

ORDINANCE No. 2026-02

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CREATING CHAPTER 38, ARTICLE VII OF THE CITY'S CODE OF ORDINANCES RELATING TO THE VACATION OF STREETS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Doral ("City") has codified its regulation of municipal streets; and

WHEREAS, in 2005, Miami Dade County transferred control of municipal roads to the City of Doral; and

WHEREAS, the maintenance of the City's thoroughfares and rights-of-way are an integral part of the City's residents and visitors quality of life; and

WHEREAS, currently the City does not have a process by where City streets can be vacated or closed; and

WHEREAS, the additions to the Code are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. Creating Chapter 38 Article VIII – Vacation of Streets.

ARTICLE VII. VACATION, ABANDONMENT AND CLOSURE OF STREETS, EASEMENTS AND ALLEYS

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

Sec. 38-120. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words not defined shall be given the meaning provided under their common and ordinary meaning unless the context suggests otherwise.

Abandon or vacate means 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.

Easement means any easement granted for the use of nonspecified utilities or to the public in general. Any reference to easement in this article shall refer to a public easement unless otherwise specified.

Right-of-way means any public street, road, alley, place, or other non-fee interest or portion thereof.

Sec. 38-121. 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, to provide a method for the city to vacate, abandon and close its fee interest on the public right-of-way, 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 that shall govern such processing.

Sec. 38-122. 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 by the city. All requests for vacation, abandonment, and closure of rights-of-way, 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 the 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 1,000 feet in all directions from any point of the right-of-way or easement proposed to be

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

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 and Lights, BellSouth Telephone Company, Florida Public Utility, NUI Gas, Comcast and other telecommunications companies, the county water and sewer department and the city 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) The applicant's proposed mitigation plan is 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.

Sec. 38-123 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 62-325, within ten 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 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.

Sec. 38-124. 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 in the amount established in section 1-8, unless such fee is waived or reduced by the city council upon

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

a showing of good cause. All costs of public notice and advertisement shall be borne by the applicant unless waived by the city council.

(Code 2006, § 62-261; Ord. No. O-2004-34, § 1(22-233), 9-14-2004)

Sec. 38-125. Departments and agencies to receive and review applications.

(a) Applications for vacation, abandonment and closure pursuant to this article, together with the required filing fee, 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) Development services department;
- (3) Fire department;
- (4) Police department;
- (5) Public works department;
- (6) Parking department;
- (7) City clerk;
- (8) City attorney;
- (9) Public utilities and governmental agencies;
- (10) Such other agencies as determined by the director of public works.

(b) 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 2,500 feet that 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.

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

- (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 that may be caused by the requested vacation.

Sec. 38-126. 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 input, and utility company input, to the development review committee which shall review the application pursuant to the criteria set forth in this chapter, and provide a recommendation to the city manager, who shall advise the city council 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 council.
- (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 this chapter and provide a recommendation to the city council.
- (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 1,000 feet in all directions from any point of the street or alley to be abandoned.

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strike-through~~.

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) Forward the planning and zoning board's recommendations for public hearing at the appropriate city council meeting.
- (6) Notify by certified mail the owners and occupants of real property, as identified above, of the public hearing to be held before the city council.
- (7) Notify the general public by causing to be published a notice of the public hearing to be held by the city council on the application.

(Code 2006, § 62-263; Ord. No. O-2004-34, § 1(22-235), 9-14-2004; Ord. No. 2024-02, § 2(Exh. A), 1-9-2024)

Sec. 38-127. Action by city council.

- (a) The city council 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.
- (b) In reaching its decision, the city council 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;
 - (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;
 - (6) The effect of the proposed action upon the provision of municipal services, including, but not limited to, emergency services and waste removal; and
 - (7) The mitigation plan proposed by the applicant to offset any potential impacts.

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

(c) At the conclusion of the hearing, the city council 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.

Sec. 38-128. Adoption of ordinance.

If the city council adopts an ordinance granting the application, notice thereof shall be published one time, within 30 days following the date of adoption of said ordinance. 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 an application, a certified copy of same shall be filed in the public records of the county. The costs of all notices required pursuant to the provisions of this section shall be borne by the applicant.

Section 3. Conflicts. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 4. Severability. If any section, subsection, clause of provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 5. Incorporation into the Code. It is the intention of the Mayor and the City Council, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Doral, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions.

Section 6. Effective Date This Ordinance shall be effective immediately upon passage by the City Council on second reading.

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikeout~~.

The foregoing Ordinance was offered by _____, who moved its adoption. The motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	_____
Vice Mayor Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Maureen Porras	_____
Councilwoman Nicole Reinoso	_____

PASSED AND ADOPTED on FIRST READING this 15 day of January, 2026.

PASSED AND ADOPTED on SECOND READING this 18 day of February, 2026.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

LORENZO COBIELLA
GASTESI, LOPEZ, MESTRE & COBIELLA, PLLC
CITY ATTORNEY

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.