

# MEMORANDUM

Agenda Item No. 5(F)

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

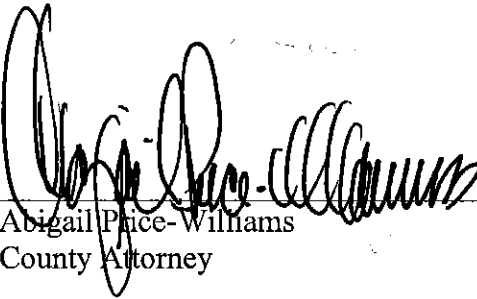
**DATE:** April 5, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution granting petition to  
close a portion of SW119  
Avenue, from SW 236 Street  
south for approximately 307 feet  
(Road Closing Petition  
No. P-917)

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The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.

  
Abigail Price-Williams  
County Attorney

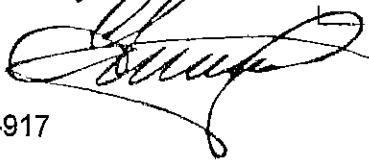
APW/cp

# Memorandum



**Date:** April 5, 2016

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Road Closing Petition P-917  
Section: 24-56-39  
A Portion of SW 119 Avenue from SW 236 Street South for Approximately 307 Feet  
Commission District: 8

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) grant the attached Road Closing Petition following a public hearing. The Miami-Dade County (County) departments of Regulatory and Economic Resources, Transportation and Public Works (TPW), Water and Sewer, and Fire Rescue have no objection to this right-of-way being closed.

## **Scope**

This road closing is located within Commissioner Daniella Levine Cava's District 8.

## **Fiscal Impact/Funding Source**

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$50,000.00 per acre. Therefore, the estimated value of the right-of-way being closed would be approximately \$3,519.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$64.00 per year in additional property taxes. Since the subject road closing is initiated by TPW, there is no fee associated with it.

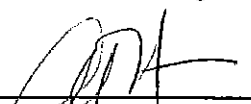
## **Track Record/Monitor**

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

## **Background**

The TPW Director, pursuant to the functions, powers and duties prescribed in Article XIV, Sec. 2-100 (a), (b) and (c) of the County Code, Volume I, has taken the initiative to request that the Board grant the closing in order to incorporate the land into the abutting property. The portion petitioned to be closed was requested to be dedicated in excess of the Sec. 33-133 requirement. The property owners have requested that this excess dedication be returned to them. In order to do so, the TPW has initiated this road closing.

The subject right-of-way was dedicated in 1995 by a deed recorded in Official Records Book 16818, Page 1966, and by a deed recorded in Official Records Book 16818, Page 1970, both of the Public Records of Miami-Dade County, Florida. The area surrounding this right-of-way is zoned AU, or Agricultural Use.

  
Alina T. Hudak  
Deputy Mayor



# MEMORANDUM

(Revised)

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

**DATE:** April 5, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 5(F)

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
- Statement of social equity 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(F)  
4-5-16

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

RESOLUTION GRANTING PETITION TO CLOSE A PORTION  
OF SW 119 AVENUE, FROM SW 236 STREET SOUTH FOR  
APPROXIMATELY 307 FEET (ROAD CLOSING PETITION  
NO. P-917)

**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 (1) that the avenue, street, 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) that 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

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of April, 2016. 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.

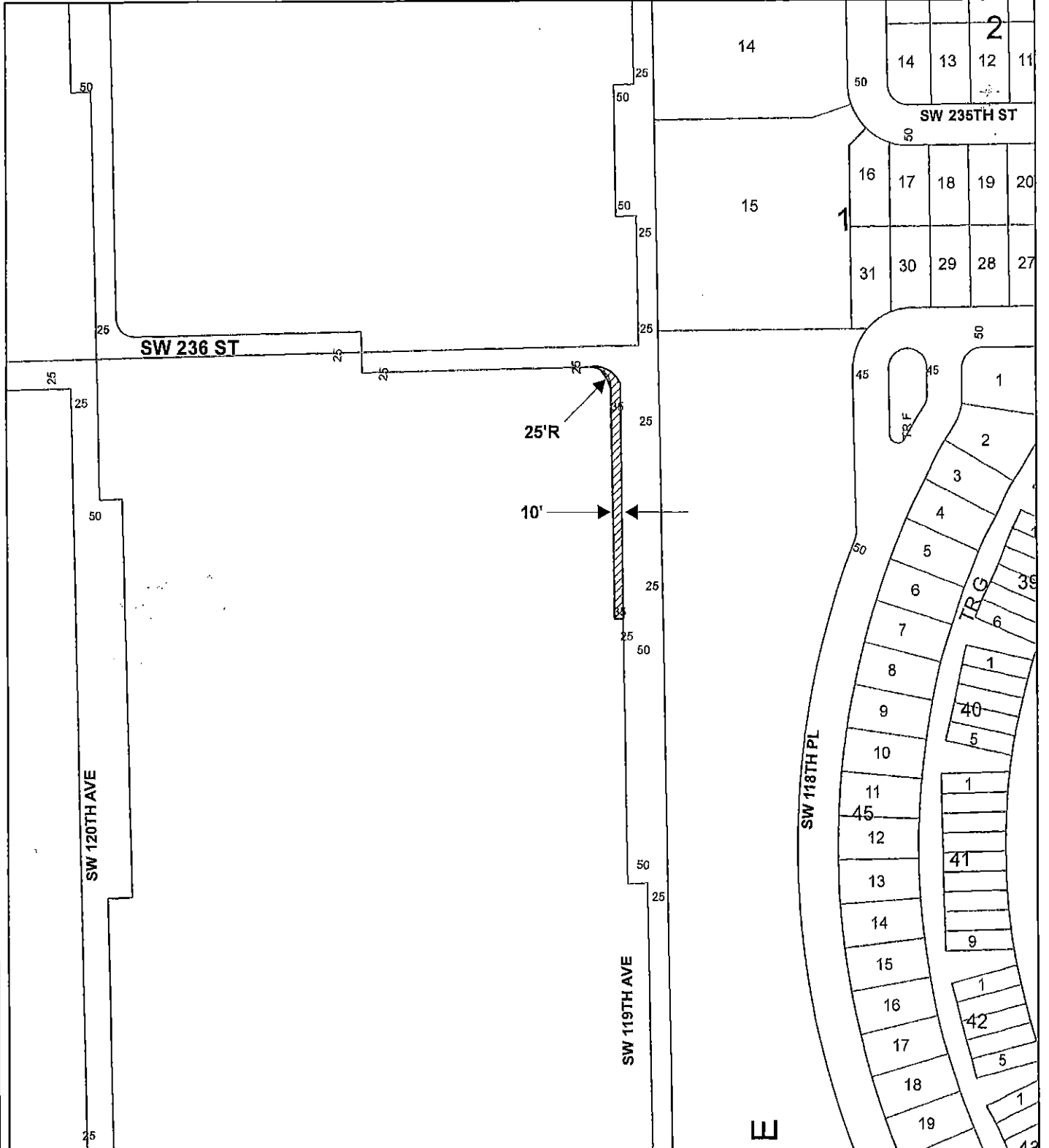


Alex S. Bokor



# Location Map

SECTION 24 TOWNSHIP 56 S RANGE 39 E



This is not a survey

## P- 917

Municipality: UNINCORPORATED MIAMI-DADE  
Commission District: Daniela Levine Cava, 8

### Legend

Road Closing

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: September 23, 2015  
Prepared by: ym

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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 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:

**The West 10 feet of the East 35 feet of the NE ¼ of the NE ¼ of the SW ¼ of the NE ¼ of Section 24, Township 56 South, Range 39 East, Miami-Dade County Florida, less the North 25 feet thereof;**

**And**

**The area bounded by the south line of the North 25 feet and by the west line of the East 35 feet of the NE ¼ of the NE ¼ of the SW ¼ of the NE ¼ of said Section 24, and bounded by a 25 foot radius arc concave to the southwest, said arc being tangent to both of the last described lines.**

**Less**

**The area bounded by the south line of the North 25 feet and by the west line of the East 25 feet of the NE ¼ of the NE ¼ of the SW ¼ of the NE ¼ of said Section 24, and bounded by a 25 foot radius arc concave to the southwest, said arc being tangent to both of the last described lines.**

**Containing an area of 3,066 square feet more or less.**

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described right-of-way was acquired and is evidenced in the following manner:

**The right-of-way was dedicated to the County, in 1995, by a deed recorded in Official Records Book 16818, Page 1966, and by a deed recorded in Official Records Book 16818, Page 1970, both of the Public Records 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.


