

MEMORANDUM

Agenda Item No. 5(I)

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

DATE: November 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition to close the alley located between NE 192 Street and NE 193 Street, from NE 25 Avenue East for approximately 387 feet (Alley Closing Petition No. P-989) filed by OJUS ASSEMBLAGE PO LLC; waiving the signature requirements of Resolution No. 7606 as to adjacent property owners; retaining a non-exclusive utility easement right; and authorizing the County Mayor to execute the non-exclusive utility easement and to exercise all rights conferred therein

Resolution No. R-1092-22

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: November 15, 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: Alley Closing Petition P-989
Section: 4-52-42
Alley Located Between NE 192 Street and NE 193 Street, from NE 25 Avenue East for
Approximately 387 Feet
Commission District: 4

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by OJUS ASSEMBLAGE PO LLC to close the subject alley, which is overgrown with grass and trees, for possible future development. If this petition is granted, the underlying lands will become incorporated into the abutting properties. The \$11,248.00 fee for this Alley Closing petition has been paid.

Recommendation

It is recommended that the Board grant Alley Closing Petition P-989, 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 this alley being closed. This request conforms with County regulations governing the procedures for the closing of County roads as set forth in Resolution No. 7606. Since utility poles with overhead wires are located within this alley, the subject lands will be reserved as a utility easement (see attached Exhibit 3) if this petition is granted. Location maps are attached as Exhibit 1.

Scope

The subject Alley 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 alley at an average rate of \$24.00 per square foot. Therefore, the estimated value of the subject land is approximately \$92,880. If the subject alley is closed and vacated, the land will be placed on the tax roll, generating an estimated \$1,635 per year in additional property taxes. The fee for this Alley Closing petition is \$11,248.00.

Track Record/Monitor

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

Delegated Authority

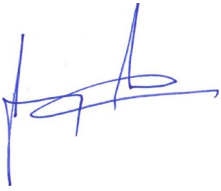
There is no delegation of authority associated with this item.

Attachments: Exhibit 1 – Location Maps, Exhibit 2 – Alley Closing Petition P-989, Exhibit “A” – Sketch & Legal Description and Boundary Survey, Exhibit “B” – Certified Mail to Abutting Owner, Exhibit 3 – Non-Exclusive Utility Easement

Background

The owners of 10 of the 11 abutting properties have signed a petition to close the 10-foot-wide alley located between NE 192 Street and NE 193 Street, from NE 25 Avenue east for approximately 387 feet, to incorporate the land into their properties for possible future development.

The subject alley has never been improved nor maintained by Miami-Dade County. It is covered with grass, trees, and other plants. Various chain-link and wooden fences encroach upon it. This portion of right-of-way was dedicated to Miami-Dade County in 1925 by the plat of HARRIETTE PARK, recorded in Plat Book 17, at Page 64, of the Public Records of Miami-Dade County, Florida. The abutting properties are zoned OUAD (Ojus Urban Center).

