

MEMORANDUM

Agenda Item No. 5(P)

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

DATE: October 6, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition to
close theoretical SW 110 Street
from SW 90 Avenue West for
approximately 272 feet (Vacation
of Right-of-Way Petition No. P-
991) filed by Brown Estates,
LLC, subject to certain
conditions, and waiving the
signature requirements of
Resolution No. 7606 as to
adjacent property owners

Resolution No. R-902-22

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



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: October 6, 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-991
Section: 9-55-40
SW 110 Street (Theoretical) from SW 90 Avenue West for Approximately 272 Feet
Commission District: 7

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by Brown Estates, LLC, to vacate the subject portion of County right-of-way. If this petition is granted, the underlying lands will become incorporated into the plat of BROWN ESTATES. The \$1,960.00 fee for this vacation of right-of-way petition has been paid. This proposed plat will create a subdivision of 15 lots for single-family homes and will dedicate land for right-of-way to include a new 50-foot-wide segment of SW 110 Terrace, lying just south of the subject portion of right-of-way, that will connect SW 90 Avenue to SW 92 Avenue.

Recommendation

It is recommended that the Board grant vacation of right-of-way petition P-991, attached to this Memorandum as Exhibit 2, following a public hearing, and contingent on the recording of the plat of BROWN ESTATES, Tentative Plat T-24680. In the event the plat is not recorded within four years of the granting of the subject vacation of right-of-way petition, 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 portion of right-of-way being vacated. This request conforms with County regulations governing the procedures for the vacation of County right-of-way as set forth in Resolution No. 7606. The subject right-of-way is covered with grass and trees. Location maps are attached as Exhibit 1.

Scope

The subject vacation of right-of-way petition is located within District 7, which is represented by Commissioner Raquel A. Regalado.

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 \$7.00 per square foot. Therefore, the estimated value of the subject land is approximately \$47,600. If the subject portion of right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$838 per year in additional property taxes. The fee for this Vacation of Right-of-Way petition is \$1,960.00. In accordance with Implementing Order No. IO 4-41, since the subject portion of right-of-way is being replaced by the full dedication of a new segment of SW 110 Terrace by the proposed plat, the additional processing fee does not apply to this vacation of right-of-way petition.

Attachments: Exhibit 1 – Location Maps, Exhibit 2 – Vacation of Right-of-Way Petition P-991, Exhibit “A” – Sketch and Legal Description, Exhibit “B” – Right-of-Way Deed and Warranty Deed, Exhibit “C” – Tentative Plat, Exhibit “D” – Certified Mail to Abutting Owners

Track Record/Monitor

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

Delegated Authority

There is no delegation of authority associated with this item.

Background

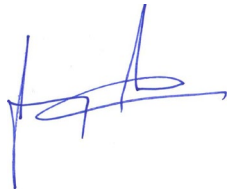
The owner of the property abutting the south side of the subject portion of right-of-way, Brown Estates, LLC, wishes to close theoretical SW 110 Street from SW 90 Avenue west for approximately 272 feet to incorporate the land into the proposed plat of BROWN ESTATES, Tentative Plat T-24680.

The owners of the two properties abutting on the north side of the subject portion of right-of-way have not signed the petition. However, they have been notified by certified mail, copies of which are attached as Exhibit "D" to the petition.

The subject portion of right-of-way has never been improved nor maintained by Miami-Dade County. It includes areas of grass and trees. The area is enclosed together with the petitioner's property by a chain-link fence.

The subject portion of land was included in the overall parcel that was acquired by the petitioner's predecessors-in-interest on February 19, 1957, as evidenced by the Warranty Deed recorded in Official Records Book 86, at Page 476, of the Public Records of Miami-Dade County, Florida, a copy of which is included in Exhibit "B" to the petition. Subsequently, on February 27, 1957, the subject portion of land was dedicated to Miami-Dade County "for use as a public highway and for all purposes incidental thereto" by the Right-of-Way Deed to Dade County recorded in Official Records Book 117, at Page 572, of the Public Records of Miami-Dade County, a copy of which is also included in Exhibit "B" to the petition. Since the entirety of the subject portion of right-of-way was dedicated to Miami-Dade County by the petitioner's predecessors-in-interest, its entire 25-foot width will revert to the petitioner if the subject petition is granted. This is affirmed by the reversionary clause contained in the aforementioned Right-of-Way Deed to Dade County, which states: "It is expressly provided that if and when the said highway shall be lawfully and permanently discontinued, the title to the said above described land shall immediately revert to the parties of the first part, their heirs and assigns, and they shall have the right to immediately repossess the same." The petitioner is the sole successor in title of the party of the first part of the said Right-of-Way Deed to Dade County, and as such, will immediately receive title to the entirety of the subject portion of land if this petition is granted and the conditions set forth in this resolution are met.

All the properties abutting on the subject portion of right-of-way are zoned EU-1 (Estates, single-family, one acre or more in area).



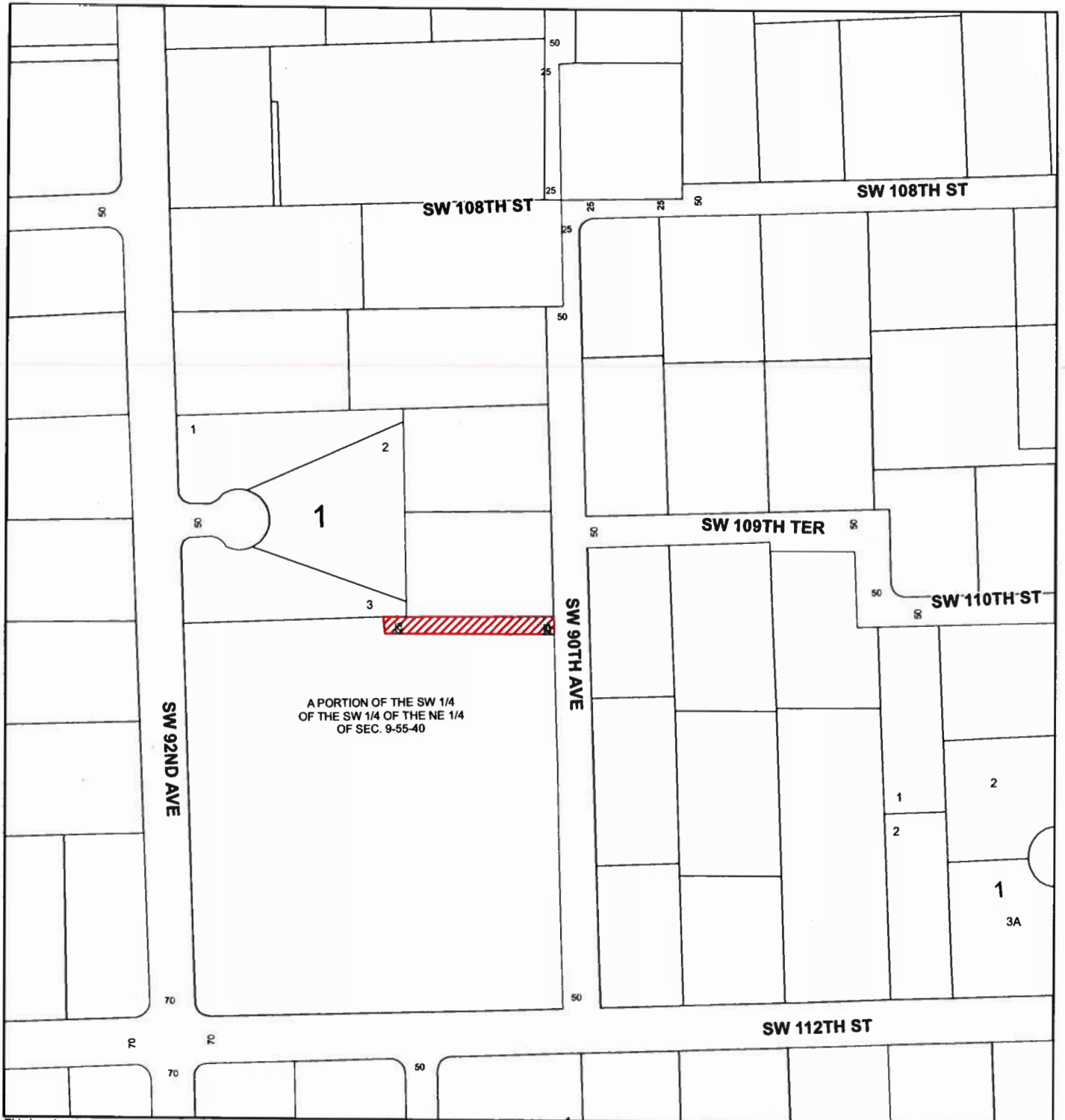
Jimmy Morales
Chief Operations Officer

Location & Aerial Map

SECTION 9 TOWNSHIP 55 S RANGE 40 E



EXHIBIT "1"



This is not a survey

P- 991

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Raquel Regalado 7

Legend

 P-991 ROAD CLOSING

MIAMI-DADE COUNTY
Department of Transportation and Public Works
Right-of-Way Division
111 NW 1st Street, Suite 1610,
Miami, Florida 33128
PH (305) 375-2714 FAX (305) 375-2825

Date April 12, 2022
Prepared by: ym

Location & Aerial Map

SECTION 9 TOWNSHIP 55 S RANGE 40 E

EXHIBIT "1"



This is not a survey

P- 991

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Raquel Regalado 7

Legend

 P-991 ROAD CLOSING

MIAMI-DADE COUNTY
Department of Transportation and Public Works
Right-of-Way Division
111 NW 1st Street, Suite 1610,
Miami, Florida 33128
PH (305) 375-2714 FAX (305) 375-2825

Date: April 12, 2022
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. See attached 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):

a. Public interest was acquired by way of deed and is set forth in the Official Records Book 117 – Page 572 (ORB 117-572).

b. See attached Exhibit B.

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.

a. See attached Exhibit C.

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>
<u>Javier & Wendy Martin</u>	<u>30-5009-023-0030</u>	<u>10985 SW 92 Avenue</u> <u>Miami, FL 33176</u>
<u>Joseph & Judy Wieselberg</u>	<u>30-5009-000-0142</u>	<u>10970 SW 90 Avenue</u> <u>Miami, FL 33176</u>
<u>Brown Estates, LLC (Michael</u> <u>Garcia-Carillo)</u>	<u>30-5009-000-0120</u>	<u>9177 SW 112 Street</u> <u>Miami, FL 33176</u>

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):

- a. This petition should be granted to allow for the complete development of the vacant lot located at 9177 SW 112 Street and for the overall enhancement of the neighborhood and surrounding community. This will benefit the property's neighbors and subsequently, this development will provide an East to West connection between 90th Avenue and 92nd Avenue, the original purpose of this dedication.

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

- a. See attached Exhibit D for copies of certified mail sent to the abutting property owners who did not sign this petition.

SIGNATURE

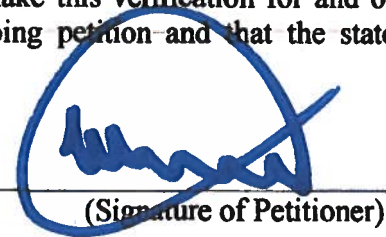
ADDRESS

Attorney for Petitioner

Address: Neghaa Kumaar, (3162 Commodore Plaza, Suite 3E
Signature of Attorney not required) coconut grove, 33133)

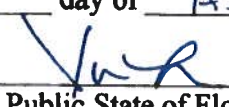
STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

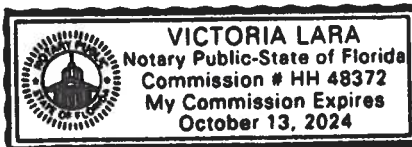
BEFORE ME, the undersigned authority, personally appeared by means of ☒ physical or
[] online notarization MICHAEL GARCIA-CARRILLO who first by me duly sworn, deposes
and says that he/she is one of the petitioners named in and who signed the foregoing
petition; that he/she is duly authorized to make 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

6th day of April, 20 22


Notary Public State of Florida at Large



My Commission Expires: 10.13.24

EXHIBIT "A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for

Brown Estates, LLC

prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

25' RIGHT OF WAY TO BE CLOSED, ABANDONED & VACATED

LEGAL DESCRIPTION:

The North 25 feet of the West 272 feet of the East 297 feet of the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 9, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida.

Containing an area of 6,800 Square Feet or 0.16 Acres, more or less, by calculations.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for

