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Sent copy to
Jim Kence
note & article

February 13, 1995

Marty Washington
Date County Parks Department
50 SW 32 Rd
Building 4
Miami, FL 33129

RE: Biscayne Blvd Access to Arch Creek Park

Dear Mr. Washington:

I have been asked by the Arch Creek Trust, Inc. to assist them in keeping the Military Trail (Old Dixie Highway) access open to the park. As we discussed, the Military Trail was designated as historic by the Historic Preservation Board on January 18, 1995. (This was a "re-run" of an October 21, 1994 designation which apparently was not properly noticed to the City of North Miami Beach, since they were not at the hearing in October. I have enclosed the October copy of the Final Board Action. (Attachment A)

Background:

As a result of a DOT road-widening, taking 6 feet along the western side of Biscayne Blvd, some of the stores abutting the Military Trail were not in compliance with setback/parking requirements of the City of North Miami Beach. ("City") The City intervened in the eminent domain litigation between the property owners and the DOT and required the placement of funds to be awarded the property owners into an escrow account, pending the resolution of code violations that resulted from the road widening. An agreement was reached between each property owner and the City to deed the Trail ROW to them for parking and egress-eliminating any access from Biscayne Blvd. That agreement was made part of a court ordered stipulation. I have enclosed one order for your review to show how this has evolved. (Attachment B)

And Now:

1. An article appeared in the Neighbors January 26, 1995 describing the historic designation. The designation requires that plans must be reviewed for a Certificate of Appropriateness by the Historic Prsevation Board before they can be implemented.
2. The current plan shows no access to Biscayne Blvd and parking on the Trail at that access

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location.

3. In an effort to settle this matter, I met with the City and attorney Alan Rosenthal. They now propose to modify the Plan and preserve the existing access, but narrow the width of the ROW to one-lane in width--15 feet. (Attachment C)
4. I have enclosed the letters that I have sent to the City, setting forth the position of the Arch Creek Trust, Inc. (Attachment D)
5. Today, the City attorney told me that they do not want to maintain the 15 feet wide ROW. They still want to convey the Trail to the abutting property owners, so that they will maintain it. When I advised the attorney that the Trust requires that the ROW remain a publicly owned and maintained ROW, she asked if the Trust would accept the ROW.

My purpose in contacting you is to request that Dade Parks review this matter. It would make sense for the Parks Dept to obtain control over this access road to the Arch Creek Park.

At present, as you know, the only other vehicular access is from NE 135th Street. I had some quick thoughts about this:

* It may be that the best utilization of the Park is for school busses to use the ample parking at the adjacent Enchanted Forest North Miami parking area on NE 135th street, and a short walk from there along the sidewalk into the park. One-way access to the Trail from Biscayne Blvd at NE 139th Street could be used for cars only.

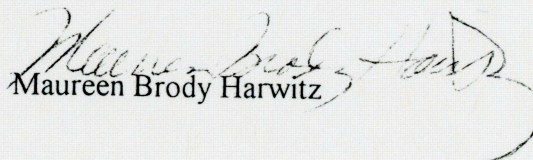
* Or, a portion of the EEL addition could be used for a bus exit onto Biscayne Blvd. My preference is to restore the EEL property and not use it for any such infrastructure needs.

* Another choice is to use the exit at the Golf shop, just north of the EEL property. (Using a private commercial property for access to Biscayne Blvd., in the same manner the customers use it)

I am certain that if this is not resolved quickly and substantially similar to the City proposal there will be a number of lawsuits.e.g. City of North Miami Beach alleging the historic designation is a "taking"; each property owner against the City and DOT for compensation; each property owner against the County.

Please call me when you have had time to review the enclosed materials.

Very truly yours,


Maureen Brody Harwitz