

CITY OF CORAL GABLES, FLORIDA**ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING ORDINANCE NO. 2854, WHICH VACATED A PORTION OF AN ALLEY RUNNING NORTH/SOUTH LYING IN BLOCK 22 OF THE "REVISED PLAT OF CORAL GABLES SECTION L" AND PROVIDED FOR A SUBSTITUTE EASEMENT FOR ALLEY PURPOSES; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables adopted Ordinance No. 2854, on June 27, 1989, which vacated a portion of alley running East/West and all of that portion of alley running North/South lying in Block 22 of the "Revised Plat of Coral Gables Section L"; and

WHEREAS, the Owner of record, thereafter granted an easement to the City of Coral Gables and any and all applicable utility companies for substitute alley purposes to be used for utility purposes including storm and sanitary sewers and for use as a passageway for City vehicles and the general public (the "Substitute Alley Easement"). The Substitute Alley Easement was recorded in the Public Records of Miami-Dade County at Official Records Book 15062, Page 1304; and

WHEREAS, a modification to the Ordinance and the Substitute Alley Easement is requested as part of a second phase of development adjacent to the substitute alley which is known as 100 Alhambra Circle / Columbus Center Phase 2; and

WHEREAS, the plans for 100 Alhambra Circle / Columbus Center Phase 2 maintain the Substitute Alley Easement with minor modifications including a slightly reduced vertical clearance and modified legal description; and

WHEREAS, the minor modifications to the Substitute Alley Easement will not interfere with public utilities, public access or impact emergency or service vehicles that use the substitute alley and will not adversely affect the public health, safety or general welfare; and

WHEREAS, the City of Coral Gables recognizes that these minor modifications to the Substitute Alley Easement are being requested to help fulfill the City's objectives of preserving Coral Gables as a placemaker by achieving a high quality living environment, encouraging compatible land uses and increasing the mix of uses within the Central Business District.

NOW, THEREFORE BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA THAT:

SECTION 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

SECTION 2. The following Sections of Ordinance No. 2854 are hereby amended:

- A. **Section 2.** That the Owner of record, by proper instrument, shall grant an easement to the City of Coral Gables and any and all applicable utility companies for substitute alley purposes to be used for utility purposes including storm and sanitary sewers and for use as a passageway for City vehicles and the general public as indicated on the plans prepared by Behar-Font Partners, P.A., dated June 11, 2014, entitled "Columbus Center", which are on file at the Coral Gables Planning Department. Said easement ~~being legally described as follows~~ [lengthy legal description to be deleted] shall be legally described in the easement amendment instrument and executed in favor of the City of Coral Gables.
- B. **Section 6.** That a vertical clearance of seventeen feet – four inches (17'-4") ~~nineteen (19) feet~~ extending the full length and width of the easement shall be provided above the easement described hereinabove in Section 2. That the Owner shall be able to construct foundations and footings underneath the roadway to be constructed in the easement area, provided that such footings and foundations do not interfere with any storm and sanitary sewers to be installed in the easement area.

SECTION 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed. Notwithstanding the foregoing, all other provisions of Ordinance No. 2854 remain in full force and effect.

SECTION 4. That the City of Coral Gables pursuant to Section 10(c) of the Substitute Alley Easement hereby consents to an amendment of the Substitute Alley Easement and requires that all necessary corresponding modifications be made to the Substitute Alley Easement in a form acceptable to the City Attorney prior to the issuance of a Building Permit for the 100 Alhambra Circle / Columbus Center Phase 2 so that it is consistent with this Ordinance.

SECTION 5. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. This ordinance shall become effective immediately upon the date of its adoption by the City Commission.

PASSED AND ADOPTED this _____ day of _____, 2014.

JIM CASON, MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY

07.22.14 Easement Ordinance 1st Reading