

# MEMORANDUM

Agenda Item No. 5(D)

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

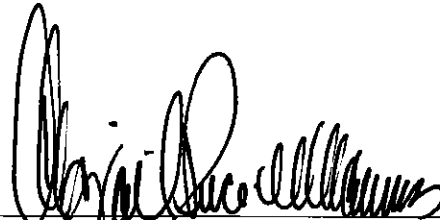
**DATE:** March 7, 2017

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

**SUBJECT:** Resolution granting petition  
to close the alleys east of NW  
27 Avenue and north of NW  
118 Street (Road Closing Petition  
No. P-926)

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



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Abigail Price-Williams  
County Attorney


APW/smm

# Memorandum



**Date:** March 7, 2017

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Road Closing Petition P-926  
Section: 34-52-41  
Alleys East of NW 27 Avenue and North of NW 118 Street  
Commission District: 2

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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 Regulatory and Economic Resources, Transportation and Public Works (DTPW), Water and Sewer, and Fire Rescue have no objection to these rights-of-way being closed.

## **Scope**

This road closing is located within District 2, which is represented by Commissioner Jean Monestime.

## **Fiscal Impact/Funding Source**

The Property Appraiser's Office has assessed the adjacent properties to these rights-of-way at an average of \$8.50 per square foot; therefore, the estimated value of these rights-of-way would be approximately \$36,159.00. If these rights-of-way are closed and vacated, the land will be placed on the tax roll generating an estimated \$660.00 per year in additional property taxes. The fee for this road closing is \$5,575.90.

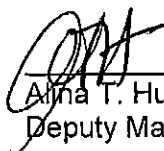
## **Track Record/Monitor**

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

## **Background**

The property owners abutting the subject rights-of-way wish to close the alleys East of NW 27 Avenue and North of NW 118 Street, in order to incorporate the land into their property. The rights-of-way petitioned to be closed are used for parking and a driveway, and some portions are fenced in; with no part serving its intended purpose. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject rights-of-way were dedicated in 1926, by the plat of "SECTION 2 OF GOLF PARK", recorded in Plat Book 23, Page 46, of the Public Records of Miami-Dade County, Florida. The rights-of-way and surrounding properties are located within the North Central Urban Area District (NCUAD).

  
Anna T. Hudak  
Deputy Mayor




# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** March 7, 2017

**FROM:**   
Abigail Price-Williams  
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
- 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(D)  
3-7-17

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

RESOLUTION GRANTING PETITION TO CLOSE THE  
ALLEYS EAST OF NW 27 AVENUE AND NORTH OF NW 118  
STREET (ROAD CLOSING PETITION NO. P-926)

**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) the alleys, avenue, street, highway or other place used for travel as described in the attached petition are hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; save and except that the land is reserved as utility easement; (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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of March, 2017. 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

