

MEMORANDUM

Agenda Item No. 5(J)

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 SW 136 Court from SW 187 Street north for approximately 277 feet (Vacation of Right-of-Way Petition No. P-1018) filed by AG EHC II (LEN) Multistate 4, LLC, waiving the signature requirements of Resolution No. 7606 as to adjacent property owners, and subject to certain conditions

Resolution No. R-742-24

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: September 4, 2024

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-1018
Section: 2-56-39
SW 136 Court from SW 187 Street North for Approximately 277 Feet
Commission District: 8

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by AG EHC II (LEN) Multistate 4, LLC to vacate the subject portion of County right-of-way. If this petition is granted, the underlying lands will become incorporated into the plat of CAPLE FARMS WEST. The \$1,960.00 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-1018, attached to this Memorandum as Exhibit 2, following a public hearing, and contingent on the recording of the plat of CAPLE FARMS WEST, Tentative Plat T-25015. 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. The subject land has never been improved nor maintained by the County. Location maps are attached as Exhibit 1.

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 property adjacent to the subject portion of right-of-way at an average rate of \$3.90 per square foot. Therefore, the estimated value of the subject land is approximately \$27,483. If the subject right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$470 per year in additional property taxes. The fee for this vacation of right-of-way petition is \$1,960.00.

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.

Delegated Authority

There is no delegation of authority associated with this item.

Attachments: Exhibit 1 – Location and Aerial Maps, Exhibit 2 – Vacation of Right-of-Way Petition P-1018, Exhibit A – Sketch and Legal Description, Exhibit B – Tentative Plat T-25015

MDC002

Background

The owner of two of the properties abutting on the subject right-of-way, AG EHC II (LEN) Multistate 4, LLC, wishes to vacate SW 136 Court from SW 187 Street north for approximately 277 feet to incorporate the land into the proposed plat of CAPLE FARMS WEST, Tentative Plat T-25015. The proposed plat will dedicate a new road right-of-way for SW 136 Court to the east of its current location, thereby replacing the subject portion of right-of-way to be vacated. Therefore, the additional processing fee of 10 percent of the assessed value of the subject land does not apply to this petition.

Since the South Florida Water Management District (SFWMD) owns the canal right-of-way that abuts the west side of the subject portion of land, this petition was forwarded to SFWMD for review. SFWMD responded to the County with no objection to the granting of this vacation of right-of-way petition.

The subject right-of-way has never been improved nor maintained by the County. It includes areas of grass, trees, and bushes. This land was dedicated to the County for roadway purposes in 1973 by the Right-of-Way Deed recorded in Official Records Book 8508, at Page 1245, of the Public Records of Miami-Dade County, Florida. This site is zoned RU-1MA (Modified Single-Family Residential District).



