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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 5(J)

TO:	Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners	**DATE**:	July 21, 2020
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution granting petition to close the alley west of Harriet Tubman Highway, from NE 190 Street to NE 191 Street (Road Closing Petition No. P-925)

Resolution No. R-712-20

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.

Abigail Price-Williams
County Attorney

APW/lmp

Memorandum

Date: July 21, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Road Closing Petition P-925, Section: 4-52-42, Alley West of Harriet Tubman Highway, from NE 190 Street to NE 191 Street

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Recommendation

It is recommended that the Board of County Commissioners (Board) grant Road Closing Petition P-925, attached to this Memorandum as Exhibit 2, following a public hearing, while reserving this land as a utility easement. 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 this alley being closed. This alley has improvements, including an asphalt driveway and utilities. A legal description and sketches are included as Exhibit A.

Scope

This road closing is in County Commission District 4, represented by Commissioner Sally A. Heyman.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent properties to this alley at an average of $50.00 per square foot. Therefore, the estimated value of this alley would be approximately $140,700. If this alley is closed, vacated and placed on the tax roll, it would generate an estimated $2,491.15 per year in additional property taxes. The fee for this road closing is $16,030.

Track Record/Monitor

DTPW is the entity overseeing this project and the person responsible for monitoring it is Mr. Alejandro Barrios, Manager, Stormwater Engineering and Right-of-Way Division.

Background

The petitioner, Offer Ramim (Manager of CAPPUCCINO 190ST, LLC and 25TH COURT, LLC), wishes to close the alley west of Harriet Tubman Highway from NE 190 Street to NE 191 Street in order to incorporate the land into his property for development purposes. As the parcel in question was used strictly as a service alley and immediately abuts only the Petitioner's Properties to the east and west, no other property owners will be prevented from access to their property. Additionally, the petitioner states that this alley will no longer serve a purpose once the proposed development is complete. The alley is 282 feet long by 10 feet wide and its closure will not impede the flow of traffic in the surrounding roadways.

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

The exhibits and attachments may refer to West Dixie Highway as they were prepared before the adoption of Resolution No. R-168-20, which renamed County maintained portions of West Dixie Highway to Harriet Tubman Highway.

Jennifer Moon
Deputy Mayor

EXHIBIT "A"

-LEGAL DESCRIPTION:

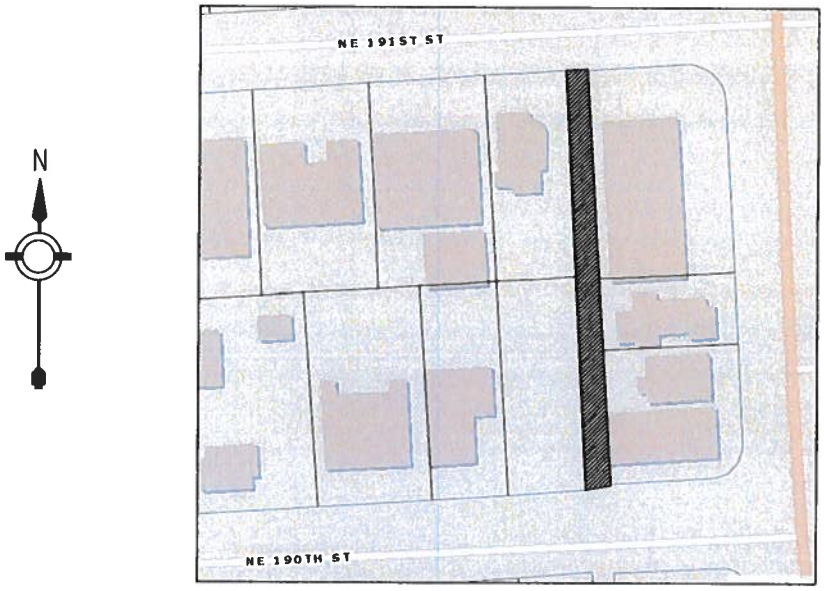
A 10 FEET WIDE ALLEY LYING BETWEEN LOT 6, BLOCK 1 AND LOTS 1 TO 5, BLOCK 1 AND ALSO LYING BETWEEN LOT 9, BLOCK 2, AND LOTS 10 TO 12 BLOCK 2 ALL IN AMENDED PLAT OF HARRIETE PARK No.2 AS RECORDED IN PLAT BOOK 32 AT PAGE 38 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF LOT 10, BLOCK 2 OF SAID "AMENDED PLAT OF HARRIETE PARK No.2". THENCE S90°00'00"W FOR 10.00 FEET TO THE SE CORNER OF LOT 9, BLOCK 2 OF SAID PLAT, THENCE N00°40'00"E FOR 281.40 FEET TO THE NE CORNER OF LOT 6, BLOCK 1 OF SAID PLAT, THENCE N90°00'00"E FOR 10.00 FEET TO THE NW CORNER OF LOT 1, BLOCK 1 OF SAID PLAT ; THENCE S00°40'00"W FOR 281.40 FEET TO THE POINT OF BEGINNING. CONTAINING 2814± SQUARE FEET.

LOCATION SKETCH

SCALE: NTS

TOTAL UNION SERVICES,LLC



JOB No.07-2319

PROPERTY ADDRESS ALLEY ,BETWEEN N.E 190 ST & NE 191 ST,NORTH MIAMI, FL,33180

EXHIBIT "A"

-LEGAL DESCRIPTION:

A 10 FEET WIDE ALLEY LYING BETWEEN LOT 6, BLOCK 1 AND LOTS 1 TO 5, BLOCK 1 AND ALSO LYING BETWEEN LOT 9, BLOCK 2, AND LOTS 10 TO 12 BLOCK 2 ALL IN AMENDED PLAT OF HARRIETE PARK No.2 AS RECORDED IN PLAT BOOK 32 AT PAGE 38 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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LEGEND AND ABBREVIATIONS

8.00	= ELEVATION	S.I.R.	= SET IRON ROD	D.M.E.	= DRAINAGE & MAINTENANCE EASEMENT	Δ	= CENTRAL ANGLE
DRWY.	= DRIVEWAY	P.O.C.	= POINT OF COMMEN-CEMENT	P.R.C	= POINT OF REVERSE CURVE	—/—	= WOOD FENCE (6' HIGH)
U.P.	= UTILITY POLE	F.N.	= FOUND NAIL	P.C.	= POINT OF CURVATURE	—X—	= WIRE FENCE (4' HIGH)
B.O.B.	= BASIS OF BEARINGS	P.T.	= POINT OF TANGENCY	F.N.D.	= FOUND NAIL/DISK	ZZZZ	=C.B.S. WALL
A/C	= AIR CONDITIONING PAD	E.N.C.	= ENCROACHMENT	P.C.C.	= POINT OF COMPOUND CURVE	B/C	=BLOCK CORNER
A	= ARC DISTANCE	F.H.	= FIRE HYDRANT	M/L	= MONUMENT LINE	R	= RADIUS
BLDG.	= BUILDING	F.I.P.	= FOUND IRON PIPE	N.G.V.D.	= NATIONAL GEODETIC VERTICAL DATUM	RAD.	= RADIAL
C.B.	= CATCH BASIN	F.I.R.	= FOUND REBAR	O.E.	= OVERHEAD ELECTRIC LINE	RES.	= RESIDENCE
C.B.S.	= CONCRETE BLOCK STRUCTURE	L.F.E.	= LOWEST FLOOR ELEVATION	P.B.	= PLAT BOOK	R/W	= RIGHT OF WAY
CH.	= CHORD DISTANCE	L.P.	= LIGHT POLE	P.C.P.	= PERMANENT CONTROL POINT	SEC.	= SECTION
CL.	= CLEAR	(M)	= MEASURED	P.G.	= PAGE	S.I.P.	= SET IRON PIPE
C/L	= CENTER LINE	(R)	= RECORD	P.O.B.	= POINT OF BEGINNING	STY	= STORY
CONC.	= CONCRETE	(R & M)	= RECORD & MEASURED	P/L	= PROPERTY LINE	SWK	= SIDEWALK
				N.T.S.	= NOT TO SCALE	D.M.E.	= DRAINAGE AND MAINTENANCE EASEMENT
					= CATCH BASIN	U.E.& V.E.	= UTILITY EASEMENT AND VISUL EASEMENT
				WP	= WOOD POLE	Ⓦ	= WATER METER
						Ⓢ	= MANHOLE SANITARY

ELEVATION INFORMATION

BASED ON THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENT MANAGEMENT AGENCY DATED OR REVISED ON 09/11/2009 THE HEREIN DESCRIBED PROPERTY IS SITUATED WITHIN ZONE X

BASE FLOOD ELEVATION N/A COMMUNITY 120635 PANEL NUMBER 0134 SUFFIX L

THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.

CERTIFIED TO: CAFFUCCINO 190 ST,LLC

FIELD WORK DATE: 08/20/2019 REVISIONS DATE:

I HEREBY CERTIFIES THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE OF PROFESSIONAL AND BELIEF. THIS SURVEY COMPLIES WITH THE STANDARDS OF PRACTICES AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050-17.052 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISE SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER

ORLANDO GRANDAL P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER No. 6677
STATE OF FLORIDA

LEGAL NOTES

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINATE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY. THIS SURVEY IS SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR EASEMENTS OF RECORD. LEGAL DESCRIPTIONS PROVIDED BY CLIENT. THE LIABILITY OF THIS SURVEY IS LIMITED TO THE COST OF THE SURVEY. UNDERGROUND ENCROACHMENTS, IF ANY, ARE NOT SHOWN. THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTING AND/OR FOUNDATIONS AND/OR UNDERGROUND IMPROVEMENTS OF ANY NATURE. IF SHOWN, BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN. IF SHOWN, ELEVATIONS ARE REFERRED TO N.G.V.D. OF 1929. THE CLOSURE IN THE BOUNDARY SURVEY IS ABOVE 1:10000. THIS SURVEY IS NOT INTENDED FOR NEITHER DESIGN FOR CONSTRUCTION PURPOSES. FOR THOSE PURPOSES A TOPOGRAPHIC SURVEY IS REQUIRED.
FENCE OWNERSHIP NOT DETERMINED
LOWEST FLOOR ELEVATION REPRESENT FINISHED FLOOR ELEVATION AT THE FRONT DOOR UNLESS OTHERWISE NOTED.

TOTAL UNION SERVICES,LLC

PROFESSIONAL LAND SURVEYORS AND MAPPER LB 6178
2251 SW 10 STREET
MIAMI, FL 33135
PHONE:(786) 488-5534 LydiaLopez@bellsouth.net

EXHIBIT "A"

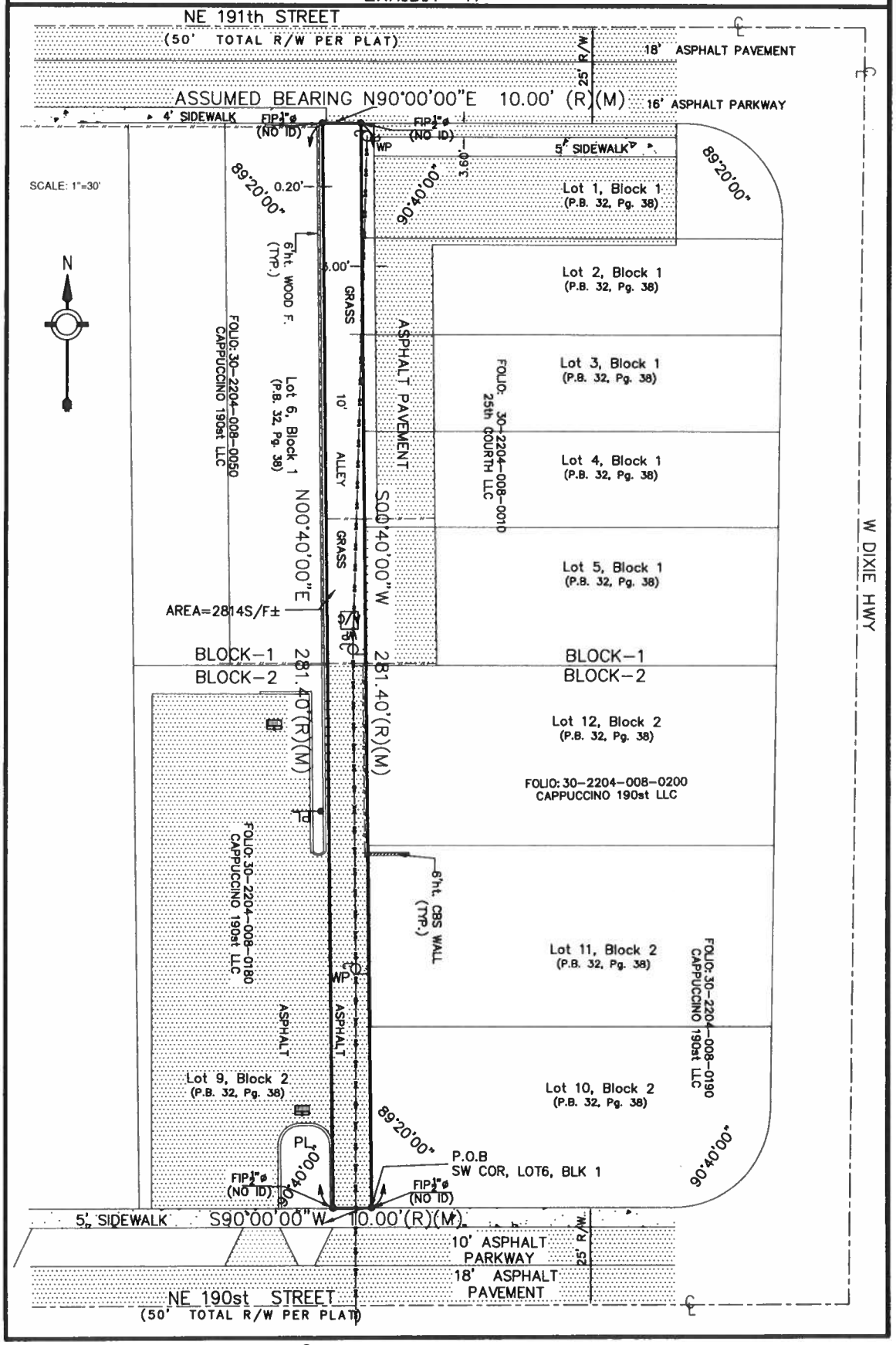

Exhibit 2

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 alleyway used for the service of businesses along West Dixie Highway between NE 190 and NE 191 Street, 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:

> A 10 foot wide alley lying between Lot 6, Block 1 and Lots 1 to 5, Block 1 and also lying between Lot 9, Block 2 and Lots 10 to 12, Block 2 all in "Amended Plat of Harriete Park No.2 Amended Plat (as recorded in Plat Book 32 at Page 38 of the Public Records of Miami-Dade County, Florida) more particularly described as follows:
>
> Beginning at the SW corner of Lot 10, Block 2 "Amended Plat of Harriete Park No.2 Amended Plat" as recorded in Plat Book 32 at Page 38 of the Public Records of Miami-Dade County, Florida, thence S90'00'00'West for 10' to the SE Corner of Lot 9, Block 2 of said Plat "Harriete Park No.2 Amended Plat"; thence, N00'40'00' E for 281.40 feet to the NE Corner of Lot 6, Block 1 of "Harriete Park No.2 of said Amended Plat", thence N90'00'00'E for 10.00 feet to the NW corner of Lot 1, Block 1 of "Harriete Park No.2 Amended Plat"; thence S 00'40'00' W for 281.40 feet, back to the point of beginning, containing 2814+/- square feet.

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 right-of-way was dedicated to the County by the amended plat of Harriette Park No. 2, as recorded in Plat Book 32, at Page 38, of the Public Records of Miami-Dade County.

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.

See Exhibit "A"

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property (5 parcels) abutting upon the above described right-of-way.

PRINT NAME	FOLIO NO.	ADDRESS
Cappuccino 190th Street, LLC 20221 NE 25th Avenue 33180	30-2204-008-0190	19002 W Dixie Hwy
"	30-2204-008-0050	2572 NE 191 Street
"	30-2204-008-0200	19030 W Dixie Hwy
"	30-2204-008-0180	-- **[no listed** address]--
25th Court LLC 20221 NE 25th Avenue 33180	30-2204-008-0010	19090 Ne 26 Avenue

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.

Because the parcel in question was used strictly as a service alley and immediately abuts only Petitioner's Properties to the east and west, no other property owners will be prevented from access to their property or will otherwise be affected adversely.

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):

When the OJUS Urban Area District was adopted in 2006 by Ordinance No. 06-86 a regulatory framework was provided for all development within the OJUS area. Among other things, its purpose was to *encourage aggregation and urban redevelopment* of all parcels within this district. Petitioner has done just this here and in several other areas in OJUS.

Accordingly, Petitioner, Offer Ramim, through the holding companies (25th Court LLC, & Cappuccino 190St LLC) has acquired five properties (all parcels) lying east and west of the subject alley between *N.E,* 190 Street and N.E.191 Street with the intention of developing under the OJUS Area Urban District regulations a mixed use development on these five (5) aggregated properties (including a parking garage to service same). While the alley served the parcels that front West Dixie Highway between 190 and 191 Street, it was never improved or maintained by Miami-Dade County. With this aggregation of property by Petitioner and development of a project with its own self-contained service areas, the alley will no longer serve any purpose. Additionally, Petitioner owns 2565 NE 190th Street, adjacent but further west, which, if needed, can also assist in servicing the proposed project.

This redevelopment project cannot occur as desired by the Board of County Commissioners unless the alley is vacated. Accordingly, Petitioner respectfully requests this relief.

SIGNATURE **ADDRESS**

Offer Ramim, Manager of Cappucino 190 LLC
& 25th Court 20221 NE 25 Avenue Miami Fl. 33180

Respectfully Submitted,

Attorney for the Petitioner: Lynn M. Dannheisser
Address: 3152 Gifford Lane Miami Fl. 33133

STATE OF FLORIDA)
MIAMI DADE COUNTY) ss

BEFORE ME, the undersigned, personally appeared Offer Ramim, who first duly sworn, deposes and says that he is one of the Petitioners named in and who signed the foregoing petition; that he Is duly authorized to make this verification got and on behalf of all the petitioners; that he has read the foregoing petition and the statements therein contained are true

(Signature of Petitioner)

Sworn and subscribed to me this

27th day of September, 2019

Notary Public State of Florida at Large

My Commission Expires_____

Notary Public State of Florida
Lynn M Dannheisser
My Commission GG 136214
Expires 12/17/2021

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: July 21, 2020

FROM: Abigail Price-Williams 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)
7-21-20

RESOLUTION NO. R-712-20

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY WEST OF HARRIET TUBMAN HIGHWAY, FROM NE 190 STREET TO NE 191 STREET (ROAD CLOSING PETITION NO. P-925)

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

WHEREAS, Road Closing Petition No. P-925 was signed by all property owners abutting on the right-of-way 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 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 2. All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed, save and except that the land is reserved as a utility easement.

Section 3. It is found that the action will serve a public purpose and benefit the public without violating private property rights.

Section 4. The procedure utilized in the adoption of this resolution is expressly ratified and approved.

Section 5. 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 **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	**aye**		
Rebeca Sosa, Vice Chairwoman	**aye**		
Esteban L. Bovo, Jr.	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Sally A. Heyman	**aye**
Eileen Higgins	**aye**	Barbara J. Jordan	**aye**
Joe A. Martinez	**aye**	Jean Monestime	**aye**
Dennis C. Moss	**aye**	Sen. Javier D. Souto	**aye**
Xavier L. Suarez	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of July, 2020. 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

Melissa Adames
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Lauren E. Morse