

MEMORANDUM

Agenda Item No. 5(J)

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

DATE: July 6, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition to
close SW 222 Street from SW
122 Court to SW 122 Avenue
(Vacation of Right-of-Way
Petition No. P-1002) filed by 221
Street Duplex LLC and subject to
certain conditions

Resolution No. R-574-23

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

Memorandum



Date: July 6, 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-1002
Section: 13-56-39
SW 222 Street from SW 122 Court to SW 122 Avenue
Commission District: 9

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by 221 Street Duplex LLC to vacate the subject portion of County right-of-way, SW 222 Street from SW 122 Court to SW 122 Avenue. If this petition is granted, the underlying lands will become incorporated into the plat of CAULEY POINT APARTMENTS. The \$9,040.13 fee for this vacation of right-of-way petition has been paid. The subject portion of right-of-way is covered with grass and brush and has never been improved nor maintained by the County.

Recommendation

It is recommended that the Board grant vacation of right-of-way petition P-1002, attached to this Memorandum as Exhibit 2, following a public hearing, and contingent on the recording of the plat of CAULEY POINT APARTMENTS, Tentative Plat T-24772. 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 (County) Departments of Regulatory and Economic Resources, Transportation and Public Works (DTPW), Water and Sewer (WASD), 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. . 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 \$11.30 per square foot. Therefore, the estimated value of the subject land is approximately \$70,801. If the subject portion of right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$1,207 per year in additional property taxes. The fee for this vacation of right-of-way petition is \$9,040.13.

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.

Delegated Authority

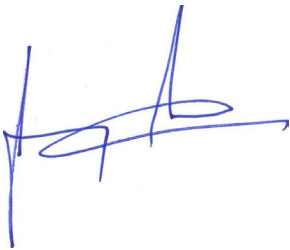
Attachments: Exhibit 1 – Location Maps, Exhibit 2 – Vacation of Right-of-Way Petition P-1002, Exhibit "A" – Sketch and Legal Description, Exhibit "B" – Tentative Plat T-24772

There is no delegation of authority associated with this item.

Background

The owner of all the properties abutting on the subject portion of right-of-way, 221 Street Duplex LLC, wishes to close SW 222 Street from SW 122 Court to SW 122 Avenue to incorporate the land into the proposed plat of CAULEY POINT APARTMENTS, Tentative Plat T-24772. The subject portion of right-of-way is covered with grass and brush and has never been improved nor maintained by the County. WASD owns water and sewer infrastructure that lies within the subject right-of-way. This will be removed or relocated as part of the development of the site in accordance with the proposed plat.

This land was dedicated to the County for roadway purposes in 2008 by the plat of BENNETT SUBDIVISION, recorded in Plat Book 167, at Page 37, of the Public Records of Miami-Dade County, Florida. All the properties abutting the subject portion of right-of-way are zoned RU-2 (Two-Family Residential District).

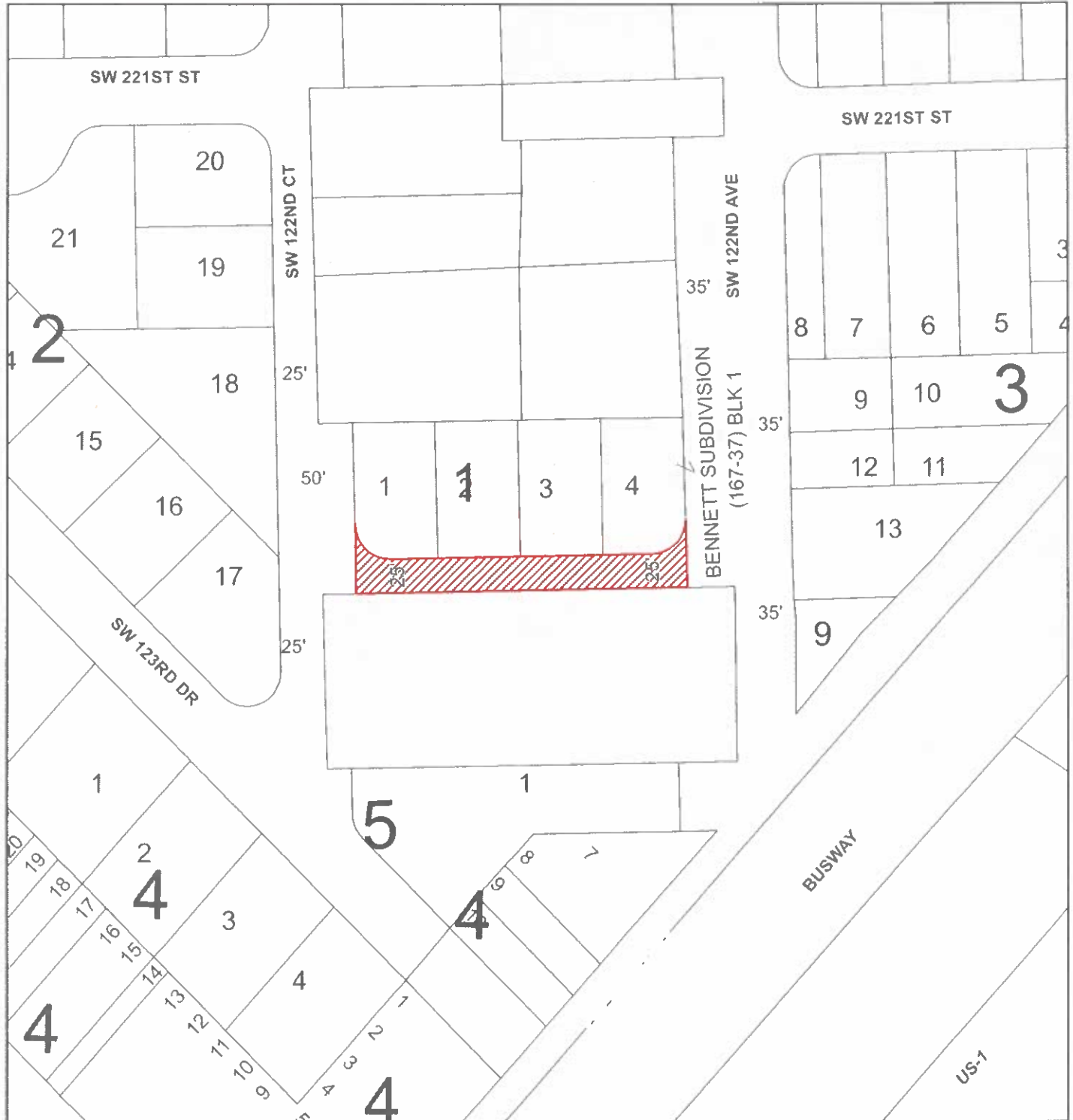


Jimmy Morales
Chief Operations Officer

Location & Aerial Map

SECTION 13 TOWNSHIP 56 S RANGE 39 E

EXHIBIT "1"



This is not a survey

P- 1002

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

Legend



P-1002 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) 375-2625

Date: November 9, 2022
Prepared by: .wm

MDC004

Location & Aerial Map

SECTION 13 TOWNSHIP 56 S RANGE 39 E

EXHIBIT "1"



This is not a survey

P- 1002

Municipality: UNINCORPORATED MIAMI-DADE
Commission District Kionne McGhee 9

Legend



P-1002 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: November 9, 2022
Prepared by: .vm

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:

See Exhibit "A" Attached (Sketch & Legal Description).

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 SW 222 Street between SW 122nd Court and SW 122nd Avenue was dedicated to Miami-Dade County by the plat of "BENNETT SUBDIVISION", recorded in Plat Book 167, at Page 37, 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.

See Exhibit "B" Attached (Tentative Plat T-24772).

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
Daniel Sabag 221 Street Duplex LLC	30-6913-000-0370	8821 SW 136 Street Suite 560369 Miami, FL 33176
Daniel Sabag 221 Street Duplex LLC	30-6913-033-0010	8821 SW 136 Street Suite 560369 Miami, FL 33176
Daniel Sabag 221 Street Duplex LLC	30-6913-033-0020	8821 SW 136 Street Suite 560369 Miami, FL 33176
Daniel Sabag 221 Street Duplex LLC	30-6913-033-0030	8821 SW 136 Street Suite 560369 Miami, FL 33176
Daniel Sabag 221 Street Duplex LLC	30-6913-033-0040	8821 SW 136 Street Suite 560369 Miami, FL 33176

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. N/A

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):

Part of a Tentative/Final Plat. The referenced 5 parcels listed above are part of a 1.95 acres properties that are designated Business & Office and Low-Medium Residential on the Comprehensive Development Master Plan (CDMP) Land Use Map (LUP). The properties are also located within ¼ mile of the County's SMART Plan Corridor and therefore may be rezoned for vertical or horizontal mixed-use development (Zoning Verification Request J-2020000142 and Zoning Application Z-2022000088).

7. Signatures of all abutting property owners: (SAME OWNER)

Respectfully submitted,

SIGNATURE

ADDRESS



8821 SW 136 Street, Suite 560369
Miami, FL 33176

STATE OF FLORIDA

)

) SS

MIAMI-DADE COUNTY

)

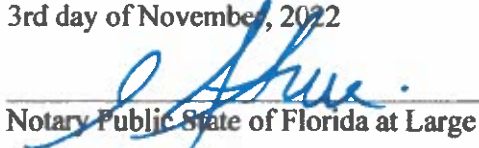
BEFORE ME, the undersigned authority, personally appeared by means of ☒ physical or ☐ online notarization Daniel Sabag, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification 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

3rd day of November, 2022



Notary Public State of Florida at Large

My Commission Expires:



EXHIBIT "A"

"SKETCH & LEGAL DESCRIPTION"



PREPARED BY:
AFA & COMPANY, INC.
PROFESSIONAL LAND SURVEYORS AND MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NO. LB #7498
13050 SW 133RD CT, MIAMI, FLORIDA 33186
PH: 305-234-0588

LEGAL DESCRIPTION:

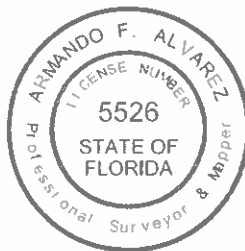
That portion of Southwest 222nd Street lying Southerly of and adjacent to, Block 1, of BENNETT SUBDIVISION, according to the plat thereof, as recorded in Plat Book 167, Page 37, of the Public Records of Miami-Dade County, Florida. Said portion of Southwest 222nd Street being bounded on the East by the Southerly extension of the East line of said Block 1, bounded on the West by the Southerly extension of the West line of said Block 1, bounded on the North by the Southerly boundary of said Block 1, bounded on the South by a line 25.00' South of and parallel with the South line of said Block 1, and the Easterly and Westerly extensions thereof.

Containing approximately 6,268 sq.ft.

SURVEYOR'S NOTES:

1. This is not a Boundary Survey.
2. This instrument was conducted for the purpose of a "SKETCH & LEGAL DESCRIPTION" only and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other entity.
3. Bearings shown hereon are based on an assumed meridian of N01°10'27"W along the Westerly right of way line of Southwest 122nd Avenue.
4. This instrument has been prepared for the exclusive use of the entities named hereon only and the certifications hereon do not extend to any unnamed parties.
5. This instrument was conducted for the purpose of Road Closure of Southwest 222nd Street.
6. Professional Land Surveyor and Mapper in responsible charge: Armando F. Alvarez LS 5526, State of Florida.
7. This instrument is not valid without the signature and the raised seal of a Florida Licensed Land Surveyor and Mapper.

I hereby certify to the Miami-Dade County Right of Way Department that the Sketch & Legal Description of the described property is true and correct to the best of my knowledge and belief, as recently prepared under my direction; also that meets the Minimum Technical Standards set in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.



Date: 09-15-2022
Job No.: 22-914

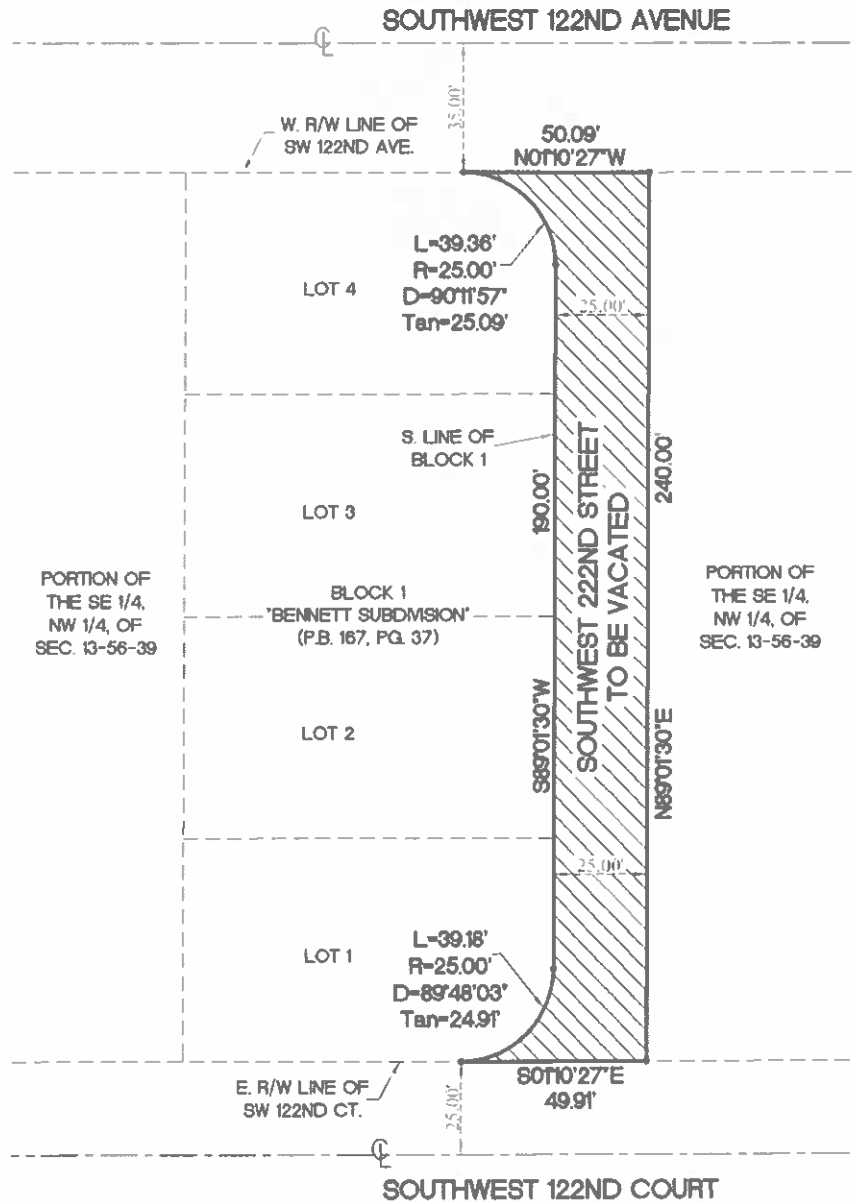
By: Armando F. Alvarez LS 5526
Professional Land Surveyor & Mapper
State of Florida

NOT VALID WITHOUT SHEET 2 OF 2
(SHEET 2 OF 2 CONTAINS SKETCH & LEGAL DESCRIPTION)

SHEET 1 OF 2

"SKETCH & LEGAL DESCRIPTION"

SCALE: 1 INCH = 50 FEET



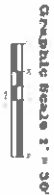
NOT VALID WITHOUT SHEET 1 OF 2

(SHEET 1 OF 2 CONTAINS LEGAL DESCRIPTIONS AND SURVEYORS NOTES)

SHEET 2 OF 2

MDC011

EXHIBIT "B"

[illegible][illegible]

3. (10) Copy of book: *Smith's map* for *Navigation on the River* to *2000*.

- [illegible]

* "The word 'gay' was an old British 'word'."

- o Alvarez** Date: 2022.09.26 49 -04

[illegible]



MEMORANDUM

(Revised)

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

DATE: July 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(J)

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(J)
7-6-23

RESOLUTION NO. _____ R-574-23

RESOLUTION GRANTING PETITION TO CLOSE SW 222 STREET
FROM SW 122 COURT TO SW 122 AVENUE (VACATION OF
RIGHT-OF-WAY PETITION NO. P-1002) FILED BY 221 STREET
DUPLEX LLC AND SUBJECT TO CERTAIN CONDITIONS

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-1002 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 this Board:

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

Section 2. Vacation of Right-of-Way Petition No. P-1002 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 3 below.

Section 3. 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 "CAULEY POINT APARTMENTS" (Tentative Plat T-24772). 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 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.

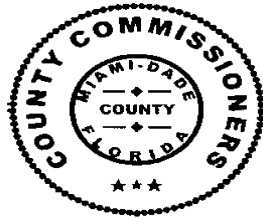
Section 6. Pursuant to Resolution No. 7606, the Clerk is hereby directed to publish notice of the adoption of this resolution one time within 30 days hereafter in a newspaper of general circulation of Miami-Dade County and the County Mayor or County Mayor’s designee shall record the proof of publication 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.

Section 7. 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 3 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 **Marleine Bastien**
and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman		aye		R
Anthony Rodríguez, Vice Chairman		aye		-
Marleine Bastien	aye	Juan Carlos Bermudez	aye	5
Kevin Marino Cabrera	aye	Sen. René García	absent	7
Roberto J. Gonzalez	absent	Keon Hardemon	aye	4
Danielle Cohen Higgins	aye	Eileen Higgins	aye	-
Kionne L. McGhee	aye	Raquel A. Regalado	absent	2
Micky Steinberg	aye			3

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of July, 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

JUAN FERNANDEZ-BARQUIN, 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