

MEMORANDUM

Agenda Item No. 5(A)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 21, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition
to close a portion of right-of-way
along NW North River Drive
from approximately 250 feet
northwest of NW 27 Street
southeast for approximately 593
feet (Vacation of Right-of-Way
Petition No. P-977) filed by
Greenacres, LLC

Resolution No. R-128-23

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Transportation, Mobility and Planning Committee.



Geri Bonzon-Keenan
County Attorney

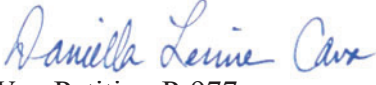
GBK/ks

Memorandum



Date: February 21, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Vacation of Right-of-Way Petition P-977
Section: 28-53-41
Portion of Right-of-Way along NW North River Drive, from Approximately 250 Feet Northwest of NW 27 Street, Southeast for Approximately 593 Feet
Commission District: 2

Recommendation

It is recommended that the Board of County Commissioners (Board) grant Vacation of Right-of-Way Petition P-977, 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 the subject right-of-way being closed. This portion of right-of-way is paved and serves as a parking area for the business functioning on the abutting properties to the southwest. A location map is attached as Exhibit 1.

Scope

The subject Vacation of Right-of-Way Petition is located within District 2, represented by Commissioner Jean Monestime.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the properties adjacent to the subject right-of-way at a rate of \$10.00 per square foot. Therefore, the estimated value of the subject right-of-way would be approximately \$145,591.00. If this right-of-way is closed and vacated, the lands will be placed on the tax roll, generating an estimated \$2,570.00 per year in additional property taxes. The fee for this Vacation of Right-of-Way Petition is \$16,519.16.

Track Record/Monitor

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

Delegated Authority

There is no delegation of authority associated with this item.

Background

The owner of the properties that abut the subject right-of-way wishes to vacate a 25-foot-wide portion of right-of-way lying along the southwesterly side of NW North River Drive, from approximately 250 feet northwest of NW 27 Street southeast for approximately 593 feet, to incorporate the land into his property. The right-of-way being vacated has never been improved nor maintained by Miami-Dade County.

MDC002

Attachments: Exhibit 1 – Location Map, Exhibit 2 – Vacation of Right-of-Way Petition P-977

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
Page 2

The subject portion of right-of-way was dedicated to Miami-Dade County in 1936 by a Right-of-Way Deed recorded in Deed Book 1772 Page 352 of the Public Records of Miami-Dade County, Florida. The properties abutting the subject right-of-way are zoned IU-2 (Industrial Districts, Heavy Manufacturing).



Jimmy Morales
Chief Operations Officer

Location Map

SECTION 28 TOWNSHIP 53 S RANGE 41 E

EXHIBIT "1"



This is not a survey

P- 977

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Jean Monestime 2

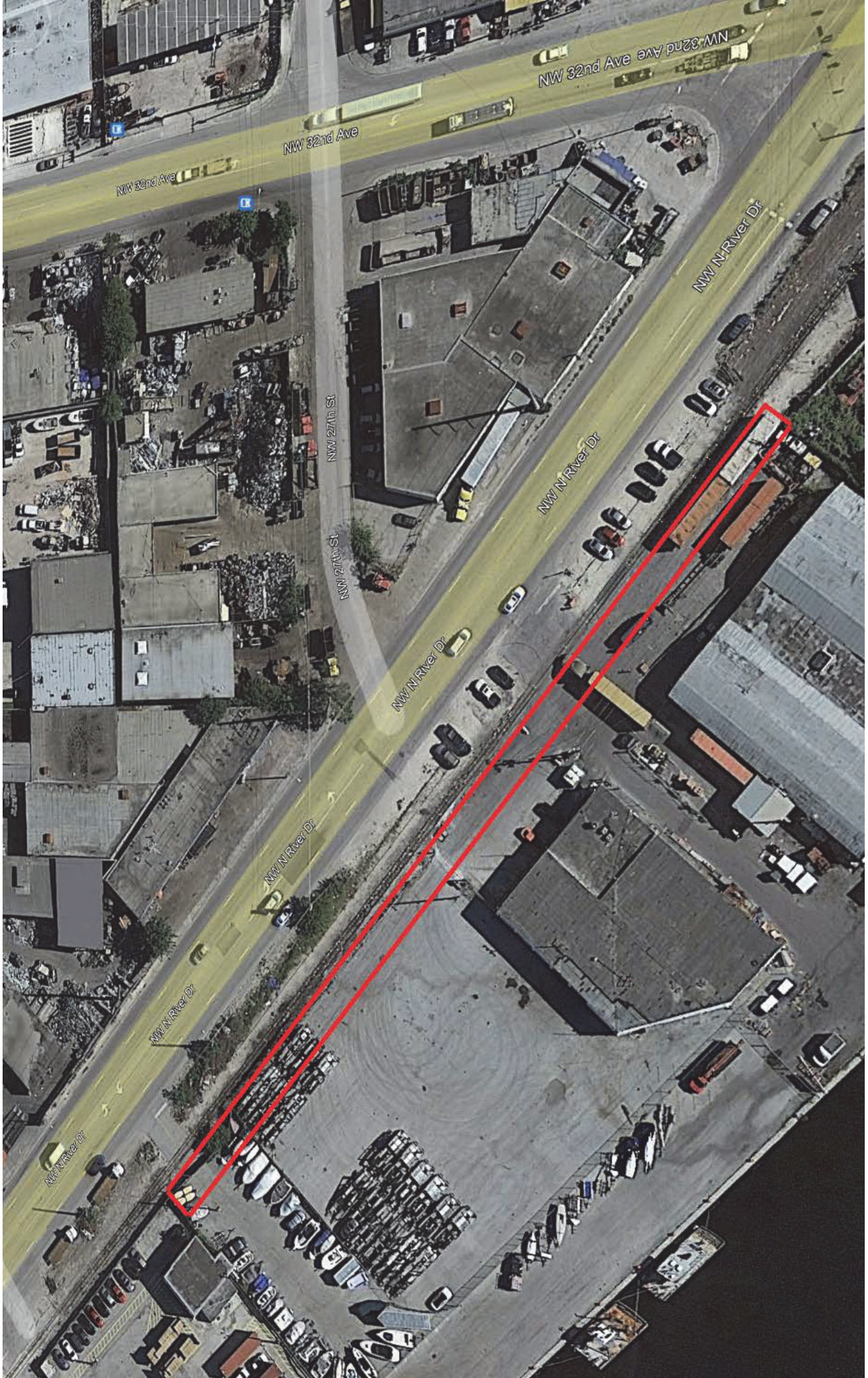
Legend

 P-977 ROAD CLOSING

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

MDC004

Date: July 28, 2021
Prepared by : ym

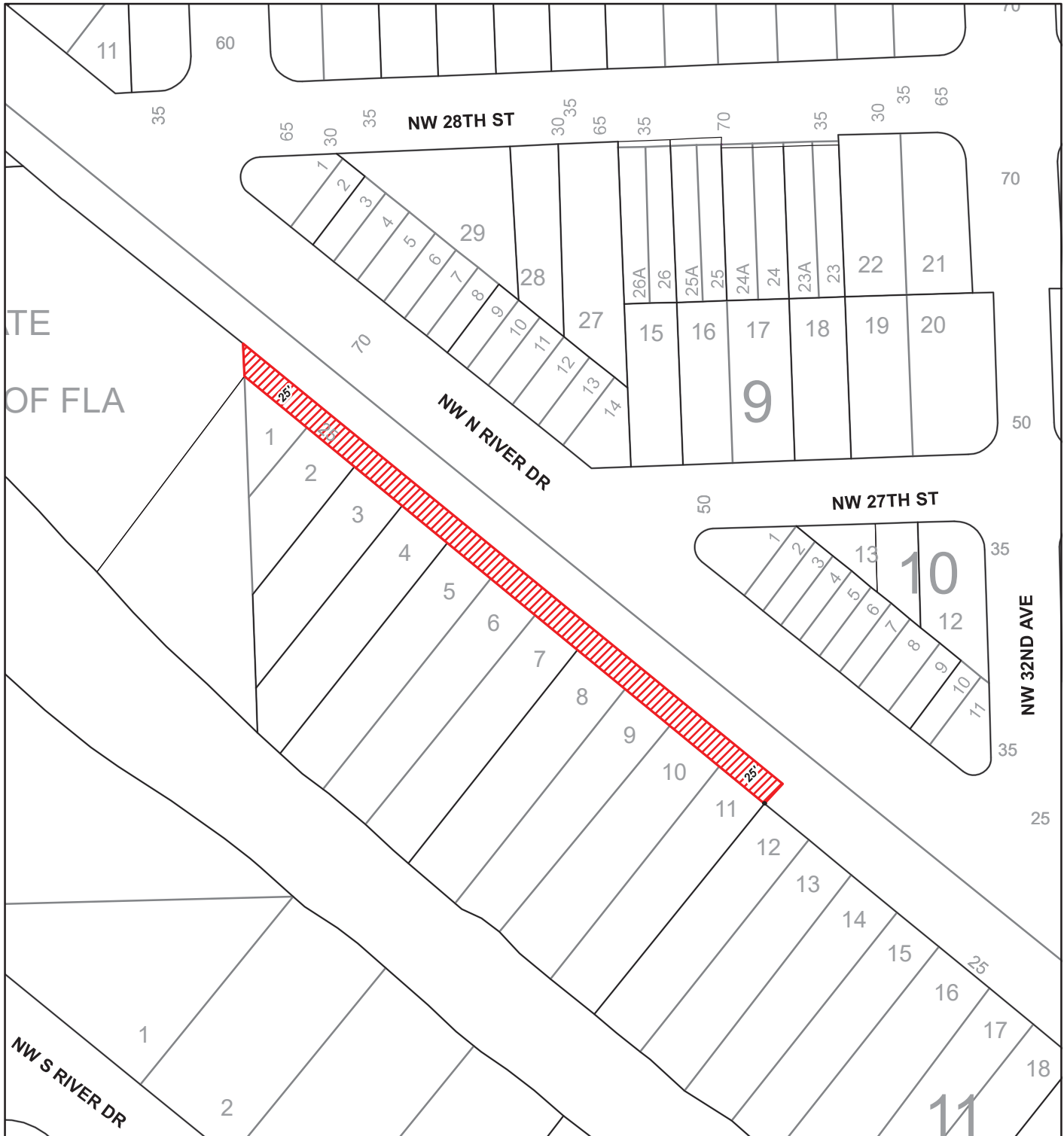


MDC005

Location Map

SECTION 28 TOWNSHIP 53 S RANGE 41 E

EXHIBIT "1"



This is not a survey

P- 977

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Jean Monestime 2

Legend

 P-977 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

MDC006

Date: July 28, 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:

The northeasterly twenty-five feet (25') of Lots one (1) to eleven (11), inclusive, Block eleven (11), RIVERSIDE MANOR, as per Plat Book 20, Page 80, of the public records of Miami-Dade County, Florida

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):

Right-of-Way Deed to Dade County recorded in Official Records Book 1772, Page 352.

