

# MEMORANDUM

Agenda Item No. 5(C)

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

**DATE:** March 1, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution granting petition to  
close the alley east of NW 23  
Avenue from NW 41 Street south  
for 165 feet (alley closing  
Petition No. P-962); and waiving  
the signature requirement of  
Resolution No. 7606 as to  
adjacent property owners

Resolution No. R-185-22

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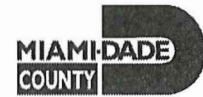
The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon.



\_\_\_\_\_  
Geri Bonzon-Keenan  
County Attorney

GBK/uw

# Memorandum



**Date:** March 1, 2021

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

**From:** Daniella Levine Cava  
Mayor *Daniella Levine Cava*

**Subject:** Alley Closing Petition P-962  
Section: 22-53-41  
Alley East of NW 23 Avenue from NW 41 Street South for 165 Feet  
Commission District: 3

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) grant Alley Closing Petition P-962, attached to this Memorandum as Exhibit 2, 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 alley being closed. Miami-Dade County Transit (a part of DTPW), as owner of one of the properties abutting the subject alley, did not sign this petition, but is in favor of this alley being closed. The subject alley is covered with grass. A location map is attached as Exhibit 1.

## **Scope**

This alley closing is located in District 3, which is represented by Commissioner Keon Hardemon.

## **Fiscal Impact/Funding Source**

The Property Appraiser’s Office has assessed the properties adjacent to this alley at a rate of \$15.00 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$24,735.00. If this alley is closed and vacated, a portion of the right-of-way will be placed on the tax roll, generating an estimated \$353.00 per year in additional property taxes. The fee for this alley closing is \$4,433.50.

## **Track Record/Monitor**

DTPW is the entity overseeing this project and the person responsible for monitoring is Ms. Maria D. Molina, P.E., Chief of 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 alley wish to close the alley east of NW 23 Avenue from NW 41 Street south for 165 feet in order to incorporate the land into their properties. The alley being closed has never been improved nor maintained by the County.

The subject alley was dedicated for the sole use of the owners of the lots by the plat of GARDEN CITY, recorded in Plat Book 5, Page 73, of the Public Records of Miami-Dade County, Florida. The subject alley is located within the Model City Urban Center District (MCUCD).

Honorable Chairman José "Pepe" Díaz  
and Members, Board of County Commissioners  
Page 2



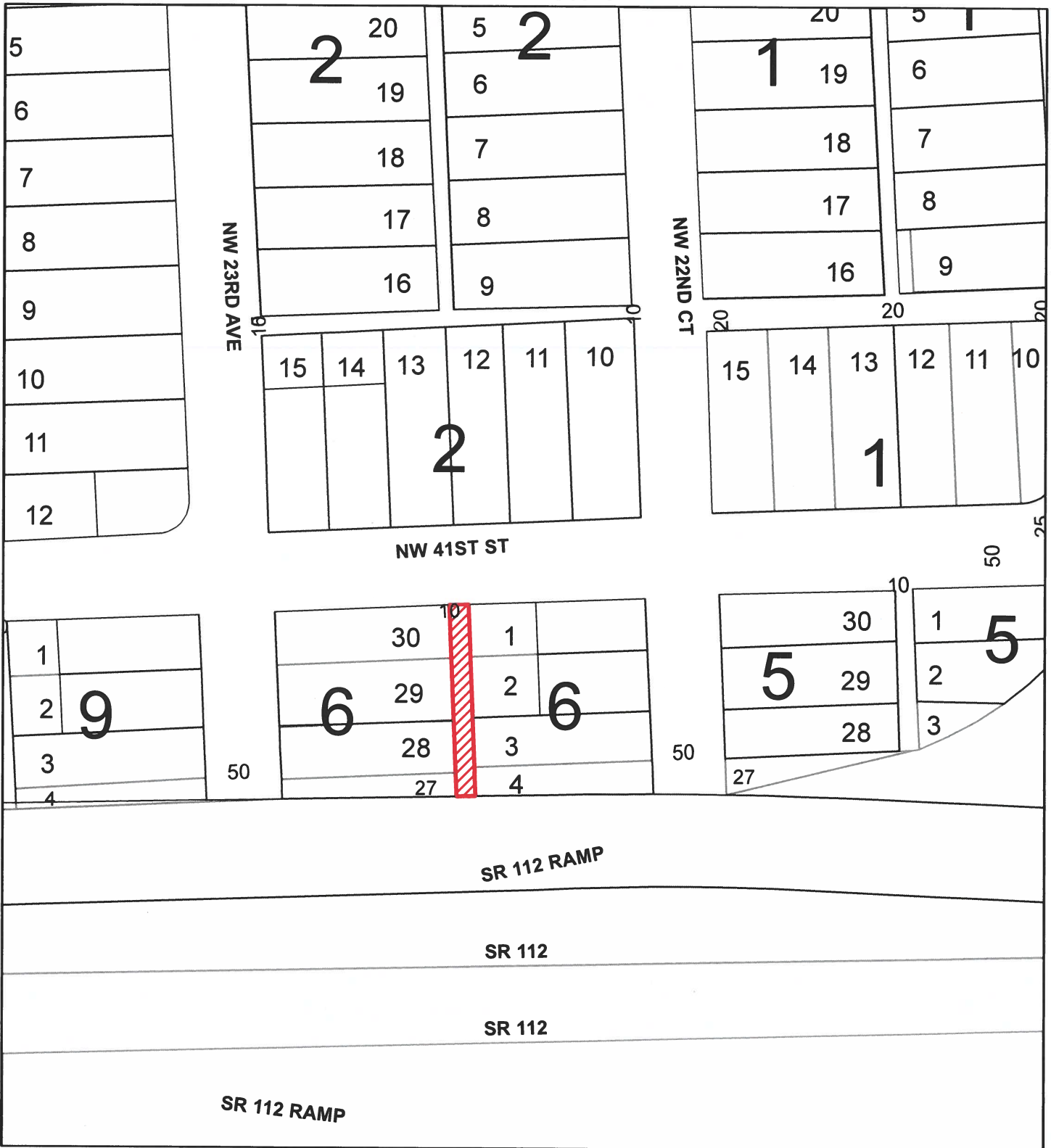
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Jimmy Morales  
Chief Operations Officer

# Location Map

SECTION 22 TOWNSHIP 53 S RANGE 41 E

## EXHIBIT 1



This is not a survey

Municipality: UNINCORPORATED MIAMI-DADE  
Commission District: Keon Hardemon 3

### Legend



P-962 ROAD CLOSING

## P-962

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: Rev. June 11, 2021  
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:

A portion of the 10 foot alley lying between Lots 1, 2, 3, 4, 27, 28, 29 and 30, Block 6, GARDEN CITY, according to the Plat thereof, as recorded in Plat Book 5, Page 73 of the Public Records of Miami-Dade County, Florida, described as follows:

BEGIN at the Northwest corner of said Lot 1; thence South 02 degrees 34 minutes 47 seconds East, along the West line of said Lots 1, 2, 3 and 4, for 165.10 feet; thence South 89 degrees 50 minutes 20 seconds West, along the North line of the County Right-of-Way, for 10.01 feet; thence North 02 degrees 34 minutes 47 seconds West, along the East line of Lots 27, 28, 29 and 30, for 164.71 feet; thence North 87 degrees 35 minutes 50 seconds East, along the South Right-of-Way line of NW 41st Street, for 10.00 feet to the POINT OF BEGINNING. Containing 1,649 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 is part of the plat of "Garden City", recorded in Official Record Book 5, Page 73 of the Public Records of Miami-Dade County, Florida. The relevant plat language includes:

"... the streets and alleys shown on the plat are hereby forever dedicated to the sole uses and purposes of the owners of the lots shown herein."

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>2280 NW 41 ST LLC</u>	<u>30-3122-008-1360</u>	<u>2280 NW 41 Street</u>
<u>2280 NW 41 ST LLC</u>	<u>30-3122-008-1120</u>	<u>2272 NW 41 Street</u>
<u>2280 NW 41 ST LLC.</u>	<u>30-3122-008-1140</u>	<u>4046 NW 22 Court</u>
<u>Miami Dade County - Miami-Dade Transit</u>	<u>30-3122-008-1355</u>	<u>-----</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____
_____	_____	_____
_____	_____	_____


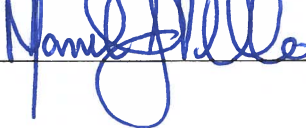
5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.



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):

The 10' wide right-of-way is not used for access by any adjacent owners, all of whom have other direct access to their properties. The right-of-way terminates at the north line of the State of Florida's limited access right-of-way line of State Road 112.

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

SIGNATURE	ADDRESS
 _____	<u>2272-2280 NW 41 Street (2280 NW 41 ST LLC)</u>
 _____	<u>4046 NW 22 Court (2280 NW 41 ST LLC)</u>
_____	<u>30-3122-008-1355-no address (MDC Transit)</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Attorney for Petitioner  
Address: 11402 NW 41 St., Suite 202, Doral, FL, 33178  
(Signature of Attorney not required)





# SKETCH & LEGAL DESCRIPTION

ALLEY ADJACENT TO:  
 2272 NW 41 ST.  
 2280 NW 41 ST.  
 4046 NW 22 CT.

**LEGAL DESCRIPTION OF ALLEY TO BE VACATED:**


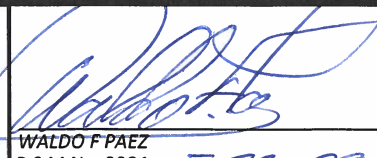
A portion of the 10 foot alley lying between Lots 1, 2, 3, 4, 27, 28, 29 and 30, Block 6, GARDEN CITY, according to the Plat thereof, as recorded in Plat Book 5, Page 73 of the Public Records of Miami-Dade County, Florida, described as follows:

BEGIN at the Northwest corner of said Lot 1; thence South 02 degrees 34 minutes 47 seconds East, along the West line of said Lots 1, 2, 3 and 4, for 165.10 feet; thence South 89 degrees 50 minutes 20 seconds West, along the North line of the County Right-of-Way, for 10.01 feet; thence North 02 degrees 34 minutes 47 seconds West, along the East line of Lots 27, 28, 29 and 30, for 164.71 feet; thence North 87 degrees 35 minutes 50 seconds East, along the South Right-of-Way line of NW 41st Street, for 10.00 feet to the POINT OF BEGINNING. Containing 1,649 square feet, more or less.

**NOTES:**

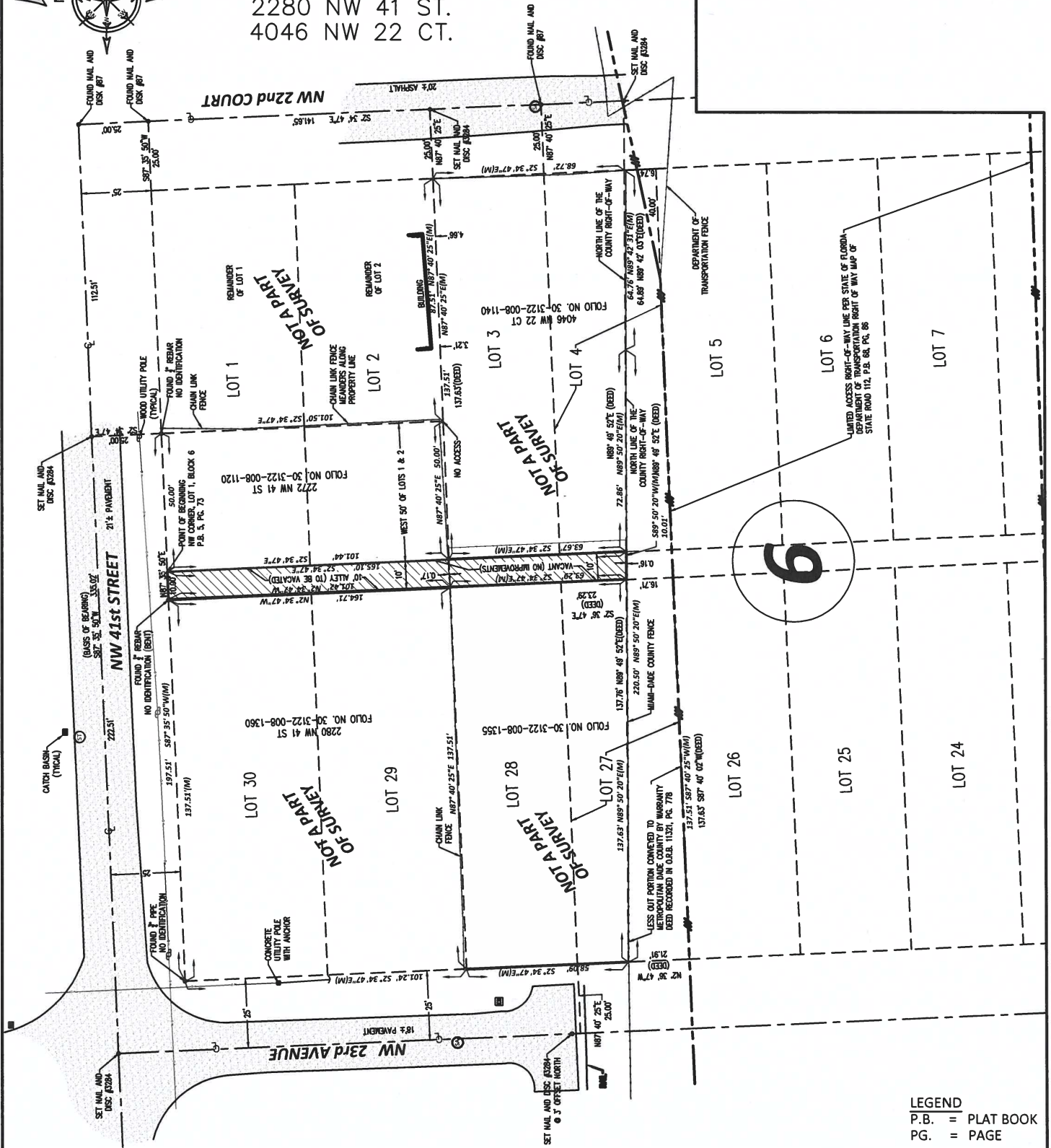
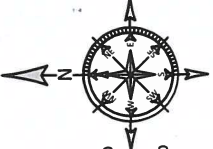
1. THIS IS NOT A BOUNDARY SURVEY, BUT IS A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.
2. NO MONUMENTATION WAS SET DURING THE PREPARATION OF THIS INSTRUMENT.
3. THE UNDERSIGNED & DELTA MAPPING AND SURVEYING, INC. MAKE NO REPRESENTATION OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER, THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY AND/OR EASEMENTS RECORD.
4. NOT VALID WITHOUT THE SIGNATURE AND STAMPED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

REVISIONS:	DATE:

 <p><b>DELTA MAPPING &amp; SURVEYING, Inc</b>  <b>LAND SURVEYORS · LAND PLANNERS</b>                  13301 S.W 132 Avenue, Suite 117                  Miami, Florida 33186                  L.B. No. 7950                  PHONE: (786) 429-1024 FAX: (786) 592-1152                  deltamapping@gmail.com</p>	 WALDO F. PAEZ P.S.M No. 3284 DATED: 5.27.20	JOB NO.: 20-0206		
		FB/PG:	N/A	SHEET NO.: 1 OF 2
		DRAWN BY:	M.G.	
		CKD. BY:	W.F.P.	

# SKETCH & LEGAL DESCRIPTION

ALLEY ADJACENT TO:  
 2272 NW 41 ST.  
 2280 NW 41 ST.  
 4046 NW 22 CT.



LEGEND  
 P.B. = PLAT BOOK  
 PG. = PAGE

## DELTA MAPPING & SURVEYING, Inc

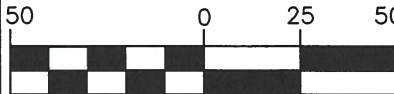
### LAND SURVEYORS · LAND PLANNERS

13301 S.W 132 Avenue, Suite 117  
 Miami, Florida 33186  
 L.B. No. 7950

Delta Mapping & Surveying, Inc

PHONE: (786) 429-1024 FAX: (786) 592-1152  
 deltamapping@gmail.com

## GRAPHIC SCALE



( IN FEET )

1 INCH = 50 FEET

JOB NO.: 20-0206

FB/PG: N/A

DRAWN BY: M.G.

CKD. BY: W.F.P.

SHEET NO.:

2 OF 2



**MEMORANDUM**  
(Revised)

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

**DATE:** March 1, 2022

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

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

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(C)  
3-1-22

RESOLUTION NO. \_\_\_\_\_ R-185-22

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY EAST OF NW 23 AVENUE FROM NW 41 STREET SOUTH FOR 165 FEET (ALLEY CLOSING PETITION NO. P-962); AND WAIVING THE SIGNATURE REQUIREMENT OF RESOLUTION NO. 7606 AS TO ADJACENT PROPERTY OWNERS

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, Alley Closing Petition No. P-962 was signed by two property owners abutting on the alley sought to be closed; and

**WHEREAS**, Miami-Dade County, as an owner of a parcel adjacent to the alley sought to be closed has no objections to such closure; 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 approved and incorporated by reference.

**Section 2.** To the extent that it requires the signatures of all adjacent property owners, Resolution No. 7606 is waived, and Miami-Dade County has no objection to the petition as an adjacent property owner.

**Section 3.** 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 4.** All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed.

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

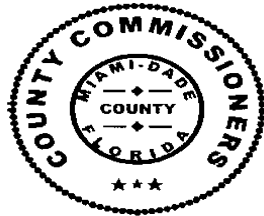
**Section 6.** The procedure utilized in the adoption of this resolution is expressly ratified and approved.

**Section 7.** Pursuant to Resolution No. 7606, the Clerk is hereby directed to publish notice of the adoption of this resolution one time within 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 **Eileen Higgins**, 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:

	José “Pepe” Díaz, Chairman	<b>aye</b>	
	Oliver G. Gilbert, Vice Chairman	<b>aye</b>	
Sen. René García	<b>aye</b>	Keon Hardemon	<b>aye</b>
Sally A. Heyman	<b>aye</b>	Danielle Cohen Higgins	<b>aye</b>
Eileen Higgins	<b>aye</b>	Joe A. Martinez	<b>aye</b>
Kionne L. McGhee	<b>aye</b>	Jean Monestime	<b>aye</b>
Raquel A. Regalado	<b>aye</b>	Rebecca Sosa	<b>aye</b>
Sen. Javier D. Souto	<b>absent</b>		

The Chairperson thereupon declared the resolution duly passed and adopted this 1<sup>st</sup> day of March, 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

**Basia Pruna**

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

Approved by County Attorney as  
to form and legal sufficiency.

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

Lauren E. Morse