

CITY OF CORAL GABLES

2012 APR 27 PM 12:47

-MEMORANDUM-

**TO:** PATRICK SALERNO  
CITY MANAGER

**DATE:** APRIL 25, 2012

**FROM:** GLENN R. KEPHART, P.E.  
PUBLIC WORKS DIRECTOR



**SUBJECT:**  
DRC REVIEW AND COMMENTS –  
ALLEY VACATION AND  
DEDICATION OF SUBSTITUTE  
EASEMENT, 4111 LEJEUNE ROAD

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At the November 30, 2011, Development Review Committee (DRC) meeting City staff reviewed the application by MCI Laguna, LLC. And 4111 LeJeune LLC, to vacate a portion of an existing north/south paved alley and dedication of a substitute easement, located in Block 1, Industrial Section (28-22), Coral Gables, Florida.

In accordance with Section 62-262 of the City Code, property owners within 1,000 feet of the proposed alley to be vacated were notified by letter on November 4, 2011 of the DRC's public meeting where the MCI Laguna, LLC. And 4111 LeJeune LLC's application would be reviewed. Utility companies and certain government agencies, as well as City departments and offices, were also notified of the DRC meeting.

Public Works recommends approval of the MCI Laguna, LLC. And 4111 LeJeune LLC application to vacate the north/south paved alley and dedication of a substitute easement located in Block 1, Industrial Section (28-22), subject to the following conditions and provisions, as brought forward at the DRC meeting:

1. The applicant grants to the City by Deed of Dedication absolute rights of public ingress and egress and of all utilities whatever interests they need.
2. That all vehicle turning radius be adequate for all vehicles that would normally or occasionally use the alley.
3. That a vertical clearance of fifteen feet (15') minimum extending the full length and width of the easement should be provided.
4. Applicant is responsible for the relocation of the existing utilities in the proposed alley to be vacated in accordance to the requirements of the affected utility companies.

## Attachments

1. DRC Meeting Minutes
2. Public Notification Letter
3. DRC Application Package

c: Kent Olson, Assistant City Manager  
Jane Tompkins, Development Services  
Eric Riel, Planning  
Manny Lopez, Building  
Walter Reed, Fire  
Dennis Weiner, Police  
Donna Spain, Historic Preservation  
Cynthia Birdsill, Economic Sustainability  
Kevin Kinney, Parking  
Dan Keys, Public Service

**THE CITY OF CORAL GABLES**  
**DEVELOPMENT REVIEW COMMITTEE LEVELS I AND II RECAP**  
**NOVEMBER 30, 2011**  
**CORAL GABLES CITY HALL, 405 BILTMORE WAY,**  
**COMMISSION CHAMBER, CORAL GABLES, FLORIDA**

The meeting was scheduled to be held in the Commission Chamber at Coral Gables City Hall, 405 Biltmore Way, Coral Gables, Florida, commencing at 9:30 a.m.

**MEMBERS:**

**ATTENDANCE**

Manuel Lopez, Building Department	P
Carlos Mindreau, City Architect	NP*
Sebrina Brown, Concurrency Department	P
Chester Oms, Fire Department	P
Kara Kautz, Historic Preservation Officer	NP*
Kevin Kinney, Parking Director	NP
Eric Riel, Planning Department	P
Sgt. Jesus Garcia, Police Department	P
Dan Keys, Public Service Department	P
Glenn Kephart, Public Works Department	P
Martha Salazar Blanco, Zoning Department	P
Cynthia Birdsill , Economic Development	NP*

**STAFF:**

John Abbott, Secretary	P
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NP\* = not present - provided comments.

**FUNCTION AND PURPOSE:**

The Development Review Committee (D.R.C.) is an administrative committee, which reviews projects of varying scope that may require additional review before the City Commission and / or the various development review Boards appointed by the City Commission (the Boards). The D.R.C. is an administrative and technical committee which reviews policy issues and technical issues raised by a development project. The D.R.C. is a consolidation of other administrative committees, such as the Preliminary Review Committee, Street and Alley vacation Committee, Landscape Encroachment Review Committee and other administrative reviews and approvals that may be created. In addition to replacing the aforementioned City committees, the D.R.C. will provide a public forum for the administrative departments of the City to comment and/or act on application or requests including projects of varying scope such as Plats and Replats, Planned Area Developments, Development Agreements, administrative review of off-site landscaping and set back approvals pursuant to the Mediterranean Architectural Regulations. The D.R.C. is intended to streamline and coordinate the review of the development process by identifying and addressing all of the issues that will subsequently be heard by the City Commission and/or other land development boards of the City; therefore, minimizing the number of reviews by the City Commission and the Boards, and providing applicants with a single administrative committee at which they can be provided input, advice and comments regarding all applicable provisions and regulations applicable to the development applications, projects or similar reviews. On all applications referenced in this article, the D.R.C. shall conduct a public review of projects. Public review by the D.R.C. shall occur when the application is filed with the appropriate department for review. The review of projects and comments on development proposals by the D.R.C. shall not be construed to be an approval of any project presented to the Development Review Committee.

The meeting was called to order at 9:30 a.m. by the Chairperson, and the Chairperson announced the following rules of procedure for the hearing:

1. The applicant will be given an opportunity to present their proposal and address each of the items of their request.
2. The committee will then discuss the proposal and provide comments.

**2. DR-11-11-4803**  
**Alley Vacation for Merrick Manor**

**4133 LeJeune Road**

Applicant proposes to vacate the alley to allow the Merrick Manor project to be built on the site.

**COMMITTEE'S COMMENTS:**

BUILDING OFFICIAL

- No comments

CITY ARCHITECT

- No comments

CONCURRENCY

- No comments

POLICE

- Did not provide comments. Please contact person by email to obtain them: [jmedina@coragables.com](mailto:jmedina@coragables.com)

FIRE DEPARTMENT

- No comments

PUBLIC WORKS

- Public Works Department has reviewed this application and in accordance with Section 62-262 of the Coral Gables City Code, property owners within 1,000 feet of the proposed development were notified by letter on November 10<sup>th</sup>, 2011 and separate letters of notification were mailed to utility companies and government agencies that may be affected by this action. In addition, copies of the application were sent to City departments and offices for review and comments.
- The request includes the vacation of a portion of the southern portion of the alley in Block 1, Industrial Section and a dedication of substitute easement.
- Existing utilities in the current alley location will need to be relocated to the new dedicated substitute easement as may be appropriate. Waivers of objection have been received from the City's sanitary sewer Division, Comcast and MCI Communications Services. FPL and ATT have submitted plans for utility relocation.
- The Public Works Department does not object to the proposed vacation and substitute easement provided that:
  - 1- The applicant grants to the City by Deed of Dedication absolute rights of public ingress and egress and of all utilities whatever interests they need.
  - 2- Provide plans indicating that all vehicle turning radius are adequate for all vehicles that would normally or occasionally use the alley.
  - 3- That a vertical clearance of sixteen feet (16') minimum extending the full length and width of the easement should be provided.

PUBLIC SERVICE

- Concern about turning radius in the alley.

PLANNING

- Please contact Planning Department Eric Riel at [eriel@coralgables.com](mailto:eriel@coralgables.com) for comments.

PARKING

- Did not provide comments. Please contact person by email to obtain them: [kkinney@coralgables.com](mailto:kkinney@coralgables.com)

## HISTORIC

- No comments

## ZONING

- Board of Architects approvals still needed. Last ZA was done based on different plans submitted to the DRC.

## ECONOMIC DEVELOPMENT

- No comments

### **3. DR-11-11-4792**

### **1574 South Dixie Highway**

#### **Chase Bank**

Applicant proposes to demolish the existing structure on the site and build a new 4,395 sf Chase bank with 3 drive thru lanes.

#### **COMMITTEE'S COMMENTS:**

#### BUILDING OFFICIAL

- No comments

#### CITY ARCHITECT

- Preliminary Review by the Board of Architects is required. Present reduced drawings for the Board a week prior to Presentation for Review.
- Project must be posted to the public a minimum of 5 Days prior to Presentation for Review by the Board of Architects.
- Materials used are of significant interest to the Board of Architects:
  - Clay or Concrete Cap and Pan roof tiles are preferred.
  - In general, true materials are preferred. Stone veneer rather than precast.
  - Site and pavement treatments are important.
  - Paint colors and all finish materials should be fully developed for Preliminary Review.
- Details of Construction at storefront and/or fenestration.
- Details of Construction at Drive-Thru Canopy and connection to main building.
- Landscaping becomes very important to the site; therefore, provide photographs of proposed landscaping.
- Show Elevation studies of the proposed building in relationship to the adjacent buildings along the US 1 frontage to demonstrate contextual relationship of the proposed structure.
- Signage on the property shall comply with all applicable codes and shall be requested under separate permit; however, signage will be reviewed as part of the Preliminary Review.
- Monument sign proposed shall be presented as part of the Preliminary submittal.

#### CONCURRENCY

- After DRC review, submit architectural plans to the Building & Zoning Department to begin processing plans for permit.
- Must provide minimum parking spaces required.
- Must take plans to Miami-Dade DERM Plan Review Section located at 11805 Coral Way, Miami, FL. (786-315-2800) or 701 NW 1<sup>st</sup> Court (305) 372-6789.
- Obtain an Allocation Letter from Miami-Dade DERM Sanitary Sewer Division located at 11805 Coral Way and at 3575 S. Le Jeune Road (305) 669-7701.
- Provide copy of service agreement or billing receipt from Miami-Dade Water & Sewer Dept, 11805 Coral Way and 3575 Le Jeune Road.

# CITY OF CORAL GABLES

- MEMORANDUM -

**TO:** GLENN KEPHART  
PUBLIC WORKS DIRECTOR

**DATE:** NOVEMBER 3, 2011

**FROM:**  ERIC KOHL, JR.  
PLANNING DIRECTOR

**SUBJECT:**  
DRC APPLICATION (11.30.2011)  
MERRICK MANOR – PROPOSED  
ALLEY VACATION AND  
DEDICATION OF A SUBSTITUTE  
EASEMENT

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The Planning Department's comments regarding the proposed alley vacation and dedication of a substitute easement request pursuant the Merrick Manor mixed-use developemnt application are as follows:

1. As part of the mixed-use site plan review, City Staff requested an existing and proposed full block plan (block bounded by LeJeune Road, Bird Road, Laguna Street and Altara Avenue) to ascertain the potential impacts of this request. Staff understands that the property fronting Bird Road will also be seeking relocation of the alley easement pursuant to a pending application for a Chase Bank. Please provide an existing and proposed block plan including as a minimum the following information: configuration of the alley/easements; building footprints; utilities; parking; landscaping; and, any other physical site features that will be impacted. Upon submission of the plan, the Planning Department reserves the right to provide further comments.
2. Please verify and note on the block plan if the remaining buildings serviced from alley have adequate and unencumbered pedestrian and vehicular access, or if existing doors, loading areas or parking would hinder the flow of service vehicles and public traffic along the reconfigured alley/easement. If conflicts exist, identify how they can be resolved. The Planning Department requests the applicant contact the affected property owners to assist in identifying any potential conflicts and remedies.
3. The plans submitted with the alley vacation application do not represent the current site plan that has been submitted for review to the Board of Architects and those on file with the Planning Department.
4. Please provide verification that adequate vehicle turning radius exists for all service deliveries, sanitation vehicles and emergency/fire apparatus access.
5. Please provide the additional floor area ratio calculation and building square footage that will be available to the proposed development as a result this request.
6. Typically, public alleys bisect and split the length of the block and establish a consistent development pattern of the block while providing service access to the rear of each property. This proposal will result in a "U" configuration. The proposed "U" configuration, consisting

of remnants of the original alley and previously dedicated public easements onto Laguna Street. The “U” configuration is a departure from the traditional configuration of a public alley. Therefore, the Planning Department recommends the entire length of the “U” be dedicated as a public easement, which would require abandonment of the remaining portions of the public alley. After the vacation, the access points from the street shall have the appearance as a driveway rather than a publicly accessible alley or rights-of-way, therefore Planning Staff recommends the entire access be dedicated as an easement.

7. Upon City Commission determination as to what form of access (*easement or alley*) shall be provided, specific language should be included in the documents (ordinances, access easements, etc.) to provide for “a vertical clearance of sixteen (16) feet extending the entire length and width of the easement/alley.” Likewise, if it is determined that the available floor area ratio and/or square footage from the access/alley may be utilized as a part of the overall development, language shall also be provided in the documents indicating the same.

If you have any questions, please do not hesitate to contact me at (305) 460-5211.

- cc. (via email)  
Maria A. Menendez, Assistant City Manager  
Jane Tompkins, Development Services Director  
Manuel Lopez, Building Official  
Carlos Mindreau, City Architect  
Martha Salazar-Blanco, Zoning Official  
Sebrina Brown, Concurrency Administrator  
John Abbott, Building & Zoning  
Jesse Medina, Police Department  
Robert Lowman, Fire Department  
Dan Keys, Public Service Director  
Kevin Kinney, Parking Director  
Cynthia Birdsill, Economic Sustainability Director

# Public Meeting Courtesy Notification

City of Coral Gables  
Public Works Department  
2800 SW 72 Avenue  
Miami, Florida 33155

Email: [pwdepartment@coralgables.com](mailto:pwdepartment@coralgables.com)  
Telephone: (305) 460-5000  
Fax: (305) 460-5080

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November 4th, 2011

Subject: Courtesy Notice of Public Meeting - Application No. PW- 11-10-7690

Dear Property Owner:

The City of Coral Gables Development Review Committee will be considering at a public meeting the following:

***Application No. PW-11-11-4806, 4111 LeJeune Road – Proposed Alley vacation and Dedication of substitute Easement.***

*In accordance with Section 62-263 of the Coral Gables City Code, the City's Development Review Committee shall consider an application by MCI Laguna, LLC. And 4111 LeJeune LLC, to vacate a portion of an existing north/south paved alley and dedication of a substitute easement, located in Block 1, Industrial Section (28-22), Coral Gables, Florida.*

The Development Review Committee will hold a public meeting to consider the above subject matter in the Commission Chambers, 2<sup>nd</sup> Floor, City Hall, 405 Biltmore Way, Coral Gables, Florida, on Wednesday November 30, 2011 at 9:30 a.m. The public is invited to attend, but no testimony will be taken at the meeting of the Development Review Committee. The Committee's technical and professional comments shall be forwarded to the Planning and Zoning Board and shall become part of the record.

The purpose of the Development Review Committee meeting is to provide information related to the proposed alley vacation and substitute easement. You will be provided the opportunity to comment on this proposed alley vacation and substitute easement at a future Planning and Zoning Board public hearing. Notice of the upcoming Planning and Zoning Board public hearing will be sent to you in the near future.

If you have questions related to this issue please contact Ernesto Pino, Public Works Department, City of Coral Gables, at 305-460-5000 or [pwdepartment@coralgables.com](mailto:pwdepartment@coralgables.com).

Sincerely,

  
Glenn Kephart, P.E.

Director

Public Works Department  
City of Coral Gables



**THE CITY OF CORAL GABLES**  
**CORAL GABLES, FLORIDA**  
**STREET AND ALLEY VACATION GUIDELINES**

**CHECK LIST**

APPLICANT MUST RETURN THE FOLLOWING:

- 1. Application
- 2. Certified Survey
- 3. Letter of Intent
- 4. Waiver of Objections
- 5. Filing Fee \$1,500.00  
(Ordinance No. 0-2004-34)
- 6. List of Property Owners within a minimum 1000' radius,

THE CITY OF CORAL GABLES  
CORAL GABLES, FLORIDA

STREET AND ALLEY VACATION

DATE: \_\_\_\_\_

APPLICATION FOR VACATION OF A STREET OR ALLEY, (PLEASE CHECK IF APPLICABLE ITEM)

\_\_\_\_\_ Vacation of Street

  X   Vacation of Alley

PLEASE PRINT OR TYPE:

1. MCI Laguna LLC, 4111 LeJeune LLC, City of Coral Gables

\_\_\_\_\_  
Name of Applicant

2601 S. Bayshore Drive, Suite 1800  
Street Address

Miami, FL 33133  
City, State, Zip

305-858-6911  
Telephone Number

CHECK APPROPRIATE BOX

Rent  Own

2601 S. Bayshore Drive, Suite 1800  
Mailing Address

Miami, FL 33133  
City, State, Zip

305-858-6911  
Telephone Number

2. A. General description of r.o.w. to be vacated (survey with legal description to be attached)

Alley lying just east of Le Jeune Road, commencing on Altara Avenue through

Mid-way of the alley distance

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Dimension of proposed vacation: Length in feet: \_\_\_\_\_

Width in feet: \_\_\_\_\_

Rev. 5/3/94  
Rev. 12/11/97  
Rev. 1/26/99  
Rev. 6/22/05

MIA 182,035,862v1 8-8-11

APPLICANTS (continued)

4111 Le Jeune LLC  
Name (Print)

X

*[Signature]*  
Signature

2601 S. Bayshore Dr., Miami, FL  
Mailing Address

OWNER OF: 26-34  
Lot(s)

1  
Block

Industrial  
Section

MCI Laguna LLC  
Name (Print)  
**ALBERTO H. CARDONES.**

X

*[Signature]*  
Signature

4102 Laguna St., Coral Gables, FL  
Mailing Address

OWNER OF: 13-21  
Lot(s)

1  
Block

Industrial  
Section

City of Coral Gables  
Name (Print)

Signature

Mailing Address

OWNER OF: 22-25  
Lot(s)

1  
Block

Industrial  
Section

Name (Print)

Signature

Mailing Address

OWNER OF: \_\_\_\_\_  
Lot(s)

Block

Section

Name (Print)

Signature

Mailing Address

OWNER OF: \_\_\_\_\_  
Lot(s)

Block

Section

Name (Print)

Signature

Mailing Address

Action by:  
Development & Review Committee

\_\_\_\_\_ Date

\_\_\_\_\_ Date

\_\_\_\_\_ Date

City Commission:

Planning Department

Memoranda: \_\_\_\_\_

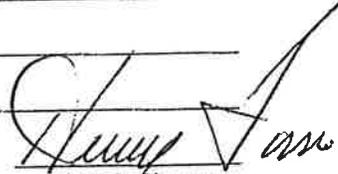
Rev. 5/3/94  
Rev. 12/11/97  
Rev. 1/26/99  
Rev. 6/22/05

3. If applicant is going to dedicate property for a Substitute Street or Alley, describe the property to be dedicated for such substitution.

Yes, as indicated in the proposed site plan, an access easement will be provided to  
allow for access to and from the alley from Laguna Street.

4. Reason for the requested abandonment, vacation and closure.

Please see attached letter of intent

  
Applicant's Signature

September 21, 2011

Mr. Glenn Kephart  
Public Works Director  
City of Coral Gables  
2800 NW 72nd Avenue  
Miami, Florida 33155

**Re: Merrick Manor / Alley Vacation Application / Letter of Intent**

Dear Mr. Kephart:

On behalf of MCI Laguna, LLC and 4111 LeJeune LLC ("Applicant"), I respectfully submit this letter of intent in connection with the Alley Vacation Application which has been submitted for the mixed use project known as "Merrick Manor". The Applicant proposes to demolish the structures which are currently erected on the property and to construct a 10 story mixed use project. The structure will consist of 188 high-end rental residential units with retail commercial space on the ground floor. The site is presently divided by an alley for which we seek closure to facilitate the development, and includes the City owned Trolley Building located at 4133 LeJeune Road which is the subject of a land swap proposal proposed by my client and presently being negotiated with City staff. The Applicant is proposing an access easement, as depicted in the site plan, running along the Northeast edge of the Property that will provide an alternative access to and from the remaining alley and Laguna Street.

Applicant has submitted this application with the intent of fostering the sort of mixed use development which it believes is (1) desirable for the surrounding area, (2) consistent with the goals and objectives of the City's Comprehensive Plan and (3) complies with the City Code criteria applicable to an alley closure request.

**Benefits of Proposed Development**

The area where the property is located is presently characterized by small retail and office buildings as well as the City's Trolley Building. The existing development in the area is not consistent with the Mediterranean style of architecture in the neighborhood. Merrick Manor would be a significant step towards addressing the residential and commercial needs of the City in a responsible manner, which limits the height of buildings and utilizes the mixed use concept in order to address traffic issues, and will also serve to improve the aesthetic of the surrounding area by utilizing the Mediterranean style of architecture for which the City is known. In addition, the City will be able to relocate its Trolley facility to a site better suited to accommodate the needs of the Trolley service with a new state of the art building.

**Consistency with Comprehensive Plan**

The proposed development is consistent with the following Goals, Objectives and Policies of the Coral Gables Comprehensive Plan:

**Goal FLU-1.** Protect, strengthen, and enhance the City of Coral Gables as a vibrant community ensuring that its neighborhoods, business opportunities, shopping, employment centers, cultural activities, historic value, desirable housing, open spaces, and natural resources make the City a very desirable place to work, live and play.

**Objective FLU-1.7.** When amendments to the Zoning Code are processed, discourage the proliferation of urban sprawl by including a regulatory framework for encouraging future infill and redevelopment within existing developed areas. In drafting the infill/redevelopment program, the City shall coordinate public and private resources necessary to initiate needed improvements and/or redevelopment within these areas.

**Policy FLU-1.7.1.** Encourage effective and proper high quality development of the Central Business District, the Industrial District and the University of Miami employment centers which offer potential for local employment in proximity to protected residential neighborhoods.

**Objective FLU-1.11.** Maintain a pattern of overall low density residential use with limited medium and high density residential uses in appropriate areas to preserve the low intensity and high quality character of the residential neighborhoods.

**Objective DES-1.1.** Preserve and promote high quality, creative design and site planning that is compatible with the City's architectural heritage, surrounding development, public spaces and open spaces.

**Policy DES-1.1.2.** Provide for rigorous design guidelines, standards, and review processes via the City's Zoning Code that ensure high quality design of buildings and spaces.

**Objective DES-1.2.** Preserve the Coral Gables Mediterranean design and architecture.

**Policy DES-1.2.1.** Continue the award of development bonuses and/or other incentives to promote Coral Gables Mediterranean design character providing for but not limited to the following: creative use of architecture to promote public realm improvements and pedestrian amenities; provide a visual linkage between contemporary architecture and the existing and new architectural fabric; encourage landmark opportunities; and creation of public open spaces.

**Policy MOB-1.1.1.** Promote mixed use development to provide housing and commercial services near employment centers, thereby reducing the need to drive.

**Policy MOB-1.1.2.** Encourage land use decisions that encourage infill, redevelopment and reuse of vacant or underutilized parcels that support walking, bicycling and public transit use.

**Policy MOB-1.1.3.** Locate higher density development along transit corridors and near multimodal stations.

The proposed Merrick Manor would help to realize the above goals objectives and policies of the Comprehensive Plan by bringing a well designed high-end residential and commercial development to an area that is underutilized. The development also incorporates the relocation of the Trolley service facility to a state of the art building that will enhance the transportation needs of the community at large.

**Compliance with City Code Criteria**

We respectfully submit that this request for alley vacation approval satisfies the criteria of Section 62-264 of the City Code as follows:

**(1) Whether the public benefits from the use of the subject right-of-way as part of the city street system;**

No, this is an alley that is not in use other than by the current owners of the property abutting it. There are no other interested parties that will be affected by the closure and the subject alley is not part of the City's street system.

**(2) Whether the proposed action is consistent with the city's comprehensive plan;**

As stated above the proposed action is consistent with the goals, objectives, and policies of the Comprehensive Plan.

**(3) The availability of alternative action to alleviate the identified problems;**

There is no alternative action to produce a desirable mixed use development that enhances the neighborhood and provides much needed housing and commercial uses to the City at large.

**(4) The effect of the proposed action upon traffic circulation;**

The proposed development addresses traffic circulation, as indicated in the projects' traffic study, and the alley closure will not adversely affect traffic.

**(5) The effect of the proposed action upon the safety of pedestrians and vehicular traffic;**

As stated above, this is an alley that is only in use by the current owners, the closure will not effect the safety of pedestrians and vehicular traffic.

**(6) The effect of the proposed action upon the provision of municipal services, including, but not limited to, emergency services and waste removal; and**

The alley closure will not limit the ability to provide municipal services. This property is located along three rights-of-way which will continue to be in full use and vehicles will continue to access the remaining alley through the proposed access easement . This alley is internal to the property.

**(7) The mitigation plan proposed by the applicant to offset any potential impacts.**

The new development proposes an alternative alley access easement through the project site so as to ensure the continuous flow of traffic for all properties abutting the alley and will incorporate any mitigation necessary to offset any potential impacts caused by the alley closure.

In short, the proposed development will greatly benefit the area, and the City at large, by fostering development which is compatible with the rest of the City, and create a mixed use neighborhood in an area which is presently unaesthetic and disconnected, stylistically and functionally, from the rest of the City Beautiful. It will also provide for a much needed new state of the art Trolley Facility for the City which will help to enhance public transportation for all of the City's residents, visitors, and businesses. We urge your support of this request and look forward to working with you on this matter.

Sincerely,



Mario J. Garcia-Serra

# EXHIBIT "A" 20' ALLEY R.O.W. TO BE VACATED SKETCH & LEGAL DESCRIPTION

## LEGAL DESCRIPTION:

A portion of a 20 foot wide Alley right-of-way to be vacated, lying between Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30, Block 1, "REVISED PLAT CORAL GABLES INDUSTRIAL SECTION" according to the Plat thereof as recorded in Plat Book 28, Page 22, of the Public Records of Miami-Dade County, Florida, said parcel being more particularly described as follows:

**BEGIN** at the Southwest corner of said Lot 21, thence N89°40'10"W for 20.00 feet to the Southeast corner of said Lot 22; thence N00°33'18"W along the East line of said Lots 22 thru 30 for 235.00 feet to the Northeast corner of said Lot 30; thence S89°40'10"E for 20.00 feet to the Northwest corner of said Lot 13; thence S00°33'18"E along the West line of said Lots 13 thru 21 for 235.00 feet to the POINT OF BEGINNING.

All of the above described parcel, lying and being in Section 20, Township 54 South, Range 41 East, and containing 0.1079 acres more or less.



## NOTES:

1. BEARINGS hereon are based on a platted bearing of N00°33'18"W along the centerline of Laguna Street, as shown in "REVISED PLAT CORAL GABLES INDUSTRIAL SECTION", recorded in Plat Book 28, Page 22 of the Public Records of Miami-Dade County, Florida.
2. AREA of the subject parcel is 4,700 Square Feet, or 0.1079 Acre, more or less.
3. CLIENT: 4111 LE JEUNE LLC.
4. All recording references hereon refer to the Public Records of Miami-Dade County, Florida.
5. Reference is made to a Boundary and Topographic Survey of the Parent Tract by Leiter, Perez & Associates, Inc., Job Order No. 11-153, File No. B-2254.
6. The subject parcel lies in fractional Section 20, Township 54 South, Range 41 East, City of Coral Gables, Miami-Dade County, Florida.
7. This is not a survey of any parcel of land.

## LEGEND:

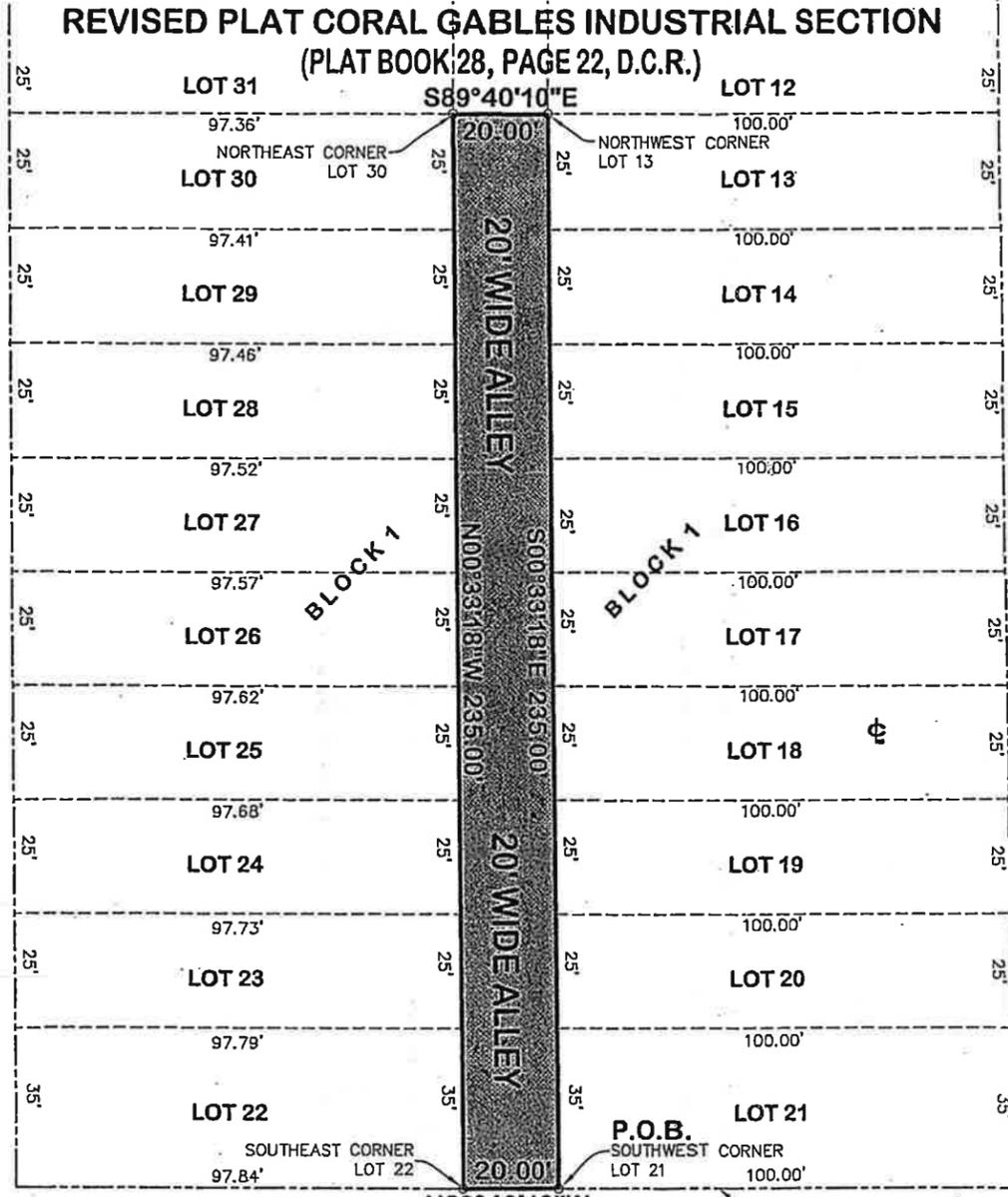
- D.C.R. - MIAMI-DADE COUNTY PUBLIC RECORDS
- LB - LICENSED BUSINESS
- P.B. - PLAT BOOK
- PG. - PAGE
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- R.O.W. - RIGHT-OF-WAY
- ☉ - CENTERLINE

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

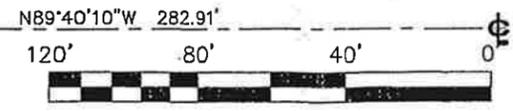
THIS "SKETCH & LEGAL DESCRIPTION" WAS PREPARED UNDER MY SUPERVISION.

LEITER, PEREZ & ASSOCIATES, INC.

BY: *[Signature]* PRESIDENT  
GEOFFREY LEITER, PROFESSIONAL SURVEYOR & MAPPER #6395  
STATE OF FLORIDA



**ALTARA AVENUE**  
(60' R.O.W., P.B. 28-22, D.C.R.)



**LEITER, PEREZ & ASSOCIATES, INC.**  
LAND DEVELOPMENT CONSULTANTS  
CIVIL ENGINEERS - LAND SURVEYORS  
LAND PLANNERS - ENVIRONMENTAL  
160 N.W. 176TH ST., SUITE 403, MIAMI, FLORIDA 33169  
MIAMI-DADE (305) 652-5133 BROWARD (954)524-2202 FAX: (305) 652-0411  
E-Mail: office@leitarperez.com WEBSITE: www.leitarperez.com LICENSED BUSINESS No. 6787

REVISION:		

DATE: 09-08-11 JOB NO. : 11-152 FILE: L-1886 SHEET 1 OF 1

FILE: 11-152Vacated.dwg

# EXHIBIT "A" PROPOSED ALTERNATE ACCESS EASEMENT SKETCH & LEGAL DESCRIPTION

## LEGAL DESCRIPTION:

A parcel of land for an easement, being a portion of a 20 foot wide Alley right-of-way, and Lots 13, 14, 29, 30, 31, 32 and 33, Block 1, "REVISED PLAT CORAL GABLES INDUSTRIAL SECTION" according to the Plat thereof as recorded in Plat Book 28, Page 22, of the Public Records of Miami-Dade County, Florida, said parcel being more particularly described as follows:

**BEGIN #1** at the Northwest corner of said Lot 13, (L1) thence S00°33'18"E for 14.36 feet to the Point of Curvature of a circular curve to the right; (C1) thence Southeasterly along the arc of said curve, having a radius of 8.00 feet and a central angle of 89°30'14" for an arc length of 12.50 feet to a Point of Tangency; (L2) thence N89°56'28"E for 92.13 feet; (L3) thence S00°33'18"E, along the West Right-of-Way line of Laguna Street as shown on said Plat recorded in Plat Book 28, Page 22, for a distance of 22.00 feet; (L4) thence S89°56'28"W for 94.15 feet to the Point of Curvature of a circular curve to the right; (C2) thence Northwesterly along the arc of said curve, having a radius of 30.00 feet and a central angle of 89°30'14" for an arc length of 46.86 feet to a Point of Tangency; (L5) thence N00°33'18"W for 14.71 feet; (L6) thence S89°40'10"E for 23.84 feet to the **POINT OF BEGINNING #1**.

This portion of the easement is subject to an upper limit of the horizontal plane of the finished lower surface of the proposed building ceiling at Elevation +15.00 feet.

## TOGETHER WITH:

**BEGIN #2** at the Northeast corner of said Lot 30, (L7) thence N89°40'10"E for 3.84 feet; (L8) thence N00°33'18"W for 50.41 feet; (L9) thence N18°36'04"E for 11.69 feet; (L10) thence S00°33'18"E along the East line of said Lots 33, 32, and 31 for 61.51 feet to the **POINT OF BEGINNING #2**.

All of the above described parcel, lying and being in Section 20, Township 54 South, Range 41 East, and containing 0.0757 acre more or less.

## LEGEND:

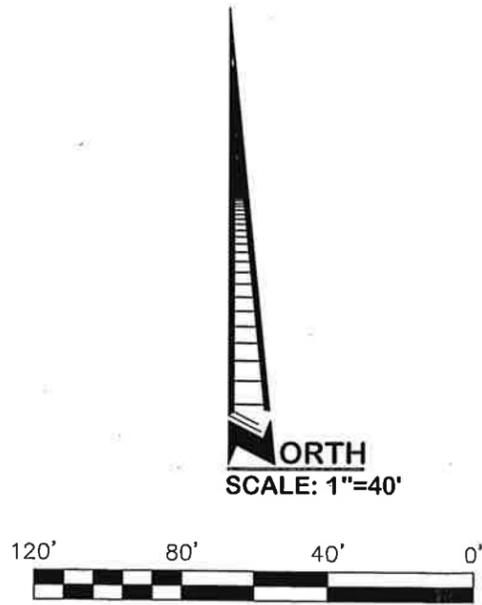
- D.C.R. - MIAMI-DADE COUNTY PUBLIC RECORDS
- LB - LICENSED BUSINESS
- P.B. - PLAT BOOK
- PG. - PAGE
- PC - POINT OF CURVATURE
- PT - POINT OF TANGENCY
- P.O.B. - POINT OF BEGINNING
- R.O.W. - RIGHT-OF-WAY
- ☉ - CENTERLINE

NOT VALID WITHOUT  
THE SIGNATURE AND  
THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED  
SURVEYOR AND MAPPER

THIS "SKETCH & LEGAL DESCRIPTION" WAS PREPARED UNDER MY SUPERVISION.