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>Green Acres Group, LLC</u>	<u>30-3128-006-1810</u>	<u>3218 NW N River Drive</u>
<u>Green Acres Group, LLC</u>	<u>30-3128-006-1830</u>	<u>3218 NW N River Drive</u>
<u>Green Acres Group, LLC</u>	<u>30-3128-006-1840</u>	<u>3218 NW N River Drive</u>
<u>Green Acres Group, LLC</u>	<u>30-3128-006-1850</u>	<u>3218 NW N River Drive</u>
<u>Green Acres Group, LLC</u>	<u>30-3128-006-1860</u>	<u>3218 NW N River Drive</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):

The area to be vacated was platted as part of the adjacent lots in 1925 through Plat Book 20 at Page 80. The right of way was separately deeded in 1937 subsequent to the recording of the plat, is not being utilized for public right of way purposes, and post closure, the adjacent roadway will still have seventy feet of right of way which meets or exceeds the required roadway width under the County zoning code. Further, the properties to the east (after adjacent lots 12 through 18) do not reflect dedicated right of way, and therefore the dedicated area terminates a short distance to the east. Similarly, there is no right of way dedication to the west for the twenty-five feet. The right of way serves no purpose as a dedicated right of way and should be eligible to be recombined with the adjacent lots as originally platted.

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

SIGNATURE



JUAN F. LOPEZ, MGR

ADDRESS

3218 NW N River Drive

Attorney for Petitioner

Brian S. Adler
Bilzin Sumberg
1450 Brickell Avenue, Suite 2300
Miami, FL 33131
(305) 350-2351
badler@bilzin.com

Signature of Attorney not required

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

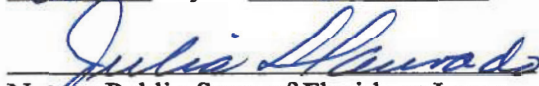
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, by JUAN F LOPEZ, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all petitioners; that he/she has read the foregoing petition and that the statements therein contained are true. He/she is personally known to me or produced PERSONALLY KNOWN TO ME as identification.



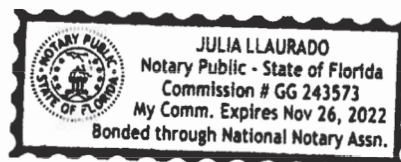
(Signature of Petitioner)

Sworn and subscribed to before me this

30 day of JUNE, 2021


Notary Public State of Florida at Large

My Commission Expires: NOV 26, 2022



**SPECIFIC PURPOSE SURVEY
RIGHT-OF-WAY VACATION**

LANDS DESCRIBED IN
PLAT BOOK 20 AT PAGE 80, AND A PORTION OF
SW ¼ OF SECTION 28,
TOWNSHIP 53 SOUTH, RANGE 41 EAST,
MIAMI-DADE COUNTY, FLORIDA.

ORIGINAL DATE: FEBRUARY 6, 1996.
CURRENT REVISION DATE: AUGUST 2, 2021.

**LEGAL DESCRIPTION OF A PORTION OF
DEDICATED RIGHT-OF-WAY TO BE VACATED:**

THE NORTHEASTERLY TWENTY-FIVE (25') FEET
OF LOTS ONE (1) TO ELEVEN (11), INCLUSIVE,
BLOCK ELEVEN (11), RIVERSIDE MANOR, AS PER
PLAT BOOK 20, AT PAGE 80, OF THE PUBLIC
RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

RIGHT-OF-WAY TO BE VACATED:

SQUARE FEET: 14,559.16+/-

CONTIGUITY ENDORSEMENT:
THE PARCELS SURVEYED HEREIN ARE CONTIGUOUS
AND WITHOUT GAPS, GORES OR HIATUS. THE
LEGAL DESCRIPTIONS REFLECT THIS STATEMENT
AND CREATE A GEOMETRICALLY CLOSED FIGURE.

