

MEMORANDUM

Agenda Item No. 5(C)

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

DATE: June 3, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution granting petition to close SW 74 Avenue from SW 64 Street north for approximately 555 feet (Vacation of Right-of-Way Petition No. P-999) filed by the Thomas G. Wenski Diocese of Miami, retaining a perpetual non-exclusive utility easement right; and authorizing the County Mayor to execute the perpetual non-exclusive utility easement and to exercise all rights conferred therein

Resolution No. R-518-25

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



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: June 3, 2025

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

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Vacation of Right-of-Way Petition P-999
Section: 26-54-40
SW 74 Avenue from SW 64 Street North for Approximately 555 Feet
Commission District: 6

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant a petition filed by the Thomas G. Wenski Diocese of Miami 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 \$77,317.66 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 No. P-999, 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. R-7606. The subject land has never been improved nor maintained by the County. Location maps are attached as Exhibit 1.

Scope

The subject portion of right-of-way is located within District 6, which is represented by Commissioner Kevin M. Cabrera.

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 \$26.90 per square foot. Therefore, the estimated value of the subject land is approximately \$753,577. If the subject right-of-way is closed and vacated, the western portion of the land will be placed on the tax roll, generating an estimated \$5,415 per year in additional property taxes. The property abutting the subject right-of-way on the east is tax-exempt. Therefore, the reversion of the eastern portion of the subject land to the tax-exempt property will not result in an increase in revenue from property taxes. The fee for this vacation of right-of-way petition is \$77,317.66.

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 and Aerial Maps, Exhibit 2 – Vacation of Right-of-Way Petition P-999, Exhibit A to Petition – Sketch and Legal Description of Portion to be Vacated, Exhibit B – Survey, Exhibit 3 – Perpetual Non-Exclusive Utility Easement, Exhibit A to Perpetual Non-Exclusive Utility Easement – Sketch and Legal Description of Perpetual Non-Exclusive Utility Easement

Delegated Authority

The resolution delegates authority for the County Mayor or County Mayor's designee to execute the perpetual non-exclusive utility easement attached as Exhibit 3 and to exercise all rights conferred therein.

Background

The owners of the properties abutting on the subject right-of-way wish to vacate SW 74 Avenue from SW 64 Street north for approximately 555 feet so that the underlying land becomes incorporated into their abutting properties. Two owners of property lying north of the subject portion of right-of-way also signed this petition.

The subject right-of-way has never been improved nor maintained by the County and is covered with grass and trees. However, active utilities including wooden poles, overhead wires, and underground pipes lie within this land. Therefore, if this petition is granted, the County will retain a perpetual non-exclusive utility easement (attached as Exhibit 3) over a portion of this land so that the existing utilities are not affected by the vacation of the right-of-way.

The western half of the subject right-of-way was dedicated to the County in 1925 by the plat of "UNIVERSITY HEIGHTS" as recorded in Plat Book 23, at Page 8, of the Public Records of Miami-Dade County, Florida. The northern portion of the eastern half of the subject land was dedicated to the County in 1962 by the right-of-way deed recorded in Official Records Book 3422, at Page 730, of the Public Records of Miami-Dade County, Florida. The southern portion of the eastern half of the subject land was dedicated to the County in 1996 by the right-of-way deed recorded in Official Records Book 17647, at Page 2796, of the Public Records of Miami-Dade County, Florida.

The properties abutting the subject right-of-way are zoned EU-1 (single-family estates of one acre or more in area).



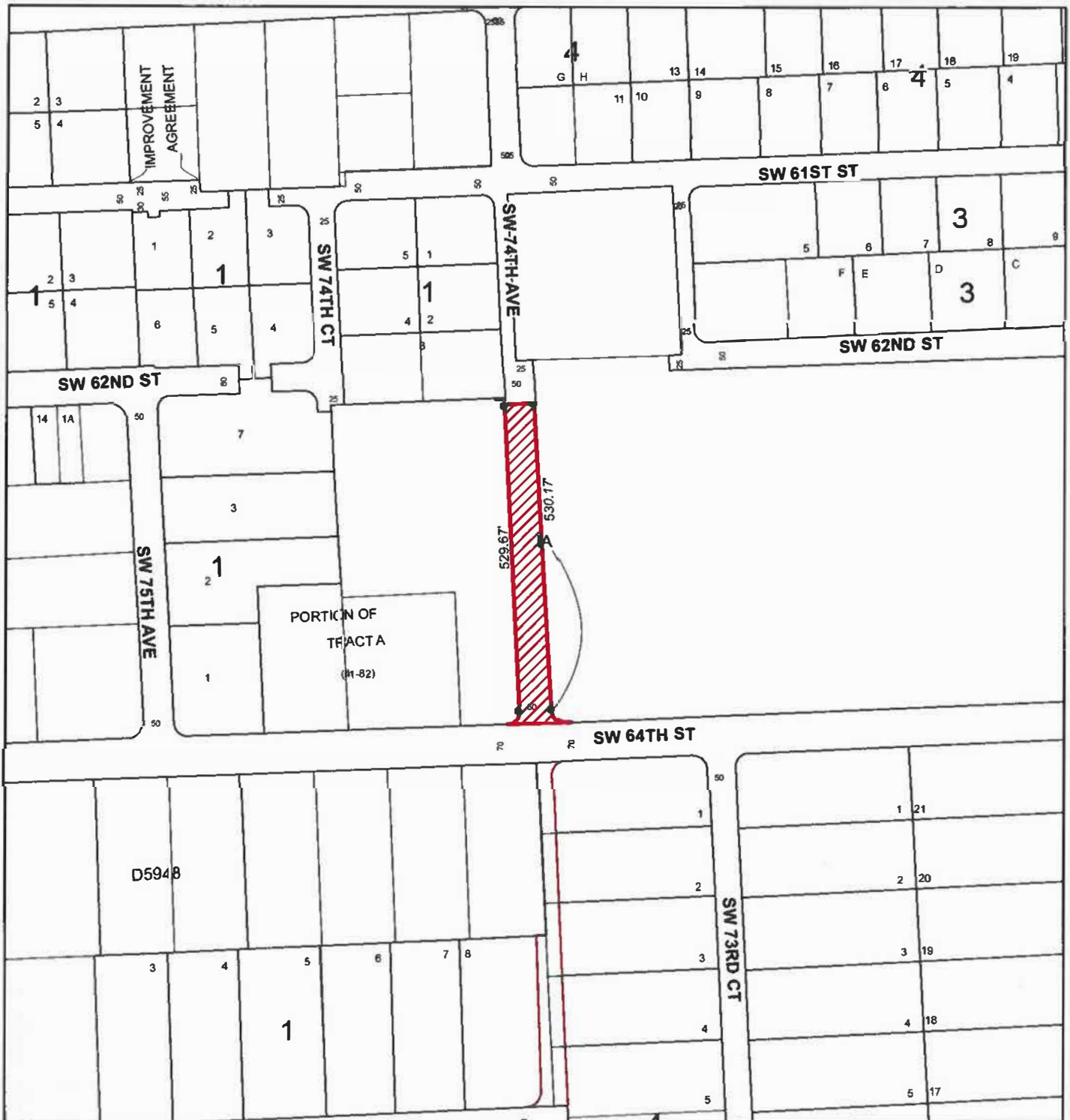
Jimmy Morales
Chief Operating Officer

Location & Aerial Map

SECTION 26 TOWNSHIP 54 S RANGE 40 E



EXHIBIT 1



This is not a survey

P- 999

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Kevin M. Cabrera 6

Legend



P-999 ROAD CLOSING

MIAMI-DADE COUNTY
Department of Transportation and Public Works
Right-of-Way Division
111 NW 1st Street, Suite 1610,
Miami, Florida 33128
PH (305) 375-2714 FAX (305) 375-2825

Date: October 6, 2022
Prepared by : ym

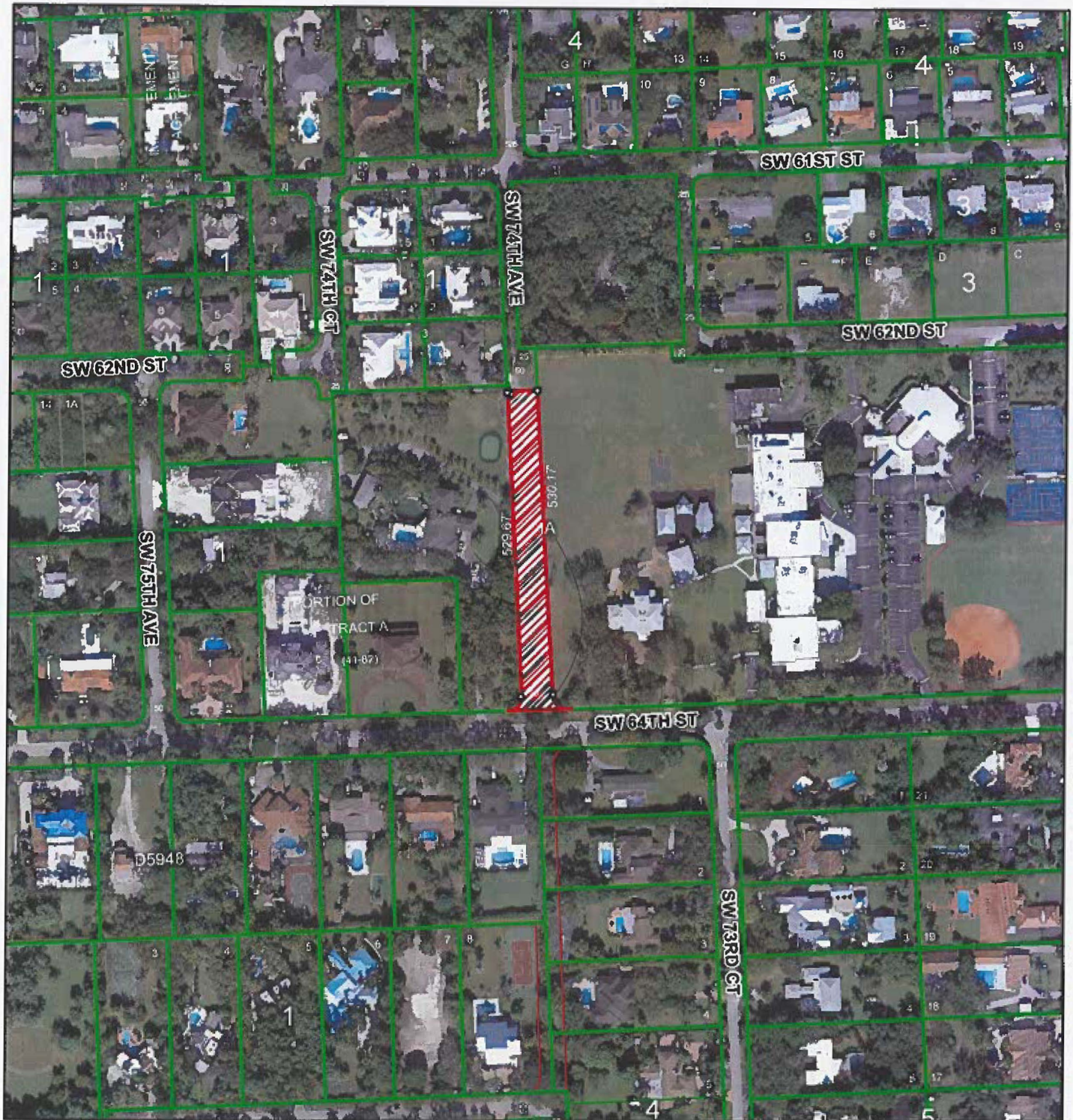
MDC004

Location & Aerial Map

SECTION 26 TOWNSHIP 54 S RANGE 40 E



EXHIBIT 1



This is not a survey

P- 999

Municipality UNINCORPORATED MIAMI-DADE
Commission District Kevin M. Cabrera 6

Legend



P-999 ROAD CLOSING

MIAMI-DADE COUNTY
Department of Transportation and Public Works
Right-of-Way Division
111 NW 1st Street, Suite 1610,
Miami, Florida 33128
PH (305) 375-2714 FAX (305) 375-2825

Date: October 6, 2022
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 or private 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 or land sought to be closed is as follows:

Please 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 or land was acquired and is evidenced in the following manner (state whether public interest acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

1) Plat of "UNIVERSITY HEIGHTS", recorded in Plat Book 23, at Page 8, Public Records of Miami-Dade County, Florida.

2) Right-of-Way Deed recorded in Official Records Book 3422, at Page 730, Public Records of Miami-Dade County, Florida.

3) Right-of-Way Deed recorded in Official Records Book 17647, at Page 2796, Public Records of Miami-Dade County, Florida.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey or location sketch accurately showing and describing the above described road, right-of-way or land and its location and relation to surrounding property, and showing all encroachments and utility easements. **See Attached Exhibit "B".**

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon or adjacent to the above described road, right-of-way. These firms or individuals have been advised in writing of the proposed closure.

PRINT NAME	FOLIO NO.	ADDRESS
<u>Thomas G. Wenski Diocese of Miami</u>	<u>30-4026-000-0511</u>	<u>7303 Hardee Road, Miami, Fl.</u> *Mailing: 9401 Biscayne Blvd., Miami
<u>Bernardo and Carmen Pimentel</u>	<u>30-4026-005-0080</u>	<u>7411 Hardee Drive, Miami, Fl.</u>
<u>Roberto S. Leon TRS and Maggie E. Leon, as Trustees of the Roberto and Maggie Leon Revocable Trust</u>	<u>30-4026-035-0031</u>	<u>6140 S.W. 74 Avenue, Miami, Fl.</u>
<u>Swami Jyotirmayananda TRS</u>	<u>30-4026-000-0520</u>	<u>6111 S.W. 74th Avenue, Miami, Fl.</u>

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in 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 portion of the S.W. 74th Avenue right-of-way which is the subject of this Petition has never been improved, thus, it has not been used for roadway travel purposes. Moreover, the granting of this Petition will not prevent other property owners from having access to and from their properties and no other property owners in the vicinity will be adversely affected. Closure of the subject right-of-way will cure an existing unsafe condition by allowing the adjoining property owners to acquire, maintain and protect their respective portions of the right-of-way. In turn, the private property land valuation assessments will yield an increase in contributions to the tax base.

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE



Print Name: Thomas G. Wenski Diocese of Miami

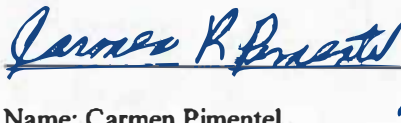
ADDRESS

7303 Hardee Road, Miami, FL.

 BERNARDO PIMENTEL

Name: Bernardo Pimentel

7411 Hardee Drive, Miami, FL.

 CARMEN R. PIMENTEL

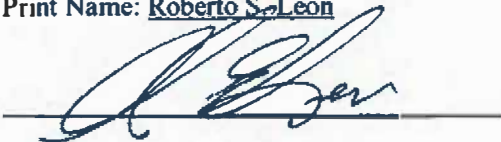
Name: Carmen Pimentel

7411 Hardee Drive, Miami, FL.



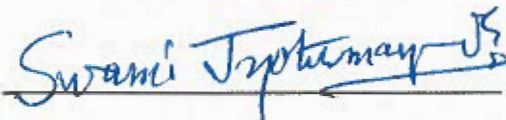
Print Name: Roberto S. Leon

6140 S.W. 74 Avenue, Miami, FL.



Print Name: Maggie E. Leon

6140 S.W. 74 Avenue, Miami, FL.



Print Name: Swami Jyotirmayananda TRS

6111 S.W. 74th Avenue, Miami, FL.

OR



Representative Name (Print Name)

Addendum

Signature Page (Section 7 of Road Closure Petition)

Roberto S. Leon TRS and Maggie E. Leon, as Trustees of the Roberto and Maggie Leon Revocable Trust

SIGNATURE

ADDRESS



6140 S.W. 74 Avenue, Miami, FL

Print Name: Roberto S. Leon

Title: Authorized Signatory



Print Name: Maggie E. Leon

Title: Authorized Signatory

Attorney for Petitioner: James R. Williams Jr., Esq. & Juan J. Mayol Jr., Esq.
Address: Holland & Knight, LLP, 701 Brickell Avenue, Suite 3000, Miami, Florida 33131

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Thomas G. Wenski, Archbishop of the Archdiocese of Miami, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the forgoing 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)

STATE OF FLORIDA)
) ss:
COUNTY OF Miami-Dade)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 4 day of August, 2021, by Archbishop Thomas Wenski, who is personally known to me or who has produced in house as identification.

[NOTARIAL SEAL]

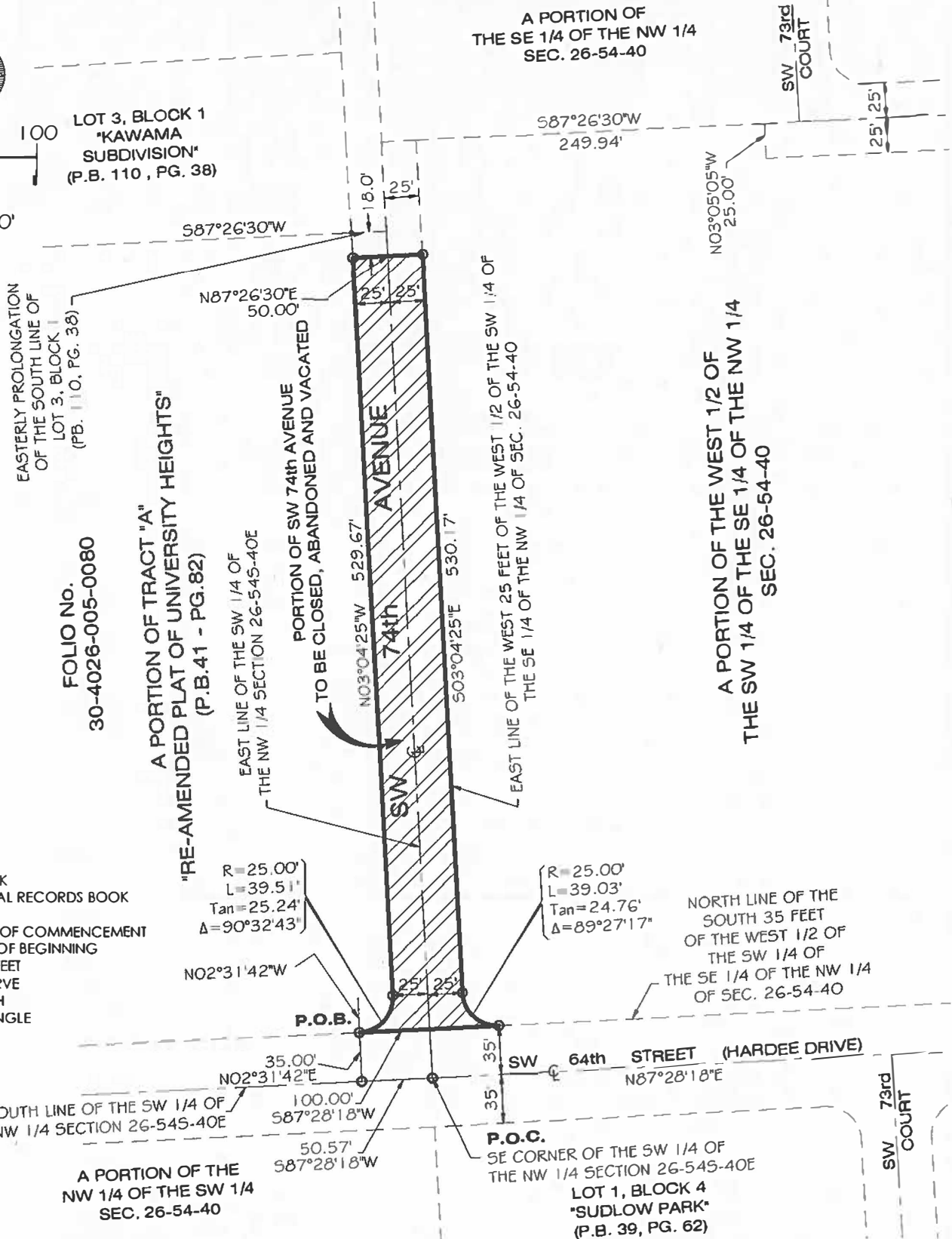
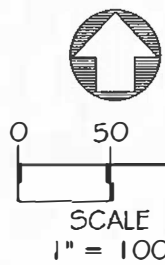



Print Name: Carlos Sanabria
Notary Public, State of Florida
Commission #: HH-153450
My Commission Expires: July 18, 2025

EXHIBIT A

**SKETCH & LEGAL DESCRIPTION
OF PORTION TO BE VACATED**

SKETCH TO ACCOMPANY LEGAL DESCRIPTION PORTION OF SW 74th AVENUE TO BE CLOSED, ABANDONED AND VACATED



LEGEND:

P.B. = PLAT BOOK
O.R.B. = OFFICIAL RECORDS BOOK
PG. = PAGE
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
S.F. = SQUARE FEET
R = RADIUS CURVE
L = ARC LENGTH
Δ = CENTRAL ANGLE
T = TANGENT

NOTICE: This document is not valid, full and complete without all pages.

LONGITUDE SURVEYORS

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JOB No. 13220 PAGE 1 OF 3

MDC013

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PORTION OF SW 74th AVENUE TO BE CLOSED, ABANDONED AND VACATED

LEGAL DESCRIPTION FOR A PORTION OF S.W. 74TH AVENUE

A portion of the Existing Right of Way of S.W. 74th Avenue, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the SE CORNER of the Southwest One-Quarter (S.W. 1/4), of the Northwest One-Quarter (N.W. 1/4), of Section 26, Township 54 South, Range 40 East, Miami-Dade County, Florida; thence S 87°28'18" W, along the aforesaid South Line of the Southwest One-Quarter (S.W. 1/4), of the Northwest One-Quarter (N.W. 1/4), of Section 26, Township 54 South, Range 40 East said line also being the centerline of SW 64th Street (Hardee Drive) for a distance 50.57 feet; thence N 02°31'42" E, for a distance of 35.00 feet to a point intersecting with the north right of way line of the SW 64 Street (Hardee Drive) said point being the Point of Beginning of the herein described portion of the existing right of way; thence run northeasterly, along the arc of a circular curve concave to the left, the center of which bears N 02°31'42" W from said point of intersection; having a radius of 25.00 feet, through a central angle of 90°32'43", for an arc distance of 39.51 feet; thence N 03°04'25" W, along the west right of way line of SW 74th Avenue for a distance 529.67 feet; thence N 87°26'30" E leaving said right of way line, for a distance 50.00 feet to a point lying on the east right of way line of said SW 74th Avenue; thence S 03°04'25" E, for a distance 530.17 feet to the beginning of a circular curve to the left, having a radius of 25.00 feet, through a central angle of 89°27'17" for an arc distance of 39.03 feet to point of cusp with the North line of the SW 64th Street (Hardee Drive); thence S 87°28'18" W, for a distance 100.00 feet to the Point of Beginning.

Containing 28,014 square feet, more or less, by calculations.

NOTICE: This document is not valid, full and complete without all pages.

THIS IS NOT A SURVEY

LONGITUDE SURVEYORS

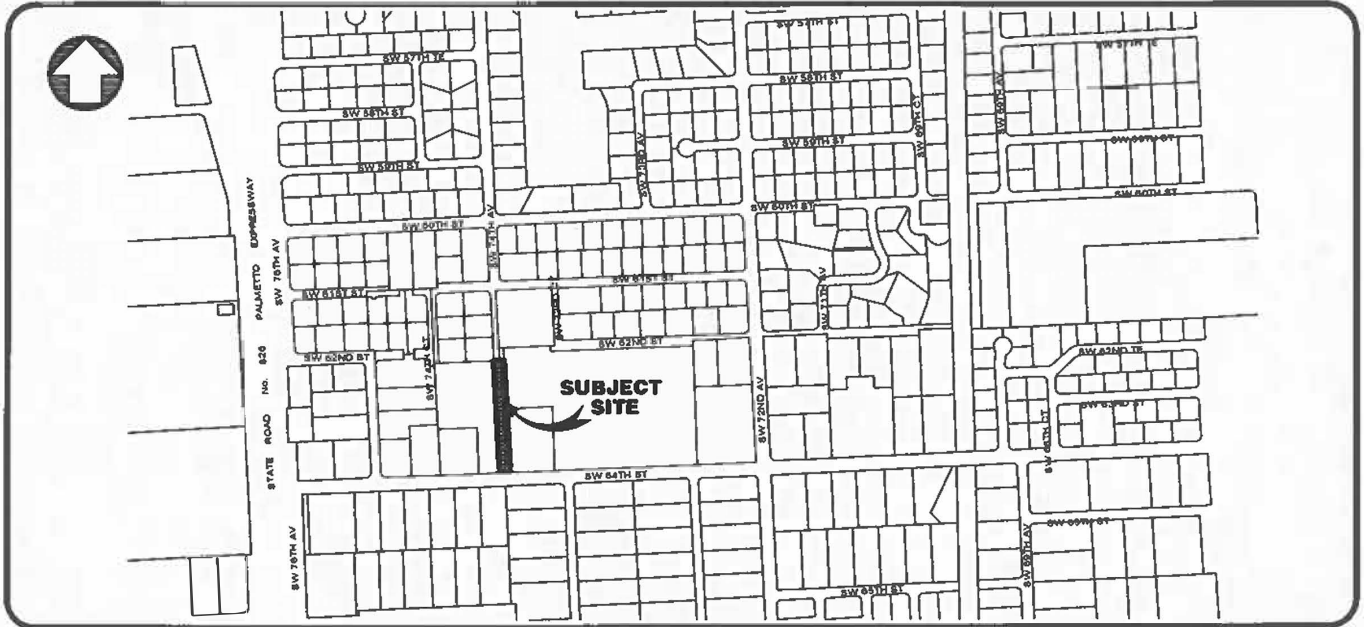
7700 N. KENDALL DRIVE, SUITE 705, MIAMI, FLORIDA 33156 • PHONE: (305) 463-0912 • WWW.LONGITUDESURVEYORS.COM

JOB No. 13220 PAGE 2 OF 3

MDC014

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PORTION OF SW 74th AVENUE TO BE CLOSED, ABANDONED AND VACATED



LOCATION MAP

(NOT TO SCALE)

PERTINENT INFORMATION USED FOR THE PREPARATION OF THIS DOCUMENT:

The Legal Description of the Subject Parcel was generated from the following documents:

1. Plat of "KAWAMA SUBDIVISION", recorded in Plat Book 110, at Page 38, Public Records of Miami-Dade County, Florida.
2. Plat of "RE-AMENDED PLAT OF UNIVERSITY HEIGHTS", recorded in Plat Book 41, at Page 82, Public Records of Miami-Dade County, Florida.
3. Plat of "SECOND AMENDED PLAT OF PORTION OF SOUTHLAND HOMES PARK", recorded in Plat Book 61, at Page 85, Public Records of Miami-Dade County, Florida.

In addition, the following documents were reviewed for the preparation of this Sketch and Legal Description:

1. Unity of Title, dated January 23, 2004 and recorded in Official Records Book 22016, at Page 4432, Miami-Dade County Records.

Bearings as shown hereon are based upon the centerline of SW 64th Street ((Hardee Drive), with an assumed bearing of N87°28'18"E, said line to be considered a well established and monumented line.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than what appears on the underlying Plat of record. Please refer to the Limitations item with respect to possible restrictions of record and utility services.

RESTRICTIONS:

Since no other information were furnished other than what is cited in the above pertinent information used for the preparation of this document, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on this Sketch or contained within this report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdiction may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY that the LEGAL DESCRIPTION and SKETCH of the subject area described hereon was made under my supervision and that the Legal Description meets the Standards of Practice set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes, and that the sketch hereon is true and correct to the best of my knowledge and belief, subject to notes and notations shown hereon. This sketch shown is not a land survey.

LONGITUDE SURVEYORS LLC., a Florida Limited Liability Company
Florida Certificate of Authorization Number LB7335

Eduardo M Suarez

Digitally signed by Eduardo M
Suarez
Date: 2023.10.16 11:51:04 -04'00'

By:

Eduardo M. Suarez, PSM

Registered Surveyor and Mapper LS6313

State of Florida



NOTICE: Not valid without the digital signature and seal and/or the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions and deletions to this map to Survey by other than the signing party are prohibited without the written consent of the signing party.

NOTICE: This document is not valid, full and complete without all pages.

THIS IS NOT A SURVEY

LONGITUDE SURVEYORS

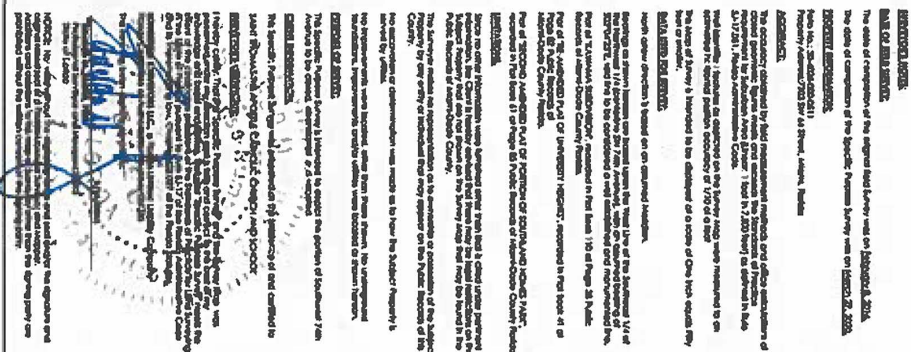
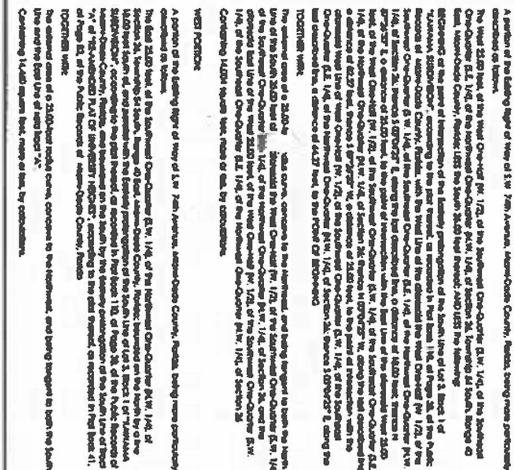
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JOB NO. 13220 PAGE 3 OF 3

MDC015

EXHIBIT B

SURVEY

[illegible]

THE OFFICIAL RECORD OF THIS MEETING IS THE ELECTRONIC FILE, DIGITALLY SIGNED UNDER RULE 101.17/D22 FAC.

Project Number		7736 NW 4th STREET SUITE 375 DOHA, FLORIDA 33126 FAX: (305) 435-0912 E-MAIL: (305) 551-4440 FLORIDA CARTOGRAPHIC OR AUTOMATED IS 7736		LONGITUDE SURVEYORS		
ST. THOMAS THE APOSTLE CATHOLIC SCHOOL 7303 SW 64 STREET, MIAMI, FL 33143		RECEIVED FOR ADVISORY COMMISSION URSITY SURVEY URSITY SURVEY		DATE: 08-27-16 BY: 08-09-11		
Type of Project		SPECIFIC PURPOSE SURVEY				

EXHIBIT 3

**PERPETUAL NON-EXCLUSIVE
UTILITY EASEMENT**

Return to:

Miami-Dade County Department of
Transportation and Public Works
Right-of-Way Division
111 NW 1st Street, Suite 1620
Miami, FL 33128-1970

Instrument prepared by:

Jeffrey Whitmore, P.S.M.
Department of Transportation and Public Works
111 NW 1st Street, Suite 1620
Miami, FL 33128-1970

RESERVATION OF A PERPETUAL NON-EXCLUSIVE UTILITY EASEMENT

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

THIS RESERVATION OF A PERPETUAL NON-EXCLUSIVE UTILITY EASEMENT, is made this _____ day of _____, 202_, in favor of **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, its successors and assigns (the "County"),

WHEREAS, on _____, the Miami-Dade County Board of County Commissioners adopted Resolution No. R-_____, vacating the right-of-way for SW 74 Avenue from SW 64 Street north for approximately 555 feet; and

WHEREAS, as a condition of the right-of-way vacation, the County reserved a perpetual non-exclusive utility easement, as further described herein,

WITNESSETH:

That the County, for and in consideration of benefits to the general public and for further good and valuable considerations, does hereby reserve a **PERPETUAL NON-EXCLUSIVE UTILITY EASEMENT** for the purpose of constructing and maintaining any utilities, including but not limited to the right to construct, reconstruct, lay, install, operate, maintain, relocate, repair, replace, improve, remove, and inspect electrical, communications, stormwater, and drainage infrastructure, water transmission and distribution facilities and all appurtenances thereto, including

but not limited to utility poles, overhead and underground wires and cables, stormwater drainage pipes and structures, fire hydrants, and/or sewage transmission and collection facilities and all appurtenant equipment, which right, privilege and easement (as that term is defined herein) shall include the right to remove or demolish, with no obligation to repair or replace same, any obstructions placed on the easement, including pavers, or that may extend vertically above the finished grade over the easement, as may be necessary to carry out any rights reserved herein over, along, and under the following described parcel of land, situate, lying, and being in Miami-Dade County, State of Florida, "the easement," to-wit:

See attached Exhibit "A".

The reservation of this perpetual non-exclusive utility easement and the County's use thereof shall be superior to any other use inconsistent therewith, as determined at the sole discretion of the County.

IN WITNESS WHEREOF, the County has caused this reservation to be executed on its behalf, the day and year first above written.

ATTEST:

JUAN FERNANDEZ-BARQUIN,
Clerk of the Court
and Comptroller

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

Attested By: _____
Deputy Clerk

By: _____
County Mayor or Designee

Date

Approved as to form and
legal sufficiency

Assistant County Attorney

The foregoing was accepted and approved on the ____ day of _____, 2025 by Resolution No. R-_____ of the Board of County Commissioners of Miami-Dade County, Florida.

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY, that on this ____ day of _____, A.D. 202_, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared by means of []physical or []online notarization _____ personally known to me, or proven, by producing the following forms of identification: _____ to be the person duly authorized on behalf of MIAMI-DADE COUNTY, a political subdivision of the State of Florida. Said person executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

Notary Signature

Printed Notary Signature

NOTARY SEAL/STAMP

Notary Public, State of _____

My commission expires: _____

Commission/Serial No. _____

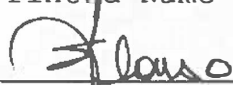
Approved and accepted by:

Signed, Sealed and Delivered
in our presence: (2 witnesses
for each signature or for all)



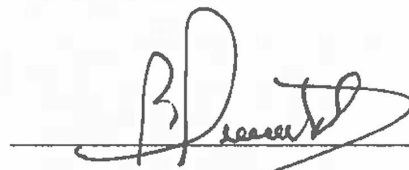
Witness

Robin Pimentel 8780 SW 85 street
Printed Name & Address Miami 33173



Witness

Eileen Alonso 8600 SW 86th CT
Printed Name & Address Miami, FL 33143



(Sign)

Bernardo Pimentel

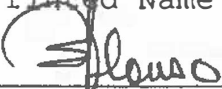
Printed Name

7411 S.W. 64th STREET MIA. FL 33143
Address (if different)



Witness

Robin Pimentel 8780 SW 85 street
Printed Name & Address Miami 33173



Witness

Eileen Alonso 8600 SW 86th CT
Printed Name & Address Miami, FL 33143



(Sign)

Carmen R. Pimentel

Printed Name

7411 S.W. 64th STREET MIA. FL 33143
Address (if different)

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY, that on this 16th day of JANUARY, A.D. 2025,
before me, an officer duly authorized to administer oaths and take
acknowledgments, personally appeared by means of ☒physical or
☐online notarization Bernardo Pimentel and Carmen R. Pimentel
personally known to me, or proven, by producing the following forms
of identification: _____ to be the persons who
executed the foregoing instrument freely and voluntarily for the
purposes therein expressed.

WITNESS my hand and official seal in the County and State
aforesaid, the day and year last aforesaid.

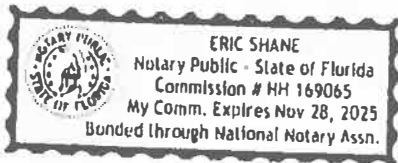


Notary Signature

ERIC SHANE

Printed Notary Signature

NOTARY SEAL/STAMP



Notary Public, State of FLORIDA

My commission expires: 11-28-25

Commission/Serial No. HH 169065

EXHIBIT A

**SKETCH & LEGAL DESCRIPTION
FOR
PERPETUAL NON-EXCLUSIVE UTILITY EASEMENT**

DESCRIPTION NON-EXCLUSIVE UTILITY EASEMENT

LEGAL DESCRIPTION:

A PORTION OF THE EXISTING RIGHT-OF-WAY OF SOUTHWEST 74TH AVENUE, LYING IN THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 54 SOUTH, RANGE 40 EAST, IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER (SW 1/4), OF THE NORTHWEST ONE-QUARTER (NW 1/4), OF SAID SECTION 26; THENCE N03°04'25"W AS A BASIS OF BEARINGS ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 26 FOR 35.00 FEET; THENCE S87°28'18"W FOR 7.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE S87°28'18"W FOR 43.24 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS S02°31'42"E, SAID POINT ALSO LYING ON THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 64TH STREET; THENCE 39.51 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°32'43" TO A POINT OF INTERSECTION WITH A TANGENT LINE, SAID LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 74TH AVENUE; THENCE N03°04'25"W ALONG SAID WEST RIGHT-OF-WAY LINE FOR 529.67 FEET; THENCE 87°26'30"E FOR 18.00 FEET; THENCE S03°04'25"E FOR 554.92 FEET TO THE POINT OF BEGINNING, CONTAINING 10,125 SQUARE FEET., MORE OR LESS.

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MDC026

-SOUTH LINE OF LOT 3, BLOCK 1
(PB. 110, PG. 38)

S87°26'30"W

EASTERLY PROLONGATION OF THE
SOUTH LINE OF LOT 3, BLOCK 1
(PB. 110, PG. 38)

N87°26'30"
18.0

A PORTION OF TRACT "A"
"RE-AMENDED PLAT OF UNIVERSITY HEIGHTS"
(P.B. 41, PG. 82)

**PROPOSED NON-EXCLUSIVE
UTILITY EASEMENT**

A PORTION OF
THE SE 1/4 OF
THE NW 1/4
SEC. 26-54-40

AVENUE

74th

EAST LINE OF THE SW 1/4 OF
THE NW 1/4 OF SECTION 26-54S-40E

A PORTION OF THE WEST 1/2 OF
THE SW 1/4 OF THE SE 1/4 OF THE NW 1/4
SEC. 26-54S-40E

FOLIO No.
30-4026-000-0511

LEGEND:

P.B. = PLAT BOOK
O.R.B. = OFFICIAL RECORDS BOOK
PG. = PAGE
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
S.F. = SQUARE FEET
R = RADIUS CURVE
L = ARC LENGTH
 Δ = CENTRAL ANGLE
T = TANGENT

R=25.00'
 $\Delta=90^{\circ}32'43''$
 RADIAL LINE L=39.51'

SOUTH LINE OF
TRACT A (P.B. 41, PG. 82)

SOUTH LINE OF THE SW 1/4 OF
THE NW 1/4 SECTION 26-54S-40E

S87°28'18"W
7.00'

A PORTION OF THE NW 1/4 OF THE SW 1/4
SEC. 26-54-40

P.O.C.
SE CORNER OF THE SW 1/4 OF
THE NW 1/4 SECTION 26-54S-40E

LOT 1, BLOCK 4
"SUDLOW PARK"
(P.B. 39, PG. 62)

NORTH LINE OF THE SOUTH 35 FEET
OF THE NW 1/4 OF SEC. 26-54-40E

N03°04'25"W
35.00'

SW 64th STREET
(HARDEE DRIVE)

SW 73rd
COURT

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DATE: 8/16/24 JOB No. 13220.0.06 PAGE 3 OF 3

MDC027



MEMORANDUM (Revised)

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

DATE: June 3, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(C)

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(C)
6-3-25

RESOLUTION NO. _____ R-518-25

RESOLUTION GRANTING PETITION TO CLOSE SW 74 AVENUE FROM SW 64 STREET NORTH FOR APPROXIMATELY 555 FEET (VACATION OF RIGHT-OF-WAY PETITION NO. P-999) FILED BY THE THOMAS G. WENSKI DIOCESE OF MIAMI, RETAINING A PERPETUAL NON-EXCLUSIVE UTILITY EASEMENT RIGHT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE PERPETUAL NON-EXCLUSIVE UTILITY EASEMENT AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN

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-999 was signed by the owners of all of the properties abutting on the portion of 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-999 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, save and except that the County retains a perpetual non-exclusive utility easement, in substantially the form attached to the County Mayor's memorandum as Exhibit 3 over, along, and under a portion of this land. This Board authorizes the County Mayor or County Mayor's designee to execute the perpetual non-exclusive utility easement.

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.

Section 7. Pursuant to Resolution No. R-974-09, (a) the County Mayor or County Mayor's designee shall record the non-exclusive utility easement in the public records of Miami-Dade County, Florida and shall provide a copy of the recorded instrument to the Clerk of the Board within 30 days of the recordation of the easement; and (b) the Clerk of the Board shall attach and permanently store a copy of the recorded instrument together with this resolution.

The foregoing resolution was offered by Commissioner **Marleine Bastien**, 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 Rodriguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Sen. René García	aye	Oliver G. Gilbert, III	aye
Roberto J. Gonzalez	absent	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Natalie Milian Orbis	aye	Raquel A. Regalado	aye
Micky Steinberg	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of June, 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