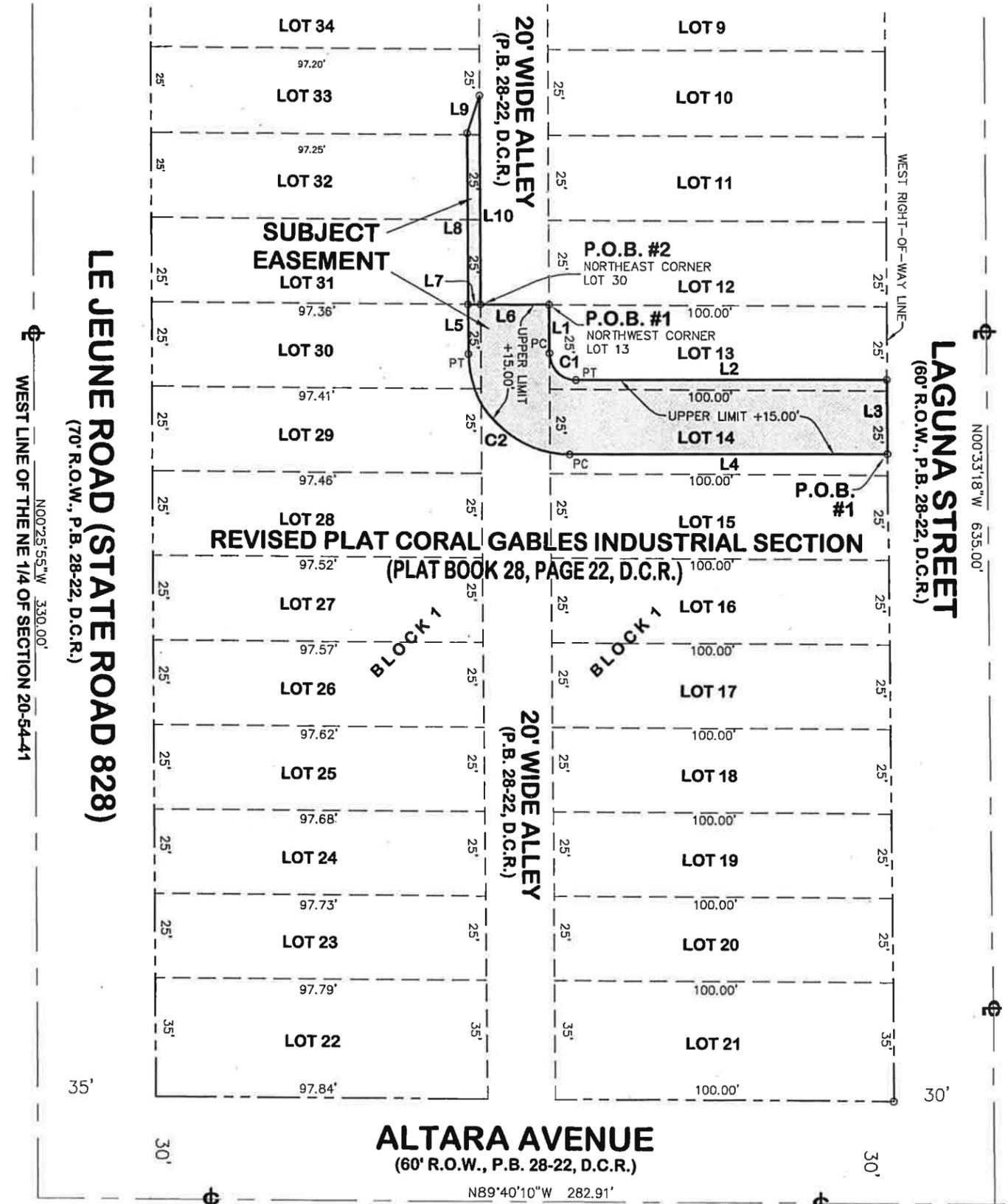
LEITER, PEREZ & ASSOCIATES, INC.

BY:  **GEOFFREY LEITER, PRESIDENT**  
PROFESSIONAL SURVEYOR & MAPPER #6395  
STATE OF FLORIDA



## NOTES:

1. BEARINGS hereon are based on a platted bearing of N00°33'18"W along the centerline of Laguna Street, as shown in "REVISED PLAT CORAL GABLES INDUSTRIAL SECTION", recorded in Plat Book 28, Page 22 of the Public Records of Miami-Dade County, Florida.
2. AREA of the subject parcel is 3,298 Square Feet, or 0.0757 Acre, more or less.
3. CLIENT: 4111 LE JEUNE LLC.
4. All recording references hereon refer to the Public Records of Miami-Dade County, Florida.
5. Reference is made to a Boundary and Topographic Survey of the Parent Tract by Leiter, Perez & Associates, Inc., Job Order No. 11-153, File No. B-2254.
6. Proposed location of Easement based on "Ground Floor Plan", Sheet A-10.0, dated 10-6-2011 and prepared by Behar Font & Partners, PA.
7. Elevations are referenced to a ground elevation of +0.00 as depicted on Section Plan A-3.0, dated 10-6-2011 and prepared by Behar Font & Partners, PA.
8. The subject parcel lies in fractional Section 20, Township 54 South, Range 41 East, City of Coral Gables, Miami-Dade County, Florida.
9. This is not a survey of any parcel of land.



REVISION:

**LEITER, PEREZ & ASSOCIATES, INC.**  
LAND DEVELOPMENT CONSULTANTS  
CIVIL ENGINEERS - LAND SURVEYORS  
LAND PLANNERS - ENVIRONMENTAL  
160 N.W. 176TH ST., SUITE 403, MIAMI, FLORIDA 33169  
MIAMI-DADE (305) 652-5133 BROWARD (954)524-2202 FAX: (305) 652-0411  
E-Mail: office@leiterperez.com WEBSITE: www.leiterperez.com LICENSED BUSINESS No. 6787

FILE: 11-159 ALTACCESS.dwg

DATE: 10-18-11 JOB NO.: 11-159 FILE: L-1886A SHEET 1 OF 1

ARCHITECTURE  
PLANNING  
INTERIORS  
Certification No. AA0002431

4533 PONCE DE LEON BLVD.  
CORAL GABLES, FLORIDA 33146  
TEL: (305) 740-5442  
FAX: (305) 740-5443  
E-MAIL: info@bfp.com

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THIS PROJECT ARE THE PROPERTY  
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PROTECTED UNDER THE COPYRIGHT  
PROTECTION ACT.

SEAL:

Professional Seal No. 12547  
CONSULTANT:

PROPOSED RESIDENTIAL BUILDING  
**MERRICK MANOR**  
4133 LE JEUNE ROAD  
CORAL GABLES, FLORIDA

OWNER:

DATE:  
06-22-11

REVISIONS:

PROJECT No.  
11-011

DRAWN BY:

CHECKED BY:  
JF

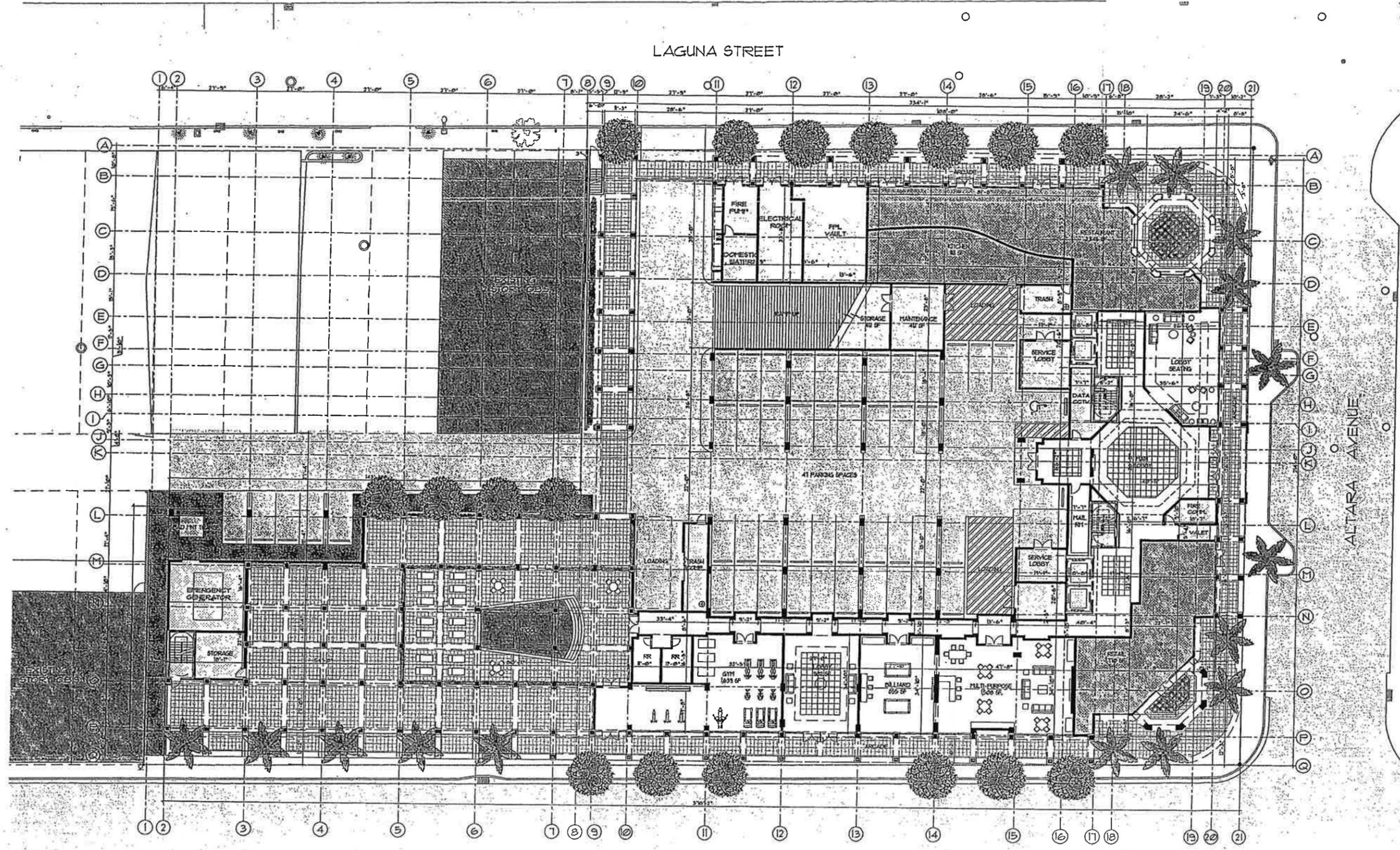
SCALE:  
AS SHOWN

SHEET No.  
A-1.0

OF

*pp Reid  
7-19-11*

BEHAR • FONT & PARTNERS • P.A.



○ LE JEUNE ROAD (STATE ROAD 828)

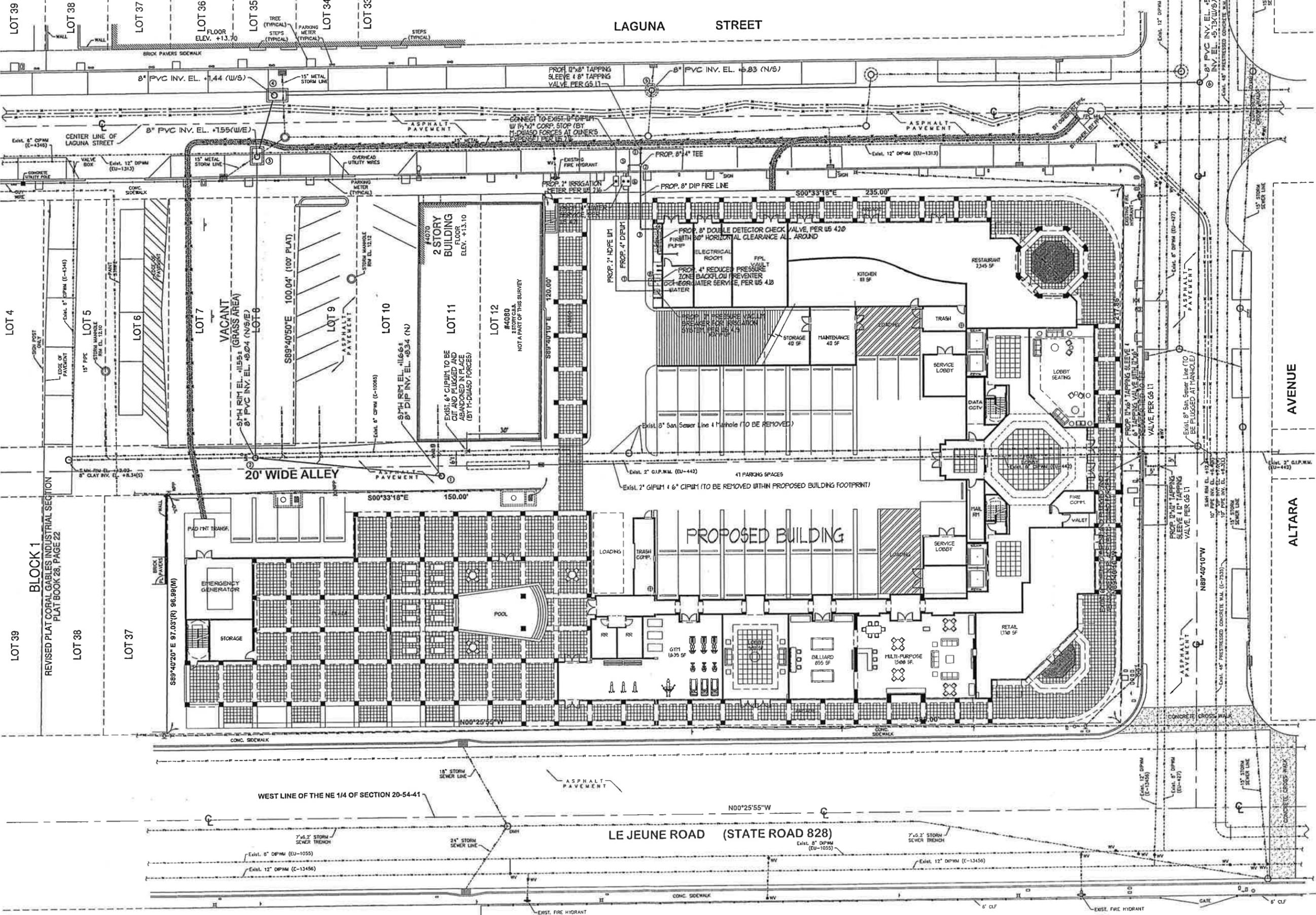
**GROUND LEVEL FLOOR PLAN**  
SCALE: 1/16" = 1'-0"

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BLOCK 2

1 STORY BUILDING

LAGUNA STREET



BLOCK 1

LE JEUNE ROAD (STATE ROAD 828)

AVENUE  
ALTARA



Carlos Alvarez, Mayor

Water and Sewer  
P. O. Box 330316 • 3575 S. Lejeune Road  
Miami, Florida 33233-0316  
T 305-665-7471

[miamidade.gov](http://miamidade.gov)

July 27, 2011

James Kay, P.E.  
Engineering Division Supervisor  
Public Works Department – City of Coral Gables  
2800 S.W. 72<sup>nd</sup> Avenue, Miami, Florida 33155

*Via U.S. Mail*

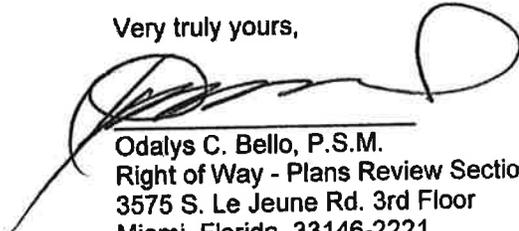
RE: Release of Easements, recorded in ORB 5545, Page 440, 442, 444, 446 and 448; ORB 10315, Page 415; ORB 6268, Page 720; ORB 6014, Page 34 and ORB 9873, Page 1578, all located in Section 20, Township 54 South, Range 41 East, City of Coral Gables, Miami-Dade County, Florida.

Dear Mr. Kay:

The Miami-Dade Water and Sewer Department (WASD) has **no objection** to the vacation/release of the above referenced easements of record.

In order to update and maintain our records, WASD requests that we be notified of any hearing scheduled to discuss this application. Should you have any questions regarding this matter, do not hesitate to contact me.

Very truly yours,



Odalys C. Bello, P.S.M.  
Right of Way - Plans Review Section - New Customer Division -WASD  
3575 S. Le Jeune Rd. 3rd Floor  
Miami, Florida 33146-2221  
[obello@miamidade.gov](mailto:obello@miamidade.gov)

cc: Sergio Garcia, P. E., WASD Plans Review Section Manager  
file

## Hickman, Lina

---

**From:** Bello, Odalys (WASD) [OBELLO@miamidade.gov]  
**Sent:** Monday, September 12, 2011 8:09 AM  
**To:** Kephart, Glenn  
**Cc:** Philip Parenteau; Christy Enes; Kay, James; Hickman, Lina; Garcia, Sergio (WASD)  
**Subject:** Waiver Of Objection for MERRICK MANOR Project

Dear Mr. Kephart:

Attached is a letter of no objection for a proposed alley closure, **with a condition that an easement be granted** while WASD facilities, located within said portion of alley, continue to be in service.

Should you have any questions, do not hesitate to contact me.

Thanks,

**Odalys C. Bello, P.S.M.**

ROW Supervisor - Plans Review - New Customer Division - WASD

3575 S. Le Jeune Rd. Miami, Florida 33146-2221

786. 268 5268 - Fax: 786. 268 5146

[obello@miamidade.gov](mailto:obello@miamidade.gov)

"Delivering Excellence Every Day"

---

**From:** Christy Enes [<mailto:christy@astorcompanies.com>]  
**Sent:** Thursday, September 08, 2011 12:06 PM  
**To:** Bello, Odalys (WASD)  
**Cc:** Philip Parenteau  
**Subject:** RE: Wavier Of Objection for MERRICK MANOR Project in Coral Gables

Odalys,

Good afternoon. I hope this message finds you well. There is some information I would like to add. We just learned that the Wavier of Objection letter should be addressed to Mr. Glenn Kephart, Director of Public Works for the city of Coral Gables. Should you have further questions please do not hesitate to contact me. My contact number is 786-623-2813.

Thanks again for your attention to our needs.

Christy Enes  
Construction Administrative Assitant  
The Astor Companies

P. 305.858.6911

F. 305.858.6934

E. [Christy@astorcompanies.com](mailto:Christy@astorcompanies.com)

W. [www.astorcompanies.com](http://www.astorcompanies.com)



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LINA



OSP National Support /  
Investigations  
2400 North Glenville  
Richardson, TX 75082

---

**MCI Communications Services, Inc.**

11/17/2011

**CITY OF CORAL GABLES  
PUBLIC WORKS DEPARTMENT  
Glenn Kephart  
2800 S.W. 72 Avenue  
Miami, FL 33155**

**RE: PW-11-10-7690 – ALLEY VACATION REQUEST – 4111 LEJEUNE ROAD –  
Coral Gables, Dade, Florida**

**Verizon Business ID: 6157-2011**

**Dear Sir or Madam:**

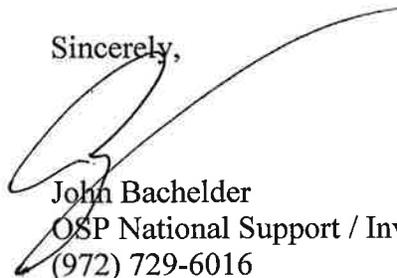
MCI has been notified by your office regarding the above referenced project.

For your records, in reviewing the area in question, it has been determined that MCI does not have facilities within your project area.

You should address correspondence concerning any future projects to the attention of **OSP National Support/Investigations** at the above address.

- \* If you need further assistance with this project, please do not hesitate to call.

Sincerely,



John Bachelder  
OSP National Support / Investigations  
(972) 729-6016

**RECEIVED**  
NOV 22 2011  
PUBLIC WORKS DEPT.

The City of Coral Gables

September 27, 2011

*Public Works Department*

2800 SW 72 AVENUE  
MIAMI, FLORIDA 33155

Glenn Kephart, P.E., Director  
Public Works Department  
City of Coral Gables  
2800 SW 72 Avenue  
Miami, Florida 33155

Dear Mr. Kephart:

*RE: Proposed Vacation and Closure of Southerly Portion of 20- Foot Wide Public Alley between the south line of Lot 12 and the north Right-of-Way line of Altara Avenue, in Block 1, Revised Plat of Coral Gables Industrial Section, as Recorded in Plat Book 28, at Page 22, Public Records of Miami-Dade County*

The City of Coral Gables maintains and operates sanitary sewer facilities located within the boundaries of the above referenced portion of alley. The City has no objection to the vacation of said alley with the condition that the full width of the existing right-of-way be reserved as a permanent utility easement or that alternate provisions be made to continue the right-of-way in another direction allowing for the continuation and operation of the utility with the right to construct, reconstruct, lay, install, maintain, relocate, repair, replace, improve, remove and inspect sanitary sewer system facilities, with the full right of ingress thereto and egress therefrom on the right-of-way. If an easement remains to provide for the continuation of utility service, then this easement can be granted by instrument. If the alley is established in a new direction, then no encroachments will be allowed within the new alley and no structures will be allowed that are founded within the new alley. Structures may span the new alley with a minimum vertical clearance of 16'-6".

Should you need additional information or clarification, please contact Mr. Juan Martinez, PSM, Surveyor, at 305-460-5020.

Sincerely,



James J. Kay, P.E.  
Engineering Division Supervisor

C: Juan Martinez, PSM, Surveyor  
Lina Hickman, Civil Engineer



**Engineering – Design Department**  
2601 SW 145<sup>th</sup> Ave Miramar, FL 33027

Monday, August 15, 2011

Philip J. Parenteau  
Property Manager  
The Astor Companies / SBS Tower  
2601 South Bayshore Drive Suite 1800  
Miami, FL 33133

RE: **Merrick Manor Project / Alley Vacation**  
4111 LeJeune Road Coral Gables, Fl  
Comcast ID Number: 5016\_D Comcast Node Print xxxxxx

Dear Mr Parenteau

Please Be Advised, ...in reference to the “Merrick Manor Project Alley Vacation Comcast has *no objection and approves* to the proposed vacation as outlined above... provided that Comcast facilities are relocated in a dedicated easement and or R/W at the property owner/ developers expense.

Should you have any further question, please feel free to call me at 1-954-447-8405 fax 1-954-534-7083 or e-mail at [Leonard\\_Maxwell-Newbold@cable.comcast.com](mailto:Leonard_Maxwell-Newbold@cable.comcast.com)

Sincerely,

Leonard  
Maxwell-  
Newbold

Digitally signed by Leonard Maxwell-Newbold  
DN: cn=Leonard Maxwell-Newbold, o=Comcast  
Cable Communications, ou=RDC  
Engineering\_Construction\_Design,  
email=leonard\_maxwell-  
newbold@cable.comcast.com, c=US  
Date: 2011.08.15 11:47:21 -04'00'

Leonard Maxwell-Newbold  
Regional Permit Administrator  
Comcast / Southern Division ( RDC )  
8/15/2011 11:47:05 AM

cc: The Astor Companies, Inc.. Folder  
File

MUID #5016\_D~ 8/15/2011 11:47:05 AM

## Philip Parenteau

---

**From:** Philip Parenteau  
**Sent:** Saturday, August 13, 2011 8:06 AM  
**To:** ridiaz@aglresources.com  
**Cc:** Henry Torres; Christy Enes  
**Subject:** (FL City Gas-ht) LeJeune Road - Need Letter of 'No Objection' for Vacatation of City Alley  
**Attachments:** LeJeune Road\_\_Project Boundary Sketch\_\_07March2011.pdf; LeJeune Site SKETCH\_\_ALLEY RELOCATION\_\_13Aug11.pdf

Hi Rick,  
Hope that this email finds you well and that your summer has been good for you.

At the site of our Project between LaGuna Street and LeJeune Road, there exists an Alley which runs 'north-south'. Our new Project will require that a portion of the Alley be re-located and its southern portion to be vacated. See attached Sketches which describe the Project 'foot print' and the Alley to be vacated along with its new route through our Property to LaGuna Street.

This Project has had initial Coral Gable Commission approval. To formalize their approval, we need to collect "Waivers of Objection" from utilities.

Accordingly, please review that which has been attached and forward me the requested Waiver of Objection for us to re-arrange the Alley as described.

Thanks Rick and please don't hesitate to contact me if you have any questions you may have.

**Philip J. Parenteau . Property Development and Design Manager**  
**The Astor Companies**

P. 786.623.2808  
F. 305.858.6934  
E. [philip@astorcompanies.com](mailto:philip@astorcompanies.com)  
w. [www.astorcompanies.com](http://www.astorcompanies.com)

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## Philip Parenteau

---

**From:** Philip Parenteau  
**Sent:** Monday, August 15, 2011 8:56 AM  
**To:** Robert.Llodra@fpl.com  
**Cc:** Henry Torres; Christy Enes  
**Subject:** (FPL-ht-ce) LeJeune Road - - Need WAIVER of OBJECTION from FPL for ALLEY VACATION  
**Attachments:** LeJeune Road\_\_Project Boundary Sketch\_\_07March2011.pdf; LeJeune Site SKETCH\_\_ALLEY RELOCATION\_\_13Aug11.pdf

Hey Robert,  
Hope you had a good weekend !!  
You definitely deserved it ....  
Hope that you got your 'to do' list knocked down ....  
I'm sure you family kept you busy ..... ☺

For our Merrick Manor Project, the City of Coral Gables is requiring that we provide them a WAIVER OF OBJECTION letter from FPL stating that you are OK with vacating the Alley as a result of our Project requirements. Is this your department too? If not, who in FPL takes care of these letters?

As you are aware, FPL will not be able to give us a clean Waiver of Objection as there are services in the Alley. I guess that your letter will need to be "qualified" to state that FPL is 'OK' provided that we move forward with the Service Relocation Project you are about to quote us.

Let me know on this please so that I can get the letter to Coral Gables.

Thanks Robert.

**Philip J. Parenteau . Property Development and Design Manager**  
**The Astor Companies**

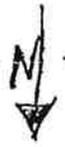
P. 786.623.2808  
F. 305.858.6934  
E. [phillip@astorcompanies.com](mailto:phillip@astorcompanies.com)  
w. [www.astorcompanies.com](http://www.astorcompanies.com)

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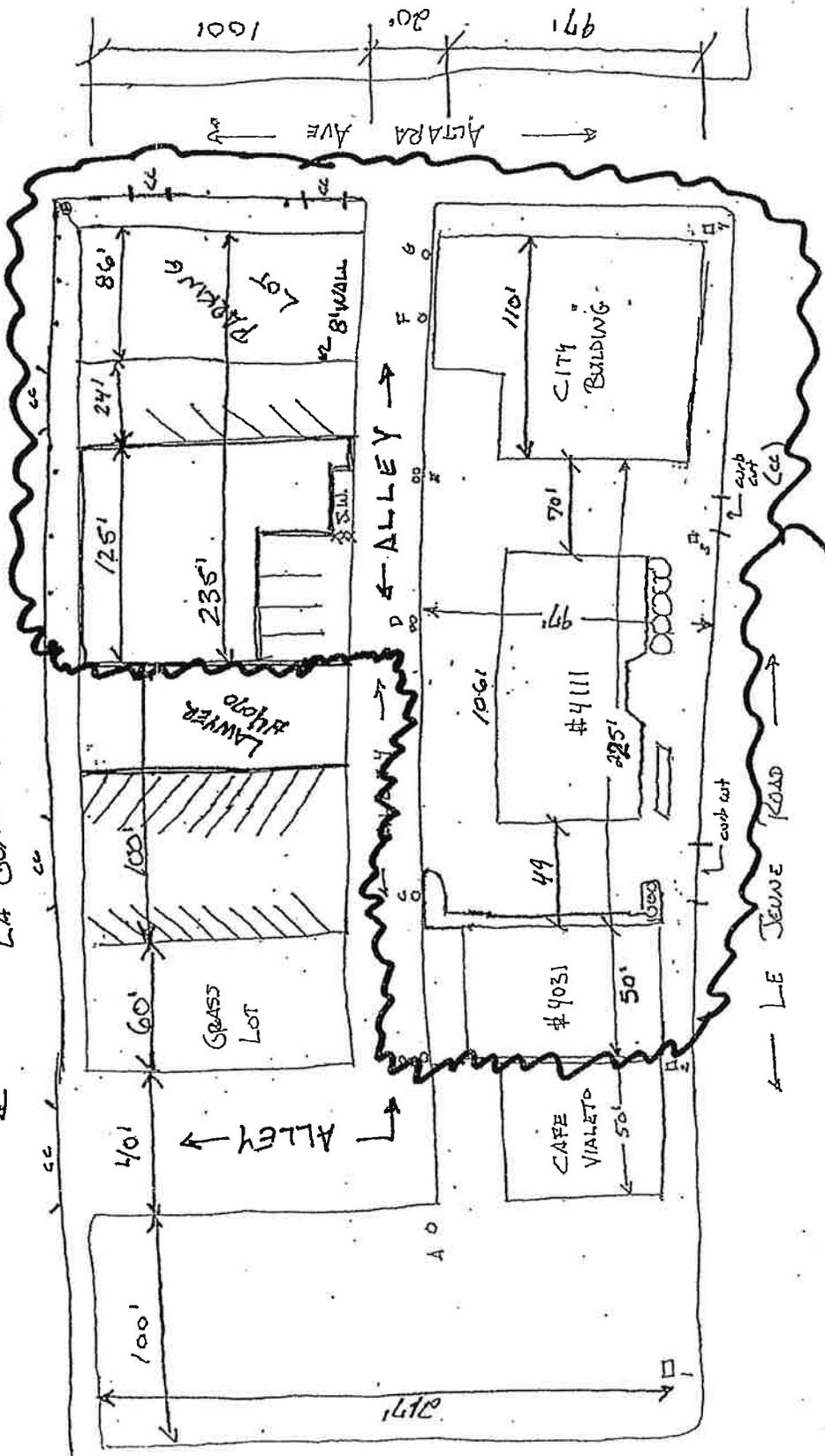
8/19/2011

• parking meter



P2-7/10  
10-13-10

← LA GUNA STREET →



← BIRD ROAD →

← LE JEUNE ROAD →

PROJECT BOUNDARY  
07MARCH11

• parking meter

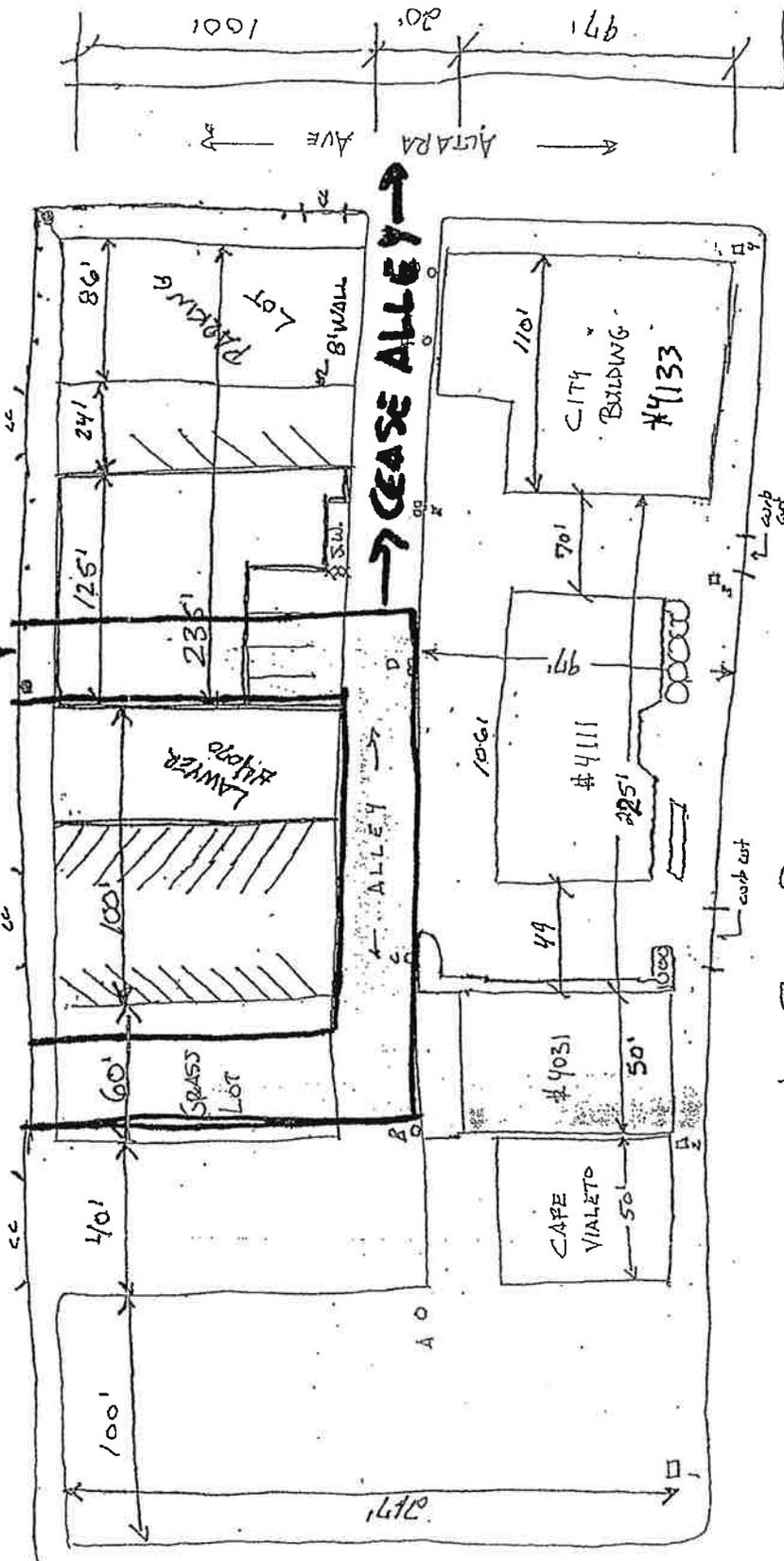
NEW ALLEY  
ROUTE

P2 8-B-11

P2 7/1/10

10-13-10

LA GONA STREET



→ BIRD ROAD

← LE JEUNE ROAD

→ CEASE ALLEY

ACTARA AVE

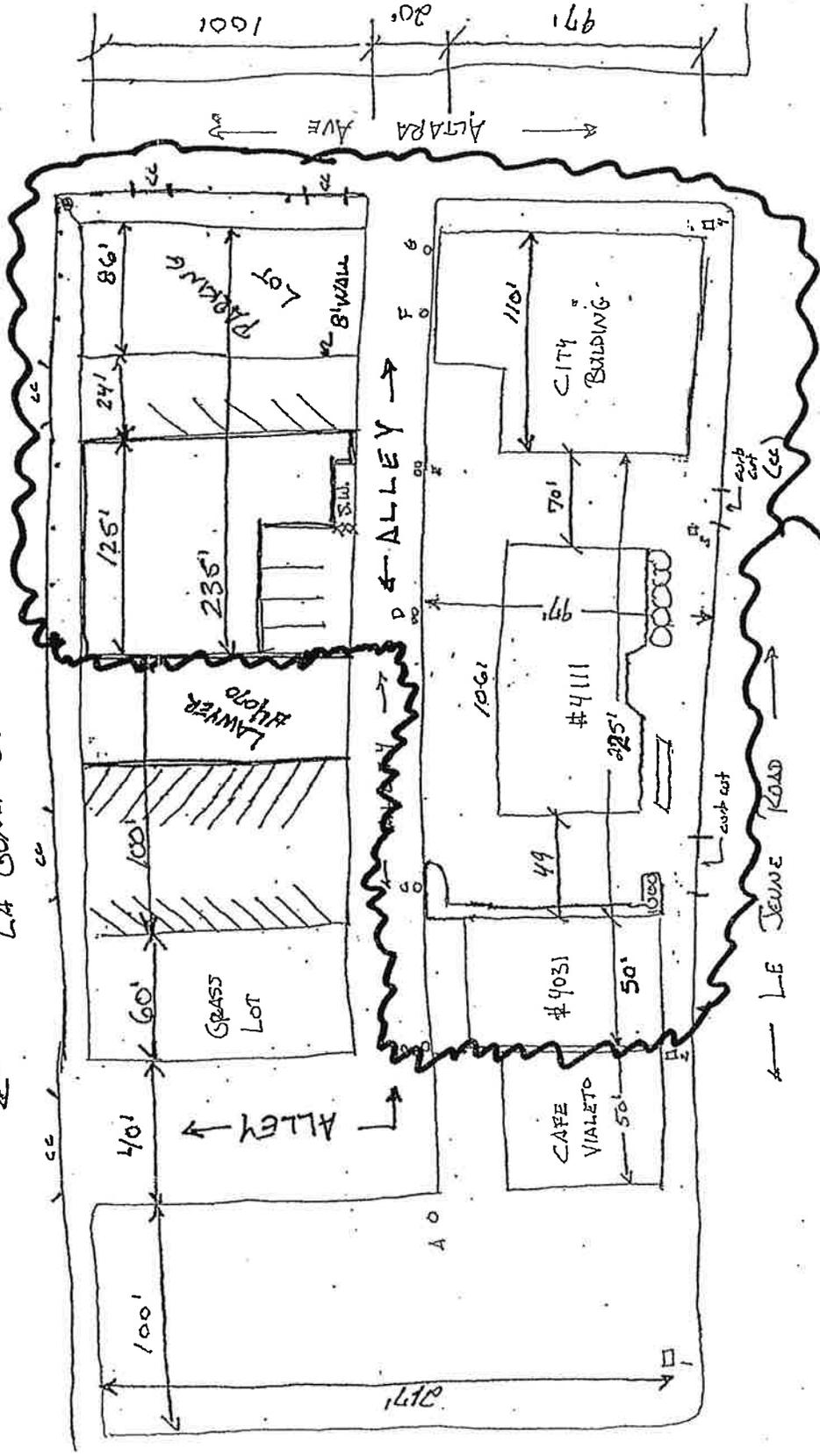


P2-7/10  
10-13-10

• parking meter



← LA GONA STREET →



PROJECT BOUNDARY  
07MARCH11

parking meter

NEW ALLEY ROUTE

P2 8-B-11

P2 4/10

10-13-10

LA GONA STREET

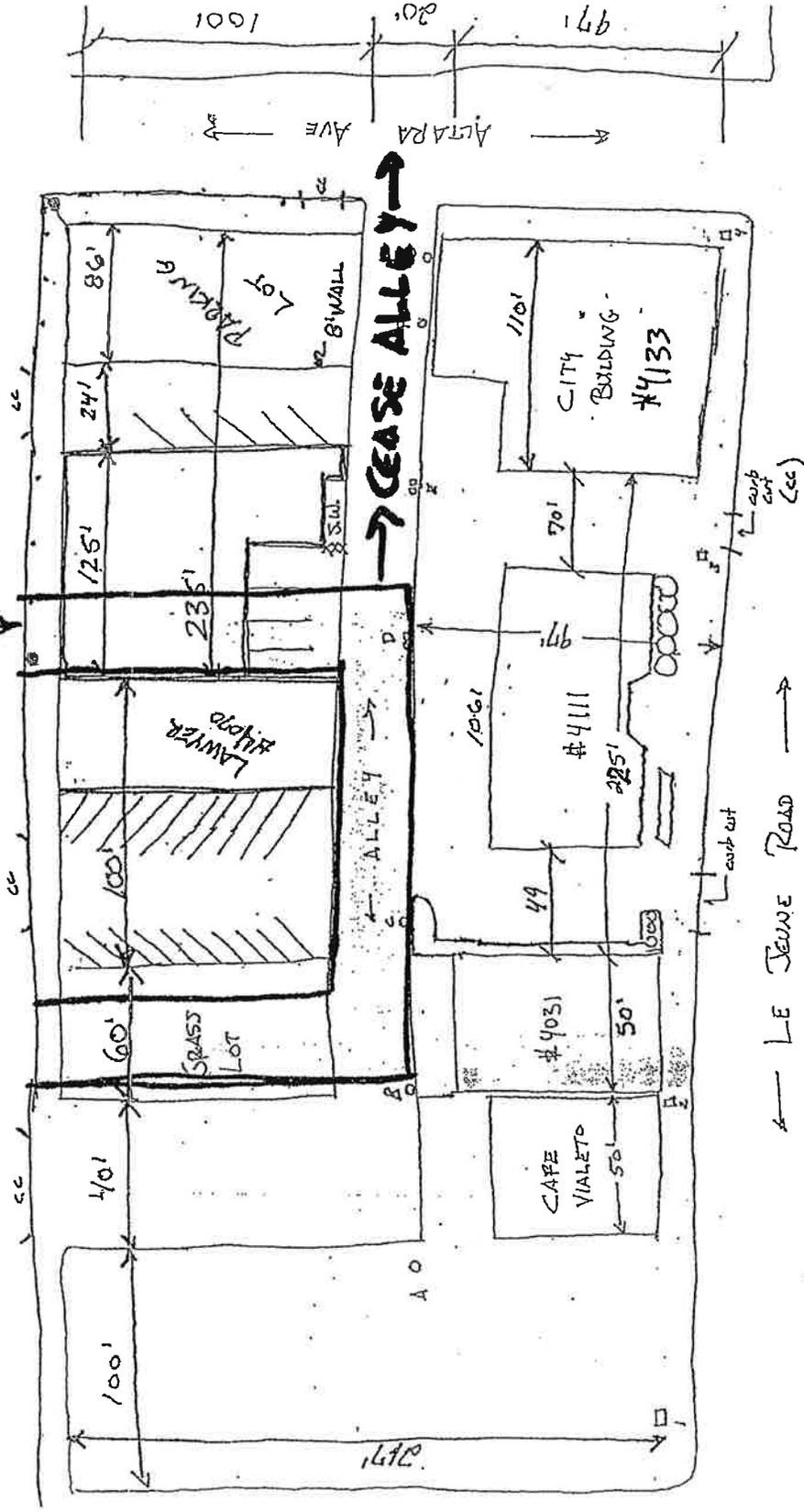
CEASE ALLEY

ALLEY

ALGARA AVE

LE JEUNE ROAD

BIRD ROAD



CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. O-2004-34 (AS AMENDED)

AN ORDINANCE AMENDING THE "~~CODE OF CITY OF CORAL GABLES~~", CHAPTER 22, ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," AND IN PARTICULAR BY ADDING NEW ARTICLE IX, ENTITLED "STREET AND ALLEY VACATION," TO PROVIDE A UNIFORM PROCEDURE FOR APPLICATIONS FOR VACATION, ABANDONMENT AND CLOSURE OF STREETS, EASEMENTS, ALLEYS AND OTHER NON-FEE INTERESTS OF THE CITY ON PUBLIC RIGHT-OF-WAY; PROVIDING PURPOSE AND METHODS, DEFINITIONS, AND FOR AN APPLICATION PROCESS FOR PRIVATE AND PUBLIC PROPERTY, APPLICATION FEE, REVIEW AND RECOMMENDATION BY DEPARTMENTS AND THE DEVELOPMENT REVIEW COMMITTEE, THE PLANNING AND ZONING BOARD AND OTHER BOARDS WHERE APPROPRIATE, AND ACTION BY THE CITY COMMISSION; MORE PARTICULARLY BY ADDING NEW SECTIONS TO SAID CODE; AND REPEALING ALL ORDINANCES AND RESOLUTIONS INCONSISTENT OR IN CONFLICT HERewith, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of *adding* new Article IX, "entitled "STREET AND ALLEY VACATION AND APPROVAL OF ENCROACHMENTS" to Chapter 22, entitled "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" is to establish a uniform procedure for applications for vacation, abandonment and closure of streets, easements, alleys and other non-fee interests of the City, to provide a method for the City to vacate, abandon and close its fee interest; to designate the appropriate departments and boards of the City that shall be responsible for processing such applications; and to provide the methods, procedures and standards which shall govern such processing;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

Section 1. That Chapter 22 of the "Code of the City of Coral Gables," "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES ", is hereby amended by *adding* new Article IX, entitled "STREET AND ALLEY VACATION," as hereinafter set forth.

CHAPTER 22  
STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE IX. VACATION, ABANDONMENT AND CLOSURE OF STREETS, EASEMENTS AND ALLEYS BY PRIVATE OWNERS AND BY THE CITY; APPLICATION PROCESS.

### SECTION 1. PURPOSE AND METHODS.

The purpose of this Article is to set forth a uniform procedure for applications for vacation, abandonment and closure of streets, easements, alleys and other non-fee interests of the City; provide a method for the City to vacate, abandon and close its fee interest on the public right of way; and, designate the appropriate departments and boards of the City that shall be responsible for processing such applications; and provide the methods, procedures and standards which shall govern such processing.

### SECTION 2. DEFINITIONS.

The following words, terms and phrases defined in this Section shall have the meaning set forth below whenever they appear in this Code, except where:

- (1) The context in which they are used clearly requires a different meaning; or
- (2) A different definition is prescribed for a particular section or provision.

Words not defined shall be given the meaning provided under their common and ordinary meaning unless the context suggests otherwise.

- (1) "Abandon" or "Vacate" shall mean to renounce or disclaim all interest of the City and of the public in and to any land dedicated for transportation or travel by the public.
- (2) "Easement" shall mean any easement granted for the use of non-specified utilities or to the public in general. Any reference to easement(s) in this Article shall refer to a public easement unless otherwise specified.
- (3) "Right-of-way" shall mean any public street, road, alley, place, highway, or other non-fee interest or portion thereof.

### SECTION 3. APPLICATION FORM.

(A) Applications may be filed by the owner of record of property abutting or bounding the right-of-way or easement sought to be vacated or by the City. All requests for vacation, abandonment and closure of rights-of-ways, easements, or City property shall be made in writing upon an application form furnished by the Public Works Department which shall require the following information:

- (1) The name and address of the applicant.
- (2) A general description of the Right-of-Way or Easement which applicant seeks to have abandoned and the location of same. A legal description and recent survey, prepared and certified by a registered surveyor or engineer, shall be provided, which description shall be accompanied by a plat, map or drawing that also shows the general area involved and the location of the specific property interest sought to be vacated, abandoned, and closed.

(3) The reason for the requested abandonment, vacation and closure.

(4) The names and addresses of the owners of record of real property bounding and abutting the Right-of-Way or Easement or City Property the applicant seeks to have abandoned, and all owners of record of property located within 1000 feet in all directions from any point of the right-of-way or easement proposed to be abandoned. The property owners of record shall be deemed to be those shown on the then current tax assessment roll of the City.

(5) Letters of consent from affected utilities, including but not limited to Florida Power & Lights, BellSouth Telephone Company, Florida Public Utility, NUI Gas, Comcast and other telecommunications companies, Miami-Dade County Water and Sewer Department and the City of Coral Gables Water and Sewer Division, as may be applicable.

(6) Existing utilities or improvements, if any, in the area involved. If utilities and improvements need to be relocated, all details regarding such relocation shall be identified, including dedication of new easements including legal descriptions.

(7) At least 45 days prior to the consideration of the application by the Development Review Committee, 20 completed copies of the application shall be submitted to the Public Works Department by the applicant.

(8) Applicant's proposed mitigation plan designed to offset any potential impacts which may be caused by the requested vacation.

(9) Such other relevant information as the City may require.

The application shall be signed by the applicant, who shall verify under oath that the information contained therein is true and correct.

(B) The City, through the City Manager, may file an application with the Public Works Director to initiate a review of proposed abandonment, vacation and closure of City Right of Way or Easement. The City shall not file an application fee. The City application shall otherwise be reviewed and processed in accordance with the provisions of this Article of the Code.

#### **SECTION 4. CITY RIGHT OF WAY OR EASEMENT.**

(A) The Public Works Department shall prepare and distribute the application packages to City departments, public agencies and public utility companies as set forth in section 3 of this Article, within 10 days of receipt of a completed application for abandonment, vacation and closure of a right of way or easement.

(B) The Public Works Department shall review the application in accordance with the criteria set forth in the application and in section 6 of this Article, and shall otherwise

follow the procedures outlined in this Article in reviewing and handling the application, except, however, that the City shall not pay an application fee.

**SECTION 5. APPLICATION FEE AND COSTS.**

All applications for abandonment, vacation and closure filed by private property owners pursuant to this Article shall be accompanied by an application fee of \$1,500.00, unless such fee is waived or reduced by the City Commission upon a showing of good cause. All costs of public notice and advertisement shall be borne by the Applicant unless waived by the City Commission.

**SECTION 6. DEPARTMENTS AND AGENCIES TO RECEIVE AND REVIEW APPLICATIONS.**

Applications for vacation, abandonment and closure pursuant to this Article, together with the required filing fee(s) shall be made and directed to the Public Works Department for processing. The Public Works Department shall provide a copy of the complete application to the following departments and agencies for review and comment:

- (1) City Manager
- (2) Planning Department.
- (3) Building and Zoning Department.
- (4) Fire-Rescue Department.
- (5) Police Department.
- (6) Public Service Department.
- (7) Parking Department.
- (8) Economic Development Department.
- (9) City Clerk.
- (10) City Attorney.
- (11) Public Utilities and Governmental agencies listed in section 3 above.
- (12) Such other agencies as determined by the Director of Public Works.

