

MEMORANDUM

Agenda Item No. 5(B)

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

DATE: June 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition
to close SW 140 Avenue, from
SW 252 Street to SW 254 Street
(Vacation of Right-of-Way Petition
No. P-970) filed by Sea Hunter,
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 Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney


GBK/ks

Memorandum



Date: June 1, 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-970
Section: 27-56-39
SW 140 Avenue from SW 252 Street to SW 254 Street
Commission District: 8

Executive Summary

The purpose of the item is to gain Board of County Commissioners (Board) approval for granting Petition No. P-970 filed by Sea Hunter, Inc. to close SW 140 Avenue, from SW 252 Street to SW 254 Street, located in District 8 for a fee of \$1,960.

Recommendation

It is recommended that the Board grant Vacation of Right-of-Way Petition P-970, attached to this Memorandum as Exhibit 2, following a public hearing, and contingent on the recording of the plat of “SEAHUNTER PROPERTIES,” tentative plat T-24053. In the event the plat is not approved within four years, 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 subject right-of-way is covered with areas of grass and bare dirt, as site work is underway for the proposed development at this location. A location map is attached as Exhibit 1. This request conforms with County regulations governing the closing of roads as set forth in Resolution No. R-7606.

Scope

This 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 this right-of-way at a rate of \$6.00 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$267,444. If this right-of-way is closed and vacated, the lands will be placed on the tax roll. Since a new right-of-way for SW 140 Court will be dedicated by the said plat of “SEAHUNTER PROPERTIES” to replace the subject segment of SW 140 Avenue sought to be closed, an estimated net increase of \$1,183 per year in additional property taxes will be generated. The fee for this road closing is \$1,960.

Track Record/Monitor

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

Delegated Authority

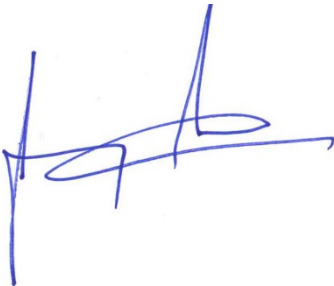
There is no delegation of authority associated with this item.

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

Background

The owner of the properties that abut the subject right-of-way wishes to close SW 140 Avenue from SW 252 Street to SW 254 Street in order to incorporate the land into the proposed plat of “SEAHUNTER PROPERTIES,” tentative plat T-24053, for the expansion of the existing boat manufacturing facility located to the southeast of the subject lands. The right-of-way being closed has neither been improved nor maintained by Miami-Dade County.

The subject right-of-way was dedicated to the County in 1992 by the plat of “ENCO INDUSTRIAL SUBDIVISION,” recorded in Plat Book 141, Page 68, of the Public Records of Miami-Dade County, Florida. The subject right of way is located within the Princeton Community Urban Center (PCUC).

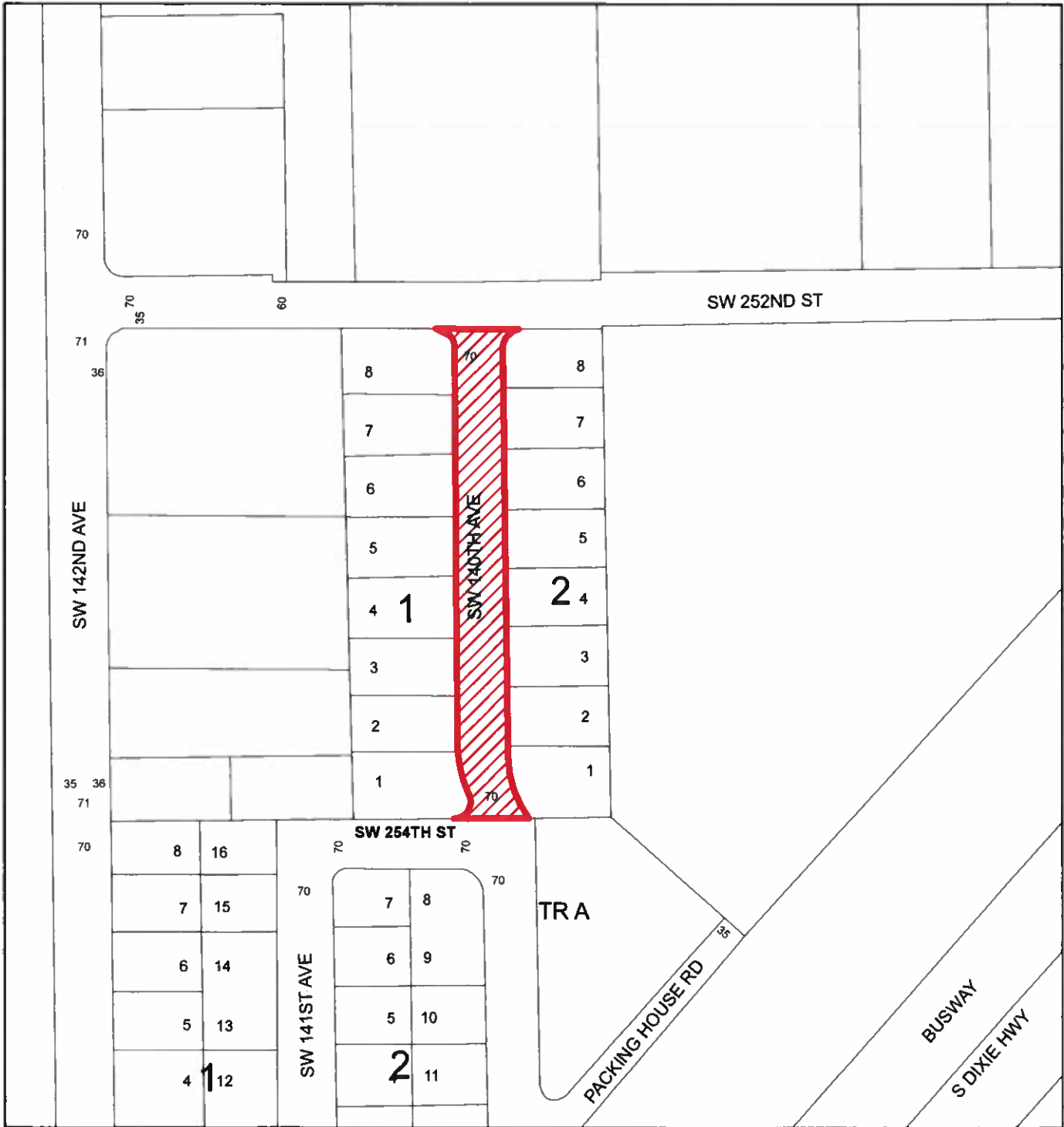


Jimmy Morales
Chief Operations Officer

Location Map

SECTION 27 TOWNSHIP 56 S RANGE 39 E

EXHIBIT "1"



This is not a survey

P- 970

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

Legend

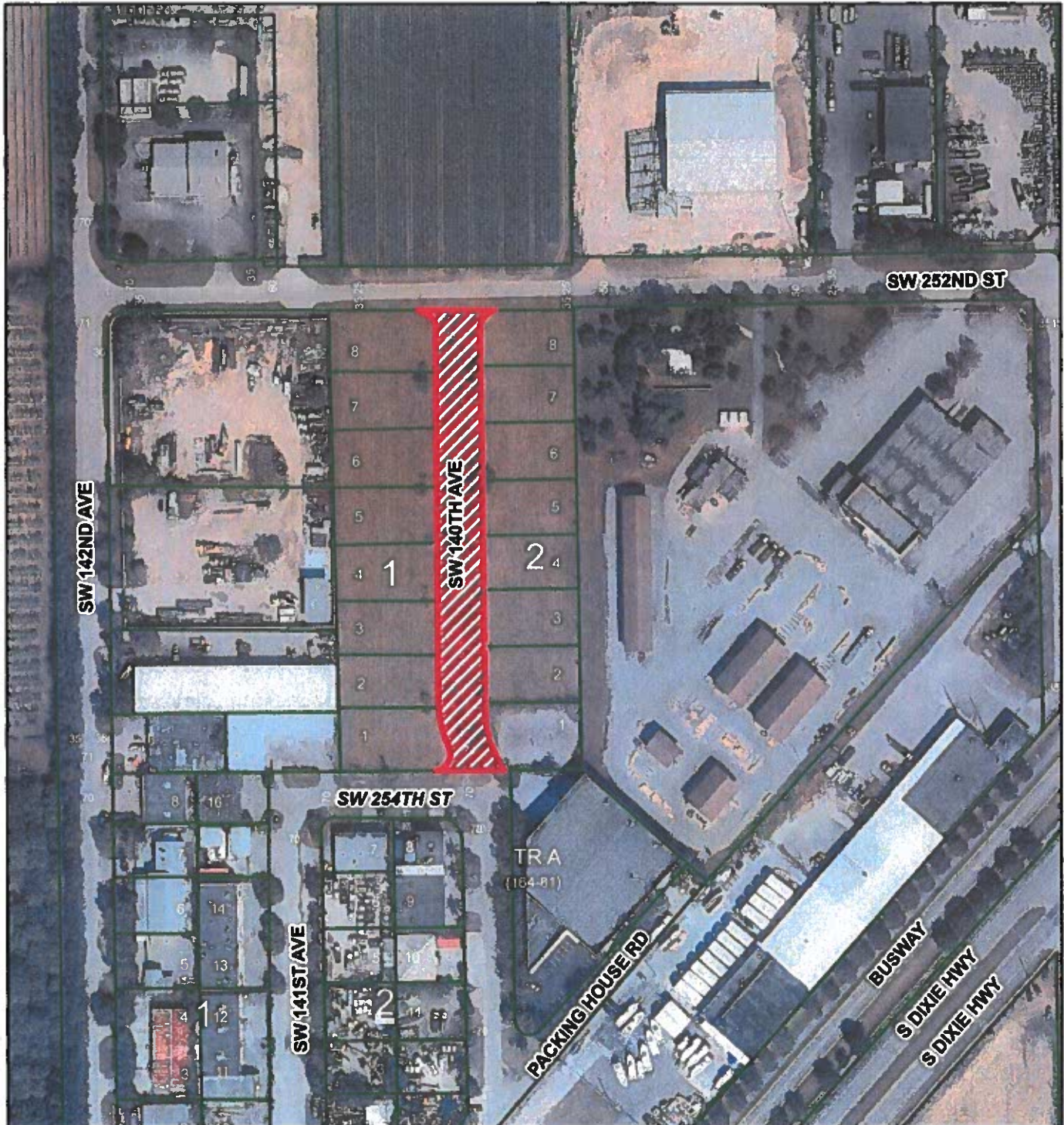
P-970 ROAD CLOSING

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: February 11 2021
Prepared by : ym

Location & Aerial Map
SECTION 27 TOWNSHIP 56 S RANGE 39 E
EXHIBIT "1"

NTS



This is not a survey

P-970

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

Legend

◆ P-970 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: February 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:

That portion of SW 140th Avenue lying within the Plat of "ENCO INDUSTRIAL SUBDIVISION", according to the plat thereof, as recorded in Plat Book 141, Page 68, of the Public Records of Miami-Dade County Florida, bounded on the north by the south right of way line of SW 252 Street and bounded on the south by the north right of way line of SW 254 Street.

Containing 44,574 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 right-of-way was acquired and is evidenced in the following manner:

This right of way was dedicated in 1992 by the plat of ENCO INDUSTRIAL SUBDIVISION, according to the Plat thereof as recorded in Plat Book 141, Page 68 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.

SEA HUNTER, INC., a Florida corporation, owns all parcels within the existing plat/subdivision and is the only owner abutting upon the above described right-of-way.

Sea Hunter, Inc. 's address is 25545 SW 140 Ave, Miami, FL 33032

The Folio Numbers for all abutting parcels are as follows:

30-6927-014-0010	30-6927-014-0090
30-6927-014-0020	30-6927-014-0100
30-6927-014-0030	30-6927-014-0110
30-6927-014-0040	30-6927-014-0120
30-6927-014-0050	30-6927-014-0130
30-6927-014-0060	30-6927-014-0140
30-6927-014-0070	30-6927-014-0150
30-6927-014-0080	30-6927-014-0160

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):

Sea Hunter, Inc. is replatting the entirety of the Enco Industrial Subdivision (which has not been developed or improved) and as part of the replat (to be called SEAHUNTER PROPERTIES) the right of way of SW 140 Ave will be relocated from the center of the platted property to the westerly side of the property and will now be SW 140 Court. The ability of the public to have access between SW 252 Street and SW 254 Street will remain and the relocation of the right of way via the replat will allow Sea Hunter Boats to construct and expand its boat manufacturing facility.

7. Signatures of all abutting property owners:

Respectfully submitted,

SEA HUNTER, INC., A Florida corporation
25545 SW 140 Ave
Miami, FL 33032

By: _____


Jose R. Montalvo, III
President

Attorney for Petitioner:
The Flanagan Law Firm, P.A.
Jeffrey M. Flanagan, Esq.
3399 Ponce de Leon Boulevard
Suite 202
Coral Gables, Florida 33134
305-444-1500
JMF@FLFPA.com

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

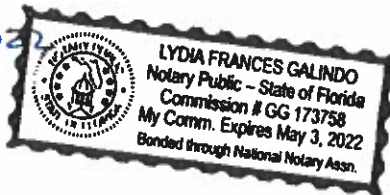
BEFORE ME, the undersigned authority, personally appeared Jose R. Montalvo, III, as President of Sea Hunter, Inc., a Florida corporation, who first by me duly sworn, deposes and says that he is the President one of petitioner named in and who signed the foregoing petition; that he is duly authorized to make this verification for and on behalf of all petitioners; that he has read the foregoing petition and that the statements therein contained are true.

Sworn and subscribed before me this 18 day of January, 2021



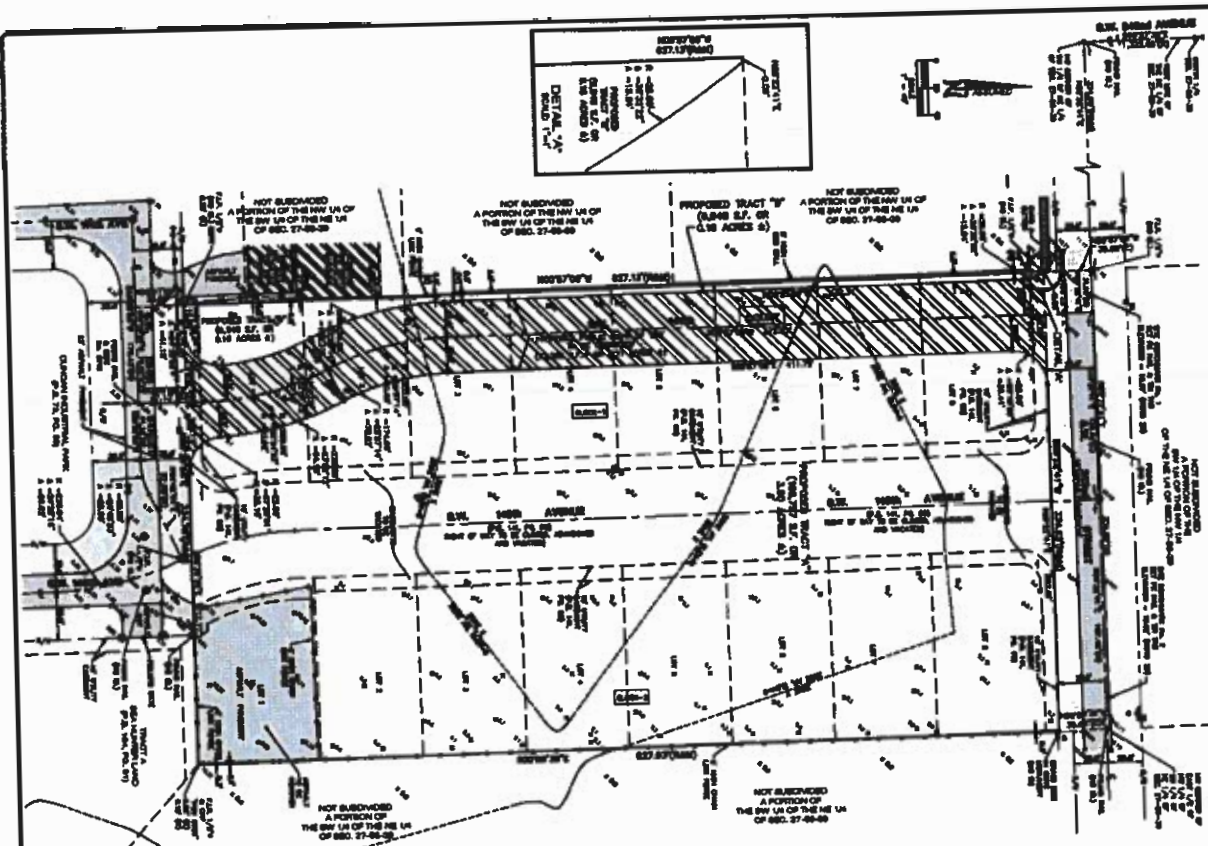
Notary Public State of Florida at Large

My Commission Expires: 5/3/2022



TENTATIVE PLAT OF SEAHUNTER PROPERTIES

A REPORT OF ALL OF THE PLAT OF SEACO INDUSTRIAL SUBDIVISION, RECORDED IN PLAT BOOK 140, AT PAGE 88, HADSONNE COUNTY PUBLIC RECORDS, LIBRA IN SECTION 27, TOWNSHIP 28 SOUTH, RANGE 28 EAST, HADSONNE COUNTY, FLORIDA



LEGEND

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SECTION 1) STATEMENT OF WORK:

The date of completion of the field work for the boundary survey was on December 14, 2011. The date of completion of the final plat for the tentative survey was on December 14, 2011.

SECTION 2) PROPERTY DESCRIPTION:

Tract 1, Subdivided in Part by Plat Book 140, at Page 88, Hadsonne County Public Records, showing a portion of the NW 1/4 of Section 27, Township 28 South, Range 28 East, Hadsonne County, Florida, containing approximately 1.18 acres, more or less, as shown on the attached plat.

SECTION 3) PROPERTY DESCRIPTION:

Tract 2, Subdivided in Part by Plat Book 140, at Page 88, Hadsonne County Public Records, showing a portion of the NW 1/4 of Section 27, Township 28 South, Range 28 East, Hadsonne County, Florida, containing approximately 1.18 acres, more or less, as shown on the attached plat.

SECTION 4) PROPERTY DESCRIPTION:

Tract 3, Subdivided in Part by Plat Book 140, at Page 88, Hadsonne County Public Records, showing a portion of the NW 1/4 of Section 27, Township 28 South, Range 28 East, Hadsonne County, Florida, containing approximately 1.18 acres, more or less, as shown on the attached plat.

SECTION 5) PROPERTY DESCRIPTION:

Tract 4, Subdivided in Part by Plat Book 140, at Page 88, Hadsonne County Public Records, showing a portion of the NW 1/4 of Section 27, Township 28 South, Range 28 East, Hadsonne County, Florida, containing approximately 1.18 acres, more or less, as shown on the attached plat.

SECTION 6) PROPERTY DESCRIPTION:

Tract 5, Subdivided in Part by Plat Book 140, at Page 88, Hadsonne County Public Records, showing a portion of the NW 1/4 of Section 27, Township 28 South, Range 28 East, Hadsonne County, Florida, containing approximately 1.18 acres, more or less, as shown on the attached plat.

SECTION 7) PROPERTY DESCRIPTION:

Tract 6, Subdivided in Part by Plat Book 140, at Page 88, Hadsonne County Public Records, showing a portion of the NW 1/4 of Section 27, Township 28 South, Range 28 East, Hadsonne County, Florida, containing approximately 1.18 acres, more or less, as shown on the attached plat.

SECTION 8) PROPERTY DESCRIPTION:

Tract 7, Subdivided in Part by Plat Book 140, at Page 88, Hadsonne County Public Records, showing a portion of the NW 1/4 of Section 27, Township 28 South, Range 28 East, Hadsonne County, Florida, containing approximately 1.18 acres, more or less, as shown on the attached plat.

SECTION 9) PROPERTY DESCRIPTION:

Tract 8, Subdivided in Part by Plat Book 140, at Page 88, Hadsonne County Public Records, showing a portion of the NW 1/4 of Section 27, Township 28 South, Range 28 East, Hadsonne County, Florida, containing approximately 1.18 acres, more or less, as shown on the attached plat.

SECTION 10) PROPERTY DESCRIPTION:

Tract 9, Subdivided in Part by Plat Book 140, at Page 88, Hadsonne County Public Records, showing a portion of the NW 1/4 of Section 27, Township 28 South, Range 28 East, Hadsonne County, Florida, containing approximately 1.18 acres, more or less, as shown on the attached plat.

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY
SEAHUNTER PROPERTIES

14000 AVE N & 600 28000 STREET, SEASIDE, FLORIDA 32082

17007
1/1

HADONNE
LAND SURVEYING & MAPPING
2014000 AVE N & 600 28000 STREET, SEASIDE, FLORIDA 32082
PH: 904-850-1100 | FAX: 904-850-1101 | WWW.HADONNE.COM



MEMORANDUM
(Revised)

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

DATE: June 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(B)

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(B)
6-1-22

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW 140 AVENUE, FROM SW 252 STREET TO SW 254 STREET (VACATION OF RIGHT-OF-WAY PETITION NO. P-970) FILED BY SEA HUNTER, 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, Vacation of Right-of-Way Petition No. P-970 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-970 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 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 “SEAHUNTER PROPERTIES” (tentative plat T-24053) within four years from the effective date of this resolution.

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 recording 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 1st day of June, 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