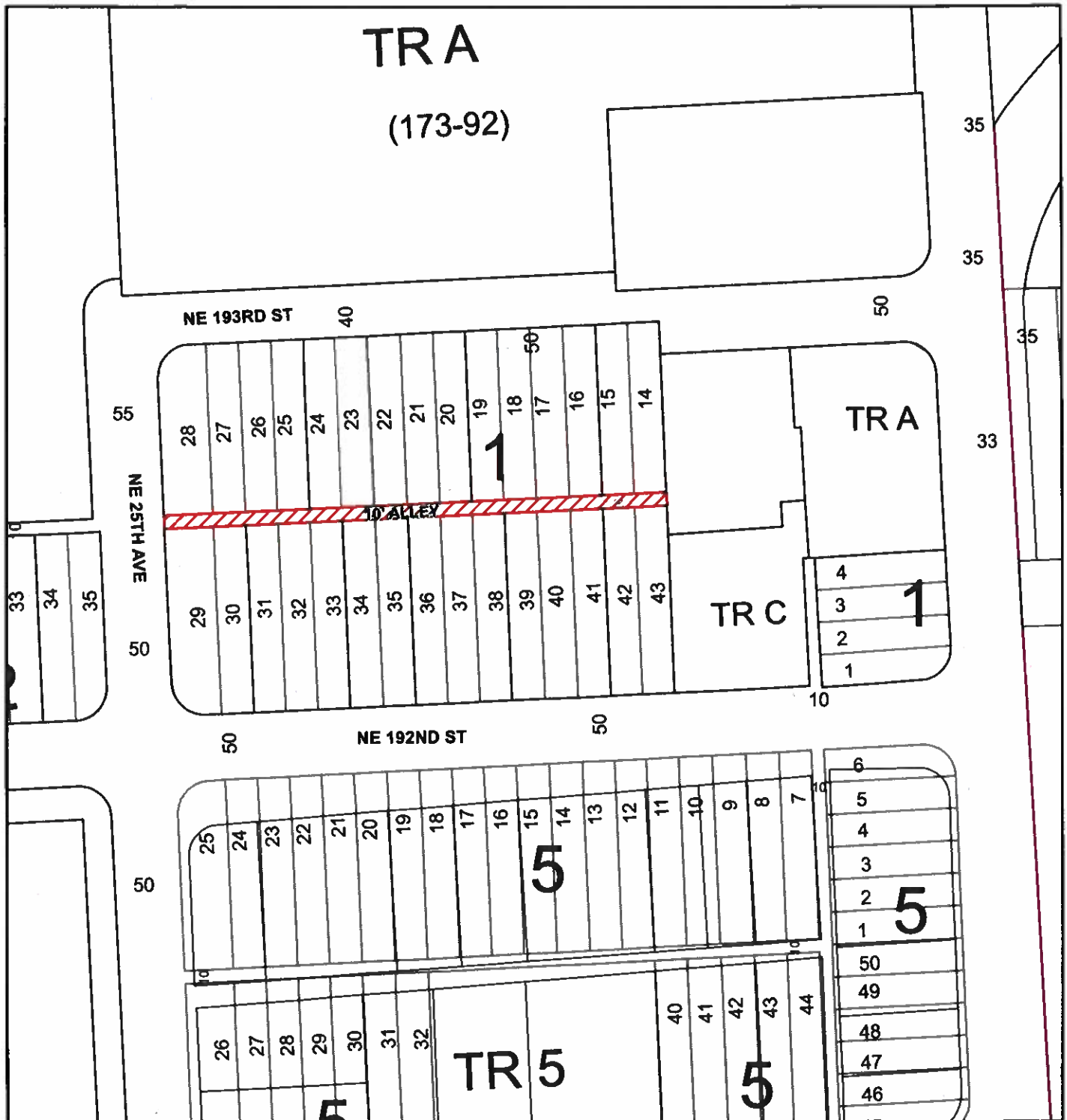


Jimmy Morales
Chief Operations Officer

Location & Aerial Map

SECTION 04 TOWNSHIP 52 S RANGE 42 E

EXHIBIT "1"



This is not a survey

P- 989

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

Legend



P-989 ROAD CLOSING

MIAMI-DADE COUNTY
Department of Transportation and Public Works
Right-of-Way Division
111 NW 1st Street, Suite 1610,
Miami, Florida 33128
PH (305) 375-2714 FAX (305) 375-2825

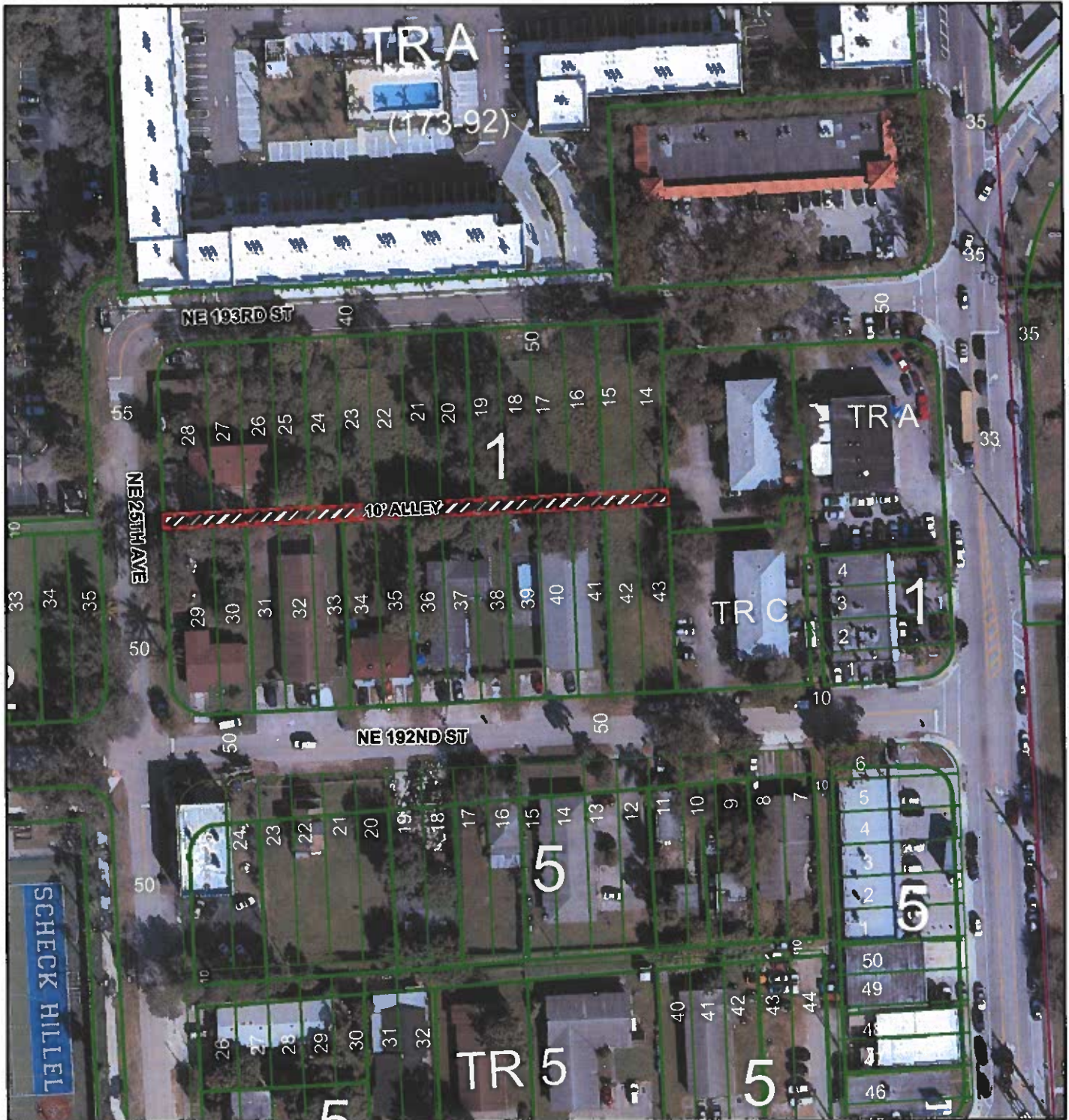
MDC004

Date: April 6, 2022
Prepared by : ym

Location & Aerial Map

SECTION 04 TOWNSHIP 52 S RANGE 42 E

EXHIBIT "1"



This is not a survey

P- 989

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

Legend



P-989 ROAD CLOSING

MIAMI-DADE COUNTY
Department of Transportation and Public Works
Right-of-Way Division
111 NW 1st Street, Suite 1610,
Miami, Florida 33128
PH (305) 375-2714 FAX (305) 375-2825

MDC005

Date: April 6, 2022
Prepared by: ym

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:

Please see 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 17, Page 64, in the Official 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.

<u>No.</u>	<u>PRINT NAME</u>	<u>FOLIO NO.</u>	<u>ADDRESS</u>
1.	Caribbean Club Villas LLC Authorized Rep. <u>Meir Ran & Sima Ran</u>	30-2204-006-0110	2500 NE 193 ST
2.	OJUS ASSEMBLAGE PO LLC Authorized Rep. Larry Baum	30-2204-006-0090	2532 NE 193 ST 2524 NE 193 ST
3.	OJUS ASSEMBLAGE PO LLC Authorized Rep. Larry Baum	30-2204-006-0080	2550 NE 193 ST
4.	OJUS ASSEMBLAGE PO LLC Authorized Rep. Larry Baum	30-2204-006-0070	2560 NE 193 ST
5.	Hile Corporation Provided Notice by Certified Mail Please see Exhibit "B"	30-2204-056-0020	2570 NE 193 ST
6.	OJUS ASSEMBLAGE PO LLC Authorized Rep. Larry Baum	30-2204-006-0240	2561 NE 192 ST
7.	OJUS ASSEMBLAGE PO LLC Authorized Rep. Larry Baum	30-2204-006-0210	2553 NE 192 ST 2555 NE 192 ST 2557 NE 192 ST 2551 NE 192 ST
8.	OJUS ASSEMBLAGE PO LLC Authorized Rep. Larry Baum	30-2204-006-0180	2541 NE 192 ST
9.	OJUS ASSEMBLAGE PO LLC Authorized Rep. Larry Baum	30-2204-006-0170	2525 NE 192 ST
10.	Luis R Galvan	30-2204-006-0150	2515 NE 192 ST
11.	Jaime Rodriguez Blasina Rodriguez	30-2204-006-0140	2511 NE 192 ST

