

MEMORANDUM

Agenda Item No. 5(A)


TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution closing certain additional portions of land adjacent to Lincoln Memorial Park Cemetery on NW 30th Avenue and NW 31st Avenue and waiving certain inapplicable provisions of Resolution No. 7606 and Implementing Order No. 4-41 relating to petition for road closure, subject to certain conditions; retaining a non-exclusive utility easement and authorizing the County Mayor to execute the easement and to exercise all rights conferred therein; and amending Resolution No. R-572-23 to direct the County Mayor to forthwith finalize and execute the Grant Agreement so that construction can expeditiously commence on such vacated properties

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon.



Geri Bonzon-Keenan
County Attorney

GBK/gh


MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(A)

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(A)
12-12-23

RESOLUTION NO. _____

RESOLUTION CLOSING CERTAIN ADDITIONAL PORTIONS OF LAND ADJACENT TO LINCOLN MEMORIAL PARK CEMETERY ON NW 30TH AVENUE AND NW 31ST AVENUE AND WAIVING CERTAIN INAPPLICABLE PROVISIONS OF RESOLUTION NO. 7606 AND IMPLEMENTING ORDER NO. 4-41 RELATING TO PETITION FOR ROAD CLOSURE, SUBJECT TO CERTAIN CONDITIONS; RETAINING A NON-EXCLUSIVE UTILITY EASEMENT AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE THE EASEMENT AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN; AND AMENDING RESOLUTION NO. R-572-23 TO DIRECT THE COUNTY MAYOR AND COUNTY MAYOR’S DESIGNEE TO FORTHWITH FINALIZE AND EXECUTE THE GRANT AGREEMENT SO THAT CONSTRUCTION CAN EXPEDITIOUSLY COMMENCE ON SUCH VACATED PROPERTIES

WHEREAS, Lincoln Memorial Park Cemetery (“Lincoln Memorial Park”), a 9.23 acre site located at 3001 N.W. 46th Street in Brownsville, is one of the oldest Black cemeteries in Miami-Dade County, with ledgers indicating burials dating back to the early 1900s; and

WHEREAS, Lincoln Memorial Park was designated as a historic site by the County’s Historic Preservation Board in 1991 and is listed on the National Register of Historic Places; and

WHEREAS, in order to facilitate the preservation and restoration of Lincoln Memorial Park, on July 6, 2023, this Board adopted Resolution No. R-572-23 (the “Lincoln Memorial Park Resolution”) which, among other things, closed a portion of land adjacent to Lincoln Memorial Park on NW 46th Street to allow the construction of an abutting gate and other entrance improvements (“Gate Improvements”); and

WHEREAS, in addition to the construction on NW 46th Street, the Gate Improvements will likewise be constructed along NW 30th Avenue and NW 31st Avenue, the streets bordering Lincoln Memorial Park to the east and the west; and

WHEREAS, various vaults and graves are located in close proximity to NW 30th Avenue and NW 31st Avenue, where certain Gate Improvements are intended to be constructed; and

WHEREAS, because many of the graves and vaults are located close to these eastern and western property lines, underground areas were surveyed utilizing ground penetrating radar (“GPR”) to identify any anomalies that could be associated with underground graves in the areas where construction could potentially occur; and

WHEREAS, although GPR cannot be utilized to positively identify underground graves, certain underground anomalies exhibiting characteristics of graves were identified along NW 30th Avenue and NW 31st Avenue; and

WHEREAS, in the abundance of caution, based on the results of the GPR and to avoid any potential disruption to nearby or underground gravesites, and upon the recommendation of DTPW, the County seeks to vacate additional right-of-way along the eastern and western property lines to ensure the safety and preservation of the graves during the construction work; and

WHEREAS, the Board seeks to close a two foot wide portion of NW 30th Avenue and a two-foot-wide portion of NW 31st Avenue, as depicted in the location map attached as Exhibit “1”, the sketch and legal description attached as Composite Exhibit “A”, and the survey of areas to be vacated attached as Exhibit “B”, and incorporated herein (the “Road Closure Properties”), to enable the construction of the Gate Improvements thereon; and

WHEREAS, existing utilities lie within the areas being vacated, and accordingly, as a condition of the road closure, the County will retain a non-exclusive utility easement over a portion of the subject areas, attached hereto and incorporated herein as Exhibit 2 (“Utility Easement”); and

WHEREAS, section 336.09, Florida Statutes, grants discretion to the Board to close roads within their control on their own motion and in their own discretion, or alternatively, upon petition by any person; and

WHEREAS, the former owners of a portion of the subject land, F. B. Miller and Anna Miller, dedicated the subject portion along NW 30th Avenue for roadway purposes in 1924, and the former owner of the subject portion of NW 31st Avenue, Kelsey Pharr, dedicated that portion for roadway purposes in 1938; and their successor-in-interest has requested the closure of the Road Property; and

WHEREAS, in accordance with Resolution No. 7606, administration has advised that all required departments have reviewed and approved the proposed closure, including but not limited to the Department of Regulatory and Economic Resources, the Department of Transportation and Public Works, and the Water and Sewer Department, provided that the Utility Easement is retained; and

WHEREAS, although Resolution No. 7606 requires a petition for road closings signed by the abutting owners, and Implementing Order No. 4-41 sets a fee for road closing petitions, the subject road closings are made upon the Board’s own motion and in its own discretion and not upon petition of the abutting owner, and accordingly, such provisions are not applicable to the subject road closures; and

WHEREAS, if the road closings are granted, Lincoln Memorial Trust, Inc. (“Trust”), and Jessie Wooden, an owner of Lincoln Memorial Park who is also the President of the Trust, have agreed to construct the Gate Improvements upon the Road Closure Properties which will be incorporated into Lincoln Memorial Park by the road closure; and

WHEREAS, reverting the Road Closure Properties to private ownership will allow and facilitate the construction of the Gate Improvements on the eastern and western borders of the cemetery, thereby serving to beautify and improve Lincoln Memorial Park in acknowledgement of its historic nature; and

WHEREAS, section 336.10, Florida Statutes, requires notice to be made of public hearings for road closings to be included in a newspaper of general circulation at least two weeks before the public hearing, and a public hearing was held in compliance with Resolution No. 7606; and

WHEREAS, the Lincoln Memorial Park Resolution (i) conditioned the NW 46th Street road closure upon the completion of certain County roadway improvements to redesign the adjacent roadway, which was necessary to allow the installation of the Gate Improvements thereon; (ii) approved a grant to the Trust to be used to fund the Gate Improvements; and (iii) authorized the County Mayor or County Mayor’s designee to negotiate and execute a grant agreement with the Trust to fund the construction of the Gate Improvements (the “Grant Agreement”); provided certification of the completion of the NW 46th Street roadway improvements was provided and that the County Mayor or Mayor’s designee confirmed that all taxes were paid and current on Lincoln Memorial Park (“Conditions Precedent”); and

WHEREAS, the installation of the Gate Improvements along NW 30th Avenue and NW 31st Avenue is not contingent upon the completion of the NW 46th Street roadway improvements, and can commence immediately upon the closure of the Road Closure Properties; and

WHEREAS, the Board seeks to amend the Lincoln Memorial Resolution to allow the County Mayor or County Mayor's designee to immediately finalize and execute the Grant Agreement in the amount needed for the Gate Improvements that are to go onto the Road Closure Properties so that the construction thereof can commence on the Road Closure Properties; and

WHEREAS, the road closing set forth herein is intended to supplement and effectuate this Board's directive and intent as set forth in Lincoln Memorial Park Resolution, which remains in full force and effect except as otherwise amended herein,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated and approved as if fully set forth herein.

Section 2. The Road Closure Properties are hereby vacated, abandoned, and closed, and all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed, subject to the County's retention of the Utility Easement as set forth in section 6 herein.

Section 3. This Board finds that the road closure will serve a public purpose and benefit the public without violating private property rights, and the procedure utilized in the adoption of this resolution is expressly ratified and approved.

Section 4. This Board waives Resolution No. 7606 as to its requirement that a petition for road closing be filed including signatures by abutting owners, and the fee requirement for road closings set forth in IO 4-41, as such provisions are inapplicable because this road closure was made upon motion of the Board and not by petition, and further finds that it is therefore in the best interest of the public to do so.

Section 5. Pursuant to Resolution No. 7606, the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty 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 6. As a condition of the road closure, the County shall retain the Utility Easement over, along, and under a portion of the Road Closure Properties in substantially the form attached hereto as Exhibit "2", and this Board authorizes the County Mayor or County Mayor's designee to execute same and to exercise all rights conferred therein.

Section 7. This Board amends the Lincoln Memorial Resolution to direct the County Mayor or County Mayor's designee to forthwith finalize and execute the Grant Agreement with the Trust in the amount needed for the Gate Improvements that are to go onto the Road Closure Properties, following review for form and legal sufficiency by the County Attorney's Office, so that construction and installation of the Gate Improvements upon the Road Closure Properties can immediately commence after vacation of the Road Closure Properties. The Grant Agreement can thereafter be amended to provide the balance of the \$542,000.00 allocated in the Lincoln Memorial Resolution once the original Conditions Precedent are satisfied.

Section 8. This Board directs the County Mayor or County Mayor's designee to appoint a monitor with respect to the foregoing directives, and to perform all acts necessary to effectuate same.

Section 9. Pursuant to Resolution No. R-974-09, (a) the County Mayor or County Mayor's designee shall record the Utility Easement in the public records of Miami-Dade County, Florida and shall provide a copy of the recorded instrument to the Clerk of the Board within 30 days of the recordation of the easement; and (b) the Clerk of this Board shall attach and permanently store a copy of the recorded instrument together with this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Keon Hardemon. It 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:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Debra Herman
Monica Rizo Perez

Location & Aerial Map

SECTION 21 TOWNSHIP 53S RANGE 41E

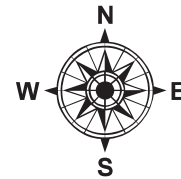
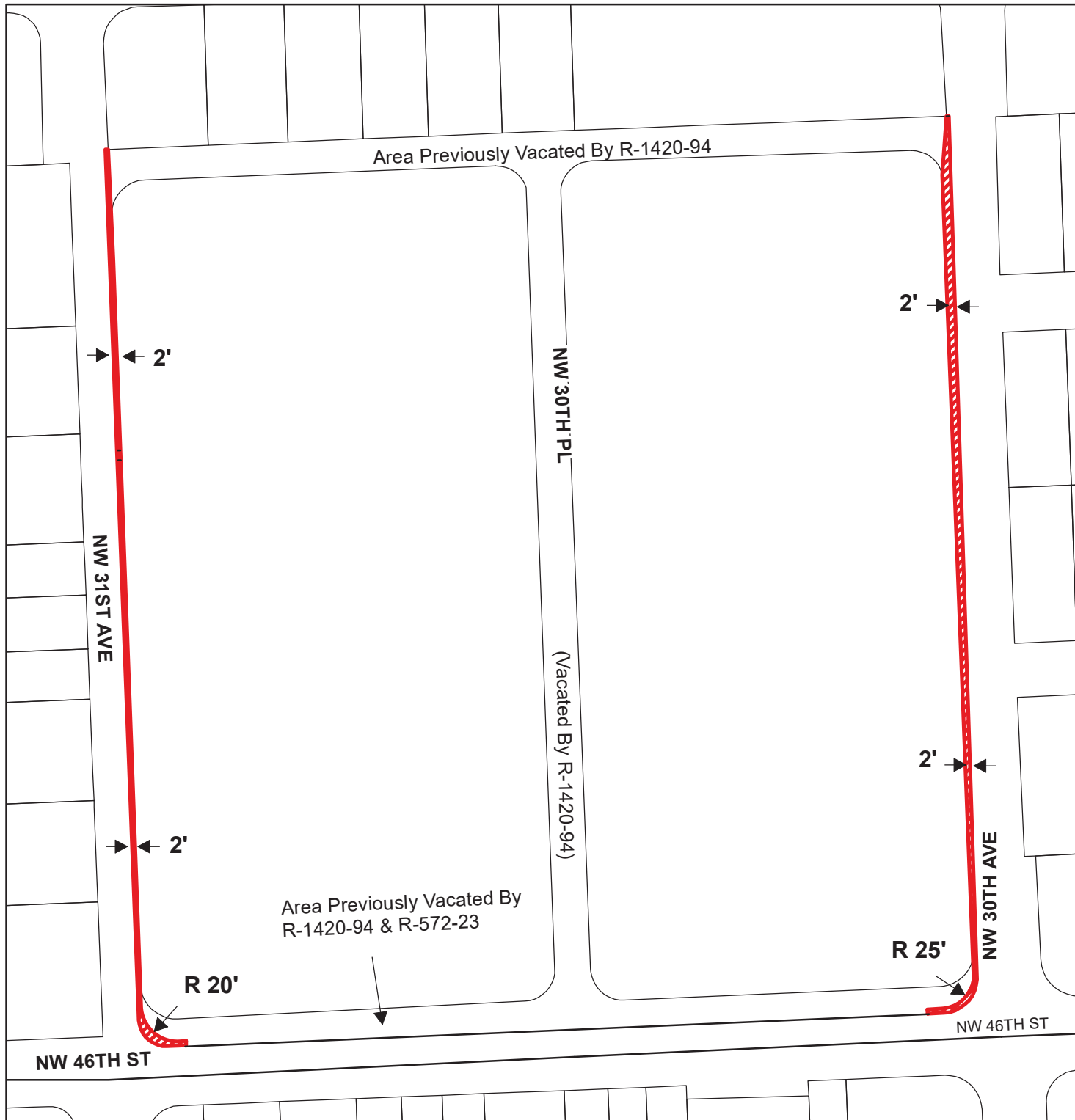


