

**RESOLUTION NO. 2016-R-35**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT AND SALE OF A PORTION OF A CITY OWNED RIGHT-OF-WAY FOR NW 13<sup>TH</sup> AVENUE, MEASURING 114 FEET LONG AND 60 FEET WIDE, LYING IMMEDIATELY NORTH OF NW 119<sup>TH</sup> STREET, BETWEEN BLOCKS 17 AND 32 OF SUNKIST GROVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 49, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; FURTHER AUTHORIZING THE INTERIM CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT PORTION OF THE RIGHT-OF-WAY, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE THE CONVEYANCE; 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, Land Development Regulations (“LDRs”), provides a uniform procedure for the vacation, abandonment and sale of City-owned properties as it pertains to parcels, streets, alleyways, and easements; and

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

**WHEREAS**, Eglise Evangelique des Pelerins (“Applicant”), has requested the abandonment, vacation and sale of a portion of a City owned right-of-way for NW 13<sup>th</sup> Avenue, measuring 114 feet long and 60 feet wide, lying immediately north of NW 119<sup>th</sup> Street, between Blocks 17 and 32 of Sunkist Grove, according to the plat thereof, as recorded in Plat Book 8, Page 49, of the Public Records of Miami-Dade County (“Subject Property”), with folio numbers:06-2126-016-5620 and 06-2126-016-2791; and

**WHEREAS**, the Subject Property has not been used as a right-of-way since the 1990’s when it was closed off to prevent access from 119<sup>th</sup> Street to the nearby Sunkist Grove single-family neighborhood; and

**WHEREAS**, in accordance with Section 3-902, LDRs, the City obtained two (2) appraisal reports from licensed Real Estate Appraisers, showing the following values of the Subject Property: MTO Realty, Inc., at Sixty-Two Thousand Dollars (\$62,000.00), and Pena Appraisal Service, Inc., at Fifty-Five Thousand Dollars (\$55,000.00); and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on March 1, 2016, reviewed the proposed abandonment application and found that it fulfilled the standards of Section 3-903, LDRs, and not in conflict with the goals, objectives and policies of the Comprehensive Plan; and

**WHEREAS**, the Planning Commission recommended approval of the vacation, abandonment and sale of the Subject Property with the condition that the Applicant pay the City the amount of Fifty-Five Thousand Eight Hundred Dollars (\$55,800.00) as consideration for the conveyance of the Subject Property; and

**WHEREAS**, in accordance with Section 8 of the City Charter, no property of the City shall be sold for less than ninety (90) percent of the appraised value of the property as determined by at least two (2) City secured appraisals; and

**WHEREAS**, the Mayor and City Council find the proposed vacation, abandonment, and sale of the Subject Property, is in compliance with Section 3-903, LDRs, and thereby agree to convey the Subject Property to Applicant, in the amount considered and approved by the Mayor and City Council on March 22, 2016.

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

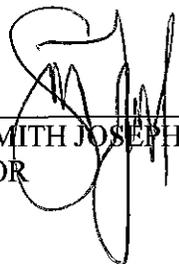
**Section 1. Vacation, Abandonment and Sale of Portion of Right-of-Way.** The Mayor and City Council of the City of North Miami, Florida, hereby approve the vacation, abandonment and sale of a portion of a City owned right-of-way for NW 13<sup>th</sup> Avenue, measuring 114 feet long and 60 feet wide, lying immediately north of NW 119<sup>th</sup> Street, between Blocks 17 and 32 of Sunkist Grove, according to the plat thereof, as recorded in Plat Book 8, Page 49, of the Public Records of Miami-Dade County, as further described in the attached Exhibit.

**Section 2. Authority of Interim City Manager to Sell and Convey Portion of Right-of-Way.** The Mayor and Council of the City of North Miami, Florida, hereby authorize the Interim City Manager to negotiate the sale of the subject portion of the right-of-way, in accordance

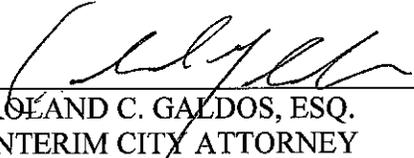
with Chapter 29, Article 3, Division 9, of the City of North Miami Code of Ordinances, Land Development Regulations, and to take all necessary steps to effectuate the conveyance.

**Section 3. Effective Date.** This Resolution shall become effective upon the execution and recording of a Deed, a Unity of Title and any Easement access to be prepared by the Applicant within forty five (45) days of the Mayor and City Council approval, pursuant to Section 3-907 of the City of North Miami Code of Ordinances, Land Development Regulations.

**PASSED AND ADOPTED** by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 22nd day of March, 2016.

  
\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:   
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:  
  
\_\_\_\_\_  
ROLAND C. GALDOS, ESQ.  
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Desulme

Seconded by: Galvin

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Alix Desulme  
Councilman Scott Galvin  
Councilwoman Carol Keys, Esq.  
Councilman Philippe Bien-Aime

X (Yes) \_\_\_\_\_ (No)  
X (Yes) \_\_\_\_\_ (No)  
X (Yes) \_\_\_\_\_ (No)  
X (Yes) \_\_\_\_\_ (No)  
X (Yes) \_\_\_\_\_ (No)