

## MEMORANDUM

Agenda Item No. 5(D)

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

**DATE:** June 1, 2022

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

**SUBJECT:** Resolution granting petition  
to close the southerly portion of  
SW 302 Street, from SW 194  
Avenue west for approximately  
633 feet (Vacation of Right-of-  
Way Petition No. P-982) filed by  
Green Leaf Nursery, Inc.

Resolution No. R-508-22

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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 Danielle Cohen Higgins.



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Geri Bonzon-Keenan  
County Attorney

GBK/ks

# Memorandum



**Date:** June 1, 2022

**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-982  
Section: 11-57-38  
Southerly Portion of SW 302 Street from SW 194 Avenue West for Approximately 633 Feet  
Commission District: 8

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## **Executive Summary**

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by Green Leaf Nursery, Inc. to vacate the subject portion of right-of-way. The fee for this Vacation of Right-of-Way Petition is \$3,160.

## **Recommendation**

It is recommended that the Board grant Vacation of Right-of-Way Petition P-982, 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 portion of right-of-way being closed. The subject lands consist of areas of farm fields, grass, and nursery plants. Location maps are attached as Exhibit 1. This request conforms with County regulations governing the closing of roads as set forth in Resolution No. R-7606.

## **Scope**

The subject Vacation of Right-of-Way Petition 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 the subject portion of right-of-way at an average rate of \$1.49 per square foot. Therefore, the estimated value of the subject lands would be \$9,353. If the subject portion of right-of-way is closed and vacated, the lands will be placed on the tax roll, generating an estimated \$165 per year in additional property taxes. The fee for this Vacation of Right-of-Way Petition is \$3,160.

## **Track Record/Monitor**

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

## **Delegated Authority**

There is no delegation of authority associated with this item.

## **Background**

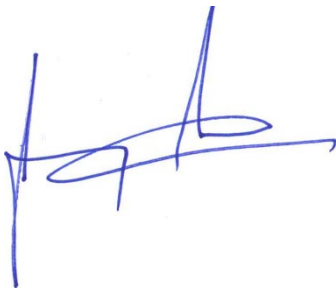
The owners of all the abutting properties wish to close a 10-foot-wide strip of right-of-way along the south side SW 302 Street, from SW 194 Avenue west for 633 feet, to incorporate the land into the abutting property to the south (Folio No. 30-7811-000-0110) for future development. If the subject Vacation of Right-of-Way Petition is granted, the required 25 feet of right-of-way width, as measured from the centerline of the street,

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

will remain along the south side of SW 302 Street at this location. The subject lands are currently used for agricultural purposes and are covered with areas of farm fields, grass, and nursery plants. The survey included within the attached Exhibit 2 shows a segment of wire fence and a small utility shed (with a note that states “to be demolished”) lying within the subject area.

The portion of right-of-way sought to be closed has neither been improved nor maintained by Miami-Dade County. It is part of the 35-foot-wide strip of land lying on the south side of the centerline of SW 302 Street that was dedicated to Miami-Dade County in 1957 by the “Right-of-Way Deed to Dade County” recorded in Official Records Book 249, at Page 476, of the public records of Miami-Dade County, Florida.

The property abutting the west end of the subject right-of-way is zoned AU (Agricultural/Residential 5 Acres Gross). The property abutting the south side of the subject land is zoned EU-M (Estates Modified, Single-Family, Minimum Lot Area 15,000 Square Feet Net).



