




To: Gerald Sanchez

From: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Alley Vacation

Date: March 25, 2015

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I am at the public hearing on the Mediterranean Village item, and a resident, Mr. Orlando Capote, presented me today with the attached letter from the Inspector General. I will be making a statement regarding the letter on the record today. I just wanted to make you aware, as a courtesy and as counsel for the Inspector General's Office, that I agree with the Inspector General that there is no jurisdiction by the IG over this matter, but disagree that the City's decision whether to vacate an alley is governed by the County Code or subject to County approval. My opinion is that the vacation of an alley held by the City for the benefit of the public, which the City is treating as a quasi-judicial matter but which also has a proprietary component (as the City owns the alley), is exclusively governed by section 62-264 of the City's Municipal Code and section 3-1203 of the City's Zoning Code. The City need not receive the approval of the County as to whether to vacate a City alley, and the City's Public Works Director has indicated to me that, to the best of his knowledge, the County has not asserted such a right to approve a City alley vacation in the past (Glenn, please provide any further information you would like). I plan to provide this opinion at the hearing today pursuant to my authority to issue opinions and interpretations as City Attorney (section 2-201(e)(1) and (8) of the City Code, and section 2-702 of the City's Zoning Code). I just wanted to make you aware of this.

Of course, I would like to emphasize that the City will obtain any necessary County approvals related to the traffic plan as it relates to streets and the flow of traffic for this project.

## Herbello, Stephanie

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**From:** Leen, Craig  
**Sent:** Wednesday, March 25, 2015 3:17 PM  
**To:** Herbello, Stephanie  
**Cc:** Chen, Brigette; Ramos, Miriam; Figueroa, Yanneris  
**Subject:** FW: Letter from Inspector General  
**Attachments:** Sent from the Coral Gables City Attorney Office.pdf

**Importance:** High

Please place in the opinion folder.

-----Original Message-----

**From:** Leen, Craig  
**Sent:** Wednesday, March 25, 2015 3:15 PM  
**To:** Sanchez, Gerald (CAO)  
**Cc:** Ramos, Miriam; 'Susan L. Trevarthen'; Chen, Brigette; Kephart, Glenn  
**Subject:** Letter from Inspector General  
**Importance:** High

Good afternoon, Gerald,

I hope you are doing well. I am at the public hearing on the Mediterranean Village item, and a resident, Mr. Orlando Capote, presented me today with the attached letter from the Inspector General. I will be making a statement regarding the letter on the record today. I just wanted to make you aware, as a courtesy and as counsel for the Inspector General's Office, that I agree with the Inspector General that there is no jurisdiction by the IG over this matter, but disagree that the City's decision whether to vacate an alley is governed by the County Code or subject to County approval. My opinion is that the vacation of an alley held by the City for the benefit of the public, which the City is treating as a quasi-judicial matter but which also has a proprietary component (as the City owns the alley), is exclusively governed by section 62-264 of the City's Municipal Code and section 3-1203 of the City's Zoning Code. The City need not receive the approval of the County as to whether to vacate a City alley, and the City's Public Works Director has indicated to me that, to the best of his knowledge, the County has not asserted such a right to approve a City alley vacation in the past (Glenn, please provide any further information you would like). I plan to provide this opinion at the hearing today pursuant to my authority to issue opinions and interpretations as City Attorney (section 2-201(e)(1) and (8) of the City Code, and section 2-702 of the City's Zoning Code). I just wanted to make you aware of this.

Of course, I would like to emphasize that the City will obtain any necessary County approvals related to the traffic plan as it relates to streets and the flow of traffic for this project.

Please let me know if you would like to discuss or have any questions.

Best regards,  
Craig

Craig E. Leen  
City Attorney

-----Original Message-----

**From:** [ca-pri@coralgables.com](mailto:ca-pri@coralgables.com) [<mailto:ca-pri@coralgables.com>]

Sent: Wednesday, March 25, 2015 2:45 PM  
To: Leen, Craig  
Subject: Sent from the Coral Gables City Attorney Office



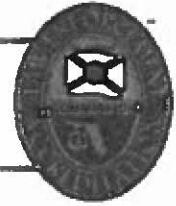
Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Attachment File Type: pdf, Multi-Page

Device Name: CTHCA2FL-7970A



Miami-Dade County  
**OFFICE OF THE INSPECTOR GENERAL**  
Mary T. Cagle, Inspector General  
*A State of Florida Commission on Law Enforcement Accredited Agency*



March 23, 2015

Honorable Jim Cason, Mayor  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, FL 33134

Re: Complaint Referral CR1164-1415-P

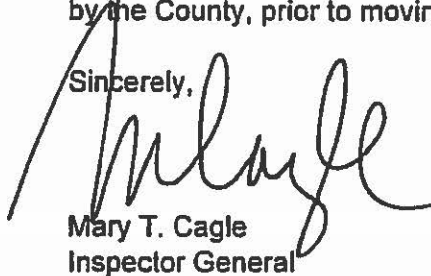
Dear Mayor Cason:

The Miami-Dade County Office of the Inspector General has received a complaint from Mr. Orlando Capote, a resident of Coral Gables, in regard to an application to vacate the alley from Mr. Capote's garage to Galliano Street as part of the development of a project known as The Mediterranean Village at Ponce Circle.

Attached is a copy of a letter from Mr. Capote to Craig Leen, Attorney for the City of Coral Gables, detailing his complaint.

The Office of the Inspector General is referring this matter to your attention and will not be taking any further action. We do wish to remind you, however, that in accordance with Chapter 2 Administrative Article XII, Section 2-95-1 of the Miami-Dade County Code of Ordinances, the Miami-Dade Traffic & Engineering Division has exclusive jurisdiction in respect to all matters of traffic engineering within the territorial areas of Miami-Dade County. Accordingly, this matter should be approved by the County, prior to moving forward.

Sincerely,



Mary T. Cagle  
Inspector General

Attachment

c: Craig Leen, Coral Gables City Attorney  
Dr. Joan Shen, Traffic & Engineering Division, Miami-Dade County  
Mr. Orlando Capote