



MEMORANDUM

Agenda Item No. 5(C)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

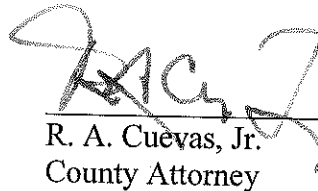
DATE: May 1, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution granting petition to close
NE 191st Street, from NE 24th Avenue
to NE 25th Avenue, NE 24th Avenue,
from NE 191st Street to NE 192nd
Street, and the alleys lying within
said roads (Road Closing Petition
No. P-891)

This item was amended as stated in the attached memorandum.

The accompanying resolution was prepared by the Public Works and Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

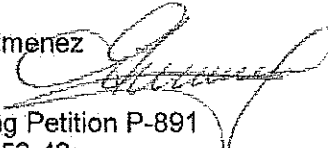
RAC/up

Memorandum



Date: May 1, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Road Closing Petition P-891
Section: 04-52-42
NE 191 Street, from NE 24 Avenue to NE 25 Avenue; NE 24 Avenue, from NE 191 Street to NE 192 Street; and the Alleys Lying Within Said Roads
Commission District: 4

This item was amended at the April 11, 2012 Infrastructure and Land Use Committee to recommend that the Board of County Commissioners waive the application fee for the proposed road closing.

Recommendation

It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Sustainability, Planning and Economic Enhancement, Public Works and Waste Management (PWWM), Water and Sewer and Fire Rescue have no objection to these rights-of-way being closed.

Scope

This road closing is located within Commission District 4.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to these rights-of-way at \$5.00 per square foot. Therefore, the estimated value of these rights-of-way would be approximately \$278,470.00. All the properties abutting the rights-of-way to be abandoned are tax exempt. Therefore, granting of this petition will not result in an increase in revenue from property taxes. The fee for road closing petition processing, in the amount of \$28,647.00, is waived pursuant to the authority granted under Administrative Order 04-114.

Track Record/Monitor

PWWM is the entity overseeing this project and the person responsible for monitoring is Mr. Raúl A. Pino, P.L.S., Chief, PWWM Land Development/Right-of-Way Division.


Background

The petitioner, Hillel Community Day School, Inc., wishes to close the rights-of-way for NE 191 Street, from NE 24 Avenue to NE 25 Avenue; NE 24 Avenue, from NE 191 Street to NE 192 Street; and the alleys therein, in order to incorporate the area into the proposed plat of "HILLEL PLAT", tentative plat number T-23188. NE 24 Avenue has never been improved nor maintained by Miami-Dade County, and NE 191 Street is a dead end street. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject rights-of-way were dedicated in 1925, by the plat of HARRIETTE PARK, recorded in Plat Book 17, Page 64, and in 1975 by an instrument recorded in Official Records Book 9161,

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page 2

Page 1566, both of the Public Records of Miami-Dade County, Florida. The subject rights-of-way are zoned QUAD (Single-Family, Duplex, Urban Villa and Rowhouse Dwellings).



Alina T. Hudak
County Manager/Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 1, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 5(C)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(C)
5-1-12

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE NE 191 STREET, FROM NE 24 AVENUE TO NE 25 AVENUE; NE 24 AVENUE, FROM NE 191 STREET TO NE 192 STREET; AND THE ALLEYS LYING WITHIN SAID ROADS (ROAD CLOSING PETITION NO. P-891)

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the closing of the aforementioned roads is contingent on the recording of the plat of HILLEL PLAT, tentative plat T-23188, that in the event the plat is not approved and recorded this resolution becomes null and void; (2) that the alleyways, street, road, highway or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; >>(5) that the fee for road closing petition processing, in the amount of \$28,647.00, is waived pursuant to the authority granted under the Administrative Order 04-114;<<¹ and ~~[[5]]~~>>(6)<< the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

¹ Committee amendments are indicated as follows: words double stricken through and/or ~~[[double bracketed]]~~ shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

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

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of May, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Alex S. Bokor

PETITION TO CLOSE ROAD

TO: Board of County Commissioners
Miami-Dade County, Florida

The undersigned, pursuant to Sections 336.09 - 336.12 Florida Statutes, hereby petitions the Board of County Commissioners to vacate, abandon, discontinue and close an existing public street, alleyway, road, highway, or other place used for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public in and to any land in connection therewith; or to renounce and disclaim any right of County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the County and the public in and to certain land delineated on recorded map or plat as a street, alleyway, road or highway.

