

RESOLUTION NO. 2024-R-193

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING AN APPLICATION FOR THE RELEASE OF A DECLARATION OF A RESTRICTIVE COVENANT IN LIEU OF A UNITY OF TITLE, RECORDED IN BOOK NO. 13627, PAGES 3013 THROUGH 3020 OF THE OFFICIAL RECORDS OF MIAMI-DADE COUNTY, WHICH UNIFIED THE TWO (2) PARCELS OF REAL PROPERTIES LOCATED AT 13650 NE 3RD COURT, FOLIO NUMBER 06-2219-000-1550 AND THE ADJACENT VACANT LOT, IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 30-2219-000-0810; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, the Subject Properties consist of two (2) parcels: Parcel "A" located within the City's jurisdictional limits at 13650 NE 3rd Court and identified with Miami-Dade folio number 06-2219-000-000-1550; and an adjacent vacant lot Parcel "B" located in unincorporated Miami-Dade County and identified with Miami-Dade folio number 30-2219-000-0810; and

WHEREAS, pursuant to the Miami-Dade Property Appraiser's records, Parcel "A" is approximately 104,076 s.f. and is developed with a 100-unit facility for the aged, and Parcel "B" is vacant and approximately 81,022 s.f. in size.; and

WHEREAS, on December 31, 1987, Mayor and City Council approved the unification of the Subject Properties intending for a new nursing home development through a Declaration of Restrictions, Unity of title, and Covenant to Seek Annexation (the "Unity"), which was subsequently recorded in Official Records Book 13627, Page 3013, of the public records of Miami Dade County, Florida (said Declaration is attached hereto as Exhibit "A"); and

WHEREAS, the unified development and corresponding annexation never occurred and as a result the County Property currently remains vacant and subject to the jurisdiction of Miami Dade County; and

WHEREAS, Pinecrest Limited Partnership, the owner of the property located within the city limits at 13650 NE 3rd Court (Parcel A), and Delmas North LLC, the owner of the adjacent unincorporated vacant lot identified as Parcel B (collectively, the "Applicants") through their agent, Ethan Wasserman, Esq., with Greenberg Traurig, P.A., is requesting the release of a declaration of a restrictive covenant that unified the two (2) parcels of land in anticipation of annexation; and

WHEREAS, the City has reviewed the proposed instrument to release the declaration of a restrictive covenant, attached hereto as Exhibit “B”, that unified the two (2) parcels of land and found that it is legally sufficient; and

WHEREAS, the Applicants have requested that the Unity be canceled and released of record, such that the Subject Properties may be owned and operated as separate parcels of land; and

WHEREAS, the Unity requires that the Mayor and City Council approve such cancelation and release; and

WHEREAS, The Mayor and City Council have determined that the proposed request is in the best interest of the City and does not adversely affect the health, safety, and welfare of residents, and thereby approve the CUP.

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


Section 1. Approval of Release of the Declaration of Restrictions, Unity of Title.

The Mayor and City Council of the City of North Miami, Florida, hereby, approve the release of the declaration of the restrictive covenant of the Subject Properties consisting of two (2) parcels: Parcel “A” located within the City’s jurisdictional limits at 13650 NE 3rd Court and identified with Miami-Dade folio number 06-2219-000-000-1550; and an adjacent vacant lot Parcel “B” located in unincorporated Miami-Dade County and identified with Miami-Dade folio number 30-2219-000-0810.

Section 2. Effective Date. This Resolution shall be effective upon adoption.

NOW, THEREFORE, the Mayor and City Council approve this release of the restrictive covenant.

PASSED AND ADOPTED by a 4 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 26th day of November, 2024.


ALIX DESULME, ED.D.
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Estime-Irvin

Seconded by: Galvin

Vote:

Mayor Alix Desulme, Ed.D.	<u>X</u>	(Yes)	_____	(No)
Vice-Mayor Mary Estimé-Irvin	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Kassandra Timothe, MPA	_____	(Yes)	_____	(No) Absent
Councilman Pierre Frantz Charles, M.Ed.	<u>X</u>	(Yes)	_____	(No)

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH
MIAMI CITY COUNCIL ON THIS 10th DAY OF December, 2024.