

MEMORANDUM

Agenda Item No. 5(H)

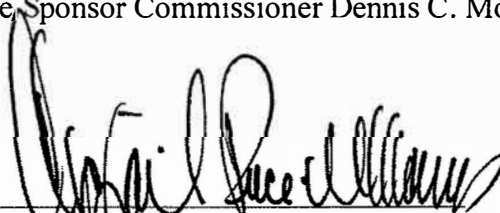
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 5, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution taking action
on petition to close SW 184
Avenue from theoretical SW
154 Street to SW 152 Street
(Vacation of Right-of-Way
Petition No. P-946)

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



Abigail Price-Williams
County Attorney

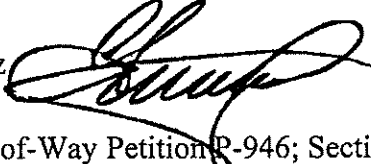
APW/smm

Memorandum



Date: May 5, 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-946; Section 25-55-38; SW 184 Avenue from
Theoretical SW 154 Street to SW 152 Street

It is recommended that the Board of County Commissioners (Board) grant the attached Vacation of Right-of-Way Petition P-946 (Exhibit "A") 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 this unimproved right-of-way being closed.

Scope

This Vacation of Right-of-Way is located within County Commission District 9, represented by Commissioner Dennis C. Moss.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at an average of \$50,000 per acre. Therefore, the estimated value of this right-of-way would be approximately \$17,957.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$310.00 per year in additional property taxes. The fee for this road closing is \$3,755.66.

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 property owner abutting the subject right-of-way wishes to close SW 184 Avenue from theoretical SW 154 Street to SW 152 Street in order to incorporate that land into their parcel. The right-of-way being closed has never been improved nor maintained by Miami-Dade County. The right-of-way is currently grass-covered land and a shed constructed by a property owner is on the property.

The subject right-of-way was dedicated to the County in 1989 by the Right-of-Way Deed recorded in Official Records Book 14262, Page 2768, of the Public Records of Miami-Dade County, Florida. The subject right-of-way is outside of the Urban Development Boundary and is zoned GU (Interim District).



Jennifer Moon
Deputy Mayor

EXHIBIT "A"

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 West ½ of the NW ¼ of the NE ¼ of the NW ¼ of Section 25, Township 55 South, Range 38 East, Miami-Dade County Florida, less the North 40 feet thereof; and the area bounded by the south line of said North 40 feet, by the east line of said west 25 feet and bounded by a 25 foot radius arc concave to the southeast, said arc being tangent to both of the last described lines.

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:

This right of way was dedicated in 1989 by an instrument which is recorded in Official Records Book 14262, Page 2768, 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.

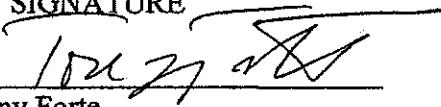
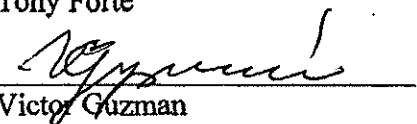
PRINT NAME	FOLIO NO.	ADDRESS
<u>Tony Forte</u>	<u>30-5825-000-0350</u>	<u>18377 SW 154 St., Miami, FL 33187</u>
<u>Victor Guzman</u>	<u>30-5825-000-0420</u>	<u>18407 SW 154 St., Miami, FL 33187</u>

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

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

RIGHT OF WAY W 25 FEET LEAD TO PRIVATE STREET
(154 ST) COUNTY IS NOT PLANNING TO UTILIZE SAID
RIGHT OF WAY

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

SIGNATURE	ADDRESS
 Tony Forte	<u>18377 SW 154 St., Miami, FL 33187</u>
 Victor Guzman	<u>18407 SW 154 St., Miami, FL 33187</u>

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

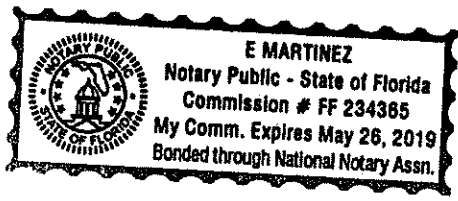
STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared TONY FORTE
_____, 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.

Tony Forte
(Signature of Petitioner)

Sworn and subscribed to before me this

19th day of April, 2019
[Signature]
Notary Public State of Florida at Large



My Commission Expires: _____

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5102 SW 131st Avenue,
Miami, Florida, 33175

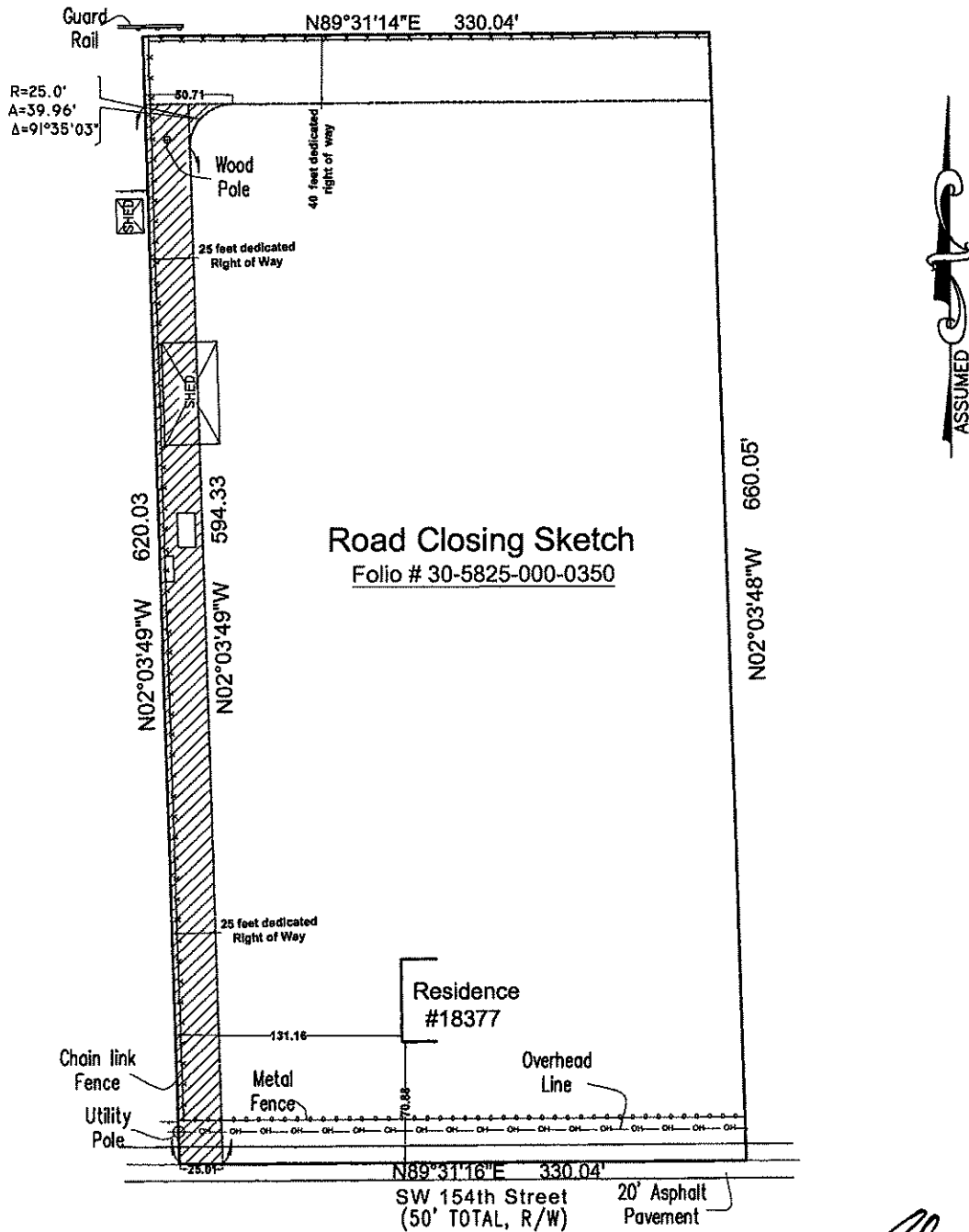
Esteban Ortiz, PLSM

Phone (786) 541-4455
Survey.IG@yahoo.com

Land Surveyor & Planner

Property Address: 18377 SW 154th Street, Miami, Florida, 33187.

Legal Description: The West 25 feet of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 55 South, Range 38 East, Miami-Dade County, Florida, less the North 40 feet thereof; and the area bounded by the south line of said North 40 feet, by the East line of said west 25 feet and bounded by a 25 foot radius arc concave to the southeast, said arc being tangent to both of the last described lines. Containing an Area of 15643.80 s.f.



Road Closing Sketch
Folio # 30-5825-000-0350

Scale 1"=100'
Date: 03-21-2019
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mappers


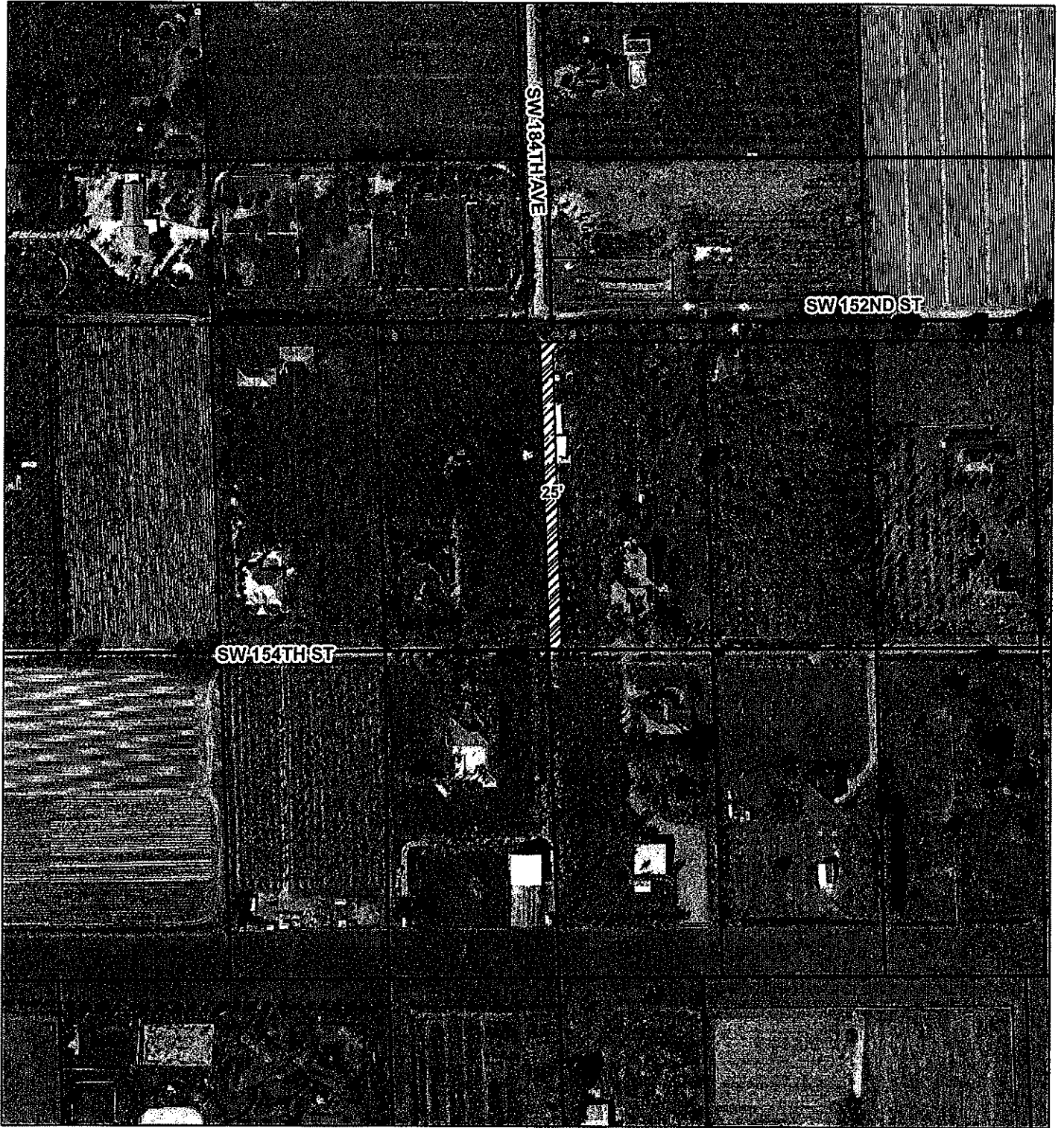

Esteban Ortiz, PLSM 5927

EXHIBIT "B"

Location Map

SECTION 25 TOWNSHIP 55 S RANGE 38 E



This is not a survey

P- 946

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

Legend



P-946- ROAD CLOSING

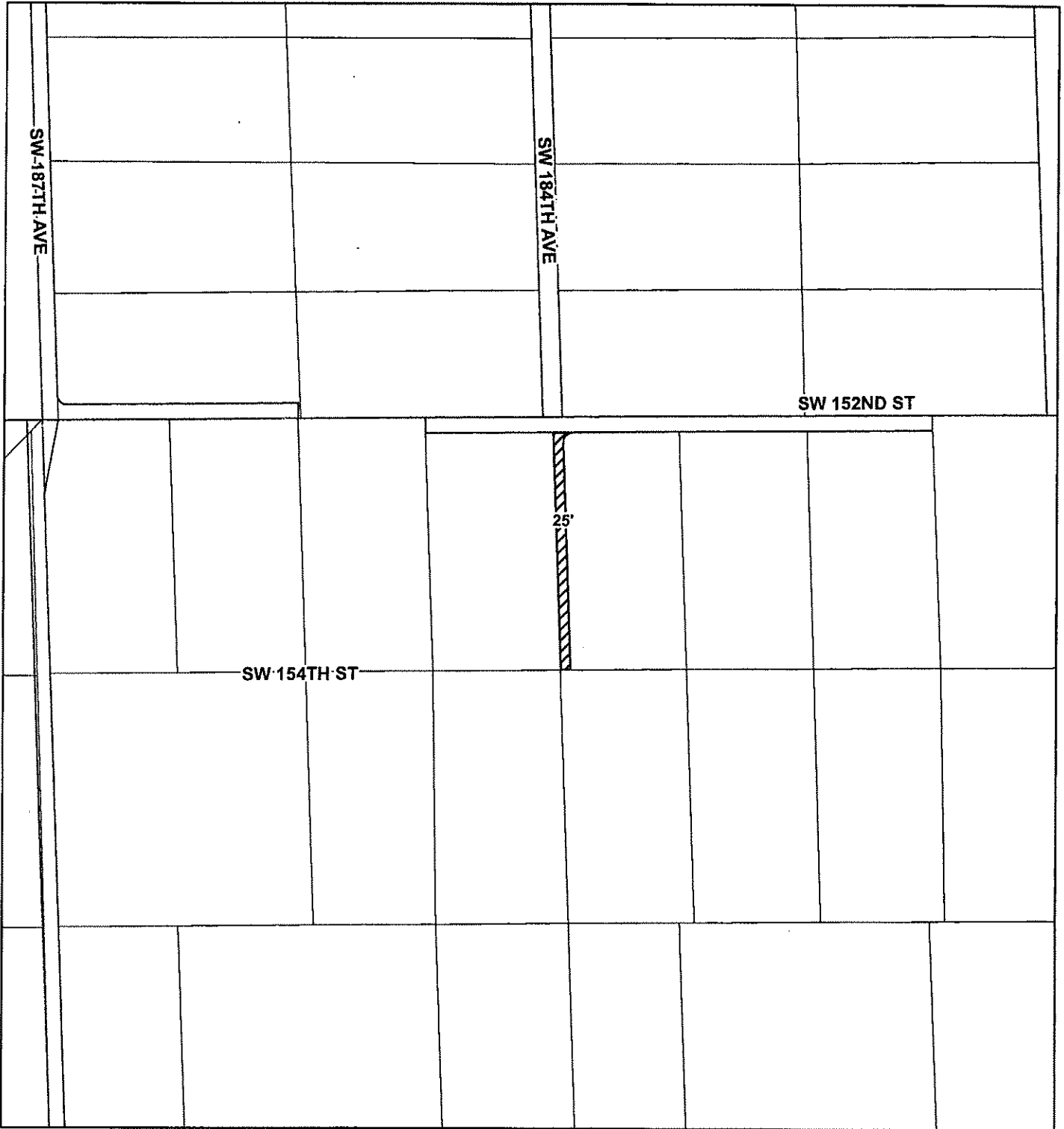
MIAMI-DADE COUNTY
Department of Transportation & Public Works
Roadway Engineering and Right-of-Way Division
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825

Date: April 26, 2019
Prepared by: ym

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Location Map

SECTION 25 TOWNSHIP 55 S RANGE 38 E



This is not a survey

P- 946

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

Legend



P-946- ROAD CLOSING

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) 375-2826

Date: April 26, 2010
Prepared by : ym

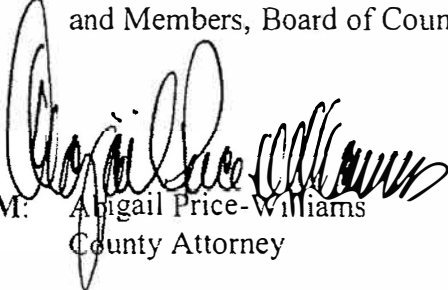
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MEMORANDUM
(Revised)

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

DATE: May 5, 2020

FROM: 
Angail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(H)

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(H)
5-5-20

RESOLUTION NO. _____

RESOLUTION TAKING ACTION ON PETITION TO CLOSE
SW 184 AVENUE FROM THEORETICAL SW 154 STREET TO
SW 152 STREET (VACATION OF RIGHT-OF-WAY PETITION
NO. P-946)

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

WHEREAS, Vacation of Right-of-Way Petition No. P-946 was signed by all property owners abutting on the road 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. Vacation of Right-of-Way Petition No. P-946 is hereby granted and the alley, avenue, street, highway or other place used for travel as described in the petition attached as Exhibit "A" 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 alley, avenue, street, highway or other place used for travel 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.

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

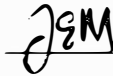
The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of May, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by 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