

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE RELEASE OF THE DECLARATION OF RESTRICTIVE COVENANT UNIFYING LOTS 12, 13, AND 14, IN BLOCK 2, OF CORAL GABLES SECTION "E", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 13, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

WHEREAS, a building site determination dated May 10, 1988, by the then City of Coral Gables Zoning Administrator, confirms that in Block 2, of Coral Gables Section "E" according to the Plat thereof, as recorded in Plat Book 8, Page 13, of the Public Records of Miami-Dade County, Florida, Lots 12 and 13 are a single building site and Lot 14 is a separate building site (the "Building Site Determination"); and

WHEREAS, in 1990, as part of construction on Lots 12 and 13, the then-property owner of the Lots 12, 13, and 14, in Block 2, (the "Three Lots") executed a Declaration of Restrictive Covenant ("Unity of Title") which was recorded in Book 14769, Page 1929 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, the Unity of Title unintentionally consolidated the Three Lots and prohibited conveyance, mortgaging, and leasing of the Three Lots separately from each other; and

WHEREAS, the then-property owner of the Three Lots, provided an affidavit dated January 23, 2021 (the "Affidavit") stating that it was never her intent that Lot 14 be included as part of the legal description of said Unity of Title; and

WHEREAS, microfilm records from the Building Department, also indicate that Lots 12 and 13 were to be treated as a single building site, while Lot 14 was to be treated as a separate building site; and

WHEREAS, taking into account the Affidavit, the Building Site Determination, and the microfilm records, the City Commission finds it in the interest of public health, safety, order, convenience, comfort, fairness, prosperity, and general welfare to release the Unity of Title and replace it with a new unity of title consolidating only Lots 12 and 13.

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

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 this Resolution upon the adoption hereof.

SECTION 2. That the City Commission does hereby approve the release of the Declaration of Restrictive Covenant Unity of Title, as recorded in Book 14769, Page 1929 of the Public Records of Miami-Dade County, Florida, conditioned upon the demolition of a portion of the existing wall at the front property line of Lot 14 and the erection of a wall along the property line shared by Lot 13 and Lot 14, as indicated in the plan proffered by the property owner within 9 months of the effective date of this Resolution, and that a Unity of Title shall be executed consolidating Lots 12 and 13 as a single building site.

SECTION 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Resolution are repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase, or word of this Resolution is declared invalid, the remaining provisions of this Resolution shall not be affected.

SECTION 5. This approval by the City of Coral Gables does not in any way create any right on the part of an applicant to obtain a permit from a county, state, or federal agency. Likewise, this approval does not create any liability on the part of the City of Coral Gables for issuance of any building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state, or federal agency, or if the applicant undertakes actions that result in a violation of county, state, or federal law. In addition, as a condition of this approval, all county, state, and federal permits must be obtained before commencement of the development.

SECTION 6. This Resolution shall become effective upon the date of its adoption.

Passed and Adopted this ___ day of _____, A.D. 2021

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY