

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 5(B)

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

DATE: May 2, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition
to close a portion of right-of-
way along the north side of
SW 216 Street from
approximately 159 feet west
of the centerline of SW 119
Avenue west for 50 feet
(Vacation of Right-of-Way
Petition No. P-996) filed by
Goulds BH, LLC

Resolution No. R-384-23

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


Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Memorandum



Date: May 2, 2023

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Vacation of Right-of-Way Petition P-996
Section: 12-56-39
A Portion of Right-of-Way Along the North Side of SW 216 Street from Approximately
159 Feet West of the Centerline of SW 119 Avenue West for 50 Feet
Commission District: 9

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by Goulds BH, LLC, to vacate the subject portion of County right-of-way. If this petition is granted, the underlying lands will become incorporated into the abutting property. The owner of all the properties that abut on the subject portion of right-of-way, Goulds BH, LLC, wishes for this portion of right-of-way along the north side of SW 216 Street from approximately 159 feet west of the centerline of SW 119 Avenue west for 50 feet to be vacated in order for this land to become incorporated into his property. The subject portion of right-of-way has never been improved nor maintained by Miami-Dade County. It includes areas of grass and brush. The \$3,160.00 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-996, 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 right-of-way is unimproved land covered with grass and brush. Location maps are attached as Exhibit 1.

Scope

The subject vacation of right-of-way petition is located within District 9, which is represented by Commissioner Kionne L. McGhee.

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 \$10.00 per square foot. Therefore, the estimated value of the subject land is approximately \$7,500. If the subject portion of right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$128 per year in additional property taxes. The fee for this Vacation of Right-of-Way petition is \$3,160.00.

Track Record/Monitor

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

Attachments: Exhibit 1 – Location Maps, Exhibit 2 – Vacation of Right-of-Way Petition P-996

MDC002

Delegated Authority

There is no delegation of authority associated with this item.

Background

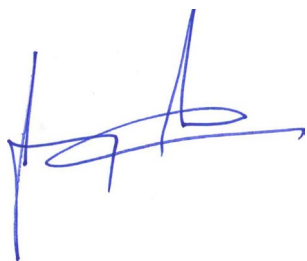
The owner of all the properties that abut on the subject portion of right-of-way, Goulds BH, LLC, wishes for this portion of right-of-way along the north side of SW 216 Street from approximately 159 feet west of the centerline of SW 119 Avenue west for 50 feet to be vacated in order for this land to become incorporated into his property. The subject portion of land lies in excess of the required right-of-way width for this segment of SW 216 Street. Section 33-133 of the Code of Miami-Dade County, Florida requires a total right-of-way width of 80 feet along SW 216 Street at this location. This has historically been interpreted to mean that half of the total required width must be dedicated along each side of the zoned centerline of the road. Therefore, at the subject location, 40 feet of right-of-way width would be required along each side of the zoned centerline. However, in this case, 55 feet of right-of-way width, as measured from the centerline of SW 216 Street, has been dedicated to the County. Thus, the petitioner is seeking to have the excess 15-foot-wide strip of land vacated by the subject petition.

In the future, as part of any re-development project, the owners of the properties lying along the south side of SW 216 Street, south of the subject portion of right-of-way sought to be vacated, will be required to dedicate additional land to the County along the frontage of their lots to complete the 40 feet of right-of-way width as measured to the centerline. Once these dedications take place, the full 80 feet of required total right-of-way width for this segment of SW 216 Street will be complete.

The subject portion of right-of-way has never been improved nor maintained by Miami-Dade County. It includes areas of grass and brush. The survey provided by the petitioner indicates that a chain-link fence encroaches 1.4 feet onto the east side of the subject portion of right-of-way. A recent County roadway improvement project along this segment of SW 216 Street did not include the construction of any improvements within the area sought to be vacated by this petition.

The subject land is a portion of the parcel that was dedicated to Miami-Dade County for highway purposes in 2006 by the Right-of-Way Deed recorded in Official Records Book 25204, at Page 439, of the Public Records of Miami-Dade County, Florida.

The properties abutting on the subject portion of right-of-way are zoned GCUC (Goulds Community Urban Center).



Jimmy Morales
Chief Operations Officer

Location & Aerial Map

SECTION 12 TOWNSHIP 56 S RANGE 39 E



EXHIBIT "1"



TRA
(172-63)

RAW DEED (ORB 30303)

This is not a survey

P- 996

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Kionne McGhee 9

Legend



P-996 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: July 12, 2022
Prepared by: ym

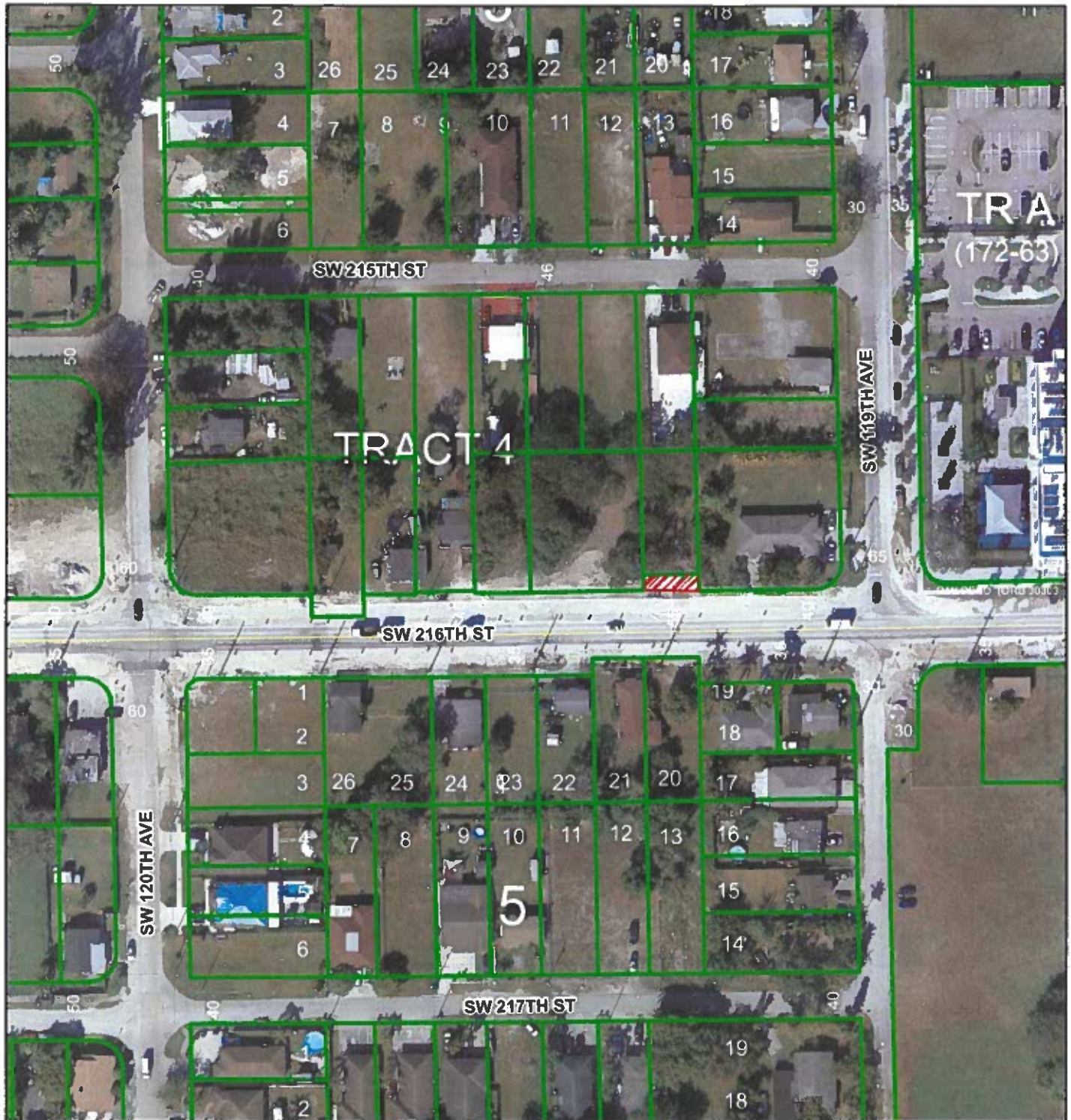
MDC004

Location & Aerial Map

SECTION 12 TOWNSHIP 56 S RANGE 39 E



EXHIBIT "1"



This is not a survey

P- 996

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Kionne McGhee 9

Legend



P-996 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: July 12, 2022
Prepared by: ym

MDC005

EXHIBIT2

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 North 15 feet of the South 35 feet of the following described property:

A portion of Tract 4 of "REVISED PLAT, BLOCK 4 SYMMES-SHARMAN TRACT", according to the plat thereof as recorded in Plat Book 33, Page 45 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Begin 128.8 feet West of the Southeast corner of said Tract 4; Thence North 143.7 feet; Thence West 50 feet; Thence South 143.7 feet; Thence East 50 feet to the Point of Beginning.

