

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

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 EAST-WEST PUBLIC ALLEYWAY LYING BETWEEN LOTS 1-12 AND LOTS 35-46, BLOCK 10, CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SUBSTITUTE PERPETUAL ACCESS AND UTILITY EASEMENT, SETTING FORTH TERMS AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE)

WHEREAS, an Application was submitted by C/Le Jeune, LLC ("Applicant") requesting approval to vacate, abandon, and close approximately 300 feet long of a 20-foot wide public alleyway running east-west between lots 1-12 and lots 35-46 of Block 10, Coral Gables Crafts Section, containing approximately 6,000 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 perpetual access and utility easement located on a portion of the east-west alley as well as portion of Lots 11 & 12, Block 10, Coral Gables Crafts Section, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the proposed alley vacation is being submitted concurrently with a proposed Zoning Code Text Amendment, Planned Area Development (PAD), Receipt of Transfer of Development Rights (TDRs), Conditional Use Mixed-Use Site Plan; and

WHEREAS, the Vacation is intended for the development of a mixed-use project referred to as "Regency Tower" provided in the proposed general site plan, attached hereto as Exhibit "B"; 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 October 5, 2021, 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 March 9, 2022 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's March 9, 2022 meeting, the Board recommended approval of the proposed alley vacation (vote: 5-0) 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, at the Historic Preservation Board meeting of March 16, 2022 the Board recommended approval of the proposed alley vacation (vote: 6-1) in accordance with section 3-1104(D)(2) of the City's Zoning Code; 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 east-west alley twenty (20) feet in width lying west of the northerly extension of the east line of lot 35, Block 10, Coral Gables Craft Section, 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 the owner of record, by proper instrument, shall grant to the City absolute rights of public ingress and egress and of all utilities whatever interest they need in the substitute perpetual access and utility easement particularly described as follows:

A portion of the east-west alley as well as portion of Lots 11 & 12, Block 10, Coral Gables Crafts Section, according to the Plat thereof, as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County,

Florida, containing approximately 2,450 square feet.

- b) That the dedicated perpetual access and utility easement described hereinabove in Section 3(a) 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 the approval of the Public Works Department. The permits and inspection for such construction shall be handled in the same manner as the paving for streets and alleys.
- c) That the City shall have the right to exercise the same control over the dedicated perpetual access and utility easement described hereinabove in Section 3(a) and the acceptance and approval of such substitute 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.
- d) That the dedicated perpetual access and utility easement described hereinabove in Section 3(a) 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.
- e) That a vertical clearance extending the full length and width of the easement shall be provided above the easement described hereinabove in Section 3(a).
- f) That the City shall be compensated by the Applicant in an amount equal to the revenue loss for the permanent removal of the parking spaces along Valencia Avenue on an annual basis paid one year in advance.
- g) That easement rights shall be granted to the affected utilities in the vacated alley described hereinabove in Section 2 of this ordinance.
- h) 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.
- i) That the use of the Vacated Alleyway shall be limited to the same uses to which the adjacent properties are zoned.
- j) That the use of the Vacated Alleyway shall be in conformance with the proposed general site plan attached hereto as Exhibit "B."

k) That the reversionary rights to the portion of the Vacated Alleyway shall revert to the owners abutting on each side of the Vacated Alleyway.

l) That the vacation of the alley shall not become effective unless such time as the substitute perpetual access and utility easement is conveyed to the City.

SECTION 4. This ordinance shall become void if the approvals or permits lapse during the development of the project that utilizes any portion of the alleyway vacated described herein above.

SECTION 5. 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 6. This ordinance shall become effective _____, 2022

PASSED AND ADOPTED THIS _____ DAY OF _____ A.D., 2022.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

BILLY URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY