

MEMORANDUM

Agenda Item No. 5(G)

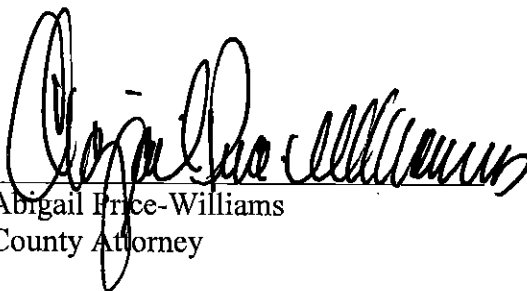
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution taking action on
Vacation of Right-of-Way
Petition for SW 56 Street (Miller
Drive) from SW 177 Avenue
(Krome Avenue) to SW 172
Avenue and a portion of SW 60
Street from approximately 970
feet East of SW 177 Avenue
(Krome Avenue) East for
approximately 330 feet (Vacation
of Right-of-Way Petition No.
P-943); waiving the requirement
of Resolution No. 7606 for all
adjacent property owners to sign
the petition

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



Abigail Price-Williams
County Attorney

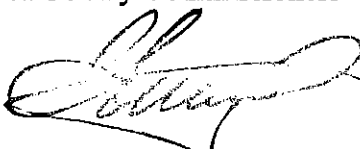
APW/uw

Memorandum



Date: February 19, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Vacation of Right-of-Way Petition P-943, vacating SW 56 Street (Miller Drive) from SW 177 Avenue (Krome Avenue) to SW 172 Avenue and a portion of SW 60 Street from approximately 970 feet east of SW 177 Avenue east for approximately 330 feet

It is recommended that the Board of County Commissioners (Board) grant the Vacation of Right-of-Way Petition P-943, attached to this Memorandum as Exhibit 2, as requested by South Florida Water Management District, Bird Drive Mitigation, LLC, and L & J of Miami, Inc. (Petitioners), following a public hearing and contingent on the dedication of the new alignment for SW 56 Street (Miller Drive) as depicted in the Site Plan approved by Resolution No. CZAB11-9-18. The Miami-Dade County departments of Transportation and Public Works (DTPW), Water and Sewer, and Fire Rescue have no objection to these unimproved rights-of-way being closed. The Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) has agreed to the vacation of right-of-way provided, however, that the Petitioners provide assurances that future dedicated public purpose access is provided for ecological restoration projects in the area. These rights-of-way currently consist of raw, unimproved land. A location map showing the location is attached as Exhibit 1.

Scope

The Vacation of Rights-of-Way are located within County Commission District 11, represented by Commissioner Joe A. Martinez.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to these rights-of-way at an average rate of \$17,317.64 per acre. Therefore, the estimated value of these rights-of-way would be approximately \$23,552.00. If these rights-of-way are closed and vacated, the land will be placed on the tax roll, generating an estimated \$417.00 per year in additional property taxes. The fee for this vacation of right-of-way is \$4,315.20.

Track Record/Monitor

DTPW 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

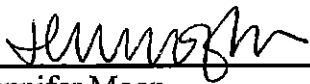
The Petitioners wish to close the rights-of-way for SW 56 Street (Miller Drive) from SW 177 Avenue (Krome Avenue) to SW 172 Avenue and a portion of SW 60 Street from approximately 970 feet east of SW 177 Avenue east for approximately 330 feet in order to permit radio broadcast towers and ancillary equipment, which was approved via Resolution CZAB11-9-18, adopted on October 15, 2018. The Petitioners have received signed petitions from all adjacent property owners, with the exception of one gentleman, Hiro W. Balani, who resides out of the State of Florida. Mr. Balani was notified via certified mail, dated May 14, 2019. He did not

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
Page 2

respond. The rights-of-way being closed have never been improved nor maintained by Miami-Dade County.

Currently the radio broadcast towers are located on the Channel 7 site on the 79th Street Causeway. Because this area is being developed, the AM radio antennas must be moved. The towers serve an important communication role in hurricane emergency conditions and the consensus is that the best place to move them is off the coastline and into the central West portion of the County. In exchange for providing an easement for the radio towers, the South Florida Water Management District will receive a donation of nearly 100 acres of sensitive wetlands needed for the Comprehensive Everglades Restoration Plan (CERP.)

The subject rights-of-way were dedicated in 1910 by the plat of MIAMI EVERGLADE LAND CO. LTD., recorded in Plat Book 2, Page 3, of the Public Records of Miami-Dade County, Florida. The subject rights-of-way are zoned AU (Agricultural District) and GU (Interim District).



Jennifer Moon
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(G)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(G)
2-19-20

RESOLUTION NO. _____

RESOLUTION TAKING ACTION ON VACATION OF RIGHT-OF-WAY PETITION FOR SW 56 STREET (MILLER DRIVE) FROM SW 177 AVENUE (KROME AVENUE) TO SW 172 AVENUE AND A PORTION OF SW 60 STREET FROM APPROXIMATELY 970 FEET EAST OF SW 177 AVENUE (KROME AVENUE) EAST FOR APPROXIMATELY 330 FEET (VACATION OF RIGHT-OF-WAY PETITION NO. P-943); WAIVING THE REQUIREMENT OF RESOLUTION NO. 7606 FOR ALL ADJACENT PROPERTY OWNERS TO SIGN THE PETITION

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

WHEREAS, on October 16, 2018, a public zoning hearing was held before Community Zoning Appeals Board (CZAB) 11, wherein CZAB 11 granted a site plan approval including the subject rights-of-way; and

WHEREAS, Vacation of Right-of-Way Petition No. P-943 was signed by all property owners abutting on the rights-of-way sought to be closed, except for Hiro W. Balani; and

WHEREAS, this resolution waives the requirement of Resolution No. 7606 that all adjacent property owners must sign the petition; and

WHEREAS, a public hearing was held in compliance with Resolution No. 7606,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. Subject to the dedication of the new alignment for SW 56 Street (Miller Drive) as depicted in the Site Plan approved by Resolution No. CZAB11-9-18, Vacation of Right-

of-Way Petition No. P-943 is hereby granted and the avenue, street, highway or other place used for travel as described in the petition attached as Exhibit 2 to the Mayor's Memorandum is hereby vacated, abandoned, and closed.

Section 2. All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed.

Section 3. It is found that the action will serve a public purpose and benefit the public without violating private property rights.

Section 4. The procedure utilized in the adoption of this resolution is expressly ratified and approved.

Section 5. The requirement of Resolution No. 7606 for all adjacent property owners to sign is hereby waived.

Section 6. Pursuant to Resolution No. 7606, 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 and the County Mayor or County Mayor's designee shall record the proof of publication of the notice of public hearing of this resolution as adopted and the proof of publication of the notice of the adoption of this hearing in the public records 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:

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of February, 2020. 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

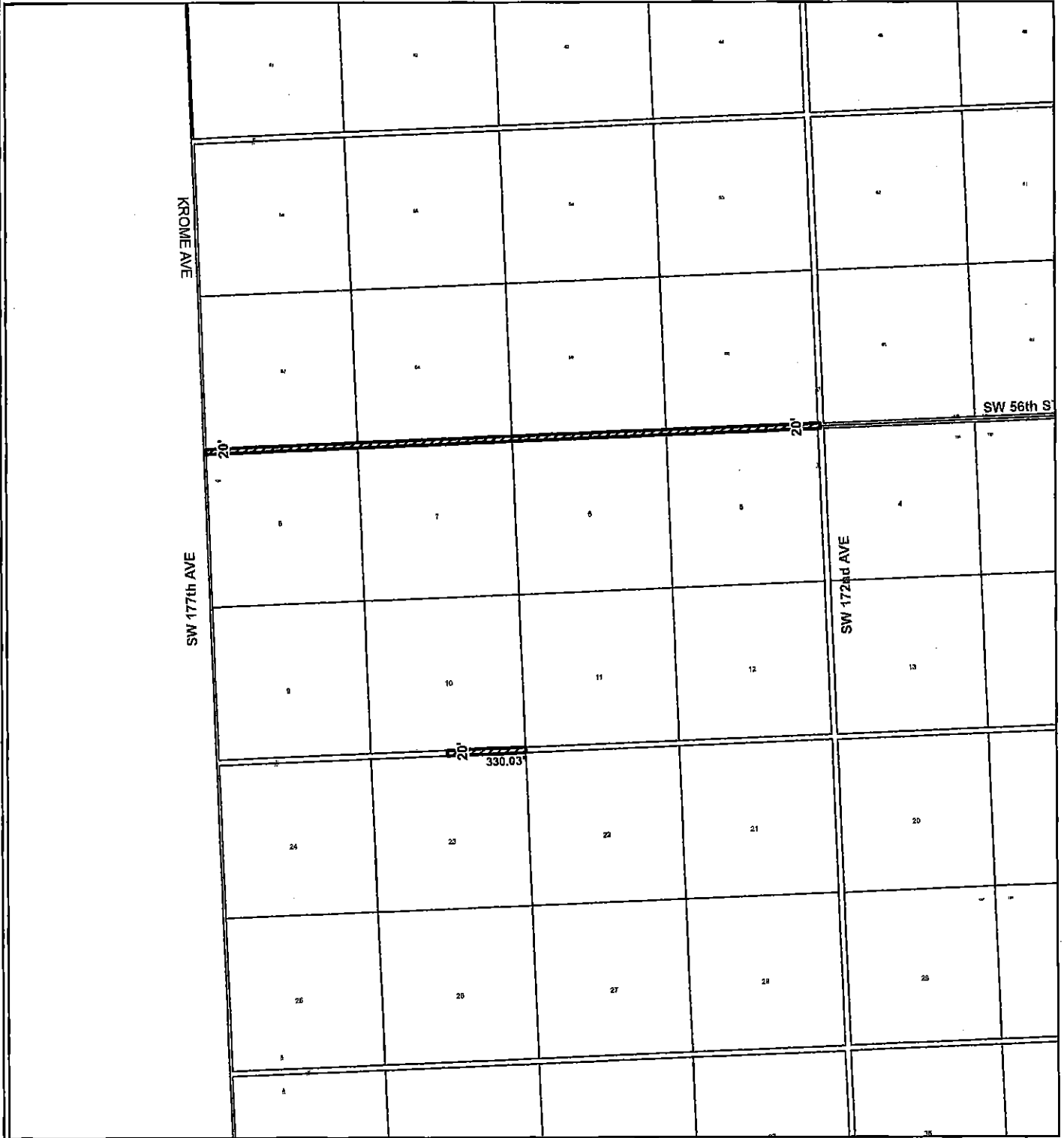
Approved by County Attorney as
to form and legal sufficiency.



Lauren E. Morse

Exhibit 1 Location Map

SECTION 19 TOWNSHIP 54 S RANGE 39 E
SECTION 30 TOWNSHIP 54 S RANGE 39 E



This is not a survey

P- 943

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Joe A. Martinez 11

Legend



P-943 ROAD CLOSING

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

Date: June 21, 2019
Prepared by : ym

Exhibit 2

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 or dedicated public street, alleyway, road, highway, or other place used, or dedicated for use, for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public by dedication or otherwise in and to any land in connection therewith, including, without limitation any dedications accepted by the County pursuant to Resolution 4406 recorded in Official Records Book 1884, Page 501 of the Public Records of Miami-Dade County, Florida; 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 or dedicated on any 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 South 10.00 feet of the Southwest 1/4 of Section 19, Township 54 South, Range 39 East, Miami-Dade County, Florida, Lying East of the West Line of Tract 57 extended Southerly, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD, within said Section 19, according to the Plat thereof as recorded in Plat Book 2 at Page 3, recorded in the Public Records of Miami-Dade County, Florida;

AND

The North 10.00 feet of the Northwest 1/4 of Section 30, Township 54 South, Range 39 East, Miami-Dade County, Florida, Lying East of the West Line of Tract 8 extended Northerly, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD, within said Section 30, according to the Plat thereof as recorded in Plat Book 2 at Page 3, recorded in the Public Records of Miami-Dade County, Florida;

AND

The South 10.00 feet of the North 1/2 of the Northwest 1/4 of Section 30, Township 54 South, Range 39 East, Miami-Dade County, Florida, Lying East of the East Line of the West One-Half of Tract 10 extended Southerly and lying West of the East Line of Tract 10 extended southerly, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD, within said Section 30, according to the Plat thereof as recorded in Plat Book 2 at Page 3, recorded in the Public Records of Miami-Dade County, Florida.

AND

The North 10.00 feet of the South 1/2 of the Northwest 1/4 of Section 30, Township 54 South, Range 39 East, Miami-Dade County, Florida, Lying East of the East Line of the West One-Half of Tract 23 extended Northerly and lying West of the East Line of Tract 23 extended Northerly, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD, within said Section 30, according to the Plat thereof as recorded in Plat Book 2 at Page 3, recorded in the Public Records of Miami-Dade County, Florida.

All containing 1.36 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 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):

Rights of way were depicted on the Subdivision of the Lands of the Everglade Land Co., Ltd., Plat Book 2, Page 3.

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
South Florida Water Management District	30-4919-001-0590 30-4930-001-0080 30-4930-001-0070 30-4930-001-0060 30-4930-001-0100 30-4930-001-0110 30-4919-001-0600	3301 Gun Club Road, West Palm Beach, FL 33406
Miami-Dade County Water and Sewer	30-4930-001-0050	N/A
Bird Drive Mitigation, LLC	30-4919-001-0580	150 W. Flagler Street, #2200 Miami, FL 33130
L&J of Miami, Inc.	30-4919-001-0570	N/A
Hiro W. Balani	30-4930-001-0230	N/A

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 grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

The right of way segments proposed to be vacated are small platted "farm roads" dedicated more than a century ago but never improved. The segments run through jurisdictional wetlands owned largely by the South Florida Water Management District and are essentially undevelopable. As twenty (20) foot wide rights of way, the platted roads are below the minimum width required in Miami-Dade County and therefore will serve no future purpose.

The non-Petitioner abutting landowners will become entitled to the property to the center of the roadway segments relieved of the County's easement. Section 177.085 of the Florida Statutes provides that, upon the abandonment of the easement in favor of the public, all rights to the former right of way revert to the owners of the lots abutting the closed roadway segment.

The Petitioners, through Zoning Application PH No.17-347, have submitted a potential future alignment for Miller Drive (SW 56 Street) that, if the County ever determines is necessary, can be dedicated and improved to a full eighty (80) feet in width. That potential right of way alignment will allow the County to retain access in this area, assuming that the County determines that Miller Drive should be extended outside of the Urban Development Boundary. Should the County make such a determination to extend Miller Drive, then the exact location, alignment, width and services ancillary to any such road extension through South Florida Water Management District ("SFWMD") property will not encumber, burden or restrict the fee of any SFWMD property without SFWMD Governing Board approval.

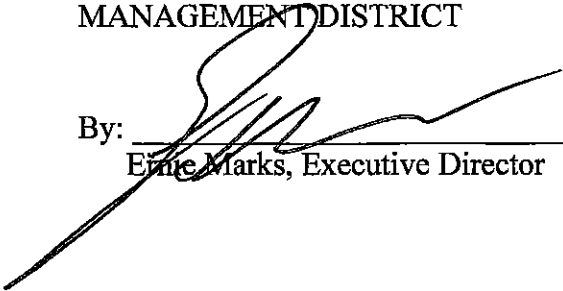
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7. Signatures of Petitioners:

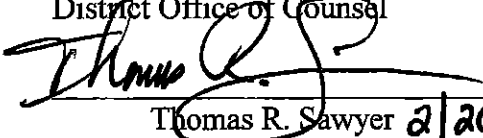
Respectfully submitted,

Address:
3301 Gun Club Road
West Palm Beach, FL 33406

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By: 
Ernie Marks, Executive Director

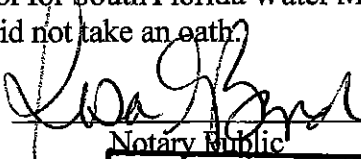
LEGAL FORM APPROVED:
District Office of Counsel



Thomas R. Sawyer 2/26/19

Attorney for Petitioners:
Graham Penn
Bercow Radell Fernandez & Larkin, PLLC
200 S. Biscayne Blvd., Suite 850
Miami, FL 33131

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 27 day of February 2019, by Ernie Marks, as Executive Director for South Florida Water Management District, who is personally known to me and who did not take an oath.



