

RESOLUTION NO. R-2013-12

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF TWO (2) FIFTEEN FEET (15') WIDE ALLEYWAYS LOCATED BETWEEN NORTHEAST 135TH STREET AND NORTHEAST 136TH STREET, LYING WEST OF NORTHEAST 6TH AVENUE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT ALLEYWAYS, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, Chapter 29, Article 3, Division 9 of the City of North Miami ("City") Code of Ordinances ("LDRs"), provides a uniform procedure for the vacation, abandonment and sale of right-of-way properties within the City as it pertains to streets, alleyways, and easements; and

WHEREAS, pursuant to Section 3-903C of the LDRs, the City is desirous of supporting vacations or abandonments that will promote development or redevelopment which will maintain or enhance the character of the surrounding area, while having a positive fiscal impact on the City; and

WHEREAS, Conestoga Holdings, LLC (the "Applicant"), owns eight (8) contiguous and abutting lots located on the northwest corner of the intersection of Northeast 135th Street and Northeast 6th Avenue (as specifically identified by Miami-Dade County folio numbers: 06-2219-004-0030, 06-2219-004-0110, 06-2219-004-0120, 06-2219-004-0130, 06-2219-004-0140, 06-2219-004-0150, 06-2219-004-0010, and 06-2219-004-0020); and

WHEREAS, the Applicant filed a development application with the City's Community Planning & Development Department, requesting the abandonment of two (2) fifteen feet (15') wide alleyways that intersect at right angles across the subject alleyways, consisting of approximately seven thousand four hundred twenty-five (7,425) square feet, or approximately 0.17 acres in size; and

WHEREAS, the City administration has reviewed the impact of the vacation and abandonment of the alleyways and found that in its current use, the subject alleyways do not provide a benefit to the public health, safety, welfare or convenience, in that they are not used by the City for any intended public purpose; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on January 17, 2013, reviewed the proposed abandonment application and found the petition in harmony with the goals, objectives and policies of the Comprehensive Plan, and demonstrating the established standards of Section 3-903A of the LDRs, and thereby, recommended approval of the application to the Mayor and City Council; and

WHEREAS, the Mayor and City Council of the City of North Miami find the proposed vacation, abandonment, closure and sale of the subject alleyways, to be in the best interest of the City and hereby accept the Planning Commission's recommendation for approval.

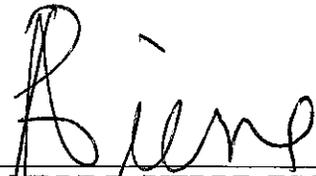
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Vacation, Abandonment, Closure and Sale of Alleyways. The Mayor and Council of the City of North Miami, Florida, hereby approve the vacation, abandonment, closure and sale of two (2) fifteen feet (15') wide alleyways located between Northeast 135th Street and Northeast 136th Street, lying west of Northeast 6th Avenue, as described in the attached "Exhibit A".

Section 2. Authority of City Manager to Negotiate Sale of Alleyways. The Mayor and Council of the City of North Miami, Florida, hereby authorize the City Manager to negotiate the sale of the subject alleyways, in accordance with Chapter 29, Article 3, Division 9, City of North Miami Code of Ordinances, Land Development Regulations, and to take all necessary steps to effectuate same.

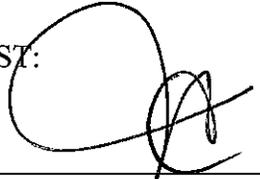
Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 12 day of February, 2013



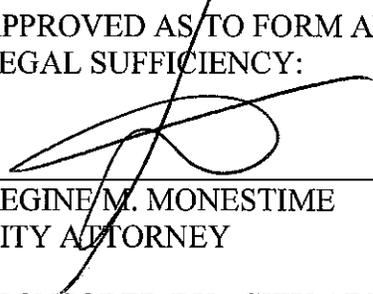
ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilman Blynn

Seconded by: Councilman Marcellus

Vote:

Mayor Andre D. Pierre, Esq.	<u> x </u>	(Yes)	<u> </u>	(No)
Vice Mayor Marie Erlande Steril	<u> x </u>	(Yes)	<u> </u>	(No)
Councilperson Michael R. Blynn, Esq.	<u> x </u>	(Yes)	<u> </u>	(No)
Councilperson Scott Galvin	<u> x </u>	(Yes)	<u> </u>	(No)
Councilperson Jean R. Marcellus	<u> x </u>	(Yes)	<u> </u>	(No)