



**MEMORANDUM**

Agenda Item No. 5(D)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners


**DATE:** March 6, 2012

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution granting petition to close a portion of SW 248 Street, from theoretical SW 118 Avenue West for approximately 377 feet (Road Closing Petition No. P-890)

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The accompanying resolution was prepared by the Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell.



R. A. Cuevas, Jr.  
County Attorney

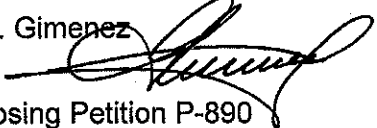
RAC/cp

# Memorandum



**Date:** March 6, 2012

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Road Closing Petition P-890  
Section: 25-56-39  
A Portion of SW 248 Street, from Theoretical SW 118 Avenue West for 377 Feet  
Commission District: 8

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## **Recommendation**

It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Permitting, Environment and Regulatory Affairs, Public Works and Waste Management (PWWM), Water and Sewer, and Fire Rescue have no objection to this right-of-way being closed.

## **Scope**

This road closing is located within Commission District 8.

## **Fiscal Impact/Funding Source**

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$220,000 per acre. Therefore, the estimated value of this right-of-way would be approximately \$41,800.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$782.00 per year in additional property taxes. The fee for this road closing is \$4,980.00.

## **Track Record/Monitor**

PWWM is the entity overseeing this project and the person responsible for monitoring is Mr. Raúl A. Pino, P.L.S., Chief, PWWM Land Development/Right-of-Way Division.

## **Background**

The petitioner, HTP Holdings, LLC, wishes to close a portion of right-of-way for SW 248 Street, from theoretical SW 118 Avenue West for approximately 377 feet, in order to incorporate the area into the proposed plat of "HEMINGWAY POINT", tentative plat number T-23208. The portion of right-of-way being closed has never been improved nor maintained by Miami-Dade County. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject right-of-way was dedicated in 1941, by an instrument recorded in Deed Book 2135, Page 230, of the Public Records of Miami-Dade County, Florida. The subject right-of-way is zoned RU-1M(a) (Modified Single Family Residential District).

  
\_\_\_\_\_  
County Manager/Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** March 6, 2012

**FROM:**   
R. A. Cuevas, Jr.  
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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 5(D)

Veto \_\_\_\_\_

3-6-12

Override \_\_\_\_\_

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

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF SW 248 STREET, FROM THEORETICAL SW 118 AVENUE WEST FOR APPROXIMATELY 377 FEET (ROAD CLOSING PETITION NO. P-890)

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

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, (1) that the closing of the aforementioned road is contingent on the recording of the plat of HEMINGWAY POINT, tentative plat T-23208, that in the event the plat is not approved and recorded this resolution becomes null and void; (2) that the street, road, highway or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) that the procedure utilized in the adoption of this Resolution is expressly ratified and approved; and (5) the Clerk is hereby directed to publish notice of the adoption of this Resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

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

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of March, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

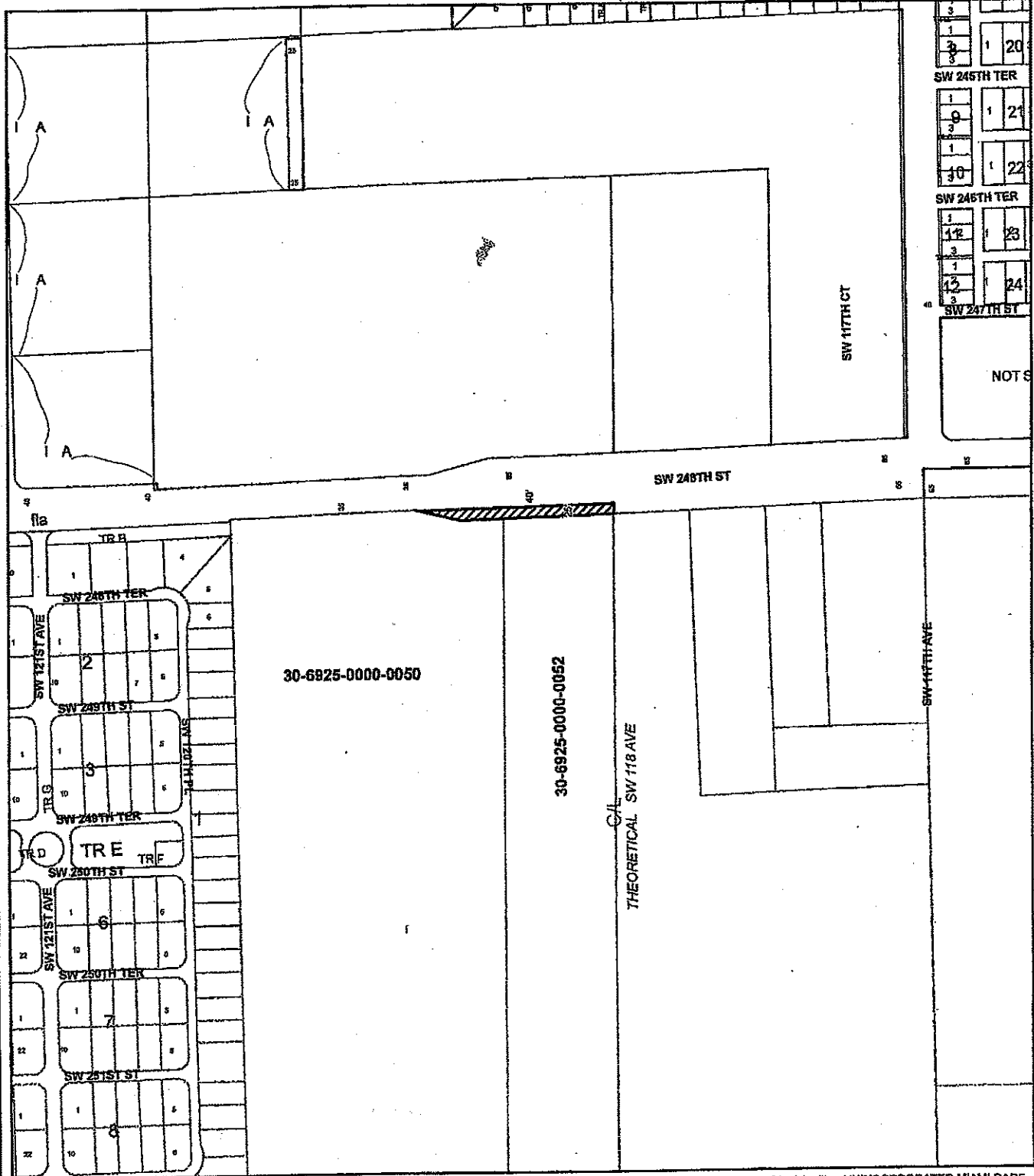
Approved by County Attorney as  
to form and legal sufficiency.



Alex S. Bokor

# Location Map

SECTION 25 TOWNSHIP 56 S RANGE 39 E



This is not a survey

## P- 890

Municipality: UNINCORPORATED MIAMI-DADE  
Commission District: Lynda Bell, 8



MIAMI-DADE COUNTY  
Public Works & Waste Management Department  
Land Development/Right-of-Way Division  
111 NW 1st STREET, SUITE 1810, MIAMI FLORIDA 33128  
PH (305) 375-2714 FAX (305) 375-2825

Date: December 1st, 2011  
Prepared by: Y Morono

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**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 or private 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 or land sought to be closed is as follows:

The Petitioner seeks the vacation of the right-of-ways located within the property more specifically described in the attached 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 or land was acquired and is evidenced in the following manner (state whether public interest acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

This right-of-way was dedicated to Miami-Dade County in 1941, by an instrument recorded in DB 2135, Page 230, of the Public Records of Miami-Dade County, Florida.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey or location sketch accurately showing and describing the above described road, right-of-way or land 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 or adjacent to the above described road, right-of-way. These firms or individuals have been advised in writing of the proposed closure.

PRINT NAME	FOLIO NO.	ADDRESS
<u>HPT Holdings, LLC</u>	<u>30-6925-000-0052</u> <u>30-6925-000-0050</u>	<u>Lying to the South of SW 248 Street,</u> <u>at approximately SW 120 Avenue</u>
_____	_____	

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in 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 Right-of-Ways were intended to create a grid running east-west and north-south through the Property. However, the Right-of-Ways were never developed and the Property was used for agricultural uses. The Property has subsequently been acquired by a single owner who intends to develop the property as part of a commercial development. The owner will be creating new right-of-ways in order to ensure appropriate access through the Property.



7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE

ADDRESS

Roberto Suris  
HPT Holdings, LLC

c/o 13<sup>th</sup> Floor Investments  
4949 SW 75 Avenue  
Miami, Florida 33155

Attorney for Petitioner: Tracy R. Slavens, Esq.

Address: Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, FL 33131

(Signature of Attorney not required)

STATE OF                                     )  
  ) SS  
COUNTY OF                                     )

BEFORE ME, the undersigned authority, personally appeared Roberto Suris, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the forgoing 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.