Said described lands containing 750 square feet, more or less.

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described road, right-of-way was acquired and is evidenced in the following manner (state whether public interest was acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

Right of way deed to Miami-Dade County filed 12/19/06 in official records book 25204 from page 0439 to page 0441 of public records.

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.

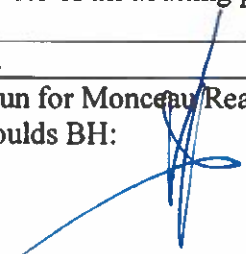
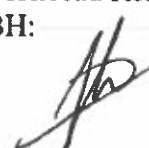
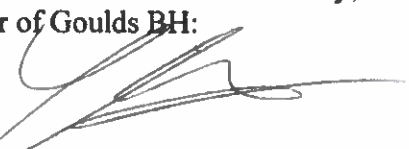
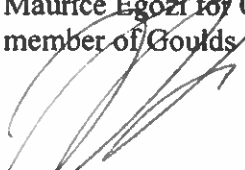
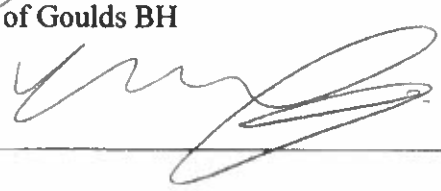
PRINT NAME	FOLIO NO.	ADDRESS
Goulds BH, LLC	30-6912-005-0030	11915 SW 216 ST
Goulds BH, LLC	30-6912-005-0010	
Goulds BH, LLC	30-6912-005-0070	11905 SW 216 ST

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):

This petition should be accepted because 216th street has been completed and the incorrect Right of Way ("ROW") standards were applied in 2006 when the dedication was made. According to the undersigned's review of the public records, the required dedication in 2006, when the relevant dedication was made, was 30' (as there was a 60' requirement for this portion of 216th street). However, a 55' dedication was made as the incorrect ROW standards were applied. In 2007 the ROW requirements for the relevant portion of 216 street were modified to reflect a 40' dedication requirement (as there is now a 80' ROW requirement). Therefore, according to the current regulations, the subject parcel has over dedicated 15'. Now that 216th street is complete and these 15' were not used we respectfully request that title be returned to the property.

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

SIGNATURE	ADDRESS
Adrien Haccoun for Monceau Realty, LLC, member of Goulds BH: 	1108 Kane Concourse, Suite 309 Bay Harbor Islands, FL 33154
Julien Haccoun for Monceau Realty, LLC, member of Goulds BH: 	1108 Kane Concourse, Suite 309 Bay Harbor Islands, FL 33154
Sarah Haccoun for Monceau Realty, LLC, member of Goulds BH: 	1108 Kane Concourse, Suite 309 Bay Harbor Islands, FL 33154
Maurice Egozi for Goulds JDM 2, LLC member of Goulds BH 	1132 Kane Concourse, Suite 200 Bay Harbor Islands, FL 33154
David Egozi for Goulds JDM 2, LLC member of Goulds BH 	1132 Kane Concourse, Suite 200 Bay Harbor Islands, FL 33154

Attorney for Petitioner

Address: _____
(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 Adrien Haccoun, 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 before me this

11 day of July, 2022
[Signature]
Notary Public State of Florida at Large

My Commission Expires: 4/1/26



SKETCH OF SURVEY RIGHT-OF-WAY CLOSURE

SECTION 12- TOWNSHIP 56 SOUTH- RANGE 39 EAST PROPERTY ADDRESS:

Property Address: Vacant SW 216th. STREET Between SW 119th AVENUE
& SW 120TH. AVENUE, MIAMI, FL 33177
Tax Folio #30-6912-005-0010

LEGAL DESCRIPTION:

The North 15 feet of the South 35 feet of the following described property:

A portion of Tract 4 of "REVISED PLAT, BLOCK 4 SYMMES-SHARMAN TRACT", according to the plat thereof as recorded in Plat Book 33, Page 45 of the Public Records of Miami-Dade County, Florida, more particularly described as follows;

Begin 128.8 feet West of the Southeast corner of said Tract 4;
Thence North 143.7 feet; Thence West 50 feet; Thence South 143.7 feet; Thence East 50 feet to the Point of Beginning.