Jimmy Morales
Chief Operating Officer

Location & Aerial Map
SECTION 2 TOWNSHIP 56 S RANGE 39 E

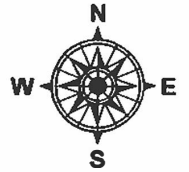
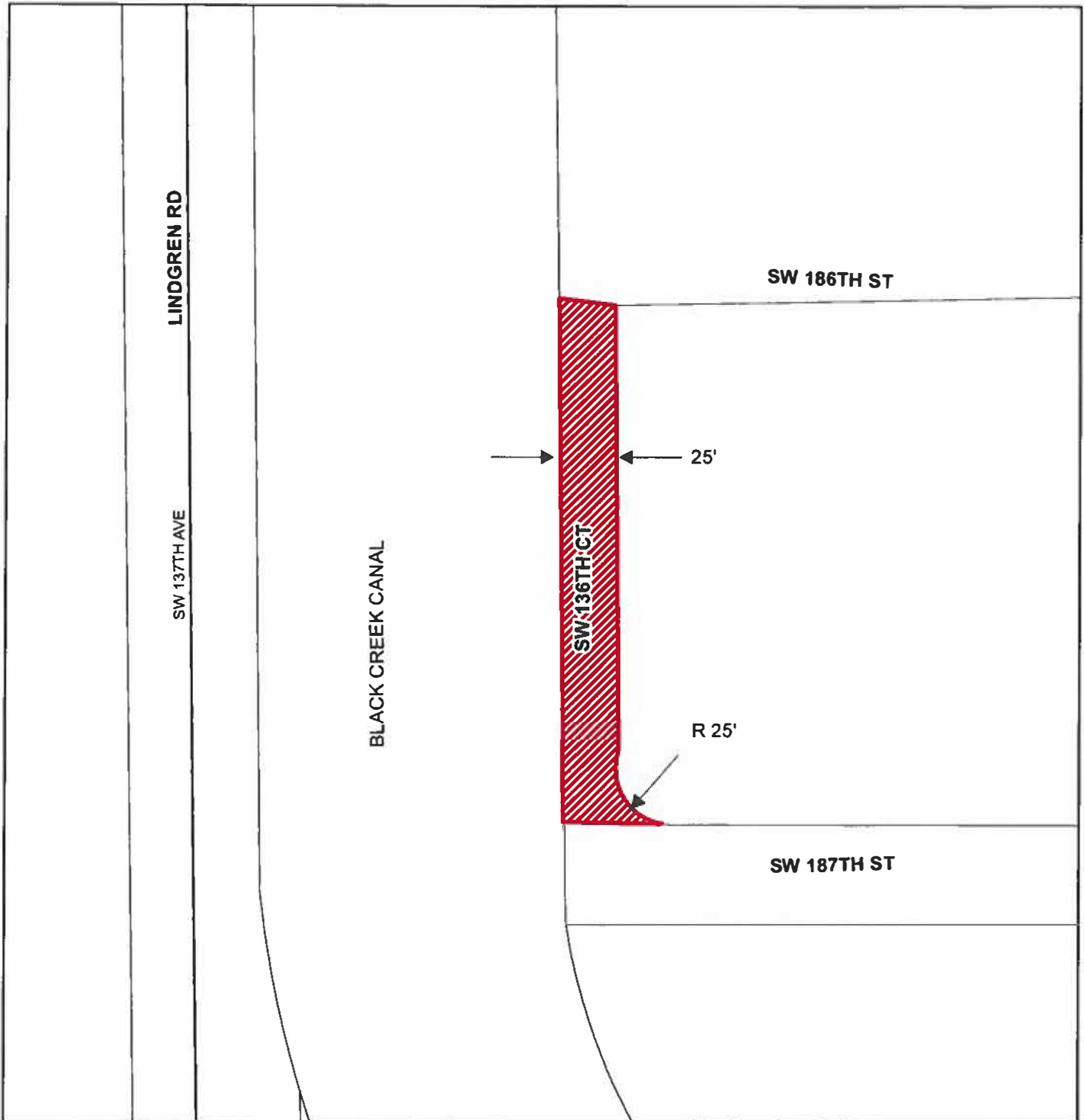


EXHIBIT 1



THIS IS NOT A SURVEY

P- 1018

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 8
Danielle Cohen Higgins

Legend

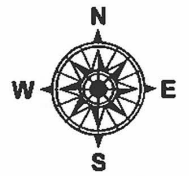
P-1018 Vacation of Right-of-Way

Date: 10/24/2023

Drawn By: A.Santelices

MDC004

Location & Aerial Map
SECTION 2 TOWNSHIP 56 S RANGE 39 E
EXHIBIT 1



THIS IS NOT A SURVEY

P- 1018

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 8
Danielle Cohen Higgins

Legend

P-1018 Vacation of Right-of-Way

Date: 10/24/2023
Drawn By: A.Santelices

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:

The East 25 feet of the West 220 feet of Lot 7 in the NW 1/4 of Section 2, Township 56 South, Range 39 East, of TROPICO, according to the plat thereof as recorded in Plat Book 2, at Page 57, of the Public Records of Miami-Dade County, Florida, LESS the South 25 feet thereof;

AND the area bounded by the North line of the South 25 feet of said Lot 7 and bounded by the East line of the West 220 feet of said Lot 7 and bounded by a 25-foot-radius arc concave to the Northeast, said arc being tangent to both of the last described lines.

See Sketch and Legal attached as 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):

The subject right-of-way was dedicated to the County by the Right-of-Way Deed recorded in Official Records Book 8508, at Page 1245, 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 Approved T-Plat attached as Exhibit "B".

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>
AG EHC II (LEN) MULTI STATE 4, LLC, a Delaware Limited Liability Company	30-6902-001-0260	13695 SW 186 Street
AG EHC II (LEN) MULTI STATE 4, LLC, a Delaware Limited Liability Company	30-6902-001-0241	None
South Florida Water Management District, Attn: Real Estate Management Section	30-6902-000-0040	(Canal)

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.