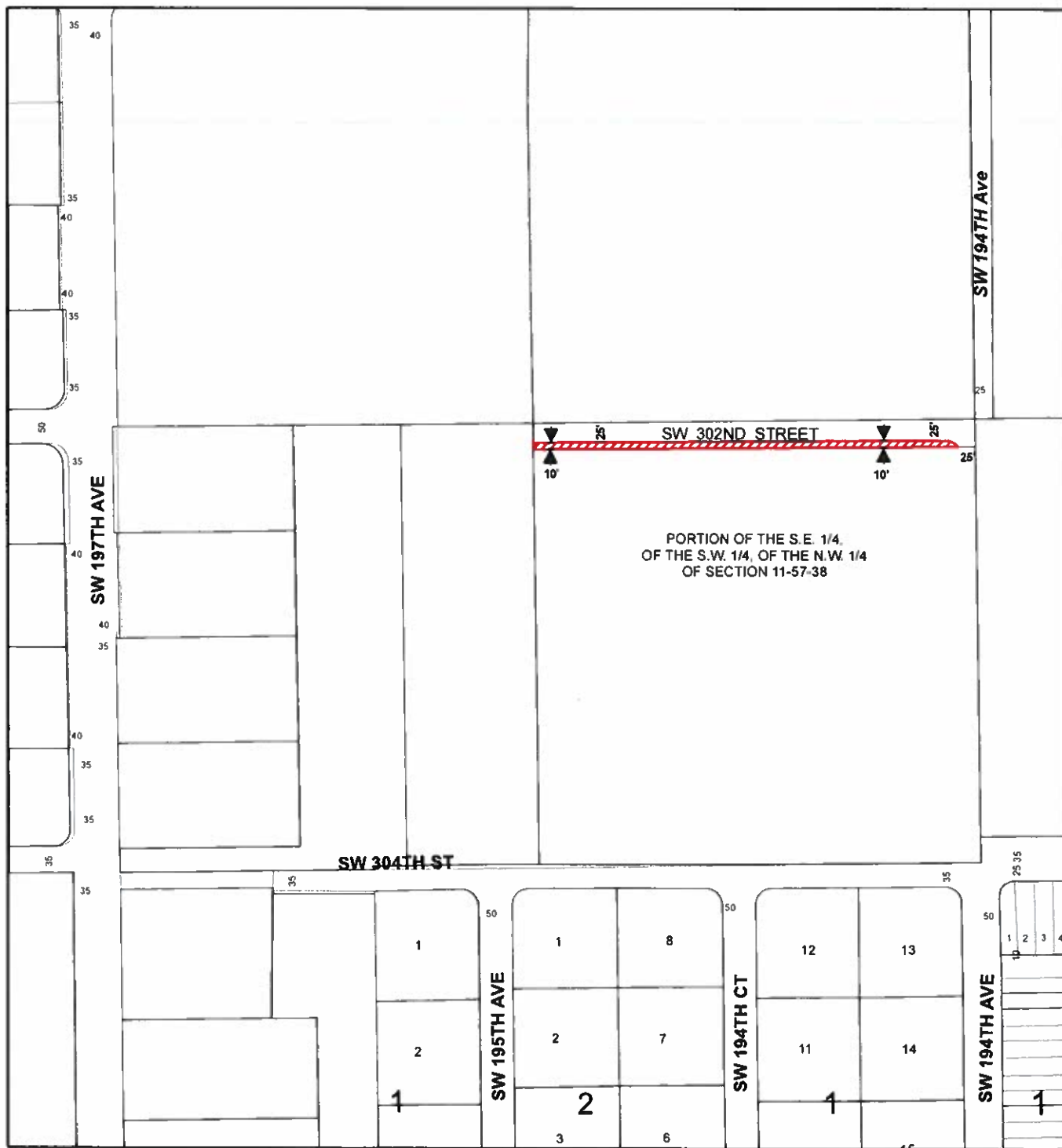
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Jimmy Morales  
Chief Operations Officer

# Location Map

SECTION 11 TOWNSHIP 57 S RANGE 38 E

## EXHIBIT "1"



This is not a survey

### P- 982

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

#### Legend



**P-982 ROAD CLOSING**

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

Date: October 28, 2021  
Prepared by: ym

# Location & Aerial Map

SECTION 11 TOWNSHIP 57 S RANGE 38 E

## EXHIBIT "1"



This is not a survey

### P- 982

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

#### Legend

 P-982 ROAD CLOSING

MIAMI-DADE COUNTY  
Department of Transportation & Public Works  
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".**

**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):

- Public interest was acquired by Right-of-Way Deed to Dade County, which was recorded in Official Record Book 249, Page 476 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.

**See Exhibit "B".**

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>NAME</u>                                                                                        | <u>FOLIO NO.</u> | <u>ADDRESS</u>      |
|----------------------------------------------------------------------------------------------------|------------------|---------------------|
| Green Leaf Nursery, Inc.                                                                           | 30-7811-000-0110 | 19475 SW 304 Street |
| Daisy Pena & Benito Sanchez                                                                        | 30-7811-000-0060 | 19505 SW 304 Street |
| George A. Pena Jr. LE, REM April<br>M. Pena, Thomas W. Pena TRS,<br>Thomas W Pena Rev Living Trust | 10-7811-000-0070 | 19355 SW 304 Street |

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.

