

THE CITY OF CORAL GABLES**ORDINANCE NO. _____**

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 THIRTY (30) FOOT WIDE ALLEY WHICH BISECTS THE ENTIRE LENGTH OF THE BLOCK, AND THE DEDICATION OF A PUBLIC CROSS-BLOCK EASEMENT GENERALLY RUNNING OVER AN EAST-WEST INTERNAL DRIVEWAY AND PEDESTRIAN WALKWAY ON THE PROPERTY LEGALLY DESCRIBED AS ALL OF BLOCK 3, INDUSTRIAL SECTION, CORAL GABLES, FLORIDA; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTIONS ON FILE AT THE CITY)

WHEREAS, an Application was submitted requesting the abandonment and vacation of a thirty-foot (30') wide public alleyway generally running north-south approximately five hundred and thirty-five feet (535') in length, bisecting the entire length of Block 3, Industrial Section as legally described in Exhibit "A" attached hereto and incorporated herein (the "Vacation"), and,

WHEREAS, in conjunction with the Vacation, the applicant proposes the dedication of a public access easement generally running over an east-west internal driveway and pedestrian walkway from Salzedo Street to Aurora Street as legally described in Exhibit "B" attached hereto and incorporated herein (the "Easement"), and,

WHEREAS, the Vacation and Easement are necessary for the construction of a mixed-use project referred to as "The Collection Residences" on the property legally described as all of Block 3 and the public alleyway, Industrial Section (250 Bird Road, 4101 Salzedo Street, 4111 Salzedo Street, 245 Altara Avenue, 4112 Aurora Street, and 4104 Aurora Street), Coral Gables, Florida; and,

WHEREAS, the Vacation has been submitted concurrently with proposed

applications including Mixed Use Site Plan review and Zoning Code text amendment, which are necessary for The Collection Residences project to be reviewed in its totality; 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 and the city; Application process;" and,

WHEREAS, in accordance with Section 62-262 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 September 26, 2014, where the Coral Gables Luxury Holdings, LLC application was reviewed; and

WHEREAS, in accordance with Section 62-262 of the City Code, following publication of notice of public hearing and notification of all property owners of record within one thousand (1000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on March 11, 2015, at which hearing all interested persons were afforded the opportunity to be heard; and,

WHEREAS, at the March 11, 2015 Planning and Zoning Board meeting, the Board recommended approval with conditions (vote: 7 – 0) of the Vacation; and,

WHEREAS, after notice was duly published, a public hearing for First Reading on the Vacation was held before the City Commission on May 12, 2015 at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission, after due consideration and discussion, approved with conditions the Vacation on First Reading (vote: 5 – 0); and,

WHEREAS, after notice was duly published, a public hearing for Second Reading on the Vacation was held before the City Commission on May 26, 2015 at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission, after due consideration and discussion, _____ the Vacation on Second Reading (vote: _____).

WHEREAS, it is felt that the vacation of said alley and the provisions of the substitute easement 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, FLORIDA:

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 this Ordinance upon

adoption hereof.

SECTION 2. The City Commission hereby finds:

1. That the granting of the Vacation provides some benefit to the public health, safety, welfare, or convenience, but the overall benefit anticipated to result from the abandonment outweighs the specific benefit derived from the non-fee property interest, in that:
 - a. The Vacation or abandonment will not frustrate any comprehensive plan, special purpose plan, or capital improvement program of the City; and
 - b. The Vacation or abandonment will not interfere with any planning effort of the City that is underway at the time of the application but is not yet completed;
2. The Vacation or abandonment will provide a material public benefit in terms of promoting the desired development and improves the City's long-term fiscal condition and the applicant provides beneficial mitigation in the form of a proffered mitigation plan which mitigates the loss of real property, the increase in the intensity of use and/or impacts on the public health, safety and welfare including increased parking and traffic;
3. The general public will be best served by the Vacation and proposed Easement together providing broader access to the city street system;
4. The Vacation is consistent with the city's comprehensive plan;
5. That the Vacation and proposed Easement together provide a material public benefit to the public health, safety and welfare;
6. That sufficient alternative public access to the remaining alleyway has been provided by means of a proffered substitute access easement running over an internal driveway and pedestrian walkway from Salzedo Street to Aurora Street; and
7. The effect of the proposed action will not have a negative impact upon the safety of pedestrians and vehicular traffic, because the Vacation involves an alleyway;
8. No evidence has been submitted to indicate that the Vacation will have an adverse or negative effect upon the provision of municipal services, including, but not limited to, emergency services and waste removal; and
9. The Vacation is part of a master development plan for this area of the community, and therefore, mitigation is a part of the development plan proposed by the applicant to offset any potential impacts.

SECTION 3. That a thirty-foot (30') wide public alleyway generally running north-south approximately five hundred and thirty-five feet (535') in length, bisecting the entire length of Block 3, Industrial Section as legally described in Exhibit "A" attached hereto and incorporated herein, shall be and is hereby vacated, abandoned and discontinued for the purpose for which it was dedicated to public use subject to the following conditions of approval:

1. The applicant grants to the City by easement instrument absolute rights of public ingress and egress and of all utilities whatever interests they need.
2. That a minimum width of twenty feet (20') and a minimum vertical clearance of sixteen feet (16') extending the full length and width of the easement shall be provided above the easements described in Exhibit "B."
3. That all vehicle turning radius be adequate for all vehicles that would normally or occasionally use the alley.
4. That the cost of removal and/or relocation of any and all utilities, including storm and sanitary sewers, installation of any required drainage facility, removal of curbs or abandoned concrete approaches and sidewalks and the paving and construction of the substitute easement described in Exhibit "B", shall be borne by the applicant whose actions necessitate such expense.
5. That prior to the issuance of a City Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall secure all required approvals and be responsible for the relocation of existing utilities located in the alley to be vacated in accordance with all applicable City, County, State or outside agency, and or utility company requirements.
6. That the easement described in Exhibit "B" 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.
7. That the City of Coral Gables shall have the right to exercise the same control over the easement described in Exhibit "B" 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.
8. That the easement described in Exhibit "B" 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.

9. That the use of the vacated property shall be limited to the same uses as to which the adjacent properties are zoned.
10. That the reversionary rights to the portion of the alley vacated shall revert to the owners abutting on each side of the vacated alley.
11. That prior to the issuance of the first Temporary Certificate of Occupancy (CO) for the project, the Applicant, property owner, its successors or assigns shall submit a Public Easement Maintenance and Access Agreement for City Attorney review and approval, which provides for the Applicant's payment of the costs of maintaining the public vehicular easement (the relocated public alleyway) and the provision of clear and unrestricted public access along and through this easement at all times. The agreement shall also state that should the property owner, its successors or assigns fail to meet the terms of the agreement, the City shall complete necessary maintenance and/or access improvements, which costs shall be reimbursed to the City by the property owner. The agreement shall be recorded in the public records for Miami-Dade County, Florida, in the form of a restrictive covenant. 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.
12. That the applicant will provide pedestrian enhancements to the North Industrial Mixed-Use District as shown in submitted plans prepared by David Plummer Associates and shown on page 14 and 15 of the applicant's 11x17 application package.
13. That prior to issuance of a building permit, the Applicant shall contribute \$10,000 toward bicycle infrastructure improvements in the area as identified in the 2014 Coral Gables Bicycle / Pedestrian Plan. These improvements include pavement markings and signage for the installation of sharrows on Segovia Street in order to provide a connection to downtown.
14. That the Applicant will improve public open space in the vicinity of the project within the City of Coral Gables as a part of this alley vacation request. This may include public space improvements to the nearby Metrorail right-of-way between LeJeune Road and the City limits to the northeast, including but not limited to contributions in the amount of \$ ____ to the Underline public space project currently underway, in order to improve public access to open space in the area. The Applicant will obtain the consent of the City as to the plan, which consent shall not be unreasonably withheld.

SECTION 4. In the event that the Applicant has not constructed the project

within _____ years of the issuance of a Building Permit for any portion of any property abutting and adjacent to the public right-of-way vacated, ownership of the Alley will revert to the City, unless such time period is extended in the discretion of the City Manager.

SECTION 5. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 6. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 7. This development permit by the City of Coral Gables does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency. Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency, or if the applicant undertakes actions that result in a violation of county, state or federal law. In addition, as a condition of this approval, all county, state and federal permits must be obtained before commencement of the development.

SECTION 8. This Ordinance shall become effective upon the date of its adoption; provided, that Section 3. of this Ordinance shall not become effective until this Ordinance is recorded in the Public Records of Miami-Dade County, Florida.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2015.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY

Exhibit "A"

DESCRIPTION:

A STRIP OF LAND 30 FEET WIDE LYING BETWEEN LOTS 1 THROUGH 21, AND LOTS 22 THROUGH 42, BLOCK 3 OF "REVISED PLAT OF CORAL GABLES INDUSTRIAL SECTION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 22 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 42, BLOCK 3 OF "REVISED PLAT OF CORAL GABLES INDUSTRIAL SECTION"; THENCE, S00°33'18"E, ALONG THE EAST LINE OF LOTS 22 THROUGH 42, FOR A DISTANCE OF 535.0 FEET TO THE SOUTHEAST CORNER OF LOT 22; THENCE, S89°40'10"E, ALONG THE NORTH RIGHT OF WAY LINE OF ALTARA AVENUE, A DISTANCE OF 30 FEET TO THE SOUTHWEST CORNER OF LOT 21; THENCE N00°33'18"W, ALONG THE WEST LINE OF LOTS 1 THROUGH 21, A DISTANCE OF 535.0 FEET TO THE NORTHWEST CORNER OF LOT 1; THENCE N89°40'10"W, ALONG THE SOUTH RIGHT OF WAY LINE OF SW 40th STREET, A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING. CONTAINING 16,049.6 +/- SQUARE FEET.

Exhibit "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION Vehicular & Pedestrian Access Easement



Scale: 1"=100'

LEGEND:
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
CL - CENTERLINE

P.O.C.

NORTHEAST CORNER, BLOCK J
"REVISED PLAT CORAL GABLES
INDUSTRIAL SECTION"
(PLAT BOOK 28, PAGE 22)

LEGAL DESCRIPTION

VEHICULAR AND PEDESTRIAN ACCESS EASEMENT

AN EASEMENT FOR THE PURPOSES OF VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS HAVING A 16.00 FOOT MINIMUM VERTICAL CLEARANCE LIMIT AT GROUND LEVEL ABOVE FINISHED GRADE ACROSS A PORTION OF LOTS 8, 9, 10, 11, 32, 33, 34 AND THAT CERTAIN 30' WIDE ALLEY, WITHIN BLOCK J, "REVISED PLAT CORAL GABLES INDUSTRIAL SECTION," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 22, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID BLOCK J; THENCE RUN SOUTH 00 DEGREES 33 MINUTES 18 SECONDS EAST, ALONG THE EASTERLY BOUNDARY LINE OF SAID BLOCK J, FOR A DISTANCE OF 175.67 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED VEHICULAR AND PEDESTRIAN ACCESS EASEMENT; THENCE CONTINUE SOUTH 00 DEGREES 33 MINUTES 18 SECONDS EAST, ALONG THE LAST DESCRIBED COURSE, FOR A DISTANCE OF 89.75 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 26 MINUTES 42 SECONDS WEST FOR A DISTANCE OF 186.25 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 33 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 5.58 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 26 MINUTES 42 SECONDS WEST FOR A DISTANCE OF 43.72 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF SAID BLOCK J; THENCE RUN NORTH 00 DEGREES 33 MINUTES 18 SECONDS WEST, ALONG THE WESTERLY BOUNDARY LINE OF SAID BLOCK J, FOR A DISTANCE OF 56.42 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 26 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 153.74 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 33 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 27.75 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 26 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 76.23 FEET TO A POINT ON THE AFOREMENTIONED EASTERLY BOUNDARY LINE OF BLOCK J AND THE POINT OF BEGINNING, LYING AND BEING IN THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 20, TOWNSHIP 55 SOUTH, RANGE 41 EAST, CITY OF CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA.

THE ABOVE DESCRIBED EASEMENT CONTAINS 16,129 SQUARE FEET, MORE OR LESS (0.37 ACRES, MORE OR LESS).

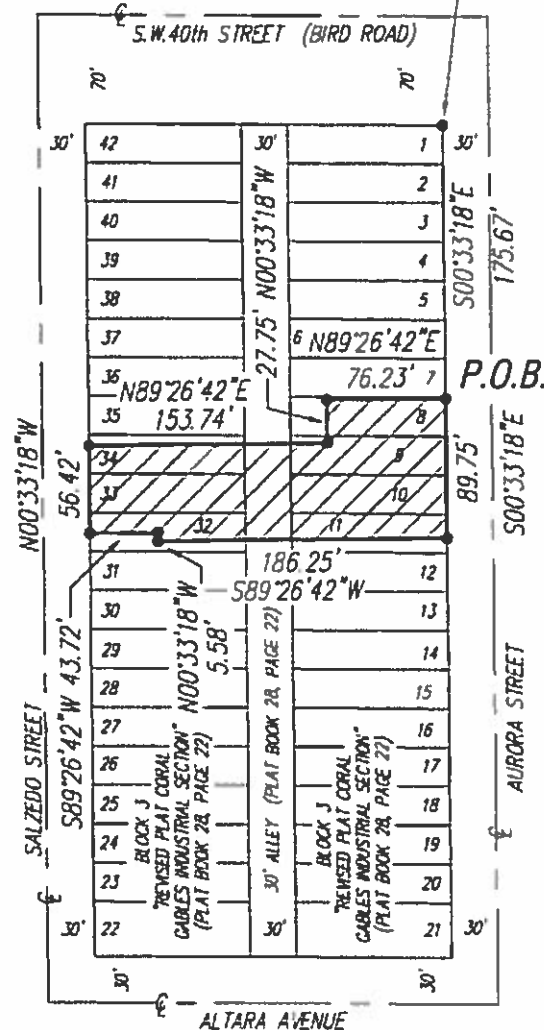
NOTE:

1. BEARINGS SHOWN HEREON RELATE TO AN ASSUMED BEARING (S00°33'18"E) ALONG THE WESTERLY BOUNDARY LINE OF BLOCK J, "PLAT CORAL GABLES INDUSTRIAL SECTION", PLAT BOOK 28 AT PAGE 22.

PREPARED FOR: CORAL GABLES LUXURY HOLDINGS

REVISED: APRIL 30, 2015, ORDER NO. 204102

REVISED: MAY 1, 2015, ORDER NO. 204102



Schwebke-Shiskin & Associates, Inc.

LAND SURVEYORS • ENGINEERS • LAND PLANNERS

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(LB-87)

THIS IS NOT A "LAND SURVEY."

ORDER NO.: 204017

DATE: 04-11-2015

SHEET 1 OF 1 SHEET(S)

F.B.: N.A.

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