Notary Public


ROSA E BYRD
My Commission No. COMMISSION # FF241165
My Commission Expires: EXPIRES June 17, 2019.
FloridaNotaryService.com

Respectfully submitted,

Address:
150 W. Flagler Street, #2200
Miami, FL 33130

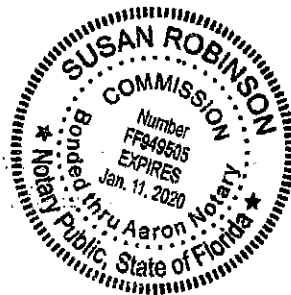
BIRD DRIVE MITIGATION, LLC

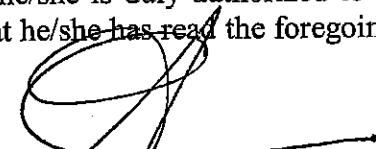
By: 
Scott Greenwald, Manager

Attorney for Petitioners:
Graham Penn
Bercow Radell Fernandez & Larkin, PLLC
200 S. Biscayne Blvd., Suite 850
Miami, FL 33131

STATE OF FLORIDA
COUNTY OF PALM BEACH

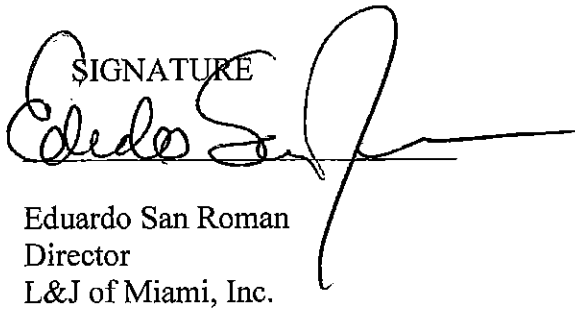
BEFORE ME, the undersigned authority, on this 28 day of February 2019, personally appeared Scott Greenwald, Manager of Bird Drive Mitigation, LLC, who first by me duly sworn, deposes and says that Bird Drive Mitigation, LLC is a petitioner named in and which signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of the petitioner; that he/she has read the foregoing petition and that the statements therein contained are true.




Notary Public
Susan Robinson
My Commission No.: FF949505
My Commission Expires: 1.11.2020

7. Signatures of Petitioners:

Respectfully submitted,

SIGNATURE


ADDRESS

4340 Sheridan Street, #102
Hollywood, FL 33021

Eduardo San Roman
Director
L&J of Miami, Inc.

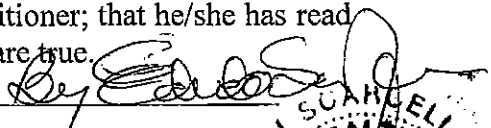
Attorney for Petitioners

Graham Penn
Bercow Radell Fernandez & Larkin, PLLC
200 S. Biscayne Blvd., Suite 850
Miami, FL 33131

STATE OF FLORIDA)
) SS

COUNTY OF BROWARD)

BEFORE ME, the undersigned authority, personally appeared Eduardo San Roman, Director of L&J of Miami, Inc., who first by me duly sworn, deposes and says that L&J of Miami, Inc. is a petitioner named in and which signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of the petitioner; that he/she has read the foregoing petition and that the statements therein contained are true.



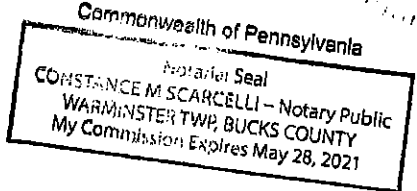
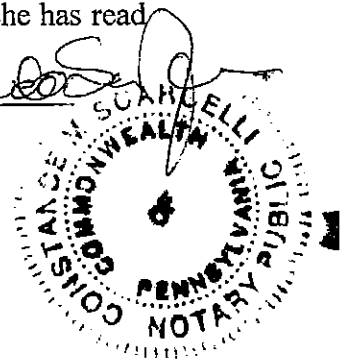
(Signature)

He/she is personally known to me or has produced known, as identification.

Sworn and subscribed to before me this
11 day of June, 2019

Notary Public

My Commission Expires: May 28, 2021



Constance M. Scarcelli 6/11/19

SKETCH AND LEGAL (Page 1 of 2)

LEGAL DESCRIPTION:

The South 10.00 feet of the Southwest 1/4 of Section 19, Township 54 South, Range 39 East, Miami-Dade County, Florida, Lying East of the West Line of Tract 57 extended Southerly, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD, within said Section 19, according to the Plat thereof as recorded in Plat Book 2 at Page 3, recorded in the Public Records of Miami-Dade County, Florida;

AND

The North 10.00 feet of the Northwest 1/4 of Section 30, Township 54 South, Range 39 East, Miami-Dade County, Florida, Lying East of the West Line of Tract 8 extended Northerly, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD, within said Section 30, according to the Plat thereof as recorded in Plat Book 2 at Page 3, recorded in the Public Records of Miami-Dade County, Florida;

AND

The South 10.00 feet of the North 1/2 of the Northwest 1/4 of Section 30, Township 54 South, Range 39 East, Miami-Dade County, Florida, Lying East of the East Line of the West One-Half of Tract 10 extended Southerly and lying West of the East Line of Tract 10 extended southerly, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD, within said Section 30, according to the Plat thereof as recorded in Plat Book 2 at Page 3, recorded in the Public Records of Miami-Dade County, Florida.

AND

The North 10.00 feet of the South 1/2 of the Northwest 1/4 of Section 30, Township 54 South, Range 39 East, Miami-Dade County, Florida, Lying East of the East Line of the West One-Half of Tract 23 extended Northerly and lying West of the East Line of Tract 23 extended Northerly, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD, within said Section 30, according to the Plat thereof as recorded in Plat Book 2 at Page 3, recorded in the Public Records of Miami-Dade County, Florida.

All Containing 1.364 Acres, more or less.

SURVEYOR'S NOTES:

- This site lies in Section 19 and 30, Township 54 South, Range 39 East, Miami-Dade County, Florida.
- Bearings shown hereon, if any, are referred to the West Line of of the Northwest 1/4 of Section 30, Township 54 South, Range 39 East, Miami-Dade County, Florida, having a bearing of S02°12'27"E according to the Florida Department of Transportation (FDOT) CONTROL SURVEY, Section No.87150-0000, Federal Project I.D: 249614-3-52-01 Dated 03/2012.
- The Dimensions of the Sectional information shown hereon, if any, for Section 30, Township 54 South, Range 39 East is based in part on the aforementioned Control Survey by the Florida Department of Transportation and is based in part on the Township Retracement Survey by Miami-Dade County, Florida, Public Works Department Engineering Division, by James Frasier July 1965.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #3017-006-1.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on January 22, 2019, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

FORTIN, LEAVY, SKILES, INC., LB3653

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

By: _____
 Daniel G. Fortin, Jr., For The Firm
 Surveyor and Mapper, LS6435
 State of Florida.

Drawn By	ADC
Cad. No.	190008
Ref. Dwg.	3017-006-1
Plotted	1/25/19 8:55a

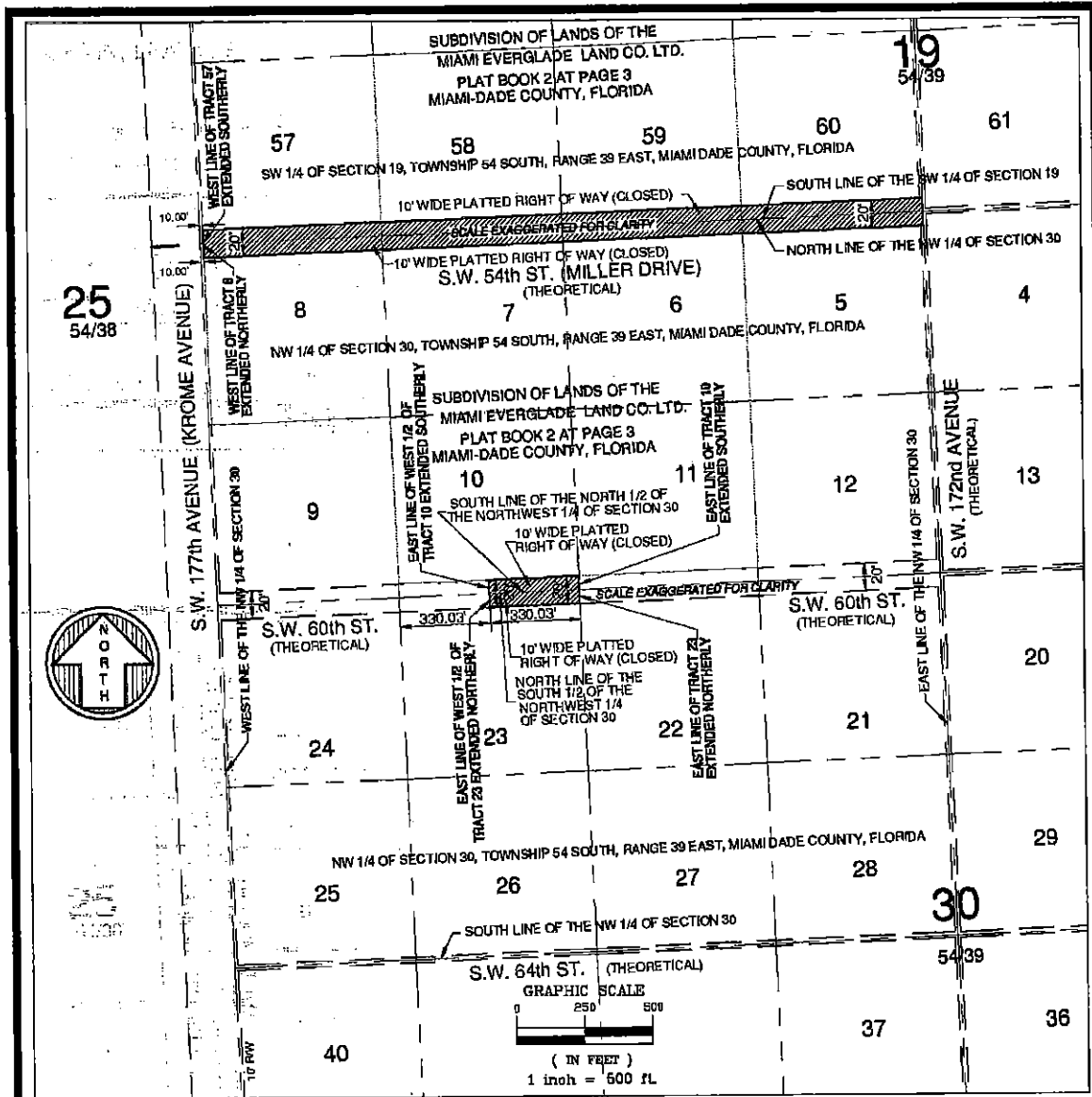
LEGAL DESCRIPTION & CERTIFICATION

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
 180 Northeast 168th Street / North Miami Beach, Florida 33162
 Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	1/22/2019
Scale	NO SCALE
Job No.	190008
Dwg. No.	1017-069-2
Sheet	1 of 2

15

SKETCH AND LEGAL (Page 2 of 2)



Drawn By	ADC
Cad. No.	190008
Ref. Dwg.	3017-006-1
Plotted:	1/25/19 8:55a

SKETCH OF LEGAL DESCRIPTION

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
 180 Northeast 168th Street / North Miami Beach, Florida 33162
 Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

Date	1/22/2019
Scale	1"=500'
Job No.	190008
Dwg. No.	1017-069-2
Sheet	2 of 2

16

Exhibit 3



BERCOW RADELL FERNANDEZ & LARKIN
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6229
Email: gpc@brzoninglaw.com

VIA CERTIFIED MAIL

May 14, 2019

Hiro W. Balani
c/o Kiran Balani
85 Dyer Court
Norwood, NJ 07648

Re: Notice of Filing of Petition for Right of Way Vacation Adjacent to Your Land - Folio 30-4930-001-0230, Miami Dade County.

Dear Mr. Balani:

This law firm represents Bird Drive Mitigation, LLC, which, along with the South Florida Water Management District, has filed a Petition with Miami-Dade County for the vacation of some platted but undeveloped right of way adjacent to your land. We are writing to inform you of the filing of the Petition and to explain how it will result in you obtaining some additional land. In short, the County's approval of the Petition will result in an unused easement of approximately 3,300 square feet being returned to you. I am attaching several exhibits that should assist in your review.

Dedication of Road. Your land is within the "Subdivision of the Lands of the Everglade Land Co., Ltd." Subdivision recorded in Plat Book 2, Page 3 of the Official Records of Miami-Dade County, Florida. This subdivision plat is one of the oldest (1910) and largest (by area) of any subdivision in the County. The subdivision was crisscrossed with a series of small twenty (20) foot wide farm roads. One such road forms the northern boundary of your land. None of these roads have been built and your land remains in a jurisdictional wetland.

Roadway Dedications and Closures. The foundation of the public road closure process in Florida lies in the state's platting statute (Part One of Chapter 177 of the Florida Statutes). Section 177.081(3), Florida Statutes, provides that the alleys, easements, rights-of-way, and public areas shown on any recorded plat, unless otherwise stated, are deemed to have been dedicated to the public for the uses and purposes thereon stated. Miami-Dade County has taken the position that the farm roads shown on the Everglade Land Co.

Hiro W. Balani
c/o Kiran Balani
February 13, 2019
Page 2

plat have been dedicated for public use - regardless of whether they have ever been improved in over a century.

Ownership of Right of Way and Impact of Vacation. Florida law provides that the title of the property owners abutting streets shown on a plat presumptively extends to the center of the street, subject to a public easement. When such a street is lawfully surrendered, the abutting property owners become entitled to the property to the center of the street relieved of the easement. This transfer is automatic - the property owner does not need to obtain a deed or other instrument from the local government to reflect the release of the easement.

Pending Roadway Petition. Bird Drive Mitigation, LLC and the South Florida Water Management District have filed a Petition with Miami-Dade County to vacate two of these platted but unbuilt roads in the immediate vicinity in order to allow for a joint project. There is no proposed impact of the joint project on your site. We expect that this process will take a couple of months.

The Petition requests the vacation of the southern 10 feet of a 330-foot-long segment of the dedicated, but never constructed, farm road that was to be located on the north side of your land. The end result of the petition process will be a formal vacation of the right of way segment, after which that portion of your land will be free of the County's easement.

Your Obligations. You are under no obligation to participate in the petition process, nor will you be responsible for any fees or costs associated with this effort. Of course, you are welcome to participate if you are interested. The responsible contact person for Miami-Dade County is Pablo Rodriguez, who can be reached by phone at (305)375-4654.

Conclusion. Please take a look at the attached materials. If you have any questions or concerns regarding this letter, please do not hesitate to phone my direct line at (305) 377-6229.

Sincerely,


Graham Perin

Enclosures

U.S. Postal Service
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$ 3.50

Extra Services & Fees (check box, add fee if applicable)

Return Receipt (hardcopy) \$ 2.60

Return Receipt (electronic) \$ _____

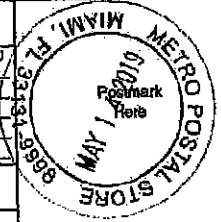
Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ 3.00

Total Postage and Fees \$ 9.30



Sent To Hiro W. Balani c/o Kiran Balani

Street and Apt. No., or PO Box No. BS Dyer Court

City, State, ZIP+4® Norwood, NJ 07048

PS Form 3800, April 2014 PSN 7530-02-000-9047 See Reverse for Instructions

7017 2400 0000 7760 7057

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Hiro W. Balani
c/o Kiran Balani
BS Dyer Court
Norwood, NJ 07048



9590 9402 4061 8079 2605 51

Article Number (Transfer from service label)
7017 2400 0000 7760 7057

COMPLETE THIS SECTION ON DELIVERY

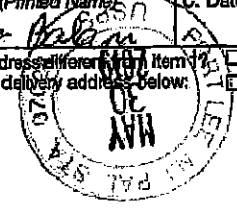
A. Signature Agent Addressee

X Vansha K. Balani

B. Received by (Printed Name) Vansha K. Balani

C. Date of Delivery MAY 1 2015

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:



3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

EXHIBITS

<u>Exhibit</u>	<u>Tab</u>
Property Appraiser Information	A
Original Plat	B
State Statute	C
Road Closing Petition	D

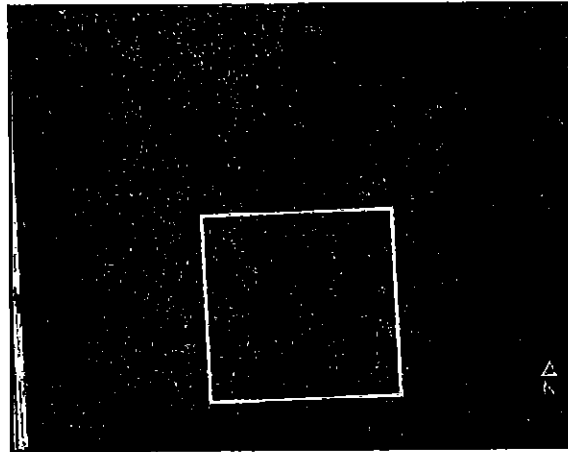


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 2/12/2019

Property Information	
Folio:	30-4930-001-0230
Property Address:	
Owner	HIRO W BALANI C/O KIRAN BUXANI
Mailing Address	85 DYER CT NORWOOD, NJ 07648
PA Primary Zone	9000 AGRICULTURE
Primary Land Use	0981 ACREAGE NOT CLASSIFIED AG : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft.
Living Area	0 Sq.Ft.
Adjusted Area	0 Sq.Ft.
Lot Size	435,600 Sq.Ft.
Year Built	0



Assessment Information			
Year	2018	2017	2016
Land Value	\$120,000	\$120,000	\$50,000
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$120,000	\$120,000	\$50,000
Assessed Value	\$60,500	\$55,000	\$50,000

Benefits Information				
Benefit	Type	2018	2017	2016
Non-Homestead Cap	Assessment Reduction	\$59,500	\$65,000	

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

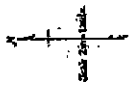
Short Legal Description	
30 54 30 10 AC PB 2-3 MIAMI EVERGLADE LAND CO LTD TRACT 23 LOT SIZE IRREGULAR OR 17831-1005/23255-3937 0987 4	

Taxable Value Information			
	2018	2017	2016
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$60,500	\$55,000	\$50,000
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$120,000	\$120,000	\$50,000
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$60,500	\$55,000	\$50,000

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
08/01/1997	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
06/01/1981	\$1,350,000	11162-0526	Deeds that include more than one parcel
09/01/1980	\$665,000	10889-0263	Deeds that include more than one parcel

21

SUBDIVISION OF
LANDS OF THE
MIAMI EVERGLADE LAND CO. LTD.
DADE COUNTY, FLORIDA.

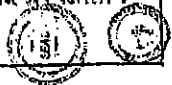


By *[Signature]*
 Notary Public
 State of Florida

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40

[Detailed plat description text, including bearings and distances for various lots and sections.]



Select Year: 2018 Go

The 2018 Florida Statutes

Title XII
MUNICIPALITIES

Chapter 177
LAND BOUNDARIES

[View Entire Chapter](#)

177.081 Dedication and approval.—

(1) Prior to approval by the appropriate governing body, the plat shall be reviewed for conformity to this chapter by a professional surveyor and mapper either employed by or under contract to the local governing body, the costs of which shall be borne by the legal entity offering the plat for recordation, and evidence of such review must be placed on such plat.

(2) Every plat of a subdivision filed for record must contain a dedication by the owner or owners of record. The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon.

~~(3) When a tract or parcel of land has been subdivided and a plat thereof bearing the dedication executed by the owners of record and mortgagees having a record interest in the lands subdivided, and when the approval of the governing body has been secured and recorded in compliance with this part, all streets, alleys, easements, rights-of-way, and public areas shown on such plat, unless otherwise stated, shall be deemed to have been dedicated to the public on the uses and purposes thereon stated. However, nothing herein shall be construed as creating an obligation upon any governing body to perform any act of construction or maintenance within such dedicated areas except when the obligation is voluntarily assumed by the governing body.~~

History.—s. 1, ch. 71-339; s. 2, ch. 79-86; s. 7, ch. 98-20; s. 2, ch. 99-288.

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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 or dedicated public street, alleyway, road, highway, or other place used, or dedicated for use, for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public by dedication or otherwise in and to any land in connection therewith, including, without limitation any dedications accepted by the County pursuant to Resolution 4406 recorded in Official Records Book 1884, Page 501 of the Public Records of Miami-Dade County, Florida; 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 or dedicated on any 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 South 10.00 feet of the Southwest 1/4 of Section 19, Township 54 South, Range 39 East, Miami-Dade County, Florida, Lying East of the West Line of Tract 57 extended Southerly, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD, within said Section 19, according to the Plat thereof as recorded in Plat Book 2 at Page 3, recorded in the Public Records of Miami-Dade County, Florida;

AND

The North 10.00 feet of the Northwest 1/4 of Section 30, Township 54 South, Range 39 East, Miami-Dade County, Florida, Lying East of the West Line of Tract 8 extended Northerly, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD, within said Section 30, according to the Plat thereof as recorded in Plat Book 2 at Page 3, recorded in the Public Records of Miami-Dade County, Florida;

AND

The South 10.00 feet of the North 1/2 of the Northwest 1/4 of Section 30, Township 54 South, Range 39 East, Miami-Dade County, Florida, Lying East of the East Line of the West One-Half of Tract 10 extended Southerly and lying West of the East Line of Tract 10 extended southerly, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD, within said Section 30, according to the Plat thereof as recorded in Plat Book 2 at Page 3, recorded in the Public Records of Miami-Dade County, Florida.

AND

Pablo Rodriguez
[Signature]
3/5/19

The North 10.00 feet of the South 1/2 of the Northwest 1/4 of Section 30, Township 54 South, Range 39 East, Miami-Dade County, Florida, Lying East of the East Line of the West One-Half of Tract 23 extended Northerly and lying West of the East Line of Tract 23 extended Northerly, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO, LTD, within said Section 30, according to the Plat thereof as recorded in Plat Book 2 at Page 3, recorded in the Public Records of Miami-Dade County, Florida.

All containing 1.36 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 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):

Rights of way were depicted on the Subdivision of the Lands of the Everglade Land Co., Ltd., Plat Book 2, Page 3.

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
South Florida Water Management District	30-4919-001-0590	3301 Gun Club Road, West Palm Beach, FL 33406
	30-4930-001-0080	
	30-4930-001-0070	
	30-4930-001-0060	
	30-4930-001-0100	
	30-4930-001-0110	
	30-4919-001-0600	
Miami-Dade County Water and Sewer	30-4930-001-0050	N/A
Bird Drive Mitigation, LLC	30-4919-001-0580	150 W. Flagler Street, #2200 Miami, FL 33130
L&I of Miami, Inc.	30-4919-001-0570	N/A
Hiro W. Balani	30-4930-001-0230	N/A

7. Signatures of Petitioners:

Respectfully submitted,

Address:
3301 Gun Club Road
West Palm Beach, FL 33406

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By: 
Ernie Marks, Executive Director

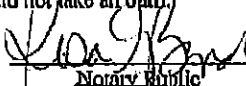

LEGAL FORM APPROVED:
District Office of Counsel


Thomas R. Sawyer 2/26/19

Attorney for Petitioners:
Graham Penn
Bercow Radell Fernandez & Larkin, PLLC
200 S. Biscayne Blvd., Suite 850
Miami, FL 33131

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 27 day of February
2019, by Ernie Marks, as Executive Director for South Florida Water Management District,
who is personally known to me and who did not take an oath.


Notary Public

ROSA E BYRD
My Commission # FF241165
Expires June 17, 2019
My Commission Expires

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. **GROUND FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST:** The undersigned submits as grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

The right of way segments proposed to be vacated are small platted "farm roads" dedicated more than a century ago but never improved. The segments run through jurisdictional wetlands owned largely by the South Florida Water Management District and are essentially undevelopable. As twenty (20) foot wide rights of way, the platted roads are below the minimum width required in Miami-Dade County and therefore will serve no future purpose.

The non-Petitioner abutting landowners will become entitled to the property to the center of the roadway segments relieved of the County's easement. Section 177.085 of the Florida Statutes provides that, upon the abandonment of the easement in favor of the public, all rights to the former right of way revert to the owners of the lots abutting the closed roadway segment.

The Petitioners, through Zoning Application PH No.17-347, have submitted a potential future alignment for Miller Drive (SW 56 Street) that, if the County ever determines it is necessary, can be dedicated and improved to a full eighty (80) feet in width. That potential right of way alignment will allow the County to retain access in this area, assuming that the County determines that Miller Drive should be extended outside of the Urban Development Boundary. Should the County make such a determination to extend Miller Drive, then the exact location, alignment, width and services ancillary to any such road extension through South Florida Water Management District ("SFWMD") property will not encumber, burden or restrict the fee of any SFWMD property without SFWMD Governing Board approval.

[NO FURTHER TEXT ON THIS PAGE]

Respectfully submitted,

Address:
150 W. Flagler Street, #2200
Miami, FL 33130

BIRD DRIVE MITIGATION, LLC


By: 
Scott Greenwald, Manager

Attorney for Petitioners:
Graham Penn
Bercow Radell Fernandez & Larkin, PLLC
200 S. Biscayne Blvd., Suite 850
Miami, FL 33131

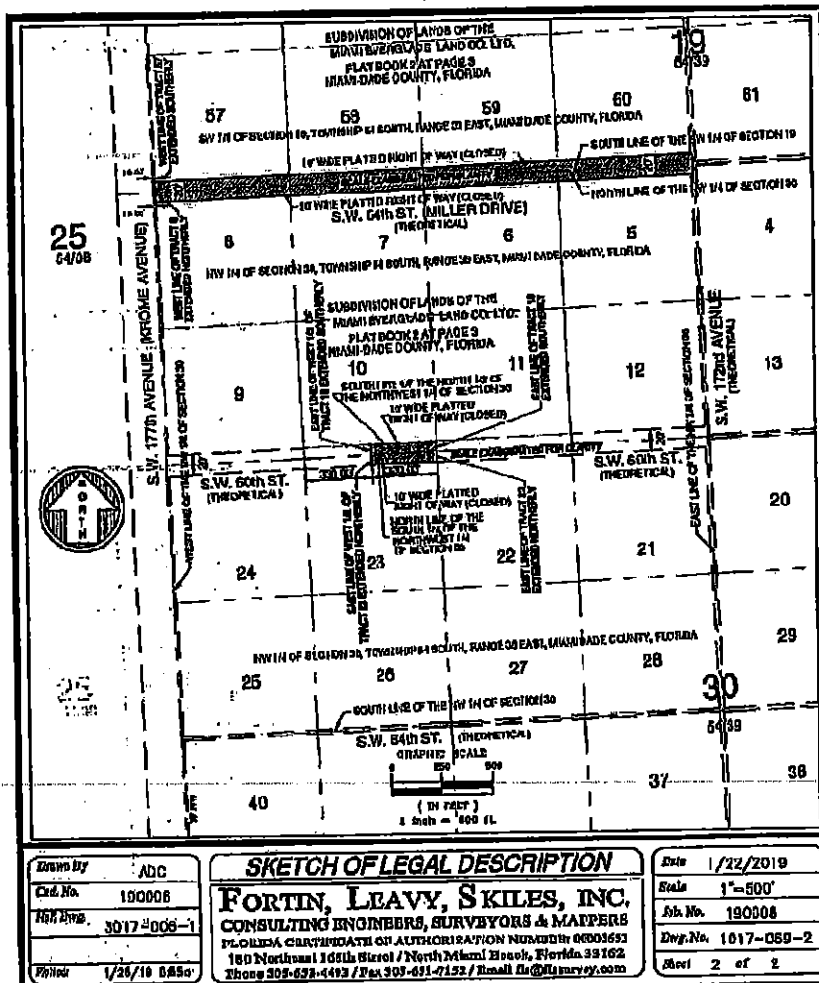
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, on this 28 day of February 2019, personally appeared Scott Greenwald, Manager of Bird Drive Mitigation, LLC, who first by me duly sworn, deposes and says that Bird Drive Mitigation, LLC is a petitioner named in and which signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of the petitioner; that he/she has read the foregoing petition and that the statements therein contained are true.




Notary Public
Susan Robinson
My Commission No.: FF949605
My Commission Expires: 1/11/2020

SKETCH AND LEGAL. (Page 2 of 2)



Drawn by	ADC
Ord. No.	190008
Plan No.	3017-008-1
Date	1/26/19 BAS

SKETCH OF LEGAL DESCRIPTION

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 06003653
 160 Northeast 106th Street / North Miami Beach, Florida 33162
 Phone 305-652-4493 / Fax 305-651-7132 / Email fl@ltsurvey.com

Date	1/22/2019
Scale	1"=500'
Sub. No.	190008
Draw. No.	1017-059-2
Sheet	2 of 2