

RESOLUTION NO. R-2006-96

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS TO VACATE THE CITY RIGHT-OF-WAY LEGALLY DESCRIBED AS "A PORTION OF THAT CERTAIN 50' WIDE RIGHT-OF-WAY (THEORETICAL NE 138<sup>th</sup> STREET) RECORDED IN DEED BOOK 2153, PAGE 151 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA" AND LYING WITHIN THE RUCK'S PARK PROPERTY LOCATED AT THE NORTHWEST CORNER OF N.E. 137<sup>th</sup> STREET AND N.E. 5<sup>th</sup> AVENUE IN THE CITY OF NORTH MIAMI; PROVIDING AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, the North Miami Planning Commission has reviewed a request by the North Miami Community Redevelopment Agency (NMCRA) to have the City of North Miami vacate a right-of-way (theoretical NE 138<sup>th</sup> Street) of approximately 16,762 square feet or .385 acres within the Ruck's Park parcel; and

**WHEREAS**, the right-of-way is no longer utilized by the general public or needed for the public use of the property; and

**WHEREAS**, the Mayor and City Council believe that the vacation of the right-of-way is in the best interest of the city and its resident; and

**WHEREAS**, the Mayor and City Council agree to vacate the right-of-way upon the conditions below, to which the NMCRA has agreed.

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

**Section 1.** That the Mayor and City Council agree to vacate the right-of-way depicted on the location sketch attached as "Exhibit A," and generally described as the right-of-way located within the Ruck's Park parcel bounded by NE 139<sup>th</sup> Street to the North and NE 137<sup>th</sup> Street to the

South; NE 4<sup>th</sup> Avenue to the West and NE 5<sup>th</sup> Avenue to the East in the City of North Miami. The legal description is attached as "Exhibit A."

**Section 2.** That the Mayor, City Manager and City Clerk are authorized to execute all necessary documents to vacate this right-of-way.

**Section 3.** That this approval is conditioned upon either the relocation of existing utilities or the provision of easements to the City of North Miami and all utility companies in order to allow the continued use of all utilities in the right-of-way. Any easements shall be subject to the approval of the City of North Miami and any affected utility and shall be recorded simultaneously with this Resolution.

**Section 4.** That notice has been given to all property owners adjoining or abutting the parcels, at the addresses on the most recent tax rolls, and this Resolution has been duly published as required by law.

**Section 5.** That the North Miami City Council finds that the vacation will not adversely affect any property or the general public and no present or reasonably foreseeable need exists for the vacated area.

**Section 6.** That this Resolution shall be effective only upon being recorded in the public records of Miami-Dade County.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council on this 22 day of August, 2006.

  
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MAYOR

ATTEST:

Deputy for Jacqui Vieira  
FRANK WOLLAND  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

V. Lynn Whitfield  
V. LYNN WHITFIELD  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Mayor Burns

Seconded by: Councilman Galvin

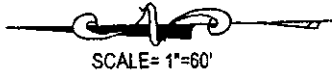
**Vote:**

Mayor Kevin A. Burns	<u>X</u>	(Yes)	<u>        </u>	(No)
Vice Mayor Scott Galvin	<u>X</u>	(Yes)	<u>        </u>	(No)
Councilperson Jacques A. Despinosse	<u>X</u>	(Yes)	<u>        </u>	(No)
Councilperson Michael R. Blynn	<u>X</u>	(Yes)	<u>        </u>	(No)
Councilperson Marie Erlande Steril	<u>X</u>	(Yes)	<u>        </u>	(No)