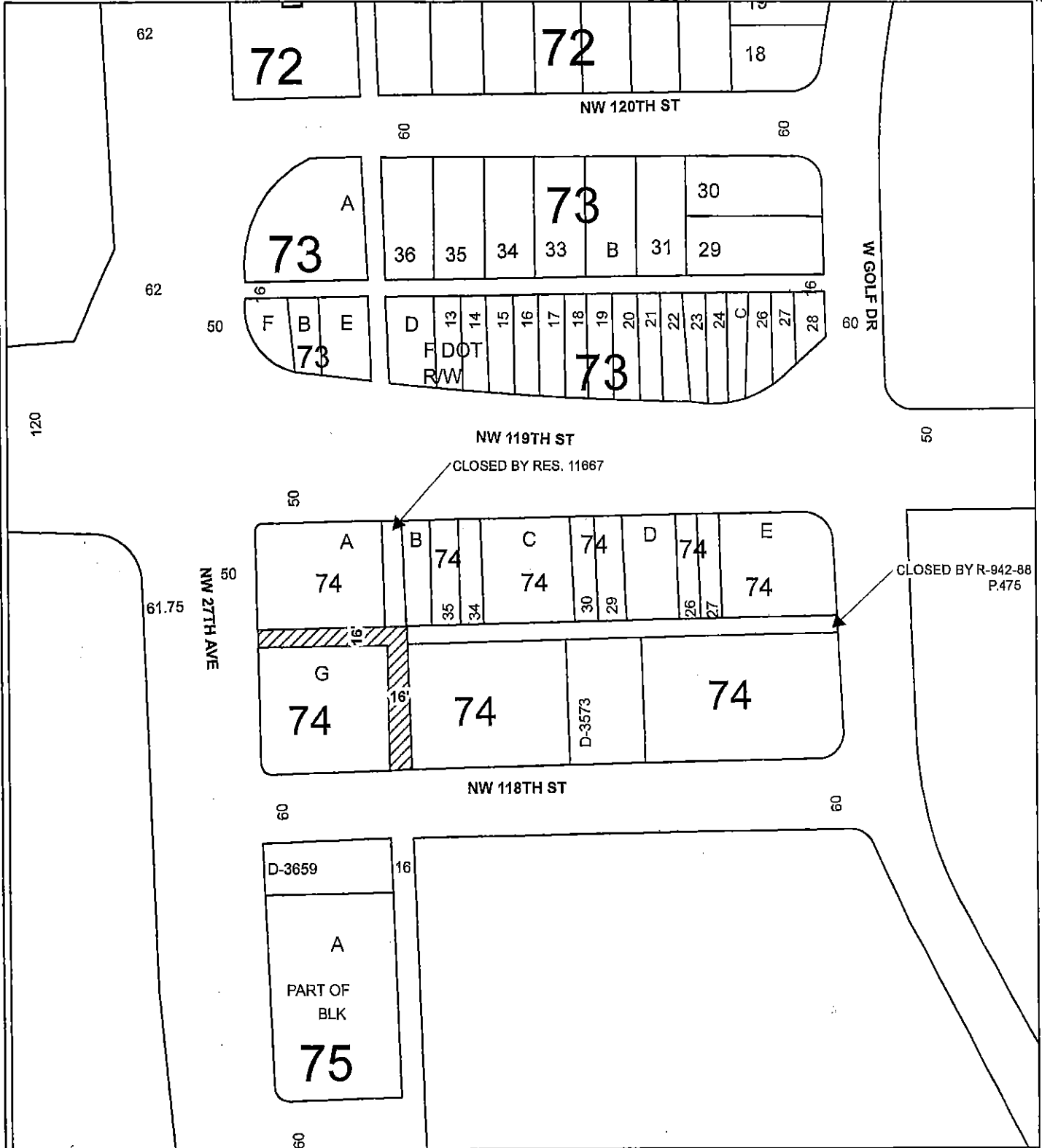
Approved by County Attorney as  
to form and legal sufficiency.



Lauren E. Morse

# Location Map

SECTION 34 TOWNSHIP 52 S RANGE 41 E



This is not a survey

## P- 926

Municipally: UNINCORPORATED MIAMI-DADE  
Commission District: Jean Monestime, 2

**Legend**

- P-926 Road Closing
- MDC.Lot\_line
- Lots
- Lots

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

Date: July 22, 2010  
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 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:

**LEGAL DESCRIPTION: 16' ALLEY TO BE VACATED**

A PORTION OF THAT CERTAIN 16.00 FOOT WIDE ALLEY IN BLOCK 174 OF "REVISED PLAT OF PORTION OF GOLF PARK SECTION 2, IN SECTIONS 33 AND 34, TOWNSHIP 52 SOUTH, RANGE 41 EAST, DADE COUNTY, FLORIDA", ACCORDING TO THE PLAT THEREOF; AS RECORDED IN PLAT BOOK 34, PAGE 36, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF TRACT-G OF SAID PLAT, ALSO BEING A SOUTHWEST CORNER OF SAID ALLEY; THENCE ON THE BOUNDARY OF SAID ALLEY AND ON THE BOUNDARY OF SAID TRACT-G THE FOLLOWING 2 COURSES AND DISTANCES: 1) NORTH 02°14'46" WEST 125.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT-G; 2) SOUTH 89°26'35" WEST 125.00 FEET TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 27TH AVENUE (STATE ROAD NO. 9) (GRAPELAND BOULEVARD) AS SHOWN ON STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP SECTION 87240 SHEET 8, LAST REVISED 8/2007, A POINT 5.00 FEET EASTERLY OF THE NORTHWEST CORNER OF SAID TRACT-G; THENCE NORTH 02°14'46" WEST ON THE NORTHERLY EXTENSION OF SAID EAST RIGHT-OF-WAY LINE 16.00 FEET TO THE INTERSECTION WITH A NORTH LINE OF SAID ALLEY, ALSO BEING THE SOUTH LINE OF TRACT-A OF SAID PLAT, A POINT 5.00 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID TRACT-A; THENCE NORTH 89°26'35" EAST ON SAID NORTH LINE AND ON SAID SOUTH LINE AND ITS EASTERLY EXTENSION 141.00 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF AN EAST LINE OF SAID ALLEY, ALSO BEING THE NORTHERLY EXTENSION OF THE WEST LINE OF TRACT-F OF SAID PLAT; THENCE SOUTH 02°14'46" EAST ON SAID NORTHERLY EXTENSION, ON SAID EAST LINE AND ON SAID WEST LINE 141.00 FEET TO THE INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID TRACT-G, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF NORTHWEST 118TH STREET (OBISPO STREET), ALSO BEING A SOUTHEAST CORNER OF SAID 16.00 FOOT WIDE ALLEY; THENCE SOUTH 89°26'35" WEST ON SAID EASTERLY EXTENSION 16.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 4,254 SQUARE FEET, 0.0977 ACRES, MORE OR LESS.

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):

**THE REVISED PLAT OF, PORTION OF, GOLF PARK SEC-2.,  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT  
BOOK 34, PAGE 36, 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>Hugh Bryan</u>	<u>30-2134-002-0010</u>	<u>11895 NW 27 Avenue</u>
<u>Hugh Bryan</u>	<u>30-2134-002-0020</u>	
<u>Open Bible Community Church</u>	<u>30-2134-002-0071</u>	<u>2610 NW 119 Street</u>
<u>Floriipe Brown JTRS,</u> <u>Migdalia Cox JTRS,</u> <u>Carlos J Brown Jr JTRS, &amp;</u> <u>Myrna L Brown McAllister JTRS</u>	<u>30-2134-002-0090</u>	<u>11805 NW 27 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):

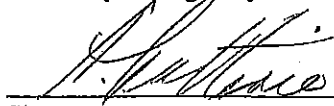
The Right-of-Way was intended to function as a service alley for properties located at the southeast intersection of NW 119 Street and NW 27 Avenue. However, this Right-of-Way has effectively been used as a driveway and parking area for an automotive and scooter repair shop and is in the process of being acquired by a single owner who intends to develop the property as part of a commercial development. The appropriate access to the property will be located on the abutting section line roads.

7. Signatures of all abutting property owners:

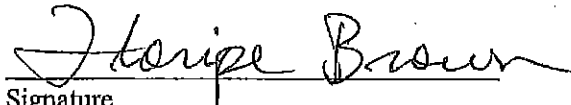
Respectfully submitted,

SIGNATURE  
  
Signature  
Print Name: Hugh Bryan

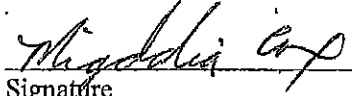
ADDRESS  
11895 NW 27 Avenue, Miami, Florida 33167

  
Signature  
Open Bible Community Church

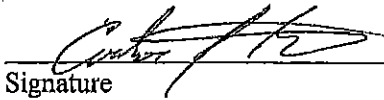
2610 NW 119 Street, Miami, Florida 33167

  
Signature  
Print name: Floripe Brown JTRS


11805 NW 27 Avenue

  
Signature  
Print Name: Migdalia Cox JTRS

11805 NW 27 Avenue

  
Signature  
Print Name: Carlos J Brown Jr JTRS

11805 NW 27 Avenue

  
Signature  
Print Name: Myrna L Brown McAllister JTRS

11805 NW 27 Avenue

Attorney for Petitioner

Address: 701 Brickell Ave #3300, Miami, FL 33131  
(Signature of Attorney not required)

STATE OF FLORIDA                    )  
  ) SS  
MIAMI-DADE COUNTY                )

BEFORE ME, the undersigned authority, personally appeared TRACY SLAVENS, 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.

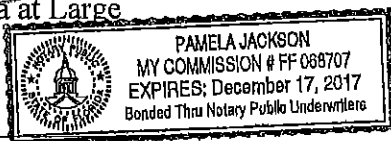
*Tracy Slaven*  
(Signature of Petitioner)

Sworn and subscribed to before me this

21 day of July, 2016

*Pamela Jackson*  
Notary Public State of Florida at Large

My Commission Expires: \_\_\_\_\_





**BOUNDARY & TOPOGRAPHIC SURVEY**  
BY  
**PULICE LAND SURVEYORS, INC.**

5381 NOB HILL ROAD  
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778  
E-MAIL: surveys@pulicelandsurveyors.com • CERTIFICATE OF AUTHORIZATION #LB387

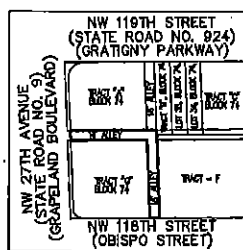


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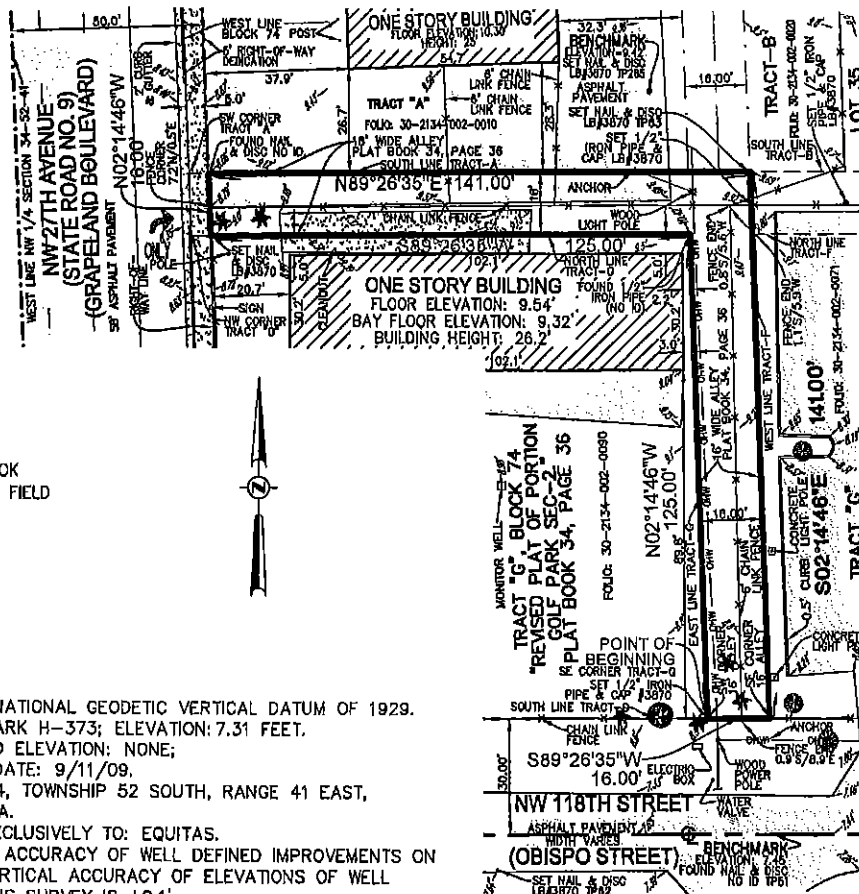
**LOCATION SKETCH**  
NOT TO SCALE

**LEGEND**

- CONCRETE
- ASPHALT PAVEMENT
- ELEVATION
- OVERHEAD WIRES
- CENTERLINE
- O.R.B. OFFICIAL RECORDS BOOK
- TP TRAVERSE POINT (FOR FIELD INFORMATION ONLY)
- PALM TREE
- BLACK OLIVE TREE
- OAK TREE
- MANGO TREE

**NOTES:**

- 1) ELEVATIONS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929. MIAMI-DADE COUNTY BENCHMARK H-373; ELEVATION: 7.31 FEET.
- 2) FLOOD ZONE: X; BASE FLOOD ELEVATION: NONE; PANEL #120635 0138L; MAP DATE: 9/11/09.
- 3) THIS SITE LIES IN SECTION 34, TOWNSHIP 52 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA.
- 4) THIS SURVEY IS CERTIFIED EXCLUSIVELY TO: EQUITAS.
- 5) THE HORIZONTAL POSITIONAL ACCURACY OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.2'. THE VERTICAL ACCURACY OF ELEVATIONS OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.1'.
- 6) REASONABLE EFFORTS WERE MADE REGARDING THE EXISTENCE AND THE LOCATION OF UNDERGROUND UTILITIES. THIS FIRM, HOWEVER, DOES NOT ACCEPT RESPONSIBILITY FOR THIS INFORMATION. BEFORE EXCAVATION OR CONSTRUCTION CONTACT THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION.
- 7) BEARINGS ARE BASED ON THE NORTH LINE OF TRACT-G BEING S89°26'35"W.



**FILE: EQUITAS**

**SCALE: 1"=40' DRAWN BY: B.E.**

**ORDER NO.: 61265-B**

**SURVEY DATE: 11/24/15**

**VACATED ALLEY**

**NW 27TH AVENUE AND NW 118TH STREET**

**FOR: 7-ELEVEN**

**CERTIFICATION**

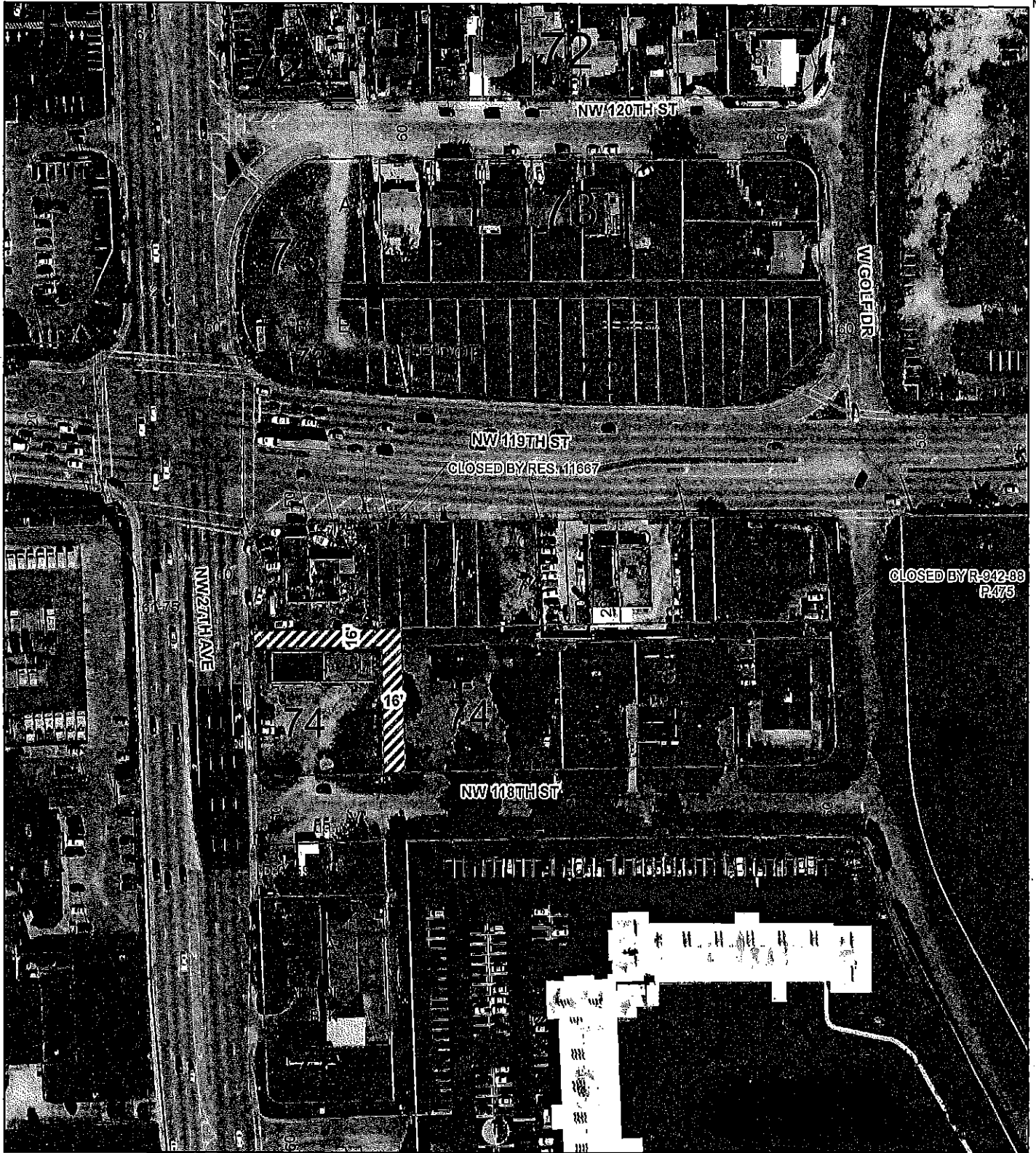
I hereby certify that this sketch of survey meets the standards of practice set forth by the Florida Department of Agriculture and Consumer Services (DOACS) Number SJ-17, Florida administrative code, pursuant to Chapter 472.027, Florida statutes. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691  
BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6138  
STATE OF FLORIDA

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# Location Map

SECTION 34 TOWNSHIP 52 S RANGE 41 E



This is not a survey

**Legend**

-  P-926 Road Closing
-  MDC.Lot\_line
-  Lots
-  Lots

## P- 926

Municipality: UNINCORPORATED MIAMI-DADE  
Commission District: Jean Monestime, 2

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

Date: July 22, 2016  
Prepared by : ym