The undersigned hereby certify:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way sought to be closed is as follows:

THE NORTH 35 FEET OF TRACT 1, AMENDED PLAT OF HARRIETTE PARK NO. 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGE 38, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

AND

THE AREA BOUNDED BY THE SOUTH LINE OF THE NORTH 35 FEET OF SAID TRACT 1 AND BOUNDED BY THE EAST LINE OF SAID TRACT 1 AND BOUNDED BY A 25 FOOT RADIUS ARC CONCAVE TO THE SOUTHWEST, SAID ARC BEING TANGENT TO BOTH OF THE LAST DESCRIBED LINES.

AND

THOSE PORTIONS OF NE 191ST STREET (HARPER STREET), NE 24TH AVENUE (OLETA DRIVE), AND THE ALLEYS LYING WITHIN BLOCK 4, ALL AS SHOWN ON THE PLAT OF HARRIETTE PARK, AS RECORDED IN PLAT BOOK 17, PAGE 64, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF NE 192ND STREET (HARRIETTE DRIVE) AND WEST OF THE WEST RIGHT-OF-WAY LINE OF NE 25TH AVENUE (GROVE AVENUE).

SAID LANDS SITUATE IN MIAMI-DADE COUNTY, FLORIDA, AND CONTAIN 1.279 ACRES (55,694 SQUARE FEET) MORE OR LESS.

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described road, right-of-way was acquired and is evidenced in the following manner (state whether public interest was acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

Rights-of-way were dedicated in 1925 by the plat of Harriette Park, recorded in Plat Book 17, Page 64; and in 1975 by an instrument recorded in Official Records Book 9161, Page 1566, both of the Public Records of Miami-Dade County, Florida

3. ATTACH SURVEY SKETCH: Attached hereto is a survey accurately showing and describing the above described right-of-way and its location and relation to surrounding property, and showing all encroachments and utility easements.

Attached.

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon the above described right-of-way.

PRINT NAME	FOLIO NO.	ADDRESS
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Owner:	<u>Hillel Community Day School, Inc</u>	
Address:	<u>19000 NW 25 Av, North Miami Beach, FL 33180</u>	

Folio Numbers:

30-2204-008-0280
30-2204-006-0430
30-2204-006-0431
30-2204-006-0440
30-2204-006-0441
30-2204-006-0450
30-2204-006-0455
30-2204-006-0456
30-2204-006-0460
30-2204-006-0470
30-2204-000-0070

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

The roads to be vacated only serve property owned by the undersigned.

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6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

The Hillel School, a private educational institution, has been a part of the neighborhood since 1975. Due to age, many of the existing buildings are in need of substantial repair and/or replacement in the near future, and to accommodate its students, the Hillel School has had to add modular buildings to an already cramped property. The existing classrooms, whether permanent or in temporary modular structures, are substandard. Also, the Hillel School cannot provide adequate recreation areas, such as a gymnasium and sports field at the property. The Hillel School students must use off-campus facilities for all sports. Present and future students would greatly benefit from larger classrooms, new buildings and expanded/improved recreational space and associated facilities. The present campus, tightly packed with the existing buildings, has difficulty accommodating the drop-off/pick up traffic.

The Hillel School, which owns all the lots in the block located north of NE 191st Street and west of NE 25th Avenue ("North Block"), plans to use the North Block for a gymnasium and sports fields. Currently, the Hillel School is separated from the North Block by NE 191st Street. Placing the gymnasium and sports fields in the North Block will mean that a public right-of-way, NE 191st Street, will be located in the middle of the Hillel School's campus. This situation presents a safety concern to students, faculty and guests traveling between the educational buildings and gymnasium and sports fields. Further, both safety and the security of all people at the Hillel School are paramount concerns. As such, the Hillel School requires significant control over all people accessing the campus.

