

## MEMORANDUM

Agenda Item No. 5(H)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

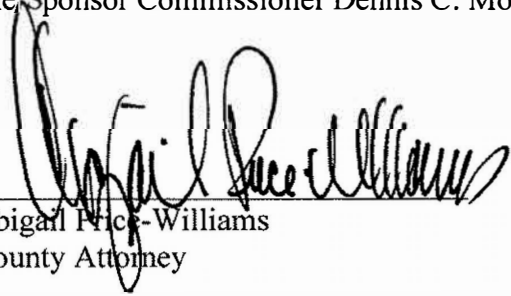
**DATE:** May 5, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution taking action  
on petition to close SW 184  
Avenue from theoretical SW  
154 Street to SW 152 Street  
(Vacation of Right-of-Way  
Petition No. P-946)

Resolution No. R-365-20

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



Abigail Price-Williams  
County Attorney

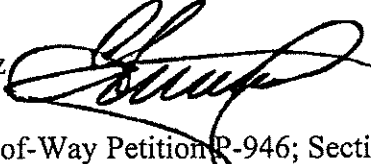
APW/smm

# Memorandum



**Date:** May 5, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez   
Mayor

**Subject:** Vacation of Right-of-Way Petition P-946; Section 25-55-38; SW 184 Avenue from  
Theoretical SW 154 Street to SW 152 Street

It is recommended that the Board of County Commissioners (Board) grant the attached Vacation of Right-of-Way Petition P-946 (Exhibit "A") 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 unimproved right-of-way being closed.

### Scope

This Vacation of Right-of-Way is located within County Commission District 9, represented by Commissioner Dennis C. Moss.

### Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at an average of \$50,000 per acre. Therefore, the estimated value of this right-of-way would be approximately \$17,957.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$310.00 per year in additional property taxes. The fee for this road closing is \$3,755.66.

### Track Record/Monitor

DTPW is the entity overseeing this project and the person responsible for monitoring is Mr. Leandro Oña, P.E., Chief, Roadway Engineering and Right-of-Way Division.

### Background

The property owner abutting the subject right-of-way wishes to close SW 184 Avenue from theoretical SW 154 Street to SW 152 Street in order to incorporate that land into their parcel. The right-of-way being closed has never been improved nor maintained by Miami-Dade County. The right-of-way is currently grass-covered land and a shed constructed by a property owner is on the property.

The subject right-of-way was dedicated to the County in 1989 by the Right-of-Way Deed recorded in Official Records Book 14262, Page 2768, of the Public Records of Miami-Dade County, Florida. The subject right-of-way is outside of the Urban Development Boundary and is zoned GU (Interim District).

  
\_\_\_\_\_  
Jennifer Moon  
Deputy Mayor

**EXHIBIT "A"**

**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:

**The West 25 feet of the West ½ of the NW ¼ of the NE ¼ of the NW ¼ of Section 25, Township 55 South, Range 38 East, Miami-Dade County Florida, less the North 40 feet thereof; and the area bounded by the south line of said North 40 feet, by the east line of said west 25 feet and bounded by a 25 foot radius arc concave to the southeast, said arc being tangent to both of the last described lines.**

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 1989 by an instrument which is recorded in Official Records Book 14262, Page 2768, 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.

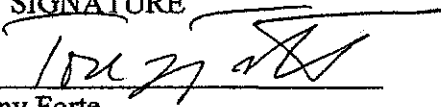
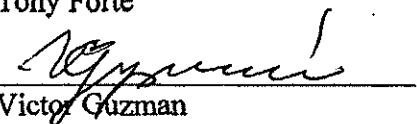
| PRINT NAME           | FOLIO NO.               | ADDRESS                                  |
|----------------------|-------------------------|--|
| <u>Tony Forte</u>    | <u>30-5825-000-0350</u> | <u>18377 SW 154 St., Miami, FL 33187</u> |
| <u>Victor Guzman</u> | <u>30-5825-000-0420</u> | <u>18407 SW 154 St., Miami, FL 33187</u> |

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):

RIGHT OF WAY W 25 FEET LEAD TO PRIVATE STREET  
(154 ST) COUNTY IS NOT PLANNING TO UTILIZE SAID  
RIGHT OF WAY

7. Signatures of all abutting property owners: Respectfully submitted,

| SIGNATURE   | ADDRESS                                  |
|---|--|
| <br>Tony Forte     | <u>18377 SW 154 St., Miami, FL 33187</u> |
| <br>Victor Guzman | <u>18407 SW 154 St., Miami, FL 33187</u> |

Attorney for Petitioner

Address: \_\_\_\_\_  
(Signature of Attorney not required)

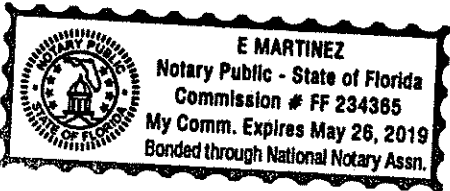
STATE OF FLORIDA                    )  
  ) SS  
MIAMI-DADE COUNTY                )

BEFORE ME, the undersigned authority, personally appeared TONY FORTE  
\_\_\_\_\_, 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.

Tony Forte  
(Signature of Petitioner)

Sworn and subscribed to before me this

19<sup>th</sup> day of April, 2019  
[Signature]  
Notary Public State of Florida at Large



My Commission Expires: \_\_\_\_\_

6

5102 SW 131st Avenue,  
Miami, Florida, 33175

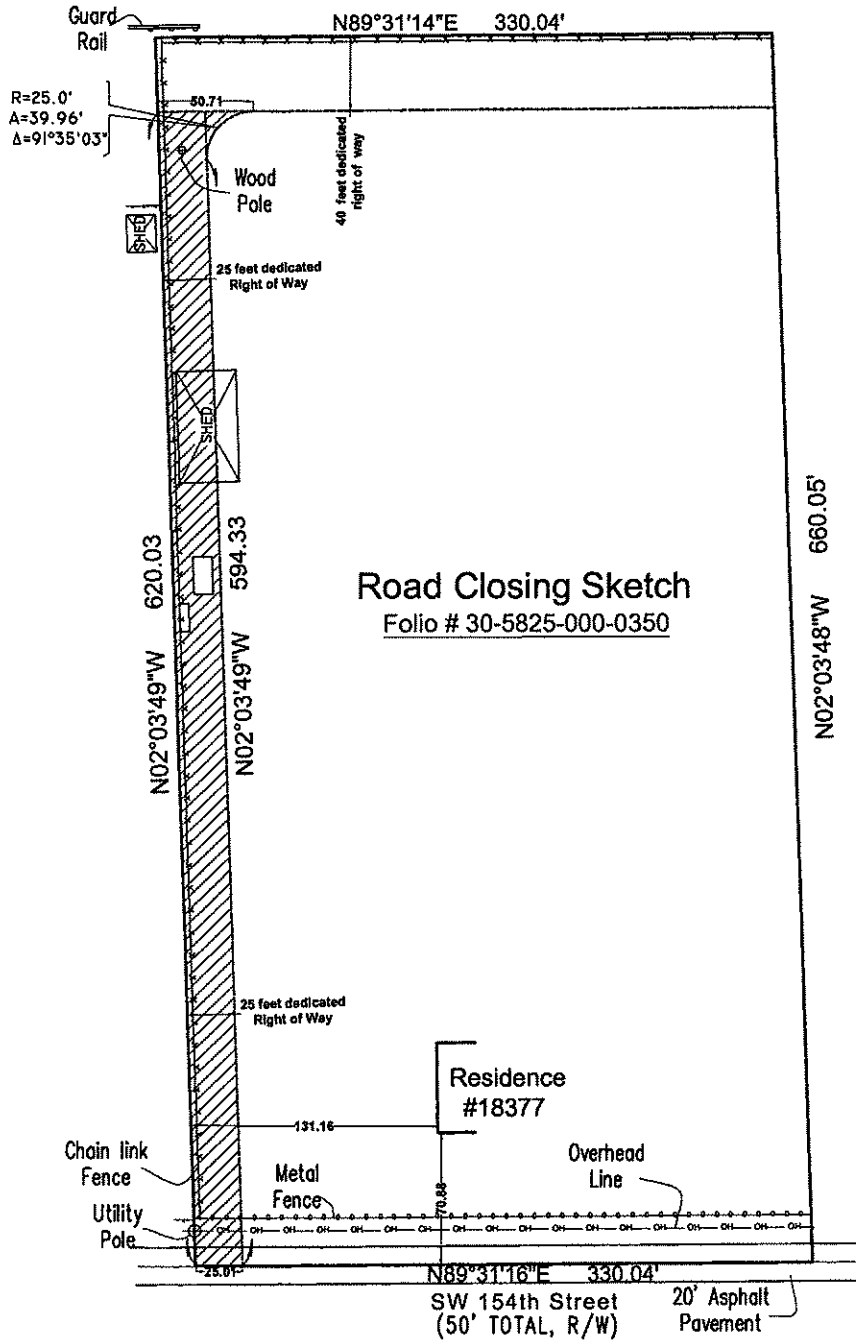
**Esteban Ortiz, PLSM**

Phone (786) 541-4455  
Survey.IG@yahoo.com

Land Surveyor & Planner

Property Address: 18377 SW 154th Street, Miami, Florida, 33187.

Legal Description: The West 25 feet of the West  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 25, Township 55 South, Range 38 East, Miami-Dade County, Florida, less the North 40 feet thereof; and the area bounded by the south line of said North 40 feet, by the East line of said west 25 feet and bounded by a 25 foot radius arc concave to the southeast, said arc being tangent to both of the last described lines. Containing an Area of 15643.80 s.f.



**Road Closing Sketch**  
Folio # 30-5825-000-0350

ASSUMED

Scale 1"=100'  
Date: 03-21-2019  
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mappers

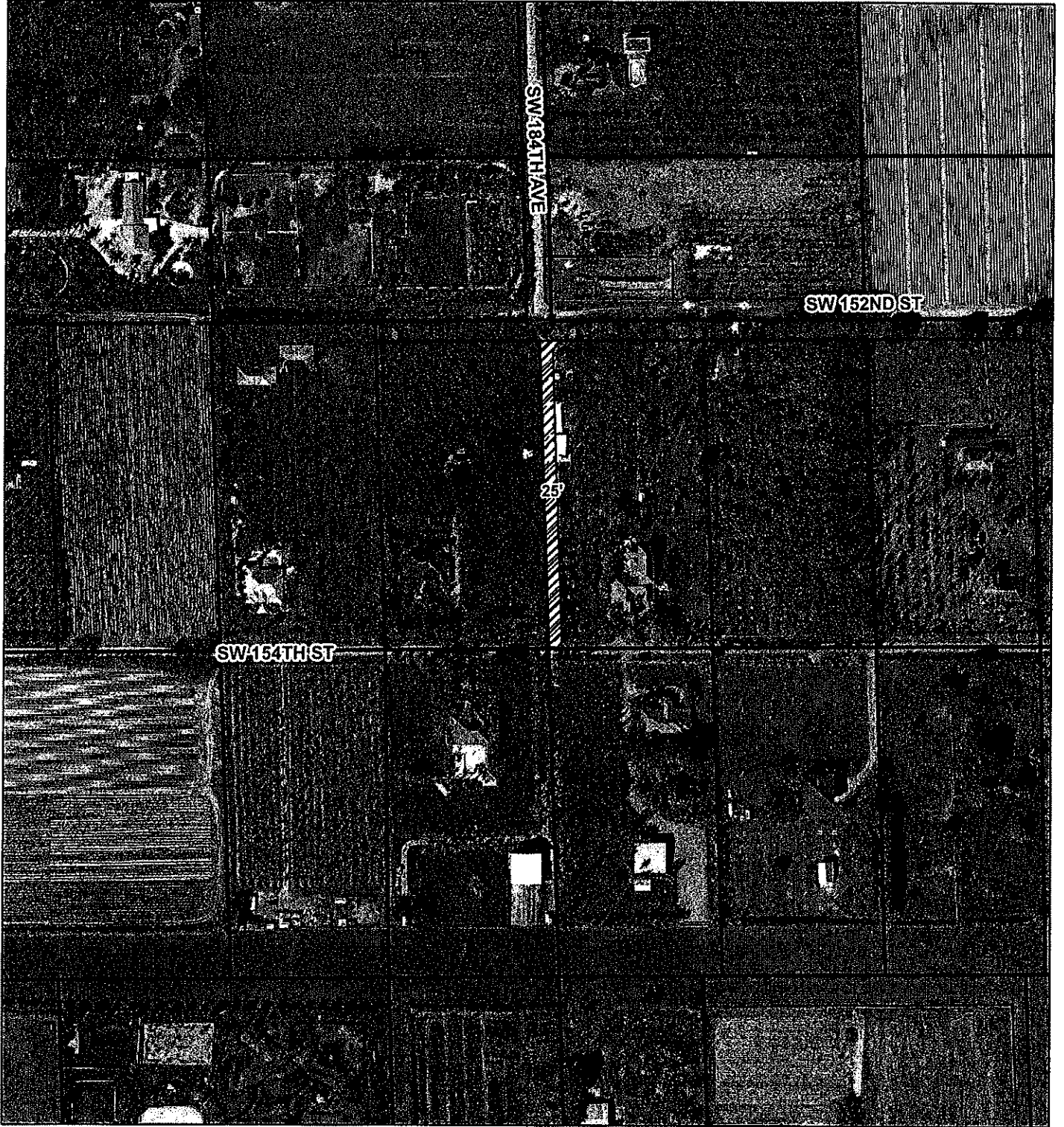
Esteban Ortiz, PLSM 5927

**EXHIBIT "B"**



# Location Map

SECTION 25 TOWNSHIP 55 S RANGE 38 E



This is not a survey

## P- 946

Municipality: UNINCORPORATED MIAMI-DADE  
Commission District: Dennis C. Moss ,9

### Legend



P-946- ROAD CLOSING

MIAMI-DADE COUNTY  
Department of Transportation & Public Works  
Roadway Engineering and Right-of-Way Division  
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128  
PH (305) 375-2714 FAX (305) 375-2825

Date: April 26, 2019  
Prepared by : ym

9

# Location Map

SECTION 25 TOWNSHIP 55 S RANGE 38 E



This is not a survey

## P- 946

Municipality: UNINCORPORATED MIAMI-DADE  
Commission District: Dennis C. Moss .9

### Legend



P-946- ROAD CLOSING

MIAMI-DADE COUNTY  
Department of Transportation & Public Works  
Roadway Engineering and Right-of-Way Division  
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128  
PH (305) 375-2714 FAX (305) 375-2826

Date: April 26, 2010  
Prepared by : ym

10



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** May 5, 2020

**FROM:** Angail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 5(H)

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(H)  
5-5-20

RESOLUTION NO. R-365-20

RESOLUTION TAKING ACTION ON PETITION TO CLOSE  
SW 184 AVENUE FROM THEORETICAL SW 154 STREET TO  
SW 152 STREET (VACATION OF RIGHT-OF-WAY PETITION  
NO. P-946)

**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-946 was signed by all property owners abutting on the road 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.** Vacation of Right-of-Way Petition No. P-946 is hereby granted and the alley, avenue, street, highway or other place used for travel as described in the petition attached as Exhibit "A" to the Mayor's Memorandum is hereby vacated, abandoned and closed.

**Section 2.** All rights of Miami-Dade County and the public in and to the alley, avenue, street, highway or other place used for travel are hereby renounced and disclaimed.

**Section 3.** It is found that the action will serve a public purpose and benefit the public without violating private property rights.

**Section 4.** The procedure utilized in the adoption of this resolution is expressly ratified and approved.

**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 (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 **Sally A. Heyman** , who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

|                                |     |                      |     |
|--------------------------------|-----|----------------------|-----|
| Audrey M. Edmonson, Chairwoman | aye |                      |     |
| Rebeca Sosa, Vice Chairwoman   | aye |                      |     |
| Esteban L. Bovo, Jr.           | aye | Daniella Levine Cava | aye |
| Jose "Pepe" Diaz               | aye | Sally A. Heyman      | aye |
| Eileen Higgins                 | aye | Barbara J. Jordan    | aye |
| Joe A. Martinez                | aye | Jean Monestime       | aye |
| Dennis C. Moss                 | aye | Sen. Javier D. Souto | aye |
| Xavier L. Suarez               | aye |                      |     |

The Chairperson thereupon declared this resolution duly passed and adopted this 5<sup>th</sup> day of May, 2020. 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

**Melissa Adames**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, consisting of the letters "JEM" in a stylized, cursive font.

Lauren E. Morse