



MEMORANDUM

To: The Honorable Mayor and City Council
Michael Etienne, Esq., City Clerk

From: Jeff P. H. Cazeau, City Attorney

A handwritten signature in blue ink, appearing to read "JPC", is written over the name of the City Attorney.

Date: January 23, 2018

Subject: **Resolution ratifying the vacation, abandonment, closure and sale of City owned unimproved parcels of land**

RECOMMENDATION

It is recommended that the Mayor and City Council approve the attached resolution ratifying the vacation, abandonment, closure and sale of City owned unimproved parcels of land.

BACKGROUND

On November 25, 2014, the City of North Miami approved the vacation, abandonment, closure and sale of the subject property providing for the recording of a Deed and Unity of Title within forty-five (45) days of approval. The Deed and Unity of Title have been recorded past the forty-five (45) days allotted. As such, ratification of the vacation, abandonment, closure and sale of the property is required.

ATTACHMENTS

Proposed Resolution
Resolution 2014-R-114
Recorded Deed
Recorded Unity of Title

jlw/jpc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, RATIFYING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF CITY OWNED UNIMPROVED PARCELS OF LAND CONSISTING OF APPROXIMATELY 2,248 AND 5,247 SQUARE FEET, RESPECTIVELY, INCLUDING A 20 FEET WIDE ALLEYWAY CONSISTING OF 7,613 SQUARE FEET, LYING SOUTH OF LOTS 1, A AND B, OF BLOCK 13 BISCAYNE HIGHLANDS SUBDIVISION, AND ADJACENT TO LOTS 7 THROUGH 13 (AS DEPICTED IN PLAT BOOK 46, PAGE 26) NEAR THE INTERSECTION OF NE 141ST STREET AND WEST DIXIE HIGHWAY; PROVIDING FOR TRANSMITTAL; 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 City-owned properties as it pertains to parcels, streets, alleyways, and easements; and

WHEREAS, in accordance with the procedures, the Mayor and City Council adopted Resolution No. 2014-R-114 providing for the vacation, abandonment, closure and sale of the subject property; and

WHEREAS, Resolution No. 2014-R-114 provides that the resolution will become effective upon the execution and recording of a Deed and Unity of Title within forty-five (45) days of approval by the Mayor and City Council; and

WHEREAS, the Deed was recorded on April 21, 2015 as reflected in Miami-Dade County Official Record Book 29585, Page 3902; and

WHEREAS, the Unity of Title was recorded on June 23, 2017 as reflected in Miami-Dade County Official Record Book 30585, Page 2558; and

WHEREAS, as the Deed and Unity of Title were recorded past the forty-five (45) days allotted for in Resolution 2014-R-114, ratification of the vacation, abandonment, closure and sale of the subject property is required; and

WHEREAS, the Mayor and City Council find that all requisite action necessary to effectuate the actions authorized under Resolution 2014-R-114 have been completed and thereby desire to ratify the vacation, abandonment, closure and sale of the subject property .

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

Section 1. **Ratification.** The Mayor and City Council of the City of North Miami, Florida, hereby ratify the vacation, abandonment, closure and sale of City owned unimproved parcels of land consisting of approximately 2,248 and 5,247 square feet, respectively, including a 20 feet wide alleyway consisting of 7,613 square feet, lying south of Lots 1, A and B, of Block 13 Biscayne Highlands Subdivision, and adjacent to Lots 7 through 13 (as depicted in Plat book 46, page 26) near the intersection of NE 141st Street and West Dixie Highway, as described in the attached “Exhibit A”.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption. .

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this ____ day of _____, 2018.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.	_____ (Yes)	_____ (No)
Vice Mayor Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilman Scott Galvin	_____ (Yes)	_____ (No)
Councilman Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilman Alix Desulme	_____ (Yes)	_____ (No)

EXHIBIT 'A'