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 respectfully requests that this road closing petition be granted for the following reasons: The requested alley right-of-way that is proposed to be closed has never been used for any right-of-way purpose nor has it ever been improved for public access. The vacation of the alley right-of-way would help provide for several alternative site plan designs that focus on enhancing the use of the property. The east side of the alley currently dead ends due to a re-platted multifamily development that exists blocking it from going any further east. To the west, the alley leads to NE 25th Avenue and there is no roadway that continues west of NE 25th Avenue. Currently, the alley consists of vegetation with above ground power lines. The Petitioner will relocate the power lines as part of the approval of the Petition. Additionally, there is no reason or necessity, now or in the future, that would give rise to any kind of support for requiring the alley right-of-way proposed to be closed to provide access to any of the adjacent properties as each of the adjacent properties already have sufficient access to a variety of roadways including NE 25th Avenue, NE 193rd Street and NE 192nd Street.

7. Signatures of all abutting property owners:

<u>No.</u>	<u>OWNER NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
1.	Meir Ran		2500 NE 193 ST
	Sima Ran		
	CARIBBEAN CLUB VILLAS, LLC		
2.			2532 NE 193 ST 2524 NE 193 ST
3.			2550 NE 193 ST
4.			2560 NE 193 ST
5.	Hile Corporation		2570 NE 193 ST
6.			2561 NE 192 ST
7.			2553 NE 192 ST 2551 NE 192 ST 2555 NE 192 ST 2557 NE 192 ST
			
8.			2541 NE 192 ST
9.			2525 NE 192 ST
10.	Luis R Galvan		2515 NE 192 ST
11.	Jaime Rodriguez		2511 NE 192 ST
	Blasina Rodriguez		

7. Signatures of all abutting property owners:

<u>No.</u>	<u>OWNER NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
1.	Caribbean Club Villas LLC	_____	2500 NE 193 ST
2.	OJUS ASSEMBLAGE PO LLC	 _____	2532 NE 193 ST 2524 NE 193 ST
3.	OJUS ASSEMBLAGE PO LLC	 _____	2550 NE 193 ST
4.	OJUS ASSEMBLAGE PO LLC	 _____	2560 NE 193 ST
5.	Hile Corporation	<u>Provided Notice By Certified Mail</u> <u>Please See Composite Exhibit "A"</u>	2570 NE 193 ST
6.	OJUS ASSEMBLAGE PO LLC	 _____	2561 NE 192 ST
7.	OJUS ASSEMBLAGE PO LLC	 _____	2553 NE 192 ST 2551 NE 192 ST 2555 NE 192 ST 2557 NE 192 ST
8.	OJUS ASSEMBLAGE PO LLC	 _____	2541 NE 192 ST
9.	OJUS ASSEMBLAGE PO LLC	 _____	2525 NE 192 ST
10.	Luis R Galvan	_____	2515 NE 192 ST
11.	Jaime Rodriguez	_____	2511 NE 192 ST
	Blasina Rodriguez	_____	

7. Signatures of all abutting property owners:

<u>No.</u>	<u>OWNER NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
1.	Meir Ran	_____	2500 NE 193 ST
	Sima Ran	_____	
2.	██████████	_____	2532 NE 193 ST 2524 NE 193 ST
3.	██████████	_____	2550 NE 193 ST
4.	██████████	_____	2560 NE 193 ST
5.	Hile Corporation	_____	2570 NE 193 ST
6.	██████████	_____	2561 NE 192 ST
7.	██████████	_____	2553 NE 192 ST 2551 NE 192 ST 2555 NE 192 ST 2557 NE 192 ST
	██████████	_____	
8.	██████████	_____	2541 NE 192 ST
9.	██████████	_____	2525 NE 192 ST
10.	Luis R Galvan	_____	2515 NE 192 ST
11.	Jaime Rodriguez	_____	2511 NE 192 ST
	Blasina Rodriguez	_____	

7. Signatures of all abutting property owners:

<u>No.</u>	<u>OWNER NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
1.	Meir Ran Sima Ran	_____ _____	2500 NE 193 ST
2.	██████████	_____	2532 NE 193 ST 2524 NE 193 ST
3.	██████████	_____	2550 NE 193 ST
4.	██████████	_____	2560 NE 193 ST
5.	Hile Corporation	_____	2570 NE 193 ST
6.	██████████	_____	2561 NE 192 ST
7.	██████████ ██████████	_____ _____	2553 NE 192 ST 2551 NE 192 ST 2555 NE 192 ST 2557 NE 192 ST
8.	██████████	_____	2541 NE 192 ST
9.	██████████	_____	2525 NE 192 ST
10.	Luis R Galvan	_____	2515 NE 192 ST
11.	Jaime Rodriguez Blasina Rodriguez	<i>Jaime Rodriguez</i> _____	2511 NE 192 ST

7. Signatures of all abutting property owners:

<u>No.</u>	<u>OWNER NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
1.	Meir Ran	_____	2500 NE 193 ST
	Sima Ran	_____	
2.	██████████	_____	2532 NE 193 ST 2524 NE 193 ST
3.	██████████	_____	2550 NE 193 ST
4.	██████████	_____	2560 NE 193 ST
5.	Hile Corporation	_____	2570 NE 193 ST
6.	██████████████████	_____	2561 NE 192 ST
7.	██████████████████ ██████████████████	_____ _____	2553 NE 192 ST 2551 NE 192 ST 2555 NE 192 ST 2557 NE 192 ST
8.	██████████	_____	2541 NE 192 ST
9.	██████████	_____	2525 NE 192 ST
10.	Luis R Galvan	_____	2515 NE 192 ST
11.	Jaime Rodriguez	_____	2511 NE 192 ST
	Blasina Rodriguez	<u>Blasina Rodriguez</u>	

Attorney for Petitioner: Pedro Gassant, Esq. & James R. Williams Jr., Esq.

Address: 701 Brickell Avenue, Suite 3300, Miami, FL 33131

(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Larry BAUM, 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]
(Signature of Petitioner & Entity Name)

LARRY BAUM
(Print Name)

SWORN AND SUBSCRIBED BEFORE ME BY MEANS OF ☒ PHYSICAL PRESENCE OR ☐ ONLINE NOTARIZATION, THIS 12 DAY OF July, 2022.

[Signature]
Notary Public, State of Florida at Large

My Commission expires June 4, 2026

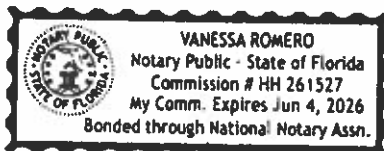
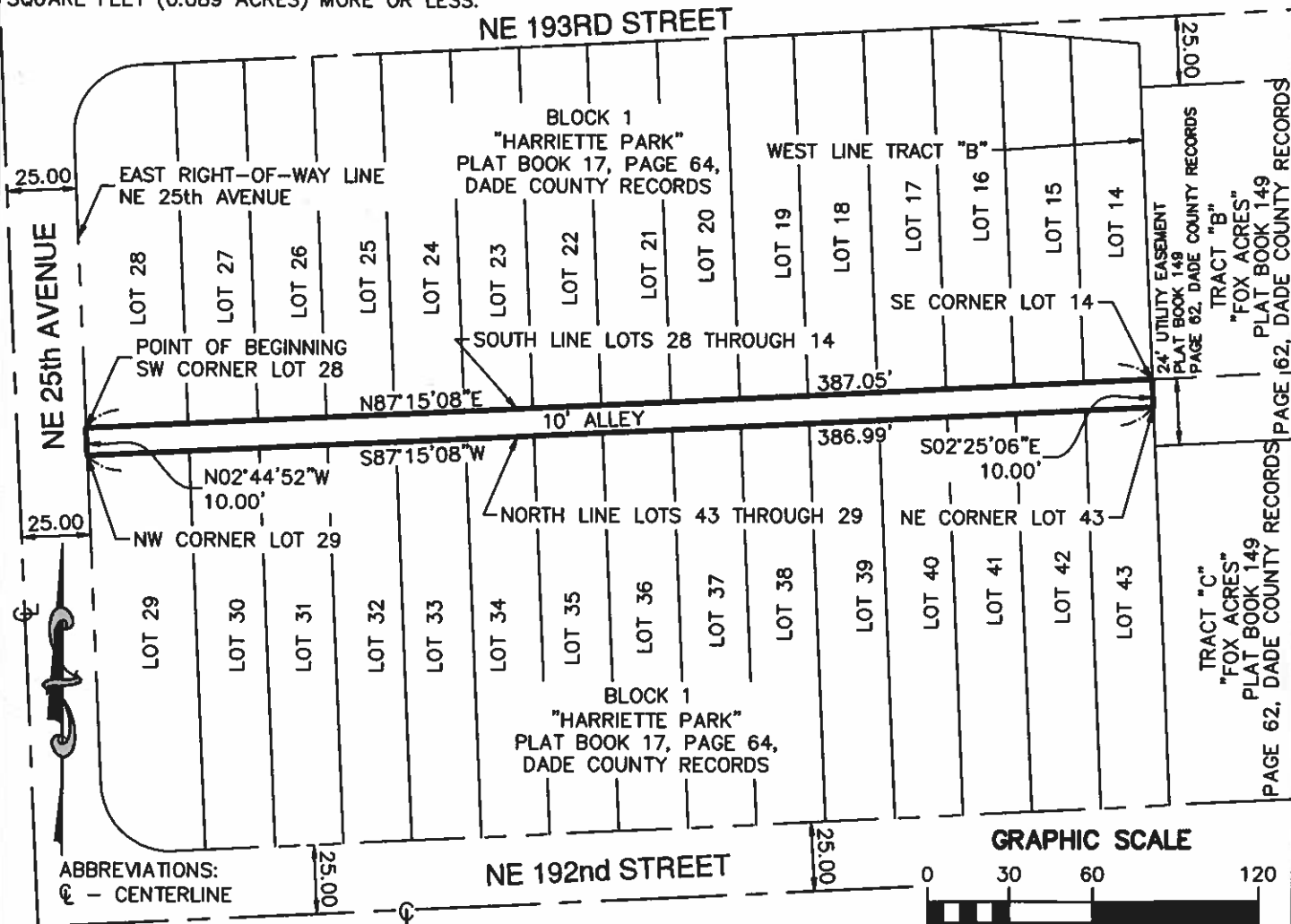