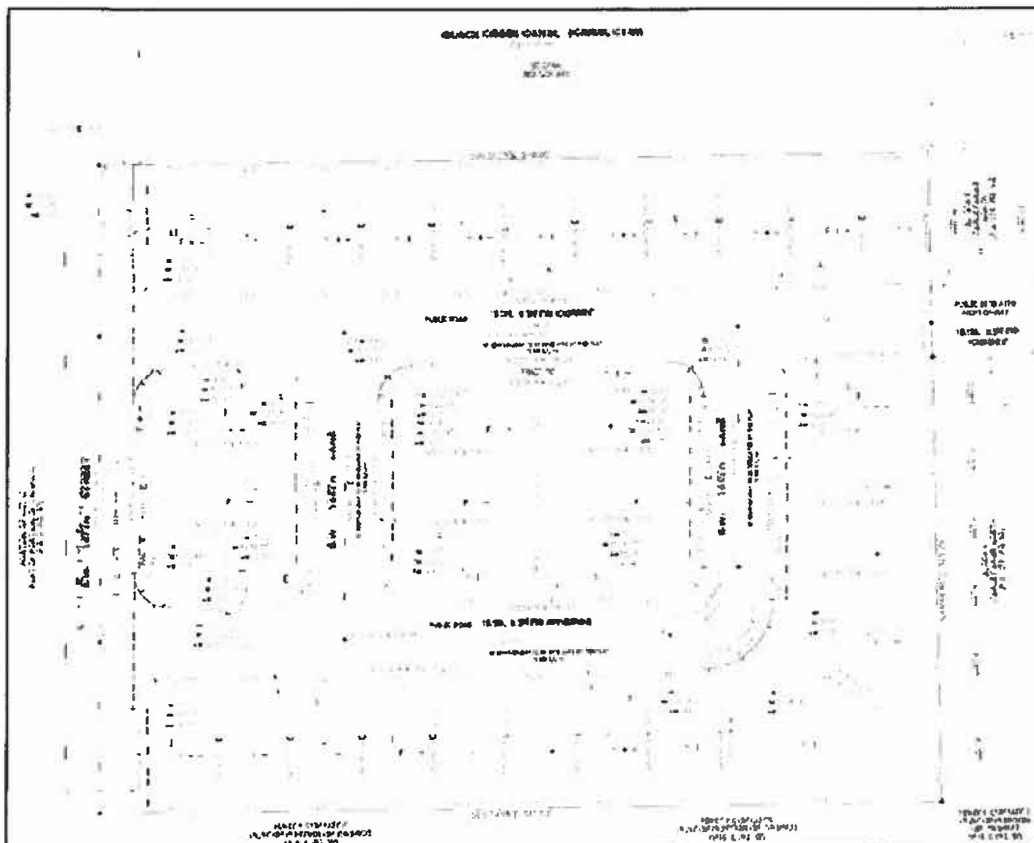
6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

The petitioner respectfully requests the vacation of the following portion of S.W. 136th Court as depicted in the aerial above and highlighted in green (the "Petition"). Please see the enclosed legal and sketch.

The requested right-of-way to be vacated is currently unimproved and is not used by the public for access. Certain portions of the requested right-of-way to be vacated consists of entirely unimproved land or dirt road used only by the undersigning abutting property owner.

The property abutting the right-of-way that is the subject of this Petition, as well as the vacant parcels to the north (on the other side of S.W. 186th Street), will be developed into a residential development that will provide its own privatized traffic connectivity network. In fact, approval of this Petition would allow for a proposed residential development to be developed with a far superior traffic connectivity design. As shown on the **Tentative Plat (T-25015)**, the proposed ~~private~~ roads will be open to the public (as approved pursuant to **Zoning Application No. Z2023000019**) and will have multiple ingress and egress points. Please see a portion of the T-Plat below.

Furthermore, should the Petition be approved, the developer would be required to receive the necessary approvals for the proposed traffic connectivity network design from all applicable reviewing departments and agencies prior to development. Such reviewing departments and agencies will include the Miami-Dade County Traffic Engineering Division and the Miami-Dade County Traffic and Platting Section. In turn, and as a result of the approval of the Petition, the private property land valuation assessments will yield an increase in contributions to the tax base.



7. Signatures of all abutting property owners:

SIGNATURE



AG EHC II (LEN) Multi State 4, LLC,
a Delaware limited liability company

PRINT FULL NAME

Steven S. Benson, Manager of Essential Housing Asset
Management, LLC, an Arizona limited liability
company, the Authorized Agent of AG EHC II (LEN)
Multi State 4, LLC

PROPERTY ADDRESS

13695 SW 186 Street
Folio No. 30-6902-001-0260
Folio No. 30-6902-001-0241

Attorney for Petitioner:

Hugo P. Arza, Esq.

Amanda M. Naldjieff, Esq.

Address: 701 Brickell Avenue, Suite 3300, Miami, FL 33131

(Signature of Attorney not required)

STATE OF ARIZONA

)

) SS:

MARICOPA COUNTY

)

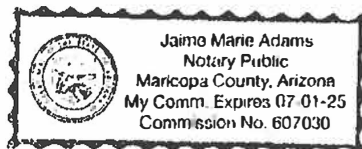
BEFORE ME, the undersigned authority, personally appeared
Steven S. Benson, Manager of Essential Housing Asset Management, LLC, an Arizona limited liability company, the Authorized Agent of AG EHC II (LEN) Multi State 4, LLC on behalf of **AG EHC II (LEN) MULTI STATE 4,**

LLC, a Delaware limited liability company, 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 by means of ☒ physical presence or ☐ online notarization this, 14 day of February, 2024, by Steven S. Benson, who is personally known to me or who has produced _____ as identification.



[NOTARIAL SEAL]


Print Name: Jaime Marie Adams
Notary Public, State of Arizona
Commission #: 607030
My Commission Expires: 07/01/2025

EXHIBIT A
SKETCH & LEGAL DESCRIPTION

EXHIBIT "A" SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LOCATION MAP

CAPLE FARMS WEST
PORTION OF THE NORTHWEST 1/4 OF SECTION 2,
TOWNSHIP 56 SOUTH, RANGE 39 EAST
MIAMI-DADE COUNTY, FLORIDA.
(NOT TO SCALE)



SITE
LOCATION



SURVEYOR'S NOTES:

- 1) This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
- 2) Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- 3) There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of TITLE COMMITMENT will need to be made to determine recorded instruments, if any affecting this property.
- 4) North arrow direction and Bearings shown hereon are based on an assumed value of S89°46'09"W, along the South line of LOT 7, TROPICO, Plat Book 2, Page(s) 57, Miami-Dade County Records, said line being a well monumented and established line.
- 5) The Sketch and Legal Description shown herein is based on the information shown on the recorded Plat of "TROPICO" as shown on Plat Book 2, at Page(s) 57 of the Public Records of Miami-Dade County, Florida.
- 6) No title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right-of-Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilized for.

Ford, Armenteros & Fernandez, Inc., LB #6557

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 sketch was prepared in accordance with the applicable provisions of Chapter 5J-17 Florida Administrative Code.

Date: SEPTEMBER 18th, 2023

REVISION 1: 01-30-2024 (REVISED SURVEY PER COUNTY COMMENTS)

OMAR ARMENTEROS P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA REG. No. 3679

CAPLE FARMS WEST - RIGHT-OF-WAY VACATION



FORD, ARMENTEROS & FERNANDEZ, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
DORAL, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF RECORD: SKETCH AND LEGAL DESCRIPTION			
LOCATION MAP, SURVEYOR'S NOTES AND SURVEYOR'S CERTIFICATE			
PREPARED FOR: LENNAR HOMES, LLC			
D. RODRIGUEZ		DATE: JANUARY 30th, 2024	SHEET: 1 of 3 SHEETS
DR. CHECKED BY:		SCALE: AS SHOWN	
PROJECT No: 23-042-1000			

EXHIBIT "A"
CAPLE FARMS WEST
LEGAL DESCRIPTION TO
ACCOMPANY SKETCH

LEGAL DESCRIPTION:

A PARCEL OF LAND, BEING A PORTION OF THE PUBLIC RIGHT-OF-WAY OF S.W. 136TH COURT DEDICATED AS PER OFFICIAL RECORDS BOOK 8508 AT PAGE 1245 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF LOT 7 IN THE NW 1/4 OF SECTION 2, TOWNSHIP 56 SOUTH, RANGE 39 EAST, OF TROPICO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 57 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND THE EASTERLY RIGHT-OF-WAY LINE OF THE BLACK CREEK CANAL (CANAL C1-W), SAID INTERSECTION ALSO BEING THE BEGINNING OF A CURVE CONCAVE EASTERLY, HAVING A RADIAL BEARING OF S87°57'13"W FROM ITS CENTER, SAID CURVE HAS A RADIUS OF 320.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 1°11'28" AN ARC DISTANCE OF 6.65 FEET TO A POINT OF TANGENCY; THENCE N00°51'19"W, FOR A DISTANCE OF 18.35 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE N00°51'19"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 276.53 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 7; THENCE DEPARTING FROM SAID EASTERLY RIGHT-OF-WAY LINE N89°15'24"E, ALONG THE SAID NORTH LINE OF LOT 7, FOR A DISTANCE OF 25.00 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE WEST 220 FEET OF SAID LOT 7; THENCE S00°51'19"E, ALONG THE SAID EAST LINE OF THE WEST 220 FEET OF SAID LOT 7, FOR A DISTANCE OF 252.03 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAS A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°22'32" AN ARC DISTANCE OF 39.00 FEET TO A POINT OF CUSP; THENCE S89°46'09"W, ALONG THE NORTH LINE OF THE SOUTH 25.00 FEET OF SAID LOT 7 FOR A DISTANCE OF 49.73 FEET TO THE POINT OF BEGINNING;

ALSO KNOWN AS:

THE EAST 25 FEET OF THE WEST 220 FEET OF LOT 7 IN THE NW 1/4 OF SECTION 2, TOWNSHIP 56 SOUTH, RANGE 39 EAST, OF TROPICO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 57, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 25 FEET THEREOF;

AND

THE AREA BOUNDED BY THE NORTH LINE OF THE SOUTH 25 FEET OF SAID LOT 7 AND BOUNDED BY THE EAST LINE OF THE WEST 220 FEET OF SAID LOT 7 AND BOUNDED BY A 25-FOOT-RADIUS ARC CONCAVE TO THE NORTHEAST, SAID ARC BEING TANGENT TO BOTH OF THE LAST DESCRIBED LINES.