A PARCEL OF LAND IN THE CITY OF NORTH MIAMI, MIAMI-DADE COUNTY FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 BLOCK 13 OF "BISCAYNE HIGHLANDS" AS RECORDED IN PLAT BOOK 46, AT PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 6 AND THE EASTERLY LINE OF LOT 5 OF SAID BISCAYNE HIGHLANDS FOR A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5 SAID NORTHEAST CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT 2 BLOCK 13 OF SAID BISCAYNE HIGHLANDS, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 2 AND THE SOUTH LINE OF LOT 11 BLOCK 13 OF SAID BISCAYNE HIGHLANDS FOR A DISTANCE OF 102.59 FEET TO THE SOUTHEAST CORNER OF SAID LOT 11 BLOCK 13, THENCE CONTINUE ALONG THE EASTERLY PROLONGATION OF SAID SOUTH LINE OF LOT 11 BLOCK 13 FOR A DISTANCE OF 14.12 FEET TO A POINT ON THE THEORETICAL CENTERLINE OF AN EXISTING ALLEY, THENCE NORTHEASTERLY ALONG THEORETICAL CENTERLINE FOR A DISTANCE OF 86.98 FEET TO A POINT, SAID POINT BEING THE THEORETICAL INTERSECTION OF NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF LOT 10 BLOCK 13 BISCAYNE HIGHLANDS, THENCE SOUTHEASTERLY ALONG SAID NORTHWESTERLY PROLONGATION FOR A DISTANCE OF 10.00 FEET TO THE NORTHERLY CORNER OF SAID LOT 10 BLOCK 13, THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINES OF LOTS 10, 9, 8, 7 OF BLOCK 13 BISCAYNE HIGHLANDS FOR A DISTANCE OF 233.09 FEET TO THE NORTHWEST CORNER OF SAID LOT 7 BLOCK 13 BISCAYNE HIGHLANDS, THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 7 BLOCK 13 FOR A DISTANCE OF 29.48 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 7 BLOCK 13, THENCE WESTERLY ALONG THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 7 BLOCK 13 FOR A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 9,745 sq. ft. OR 0.224 ACRES MORE OR LESS.

RESOLUTION NO. 2014-R-114

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF CITY OWNED UNIMPROVED PARCELS OF LAND CONSISTING OF APPROXIMATELY 2,248 AND 5,247 SQUARE FEET, RESPECTIVELY, INCLUDING A 20 FEET WIDE ALLEYWAY CONSISTING OF 7,613 SQUARE FEET, LYING SOUTH OF LOTS 1, A AND B, OF BLOCK 13 BISCAYNE HIGHLANDS SUBDIVISION, AND ADJACENT TO LOTS 7 THROUGH 13 (AS DEPICTED IN PLAT BOOK 46, PAGE 26) NEAR THE INTERSECTION OF NE 141ST STREET AND WEST DIXIE HIGHWAY; AND FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT PROPERTY, 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 CONVEYANCE OF THE SUBJECT PROPERTY; 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 City-owned properties as it pertains to parcels, 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 to maintain or enhance the character of the surrounding area, while having a positive fiscal impact on the City; and

WHEREAS, WDHY 140, LLC and 14020 West Dixie LLC (the “Applicants”), have requested the abandonment, vacation and sale of unimproved City-owned unimproved parcels of land, consisting of approximately 2,248 and 5,247 square feet, respectively, including a 20 foot wide alleyway consisting of 7,613 square feet, lying south of Lots 1, A and B, of Block 13 Biscayne Highlands Subdivision and adjacent to Lots 7 through 13 (as depicted in Plat book 46, page 26) near the intersection of NE 141st Street and West Dixie Highway, as specifically identified by Miami-Dade County folio numbers: 06-2219-015-2380; 06-2219-015-2390; 06-

2219-015-2400; 06-2219-015-2410; and 06-2219-015-2320 (“Subject Property”), in order to improve parking conditions and to create new, quality commercial development needed in the area; and

WHEREAS, in accordance with Section 3-902 of the LDRs, the City obtained two (2) appraisal reports from licensed Real Estate Appraisers the first, dated July 28, 2014, showing the value of the Subject Property at Eighty-Three Thousand Dollars (\$83,000.00), and the second, dated November 4, 2014, showing the value of the Subject Property at Eighty-One Thousand Dollars (\$81,000.00); and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on September 2, 2014, reviewed the proposed abandonment application and found that the request established the standards of Section 3-903 of the LDRs and is in harmony with the goals, objectives and policies of the Comprehensive Plan; and thereby recommended approval to the Vice Mayor as Acting Mayor and City Council on the condition that the Subject Property is conveyed to Applicants at the appraised fair market value of Eighty-Three Thousand Dollars (\$83,000.00); 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, closure and sale of the Subject Property, to be in compliance with Section 3-903 of the LDRs, and thereby agree to convey the Subject Property to Applicants, in the amount considered and approved at the duly-noticed public meeting of November 25, 2014.

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 Parcels and Alleyway.

The Mayor and City Council of the City of North Miami, Florida, hereby approve the vacation, abandonment, closure and sale of City owned unimproved parcels of land consisting of approximately 2,248 and 5,247 square feet, respectively, including a 20 feet wide alleyway consisting of 7,613 square feet, lying south of Lots 1, A and B, of Block 13 Biscayne Highlands

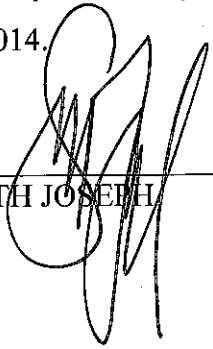
Subdivision, and adjacent to Lots 7 through 13 (as depicted in Plat book 46, page 26) near the intersection of NE 141st Street and West Dixie Highway, as described in the attached "Exhibit A".