MIAMI-DADE COUNTY TAX FOLIO NUMBERS

LOTS 1 & 2 & LOCKSITE	30-3126-006-1810
LOT 3	30-3126-006-1830
LOT 4	30-3126-006-1840
LOTS 5-7	30-3126-006-1850
LOTS 8-11	30-3126-006-1860

ACCURATE CONSTRUCTION SURVEY CORP.
P.O. BOX 332131
MIAMI, FLORIDA 33233-2181
(305) 447-6906
EMAIL: INFO@SURVEYFL.COM
13680 S.W. 67th AVE., STUDIO 1
PINECREST, FLORIDA 33156

CERTIFIED TO & FOR:

GREEN ACRES GROUP, LLC

PROJECT: 3250 N.W. NORTH RIVER DRIVE
MIAMI, FLORIDA 33142

CERTIFIED TO:

GREEN ACRES GROUP, LLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
BRIAN S. ADLER, ESQ., PARTNER
BILZIN SUMBERG BAENA PRICE & AXELROD LLP

FIELD DATE: FEBRUARY 6, 1996.
RECERTIFIED: MAY 11, 2021 (RIGHT-OF-WAY AREA TO BE VACATED).
REVISION: JUNE 30, 2021 (ADD e-sign & e-seal).
REVISION: AUGUST 2, 2021 (CORRECTIONS).

ACCURACY:
THE EXPECTED USE OF THE LAND: AS CLASSIFIED IN AND
COMPLYING WITH THE STANDARDS OF PRACTICE AS SET FORTH BY
THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN
CHAPTER 59-17.050, FLORIDA ADMINISTRATIVE CODE PURSUANT TO
SECTION 472.027 OF THE FLORIDA STATUTES. THIS IS A "HIGH RISK
URBAN SURVEY". THE MINIMUM RELATIVE DISTANCE ACCURACY FOR
THIS TYPE OF SURVEY IS 1 FOOT IN 10,000 FEET. THE
ACCURACY OBTAINED BY MEASUREMENT WITH A CHAMPION GPS
ROVER AND/OR A SOKKIA THEODOLITE AND A CST 200 FOOT STEEL
TAPE AND CALCULATION OF A CLOSED GEOMETRIC FIGURE WAS FOUND
TO EXCEED THIS REQUIREMENT.

DATA SOURCES:
THE LEGAL DESCRIPTIONS FOR THE PARCELS WERE PREVIOUSLY
FURNISHED BY ATTORNEYS' TITLE INSURANCE FUND. CURRENT
INFORMATION HAS BEEN PROVIDED BY: OLD REPUBLIC NATIONAL TITLE
INSURANCE COMPANY - COMMITMENT FILE NO. EAGLE
TIE/GREE/15-50189;
EFFECTIVE DATE: JANUARY 26, 2015. (SEE ADDITIONAL COMMENTS FOR
OMISSIONS)

CURRENT SCOPE OF WORK:

DEFINE THE AREA DEDICATED TO MIAMI-DADE
COUNTY FOR ADDITIONAL RIGHT-OF-WAY (THE NORTHEASTERLY 25'
FEET OF LOTS
1 THRU 18, BLOCK 11) AND TO VACATE THE AREA OF LOTS 1 THRU
11.

PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE:

DEAN S. WARHAFT, LICENSE NUMBER LS 6751
(STATE OF FLORIDA) LB 7265

e.SIGNED:



e.SEAL



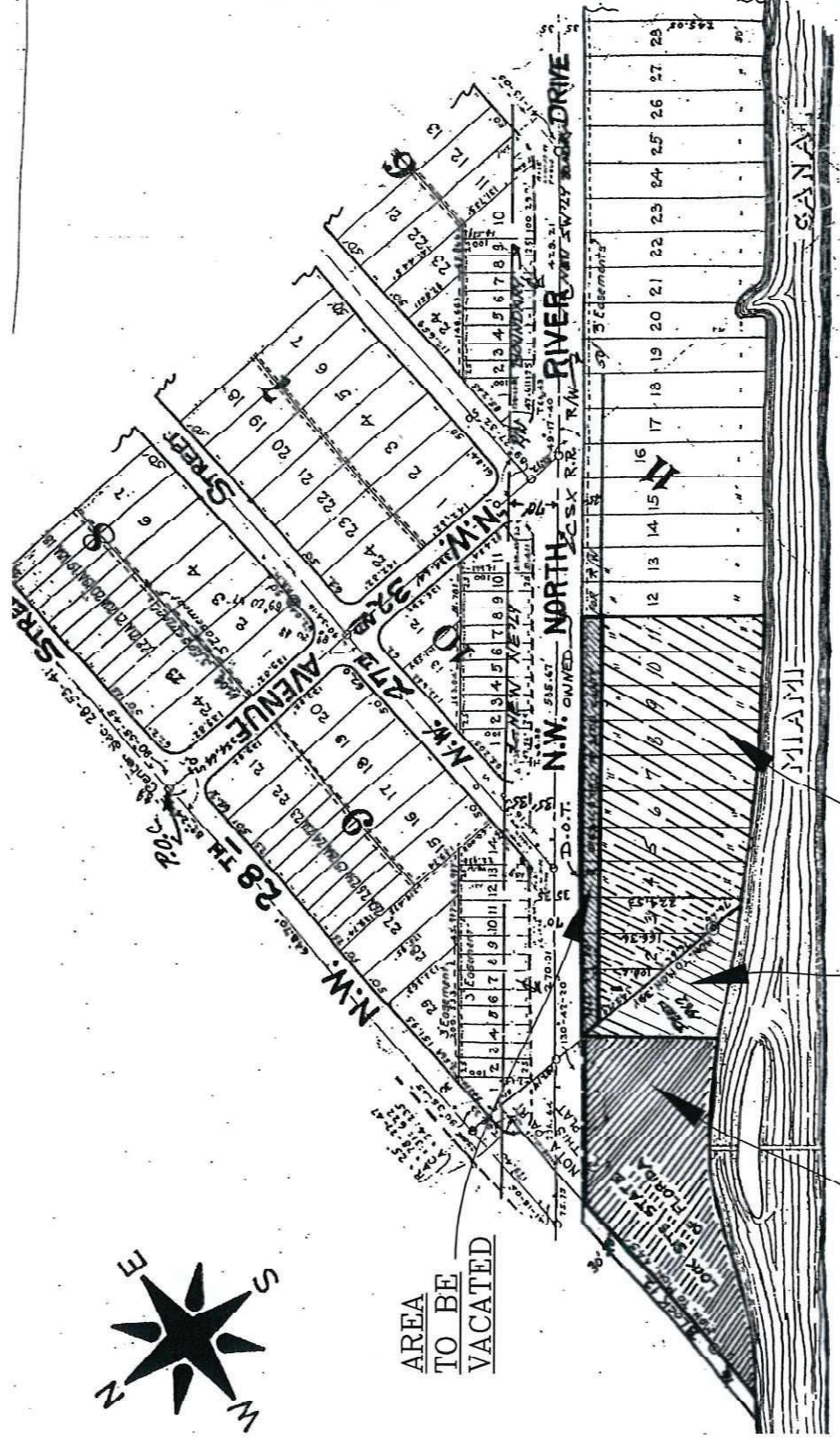
SPECIFIC PURPOSE SURVEY
RIGHT-OF-WAY VACATION

ACCURATE CONSTRUCTION SURVEY CORP.
P.O. BOX 332181
MIAMI, FLORIDA 33233-2181
(305) 447-6906
EMAIL: INFO@SURVEYFL.COM
13680 S.W. 67th AVE., STUDIO 1
PINECREST, FLORIDA 33156

