

MEMORANDUM

Agenda Item No. 5(H)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 15, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition to
close a portion of SW 232 Street
from SW 120 Avenue East for
144 feet (Vacation of Right-of-
Way Petition No. P-958)

Resolution No. R-589-21

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: June 15, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Vacation of Right-of-Way Petition P-958
Section: 24-56-39
Portion of SW 232 Street from SW 120 Avenue East for 144 Feet
Commission District: 8

Recommendation

It is recommended that the Board of County Commissioners (Board) grant Vacation of Right-of-Way Petition P-958, attached to this Memorandum as Exhibit 2, following a public hearing. The Miami-Dade County Department of Regulatory and Economic Resources, Transportation and Public Works (DTPW), Water and Sewer, and Fire Rescue have no objection to this right-of-way being closed. This right-of-way is unimproved. A location map is attached as Exhibit 1.

Scope

This Vacation of Right-of-Way is located within District 8, which is represented by Commissioner Danielle Cohen Higgins.

Fiscal Impact/Funding Source

The Property Appraiser’s Office has assessed the adjacent properties to this right-of-way at \$2.07 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$2,988.00. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$52.90 per year in additional property taxes. The fee for this road closing is \$3,160.00.

Track Record/Monitor

DTPW is the entity overseeing this project and the person responsible for monitoring this acquisition is Mr. Leandro J. Oña, P.E., Chief, Highway Division.

Delegated Authority

There is no delegation of authority associated with this item.

Background

The petitioner, 11900 Silver Palm LLC, wishes to close a portion of SW 232 Street from SW 120 Avenue East for 144 feet, in order to incorporate the subject land into its property. The petitioner states that the subject lands are not needed for access to adjoining properties.

The subject right-of-way was dedicated in 1983 by a deed recorded in Official Records Book 11982, Page 1188, of the Public Records of Miami-Dade County, Florida. The area abutting the subject right-of-way is zoned RU-1M(B) (Single-Family Residential District).



Jimmy Morales
Chief Operations Officer

EXHIBIT 1

Location Map

SECTION 24 TOWNSHIP 56 S RANGE 39 E



SW 232ND ST

FOLIO NO.
30-6924-000-0071

This is not a survey

P- 958

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Daniella Levine Cava 8

Legend



P-958 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: Marchy 04 ,2020
Prepared by : ym

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 certifies:

1. **LEGAL DESCRIPTION:** The complete and accurate legal description of the road, right-of-way sought to be closed is as follows:

A Parcel of land being a portion of the West 1/2, of the NW 1/4, of the NE 1/4, of the NW 1/4, of the NE 1/4, of Section 24, Township 56 South, Range 39 East, Miami-Dade County, Florida, more particularly described as follows:

The South 10 feet of the North 50 feet, less the West 50 feet thereof, of said West 1/2, of the NW 1/4, of the NE 1/4, of the NW 1/4, of the NE 1/4 of Section 24, **TOGETHER WITH** a parcel of land being bounded at the East by the East line of the West 50 feet of said West 1/2, bounded at the Northwest by the arc of a 25-foot radius curve concave to the Southeast being tangent to the East line of the West 25 feet of said West 1/2 and tangent to the North line of the South 10 feet of the North 50 feet of said West 1/2, bounded at the Southeasterly by the arc of a 25-foot radius curve concave to the Southeast being tangent to the East line of the West 25 feet of said West 1/2 and tangent to the South line of the North 50 feet of said West 1/2 and bounded at the West by the East line of the West 25 feet of said West 1/2 of the NW 1/4, of the NE 1/4, of the NW 1/4, of the NE 1/4, of Section 24, Township 56 South, Range 39 East, Miami-Dade County, Florida. Said lands containing 1,443.54 square feet, more or less.

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 right of way was acquired in 1983 by a deed recorded in Official Records Book 11982, Page 1188, of the Public Records of Miami-Dade County, Florida

3. ATTACH SURVEY SKETCH: Attached hereto are surveys accurately showing and describing the above described rights-of-way and its location and relation to surrounding property and further 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
11900 Silver Palm LLC	30-6924-000-0070	11990 SW 232 St Miami, FL
11900 Silver Palm LLC	30-6924-000-0071	11990 SW 232 St Miami, FL

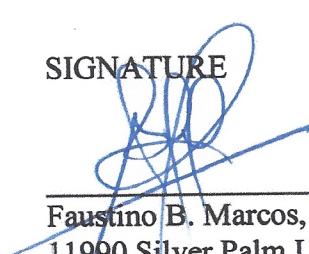
5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

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):

The petitioner is requesting the closure of south ten (10') feet of the right of way granted in the deed described above. The right of way that was granted in the deed of fifty (50') feet exceeds the amount required by code section 33-133 of forty (40') feet. The petition would reduce the right of way to forty (40') feet which is consistent with section 33-133 of the Miami Dade County code of ordinances.

7. Signatures of all abutting property owners:

SIGNATURE

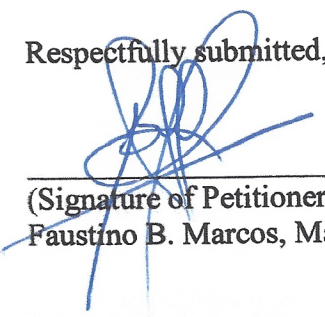


Faustino B. Marcos, Manager
11990 Silver Palm LLC,
a Florida limited liability company

ADDRESS

11990 SW 232 ST Miami Florida
Folio: 30-6924-000-0070
Folio: 30-6924-000-0071

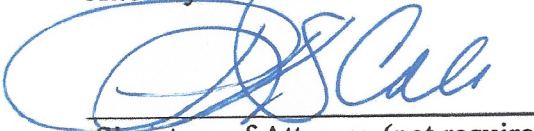
Respectfully submitted,



(Signature of Petitioner)
Faustino B. Marcos, Manager

11990 Silver Palm LLC, a Florida limited liability company

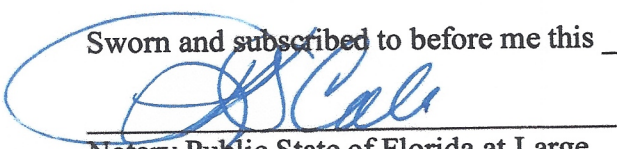
Attorney for Petitioner


Signature of Attorney (not required)

STATE OF FLORIDA)
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared by ✓ physical presence or online notarization, Faustino B. Marcos as Manager, 11990 Silver Palm LLC, a Florida limited liability company, 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.

Sworn and subscribed to before me this 21 day of Feb., 2020.

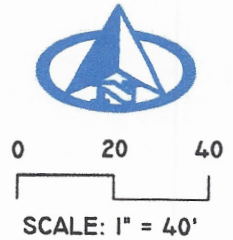
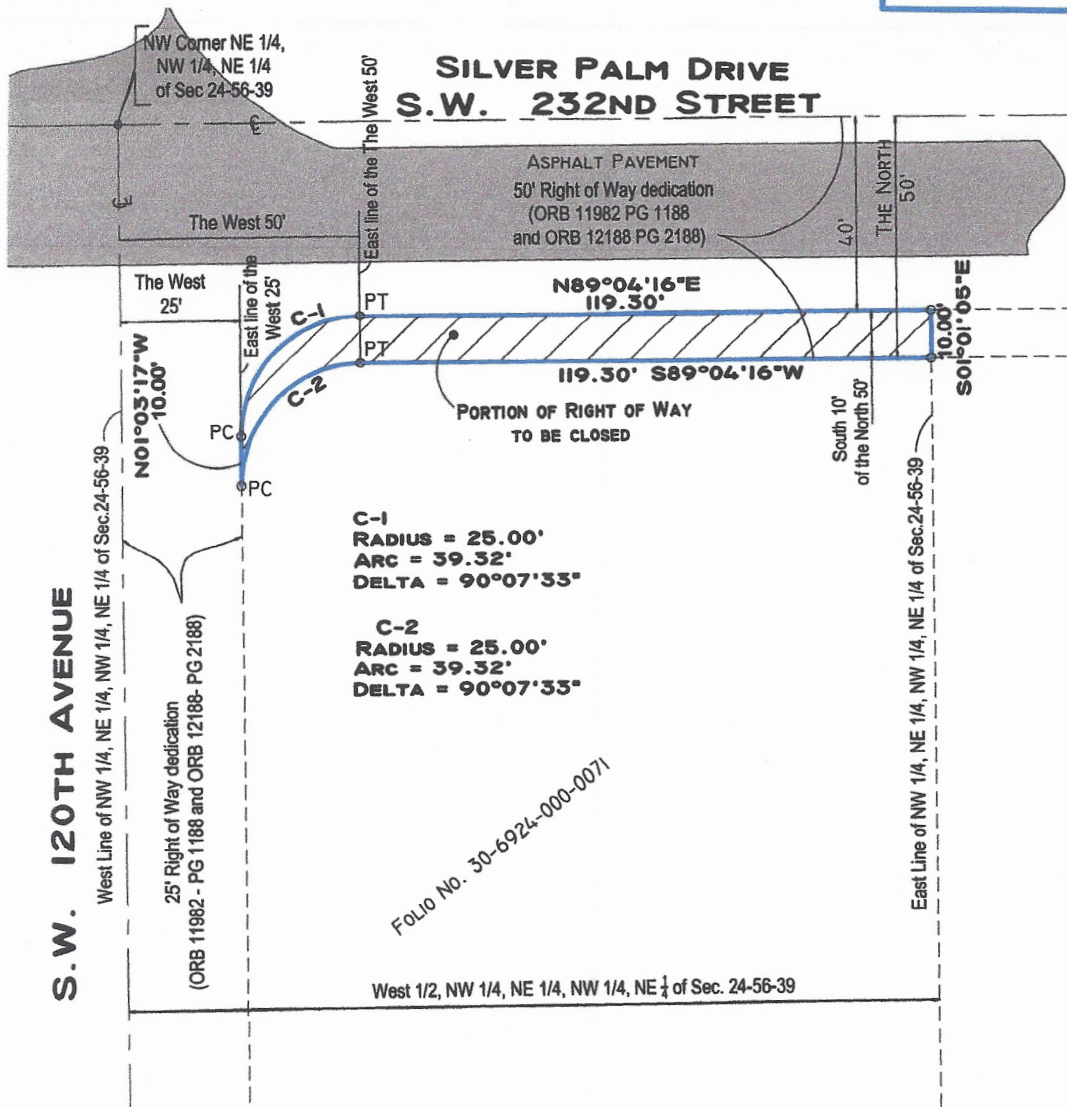

Notary Public State of Florida at Large

My Commission Expires: 5-24-2020



PERLA K. SOLE-CALAS
MY COMMISSION # FF 987988
EXPIRES: May 24, 2020
Bonded Thru Budget Notary Services

EXHIBIT 3



LEGEND:

R: RADIUS
L: LENGTH
Δ: DELTA (CENTRAL ANGLE)
C: DENOTES CENTER LINE
P.B.: DENOTES PLAT BOOK
PG.: PAGE

LEGAL DESCRIPTION:

A Parcel of land being a portion of the West 1/2, of the NW 1/4, of the NE 1/4, of the NW 1/4, of the NE 1/4, of Section 24, Township 56 South, Range 39 East, Miami-Dade County, Florida, more particularly described as follows:

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Said land containing, 1,443.54 square feet, more or less.

NOTES:

- 1.- THIS IS NOT A BOUNDARY SURVEY.
2.- THIS SKETCH AND THE COPIES THEREOF, ARE NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Prepared By:

Odalys C. Bello-Iznaga
Professional Surveyor & Mapper LS6169
State of Florida
Date: 09/06/2018

BELLO & BELLO LAND SURVEYING
12230 SW 131 AVENUE • SUITE 201 • MIAMI FL 33186
Phone: 305.251.9606 • Fax: 305.251.6057 • LB#7262
e-mail: info@belloland.com • www.bellolandsurveying.com
Project No. 19206





MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 15, 2021

FROM: 
Gen Bonzon-Keenan
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)
6-15-21

RESOLUTION NO. _____ R-589-21

RESOLUTION GRANTING PETITION TO CLOSE A PORTION
OF SW 232 STREET FROM SW 120 AVENUE EAST FOR 144
FEET (VACATION OF RIGHT-OF-WAY PETITION NO. P-958)

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-958 was signed by the property owner abutting on the right-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. The alley, 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.

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.

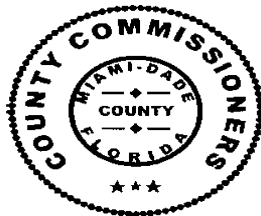
Section 5. Pursuant to Resolution No. 7606, the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper

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

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of June, 2021. 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.

Lauren E. Morse