

MEMORANDUM

Agenda Item No. 5(E)

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

DATE: February 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition to
close SW 130 Avenue from SW
230 Street to SW 232 Street
(Vacation of Right-of-Way
Petition No. P-968); subject to
certain conditions

Resolution No. R-91-22

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: February 1, 2022

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

From: Daniella Levine Cava
Mayor 

Subject: Vacation of Right-of-Way Petition P-968
Section: 14-56-39
SW 130 Avenue from SW 230 Street to SW 232 Street
Commission District: 8

Recommendation

It is recommended that the Board of County Commissioners (Board) grant Vacation of Right of Way Petition P-968, attached to this Memorandum as Exhibit 2, following a public hearing, and contingent on the recording of the plat of “KENDALL ASSEMBLAGE NORTH”, tentative plat T-24522. In the event the plat is not approved this resolution becomes null and void. 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 right-of-way being closed. A location map is attached as Exhibit 1. The right-of-way to be closed is an unimproved dirt road.

Scope

This road closing 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 properties adjacent to this right-of-way at an average rate of \$61,750.00 per acre. Therefore, the estimated value of this right-of-way would be approximately \$20,995.00. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$370.70 per year in additional property taxes. The fee for this road closing is \$1,960.00.

Track Record/Monitor

DTPW is the entity overseeing this project and the person responsible for monitoring is Ms. Maria D. Molina, P.E., Chief, Right-of-Way Division.

Delegated Authority

There is no delegation of authority associated with this item.

Background

The owners of the properties that abut the subject right-of-way wish to close SW 130 Avenue from SW 230 Street to SW 232 Street in order to incorporate the land into the proposed plat of “KENDALL ASSEMBLAGE NORTH”, tentative plat T-24522. The right-of-way being closed has never been improved nor maintained by Miami-Dade County. The petitioners state that even though the land will be privatized, a proposed road connecting SW 232 Street and SW 230 Street will be open to the public. The road closing is conditioned on the perpetual public access. Such condition is based on the requirements noted by the planning section of RER, as outlined in its review memorandum, attached as Exhibit 3.

Honorable Chairman Jose “Pepe” Díaz
and Members, Board of County Commissioners
Page 2

The subject right-of-way was dedicated to the County in 1955 by a deed recorded in in Official Records Book 4072, Page 161, of the Public Records of Miami-Dade County, Florida. The subject right-of-way is designated Low Density Residential.

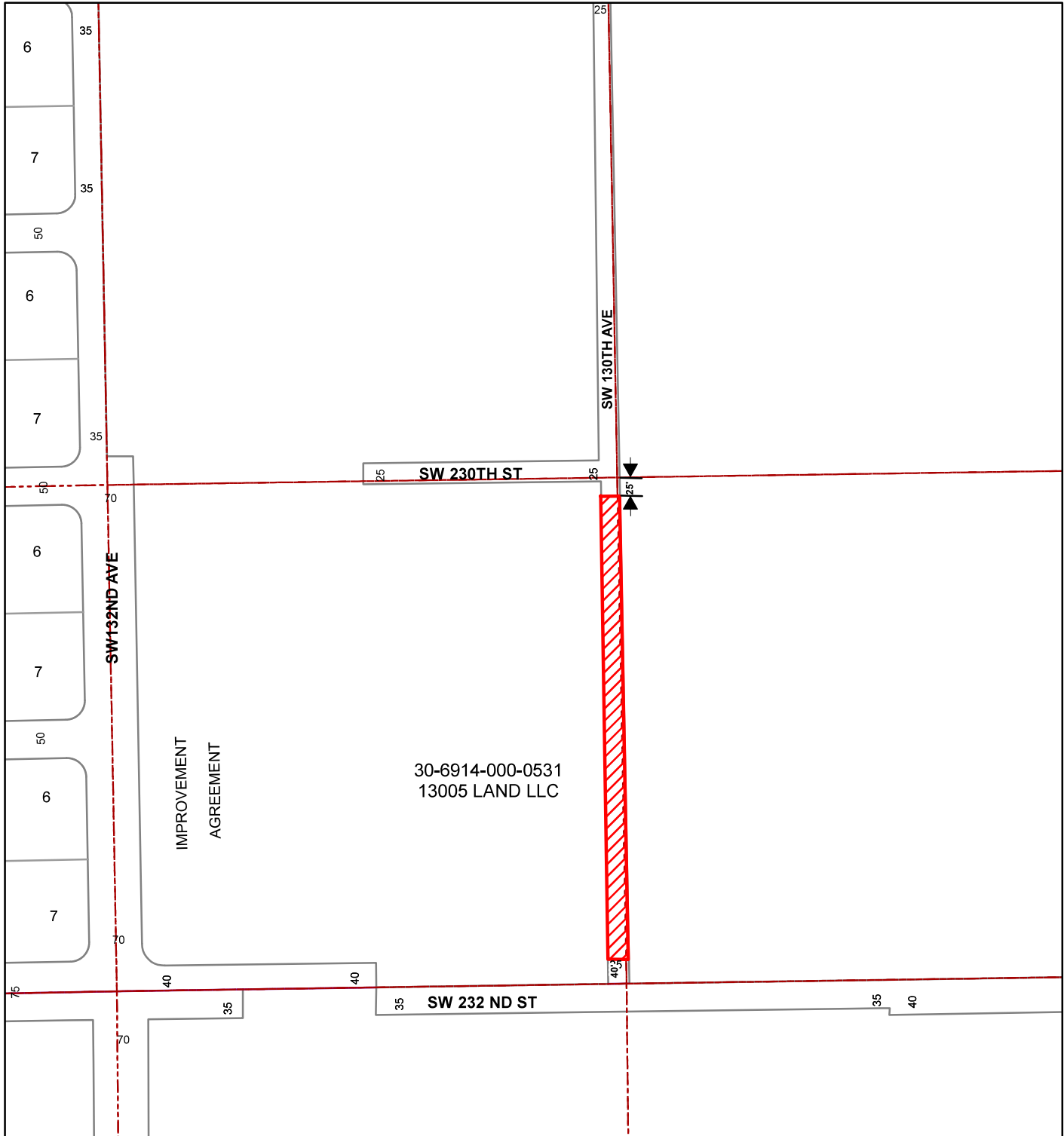


Jimmy Morales
Chief Operations Officer

Location Map

SECTION 14 TOWNSHIP 56 S RANGE 39 E

EXHIBIT "1"



This is not a survey

P- 968

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Danielle Cohen Higgins 8

Legend



P-968 ROAD CLOSING

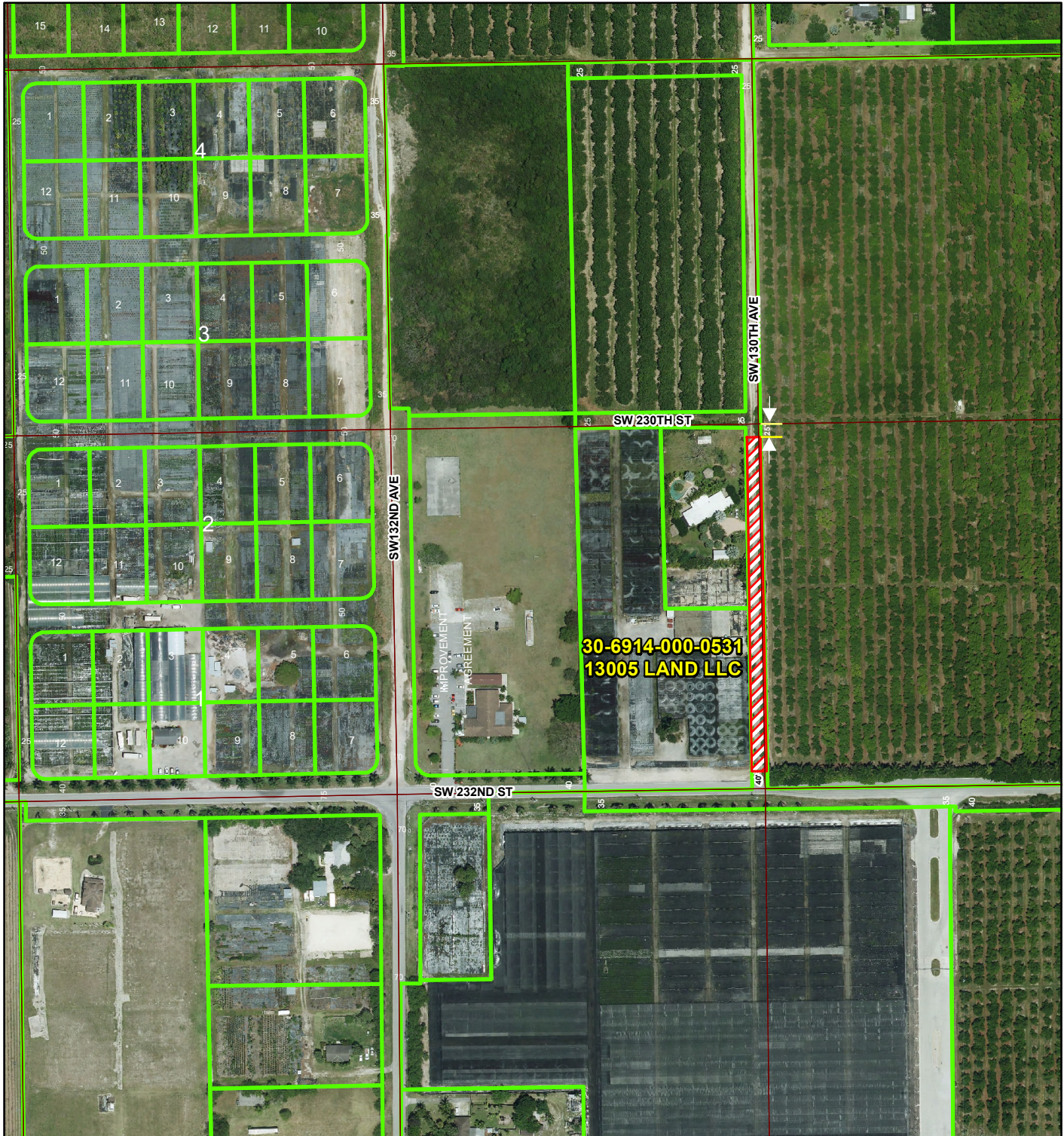
MIAMI-DADE COUNTY
Department of Transportation & Public Works
Roadway Engineering and Right-of-Way Division
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2744 FAX (305) 375-2825

Date: December 9, 2020
Prepared by : ym

Location Map

SECTION 14 TOWNSHIP 56 S RANGE 39 E

EXHIBIT "1"



This is not a survey

P- 968

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Danielle Cohen Higgins 8

Legend



P-968 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) 375-2713 FAX (305) 375-2825

Date: December 09, 2020
Prepared by : ym

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:

The East 25 feet of the E. 1/2 of the S.W. 1/4 of the S.W. 1/4 of the S.E. 1/4 of Section 14 Township 56 South, Range 39 East, lying and being in Miami-Dade County, Florida, LESS the North 25 feet thereof and the South 40.00 feet thereof.

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):

- Deed - Official Record Book 4072, Page 161, in the Official 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.

Please see Exhibit "A".

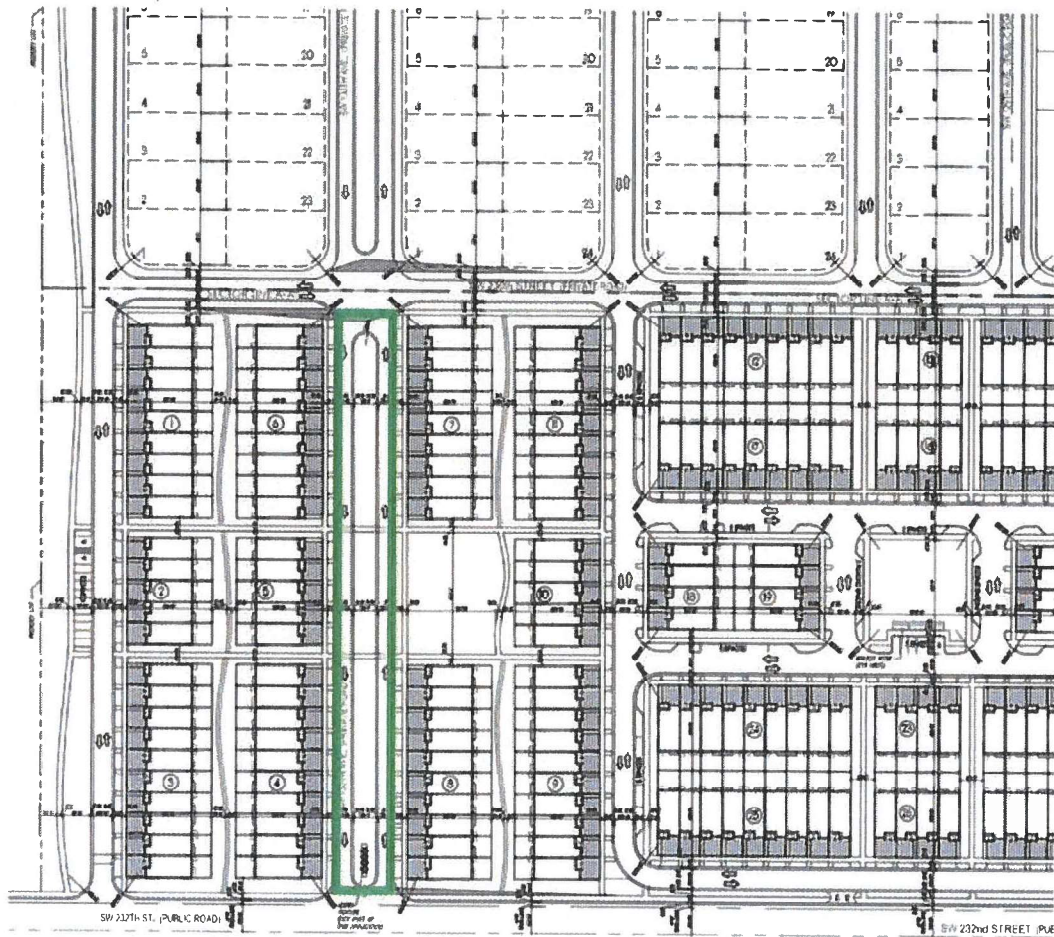
4. ABUTTING PROPERTY OWNERS: The following constitutes a complete and accurate schedule of all owners of property abutting upon the above described right-of-way.

<u>PRINT NAME</u>	<u>FOLIO NO.</u>	<u>ADDRESS</u>
Lennar Homes LLC	30-6914-000-0531	Address Not Available
Lennar Homes LLC	30-6914-000-0530	13005 SW 232 Street
AG Essential Housing Multi State 1, LLC	30-6914-000-0520	Address Not Available

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 grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

The petitioner respectfully requests that this petition to privatize the right-of-way along SW 130th Avenue between SW 232nd Street and SW 230th Street be granted based on the following reasons: The requested right-of-way that is proposed to be privatized has never been improved. Currently, the right-of-way consists of a dirt road that is used to gain access to only two parcels, which will be demolished and redeveloped into that residential development that is the subject of Administrative Site Plan Review Application No. A2020000015. As shown on a portion of the site plan provided below, the proposed private road will be open to the public and will connect SW 232nd Street and SW 230th Street.



Due to the lot configuration of the properties located on the south side of SW 232nd Street, SW 130th Avenue will not continue through to South Dixie Highway, also known as "Harriet Tubman Highway."

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

Respectfully submitted,

SIGNATURE	PRINT NAME	ADDRESS
 (Lennar Homes LLC - Authorized Individual)		<u>Address Not Available</u> Folio No. 30-6914-000-0531
 (Lennar Homes LLC - Authorized Individual)		<u>13005 SW 232 Street</u> Folio No. 30-6914-000-0530
 Steven S. Benson, the manager of AGWIP Asset Management LLC, an Arizona limited liability company, the Authorized Agent of AG Essential Housing Multi State 1, LLC	<u>Steven S. Benson</u>	<u>8585 E Hartford Dr. #118</u> Folio No. 30-6914-000-0520

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

Respectfully submitted,

SIGNATURE	PRINT NAME	ADDRESS
 (Lennar Homes LLC - Authorized Individual)	<u>GREG MCPHERSON</u>	<u>Address Not Available</u> Folio No. 30-6914-000-0531
 (Lennar Homes LLC - Authorized Individual)	<u>GREG MCPHERSON</u>	<u>13005 SW 232 Street</u> Folio No. 30-6914-000-0530
_____ (AG Essential Housing Multi State 1, LLC - Authorized Individual)	_____	<u>Address Not Available</u> Folio No. 30-6914-000-0520

Attorney for Petitioner
Juan J. Mayol Jr., Esq.
James R. Williams Jr., Esq.

Address: 701 Brickell Avenue, Suite 3300, Miami, FL 33131
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

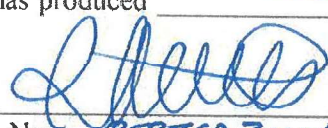
BEFORE ME, the undersigned authority, personally appeared GREG MURPHYSON
VICE PRESIDENT, who first by me duly sworn, deposes and says that
he/she is one of the petitioners named in and who signed the foregoing petition; that he/she
is duly authorized to make this verification for and on behalf of all petitioners; that he/she
has read the foregoing petition and that the statements therein contained are true.


(Signature of Petitioner)

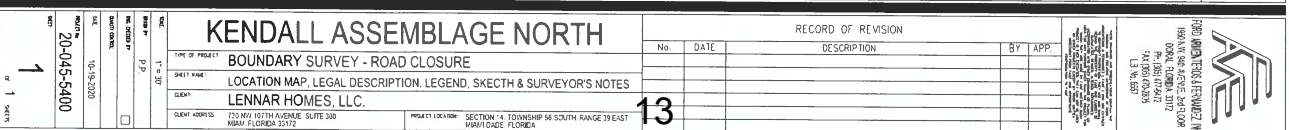
Sworn and subscribed before me by means of ☒ physical presence or ☐ online
notarization this, 4th day of JUNE, 2021, by GREG MURPHYSON,
who is personally known to me or who has produced _____
as identification.

[NOTARIAL SEAL]




Print Name: REBECCA ZULUAGA-CORTES
Notary Public, State of Florida
Commission #: GG 987625
My Commission Expires: 5/12/2024

D:\FORD COMPANIES\Engineering & Surveying\Survey\TENTATIVE PLATS\20-045- KENDALL ASSEMBLAGE NORTH\BOUNDARY SURVEY ROAD CLOSURE\KENDALL ASSEMBLY NORTH-BOUNDARY SURVEY ROAD CLOSURE.dwg



Date: May 10, 2021

To: Luis Lacau, P.L.S., Roadway Engineering and Right of Way Division
Department of Transportation and Public Works

From: 
Jerry Bell, AICP, Assistant Director for Planning
Planning Division
Department of Regulatory and Economic Resources

Subject: Revised Memo for Vacation of Right-of-Way Petition P-968
SW 130 Avenue from SW 230 Street to SW 232 Street

Petitioner: South Florida Growers Association, Inc.

Per your request, this Division previously reviewed the above referenced road closing petition and through memorandum dated February 16, 2021 issued its finding that the proposed closure of the subject SW 130 Avenue roadway segment is generally inconsistent with the County's adopted Comprehensive Development Master Plan (CDMP). Since then, the applicant has met with staff and taken measures to address the points of inconsistency and warranting our updated review of the petition.

The Planning Division's prior finding of inconsistency was based on the fact the petitioner did not demonstrate the need to close the subject right-of-way and that the closure would not be consistent with Policy TC-2D in the CDMP Traffic Circulation Subelement of the CDMP Transportation Element pertaining to connectivity, traffic flow and future rights-of-way needs.

Policy TC-2D: "...The County shall not approve vacation of zoned rights-of-way unless it is determined that the right-of-way is not required for present or future public use ..."

Subsequent to our comments, the petitioner has included in the development order (ASPR# 20200005) a condition that would ensure the subject segment of SW 130 Avenue from SW 230 Street to SW 232 Street will be publicly accessible and open to all traffic with no gates. The development order includes a condition requiring the subject roadway segment to be accessible to the public, while being privately owned and maintained through a Community Development District.

Therefore, upon further review of the subject petition, in conjunction with the additional information provided and the actions taken by the petitioner, the Planning Division now finds that closure of the subject right-of-way would not impair roadway connectivity or disrupt mobility in the area, since the subject right-of-way would be privately owned and maintained but accessible to the public.

Based on the foregoing, information in the petition, additional information provided and steps taken by the petitioner, and zoning information, the Planning Division now finds the subject road closing petition generally consistent with the goals, objectives, and policies of the CDMP.

Thank you for the opportunity to comment on this petition. Should you or any member of your staff have any questions regarding this information and/or comments, please feel free to call me, or Vinod Sandanasamy, Section Supervisor (Transportation), at (305) 375-2835.

Luis Lacau
May 7, 2021
Page 2 of 2

JB:GR:VS:RD:rv

Cc:

Miguel Soria, Section Head, Plans Review and Design, Department of Transportation and Public Works, (DTPW)

Pablo Rodriguez, P.L.S., (DTPW)

Jeffrey D. Whitmore, Engineer/Survey Tech Supervisor, (DTPW)

Cassandra Henderson, Zoning Development Analyst, Development Services Division, Department of Regulatory and Economic Resources



MEMORANDUM

(Revised)

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

DATE: February 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(E)

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(E)
2-1-22

RESOLUTION NO. R-91-22

RESOLUTION GRANTING PETITION TO CLOSE SW 130 AVENUE FROM SW 230 STREET TO SW 232 STREET (VACATION OF RIGHT-OF-WAY PETITION NO. P-968); SUBJECT TO CERTAIN CONDITIONS

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-968 was signed by all property owners 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 foregoing recitals are incorporated by reference and approved.

Section 2. Vacation of Right-of-Way Petition No. P-968 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, subject to the conditions contained in Section 3 below.

Section 3. All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; save and except that this closure is conditioned upon the recording of the plat of "KENDALL ASSEMBLAGE NORTH", tentative plat T-24522. This closure is also conditioned upon perpetual public access consistent with the conditions of ASPR #20200005. If the plat is not recorded within 180 days, this resolution shall be null and void.

Section 4. It is found that the action will serve a public purpose and benefit the public without violating private property rights.

Section 5. The procedure utilized in the adoption of this resolution is expressly ratified and approved.

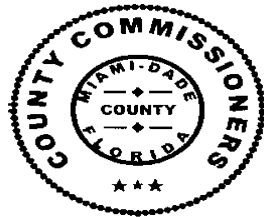
Section 6. Pursuant to Resolution No. 7606, the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County and the County Mayor or County Mayor's designee shall record the proof of 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.

Section 7. The County Mayor or County Mayor's designee is directed to forthwith file a certificate with the Clerk subsequent to the recordation of the plat confirming that the conditions set forth in Section 3 have been met, to be permanently stored alongside this Resolution.

The foregoing resolution was offered by Commissioner **Joe A. Martinez** , who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins** 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	absent	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	absent	Rebeca Sosa	absent
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of February, 2022. 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