

MEMORANDUM

Agenda Item No. 5(B)


TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: June 3, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution vacating a portion of
County right-of-way, as
identified in the attached Exhibit
A, along the north side of NW 44
Street west of NW 31 Avenue
along the frontage of the property
owned by Luther Harrison
located at 4424 NW 31 Avenue;
waiving Resolution No. 7606 as
to its requirements for a petition
and signatures, investigation by
the Department of Transportation
and Public Works, and a report
and recommendation from the
County Mayor; and waiving
Implementing Order No. 4-41 as
to its fee for review of road
closing petitions

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/uw

MDC001




MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: June 3, 2025

FROM: 
Glen 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 ____, majority plus one ____, 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) ____, 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)
6-3-25

RESOLUTION NO. _____

RESOLUTION VACATING A PORTION OF COUNTY RIGHT-OF-WAY, AS IDENTIFIED IN THE ATTACHED EXHIBIT A, ALONG THE NORTH SIDE OF NW 44 STREET WEST OF NW 31 AVENUE ALONG THE FRONTAGE OF THE PROPERTY OWNED BY LUTHER HARRISON LOCATED AT 4424 NW 31 AVENUE; WAIVING RESOLUTION NO. 7606 AS TO ITS REQUIREMENTS FOR A PETITION AND SIGNATURES, INVESTIGATION BY THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, AND A REPORT AND RECOMMENDATION FROM THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE; AND WAIVING IMPLEMENTING ORDER NO. 4-41 AS TO ITS FEE FOR REVIEW OF ROAD CLOSING PETITIONS

WHEREAS, section 336.09, Florida Statutes, grants discretion to the Board of County Commissioners to close roads within their control on their own cognizance, upon request from federal or state agencies, or upon petition by any person; 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

WHEREAS, Resolution No. 7606 requires a petition for road closings, investigation by the Department of Transportation and Public Works, a recommendation and report from the County administration, and signatures of all property owners abutting on the road to be closed; and

WHEREAS, the property at 4424 NW 31 Avenue in unincorporated Miami-Dade County, folio number 30-3121-033-0350 has been owned by the Harrison family for many decades, and is currently owned by Luther Harrison (the "Owner"); and

WHEREAS, the Owner has inquired about the closure of a portion of the road right-of-way directly adjacent to his property as identified on the attached Exhibit 1 and Exhibit A (the “Property”), attached hereto and incorporated herein; and

WHEREAS, the Department of Transportation and Public Works has reviewed the legal description and geometry of the Property and has confirmed that the land to be vacated is a part of the County right-of-way for NW 44 Street that had been dedicated to the public in 1925 by the plat of LAURAVILLE GARDENS, as recorded in Plat Book 22, at Page 28, of the Public Records of Miami-Dade County, Florida, and does not include the sidewalk or lane of traffic; and

WHEREAS, the vacation of the Property will result in the title to the underlying land reverting to, and becoming incorporated into, Luther Harrison’s property located at 4424 NW 31 Avenue, unincorporated Miami-Dade County,

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 Exhibit A attached hereto 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. This Board waives Resolution No. 7606 as to its requirement that a petition for road closing be filed; as to its requirement that the Department of Transportation and Public Works conduct an investigation of such petition; as to its requirement that the County Manager provide a report and written recommendation; and as to its requirement that all adjacent property owners sign such petition. This Board further waives the fee for road closing petitions contained within Implementing Order 4-41 and finds that it is in the best interest of the public to do so.

Section 5. It is found that the action will serve a public purpose and benefit the public without violating private property rights.

Section 6. The procedure utilized in the adoption of this resolution is expressly ratified and approved.

Section 7. 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 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:

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

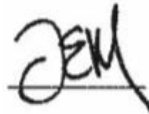
The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of June, 2025. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by 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

EXHIBIT A

**SKETCH & LEGAL DESCRIPTION
OF R/W TO BE VACATED**

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954)689-7766 EMAIL: OFFICE@CSASURVEY.NET

PROJECT NUMBER : 10318-24

CLIENT :

TRIPLE HHH

LAND DESCRIPTION AND SKETCH

LAND DESCRIPTION :

A PORTION OF N.W. 44TH STREET, A PUBLIC DEDICATED RIGHT-OF-WAY, LYING SOUTH OF AND ADJACENT TO LOT 13, BLOCK 2 OF "LAURAVILLE GARDENS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGE 28 OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 13, (SAID POINT BEING ON A CIRCULAR CURVE, CONCAVE TO THE NORTHWEST (A RADIAL LINE THROUGH SAID POINT BEARS NORTH 26°18'19" WEST);

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 180.00 FEET, A CENTRAL ANGLE OF 08°45'50" AND AN ARC DISTANCE OF 27.53 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE SOUTHEAST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 26°56'19" AND AN ARC DISTANCE OF 70.53 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE NORTHWEST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 81°47'12" AND AN ARC DISTANCE OF 35.69 FEET (THE LAST THREE (3) COURSES BEING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID N.W. 44TH STREET);

THENCE SOUTH 00°05'06" WEST ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 13, A DISTANCE OF 28.35 FEET TO A POINT ON A TANGENT CURVE, CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 16.00 FEET, A CENTRAL ANGLE OF 78°24'25" AND AN ARC DISTANCE OF 21.90 FEET;

THENCE SOUTH 78°29'31" WEST, A DISTANCE OF 87.97 FEET TO A POINT ON A TANGENT CURVE, CONCAVE TO THE SOUTHEAST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 06°33'03" AND AN ARC DISTANCE OF 11.43 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI/DADE COUNTY, FLORIDA; CONTAINING 1,739 SQUARE FEET MORE OR LESS.

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. DATA SHOWN HEREON DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. BEARINGS SHOWN HEREON ARE ASSUMED.

I HEREBY CERTIFY THAT THE ATTACHED "LAND DESCRIPTION AND SKETCH" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION IN DECEMBER, 2024. I FURTHER CERTIFY THAT THIS "LAND DESCRIPTION AND SKETCH" MEETS THE STANDARD OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY:

Richard E. Cousins

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	11/07/24	----	AM	REC
REVISED LAND DESCRIPTION & SKETCH	12/18/24	----	AM	REC

LAND
DESCRIPTION &
SKETCH FOR
RIGHT OF WAY
VACATION

ADDRESS:
4424 NW 31ST AVENUE

SCALE: N/A

SHEET 1 OF 2

MDC008

COUSINS SURVEYORS & ASSOCIATES, INC.



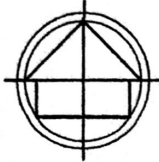
3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954)689-7766 EMAIL: OFFICE@CSASURVEY.NET

PROJECT NUMBER : 10318-24

CLIENT :