Exhibit "A"

DESCRIPTION:

THAT CERTAIN 10 FEET WIDE ALLEY IN BLOCK 1, OF HARRIETTE PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 17, PAGE 64, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

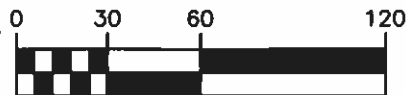
BEGIN AT THE SOUTHWEST CORNER OF LOT 28 OF SAID BLOCK 1; THENCE ALONG THE SOUTH LINE OF LOTS 28 THROUGH 14 OF SAID BLOCK 1, NORTH 87°15'08" EAST 387.05 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14; THENCE ALONG THE WEST LINE OF TRACT "B" OF FOX ACRES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 149, PAGE 62 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA SOUTH 02°25'06" EAST 10.00 FEET TO THE NORTHEAST CORNER OF LOT 43 OF SAID BLOCK 1; THENCE ALONG THE NORTH LINE OF LOTS 43 THROUGH 29 OF SAID BLOCK 1, SOUTH 87°15'08" WEST 386.99 FEET TO THE NORTHWEST CORNER OF LOT SAID 29; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF NE 25th AVENUE, NORTH 02°44'52" WEST 10.00 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE, LYING, AND BEING IN UNINCORPORATED, MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 3870 SQUARE FEET (0.089 ACRES) MORE OR LESS.



NOTES:

1. THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND ARE BASED ON A BEARING OF N87°15'08"E ALONG THE SOUTH LINE OF LOTS 28 THROUGH 14 OF BLOCK 1 OF HARRIETTE PARK (PLAT BOOK 17, PAGE 64, MIAMI-DADE COUNTY RECORDS)

GRAPHIC SCALE



(IN FEET)

1 INCH = 60 FEET

SKETCH & DESCRIPTION

CERTIFIED TO:

OJUS URBAN AREA DISTRICT

MDC016

No. 88

I HEREBY CERTIFY THAT THIS SKETCH MEETS STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 12.07, FLORIDA STATUTES. DATED THIS 17th DAY OF JANUARY 2022 A.D.

Martin P. Rossi
MARTIN P. ROSSI
 PROFESSIONAL SURVEYOR AND MAPPER
 STATE OF FLORIDA REGISTRATION NO. 5857
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
 CERTIFICATE OF AUTHORIZATION: LB8680

MILLER LEGG
 STATE OF FLORIDA
 PROFESSIONAL SURVEYOR

South Florida Office: 5747 N. Andrews Ave.
 Ft. Lauderdale, Florida 33309-2364
 954-436-7000 · Fax: 954-436-8664
 www.millerlegg.com

DATE REVISIONS DWN CHK

DRAWN BY: LP CHECKED BY: MR

PROJECT NO. 21-00122

FILE NO. SD-1

REVISIONS

Composite Exhibit "B"

7020 0640 0001 9762 0963

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

Additional Services & Fees (check box, add fee as appropriate)

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☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postage

Total Postage and Fees

Sent to

Street and Apt. No., RPOB

City, State, ZIP+4®

Hile Corporation
Attention: Hipolito G. Padron
3411 SW 100 Avenue
Miami, FL 33165

10-700 (Rev. 3-2010) April 2011 PSN 7535-02-000-9001 See Reverse for Instructions

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service[®] for a specified period.