To provide a safe and secure learning environment with expanded recreational areas, the Hillel School requests closure of NE 191st Street between theoretical NE 24th Avenue and NE 25th Avenue. As this roadway will be right in the middle of the campus, the safety of students, faculty, staff and visitors, and significant security concerns for all people and the campus, warrants control of this area by the Hillel School. The Hillel School envisions this area as part of a cohesive pedestrian-friendly campus. Traffic circulation will be reconfigured to utilize the boundaries of the property, especially NE 192nd Street, with a significant queuing and parking area at the west end of the property that will also connect to the Jewish Community Center property located immediately south of the Hillel School. To this end, the Hillel School has already submitted a T-Plat application.

Since there are no longer any residential uses on the north side of NE 191st Street, this road is a dead-end street that serves no public purpose. NE 192nd Street, also a dead-end street west of NE 25th Avenue, will remain a public roadway and continue to serve the Riverwood residential community located north of NE 192nd Street. The Hillel School will build and dedicate a cul-de-sac at the west end of NE 192nd Street, which will connect to an entrance to the Hillel School, and will allow vehicles that do not wish to enter the Hillel School to turnaround and return to NE 25th Avenue.

The Hillel School also requests closure of the unimproved section of theoretical NE 24th Avenue between NE 191st and 192nd Streets at the west end of the North Block and the unimproved 10 foot alleys located in the interior of the North Block. Since there are no longer any residential uses in the North Block, the continued existence of these rights-of-way serves no public purpose. The same reasons for closure of NE 191st Street, namely

safety and security, apply here too because the Hillel School's renovated and upgraded campus, including a new gymnasium and sports fields, will be located on these areas.

In summary, to achieve its campus expansion, provide a quality educational experience and, most importantly, to ensure the safety and security of all people coming to the campus, the Hillel School requests the closure of portions of rights-of-way that no longer serve a public purpose and impede the improvement of a quality educational institution. We respectfully request your expeditious review.

END OF SECTION 6.

7. Signatures of all abutting property owners: Respectfully submitted,

SIGNATURE
Rafael C. Quintero
Rafael C. Quintero
Chief Operating Officer
Hillel Community Day School, Inc

ADDRESS
19000 NW 25 Av,
North Miami Beach, FL 33180

Attorney for Petitioner: Jeffrey Bercow, Bercow Radell & Fernandez,

Address: 200 S. Biscayne Blvd., Suite 850, Miami FL 33131
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

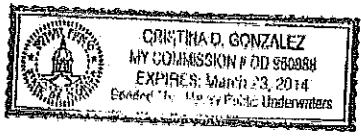
BEFORE ME, the undersigned authority, personally appeared RAFAEL QUINTERO, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all petitioners; that he/she has read the foregoing petition and that the statements therein contained are true.

(Signature of Petitioner)

Sworn and subscribed to before me this

31st day of MAY, 2008

Cristina D. Gonzalez
Notary Public State of Florida at Large



My Commission Expires: _____

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7. Signatures of all abutting property owners: Respectfully submitted,

SIGNATURE

ADDRESS

Rafael C. Quintero
Chief Operating Officer
Hillel Community Day School, Inc

19000 NW 25 Av,
North Miami Beach, FL, 33180

Attorney for Petitioner: Jeffrey Bercow, Bercow Radell & Fernandez,

Address: 200 S. Biscayne Blvd., Suite 850, Miami FL, 33131
 (Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared George Caputo
), who first by me duly sworn, deposes and says that
he/she is one of the petitioners named in and who signed the foregoing petition; that he/she
is duly authorized to make this verification for and on behalf of all petitioners; that he/she
has read the foregoing petition and that the statements therein contained are true.

