



Building and Planning Department

DATE: March 31, 2025

TO: Yocelyn Galiano Gomez, ICMA-CM
Village Manager

FROM: Stephen R. Olmsted, AICP, LEED-GA
Planning Director

RE: Petition to Vacate Public Right-of-Way
Western 25 Feet of SW 57 Avenue Adjacent to 5720 SW 128 Street

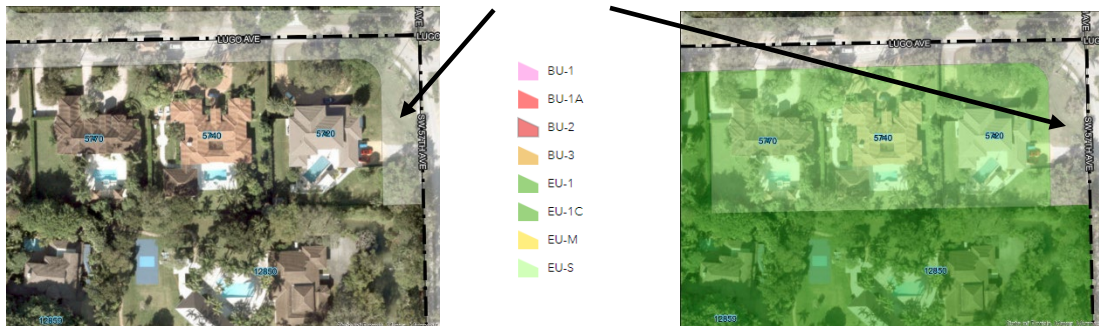
REQUEST

Mr. Armando Diaz, and Ms. Sylvia Diaz, owners of the property located at 5720 SW 128 Street are requesting approval of a petition to vacate the western 25 feet of the 100-foot-wide right-of-way of Southwest 57 Avenue immediately east of their property, lying south of SW 128 Street, within the Rockdale Estates Subdivision.

This request is similar to previous requests approved by the Village Council in 2006 for vacation of the western 50 feet of the right-of-way on the east side of properties located at 5704 and 5705 SW 131 Terrace; and in 2013 for vacation of the western 50 feet of right-of-way abutting the eastern boundary of property located at 5701 SW 132 Terrace.

LOCATION MAP

SUBJECT PROPERTY



EXISTING CONDITIONS

The petitioner's property at 5720 SW 128 Street is zoned EU-S, Residential Suburban Estate. The portion of the right-of-way proposed to be vacated is 25 feet wide and 4,665 square feet or 0.11 acres in area. A copy of a survey showing the right-of-way to be vacated is attached for the Village Council's consideration.

ANALYSIS

Section 26-81 of the Pinecrest Code of Ordinances includes requirements for the vacation of a public right-of-way. For the Village Council to approve the vacation of the right-of-way as proposed by Mr. and Mrs. Diaz, the Village Council should first confirm that no current or future public purpose is served by the right-of-way.

The subject right-of-way appears to have been dedicated with the platting of Rockdale Estates Subdivision in 1940. Pursuant to information obtained by the Building and Planning Department, Southwest 57 Avenue was formerly designated as a Major Arterial Street on the County Trafficways Plan. Pursuant to this designation, Miami-Dade County formerly required 100 feet of right-of-way. The classification of SW 57 Avenue as a Major Arterial has since been amended, and the 100-foot right-of-way requirement has been reduced to that of a local street or 50 feet.

Florida Power and Light (FPL) and Miami-Dade County Water and Sewer Department have reviewed the request and determined that there are no utilities within the area to be vacated. They have no objections.