Important Reminders:

- You may purchase Certified Mail[®] with First-Class Mail[®], First-Class Bulk Mail[®], or Priority Mail[®] service.
- Certified Mail service is not available for international mail.
- Insurance coverage is not available for parcels with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*, attach PS Form 3811 to your mailpiece;

for an electronic return receipt, and a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS[®] postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signer to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signer to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office[®] for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the hinged portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Keep this receipt for your records.

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.789.7413 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

James R. Williams Jr.
(305) 789-7413
james.williams@hklaw.com

March 9, 2022

Via Certified Mail

Hile Corporation
Attention: Hipolito G. Padron
3411 SW 100 Avenue
Miami, FL 33165

Re: Courtesy Notice of Road Closure Petition / Vacation of Alley East of NE 25th Avenue Between NE 193 Street and NE 192 Street

Dear Mr. Padron,

This law firm represents 193 Street, LLC, (the "Petitioner"), the owner of those certain parcels of land located at 2532 NE 193 Street/2524 NE 193 Street, 2550 NE 193 Street, and 2560 NE 193 Street, which are further identified at Miami-Dade County Folio Nos. 30-2204-006-0090, 30-2204-006-0080, and 30-2204-006-0070. The purpose of this letter is to provide you with a courtesy notice that the Petitioner intends to submit the enclosed road closing petition to vacate the alley east of NE 25 Avenue between NE 193 Street and NE 192 Street (the "Petition"). The area to be vacated is highlighted on the enclosed survey included with this letter, and depicted by the area marked in green on the aerial provided below:



MDC021

The requested alley right-of-way that is proposed to be vacated has never been used for any right-of-way purpose nor has it ever been improved for public access. The vacation of the alley right-of-way will help provide for several alternative site plan designs that focus on enhancing the use of those parcels of land identified above, as well as several others currently being purchased, that abut the alley to be vacated. The east side of the alley currently dead ends at the rear of your property blocking it from going any further east. To the west, the alley leads to NE 25th Avenue and there is no roadway that continues west of NE 25th Avenue. Currently, the alley consists of vegetation with above ground power lines. The Petitioner will relocate the power lines as part of the approval of the Petition. Primary access to your property will not be affected in any way. The Petition will be reviewed by several Miami-Dade County departments, including the Miami-Dade County Fire Rescue Department, the Miami-Dade County Department of Transportation and Public Works, the Division of Environmental Resources Management (DERM), and several others to ensure the proposal meets all applicable requirements.

We welcome the opportunity to discuss the Petition with you, and to address any questions you may have at your convenience. I can be reached at (305) 789-7413 or by email at james.williams@hklaw.com. We look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read "J.R. Williams Jr.", with a stylized, flowing script.

James R. Williams Jr., Esq.

Cc: Pedro Gassant, Esq.

Exhibit 3

Return to:

Miami-Dade County Department of
Transportation and Public Works
Right-of-Way Division
111 NW 1st Street, Suite 1620
Miami, FL 33128-1970

Instrument prepared by:

Jeffrey Whitmore, P.S.M.
Department of Transportation and Public Works
111 NW 1st Street, Suite 1620
Miami, FL 33128-1970

NON-EXCLUSIVE UTILITY EASEMENT

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

THIS EASEMENT, Made this ____ day of ____, A.D. 202__, by
MIAMI-DADE COUNTY a political subdivision of the State of Florida,
GRANTOR,

WITNESSETH:

That the said **GRANTOR**, for and in consideration of benefits to
the general public and for further good and valuable
considerations, does hereby reserve a **NON-EXCLUSIVE UTILITY
EASEMENT** for the purpose of constructing and maintaining utilities
over, along, and under the following described parcel of land,
situate, lying, and being in Miami-Dade County, State of Florida,
"the easement," to-wit:

That certain 10-foot-wide alley in Block 1 of **HARRIETTE PARK**, according to the plat
thereof, recorded in Plat Book 17, Page 64, of the Public Records of Miami-Dade County,
Florida, more particularly described as follows: Begin at the Southwest corner of Lot 28 of
said Block 1; thence along the South line of Lots 28 through 14 of said Block 1, North
87°15'08" East 387.05 feet to the Southeast corner of said Lot 14; thence along the West line of
Tract "B" of **FOX ACRES**, according to the plat thereof as recorded in Plat Book 149, Page 62
of the Public Records of Miami-Dade County, Florida South 02°25'06" East 10.00 feet to the
Northeast corner of Lot 43 of said Block 1; thence along the North line of Lots 43 through 29
of said Block 1, South 87°15'08" West 386.99 feet to the Northwest corner of said Lot 29;
thence along the East right-of-way line of NE 25th Avenue, North 02°44'52" West 10.00 feet to
the Point of Beginning; said lands situate, lying, and being in unincorporated Miami-Dade
County, Florida and containing 3,870 square feet (0.089 acres) more or less.

