

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2008-10

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA REPEALING ORDINANCE NO. 1515, RELOCATING A DEDICATED EASEMENT FOR PUBLIC USE FROM LOT 10 TO 9, BLOCK 17, INDUSTRIAL SECTION (GABLES GATEWAY); PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 1515 was passed and adopted on December 7, 1965, providing for the owners of Lots 1-18, inclusive, and Lots 76 to 88, inclusive, Block 17, Industrial Section, Coral Gables, Florida, in agreement with the City of Coral Gables, to vacate a portion of the alley located within Block 17, provided the owner makes available for public use by a deed of dedication, Lot 10 of Block 17, Industrial Section; and

WHEREAS, the applicant of the project referred to as "Gables Gateway" proposes to provide Lot 9 of Block 17, Industrial Section, as an easement in exchange for Lot 10 of same; and

WHEREAS, after notice of a public hearing being duly published and a courtesy public notice was mailed to all property owners of record within a one thousand five hundred (1,500) foot radius from the boundary of the Southern Industrial Mixed-Use District (MXD), a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on February 13, 2008, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the February 13, 2008 Planning and Zoning Board meeting, the Board deferred the application at the request of the applicant and continued consideration of the item at the March 12, 2008 meeting where the Board recommended approval of the proposed site plan and easement relocation review subject to Staff conditions of approval (vote: 5-0); and

WHEREAS, after notice of a public hearing being duly published, the City Commission on April 8, 2008 approved this Ordinance on First Reading (vote: 5-0); and

WHEREAS, after notice of a public hearing being duly published, the City Commission on April 29, 2008 approved this Ordinance on Second Reading (vote: 5-0); and

WHEREAS, it is the City's desire that if the owners of Lots 1-23, inclusive, and Lots 76 to 88, inclusive, Block 17, Industrial Section (Gables Gateway), Coral Gables, Florida, do not develop the property in accordance with the site plans dated 12.22.07, and approved at the public hearings referenced above, that Ordinance No. 1515 shall remain valid and enforceable;

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

SECTION 1. The foregoing 'Whereas' clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Ordinance No. 1515, an ordinance vacating a certain portion of the alley in Block 17, Industrial Section, is hereby repealed, except as provided for in Section 3 herein, and all City Staff conditions included with the site plan are adopted via Resolution.

SECTION 3. If the owners of Lots 1-23, inclusive, and Lots 76 to 88, inclusive, Block 17, Industrial Section (Gables Gateway), Coral Gables, Florida, do not develop the property in accordance with the site plans dated 12.22.07, and approved at the public hearings referenced above, that Ordinance No. 1515 shall remain valid and enforceable.

SECTION 4. It is the intention of the City Commission that each provision hereof be considered severable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other portion of this Ordinance, the Coral Gables Comprehensive Land Use Plan, the Coral Gables Zoning Code, or the Coral Gables City Code.

SECTION 5. All rights, actions, proceedings and Contracts of the City, including the City Commissioners, the City Manager, or any of its departments, boards or officers undertaken pursuant to the existing code provisions, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

SECTION 6. All ordinance or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 7. If any section, part of session, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 8. This ordinance shall become effective within ten days from the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-NINTH DAY OF APRIL, A.D.,
2008.

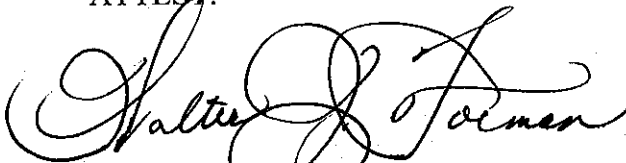
(Moved: Anderson / Seconded: Kerdyk)
(Yeas: Cabrera, Kerdyk, Withers, Anderson, Slesnick)
(Unanimous: 5-0 Vote)
(Agenda Item: E-1)

APPROVED:




DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY