

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2009-30**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 12, "ABANDONMENT AND VACATIONS", PROVIDING FOR THE VACATION OF A TWENTY (20') FOOT ALLEY BETWEEN LOTS, 1-4 AND A PORTION OF LOT 44, LOTS 45-48 INCLUSIVE, BLOCK 34, CORAL GABLES SECTION "K" AND ESTABLISHMENT OF A NEW VEHICULAR TURNAROUND ON LOTS 42-44; AND CREATION OF TWO (2), SIXTEEN (16') FOOT PUBLIC ACCESS EASEMENTS ON LOTS 12-16, BLOCK 34, CORAL GABLES SECTION "K", TO ACCOMMODATE PUBLIC ACCESS TO THE REMAINING PORTIONS OF THE TWENTY (20') FOOT ALLEY WITHIN BLOCK 34; THE VACATION IS NECESSARY TO ALLOW FOR THE CONSTRUCTION OF VARIOUS IMPROVEMENTS FOR THE CITY OWNED PROPERTY KNOWN AS THE "CORAL GABLES MUSEUM", LEGALLY DESCRIBED AS LOTS 1-4, 42-48, AND VACATED PORTION OF THE ALLEY, BLOCK 34, CORAL GABLES SECTION "K" (285 ARAGON AVENUE), CORAL GABLES, FLORIDA; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE (ALL LEGAL DESCRIPTIONS ON FILE FOR REVIEW).

**WHEREAS**, Application No. 04-09-083-P has been submitted for the vacation of public alleyway and easement dedication required for the "Coral Gables Museum" project, legally described as Lots 1-4, 42-48 and adjacent alleyway, Block 34, Section "K" (285 Aragon Ave), Coral Gables, Florida; and

**WHEREAS**, the proposed vacation of public right-of-way is required to allow the construction of an enclosed walkway connector for the Coral Gables Museum to cross the existing alleyway that bisects the site; and

**WHEREAS**, easements are dedicated to replacement public access for the alleyway north onto Giralda Avenue, and for a vehicular turnaround will be provided; and

**WHEREAS**, as required by the City Code Chapter 62, Article VIII, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City", the proposed public right-of-way vacations and dedications have been reviewed and recommended by the Public Works Department, and on May 8, 2009 by the Development Review Committee (DRC) at a special meeting at which the Committee had no objections to the proposed public right-of-way vacation and dedications; and,

**WHEREAS**, after notice of public hearing duly published and notifications of all property owners of record within one thousand (1000) feet, public hearings were held before the Planning and Zoning Board of the City of Coral Gables on May 13, 2009, at which hearings all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the Planning and Zoning Board's May 13, 2009 meeting, the Board recommended approval of the proposed alleyway vacation and easement dedications (vote: 6-0); and

**WHEREAS**, the City Commission held a public hearing on May 26, 2009 at which hearing all interested persons were afforded an opportunity to be heard and this application was approved on first reading (vote: 4-0); and

**WHEREAS**, it has been determined that the vacation of said alley and the provisions of the substitute easements are in the interest of public health, safety, order, convenience, comfort, prosperity and general welfare;

**NOW, THEREFORE, BE IT ORDAINED BY THE 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 this Ordinance upon adoption hereof.

**SECTION 2.** That the request for public right-of-way vacation and easement dedications, as described herein below in Sections 5, 6 and 7, for the City owned property referred to as the “Coral Gables Museum”, legally described as Lots 1-4, 42-48 and adjacent alleyway (285 Aragon Ave), Block 34, Section “K”, Coral Gables, Florida, as set forth in Application No. 04-09-083-P, shall be and are hereby approved.

**SECTION 3.** That 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, or the Coral Gables Zoning Code.

**SECTION 4.** That 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 5.** That a portion of the alley running east/west, 20 feet in width, lying between Lots 1 through 4 and a portion of lot 44, lots 45 through 48 inclusive, in Block 34, Coral Gables Section “K”, Coral Gables, Florida, and being more particularly described as follows:

A portion of that certain east-west alley in Block 34, of Coral Gables Section “K”, according to the plat thereof, as recorded in Plat Book 8, at Page 33, of the Public Records of Miami-Dade County, Florida, and more particularly described as follows:

Beginning at the southwest corner of Lot 1 of said Block 34, also being the northwest corner of the above mentioned alley; thence easterly along the south line of Lots 1, 2, 3, and 4 a distance of 105.70 feet to the southeast corner of said lot 4, this line also being the north right-of-way line of said alley on Block 34; thence southerly on the extended east line of said Lot 4 a distance of 20.00 feet to a point on the north line of Lot 44 of said Block 34; thence westerly along the north line of Lots 44 thru 48 inclusive, this line also being the south right-of-way line of said alley on Block 34, a distance of 106.90 feet to the northwest corner of said Lot 48; thence northerly along the west line of said alley on Block 34, this line also being the east right-of-way line of Salzedo Street, a distance of 20.03 feet to the Point of Beginning.

