

MEMORANDUM

Agenda Item No. 5(I)


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

DATE: May 3, 2022

FROM: Geri Bonzon-Keenan
County Attorney


SUBJECT: Resolution granting petition to close a portion of SW 122 Avenue, from the easterly extension of the centerline of SW 81 Terrace North for 165 feet (Road Closing Petition No. P-912) filed by DCG Investments, Inc., 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 Senator Javier D. Souto.



Geri Bonzon-Keenan
County Attorney

GBK/jp

Date: May 3, 2022
To: Honorable Chairman José “Pepe” Díaz
and Members, Board of County Commissioners
From: Daniella Levine Cava 
Mayor
Subject: Road Closing Petition P-912
Section: 36-54-39
A Portion of SW 122 Avenue, from the Easterly Extension of the Centerline of SW 81
Terrace North for 165 Feet
Commission District: 10

Recommendation

It is recommended that the Board of County Commissioners (Board) grant Road Closing Petition P-912, attached to this Memorandum as Exhibit 2, following a public hearing, and contingent on the recording of the plat of “DCG DEVELOPMENT”, tentative plat T-24556. In the event the final 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 vacated. The subject portion of right-of-way lies along SW 122 Avenue, east of the east edge of pavement, and consists of a 10-foot-wide strip of land covered with grass. A location map is attached as Exhibit 1.

Scope

This Road Closing Petition is located within District 10, which is represented by Commissioner Javier D. Souto.

Fiscal Impact/Funding Source

The Property Appraiser’s Office has assessed the properties adjacent to this right-of-way at a rate of \$11.48 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$18,942.00. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$334.00 per year in additional property taxes. The fee for this Vacation of Right-of-Way is \$1,960.00.

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

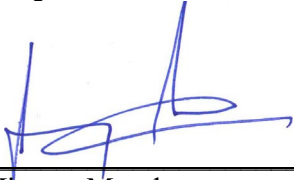
There is no delegation of authority associated with this item.

Background

The owner of the properties that abut the subject right-of-way wishes to vacate a portion of SW 122 Avenue, from the easterly extension of the centerline of SW 81 Terrace North for 165 feet, in order to incorporate the land into the proposed plat of “DCG DEVELOPMENT”, tentative plat T-24556. The subject Petition is consistent with Resolution No. CZAB11-9-14 by which the Zoning Appeals Board granted a non-use variance waiving the zoning regulations requiring all half section line rights-of-way to be 70 feet wide and permitting 25 feet of dedication for the east half of SW 122 Avenue at the location of the subject Petition. The portion of right-of-way being vacated has never been improved nor maintained by Miami-Dade County. The subject right-of-way was dedicated to the County in 1951 by an instrument recorded in Deed Book 3486, Page 152, of the Public Records of Miami-Dade County, Florida. The subject right-of-way is zoned EU-M (Estates Modified).

Attachments: Exhibit 1 – Location Map, Exhibit 2 – Vacation of Right-of-Way Petition P-912

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

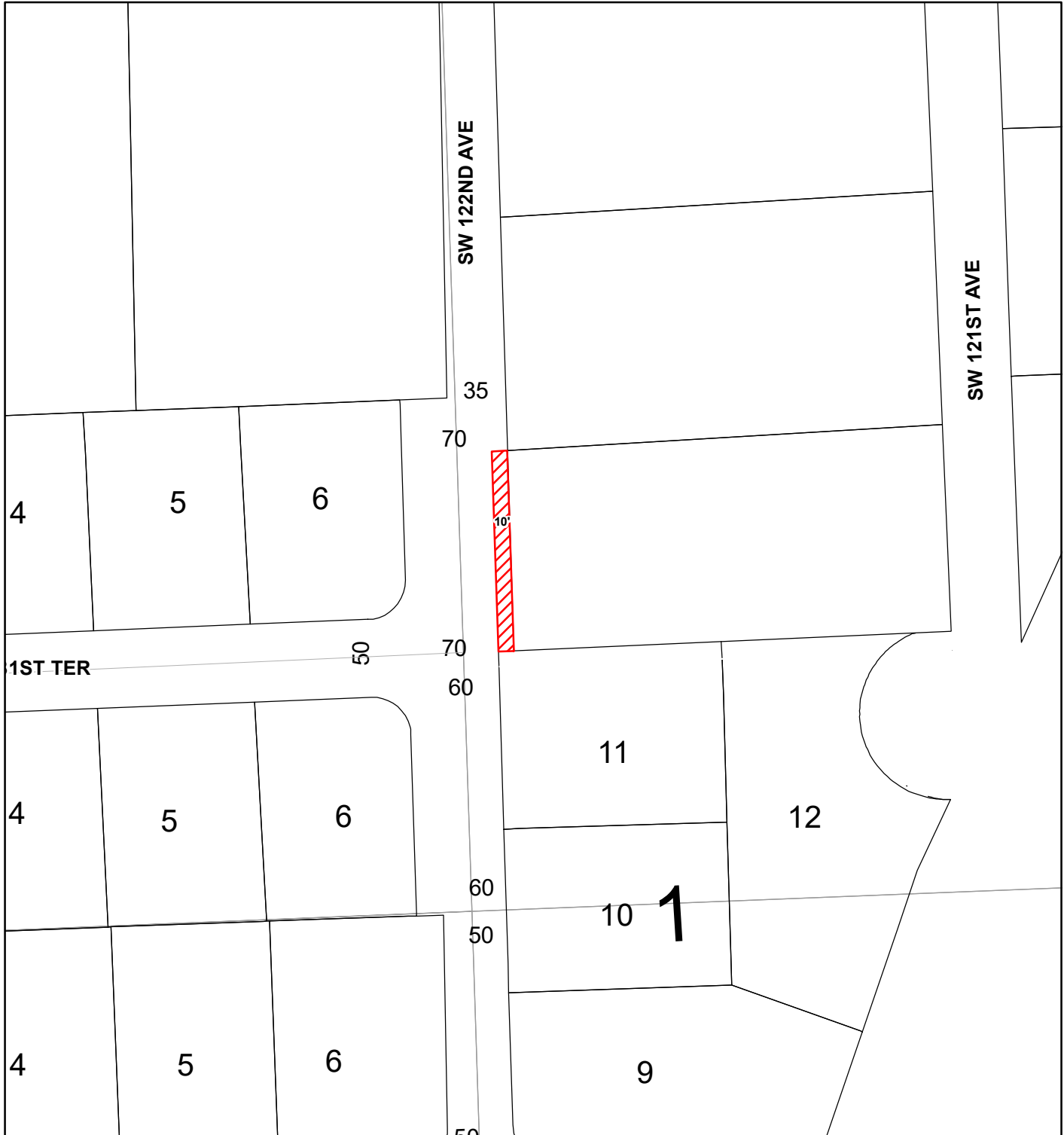


Jimmy Morales
Chief Operations Officer

Location Map
SECTION 36 TOWNSHIP 54 S RANGE 39 E



EXHIBIT "1"




This is not a survey

P- 912

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Sen. Javier D. Souto 10

Legend

 P-912_Road_Closing

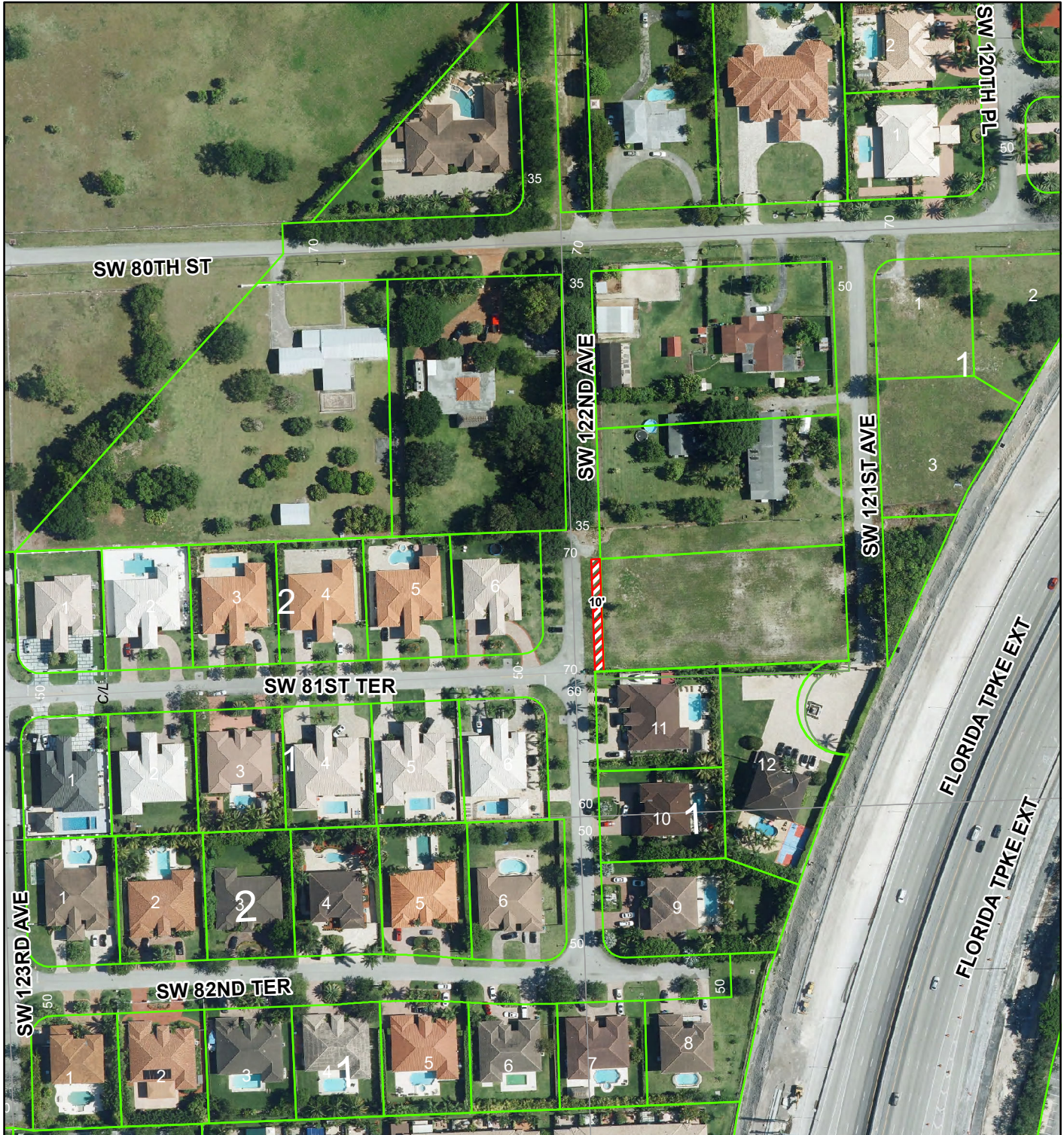
MIAMI-DADE COUNTY
Department of Transportation & Public Works
Right-of-Way Division
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825

