

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, APPROVING THE VACATION OF A PUBLIC RIGHT-OF-WAY 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 8,441 (EIGHT THOUSAND FOUR HUNDRED FORTY ONE) SQUARE FEET OF PUBLIC RIGHT-OF-WAY AND DEDICATION OF 1,748 (ONE THOUSAND SEVEN HUNDRED FORTY EIGHT) SQUARE FEET BETWEEN LOT 4 (5401 BANYAN TRAIL) AND LOT 5 (5400 BANYAN TRAIL) IN PALM VISTA, CORAL GABLES, FLORIDA; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE).

**WHEREAS**, an Application was submitted by Jose Jimenez ("Applicant") requesting approval to vacate 8,441 square feet of public right-of-way and dedicate 1,748 square feet between Lot 4 (5401 Banyan Trail) and Lot 5 (5400 Banyan Trail) in Palm Vista, Coral Gables, Florida; and

**WHEREAS**, the proposed Vacation is being submitted concurrently with a Tentative Plat entitled "Arcana Subdivision," being a replat of two existing lots that total 97,377 square feet into a modified two lots; and

**WHEREAS**, in accordance with City Code Chapter 62, Article VIII, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Form" requires that the Public Works Department shall review all applications for the vacation of a public right-of-way; and

**WHEREAS**, after notice of a public hearing being duly published and a public notice was mailed to all property owners of record within a one thousand (1,000) foot radius from the said property, a public hearing was held before the Planning and Zoning Board on April 4<sup>th</sup>, 2023, at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the Planning and Zoning Board's April 4, 2024 meeting, the Board recommended approval with conditions of the proposed public right-of-way vacation (vote: 5-0); and

**WHEREAS**, after notice of public hearing duly published and notifications of all property owners of record within one-thousand (1,000) feet, the City Commission held a public hearing on May 9, 2023 at which hearing all interested persons were afforded an opportunity to be heard and this

application was approved on first reading;

**WHEREAS**, public hearings have been completed by the Coral Gables City Commission in consideration of a request to vacate a public right-of-way 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.** 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.** The vacation of the 8,441 feet of public right-of-way and dedication of 1,748 square feet between Lot 4 (5401 Banyan Trail) and Lot 5 (5400 Banyan Trail) in Palm Vista, Coral Gables, Florida.

**SECTION 3.** The Vacated public right-of-way herein shall be subject to the following terms and conditions:

1. That the Applicant shall relocate the public utilities, including the fire hydrant, and any communication infrastructure (e.g. Comcast) prior to the Final Plat approval by the City Commission;
2. That the Applicant shall relocate the backflow preventer into private property prior to the Final Plat approval by the City Commission; and
3. That the costs of removal or relocation of any and all utilities, including storm and sanitary sewers, installation of any required drainage facilities, removal of curbs or abandoned concrete approach and sidewalks and the paving and construction of the substitute alley described hereinabove shall be borne by the Applicant.

**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 \_\_\_\_\_, 2023

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2023.

APPROVED:

VINCE LAGO  
MAYOR

ATTEST:

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

BILLY URQUIA  
CITY CLERK

CRISTINA SUAREZ  
CITY ATTORNEY

DRAFT