

MEMORANDUM

Agenda Item No. 5(I)

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

DATE: September 4, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition to
close NW 132 Avenue from NW
182 Street to NW 186 Street
(Vacation of Right-of-Way
Petition No. P-1011) filed by
Vecellio & Grogan, Inc.

Resolution No. R-741-24

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



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Memorandum



Date: September 4, 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-1011
Section: 11-52-39
NW 132 Avenue from NW 182 Street to NW 186 Street
Commission District: 12

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by Vecellio & Grogan, Inc. to vacate the subject portion of Miami-Dade County (County) right-of-way. Should this petition be granted, the underlying lands will be incorporated into the abutting properties. The \$43,158.16 fee for this vacation of right-of-way petition has been paid.

The owners of all properties abutting the subject right-of-way wish to close the portion of NW 132 Avenue from NW 182 Street to NW 186 Street so that the underlying land becomes incorporated in the abutting properties to then be used for purposes associated with the existing rock mining operations in the area.

The subject right-of-way has never been improved nor maintained by the County. It lies outside the Urban Development Boundary and within the Rock Mining Overlay Zoning Area. The abutting properties are zoned AU (Agricultural/Residential)

Recommendation

It is recommended that the Board grant vacation of right-of-way petition P-1011, attached to this Memorandum as Exhibit 2, following a public hearing. The 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 12, which is represented by Commissioner Juan Carlos Bermudez.

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 \$10.50 per square foot. Therefore, the estimated value of the subject land is approximately \$411,982. If the subject right-of-way is closed and vacated, the land will be placed on the tax roll,

Attachments: Exhibit 1 – Location & Aerial Maps, Exhibit 2 – Vacation of Right-of-Way Petition P-1011, Exhibit A – Boundary Survey

generating an estimated \$7,026 per year in additional property taxes. The fee for this vacation of right-of-way petition is \$43,158.16.

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.

Background

The owners of all properties abutting the subject right-of-way wish to close the portion of NW 132 Avenue from NW 182 Street to NW 186 Street so that the underlying land becomes incorporated in the abutting properties to then be used for purposes associated with the existing rock mining operations in the area.

The subject right-of-way has never been improved nor maintained by the County. A gravel driveway lies within the northeasterly portion of this right-of-way. The remainder of the land is covered with areas of trees and heavy brush, and public access to this right-of-way is obstructed by several encroaching fences. The Boundary Survey, attached to this petition as Exhibit A, indicates that horse stalls encroach upon the eastern edge of the subject right-of-way near its southern end.

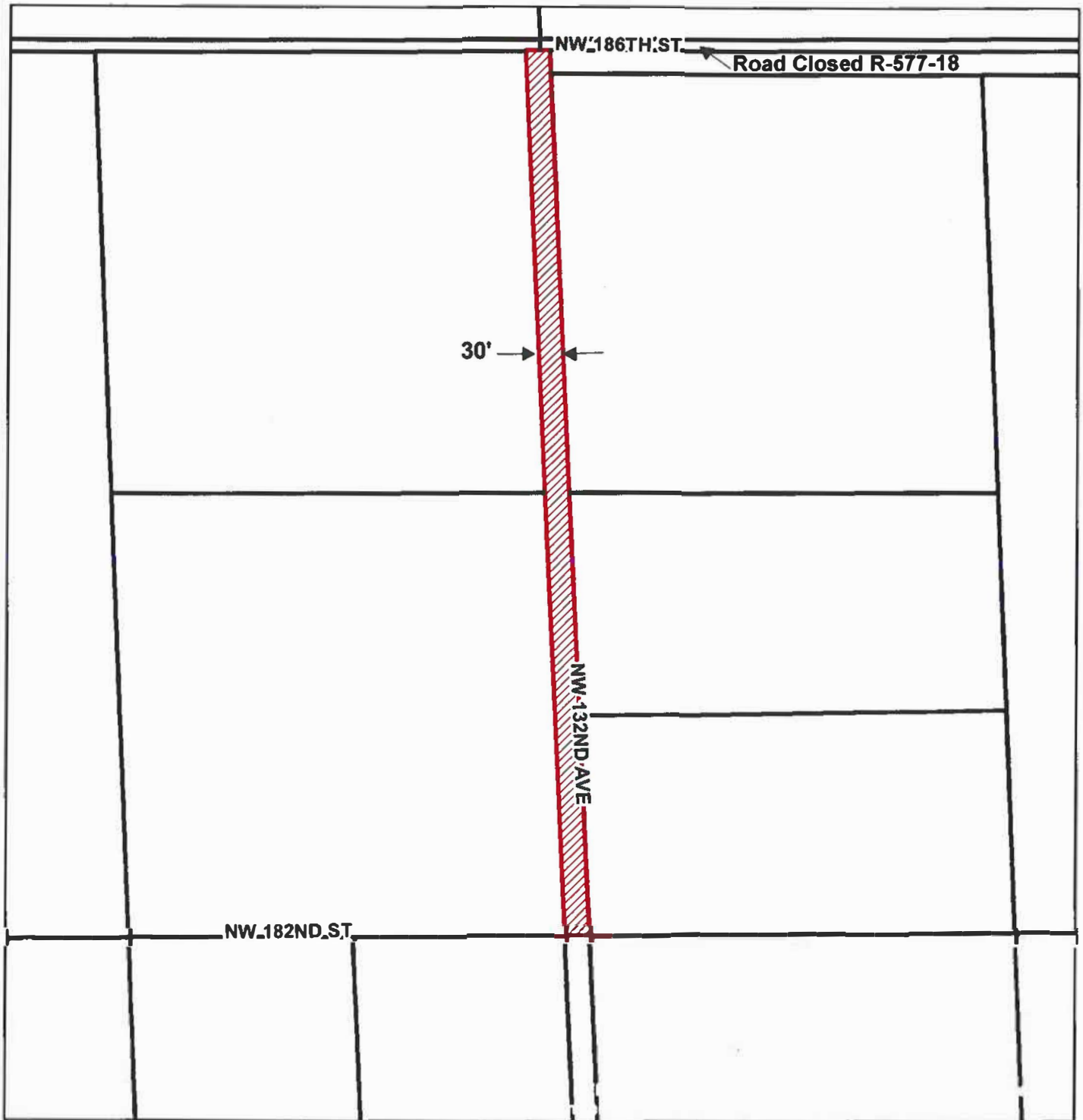
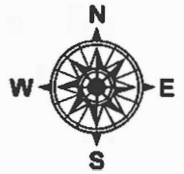
The subject right-of-way lies outside the Urban Development Boundary and within the Rock Mining Overlay Zoning Area. The abutting properties are zoned AU (Agricultural/Residential, 5 Acres Gross).

The subject right-of-way was dedicated to the County in 1911 by the plat of "TATUM BRO'S REAL ESTATE & INVESTMENT CO'S SUBDIVISION OF SECTIONS 4, 5, 6 AND NORTH HALF OF 9, 10, 11 AND 12 IN TOWNSHIP 52 SOUTH, RANGE 39 EAST" as recorded in Plat Book 1, at Page 102, of the Public Records of Miami-Dade County, Florida.



Jimmy Morales
Chief Operating Officer

Location & Aerial Map
SECTION 11 TOWNSHIP 52 RANGE 39
EXHIBIT 1



THIS IS NOT A SURVEY

P- 1011

MIAMI-DADE COUNTY
Department of Transportation and Public Works
Right-of-Way Division
111 NW 1st Street, 1610
Miami, Florida 33128
PH (305) 375-2714

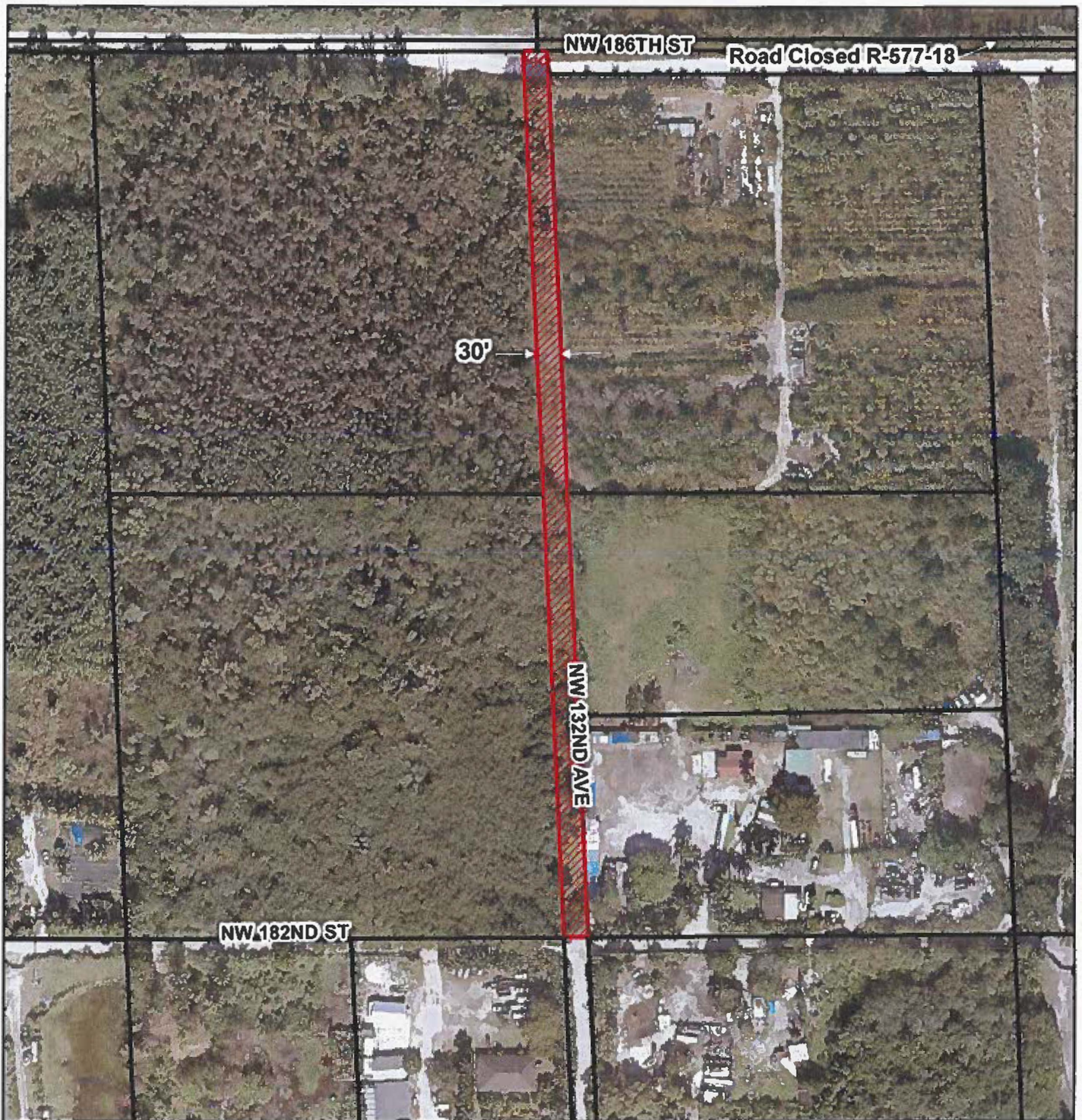
Municipality: Unincorporated
Commission District 12
Juan Carlos Bermudez

Legend 
P-1011 Road Closing

Date: 8/21/2023
Drawn By: A.Santelices

MDC004

Location & Aerial Map
SECTION 11 TOWNSHIP 52 RANGE 39
EXHIBIT 1



THIS IS NOT A SURVEY

P- 1011

MIAMI-DADE COUNTY
Department of Transportation and Public Works
Right-of-Way Division
111 NW 1st Street, 1610
Miami, Florida 33128
PH (305) 375-2714

Municipality: Unincorporated
Commission District 12
Juan Carlos Bermudez

Date: 8/21/2023
Drawn By: A.Santelices

Legend 
P-1011 Road Closing

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:

See attached Exhibit A.

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):

This right-of-way was dedicated to the County by the plat of "TATUM BRO'S REAL ESTATE & INVESTMENT CO'S SUBDIVISION OF SECTIONS 4, 5, 6 AND NORTH HALF OF 9, 10, 11 AND 12 IN TOWNSHIP 52 SOUTH, RANGE 39 EAST" as recorded in Plat Book 1, at Page 102, 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 attached Exhibit A.

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.

<u>PRINT NAME</u>	<u>FOLIO NO.</u>	<u>ADDRESS</u>
Sapphire Nurseries, LLC Michael Sullivan, Manager	30-2911-001-0080	800 SE Monterey Commons Blvd. Suite 200, Stuart FL 34996
West Dade Nurseries, LLC Michael Sullivan, Manager	30-2911-001-0100 30-2911-001-0110	P.O. Box 2438 Beckley, WV 25802-2438
Rolling Hills Nurseries, LLC Michael Sullivan, Manager	30-2911-001-0331	800 SE Monterey Commons Blvd. Suite 200, Stuart, FL 34996
Vecellio & Grogan, Inc. Michael Sullivan, Manager	30-2911-001-0220 30-2911-001-0050	P.O. Box 2438 Beckley, WV 25802-2438
M-D-FLA Investments LLC Michael Sullivan, Manager	30-2911-001-0330	101 Sansbury Way West Palm Beach, FL 33411
Miami-Dade RE Investments, LLC Michael Sullivan, Manager	30-2911-001-0120	P.O. Box 2438 Beckley, WV 25802-2438

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):

· GROUNDS for REQUESTING PETITION and PROPOSED USE:

The proposed use for the dedicated roads to be vacated is rock mining excavation. Vacating the road R/Ws previously described will allow more efficient access to the rock processing site and operations and more use of the perimeters of the existing lake, and to future lakes in Section 11-52-39.

The R/Ws proposed to be vacated are not required for access by other owners in Section 11-52-39, and there are no utilities or other improvements in the R/W.

The applicant owns or controls all the properties adjacent to the subject R/Ws. These properties are being and will continue to be used for the activities and uses allowed by the Rock Mining Overlay Ordinance (ROZA) Section 33-422 of the Miami-Dade County Code.

The closure of the subject road R/Ws will benefit the County By:

- Removing the County's responsibility for the care and maintenance of the unimproved, un-needed right-of-ways.
- Eliminating any County liability that might result from the unauthorized access and use of the areas.
- Returning the responsibility to the property owner for controlling access to the lakes/excavations.
- Protecting the water quality in the existing and future lakes by reducing the possibility of illegal trash dumping and other harmful operations.
- Returning the right-of-way areas to the County tax rolls.

The closed R/W areas will also be used by the petitioner to access the remaining lake excavation operations, and to construct and maintain littoral shelves along the perimeter of the lakes, as required by the approved lake excavation plans and permits.

7. SIGNATURES OF ALL ABUTTING OWNERS : RESPECTFULLY SUBMITTED,

SIGNATURE

ADDRESS



Michael Sullivan, Manager

Sapphire Nurseries LLC
800 SE Monterey Commons Blvd, # 200
Stuart, FL 34996



Michael Sullivan, Manager

West Dade Nurseries LLC
P.O. Box 2438
Beckley, WV 25802-2438



Michael Sullivan, Manager

West Dade Nurseries LLC
P.O. Box 2438
Beckley, WV 25802-2438



Michael Sullivan, Manager

Rolling Hills Nurseries LLC
c/o Gunstar Yoakley
800 SE Monterey Commons Blvd, #200
Stuart, FL 34996



Michael Sullivan, V. P.

Vecellio & Grogan, Inc.
P. O. Box 2438
Beckley, WV 25802- 2438



Michael Sullivan, Manager

M D FLA Investments LLC
101 Sansburys Way
West Palm Beach, FL 33411



Michael Sullivan, Manager

Miami Dade RE Investments LLC
P.O. Box 2438
Beckley, WV 25802-2438



Michael Sullivan, V.P.

Vecellio & Grogan, Inc.
P.O. Box 2438
Beckley, WV 25802-2438

Attorney for Petitioner Kerr, Barsh, Esq.

Address: c/o Greenberg Traurig, 333 SE 2nd Ave., 44 Floor, Miami, FL 33131

Signature of Attorney not required

STATE OF FLORIDA

)
) SS

Palm Beach COUNTY

BEFORE ME, the undersigned authority, personally appeared by means of ☒ physical or [] online notarization Michael Sullivan, 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.

Michael Sullivan

(Signature of Petitioner)

Michael Sullivan, V.P.

