

MEMORANDUM

Agenda Item No. 5(G)

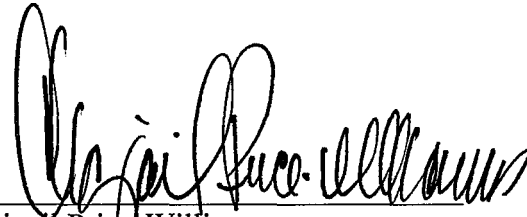
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 5, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution granting road closing
petition for SW 184 Court
beginning 355 feet south of SW
248 Street south for
approximately 641 feet (Road
Closing Petition No. P-954)

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

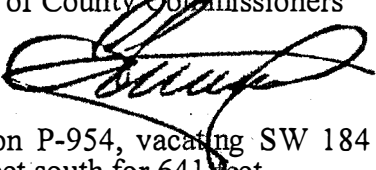
APW/uw

Memorandum



Date: May 5, 2020

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

From: Carlos A. Gimenez
Mayor 

Subject: Road Closing Petition P-954, vacating SW 184 Court beginning 355 feet
south of SW 248 Street south for 641 feet

Recommendation

It is recommended that the Board of County Commissioners (Board) grant Road Closing Petition P-954, attached to this Memorandum as Exhibit 2, following a public hearing. The Miami-Dade County Departments of Transportation and Public Works (DTPW), Regulatory and Economic Resources, Water and Sewer and Fire Rescue have no objection to this road closing. A location map is attached as Exhibit 1. The existing road consists of a dirt/gravel driveway ranging from 11 to 15 feet in width.

Scope

This Road Closing is located within County Commission District 8, represented by Commissioner Daniella Levine Cava.

Fiscal Impact/Funding Source

All the properties abutting the right-of-way to be abandoned are tax-exempt. Therefore, the granting of this petition will not result in an increase in revenue from property taxes.

Track Record/Monitor

DTPW is the entity overseeing this project and the person responsible for monitoring is Mr. Alejandro Barrios, Manager, Stormwater Engineering and Right-of-Way Division.

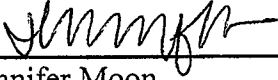
Background

The petitioner, Miami-Dade County Department of Parks, Recreation and Open Spaces, wishes to close SW 184 Court, beginning 355 feet south of SW 248 Street and then proceeding south for approximately 641 feet, in order to incorporate this land into the Redland Fruit & Spice Park. The two parcels abutting the east side of the subject right-of-way are also owned by the same County department. This road closing is part of a larger plan for park expansion and improvements.

The subject right-of-way was dedicated to the County in 1972 by the deed recorded in Official Records Book 7646, Page 129, of the Public Records of Miami-Dade County, Florida. The subject right-of-way is zoned AU (Agricultural District) and currently contains a gravel road that is used to access rear areas of the park. This gravel road extends from the subject right-of-way

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

northward to SW 248 Street, crossing County property on a 25-foot-wide ingress/egress easement. No records were found that dedicated this gravel road easement to the County as a public right-of-way.

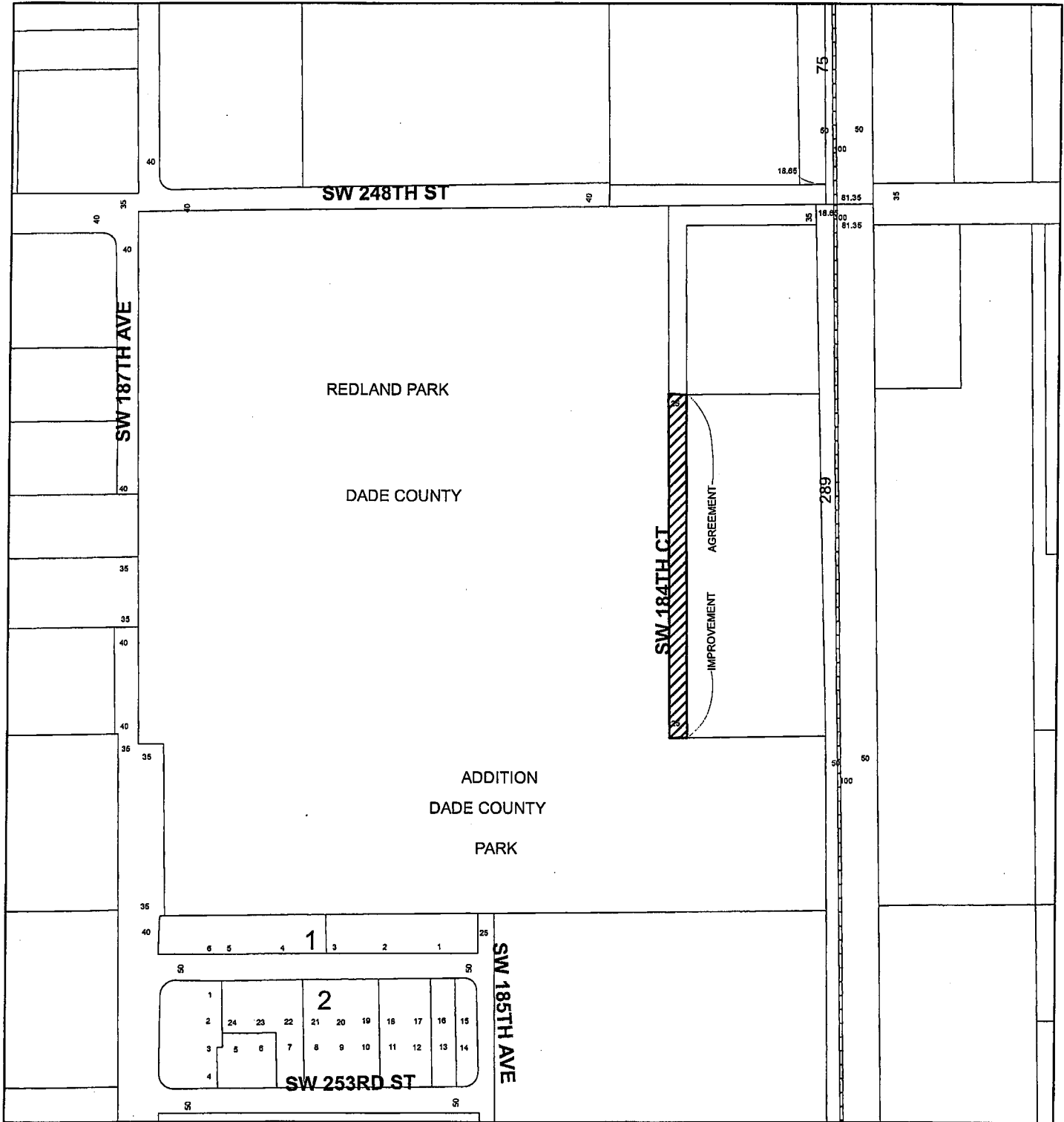


Jennifer Moon
Deputy Mayor

EXHIBIT 1

Location Map

SECTION 25 TOWNSHIP 56 S RANGE 38 E






This is not a survey

P- 954

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Daniëlla Levine Cava 8

Legend

-  P-954 ROAD CLOSING
-  psde2.MDC.Rail
-  psde2.MDC.PaParcel

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

Date: September 19, 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 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 25 FEET OF THE NORTH 3/4 OF THE EAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 56 SOUTH, RANGE 38 EAST, IN MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 355 FEET THEREOF. PARCEL AREA: 16,031 SQUARE FEET OR 0.368 ACRES +/-

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):

Portion of Right-of-way was dedicated to the County by ORB 7646, Page 129.

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.

SEE EXHIBIT "A"

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
MIAMI-DADE COUNTY	30-6825-000-0170	24801 SW 187 AVE
PARKS, RECREATION	30-6825-000-0160	18400 SW 248 ST
AND OPEN SPACES	30-6825-000-0161	24905 SW 184 CT
		HOMESTEAD, FL 33031

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):

Southwest 184th Court is an unimproved, generally 25-foot wide right-of-way dedicated by ORB 7646, Page 129 located east of the existing Redland Fruit and Spice Park boundary. Miami-Dade PROS acquired the two parcels east of the park in 1996 and 2006. No demand or traffic from neighbors exists on this road that would ensue for new construction, nor is physically open to vehicular traffic. SW 184th Ct does not continue further south to the next southern street in the neighborhood, SW 252nd Street.

The right-of-way proposed to be vacated will be incorporated into Redland Fruit and Spice Park, in accordance with the park's General Facilities hearing to update the General Plan.

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

SIGNATURE:



ADDRESS:

275 NW 2nd Street, Miami, FL 33128

MIAMI-DADE COUNTY	30-6825-000-0170	24801 SW 187 AVE
PARKS, RECREATION	30-6825-000-0160	18400 SW 248 ST
AND OPEN SPACES	30-6825-000-0161	24905 SW 184 CT
		HOMESTEAD, FL 33031

Attorney for Petitioner

Address: 111 NW 1st Street, Miami, FL 33128
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared _____
MARIA I. NARDI, 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.

Maria Nardi
(Signature of Petitioner)

Sworn and subscribed to before me this
10 day of SEP., 2019

[Signature]
Notary Public State of Florida at Large

My Commission Expires: 9-13-21

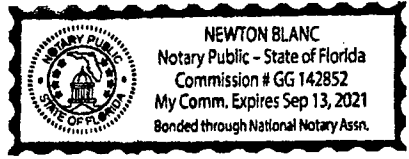
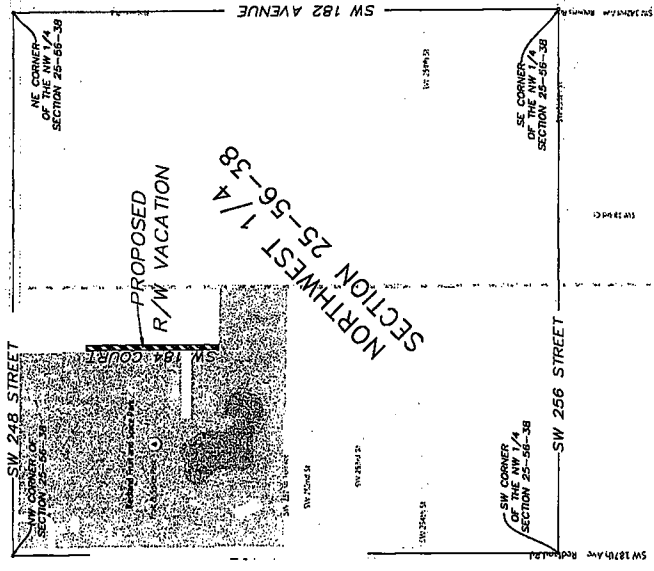
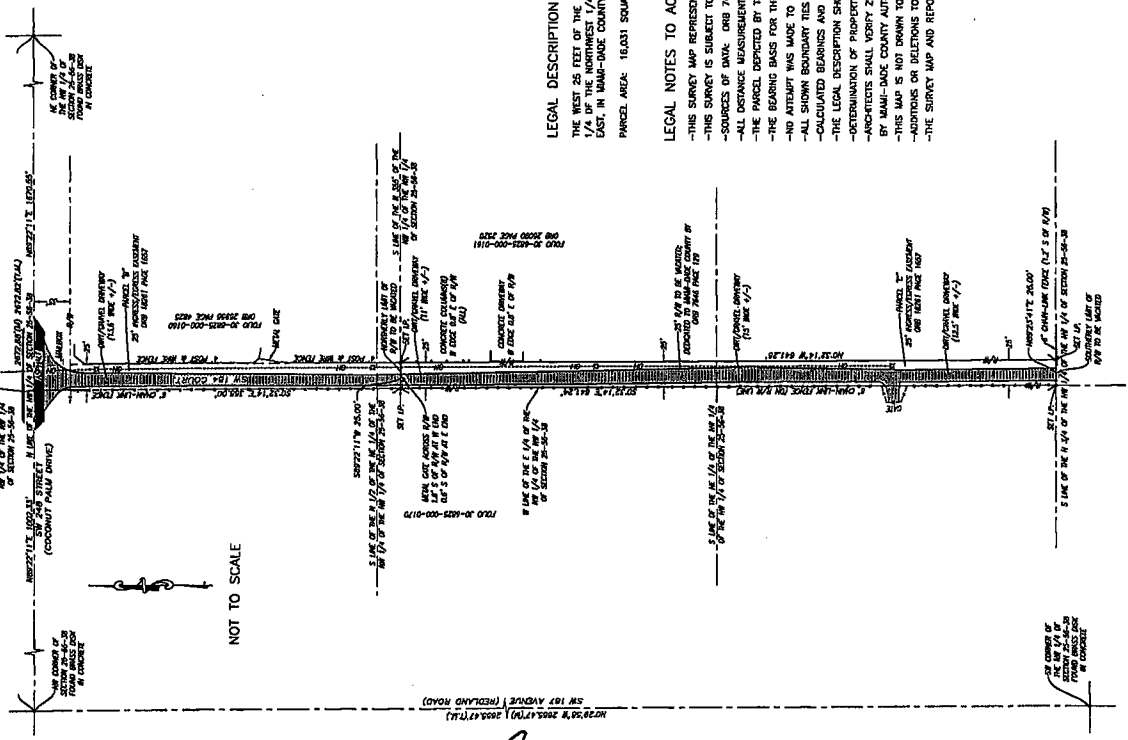


EXHIBIT "A"

BOUNDARY SURVEY
SOUTHWEST 184 COURT AT THE FRUIT & SPICE PARK



- LEGEND**
- 7 CITY WIRE ANCHOR
 - ⊗ SIGN
 - ⊗ WOODEN UTILITY POLE

- ABBREVIATIONS AND MEANINGS**
- DTPM MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS
 - I.P. IRON PIPE (1/2" DIA. "MIAMI-DADE" CAP)
 - (C) MEASURED
 - ON OVERHEAD UTILITY WIRES
 - ORB OFFICIAL RECORDS BOOK OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY
 - PG PAGE
 - PSM PROFESSIONAL SURVEYOR AND MAPPER
 - R/W RIGHT-OF-WAY OR THE LIMIT THEREOF
 - (T-4) PER MIAMI-DADE COUNTY TOWNSHIP MAP
 - +/- MORE OR LESS

LEGAL DESCRIPTION OF PARCEL:
 THE WEST 20 FEET OF THE NORTH 3/4 OF THE EAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 56 SOUTH, RANGE 38 EAST, IN MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 358 FEET THEREOF.
 PARCEL AREA: 16,031 SQUARE FEET OR 0.368 ACRES +/-

LEGAL NOTES TO ACCOMPANY BOUNDARY SURVEY

- THIS SURVEY MAP REPRESENTS A BOUNDARY SURVEY.
- THIS SURVEY IS SUBJECT TO DEDICATIONS, DONATIONS, RESTRICTIONS, OR EASEMENTS (IF ANY) WHICH WERE SUPPLIED BY THE CLIENT.
- SOURCES OF DATA: ORB 7646 PAGE 129, ORB 19261 PAGE 1657, ORB 25000 PAGE 2520, AND ORB 29955 PAGE 4265, ALL OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
- ALL DISTANCE MEASUREMENTS WERE MADE IN UNITED STATES SURVEY FEET, UNLESS SHOWN OTHERWISE.
- THE PARCEL DEPICTED BY THIS SURVEY IS LOCATED IN SECTION 25, TOWNSHIP 56 SOUTH, RANGE 38 EAST, IN MIAMI-DADE COUNTY, FLORIDA.
- THE BEARING BASIS FOR THIS SURVEY IS NORTH 82°22'11" EAST ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 56 SOUTH, RANGE 38 EAST.
- NO ATTEMPT WAS MADE TO LOCATE UNDERGROUND UTILITIES, FOOTINGS, BUILDINGS, OR SETBACKS AND THEY WILL BE RESPONSIBLE FOR SUBMITTING PLAT PLANS WITH THE CORRECT INFORMATION FOR THE APPROVAL BY THE COUNTY AUTHORITIES IN ALL CONSTRUCTIONS, UNLESS OTHERWISE NOTED.
- ALL SHOWN BOUNDARY TIES ARE MEASURED PERPENDICULAR TO THE INDICATED REFERENCE LINES.
- CALCULATED BEARINGS AND DISTANCES ARE SHOWN UNLESS OTHERWISE NOTED.
- THE LEGAL DESCRIPTION SHOWN HEREON IS BASED UPON THE "RIGHT-OF-WAY" DEED TO DADE COUNTY ACCORDING TO ORB 7646 PAGE 129 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY.
- DETERMINATION OF PROPERTY OWNERSHIP IS DEPENDENT UPON AN OPINION OF TITLE. NO OPINION OF TITLE WAS PROVIDED FOR THIS SURVEY.
- ADJACENT SHALL VERIFY ZONING REGULATIONS, RESTRICTIONS AND SETBACKS AND THEY WILL BE RESPONSIBLE FOR SUBMITTING PLAT PLANS WITH THE CORRECT INFORMATION FOR THE APPROVAL BY THE COUNTY AUTHORITIES IN ALL CONSTRUCTIONS, UNLESS OTHERWISE NOTED.
- ADJACENT OR BELONGS TO THE SURVEYOR'S MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THE SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

I HEREBY CERTIFY:

THAT I AM A MEMBER OF THE SOCIETY OF PROFESSIONAL SURVEYORS AND MAPMEN OF FLORIDA AND AM LICENSED AS SUCH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPMERS OF FLORIDA. I HAVE READ AND CONSENT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS TO THE TRUTH AND ACCURACY OF THE INFORMATION CONTAINED IN THIS SURVEY MAP AND REPORT AND I AM NOT PROVIDING ANY SERVICE IN VIOLATION OF THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPMERS. I HAVE READ AND CONSENT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS TO THE TRUTH AND ACCURACY OF THE INFORMATION CONTAINED IN THIS SURVEY MAP AND REPORT AND I AM NOT PROVIDING ANY SERVICE IN VIOLATION OF THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPMERS.

[Signature]
 FOR THE DTPM SURVEYOR & MAPPER
 ROADWAY ENGINEERING & MAPPING, INC.

SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

Project Title: BOUNDARY SURVEY SOUTHWEST 184 COURT FRUIT & SPICE PARK	 MIAMI-DADE Department of Transportation and Public Works Survey Section 111 N.W. 23rd Street, Room 4110 Miami, Florida 33135 (305-375-3307)	Date: 10/10/2018 Drawing #: 184-01 Field Book #: 184
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MEMORANDUM
(Revised)

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

DATE: May 5, 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)
5-5-20

RESOLUTION NO. _____

RESOLUTION GRANTING ROAD CLOSING PETITION FOR
SW 184 COURT BEGINNING 355 FEET SOUTH OF SW 248
STREET SOUTH FOR APPROXIMATELY 641 FEET (ROAD
CLOSING PETITION NO. P-954)

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

WHEREAS, Road Closing Petition No. P-954 was signed by all property owners abutting the right-of-way sought to be closed; 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. Road Closing Petition No. P-954 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. 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. | Daniella Levine Cava |
| Jose “Pepe” Diaz | Sally A. Heyman |
| Eileen Higgins | Barbara J. Jordan |
| Joe A. Martinez | Jean Monestime |
| Dennis C. Moss | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of May, 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