

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-62

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES APPROVING THE VACATION OF A PUBLIC ALLEYWAY PURSUANT TO ZONING CODE ARTICLE 14, "PROCESS," SECTION 14-211, "ABANDONMENT AND VACATIONS" AND CITY CODE CHAPTER 62, ARTICLE 8, "VACATION, ABANDONMENT AND CLOSURE OF STREETS, EASEMENTS AND ALLEYS BY PRIVATE OWNERS AND THE CITY; APPLICATION PROCESS," PROVIDING FOR THE VACATION OF THE NORTH-SOUTH PUBLIC ALLEYWAY LYING BETWEEN LOTS 9-16 AND LOTS 8 & 17, BLOCK 97, CORAL GABLES RIVIERA SECTION #2, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGE 18 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SUBSTITUTE UTILITY EASEMENT, SETTING FORTH TERMS AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE)

WHEREAS, an Application was submitted by Guilford & Associates, P.A. ("Applicant") requesting approval to vacate, abandon, and close approximately 200 feet long of a 20-foot-wide public alleyway running north-south between lots 9-16 and lots 8-17 of Block 97, Coral Gables Riviera Section #2, containing approximately 4,000 square feet, more particularly described in Exhibit "A" ("Vacated Alleyway") attached hereto and incorporated herein by reference; and

WHEREAS, in conjunction with the Vacation, the Applicant proposes the dedication of a substitute utility easement located on the north-south alley, Block 97, Coral Gables Riviera Section #2, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, comments were solicited from affected utility companies and no objections were received from any of the utility companies; and

WHEREAS, in accordance with Section 62-329 of the City Code, property owners within one-thousand (1,000) feet of the proposed alley to be vacated were notified by letter of the Development Review Committee public meeting on May 27, 2022, where the application was reviewed; and

WHEREAS, in accordance with Section 62-329 of the City Code, following publication of notice of public hearing and notification of all property owners or records within one-thousand (1,000) feet of the proposed alley to be vacated, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on September 14, 2022 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board’s September 14, 2022 meeting, the Board recommended approval of the proposed alley vacation (vote: 6-0) subject to conditions of approval; and

WHEREAS, pursuant to the City Code an additional public hearing notice was provided to all property owners within one-thousand (1,000) feet of the subject property advising of the upcoming Commission meeting; and

WHEREAS, public hearings have been completed by the Coral Gables City Commission in consideration of a request to vacate an alley as required by the Zoning Code, and including careful consideration of written and oral comments by members of the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Ordinance upon adoption hereof.

SECTION 2. That a portion of the north-south alley twenty (20) feet in width lying between lots 9-16 and lots 8-17 of Block 97, Coral Gables Riviera Section #2, more particularly described in Exhibit “A “ (“Vacated Alleyway”) attached hereto and incorporated herein by reference, shall be and is hereby vacated, abandoned and discontinued for the purpose for which it was dedicated to public use subject to the terms and conditions as hereinafter set forth.

SECTION 3. That the Vacated Alleyway herein shall be subject to the following terms and conditions:

- a) That a utility easement is hereby reserved for the installation, maintenance and operation of any utility located or to be located in the alley vacated by this ordinance.
- b) That the respective utility companies shall have access to the utility easement as necessary to inspect, install, maintain, operate, repair and replace any poles, wires, pipes, or any other facility or equipment necessary for the maintenance and operation of said utility.
- c) That the utility easement described hereinabove shall at all times be kept free and clear of any and all encroachments and obstructions unless otherwise approved in writing by the Public Works and Development Services Directors, and shall be in accordance with all applicable Codes, including but not limited to the City Code, the Zoning Code, and the Florida Building Code, and the City shall have the authority to monitor and enforce same.
- d) That any encroachment that is approved by the Public Works and Development Services Director, shall be subject to removal at the property owners’ expense, if necessary for the installation, maintenance, and operation of a utility.
- e) That it shall be the responsibility of the respective property owner to restore or replace any encroachment damaged or removed during the installation, maintenance and operation of a utility located in the easement


- f) That the use of the Vacated Alleyway shall be limited to the same uses to which the adjacent properties are zoned.
- g) That the reversionary rights to the portion of the Vacated Alleyway shall revert to the owners abutting on each side of the Vacated Alleyway.

SECTION 4. That all ordinances or part of ordinances inconsistent or in conflict herewith shall be and they are hereby repealed insofar as there in conflict of inconsistency.

