

PART I

SECTION 4. RIGHT-OF-WAY, EASEMENT AND LAND USE SPECIAL PROVISIONS

A. Platting Procedures

- a) Preliminary conference. The subdivider or his engineer and/or land surveyor, prior to the preparation of the tentative plat, may seek the advice of the Building and Zoning Department in order to become more familiar with the subdivision requirements and the provisions of the master plan affecting the area in which the proposed subdivision is located.
- b) Check list. The tentative plat shown on the map shall include items required by the various City departments which would determine whether the proposed layout of the land in the subdivision is satisfactory from the standpoint of public interest. Upon the approval of the tentative plat, and in order to obtain a final plat, the following information shall be submitted, unless waived by the City:
 - 1) Proposed subdivision name and identifying title in which the subdivision is located and the section, township and range.
 - 2) The names and addresses of the record owner, subdivider and the person preparing the tentative plat.
 - 3) Location of property lines, existing easements, buildings, watercourses and other essential features.
 - 4) The names of adjacent subdivisions and their owners.
 - 5) Location of any existing sewer lines water mains or any underground or overhead utilities, culverts and drains on the property to be subdivided.
 - 6) The locations and widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other open public spaces and similar information for properties immediately adjacent to the proposed property.
 - 7) Any changes in the use, height , area, density or other regulations under this chapter, zoning applicable to the area to be subdivided and any boundaries of such districts affecting the tract; all parcels of land proposed to be dedicated to public use and the conditions of such dedications.
 - 8) The width and location of any street or other public rights of way or places shown in the official map or master plan within the area to be subdivided and the width, locations and grades of all streets or other public ways proposed by the developer.
 - 9) Typical cross section of the proposed grading for roadways or sidewalks and topographic conditions.
 - 10) The date, north arrow and graphic scale.
 - 11) The descriptions and map of survey of tract boundary made and certified by a Florida licensed land surveyor.

- 12) Location of closest available subdivision or public water supply system.
- 13) Location of closest available subdivision or public sewage disposal system.
- 14) Provisions for collecting and discharging surface drainage.
- 15) Preliminary design of any bridges or culverts which may be required.
- 16) The proposed lot lines with approximate dimensions; and for odd or irregular shaped lots, suggested location of the proposed buildings.
- 17) The proposed location and types of sidewalks, street lighting standards, and species of street trees, the location, types and sizes of curbs, gutters, water mains, sanitary sewer lines and storm drains and width and depth of pavement and subbase and the location of manholes and basins and underground conduits.
- 18) The boundaries of proposed permanent utility easements over or under private property which shall not be less than 20 feet in width except as otherwise noted in this section. Such easements shall provide adequate access to an existing public highway or open spaces shown in the layout or official map. Permanent drainage easements shall also be shown.
- 19) Where the submitted tentative plat covers only a portion of the subdivider's entire holding, a sketch of the prospective future street system for unsubdivided part may be required due to unusual circumstances.
- 20) A plat application signed by the owner and notarized on the form prescribed by the City.
- 21) All dimensions of the plat which affects public rights-of-way and proposed dedication of the public rights-of-way shall be prepared by a Florida registered land surveyor and mapper and shown on the official grading and drainage plan accompanying the approved tentative plats.

Final Plat Requirements

- a) Conformity to tentative plat. The final plat shall include all necessary modifications to the tentative plat in order to conform to the requirements of this section.
- b) Preparation. The final plat shall be prepared by a Florida registered land surveyor and mapper. A final plat shall be clearly and legibly drawn to a sheet size of 18 inches by 28 inches or 30 inches by 36 inches and to the scale of sufficient size in order to be legible. The final plat shall comply with applicable state statute, City and County ordinances.
- c) Final Plat Checklist:
 - 1) Name of the subdivision. The plat shall have a title or name. The term "town" or any other term suggesting a municipal corporation shall not appear in the title or name of any plat which includes any property within the town limits.
 - 2) Deed description. There shall be written or printed upon the plat a full and detailed description of the land embraced in the map or plat showing the township and range in which such lands are situated and the section and part of sections platted and the location sketch showing the plat's location in reference

to the closest centers of each section embraced within the plat. The description must be so complete that from it, without reference to the plat, the starting point can be determined and the outlines run. If a subdivision of part of the previously recorded plat is made, the previous lots and blocks to be resubdivided shall be given. If the plat is to be resubdivision of the whole previously recorded plat, that fact shall be so stated. Vacation of previously platted land must be accomplished in the manner provided by law.

- 3) Names of adjacent subdivisions
- 4) Names or numbers and width of streets immediately adjoining plat
- 5) All plat boundaries
- 6) Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments shall be accurately described on the plat.
- 7) Municipal, township county or section lines accurately tied to the lines of the subdivision by distance and bearing.
- 8) Accurate location of all monuments.
- 9) Length of all arcs, radii, internal angles, points of curvature and tangent bearings.
- 10) When lots are located on a curve or when side lot lines are at an angle less than 87 degrees or more than 93 degrees, the width of the lot at the front building setback lines shall be shown.
- 11) The name or numbering and right-of-way width of each street or right-of-way shown on the plat.
- 12) The numbering of all lots and blocks shown on the plat. All lots shall be shown either by progressive numbers, or in blocks progressively numbered except that blocks is numbered additions bearing the same name shall be numbered consecutively throughout the several additions. Excepted parcels must be marked "not part of this plat."
- 13) Plat restrictions to restrict type and use of water supply; type and use of sanitary facilities; use and benefits of water areas and other open spaces and odd shaped and substandard parcels; resubdivision of parcels as "platted" and restrictions of similar nature.
- 14) All areas reserved or dedicated for public purposes. No strip or parcel of land shall be reserved by the owner unless the same is sufficient in size and area to be of some practical use and service.
- 15) The dimensions of all lots and angles or bearings.
- 16) Minimum building setback lines where required by ordinance
- 17) Location, dimension and purpose of easements

- 18) Certification by a registered land surveyor stating that the plat survey was performed by him and that all shown monuments actually exist and that their locations are correctly stated.
 - 19) An acknowledgement by the owner of his adoption of the plat and of the Dedication of streets and other public areas and the consent of any mortgage holders to such adoption and dedication. If any existing rights-of-way are to be closed, the purpose of closing must be stated on the plat.
 - 20) The signature and seal of the City where property is being replatted, the Signature and seal of the City shall be affixed or denied pursuant to the procedures established in F.S. § 177.101, unless the vacation of prior plats has been validated previously.
- d) Other required data. Other required data accompanying the plat shall consist of:
- 1) Restrictive covenants desired by the developers so long as they do not violate existing town ordinances.
 - 2) Current opinion of title by an attorney authorized to practice law in Florida.
 - 3) Tax receipt or County certification indicating that all taxes and assessments have been paid on the land within the proposed subdivision.
 - 4) If zoning change is requested, a certification from the City shall be furnished indicating that the requested change has been approved and the size of lots and other features shown on the plat conform to City zoning requirements. Signing of the final plat by the Mayor and the City Clerk shall constitute such certification.
 - 5) Clerk's fees for recording the plat.
 - 6) The City of Miami Beach Public Works Department shall certify through the County plat division that all the required improvements within the public right-of-way have been completed or that the City is holding what it has deemed to be a good and sufficient bond for completion of the improvements. The County plat division shall release this certification within 45 days from the acknowledged receipt date of the plat. Failure to act within this time frame shall automatically trigger an approval of the final plat.

All platting procedures shall be in accordance to Florida Statutes Chapter 177 Part I and all surveys needed will be performed by a Professional Land Surveyor in the State of Florida pursuant to Chapter 5J-17 and shall meet the "Minimum Technical Standards" as identified in Rule 5J-17.050 through 5J-17.052, Florida Administrative Code.

B. Right-of-Way and Easement Modifications

Right-of way and easement modifications usually consist of the following:

I- Vacation of a street, alley or a portion of right-of-way by the City. These rights-of-way may be platted or dedicated and may have reversionary rights to adjacent property owners.

II- Abandonment of a utility easement or exchange of an existing utility easement with an equivalent easement elsewhere (Relocation of easements). These also may be platted or dedicated/recorded easements either for utilities or for access.

I. Vacation of a street, alley or a portion of right-of-way:

Pursuant to a review by the Land Use Committee of criteria/standards for considering the abandonment/vacation of streets or other rights-of-way, the City of Miami Beach Mayor and City Commission, on July 26 1989, recommended a case-by-case consideration of these vacations.

As set forth in these criteria/standards, precedent cases of vacation and by Ordinance 92-2783 incorporated as Article II of the City Code, the following are the requirements and procedures for soliciting the vacation of streets or other rights-of-way within the City:

An applicant requesting vacation of a street, alley or portion of right-of-way must submit:

1. A non - refundable \$5,000.00 application fee which will be applied to the assessed land value of the right-of-way being vacated.
2. A title binder or title commitment or attorney's opinion of title to the land subject to the request.
3. A statement by the applicant as to how the purchase and vacation of said right-of-way is in the best interest of the general public's welfare.
4. A recent topographic survey by a registered surveyor of the applicant's property and the subject City property
5. A plan showing the exact location and description of the subject City right-of-way, with the proposed improvements and use.
6. A map showing subject property and properties within 375 foot radius highlighted
7. A list of the property owners within the 375 foot radius, and their mailing addresses on gummed labels.
8. A certified letter stating the source and completeness of the above mentioned real property ownership list.

Upon receipt of these items, the City's Public Works Department and City Attorney's Office shall review the application and the applicant's commitment shall be obtained for the following:

a) The City's and other utilities' rights and needs for a utility easement should be reviewed and considered. Any relocation costs should be assumed by the applicant.

b) Implement the requirements of the attached Article II, sections 82-36 to 82-40 of the City Code as applicable.

Following completion of the above mentioned requirements, a public hearing shall be scheduled during a Commission meeting, public announcements published in the local newspapers and notices mailed to property owners for the provided mailing list.

The City Commission will evaluate the Administration's recommendations and analysis based on criteria similar to granting or denying a revocable permit as stated in Sec. 82-94 of the City Code during the public hearing and shall either approve, deny or refer to further consideration to the Land Use Committee.

II. Abandonment of a utility easement or exchange of an existing utility easement with an equivalent easement elsewhere (Relocation of easements).

Pursuant to precedent cases for easement vacations/abandonment or relocations, following are the requirements and procedures to abandon or exchange a utility easement:

1. Applicant must submit a recent survey of the property where easement lies.
2. Applicant must submit a title binder or proof of ownership to the property where easement is located and/or shall be relocated to.
3. A letter explaining the reason for the request for abandonment/relocation of the easement, accompanied by Design Review or Historic Preservation Board Final Orders showing conflicts of proposed construction with easement shall be submitted.
4. Applicant must obtain and submit Letters of No Objection or Agreements for relocation from all the utility companies servicing the City. All relocation or removal costs of existing utilities shall be borne by the applicant.
5. Applicant shall prepare and submit survey and legal description of the new or proposed easement together with an easement document to be reviewed by the City.
6. Following the review by the City's Public Works Department and City Attorney's Office and form approval of the granted easement documents, applicant executes and submits to the City two originals of the granted easement documents.
7. Public Works shall present the documents to the City Commission for considering approval of abandonment or exchange of the easement usually contingent upon applicant completing the relocation of existing City utilities or posting a bond for the cost of such relocation.
8. Applicant records and submits to the City proof of the recorded documents at the Miami-Dade County Clerk.

C. Restrictive Covenants and Maintenance Agreements

In order to enhance public property with landscaping and other architectural features, the City requires developers to design, construct and/or install such enhancements within public rights-of-way adjacent to their proposed developments.

These required enhancements are usually described in the Design Review or Historical Preservation Board's Final Order. Pursuant to the execution of these requirements, the developers present plans of the proposed improvements within the right-of-way to the City for review and approval. The plans are reviewed for compliance with city standards and specifications by the Planning, Building, Parks, Parking, Fire and Public Works Departments.

The final approved plans are then approved for construction when presented by the Contractor to the Public Works Department for a right-of-way permit.

As a requirement to permit the construction of such improvements within the right-of-way and because of the limited City resources to maintain such enhancements in a well maintained condition, the Public Works Department will require the Developer to submit a Maintenance Agreement or a Restrictive Covenant running with the property for the maintenance of such enhancements. This Maintenance Agreement or Restrictive Covenant shall be prepared by the Developer or his designee and reviewed and approved prior to execution and recordation, by the Public Works Department and the City Attorney's Office.

The following are the minimum guidelines for preparing such Agreement or Covenant:

1. The document shall provide a legal description of the property and its owner/s who will be responsible for maintaining the improvements within the right-of-way.
2. A description with attached sketches and plans if necessary describing the proposed enhancements within the right-of-way which are subject to the maintenance agreement.

3. Minimum known standards or a description of the acceptable state of the installed enhancements/improvements in which such items in the right-of-way shall be maintained at.
4. A liability insurance clause provided and maintained by the developer and holding the City harmless in the event of accidents due to these improvements.
5. A restoration cost clause for the developer' s responsibility to restore the subject enhancements following a necessary and permitted utility cut for replacement, construction or maintenance work of utilities or a major natural disaster affecting such installed improvements. This may also include a condition for the City to take action to perform such repairs within timely manner to safeguard public interests at a cost which will become reimbursable to the City by the developer or its successors.

Upon execution of the Maintenance Agreement or Restrictive Covenant by the developer or the legal representative of the property owner/s, the document shall be recorded and a copy of the recorded document submitted to the City's Public Works Department.

Public Works Department shall conduct a final inspection of all the constructed improvements together with representatives of all the concerned Departments such as Parks, Planning, ADA etc. and an acceptance and close-out of the right-of-way permit shall constitute acceptability of the conditions for the Maintenance Agreement or Covenant.