

Date: October 8th, 2013  
To: The Honorable Mayor and City Council  
From: Tanya Wilson-Sejour, Interim Planning Manager, Community Planning & Development   
Re: Request to Abandon A Portion of City Right of Way Along NE 127 Street

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF A 130 FEET PORTION OF CITY RIGHT OF WAY, ALONG NE 127 STREET, LYING SOUTH OF 12716 GRIFFING BOULEVARD, CONSISTING OF 5,703 SQUARE FEET IN SIZE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT RIGHT OF WAY, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**RECOMMENDATION**

Staff is recommending approval of the Resolution, with conditions, for the vacation, abandonment, closure and sale of a 130 linear feet (approximately .13 acre) segment of City right of way, along NE 127 Street, lying south of 12716 Griffing Boulevard in accordance with the requirements of Article 3, Section 3-903 of the City's Land Development Regulation.

**PLANNING COMMISSION RECOMMENDATION**

At its meeting on June 6th, 2013 the Planning Commission (attended by Commissioners James, Castor, Ernst, Siefried and Harwitz) reviewed and discussed the resolution to vacate, abandon and sell a segment of NE 127 Street lying south of 12716 Griffing Boulevard. The applicant expressed concerns about the deplorable conditions on the unimproved segment and how the overgrown area had created an unsafe environment. Several residents from the neighborhood attended the meeting and voiced concerns regarding the desire to see the area remain as open space or as a pocket park instead of being turned over to an individual property owner. The Parks Director, Jeff Geimer explained that the City had no plans to create a park in that location. Based on the information provided, the Planning Commission recommended denial of the item by a vote of 4-1. The motion to approve was made by Commissioner Harwitz and seconded by Commissioner Ernst. The one dissenting vote was made by Commissioner Seifried.

## BACKGROUND INFORMATION

Kenneth Beck (the applicant) owns the property located at 12716 Griffing Boulevard (06-2230-026-0950) and requests the abandonment of an unimproved portion of City right of way along NE 127 Street (consisting of 5,703 square feet or approximately 0.13 acres in size) lying just south of his property line. The item was initially presented before the Planning Commission at its April 2, 2013 board meeting but many of the neighbors voiced concerns that the small parcel should not be sold to a private individual but instead be developed as a public park that would be maintained by the neighborhood. As such, Mr. Beck subsequently withdrew his application before the Commission voted on the item. In an email correspondence dated April 10, 2013 (attached) the applicant requested that the item be brought back before the Planning Commission for review and consideration. To date the City has not received any other application requesting abandonment and acquisition of the subject segment. Mr Beck has also indicated that due to safety concerns he continues to be the only resident who has taken the initiative to cut and maintain the overgrown area.

Based on the applicant's original letter of intent (attached), the former roadway segment has been overgrown with foliage for many years and became an illegal unsightly dumping ground. The applicant desires to acquire the abandoned portion and consolidate it with his abutting lot in order to beautify the area. **Based on an appraisal report prepared by the City's Real Estate Appraiser dated February 21, 2013 the subject area is valued at \$4,500. The applicant has offered to pay double (\$9000) as compensation to the City for acquisition of said land.**

The particular segment of NE 127 Street, west of Griffing Boulevard dead ends at the Biscayne Canal and only provides secondary access to the applicant's property as well as the abutting property to the South at 12690 Griffing Boulevard. As such, if approved the proposed abandonment would have no effect on the traffic circulation of the surrounding neighborhood. There are also no utilities located within the subject right of way area.

## PURPOSE & ANALYSIS

**Section 3-903 of the City's Land Development Regulations requires that all requests for street abandonment meet the following minimum criteria:**

Provides some benefit to the public health, safety, welfare or convenience, but the overall benefit anticipated to result from the vacation or abandonment outweighs the specific benefit derived from the non fee property interest, in that:

- a. **The purpose of the interest sought to be vacated or abandoned will be adequately and appropriately served in an alternative manner when the interest is vacated or abandoned;**

*Staff is of the opinion that the subject right of way segment currently serves no public purpose, and in its current unmaintained state is an eye sore to the community. If approved, the abandonment will allow the applicant to*

*acquire and maintain the area. Furthermore staff believes the overall benefit anticipated to result from the proposed right of way abandonment far outweighs the benefit derived from the current use. The applicant has taken the initiative to improve the property to enhance the appearance in an effort to make it a more safe and attractive environment.*

**b. The vacation or abandonment will not compromise the delivery of emergency services;**

*The City's Police staff reviewed the proposed site plan and does not believe the current request would compromise emergency services.*

**c. The vacation or abandonment will not compromise pedestrian or vehicular safety;**

*The proposed abandonment segment is at a dead end section of the unimproved street and will not compromise pedestrian or vehicular safety.*

**d. The vacation or abandonment will not interfere with solid waste removal services;**

*Public works staff has confirmed that the proposed request will not interfere with solid waste removal services.*

**e. The vacation or abandonment will not frustrate any comprehensive plan, special purpose plan or capital improvement program of the city;**

There is no future use contemplated for the subject roadway in the City's comprehensive plan, special purpose plan or capital improvement program. The City's Parks & Recreation Department has no plans to improve the area and create a public park since there are at least two existing community parks within a mile of the subject area.

**f. The vacation or abandonment will not interfere with any planning effort of the city that is underway at the time of the application but is not yet completed; and**

*There are no planning efforts anticipated for the proposed roadway segment.*

**g. The vacation or abandonment will provide a material public benefit in terms of promoting development or redevelopment of abutting property, removing blighting influences or improving the city's long-term fiscal position.**

*The applicant recently purchased his property and has made significant improvements to the site. As such he believes the abutting unmaintained roadway is an eyesore and diminishes his property value. If approved, the applicant proposes to landscape the entire area and include the first 35 feet of roadway as part of his current property; However the remaining 25 feet of roadway would still provide public access as a secondary entrance to the abutting property owner to the south, at 12690 Griffing Boulevard.*

**B. The proposed vacation or abandonment will be accomplished in accordance with all applicable standards of local, state and federal authorities.**

*The roadway abandonment request is subject to review and approval by the City.*

**C. The proposed vacation or abandonment will promote development or redevelopment that will**

**maintain or enhance the character of the surrounding area.**

*The City is committed to reducing blight and promoting and improving the appearance of residential neighborhoods. In fact **Policy 1.5.8** of the City's Comprehensive Plan requires that "The City shall continue to identify areas of slum and blight in the community, and rank these areas in order of priority, and develop a schedule which will ensure all such areas are studied and solutions are identified." Staff believes the proposed abandonment further implements the Comprehensive Plan vision and will result in much needed improvements to the area.*

## CONCLUSION

As such, staff believes the current request meets the requirements of Section 3-903 of the City's Land Development Regulations and recommends approval of the proposed resolution subject to the following conditions:

1. That the applicant agrees to work with the City Manager to finalize negotiations for the sale of the subject Right of Way.
2. That the City effectuates the conveyance by virtue of a Deed.
3. That the property owner executes a unity of title to consolidate his existing lot with the abandoned right of way segment. Said instrument meeting the approval of the Community Planning and Development Department and the office of the City Attorney. Said instrument shall be recorded by the applicant in the public records of Miami Dade County with copies furnished to the Community Planning and Development Department within forty five (45) days of Council approval.

TWS

## Attachments:

1. Proposed Resolution
2. Exhibit A - Survey & Legal sketch
3. Letter of Intent
4. Letters of no objection from utility companies
5. Email dated April 10, 2013 requesting re-submittal of application

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF A PORTION OF A CITY RIGHT OF WAY, ALONG NORTHEAST 127 STREET, LYING SOUTH OF 12716 GRIFFING BOULEVARD, CONSISTING OF APPROXIMATELY FIVE THOUSAND SEVEN HUNDRED AND THREE (5,703) SQUARE FEET IN SIZE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT PORTION OF THE RIGHT OF WAY, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE CONVEYANCE OF PROPERTY; PROVIDING FOR EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, Chapter 29, Article 3, Division 9 of the City of North Miami (“City”) Code of Ordinances (“LDRs”), provides a uniform procedure for the vacation, abandonment and sale of right-of-way properties within the City as it pertains to streets, alleyways, and easements; and

**WHEREAS**, pursuant to Section 3-903C of the LDRs, the City is desirous of supporting vacations or abandonments that will promote development or redevelopment which will maintain or enhance the character of the surrounding area, while having a positive fiscal impact on the City; and

**WHEREAS**, Kenneth Beck (the “Applicant”), requests the abandonment and vacation of the unused portion of a City right of way, consisting of approximately Five Thousand Seven Hundred and Three (5,703) square feet, or approximately 0.13 acres in size (“Subject Property”) in order to beautify the area and consolidate it with his abutting lot located north of the Subject Property, at 12716 Griffing Boulevard (as specifically identified by Miami-Dade County folio number: 06-2230-026-0950); and

**WHEREAS**, in accordance with Section 3-902 of the LDRs, the City obtained an appraisal report from a licensed Real Estate Appraiser dated February 21, 2013, showing the value of the Subject Property at Four Thousand Five Hundred Dollars (\$4,500.00); and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on June 6, 2013, reviewed the proposed abandonment application and found that the petition did not establish the standards required under Section 3-903 of the LDRs, and thereby, recommended denial of the application to the Mayor and City Council; and

**WHEREAS**, the Mayor and City Council of the City of North Miami, have considered the standards enunciated under Section 3-903 of the LDRs, and thereby approve the application.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AS FOLLOWS:**

**Section 1. Vacation, Abandonment, Closure and Sale of Right of Way.** The Mayor and Council of the City of North Miami, Florida, hereby approve the vacation, abandonment, closure and sale of a portion of a City right of way, along Northeast 127<sup>th</sup> Street, lying south of 12716 Griffing Boulevard, consisting of approximately Five Thousand Seven Hundred and Three (5,703) square feet in size, as described in the attached "Exhibit A".

**Section 2. Authority of City Manager to Negotiate Sale of Right of Way.** The Mayor and Council of the City of North Miami, Florida, hereby authorize the City Manager to negotiate the sale of the subject portion of the right of way, in accordance with Chapter 29, Article 3, Division 9, City of North Miami Code of Ordinances, Land Development Regulations, and to take all necessary steps to effectuate conveyance of property.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
LUCIE M. TONDREAU  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Lucie M. Tondreau	_____ (Yes)	_____ (No)
Vice Mayor Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Carol Keys	_____ (Yes)	_____ (No)
Councilperson Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)

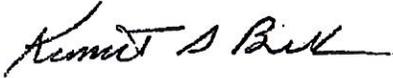
From: George Cohen <george@bafmiami.com>  
Subject: **LETTER OF INTENT**  
Date: March 15, 2013 11:14:30 AM EDT  
To: Tanya Wilson-Sejour <tsejour@northmiamifi.gov>

FROM KENNETH STEVEN BECK  
12716 GRIFFING BLVD  
N MIAMI FLA 33161  
305 491 2535

dear mrs. sejour,

this letter accompanies the application regarding the property at 12716 griffing blvd in n miami fla, and the abandonment of approximately 5,700 just south of my property line, see survey submitted, this particular strip of land was abandoned by the city, was overgrown with foliage and used as a dump, gangs of young adults were also hanging out in the brush doing illegal activities, I have done extensive work on my home and grounds, landscape etc, it is my hope to acquire this land through purchase so that I can maintain and beautify this abandoned strip so that it will become an asset to our neighborhood instead of an eye soar, my neighbors are very proud of the restoration I have done already and the clean up to this abandoned area, my goal and plans are to improve my residence and lot and beautify, since I have started other neighboring property owners have begun to landscape, paint, and take pride in their homes and grounds, simply put n miami has so much potential I take great pride in our community by allowing me to purchase this abandoned and unmaintained strip of land is in the best interest of the city, our neighbors and the community in general

sincerely,



mr. Kenneth S Beck  
home owner  
resident of n miami

**From:** <georgecohen46@mac.com>

**Date:** April 10, 2013 10:11:58 AM EDT

**To:** Tanya Wilson-Sejour <tsejour@northmiamifl.gov>

**Subject:** FORMAL LETTER TO GO FORWARD WITH ABANDONEMENT FROM KENNETH BECK

DEAR TANYA OR TO WHOM IT MAY CONCERN,

PLEASE ALLOW THIS E MAIL TO INFORM THE CITY OF NORTH MIAMI I WISH TO GO FORWARD WITH PURCHASE OF THE ABANDONED PROPERTY AS DISCUSSED AT THE CHAMBER MEETING ,AFTER SITTING AND SPEAKING THAT EVENING I WAS UNDER THE IMPRESSION THE CITY FAVORED THE PARK, IN DEFENSE OF MYSELF AND AS A RESPONSE TO THE ATMOSPHERE THAT THOSE AT THE MEETING HAD FINAL SAY , I DID NOT REALIZE THIS WAS ONLY A STARTING PLACE FOR DISCUSSION AND OPINIONS, AND NOT THE FINAL DECISION, I SAID AT THE MEETING THAT I WISHED TO WITHDRAW MY APPLICATION NOT KNOWING THE FULL DETAILS OF HOW THE SYSTEM WORKS, AT THIS POINTE I WISH TO CONTINUE MY REQUEST OF PURCHASE AND ABANDONEMENT OF SUCH DESCRIBED PROPERTY DESCRIBED IN MY APPLICATION, ALSO NOTE I AM WILLING TO PAY DOUBLE THE APPRAISED VALUE FOR THE CONSIDERATION WHICH I FEEL IS VERY GENEROUS ON MY SIDE, I STILL STAND FIRMLY THIS SMALL PARCEL IS NOT IN ANY WAY CONDUSIVE FOR A PARK AND ONLY A LIABILITY TO THE CITY, THEIRE IS IN FACT GRIFFING PARK JUST DOWN THE BLOCK THAT SERVES AS A WONDERFUL GREEN SPACE AND A TRANQUIL SAFE SETTING FOR THOSE TO USE IN OUR NEIGHBORHOOD, ALSO THIS PARCEL DOES NOT QUALIFY TO BE BUILT UPON IN ANY WAY BECAUSE OF ITS SIZE THEREFOR MAKING IT BASICALLY UNDEVELOPABLE AND ONLY USEFUL TO ME THE PROPERTY OWNER ABUTTING THIS PARCEL, THOUGH FEW NEIGHBORS DISCUSSED A MINI PARK AT THE CHAMBER MEETING AFTER THE CITY SEES THE ABANDONED LAND , ITS SIZE, ITS RELATIONSHIP, AND CONSIDERS ALL SAFETY LIABILITY ISSUES I KNOW THEY WILL NOT SEE THIS NARROW STRIP OF LAND APPROPRIATE FOR ANY USE BUT ABANDONMENT, MY OFFER TO PURCHASE STAND AT DOUBLE APPRAISED VALUE, TIME IS OF THE ESCENCE IN THAT I MUST CONSTRUCT A FENCE A.S.A.P TO SECURE MY PROPERTY, THIS IN MY OPINION IS A NO BRAINER AND CERTAINLY IN THE BEST INTEREST FOR THE CITY,AND A VERY GENEROUS OFFER FOR YOUR IMMEDIATE REVIEW, I CAN BE CONTACTED AT 305 491 2535 MY CELL OR MY HOME 786 275 4991

THANK YOU FOR YOUR CONSIDERATION  
KENNETH BECK

From: "Goldman, Yvonne B." <yagoldman@tecoenergy.com>  
Subject: letter  
Date: February 25, 2013 12:54:36 PM EST  
To: "georgecohen46@mac.com" <georgecohen46@mac.com>  
1 Attachment, 215 KB

From Teco Peoples Gas

NOTICE: This email is intended only for the individual(s) to whom it is addressed and may contain confidential information. If you have received this email by mistake, please notify the sender immediately, delete this email from your system and do not copy or disclose it to anyone else. Although we take precautions to protect against viruses, we advise you to take your own precautions to protect against viruses as we accept no liability for any which remain.



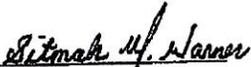
Easement & Right-of-Way /Plat

Plat Letter

To: City Planner Date: February 20, 2013  
Community Planning & Development Dept.  
City of North Miami, 12400 NE 8<sup>th</sup> Avenue  
North Miami, Fl. 33161  
Attention: Tanya Wilson-Sejour, AICP

Subject: 12716 Griffin Blvd. N. Miami, Florida 33161  
Legal Description: A portion of that certain right of way of NE 127<sup>th</sup> Street as  
Shown on the plat of Griffin Biscayne Park Estates, according to the plat thereof,  
as recorded in the Plat Book 8, page 123, of the Public Records of Miami-Dade  
County, Florida.

- (X) Peoples Gas has no objections to this plat for the following reasons:  
Peoples Gas has no facilities within Right-of-Way of proposed plat.

  
Angel L. Quant  
South Florida Regional Operations Manager

Prepared By: SW  
Atlas Pg: NA

- ( ) Peoples Gas has facilities within the referenced area to be re-plated, however, we  
have no objections to this re-plat providing a utility easement is incorporated in the  
re-plat, or the applicant will pay for the relocation or replacement of these facilities.

Angel L. Quant  
South Florida Regional Operations Manager

Prepared By:  
Atlas Pg:

- ( ) Peoples Gas has facilities within the referenced area to be re-plated which cannot be  
relocated for technical reasons, however, we have no objections to this re-plat  
providing a utility easement, as shown on the attached drawing, is incorporated in the  
re-plat.

Angel L. Quant

Prepared By:



AT&T Florida  
9101 SW 24 St  
Miami, FL 33165

T: 305-222-8745  
F: 305-221-0974  
www.att.com

February 20, 2013

Mr. Kenneth S. Beck  
12716 Griffing Blvd  
North Miami, FL 33161

Re: Right of Way Vacation - Portion NE 127 St adjacent to  
Lot 53, Block 5, PB 8 - Pg 123  
Miami-Dade County, Florida

Mr. Beck,

On behalf of Bellsouth Telecommunications, LLC d/b/a AT&T Florida, this letter shall serve as notice of "**non-objection**" to the vacation/abandonment of that portion of the referenced public right of way depicted and described on the attached Sketch of Boundary Survey prepared by Accurate Land Surveyors, Inc. dated February 13, 2013.

No existing AT&T Florida facilities of record currently occupy the subject property.

Sincerely,

Bernabe Macias, Jr., Director  
SE Network Operations Const/Eng - SFL District

attachment

cc: Carlos Garcia, AT&T FL  
Steve Massie, AT&T FL *SM*



Florida Power & Light Company, 18455 NE 2 Nd Ave, Miami, FL 33179  
Phone: 305-770-7922, Fax: 305-770-7886

March 14, 2013

Mr. Kenneth Beck  
12716 Griffing Blvd  
North Miami, FL, 33161

Dear Kenneth Beck,

This letter is in response to your request for the release of a platted road right-of-way.

In meeting with your request, FPL has no objection to releasing our rights in the road right-of-way known as "Ne 127 Street adjacent to Lot 53," in Plat Book 8, Page 123 of the Public records of Miami-Dade County County .

The release is restricted to the following description: Lot53,Block 5,PB 8-Pg 123.

Should you have any questions or concerns, please do not hesitate to contact Ricardo Aljoe at 305-770-7922.

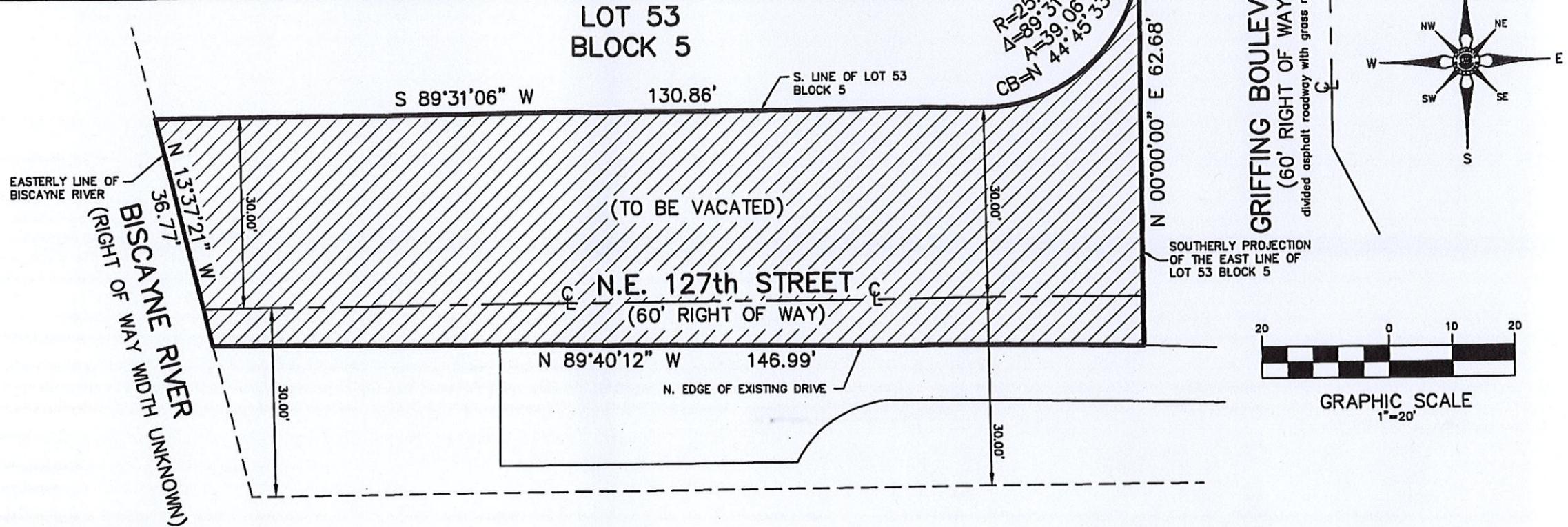
Sincerely,

3  
/

Name  
Superintendent

A handwritten signature in black ink, appearing to read "Ricardo Aljoe", is written over the printed name and title.





**STREET ADDRESS:**

12716 Griffing Boulevard, North Miami, Florida 33161

**LEGAL DESCRIPTION:**

A portion of that certain right of way of N.E. 127th Street as shown on the plat of GRIFFING BISCAYNE PARK ESTATES, according to the Plat thereof, as recorded in Plat Book 8, page 123, of the Public Records of Miami-Dade County, Florida, being bounded by as follows;  
On the North by the South line of Lot 53, Block 5 of the aforementioned GRIFFING BISCAYNE PARK ESTATES; on the South by the North edge of and existing asphalt road and its Westerly projection ; on the East by the Southerly projection of the East line of the aforementioned Lot 53, Block 4; and on the West by the Easterly edge of the Biscayne River. Said described parcel containing 5,703 square feet more or less.

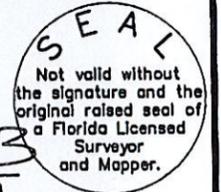
**CERTIFY TO:**

Kenneth S. Beck

**SKETCH OF DESCRIPTION**

**CERTIFICATION:**

We hereby certify that the attached sketch of the hereon described property is true and correct to the best of our knowledge and belief as delineated under our direction and does not constitute a field survey as such. I further certify that this sketch meets the minimum technical standards under Rule 5J-17 adopted by the Florida Board of Land Surveyors, October 1st, 2009.



ROBERT L. THOMPSON (PRESIDENT)  
PROFESSIONAL SURVEYOR AND MAPPER No.3869 - STATE OF FLORIDA

REVISIONS		DATE	BY
REVISE DESCRIPTION		02-12-13	MLW
DATE OF SETCH	DRAWN BY	CHECKED BY	FIELD BOOK
01-30-13	MLW	MLW	ALS-SU-12-3875

SCALE 1" = 20' SKETCH NUMBER SU-12-3875