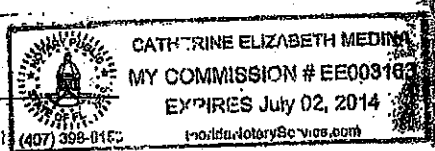
Roberto Suris  
HPT Holdings, LLC

Sworn and subscribed to before me this

21 day of April, 2011

Catherine Medina  
Notary Public

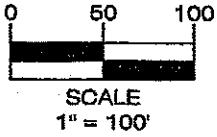
My Commission Expires:



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**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

for  
**HPT HOLDINGS, LLC.**



NW CORNER  
OF THE NW 1/4  
OF THE NE 1/4  
OF THE NE 1/4  
OF SEC. 25-56-39

NORTH LINE OF THE NE 1/4  
OF SEC. 25-56-36

NE CORNER  
OF THE NW 1/4  
OF THE NE 1/4  
OF THE NE 1/4  
OF SEC. 25-56-39

P.O.C.  
NE. CORNER  
OF SEC.  
25-56-39

**SW 248th STREET  
(COCONUT PALM DRIVE)**

N88°04'13"E 668.67'

N88°04'13"E 377.05'

S00°49'57"E  
40.01'

668.67'  
S88°04'13"W

S88°04'13"W 275.00'

S88°04'13"W  
293.75'

P.O.B.  
SUBJECT  
PARCEL

35.01'  
N00°45'25"W

86.51'  
N75°08'10"W  
17.31'  
N75°08'10"W

S00°49'57"E  
25.00'

**THE NW 1/4 OF NE 1/4  
OF SEC. 25-56-39**

S00°45'25"E  
674.90'

WEST LINE OF THE NW 1/4  
OF THE NE 1/4 OF THE NE 1/4  
OF SEC. 25-56-39

N00°49'57"W  
610.87'

EAST LINE OF NW 1/4  
OF THE NE 1/4 OF THE NE 1/4  
OF SEC. 25-56-39

SW CORNER  
OF THE NW 1/4  
OF THE NE 1/4  
OF THE NE 1/4  
OF SEC. 25-56-39

SOUTH LINE OF THE NW 1/4  
OF THE NE 1/4 OF THE NE 1/4  
OF SEC. 25-56-39

SE CORNER  
OF THE NW 1/4  
OF THE NE 1/4  
OF THE NE 1/4  
OF SEC. 25-56-39

S88°09'19"W  
669.54'

**LEGEND**

- P.C. = POINT OF CURVATURE
- P.T. = POINT OF TANGENCY
- P.B. = PLAT BOOK
- P.G. = PAGE
- SEC. = SECTION
- R.O.W. = RIGHT OF WAY

- R = RADIUS CURVE
- Δ = CENTRAL ANGLE
- L = ARC LENGTH
- TAN = TANGENT LINE
- = AREA OF DEDICATED PUBLIC RIGHT OF WAY TO BE REVERSED FOR TITLE

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT

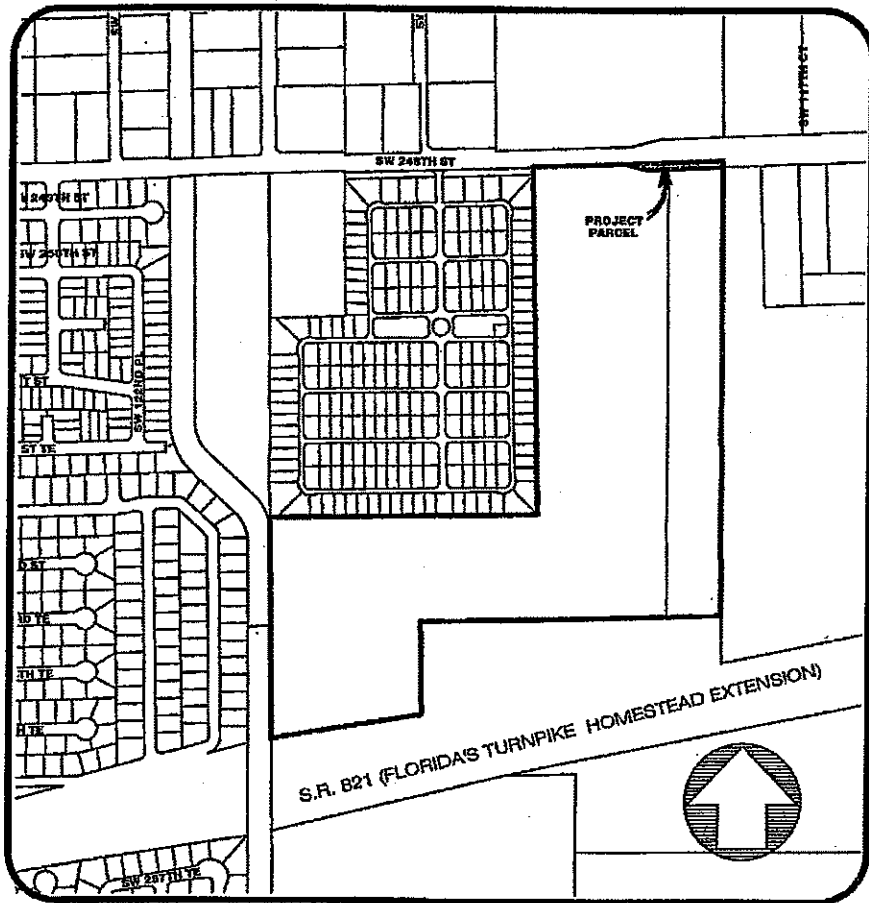
**EXHIBIT "A"**  
No. 10146  
Page 1 of 3

NOTICE: Not full and complete without all pages. Total of Three (3) Pages

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**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**  
for  
**HPT HOLDINGS, LLC.**

**SECTION 25 - TOWNSHIP 56 SOUTH - RANGE 39 EAST**



**LOCATION MAP**

NOT TO SCALE

**LEGAL DESCRIPTION:**

**PORTION OF SW 248th STREET (COCONUT PALM DRIVE) RIGHT OF WAY TO BE CLOSED, ABANDONED AND VACATED.**

*A portion of SW 248th Street (Coconut Palm Drive) Right of Way lying in the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 25, Township 56 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:*

*COMMENCE at the NE Corner of said Section 25, Township 56 South, Range 39 East, Miami-Dade County, Florida; thence S88°04'13"W along the North Line of the Northeast  $\frac{1}{4}$  of said Section 25 for 668.67 feet to a point on the NE Corner of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 25; thence S00°49'57"E along the East Line of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 25 for 40.01 feet to the POINT OF BEGINNING of the parcel of land hereinafter described; thence continue S00°49'57"E along said East Line of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 25 for 25.00 feet; thence S88°04'13"W along a line parallel with and 65.00 feet South of the North Line of the Northeast  $\frac{1}{4}$  of said Section 25, for 293.75 feet; thence N75°08'10"W for 86.51 feet; thence N88°04'13"E along a line parallel with and 40.00 feet South of the North Line of the Northeast  $\frac{1}{4}$  of said Section 25, for 377.05 feet to the Point of Beginning.*

*Containing 8,383 Square Feet or 0.19 Acres, more or less, by calculations.*

EXHIBIT "A"  
No. 10146  
Page 2 of 3

**NOTICE: Not full and complete without all pages. Total of Three (3) Pages**

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**  
for  
**HPT HOLDINGS, LLC.**

**SOURCES OF DATA:**

The Legal Description of the Subject Property was generated from the following sources of data:

- Quit Claim Deed, dated January 12th, 2011, recorded in Official Records Book 27554, Page 4771, Miami-Dade County Records. (PARCEL 1 and PARCEL 2)
- Township Maps prepared by Miami-Dade County, Public Works Department, Engineering Division Services, for Section 25, Township 56 South, Range 39 East, Miami-Dade County, Florida.

In addition, the following sources of data were used to the extent required to complete this document in a defensible matter, that is to say:

- A copy of Hemingway Point Site Plan prepared by Pascual, Perez, Kiliddjian & Associates, Architects and Planners with a physical address of 1300 NW 84th Avenue, Miami, Florida, 33126.

Bearings as shown hereon are based upon the North Line of the NE. 1/4 of Section 25, Township 56 South, Range 39 East, Miami-Dade County, Florida with an assumed bearing of N88°04'13"E.

**EASEMENTS AND ENCUMBRANCES:**

No information was provided as to the existence of any easements other than that which appears on the underlying Plat of record. Please refer to the Limitations item with respect to possible restrictions of record and utility services.

**LIMITATIONS:**

Since no other information other than that is cited in the Sources of Data were furnished, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

**INTENDED USE / EXPRESS PURPOSES:**

It is understood by the Surveyor that the intended use of this document is to close, vacate and abandon a portion of of the described SW 248th Street Public Right of Way and to be reversed for title acquisition purposes.

**SURVEYOR'S CERTIFICATE:**

I hereby certify that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17-05 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By: Eduardo M. Suarez Date: 4/20/11

Eduardo M. Suarez, P.S.M.  
Professional Surveyor and Mapper PSM6313  
State of Florida  
HADONNE CORP.  
Land Surveyors and Mappers  
Certificate of Authorization LB7097  
1985 N.W. 88th Court, Suite 202  
Doral, Florida 33172  
305.266.1188 phone  
305.207.6845 fax

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17-05 of the Florida Administrative Code.

**EXHIBIT "A"**  
No. 10146  
Page 3 of 3

NOTICE: Not full and complete without all pages. Total of Three (3) Pages

\\map\projects\projects\hadonne\10146 1200 SW 810 STREET\map\10146 Sketch and Legend 4/20/11 1054 PM EDT

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