

# Memorandum



**Date:** December 12, 2023

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

Agenda Item No. 5(M)

**From:** Lourdes M. Gomez, Director   
Department of Regulatory and Economic Resources

**Subject:** Resolution Approving the Waiver of Plat of M&A Brothers Realty, No. 26, Inc.  
Filed by M&A Brothers Realty, No. 26, Inc.

## **Recommendation**

The following waiver of plat is submitted for consideration by the Board of County Commissioners (Board) for approval. This waiver of plat for M&A Brothers Realty, No. 26, Inc. is bounded on the north approximately 100 feet south of NW 55 Street, on the east by NW 19 Avenue, on the south by NW 54 Street and on the west approximately 460 feet east of NW 21 Avenue.

The Miami-Dade County Plat Committee recommends approval of this waiver of plat. The Plat Committee is comprised of representatives from:

- Florida Department of Transportation;
- Florida Department of Health;
- Miami-Dade County School Board; and
- Miami-Dade County Departments of Fire Rescue; Parks, Recreation and Open Spaces; Regulatory and Economic Resources; Transportation and Public Works; and Water and Sewer.

Pursuant to Ordinance No. 16-73, this quasi-judicial matter may be submitted directly for placement on the Board's meeting agenda by the Director of the Department of Regulatory and Economic Resources.

A location sketch is attached to this memorandum as Exhibit A.

Legal description of the boundaries of the land is on file with the Department of Regulatory and Economic Resources.

## **Scope**

This waiver of plat is located in Commission District 3, which is represented by Commissioner Keon Hardemon.

## **Delegation of Authority**

There are no delegation requirements with this item.

**Fiscal Impact/Funding Source**

If this waiver of plat is approved, the fiscal impact to the County would be approximately \$100.00 annually for the maintenance of new roadway construction adjacent to the project. These costs would be covered by the Department of Transportation and Public Works' annual General Fund allocation.

**Track Record/Monitor**

The Development Services Division within the Department of Regulatory and Economic Resources administers the processing of plats and waivers of plat, and the person responsible for this function is Raul A. Pino, P.L.S.

**Background**

M&A Brothers Realty, No. 26, Inc. (D-24905)

- Located in Section 15, Township 53 South, Range 41 East.
- Zoning: MCUCD.
- Proposed usage: Convenience store & gas station.
- Number of parcels: One.
- This waiver of plat meets concurrency.
- This plat is determined to be within feasible distance to public water and sewer using the feasible distance requirements in effect prior to the new feasible distance Ordinance No. 22-137. As a condition of this approval, the proposed development is required to connect to public water and public sanitary sewer services.

**Developer's Obligation**

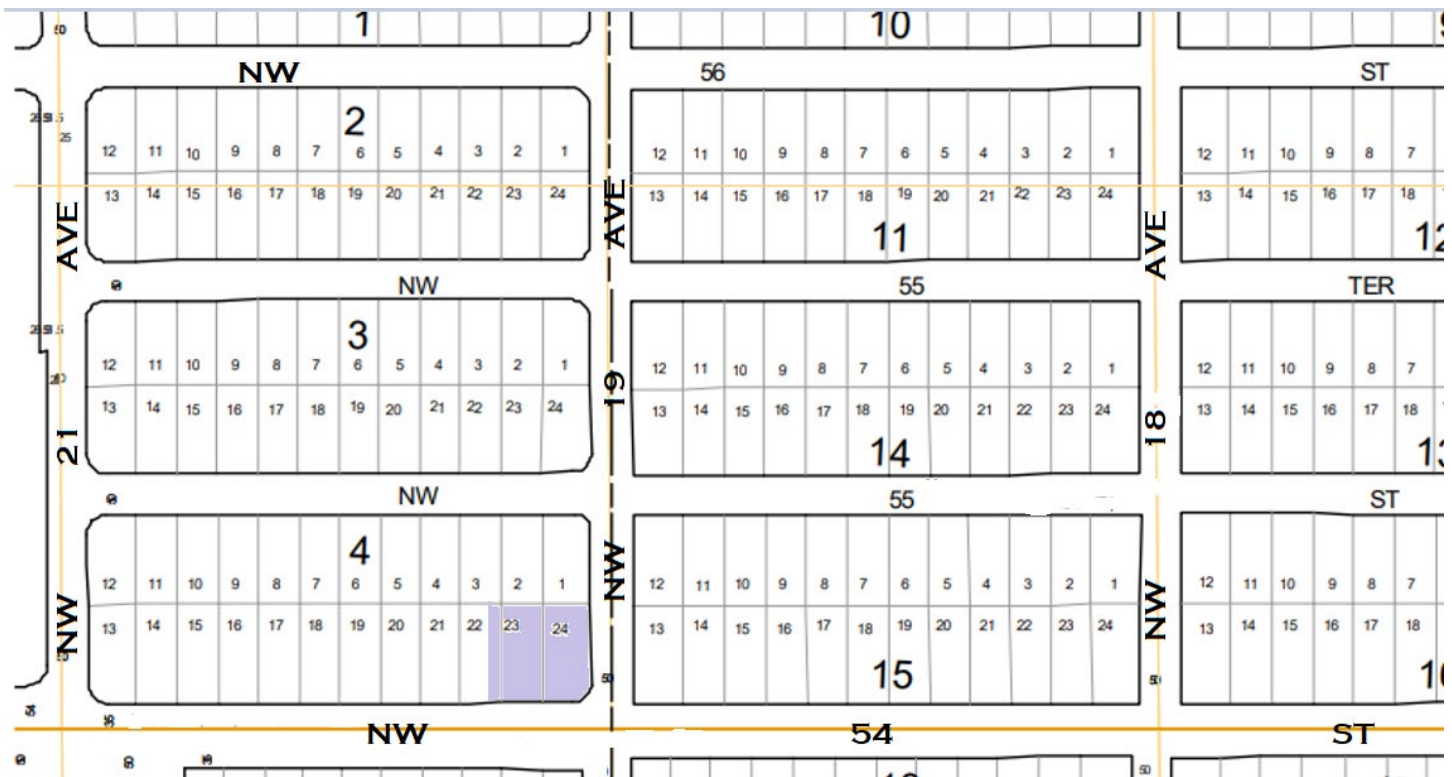
Mobilization, clearing, maintenance of traffic, paving, sidewalk, valley gutter, drainage, striping, detectable warning surfaces, and monumentation which are bonded under bond number 8377 in the amount of \$17,760.00.

# M&A BROTHERS REALTY, NO. 26, INC.

## D-24905

Sec. 15 Twp. 53 South Rge. 41 East

### EXHIBIT A





**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(M)

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(M)  
12-12-23

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING THE WAIVER OF PLAT OF M&A BROTHERS REALTY, NO. 26, INC., D-24905, FILED BY M&A BROTHERS REALTY, NO. 26, INC., LOCATED IN THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 53 SOUTH, RANGE 41 EAST (BOUNDED ON THE NORTH APPROXIMATELY 100 FEET SOUTH OF NW 55 STREET, ON THE EAST BY NW 19 AVENUE, ON THE SOUTH BY NW 54 STREET AND ON THE WEST APPROXIMATELY 460 FEET EAST OF NW 21 AVENUE)

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, M&A Brothers Realty, No. 26, Inc., a Florida for Profit Corporation, has this day presented to this Board a waiver of plat of certain lands lying in Miami-Dade County, Florida, said waiver of plat of the property legally described as Lots 23 and 24 and a portion of Lot 22, in Block 4, of "Belvedere," according to the plat thereof, as recorded in Plat Book 13, at Page 70, of the Public Records of Miami-Dade County, Florida, lying and being in the Southeast 1/4 of Section 15, Township 53 South, Range 41 East, Miami-Dade County, Florida, and it appears that all requirements of law concerning said waiver of plat insofar as the authority of this Board is concerned have been complied with,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that said waiver of plat is hereby approved; that the property has been found to be in compliance with Chapter 28, Subdivisions, of the Miami-Dade County Code; that approval of this waiver of plat is not a waiver of any zoning regulations; and that the requirements of the zoning existing on this land at the time this resolution is approved shall be enforced whether or not the various parcels on this waiver of plat conforms to those requirements.

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:

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 12<sup>th</sup> 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.



Lauren E. Morse