EXHIBIT 1



THIS IS NOT A SURVEY

PORTIONS OF NW 30 & 31 AVENUES NORTH OF NW 46 STREET

Municipality: Unincorporated
Commission District 3
Keon L. Hardemon

Legend 
P-1000 Road Closing

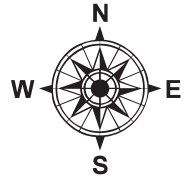
MIAMI-DADE COUNTY
Department of Transportation and Public Works
Right-of-Way Division
111 NW 1st Street, 1610
Miami, Florida 33128
PH (305) 375-2714

Date: 9/28/2023
Drawn By: A.Santelices

Location & Aerial Map

SECTION 21 TOWNSHIP 53S RANGE 41E

EXHIBIT 1



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PORTIONS OF NW 30 & 31 AVENUES NORTH OF NW 46 STREET

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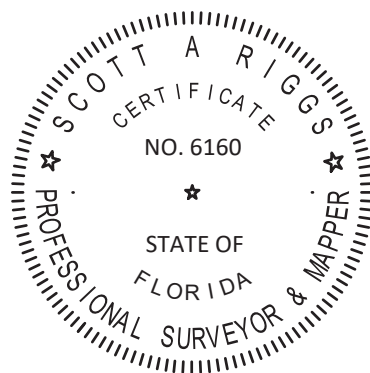
COMPOSITE EXHIBIT A TO RESOLUTION
SKETCHES & LEGAL DESCRIPTIONS OF
PORTIONS OF RIGHT-OF-WAY TO BE VACATED
(4 PAGES TO FOLLOW)

EXHIBIT "A"
LINCOLN MEMORIAL CEMETERY
NW 30 AVENUE PORTION
SKETCH AND LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR PORTION ALONG NW 30 AVENUE

A PORTION OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 53 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 21; THENCE S87°40'16"W ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 21, FOR A DISTANCE OF 1335.53 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21; THENCE N2°15'57"W ALONG SAID EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21, FOR A DISTANCE OF 46.95 FEET; THENCE S87°44'03"W, FOR A DISTANCE OF 23.00 FEET TO THE POINT OF BEGINNING AND THE INTERSECTION WITH A LINE 23.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21; THENCE N2°15'57"W ALONG SAID LINE 23.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21, A DISTANCE OF 627.85 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 8, "HOME OWNERS PARADISE" AS RECORDED IN PLAT BOOK 40 AT PAGE 50 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE, ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 8, S87°39'25"W, FOR A DISTANCE OF 2.00 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 8; THENCE S2°15'57"E, FOR A DISTANCE OF 627.85 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 89°56'14", THENCE RUN SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 39.24 FEET, TO A POINT OF INTERSECTION WITH A LINE 22.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF NORTHEAST 1/4 OF SAID SECTION 21; THENCE N87°40'16"E ALONG SAID LINE 22.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF NORTHEAST 1/4 OF SAID SECTION 21, FOR A DISTANCE OF 2.00 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 89°56'14", THENCE RUN NORTHEASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 39.24 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,306 SQUARE FEET OR 0.030 ACRES MORE OR LESS



SCOTT A. RIGGS
P.S.M.
FLORIDA LICENSE N° 6160

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED
BY SCOTT A. RIGGS, P.S.M. ON 10/02/2023

- NOTES:
1. THIS IS NOT A BOUNDARY SURVEY.
 2. "P.O.C." DENOTES "POINT OF COMMENCEMENT".
 3. "P.O.B." DENOTES "POINT OF BEGINNING".
 4. "O.R.B." DENOTES "OFFICIAL RECORDS BOOK".
 5. BEARINGS ARE BASED ON N87°40'16"E FOR THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 53 SOUTH, RANGE 41 EAST.

MIAMI-DADE COUNTY
Department of Transportation
and Public Works
111 NW First Street, Suite # 1610
Miami, Florida 33128 (305) 375-5774

This Description (Exhibit "A") and the accompanying sketch are not valid without the signature and seal of a Florida Licensed Surveyor and Mapper. This description and the accompanying (Exhibit "A") are not valid one without the other.

EXHIBIT "A"

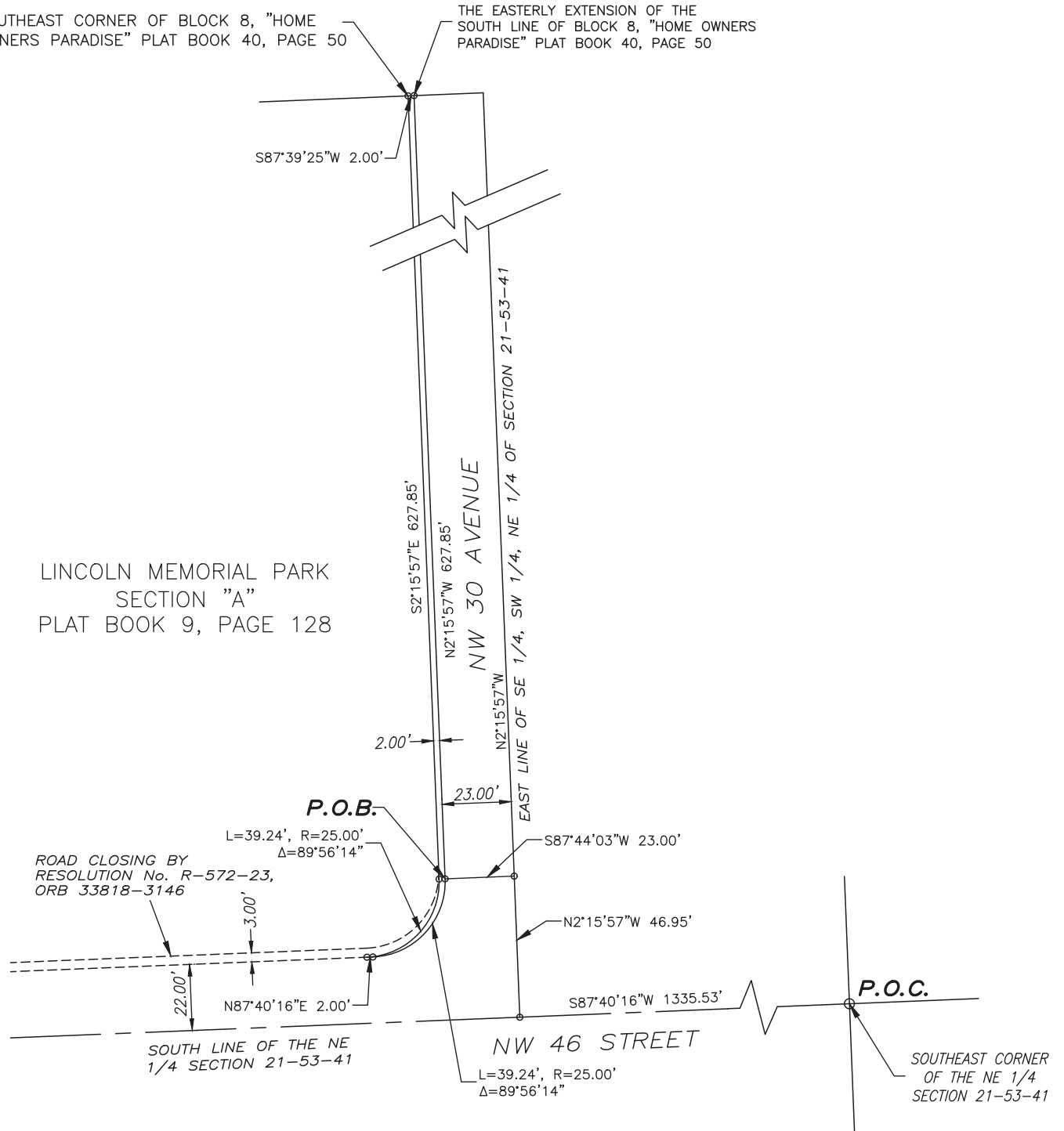
LINCOLN MEMORIAL CEMETERY NW 30 AVENUE PORTION SKETCH AND LEGAL DESCRIPTION



N.T.S.

SOUTHEAST CORNER OF BLOCK 8, "HOME OWNERS PARADISE" PLAT BOOK 40, PAGE 50

THE EASTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 8, "HOME OWNERS PARADISE" PLAT BOOK 40, PAGE 50



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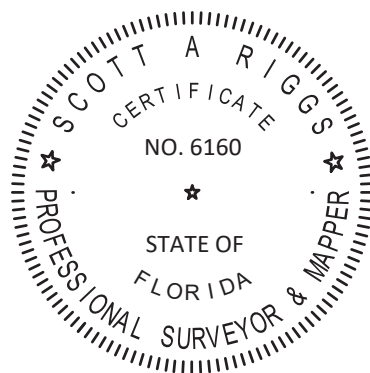
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LINCOLN MEMORIAL CEMETERY
NW 31 AVENUE PORTION
SKETCH AND LEGAL DESCRIPTION

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CONTAINING 1,305 SQUARE FEET OR 0.030 ACRES MORE OR LESS



SCOTT A. RIGGS
P.S.M.
FLORIDA LICENSE N° 6160

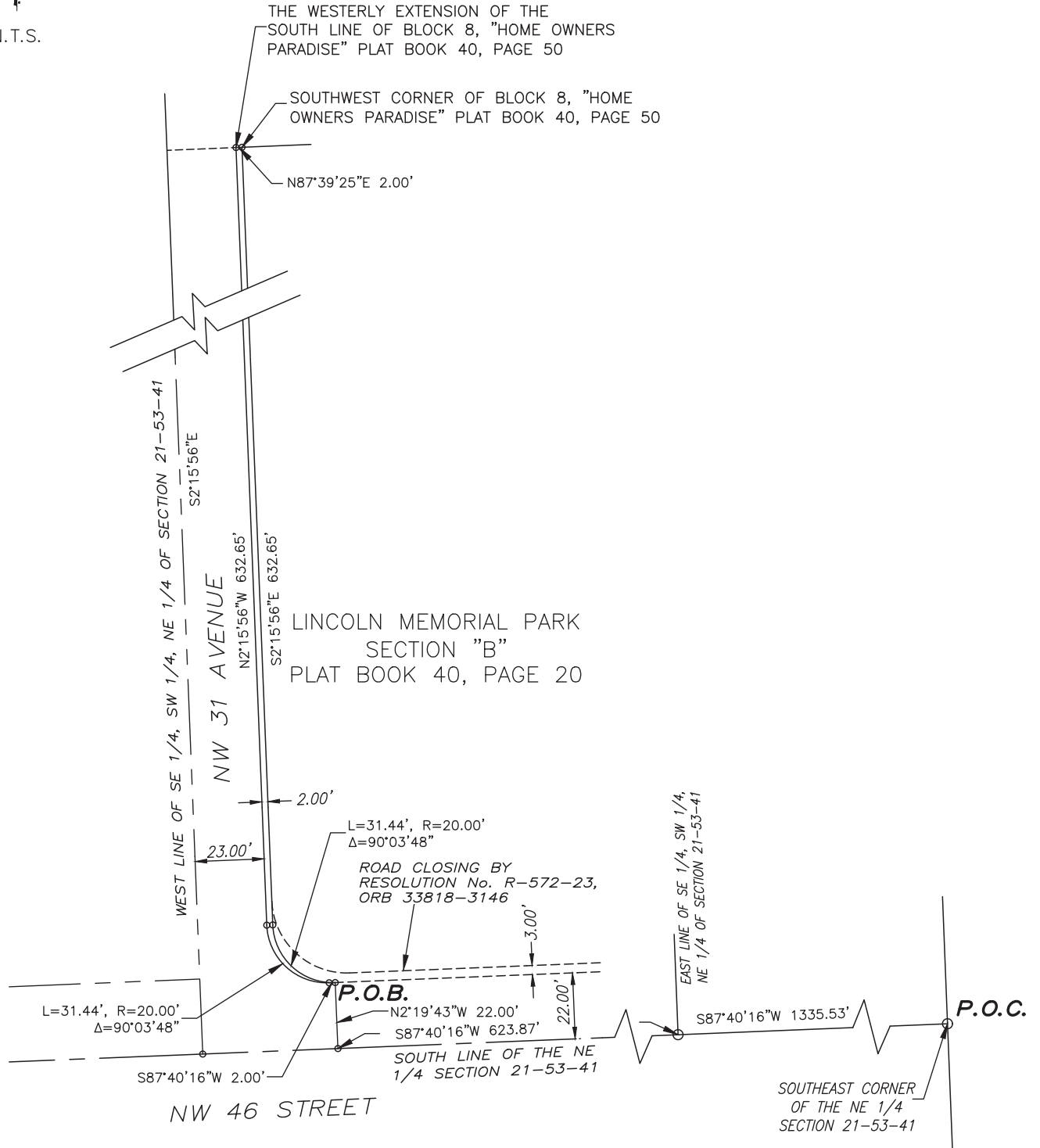
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 LINCOLN MEMORIAL CEMETERY
 NW 31 AVENUE PORTION
 SKETCH AND LEGAL DESCRIPTION



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EXHIBIT B
SPECIFIC PURPOSE SURVEY
OF AREAS TO BE VACATED
(4 PAGES TO FOLLOW)

SPECIFIC PURPOSE SURVEY PORTION ALONG NW 30 AVENUE AND NW 31 AVENUE ROAD CLOSING



LOCATION MAP
NOT TO SCALE

ABBREVIATIONS AND MEANINGS		LEGEND	
A/P = ALUMINUM LIGHT POLE	CONC. = CONCRETE		CHAIN LINK FENCE
CB = CATCH BASIN	CLP = CONCRETE LIGHT POLE		UTILITY POLE
CRS = CONCRETE BLOCK STANDARD	FH = FIRE HYDRANT		SANITARY SEWER MANHOLE
GA = GUY ANCHOR WIRE	HST = STREET LIGHT BOX		WATER VALVE
HHT = COMMUNICATION BOX	MHS = SANITARY SEWER MANHOLE		SIGN
FB = PLAT BOOK	PC = PACE		ELECTRIC BOX
WV = WATER VALVE	WPF = WOOD POWER POLE		FIRE HYDRANT
R/W = RIGHT-OF-WAY	P = PROPERTY LINE		
CL = CENTERLINE			

LEGAL DESCRIPTION FOR PORTION ALONG NW 31 AVENUE (PARCEL 1)

A PORTION OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 53 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE S87°40'16" W ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE CONTINUE S87°40'16" W ALONG SAID SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 623.87 FEET TO A POINT; THENCE RUN N2°19'43" W, 509' A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING AND THE INTERSECTION WITH A LINE 22.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE S87°24'01.65" W ALONG A LINE 22.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 2.00 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°03'48"; THENCE RUN WESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 31.44 FEET; THENCE N2°15'56" W ALONG A LINE 23.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 632.65 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 8, "HOME OWNERS PARADISE" AS RECORDED IN PLAT BOOK 40 AT PAGE 50 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THENCE N87°39'25" E ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 8 FOR A DISTANCE OF 2.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 8; THENCE S2°15'56" E ALONG A LINE 25.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 632.65 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°03'48"; THENCE RUN SOUTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 31.44 FEET TO THE POINT OF BEGINNING. CONTAINING 1,305 SQUARE FEET OR 0.030 ACRES MORE OR LESS.

LEGAL DESCRIPTION FOR PORTION ALONG NW 30 AVENUE (PARCEL 2)

A PORTION OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 53 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE S87°40'16" W ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 1335.53 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE N2°15'57" W ALONG SAID EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 46.95 FEET; THENCE S87°44'03" W, 215.97' A DISTANCE OF 23.00 FEET TO THE POINT OF BEGINNING AND THE INTERSECTION WITH A LINE 23.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE N2°15'57" W ALONG SAID LINE 23.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21, A DISTANCE OF 632.65 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 8, "HOME OWNERS PARADISE" AS RECORDED IN PLAT BOOK 40 AT PAGE 50 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THENCE ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 8 FOR A DISTANCE OF 59.00 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE N2°15'57" W ALONG A LINE 25.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 632.65 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 8, "HOME OWNERS PARADISE" AS RECORDED IN PLAT BOOK 40 AT PAGE 50 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THENCE ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 8 FOR A DISTANCE OF 2.00 FEET TO A POINT OF INTERSECTION WITH A LINE 22.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE N87°40'16" E ALONG SAID LINE 22.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 26.00 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 23.00 FEET AND A CENTRAL ANGLE OF 89°56'14"; THENCE RUN NORTHWESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 39.24 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21, CONTAINING 1,306 SQUARE FEET OR 0.030 ACRES MORE OR LESS.

LEGAL NOTES TO ACCOMPANY SURVEY:

- THIS SURVEY MAP REPRESENTS A SPECIFIC PURPOSE SURVEY.
- THE PURPOSE OF THIS SURVEY WAS TO LOCATE THE ABOVE-GROUND FEATURES WITHIN THE AREAS OF THE RIGHT-OF-WAY TO BE VACATED ALONG BOTH NW 30 AVENUE AND NW 31 AVENUE.
- SOURCES OF DATA, ROAD CLOSING BY RESOLUTION R-1420-94 AS RECORDED IN ORB 16359 AT PAGE 2198, ROAD CLOSING BY RESOLUTION R-572-23 AS RECORDED IN ORB 33818 AT PAGE 3146; THE PLAT, "LINDCOLN MEMORIAL PARK SECTION B" AS RECORDED IN PLAT BOOK 40 AT PAGE 20; THE PLAT, "LINDCOLN MEMORIAL PARK SECTION A" AS RECORDED IN PLAT BOOK 9 AT PAGE 128, ALL OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
- THIS SURVEY IS SUBJECT TO DEEDS, EASEMENTS, RESTRICTIONS, OR EASEMENTS OF RECORD, ALL EASEMENTS (IF ANY) WERE SUPPLIED BY THE CLIENT.
- THE HORIZONTAL COORDINATES SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83) ADJUSTMENT.
- THE HORIZONTAL COORDINATES SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83) ADJUSTMENT.
- THIS SITE IS AN EXISTING CEMETERY WITH NUMEROUS ABOVE-GROUND CASKETS, NO ATTEMPT WAS MADE TO LOCATE UNDERGROUND CASKETS, GRAVES, OR EVIDENCE THEREOF. NO ATTEMPT WAS MADE TO DETERMINE ANY EVIDENCE OF GRAVES LYING WITHIN THE SUBJECT PORTION TO BE VACATED.
- ARCHITECTS SHALL VERIFY JOINTING REGULATIONS, RESTRICTIONS AND SETBACKS AND THEY WILL BE RESPONSIBLE FOR SUBMITTING PLAT PLANS WITH THE CORRECT INFORMATION FOR APPROVAL BY MIAMI-DADE COUNTY AUTHORITIES IN ALL CONSTRUCTION, UNLESS OTHERWISE NOTED.
- THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 20' OR SMALLER, AT THE MAXIMUM INTENDED DISPLAY SCALE, THE MAP'S POSITIONAL VALUE OCCUPIES 1/20" ON THE DISPLAY.
- ADDITIONS OR DELETIONS TO THE SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- AERIAL BACKGROUND IMAGES ARE SHOWN FOR GRAPHICAL PURPOSES ONLY AND MAY NOT BE INDICATIVE OF EXISTING SITE CONDITIONS. AERIAL IMAGE ACQUISITION WAS COMPLETED ON MAY 9, 2022.

I HEREBY CERTIFY:

Scott A. Riggs
by Scott A Riggs
Date: 2023.10.05
11:58:26 -04'00'



SCOTT A. RIGGS
P.S.M.
FLORIDA LICENSE N° 6160

Project N°	20220168
Date	5/31/2023
Scale	N.T.S.
Sheet N°	1 of 4
Field Book	Pages

Project Title:
**SPECIFIC PURPOSE SURVEY
PORTION ALONG NW 30 AVENUE AND
NW 31 AVENUE ROAD CLOSING**



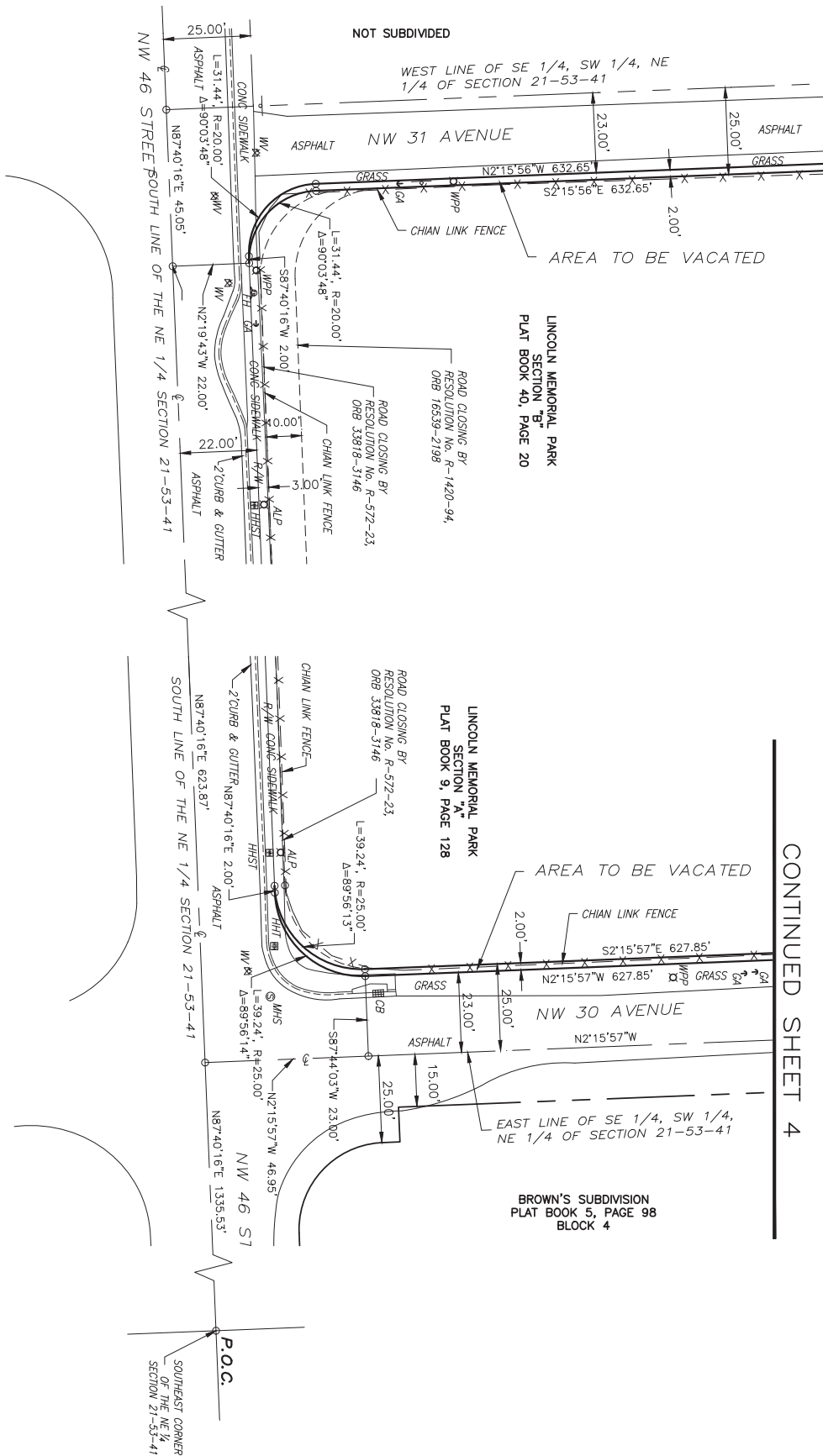
Miami Dade County
Transportation and
Public Works Department
Survey Section
111 N.W. First Street, Suite N° 1610
Miami, Florida 33128 (305-375-2657)

Project Manager:		
Drawn:	JDW	
Checked:	JDW	
Revisions		
N°	Date	Description

SPECIFIC PURPOSE SURVEY
PORTION ALONG NW 30 AVENUE AND NW 31 AVENUE
ROAD CLOSING

CONTINUED SHEET 3

CONTINUED SHEET 4



Project No.	20220168
Date	5/31/2023
Scale	1" = 30'
Sheet No.	2 of 4
Page	2 of 4

Project Title:
SPECIFIC PURPOSE SURVEY
PORTION ALONG NW 30 AVENUE AND
NW 31 AVENUE ROAD CLOSING

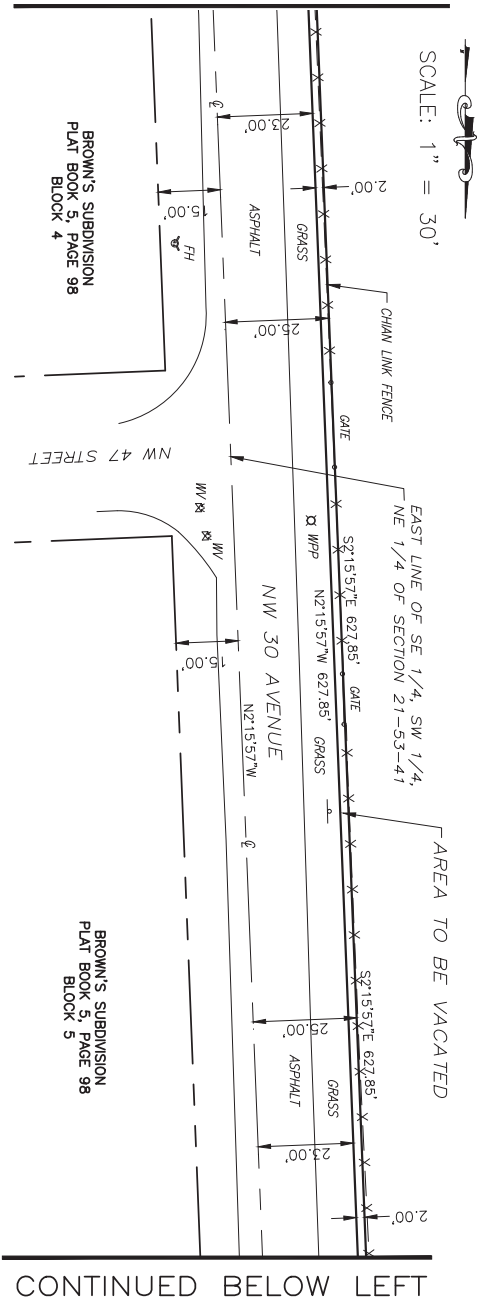


Miami Dade County
Transportation and
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Revisions		
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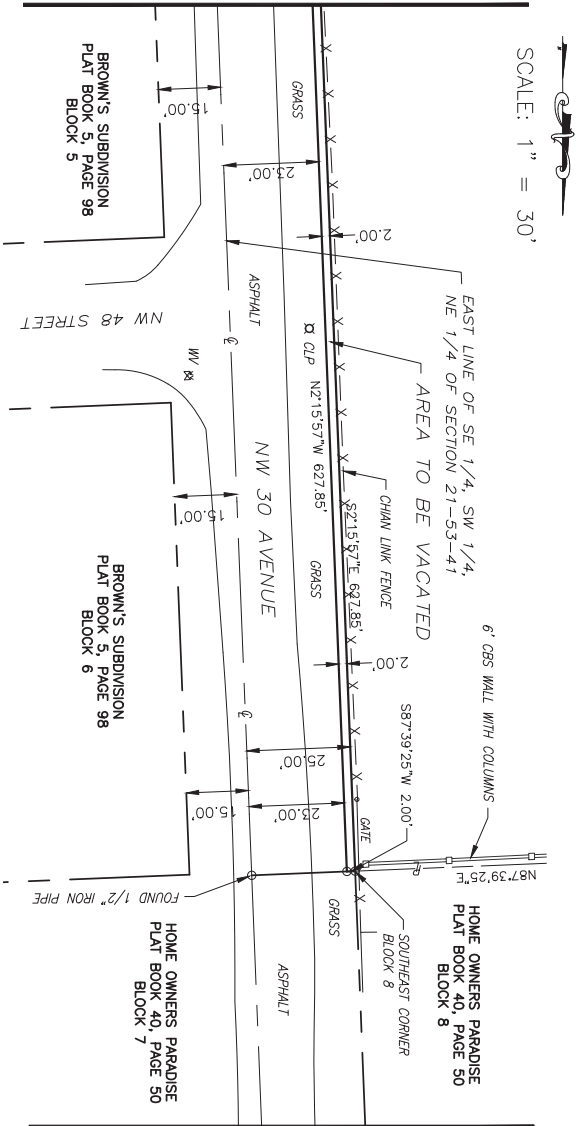
SPECIFIC PURPOSE SURVEY PORTION ALONG NW 30 AVENUE AND NW 31 AVENUE ROAD CLOSING

CONTINUED SHEET 2



CONTINUED BELOW LEFT

CONTINUED TOP RIGHT



NOT CONTINUED


<p>Project Title: SPECIFIC PURPOSE SURVEY PORTION ALONG NW 30 AVENUE AND NW 31 AVENUE ROAD CLOSING</p>	 <p>MIAMI-DADE DTPW</p>	<p>Miami Dade County Transportation and Public Works Department Survey Section</p> <p>111 N.W. First Street, Suite N° 1610 Miami, Florida 33128 (305-375-2657)</p>	<p>Project Manager: Drawn: JDW Checked: JDW</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Revisions</th> </tr> <tr> <th>N°</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Revisions		N°	Description				
Revisions											
N°	Description										
<p>Project N° 20220188 Date 5/31/2023 Scale 1" = 30' SHEET N° 4 of 4 Page 4 of 4</p>											

EXHIBIT 2
RESERVATION OF
NON-EXCLUSIVE
UTILITY EASEMENT

underground wires and cables, fire hydrants, and/or sewage transmission and collection facilities and all appurtenant equipment, which right, privilege and easement (as that term is defined herein) shall include the right to remove or demolish, with no obligation to repair or replace same, any obstructions placed on the easement, including pavers, or that may extend vertically above the finished grade over the easement, as may be necessary to carry out any rights reserved herein over, along, and under the following described parcel of land, situate, lying, and being in Miami-Dade County, State of Florida, "the easement," to-wit:

SEE ATTACHED EXHIBIT "A".

The reservation of this non-exclusive easement and the County's use thereof shall be superior to any other use inconsistent therewith, as determined in the sole discretion of the County.

IN WITNESS WHEREOF, the County has caused this reservation to be executed on its behalf, the day and year first above written.

ATTEST:

JUAN FERNANDEZ-BARQUIN,
Clerk of the Court
and Comptroller

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

Attested By: _____

By: _____

Deputy Clerk:

County Mayor

Approved as to form and
legal sufficiency

Assistant County Attorney

The foregoing was accepted and approved on the ____ day of _____, 2023 by Resolution No. R-_____ of the Board of County Commissioners of Miami-Dade County, Florida.

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

I HEREBY CERTIFY, that on this ____ day of _____, A.D. 202_, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared by means of []physical or []online notarization _____ personally known to me, or proven, by producing the following forms of identification: _____ to be the person duly authorized on behalf of **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida. Said person executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

Notary Signature

Printed Notary Signature

NOTARY SEAL/STAMP

Notary Public, State of _____

My commission expires: _____

Commission/Serial No. _____

**EXHIBIT A TO EASEMENT
SKETCH & LEGAL DESCRIPTION OF
PORTION OF NW 31 AVENUE
TO BE RESERVED AS A
NON-EXCLUSIVE UTILITY EASEMENT
(2 PAGES TO FOLLOW)**

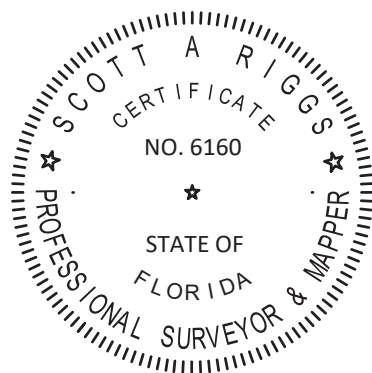
EXHIBIT "A"
LINCOLN MEMORIAL CEMETERY
NW 31 AVENUE PORTION
SKETCH AND LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR PORTION ALONG NW 31 AVENUE

A PORTION OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 53 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 21; THENCE S87°40'16"W ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 21, FOR A DISTANCE OF 1335.53 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21; THENCE CONTINUE S87°40'16"W ALONG SAID SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 21, FOR A DISTANCE OF 623.87 FEET TO A POINT; THENCE RUN N2°19'43"W, FOR A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING AND THE INTERSECTION WITH A LINE 22.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 21; THENCE S87°40'16"W ALONG A LINE 22.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 21, FOR A DISTANCE OF 2.00 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°03'48", THENCE RUN WESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 31.44 FEET; THENCE N2°15'56"W, ALONG A LINE 23.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21, FOR A DISTANCE OF 632.65 TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 8, "HOME OWNERS PARADISE" AS RECORDED IN PLAT BOOK 40 AT PAGE 50 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE N87°39'25"E ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 8 FOR A DISTANCE OF 2.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 8; THENCE S2°15'56"E ALONG A LINE 25.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21, FOR A DISTANCE OF 632.65 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90°03'48", THENCE RUN SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 31.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,305 SQUARE FEET OR 0.030 ACRES MORE OR LESS



SCOTT A. RIGGS
P.S.M.
FLORIDA LICENSE N° 6160

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED
BY SCOTT A. RIGGS, P.S.M. ON 10/02/2023

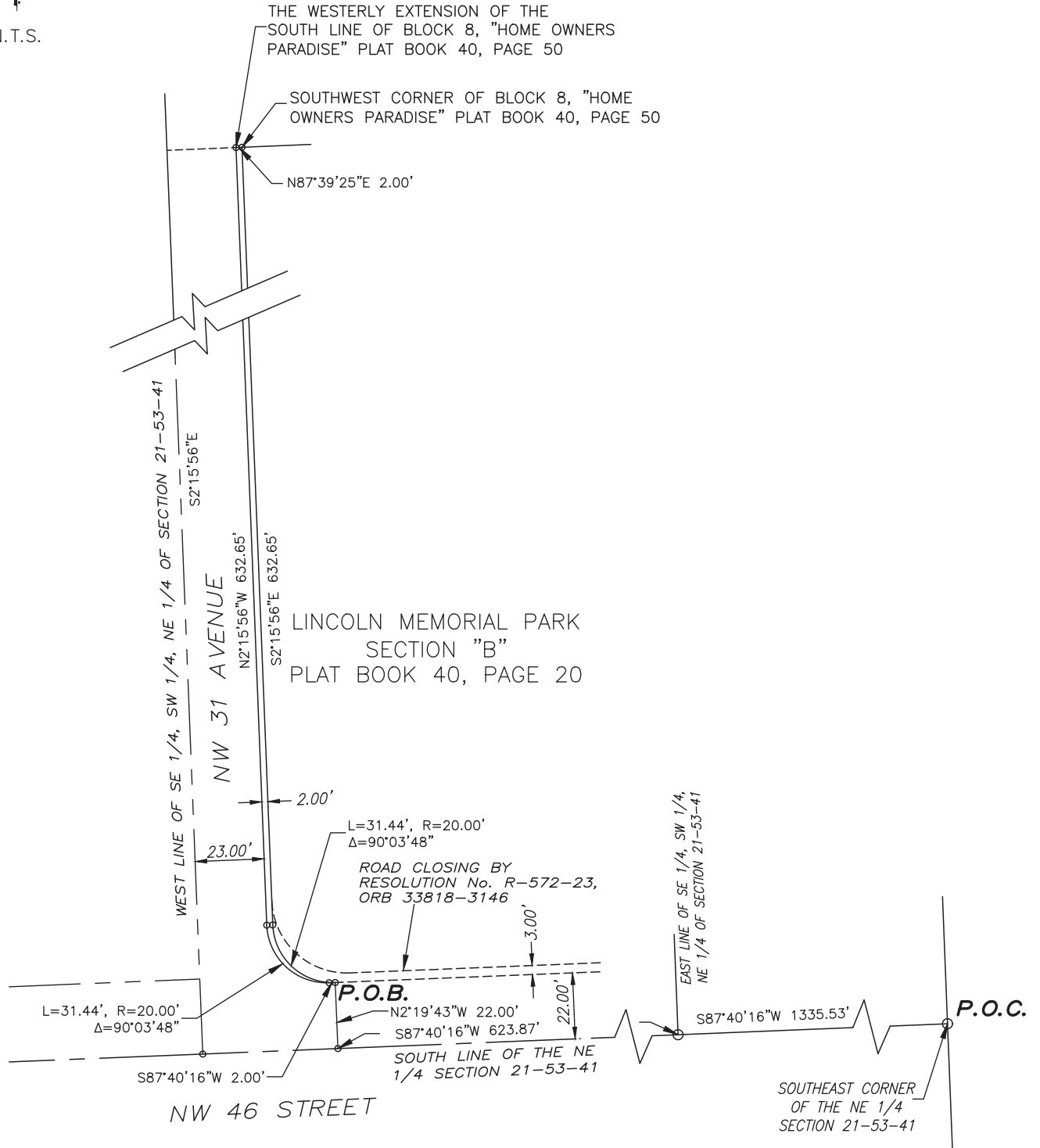
NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. "P.O.C." DENOTES "POINT OF COMMENCEMENT".
3. "P.O.B." DENOTES "POINT OF BEGINNING".
4. "O.R.B." DENOTES "OFFICIAL RECORDS BOOK".
5. BEARINGS ARE BASED ON N87°40'16"E FOR THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 53 SOUTH, RANGE 41 EAST.

MIAMI-DADE COUNTY
Department of Transportation
and Public Works
111 NW First Street, Suite # 1610
Miami, Florida 33128 (305) 375-5774

This Description (Exhibit "A") and the accompanying sketch are not valid without the signature and seal of a Florida Licensed Surveyor and Mapper. This description and the accompanying (Exhibit "A") are not valid one without the other.

EXHIBIT "A"
 LINCOLN MEMORIAL CEMETERY
 NW 31 AVENUE PORTION
 SKETCH AND LEGAL DESCRIPTION



This Description (Exhibit "A") and the accompanying sketch are not valid without the signature and seal of a Florida Licensed Surveyor and Mapper. This description and the accompanying (Exhibit "A") are not valid one without the other.