Brown Estates, LLC

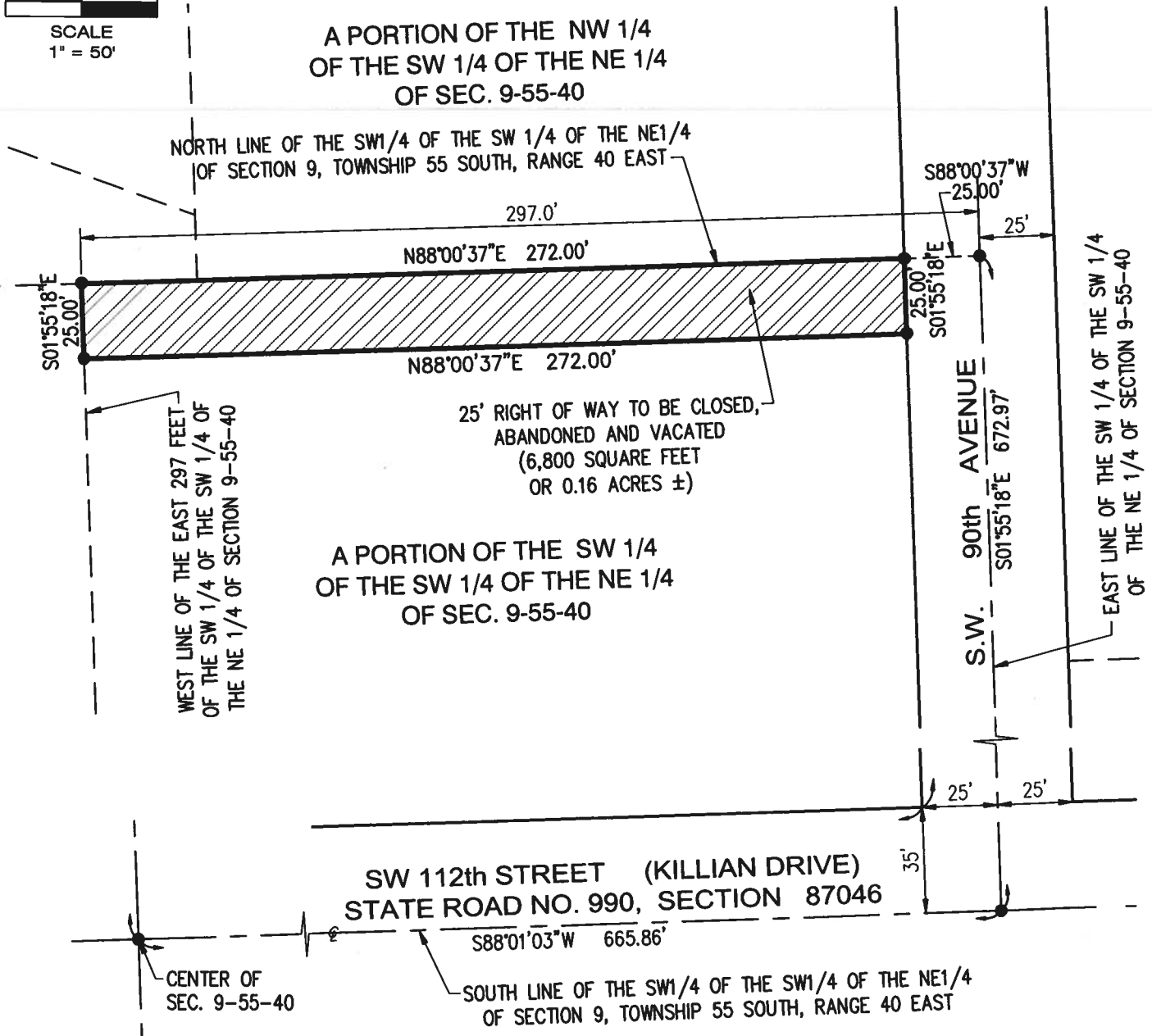
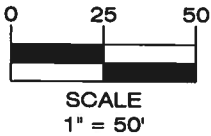
prepared by:



LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

25' RIGHT OF WAY TO BE CLOSED, ABANDONED & VACATED



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for
Brown Estates, LLC
prepared by:



HADONNE

EXHIBIT "A"

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

25' RIGHT OF WAY TO BE CLOSED, ABANDONED & VACATED

SOURCES OF DATA:

The Legal Description was generated from Township Maps for Section 9, Township 55 South Range 40 East, Miami-Dade County, Florida, prepared by Miami-Dade County, Transportation and Public Works Department.

Bearings as shown hereon are based upon the Centerline of SW 112th Street, with an assumed bearing of S88°01'03"W, said line to be considered a well established and monumented line.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than those that appeared on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information was furnished other than that which is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

Abraham Hadad, PSM

For The Firm
Professional Surveyor and Mapper LS6006
State of Florida
HADONNE CORP., a Florida corporation
Land Surveyors and Mappers
Certificate of Authorization LB7097
1985 NW 88th Court, Suite 101
Doral, Florida 33172
305.266.1188 phone
305.207.6845 fax

NOTICE: Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17.051 of the Florida Administrative Code.

EXHIBIT "B"

EXHIBIT B

BOOK 117 PAGE 572

RIGHT-OF-WAY DEED TO DADE COUNTY
CONVEYS THE TITLE FOR HIGHWAY PURPOSES

STATE OF FLORIDA, }
COUNTY OF DADE. }

THIS INDENTURE, Made this 27th day of February, A. D. 1957, by and between
PAUL D. KRUEGER and ESTHER L. KRUEGER, his wife

_____ of the County of _____, State of _____,
part 1st of the first part and the County of Dade, a body corporate and a
political subdivision of the State of Florida, and its successors in interest, party of the second
part.

WITNESSETH:—

That the said parties of the first part, for and in consideration of the sum of One
Dollar to them in hand paid by the party of the second part, receipt whereof is hereby
acknowledged, and for other and further good and valuable considerations, do hereby
grant, bargain and sell to the party of the second part, and its successors in interest, for the
purpose of a public highway and purposes incidental thereto, the following described land,
situate, lying and being in the County of Dade, State of Florida, to-wit:

The North 25 feet, the East 25 feet and the South
35 feet of the East 297 feet of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of
SE $\frac{1}{4}$ of Section 9, Township 55 South, Range 10 East.



Notary Public for the State of Florida
Date 2/27/57
[Signature]

It is the intention of the parties of the first part by this instrument to convey to the
said County, and its successors in interest, the land above described for use as a public high-
way and for all purposes incidental thereto.

It is expressly provided that if and when the said highway shall be lawfully and per-
manently discontinued, the title to the said above described land shall immediately revert to
the parties of the first part, their heirs and assigns, and they shall have the
right to immediately re-possess the same.

And the said parties of the first part do hereby fully warrant the title to
said land, and will defend the same against the lawful claims of all persons whomsoever,
claiming by, through or under them.

IN WITNESS WHEREOF, the said parties of the first part, have hereunto set
their hands and seals, the day and year above written.
Signed, Sealed and delivered
in our presence:

[Signature]
[Signature]

[Signature] (SEAL)
[Signature] (SEAL)

_____ (SEAL)
_____ (SEAL)

STATE OF Florida
COUNTY OF Dade

I HEREBY CERTIFY, That on this 27 day of February, A. D. 1957, before me personally appeared, PAUL D. KNUDSEN and ESTHER L. KNUDSEN, his wife

to me known to be the person.s described in and who executed the foregoing conveyance to the County of Dade, a body Corporate, and a political subdivision of the State of Florida, and they acknowledged to me the execution thereof to be their free act and deed for the uses and purposes therein mentioned.

And the said ESTHER L. KNUDSEN, the wife of the said

PAUL D. KNUDSEN, on a separate and private examination taken and made by and before me, and separately and apart from her said husband, did acknowledge that she executed the said deed for the purposes therein set forth, freely and voluntarily, and without any fear, constraint, apprehension or compulsion of or from her said husband.

WITNESS my signature and official seal at Dade County, in the County and State of Florida, the day and year last aforesaid.

James L. Knudsen
Notary Public, State of Florida

My commission expires March 1, 1958



RIGHT-OF-WAY DEED TO DADE COUNTY
CONVEYS THE TITLE FOR HIGHWAY PURPOSES

From
PAUL D. KNUDSEN et ux
To
DADE COUNTY, FLORIDA

Filed for record on the 27 day of February, 1957 at 11 o'clock A.

Recorded
in Deed Book
Page
Record verified
F. R. LEATHERMAN,
Clerk Circuit Court.

By D. C.

RECORDED
MAR 1 1957
FILED FOR RECORD

MAR 8 PM 4:02

FILED FOR RECORD

CC 40506 1/2

STATE OF FLORIDA
NOTARY PUBLIC
JAMES L. KNUDSEN
117 573
My Q. R. M. Seal
The foregoing document was prepared, read, and acknowledged before me on this 27th day of February, 1957, at Dade County, Florida, by Paul D. Knudsen and Esther L. Knudsen, his wife, and they acknowledged to me the execution thereof to be their free act and deed for the uses and purposes therein mentioned.

ATTEST: F. R. LEATHERMAN,
Clerk Circuit Court.

This Warranty Deed

Made this 19th day of February, A. D. 1957,
Between RALPH M JAMES and VALENTINE T. JAMES, his wife,

of the County of DADE, State of FLORIDA, parties of the first part,
And PAUL D. KNUDSEN and ESTHER L. KNUDSEN, his wife
9370 S. W. 120th St. Miami 56, Fla.

of the County of DADE, State of FLORIDA, part 1 of the second part,
Witnesseth, that the said parties of the first part, for and in consideration of the sum of
TEN (\$10.00) DOLLARS and other good and valuable
considerations, to them in hand paid by the said parties of the second part, the receipt
whereof is hereby acknowledged, have granted, bargained and sold to the said parties of
the second part, their heirs and assigns forever, the following described land, situate,
lying and being in the County of DADE, State of Florida, to wit:

1. The East 297 feet of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of
Section 9, Township 55 South, Range 40 East
of Tallahassee Meridian, said property comprising
4.5 Acres more or less, situate in the County
of Dade, and State of Florida.

Subject to all Dade County Zoning Regulations of
Record.

State of Florida, County of Dade.
This instrument was filed for record the 20 day of Feb
1957 at 2:04 P.M. and duly recorded in OFFICIAL RECORDS
Book 86 on page 476
E. B. LEVINSTEIN
Clerk Circuit Court
By J. R. Metcalf, ac

And the said part 1 of the first part do hereby fully warrant the title to said land and will
defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said part 1 of the first part have hereunto set their hands
and seal the day and year first above written.
Signed, Sealed and Delivered in Our Presence:

Ralph M. James (L.S.)
Valentine T. James (L.S.)
Samuel D. Wallace

State of Florida,
County of

I HEREBY CERTIFY, That on this day, before me, an officer duly authorized in the State and
County aforesaid to take acknowledgements, personally appeared
RALPH M. JAMES and VALENTINE T. JAMES, his wife,

known to me to be the individual described in and who executed the foregoing instrument and
they acknowledged before me that they executed the same.
U. D. LEVINSTEIN my hand and official seal in the State and County last aforesaid, this 19th day
of February, A. D. 1957.

My Commission Expires

Samuel D. Wallace
Notary Public

EXHIBIT "C"

TENTATIVE PLAT OF BROWN ESTATES A SUBDIVISION OF A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9 TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA

SECTION 1: NOTES

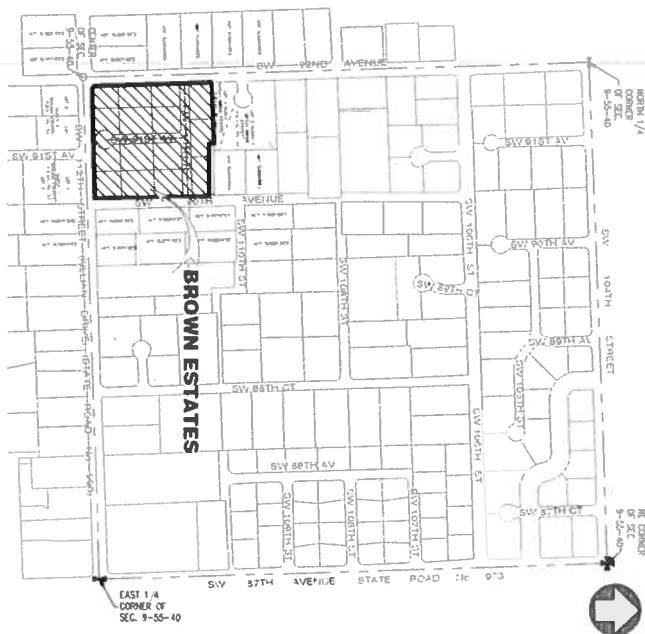
SECTION 2: LEGAL DESCRIPTION

SECTION 3: LOCAL DESCRIPTION

Property Address and Tax Roll Number

SECTION 4: SUMMARY

SECTION 5: SOURCE OF DATA



LOCATION MAP
 THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 55 SOUTH, RANGE 40 EAST
 MIAMI-DADE COUNTY, FLORIDA
 SCALE: 1" = 200'

NOTICE
 This Document is not full and complete without all pages
 (Total of two (2) pages)

