

MEMORANDUM

Agenda Item No. 5(L)

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 a portion of the radius
return at the northwest corner of
the intersection of NW 31
Avenue and NW 43 Street
(Vacation of Right-of-Way
Petition No. P-988) filed by
Lambert Wright

Resolution No. R-898-22

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



Geri Bonzon-Keenan
County Attorney

GBK/gh

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-988
Section: 21-53-41
Portion of the Radius Return at the Northwest Corner of the Intersection of NW 31
Avenue and NW 43 Street
Commission District: 3

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by Mr. Lambert Wright to vacate the subject portion of County right-of-way. If this petition is granted, the underlying lands will become incorporated into the abutting properties to increase the petitioner’s property to a size suitable to build a home. The \$5,064.13 fee for this Vacation of Right-of-Way petition has been paid.

Recommendation

It is recommended that the Board grant Vacation of Right-of-Way Petition P-988, 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 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 portion of right-of-way is covered with grass. Location maps are attached as Exhibit 1.

Scope

The subject Vacation of Right-of-Way petition is located within District 3, which is represented by Commissioner Keon Hardemon.

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 \$15.48 per square foot. Therefore, the estimated value of the subject land is approximately \$31,041. If the subject portion of right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$547 per year in additional property taxes. The fee for this Vacation of Right-of-Way petition is \$5,064.13.

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

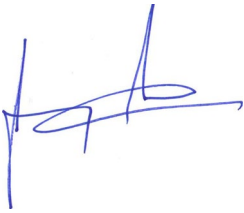
There is no delegation of authority associated with this item.

Attachments: Exhibit 1 – Location Maps, Exhibit 2 – Vacation of Right-of-Way Petition P-988, Exhibit “A” – Boundary Survey

Background

The owners of both properties that abut the subject portion of right-of-way wish to close the portion of the radius return at the northwest corner of the intersection of NW 31 Avenue and NW 43 Street to incorporate the land into their properties. The petitioner states that, if this petition is granted, his vacant property will increase to a size suitable to build a home.

The subject portion of right-of-way is covered with grass and has never been improved nor maintained by Miami-Dade County. It was dedicated to Miami-Dade County in 1925 by the plat of LAURAVILLE GARDENS, recorded in Plat Book 22, at Page 28, of the Public Records of Miami-Dade County, Florida. The abutting properties are zoned RU-2 (Two-Family Residential District, 7,500 square feet net).



Jimmy Morales
Chief Operations Officer

Location & Aerial Map

SECTION 21 TOWNSHIP 53 S RANGE 41 E



EXHIBIT "1"



This is not a survey

P- 988

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

Legend



P-988 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

Location & Aerial Map

SECTION 21 TOWNSHIP 53 S RANGE 41 E



EXHIBIT "1"



This is not a survey

P- 988

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

Legend



P-988 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

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” attached.

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 subject portion of right-of-way was dedicated to Miami-Dade County in 1925 by the plat of LAURAVILLE GARDENS, according to the plat thereof recorded in Plat Book 22, at Page 28, of the Public 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.

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>Althea Jackson</u>	<u>30-3121-033-0490</u>	<u>4310 NW 31 Avenue</u> <u>Miami, FL 33142</u>
<u> </u>	<u> </u>	<u> </u>
<u>Lambert Wright</u>	<u>30-3121-033-0500</u>	<u>3101 NW 43 Street</u> <u>Miami, FL 33142</u>
<u> </u>	<u> </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):

Opportunity to improve the property with a new home, currently it is just vacant and overgrown, no one takes care of the corner and as the property owner I find myself clearing and clearing it at my own expense and I want to build my home on the land, but due to this corner I cannot accomplish building now due to this corner loss.

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE

ADDRESS

4310 NW 31 Ave Miami FL 33142

Attorney for Petitioner

Address: 16145 NW 27 PL. Opalocka, FL 33054
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared by means of ☒ physical or
[] online notarization Lambert Wright, 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.

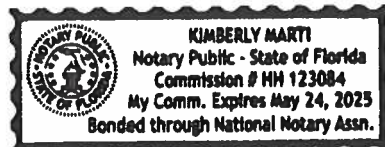
Lambert Wright

(Signature of Petitioner)

Sworn and subscribed to before me this

4th day of February, 2022

Kimberly Marti
Notary Public State of Florida at Large



My Commission Expires: May 24, 2025

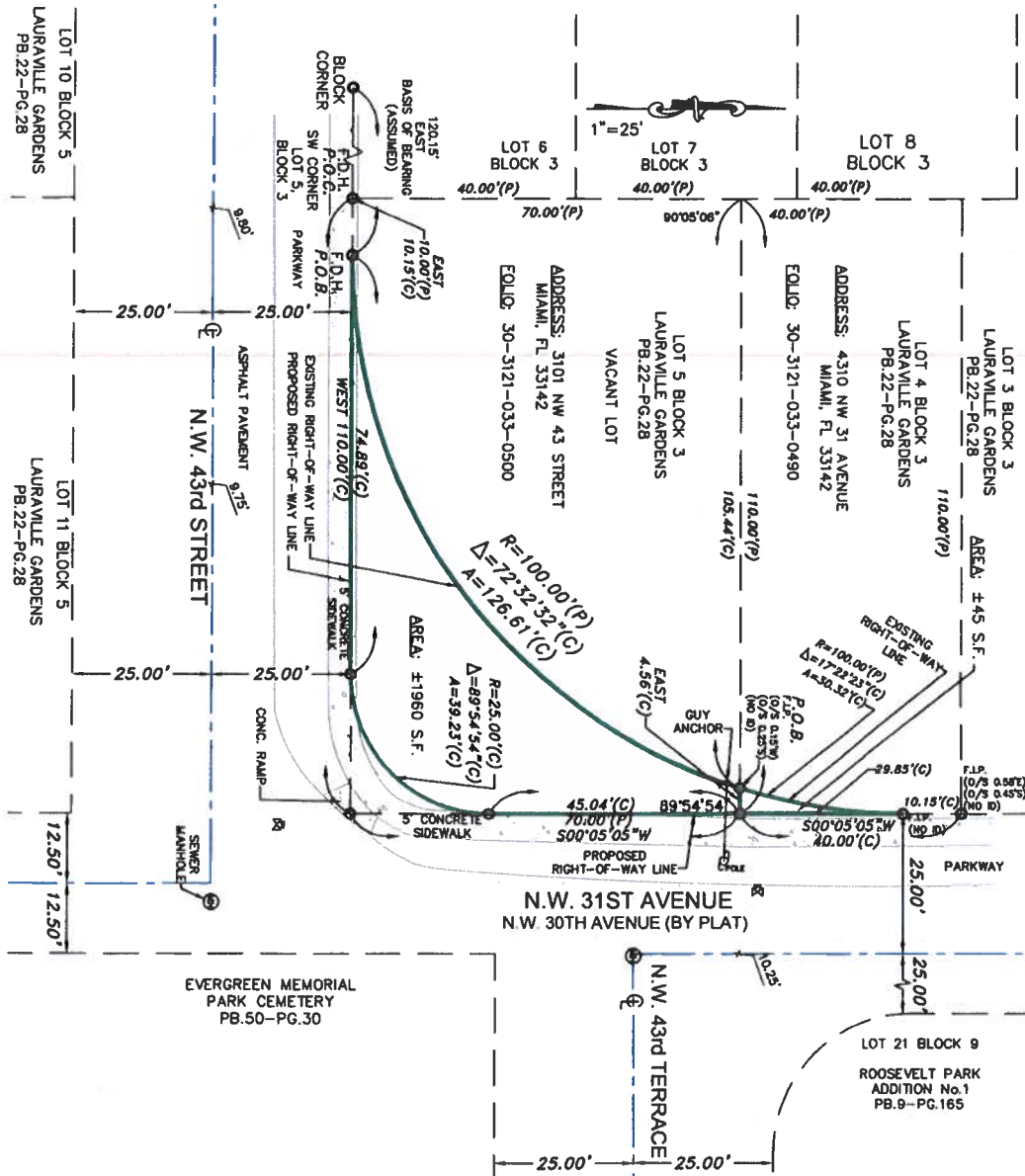
EXHIBIT "A"



Proudly Serving
the Florida Real
Estate Community
for Over 20 Years

WWW.MELANDSERVICES.COM

This survey shall not be used for construction/permitting purposes without written consent from the land surveyor who has signed and sealed this survey.



Accepted By: _____

Property Address:
N.W. 43 Street & N.W. 30 Avenue (Vacant Land)
Miami, FL 33142

Notes: NO NOTES

SURVEYOR CERTIFICATION I HEREBY CERTIFY THAT THE FOREGOING SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION AND CONTROL IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE STATE OF FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.052, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 427-023 FLORIDA STATUTES.

SIGNED
Miguel Espinosa
STATE OF FLORIDA

FOR THE FIRM
P.B.M. No. 5101

NOT VALID WITHOUT AN AUTHENTIC ELECTRONIC SIGNATURE AND/OR THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A LICENSED SURVEYOR AND MAPPER

M.E. Land Surveying, Inc.
10665 SW 190th Street
Suite 3110
Miami, FL 33157
Phone: (305) 740-3319
Fax: (305) 669-3190
LB#: 7989



Surveyor's Legend

	LIMITED ACCESS RIGHT-OF-WAY LINE		PROPERTY LINE		STRUCTURE LINE		CONCRETE BLOCK WALL		CHAIN LINK FENCE OR WIRE FENCE		WOOD FENCE		ASPHALT		BRICK TLF		WATER		APPROXIMATE EDGE OF WATER		COVERED AREA		TREE		POWER POLE		CATCH BASIN		COUNTY UTILITY EASEMENT		INGRESS/EGRESS EASEMENT		UTILITY EASEMENT		ELECTRIC POLE		PAVE		FLAT ROCK		FND		LICENSE # BUSINESS		LICENSE # SURVEYOR		CALCULATED POINT		SET PIN		CONTROL POINT		CONCRETE MONUMENT		BENCHMARK		ELEVATION		POINT OF TANGENCY		POINT OF CURVATURE		PERMANENT REFERENCE MONUMENT		POINT OF COMPOUND CURVATURE		POINT OF REVERSE CURVATURE		POINT OF BEGINNING		POINT OF COMMENCEMENT		PERMANENT CONTROL POINT		FIELD MEASUREMENT		DEED		CALCULATED		LAKE OR LANDSCAPE MAINTENANCE EASEMENT		ROOF OVERHANG EASEMENT		CONCRETE		CONCRETE SIDEWALK		CURVATURE LENGTH		BEARING REFERENCE		CENTRAL ANGLE OR DELTA		RADIUS		RADIAL		NON RADIAL		TYPICAL		IRON ROD		IRON PIPE		NAIL & DSR		PARKER NAIL ON NAIL		DRILL HOLE		WELL		FIRE HYDRANT		MANHOLE		OVERHEAD LINES		TRANSFORMER		CABLE TV RISER		WATER METER		POOL EQUIPMENT		CONCRETE SLAB		EASEMENT		DRAINAGE EASEMENT		LANDSCAPE BUFFER EASEMENT		LIMITED ACCESS EASEMENT		BROWARD COUNTY RECORDS		ROUND IRON PIN / REBAR		WOOD FENCE		TELEPHONE FACILITIES		UTILITY POLE		ELECTRIC UTILITY BOX		SEPTIC		DRIVEWAY		ALLEY CONNECTION		SIDEWALK		DRIVEWAY		SCREENED		GARAGE		ENCLOSURE		NOT TO SCALE		FINISHED FLOOR		TOP OF BANK		EDGE OF WATER		EDGE OF PAVEMENT		CONCRETE VALLEY GUTTER		BUILDING SETBACK LINE		SURVEY TIE LINE		CENTER LINE		RIGHT-OF-WAY		PUBLIC UTILITY EASEMENT		CANAL MAINTENANCE EASEMENT		ANCHOR EASEMENT		IDENTIFICATION		BLOCK CORNER
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Property Address:

N.W. 43 Street & N.W. 30 Avenue
(Vacant Land)
Miami, FLORIDA 33142

Flood Information:

Community Number: 120635
Panel Number: 12086C0303L
Suffix: L
Date of Firm Index: 09/11/2009
Flood Zone: X
Base Flood Elevation:
Date of Field Work: 11/10/2021
Date of Completion: 11/11/2021

General Notes:

- 1.) The Legal Description used to perform this survey was supplied by others. This survey does not determine or is not to imply ownership.
- 2.) This survey only shows above ground improvements. Underground utilities, footings, or encroachments are not located on this survey map.
- 3.) The minimum relative distance accuracy for this type of Survey is 1 foot in 10,000 feet. The accuracy obtained by measurement and calculation of closed geometric figures was found to exceed this requirement. Well-identified features as depicted on the Survey Map were measured to an estimated horizontal positional accuracy of 1/10 foot.
- 4.) If there is a septic tank, well, or drain field on this survey, the location of such items was shown to us by others and the information was not verified.
- 5.) Examination of the abstract of title will have to be made to determine recorded instruments, if any, affect this property. The lands shown herein were not abstracted for easement or other recorded encumbrances not shown on the plat.
- 6.) Wall ties are done to the face of the wall.
- 7.) Fence ownership is not determined.
- 8.) Bearings referenced to line noted B R also are assumed.
- 9.) Dimensions shown are platted and measured unless otherwise shown.
- 10.) No identification found on property corners unless noted.
- 11.) Not valid unless sealed with the signing surveyors embossed seal.
- 12.) Boundary survey means a drawing and/or graphic representation of the survey work performed in the field, could be drawn at a shown scale and/or not to scale.
- 13.) Elevations if shown are based upon NGVD 1929 unless otherwise noted.
- 14.) This is a BOUNDARY SURVEY unless otherwise noted.
- 15.) This survey is exclusive for the use of the parties to whom it is certified. The certifications do not extend to any unnamed parties.
- 16.) This survey shall not be used for construction/permitting purposes without written consent from the land surveyor who has signed and sealed this survey.