SAID LANDS LYING AND SITUATE IN THE MIAMI-DADE COUNTY, FLORIDA, AND CONTAINING 7,047 SQUARE FEET AND/OR 0.16 ACRES, MORE OR LESS.

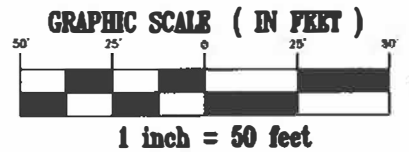
CAPLE FARMS WEST - RIGHT-OF-WAY VACATION



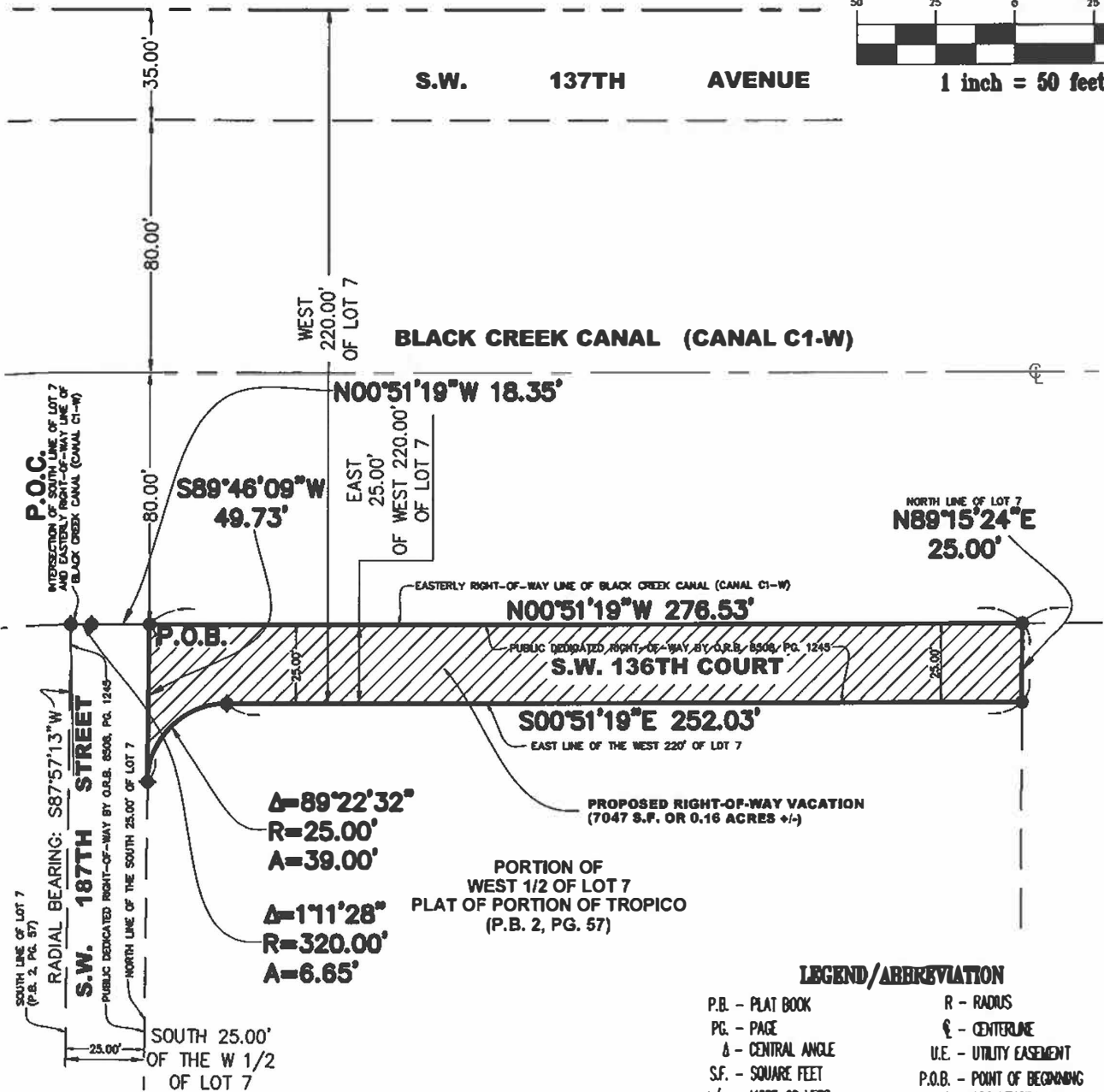
FORD, ARMENTEROS & FERNANDEZ, INC.
 1950 N.W. 94th AVENUE, 2nd FLOOR
 DORAL, FLORIDA 33172
 PH. (305) 477-6472
 FAX (305) 470-2805