TO HAVE AND TO HOLD the said **EASEMENT**, subject however, to the following condition:

THAT any entity performing utility work within this easement will indemnify and hold **GRANTOR** harmless from any and all damages, liability, claims, demand, and suits of any nature associated with said entity's use of the easement;

It is expressly provided that if and when the use of the subject **NON-EXCLUSIVE UTILITY EASEMENT** is discontinued, the interest to the said described easement shall immediately revert to the **GRANTOR**, its heirs and assigns, and they shall have the right to immediately repossess the same.

This grant of easement conveys only the interest of **MIAMI-DADE COUNTY** and its **BOARD OF COUNTY COMMISSIONERS** in the property herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF, the **GRANTOR** has caused these presents to be executed on its behalf, by its **BOARD OF COUNTY COMMISSIONERS**, acting by the **MAYOR** and attested by the **CLERK** or **DEPUTY CLERK** of said **BOARD**, the day and year first above written.

ATTEST:

HARVEY RUVIN,
Clerk of said Board

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

By: _____
Deputy Clerk

By: _____
Mayor

Approved as to form and
legal sufficiency

Assistant County Attorney

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY, that on this ____ day of _____, A.D. 202_, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared by means of []physical or []online notarization _____ and _____ personally known to me, or proven, by producing the following forms of identification: _____ to be the person(s) duly authorized on behalf of MIAMI-DADE COUNTY, a political subdivision of the State of Florida. Said person(s) executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

Notary Signature

Printed Notary Signature

NOTARY SEAL/STAMP

Notary Public, State of _____

My commission expires: _____

Commission/Serial No. _____



MEMORANDUM

(Revised)

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

DATE: November 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(I)

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(I)
11-15-22

RESOLUTION NO. _____ R-1092-22

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY LOCATED BETWEEN NE 192 STREET AND NE 193 STREET, FROM NE 25 AVENUE EAST FOR APPROXIMATELY 387 FEET (ALLEY CLOSING PETITION NO. P-989) FILED BY OJUS ASSEMBLAGE PO LLC; WAIVING THE SIGNATURE REQUIREMENTS OF RESOLUTION NO. 7606 AS TO ADJACENT PROPERTY OWNERS; RETAINING A NON-EXCLUSIVE UTILITY EASEMENT RIGHT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE NON-EXCLUSIVE UTILITY EASEMENT AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN

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-989 was signed by the owners of 10 of the properties abutting on the alley sought to be closed, and notice was mailed by certified mail to one additional property owner 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 by reference.

Section 2. Resolution No. 7606 is waived to the extent that it requires the signatures of all adjacent property owners on the petition to close a road.

Section 3. Subject to and conditioned upon the County retaining a utility easement in the subject alley, in substantially the form attached to the County Mayor's Memorandum as Exhibit 3, Alley Closing Petition No. P-989 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. This Board authorizes the County Mayor or County Mayor's designee to execute the utility easement in substantially the form attached to the County Mayor's Memorandum as Exhibit 3 and to exercise all rights conferred therein.

Section 4. All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed, save and except that the County retains a non-exclusive utility easement over, along, and under this land, in substantially the form attached to the County Mayor's Memorandum as Exhibit 3.

Section 5. It is found that the action will serve a public purpose and benefit the public without violating private property rights.

Section 6. The procedure utilized in the adoption of this resolution is expressly ratified and approved.

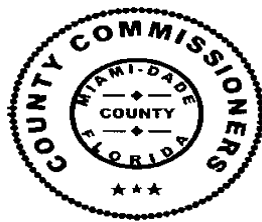
Section 7. Pursuant to Resolution No. 7606, the Clerk is hereby directed to publish notice of the adoption of this resolution one time within 30 days hereafter in a newspaper of general circulation of Miami-Dade County and the County Mayor or County Mayor's designee shall record the proof of publication 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 8. Pursuant to Resolution No. R-974-09, (a) the County Mayor or County Mayor's designee shall record the non-exclusive utility easement in the public records of Miami-Dade County, Florida and shall provide a copy of the recorded instrument to the Clerk of the Board within 30 days of the recordation of the easement; and (b) the Clerk of the Board shall attach and permanently store a copy of the recorded instrument together with this resolution.

The foregoing resolution was offered by Commissioner **Kionne L. McGhee**,
 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	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	absent
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 15th day of November, 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

By: **Basia Pruna**
 Deputy Clerk

Approved by County Attorney as
 to form and legal sufficiency.

Annery Pulgar Alfonso