

RESOLUTION NO. R-2012-63

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT AND SALE OF A SECTION OF NORTHEAST 17TH AVENUE, LOCATED BETWEEN NORTHEAST 126TH STREET AND NORTHEAST 127TH STREET, AND THE CLOSURE OF A SECTION OF NORTHEAST 17TH AVENUE, LOCATED BETWEEN NORTHEAST 127TH STREET AND NORTHEAST 130TH STREET; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF SAID SECTION OF PUBLIC LAND AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, on April 26, 2005, the Mayor and City Council of the City of North Miami (“City”) approved and adopted the Johnson & Wales University (“JWU”) Master Campus Development Plan in accordance with the requirements of Section 1013.30, Florida Statutes; and

WHEREAS, on October 25, 2011, the Mayor and City Council passed Resolution R-2011-142 approving an amendment to the JWU Master Campus Development Plan to include the proposed abandonment and closure of portions of Northeast 17th Avenue, in order to create a more pedestrian friendly campus environment to improve the safety and welfare of students, faculty and campus visitors; and

WHEREAS, consistent with the approved Master Campus Development Plan, JWU filed an application with the City on March 19, 2012, requesting the vacation and abandonment of Northeast 17th Avenue, for the section located between Northeast 126th Street and Northeast 127th Street, and for the closure of Northeast 17th Avenue, for the section located between Northeast 127th Street and Northeast 130th Street; and

WHEREAS, Article 3, Division 9 of the City’s Land Development Regulations (“LDRs”), entitled “Vacation and Abandonment of Right of Way and Easements”, provides a uniform procedure for the abandonment of real property interests of the City, applicable to City owned streets, alleys, easements and other fee or non-fee property interests; and

WHEREAS, pursuant to Sections 3-902 and 3-903 of the LDRs, the City is desirous of supporting vacation or abandonment requests that provide a benefit to the public's safety, welfare and convenience, while having a positive fiscal impact on the City; and

WHEREAS, City administration has reviewed the impact of the proposed vacation, abandonment, closure and sale of the subject portion of City property and found that, although the right of way is currently used as a local collector street providing some convenience to the general public, the overall benefit anticipated from the vacation and abandonment outweighs the specific benefit derived from the current use of the right of way and further implements the vision of the JWU Campus Master Development Plan; 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 that the request is in harmony with the goals, objectives and policies of the Comprehensive Plan and meets the established standards of Article 3, Division 9 of the LDRs and recommended approval to the City Council; and

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

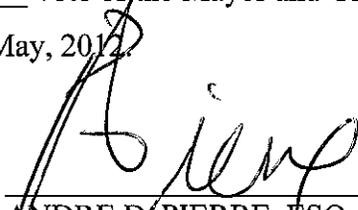
NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

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 sale of a section of Northeast 17th Avenue, located between Northeast 126th Street and Northeast 127th Street, and the closure of a section of Northeast 17th Avenue, located between Northeast 127th Street and Northeast 130th Street; further authorizing the City Manager to negotiate the sale of said section of public land and to take all necessary steps to effectuate same, as described in Exhibit "A".

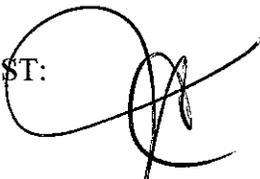
Section 2. Authority of City Manager to Negotiate Sale of Right-Of-Way. The Mayor and Council of the City of North Miami, Florida, hereby authorize the City Manager to negotiate the sale of said section of public land and to take all necessary steps to effectuate same.

Section 3 Effective Date. This Resolution shall become effective immediately upon adoption.

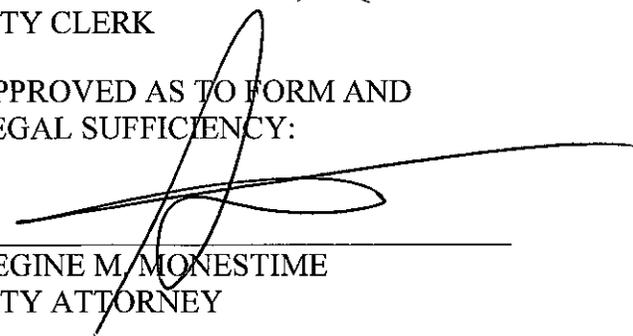
PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 8 day of May, 2012.



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: Councilwoman Steril

Seconded by: Councilman Galvin

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> </u>	(Yes)	<u> x </u>	(No)
Councilperson Scott Galvin	<u> x </u>	(Yes)	<u> </u>	(No)
Councilperson Marie Erlande Steril	<u> x </u>	(Yes)	<u> </u>	(No)