Section 2. Authority of City Manager to Sell and Convey Parcels and Alleyway.

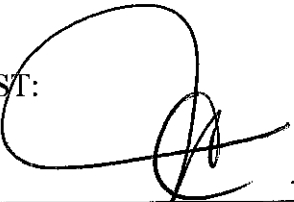
The Mayor and Council of the City of North Miami, Florida, hereby authorize the City Manager to negotiate the sale of the subject property, in accordance with Chapter 29, Article 3, Division 9, City of North Miami Code of Ordinances, Land Development Regulations, and to take all necessary steps to effectuate conveyance of the subject property.

Section 3. Effective Date. This Resolution shall become effective upon the execution and recording of a Deed and Unity of Title by the Applicants within forty five (45) days of the Mayor and City Council approval, pursuant to Section 3-907 of the LDRs.


PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 25th day of November, 2014.



DR. SMITH JOSEPH
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: Bien-Aime

Seconded by: Mayor Joseph

Vote:

Mayor Dr. Smith Joseph
Vice Mayor Philippe Bien-Aime
Councilperson Scott Galvin
Councilperson Carol Keys, Esq.
Councilperson Marie Erlande Steril

<u> x </u> (Yes)	<u> </u> (No)
<u> x </u> (Yes)	<u> </u> (No)
<u> x </u> (Yes)	<u> </u> (No)
<u> x </u> (Yes)	<u> </u> (No)
<u> x </u> (Yes)	<u> </u> (No)

NOTE TO TAX EXAMINER/CLERK: This consideration paid for this property is \$53,327.50.

RECORD AND RETURN TO:

Name: SNYDER GROISMAN P.A.
Address: 21500 Biscayne Blvd., Suite 401
Aventura, FL 33180

THIS INSTRUMENT PREPARED BY:

Name: Jennifer Snyder, Esquire
SNYDER GROISMAN P.A.
Address: 21500 Biscayne Blvd., Suite 401
Aventura, FL 33180

Folio Number: none issued

[Space above line reserved for recording office use]

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed the **13th** day of April, 2015, by **CITY OF NORTH MIAMI, a Florida municipal corporation**, Grantor, whose post office address is 776 NE 125th Street, North Miami, Florida 33161, to **14020 W DIXIE LLC, a Florida limited liability company**, whose post office address is 14036 W. Dixie Highway, North Miami, FL 33161, Grantee,

(wherever used herein, the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, That Grantor, for and in consideration of the sum of \$10.00 in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto Grantee forever, all of the right, title, interest, claim and demand which Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Miami-Dade, State of Florida, to-wit:

SEE EXHIBIT 'A' ATTACHED HERETO

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto, belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, to the only proper use, benefit and behoof of Grantee forever.

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Witnesses:

Print name:

Mayda Pineda

Print name:

Pamela Solomon

CITY OF NORTH MIAMI, a Florida municipal corporation

By:

Name: Aleem A. Ghany

Title: City Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 13TH day of April, 2015, by AHEEM A. SHAAY, as CITY MANAGER of City of North Miami, a Florida municipal corporation, who is personally known to me or produced _____ as identification.



My commission expires _____

Andrea A. McDonald
Notary Public

Print name: ANDREA A. McDONALD

EXHIBIT 'A'

A PARCEL OF LAND IN THE CITY OF NORTH MIAMI, MIAMI-DADE COUNTY FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 BLOCK 13 OF "BISCAYNE HIGHLANDS" AS RECORDED IN PLAT BOOK 46, AT PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 6 AND THE EASTERLY LINE OF LOT 5 OF SAID BISCAYNE HIGHLANDS FOR A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5 SAID NORTHEAST CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT 2 BLOCK 13 OF SAID BISCAYNE HIGHLANDS, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 2 AND THE SOUTH LINE OF LOT 11 BLOCK 13 OF SAID BISCAYNE HIGHLANDS FOR A DISTANCE OF 102.59 FEET TO THE SOUTHEAST CORNER OF SAID LOT 11 BLOCK 13, THENCE CONTINUE ALONG THE EASTERLY PROLONGATION OF SAID SOUTH LINE OF LOT 11 BLOCK 13 FOR A DISTANCE OF 14.12 FEET TO A POINT ON THE THEORETICAL CENTERLINE OF AN EXISTING ALLEY, THENCE NORTHEASTERLY ALONG THEORETICAL CENTERLINE FOR A DISTANCE OF 86.98 FEET TO A POINT, SAID POINT BEING THE THEORETICAL INTERSECTION OF NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF LOT 10 BLOCK 13 BISCAYNE HIGHLANDS, THENCE SOUTHEASTERLY ALONG SAID NORTHWESTERLY PROLONGATION FOR A DISTANCE OF 10.00 FEET TO THE NORTHERLY CORNER OF SAID LOT 10 BLOCK 13, THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINES OF LOTS 10, 9, 8, 7 OF BLOCK 13 BISCAYNE HIGHLANDS FOR A DISTANCE OF 233.09 FEET TO THE NORTHWEST CORNER OF SAID LOT 7 BLOCK 13 BISCAYNE HIGHLANDS, THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 7 BLOCK 13 FOR A DISTANCE OF 29.48 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 7 BLOCK 13, THENCE WESTERLY ALONG THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 7 BLOCK 13 FOR A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 9,745 sq. ft. OR 0.224 ACRES MORE OR LESS.

