

# MEMORANDUM

Agenda Item No. 5(F)

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**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** April 4, 2023

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution granting petition to close a portion of SW 229 Terrace between SW 127 Avenue and the South Dade Transitway (busway) and a remaining portion of SW 126 Road (also known as North Loop) lying east of SW 127 Avenue and southwest of SW 229 Terrace (Vacation of Right-of-Way Petition No. P-993) filed by Thomas B. Ward Jr. and Delores A. Ward; and waiving the signature requirements of Resolution No. 7606 as to adjacent property owners

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



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Geri Bonzon-Keenan  
County Attorney

GBK/ks


MDC001

# Memorandum



**Date:** April 4, 2023

**To:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor 

**Subject:** Vacation of Right-of-Way Petition P-993, Section: 13-56-39, SW 229 Terrace Between SW 127 Avenue and the South Dade Transitway (Busway); and a Remaining Portion of SW 126 Road (also known as North Loop) Lying East of SW 127 Avenue and Southwest of SW 229 Terrace, Commission District: 8

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## **Executive Summary**

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by Mr. Thomas B. Ward, Jr. and Ms. Delores A. Ward to vacate the subject portion of County right-of-way. If this petition is granted, the underlying lands will become incorporated into the abutting properties. The owners of all the abutting properties wish to close the portion of the SW 229 Terrace Between SW 127 Avenue and the South Dade Transitway (Busway) and a remaining portion of SW 126 Road (also known as North Loop) lying east of SW 127 Avenue and southwest of SW 229 Terrace to incorporate the land into their properties for development purposes for the Children's Rainbow Day School on the petitioners' properties to the north and the Miami-Dade County Fire Rescue Department's proposed fire station on the properties to the south.

The subject portion of right-of-way is covered with grass, trees, and brush and has never been improved nor maintained by Miami-Dade County. The \$21,046.21 fee for this Vacation of Right-of-Way petition has been paid.

## **Recommendation**

It is recommended that the Board grant Vacation of Right-of-Way Petition P-993, attached to this Memorandum as Exhibit 2, 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 portion of right-of-way being vacated. This request conforms with County regulations governing the procedures for the vacation of County right-of-way as set forth in Resolution No. 7606. The subject portion of right-of-way includes areas of grass, trees, and brush. Location maps are attached as Exhibit 1.

## **Scope**

The subject Vacation of Right-of-Way petition is located within District 8, which is represented by Commissioner Danielle Cohen Higgins.

## **Fiscal Impact/Funding Source**

The Property Appraiser's Office has assessed the properties adjacent to the subject portion of right-of-way at an average rate of \$9.90 per square foot. Therefore, the estimated value of the subject land is \$190,862. However, all the properties abutting the subject portion of right-of-way are tax-exempt. Therefore, the granting of this petition will not result in an increase in revenue from property taxes. The fee for this Vacation of Right-of-Way petition is \$21,046.21.

Attachments: Exhibit 1 – Location Maps, Exhibit 2 – Vacation of Right-of-Way Petition P-993, Exhibit "A" – Boundary Survey

MDC002

**Track Record/Monitor**

DTPW is the entity overseeing this project and the person responsible for monitoring is Maria D. Molina, P.E., Chief, Right-of-Way Division.

**Delegated Authority**

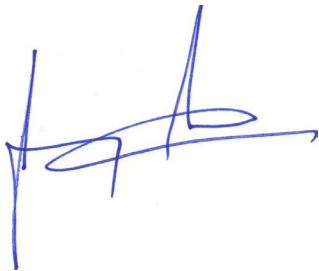
There is no delegation of authority associated with this item.

**Background**

The owners of all the abutting properties wish to close the portion of the SW 229 Terrace Between SW 127 Avenue and the South Dade Transitway (Busway) and a remaining portion of SW 126 Road (also known as North Loop) lying east of SW 127 Avenue and southwest of SW 229 Terrace to incorporate the land into their properties for development purposes for the Children's Rainbow Day School on the petitioners' properties to the north and the Miami-Dade County Fire Rescue Department's proposed fire station on the properties to the south.

The subject portion of right-of-way is covered with grass, trees, and brush and has never been improved nor maintained by Miami-Dade County. A segment of wooden rail fence encroaches upon the subject portion of right-of-way to be closed.

The subject lands were dedicated to Miami-Dade County for perpetual use of the public in 1926 by the plat of SILVER PALM PARK, recorded in Plat Book 25, at Page 13, of the Public Records of Miami-Dade County, Florida. Four of the abutting properties are zoned RU-1 (Single-Family Residential District, 7,500 square feet net). One abutting property is zoned GU (Interim District).



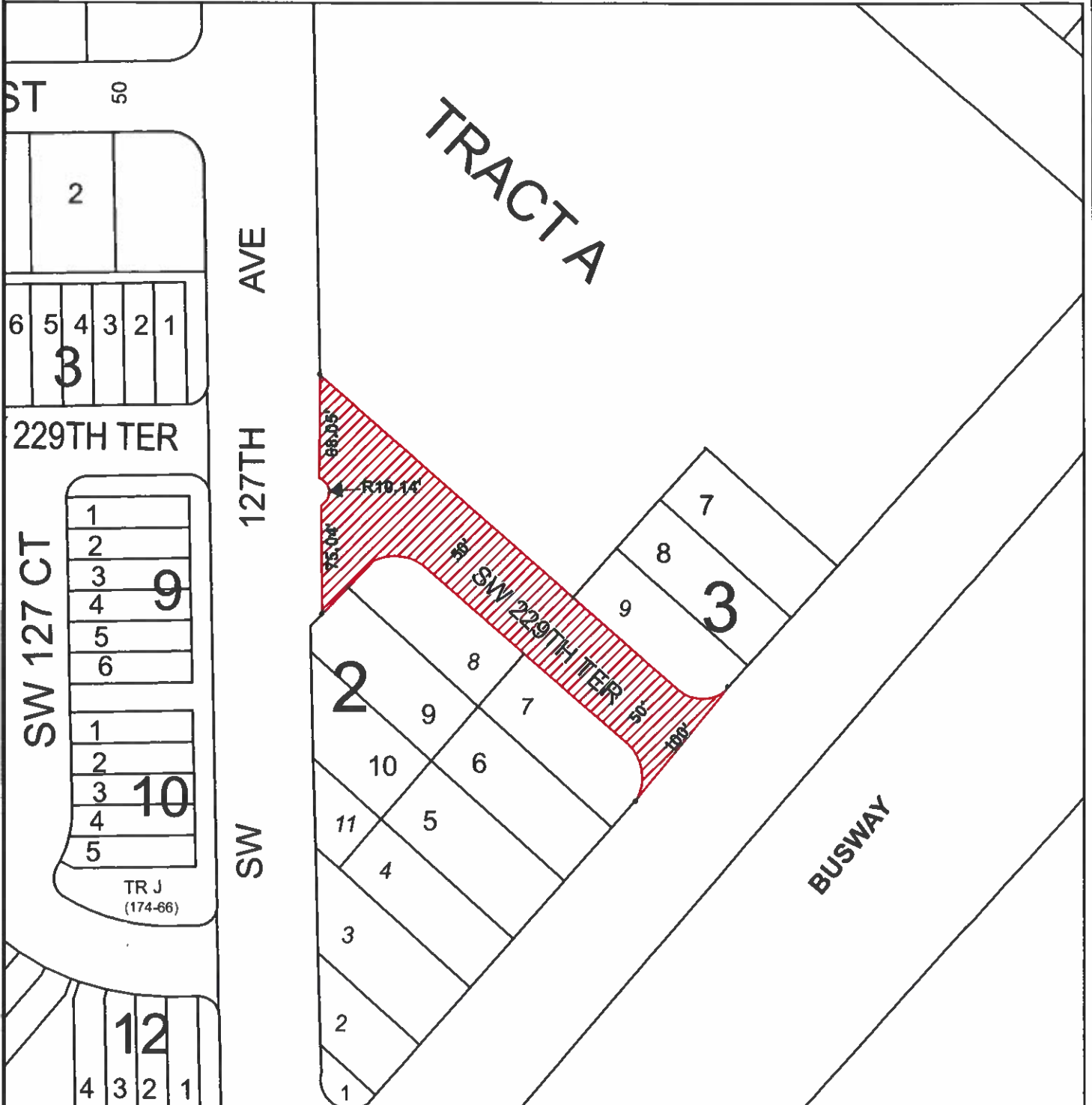
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Jimmy Morales  
Chief Operations Officer

# Location & Aerial Map

SECTION 13 TOWNSHIP 56 S RANGE 39 E

## EXHIBIT "1"



This is not a survey

### P- 993

Municipality: UNINCORPORATED MIAMI-DADE  
Commission District: Danielle Cohen Higgins 8

### Legend



P-993 ROAD CLOSING

MIAMI-DADE COUNTY  
Department of Transportation and Public Works  
Right-of-Way Division  
111 NW 1st Street, Suite 1610,  
Miami, Florida 33128  
PH (305) 375-2714 FAX (305) 375-2825

