

MEMORANDUM

Agenda Item No. 5(H)

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

DATE: May 7, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition to
close SW 173 Court from SW
301 Street to SW 302 Street
(Vacation of Right-of-Way
Petition No. P-972) filed by Mr.
Gerardo Obando and Ms. Marta
Aguiar

Resolution No. R-373-24

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



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: May 7, 2024

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-972
Section: 7-57-39
SW 173 Court from SW 301 Street to SW 302 Street
Commission District: 8

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by Mr. Gerardo Obando and Ms. Marta Aguiar 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. The \$22,284.85 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-972, attached to this Memorandum as Exhibit 2, following a public hearing. 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. The subject land has never been improved nor maintained by the County.

Scope

The subject vacation of right-of-way petition is located within District 8, which is represented by Commissioner Danielle Cohen Higgins.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the properties adjacent to the subject right-of-way at an average rate of \$9.10 per square foot. Therefore, the estimated value of the subject land is approximately \$203,248. If the subject right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$3,466 per year in additional property taxes. The fee for this vacation of right-of-way petition is \$22,284.85.

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

There is no delegation of authority associated with this item.

Attachments: Exhibit 1 – Location & Aerial Maps, Exhibit 2 – Vacation of Right-of-Way Petition P-972, Exhibit A – Survey

Background

The owners of the properties that abut the subject right-of-way wish to close SW 173 Court from SW 301 Street to SW 302 Street to incorporate the land into their properties in order to reduce unwanted entry into the area. They state that this action will promote the safety and security of their homes and property.

The subject right-of-way consists of undeveloped land with areas of grass and trees. It has never been improved nor maintained by the County. The granting of this petition harmonizes with previous County actions in the surrounding area, as the segments of SW 173 Court lying immediately north and south of the subject portion of right-of-way were vacated by the County by resolutions R-1652-93 and R-848-83, respectively.

The subject right-of-way was dedicated to the County in 1925 by the plat of "BRUNNER HOMESITES", recorded in Plat Book 13, at Page 30, of the Public Records of Miami-Dade County, Florida. The areas abutting the subject right-of-way are zoned RU-1 (Single-Family Residential District; 7,500 square feet net).