SECTION 5. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FIFTH DAY OF OCTOBER, A.D., 2022.
 (Moved: Anderson / Seconded: Menendez)
 (Yeas: Anderson, Fors, Jr., Mena, Menendez, Lago)
 (Unanimous: 5-0 Vote)
 (Agenda Item: F-4)


APPROVED:

DocuSigned by:

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VINCE LAGO
 MAYOR


ATTEST:

:

DocuSigned by:

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BILLY Y. URQUIA
 CITY CLERK

APPROVED AS TO FORM
 AND LEGAL SUFFICIENCY

DocuSigned by:

 03A0CB1421E64AC...

MIRIAM SOLER RAMOS
 CITY ATTORNEY

Exhibit "A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PREPARED BY:

JORGE L. CABRERA

Professional Surveyor and Mapper
State of Florida

PLS/PSM License No: 6487

2852 S.W. 149th Place, Miami, Florida 33185

Phone: (305) 302-2522 Fax: (305) 207-9537

EXHIBIT "A" / LEGAL DESCRIPTION

Commencing at the Southeast corner of Lot 16, Block 97, of Plat of "REVISED PLAT CORAL GABLES RIVIERA SECTION PART 2", according to the Plat thereof as recorded in Plat Book 28 at Page 18 of the Public Records of Miami-Dade County, Florida, thence run S 89° 34' 38" W along the South line of Lot 16 for a distance of 100.00 feet to Southwest corner of Lot 16, said Southwest corner of Lot 16 being the Point of Beginning of the herein described parcel of land:

Thence continue running S 89° 34' 38" W along the South line of Block 97 for a distance of 20.00 feet to the Southeast corner of Lot 17, Block 97, said line also being the Northerly Right of Way Line of Amalfi Avenue; thence run N 00° 21' 10" W along the East line of Lots 17 and 8 for a distance of 200.00 feet to the Northeast corner of Lot 8, Block 97; thence run N 89° 34' 38" E along the North line of Block 97 for a distance of 20.00 feet to the Northwest corner of Lot 9, Block 97, said line also being the Southerly Right of Way Line of Rosaro Avenue; thence run S 00° 21' 10" E along the West line of Lots 9 through 16 for a distance of 200.00 feet to the Point of Beginning.

Containing approximate 4000 square feet more or less or 0.09 acres more or less.

SURVEYOR'S NOTES:

All distances as shown are based on the US Survey foot.

Subject lands is located within the City of Coral Gables, Miami Dade County, Florida and is located in the recorded Plat of "REVISED PLAT CORAL GABLES RIVIERA SECTION PART 2", according to the Plat thereof as recorded in Plat Book 28 at Page 18 of the Public Records of Miami-Dade County, Florida.

Bearings are based/referred to an assumed meridian where the centerline of Amalfi Avenue bears S 89° 34' 38" W, as shown on the recorded Plat of "REVISED PLAT CORAL GABLES RIVIERA SECTION PART 2", according to the Plat thereof as recorded in Plat Book 28 at Page 18 of the Public Records of Miami-Dade County, Florida.

Subject lands lies within Section 20, Township 54 South, Range 41 East.

This is not a Boundary Survey, but only a graphic depiction of the description shown hereon.

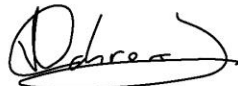
This instrument was conducted for the purpose of a "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" only and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other entity. This document does not reflect or determine ownership.

This survey is intended for the use of the parties to whom this survey is certified to and for. Any reproduction is not an original. This surveyor retains an original to verify these dated contents for validity. Not valid without the signature and raised seal of the Florida Surveyor and Mapper.

SURVEYOR'S CERTIFICATE:

This is to certify to the herein named firm and/or persons, that in my professional opinion, this "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" of the herein described property is true and correct as recently surveyed and platted under my direction. I further certify that this map or plat meets the Minimum Technical Standard Requirements, adopted by the Board of Professional Surveyors and Mappers, pursuant to Chapter 472.027 Florida Statutes, as set forth in Chapter 5J-17, Florida Administrative Code, under Sections 5J-17.051 and 5J-17.052 and is a "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" as defined in Section 5J-17.050.

JORGE L. CABRERA



Professional Surveyor & Mapper, # 6487
State of Florida

NOT VALID WITHOUT SHEET 2 OF 2
(SHEET 2 OF 2 CONTAINS THE SKETCH OF LEGAL DESCRIPTION)

This drawing are not valid unless Signed and embossed with the surveyor's seal.

CHECKED BY: JLC.

DRAWN BY: ELF.