Legal Description:

Please see the last page for long Legal Description.

Printing Instructions:

While viewing the survey in any PDF Reader, select the File Drop-down and select "Print". Select a color printer, if available; or at least one with 8.5" x 14" (legal) paper. Select ALL for Print Range, and the # of copies you would like to print out.

Under the "Page Scaling" please make sure you have selected "None".

Do not check the "Auto-rotate and Center" box.

Check the "Choose Paper size by PDF" checkbox, then click OK to print.

Certified To:

Lambert Wright
Yelen & Yelen, P.A.
Old Republic National Title Insurance Company
its successors and/or assigns as their interest may appear.

Please copy below for policy preparation purposes only:

This policy does not insure against loss or damage by reason of the following exceptions: Any rights, easements, interests, or claims which may exist by reason of, or reflected by, the following facts shown on the survey prepared by Miguel Espinosa, for M.E. Land Surveying Inc., dated 11/11/2021 bearing Job # B-104848 :
a. NO NOTES



M.E. Land Surveying, Inc.

10665 SW 190th Street, Suite 3110 Miami, FL 33157
Phone: (305) 740-3319
Fax: (305) 669-3190
LB#: 7989



Legal Description:

A PORTION OF LAND LYING SOUTHEASTERLY OF AND ABUTTING LOT 5, BLOCK 3, LAURAVILLE GARDENS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, AT PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 5, THENCE EAST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF NW 43 STREET FOR A DISTANCE OF 10.15 FEET TO A POINT OF CURVATURE AND THE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY BOUNDARY OF SAID BLOCK 3 ALONG A CIRCULAR CURVE TO THE LEFT HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 72°32'32", A RADIUS OF 100.00 FEET FOR AN ARC DISTANCE OF 126.61 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE EAST FOR 4.56 FEET TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 3; THENCE S00°05'05"W ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 3 FOR 45.04 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°54'54" FOR AN ARC DISTANCE OF 39.23 FEET TO A POINT OF TANGENCY; THENCE RUN WEST ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 3 FOR A DISTANCE OF 74.89 FEET TO THE POINT OF BEGINNING CONTAINING 1960± SQUARE FEET AND A PORTION OF LAND LYING SOUTHEASTERLY OF AND ABUTTING LOT 4, BLOCK 3, LAURAVILLE GARDENS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, AT PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF LOT 5, BLOCK 3 OF LAURAVILLE GARDENS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22 AT PAGE 28 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THENCE EAST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF NW 43 STREET FOR A DISTANCE OF 10.15 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY BOUNDARY OF SAID BLOCK 3 ALONG A CIRCULAR CURVE TO THE LEFT HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 72°32'32", A RADIUS OF 100.00 FEET FOR AN ARC DISTANCE OF 126.61 FEET TO THE NORTHEAST CORNER OF SAID LOT 5 AND THE POINT OF BEGINNING. THENCE CONTINUE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 17°22'23", A RADIUS OF 100 FEET FOR AN ARC DISTANCE OF 30.32 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 3; THENCE S00° 05'05"W FOR 29.85 FEET; THENCE RUN WEST 4.56 FEET TO THE POINT OF BEGINNING CONTAINING 45± SQ FT

**M.E. Land Surveying, Inc.**

10665 SW 190th Street, Suite 3110 Miami, FL 33157
Phone: (305) 740-3319
Fax: (305) 669-3190
LB#: 7989





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(L)

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(L)
10-6-22

RESOLUTION NO. R-898-22

RESOLUTION GRANTING PETITION TO CLOSE A PORTION
OF THE RADIUS RETURN AT THE NORTHWEST CORNER
OF THE INTERSECTION OF NW 31 AVENUE AND NW 43
STREET (VACATION OF RIGHT-OF-WAY PETITION NO. P-
988) FILED BY LAMBERT WRIGHT

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-988 was signed by the owners of all of the properties abutting 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. Vacation of Right-of-Way Petition No. P-988 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.

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.

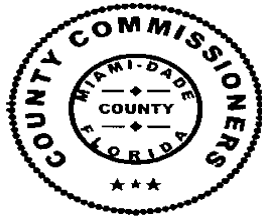
Section 5. The procedure utilized in the adoption of this resolution is expressly ratified and approved.

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 **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 this 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.

A handwritten signature in dark ink, appearing to be "Annery Pulgar Alfonso", written over a horizontal line.

Annery Pulgar Alfonso