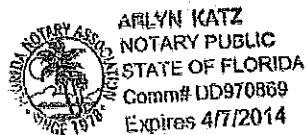
(Handwritten signature of George Caputo)

(Signature of Petitioner)

Sworn and subscribed to before me this

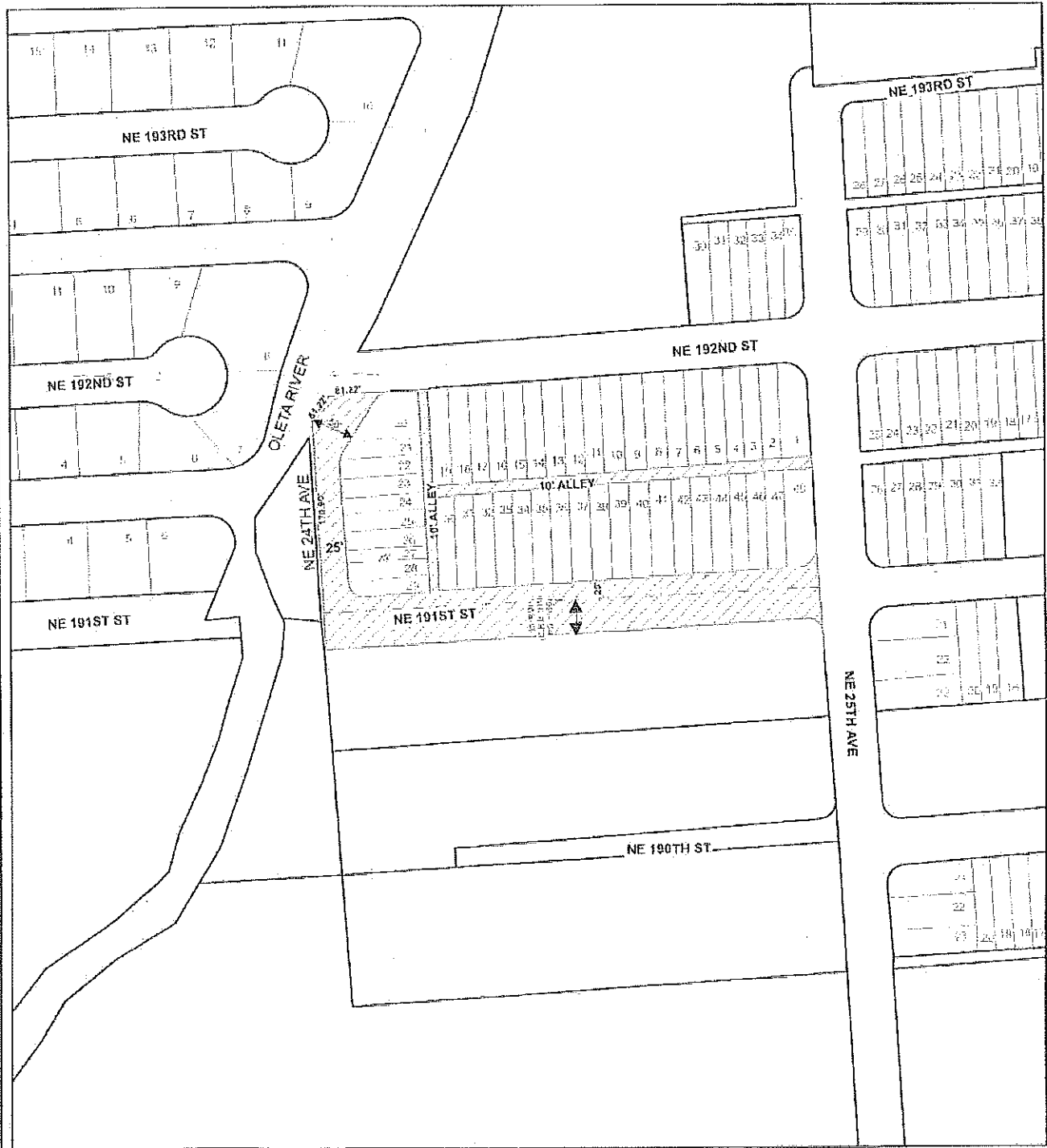
6 day of June, 2011
Arllyn Katz
Notary Public State of Florida at Large

My Commission Expires: 4/7/2014



Location Map

SECTION 04 TOWNSHIP 52 S RANGE 42 E



This is not a survey

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Gary A. Heyman 4

P-891