

## RESOLUTION 15-2008

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE EXHIBITS OF CHAPTER 13 KNOWN AS THE MALABAR RIGHT-OF-WAY IMPROVEMENT CODE; PROVIDING FOR AN EXHIBIT "B-4"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council provided in Chapter 13, Section 13-46 that the standards set forth in the Exhibits could be amended from time to time by resolution, and;

**WHEREAS**, the Town Engineer reviewed the Right-of-Way Improvement Code in 2004 and determined the requirements for the Exhibits A and B should be amended to provide detailed cross sections of improvements within the various road right-of-way widths in Malabar as shown in the improvement code, and;

**WHEREAS**, the Exhibits subsequently adopted in Resolution 12-2004 did not provide for unpaved 50-foot wide rights-of-way, and;

**WHEREAS**, the current Exhibits "A" and "B-1" provide typical paved road standards for 50 and 60 foot wide rights-of-way, and;

**WHEREAS**, the current Exhibits "B-2" and "B-3" provide typical un-paved road standards for 25 and 60 foot wide rights-of-way, and;

**WHEREAS**, the new Exhibit "B-4" provides typical un-paved road standards for a 50-foot right-of-way.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA**, as follows:

### **SECTION 1.**

The Clerk is directed to add a new Exhibit "B-4" to provide for right-of-way improvements within a unpaved road section for a 50-foot wide right-of-way as attached, and forward same to the code company for codification.

### **SECTION 2.**

It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida, and it is hereby provided that the provisions of this Resolution shall become and be made a part of the Code of Ordinances of the Town of Malabar, Florida; that the sections of this Resolution may be renumbered or re-lettered to accomplish such intention; and the word "Resolution" may be changed to "Section," "Article" or other appropriate designations.

### **SECTION 3.**

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

### **SECTION 4.**

Should any Section, Clause, or Provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions or parts of this Resolution.

**SECTION 5.**

This resolution shall take effect immediately upon its adoption.

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

Council Member Nancy Borton	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Charles (Chuck) McClelland	<u>Aye</u>
Council Member Jeffrey (Jeff) McKnight	<u>Excused</u>
Council Member Patricia (Pat) Dezman	<u>Aye</u>

**PASSED AND ADOPTED** by the Town Council, Town of Malabar, Brevard County, Florida this 21st day of April, 2008.

BY: TOWN OF MALABAR

Thomas Eschenberg  
Mayor Thomas M. Eschenberg

ATTEST:

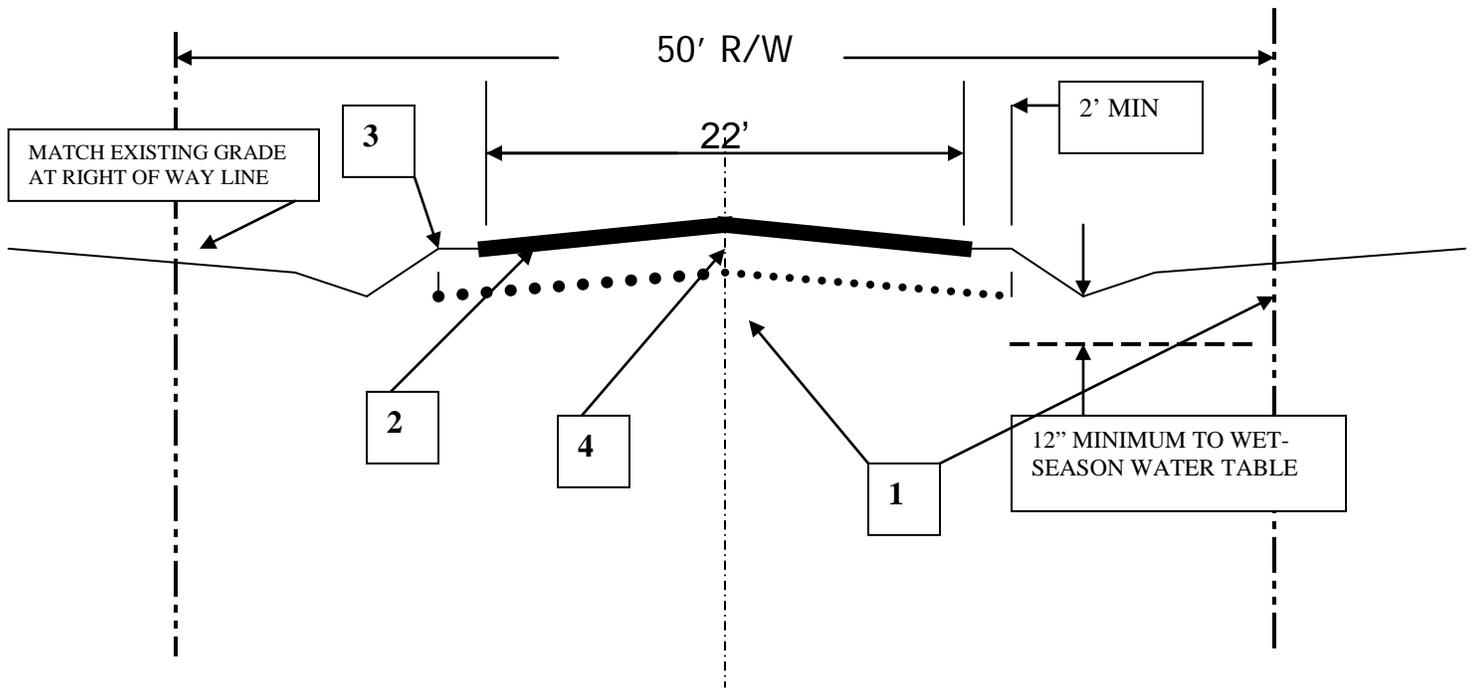
Debby K. Franklin  
Debby K. Franklin  
Town Clerk/Treasurer  
(seal)

Approved as to form and legal sufficiency by:

Karl W. Bohne  
Karl W. Bohne, Jr.  
Town Attorney

## EXHIBIT "B-4"

## TYPICAL UNPAVED ROADWAY SECTION FOR 50' WIDE R/W



1. CLEAR & GRUB 50' R/W EXCEPT FOR SPECIMEN TREES TO BE LEFT OUTSIDE SWALES AND DISPOSE OF ALL DEBRIS OFF SITE.
2. STABILIZED & MECHANICALLY MIXED 8" MINIMUM THICKNESS ROAD BASE COMPACTED TO 98% OF MAXIMUM DENSITY PER AASHTO T-180 WITH MINIMUM LBR = 40. USE FDOT APPROVED MATERIALS OR LOCAL MATERIALS APPROVED BY TOWN ENGINEER.
3. STABILIZED SHOULDERS BOTH SIDES AND SOD ADJACENT TO THE PAVEMENT MINIMUM 2' WIDE AND ON SWALE BANKS. SWALE SIDE SLOPES MIN. 3:1. BACKSIDE OF SWALES MAY BE SEEDED.
4. SUITABLE SOILS FREE OF ORGANICS. COMPACT SOILS TO 98% DENSITY PER AASHTO T-180.
5. DRAWING IS NOT TO SCALE.