

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 12, "ABANDONMENT AND VACATIONS", PROVIDING FOR THE ABANDONMENT AND VACATION OF NON-FEE INTERESTS OF THE CITY FOR THE FOLLOWING PUBLIC RIGHTS-OF-WAY IDENTIFIED AS: THEO. DICKINSON DRIVE, WM. E. WALSH AVENUE, GEORGE E. MERRICK STREET, HENRY KING STANFORD DRIVE, PAVIA STREET AND LEVANTE AVENUE, ALL WITHIN THE UNIVERSITY OF MIAMI CAMPUS, CORAL GABLES, FLORIDA; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Application No. 09-10-120-P was submitted requesting the abandonment and vacation of non-fee interests of the City for the following public rights-of-way identified as: Theo. Dickinson Drive, Wm. E. Walsh Avenue, George E. Merrick Street, Henry King Stanford Drive, Pavia Street and Levante Avenue, all within the University of Miami campus, Coral Gables, Florida (All mapping and legal descriptions are on file in the Planning Department); and,

WHEREAS, the procedures and requirements for the abandonment and vacation of non-fee interests are provided in Zoning Code, Article 3, Division 12, entitled "Abandonment and Vacations" and in City Code Chapter 62, Article 8, entitled "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners; Application Process"; and,

WHEREAS, the application in compliance with City Code Section 62-262 on November 19, 2010 was considered by the Development Review Committee to solicit comments from City departments; and,

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

WHEREAS, a Memorandum of Understanding by the University of Miami, requesting all abutting property owners quit claim deed their interest in the rights-of-way to the University in exchange for a perpetual easement to access their respective properties; and,

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one thousand five hundred (1500) feet, public hearings were held before the Planning and Zoning Board of the City of Coral Gables on November 30, 2010, at which hearings all interested persons were afforded the opportunity to be heard; and,

WHEREAS, at the Planning and Zoning Board's November 30, 2010 meeting, the Board recommended unanimous approval (vote: 5-0) with conditions of the abandonment and vacation of non-fee interests of the City for the following public rights-of-way identified as: Theo. Dickinson Drive, Wm. E. Walsh Avenue, George E. Merrick Street, Henry King Stanford Drive, Pavia Street and Levante Avenue, all within the University of Miami campus and,

WHEREAS, pursuant to the City Code an additional public hearing notice was provided via Certified Mail to all property owners within 1500 feet of entire University campus advising of the December 14, 2010 public hearing; and,

WHEREAS, the City Commission held a public hearing on December 14, 2010 at which hearing all interested persons were afforded an opportunity to be heard and this application for the abandonment and vacation of non-fee interests as referenced herein was _____, with conditions, on first reading (vote: __-__); and,

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for the abandonment and vacation of non-fee interests as required by the Zoning Code City Code, and including careful consideration of written and oral comments by members of the public.

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 hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The proposed the abandonment and vacation of non-fee interests of the City for the following public rights-of-way identified as: Theo. Dickinson Drive, Wm. E. Walsh Avenue, George E. Merrick Street, Henry King Stanford Drive, Pavia Street and Levante Avenue, all within the University of Miami campus, Coral Gables, Florida shall be and is hereby approved with the following conditions:

1. The vacation of the rights-of-way shall be subject to continued enforcement of all public utility easements within the rights-of-way.
2. Provisions shall be made for 24-hour access for utility owners and City personnel to enter upon these easements.
3. The public rights-of-way to be abandoned are not considered an integral part of the overall City street system.
4. The proposed vacations will not impact properties and traffic movements of the geographic area within 2,500 feet of the proposed vacations.
5. The proposed vacations shall not impede emergency vehicular access to adjacent easement properties or solid waste pick-up arrangements within the street vacations.
6. Within 180 days of City Commission approval for the vacation of the streets, the University shall produce plans and drawings to the Fire Department identifying all roadways within the campus as being dedicated "fire access roads" per Florida Fire Prevention Code NFPA 1-18.1.1.1. Further, said plans need to identify all roads, parking lot lanes, and fire apparatus staging lanes per Florida Fire Prevention Code NFPA 1-18.2.3.1.2.
7. All future traffic control devices and designs shall be submitted to the Fire Department for approval prior to any installation per Florida Fire Prevention Code NFPA 1-18.2.3.4.7.

8. All fire access roads and lanes shall be maintained and prohibited from any obstructions thereafter per Florida Fire Prevention Code NFPA 1-18.2.3.5.1.
(All mapping and legal descriptions are on file in the Planning Department).

SECTION 3. 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 4. All ordinance or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 5. 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 6. 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 7. This ordinance shall become effective when the perpetual easements attached hereto as Attachments A and B are duly executed by the University of Miami and filed with the City Clerk of the City of Coral Gables.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2011.
(Moved: ____ / Seconded: ____)
(____, _____, _____, _____, _____)
(Vote: ____-____)
(Agenda Item ____)

APPROVED:

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ELIZABETH HERNANDEZ
CITY ATTORNEY

Attachments:

A. Perpetual Easement - _____

B. Perpetual Easement - _____