SECTION 6: CLIENT INFORMATION

SECTION 7: UTILITY SERVICE, TO BE PROVIDED TO PROPOSED DEVELOPMENT

SECTION 8: DEVELOPMENT INFORMATION

SECTION 9: PLANO CARTESIA

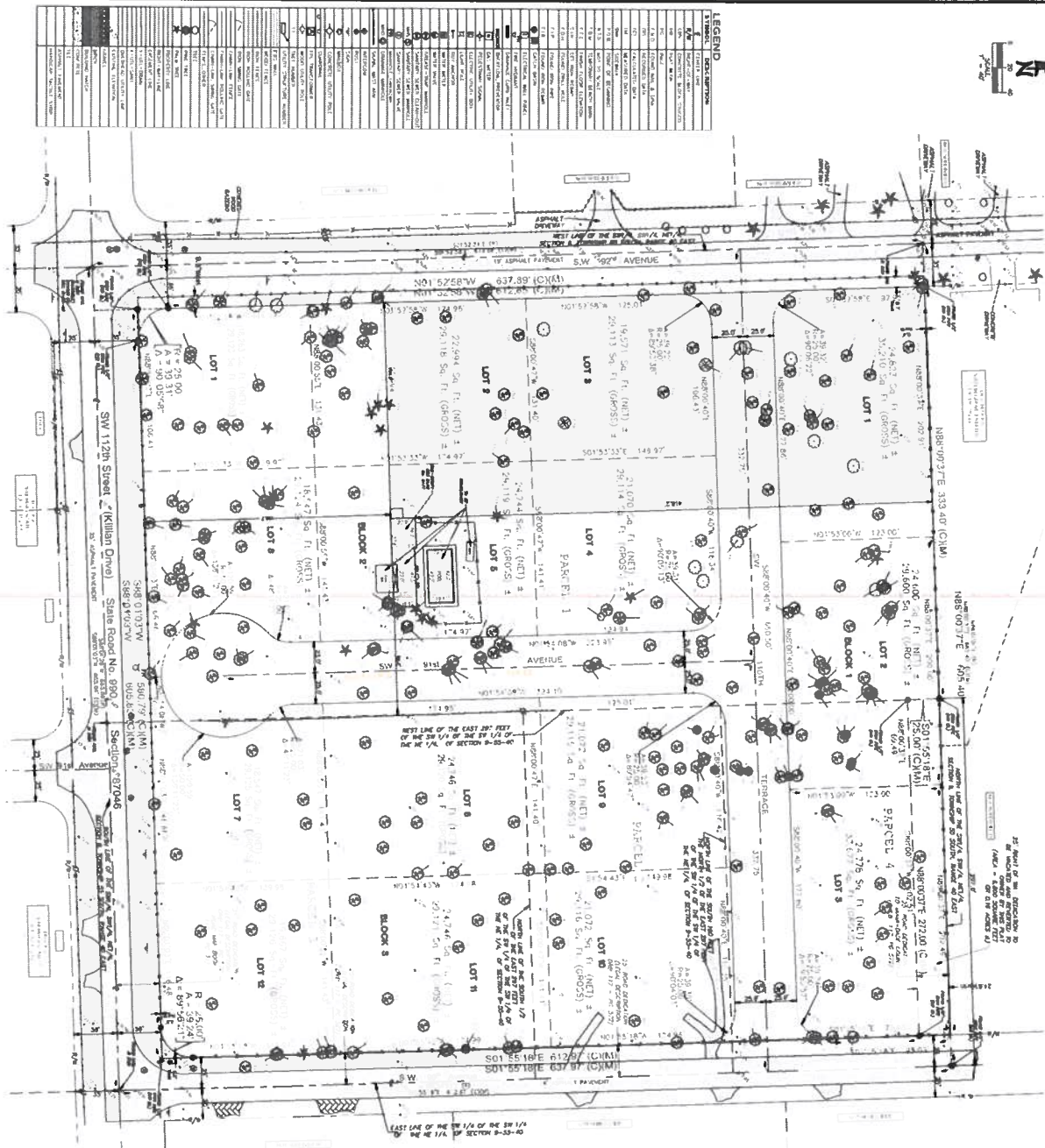
SECTION 10: CONTACT INFORMATION

SECTION 11: SURVEYOR'S CERTIFICATE

APPLIANCING

ADJUDICATING

LIVING AND BEING IN MIAMI-DADE COUNTY, FLORIDA

[illegible]

NOTICE:
This Document is not full and complete without all pages
(Total of Two (2) pages)

EXHIBIT "D"

EXHIBIT D

7021 2720 0002 8579 3027

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only.

For delivery information, visit our website at www.usps.com.