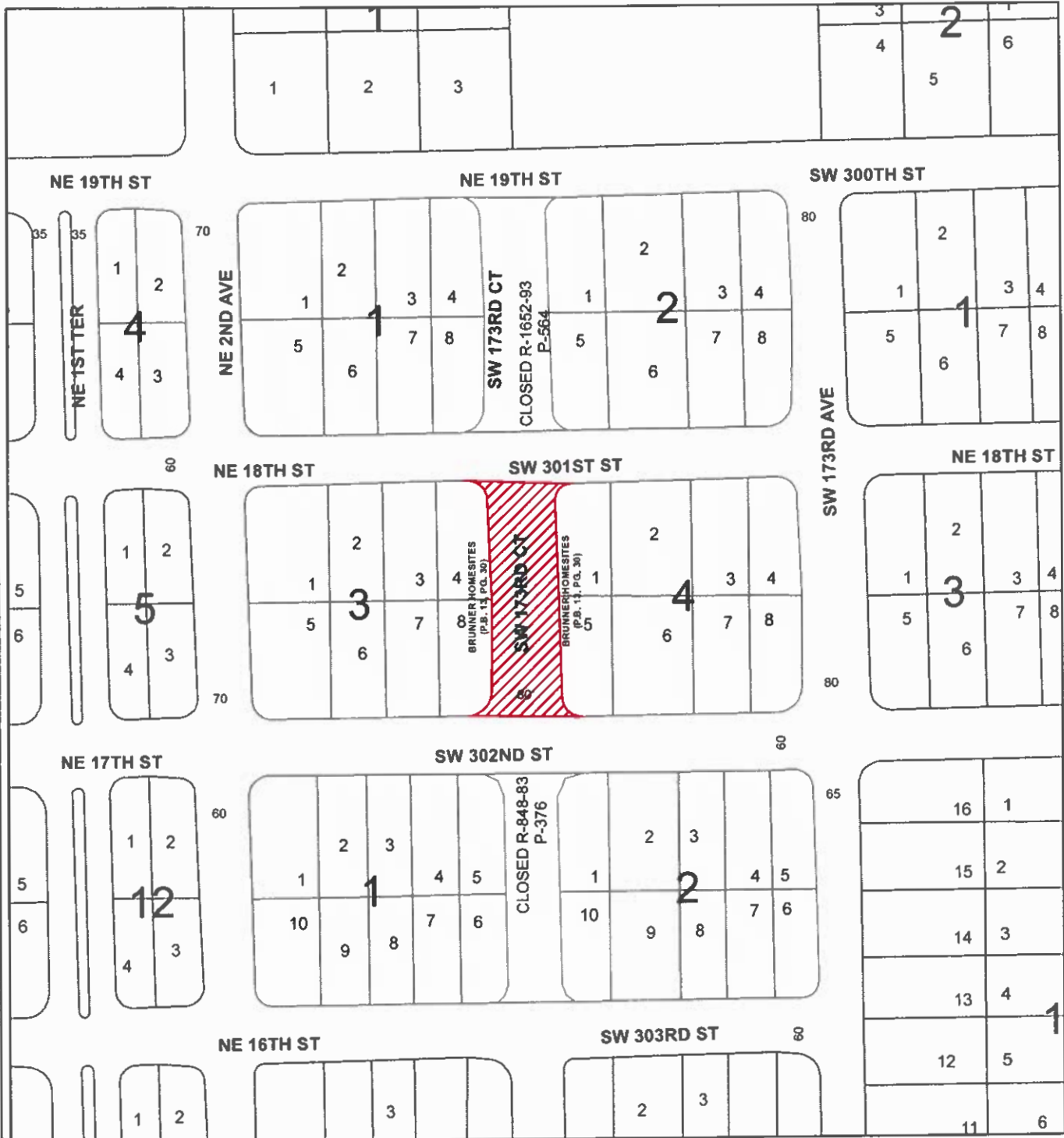


Jimmy Morales
Chief Operations Officer

Location & Aerial Map

SECTION 7 TOWNSHIP 57 S RANGE 39 E

EXHIBIT 1



This is not a survey

P- 972

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Danielle Cohen Higgins 8

Legend



P-972 ROAD CLOSING

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

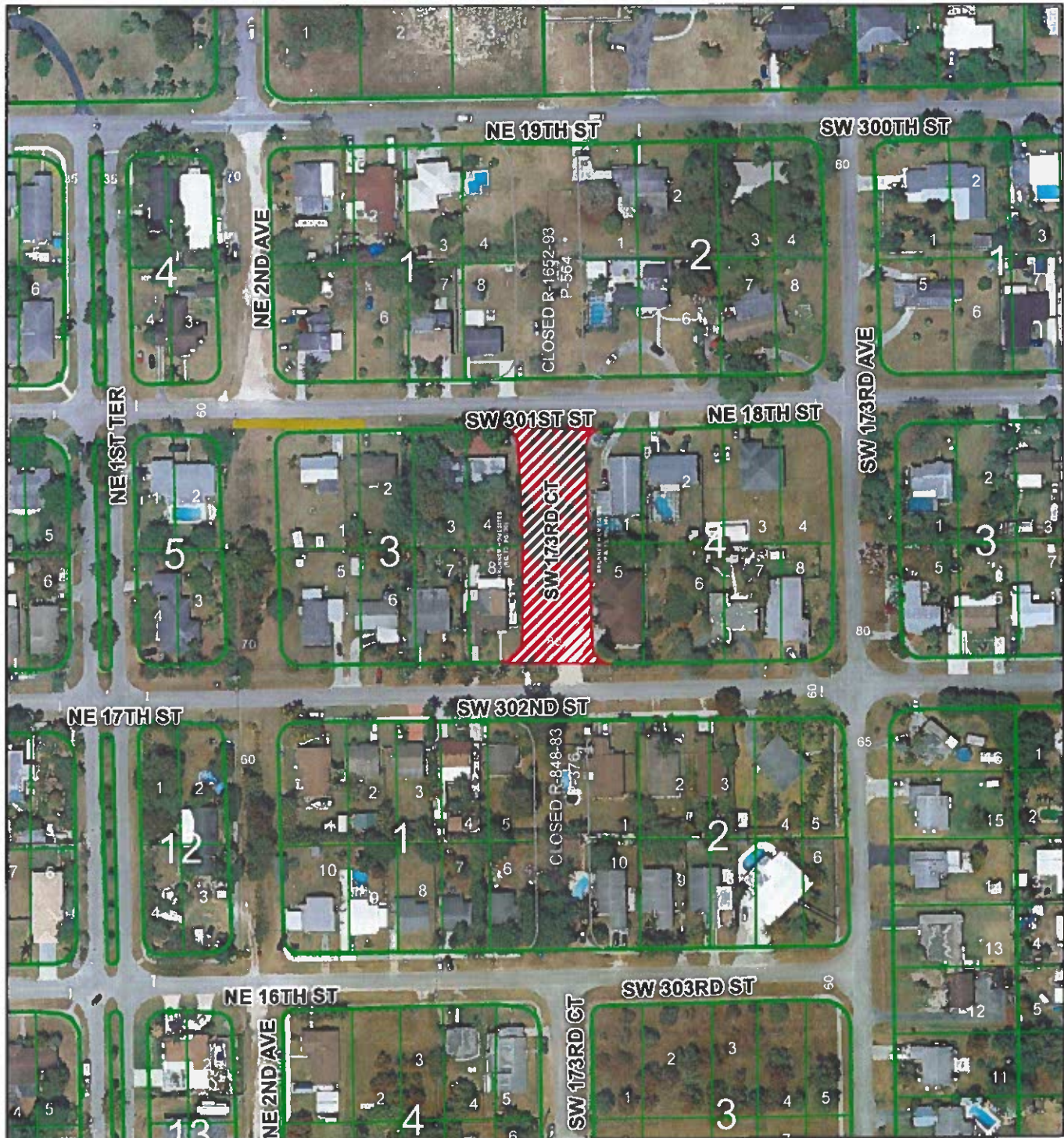
Date May 11, 2021
Prepared by ym

MDC004

Location & Aerial Map

SECTION 7 TOWNSHIP 57 S RANGE 39 E

EXHIBIT 1



This is not a survey

P- 972

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Danielle Cohen Higgins 8

Legend



P-972 ROAD CLOSING

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

Date: May 12, 2021
Prepared by: ym

MDC005

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:

Those portions of Southwest 173rd Court (MARION STREET per plat) lying between Blocks 3 and 4 of BRUNNER HOMESITES, according to the plat thereof recorded in Plat book 13 , page 30 of the public records of Miami-Dade County, Florida; bounded on the north by the easterly extension of the north line of said of Block 3 and bounded on the south by the easterly extension of the south line of Block 3. Containing approximately 22,335 square feet or 0.51 acres more or less by calculation.

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):

Dedicated by The Plat of Brunner Homesites, recorded in Plat Book 13, page 30 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 properties, showing all encroachments and utility easements.

See Exhibit A attached.

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.

[illegible]

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 closing of Marion street is not contrary to public interest.
- The street (or portion thereof), requested to be closed has not been previously maintain by the City. The property owners signing this petition have been maintaining Marion street.
- The closing of Marion street will provide security and peace of mind to them and their families from trespassers.

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE

ADDRESS

Ricardo @ Bayardo
Mark M. Keiser
Gilda May Barbera
S. Chourrara

17331 SW 302nd St.

17361 SW 302nd St.

17340 SW 301 St

220 NE 18 St

Attorney for Petitioner

Address: _____

Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Gerardo Obando, 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.

