

MEMORANDUM

Agenda Item No. 5(J)


TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 5, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition to
close the remaining alleys in
Block 3 west of NE 26 Avenue
and south of NE 190 Street
(Alley Closing Petition No.
P-949)

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



Geri Bonzon-Keenan
County Attorney


GBK/uw

Memorandum



Date: October 5, 2021

To: Honorable Chairman José “Pepe” Díaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Alley Closing Petition P-949
Section: 4-52-42
Remaining Alleys in Block 3 West of NE 26 Avenue and South of NE 190 Street
Commission District: 4

Recommendation

It is recommended that the Board of County Commissioners (Board) grant Alley Closing Petition P-949, attached to this Memorandum as Exhibit 2, following a public hearing. The Miami-Dade County Departments of Regulatory and Economic Resources, Transportation and Public Works (DTPW), Water and Sewer, and Fire Rescue have no objection to these alleys being closed. These alleys are unimproved grassy areas. A location map is attached as Exhibit 1.

Scope

This road closing is located within Commission District 4, represented by Sally A. Heyman.

Fiscal Impact/Funding Source

The Property Appraiser’s Office has assessed the adjacent properties to this right-of-way at an average of \$38.39 per square foot. Therefore, the estimated value of these rights-of-way would be approximately \$73,208.00. If these alleys are closed and vacated, the land will be placed on the tax roll, generating an estimated \$1,293.00 per year in additional property taxes. The fee for this road closing is \$9,280.80.

Track Record/Monitor

DTPW is the entity overseeing this project and the person responsible for monitoring is Mr. Leandro Oña, Chief, Highways and Right-of-Way Division.

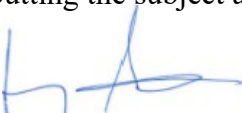
Delegated Authority

There is no delegation of authority associated with this item.

Background

The petitioner, Rojo Bros, LLC, and other abutting owners, wish to close the remaining alleys in Block 3 west of NE 26 Avenue and south of NE 190 Street, in order to incorporate the subject lands into their properties to keep the area clear of trash and indiscriminate dumping. The alleys being closed have never been improved nor maintained by Miami-Dade County. The petitioner states that the subject lands are not needed for access to adjoining properties, which DTPW has confirmed.

The subject alleys were dedicated in 1928, by the AMENDED PLAT OF HARRIETTE PARK NO. 2, recorded in Plat Book 32, Page 38, of the Public Records of Miami-Dade County, Florida. The areas abutting the subject alleys are located within the Ojus Urban Area District (OUAD).

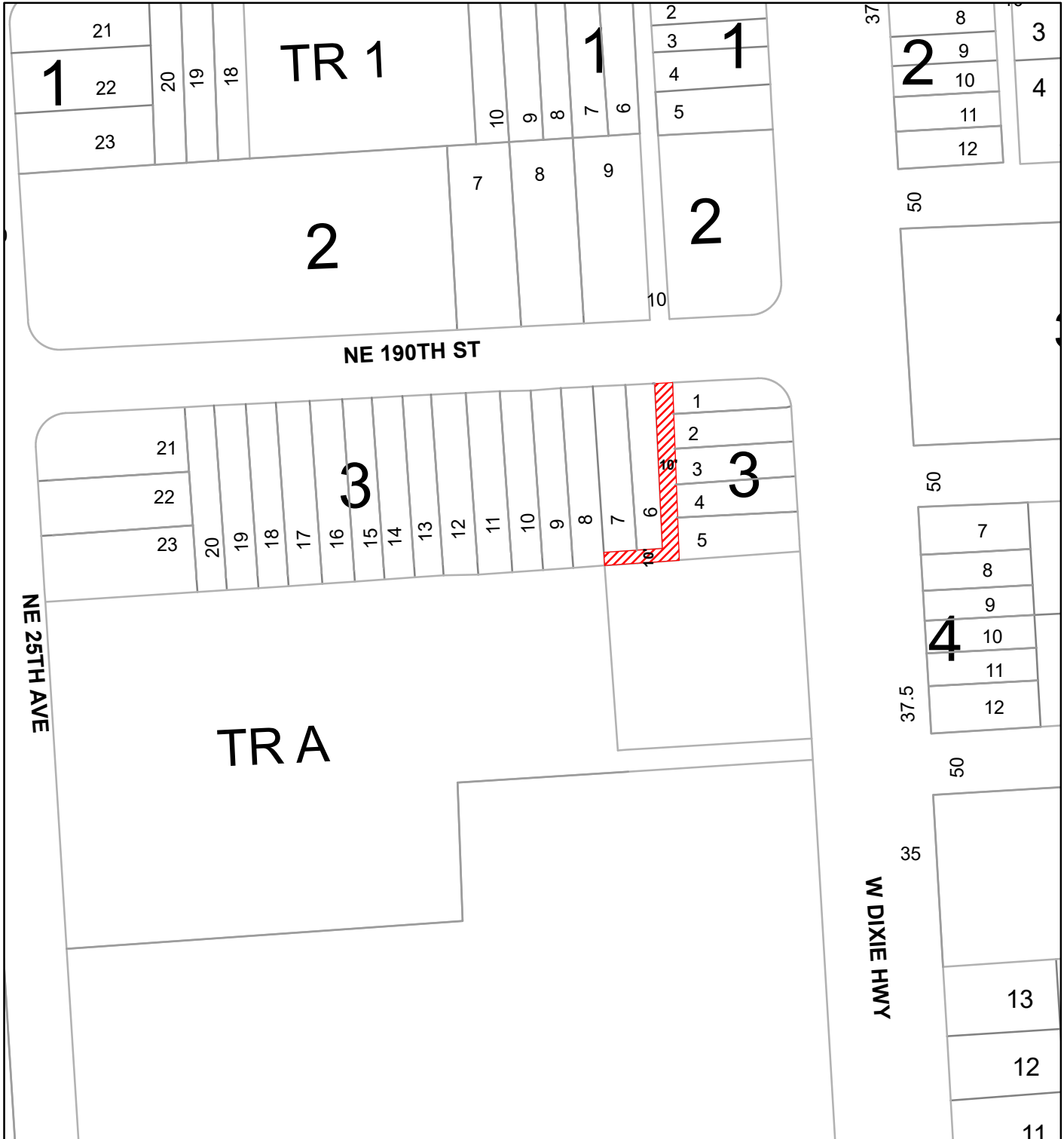


Jimmy Morales
Chief Operations Officer

Location Map

SECTION 4 TOWNSHIP 52 S RANGE 42 E

EXHIBIT "1"



This is not a survey

P- 949

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

Legend

P-949- ROAD CLOSING

MIAMI-DADE COUNTY
 Department of Transportation & Public Works
 Roadway Engineering and Right-of-Way Division
 111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
 PH (305) 375-2714 FAX (305) 375-2825

Exhibit 2

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:

LEGAL DESCRIPTION:

A portion of the alleyway as shown on the Plat of “AMENDED PLAT OF HARRIETTE PARK NO.2”, according to the Plat thereof, as recorded in Plat book 32, at page 38 of the Public Records of Miami-Dade County, Florida being more particularly described as follows:

Begin at the Northeast corner of Lot 6 Block 3 of said plat of “AMENDED PLAT HARRIETTE PARK NO.2”, thence N 90° 00’ 00” E along the South Right of Way line of Northeast 190th Street for 10.00 feet; thence S 00° 46’ 33” E along the West Line of Lots 1,2,3,4 and 5 Block 3, of said Plat of “AMENDED PLAT OF HARRIETTE PARK NO.2”, for 140.67 feet; thence N 89° 59’ 17” W along the North Line of the South 1/2 of the South 1/2 of NE 1/4 of the NE 1/4 of SE 1/4 of Section 4. Township 52 South, Range 42 East, Miami-Dade County, Florida, and the North Line of Tract “A” of Plat of “RACHEL GARDENS” according to the Plat thereof as recorded in Plat Book 130, Page 8 of the Public Records of Miami-Dade County, Florida, for 60 feet; thence N 00° 46’ 34” W for 10.00 feet; thence S 89° 59’ 17” E along the South line of Lots 6 and 7 of said “AMENDED PLAT OF HARRIETTE PARK NO.2”, for 50.00 feet; thence N 00° 46’ 33” W along the East line of said Lot 6 for 130.67 feet to the Point of beginning.

Containing an area of 1,907 Square Feet more or less by calculations.

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):

The above described right-of-way was dedicated for the perpetual use of the public for proper purposes as a result of a dedication by a previous owner as reflected in the Amended Plat of Harriette Park No.2, Plat Book 32, pg. 38 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.

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 |
|---|-------------------------|------------------------------------|
| <u>Dixie Point Plaza Inc.</u> | <u>30-2204-008-0210</u> | <u>18980 W Dixie Highway</u> |
| <u>Dixie Partners 18 LLC</u> | <u>30-2204-000-0290</u> | <u>18920 W Dixie Highway</u> |
| <u>Regents Park at Aventura Association</u> | <u>30-2204-051-0010</u> | <u>18905 NE 25 Avenue</u> |
| <u>Rojo Bros, LLC</u> | <u>30-2204-008-0220</u> | <u>2580 NE 190th ST</u> |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

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.

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 alley has never been improved or maintained by Miami-Dade County. The closing and vacation of the alley will relieve the County from any responsibilities to keep the land clear of trash and indiscriminate dumping. A portion of the alley was previously closed pursuant to Resolution No. R838-01.

Each abutting owner/petitioner requests that the alley be closed.

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

SIGNATURE

ADDRESS

Shlo
SHLOMO ATTAS

18980 W Dixie Highway, Miami, FL 33180

18920 W Dixie Highway, Miami, FL 33180

18905 NE 25 Avenue, Miami, FL 33180

2580 NE 190TH ST, MIAMI, FL 33180

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

SIGNATURE

ADDRESS



ARI HOLLANDER

18980 W Dixie Highway, Miami, FL 33180

18920 W Dixie Highway, Miami, FL 33180

18905 NE 25 Avenue, Miami, FL 33180

2580 NE 190TH ST, MIAMI, FL 33180

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

SIGNATURE

ADDRESS

18980 W Dixie Highway, Miami, FL 33180

18920 W Dixie Highway, Miami, FL 33180



18905 NE 25 Avenue, Miami, FL 33180

SALOMON NASH

2580 NE 190TH ST, MIAMI, FL 33180

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

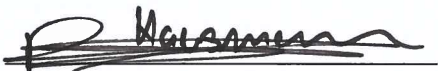
SIGNATURE

ADDRESS

18980 W Dixie Highway, Miami, FL 33180

18920 W Dixie Highway, Miami, FL 33180

18905 NE 25 Avenue, Miami, FL 33180

~~~~

2580 NE 190th ST, Miami, FL 33180

LEON R. HAUSMANN

Attorney for Petitioner

Address: 2719 HOLLYWOOD BLVD, HOLLYWOOD, FL 33070
(Signature of Attorney not required)

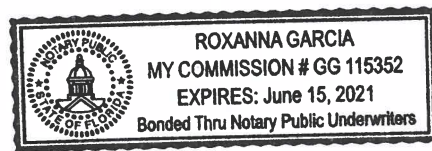
STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared LEON ROY HAUSHMAN, 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]
(Signature of Petitioner)

Sworn and subscribed to before me this

15 day of May, 2019
Roxanna Garcia
Notary Public State of Florida at Large



My Commission Expires: June 15, 2021

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for

Rojo Bros, LLC

prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

10' WIDE ALLEY CLOSURE

LEGAL DESCRIPTION:

A portion of the alleyway as shown on the Plat of "AMENDED PLAT OF HARRIETTE PARK NO.2", according to the Plat thereof, as recorded in Plat book 32, at page 38 of the Public Records of Miami-Dade County, Florida being more particularly described as follows:

Begin at the Northeast corner of Lot 6 Block 3 of said plat of "AMENDED PLAT HARRIETTE PARK NO.2", thence N 90° 00' 00" E along the South Right of Way line of Northeast 190th Street for 10.00 feet; thence S 00° 46' 33" E along the West Line of Lots 1,2,3,4 and 5 Block 3, of said Plat of "AMENDED PLAT OF HARRIETTE PARK NO.2", for 140.67 feet; thence N 89° 59' 17" W along the North Line of the South 1/2 of the South 1/2 of NE 1/4 of the NE 1/4 of SE 1/4 of Section 4. Township 52 South, Range 42 East, Miami-Dade County, Florida, and the North Line of Tract "A" of Plat of "RACHEL GARDENS" according to the Plat thereof as recorded in Plat Book 130, Page 8 of the Public Records of Miami-Dade County, Florida, for 60 feet; thence N 00° 46' 34" W for 10.00 feet; thence S 89° 59' 17" E along the South line of Lots 6 and 7 of said "AMENDED PLAT OF HARRIETTE PARK NO.2", for 50.00 feet; thence N 00° 46' 33" W along the East line of said Lot 6 for 130.67 feet to the Point of beginning.

Containing an area of 1,907 Square Feet more or less by calculations.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for

Rojo Bros, LLC

prepared by:

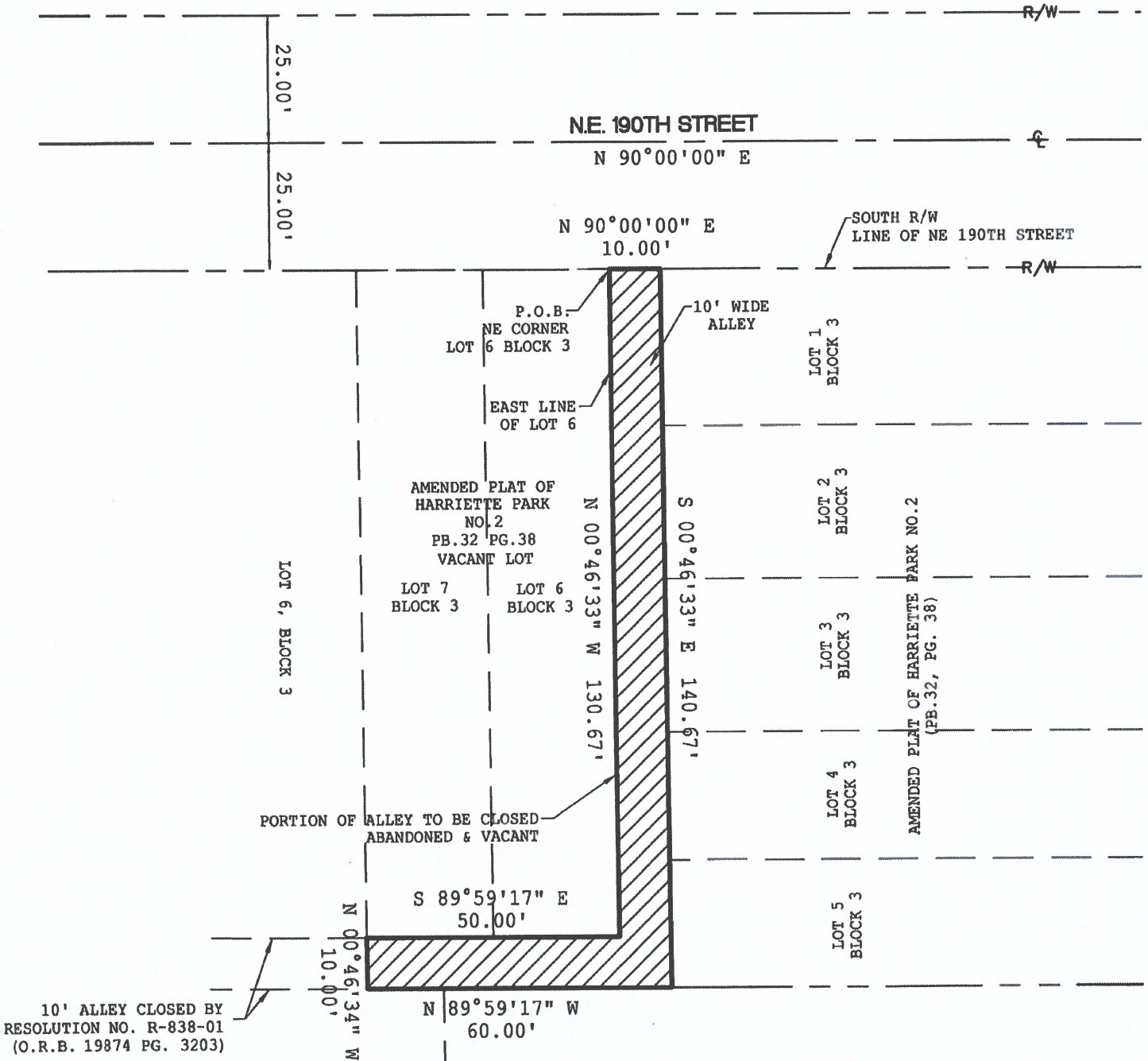


HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

10' WIDE ALLEY CLOSURE



10' ALLEY CLOSED BY
RESOLUTION NO. R-838-01
(O.R.B. 19874 PG. 3203)

LEGEND

P.B. = PLAT BOOK
PG. = PAGE
SEC. = SECTION
P.O.B. = POINT OF BEGINNING

R/W = RIGHT OF WAY
13(C) = CALCULATED DISTANCE
(M) = MEASURED DISTANCE
P.O.C. = POINT OF COMMENCEMENT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for

Rojo Bros, LLC

prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

10' WIDE ALLEY CLOSURE

SOURCES OF DATA:

The Legal Description was generated from the Plat of "AMENDED PLAT OF HARRIETTE PARK" as recorded in Plat Book 32, at Page 38 of the Public Records of Miami-Dade County, Florida.

