

MEMORANDUM

Agenda Item No. 5(D)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: October 1, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition to close NE 184 Street from approximately 174 feet east of the centerline of NE 25 Avenue east for 65.8 feet (Vacation of Right-of-Way Petition No. P-986) filed by Mr. Andrew Vilenchik and waiving the signature requirements of Resolution No. 7606 as to adjacent property owners

Resolution No. R-842-24

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



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: October 1, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

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

Subject: Vacation of Right-of-Way Petition P-986
Section: 4-52-42
NE 184 Street from Approximately 174 Feet East of the Centerline of NE 25 Avenue East
for 65.8 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 Mr. Andrew Vilenchik to vacate the subject portion of right-of-way. If this petition is granted, the underlying lands will become incorporated into his abutting property. The \$12,817.00 fee for this alley closing petition has been paid.

Recommendation

It is recommended that the Board grant vacation of right-of-way closing petition P-1015, attached to this Memorandum as Exhibit 2, following a public hearing. The Miami-Dade County (County) Departments of Regulatory and Economic Resources, Transportation and Public Works (DTPW), Water and Sewer (WASD), and Fire Rescue have no objection to this portion of right-of-way being vacated. This request conforms with County regulations governing the procedures for the vacation of County right-of-way as set forth in Resolution No. 7606. Location maps are attached as Exhibit 1. The subject land has never been improved nor maintained by the County.

Scope

The subject portion of right-of-way is located within District 4, which is represented by Commissioner Micky Steinberg.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the properties adjacent to the subject portion of right-of-way at an average rate of \$55.00 per square foot. Therefore, the estimated value of the subject land is approximately \$108,570. If the subject portion of right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$1,852 per year in additional property taxes. The fee for this vacation of right-of-way petition is \$12,817.00.

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.

Attachments: Exhibit 1 – Location & Aerial Maps, Exhibit 2 – Vacation of Right-of-Way Petition P-986, Exhibit A – Boundary and Topographic Survey, Exhibit B – Copies of Certified Mail to Abutting Owners

Background

The owner of the abutting property that carries the reversionary interest in the subject land wishes to close the subject portion of right-of-way along NE 184 Street from approximately 174 feet east of the centerline of NE 25 Avenue east for 65.8 feet so that the underlying land becomes incorporated into his abutting property. The abutting properties are zoned OUAD (Ojus Urban Center).

The owners of three of the five properties that abut on the subject portion of right-of-way did not sign this petition. However, they were notified of it by certified mail, copies of which are attached as Exhibit B. No objection or other reply was received in response to the notification that was sent.

The subject portion of right-of-way has never been improved nor maintained by the County and is covered with grass, bare dirt, and an area of concrete pavers. This portion of right-of-way is no longer needed for its intended purpose of a public roadway and therefore may be vacated by the County. If it is vacated, the underlying land will automatically revert back to the abutting owner to the south who holds the reversionary rights. This land was dedicated to the County for highway purposes in 1978 by the Right-of-Way Deed recorded in Official Records Book 10044, at Page 1059, of the Public Records of Miami-Dade County, Florida. Since the entirety of the subject portion of right-of-way was dedicated to the County by the predecessors-in-interest of the petitioner, the whole portion would revert to Mr. Andrew Vilenchik, as the sole successor-in-interest to the subject lands, if this petition is granted by the Board.

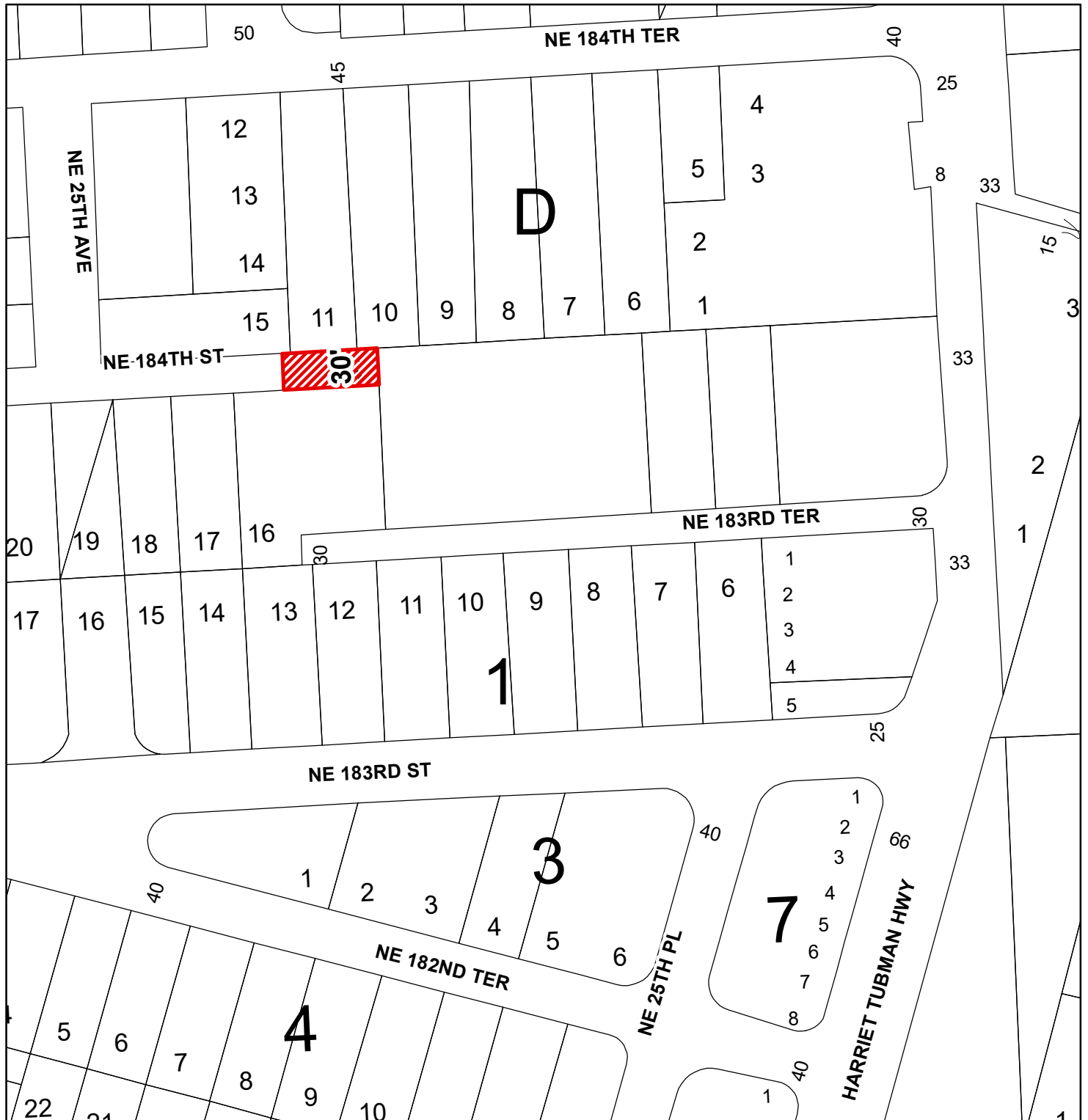
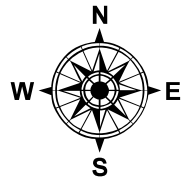


Jimmy Morales
Chief Operating Officer

Location & Aerial Map

SECTION 4 TOWNSHIP 52 S RANGE 42 E

EXHIBIT 1



THIS IS NOT A SURVEY
NOT TO SCALE

P- 986

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

Municipality: Unincorporated
Commission District 4
Micky Steinberg

Legend 
P-986 Road Closing

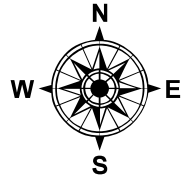
Date: 1/16/2024
Drawn By: A.Santelices

MDC004

Location & Aerial Map

SECTION 4 TOWNSHIP 52 S RANGE 42 E

EXHIBIT 1



THIS IS NOT A SURVEY
NOT TO SCALE

P- 986

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

Municipality: Unincorporated
Commission District 4
Micky Steinberg

Legend 
P-986 Road Closing

Date: 1/16/2024
Drawn By: A.Santelices

MDC005

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

The undersigned hereby certify:

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

The North 30 feet of the West 65.8 feet of the East 530.8 feet of the North 1/2 of the South 1/2 of the SE 1/4 of the SE 1/4 of the SE 1/4 of Section 4, Township 52 South, Range 42 East, in Miami-Dade County, Florida.

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.

This portion of right-of-way was dedicated in 1978 by the Right-of-Way Deed recorded in Official Records Book 10044, at Page 1059, 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.

See survey attached as Exhibit A.

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
Andrew Vilenchik	30-2204-000-0460	2520 NE 184 th St
Li Xiao	30-2203-020-0410	2501 NE 184 ST

N Form Development 2019 LP 30-2204-000-0780
ARCK MB LLC 30-2203-020-0386
ARCK MB LLC 30-2203-020-0385

2555 NE 183 TER
2520 NE 184 TER
2530 NE 184 TER

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 THTS 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 right-of-way sought to be vacated and property should be returned to 2520 NE 184th St, as it ceased being used by any adjacent or abutting property owners many, many years ago. In fact, there was a gate installed by the original owner at the property line of the affected lot, ruling the entire length of the lot. As such, they have created a situation preventing affected neighbors from having any type of access to the right-of-way in question and forcing use of dedicated access from NE 184rd St. The County, likewise, never improved NE 184th Street. Dead-end unfinished and unmaintained road is a magnet for constant excessive garbage dumping, random fires and excessive weed growth as well as other criminal activities.

7. Signatures of all abutting property owners Respectfully Submitted,



ANDREW VILENCHIK 30-2204-000-460


LI XIAO 30-2203-020-0410

Andrew Vilenchik


OWNERS OF FOLIOS 30-2204-000-0780, 30-2203-020-0386, AND
30-2203-020-0385 WERE NOTIFIED VIA CERTIFIED MAIL.
SEE EXHIBIT "B" ATTACHED.

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Andrew Vilenchik
_____, 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.

Av

(Signature of Petitioner)

Sworn and subscribed to before me this

16 day of January, 2024

[Signature]
Notary Public State of Florida at Large

My Commission Expires: 8/22/2025

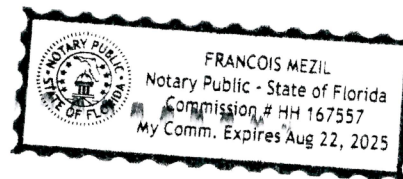


EXHIBIT A

**BOUNDARY AND
TOPOGRAPHIC SURVEY**

A REPLAT OF LOT 16, BLOCK D, OF QUIN, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 56, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND A SUBDIVISION OF A PORTION OF SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 32 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA.

SCALE: 1" = 20'



LEGEND & ABBREVIATIONS

- ☐ CHIMNEY (CONC.)
- ☐ CONC. BLOCK WALL
- ☐ IRON DECK
- ☐ COVERED AREA
- ☐ FENCES SLAB / DRIVEWAY
- ☐ TILE SLAB / DRIVEWAY

Additions and deletions to this Survey Map are prohibited. This Survey Map
 and Report are not valid without the signature and original raised seal or
 without the authenticated electronic signature and seal of the undersigned
 Florida licensed Surveyor and Mapper.

Project No. 21688

Page 2 of 2

Page 2 of 2

BELLO & BELLO LAND SURVEYING
12230 SW 131 AVENUE • SUITE 201 • MIAMI FL 33186
LB#7262 • Phone: 305.251.9606 • info@belloland.com
www.bellolandsurveying.com

MDC011

EXHIBIT B

**COPIES OF RECEIPTS OF
CERTIFIED MAIL SENT TO
ABUTTING OWNERS WHO
DID NOT SIGN THIS PETITION**

January 16, 2023

Dear Neighbor,

I own the property located at 2520 NE 184th St, Miami, FL 33160. I have petitioned to vacate the unimproved section of 184th Street in front of my property that is inaccessible by your property due to existing fences.

Please see the attached application filed with the county. If you do not object, please sign page two and return it to me at your earliest convenience.

Sincerely,

Andrew Vilenchik
PO Box 630093
Miami, FL 33163

9589 0710 5270 1157 1820 97

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 \$	
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To <u>ARCK MB LLC</u>	
Street and Apt. No., or PO Box No. <u>PO Box 801910</u>	
City, State, ZIP+4® <u>Miami, FL 33280</u>	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

9589 0710 5270 1157 1821 03

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 \$	
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To <u>NForm Development 2014 LP</u>	
Street and Apt. No., or PO Box No. <u>18201 Collins Ave St 5105</u>	
City, State, ZIP+4® <u>Sunny Isles 33160</u>	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: October 1, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(D)

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 ____, majority plus one ____, 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) ____, 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(D)
10-1-24

RESOLUTION NO. R-842-24

RESOLUTION GRANTING PETITION TO CLOSE NE 184 STREET FROM APPROXIMATELY 174 FEET EAST OF THE CENTERLINE OF NE 25 AVENUE EAST FOR 65.8 FEET (VACATION OF RIGHT-OF-WAY PETITION NO. P-986) FILED BY MR. ANDREW VILENCHIK AND WAIVING THE SIGNATURE REQUIREMENTS OF RESOLUTION NO. 7606 AS TO ADJACENT PROPERTY OWNERS

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

WHEREAS, Vacation of Right-of-Way Petition No. P-986 was signed by the owners of two of the five properties abutting on the portion of right-of-way sought to be closed and notice was sent by certified mail to the owners of the other three properties that abut on the portion of 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 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. Vacation of Right-of-Way Petition No. P-986 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.

Section 4. All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed.

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.

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

Oliver G. Gilbert, III, Chairman	aye
Anthony Rodríguez, Vice Chairman	absent
Marleine Bastien	aye
Kevin Marino Cabrera	aye
Roberto J. Gonzalez	absent
Danielle Cohen Higgins	aye
Kionne L. McGhee	aye
Micky Steinberg	aye
Juan Carlos Bermudez	aye
Sen. René García	aye
Keon Hardemon	aye
Eileen Higgins	absent
Raquel A. Regalado	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of October, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Annery Pulgar Alfonso

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