The alley shall be and it 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 6.** That the owner of record, by proper instrument, shall grant substitute easement for vehicular turn around purposes legally described as follows:

A perpetual easement for public turn around right-of-way purposes over, under and across the following described property:

Lots 42 thru 48 inclusive, on Block 34 of Coral Gables Section "K", according to the plat thereof, as recorded in Plat Book 8, at Page 33, of the Public Records of Miami-Dade County, Florida, and is described as follows:

Commencing at the northeast corner of said Lot 42; thence westerly along the north line of said Lots 42, 43 and 44, this line also being the south right-of-way line of the east-west alley on said Block 34, for a distance of 19.40 feet to the point of beginning of the easement to be described; thence continue westerly along said north line of Lots 42, 43 and 44 for a distance of 32.60 feet to a point; then southerly deflecting 90 degrees angle for a distance of 38.30 feet to a point; thence easterly deflecting 90 degrees angle for a distance of 14.90 feet to a point; thence northerly deflecting 90 degrees angle for a distance of 26.50 to a point; thence easterly deflecting 90 degrees angle for a distance of 17.70 feet to a point; then northerly deflecting 90 degrees angle for a distance of 11.80 feet to the point of beginning.

Containing 0.016 acres more or less.

**SECTION 7.** That the owner of record, by proper instrument, shall grant easements for use as public access legally described as follows:

Two, 16 feet wide, perpetual easements for public access purposes over, under and across the following described property:

Lots 12 thru 16 inclusive, on Block 34, of "Coral Gables Section "K", according to the plat thereof, as recorded in Plat Book 8, at Page 33, of the Public Records of Miami-Dade County, Florida. The center line

of said 16 feet easements are described, as follows:

Commencing at the northwest corner of Lot 12; thence easterly along the north line of Lots 12 and 13, this line also being the south right-of-way line of Giralda Avenue, for a distance of 32.00 feet to the point of beginning of the center line of the first of the above mentioned easements; thence southerly deflecting 90 degrees 00 minutes 11 seconds, a distance of 100 feet to a point on the south line of said Lots 12 and 13, this line also being the north right-of-way line of the east-west alley on said Block 34, and said center line there terminating. The side lines of said easement are prolonged or shortened to terminate on the north and south lines of said Lot 13.

And

Commencing at the point of beginning of the last described center line; thence easterly along the north line of Lots 13, 14, and 15, also being the south right-of-way line of Giralda Avenue, for a distance of 59.05 feet to the point of beginning of the center line of the second of the above mentioned easements; thence southerly deflecting 90 degrees 00 minutes 11 seconds, a distance of 100 feet to a point on the south line of the above mentioned Lot 15 and the north right-of-way line of said alley of Block 34, and said center line there terminating; the side lines of said easement are prolonged or shortened to terminate on the north and south lines of said Lot 15.

**SECTION 8.** That the easements rights shall be granted to the affected utilities in the vacated alley described hereinabove in Section 5 of this ordinance.

**SECTION 9.** That the easement described hereinabove in Section 6 shall be constructed in accordance with the specifications of the Public Works Department of the City and the plans for such construction shall be submitted to and shall be subject to approval by the Public Works Department. The permits and inspections for such construction shall be handled in the same manner as the paving for streets and alleys.

**SECTION 10.** That the City of Coral Gables shall have the right to exercise the same control over the easements described hereinabove in Section 6 and 7 as if the same were a dedicated alley and the acceptance and approval of such easements shall in no way relieve the applicant from complying with any and all regulations pertaining to alleys including but not limited to the building, zoning and other applicable regulations.

**SECTION 11.** That the easements described hereinabove in Section 6 and 7 shall at all times be kept free and clear of any and all encroachments and obstructions, including but not limited to, motor vehicles, trucks, trailers, debris, stoops, waste containers, and the like, and the City shall have the authority to monitor and enforce same.

**SECTION 12.** That the use of the vacated property shall be limited to the same uses as to which the adjacent properties are zoned.

**SECTION 13.** That the reversionary rights to the portion of the alley vacated shall revert to the owners abutting on each side of the vacated alley.

**SECTION 14.** That all ordinance or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

**SECTION 15.** That 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 16.** That it is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of the City of Coral Gables, Florida, as amended, which provisions may be renumbered or relettered and that the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

**SECTION 17.** That this Ordinance shall become effective ten days from the date of its passage and adoption herein.

PASSED AND ADOPTED THIS SEVENTH DAY OF JULY, A.D., 2009.

(Moved: Kerdyk / Seconded: Withers)

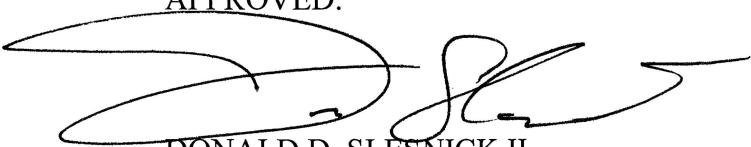
(Yea: Kerdyk, Withers, Anderson, Slesnick)

(Majority: (4-0) Vote)

(Absent: Cabrera)

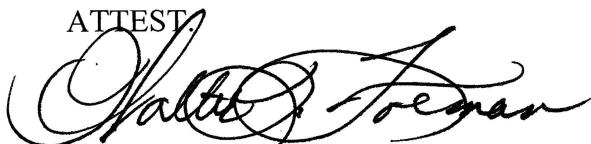
(Agenda Item: E-1)

APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY