

MEMORANDUM

Agenda Item No. 5(M)

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

DATE: October 6, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting Petition to
close NE 24 Court from NE 186
Street (Miami Gardens Drive) to
NE 187 Street, and a southerly
portion of NE 187 Street from NE
24 Court East to NE 24 Place
(Road Closing Petition No. P-987)
filed by West Aventura TIC 1E,
LLC and West Aventura TIC 2E,
LLC, subject to certain conditions

Resolution No. R-899-22

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/ks

Memorandum



Date: October 6, 2022

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Road Closing Petition P-987
Section: 4-52-42
NE 24 Court from NE 186 Street (Miami Gardens Drive) to NE 187 Street, and a
Southerly Portion of NE 187 Street from NE 24 Court East to NE 24 Place
Commission District: 4

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by West Aventura TIC 1E, LLC and West Aventura TIC 2E, LLC to vacate the subject County roads for a proposed plat that will unify two blocks together with the subject rights-of-way into one tract for the re-development of the site into apartments and retail space. If this petition is granted, the underlying lands will become incorporated into the plat of LEGACY EAST PHASE. The \$107,026.00 fee for this Road Closing petition has been paid.

Recommendation

It is recommended that the Board grant Road Closing Petition P-987, attached to this Memorandum as Exhibit 2, following a public hearing, and contingent on the recording of the plat of LEGACY EAST PHASE, Tentative Plat T-24670. In the event the plat is not recorded within 4 years (1460 days) of the granting of the subject Road Closing petition, this resolution becomes null and void. 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 roads being closed. This request conforms with County regulations governing the closing of roads as set forth in Resolution No. 7606. The subject right-of-way includes a paved, two-lane roadway. Location maps are attached as Exhibit 1.

Scope

This Road Closing petition is located within District 4, which is represented by Commissioner Sally A. Heyman.

Fiscal Impact/Funding Source

The Property Appraiser’s Office has assessed the properties adjacent to the subject roads at \$65.00 per square foot. Therefore, the estimated value of the subject lands is approximately \$1,050,660. If the subject roads are closed and vacated, the lands will be placed on the tax roll, generating positive fiscal impact of an estimated \$18,508 per year in additional property taxes. The fee for this Road Closing petition is \$107,026.00.

Track Record/Monitor

DTPW is the entity overseeing this project and the person responsible for monitoring is Maria D. Molina, P.E., Chief, Right-of-Way Division.

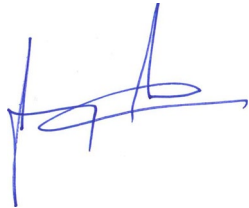
Delegated Authority

There is no delegation of authority associated with this item.

Background

The owners of all the abutting properties, West Aventura TIC 1E, LLC and West Aventura TIC 2E, LLC, wish to close NE 24 Court from NE 186 Street (Miami Gardens Drive) to NE 187 Street, and a southerly portion of NE 187 Street from NE 24 Court east to NE 24 Place to incorporate the land into the proposed plat of LEGACY EAST PHASE, Tentative Plat T-24670.

The subject rights-of-way are County-maintained and include an asphalt two-lane roadway, grassy areas, water meters, segments of chain-link fences, portions of concrete sidewalks, and remnants of driveways. Any necessary removal or relocation of existing utilities lying within the subject rights-of-way will be completed by the petitioner as part of the overall re-development of the site. The subject rights-of-way were dedicated to Miami-Dade County in 1941 by the REVISED PLAT OF OJUS MANOR, recorded in Plat Book 42, at Page 58, of the Public Records of Miami-Dade County, Florida. The abutting properties are zoned OUAD (Ojus Urban Center).



