

MEMORANDUM

Agenda Item No. 5(I)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 5, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition
to close NW 16 Street from
NW 130 Avenue to 132
Avenue (Vacation of Right-
of-Way Petition No. P-969)
subject to certain conditions

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney


GBK/smm

Memorandum



Date: October 5, 2021

To: Honorable Chairman José “Pepe” Díaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Vacation of Right-of-Way Petition P-969
Section: 35-53-39
NW 16 Street from NW 130 Avenue to NW 132 Avenue
Commission District: 12

Recommendation

It is recommended that the Board of County Commissioners (Board) grant Vacation of Right-of-Way Petition P-969, attached to this Memorandum as Exhibit 2, following a public hearing, and contingent on the recording of the plat of “LAKE BELT LOGISTICS CENTER”, tentative plat T-24521. In the event the plat is not approved this resolution becomes null and void. 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. A location map is attached as Exhibit 1. The right-of-way being closed is unimproved, covered in grass and vegetation, and has never been developed.

Scope

This right-of-way closing is located within District 12, which is represented by Commissioner José “Pepe” Díaz.

Fiscal Impact/Funding Source

The Property Appraiser’s Office has assessed the properties adjacent to this right-of-way at \$8.61 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$315,324.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$5,568.00 per year in additional property taxes. The fee for this road closing is \$33,492.40.

Track Record/Monitor

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

Delegated Authority


There is no delegation of authority associated with this item.

Background

The owner of the properties that abut the subject right-of-way wishes to close NW 16 Street from NW 130 Avenue to NW 132 Avenue in order to incorporate the land into the proposed plat of “LAKE BELT LOGISTICS CENTER”, tentative plat T-24521. The property owner intends to build a warehouse on the unified site after it is platted. The original plat depicted multiple lots facing onto the subject right-of-way, which would otherwise be developed into three blocks of NW 16 Street. However, the properties abutting the roadway have been owned by a single property owner for several years. The right-of-way being closed has never been improved nor maintained by Miami-Dade County.

Honorable Chairman José “Pepe” Díaz
and Members, Board of County Commissioners
Page 2

The subject right-of-way was dedicated to the County in 1926 by the plat of “WESTERN MIAMI SECTION “A””, recorded in Plat Book 27, Page 34, of the Public Records of Miami-Dade County, Florida. The areas abutting the subject right-of-way are zoned GU (Interim District).

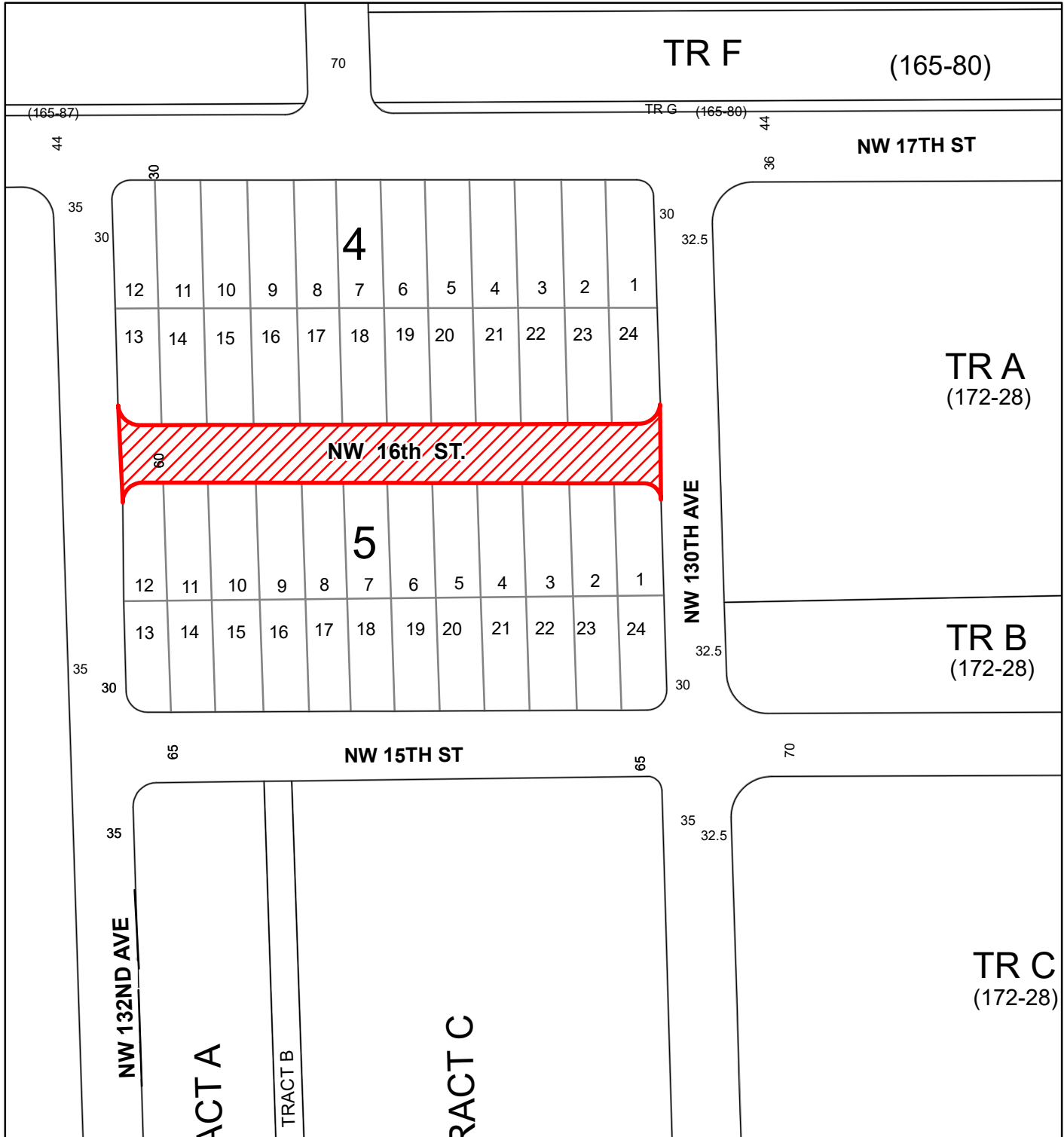


Jimmy Morales
Chief Operations Officer

Location Map

SECTION 35 TOWNSHIP 53 S RANGE 39 E

EXHIBIT "1"



This is not a survey

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Jose "Pepe" Diaz, 12

P- 969

Legend

P- 969 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) 375-2414 FAX (305) 375-2825

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:

That portion of a 60-foot wide Right-of-Way named Seventh Street, known as NW 16th Street, located between Chelsea Avenue, known as NW 130th Avenue, and Western Avenue, known as NW132nd Avenue and also located between Blocks 4 and 5, all of "WESTERN MIAMI SECTION "A"", according to the Plat thereof, as recorded in Plat Book 27, at Page 34, of the Public Records of Miami-Dade County, Florida. Containing 36,623 square feet 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):

Acquired by Plat under "Western Miami Section "A"", Plat Book 27, Page 34.

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 Sketch of Survey with legal description and area to be vacated.

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>BSREP III Lake Belt Logistics LLC, a Delaware limited Liability company</u>	<u>30-3935-003-0100</u>	<u>1180 Peachtree St NE Suite 3380 Atlanta, GA 30309</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):

Seventh Street, known as NW 16th Street:


This property was originally platted with multiple small lots and the existing Right of Way was needed to provide access to those lots. However, the property will now be platted as one large tract for a warehouse building site. The remaining surrounding public roads, NW 17th Street to the north, NW 15th Street to the south, NW 130th Avenue to the east, and NW 132nd Avenue to the west, will provide adequate access to all sides of this proposed tract and all adjacent properties.

Proposed use for the land by this request: this Right of Way area will become a part of the platted tract which will be used for a warehouse building site.

7. Signatures of **all** abutting property owners:

Respectfully submitted,

SIGNATURE



John Morgan,
Senior Vice President

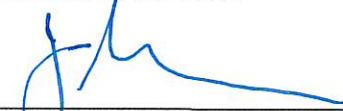
ADDRESS

1180 Peachtree St NE
Suite 3380
Atlanta, GA 30309

Georgia

STATE OF FLORIDA)
Fulton) SS
~~MIAMI-DADE COUNTY~~)

BEFORE ME, the undersigned authority, personally appeared John Morgan, Senior Vice President, 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 of Petitioner)

Sworn and subscribed to before me this

20th day of January, 2021

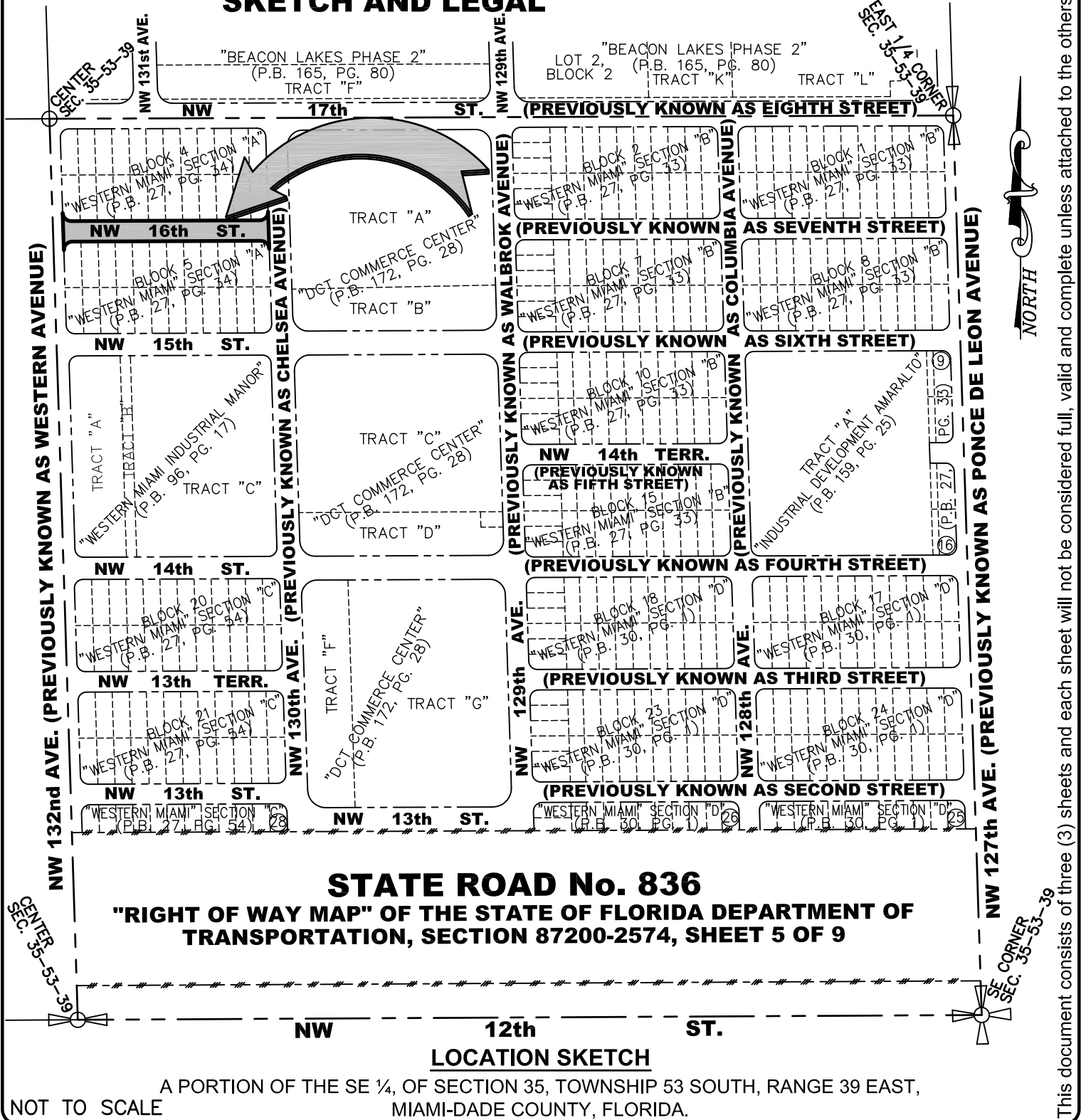


Notary Public State of Florida at Large
Georgia



My Commission Expires: 02/14/23

"LAKE BELT LOGISTICS CENTER" (NW 16th ST. RIGHT-OF-WAY VACATION) SKETCH AND LEGAL

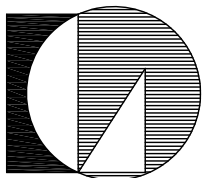


STATE ROAD No. 836

"RIGHT OF WAY MAP" OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, SECTION 87200-2574, SHEET 5 OF 9

LOCATION SKETCH

A PORTION OF THE SE ¼, OF SECTION 35, TOWNSHIP 53 SOUTH, RANGE 39 EAST,
NOT TO SCALE MIAMI-DADE COUNTY, FLORIDA.










LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
CERTIFICATE OF AUTHORIZATION NO. LB 1012
329 Palermo Avenue, Coral Gables, Florida 33134
Phone: 305-448-1600 | info@ludovici-orange.com

DRAWN: A.J.
CHECKED: A.J.
SCALE: AS NOTED
DATE: 11-20-2020
PROJ. #: 2020 30

SHEET:
1
OF 3 SHEETS

"LAKE BELT LOGISTICS CENTER" (NW 16th ST. RIGHT-OF-WAY VACATION) LEGAL DESCRIPTION

LEGEND AND ABBREVIATIONS:

⊙	Center Line	SQ. FT.	Square Feet
§	Section Line	SWK	Sidewalk
Δ	Central Angle of Curve		Fire Hydrant
ASPH	Asphalt		Guard Post
C&G	Curve and Gutter		Inlet Type P6
L	Length of Curve		Sanitary Sewer Manhole
PG.	Page		Sewer Valve
P.B.	Plat Book		Street Sign
R	Radius		Water Valve
R/W	Right-of-Way		
SEC.	Section		

SURVEYOR'S REPORT:

- The survey map and report or the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- This sketch does not represent a land survey.
- Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- This document consists of three (3) sheets and each sheet will not be considered full, valid and complete unless attached to the others.
- Bearings shown hereon are based on an assumed value of N89°47'32"E along the North line of the SE ¼ of Section 35, Township 53 South, Range 39 East, Miami-Dade County, Florida.

LEGAL DESCRIPTION:

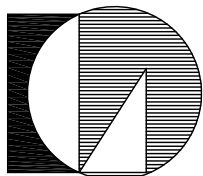
That portion of a 60 foot wide Right-of-Way named Seventh Street, known as NW 16th Street located between Chelsea Avenue, known as NW 130th Avenue and Western Avenue, known as NW 132nd Avenue and also located between blocks 4 and 5, all of "WESTERN MIAMI SECTION "A"", according to the Plat thereof, as recorded in Plat Book 27, at Page 34, of the Public Records of Miami-Dade County, Florida. Containing 36,623 square feet more or less.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the SKETCH AND LEGAL DESCRIPTION of the property described hereon was made under my supervision and that the SKETCH AND LEGAL DESCRIPTION meets the Standard of Practice set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 5J-17 Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon.

LUDOVICI AND ORANGE CONSULTING ENGINEERS INC. LB1012

Arturo A. Sosa
Professional Surveyor and Mapper No. 2629
State of Florida
art@ludovici-orange.com



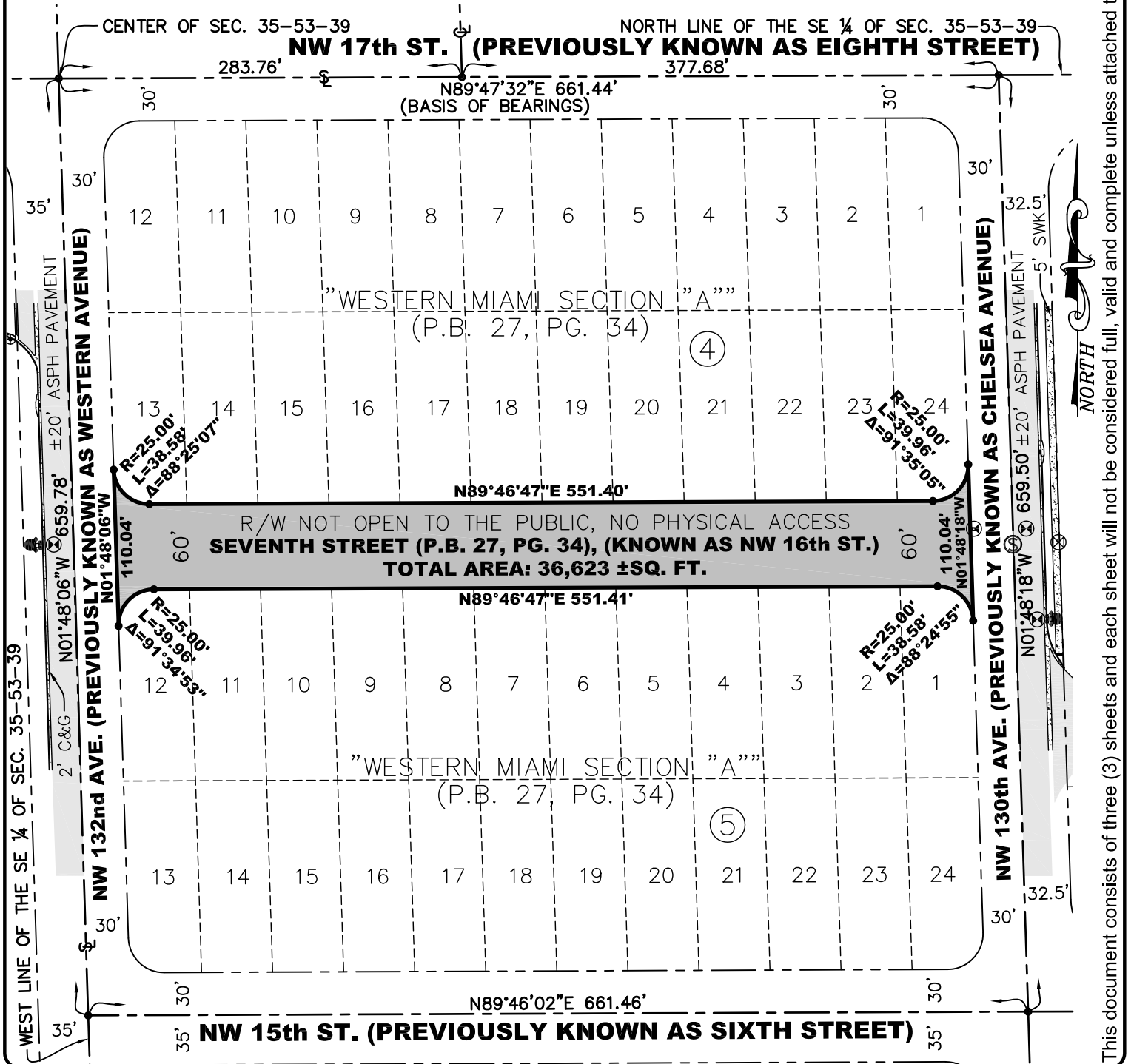
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DRAWN: A.J.
CHECKED: A.J.
SCALE: AS NOTED
DATE: 11-20-2020
PROJ. #: 2020 30

SHEET:
2
OF 3 SHEETS

"LAKE BELT LOGISTICS CENTER" (NW 16th ST. RIGHT-OF-WAY VACATION) SKETCH TO ACCOMPANY LEGAL DESCRIPTION

NOT TO SCALE



This document consists of three (3) sheets and each sheet will not be considered full, valid and complete unless attached to the others.

LUDOVICI & ORANGE

CONSULTING ENGINEERS, INC.

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3
OF 3 SHEETS



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(I)

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(I)
10-5-21

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE NW 16 STREET FROM NW 130 AVENUE TO 132 AVENUE (VACATION OF RIGHT-OF-WAY PETITION NO. P-969) SUBJECT TO CERTAIN CONDITIONS

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-969 was signed by the property owner 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 foregoing recitals are approved and incorporated by reference.

Section 2. Vacation of Right-of-Way Petition No. P-969 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 subject to the condition contained in section 3 below.

Section 3. All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed, save and except that this closure is conditioned upon the recording of the plat of "LAKE BELT LOGISTICS CENTER" (tentative plat T-24521).

Section 4. It is found that the action will serve a public purpose and benefit the public without violating private property rights.

Section 5. The procedure utilized in the adoption of this resolution is expressly ratified and approved.

Section 6. 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.

Section 7. The County Mayor or County Mayor’s designee is directed to forthwith file a Certificate with the Clerk subsequent to the recordation of the plat confirming that the conditions set forth in section 3 have been met, to be permanently stored alongside this Resolution.

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:

Jose “Pepe” Díaz, Chairman	
Oliver G. Gilbert, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebecca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2021. 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