TRIPLE HHH

LAND DESCRIPTION AND SKETCH



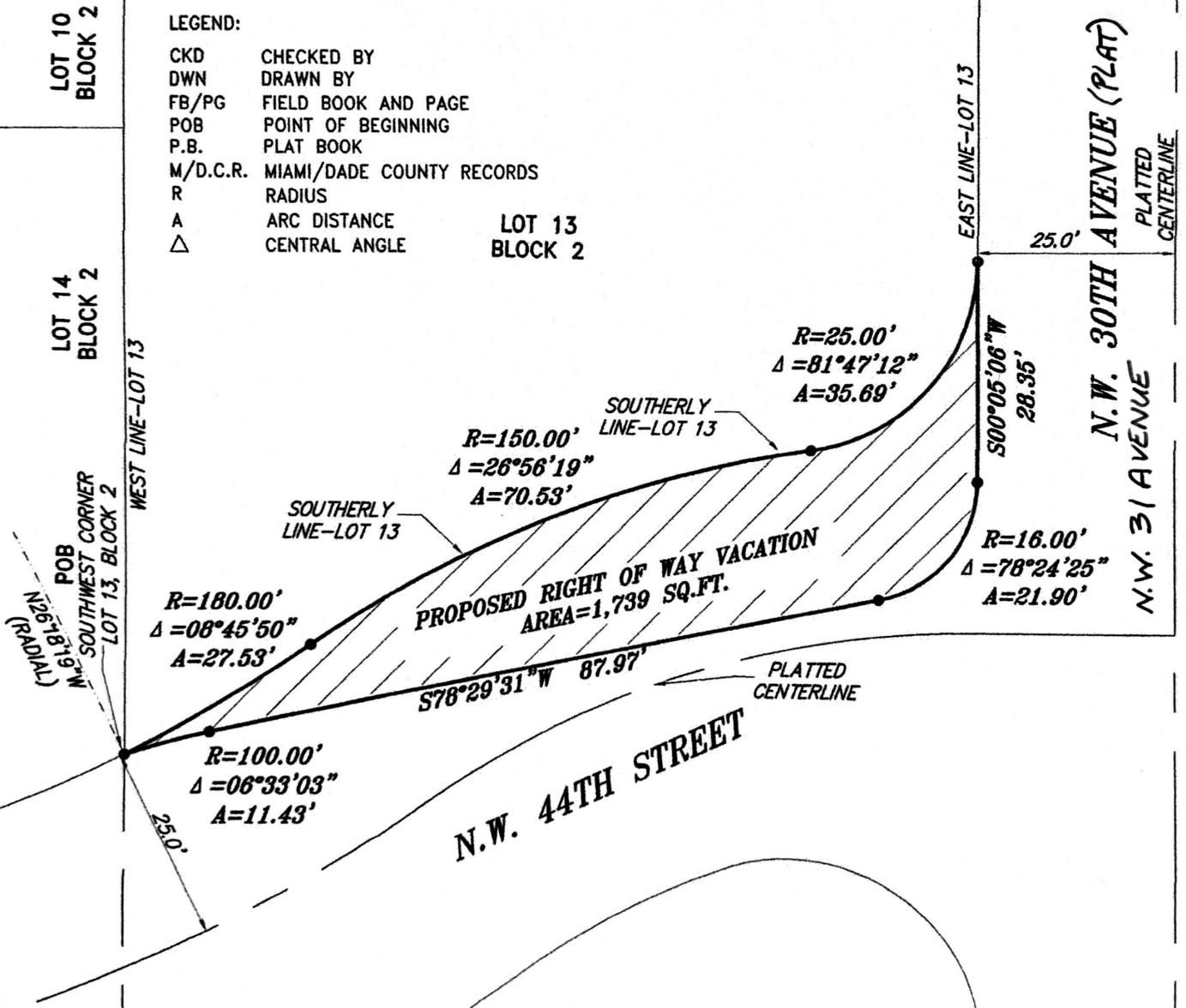
LOT 12
BLOCK 2

NORTH LINE-LOT 13

LEGEND:

CKD CHECKED BY
DWN DRAWN BY
FB/PG FIELD BOOK AND PAGE
POB POINT OF BEGINNING
P.B. PLAT BOOK
M/D.C.R. MIAMI/DADE COUNTY RECORDS
R RADIUS
A ARC DISTANCE
Δ CENTRAL ANGLE

LOT 13
BLOCK 2



REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	11/07/24	----	AM	REC
REVISED LAND DESCRIPTION & SKETCH	12/18/24	----	AM	REC

LAND
DESCRIPTION &
SKETCH FOR
RIGHT OF WAY
VACATION

ADDRESS:
4424 NW 31ST AVENUE

SCALE: 1" = 20'

SHEET 2 OF 2

MDC009

EXHIBIT B
SKETCH OF SURVEY



COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954)689-7766 EMAIL: OFFICE@CSASURVEY.NET

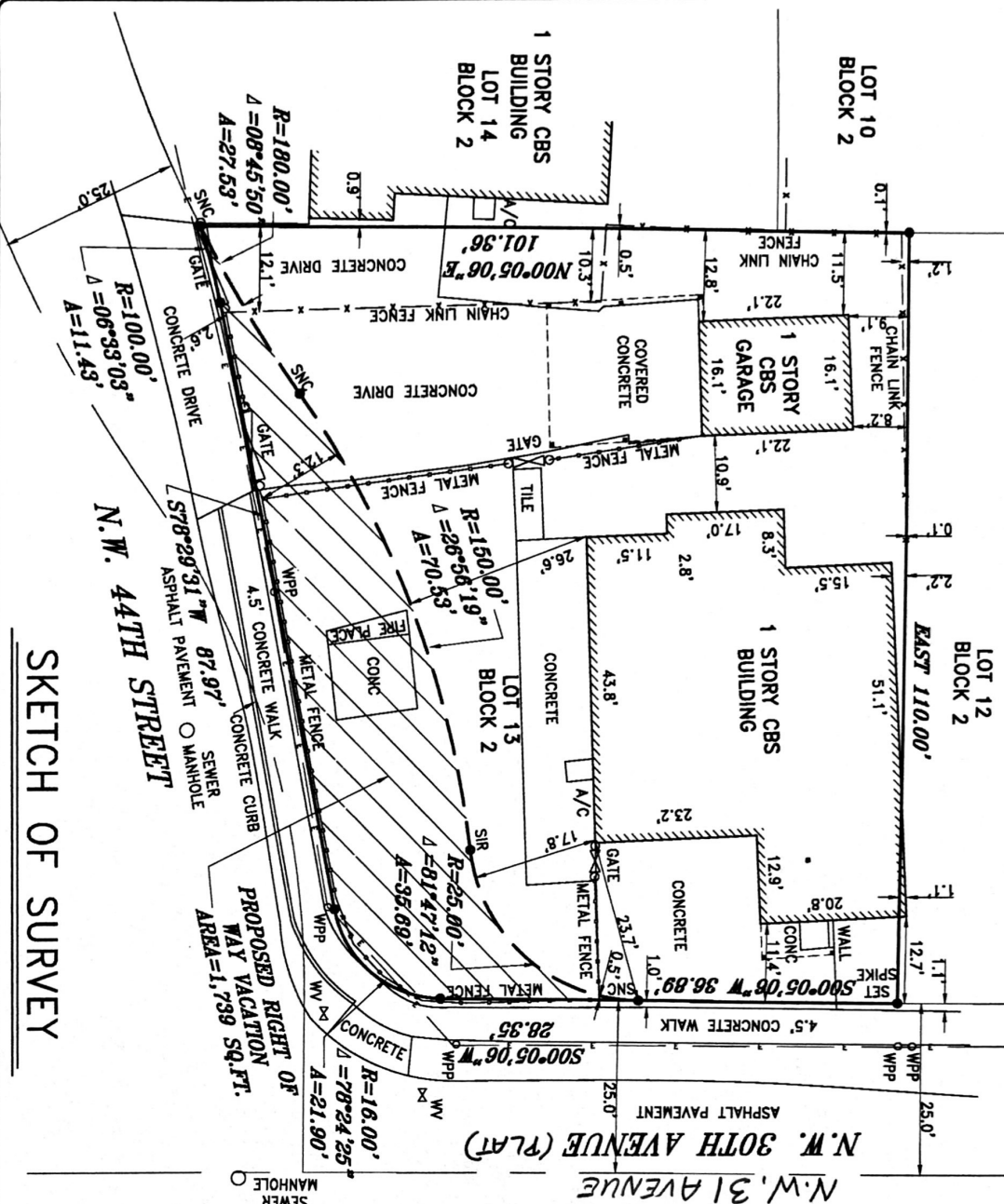
PROJECT NUMBER : 10318-24
CLIENT : TRIPLE HHH

REVISIONS	DATE	FB/PG	DWN	CKD
SKETCH OF SURVEY	10/22/24	SKETCH	AM	REC
ADDED R/W VACATION TO SURVEY	12/17/24	---	AM	REC

FLOOD ZONE INFORMATION	PROPERTY ADDRESS :
COMMUNITY NUMBER 120835	4424 NW 31ST AVENUE
PANEL NUMBER 0203 L	
ZONE X	
BASE FLOOD ELEV N/A	
EFFECTIVE DATE 09/11/09	

SCALE: 1" = 16'	SHEET 1 OF 1
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SKETCH OF SURVEY



LEGEND:
CKD CHECKED BY
CONC CONCRETE
DWN DRAWN BY
FB/PG FIELD BOOK AND PAGE
FR FOUND IRON ROD & CAP #4448
FIR FOUND IRON ROD
FIP FOUND IRON PIPE
FNC FOUND NAIL & CAP
FND FOUND NAIL & DISC
P.B. PLAT BOOK
M/D.C.R. MIAMI/DADE COUNTY RECORDS
-X- CHAIN LINK / WOOD FENCE
ELEV ELEVATION
CBS CONCRETE BLOCK STRUCTURE
-E- OVERHEAD UTILITY WIRES
A/C AIR CONDITIONER
R RADIUS
Δ ARC DISTANCE
Δ CENTRAL ANGLE

LAND DESCRIPTION :
LOT 13, BLOCK 2 OF "LAIRAVILLE GARDENS", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGE 28 OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA.

NOTES :
1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL, RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. THIS SURVEY WAS DONE SOLELY FOR FENCE LOCATIONS AND DOES NOT DEPICT THE JURISDICTION OF ANY MUNICIPAL, STATE, FEDERAL OR OTHER ENTITIES.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
5. UNDERGROUND IMPROVEMENTS NOT SHOWN.
6. ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.
7. BEARINGS SHOWN HEREON ARE ASSUMED.
I HEREBY CERTIFY THAT THE "SKETCH OF SURVEY" OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I HAVE NOT BEEN ADVISED OF ANY OTHER INTERESTS IN THE PROPERTY THAT THE SURVEY HEREON WOULD AFFECT. I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 54-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.022, FLORIDA STATUTES. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: _____
RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188
SURVEY DATE : 10/22/24

Location & Aerial Map

SECTION 21 TOWNSHIP 53 RANGE 41

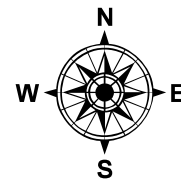


EXHIBIT 1



THIS IS NOT A SURVEY
NOT TO SCALE

NW 44 ST WEST OF NW 31 AVE
FRONTING FOLIO 30-3121-033-0350

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

Municipality: Unincorporated
Commission District 3
Keon Hardemon

Date: 12-12-2024
Drawn By: A.Santelices

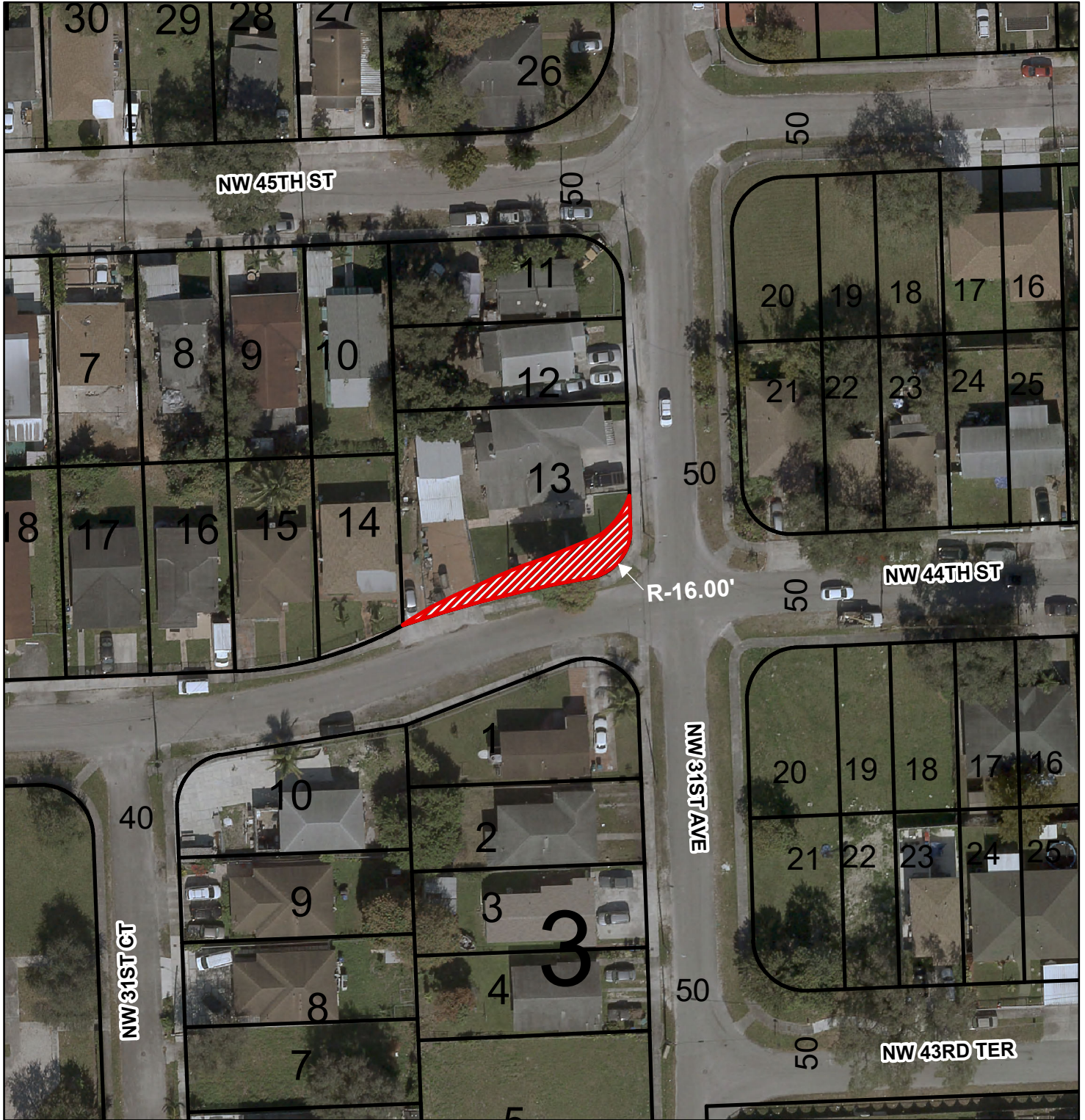
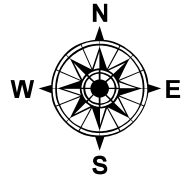
Legend 
VACATION OF RIGHT-OF-WAY

MDC012

Location & Aerial Map

SECTION 21 TOWNSHIP 53 RANGE 41

EXHIBIT 1



THIS IS NOT A SURVEY
NOT TO SCALE

NW 44 ST WEST OF NW 31 AVE
FRONTING FOLIO 30-3121-033-0350

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

Municipality: Unincorporated
Commission District 3
Keon Hardemon

Legend 
VACATION OF RIGHT-OF-WAY

Date: 12-12-2024
Drawn By: A.Santelices

MDC013