LOCATED IN: MIAMI-DADE COUNTY, FLORIDA
LOCATION SKETCH SCALE: NOT TO SCALE



LEGEND & SYMBOLS	
A	ARC LENGTH
R	RADIUS
T	TANGENT
C	CHORD
Δ	DELTA (CENTRAL ANGLE)
MEAS (M)	MEASURED
CALC	CALCULATED
PLAN	PLAN
RECORD	RECORD
PCP	PERMANENT CONTROL POINT
PRM	PERMANENT REFERENCE MONUMENT
PC	POINT OF CURVE
PT	POINT OF TANGENCY
BN	DEGREE BEARING
END IR	FOUND IRON PIPE
END IR	FOUND IRON ROD
FRONT	FRONT
CL	CHAIN
CLP	CHAIN LINK FENCE
TYP	TYPICAL (FOR SEVERAL)
N/T	NAIL & TAB
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PRM	PERMANENT REFERENCE MONUMENT
R/R	RAILROAD
CM	CONCRETE MONUMENT
S/S	SANITARY SEWER (SAN STR)
W/M	WATER MAIN
MT	MONUMENT
TOP	TOP OF BANK
TOP	TOP OF PIPE
C&G	CURB & GUTTER
CH	ANCHOR CHAIN
BU	BENCH MARK
WV	WATER VALVE
WM	WATER METER
P & T	POWER & TELE. LINES
CB	CATCH BASIN
CO	CLEAN-OUT COVER
CBS	CONCRETE BLOCK STRUCTURE
CLP	CONCRETE LIGHT POLE
ALP	ALUMINUM LIGHT POLE
CONC.	CONCRETE
PFL	FLORIDA POWER & LIGHT
PR	POWER TRANSFORMER
SH	OVERHEAD POWER & TELEPHONE LINES
EN	ENCLOSURE
DH	DRILL HOLE
N/D	NAIL & DISK
CL	CENTER LINE
CTV	CURB & TANGENT MONUMENT
PAG SP	PARKING SPACE
HT	FIRE HYDRANT
HC	HANDICAP PARKING
UE	UTILITY EASEMENT (UTIL ESM'T)
S/B	SETBACK LINE
BLK	BUILDING
GRND	GROUND
ASPH	ASPHALT
DR	DRIVEWAY
EDC	EDGE OF CURB
NGV	NATIONAL GEODETIC VERTICAL DATUM
PB	PLASTER BED
12	TITLE COMM. EXCEPT.



PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE:

DEAN S. WARHAFT, LICENSE NUMBER LS 6751
(STATE OF FLORIDA) LB 7265



e.SIGNED: *DS* e.SEAL

ACCURATE CONSTRUCTION SURVEY CORP.

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SPECIFIC PURPOSE SURVEY RIGHT-OF-WAY VACATION

SURVEY NUMBER: 21-05-24-R.18.3
SHEET 3 OF 3



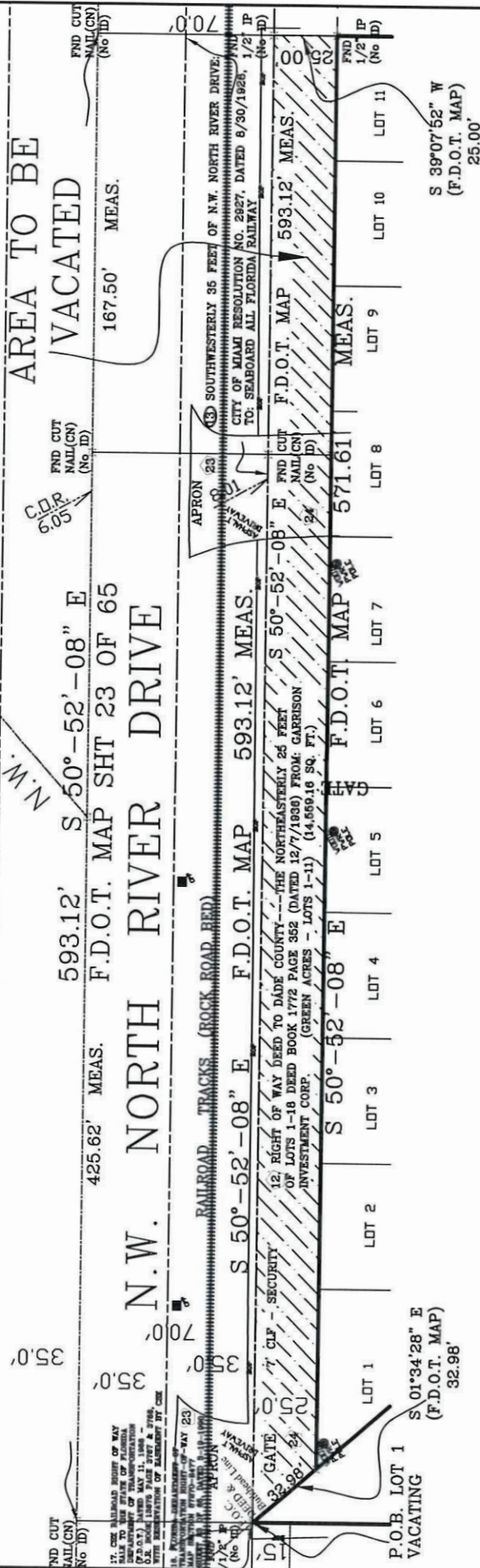
LOCATED IN: MIAMI-DADE COUNTY, FLORIDA
LOCATION SKETCH SCALE: NOT TO SCALE

VACATE AREA: SCALE: 1 INCH = 60 FEET

⑤ BLOCK 9
(P.B. 20, PG. 80)

⑤ BLOCK 10
(P.B. 20, PG. 80)

MIAMI-DADE COUNTY DEPARTMENT OF PUBLIC WORKS SECTION
MAP: SECTION 28, TOWNSHIP 53 SOUTH, RANGE 41 EAST, LATEST REVISION 8-31-1996.



RIGHT-OF-WAY TO BE VACATED:

SQUARE FEET: 14,559.16+/-

PROFESSIONAL SURVEYOR AND MAPPER
IN RESPONSIBLE CHARGE:
DEAN S. WARHAFT, LICENSE No. LS 6751
(STATE OF FLORIDA) LB 7265

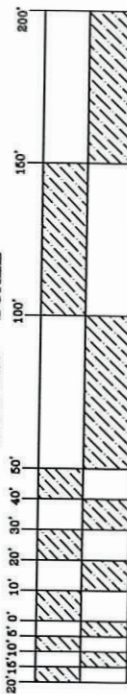
e.SIGNED:

Dean S. Warhaft

e.SEAL



GRAPHIC SCALE





MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 21, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(A)

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(A)
2-21-23

RESOLUTION NO. _____ R-128-23

RESOLUTION GRANTING PETITION TO CLOSE A PORTION
OF RIGHT-OF-WAY ALONG NW NORTH RIVER DRIVE
FROM APPROXIMATELY 250 FEET NORTHWEST OF NW 27
STREET SOUTHEAST FOR APPROXIMATELY 593 FEET
(VACATION OF RIGHT-OF-WAY PETITION NO. P-977)
FILED BY GREENACRES, LLC

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-977 was signed by the owner 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 this Board:

Section 1. The foregoing recitals are approved and incorporated by reference.

Section 2. 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.

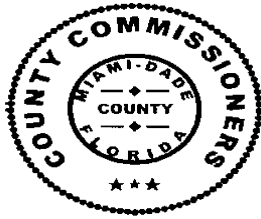
Section 5. The procedure utilized in the adoption of this resolution is expressly ratified and approved.

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 **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	absent	
Anthony Rodríguez, Vice Chairman	aye	
Marleine Bastien	aye	Juan Carlos Bermudez aye
Kevin Marino Cabrera	absent	Sen. René García aye
Roberto J. Gonzalez	aye	Keon Hardemon absent
Danielle Cohen Higgins	aye	Eileen Higgins aye
Kionne L. McGhee	aye	Raquel A. Regalado aye
Micky Steinberg	aye	

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of February, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "LEM" or similar, written over a horizontal line.

Lauren E. Morse