Jimmy Morales
Chief Operations Officer



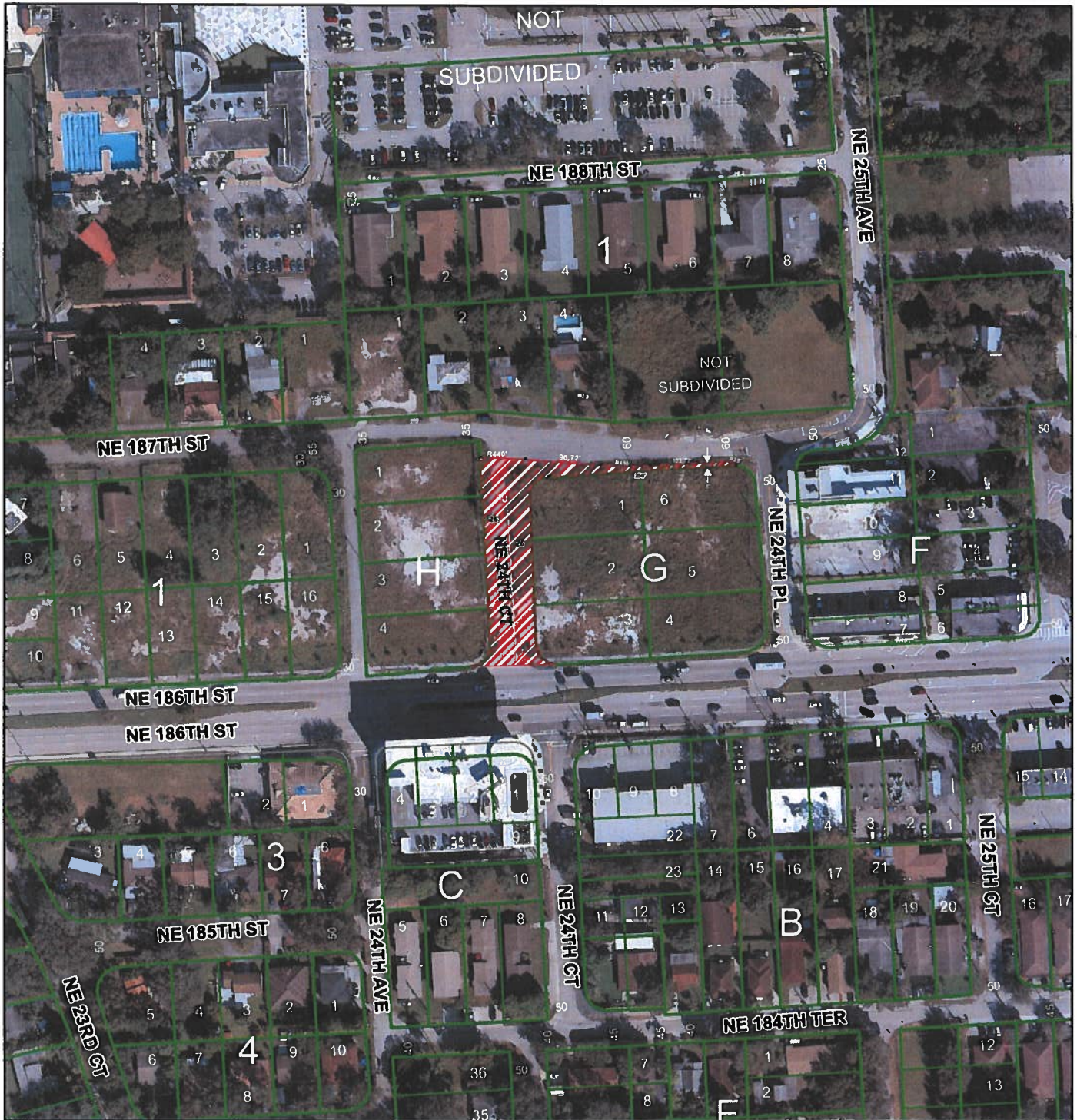
Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Sally A. Heyman 4

4

Location & Aerial Map

SECTION 4 TOWNSHIP 52 S RANGE 42 E

EXHIBIT "1"



This is not a survey

P- 987

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

Legend



P-987 ROAD CLOSING

MIAMI-DADE COUNTY
Department of Transportation & Public Works
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:

See attached **Exhibit "A"**

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):

Plat Book 42, Page 58, 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
WEST AVENTURA TIC 1E, LLC &	30-2204-002-0070	2400 NE 187 ST
WEST AVENTURA TIC 2E, LLC	30-2204-002-0080	18660 NE 24 CT

ACTIVE 57975641v1

30-2204-002-0090	18616 NE 24 CT
30-2204-002-0100	18606 NE 24 CT
30-2204-002-0010	18625 NE 24 CT
30-2204-002-0030	18607 NE 24 CT
30-2204-002-0060	18626 NE 24 PL

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 Applicant is the owner of the property on both sides of the right of way sought to be vacated by this petition. While the property surrounding the right of way was, at one point in time, zoned for single-family use, such property is now zoned for multifamily use; the requested vacation will allow for the surrounding property to be incorporated into a new, unified development while reducing access points and minimizing traffic conflicts due to up-zoning.

Respectfully submitted,

SIGNATURE 

WEST AVENTURA TIC 1E, LLC



WEST AVENTURA TIC 2E, LLC

ADDRESS

2400 NE 187 ST
18660 NE 24 CT
18616 NE 24 CT
18606 NE 24 CT
18625 NE 24 CT
18607 NE 24 CT
18626 NE 24 PL

Attorney for Petitioner: Jorge L. Navarro , Esq.

Address: 333 SE 2 Avenue, Suite 4400, Miami FL 33131
 Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Eric Bell, Vice President of West Aventura TIC 1E, LLC and West Aventura TIC 2E, LLC, 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

3rd day of November, 2021

Notary Public State of Florida at Large
01710



PETER C. NINTCHEFF
Attorney at Law
NOTARY PUBLIC, STATE OF OHIO
My Commission Has No Expiration Date
Section 147.03 O.R.C.

My Commission Expires: No expiration date

EXHIBIT "A"

EXHIBIT "A"

LEGAL DESCRIPTION:

A portion of N.E. 24th Court and N.E. 187th Street lying adjacent to Lots 1, 2, 3 and 6, in Block G and Lots 1, 2, 3 and 4, in Block H, REVISED PLAT OF OJUS MANOR, according to the Plat thereof, as recorded in Plat Book 42 at Page 58 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Lot 1 of Block H; thence S 00°33'22" E along the East line of said Lot 1 of Block H, also being the West right of way line of N.E. 24th Court for 20.59 feet to the Point of Beginning, also being a point on a circular curve concave to the Southwest and whose radius point bears S 02°58'04" W; thence Southeasterly along a 440.00 foot radius curve leading to the right through a central angle of 5°38'11" for an arc distance of 43.30 feet to a point of tangency; thence S 81°23'39" E for 96.72 feet to a point of curvature; thence Southeasterly along a 495.00 foot radius curve leading to the left through a central angle of 8°36'21" for an arc distance of 74.35 feet to a point of tangency; thence S 90°00'00" E along a line 5.00 feet North of and parallel with the North line of said Lots 1 and 6 of Block G, also being the South right of way line of N.E. 187th Street for 102.72 feet to a point of curvature; thence Southeasterly along a 25.00 foot radius curve leading to the right through a central angle of 39°25'33" for an arc distance of 17.20 feet to a point on the North line of said Lot 6, and also being on a circular curve concave to the Southwest and whose radius point bears S 13°28'50" W; thence Northwesterly along a 25.00 foot radius curve leading to the left through a central angle of 13°28'50" for an arc distance of 5.88 feet to a point of tangency; thence N 90°00'00" W along said North line of Lots 1 and 6 of Block G and South right of way line of N.E. 187th Street for 250.00 feet to a point of curvature; thence Southwesterly along a 25.00 foot radius curve leading to the left through a central angle of 90°33'22" for an arc distance of 39.51 feet to a point of tangency; thence S 00°33'22" E along the West line of said Lots 1, 2 and 3 of Block G, also being the East right of way line of N.E. 24th Court for 185.98 feet to a point of curvature; thence Southeasterly along a 25.00 foot radius curve leading to the left through a central angle of 89°24'54" for an arc distance of 39.01 feet to a point of cusp; thence N 89°58'16" W along the Westerly extension of the North right of way line of Miami Gardens Drive, also being the South line of said Block G for 100.01 feet a point on a circular curve concave to the Northwest and whose radius point bears N 00°01'44" E; thence Northeasterly along a 25.00 foot radius curve leading to the left through a central angle of 90°35'06" for an arc distance of 39.53 feet to a point of tangency; thence N 00°33'22" W along the East line of said Lots 1, 2, 3 and 4 of Block H and said West right of way line of N.E. 24th Court for 240.10 feet to the Point of Beginning.