TYPE OF PROJECT		SKETCH AND LEGAL DESCRIPTION	
		LEGAL DESCRIPTION TO ACCOMPANY SKETCH	
PREPARED FOR		LENNAR HOMES, LLC.	
BY		D. RODRIGUEZ	DATE: JANUARY 30th 2024
DRAWN BY			SCALE: AS SHOWN
PROJECT No.		23-042-1000	SHEET 2 OF 3 SHEETS

EXHIBIT "A" CAPLE FARMS WEST SKETCH TO ACCOMPANY LEGAL DESCRIPTION



© 2024 FORD COMPANIES Engineering & Surveying Survey/Station & Legal/23-042-1000 SKETCH & LEGAL/23-042-1000 CAPLE FARMS WEST S&L RW VACATION.dwg



CAPLE FARMS WEST - RIGHT-OF-WAY VACATION



FORD, ARMENTEROS & FERNANDEZ, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
DORAL, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION		
	SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
PREPARED FOR:	LENNAR HOMES, LLC.		
BY:	D. RODRIGUEZ	DATE:	JANUARY 30th, 2024
DATE:		SCALE:	AS SHOWN
PROJECT No:	23-042-1000	SHEET:	3
			OF 3 SHEETS

MDC013

EXHIBIT B
Tentative Plat T-25015

A REPLAT OF THE WEST 1/2 OF LOTS 6 & 7, OF TROPICO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT
 PAGE 57, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE NORTHWEST 1/4 OF SECTION 2,
 TOWNSHIP 36 SOUTH, RANGE 39 EAST, CITY OF FLORIDA CITY, MIAMI-DADE COUNTY, FLORIDA

E WEST 1/2 OF LOTS 6 & 7, OF TROPICO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 36 SOUTH, RANGE 39 EAST, CITY OF FLORIDA CITY, MIAMI-DADE COUNTY, FLORIDA



TRACT DESIGNATION TABLE	
TRACT "A"	LANDSCAPE, CONCEPT OF OPEN SPACE AND UTILITY BASED ON TRACT
TRACT "B"	LANDSCAPE, CONCEPT OF OPEN SPACE AND UTILITY BASED ON TRACT

TABLE OF MONUMENTS	
TYPE OF MONUMENT	TOTAL
P.E.M.	4
P.C.P.	10
LOVE AND TRACTS COMBINED	64

DEVELOPMENT CRITERIA TABLE FOR THIS PLAT	
EXISTING ZONING:	R1-14(a)
PROPOSED USE:	SINGLE FAMILY HOMES
	33 SINGLE FAMILY HOMES
	GROSS DENSITY 0.52 UNITS PER ACRE
	NET DENSITY 0.88 UNITS PER ACRE
	2. TRACTS

CONTACT PERSON INFORMATION	
Name: David Subyanc	e-mail address: dsubyanc@msn.com
Name: David Armstrong, P.E.	e-mail address: darmstrong@msn.com
Name: Cristina Pires	e-mail address: cp@engranger.com
Phone: 800-875-4272	

PROPERTY INFORMATION

OWNER: AD INC II (US) SOUL STATE 4, LLC

POLD No.: 30-6808-001-0841 and 30-6808-001-0840

APPLICANT:

LENDOR: HUNTER, LLC

CONTACT: Penny Perkins

Address: 10000 State Lakeside Drive Ste Three, Miami, FL 33126

Phone: 305-443-1111

Email: Penny.Perkins@hunter.com

LEGAL DESCRIPTION:

APRIL 5
THE WEST HALF OF LOT 4, LESS THE WEST 30 FEET PORTION CONVEYED TO BADE COUNTY BY MOHIC-OF-WAY DEED RECORDED IN DEED BOOK PAGE 439 AND ALSO LESS BLACK CREEK CANAL IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 36 SOUTH, RANGE 36 EAST, PLAT 1 PART OF PORTION OF TRINIDAD ACCORDING TO THE PLAT RECORDS RECORDED IN PLAT BOOK 2, PAGE 37 OF THE PUBLIC RECORDS OF WIND-DASE COUNTY, FLORIDA.

