

**RESOLUTION 87-2011 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 5, U.S. HIGHWAY 1 TO 45 MPH WITHIN THE JURISDICTION OF THE TOWN OF MALABAR THAT IS CURRENTLY 55MPH; PROVIDING FOR DISTRIBUTION OF REQUEST; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, State Road 5, U.S. Highway 1, traverses the Town of Malabar from north to south along the Indian River Lagoon in South Brevard County; and,

**WHEREAS**, the distance along SR 5, U.S. Highway 1 within the jurisdiction of Malabar is approximately three miles with two traffic control devices (traffic lights) within its jurisdiction; and,

**WHEREAS**, the speed limit on SR5, U.S. Highway 1 to the north of Malabar is 50 and then 45 miles per hour and,

**WHEREAS**, the speed limit on SR 5, U.S. Highway 1 to the south of Malabar is 55 miles per hour 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**, the Town of Malabar receives calls and requests from it's citizens regarding reducing the speed along SR 5, U.S. Highway 1; and,

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

**SECTION 1. Request for Reduced Speed on State Road 5, U. S. Highway 1.**

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 along SR 5, U.S. Highway 1 within the jurisdiction of Malabar that is currently 55MPH.

**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 Prasad, 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 FAILED this 2<sup>nd</sup> day of May, 2011.

TOWN OF MALABAR

By:

\_\_\_\_\_  
Mayor Thomas M. Eschenberg  
Council Chair

ATTEST:

\_\_\_\_\_  
Debby K. Franklin, CMC  
Town Clerk/Treasurer

(seal)

