

MEMORANDUM

Agenda Item No. 5(G)

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 NW 136 Street from
NW 10 Avenue east for
approximately 950 feet (Vacation of
Right-of-Way Petition No. P-944)
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 Commissioner Jean Monestime.



Geri Bonzon-Keenan
County Attorney


GBK/jp

Memorandum



Date: May 3, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Vacation of Right-of-Way Petition P-944
Section: 23-52-41
NW 136 Street from NW 10 Avenue East for Approximately 950 Feet
Commission District: 2

Recommendation

It is recommended that the Board of County Commissioners (Board) grant Vacation of Right-of-Way Petition P-944, attached to this Memorandum as Exhibit 2, following a public hearing, and contingent on the recording of the plat of “NORTHWEST BAPTIST CHURCH,” tentative Plat T-23310. 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. The west portion of the subject right-of-way has been improved by the abutting property owner and is in his use as a parking area and access road for various buildings within his property. The remainder of the subject right-of-way is grass covered and unimproved. Public access to the subject right-of-way is obstructed by a chain link fence on the east and a metal gate on the west. A location map is attached as Exhibit 1.

Scope

This road closing is located within District 2, which is represented by Commissioner Jean Monestime.

Fiscal Impact/Funding Source

The Property Appraiser’s Office has assessed the properties adjacent to this right-of-way at an average rate of \$9.18 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$437,940. All the properties abutting the right-of-way to be closed are tax exempt. Therefore, the granting of this petition will not result in an increase in revenue from property taxes. The fee for this road closing is \$45,754.

Track Record/Monitor

DTPW is the entity overseeing this project, and the person responsible for monitoring it 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 owners of the properties that abut the subject right-of-way wish to close NW 136 Street from NW 10 Avenue East for approximately 950 feet in order to incorporate the land into the proposed plat of “NORTHWEST BAPTIST CHURCH,” tentative Plat T-23310. The right-of-way being closed has neither been improved nor maintained by Miami-Dade County.

Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners
Page 2

The subject right-of-way was dedicated to the County in 1941 by the plat of “TROPICAL FARMS,” recorded in Plat Book 42, Page 86, of the Public Records of Miami-Dade County, Florida. A portion of the subject right-of-way is zoned RU-3 (Multi-Family Residential District), and the remainder is zoned RU-1 (Single-Family Residential District).



Jimmy Morales
Chief Operations Officer

Location Map

SECTION 23 TOWNSHIP 52 S RANGE 41 E

EXHIBIT "1"



This is not a survey

Legend

 Road Closing P-944

 P-944 ROAD CLOSING

P- 944

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) 375-2744 FAX (305) 375-2825

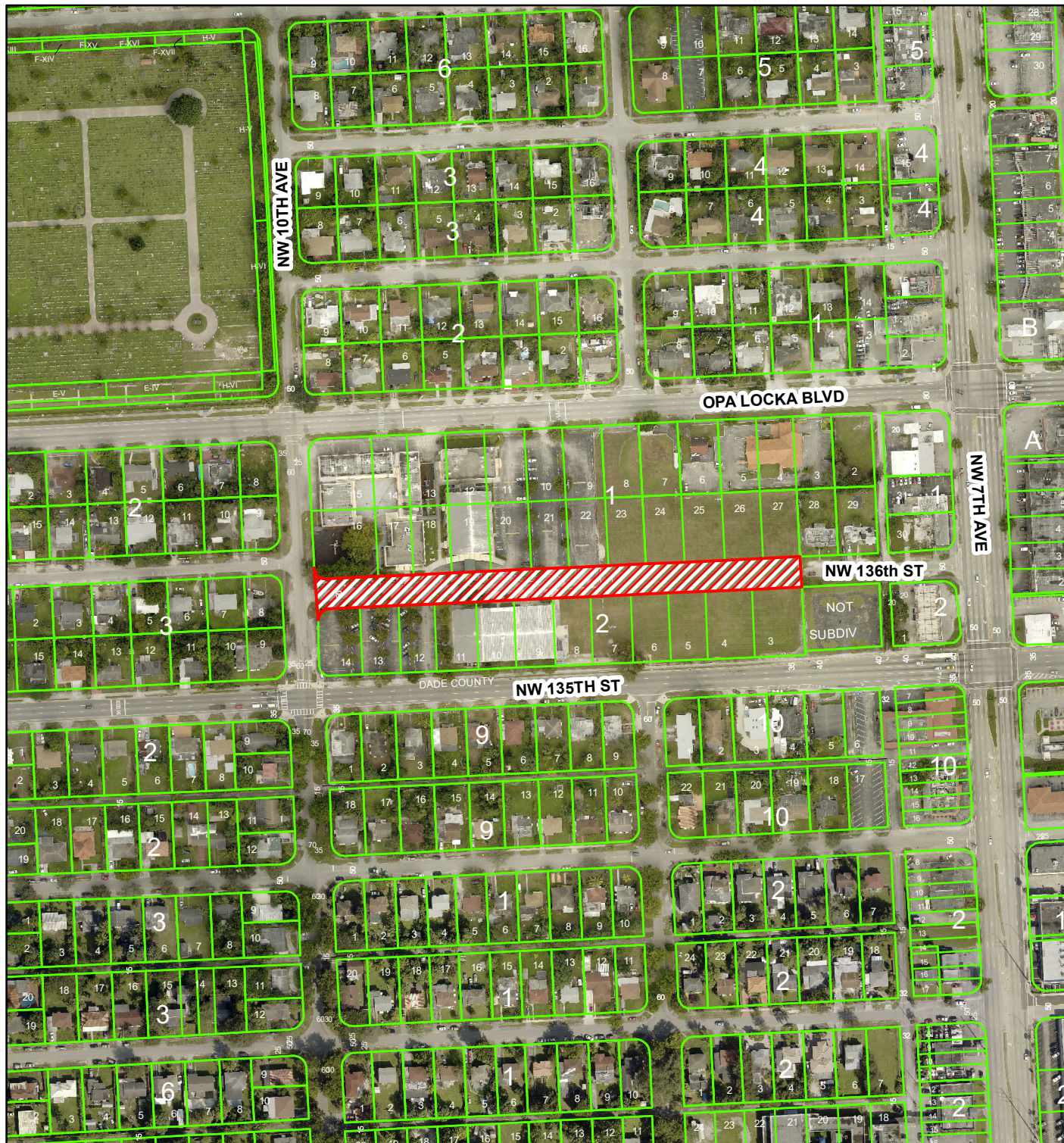
Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Jean Monestime 2

Date: March 16, 2021
Prepared by : ym

Location & Aerial Map

SECTION 23 TOWNSHIP 52 S RANGE 41 E

EXHIBIT "1"



This is not a survey

P- 944

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Jean Monestime 2

Legend



P-944 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: March 16, 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:

See 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):

Public interest was acquired by the Tropical Farms plat record in PB 42, PG 86.

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
Northwest Baptist Church, Inc.	30-2123-016-0060	810 Opa Locka Blvd.
	30-2123-016-0170	735 NW 136 th St.
	30-2123-016-0240	13501 NW 10 th Ave.
	30-2123-000-0160	715 NW 135 th St.
Pascual Vizcaino Ozoria & Dalvis Diaz	30-2123-016-0180	725 NW 136 th St.
Selwyn Joseph	30-2123-016-0190	715 NW 136 th St.

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):

Miami-Dade County Resolution No. 5-ZAB-169-96 approved 0 feet of dedication for NW 136th Street. Resolution CZAB8-1-18 approved the waiver of the additional 5 feet otherwise required along NW 135th Street and also required the property to comply with platting requirements because NW 136th Street was already dedicated, the road must be vacated prior to platting

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE	ADDRESS
<u>CSJ - Jackson</u>	<u>810 OPALOCKA BLVD</u>
<u>CSJ - Jackson</u>	<u>735 N.W. 136 ST</u>
<u>CSJ - Jackson</u>	<u>13501 N.W. 10 AVE</u>
<u>CSJ - Jackson</u>	<u>715 N.W. 135 ST</u>
<u>Paddalati</u>	<u>725 N.W. 136 ST</u>
<u>Padi Vel... ..</u>	<u>715 N.W. 136 ST</u>
<u>X N/A</u>	<u>13600 N.W. 7 AVE</u>
<u>N/A</u>	<u>13500 N.W. 7 AVE</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)


STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Rudolph McGlashan, 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

2 day of August, 2021


Notary Public State of Florida at Large

My Commission Expires: Mar. 10, 2023

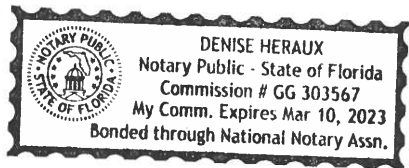


EXHIBIT "A"

LEGAL DESCRIPTION:

That portion of N.W. 136th Street as shown on the Plat of Tropical Farms, according to the plat thereof as recorded in Plat Book 42 at Page 86 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Begin at the Southeast corner of Lot 27, Block 1, of said Tropical Farms; the following two (2) courses being along the Northerly Right-of-Way line of said N.W. 136th Street (1) thence North 90°00'00" West for 923.61 feet to a point of curvature; (2) thence Northwesterly along a 25.00 foot radius curve leading to the right through a central angle of 90°09'31" for an arc distance of 39.34 feet to a point of cusp; thence South 00°09'31" West along the East Right-of-Way line of N.W. 10th Avenue as shown on said Plat of Tropical Farms for 100.00 feet to a point of cusp; the following two (2) courses being along the Southerly Right-of-Way of said N.W. 136th Street; (1) thence Northeasterly along a 25.00 foot radius curve leading to the right through a central angle of 89°50'29" for an arc distance of 39.20 feet to a point of tangency; (2) thence South 90°00'00" East along the Southerly Right-of-Way line of said N.W. 136th Street for 923.92 feet; thence North 00°02'30" West along the Southerly extension of the Easterly line of said Lot 27, Block 1 for 50.00 feet to the Point of Beginning.

SURVEYOR'S NOTES:

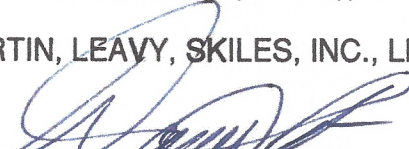
- This site lies in Section 23, Township 52 South, Range 41 East, Miami-Dade County, Florida.
- Bearings hereon are referred to an assumed value of N90°00'00"W for the Northerly right-of-way line of N.W. 136th Street.
- Lands shown hereon were NOT abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Area shown hereon containing 47,706 square feet, or 1.095 acres, more or less.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, Inc., Sketch No. 2011-041-2.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on July 2, 2018, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

By: 
Daniel C. Fortin, For The Firm
Surveyor and Mapper, LS2853
State of Florida.

Drawn By	GEM
Cad. No.	180599
Ref. Dwg.	2011-041-2
Plotted:	7/5/18 8:49a

DESCRIPTION, NOTES, AND CERTIFICATION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	7/2/18
Scale	NOT TO SCALE
Job. No.	180771
Dwg. No.	1018-050-1
Sheet	1 of 3

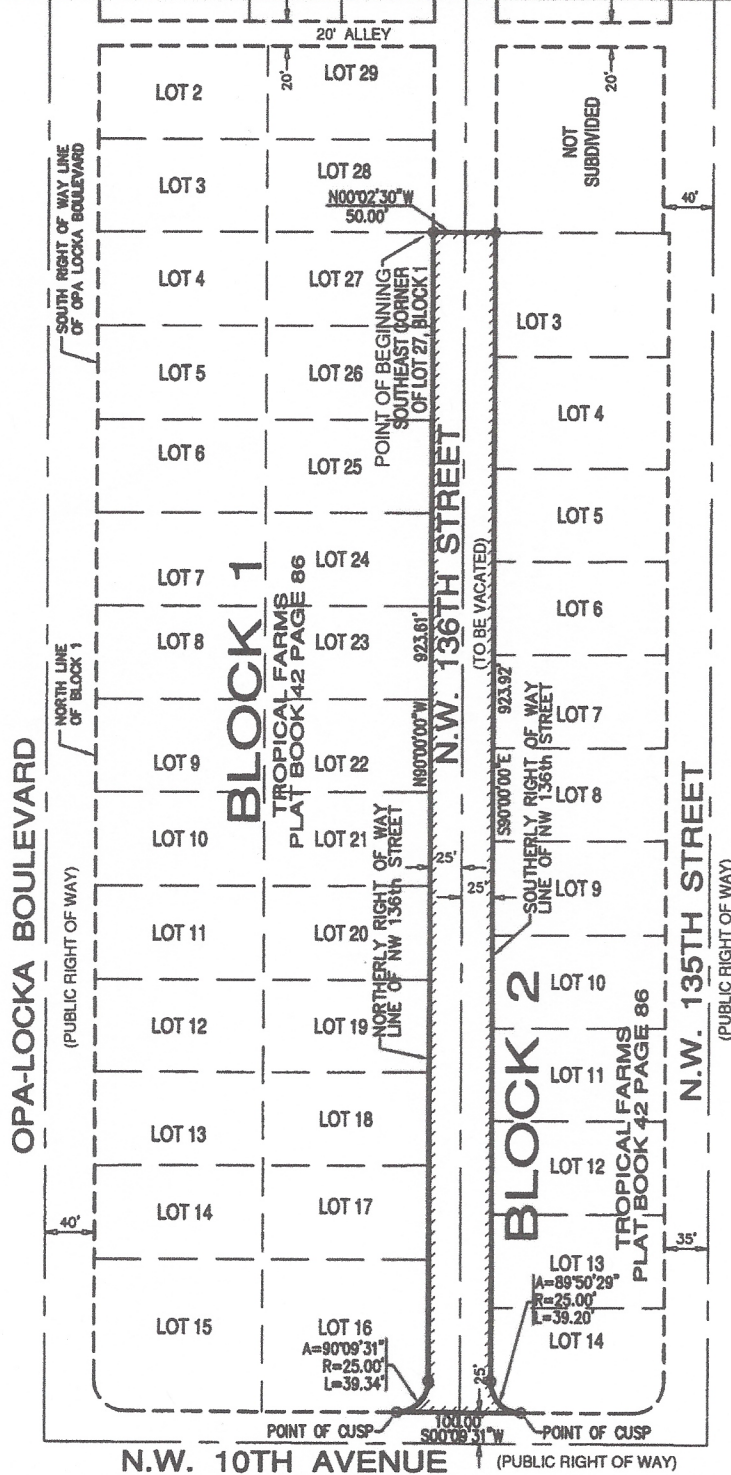
EXHIBIT "A"



GRAPHIC SCALE



(IN FEET)
1 inch = 150 ft.



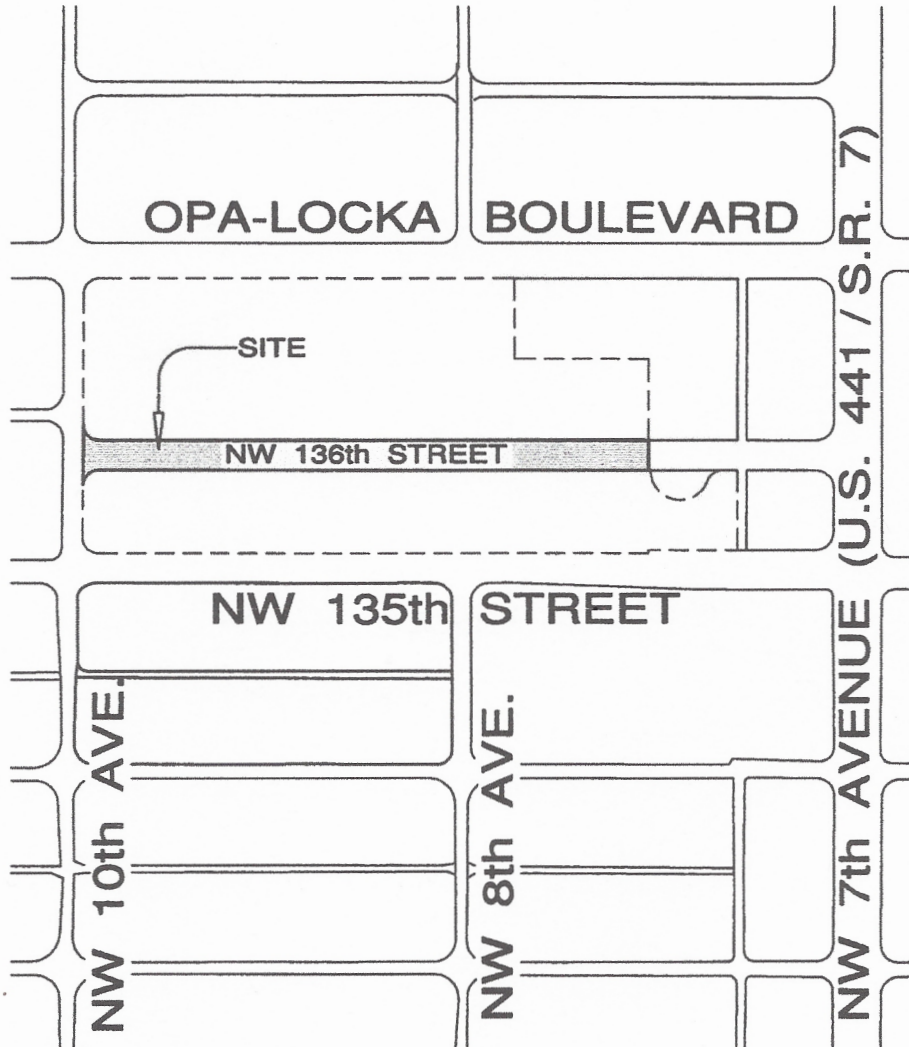
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SKETCH OF DESCRIPTION

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
 180 Northeast 168th Street / North Miami Beach, Florida 33162
 Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	7/2/18
Scale	1" = 150'
Job. No.	180771
Dwg. No.	1018-050-1
Sheet	2 of 3

EXHIBIT "A"



Handwritten signature

Drawn By	GEM
Cad. No.	180599
Ref. Dwg.	2011-041-2
Plotted:	7/5/18 8:49a

LOCATION SKETCH

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
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Date	7/2/18
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Dwg. No.	1018-050-1
Sheet	3 of 3



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(G)

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(G)
5-3-22

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF NW 136 STREET FROM NW 10 AVENUE EAST FOR APPROXIMATELY 950 FEET (VACATION OF RIGHT-OF-WAY PETITION NO. P-944) 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, Vacation of Right-of-Way Petition No. P-944 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. Vacation of Right-of-Way Petition No. P-944 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 conditions 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 "NORTHWEST BAPTIST CHURCH" (tentative Plat T-23310). If the plat is not recorded within one year, then this resolution shall be null and void.

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