MAY 2 MAY OF 1957, LESS THE WEST 30 FEET THEREOF CONVEYED TO DADE COUNTY BY DEED-OF-BUY DEED RECORDED IN DEED BOOK 1952, PAGE 438 AND ALSO LESS BLACK CREEK CANAL, IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 30 SOUTH, RANGE 35 EAST, PLAT OF PORTION OF WINDOLP, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 57 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ALSO LESS AND EXCEPT THAT PORTION HEREOF CONVEYED TO DADE COUNTY BY DEED-OF-BUY DEED TO DADE COUNTY RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, PAGE 1346 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

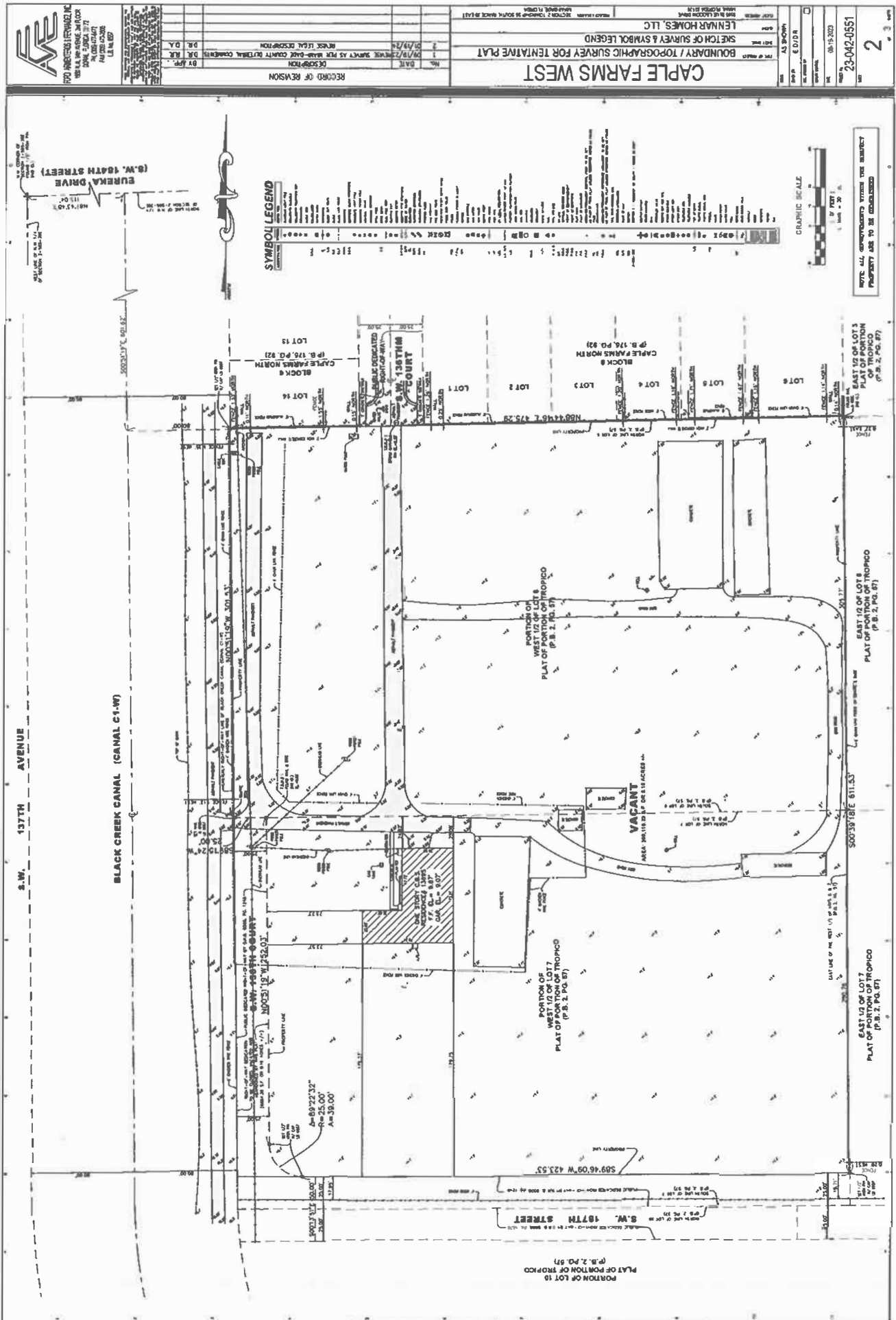
SURVEYOR'S NOTES:

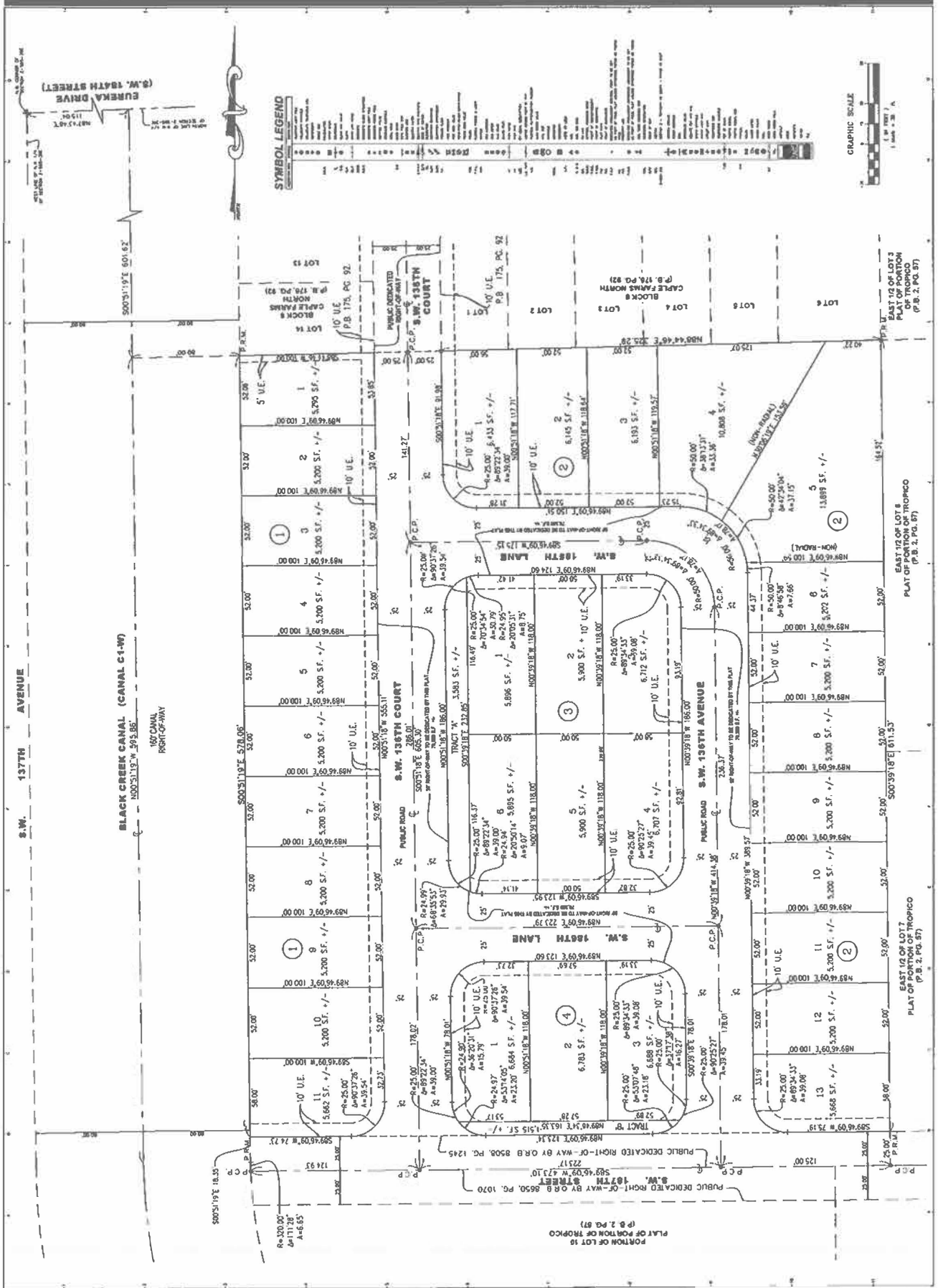
- [illegible]

SURVEYOR'S CERTIFICATE:

[illegible]

Order Armatierba, P.S.M., For the Firm
Professional Surveyor and Mapper
State of Florida, Registration No. 38778







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(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)
9-4-24

RESOLUTION NO. R-742-24

RESOLUTION GRANTING PETITION TO CLOSE SW 136 COURT FROM SW 187 STREET NORTH FOR APPROXIMATELY 277 FEET (VACATION OF RIGHT-OF-WAY PETITION NO. P-1018) FILED BY AG EHC II (LEN) MULTISTATE 4, LLC, WAIVING THE SIGNATURE REQUIREMENTS OF RESOLUTION NO. 7606 AS TO ADJACENT PROPERTY OWNERS, 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-1018 was signed by the owner of two of the three properties abutting on the right-of-way sought to be closed; and

WHEREAS, although it did not sign the petition, the South Florida Water Management District, owner of one property abutting on the right-of-way sought to be closed, advised the Department of Transportation and Public Works that it did not object to this right-of-way being vacated; 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. Resolution No. 7606 is waived to the extent that it requires the signatures of all adjacent property owners on the petition to close a road.

Section 3. Vacation of Right-of-Way Petition No. P-1018 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 4 below.

Section 4. 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 "CAPLE FARMS WEST" (Tentative Plat T-25015). 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 5. It is found that the action will serve a public purpose and benefit the public without violating private property rights.

Section 6. The procedure utilized in the adoption of this resolution is expressly ratified and approved.

Section 7. 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 8. 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 4 have been met, to be permanently stored alongside this resolution.

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.

Lauren E. Morse