

MEMORANDUM

Agenda Item No. 5(A)

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

DATE: August 31, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution granting Vacation of
Right-of-Way petition for
portions of the Cul-de-Sac
located along NW 112 Avenue
approximately 946 feet south of
NW 122 Street (Vacation of
Right-of-Way Petition No. P-
950)

Resolution No. R-818-20

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



Abigail Price-Williams
County Attorney

APW/uw

Memorandum



Date: August 31, 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-950, filed by Liberty Property Ltd Partnership, Vacating Portions of the Cul-de-Sac Located Along NW 112 Avenue Approximately 946 Feet South of NW 122 Street

It is recommended that the Board of County Commissioners (Board) grant a vacation of Right-of-Way Petition P-950, attached to this Memorandum as Exhibit 2, following a public hearing and contingent upon the recording of the plat of "MIAMI INTERNATIONAL TRADEPORT EXPANSION" (tentative plat T-24217). Should the plat be denied, this resolution becomes null and void. The Miami-Dade County Departments of Transportation and Public Works (DTPW), Regulatory and Economic Resources, Water and Sewer and Fire Rescue have no objection to these portions of right-of-way, currently consisting of unimproved vacant land, being vacated. A location map is attached as Exhibit 1.

Scope

This vacation of right-of-way is located in County Commission District 12, represented by Commissioner Jose "Pepe" Diaz.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to these portions of right-of-way at an average rate of \$10.00 per square foot. Therefore, their estimated value would be approximately \$41,630. If these portions of right-of-way are closed and vacated, the land will be placed on the tax roll, generating an estimated \$737.08 per year in additional property taxes. The fee for this vacation of right-of-way is \$1,960.

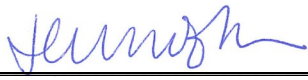
Track Record/Monitor

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

Background

The petitioner, Liberty Property Ltd Partnership, wishes to close portions of the cul-de-sac located along NW 112 Avenue approximately 946 feet south of NW 122 Street in order to incorporate the land into the proposed plat of "MIAMI INTERNATIONAL TRADEPORT EXPANSION". These portions of right-of-way have never been improved nor maintained by Miami-Dade County. They were dedicated to the County in 2013 by the plat of "MIAMI INTERNATIONAL TRADEPORT", recorded in Plat Book 169, Page 92, of the Public Records of Miami-Dade County, Florida. They are zoned IU-3 (Industrial District). The cul-de-sac is surrounded on the east and west by the petitioner and its vacation would not impact traffic in the surrounding roadways.

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
Page 2

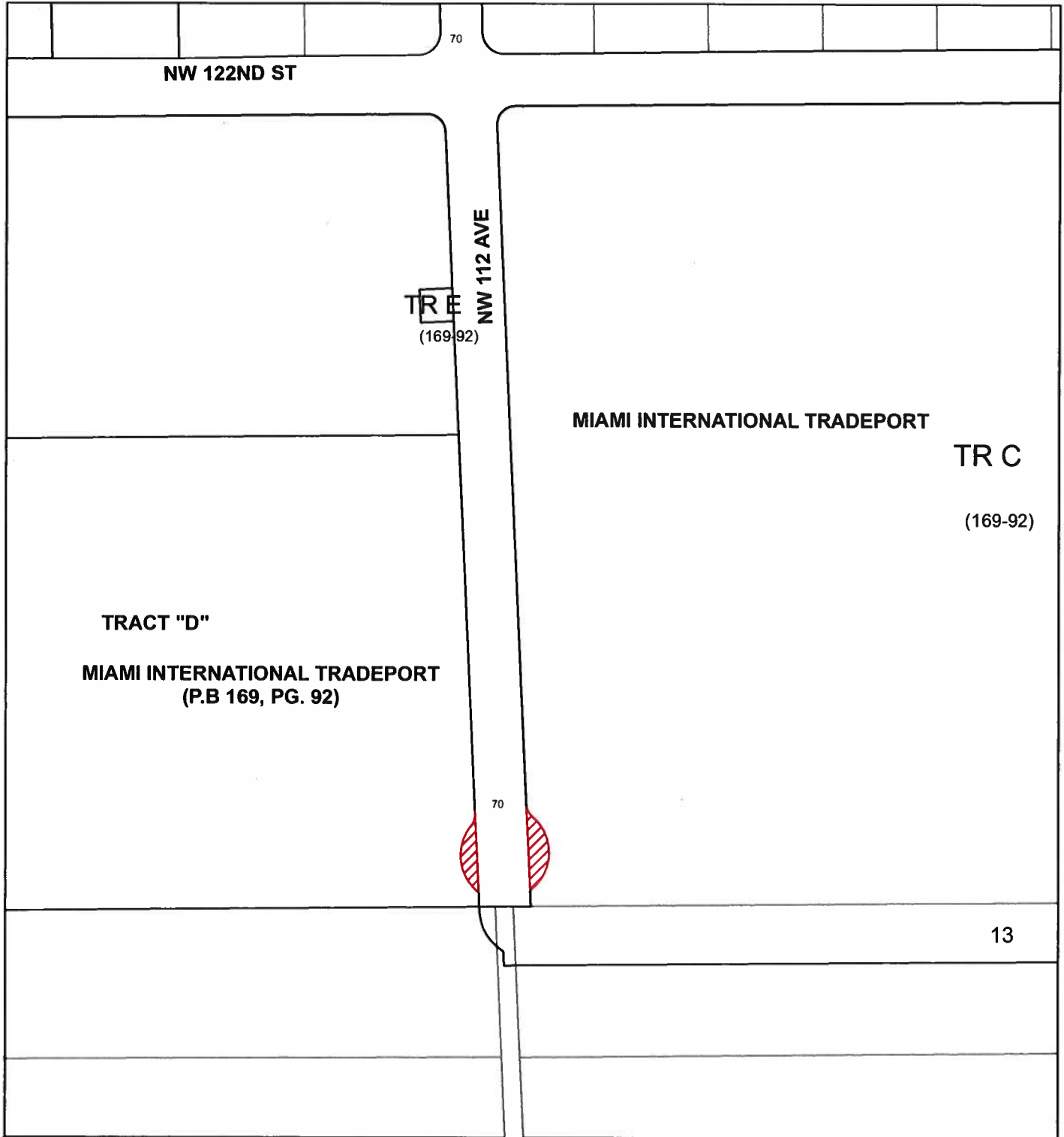


Jennifer Moon
Deputy Mayor

EXHIBIT 1

Location Map

SECTION 31 TOWNSHIP 52 S RANGE 40 E



This is not a survey

P- 950

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Jose "Pepe" Diaz 12

Legend

-  P-950 ROAD CLOSING
-  psde2.MDC.PaParcel

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

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 title or interest of the county and the Public in and to the above described road, right-of-way was acquired via the Miami International Tradeport Plat recorded in Plat book 169, page 92 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
Liberty Property Ltd <u>Partnership</u>	30-2031-002-0040 <u>30-2031-002-0030</u>	750 Park of Commerce Blvd. Suite 110 <u>Boca Raton, FL 33487</u>
<hr/>	<hr/>	<hr/>
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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):

This area of right of way related to the cul-de-sac on NW 112th Avenue is being vacated as a result of the cul-de-sac being extended southward. Right of way for the relocated cul-de-sac will be dedicated via plat.

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

Respectfully submitted,

SIGNATURE

ADDRESS



ANDERSON PETRY

750 Park of Commerce Blvd, Boca Raton, FL 33487

Attorney for Petitioner

Address: _____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

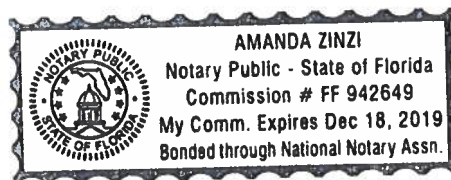
BEFORE ME, the undersigned authority, personally appeared Anderson Penny, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all petitioners; that 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

4th day of December, 2018

Amanda Zinzi
Notary Public State of Florida at Large



My Commission Expires: 12-18-19

EXHIBIT "A"
MIAMI INTERNATIONAL TRADEPORT
RIGHT-OF-WAY VACATION
LEGAL DESCRIPTION

LEGEND AND ABBREVIATIONS:

CL	CENTERLINE	P.B.	Plat Book
Δ	CENTRAL ANGLE OF CURVE	R	Radius
L	LENGTH OF CURVE	R/W	Right-of-Way
POB	Point of Beginning	PG.	Page
POC	Point of Commencement	SQ. FT.	Square Feet

SURVEYOR'S REPORT:

1. THE SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THIS SKETCH DOES NOT REPRESENT A LAND SURVEY.
3. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
4. THIS DOCUMENT CONSISTS OF TWO (2) SHEETS AND EACH SHEET WILL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHERS.
5. BEARINGS ARE BASED ON AN ASSUMED VALUE OF N02°38'02"W ALONG THE CENTERLINE OF NORTHWEST 112TH AVENUE AS SHOWN ON "MIAMI INTERNATIONAL TRADEPORT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 169, PAGE 92, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
6. AS OF THE DATE OF THIS SKETCH, NO IMPROVEMENTS EXISTS IN THE SUBJECT AREA.

LEGAL DESCRIPTION:

(SEE SHEET 2 OF 2)

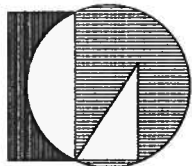
SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: THAT THE LEGAL AND SKETCH OF THE PROPERTY DESCRIBED HEREON WAS MADE UNDER MY SUPERVISION AND THAT THE LEGAL AND SKETCH MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES. AND, THAT THE SKETCH HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON. THIS SKETCH DOES NOT REPRESENT A LAND SURVEY.

LUDOVICI AND ORANGE CONSULTING ENGINEERS INC. LB1012



ARTURO A. SOSA
PROFESSIONAL SURVEYOR AND MAPPER NO. 2629
STATE OF FLORIDA
art@ludovici-orange.com

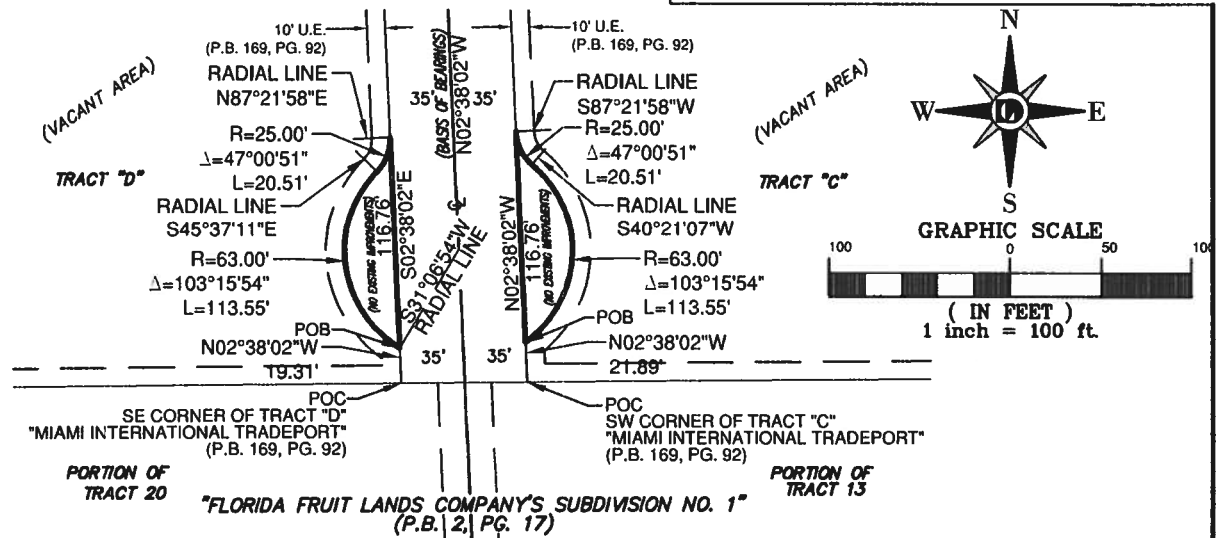


LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
CERTIFICATE OF AUTHORIZATION NO. LB 1012
329 Palermo Avenue, Coral Gables, Florida 33134
Phone: 305-448-1600 | info@ludovici-orange.com

DRAWN: GB
CHECKED: AS
SCALE: AS NOTED
DATE: 11/13/2018
PROJ. #: 2018 14

SHEET:
1
OF 2 SHEETS

MIAMI INTERNATIONAL TRADEPORT RIGHT-OF-WAY VACATION LEGAL DESCRIPTION



LEGAL DESCRIPTION:

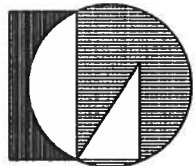
PORTIONS OF RIGHT-OF-WAY OF NORTHWEST 112 AVENUE AS SHOWN ON "MIAMI INTERNATIONAL TRADEPORT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 169, PAGE 92, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT "C", SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF NORTHWEST 112 AVENUE AS SHOWN ON SAID PLAT; THENCE N02°38'02"W AS A BASIS OF BEARINGS ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 21.89 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE N02°38'02"W FOR 116.76 FEET TO A POINT OF CUSP WITH A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 25 FEET AND TO WHICH POINT A RADIAL LINE BEARS S87°21'58"W; THENCE SOUTHEASTERLY 20.51 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 47°00'51" TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 63 FEET; THENCE SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY 113.55 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 103°15'54" TO THE POINT OF BEGINNING;

AND

COMMENCE AT THE SOUTHEAST CORNER OF TRACT "D", SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTHWEST 112 AVENUE AS SHOWN ON SAID PLAT; THENCE N02°38'02"W AS A BASIS OF BEARINGS ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 19.31 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 63.00 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS S31°06'54"W, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY 113.55 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 103°15'54" TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 25.00 FEET; THENCE 20.51 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 47°00'51" TO A POINT OF CUSP, TO WHICH POINT A RADIAL LINE BEARS N87°21'58"E, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTHWEST 112 AVENUE; THENCE S02°38'02"E FOR 116.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,163 SQUARE FEET, MORE OR LESS.



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Phone: 305-448-1600 | info@ludovici-orange.com

DRAWN: GB
CHECKED: AS
SCALE: AS NOTED
DATE: 11/13/2018
PROJ. #: 2018 14

SHEET:
2
OF 2 SHEETS



MEMORANDUM (Revised)

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

DATE: August 31, 2020

FROM: Abigail Price-Williams
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)
8-31-20

RESOLUTION NO. R-818-20

RESOLUTION GRANTING VACATION OF RIGHT-OF-WAY
PETITION FOR PORTIONS OF THE CUL-DE-SAC LOCATED
ALONG NW 112 AVENUE APPROXIMATELY 946 FEET
SOUTH OF NW 122 STREET (VACATION OF RIGHT-OF-WAY
PETITION NO. P-950)

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-950 was signed by all property owners abutting on the rights-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. Subject to the recording of the plat of “MIAMI INTERNATIONAL TRADEPORT EXPANSION” (tentative plat T-24217), Vacation of Right-of-Way Petition No. P-950 is hereby granted and the 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. In the event that the plat is not approved, this resolution becomes null and void.

Section 2. All rights of Miami-Dade County and the public in and to the same 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 **Barbara J. Jordan** 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	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 31st day of August, 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

By: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "LEM", is written over a horizontal line.

Lauren E. Morse