

RESOLUTION NO. R2022-XXError! Bookmark not defined.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE VACATION AND ABANDONEMENT OF A PORTION OF A 20-FOOT WIDE ALLEYWAY TOTTALLING 2,800 SQUARE FEET LOCATED IN BETWEEN LOTS 18, AND 19 THROUGH 21 WITH PHYSICAL ADDRESS OF 1959 N.E. 164th STREET, NORTH MIAMI BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF “FULFORD BY THE SEA SECTION “F”, AS RECORDED IN MIAMI-DADE COUNTY PLAT BOOK 8, PAGE 64, AS MORE FULLY DESCRIBED IN EXHIBIT “A” IN FAVOR OF THE ADJACENT PROPERTY OWNER, NMB PLACE OWNER LLC, (THE “APPLICANT”) PURSUANT TO ZONING RESOLUTION NO. R2022-44; 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 alleyway totally 2,800 square feet located at the property with address of 1959 N.E. 164th 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 over which it has jurisdiction; and

WHEREAS, the City Commission has determined that a portion of alleyway described in Exhibit “A” herein presently not used by the citizens or the City as a public right-of-way and the City is proposing to vacate the alleyway pursuant to Resolution No. R2022-44; and

WHEREAS, the abutting property owner is required to honor an existing utility easement that burden the alleyway 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 alleyway 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 finds it is in the best of the City to vacate the alleyway as required condition of development approval for the project commonly called NMB Place.

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 a portion of the 20-foot alleyway specifically described in Exhibit “A” hereto on the following terms and conditions:

- (1) NMB Place Owner LLC, shall provide the City of North Miami with a monetary contribution of \$500,000.00 for public purpose within thirty (30) days of this resolution.
- (2) The adjacent property owner shall honor any existing utility easements unless modified by the utility companies.

Section 3. The Mayor and 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.

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this the **16th day of August, 2022.**

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

(CITY SEAL)

ANTHONY F. DEFILLIPO
MAYOR

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

HANS OTTINOT
CITY ATTORNEY

Sponsored by: City Manager and City Attorney