

RESOLUTION NO. R2022-XX

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROVIDING FOR THE VACATION OF A 20-FOOT WIDE ALLEY LOCATED BETWEEN N.E. 17TH AND 18TH AVENUE AND N.E. 167 AND 168 STREET, NORTH MIAMI BEACH FLORIDA, AS MORE FULLY DESCRIBED IN EXHIBIT “A”; PROVIDING THE CITY MANAGER AND THE CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVING FOR AN EFFECTIVE DATE.

WHEREAS the City of North Miami Beach (“City”) is the owner of a 20-foot alley located between NE 17th and 18th Avenue and NE 167th and 168th Street, North Miami Beach, Florida; and

WHEREAS, pursuant to its home rule authority under Chapter 166, Florida Statutes, the City has the authority to vacate, alter or discontinue any public road or alley over which it has jurisdiction; and

WHEREAS, the City Commission has determined that the alley described in Exhibit “A” herein presently not used generally by the citizens or the City as a public right-of-way and the City is proposing to vacate the alley; and

WHEREAS, the abutting property owners are required to honor an existing utility easements that burden the alley prior to its abandonment by the City unless any modification is approved by the utility; and

WHEREAS, the City Commission has determined that the vacation of the alley will not have an adverse impact on the citizens of the City of North Miami Beach and the vacation is in the best interest of the public; and

WHEREAS, the City Commission has determined that the alley is not being used by abutting property owners for ingress and egress to their property and vacating of the alley will be beneficial to the interest of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of North Miami Beach, Florida:

Section 1. The aforementioned recitals are true and correct.

Section 2. The Mayor and City Commission hereby agrees to vacate the 20-foot alley specifically described in **Exhibit “A”** hereto on the following terms and conditions:

(1) Dezer NMB Campus LLC shall provide the City with a monetary contribution of \$500,000.00 for public purpose within five (5) days of approval of this resolution.

(2) The abutting property owners shall honor any existing utility easements unless modified by the utility companies.

(3) Upon request, the City shall execute deeds or any transfer instrument disclaiming all recorded and unrecorded rights, title, interests, including but not limited to easements, licenses, restrictions, and limitations except utility easements and conveying portion of the alley by proper legal descriptions to the abutting property owners.

Section 3. The City Commission hereby authorize the City Manager and City Attorney with the authority to do all things necessary to effectuate this resolution.

Section 4. This resolution shall take effect immediately upon approval.

ATTEST:

 ANDRISE BERNARD, MMC
 CITY CLERK

 ANTHONY F. DEFILLIPO
 MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
 LANGUAGE & FOR EXECUTION

 HANS OTTINOT
 INTERIM CITY ATTORNEY

Sponsored by: City Commission

COMMISSIONERS	YES	NO	ABSTAIN	ABSENT
Mayor Anthony DeFillipo				
Vice-Mayor Fortuna Smukler				
Commissioner McKenzie Fleurimond				
Commissioner Barbara Kramer				
Commissioner Michael Joseph				
Commissioner Paule Villard				
Commissioner Daniela Jean				

EXHIBIT "A"

**SKETCH AND LEGAL DESCRIPTION
OF A 20-FOOT ALLEY TO BE VACATED**

LEGAL DESCRIPTION:

A 20-FOOT WIDE STRIP OF LAND BEING A 20-FOOT ALLEY LYING SOUTH OF LOTS 1 THROUGH 11, INCLUSIVE, AND NORTH OF LOTS 12 THROUGH 22, INCLUSIVE, OF BLOCK 59, ACCORDING TO THE PLAT OF "FULFORD BY THE SEA SECTION E", AS RECORDED IN PLAT BOOK 8 AT PAGE 63, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND LYING EAST OF THE SOUTHERLY EXTENSION OF SAID LOT 1, BLOCK 59 AND LYING WEST OF THE NORTHERLY EXTENSION OF SAID LOT 12, BLOCK 59; ALL LYING AND BEING IN THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 52 SOUTH, RANGE 42 EAST, CITY OF NORTH MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

SURVEYOR'S NOTES:

- 1) BLOCK INFORMATION AS SHOWN IS BASED ON THE HEREIN REFERENCED PLAT OF "FULFORD BY THE SEA SECTION E".
- 2) ORDERED BY: SHAPIRO RAMOS, PROFESSIONAL ASSOCIATION
- 3) THE LEGAL DESCRIPTION AS SHOWN HEREIN WAS PREPARED BY THIS FIRM.
- 4) THE AREA CONTAINED WITHIN THE LIMITS OF THE HEREIN DESCRIBED 20 FOOT ALLEY IS 11,602 SQUARE FEET, MORE OR LESS (0.266 ACRES, MORE OR LESS).
- 5) THIS SKETCH AND LEGAL DESCRIPTION CONSISTS OF TWO (2) SHEETS AND SHALL NOT BE CONSIDERED VALID UNLESS EACH SHEET IS ATTACHED TO THE OTHER.
- 6) ALL RECORDED DOCUMENTS AS SHOWN HEREIN ARE REFERENCED TO THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
- 7) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE ORIGINAL SIGNATURE AND SEAL OF THE ATTESTING FLORIDA LICENSED SURVEYOR AND MAPPER.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED
BY MARK STEVEN JOHNSON, P.S.M. 4775

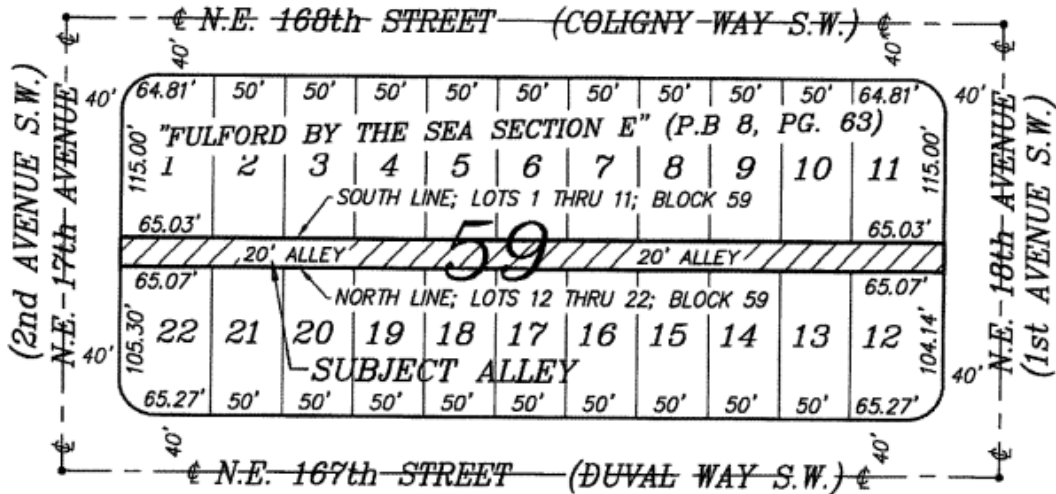


SHEET 2 OF 2 SHEETS

	Schwebke-Shiskin & Associates, Inc. LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-IRIDEMAR, FL 33025 PHONE No.(954)435-7010 FAX No. (954)435-3288	REVISIONS _____ _____ _____ _____ _____
	ORDER NO. 214620 DATE: JANUARY 21, 2022 THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-87	PREPARED UNDER MY SUPERVISION: MARK STEVEN JOHNSON, PRINCIPAL FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

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SKETCH AND LEGAL DESCRIPTION
OF A 20-FOOT ALLEY TO BE VACATED



LEGEND:

- P.B. DENOTES PLAT BOOK
- PG. DENOTES PAGE
- ⊕ DENOTES CENTER LINE

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED
BY MARK STEVEN JOHNSON, P.S.M. 4775



SHEET 1 OF 2 SHEETS

	Schwabke-Shiskin & Associates, Inc. LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY, MIRAMAR, FL 33025 PHONE No. (954) 435-7010 FAX No. (954) 438-3288	REVISIONS Mark S. Johnson Digitally signed Date: 2022.01.21 18:08:12 -05'00'
	ORDER NO. 214620 DATE: JANUARY 21, 2022 THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-87	PREPARED UNDER MY SUPERVISION BY <i>Mark Steven Johnson</i> MARK STEVEN JOHNSON, PRINCIPAL FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

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