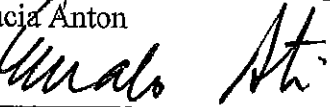
PRINT NAME	FOLIO NO.	ADDRESS
<u>Lucia Anton</u>	<u>30-6924-000-0220</u>	<u>23605 SW 120 Avenue,</u>
<u>Eduardo Anton</u>		<u>Miami, Florida, 33032</u>

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:

**The portion petitioned to be closed was dedicated in excess of the Sec. 33-133 requirement. If this petition is granted the land will be incorporated into the abutting property.**

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

SIGNATURE	ADDRESS
<u></u> Lucia Anton	<u>23605 SW 120 Avenue,</u>
<u></u> Eduardo Anton	<u>Miami, Florida, 33032</u>



Attorney for Petitioner

Address: \_\_\_\_\_  
(Signature of Attorney not required)

STATE OF FLORIDA                    )  
  ) SS  
MIAMI-DADE COUNTY                )

BEFORE ME, the undersigned authority, personally appeared **Lucia Anton**, who first by me duly sworn, deposes and says that she is one of the petitioners named in and who signed the foregoing petition; that she is duly authorized to make this verification for and on behalf of all petitioners; that she has read the foregoing petition and that the statements therein contained are true.

*Lucia Anton*

\_\_\_\_\_  
(Signature of Petitioner)

Sworn and subscribed to before me this

16 day of September, 2015

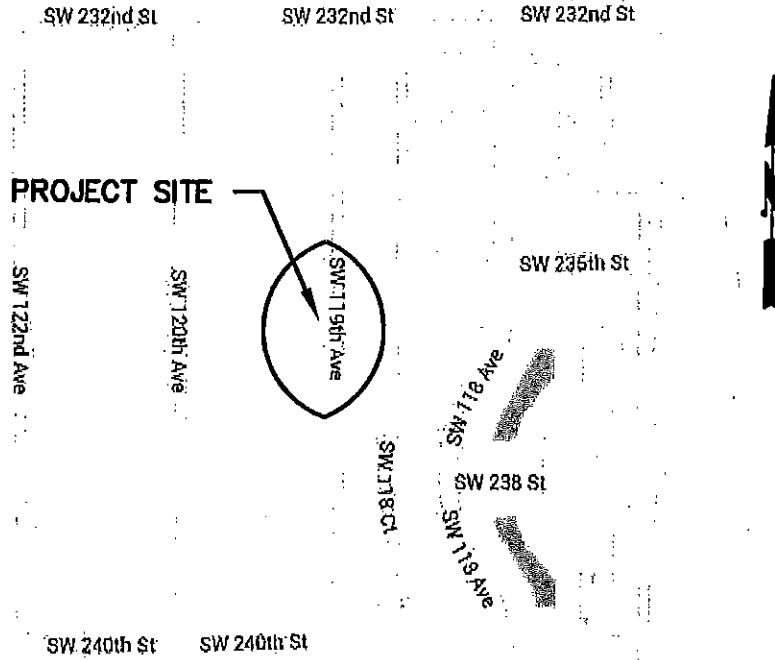
*Caridad A. Lopez*  
\_\_\_\_\_  
Notary Public State of Florida at Large

My Commission Expires: 9/9/16



CARIDAD A. LOPEZ  
MY COMMISSION # EE 196957  
EXPIRES: September 9, 2016  
Bonded Thru Budget Notary Services

**SPECIFIC PURPOSE SURVEY  
ROAD CLOSING PETITION #917  
EXHIBIT "A"**



**LOCATION MAP  
NOT TO SCALE**

**LEGEND OF SYMBOLS & ABBREVIATIONS:**

- SEWER MANHOLE
- WATER VALVE
- WOODEN POWER POLE

- N = NORTH
- S = SOUTH
- E = EAST
- W = WEST
- R-O-W = RIGHT-OF-WAY
- IP = IRON PIPE

**NOTES:**

1. THIS IS NOT A BOUNDARY SURVEY.
2. The bearings shown hereon are based on the bearing of S 00°54'58" E for the East line of the NE ¼ of the NE ¼ of the SW ¼ of the NE ¼ of Section 24, Township 56 South, Range 39 East.
3. Background images are shown for visual purposes only and may not represent actual field conditions.

**LEGAL DESCRIPTION:**

A parcel of land lying in the NE ¼ of the NE ¼ of the SW ¼ the NE ¼ of Section 24, Township 56 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:

The West 10 feet of the East 35 feet of the NE ¼ of the NE ¼ of the SW ¼ of the NE ¼ of Section 24, Township 56 South, Range 39 East, Miami-Dade County Florida, less the North 25 feet thereof;

And

The area bounded by the South line of the North 25 feet and by the West line of the East 35 feet of the NE ¼ of the NE ¼ of the SW ¼ of the NE ¼ of said Section 24, and bounded by a 25 foot radius arc concave to the Southwest, said arc being tangent to both of the last described lines;

Less

The area bounded by the South line of the North 25 feet and by the West line of the East 25 feet of the NE ¼ of the NE ¼ of the SW ¼ of the NE ¼ of said Section 24, and bounded by a 25 foot radius arc concave to the Southwest, said arc being tangent to both of the last described lines;

Containing an area of 3,066 square feet more or less.

This description and the accompanying sketch are not valid one without the other.

This description and the accompanying sketch are not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.

SCOTT A. RIGGS  
P.S.M.  
FLORIDA LICENSE N°. 6160

Project Title:  
**SPECIFIC PURPOSE SURVEY  
ROAD CLOSING PETITION #917**

**Miami Dade County  
Public Works and Waste  
Management Department  
Survey Section**  
111 N.W. First Street, Suite N° 1610  
Miami, Florida 33128 (305-375-2657)

Project N° 20150136	
Date 10/02/2015	Scale NONE
SHEET N°	
1	of 2
Field Book 2699	Pages 53 - 54

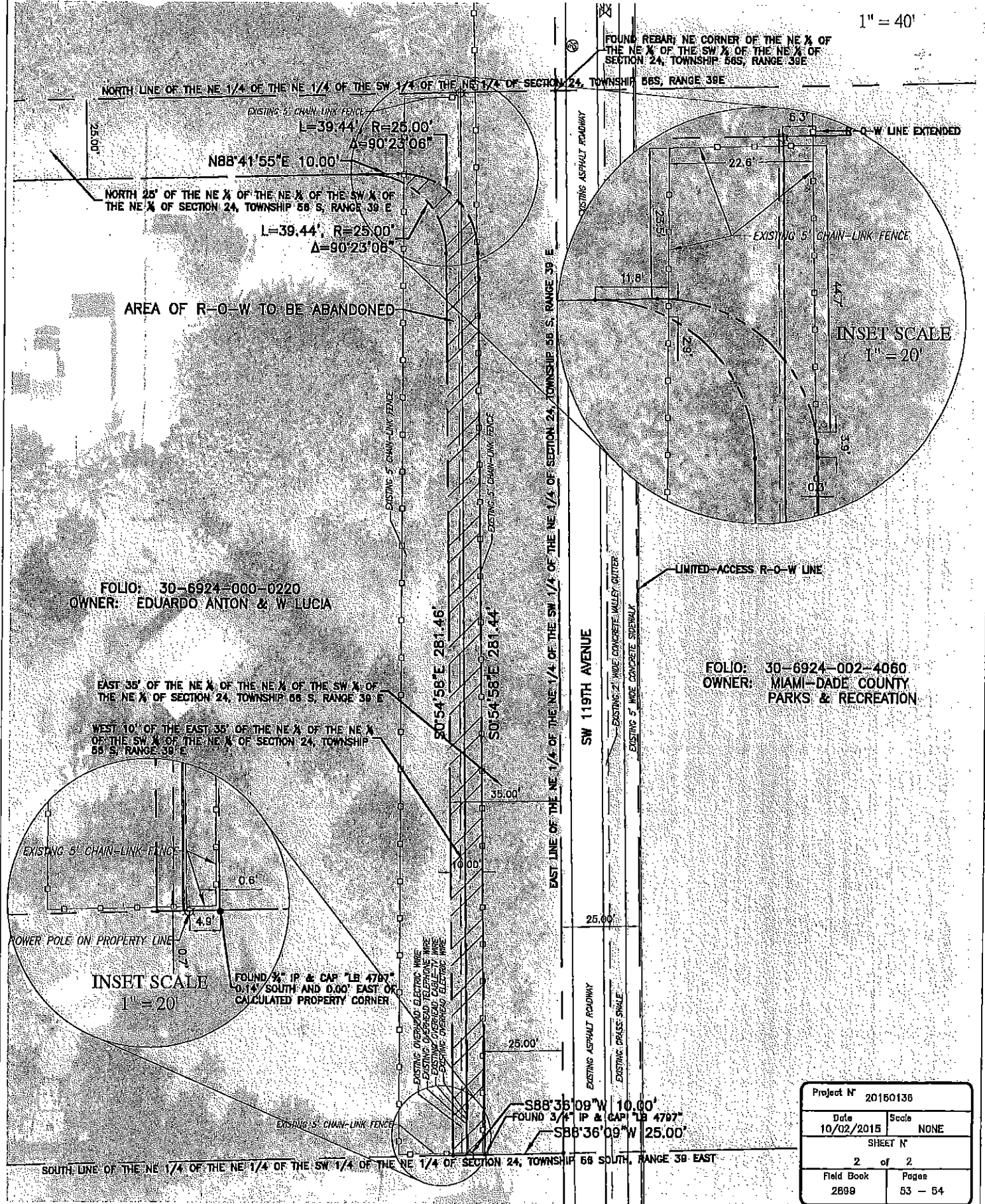
# SPECIFIC PURPOSE SURVEY

ROAD CLOSING PETITION #917

EXHIBIT "A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

1" = 40'



NORTH LINE OF THE NE 1/4 OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 66S, RANGE 39E

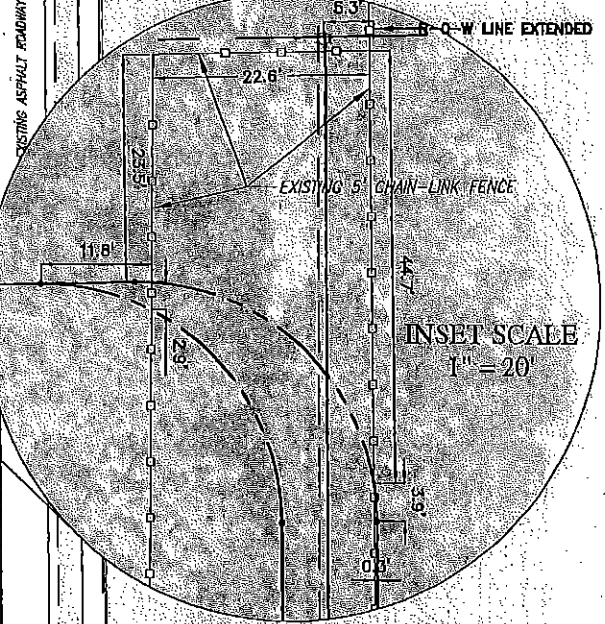
EXISTING 5' CHAIN-LINK FENCE  
 $L=39.44'$ ,  $R=25.00'$   
 $\Delta=90^{\circ}23'06''$

NORTH 25' OF THE NE 1/4 OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 66 S, RANGE 39 E

$L=39.44'$ ,  $R=25.00'$   
 $\Delta=90^{\circ}23'06''$

AREA OF R-O-W TO BE ABANDONED

FOUND REBAR NE CORNER OF THE NE 1/4 OF THE NE 1/4 OF THE SW 1/4 OF SECTION 24, TOWNSHIP 66S, RANGE 39E

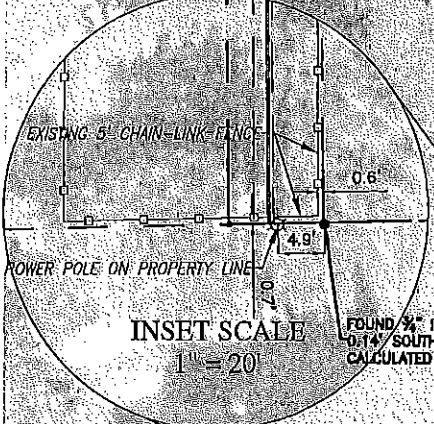


INSET SCALE  
 1" = 20'

FOLIO: 30-6924-000-0220  
 OWNER: EDUARDO ANTON & W. LUCIA

EAST 35' OF THE NE 1/4 OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 66 S, RANGE 39 E

WEST 10' OF THE EAST 35' OF THE NE 1/4 OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 66 S, RANGE 39 E



INSET SCALE  
 1" = 20'

FOUND 3/4" IP & CAP "LB 4797"  
 0.14' SOUTH AND 0.00' EAST OF CALCULATED PROPERTY CORNER

LIMITED-ACCESS R-O-W LINE

FOLIO: 30-6924-002-4060  
 OWNER: MIAMI-DADE COUNTY PARKS & RECREATION

EAST LINE OF THE NE 1/4 OF THE NE 1/4 OF THE SW 1/4 OF SECTION 24, TOWNSHIP 66 S, RANGE 39 E

SW 119TH AVENUE

S88°36'09"W 10.00'  
 FOUND 3/4" IP & CAP "LB 4797"  
 S88°36'09"W 25.00'

SOUTH LINE OF THE NE 1/4 OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 66 SOUTH, RANGE 39 EAST

Project N° 20160136	
Date 10/02/2015	Scale NONE
SHEET N°	
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