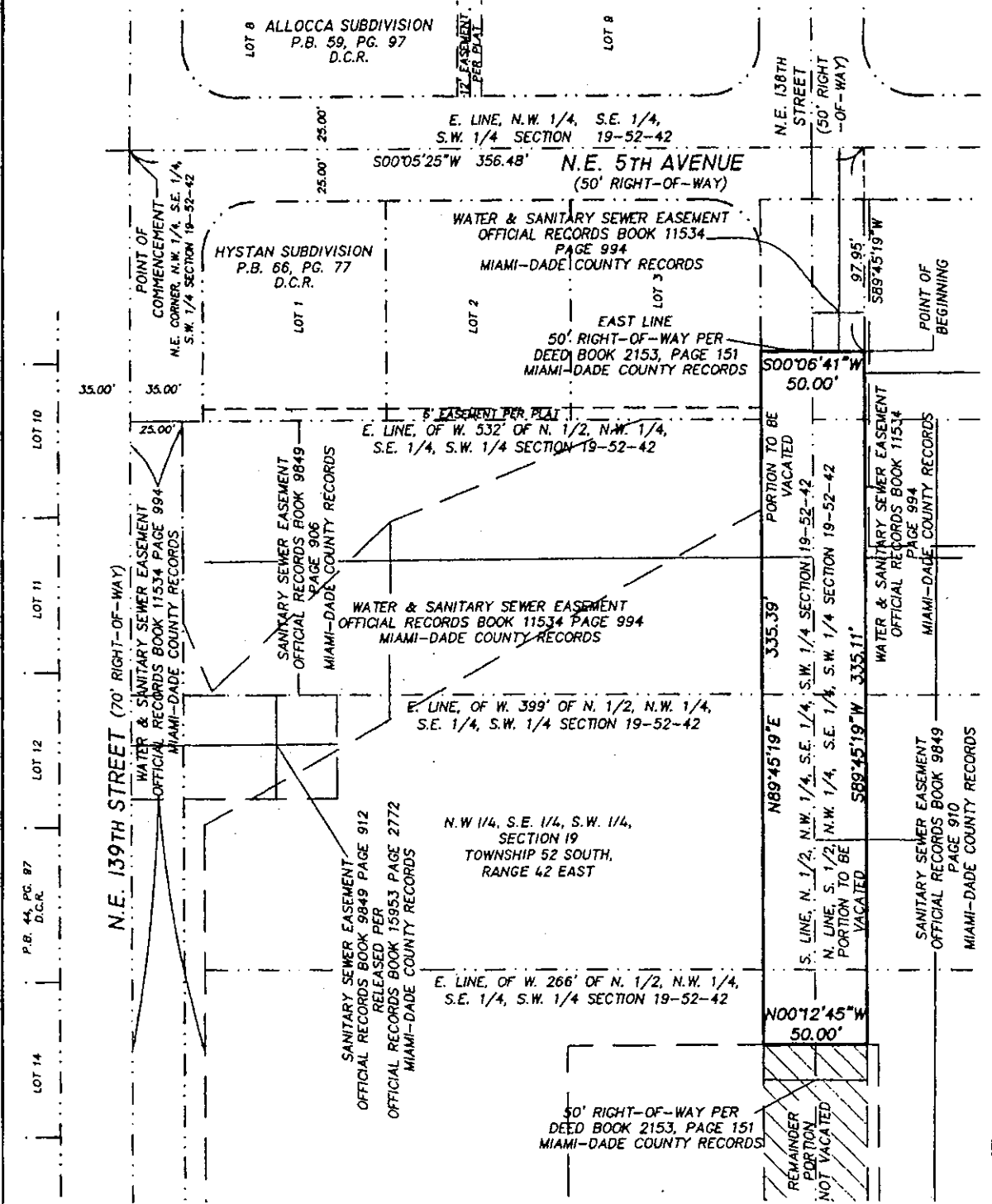


FOR: **CITY OF NORTH MIAMI**

NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of the information shown hereon.



## SKETCH TO ACCOMPANY DESCRIPTION RIGHT-OF-WAY VACATION



UPDATES and/or REVISIONS	DATE	BY	CK'D	NOTE: The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected herein pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification.  NOTE: Lands shown hereon were not abstracted for right-of-way and/or easements of record.
REVISIONS PER COMMENTS	3-31-06	T.S.	T.S.	

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JOB NO. 04-0136	DRAWN BY: T.S.	CHECKED BY: NM	F.B. N/A	PG. N/A	DATED: 11-16-05
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DESCRIPTION: (A PORTION OF RIGHT-OF-WAY TO BE VACATED)

A PORTION OF THAT CERTAIN RIGHT-OF-WAY RECORDED IN DEED BOOK 2153, PAGE 151 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND LYING IN A PORTION OF THE NORTHWEST ONE-QUARTER (N.W. ¼) OF THE SOUTHWEST ONE-QUARTER (S.E. ¼) OF THE SOUTHWEST ONE-QUARTER (S.W. ¼) OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 42 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (N.W. ¼), OF THE SOUTHWEST ONE-QUARTER (S.E. ¼), OF THE SOUTHWEST ONE-QUARTER (S.W. ¼) OF SAID SECTION 19; THENCE SOUTH 00°05'25" WEST, ALONG A PORTION OF THE EAST LINE OF SAID NORTHWEST ONE-QUARTER (N.W. ¼), OF THE SOUTHWEST ONE-QUARTER (S.E. ¼), OF THE SOUTHWEST ONE-QUARTER (S.W. ¼), A DISTANCE OF 356.48 FEET; THENCE SOUTH 89°45'19" WEST, A DISTANCE OF 97.95 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST LINE OF SAID RIGHT-OF-WAY; THENCE CONTINUE SOUTH 89°45'19" WEST, ALONG A PORTION OF THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 335.11 FEET; THENCE NORTH 00°12'45" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH LINE OF SAID RIGHT-OF-WAY; THENCE NORTH 89°45'19" EAST, ALONG A PORTION OF SAID NORTH LINE A DISTANCE OF 335.39 FEET TO A POINT ON THE EAST LINE OF SAID RIGHT-OF-WAY; THENCE SOUTH 00°06'41" WEST, ALONG SAID EAST LINE A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.


SAID LANDS SITUATE LYING AND BEING IN THE CITY OF NORTH MIAMI, MIAMI-DADE COUNTY, FLORIDA AND CONTAIN 0.385 ACRES OR (16,762 SQUARE FEET) MORE OR LESS

NOTE: THE BEARINGS SHOWN HEREON ON ARE BASED ON AN ASSUMED MERIDIAN, WITH THE EAST LINE OF THE N.W. ¼, OF THE S.E. ¼, OF THE S.W. ¼ OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 42 EAST BEARING SOUTH 00°05'25" WEST.

CERTIFICATE:

WE HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS OUTLINED IN CHAPTER 61G17-6 (FLORIDA ADMINISTRATIVE CODE), AS ADOPTED BY THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN SEPTEMBER, 1981, AS AMENDED, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES, AND IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

CRAVEN THOMPSON & ASSOCIATES, INC.  
CERTIFICATE OF AUTHORIZATION NO. LB271

  
THOMAS C. SHAHAN  
PROFESSIONAL SURVEYOR AND MAPPER NO. 4387  
STATE OF FLORIDA

APR 06 2006

THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.