

**RESOLUTION NO. R-2012-62**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT AND CLOSURE OF A FIFTY (50) FEET WIDE RIGHT-OF-WAY, LOCATED ADJACENT TO THE PROPERTIES NUMBERED 640 THROUGH 685 AT NW 133RD STREET, SITUATED BETWEEN AN ALLEYWAY TO THE WEST AND INTERSTATE I-95 TO THE EAST; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT RIGHT-OF-WAY TO ADJACENT PROPERTY OWNER AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR AN EFFECTIVE DATE AND 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 and abandonment of right-of-way properties within the City as it pertains to 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 that will maintain or enhance the character of the surrounding area while having a positive fiscal impact on the City; and

**WHEREAS**, the property owner of the adjacent five (5) lots located at: 640, 650, 660, 675, and 685 NW 133<sup>rd</sup> Street, is requesting the vacation, abandonment, and closure of a fifty (50) feet wide right-of-way, situated between an alleyway to the west and interstate I-95 to the east; and

**WHEREAS**, the City Administration has reviewed the impact of the vacation and abandonment of the alleyway and found that in its current use, the subject portion does not provide a benefit to the public health, safety, welfare or convenience, in that it is not used by the City for any intended public purpose; and

**WHEREAS**, neither the Comprehensive Plan nor the Capital Improvement Element anticipate the future use of the subject right-of-way; and

**WHEREAS**, the applicant agrees to execute a Hold Harmless Indemnification Agreement which shall apply to all claims, actions or disputes against the City concerning the subject vacation and the City's authority thereof; and

**WHEREAS**, the Planning Commission after a duly noticed public hearing held on May 1, 2012, reviewed the proposed abandonment application and found the petition in harmony with the goals, objectives and policies of the Comprehensive Plan; meeting the established standards of Section 3-903A of the LDRs; and recommended approval of the application to the City Council; and

**WHEREAS**, the Mayor and City Council of the City of North Miami find the proposed vacation, abandonment and closure of the alleyway to be in the best interests of the City and accordingly, accept the Planning Commission's recommendation for approval.

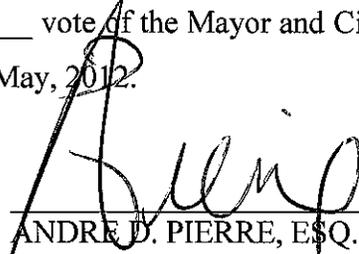
**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:**

**Section 1. Vacation, Abandonment, Closure and Sale of Right-Of-Way.** The Mayor and Council of the City of North Miami, Florida, hereby approve the vacation, abandonment and closure of a fifty (50) feet wide right-of-way, located adjacent to the properties numbered 640 through 685 at NW 133rd Street, situated between an alleyway to the west and interstate I-95 to the east, as described in Exhibit "A".

**Section 2. Authority of City Manager to Negotiate Sale of Right-Of-Way.** The Mayor and Council of the City of North Miami, Florida, hereby authorize the City manager to negotiate the sale of the subject right-of-way to adjacent property owner and to take all necessary steps to effectuate same.

**Section 3 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 8 day of May, 2012.

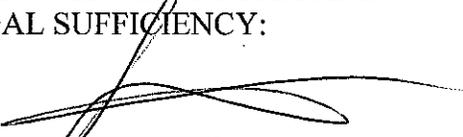
  
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ANDRE D. PIERRE, ESQ.  
MAYOR

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: Councilman Galvin

Seconded by: Mayor Pierre

**Vote:**

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