

RESOLUTION NO. 2020-R-17

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING MIAMI-DADE COUNTY TO RELEASE THE DECLARATION OF RESTRICTIONS RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY AT OR BOOK 24479, PAGES 557-566 AND APPROVING TO RELEASE THE MODIFICATION OF THE DECLARATION OF RESTRICTIONS RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY AT OR BOOK 26570, PAGES 1514-1538 TO PROVIDE FOR A PRIVATE SCHOOL LOCATED AT 13300 MEMORIAL HIGHWAY; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, in 2013, the property at 13300 Memorial Highway, North Miami, Florida (the “Property”) was annexed by the City of North Miami, and the Board of County Commissioners passed Resolution No. R-232-13, which approved an Interlocal Agreement between the County and the City regarding the annexed lands; and

WHEREAS, the Interlocal Agreement provides that Miami-Dade County retains jurisdiction over the modification or deletion of declarations or restrictive covenants accepted in connection with a zoning application, and the Board of County Commissioners may not exercise such jurisdiction unless the applicable municipality has first approved the modification or deletion; and

WHEREAS, prior to the annexation, the Property was subject to two zoning hearing applications for a district boundary change, special exception for the school use, reduced setbacks, and increased building and fence heights, and to modify an approved site plan; and

WHEREAS, as a condition to approval of the two zoning hearing applications, the then Property owner entered into and recorded a Declaration of Restrictions recorded in the Public Records of Miami-Dade County at OR Book 24479, Pages 557-566 and a Modification to the Declaration of Restrictions recorded in the Public Records of Miami-Dade County at OR Book 26570, Pages 1514-1538 (the “Covenants”); and

WHEREAS, the Covenants tie the Property to the prior owner, as well as outdated and inapplicable operational conditions; and

WHEREAS, the Property will continue to operate as a school, grades Kindergarten

through eighth with six hundred (600) students; and

WHEREAS, the school will have two (2) staggered arrival times at 7:00 a.m. for Kindergarten through fifth grade and 8:30 a.m. for sixth through eighth grade, and two (2) staggered dismissal times at 2:30 p.m. for Kindergarten through fifth grade and 4:00 p.m. for sixth through eighth grade; and

WHEREAS, the school perimeter gates will be closed at all times, and only open upon a vehicle's approach during arrival and dismissal times; and

WHEREAS, the Covenants are an unnecessary encumbrance on the Property and new owners; and

WHEREAS, the City Council has considered the release of the Covenants, and agrees with the modified conditions; and

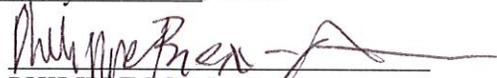
WHEREAS, pursuant to the Interlocal Agreement between Miami-Dade County and the City of North Miami, the City of North Miami approves the release of the Covenants.

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 and the Modification of the Declaration of Restrictions. The Mayor and City Council of the City of North Miami, Florida, hereby, approve the release of the Declaration of Restrictions recorded in the public records of Miami-Dade County at OR Book 24479, Pages 557-566 and approve the release of the Modification of the Declaration of Restrictions recorded in the public records of Miami-Dade County at OR Book 26570, pages 1514-1538.

Section 3. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 28th day of January, 2020.


PHILIPPE BIEN-AIME
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: Galvin

Seconded by: Estimé-Irvin

Vote:

Mayor Philippe Bien-Aime
Vice Mayor Alix Desulme, Ed.D.
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilwoman Mary Estimé-Irvin

<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)