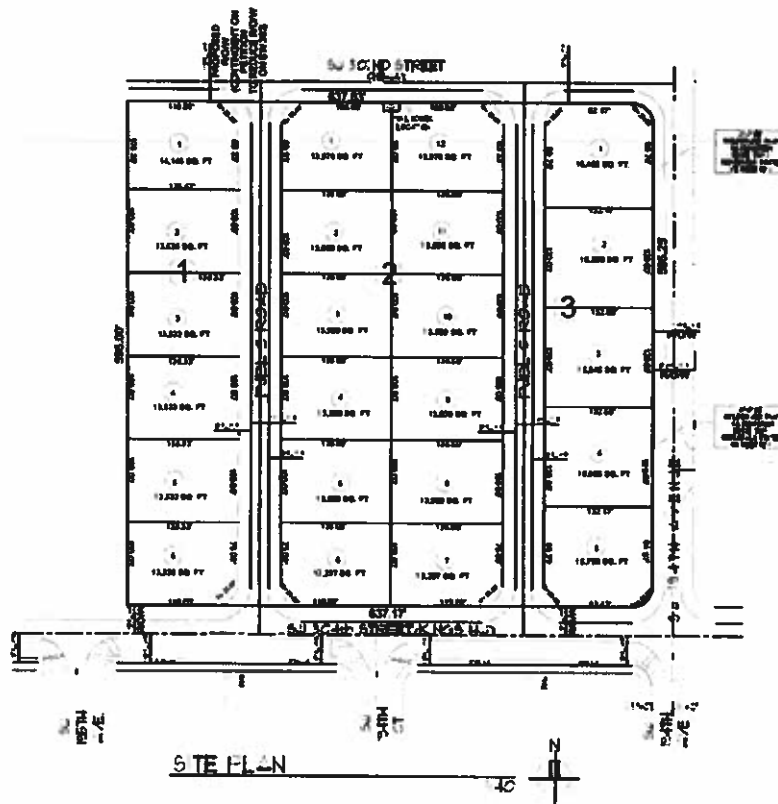
6. **GROUND FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST:** The undersigned submits as grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

The petitioner respectfully requests the vacation of the following portion of S.W. 302 Street as depicted in the aerial below highlighted in green (the "Petition"). Please see the enclosed legal and sketch identified as **Exhibit "B"**.



This petition seeks to *vacate the southern 10 feet* of the 35 foot right-of-way along S.W. 302<sup>nd</sup> Street thereby reducing this right-of-way to 25 feet (the “302<sup>nd</sup> Street right-of-way”). This right-of-way is currently unimproved and is not used by the public for access. The entirety of the right-of-way to be vacated abuts unimproved land, but leads to private property. Elimination of the right-of-way will help to prevent potential conflict between the traveling public and the private property owners.

The property abutting the 302<sup>nd</sup> Street right-of-way to the south will be developed into a single residential development that will provide its own privatized traffic connectivity network. In fact, approval of this Petition would allow for a proposed residential development to be developed with a far superior traffic connectivity design. As shown on the Preliminary Site Plan below, the proposed roads will be open to the public and will have several ingress and egress points. Furthermore, should the Petition be approved, the developer would be required to receive the necessary approvals for the proposed traffic connectivity network design from all applicable reviewing departments and agencies prior to development. Such reviewing departments and agencies will include the Miami-Dade County Traffic Engineering Division and the Miami-Dade County Traffic and Platting Section. In turn, and as a result of the approval of the Petition, the private property land valuation assessments will yield an increase in contributions to the tax base.

[illegible]

*[Remainder of Page Intentionally Left Blank]*

7. Signatures of all abutting property owners:

Respectfully submitted,

**SIGNATURE**

**PRINTED FULL NAME**

**ADDRESS**

  
(Green Leaf Nursery, Inc. - Authorized Individual)

George A. Pena, Jr.

19475 SW 304 Street  
Folio No 30-7811-000-0110

  
Daisy Pena

Daisy Pena

19505 SW 304 Street  
Folio No 30-7811-000-0060

  
Benito Sanchez

Benito Sanchez

19505 SW 304 Street  
Folio No 30-7811-000-0060

  
George A. Pena, Jr. as to a Life Estate with Remainder  
Interest in April M. Pena

George A. Pena, Jr.

19355 SW 304 Street  
Folio No 10-7811-000-0070

Thomas W. Pena as Trustee of the Thomas W. Pena  
Revocable Living Trust

Thomas W. Pena

7. Signatures of all abutting property owners:

Respectfully submitted,

| SIGNATURE                                                                                                                                                                | PRINTED FULL NAME          | ADDRESS                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|---------------------------------------------------------|
| <u>(Green Leaf Nursery, Inc - Authorized Individual)</u>                                                                                                                 | <u>George A. Pena, Jr.</u> | <u>19475 SW 304 Street</u><br>Folio No 30-7811-000-0110 |
| <u>Daisy Pena</u>                                                                                                                                                        | <u>Daisy Pena</u>          | <u>19505 SW 304 Street</u><br>Folio No 30-7811-000-0060 |
| <u>Benito Sanchez</u>                                                                                                                                                    | <u>Benito Sanchez</u>      | <u>19505 SW 304 Street</u><br>Folio No 30-7811-000-0060 |
| <u>George A. Pena, Jr as to a Life Estate with Remainder<br/>Interest in April M. Pena</u>                                                                               | <u>George A. Pena, Jr.</u> | <u>19355 SW 304 Street</u><br>Folio No 10-7811-000-0070 |
| <u><br/>Thomas W. Pena as Trustee of the Thomas W. Pena<br/>Revocable Living Trust</u> | <u>Thomas W. Pena</u>      |                                                         |

**Attorneys for Petitioner**  
Pedro Gassant, Esq.  
Amanda M. Naldjieff, Esq.

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

STATE OF FLORIDA                     )  
                                                           ) SS:  
MIAMI-DADE COUNTY                     )

BEFORE ME, the undersigned authority, personally appeared by means of ☒ physical or  
[ ] online notarization Thomas W. Pena, 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.

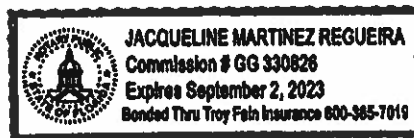
  
\_\_\_\_\_  
(Signature of Petitioner)

Sworn and subscribed to before me this

1<sup>ST</sup> day of September, 2021

  
\_\_\_\_\_  
JACQUELINE MARTINEZ REGUEIRA  
Notary Public State of Florida at Large

My Commission Expires: 09/02/2023



## **EXHIBIT A**

A PORTION OF THE NORTH 35.00 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 57 SOUTH, RANGE 38 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11; THENCE S00°52'44"E, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11 FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE N89°13'45"E. ALONG A LINE PARALLEL WITH AND 25.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11 FOR A DISTANCE OF 612.81 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST; THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 53°07'48" FOR AN ARC DISTANCE OF 23.18 FEET TO A POINT; THENCE S89°13'45"W, ALONG A LINE PARALLEL WITH AND 35.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11 FOR A DISTANCE OF 632.81 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11; THENCE N00°52'44"W, ALONG THE LAST DESCRIBED LINE FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,268 SQUARE FEET MORE OR LESS.

## **EXHIBIT B**





## MEMORANDUM

(Revised)

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

**DATE:** June 1, 2022

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

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

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(D)  
6-1-22

RESOLUTION NO. \_\_\_\_\_ R-508-22

RESOLUTION GRANTING PETITION TO CLOSE THE  
SOUTHERLY PORTION OF SW 302 STREET, FROM SW 194  
AVENUE WEST FOR APPROXIMATELY 633 FEET  
(VACATION OF RIGHT-OF-WAY PETITION NO. P-982)  
FILED BY GREEN LEAF NURSERY, INC.

**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-982 was signed by the owners of all of the properties abutting on the subject portion of 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 approved and incorporated by reference.

**Section 2.** Vacation of Right-of-Way Petition No. P-982 is hereby granted and 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 3.** All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed.

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

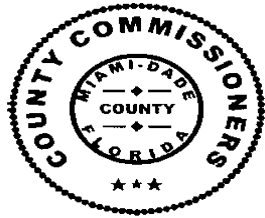
**Section 5.** The procedure utilized in the adoption of this resolution is expressly ratified and approved.

**Section 6.** Pursuant to Resolution No. 7606, the Clerk is hereby directed to publish notice of the adoption of this resolution one time within 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 **Joe A. Martinez** ,  
 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            | <b>aye</b> |                        |            |
| Oliver G. Gilbert, III, 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> | Rebeca Sosa            | <b>aye</b> |
| Sen. Javier D. Souto                  | <b>aye</b> |                        |            |

The Chairperson thereupon declared this resolution duly passed and adopted this 1<sup>st</sup> day of June, 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: **Basia Pruna**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

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

Annery Pulgar Alfonso