

MEMORANDUM

Agenda Item No. 5(B)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 21, 2015

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

SUBJECT: Resolution granting petition
to close SW 416 Street, between
SW 117 Avenue and Canal L-
31E (Road Closing Petition No.
P-907)

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: April 21, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Road Closing Petition P-907
Section: 18-58-40
SW 416 Street, Between SW 117 Avenue and Canal L-31E
Commission District: 9

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 Regulatory and Economic Resources (RER), 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 Commissioner Dennis C. Moss' District 9.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$300.00 per acre. Therefore, the estimated value of this right-of-way would be approximately \$1,187.00. All the properties abutting the right-of-way to be abandoned are tax exempt. Therefore, granting of this petition will not result in an increase in revenue from property taxes. The fee for this road closing is \$2,000.00.

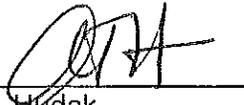
Track Record/Monitor

PWWM is the entity overseeing this project and the person responsible for monitoring is Mr. Leandro Oña, P.E., Chief, Roadway Engineering and Right-of-Way Division.

Background

The property owner, Florida Power & Light Company, wishes to close SW 416 Street between SW 117 Avenue and Canal L-31E in order to incorporate the right-of-way into the Everglades Mitigation Bank, Phase II project. Once the property is transferred, it will be degraded to natural marsh elevations to allow water flow as previously permitted by the U.S. Army Corps of Engineers (USACE), Florida Department of Environmental Protection (FDEP), and RER.

The subject right-of-way was dedicated in 1944 by a document recorded in Deed Book 2387, Page 328 of the Public Records of Miami-Dade County, Florida. The areas surrounding the subject rights-of-way are zoned as General Use (GU Interim District).


Alina T. Hudak
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 21, 2015

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

SUBJECT: Agenda Item No. 5(B)

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 Mayor'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
Veto _____
Override _____

Agenda Item No. 5(B)
4-21-15

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW 416
STREET, BETWEEN SW 117 AVENUE AND CANAL L-31E
(ROAD CLOSING PETITION NO. P-907)

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, 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; (2) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (3) the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (4) 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:

| | |
|-------------------------------------|----------------------|
| Jean Monestime, Chairman | |
| Esteban L. Bovo, Jr., Vice Chairman | |
| Bruno A. Barreiro | Daniella Levine Cava |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Sally A. Heyman | Barbara J. Jordan |
| Dennis C. Moss | Rebeca Sosa |
| Sen. Javier D. Souto | Xavier L. Suarez |
| Juan C. Zapata | |

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of April, 2015. 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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

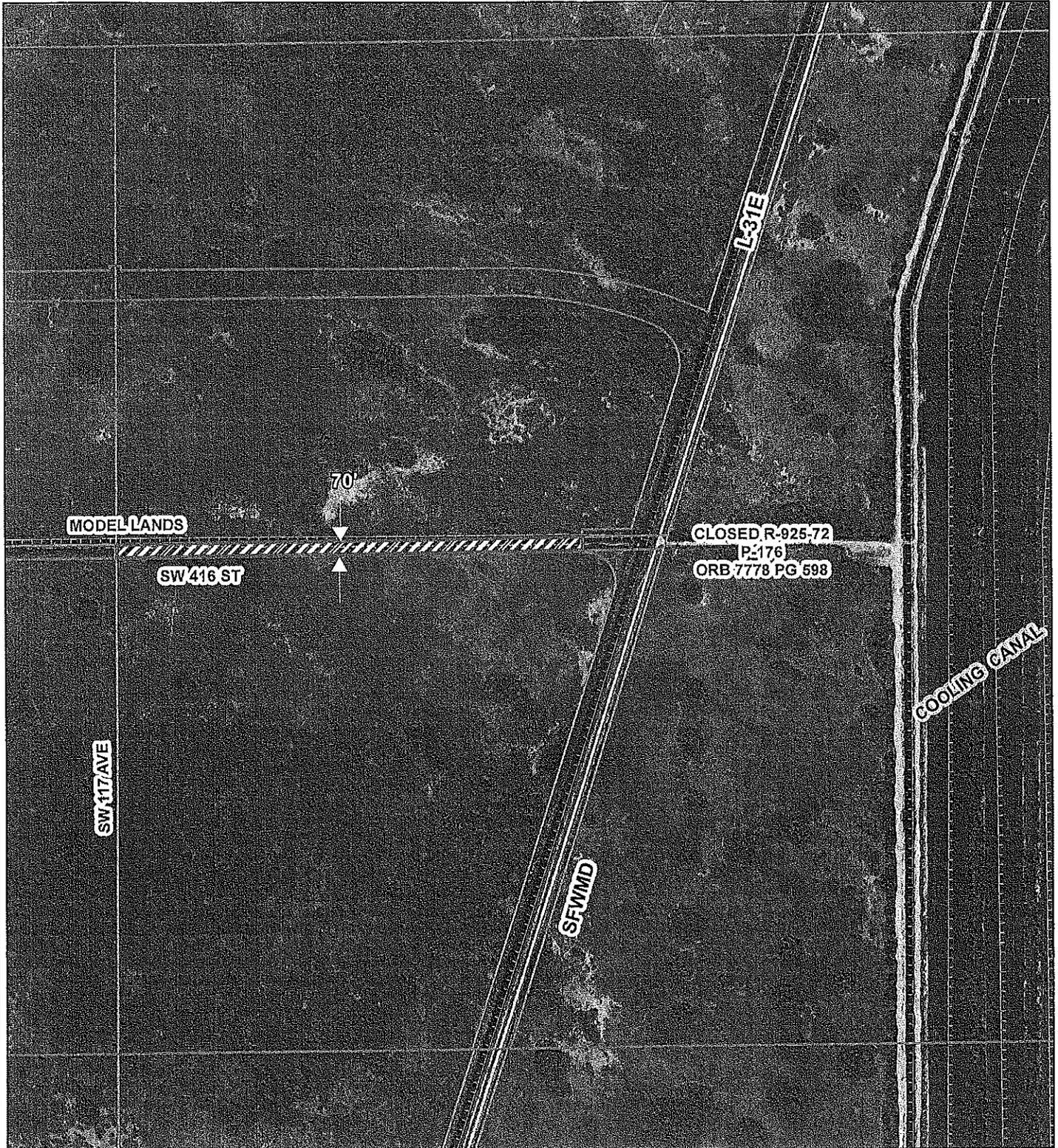


Alex Boker



Location Map

SECTION 18 TOWNSHIP 58 S RANGE 40 E



This is not a survey

P- 907

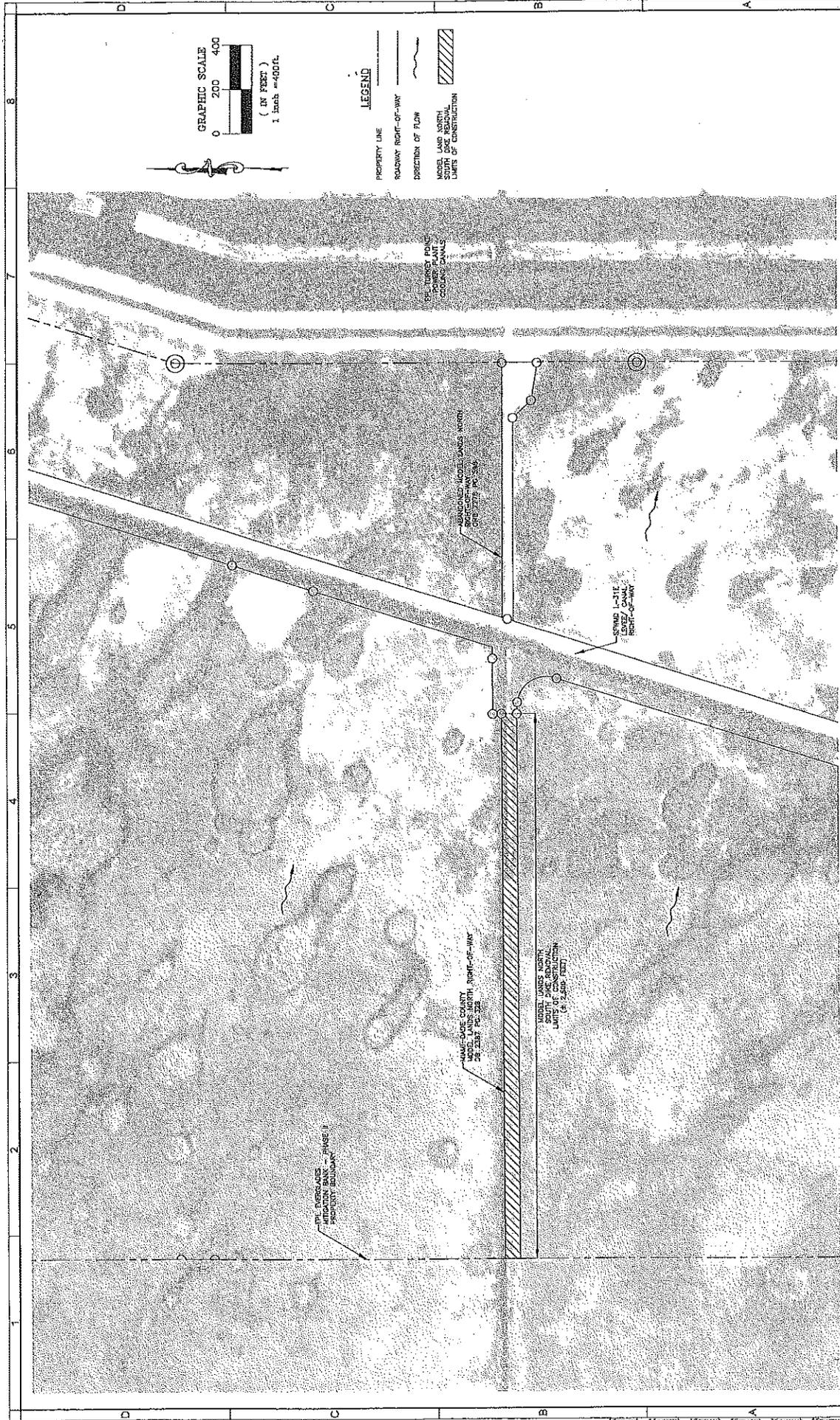
Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Dennie C. Moss, 9

Legend

-  P-907
-  MDC.Lot_line
-  Lots
-  Lots

MIAMI-DADE COUNTY
 Public Works & Waste Management Department
 Right-of-Way Division
 111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
 PH (305) 375-2714 FAX (305) 375-2825

Date: July, 17 2014
Prepared by : ym



- LEGEND**
- PROPERTY LINE
 - ROADWAY RIGHT-OF-WAY
 - DIRECTION OF FLOW
 - MODEL LANDS WATER
 - STORM DRAINAGE
 - LIMITS OF CONSTRUCTION

| | | |
|---|--|--|
| <p>EVERGLADES MITIGATION BANK PHASE II FLORIDA POWER & LIGHT COMPANY MODEL LANDS NORTH ROAD PLAN EXHIBIT</p> | | <p>DATE: 1 OF: 1 SHEETS</p> |
| <p>AECOM</p> <p>4250 Wilshire Boulevard Suite 200 Los Angeles, CA 90048 Tel: 213.744.7000 Fax: 213.744.7001 www.aecom.com</p> | | <p>DESIGNED BY: EVA B. VELEZ, PE DATE: 2/28/2015 PROJECT NUMBER: 01-0074 / 60156782 AECOM</p> |
| <p>VERIFIED BY: J.S. DATE: 5/20/2014</p> | <p>PROJECT NUMBER: 01-0074 / 60156782 AECOM</p> | <p>DATE: 5/20/2014</p> |

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 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 sought to be closed is as follows:

Please see survey sketch and legal attached hereto and incorporated herein.

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 (state whether public interest was acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

The record title to the subject right-of-way is in the name of COUNTY OF DADE, by virtue of Right-Of-Way Deed from Model Land Company, a Florida corporation, dated March 6, 1944, recorded May 24, 1944, in Deed Book 2387, Page 328, of the Public Record 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.

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 |
|--|-------------------------|---|
| <u>Florida Power & Light Company</u> | <u>30-8018-000-0030</u> | <u>700 Universe Blvd Juno Beach, FL 33408</u> |
| <u>Florida Power & Light Company</u> | <u>30-8018-000-0040</u> | <u>700 Universe Blvd Juno Beach, FL 33408</u> |

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 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):

BACKGROUND & PROPOSED WORK

The Everglades Mitigation Bank (EMB), Phase II Project by Florida Power & Light Company (FPL) is restoring historic Everglades habitats and ecosystems. Phase II of EMB is approximately 9,000 acres generally located south of the Turkey Point Power Plant and east of Card Sound Road.

The project has been granted permits by the US Army Corps of Engineers (USACE), Florida Department of Environmental Protection (FDEP), and Miami-Dade County Regulatory and Economic Resources (RER) for the construction of the mitigation bank. One of the items covered by the aforementioned permits is the degradation of the road that runs along the southern side of the Model Lands North Canal. The purpose of degrading this road to natural marsh elevations is to provide additional fresh water to the region south of the Model Lands North Canal, as was historically the case.

The Model Lands North Road and Canal are within a Miami-Dade County right of way. The proposed degradation of the Model Lands North roadway will occur only in the EMB property boundary, consisting of the eastern-most approximately 0.5 miles of the roadway.

ENVIRONMENTAL IMPROVEMENTS

The subject right-of-way is located within a region designated as Environmental Protection in the future Land Use Plan (LUP) Map as adopted in the Miami-Dade County Comprehensive Development Master Plan (CDMP) 2015-2025, as amended through October 19, 2011. As described in the CDMP, the Environmental Protection designation applies to lands that are characteristically high-quality marshes, swamps and wet prairies, and are not suited for urban or agricultural development. The

proposed degradation of the Model Lands North Road is consistent with the objectives of the CDMP and the Comprehensive Everglades Restoration Plan (CERP) of improving the long-term viability, form, and biologic and hydrologic function of the ecosystem.

In addition, the Everglades Mitigation Bank lies directly adjacent to the South Dade Wetlands Project Areas as part of the Miami-Dade County Environmentally Endangered Lands (EEL) Program. This area is described on the EEL Program website as arguably containing “the most important wetland system in the southern part of Miami Dade.” The proposed restoration of marsh by removing Model Lands North Road is consistent with the EEL Program focus on the conservation of environmentally endangered lands.

7. Signatures of all abutting property owners: Respectfully submitted,

SIGNATURE

ADDRESS

[Handwritten Signature]

Alex Rubio

V.P., Corp. Real Estate

Florida Power & Light Co.

P.O. Box 14000

Juno Beach, FL 33408-0420

Attorney for Petitioner

Address: _____
Signature of Attorney not required)

STATE OF FLORIDA)
Palm Beach) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Alex Rubio
V.P. Corp. Real Estate, 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.

[Handwritten Signature]

(Signature of Petitioner)

Alex Rubio

V.P., Corp. Real Estate

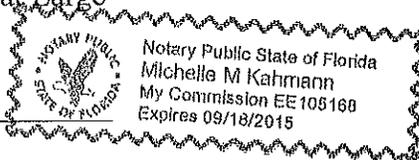
Sworn and subscribed to before me this

22nd day of January, 2015

[Handwritten Signature]

Notary Public State of Florida at Large

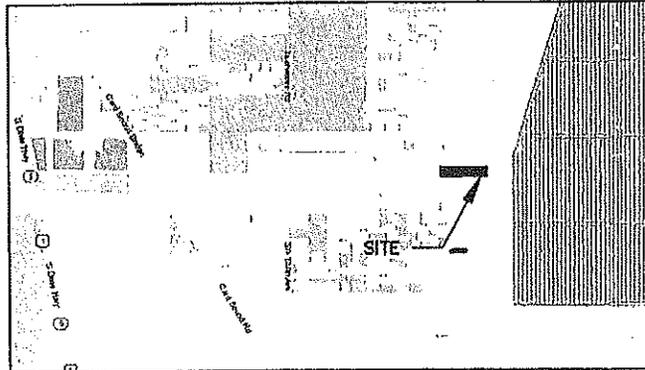
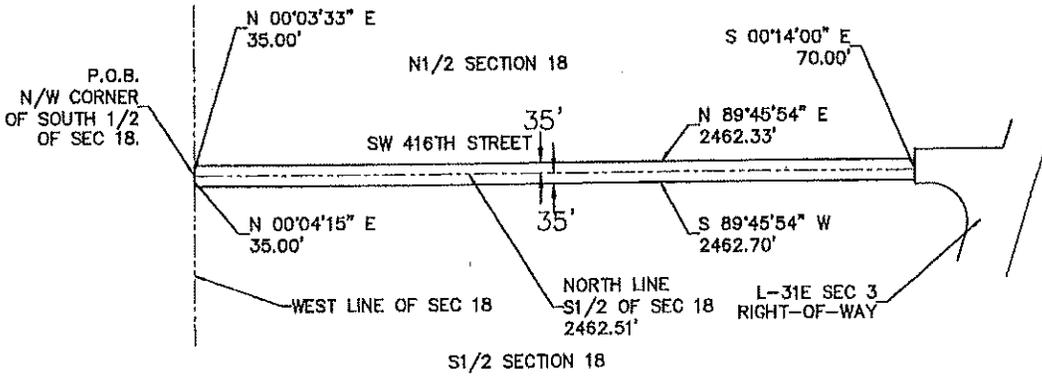
My Commission Expires: _____



MODEL LANDS ROAD RIGHT-OF-WAY

A PORTION OF SECTION 18, TOWNSHIP 58 SOUTH, RANGE 40 EAST.
 BEGIN AT THE NORTHWEST CORNER OF THE SOUTH ONE-HALF OF SAID SECTION 18; THENCE NORTH 00°03'33" EAST, ALONG THE WEST LINE OF THE NORTH ONE-HALF OF SAID SECTION 18, A DISTANCE OF 35.00 FEET; THENCE NORTH 89°45'54" EAST, ALONG A LINE PARALLEL WITH AND 35 FEET NORTH OF THE NORTH LINE OF THE SOUTH ONE-HALF OF SECTION 18, A DISTANCE OF 2462.33 FEET; THENCE SOUTH 00°14'00" EAST, A DISTANCE OF 70.00 FEET; THENCE SOUTH 89°45'54" WEST; ALONG A LINE PARALLEL WITH AND 35 FEET SOUTH OF THE NORTH LINE OF THE SOUTH ONE-HALF OF SECTION 18, A DISTANCE OF 2462.70 FEET; THENCE NORTH 00°04'15" EAST, ALONG THE WEST LINE OF THE SOUTH ONE-HALF OF SAID SECTION 18, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 172,375.82 SQUARE FEET.



- Notes:
1. Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.
 2. Bearings shown hereon is based on national geodetic survey Control Station Survey 2 - the established datum is the Florida state plane coordinate system, transverse mercator projection, east zone, North American datum of 1988/1990 adjustment.
 3. Data shown hereon was compiled from instruments of record and does not constitute a field survey as such.

LEGEND

- DCR - Dade County Records
- FPL - Florida Power & Light
- ORB - Official Records Book
- PB - Plat book
- PG - Page
- POB - Point of beginning
- POC - Point of commencement

For the Firm: *[Signature]*
 Scott J. Douglas
 Professional Surveyor & Mapper
 Florida Registration No 4532

PREPARED BY
DOUGLASS, LEAVY & ASSOCIATES INC.
 PROFESSIONAL SURVEYORS & MAPPERS
 7914 NILES ROAD
 CORAL SPRINGS, FLORIDA 33067
 OFFICE: (954) 344-7994 FAX: (954) 344-2630
 LICENSED BUSINESS No. 0727

| REVISIONS: Description | Date | Fb/Po |
|------------------------|--------|-------|
| REVISE LEGAL | 6/6/14 | |
| | | |
| | | |
| | | |

DRAWING DATA:
 Drawing date: 5/22/14
 D/P source: W/A
 Drafter: BWA
 Checked: SJD
 GADD dwg no: 13016
SHEET: 1/1

HORIZONTAL SCALE (FT)
 0 125 250 500