

MEMORANDUM

Agenda Item No. 8(N)(3)

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

DATE: September 6, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution amending Resolution No. R-395-22, which granted vacation of right-of-way petition No. P-944 to close a portion of NW 136 Street from NW 10 Avenue east for approximately 950 feet subject to certain conditions, and extending the time to comply with such conditions

Resolution No. R-760-23

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



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: September 6, 2023

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Amending Resolution No. 395-22 to Extend the Time for Recording the Final Plat

Executive Summary

Resolution No. 395-22 granted vacation of right-of-way Petition No. P-944 to allow the applicant to incorporate the land into the proposed plat of "NORTHWEST BAPTIST CHURCH," tentative Plat T-23310. As a condition of the approval, the applicant was required to record the final plat within one year of the resolution's approval. The applicant has requested additional time for the recording of the final plat in order to complete the pending items associated with the approval of the plat including and not limited to paving and drainage plans' approval and posting of bond.

This resolution extends the time for the recording of the final plat to satisfy the condition from one year to four years from the effective date of Resolution No. 395-22. In the time since the approval of Resolution 395-22, the standard period for recording of final plats has been adjusted from one to four years, with the support of the Platting Section of the Department of Regulatory and Economic Resources (RER). This is considered sufficient time to allow the applicant to complete the platting process, and the extension for this plat brings this item into parity with the plat timelines in other municipalities, such as the City of Miami, and other, more recently approved right-of-way vacations within the County. There is no fiscal impact associated with this item.

Recommendation

It is recommended that the Board approve the attached resolution amending Resolution No. 395-22 to extend the time for the recording of the plat of "NORTHWEST BAPTIST CHURCH," tentative Plat T-23310 as a condition of the previous vacation of right-of-way.

Scope

The subject property is located within District 2, which is represented by Commissioner Marleine Bastien.

Fiscal Impact/Funding Source

There is no fiscal impact associated with the amendment.

Track Record/Monitor

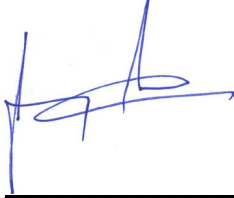
DTPW is the entity overseeing this project and the person responsible for monitoring it is Ms. Maria D. Molina, P.E., Chief, Right-of-Way Division.

Delegated Authority

There is no delegation of authority associated with this item.

Background

On May 3, 2022, the Board approved Resolution No. 395-22, granting vacation of right-of-way Petition No. P-944. The vacation of right-of-way was granted in order to allow the applicant to incorporate the land into the proposed plat of "NORTHWEST BAPTIST CHURCH," tentative Plat T-23310. As a condition of the approval, the applicant was required to record the final plat within one year of the resolution's approval. The applicant has requested an extension of time in order to complete the requirements for the approval of the final plat. This amended resolution extends the time limit to record the final plat from one year to four years from the effective date of Resolution No. 395-22.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: September 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(3)

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. 8(N)(3)
9-6-23

RESOLUTION NO. R-760-23

RESOLUTION AMENDING RESOLUTION NO. R-395-22, WHICH GRANTED VACATION OF RIGHT-OF-WAY PETITION NO. P-944 TO CLOSE A PORTION OF NW 136 STREET FROM NW 10 AVENUE EAST FOR APPROXIMATELY 950 FEET SUBJECT TO CERTAIN CONDITIONS, AND EXTENDING THE TIME TO COMPLY WITH SUCH CONDITIONS

WHEREAS, on May 3, 2022, this Board adopted Resolution No. 395-22, granting a petition to close a portion of NW 136 Street from NW 10 Avenue east for approximately 950 feet subject to certain conditions; and

WHEREAS, as a condition of approval, this Board required tentative plat T-23310, “NORTHWEST BAPTIST CHURCH”, which incorporated the land from the road closing, to be recorded within one year; and

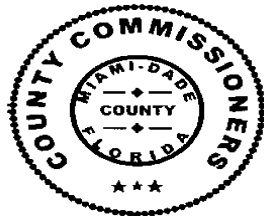
WHEREAS, the platting process has not been finalized and the applicant needs additional time to have the plat approved and recorded,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board incorporates and approves the foregoing recitals and County Mayor’s Memorandum as if fully set forth herein; amends section 3 of Resolution No. 395-22 and extends the time for the recording of the final plat to satisfy the condition from one year to four years from the effective date of Resolution No. 395-22 such that section 3 of Resolution No. 395-22 shall now read “If the plat is not recorded within four years, this resolution shall be null and void”; and leaves in place all other terms and conditions of Resolution No. 395-22.

The foregoing resolution was offered by Commissioner **Anthony Rodriguez**, who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** 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 6th day of September, 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

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "LEM".

Lauren E. Morse