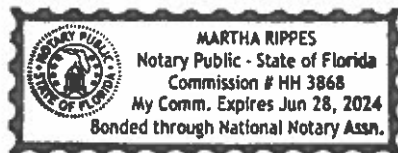
Gerardo Obando
(Signature of Petitioner)

Sworn and subscribed to before me this

9 day of March, 2012021

Martha Rippes
Notary Public State of Florida at Large

My Commission Expires: June 28, 2024



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 Marta M. Aguiar, 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.

Marta M. Aguiar
(Signature of Petitioner)

Sworn and subscribed to before me this

11 day of January, 2024

Barbara Balderas
Notary Public State of Florida at Large

My Commission Expires: 8/15/24

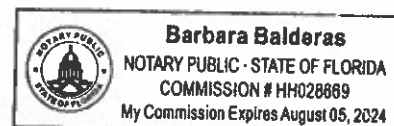


EXHIBIT A

SPECIFIC PURPOSE SURVEY
for

RIGHT OF WAY VACATION OF S.W. 173rd COURT (MARION STREET per plat)
IN
UNINCORPORATED AREA OF MIAMI DADE COUNTY, FLORIDA

LEGAL DESCRIPTION OF RIGHT OF WAY TO BE VACATED:

Those portions of S.W. 173 Court (MARION STREET per plat) lying between Blocks 3 and 4 of BRUNNER HOMESITES, according to the plat thereof recorded in Plat Book 13, Page 30, of the Public Records of Miami-Dade County, Florida; bounded on the north by the easterly extension of the north line of said Block 3 and bounded on the south by the easterly extension of the south line of said Block 3.

Containing approximately 22,335 Square feet or 0.51 Acres more or less by calculation.

DATA OF SOURCES:

The Legal Description of the Subject Parcel of Land was generated from the following sources of data were used to extend required to complete this document in a defensible manner. That is to say:

- 1.—North Arrow and Bearings refer to an assumed value of S00°03'00"E, along the Centerline of S.W. 173rd Court.
- 2.—Plat of BRUNNER HOMESITES, as recorded in Plat Book 13, at Page 30, of the Public Records of Miami-Dade County, Florida.
- 3.—Section 7, Township 57 South, Range 39 East. Miami-Dade County, Florida.
- 4.—Specific Purpose Survey performed by Formtech Land Surveying, Inc.

SURVEYOR'S NOTES:

This "Specific Purpose Survey" are not full and complete without the others.
No valid without the signature and the original raised seal of Florida Licensed Surveyor and Mapper.



FormTech
Land Surveying, Inc.

State of Florida LB # 7980
12209 S.W. 129th Court, Miami, Florida, 33186
Ph: (786)429-3034 (786)443-0285 (786)443-0678
www.formtechsurveyors.com email:info@formtechsurveyors.com

Seal:

Date: 12-20-2020
Eugenia L. Formoso, P.S.M.
State of Florida LS # 6660

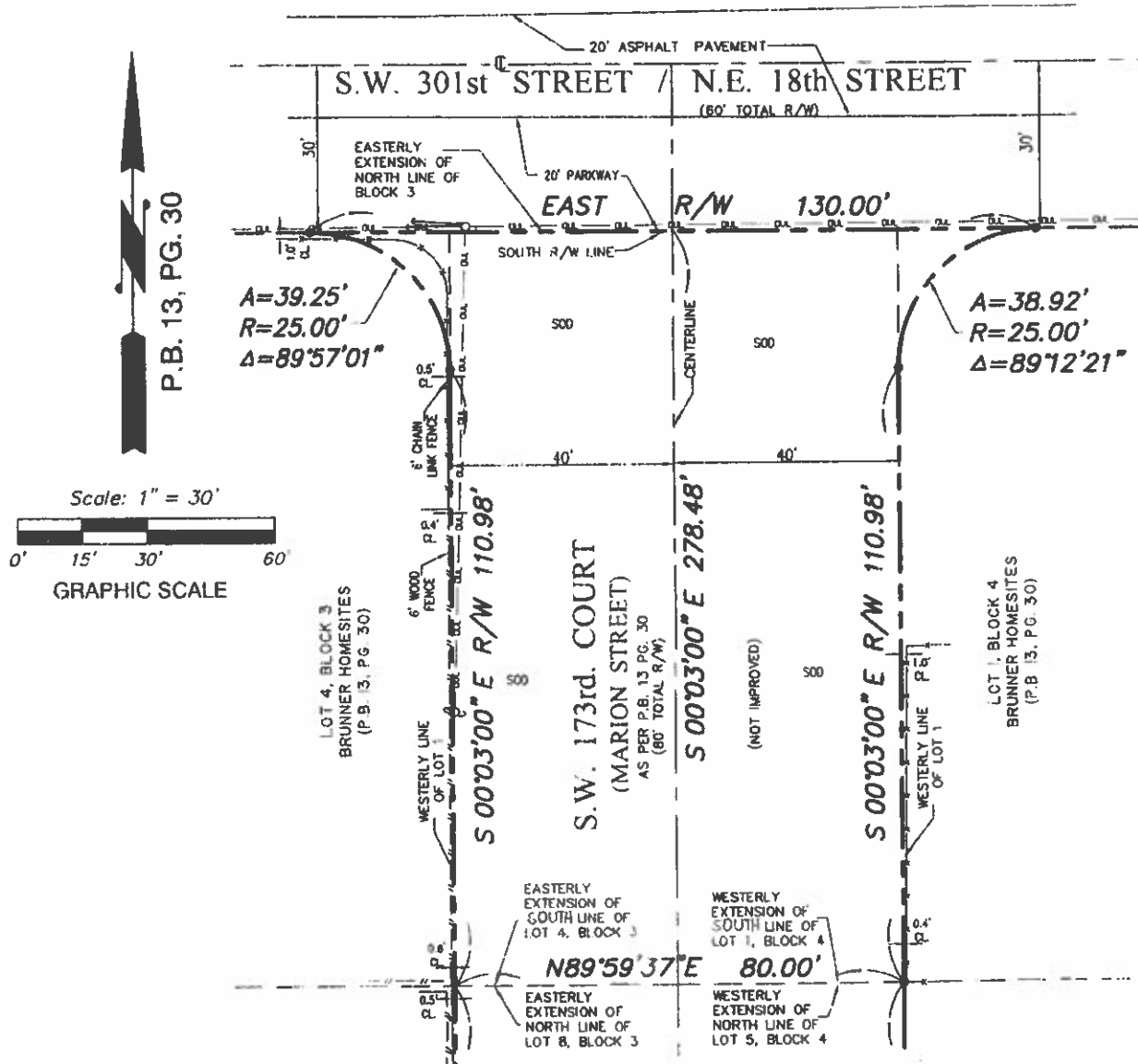
Project # 20-03002
Job # 20-12033

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SPECIFIC PURPOSE SURVEY

for

RIGHT OF WAY VACATION OF S.W. 173rd COURT (MARION STREET per plat)
in
UNINCORPORATED AREA OF MIAMI DADE COUNTY, FLORIDA



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Land Surveying, Inc.