Bearings as shown hereon are based upon the Center Line of Northeast 190th Street, with an assumed bearing of N 90°00'00"E.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than those what appeared on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information were furnished other than that is cited in the Sources of Data , the Client is hereby advised that there may legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By:  Date: 5/15/19

Abraham Hadad, P.S.M. / For The Firm
Professional Surveyor and Mapper LS6006
HADONNE CORP. / Land Surveyors and Mappers
Certificate of Authorization LB7097
1985 NW 88 Court, Suite 201, Doral, Florida 33172
+1(305)266-1188 phone
+1(305)207-6845 fax

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others.



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(J)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(J)
10-5-21

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE THE
REMAINING ALLEYS IN BLOCK 3 WEST OF NE 26 AVENUE
AND SOUTH OF NE 190 STREET (ALLEY CLOSING
PETITION NO. P-949)

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

WHEREAS, Alley Closing Petition No. P-949 was signed by all property owners abutting on the alley sought to be closed; and

WHEREAS, a public hearing was held in compliance with Resolution No. 7606,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are approved and incorporated as if fully set forth herein.

Section 2. The alley, avenue, street, highway or other place used for travel as described in the petition attached as Exhibit 2 to the Mayor's Memorandum is hereby vacated, abandoned, and closed.

Section 3. All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed.

Section 4. It is found that the action will serve a public purpose and benefit the public without violating private property rights.

Section 5. The procedure utilized in the adoption of this resolution is expressly ratified and approved.

Section 6. Pursuant to Resolution No. 7606, 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 and the County Mayor or County Mayor's designee shall record the proof of publication of the notice of public hearing of this resolution as adopted and the proof of publication of the notice of the adoption of this hearing in the public records of Miami-Dade County.

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:

| | |
|---------------------------------------|------------------------|
| Jose "Pepe" Diaz, Chairman | |
| Oliver G. Gilbert, III, Vice-Chairman | |
| Sen. René García | Keon Hardemon |
| Sally A. Heyman | Danielle Cohen Higgins |
| Eileen Higgins | Joe A. Martinez |
| Kionne L. McGhee | Jean Monestime |
| Raquel A. Regalado | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of October, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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.



Lauren E. Morse