SURVEYOR'S NOTES:

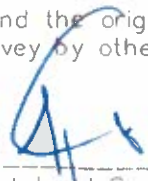
- 1- The Legal Description was provided by the Client from most recent County Records available.
- 2- This is not a Certification of Title, Zoning, Easements, or Freedom of Encumbrances.
ABSTRACT NOT REVIEWED.
- 3- There may be additional Restrictions not shown on this survey that may be found in the Public Records of this County. Examination of ABSTRACT OF TITLE will have to be made to determine recorded instruments, if any affecting this property.
- 4- No attempt was made by this firm to locate underground utilities, foundations and/or footings of buildings, walls or fences, except as shown hereon, if any.
- 5- Underground utilities are not depicted hereon, contact the appropriate authority prior to any design work or construction on the property herein described. Surveyor shall be notified as to any deviation from utilities shown hereon.
- 6- Contact the appropriate authority prior to any design work on the herein - described parcel for Building and Zoning information.
- 7- The surveyor does not determine fence and/or wall ownership.
- 8- Accuracy:
The Horizontal positional accuracy of well-defined improvement on this survey is $\pm 0.2'$.
The Vertical accuracy of elevations of well-defined improvement on this survey is $\pm 0.1'$.
- 9- All measurements shown hereon are made in accordance with the United States Standard Feet.
- 10- Type of survey SKETCH OF SURVEY.
- 11- North arrow direction and/or Bearings are based on an assumed meridian with a value of:
N89°05'57"W along the South line of Section 12, Township 56 South, Range 39 East, and all other bearings are relative thereto.
- 12- Elevations shown hereon are relative to National Geodetic Vertical Datum (1929 Mean Sea Level)
- 13- Benchmark Used: Miami-Dade County Benchmark #BC-18-R. Elevation = +10.04'.
- 14- Flood Zone Data: Community/ Panel #120635/0584/L Dated: 9/11/09
Flood Zone: "X" Base Flood Elevation = N/A'
- 15- This SURVEY has been prepared for the exclusive use of the entities named hereon.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY:

That this Survey meets the intent of the required Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.051, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this survey by other than the signing party are prohibited without written consent of the signing party.



For the Firm Royal Point Land Surveyors, Inc LB# 7282
JACOB GOMIS, PROFESSIONAL SURVEYOR AND MAPPER LS# 6231 STATE OF FLORIDA