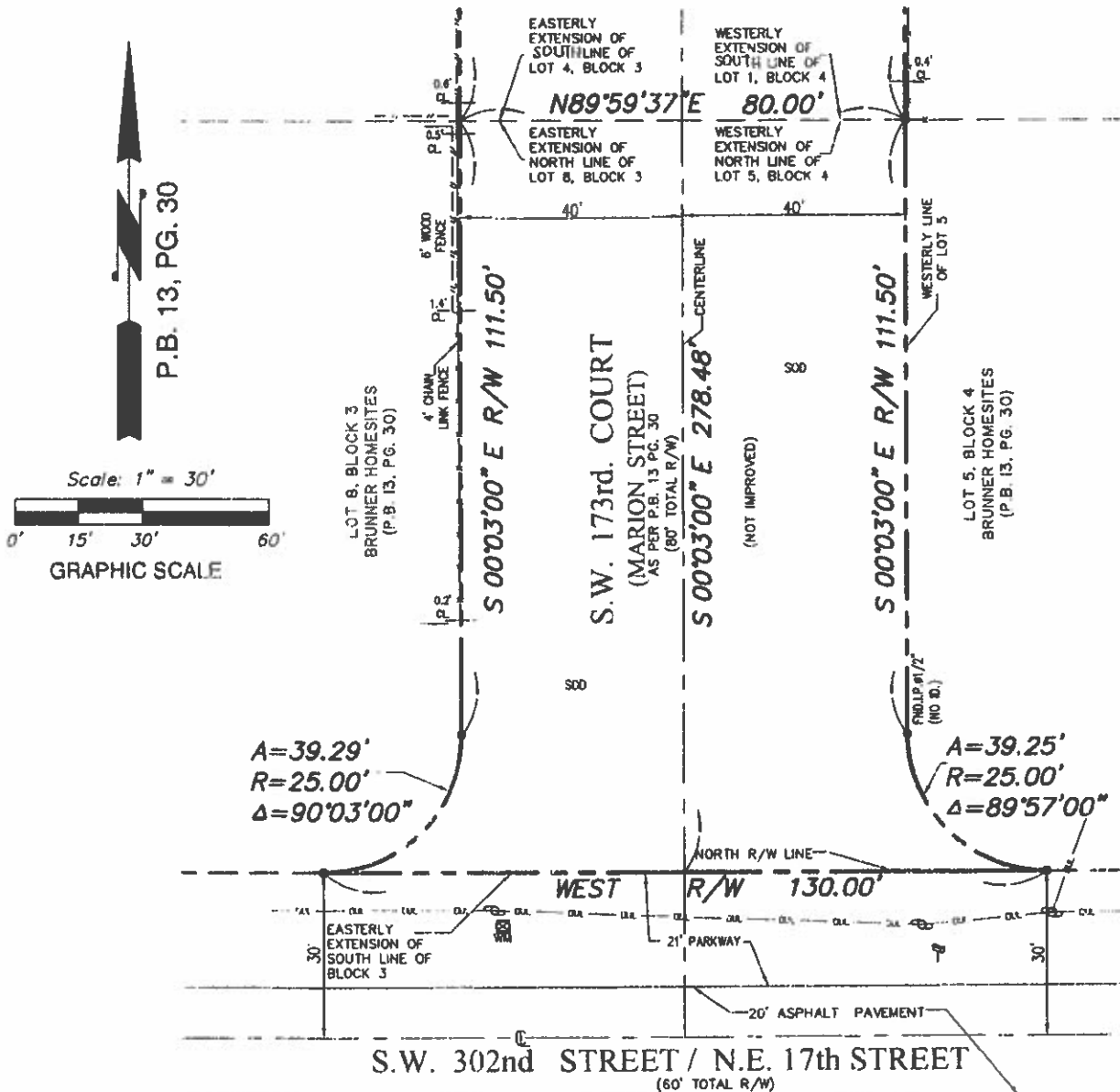
State of Florida L.S. # 7980
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Ph: (786)429-3034 (786)443-0285 (786)443-0678
www.formtechsurveyors.com email: info@formtechsurveyors.com

Project # 20-03002
Job # 20-12033

Page 2 of 3

SPECIFIC PURPOSE SURVEY for

RIGHT OF WAY VACATION OF S.W. 173rd COURT (MARION STREET per plat)
in
UNINCORPORATED AREA OF MIAMI DADE COUNTY, FLORIDA



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Page 3 of 3



MEMORANDUM

(Revised)

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

DATE: May 7, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(H)

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(H)
5-7-24

RESOLUTION NO. R-373-24

RESOLUTION GRANTING PETITION TO CLOSE SW 173
COURT FROM SW 301 STREET TO SW 302 STREET
(VACATION OF RIGHT-OF-WAY PETITION NO. P-972)
FILED BY MR. GERARDO OBANDO AND MS. MARTA
AGUIAR

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-972 was signed by the owners of all the properties abutting on the 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-972 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 **Kionne L. McGhee** , who moved its adoption. The motion was seconded by Commissioner **Anthony Rodriguez** 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	absent	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	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of May, 2024. 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 be "Annery P. Alfonso", written over a horizontal line.

Annery P. Alfonso