RECORD AND RETURN TO:

Name: SNYDER INTERNATIONAL LAW GROUP, P.A.
Address: 21500 Biscayne Blvd., Suite 401
Aventura, FL 33180

THIS INSTRUMENT PREPARED BY:

Name: Jennifer Snyder, Esquire
SNYDER INTERNATIONAL LAW GROUP, P.A.
Address: 21500 Biscayne Blvd., Suite 401
Aventura, FL 33180

Tax Folio Nos. 06-2219-015-2410
06-2219-015-2320
06-2219-015-2415

[Space above line reserved for recording office use]

UNITY OF TITLE

WHEREAS, the undersigned is the Owner of the following property located in Miami-Dade County, Florida, and described as follows:

Lots 1, 11, 12 and 13, Block 13, BISCAYNE HIGHLANDS, according to the Plat recorded in Plat Book 46, Page 26, Public Records of Miami-Dade County, Florida; and

A parcel of land in the city of North Miami, Miami-Dade County, Florida said parcel "B" more particularly described as follows:

Beginning at the most Southerly Southeast corner of Lot 1 Block 13 of Biscayne Highlands as recorded in plat book 46, at page 26, of the Public Records of Miami-Dade County, Florida; thence Northeasterly along the Southeasterly line of said Lot 1 Block 13 for a distance 102.34 feet to the most Easterly Southeast corner of said Lot 1 Block 13, thence Northerly along the East line of said Lot 1 Block 13 for a distance of 66.92 feet to the Northeast corner of said Lot 1 Block 13, thence Easterly along the Easterly prolongation of the North line of said Lot 1 for a distance of 95.40 feet to the most Northerly Northwest corner of Lot 13 Block 13 of Biscayne Highlands, thence southwesterly along the Northwesterly line of Lots 13, 12, and 11 Block 13 for a distance of 119.78 feet to the Northwest corner of said Lot 11 Block 13, thence Northwesterly along the Northwesterly prolongation of the southwesterly line of Lot 11 Block 13 for a distance of 10.00 feet to a point, said point being the intersection with the theoretical centerline of an existing alley, thence southwesterly along said theoretical centerline for a distance of 86.98 feet to a point on the Easterly prolongation of the southerly line of Lot 1 Block 13 of Biscayne Highlands, thence westerly along said Easterly prolongation for a distance of 14.12 feet to the point of beginning.

Owner recognizes and acknowledges that for the public health, welfare, safety or morals, the herein-described property should not be divided into separate parcels owned by several owners so long as the same is put to the hereinafter use, and

In consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, Owner hereby agrees to restrict the use of the subject property in the following manner:

That said property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land.

Owner further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land and may be recorded, at Owner's expense, in the Public Records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the Owner, their heirs, successors, personal representatives and assigns and upon all mortgagees or lessees until such time as the same may be released in writing by the Director of the Department of Planning and Zoning, or his designee, or the executive officer of the successor of such Department, or in the absence of such director or executive officer, by his assistant in charge of the office in his absence.

Further provided, however, that a release will be executed when the premises are made to conform with applicable zoning regulations or the use or structure is removed from the premises and there is no further reason to maintain the Unity of Title on the public records.

Signed, sealed, executed and acknowledged on this 21 day of June, 2017.

WITNESSES:

WDHY 140, LLC, a Florida limited liability company

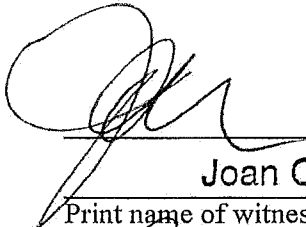
By: Art and Tech Development LLC, a Florida limited liability company, its Manager

By: _____

Name: Gabriel H. Boano

Title: Manager

Address: 1111 Kane Concourse, Suite 517
Bay Harbor Islands, FL 33154



Joan C. Hector
Print name of witness

Print name of witness



Aislen Rivero

Print name of witness

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 21st day of June, 2017, by Gabriel H. Boano, as Manager, of Art and Tech Development LLC, a Florida's limited liability company, the Manager of WDHY 140, LLC, a Florida limited liability company, who is personally known to me or has produced _____ as identification.



Notary Public

Print name: _____

My commission expires:

