

RESOLUTION NO. R2026-XX

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE VACATION OF A PORTION OF DE-SOTO WAY NE, ALSO KNOWN AS NE 175TH STREET, AN UNIMPROVED FORTY (40) FOOT WIDE PUBLIC RIGHT OF WAY, 0.196 +/- ACRES, LYING IN SECTION 9, TOWNSHIP 52 SOUTH RANGE 42 EAST, BEING PART OF FULFORD BY THE SEA AMENDED SECTION "C", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND BEING FURTHER BOUNDED AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN, PROVIDING FOR FINDINGS OF FACT; CONFLICTS; SCRIVENER ERRORS; RECORDING, NOTIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ruth Ogen, authorized agent for property owners Ruth Ogen, Matthew Anderson, and Shlomi Rosolio/Ohav Sais (the applicant), requests the vacation of a portion of De-Soto Way NE, also known as NE 175th Street an unimproved forty (40) foot wide public right of way the southerly line of which is coincident with the northerly line of lots 1, 2, 3, 4, 5, and 6 all in Block 14 of the Fulford by the Sea Amended Section "C", according to the plat thereof, as recorded in Plat Book 25, Page 8 of the public records of Miami-Dade County Florida; and

WHEREAS, the applicant has obtained No Objection Letters from all area utilities including NMB Water (Utilities) Department, Miami-Dade County Water and Sewer District, AT&T, FPL, TECO Peoples Gas, Comcast, and Crown Castle; and

WHEREAS, the proposed right of way vacation must meet the e. Review Standards of City Code of Ordinances Chapter XVII Streets and Sidewalks, Section 17-7 Abandonment and Vacation of Rights of Way and Easements; and

WHEREAS, the City Technical Review of Application for Development (TRAD) Committee has determined through its research and analysis that this right of way no longer serves the public purpose and interest as defined by the Code of Ordinance; and

WHEREAS, the City's Planning and Zoning Board, as the Local Planning Agency, held a duly noticed public hearing on **May 11, 2026**, and reviewed the proposed resolution for consistency with the City of North Miami Beach's Zoning and Land Development Code (ZLDC) and Comprehensive Plan, and recommended approval by a vote of 5 to 0; and

WHEREAS, the Mayor and City Commission find the proposed resolution to be consistent with the North Miami Beach's Code of Ordinances and Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:

Section 1. Recitals. The foregoing, whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Ordinance; all exhibits attached hereto are made a specific part of this Resolution.

Section 2. Findings of Fact. The Mayor and City Commission make the following FINDINGS OF FACT based upon the substantial competent evidence provided:

Pursuant to City of North Miami Beach Code of Ordinances, Chapter XVII Streets and Sidewalks, Section 17-7 Abandonment and Vacation of Rights of Way and Easements e. Review Standards, the approval of the requested vacation of a portion of the De-Soto Way N.E., also known as NE 175th Street right of way will not be adverse to the public interest or harmful to the community.

Section 3. Conflicts. All resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 4. Recording. A certified copy of this Resolution shall sent by the Office of the City Clerk of the City of North Miami Beach to the Clerk of the Court for recording in the Public Records of Miami-Dade County Florida.

Section 5. Notification. A certified copy of the Resolution shall be mailed by the Office of the City Clerk of the City of North Maimi Beach to the Post Office Department of the United State of America, North Miami Beach, Florida directed to the Postmaster.

Section 6. Scrivener Errors. Any typographical errors that do not affect the intent of this Resolution may be corrected with notice to and authorization of the City Attorney and City Manager without further process.

Section 7. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given affect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

Section 8. Effective Date. This Resolution shall be in force and take effect immediately upon its passage and adoption.

[REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

APPROVED AND ADOPTED on reading this ____ day of _____ 2026.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

MICHAEL JOSEPH
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE AND
RELIANCE OF THE CITY OF NORTH
MIAMI BEACH:

GREENSPOON MARDER, LLP

BY: _____
CITY ATTORNEYS

Sponsored by:

COMMISSIONERS	YES	NO	ABSTAIN	ABSENT
Mayor Michael Joseph				
Vice Mayor Fortuna Smukler				
Commissioner Jay Chernoff				
Commissioner Daniela Jean				
Commissioner McKenzie Fleurimond				
Commissioner Phyllis Smith				
Commissioner Lynn Su				

SKETCH AND LEGAL

PARK
NE 175th STREET
309.85'

PROPERTY ADDRESS:
47 STRIP OF LAND RUNNING EAST & WEST,
ABUTTING ON THE NORTH SIDE OF
LOTS 1, 2, 3, 4, 5, & 6 OF BLOCK 14.

CERTIFIED TO:
RUTH KELI OGBEN

LEGAL DESCRIPTION:
All that portion of the Right-of-Way for
NE 175th Street lying Northerly and
adjacent to Block 14 as shown on
Fulfillment by the Sea Amended Plat
Section C, according to the plat thereof
as recorded in Plat Book 25, at Page 8,
of the public records of Miami Dade County,
Florida bounded as follows:

On the East, by the Northerly extension of
the East line of Lot 6, in said Block 14,
and on the West by the Northerly extension
of the West line of Lot 1 in said Block 14,

All of the above lying and being in
Miami Dade County, Florida and
containing 12,520.25 square feet or
0.29 acres more or less.

(FLOOD ZONE INFORMATION)
ZONE: X COMMA 12000 PANEL: 12000C042 SURVEY: L DATE: 9-11-2009 BASE: NA
NOTE: DETERMINATION OF FLOOD ZONE LINES WERE BASED ON SCALING OF FEMA MAP LISTED ABOVE.

SURVEYOR'S NOTES:
1) The above captioned Property Update was surveyed and described based on the above Legal Description. Provided by Client.
2) All bearings and distances shown between are recorded and measured unless otherwise shown.
3) The lands shown herein were not delineated for easements or other recorded encumbrances not shown on the plat and for same, if any may not be shown on this update.
4) Foundations and/or footings that exist across beyond the boundary lines of the parcel herein described are not shown (not depicted).
5) Fence line are to be center line of the fence.
6) Wall line are to be face of wall.
7) Ownership subject to opinion of the Town.
8) Underground utilities are not depicted hereon.
9) zoning and setbacks are not verified by this survey.

LEGEND:

A ARC	DEL OVERHEAD UTILITY LINE	FE PRELIMINARY MEASURED	NW WATER METER
BM BENCH MARK	EL ELEVATION	MV WATER VALVE	R RAIL
CD CASE DEPTH	EM ELECTRIC METER	PO POINT OF BEGINNING	T TANGENT
CH CHAIN NORTH PLATE CENTERLINE	WH ELECTRICAL WAREHOUSE	QU QUAD METER	CEM CURVED SEGMENTS
CL CENTER LINE	ET ELECTRIC TRANSFORMER	PT POINT OF CORRELATION	DNR DRAINAGE INTERFERENCE EASEMENT
ML MONUMENT LINE	ENC ENCLOSURE	PT POINT OF TANGENCY	LME LAND MAINTENANCE EASEMENT
CONC CONC SECT	SP SET BACK RUN	REC POINT OF REVERSE CURVATURE	CMS CANAL MAINTENANCE EASEMENT
CL CLEARANCE	PR PRISM BURN RUN	PC POINT OF COMMON CURVATURE	CCS COLLECTOR EASEMENT
RAIL RAIL AND TIE	CLP CRASH LINE PLATE	POC POINT OF COMMENCEMENT	REB REMEDIATION
FF FLY	TR TRAIL	SB SET BACK RUN	
IR IRREGULAR	B BOUNDARY	SE SET BACK RUN	
MT MOUNTAIN	PS PAVED	SW WATER METER	

NOTE: ONLY EASEMENTS, RIGHT OF WAY, ETC READILY KNOWN ARE SHOWN. NO RESEARCH OTHER WISE HAS BEEN MADE.

NOT A SURVEY

X-TREME MEASURES

LAND SURVEYING, CORP.
LB # 7405
Office: (354) 617-0440
E-mail: xtrememeasures@yahoo.com

SURVEYOR'S CERTIFICATE:
I hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Surveyors and Mapmakers in Chapter 33-17 Florida Administrative Code, pursuant to section 471.027, Florida Statutes. And is true and correct to the best of my knowledge and belief. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ROLANDO MUTTELLER, P.E.M.
PROFESSIONAL SURVEYOR AND MAPPER NO. 6690
STATE OF FLORIDA

SKETCH AND LEGAL