haridopolos, and State Representative John Tobia.

SECTION 3. Severability.

The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution but shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

SECTION 4. Conflict.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 5. Effective Date.

This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member _____. The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Council member Carl Beatty	Nay
Council member David White	Nay
Council member Steve Rivet	Aye
Council member Jeffrey (Jeff) McKnight	Nay
Council member Marisa Acquaviva	Aye

This Resolution was then declared to be duly FAILED and NOT adopted this 2nd day of May, 2011.

TOWN OF MALABAR

By:

Mayor Thomas M. Eschenberg
Council Chair

ATTEST:

Debby K. Franklin, CMC
Town Clerk/Treasurer

(seal)