Drawn By	MAP
Cad. No.	201194
Ref. Dwg.	2020-155-3-TPLAT
Plotted:	2/10/22 11:31a

LEGAL DESCRIPTION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th. Street / North Miami Beach, Florida. 33162
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	2/10/22
Scale	NONE
Job. No.	220022
Dwg. No.	1020-106-1
Sheet	1 of 4

EXHIBIT "A"

SURVEYOR'S NOTES:

- This site lies in Section 4, Township 52 South, Range 42 East, Miami-Dade County, Florida.
- All documents are recorded in the Public Records of Miami-Dade County, Florida unless otherwise noted.
- Bearings hereon are referred to an assumed value of S 00°33'22" E for the centerline of N.E. 24th Court.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This map is intended to be displayed at the graphic scale shown hereon or smaller.
- Lands shown hereon containing 16,164 square feet, or 0.371 acres, more or less.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2020-155-3-TPLAT.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on February 10, 2022, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal or a digital signature of the Florida Licensed Surveyor and Mapper shown below"

FORTIN, LEAVY, SKILES, INC., LB3653

Digitally signed by Daniel C Fortin

DN: c=US, o=Unaffiliated,

ou=A01410D0000017402A2BF420004

295B, cn=Daniel C Fortin

Date: 2022.03.01 14:53:26 -05'00'

By:

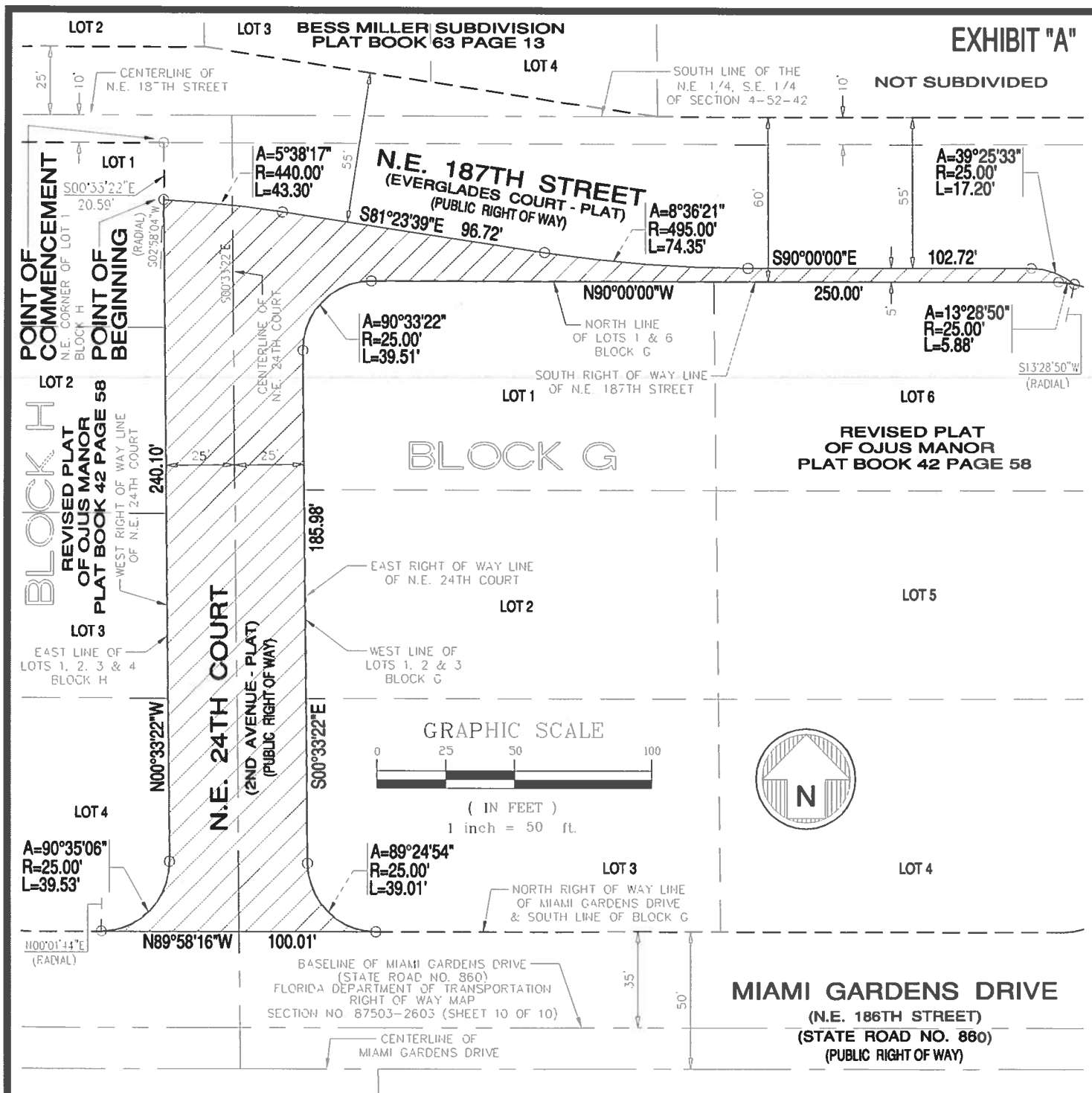
Daniel C. Fortin, Jr., For The Firm
Surveyor and Mapper, LS6435
State of Florida.

