

MEMORANDUM

ICI
Agenda Item No. 3C

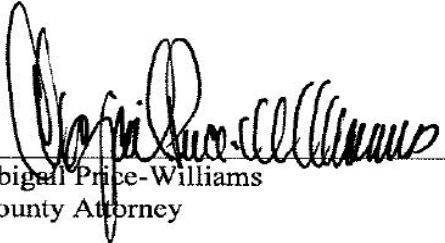
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 14, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution granting petition to
close the alley located south of
SW 300 Street from SW 164
Avenue east for 456.80 feet
(Vacation of Right-of-Way
Petition No. P-955)

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: November 19, 2020

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

From: Carlos A. Gimenez
Mayor

A blue ink signature of Carlos A. Gimenez, Mayor of Miami-Dade County.

Subject: Vacation of Right-of-Way Petition P-955
Section: 8-57-39, Alley South of SW 300 Street from SW 164 Avenue East for
456.80 feet, Commission District 8

Recommendation

It is recommended that the Board of County Commissioners (Board) grant a Vacation of Right of Way Petition P-955, 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 right-of-way being closed. This right-of-way is unimproved and is used currently for vehicular parking. A location map is attached as Exhibit 1.

Scope

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

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent properties to this right-of-way at \$10.00 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$68,520. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$1,213 per year in additional property taxes. The fee for this road closing is \$8,812.

Track Record/Monitor

Alejandro Barrios, Chief, Stormwater Engineering and Right-of-Way Division, DTPW will oversee and monitor this project.

Background

The petitioner, South Dade Dealership III, wishes to close the alley located south of SW 300 Street, from SW 164 Avenue east for 456.80 feet, in order to incorporate the subject lands into its property for development purposes. These lands are unimproved, having a stone/dirt surface that is currently being used for vehicular parking by the said car dealership. The petitioner states that the subject lands are not needed for access to adjoining properties.

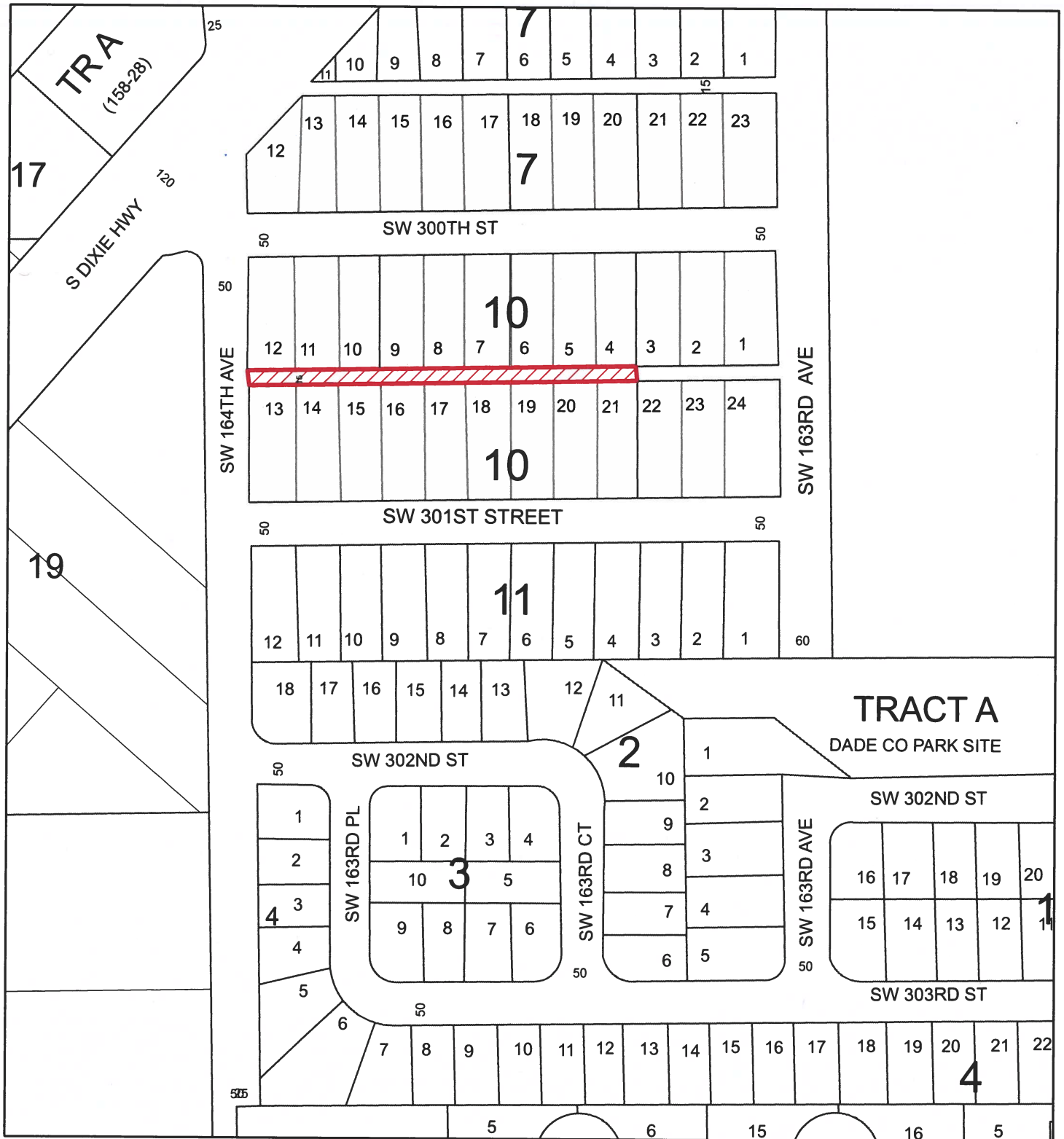
The subject right-of-way was dedicated in 1925, by the plat of "SEMINOLE HEIGHTS NO. 1", recorded in Plat Book 21, Page 55, of the Public Records of Miami-Dade County, Florida. This right-of-way and adjacent properties to the north, west and south are zoned BU-3 (Business Districts, liberal). Lands lying northeast and southeast of the subject area are designated as Environmentally Endangered Lands within Seminole Wayside Park.

A blue ink signature of Jennifer Moon, Deputy Mayor of Miami-Dade County.

Jennifer Moon
Deputy Mayor

Location Map

SECTION 8 TOWNSHIP 57 S RANGE 39 E



This is not a survey

P- 955

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

Legend



P-955 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) 375-5774 FAX (305) 375-2825

Date: November 4, 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 Petitioner seeks the vacation of the right-of-way more specifically described in attached Exhibit "A".

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):

THE PLAT OF SEMINOLE HEIGHTS NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 55, 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.

See attached.

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>South Dade Dealership III</u>	<u>30-7908-005-0121</u>	<u>No address assigned</u>
<u>South Dade Dealership III</u>	<u>30-7908-005-0122</u>	<u>No address assigned</u>
<u>South Dade Dealership III</u>	<u>30-7908-005-0123</u>	<u>No address assigned</u>
<u>South Dade Dealership III</u>	<u>30-7908-005-0124</u>	<u>No address assigned</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):

The right-of-way was intended to function as a service alley for individual properties located within this Block 10 of the plat of Seminole Heights No. 1. However, said lots were never developed and the right-of-way has never been used for roadway travel purposes. Lots 13 to 21 of this block have been unified and the land functions as a surface parking lot. The remaining Lots 1 to 12 of this block are owned by Miami-Dade County and are part of the Environmentally Endangered Lands (EEL) preservation program in perpetuity and no future development will be permitted here. Thus, the granting of this Petition will not prevent other property owners from having access to and from their properties and no other property owners in the vicinity will be adversely affected.

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

SIGNATURE

FOLIO/ADDRESS

South Dade Dealership III,
a Florida limited liability company

Signature: [Signature]

No address assigned / 30-7908-005-0121

Print Name: MARIO ST. BENEDETTI

No address assigned / 30-7908-005-0122

No address assigned / 30-7908-005-0123

Title: MANAGER

No address assigned / 30-7908-005-0124

STATE OF FLORIDA)
MIAMI-DADE COUNTY) SS

BEFORE ME, the undersigned authority, personally appeared MARIO ST. BENEDETTI ^{JUDAS TABEO BENEDETTI PEREZ}, 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.

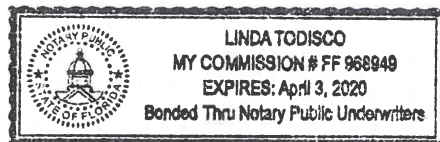
[Signature]
(Signature of Petitioner)

Sworn and subscribed to before me this

30TH day of Sept, 2019

[Signature]
Notary Public State of Florida at Large

My Commission Expires: 04/03/2020



*PERSONALLY
KNOWN*

By: Tracy Slavens
Tracy R. Slavens, Esq.
Attorney for Petitioner

Address: 701 Brickell Avenue, Suite 3300
Miami, Florida 33131

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared TRACY SLAVENS, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all petitioners; that he/she has read the foregoing petition and that the statements therein contained are true.

Tracy Slavens
(Signature of Attorney for Petitioner)

Sworn and subscribed to before me this

2 day of OCTOBER, 2019
Pamela Jackson
Notary Public State of Florida at Large

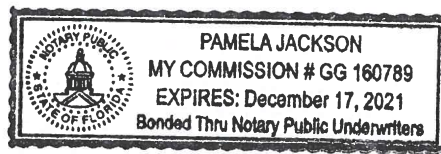


EXHIBIT A

LEGAL DESCRIPTION OF THE ALLEY TO BE VACATED:

A PORTION OF THE 15 FOOT WIDE ALLEY LYING BETWEEN LOTS 4 THRU 12, INCLUSIVE AND LOTS 13 THRU 21, INCLUSIVE, BLOCK 10, "SEMINOLE HEIGHTS NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 55, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

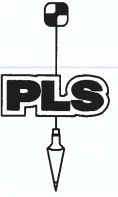
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 13; THENCE NORTH 00°10'00" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SW 164th AVENUE, ALSO BEING THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 13 FOR 15.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12; THENCE SOUTH 89°56'25" EAST ALONG THE NORTH LINE OF SAID ALLEY, BEING THE SOUTH LINE OF LOTS 12 THRU 4, INCLUSIVE 456.80 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 00°10'00" WEST ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 4 FOR 15.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 21; THENCE NORTH 89°56'25" WEST ALONG THE SOUTH LINE OF SAID ALLEY, BEING THE NORTH LINE OF SAID LOTS 21 THRU 13, INCLUSIVE, 456.80 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 6,852 SQUARE FEET (0.1573 ACRES), MORE OR LESS.



BOUNDARY SURVEY
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



LEGAL DESCRIPTION:

A PORTION OF THE 15 FOOT WIDE ALLEY LYING BETWEEN LOTS 4 THRU 12, INCLUSIVE AND LOTS 13 THRU 21, INCLUSIVE, BLOCK 10, "SEMINOLE HEIGHTS NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 55, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 13; THENCE NORTH 00°10'00" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SW 164th AVENUE, ALSO BEING THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 13 FOR 15.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12; THENCE SOUTH 89°56'25" EAST ALONG THE NORTH LINE OF SAID ALLEY, BEING THE SOUTH LINE OF LOTS 12 THRU 4, INCLUSIVE 456.80 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 00°10'00" WEST ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 4 FOR 15.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 21; THENCE NORTH 89°56'25" WEST ALONG THE SOUTH LINE OF SAID ALLEY, BEING THE NORTH LINE OF SAID LOTS 21 THRU 13, INCLUSIVE, 456.80 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 6,852 SQUARE FEET (0.1573 ACRES), MORE OR LESS.

NOTES:

- 1) BEARINGS ARE BASED ON THE WEST LINE OF BLOCK 10, BEING N00°10'00"E.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) ALL RECORDED DOCUMENTS ARE PER THE PUBLIC RECORDS OF MIAMI-DADE COUNTY.

FILE: SOUTHDADE DEALERSHIP III, LLC

SCALE: N/A

DRAWN: L.S.

ORDER NO.: 66424

DATE: 10/2/19

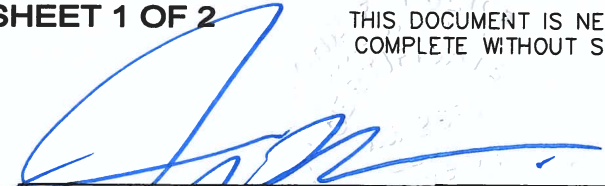
ALLEY VACATION

MIAMI-DADE COUNTY, FLORIDA

FOR: SOUTH DADE TOYOTA

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR
COMPLETE WITHOUT SHEETS 1 AND 2

- 
- ☒ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
STATE OF FLORIDA

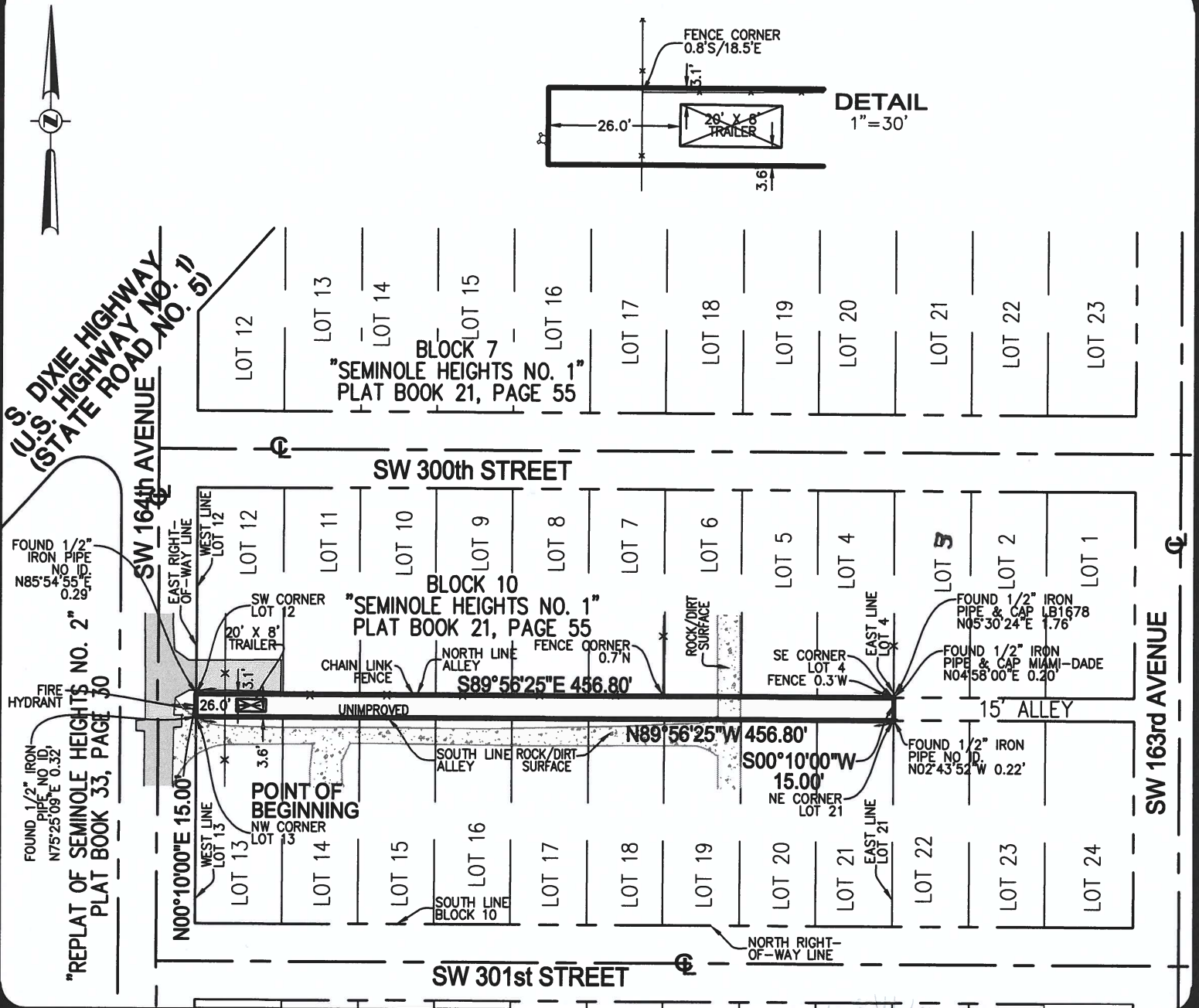


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E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



FILE: SOUTHDADE DEALERSHIP III, LLC

SCALE: 1"=100' DRAWN: L.S.

ORDER NO.: 66424

DATE: 10/2/19

ALLEY VACATION

MIAMI-DADE COUNTY, FLORIDA

FOR: SOUTH DADE TOYOTA

SHEET 2 OF 2

LEGEND:

⊕ CENTERLINE

THIS DOCUMENT IS NEITHER FULL NOR
COMPLETE WITHOUT SHEETS 1 AND 2



MEMORANDUM (Revised)

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

DATE: November 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No.

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.

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY
LOCATED SOUTH OF SW 300 STREET FROM SW 164
AVENUE EAST FOR 456.80 FEET (VACATION OF RIGHT-OF-
WAY PETITION NO. P-955)

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-955 was signed by all property owners abutting on 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. 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 2. All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed, save and except that the land is reserved as a utility easement.

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 the resolution duly passed and adopted this 19th day of November, 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