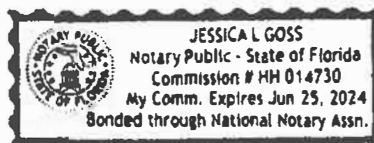
Vecellio & Grogan, Inc.

450 Royal Palm Way, 2nd Floor
Palm Beach, FL 33480

Sworn and subscribed to before me this

24 day of August, 2023

Jessica L Goss
Notary Public State of Florida at Large



My Commission Expires: 06/25/2024

EXHIBIT A

EXHIBIT "A"

N.W. 132nd Avenue - Section 11 - 52 - 39

LEGAL DESCRIPTION OF RIGHTS-OF-WAY TO BE VACATED IN SECTION 11, TOWNSHIP 52 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA.

- A. The East 15.00 feet of the North 1/2 of the N.W. 1/4 of Section 11, Township 52 South, Range 39 East, lying in Miami-Dade County, Florida, Less the North 15 feet thereof. Lands shown hereon containing 19,614 square feet, or 0.450 acres, more or less.
- B. The West 15.00 feet of the North 1/2 of the N.E. 1/4 of Section 11, Township 52 South, Range 39 East, lying in Miami-Dade County, Florida, Less the North 15 feet thereof. Lands shown hereon containing 19,614 square feet, or 0.450 acres, more or less.

SURVEYOR'S NOTES:

- This site lies in Section 11, Township 52 South, Range 39 East, Miami-Dade County, Florida.
- All documents are recorded in the Public Records of Miami-Dade County, Florida unless otherwise noted.
- Lands shown hereon were **NOT** abstracted for restrictions, easements and/or rights-of-way of records.
- Bearings hereon are referred to an assumed value of N 89°49'01" E for the South right-of-way line of N.W. 186th Street in Section 11-52-39, and evidenced by Set Nail & Disk & Set 1/2" Pipe & Cap LB3653.
- Dimensions and areas shown hereon based on right of way information as shown on Miami-Dade County Department of Public Works Right-of-Way Maps.
- Dimensions indicated hereon are field measured by electronic measurement, unless otherwise noted.
- Lands shown hereon containing 39,227 square feet, or 0.901 acres, more or less.
- All horizontal control measurements are within a precision of 1:10,000.
- This map is intended to be displayed at the graphic scale shown hereon or smaller.
- There was no attempt to determine visible underground improvements and/or underground encroachments.
- There are no visible utilities within the Right-of-Way to be vacated, except as shown and based on visual inspection only.
- Portion N.W. 132nd Avenue not open to the public at the time of the survey.

SURVEYOR'S CERTIFICATION:

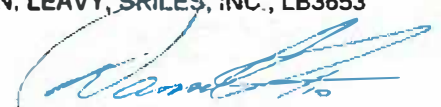
I hereby certify that this "Boundary Survey" was made under my responsible charge on July 19, 2023, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

The fieldwork was completed on July 19, 2023.

Not valid without the signature and original raised seal or a digital signature of the Florida Licensed Surveyor and Mapper shown below

FORTIN, LEAVY, SKILES, INC., LB3653

By:


Daniel C. Fortin Jr, For The Firm
Surveyor and Mapper, LS6435
State of Florida.

Drawn By	JJB
Cad. No.	230532
Ref. Dwg.	2018-046
Rev.:	
Plotted:	8/1/23 10:43a

BOUNDARY SURVEY	
FORTIN, LEAVY, SKILES, INC.	
CONSULTING ENGINEERS, SURVEYORS & MAPPERS	
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653	
180 Northeast 168th Street / North Miami Beach, Florida 33162	
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	

Date	7/19/23
Scale	n/a
Job. No.	230532
Dwg. No.	2023-076
Sheet	1 of 2



MEMORANDUM

(Revised)

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

DATE: September 4, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(I)

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(I)
9-4-24

RESOLUTION NO. R-741-24

RESOLUTION GRANTING PETITION TO CLOSE NW 132 AVENUE FROM NW 182 STREET TO NW 186 STREET (VACATION OF RIGHT-OF-WAY PETITION NO. P-1011) FILED BY VECELLIO & GROGAN, INC.

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-1011 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-1011 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 **Kevin Marino Cabrera** , 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 4th day of September, 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 read "Annery Pulgar Alfonso", written over a horizontal line.

Annery Pulgar Alfonso