Drawn By	MAP
Cad. No.	201194
Ref. Dwg.	2020-155-3-TPLAT
Plotted:	2/10/22 11:31a

SURVEYOR'S NOTES & CERTIFICATION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th. Street / North Miami Beach, Florida. 33162
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	2/10/22
Scale	NONE
Job. No.	220022
Dwg. No.	1020-106-1
Sheet	2 of 4



Drawn By MAP
 Cad. No. 201194
 Ref. Dwg. 2020-155-3-TPLAT
 Plotted: 2/10/22 11:31a

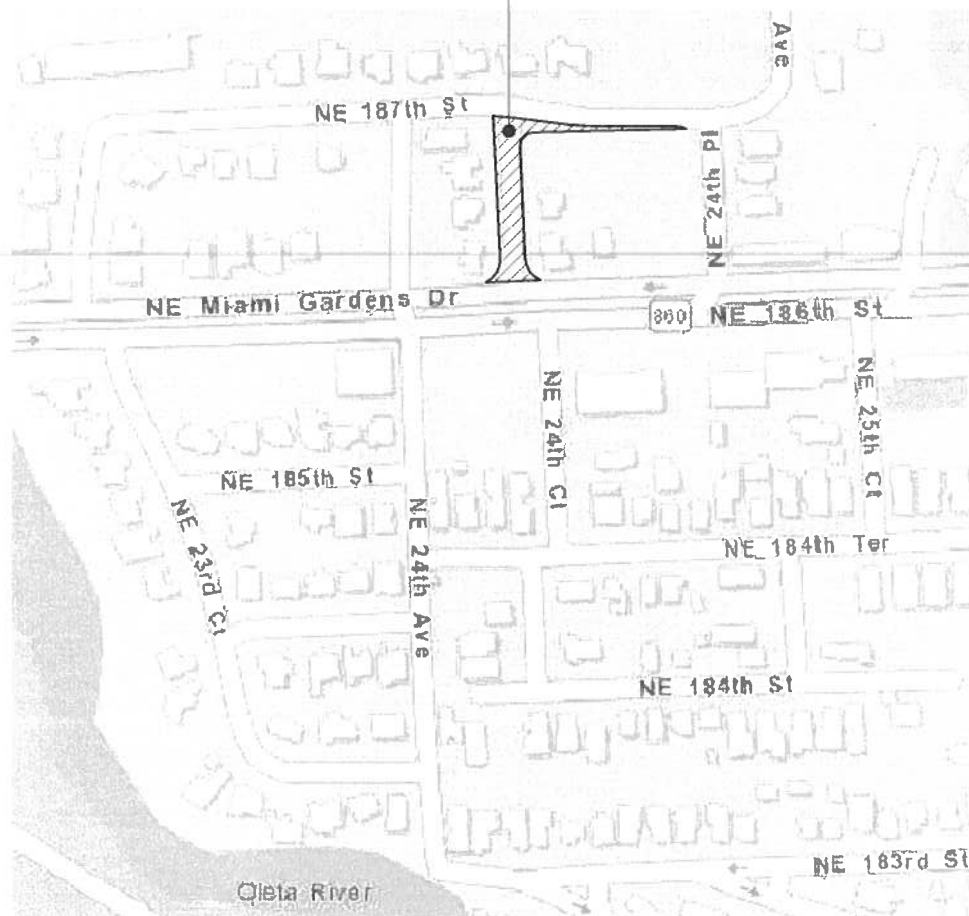
SKETCH OF DESCRIPTION

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
 180 Northeast 168th. Street / North Miami Beach, Florida. 33162
 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

Date 2/10/22
 Scale 1"=50'
 Job. No. 220022
 Dwg. No. 1020-106-1
 Sheet 3 of 4

EXHIBIT "A"

