

MEMORANDUM

Agenda Item No. 5(C)

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 a portion of SW 77
Avenue, from SW 178 Street
north for 155.6 feet (Vacation
of Right-of-Way Petition No.
P-975) filed by Michael R. Haley
and Adriana E. Haley

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 *Daniella Levine Cava*
Mayor

Subject: Vacation of Right-of-Way Petition P-975
Section: 34-55-40
Portion of SW 77 Avenue from SW 178 Street North for 155.6 Feet
Commission District: 8

Executive Summary

The purpose of the item is to gain Board approval for granting Petition No. P-975 filed by Michael and Adriana Haley to close a portion of SW 177 Avenue, from SW 178 Street north for 155.6 feet, located in District 8 for a fee of \$4,961.76.

Recommendation

It is recommended that the Board of County Commissioners (Board) grant Vacation of Right-of-Way Petition P-975, 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. The subject right-of-way is covered with grass, except for that portion that the petitioner’s paved driveway crosses. A portion of the subject right-of-way is fenced-in as part of the petitioner’s yard. 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

The subject 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 property adjacent to the subject right-of-way at an average rate of \$12.85 per square foot. Therefore, the estimated value of the subject right-of-way would be approximately \$30,018. If this right-of-way is closed and vacated, the lands will be placed on the tax roll, generating an estimated \$543 per year in additional property taxes (according to the proposed 2021 millage rate for the Village of Palmetto Bay). The fee for this Vacation of Right-of-Way Petition is \$4,961.76.

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

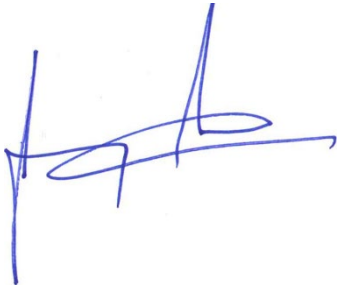
There is no delegation of authority associated with this item.

Background

The owner of the property abutting and fronting on the subject right-of-way wishes to close the portion of right-of-way lying along the west side of SW 77 Avenue, from SW 178 Street north for 155.6 feet to incorporate the land into his property. The subject right-of-way lies along a County-maintained road within the Village of Palmetto Bay. The portion of right-of-way being closed has neither been improved nor maintained by Miami-Dade County.

According to the Petition, the plat of Boyle Homesites dedicated 55 feet for the adjacent roadway. The plats to the north and south of the subject area only dedicated 40 feet for the adjacent roadway. The constructed roadway and sidewalk are within the 40 feet of dedication, not within the additional 15 feet. As can be seen in Exhibit 3, the dedicated area is not in use for roadway or sidewalk purposes. Such closure would conform the right-of-way to the dedicated areas to the north and south.

The subject right-of-way was dedicated to the County in 1974 by the plat of "BOYLE HOMESITES," recorded in Plat Book 99, Page 46, of the Public Records of Miami-Dade County, Florida. The property abutting the subject right-of-way is zoned E-M (Estate Modified Single Family District).

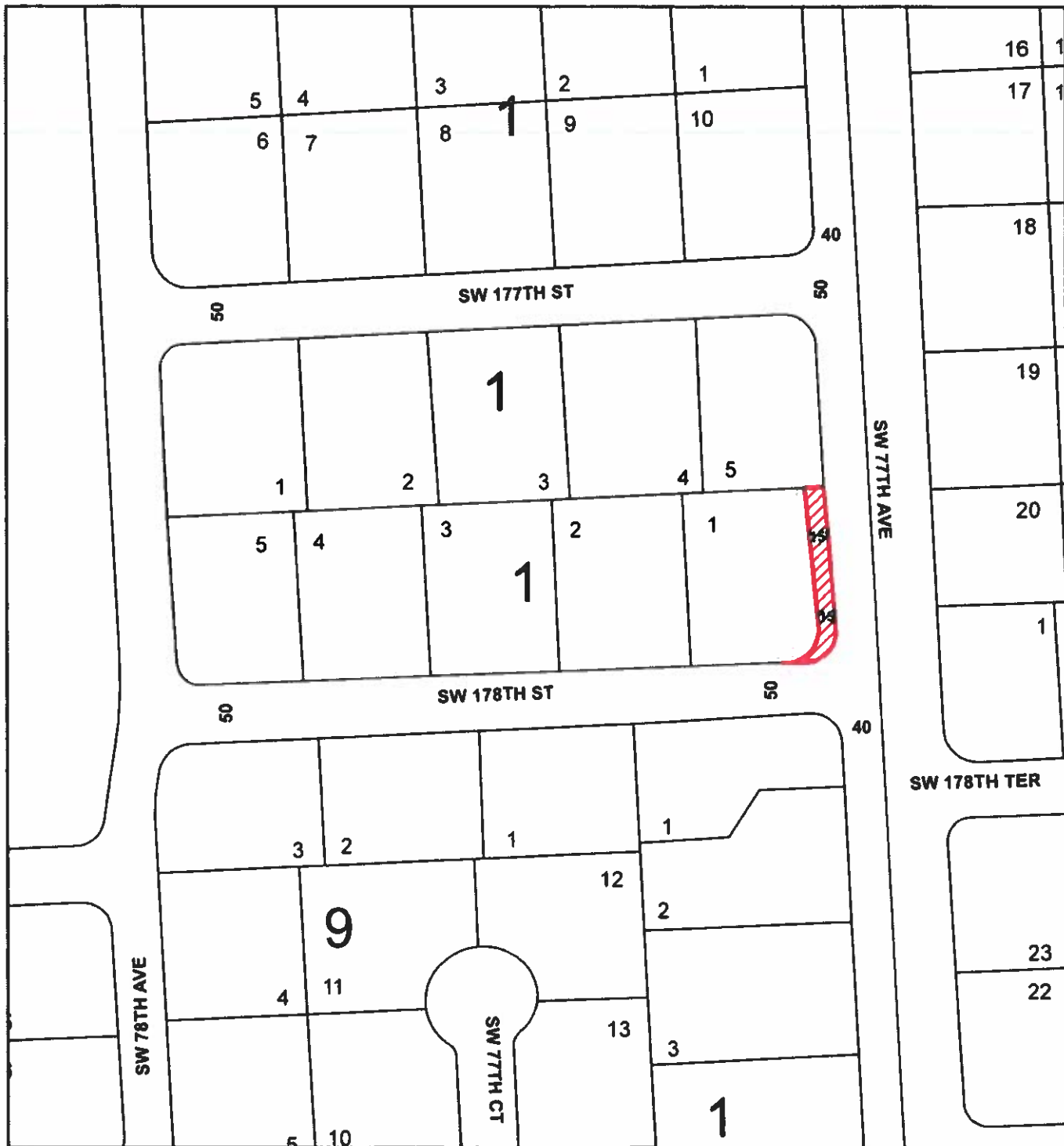


Jimmy Morales
Chief Operations Officer

Location Map

SECTION 34 TOWNSHIP 55 S RANGE 40 E

EXHIBIT "1"



This is not a survey

P- 975

Municipality: PALMETTO BAY
Commission District: Danielle Cohen Higgins 8

Legend

P-975 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: June 23 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 Exhibit "A" attached.

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 right-of-way was created by plat dedication on the plat of BOYLE HOMESITES, as recorded in Plat Book 99, Page 46 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 Exhibit "A" 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.

PRINTNAME	FOLIO NO.	ADDRESS
Michael R. Haley & Adriana E. Haley	33-5034-020-0010	7703 SW 178 St, Palmetto Bay, FL 33157
Fred D. Hayes & Andrea Hayes	33-5034-034-0050	7700 SW 177 ST Palmetto Bay, FL 33157

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 plat of Boyle Homesites dedicated 55 feet for the west half of SW 77 Avenue while plats to the north and south dedicated 40 feet (specifically, the plat of Bloom Acres (PB 134, Pg 25) to the abutting north dedicated 40 feet and the plat of Westley Subdivision (PB 95, Pg 38) immediately south dedicated 40 feet). This creates an excess and unused 15 feet of dedication along the applicant's property. By vacating the excess 15 feet, the westerly right-of-way line for SW 77 Avenue between SW 176 Street and at least SW 180 Street will be a continuous line of a 40 foot half right-of-way dedication without indentation. Additionally, the public sidewalk was long ago constructed and the sidewalk follows the westerly right-of-way line along this block as though the plat dedication were 40 feet. The effect of this is that there is dedicated right-of-way between the sidewalk and the applicant's property that exists only along the applicant's property and along no one else's property; thereby leading to a patch of right-of-way that goes nowhere.

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

Respectfully submitted,

SIGNATURE


Michael R. Haley


Adriana E. Haley

ADDRESS

7700 SW 178 St
Palmetto Bay, FL 33157

7. Signatures of all abutting property owners:


Respectfully submitted,

SIGNATURE

ADDRESS


Fred D. Hayes

7700 SW 177 St.
Palmetto Bay, FL 33157


Andrea Hayes

Attorney for Petitioner:
Jeffrey M. Flanagan, Esq.
The Flanagan Law Firm, P.A.
3399 Ponce de Leon Blvd., Ste 202
Coral Gables, FL 33134

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

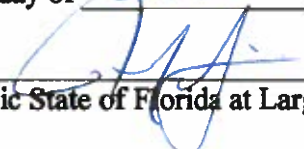
BEFORE ME, the undersigned authority, personally appeared MICHAEL R. HANSEN & ADRIANA E. HANSEN, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf 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

19 day of June, 2021



Notary Public State of Florida at Large

My Commission Expires: 5/30/2024



SKETCH OF SURVEY

EXHIBIT "A"

PREPARED BY:
 **GUNTER GROUP, INC.**
 LAND SURVEYING - LAND PLANNING
 FLORIDA CERTIFICATE OF AUTHORIZATION # LB 4507
 9350 S.W. 22nd TERRACE
 MIAMI, FLORIDA 33165
 (305) 220-0073

LEGAL DESCRIPTION:

That portion of the West 16.00 feet of S.W. 77th Avenue right-of-way lying East of and adjacent to Lot 1, Block 1, of BOYLE HOMESITES; according to the Plat thereof, as recorded in Plat Book 99, at Page 46, of the Public Records of Miami-Dade County, Florida; more particularly described as follows:

Commence at the Southwest corner of said Lot 1, Block 1; thence N87°25'21"E along the South line of said Lot 1, for a distance of 115.00 feet to a point of curvature and the Point of Beginning of the following described portion of the right-of-way of S.W. 77th Avenue; thence Easterly, Northeasterly and Northerly along a circular curve concave to the Northwest, having a radius of 25.00 feet, a central angle of 90°27'46" for an arc distance of 39.47 feet to a point of tangency; thence N03°02'25"W along the East line of said Lot 1 for a distance of 130.57 feet to the Northeast corner of said Lot 1; thence N87°21'36"E for a distance of 15.00 feet; thence S03°02'25"E along a line 15.00 feet East of the East line of said Lot 1, for a distance of 130.57 feet to a point of curvature; thence Southerly, Southwesterly and Westerly along a circular curve concave to the Northwest, having a radius of 25.00 feet, a central angle of 90°27'46" for an arc distance of 39.47 feet to a point of tangency; thence S87°25'21"W along the prolongation to the East of the South line of said Lot 1 for a distance of 15.00 feet to the Point of Beginning.


Containing approximately 2,336 square feet.

FOR: Michael R. Haley and Adriana E. Haley.

SURVEYOR'S NOTES:

- 1) This survey was conducted for the purpose of a "Boundary Survey" only and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other entity.
- 2) The accuracy obtained by measurements and calculations on this survey, meets and exceeds the Standards of Practice requirements for a Suburban area (1 foot in 7,500 feet) as specified in Chapter 5J-17, Florida Administrative Code.
- 3) Bearings shown hereon are based on an assumed meridian of S87°25'21"W along the front boundary line of the subject property.
- 4) The North arrow direction shown herein is based on an assumed Meridian.
- 5) In some cases graphic representation have exaggerated to more clearly illustrate a particular area where dimensions shall have preference over graphic location.
- 6) Legal description was provided by the client and is subject to any dedications, limitations, restrictions reservations or easements of record.
- 7) Examination of the Abstract of Title will have to be made to determine recorded instruments, if any affecting the property; search of Public Records not performed by this office.
- 8) No effort was made by this office to locate any underground utilities and/or structures within or abutting the subject property.
- 9) This survey has been prepared for the exclusive use of the entities named hereon only and the certifications hereon do not extend to any unnamed parties.
- 10) Contact the appropriate authorities prior to any design work on the hereon-described parcel for Building and Zoning information.
- 11) Professional Land Surveyor and Mapper in responsible charge: Rolando Ortiz LS 4312, State of Florida.
- 12) This survey is not valid without the signature and the raised seal of a Florida Licensed Land Surveyor and Mapper.

I hereby certify to Michael R. Haley and Adriana E. Haley; that the Sketch of Boundary Survey of the described property is true and correct to the best of my knowledge and belief, as recently surveyed and platted under my direction; also that meets the Standards of Practice set in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.


 By: Rolando Ortiz LS 4312
 Professional Land Surveyor
 & Mapper, State of Florida.

NOT VALID WITHOUT SHEET 2 OF 2
 (SHEET 2 OF 2 CONTAINS SKETCH OF SURVEY)

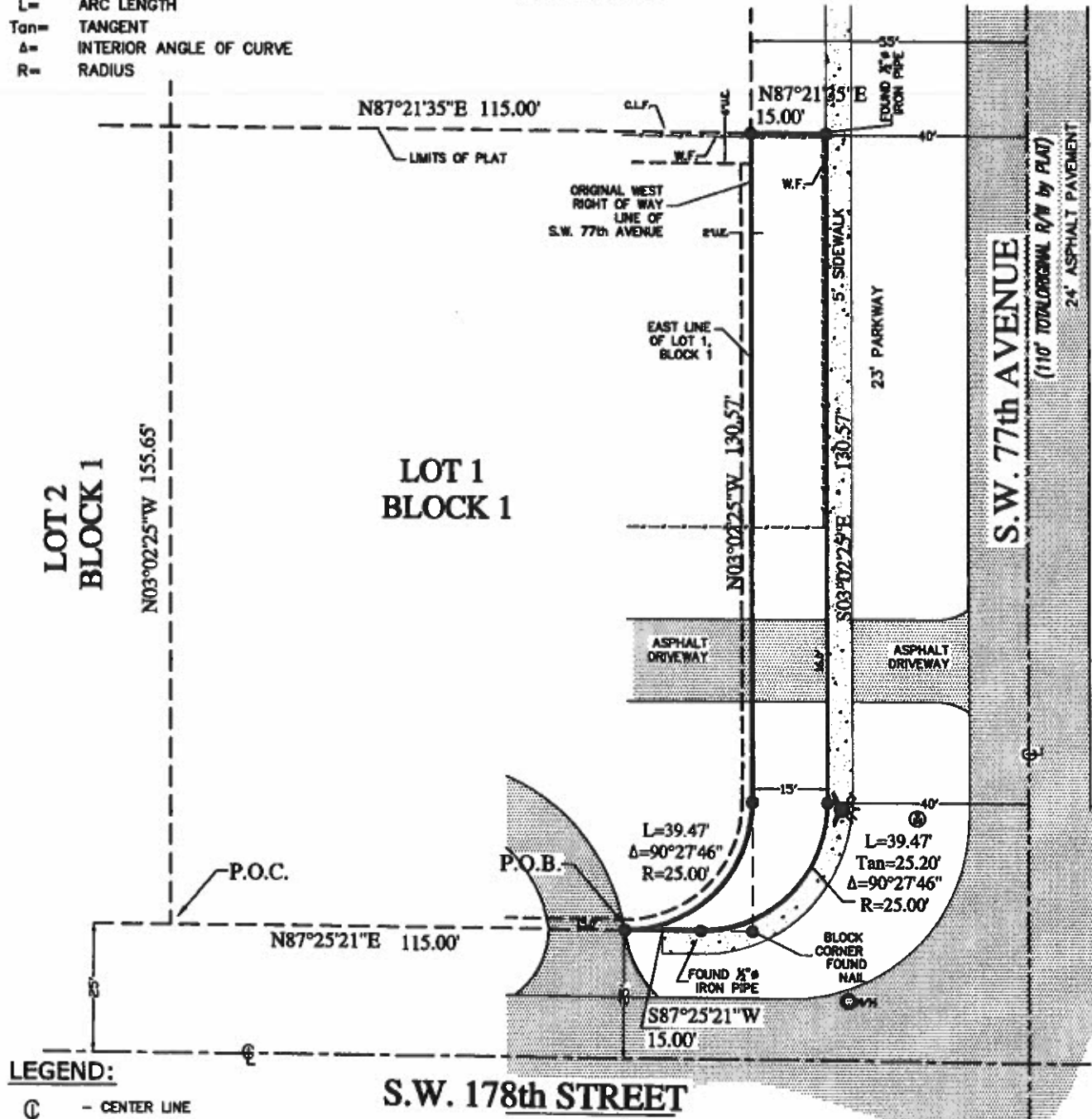
REVISIONS: 05-17-2021	JOB No.: 08-26145-B	SKETCH No.: 23585-B	DATE: 03-19-2021	SCALE: 1"=30'	SHEET: 1 OF 2
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ABBREVIATIONS:

- R/W AIR CONDITIONER
- (Meas) MEASURED
- (R) RECORD
- P.O.C. POINT OF COMMENCE
- P.O.B. POINT OF BEGINNING
- U.E. UTILITY EASEMENT
- C.L.F. CHAIN LINK FENCE
- W.F. WOOD FENCE
- L= ARC LENGTH
- Tan= TANGENT
- Δ= INTERIOR ANGLE OF CURVE
- R= RADIUS

SKETCH OF SURVEY

PREPARED BY:
GUNTER GROUP, INC.
 LAND SURVEYING - LAND PLANNING
 FLORIDA CERTIFICATE OF AUTHORIZATION LB 4507
 9350 S.W. 22nd TERRACE
 MIAMI, FLORIDA 33165
 (305) 220-0073

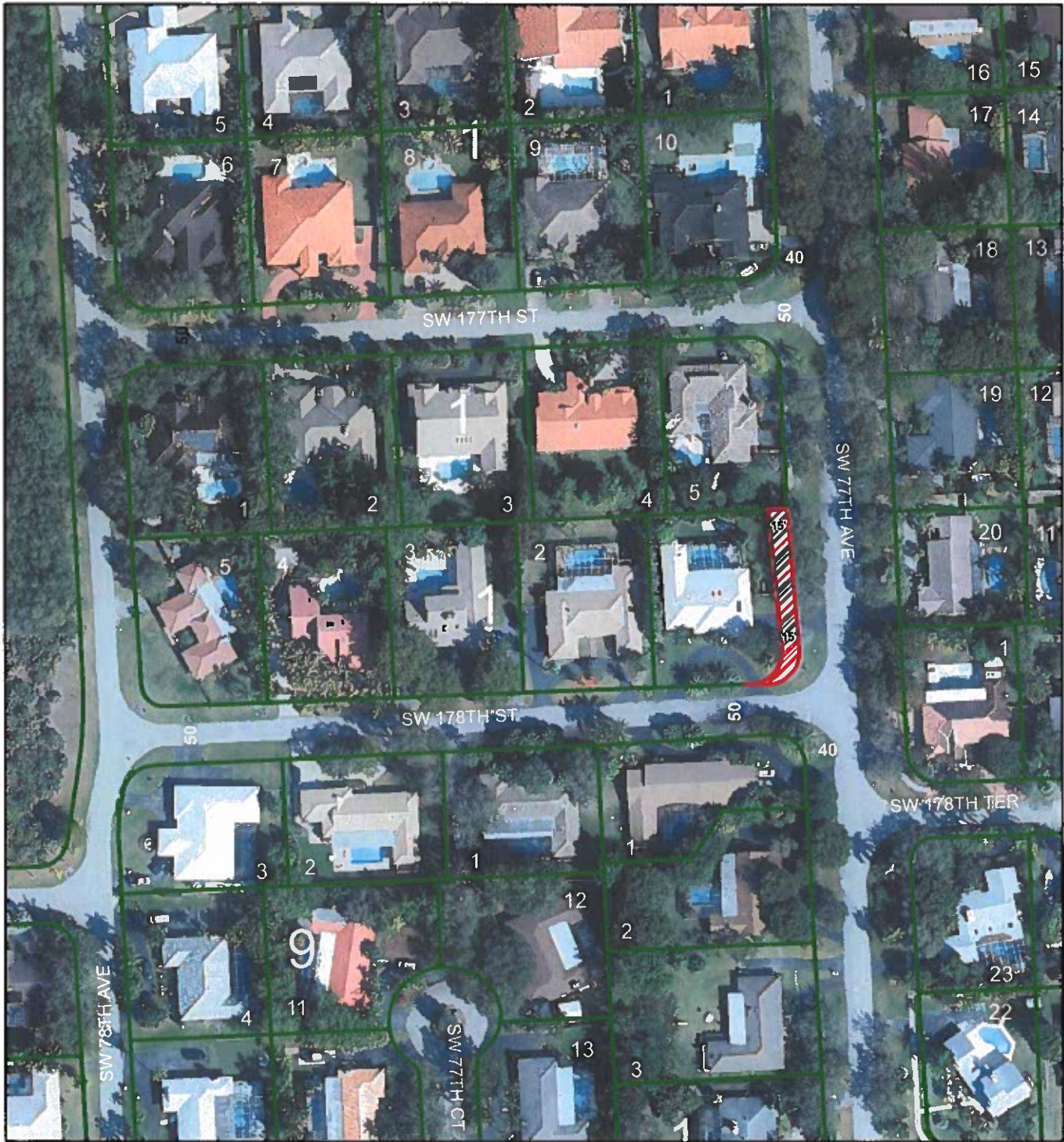


- LEGEND:**
- CENTER LINE
 - MANHOLE
 - WATER VALVE
 - FIRE HYDRANT

NOT VALID WITHOUT SHEET 1 OF 2
 (SHEET 1 OF 2 CONTAINS LOCATION MAP AND SURVEYORS NOTES)

REVISIONS: 05-17-2021	JOB No.: 08-26145-B	SKETCH No.: 23585-B	DATE: 03-19-2021	SCALE: 1"=30'	SHEET: 2 OF 2
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Location Map
SECTION 34 TOWNSHIP 55 S RANGE 40 E
EXHIBIT "3"



This is not a survey

Municipality: PALMETTO BAY
Commission District: Danielle Cohen Higgins 8

P- 975

Legend

 P-975 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: June 23 2021
Prepared by: ym



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(C)

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(C)
6-1-22

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF SW 77 AVENUE, FROM SW 178 STREET NORTH FOR 155.6 FEET (VACATION OF RIGHT-OF-WAY PETITION NO. P-975) FILED BY MICHAEL R. HALEY AND ADRIANA E. HALEY

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-975 was signed by the owners of all of the properties abutting on the subject portion of 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. 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 3. All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed.

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.

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