MIAMI, FL 33176

OFFICIAL USE

Certified Mail Fee	\$3.75
Postage	\$1.36
Total Postage and Fees	\$5.11

Extra Services & Fees (check box, add fees as appropriate)

☐ Return Receipt (hardcopy)	\$0.00
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Sent To: Joseph Wieselberg
Street or PO Box: 10710 SW 90 Avenue
City, State, ZIP: Miami, FL 33176

APR 04 2022
BRANCH 3314

PS Form 3800, April 2012 (PSN) 7510-01-000-9001 See Reverse for Instructions

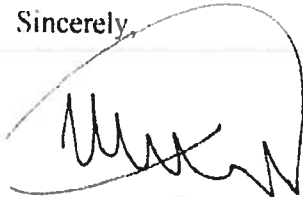
U
March 31, 2021

Joseph & Judy Wieselberg
Resident/Property Owner
10970 SW 90 Avenue
Miami, FL 33176

Dear Property Owner,

Please see attached documents encompassed within this certified mail package. Per the requirements of Miami-Dade County and at the direction of the necessary petition, this will serve as our official notice and attempt for signature in relation to vacating a portion of designated roadway, dedicate in 1957, that abuts a portion of your property. Please remit a copy of the executed petition to 4355 Ponce de Leon Blvd, Coral Gables, FL 33146. If there are any questions, please reach out to 305.904.9445.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Garcia-Carrillo', is written over a horizontal red line.

Michael Garcia-Carrillo
GC3 Group

7021 2720 0002 8579 3041

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

MIAMI, FL 33176

OFFICIAL USE

Certified Mail Fee	\$3.75
Postage	\$1.36
Total Postage and Fees	\$5.11

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$2.80
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postmark Here

SOUTH MIAMI

APR 04 2022

04/04/2022

Sent to: **Javier Martinez**

Street Address: **10985 SW 92 Avenue**

City, State, ZIP+4[®]: **Miami, FL 33176**

PS Form 3800, April 2010 PSN 7530-02-000-9000 See Reverse for Instructions

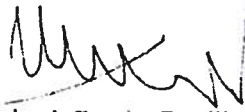
U
March 31, 2021

Javier & Wendy Martin
Resident/Property Owner
10985 SW 92 Avenue
Miami, FL 33176

Dear Property Owner,

Please see attached documents encompassed within this certified mail package. Per the requirements of Miami-Dade County and at the direction of the necessary petition, this will serve as our official notice and attempt for signature in relation to vacating a portion of designated roadway, dedicate in 1957, that abuts a portion of your property. Please remit a copy of the executed petition to 4355 Ponce de Leon Blvd, Coral Gables, FL 33146. If there are any questions, please reach out to 305.904.9445.

Sincerely,


Michael Garcia-Carrillo
GC3 Group



MEMORANDUM

(Revised)

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

DATE: October 6, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(P)

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(P)
10-6-22

RESOLUTION NO. _____ R-902-22

RESOLUTION GRANTING PETITION TO CLOSE THEORETICAL SW 110 STREET FROM SW 90 AVENUE WEST FOR APPROXIMATELY 272 FEET (VACATION OF RIGHT-OF-WAY PETITION NO. P-991) FILED BY BROWN ESTATES, LLC, SUBJECT TO CERTAIN CONDITIONS, AND WAIVING THE SIGNATURE REQUIREMENTS 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, Vacation of Right-of-Way Petition No. P-991 was signed by the owner of one of the three properties abutting on the portion of right-of-way sought to be closed and notice was sent by certified mail to the two owners of the additional properties that abut on the 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. Resolution No. 7606 is waived to the extent that it requires the signatures of all adjacent property owners on the petition to close a road.

Section 3. Vacation of Right-of-Way Petition No. P-991 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 County Mayor's Memorandum is hereby vacated, abandoned, and closed subject to the condition contained in section 4 below.

Section 4. 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 “BROWN ESTATES” (Tentative Plat T-24680). If the plat is not recorded within four years from the effective date of this resolution, then this resolution shall be null and void.

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.

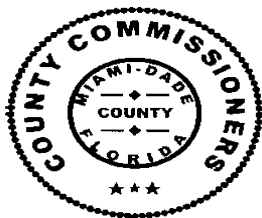
Section 7. Pursuant to Resolution No. 7606, the Clerk is hereby directed to publish notice of the adoption of this resolution one time within 30 days hereafter in a newspaper of general circulation of Miami-Dade County and the County Mayor or County Mayor’s designee shall record the proof of publication 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 8. The County Mayor or County Mayor’s designee is directed to forthwith file a Certificate with the Clerk subsequent to the recording of the plat confirming that the conditions set forth in section 4 have been met, to be permanently stored alongside this resolution.

The foregoing resolution was offered by Commissioner **Eileen Higgins** ,
who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa**
and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	absent	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	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 6th day of October, 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.

Lauren E. Morse