The governmental agency, public utility company and departmental review and evaluation of the application shall include but not be limited to:

- (1) A determination of whether the subject right-of-way is useful as part of the City street system.
- (2) A determination of whether the proposed action is consistent with the City's Comprehensive Land Use plan.
- (3) A study of geographic areas within 2500 feet, which may be impacted by the proposed action and the manner of impact.
- (4) Suggested alternative actions to the proposed action, if any, which would alleviate the identified problems.

- (5) A determination of whether the proposed action may be accomplished in conformance with the standards, rules and regulations of the local, state and federal governing authorities.
- (6) A determination of what additional property, interests, easements, utility relocations, agreements and other actions are necessary to accommodate the proposed action. The applicant may also be required to provide an alternative right-of-way or easement.
- (7) Identification and evaluation of any impact that the proposed action would have on the delivery and provision of service by public services vehicles.
- (8) Identification and evaluation of any impact that the proposed action would have on the surrounding City street system.
- (9) The results of any applicable traffic study.
- (10) An estimated immediate and future cost to the City, if any, of completing the proposed action.
- (11) A study of the reason identified for the proposed action.
- (12) A review of the applicant's proposed mitigation plan to offset potential impacts which may be caused by the requested vacation.

#### **SECTION 7. PROCEDURES RELATING TO APPLICATIONS.**

Upon receipt of the application and fee pursuant to this article, the Public Works Department shall:

(1) Review same for completeness and for compliance with the requirements of this article. The Public Works Department may reject the application if a similar application has been considered at any time within one year of the date the application is submitted. Upon the application being properly submitted, it shall be accepted for filing with the Public Works Department, which shall give a receipt to the applicant for the fee paid. Once the review procedures outlined above are complete, the Public Works Department shall set a date for review by the Development Review Committee.

(2) Forward the application together with all comments and recommendations received from City departments, agency and utility company input, to the Development Review Committee which shall review the application pursuant to the criteria set forth in section 6 above, and provide a recommendation to the City Manager who shall advise the City Commission of any objections to the proposed vacation or abandonment, and to the Planning and Zoning Board which shall consider the request as part of the site plan review and approval process, and whose recommendations shall be forwarded to the City Commission.

(3) Transmit the entire record to the City Manager and Planning and Zoning Board. The Planning and Zoning Board, at the conclusion of a duly advertised public hearing, shall review the entire record, in accordance with the procedures set forth in the Zoning Code and in sections 6 and 8 and provide a recommendation to the City Commission.

(4) Provide courtesy notice by mail to the owners of real property bounding and abutting the right-of-way or easement or City Property proposed to be abandoned and, in addition, if a street or alley is to be abandoned, all the owners within 1000 feet in all directions from any point of the street or alley to be abandoned. The owner of property shall be deemed to be the person shown on the then current tax assessment roll, and such notice shall be sent to the address given on such assessment roll for that purpose. Notice shall be mailed at least two weeks prior to the date of the meeting before the Development Review Committee and the Planning and Zoning Board at which the application shall be considered. The notice provided shall also advise property owners that they may provide comments in writing and/or verbally at the board meeting at which same is to be considered.

(5) Notify the general public by causing to be published a notice in a newspaper of general circulation in the City of the public hearing to be held on the application.

(6) Forward the Planning and Zoning Board's recommendations for public hearing at the appropriate City Commission meeting.

(7) Notify by certified mail the owners and occupants of real property, as identified above, of the public hearing to be held before the City Commission.

(8) Notify the general public by causing to be published a notice in a newspaper of general circulation in the City of the public hearing to be held by the City Commission on the application.

#### **SECTION 8. ACTION BY CITY COMMISSION.**

The City Commission shall consider the entire record of the application for abandonment, vacation and closure, which record shall consist of the report and recommendations of the departments, agencies and public utility companies, the recommendations of the Development Review Committee and Planning and Zoning Board and the record of the public hearing held before the Planning and Zoning Board.

In reaching its decision, the City Commission shall adopt findings of fact and shall also consider the following criteria at a duly advertised public hearing in determining whether the general public welfare would be best served by the proposed action:

(1) Whether the public benefits from the use of the subject right-of-way as part of the City street system;

- plan;
- (2) Whether the proposed action is consistent with the City's comprehensive plan;
  - (3) The availability of alternative action to alleviate the identified problems;
  - (4) The effect of the proposed action upon traffic circulation;
  - (5) The effect of the proposed action upon the safety of pedestrians and vehicular traffic; and
  - (6) The effect of the proposed action upon the provision of municipal services, including, but not limited, to emergency services and waste removal.
  - (7) The mitigation plan proposed by the applicant to offset any potential impacts.

At the conclusion of the hearing, the City Commission shall accept, modify, or deny the application in accordance with the standards set forth in this section and in the best interests of the public welfare.

#### **SECTION 9. ADOPTION OF ORDINANCE.**

If the City Commission adopts an ordinance granting the application, notice thereof shall be published one time, within 30 days following the date of adoption of said ordinance, in a newspaper of general circulation published in the City. The proof of publication of the notice of hearing and a proof of publication of the notice of the adoption of the ordinance and a copy of the ordinance shall be recorded in the public records of the county. Upon adoption of an ordinance approving and application, a certified copy of same shall be filed in the public records of Miami-Dade County, Florida. The costs of all notices required pursuant to the provisions of this Article shall be borne by the Applicant.

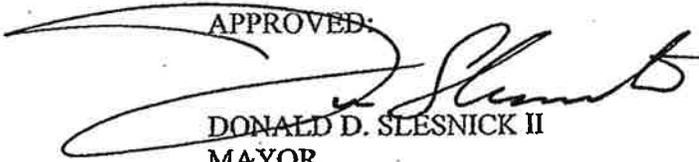
**Section 2.** That all ordinances or parts of ordinances inconsistent or in conflict herewith are hereby repealed insofar as there is conflict or inconsistency.

**Section 3.** That this Ordinance shall become effective thirty (30) days from the date of its adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF SEPTEMBER, A.D.,  
2004.

(Moved: Kerdyk/Seconded: Withers)  
(Yeas: Withers, Anderson, Cabrera, Kerdyk, Slesnick)  
(Vote: 5/0)  
(Agenda Item E-1)

APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:



WALTER J. TOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY





SECTION #6

CADIMA AV

SECTION 23

SECTION 25

SECTION 26

Map area showing residential lots and streets in the upper right quadrant. Streets include Segovia St, Alvaro St, and various residential streets like Fluvia Av, Candia Av, and Velarde Av. Lot numbers are visible on the yellow blocks.

Map area showing residential lots and streets in the lower right quadrant. Streets include Ponce de Leon Blvd, Salzedo St, and various residential streets like Fluvia Av, Candia Av, and Velarde Av. Lot numbers are visible on the yellow blocks.

Map area showing residential lots and streets in the upper middle quadrant. Streets include San Antonio Av, Altara Av, and San Lorenzo Av. Lot numbers are visible on the yellow blocks.

Map area showing residential lots and streets in the lower middle quadrant. Streets include Ponce de Leon Blvd, Altara Av, and San Lorenzo Av. Lot numbers are visible on the yellow blocks.

Map area showing residential lots and streets in the upper left quadrant. Streets include Jeronimo Dr, Vilabella Av, and Alminar Av. Lot numbers are visible on the yellow blocks.

Map area showing residential lots and streets in the lower left quadrant. Streets include S Dixie Hwy, S Grand Av, and S W 42nd Av. Lot numbers are visible on the yellow blocks.

CITY OF MIAMI

CITY OF MIAMI

INDUSTRIAL SECTION 11

CORAL GABLES SENIOR HIGH SCHOOL

Subject

Subject

RIVIERA SECTION #1



Map area showing industrial lots and streets in the lower middle quadrant. Streets include Ponce de Leon Blvd, San Lorenzo Av, and various industrial streets like Lagona St, Salzedo St, and Aurora St. Lot numbers are visible on the brown blocks.

# Public Hearing Courtesy Notification

**City of Coral Gables**  
**Public Works Department**  
**2800 SW 72 Avenue**  
**Miami, Florida 33155**

**Email: [pwdepartment@coralgables.com](mailto:pwdepartment@coralgables.com)**

**Telephone: (305) 460-5000**

**Fax: (305) 460-5080**

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April 25<sup>th</sup>, 2012

Subject: Courtesy Public Hearing Notice - Application No. PW-11-11-4806

Dear Property Owner:

***Application No. PW-11-11-4806, 4111 LeJeune Road – Proposed alley vacation and dedication of substitute easement. (Application submitted by MCI Laguna, LLC and 4111 LeJeune LLC).***

In accordance with Section 62-263 of the Coral Gables City Code, Local Planning Agency (LPA)/ Planning and Zoning Board (PZB) will conduct a Public Hearing to consider an ordinance to vacate a south portion of the twenty (20') foot alley bisecting Block 1, and the dedication of a public easement on portion of Lots 13, 14, 29, 30, 31, 32 and 33, Block 1, Industrial Section (Plat Book 28 at 22), Coral Gables, Florida.

The Public Hearing will be conducted on Wednesday May 9, 2012 at 6:00 p.m. to consider the above subject matter in the Commission Chambers, 2<sup>nd</sup> Floor, City Hall, 405 Biltmore Way, Coral Gables, Florida. The proposed alley vacation and substitute easement is as shown on the attached sketch.

All interested parties are invited to attend and participate. Upon recommendation by the Board, the application will be scheduled for City Commission consideration. Notice of the upcoming City Commission public hearing will be sent to you in the near future.

If you have questions related to this issue please contact Public Works Department, City of Coral Gables, at 305-460-5000 or [pwdepartment@coralgables.com](mailto:pwdepartment@coralgables.com).

Sincerely,



Glenn Kephart, P.E.  
Director  
Public Works Department  
City of Coral Gables

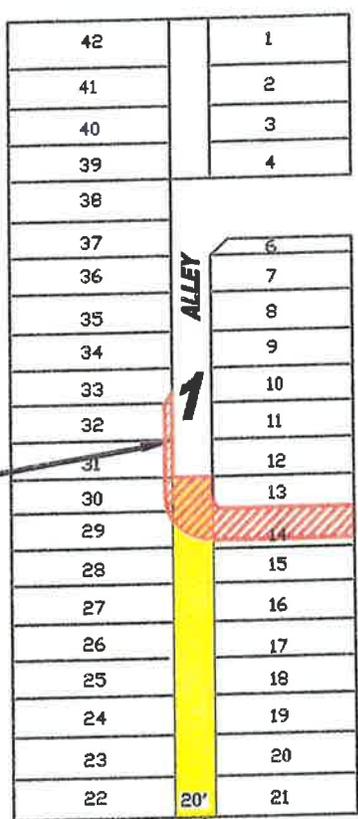
(Mail Date: April 25, 2012)

45	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25	24
44																			
43																			



**BIRD ROAD**

**PROPOSED ACCESS EASEMENT**



**ST.**

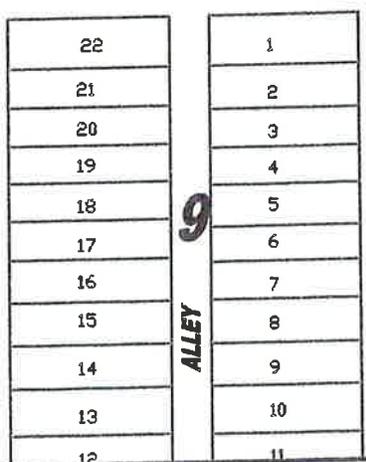
**2**

**ST.**

**ALTARA AVE.**

**PROPOSED ALLEY TO BE VACATED**

**LE JEUNE ROAD**



**LAGUNA**

**8**

**SALZEDO**

**LEGEND:**

- PROPOSED ACCESS EASEMENT**
- PROPOSED ALLEY TO BE VACATED**

**PROPOSED ALLEY VACATION AND EASEMENT DEDICATION AT INDUSTRIAL SECTION BLOCK 1**

SCALE: N.T.S.  
 APP'D: L. H.  
 DRAWN BY: MEM

**DEPARTMENT OF PUBLIC WORKS**  
 ENGINEERING DIVISION  
 CITY OF CORAL GABLES, FLORIDA

DATE: 11-04-2011  
 SHEET: 1 OF 1  
 FILE: 2300-M