

RESOLUTION NO. R-2012-23

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO ACCEPT CONVEYANCE OF A RIGHT-OF-WAY DEED, IN SUBSTANTIALLY THE ATTACHED FORM, FOR THE DEDICATION OF A TWENTY-FOOT (20) WIDE ALLEYWAY SOUTH OF N.E. 123 STREET FOR PUBLIC ACCESS, AND AUTHORIZING THE RECORDATION OF SAID DEED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

WHEREAS, the Mayor and City Council of the City of North Miami ("City") adopted Resolution 93-40 approving the abandonment of an unused alleyway that transected the parcel located at 12290 Biscayne Boulevard (Folio No. 06-2228-001-0550) with the requirement that the property owner dedicate a new twenty-foot (20) wide public alleyway on the west side of the property; and

WHEREAS, the Department of Community Planning and Development recommends the acceptance of the conveyance of a Right-of-Way Deed to the City from **MTV 123, LLC**, a Florida limited liability company, to create said twenty-foot (20) alleyway for the perpetual use of the public access as required by Resolution 93-40, and as evidenced in "Composite Exhibit 1," attached and incorporated hereto; and

WHEREAS, the owner has executed a Right-of-Way Deed, conveying said title to the City, declaring and designating the property as a public alleyway, and for all purposes incidental thereto; and

WHEREAS, the Mayor and City Council of the City of North Miami find that it is in the best interest of the City to accept the Right-of-Way Deed for perpetual public access purposes, in substantially the attached form.

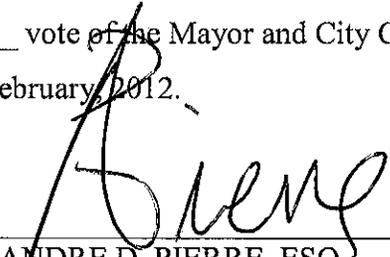
**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Authority of City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to accept the attached Right-of-Way Deed conveying title to the East 20 Feet of the West 46.5 Feet of Lot 2 Lying South of the

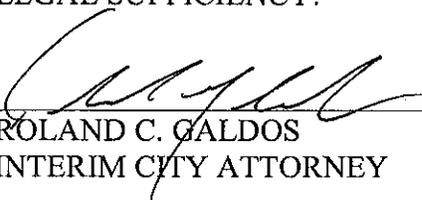
Southerly Right-of-Way Line of N.E. 123 Street, Block 339, "Miami Shores Unit A", According to the Plat Thereof as Recorded in Plat Book 17, Pages 44 and 48 of the Public Records of Miami-Dade County, Florida, lying and being in Miami-Dade County, Florida to the City of North Miami for N.E. 123<sup>rd</sup> perpetual public access purposes and is authorized for recording said Right-of-Way Deed in the public records of Miami-Dade County.

**Section 2. 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 28 day of February, 2012.

  
\_\_\_\_\_  
ANDRE D. PIERRE, ESQ.  
MAYOR

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

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

SPONSORED BY: CITY ADMINISTRATION

Moved by: Vice Mayor Marcellus  
Seconded by: Mayor Pierre

**Vote:**

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



It is expressly provided that if and when the said alleyway shall be lawfully and permanently discontinued, the title to the Property shall immediately revert to the party of the first part, its heirs and assigns, and it shall have the right to immediately repossess the same.

And the said party of the first part does hereby fully warrant the title to the Property, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under it.

**IN WITNESS WHEREOF**, the said party of the first part, has caused these presents to be signed for and on its behalf, the day and year first above written.

Signed, Sealed and Delivered  
in our presence: **(2 witnesses**  
for each signature or for all)

MTV 123, LLC, a Florida limited liability  
company

By: MTV Investment Group, LLC, a  
Florida limited liability company, its  
Managing Member

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness Printed Name

By: \_\_\_\_\_  
Alan Macken, Manager

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness Printed Name

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by Alan Macken, the Manager of MTV Investment Group, LLC, a Florida limited liability company, the Managing Member of MTV 123, LLC, a Florida limited liability company, on behalf of the limited liability company.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Type or Stamp Name)

My Commission Expires:

EXHIBIT A

THE PROPERTY

The East 20 Feet of the West 46.5 Feet of Lot 2 Lying South of the Southerly Right-of-Way Line of N.E. 123 Street, Block 339, "Miami Shores Unit A", According to the Plat Thereof as Recorded in Plat Book 17, Pages 44 to 48 of the Public Records of Miami-Dade County, Florida.