Date: Rev. May 11,2021
Prepared by : ym

Location Map

SECTION 36 TOWNSHIP 54 S RANGE 39 E

EXHIBIT "1"



This is not a survey

P- 912

Municipality: UNINCORPORATED MIAMI-DADE
 Commission District: Sen. Javier D. Souto 10

Legend

P-912_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) 375-2713 FAX (305) 375-2825

Date: Rev. May 11,2021
 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 East 10 feet of the West 35 feet of the North 165 feet of the South 330 feet of the West ½ of the NW ¼ of the NW ¼ of the SE ¼ of Section 36, Township 54 South, Range 39 East, Miami-Dade County, Florida.

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:

Dedicated in 1951 by instrument, recorded in Deed Book 3486, Page 152, 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>DCG Investments, Inc.</u>	<u>30-4936-000-0760</u>	<u>14950 SW 168 Street, Miami, FL</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):

Closing 10 feet of the existing 35 feet will align the new plat with the plat of BREEZE AT GALLOWAY, recorded in Plat Book 164, Page 88, of the Public Records of Miami-Dade County, Florida, immediately south of the subject road closing. Ten (10) feet of right-of-way for SW 122 Avenue were closed by resolution R-137-06 and included into said plat.

A NON-USE VARIANCE to waive the zoning regulations requiring all half section line roads to be 70 feet wide, to permit 25 feet of dedication, for the portion being closed, was approved by Resolution No. CZAB11-9-14.

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

SIGNATURE

ADDRESS



14950 SW 168 Street, Miami, FL

DCG Investments, Inc.

DIASMEL CARVAJAL

Attorney for Petitioner

Address: _____

Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

DIASMEL CAEVAJAL

BEFORE ME, the undersigned authority, personally appeared DCG Investments, Inc. 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.

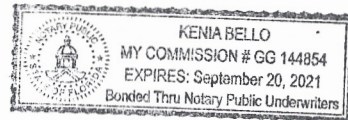
(Signature of Petitioner)

Sworn and subscribed to before me this

4 day of April, 2021

K Bello

Notary Public State of Florida at Large



My Commission Expires: Sep 21, 2021.

BOUNDARY SURVEY AND LEGAL DESCRIPTION

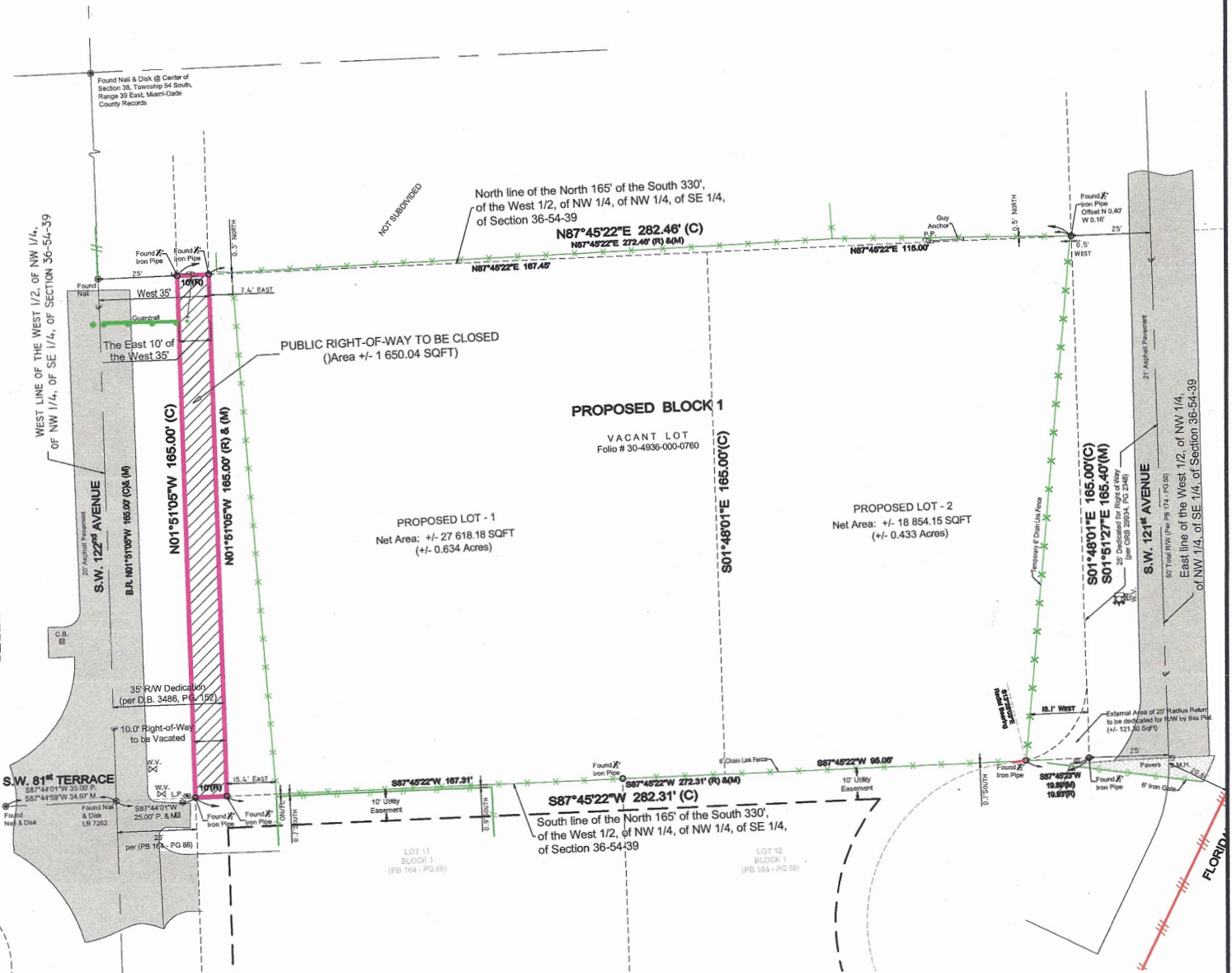
SECTION 36, TOWNSHIP 54 SOUTH, RANGE 39 EAST.
 Parcel Folio # 30-4936-000-0760
 Property Address: 8100 S.W. 121st Avenue, Miami, Florida 33156

LEGAL DESCRIPTION:

The East 10 feet of the West 35 feet of the North 165 feet of the South 330 feet of the West 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 36, Township 54 South, Range 39 East.



0 25 50
 SCALE: 1" = 50'



I hereby certify that this Sketch and Legal Description meet the Minimum Standards of Practice as set forth by the Board of Professional Surveyors and Mappers according to the applicable provisions of Chapter 5J-17, Florida Statutes. This Sketch and Legal Description are true and correct to the best of my knowledge and belief.

[Signature]
 Odalys C. Bello
 Professional Surveyor & Mapper no. 6169
 State of Florida
 Completion Date: 04/12/2021

LEGEND:
 PB: Denotes Plat Book number
 PG: Denotes Plat Book page number
 ORB: Denotes Official Records Book
 R/W: Denotes Right of Way

BELLO & BELLO LAND SURVEYING

12230 SW 131 AVENUE • SUITE 201 • MIAMI FL 33186
 Phone: 305.251.9606 • Fax: 305.251.6057 • LB#7262
 e-mail: info@belloland.com • www.bellolandsurveying.com
 Project No. 21307






MEMORANDUM
(Revised)

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

DATE: May 3, 2022

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)
5-3-22

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF SW 122 AVENUE, FROM THE EASTERLY EXTENSION OF THE CENTERLINE OF SW 81 TERRACE NORTH FOR 165 FEET (ROAD CLOSING PETITION NO. P-912) FILED BY DCG INVESTMENTS, INC., 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-912 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 foregoing recitals are approved and incorporated by reference.

Section 2. Road Closing Petition No. P-912 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 “DCG DEVELOPMENT” (tentative plat T-24556”).

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" Diaz, Chairman	
Oliver G. Gilbert, III, 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	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of May, 2022. 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