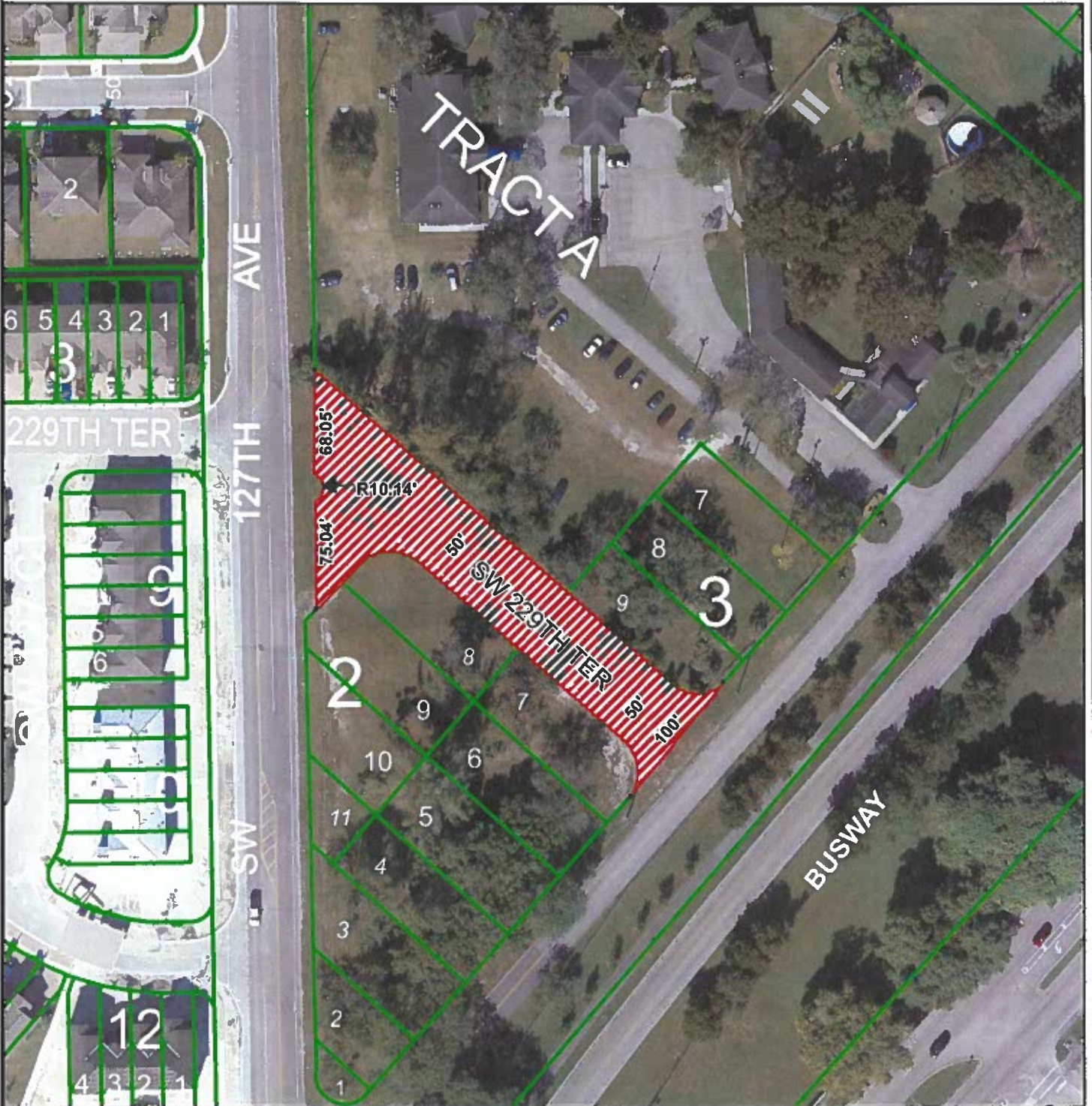
Date: May 10, 2022  
Prepared by : ym

MDC004

# Location & Aerial Map

SECTION 13 TOWNSHIP 56 S RANGE 39 E

## EXHIBIT "1"



This is not a survey

### P- 993

Municipality: UNINCORPORATED MIAMI-DADE  
Commission District: Danielle Cohen Higgins 8

### Legend



P-993 ROAD CLOSING

MIAMI-DADE COUNTY  
Department of Transportation and Public Works  
Right-of-Way Division  
111 NW 1st Street, Suite 1610,  
Miami, Florida 33128  
PH (305) 375-2714 FAX (305) 375-2825

Date: May 10, 2022  
Prepared by: ym

MDC005

## 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:

Portion of S.W. 229th Terrace and North Loop (S.W. 126th Road) Right-of-Way, lying Northwesterly of Old Dixie Highway, Miami-Dade County, Florida, more particularly described as follows:

Begin at the most Southwesterly corner of Tract "A", of "THE CHILDREN'S RAINBOW DAY SCHOOL", according to the plat thereof, as recorded in Plat Book 145, at Page 47, of the Public Records of Miami-Dade County, Florida; thence run S48° 40'50"E, along the Southwesterly line of Lot 9, Block 3, of "SILVER PALM PARK", according to the plat thereof, as recorded in Plat Book 25, at Page 13, of the Public Records of Miami-Dade County, Florida, for a distance of 100.00 feet to a point of curvature of a circular curve to the Left, concave to the North; thence Southeasterly, Easterly and Northeasterly along the arc of said curve, having for its elements a radius of 25.00 feet, through a central angle of 90° 00'00" for an arc distance of 39.27 feet to a point of cusp; thence run S41° 19'10"W for a distance of 100.00 feet to a point of cusp with the arc of a circular curve to the Left, concave to the West, a radial line from said point bears N48° 40'50"W; thence Northeasterly, Northerly and Northwesterly along the arc of said curve, having for its elements a radius of 25.00 feet, through a central angle of 90° 00'00" for an arc distance of 39.27 feet to a point of tangency; thence run N48° 40'50"W, along the Northeasterly line of Lots 7 and 8, Block 2 of said plat of "SILVER PALM PARK" for a distance of 200.00 feet a point of curvature of a circular curve to the Left, concave to the South; thence Northwesterly, Westerly and Southwesterly along the arc of said curve, having for its elements a radius of 25.00 feet, through a central angle of 90° 00'00" for an arc distance of 39.27 feet to a point of tangency; thence run S41° 19'10"W, along the Northwesterly line of Lots 8 and 9, Block 2, of said plat of "SILVER PALM PARK", for a distance of 43.90 feet to its intersection with a line parallel with and 40.00 feet East of the West Line of the Southwest 1/4 of the Southwest 1/4 of Section 13, Township 56 South, Range 39 East, Miami-Dade County, Florida; thence run N01° 01'51 "W, along the last described line for a distance of 75.04 feet to its intersection

with the arc of a circular curve to the Left, concave to the West, a radial line from said point bears N29°40'50"W; thence Northeasterly, Northerly and Northwesterly along the arc of said curve, having for its elements a radius of 10.14 feet, through a central angle of 122°42'02" for an arc distance of 21.71 feet to a point on a none tangential line, said curve being coincident with the Tract line of Park Tract of said plat of "Silver Palm Park"; thence run N01°01'51"W, along the a line parallel with and 40.00 feet East of the West line of the Southwest 1/4, of the Southwest 1/4 of said Section 13 for a distance of 68.05 feet; thence run S48°40'50"E, along the Southwesterly line of said Tract "A" for a distance of 233.38 feet to the POINT OF BEGINNING.

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):

- Plat - Plat Book 25, Page 13 in the Official 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.

**Please 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.

<u>PRINT NAME</u>	<u>FOLIO NO.</u>	<u>ADDRESS</u>
Miami-Dade County Fire Rescue Department	30-6913-011-0250	Address Not Available
Miami-Dade County Fire Rescue Department	30-6913-011-0240	Address Not Available
Miami-Dade County Fire Rescue Department	30-6913-011-0230	Address Not Available
Thomas B Ward Jr LE Delores A Ward LE REM Thomas B Ward Jr TRS REM The Ward Family Living Trust REM Delores A Ward TRS	30-6913-020-0010	22940 S Dixie Hwy
Thomas B Ward Jr LE Delores A Ward LE REM Thomas B Ward Jr TRS REM The Ward Family Living Trust REM Delores A Ward TRS	30-6913-011-0320	Address Not Available

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):

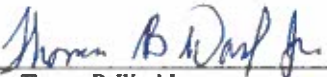

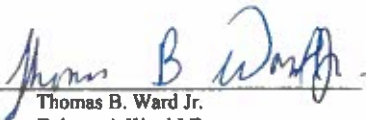

Thomas B. Ward, Jr. and Delores Ward (the "Petitioners"), the owners and operators of the Children's Rainbow Day School (the "School"), located at 22940 Old Dixie Hwy, Goulds, FL 33170, respectfully request the right-of-way vacation for a portion of SW 229th Terrace between Old Dixie Hwy and SW 127th Avenue as depicted on the aerial below highlighted in green.



The requested right-of-way that is proposed to be closed has never been used for any right-of-way purposes nor has it ever been improved for public access. The vacation of the right-of-way would facilitate the continued use of the School in a way that is consistent with a unified campus, but more importantly, the requested vacation would reduce the possibility of vehicles crashing through the gate along the School's boundary where students from the younger grade levels play.

In addition, the Miami-Dade County Fire Rescue Department, which recently acquired all of the other properties along the requested right-of-way to be closed that are not owned by the Petitioners, is in support of the right-of-way vacation request. Vacation of the right-of-way would provide Miami-Dade County Fire Rescue with the much needed additional land that would benefit the design of the future fire station proposed on those abutting properties. Furthermore, there is no reason or necessity, now or in the future, that would give rise to any kind of support for allowing the right-of-way proposed to be closed to remain providing access to any of the adjacent properties. As a result, the vacation of the right-of-way will not only benefit the School, but it will also benefit the any future fire station developed on the abutting properties, which in turn will benefit the entire community.

7. Signatures of all abutting property owners:

SIGNATURE	PRINT FULL NAME	ADDRESS
<hr/> Miami-Dade County Fire Rescue Authorized Individual	<hr/> Title:	<u>Address Not Available</u> Folio No. 30-6913-011-0250
<hr/> Miami-Dade County Fire Rescue Authorized Individual	<hr/> Title:	<u>Address Not Available</u> Folio No. 30-6913-011-0240
<hr/> Miami-Dade County Fire Rescue Authorized Individual	<hr/> Title:	<u>Address Not Available</u> Folio No. 30-6913-011-0230
<hr/>  Thomas B. Ward Jr. Delores A Ward LE REM Thomas B Ward Jr TRS REM The Ward Family Living Trust REM Delores A Ward TRS	<hr/> Thomas B. Ward Jr.	<u>22940 S. Dixie Hwy.</u> Folio No. 30-6913-020-0010
<hr/>  Thomas B. Ward Jr. Delores A Ward LE REM Thomas B Ward Jr TRS REM The Ward Family Living Trust REM Delores A Ward TRS	<hr/> Delores A. Ward	<u>22940 S. Dixie Hwy.</u> Folio No. 30-6913-020-0010
<hr/>  Thomas B. Ward Jr. Delores A Ward LE REM Thomas B Ward Jr TRS REM The Ward Family Living Trust REM Delores A Ward TRS	<hr/> Thomas B. Ward Jr.	<u>Address Not Available</u> Folio No. 30-6913-011-0320
<hr/>  Thomas B. Ward Jr. Delores A Ward LE REM Thomas B Ward Jr TRS REM The Ward Family Living Trust REM Delores A Ward TRS	<hr/> Delores A. Ward	<u>Address Not Available</u> Folio No. 30-6913-011-0320



# **EXHIBIT "A"**






**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** April 4, 2023

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

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

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's 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(F)  
4-4-23

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

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF SW 229 TERRACE BETWEEN SW 127 AVENUE AND THE SOUTH DADE TRANSITWAY (BUSWAY) AND A REMAINING PORTION OF SW 126 ROAD (ALSO KNOWN AS NORTH LOOP) LYING EAST OF SW 127 AVENUE AND SOUTHWEST OF SW 229 TERRACE (VACATION OF RIGHT-OF-WAY PETITION NO. P-993) FILED BY THOMAS B. WARD JR. AND DELORES A. WARD; AND WAIVING THE SIGNATURE REQUIREMENTS OF RESOLUTION NO. 7606 AS TO ADJACENT PROPERTY OWNERS

**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-993 was signed by the private property owners abutting on the north side of the portion of right-of-way sought to be closed; and

**WHEREAS**, Miami-Dade County, through its Fire Rescue Department, the user department of all the properties abutting on the south side of the portion of right-of-way sought to be closed, has no objection to the right-of-way being vacated; 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.** The foregoing recitals are approved and incorporated by reference.

**Section 2.** Resolution No. 7606 is waived to the extent that it requires the signatures of all adjacent property owners on the petition to close a road.

**Section 3.** Vacation of Right-of-Way Petition No. P-993 is hereby granted and the alley, 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 4.** All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed.

**Section 5.** It is found that the action will serve a public purpose and benefit the public without violating private property rights.

**Section 6.** The procedure utilized in the adoption of this resolution is expressly ratified and approved.

**Section 7.** Pursuant to Resolution No. 7606, the Clerk is hereby directed to publish notice of the adoption of this resolution one time within 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:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

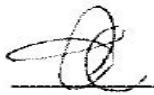
The Chairperson thereupon declared this resolution duly passed and adopted this 4<sup>th</sup> day of April, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Annery Pulgar Alfonso