

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2017-34

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES REQUESTING VACATION OF A PUBLIC ALLEYWAY PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 12, "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 TWENTY (20) FOOT WIDE ALLEY WHICH IS THREE-HUNDRED (300) FEET IN LENGTH LYING BETWEEN TRACTS A AND B, AND DEDICATION OF SUBSTITUTE PERPETUAL ACCESS AND UTILITY EASEMENT IN BLOCK 199, RIVIERA SECTION PART 14 (1542 SOUTH DIXIE HIGHWAY), CORAL GABLES, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting approval to vacate, abandon, and close a portion of the alley that presently runs from Yumuri Street between the boundary lines of Tracts A and B of a portion of Block 199, Coral Gables Riviera Section Part 14, Coral Gables, Florida; and

WHEREAS, in accordance with Section 62-262 of the City Code, property owners within 1000 feet of the proposed alley to be vacated were notified by letter of the Development Review Committee on January 27, 2017; and

WHEREAS, comments were solicited from affected utility companies and no objections were received from any of the utility companies; and

WHEREAS, after notice of public hearing duly published and courtesy notification of all property owners of record within one-thousand (1,000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on July 12, 2017 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's July 12, 2017 meeting, the Board recommended approval of the proposed alley vacation (vote: 6-0) subject to conditions of approval; and

WHEREAS, pursuant to the City Code an additional public hearing notice was provided via Certified Mail to all property owners within 1000 feet of the subject property advising of the upcoming Commission meeting; and

WHEREAS, after notice of public hearing duly published, a public hearing was held before the City Commission on August 29, 2017, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and

WHEREAS, public hearings have been completed as indicated herein 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 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 the Ordinance upon adoption hereof.

SECTION 2. The applicant and/or owner of record shall grant to the City by deed of dedication of absolute rights of public ingress and egress and of all utilities whatever interest they need in the access easement more particularly described as follows:

“The southwesterly 24.10 feet of tract “B”, “re-plat of a portion of Block 199 of Coral Gables Riviera Section Part 14”, according to the plat thereof, as recorded in Plat Book 53, Page 97, of the public records of Miami-Dade County, Florida; less the southwesterly 4.10 feet thereof; together with the southwesterly 24.10 feet of that portion of the 20.00 foot wide alley between tracts “A” and “B” of said pat, containing 872 square feet, more or less.”

SECTION 3. The proposed alley vacation that presently runs from Yumuri Street between the boundary lines of Tracts “A” and “B” of “Re-plat of a portion of Block 199, Coral Gables Riviera Section Part 14”, Coral Gables, Florida shall be and is hereby approved subject to all of the following conditions:

1. The applicant grants to the City by Deed of Dedication absolute rights of public ingress and egress and of all utilities whatever interests they need.
2. That all vehicle turning radius be adequate for all vehicles that would normally or occasionally use the alley.
3. That a vertical clearance of sixteen feet (16’) extending the full length and width of the easement should be provided.
4. Applicant is responsible for the relocation of the existing utilities in the proposed alley to be vacated in accordance to the requirements of the affected utility companies including the City’s gravity sanitary sewer line.
5. Applicant must seek Commission approval and provide fully executed hold harmless agreement or restrictive covenant for all proposed encroachments into, onto, under and over the City’s rights-of-way.
6. Applicant must seek Florida Department of Transportation approval and permits for proposed improvements on or affecting South Dixie Highway.
7. Further refinement of ground floor on Madruga Avenue to minimize loading driveway and roll up door on sidewalk and façade.
8. Update arcade design to ensure a minimum of 10’ horizontal clearance for a pedestrian path along the entire length of the arcade. Twelve feet horizontal clearance is preferred.
9. Further refinement of north elevation to incorporate architectural details above parking entrance on Yumuri Street.

10. Restrictive covenant. Within thirty (30) days of City Commission approval of the Application, the Applicant, property owner(s), its successors or assigns shall submit a restrictive covenant for City Attorney review and approval outlining all conditions of approval as approved by the City Commission. Failure to submit the draft restrictive covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft restrictive covenant is extended by the City Attorney after good cause as to why the time frame should be extended. It is recognized that the requirements contained in the restrictive covenant constitute regulatory conditions of approval and shall survive as regulatory conditions of approval even if the restrictive covenant is later found to be void or unenforceable.

SECTION 4. That the applicant shall further be required to comply with all applicable zoning regulations.

SECTION 5. This ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF SEPTEMBER, A.D.,
2017.

(Moved: Keon / Seconded: Lago)
(Yeas: Quesada, Keon, Lago, Mena, Valdes-Fauli)
(Unanimous: 5-0 Vote)
(Agenda Item: F-2)

APPROVED.



RAUL VALDES-FAULI
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY