

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 5(F)

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

DATE: February 4, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition to close a southerly portion of SW 294 Street from 330 feet east of the centerline of SW 165 Avenue east for approximately 669 feet (Vacation of Right-of-Way Petition No. P-1020) filed by JASA 1019 LLC and waiving the signature requirements of Resolution No. 7606 as to adjacent property owners

Resolution No. R-113-25

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



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Memorandum



Date: February 4, 2025

To: Honorable Chairman Anthony Rodriguez
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-1020
Section: 5-57-39
A Southerly Portion of SW 294 Street from 330 Feet East of the Centerline of SW 165
Avenue East for Approximately 669 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 JASA 1019 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 property. The \$3,878.62 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-1020, 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 \$5.74 per square foot. Therefore, the estimated value of the subject land is approximately \$19,186. If the subject right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$327 per year in additional property taxes. The fee for this vacation of right-of-way petition is \$3,878.62.

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.

Attachments: Exhibit 1 – Location & Aerial Maps, Exhibit 2 – Vacation of Right-of-Way Petition P-1020, Exhibit A – Sketch & Legal Description, Exhibit B – Tentative Plat T-25041, Exhibit C – Certified Mail to Adjacent Property Owner

Delegated Authority

There is no delegation of authority associated with this item.

Background

The owner of two of the three properties abutting on the subject right-of-way wishes to close a five-foot-wide portion of right-of-way along the south side of SW 294 Street from 330 feet east of the centerline of SW 165 Avenue east for approximately 669 feet so that the underlying land becomes incorporated into his abutting property to facilitate the development of an apartment complex on this site. This project is associated with the proposed plat of MAGNOLIA POINT, Tentative Plat T-25041. The tentative plat is attached for reference as Exhibit B, although this vacation of right-of-way petition is not contingent upon the recording of the plat.

The abutting property owner who did not sign this petition was notified of it by certified mail, a copy of which is attached as Exhibit C. No objection or other reply was received from that owner in response to the certified mail that was sent.

The subject portion of right-of-way has never been improved nor maintained by the County. It consists of raw land covered with trees and heavy brush. The subject portion of land is included in the 30-foot-wide strip of right-of-way along the south side of the centerline of SW 294 Street that was dedicated to the County in 1929 by the "REVISED PLAT OF BLOCKS 1 AND 6 AND THE E. 1/2 OF BLOCKS 2 AND 5 OF PLAZA CORONADO" as recorded in Plat Book 35, at Page 5, of the Public Records of Miami-Dade County, Florida.

Chapter 28 of the County Code requires a minimum total street right-of-way width of 50 feet. This has historically been interpreted as 25 feet on each side of the street centerline. Therefore, the subject 5-foot-wide strip of right-of-way sought to be vacated lies in excess of what is required by the County Code. If this vacation of right-of-way petition is granted and the proposed development of this site occurs, the required roadway improvements would be constructed within the remaining 25-foot-wide right-of-way along the south side of SW 294 Street.



Jimmy Morales
Chief Operating Officer

Location & Aerial Map

SECTION 5 TOWNSHIP 57 RANGE 39 E

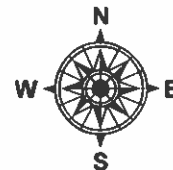
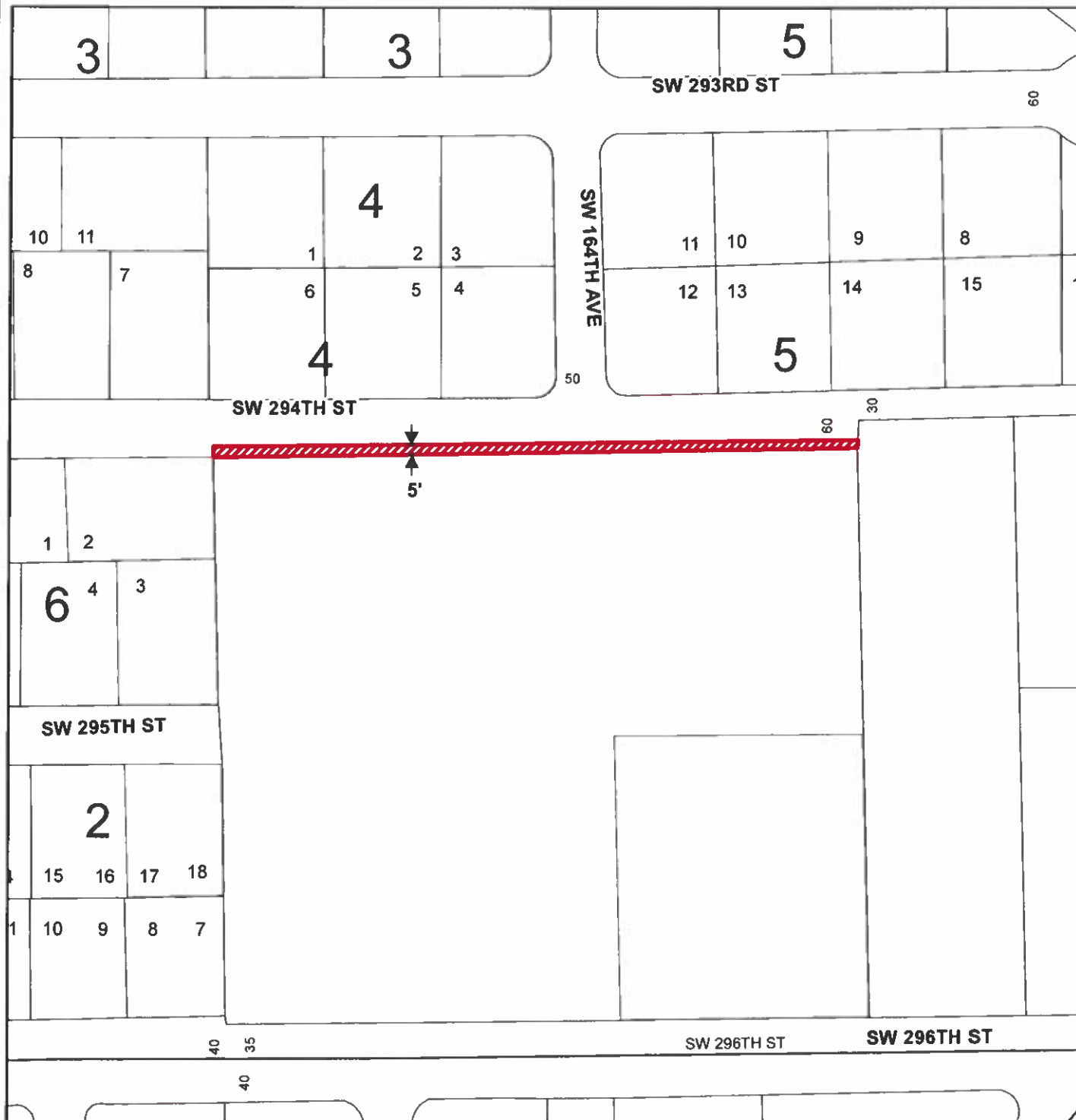


EXHIBIT 1



THIS IS NOT A SURVEY
NOT TO SCALE

Legend 
P-1020 Road Closing

P- 1020

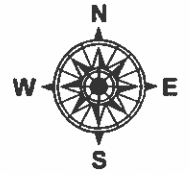
MIAMI-DADE COUNTY
Department of Transportation and Public Works
Right-of-Way Division
111 NW 1st Street, 1610
Miami, Florida 33128
PH (305) 375-2714

Municipality: Unincorporated
Commission District 8
Danielle Cohen Higgins

Date: 6-7-2024
Drawn By: A.Santelices

MDC004

Location & Aerial Map
SECTION 5 TOWNSHIP 57 RANGE 39 E
EXHIBIT 1



THIS IS NOT A SURVEY
NOT TO SCALE

Legend 
P-1020 Road Closing

P- 1020

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

Date: 6-7-2024
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:

See attached Exhibit "A"

The subject land was dedicated to Miami-Dade County in 1929 by the "Revised Plat of Plaza Coronado," as recorded in Plat Book 35, at Page 5, of the Public Records of Miami-Dade County, Florida.

See attached Exhibit B.

[illegible]

MDC007

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):

Minor roadway with existing 30' right of way; only 25' required; closing 5'

7. Signatures of all abutting property owners: Respectfully submitted,
SEE ALSO EXHIBIT "C" FOR CERTIFIED MAIL SENT TO ADJACENT OWNER WHO DID NOT SIGN.

SIGNATURE

ADDRESS

Luis Ponce

16444 SW 294 ST Miami, FL 33033-2118

JASA 1019 LLC

8820 SW 153 TER Miami, FL 33157

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

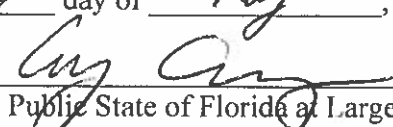
STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared by means of [☒] physical or
[] online notarization MERRILL J. TAUB, 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.

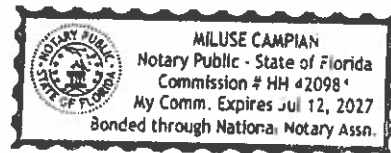


(Signature of Petitioner)

Sworn and subscribed to before me this

16th day of May, 2024


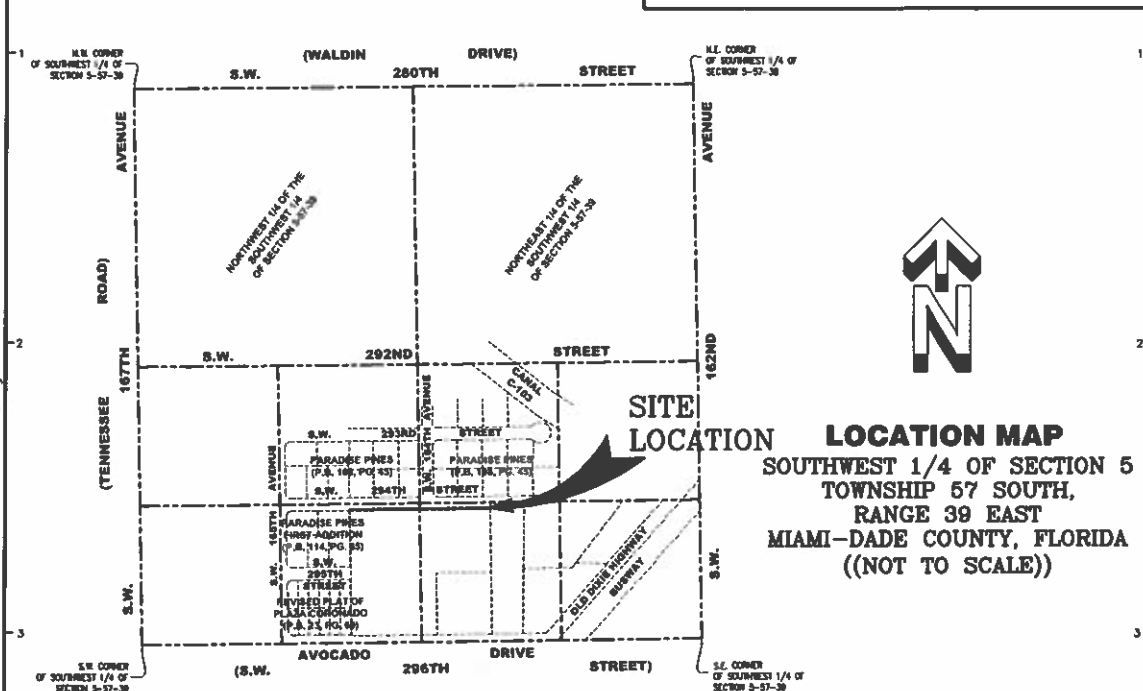
Notary Public State of Florida at Large



My Commission Expires: 7/12/27

EXHIBIT A
SKETCH & LEGAL DESCRIPTION

EXHIBIT "B" "A"
(SHEET ONE)



LOCATION MAP
SOUTHWEST 1/4 OF SECTION 5
TOWNSHIP 57 SOUTH,
RANGE 39 EAST
MIAMI-DADE COUNTY, FLORIDA
((NOT TO SCALE))

SURVEYOR'S NOTES:

- 1) This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
- 2) North arrow direction shown hereon is based on assumed value of N89°16'44"E, along the North Line of the West 1/2, SW 1/4, SE 1/4, SW 1/4 of Section 5-57S-36E, Miami-Dade County, Florida.
- 3) 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.
- 4) 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 have to be made to determine recorded instruments, if any affecting this property.
- 5) The Sketch and Legal Description shown herein is based on the information provided by the Client.
- 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.

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-17.051 (Formerly 61G17-6), Florida Administrative Code, and conforms to the Standards of Practices set forth by the Florida Board of Land Surveyors and Mappers pursuant to Section 472.027, Florida Statutes.

Ford, Armenteros & Fernandez, Inc.
L.B. #6557

Date: NOVEMBER 16th, 2022
Date:

By:  **Ricardo Rodriguez, P.S.M., for the firm**
Professional Land Surveyor
State of Florida, LS No. 5936

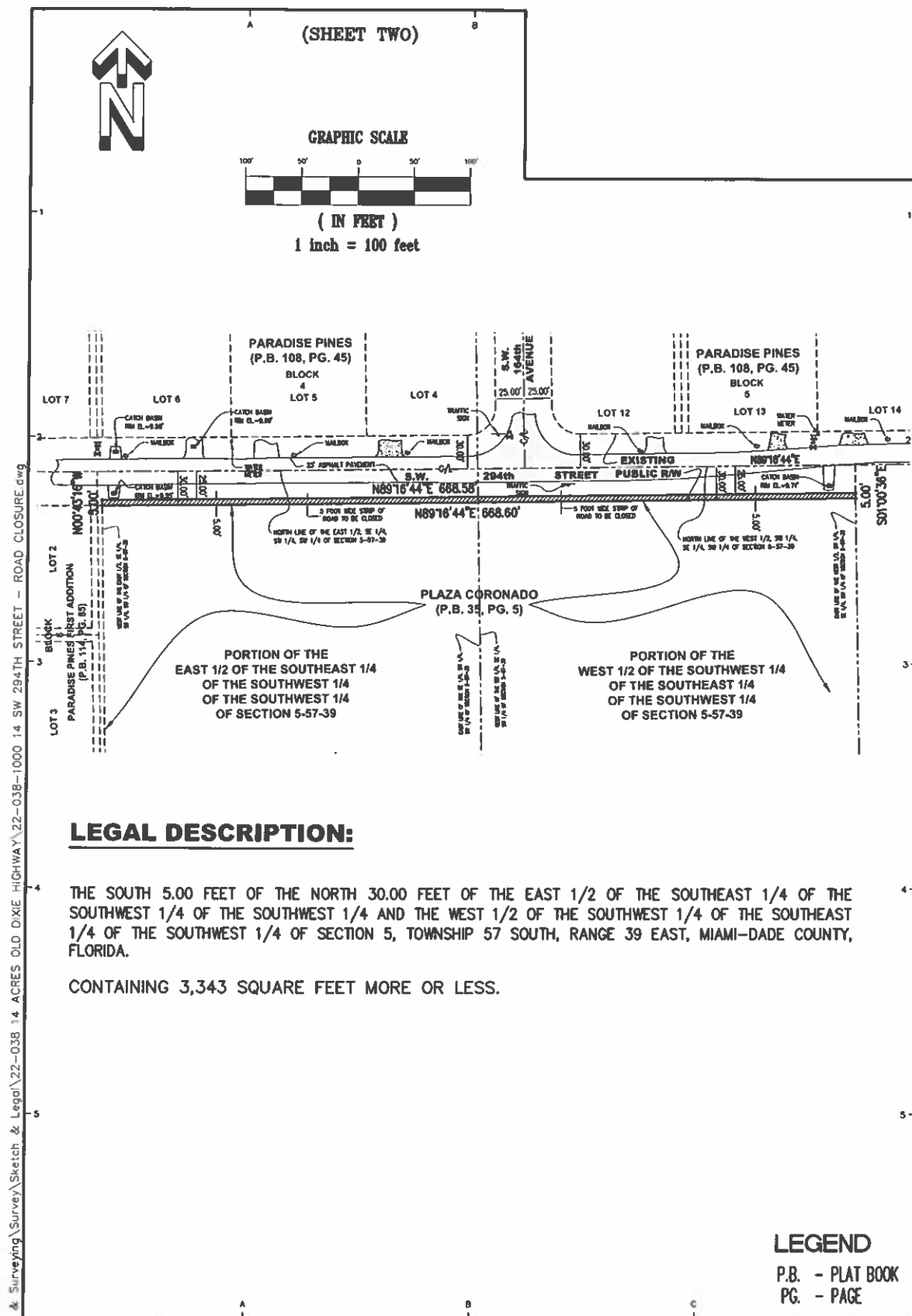
SW 294TH STREET - ROAD CLOSURE



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	
SHEET NAME: LOCATION MAP AND SURVEYOR'S NOTES	
PREPARED FOR: 296 LEGACY LLC	
DRAWN BY: R.R.	DATE: NOVEMBER 16, 2022
DRAWN CHECKED BY:	SCALE: N/A
CHECKED BY:	PROJECT No: 22-038-1000

1
of 2 SHEETS



SW 294TH STREET - ROAD CLOSURE			
	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		
	SHEET NAME: SKETCH AND LEGAL DESCRIPTION		
	PREPARED FOR: 296 LEGACY LLC		
	DRAWN BY: R.R.	DATE: NOVEMBER 16, 2022	SHEET:
DMC CHECKED BY:	SCALE: AS SHOWN	of 2 SHEETS	
CHECKED BY:	PROJECT No: 22-038-1000		

EXHIBIT B
Tentative Plat T-25041

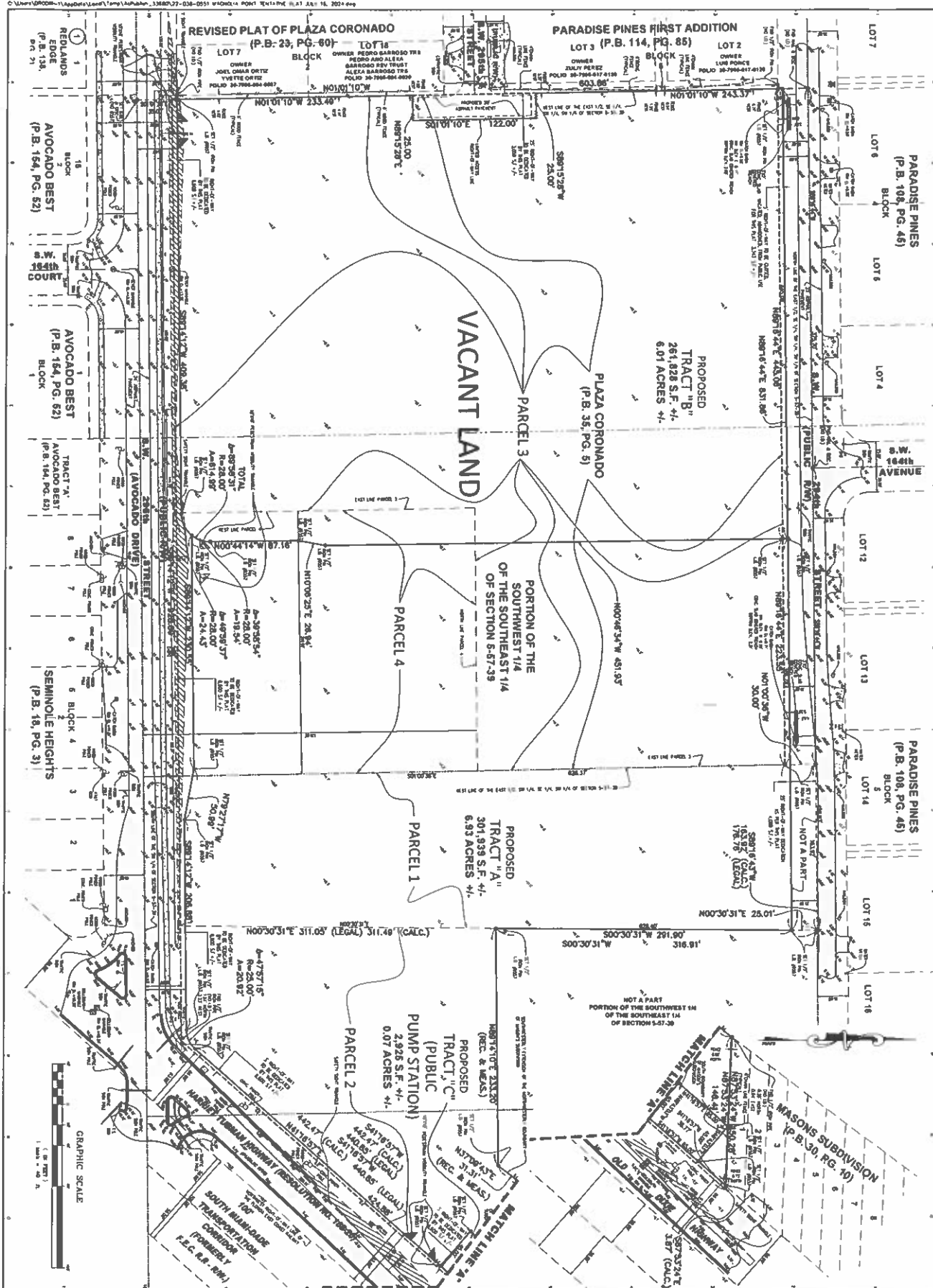


EXHIBIT C
Certified Mail Notification

JASA 1019 LLC
c/o 296 Legacy LLC
7600 SW 57 Ave, Suite 110
South Miami, Florida 33143
305.274.7467

May 28, 2024

Mr. Luis Ponce
16444 SW 294 Street
Miami, FL 33033

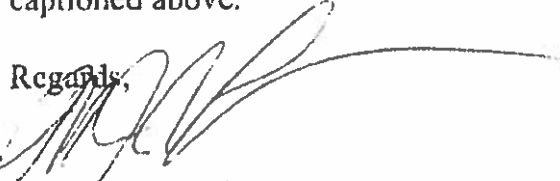
RE: Petition to Close Road - 5 feet
Folio Numbers: 30-7905-000-0220, 30-7905-000-0222,
30-7905-000-0360, and 30-7905-000-0361.

Dear Mr. Ponce,

In reference to the above captioned folio numbers, this letter is to inform you of a road closure action that the current owner, JASA 1019 LLC, is taking on. Southwest 294th Street is a minor roadway with an existing 30 feet right of way. Only 25 feet of right of way is required, therefore JASA 1019 LLC is requesting closing 5 feet.

Please see the Petition for Road Closure and related survey documentation that is being filed to Miami-Dade County. Should you have any questions, feel free to contact us at the number captioned above.

Regards,



Merrill Jay Taub

MJT:cg

Encls.

MDC017

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. LUIS PONCE
16444 SW 294 ST,
MIAMI, FL 33033



9590 9402 8819 4005 6266 34

2. Article Number (Transfer from service label)

9589 0710 5270 1864 6649 16

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

Ponce

☐ Agent

☐ Addressee

C. Date of Delivery

06/01/24

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Insured Mail Restricted Delivery over \$500

Domestic Return Receipt

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Homestead, FL 33033

Certified Mail Fee \$14.40

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage \$11.16

Total Postage and Fees \$

Sent To

Street and Apt. No., or PO Box No.

City, State, Zip+4®

PS Form 3800, January 2023 PSN 7530-02-000-9047

See Reverse for Instructions

9589 0710 5270 1864 6649 16

MDC018



MEMORANDUM

(Revised)

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

DATE: February 4, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(F)

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(F)
2-4-25

RESOLUTION NO. R-113-25

RESOLUTION GRANTING PETITION TO CLOSE A SOUTHERLY PORTION OF SW 294 STREET FROM 330 FEET EAST OF THE CENTERLINE OF SW 165 AVENUE EAST FOR APPROXIMATELY 669 FEET (VACATION OF RIGHT-OF-WAY PETITION NO. P-1020) FILED BY JASA 1019 LLC AND WAIVING THE SIGNATURE REQUIREMENTS OF RESOLUTION NO. 7606 AS TO ADJACENT PROPERTY OWNERS

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-1020 was signed by the owners of two of the three properties abutting on the right-of-way sought to be closed and notice was sent by certified mail to the owner of the other property 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. 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-1020 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 4. All rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed.

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.

The foregoing resolution was offered by Commissioner **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, 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	aye	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 4th day of February, 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.

Annery Pulgar Alfonso