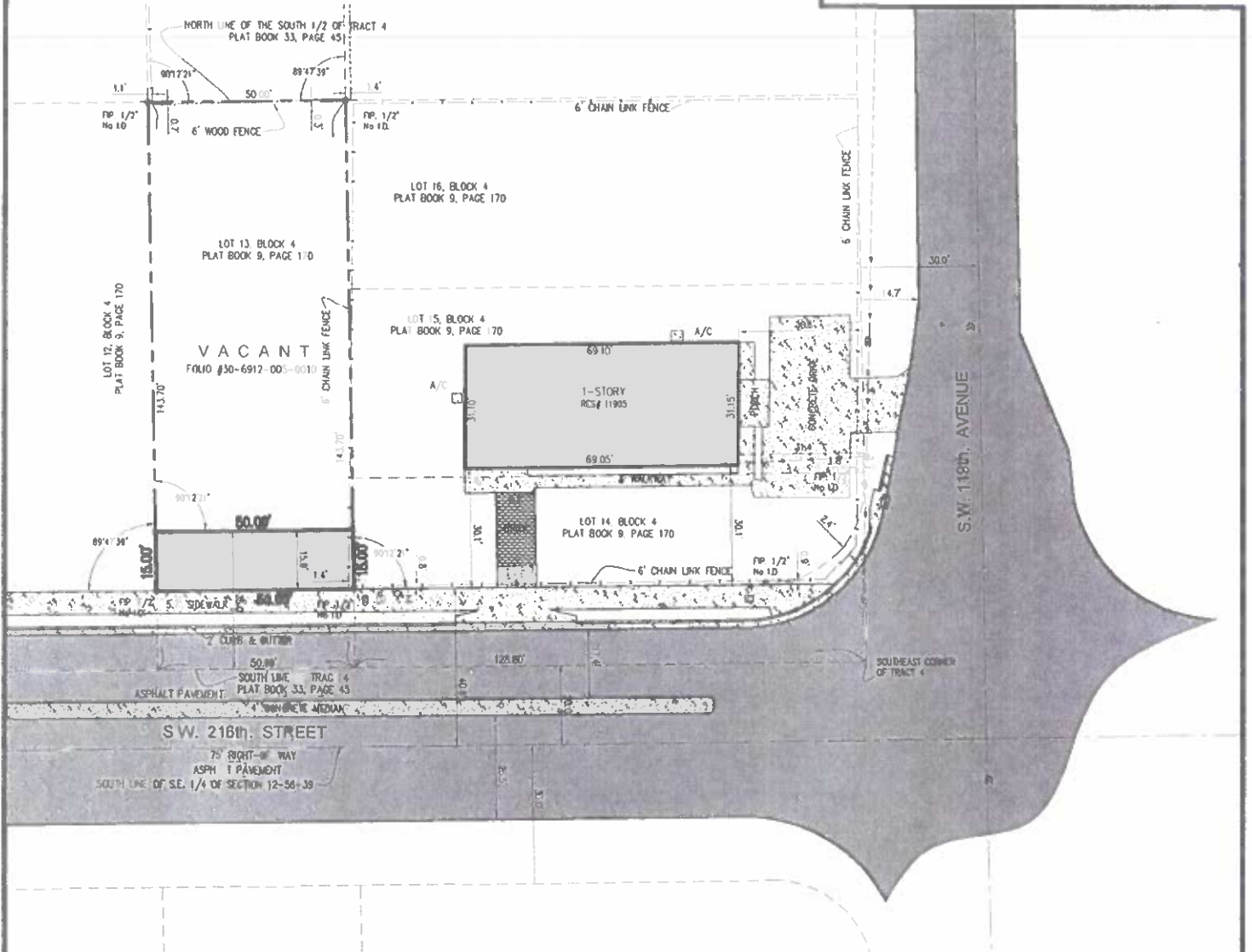
ROYAL POINT
LAND SURVEYORS, INC. LB #7282
6175 NW 153rd STREET SUITE 321, MIAMI LAKES, FL. 33014
PHONE: 305-822-6062 * FAX: 305-827-9669

Date: May 23, 2022
Job Number: RP22-0847

SKETCH OF SURVEY RIGHT-OF-WAY CLOSURE SECTION 12- TOWNSHIP 56 SOUTH- RANGE 39 EAST



SCALE: 1" = 40'



SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon.

I further certify that this survey was prepared in accordance with the applicable provisions of Chapter 5J-17, Florida Administrative Code.

ROYAL POINT
LAND SURVEYORS, INC. LR #7282
6175 NW 153rd STREET SUITE 321, MIAMI LAKES, FL. 33014
PHONE: 305-822-6062 * FAX: 305-827-9669

Date: May 23, 2022
Job Number: RP22-0847

Jacob Gomes
Professional Surveyor & Mapper
State of Florida Reg. No. 6231

NOTE: This Sketch is NOT A BOUNDARY SURVEY.



MEMORANDUM

(Revised)

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

DATE: May 2, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(B)

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(B)
5-2-23

RESOLUTION NO. _____ R-384-23

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF
RIGHT-OF-WAY ALONG THE NORTH SIDE OF SW 216 STREET
FROM APPROXIMATELY 159 FEET WEST OF THE CENTERLINE
OF SW 119 AVENUE WEST FOR 50 FEET (VACATION OF RIGHT-
OF-WAY PETITION NO. P-996) FILED BY GOULDS BH, 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-996 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-996 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.

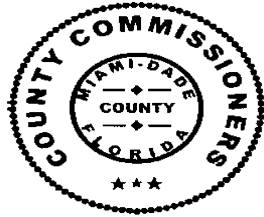
Section 5. The procedure utilized in the adoption of this resolution is expressly ratified and approved.

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 **Raquel A. Regalado** , who moved its adoption. The motion was seconded by Commissioner **Juan Carlos Bermudez** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
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 2nd day of May, 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 black ink, appearing to be "AP", is written over a horizontal line.

Annery Pulgar Alfonso