DATE: 11/01/2018

JOB No. 18-4685

Sheet 1 of 2

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SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PREPARED BY:

JORGE L. CABRERA

Professional Surveyor and Mapper
State of Florida

PLS/PSM License No: 6487

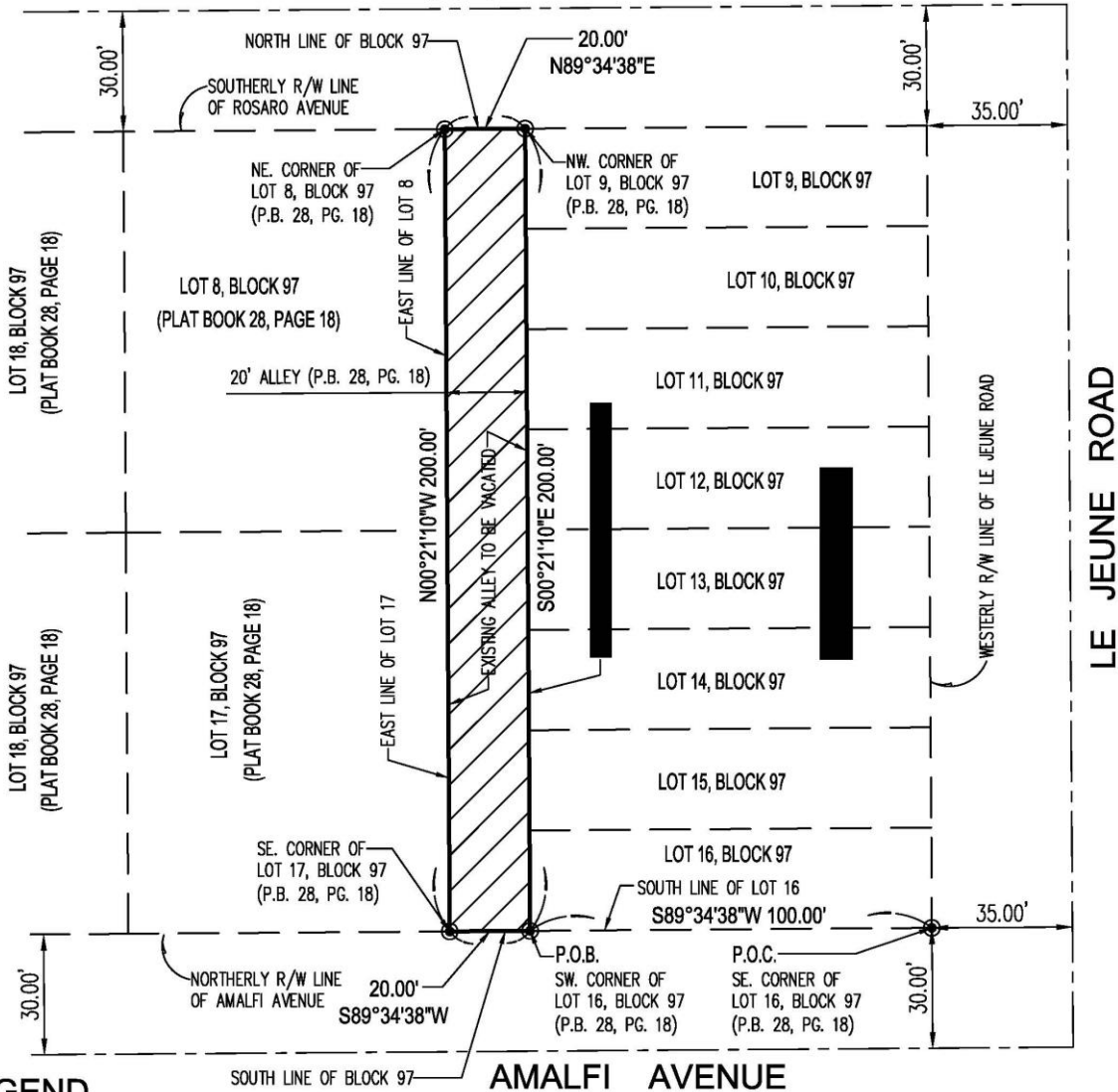
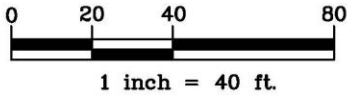
2852 S.W. 149th Place, Miami, Florida 33185

Phone: (305) 302-2522 Fax: (305) 207-9537

EXHIBIT "A"

(SKETCH OF LEGAL DESCRIPTION)

ROSARO AVENUE



LEGEND

- P.O.C. = POINT OF COMMENCE
- P.O.B. = POINT OF BEGINNING
- P.B. = PLAT BOOK
- PG. = PAGE

NOT VALID WITHOUT SHEET 1 OF 2
(SHEET 1 OF 2 CONTAINS LEGAL DESCRIPTION & SURVEYORS NOTES)

Sheet 2 of 2

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