SITE

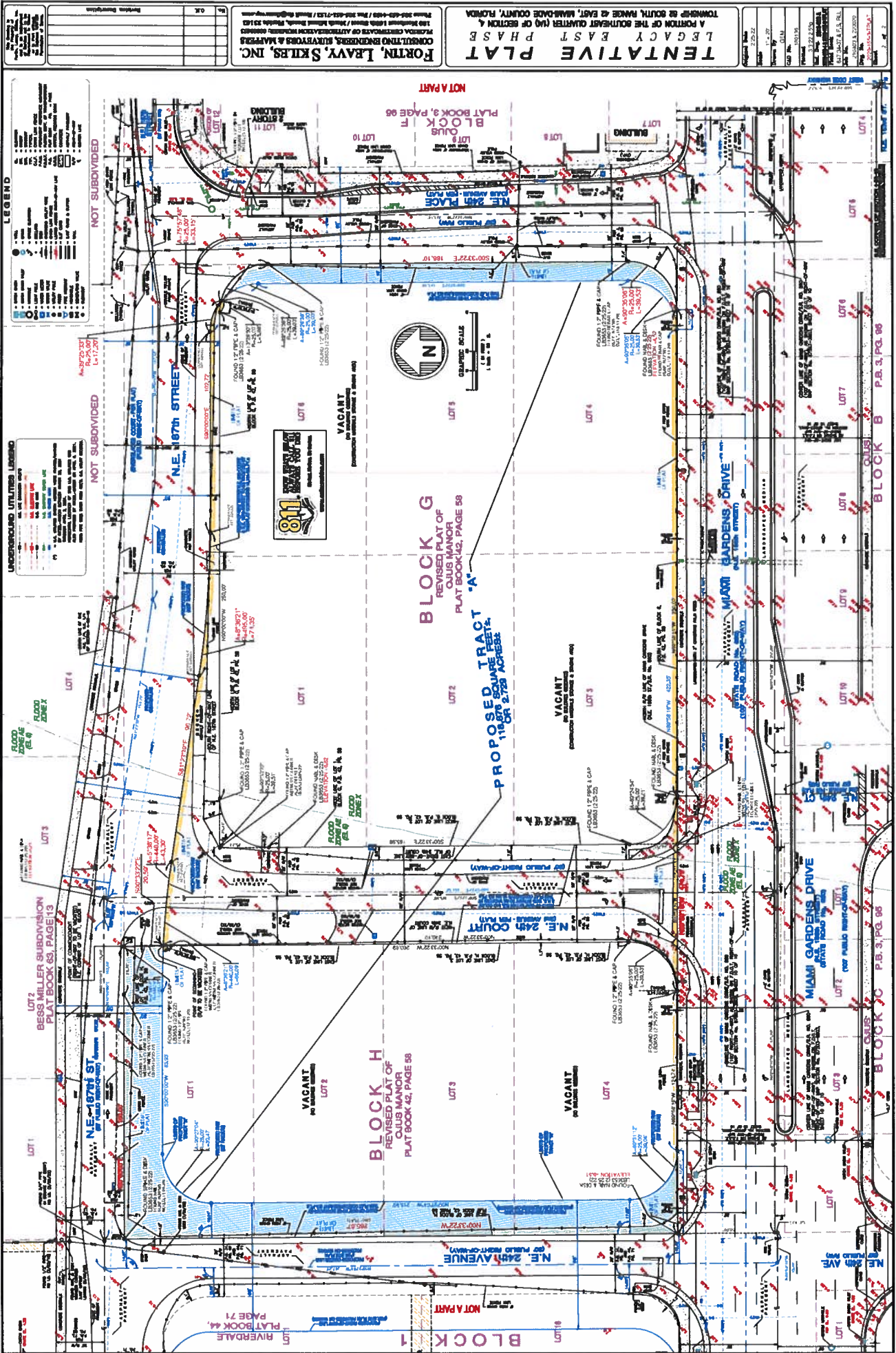


Drawn By MAP
 Cad. No. 201194
 Ref. Dwg. 2020-155-3-TPLAT
 Plotted: 2/10/22 11:31a

LOCATION SKETCH

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
 180 Northeast 168th. Street / North Miami Beach, Florida. 33162
 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date 2/10/22
 Scale NOT TO SCALE
 Job. No. 220022
 Dwg. No. 1020-106-1
 Sheet 4 of 4





MEMORANDUM

(Revised)

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

DATE: October 6, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(M)

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(M)
10-6-22

RESOLUTION NO. R-899-22

RESOLUTION GRANTING PETITION TO CLOSE NE 24 COURT FROM NE 186 STREET (MIAMI GARDENS DRIVE) TO NE 187 STREET, AND A SOUTHERLY PORTION OF NE 187 STREET FROM NE 24 COURT EAST TO NE 24 PLACE (ROAD CLOSING PETITION NO. P-987) FILED BY WEST AVENTURA TIC 1E, LLC AND WEST AVENTURA TIC 2E, LLC, SUBJECT TO CERTAIN CONDITIONS

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-987 was signed by the owners of all of the properties abutting on the subject portions of the roads 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 by reference.

Section 2. Road Closing Petition No. P-987 is hereby granted and the alley, avenue, street, highway, or other place used for travel as described in the petition attached as Exhibit 2 to the County Mayor's Memorandum is hereby vacated, abandoned, and closed subject to the condition contained in section 3 below.

Section 3. All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed, save and except that this closure is conditioned upon the recording of the plat of "LEGACY EAST PHASE" (Tentative Plat T-24670). If the plat is not recorded within four years from the effective date of this resolution, then this resolution shall be null and void.

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.

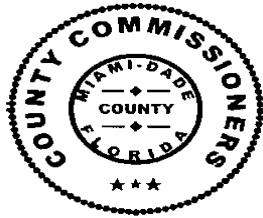
Section 6. Pursuant to Resolution No. 7606, the Clerk is hereby directed to publish notice of the adoption of this resolution one time within 30 days hereafter in a newspaper of general circulation of Miami-Dade County and the County Mayor or County Mayor's designee shall record the proof of publication 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.

Section 7. The County Mayor or County Mayor's designee is directed to forthwith file a Certificate with the Clerk subsequent to the recording of the plat confirming that the conditions set forth in section 3 have been met, to be permanently stored alongside this resolution.

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

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

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of October, 2022. 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "AP", written over a horizontal line.

Annery Pulgar Alfonso