

MEMORANDUM

Agenda Item No. 5(G)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: January 22, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition to
close a portion of Right-of-Way
along the south side of the
intersection of NE 181 Street and
NE 25 Place (Vacation of Right-
of-Way Petition No. P-1007)
filed by 18050 W Investments
LLC

Resolution No. R-30-25

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



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: January 22, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Vacation of Right-of-Way Petition P-1007
Section: 9-52-42
A Portion of Right-of-Way Along the South Side of the Intersection of NE 181 Street and
NE 25 Place
Commission District: 4

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by 18050 W Investments LLC 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 \$6,560.00 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-1007, 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 portion of right-of-way is located within District 4, which is represented by Commissioner Micky Steinberg.

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 \$50.00 per square foot. Therefore, the estimated value of the subject land is approximately \$46,000. If the subject portion of right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$785 per year in additional property taxes. The fee for this vacation of right-of-way petition is \$6,560.00.

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 & Aerial Maps, Exhibit 2 – Vacation of Right-of-Way Petition P-1007, Exhibit A – Sketch & Legal Description, Exhibit B – Boundary Survey

Background

The owner of both abutting properties wishes to close the subject portion of right-of-way lying along the south side of the intersection of NE 181 Street and NE 25 Place so that the underlying land becomes incorporated into his abutting properties. The abutting properties are zoned OUAD (Ojus Urban Center).

The subject portion of right-of-way has never been improved nor maintained by the County and is covered with grass and trees. It was dedicated to the County in 1925 by the plat of OJUS PARK, as recorded in Plat Book 14, at Page 47, of the Public Records of Miami-Dade County, Florida.



Jimmy Morales
Chief Operating Officer

Location & Aerial Map
SECTION 09 TOWNSHIP 52 RANGE 42

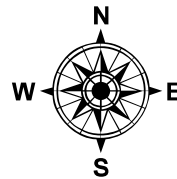
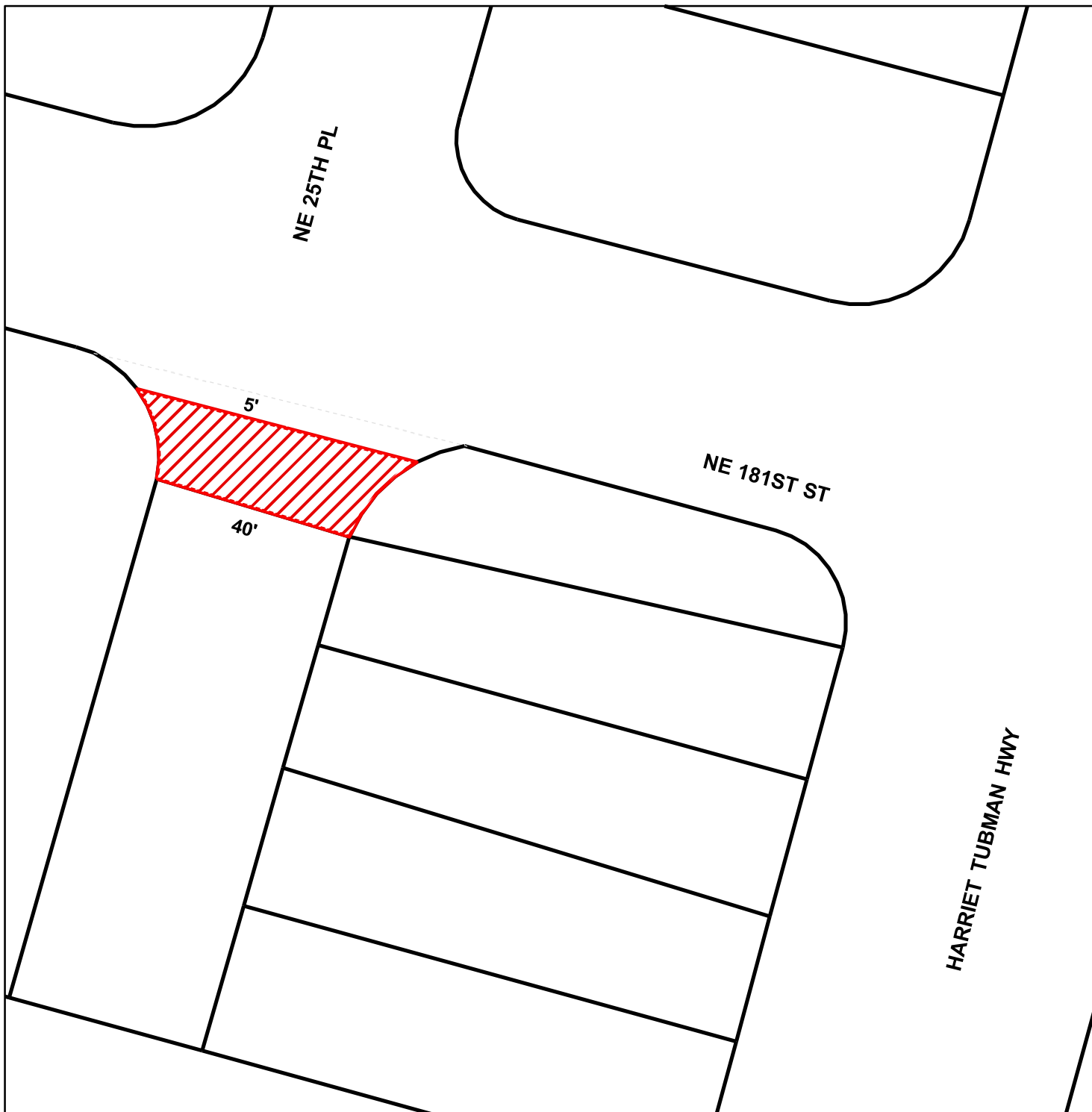


EXHIBIT "1"



THIS IS NOT A SURVEY

P- 1007

Municipality: Unincorporated
Commission District 4
Micky Steinberg

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

Date: August 22, 2023
Drawn By: A.Santelices



P-1007 Road Closing

MDC004

Location & Aerial Map

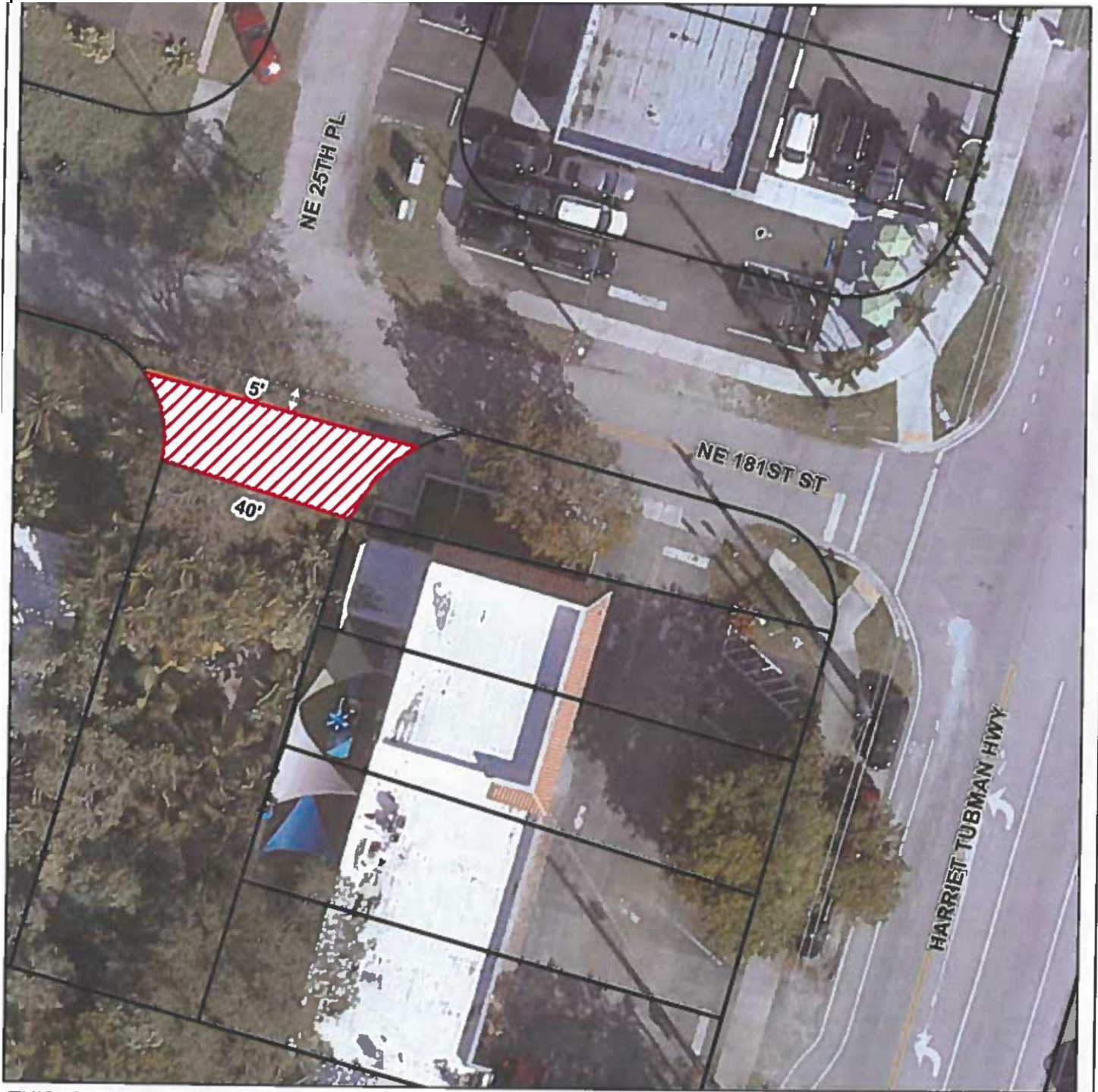
SECTION 09 TOWNSHIP 52 RANGE 42

EXHIBIT "1"

N

W.E

S



THIS IS NOT A SURVEY

P-1007

Municipality: Unincorporated
Commission District 4
Micky Steinberg

V///ffi1///4J

P-1007 Road Closing

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

Date: August 22, 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:

I. 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.

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 portion of land was dedicated to Miami-Dade County for right-of-way by the plat of OJUS PARK, recorded in Plat Book 14, at Page 47, 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.

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
<u>18050 W INVESTMENTS LLC</u>	<u>30-2204-009-0680</u>	<u>2560 NE 181 St. Miami, FL</u>
<u>18050 W INVESTMENTS LLC</u> Authorized Individual: Samir Dichy	<u>30-2204-009-0700</u>	<u>18050 W. Dixie Hwy,</u> MiJl.mi., FL

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):

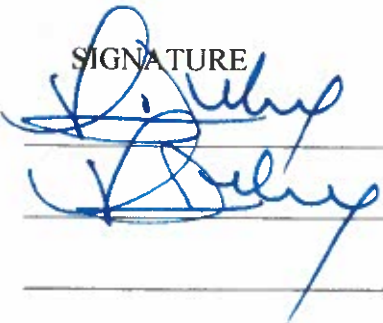
- THE CARVED PIECE OF LAND FROM THE PLAT DOESN'T EXIST IN REALITY "IN LOCO"
- THE PROPERTY APPRAISER MAP DOESN'T SHOW IT.
- THE ZONING MAP DOESN'T SHOW IT.
- WE PURCHASED THE 2 LOTS FOR REDEVELOPMENT AND IT WOULD HURT VERY MUCH THE PROJECT.
- THERE IS NO PUBLIC USE FOR THIS PIECE OF LAND.

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE

ADDRESS



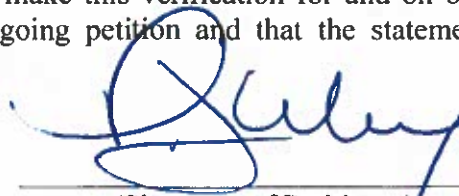
1541 SUNSET A. #303 - CORAL GAB/ES 23143
1541 SUNSET A. #303 CORAL GAB/ES 33143

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

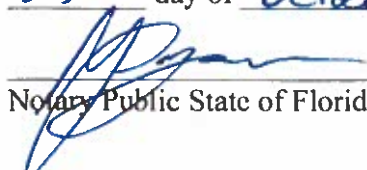
BEFORE ME, the undersigned authority, personally appeared by means of ☒ physical or
[] online notarization SAMIR DICHY, who first by me duly sworn, deposes
and says that he she is one of the petitioners named in and who signed the foregoing
petition; that he she is duly authorized to make this verification for and on behalf of all
petitioners; that he she has read the foregoing petition and that the statements therein
contained are true.



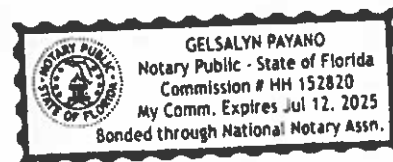
(Signature of Petitioner)

Sworn and subscribed to before me this

25 day of October, 2022



Notary Public State of Florida at Large



My Commission Expires: _____

EXHIBIT "A"

SKETCH & LEGAL DESCRIPTION "ROAD CLOSURE" EXHIBIT "A"

LEGAL DESCRIPTION:

A portion of Foster Street (now known as N.E. 181st. Street) as shown on recorded plat of "OJUS PARK", according to the plot thereof as recorded in Plat Book 14, at Page 47, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Lot 7, in Block 6 of said "OJUS PARK", Thence run Southeasterly along the North line of said Block 6, for a distance of 75.00 feet to a point of curvature of a circular curve, concave to the Southwest and having for its elements a Radius of 25 feet and a Central Angle of 36°52'12"; Thence run Southeasterly along the arc of said circular curve for an arc distance of 16.09 feet to a point of intersection on the curve with a line that lies 25 feet Southwesterly of the centerline of N.E. 181st. Street (Foster Street per aforementioned plot) and also being the Point of Beginning of hereinafter described parcel of land:

Thence continue Southeasterly along the arc of said circular curve, having for its elements a Radius of 25 feet and a Central Angle of 53°07'48"; Thence run Southeasterly along the arc of said circular curve for an arc distance of 23.18 feet to a point of tangency on the Easterly line of Lot 8, in said Block 6 of "OJUS PARK"; Thence run Southeasterly along the North line of Lot 9, in said Block 6 of "OJUS PARK" for a distance of 40.00 feet to a point of tangency (said point also being the Northwest Corner of Lot 11, in said Block 6 and the Southwest corner of Lot 10, in said Block 6) of a circular curve, concave to the Southeast, and having for its elements a Radius of 25 feet and a Central Angle of 53°07'48"; Thence run Northeasterly along the arc of said circular curve for an arc distance of 23.18 feet to a point of intersection on the curve with a line that lies 25 feet Southwesterly of the centerline of N.E. 181st. Street (Foster Street per aforementioned plot); Thence run Northwesterly along said line that lies 25 feet Southwesterly of the centerline of N.E. 181st. Street (Foster Street per aforementioned plot) for a distance of 60.00 feet to the Point of Beginning.

said described parcel of land containing 920 square feet, more or less.

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 are prohibited without written consent of the signing party or parties.
- 3) There may be additional Restrictions not shown on this survey that may be found in the Public Records of this County, Examination of ABSTRACT OF TITLE will have to be made to determine recorded instruments, if any affecting this property.
- 4) No Title search 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.
- 5) North arrow direction as shown on aforementioned recorded plot.

SURVEYOR'S CERTIFICATE:

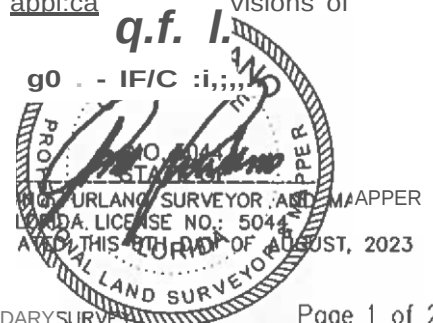
I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon.

I further certify that this survey was prepared in accordance with the applicable provisions of Chapter 5J-17, Florida Administrative Code.



3546 WEST 86 TERRACE
HIALEAH, FLORIDA 33018
PHONE: 786-416-1018
FAX: 305-817-9709
jafsurveyorsinc@gmail.com

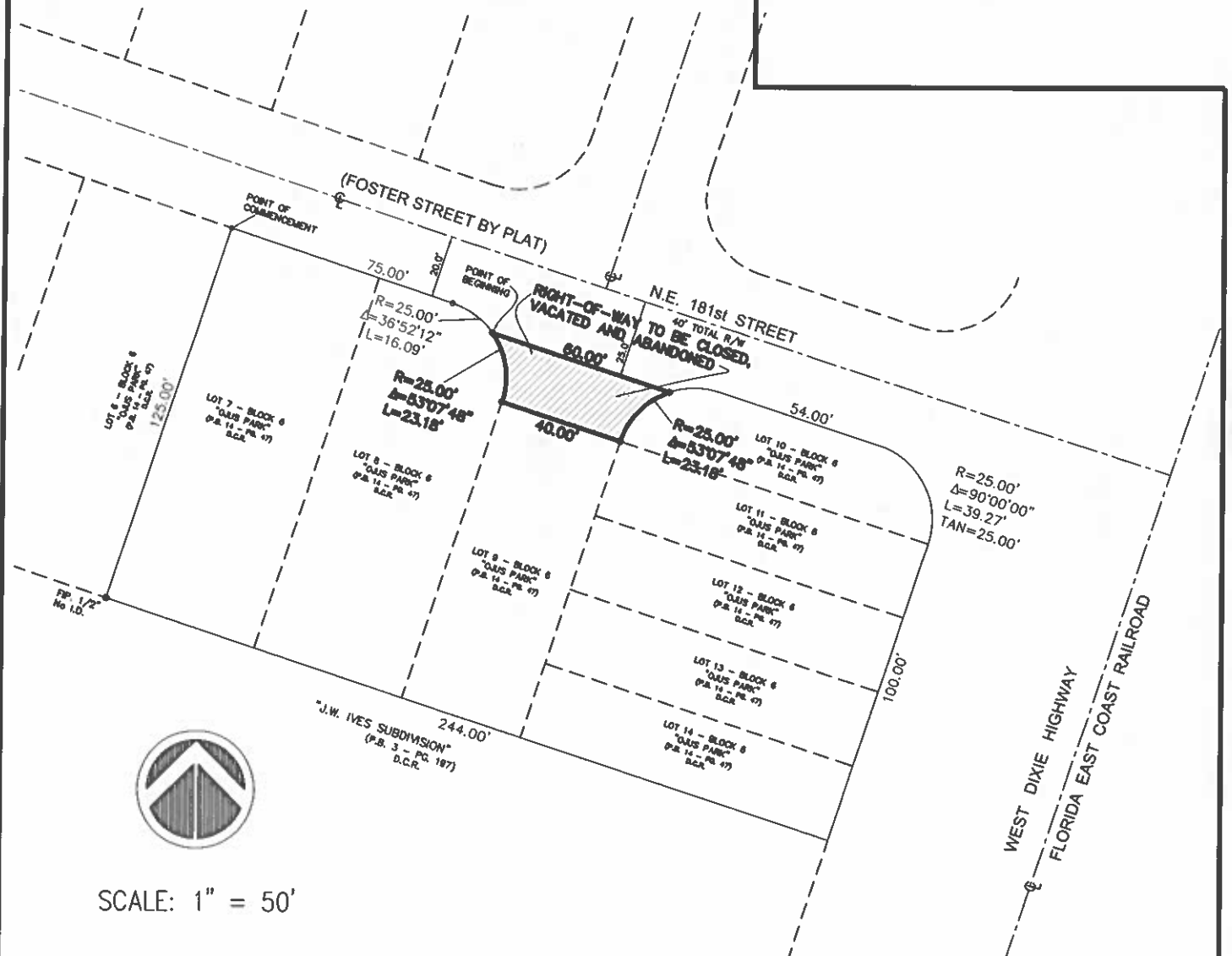
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NOTE: This Sketch is NOT A BOUNDARY SURVEY.

Page 1 of 2

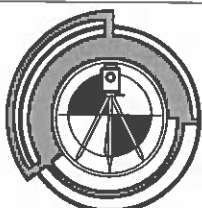
SKETCH & LEGAL DESCRIPTION "ROAD CLOSURE" EXHIBIT "A"



SCALE: 1" = 50'

LEGEND

-  = CENTERLINE
-  = DENOTES RIGHT-OF-WAY TO BE CLOSED



**J A F SURVEYING
SERVICES, INC.**

3546 WEST 86 TERRACE
HIALEAH, FLORIDA 33018
PHONE: 786-416-1018
FAX: 305-817-9709
jafsurveyorsinc@gmail.com

NOTE: This Sketch is NOT A BOUNDARY SURVEY.

Page 2 of 2

MDC012

EXHIBIT "B"



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: January 22, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(G)

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 ____, majority plus one ____, 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) ____, 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(G)
1-22-25

RESOLUTION NO. R-30-25

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF
RIGHT-OF-WAY ALONG THE SOUTH SIDE OF THE
INTERSECTION OF NE 181 STREET AND NE 25 PLACE
(VACATION OF RIGHT-OF-WAY PETITION NO. P-1007) FILED
BY 18050 W INVESTMENTS LLC

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-1007 was signed by the owner 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-1007 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 **Eileen Higgins** , 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:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 22nd day of January, 2025. 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 dark ink, appearing to read "Annery Pulgar Alfonso", is written over a horizontal line.

Annery Pulgar Alfonso