RECOMMENDATION

Subject to the findings of the Public Hearing, if it is determined and confirmed that no current or future public purpose can be identified for the subject right-of-way, the Building and Planning Department recommends that the Ordinance vacating the right-of-way be approved at first reading, subject to the following condition:

1. The vacated right-of-way shall be landscaped and maintained by the property owner.

If approved at first reading on Tuesday, April 8, 2025, staff will schedule the ordinance for final consideration at second reading in May 2025

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, APPROVING THE CONVEYANCE OF APPROXIMATELY 4,665 SQUARE FEET OF DEDICATED RIGHT-OF-WAY ALONG SW 57TH AVENUE, AS FURTHER LEGALLY DESCRIBED IN EXHIBIT “A,” TO ARMANDO & SILVIA DIAZ; PROVIDING FOR AUTHORIZATION; PROVIDING FOR CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Pinecrest (the “Village”) is the owner of approximately 4,665 square feet of dedicated right-of-way with a width of 25 feet along SW 57th Avenue, as further legally described in Exhibit “A” (the “Right-of-Way”); and

WHEREAS, Armando & Silvia Diaz (collectively, the “Property Owners”) own the property adjacent to the Right-of-Way located at 5720 SW 128th Street and have submitted a request to the Village for the conveyance of the Right-of-Way; and

WHEREAS, Section 4.3(a)(7) of the Village Charter provides that the conveyance or lease of any lands of the Village shall be done by Ordinance; and

WHEREAS, the Village Council desires to approve the conveyance of the Right-of-Way to the Property Owners and authorize the Village Manager to execute the deed conveying the Right-of-Way to the Property Owners in substantially the form attached hereto as Exhibit “B” (the “Deed”); and

WHEREAS, the Village Council finds it to be in the best interest of the public, health, safety, and welfare of the citizens to adopt this Ordinance vacating the identified right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, AS FOLLOWS: ¹

Section 1. Recitals. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Conveyance Approved. The Village Council hereby approves the conveyance of the Right-of-Way to the Property Owners.

Section 3. Authorization. The Village Manager is hereby authorized to execute the Deed in substantially the form attached hereto as Exhibit "B," subject to approval as to form, content, and legal sufficiency by the Village Attorney.

Section 4. Conditions. The approval granted by this Ordinance is subject to compliance with the following conditions, which the Property Owners stipulated and agreed to at the public hearing:

- a. The Property Owners shall ensure that the Right-of-Way is landscaped and maintained at all times.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Conflict. All ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 8th day of April 2025.

PASSED AND ADOPTED on second reading this _____ day of _____, 2025.

Joseph M. Corradino, Mayor

Attest:

Priscilla Torres, MMC
Village Clerk

Approved as to Form and Legal Sufficiency:

Mitchell Bierman
Village Attorney

Motion on Second Reading by:
Second on Second Reading by:

Vote:

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with yellow highlight and ~~double strikethrough~~ or double underline.



LEGEND

	= OVERHEAD UTILITY LINES
	= CONCRETE BLOCK WALL
	= CHAIN LINK FENCE
	= IRON FENCE
	= WOOD FENCE
	= BUILDING SETBACK LINE
	= UTILITY EASEMENT
	= LIMITED ACCESS R/W
	= NON-VEHICULAR ACCESS R/W
	= EXISTING ELEVATIONS

x 0.00

DRAWN BY:	CARLOS D.
FIELD DATE:	08/24/2023
SURVEY NO:	23-001254-3
SHEET:	1 OF 1

THIS INSTRUMENT PREPARED BY AND
AFTER RECORDING RETURN TO:

Judelande Jeune, Esq.
Weiss Serota Helfman Cole & Bierman, P.L.
2800 Ponce de Leon Blvd., Suite 1200
Coral Gables, Florida 33134

Folio Number(s): 20-5013-008-0013 (A portion thereof)

EXHIBIT "B"

QUIT CLAIM DEED

THIS INDENTURE is made this 8th day of April 2025, between **The Village of Pinecrest, a Florida municipal corporation**, having its principal place of business in the County of Miami-Dade, State of Florida, whose mailing address is 12645 Pinecrest Parkway, Pinecrest, Florida 33156, hereinafter referred to as the Grantor, and the **Armando A. Diaz and Silvia Diaz, his wife**, whose mailing address is 5720 S.W. 128th Street, Miami, Florida 33156, of the County of Miami-Dade, in the State of Florida, hereinafter referred to as the Grantee.

WITNESSETH that the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to it in hand paid by the Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to the Grantee, its heirs, successors and/or assigns in interest, all right, title, interest, claim or demand of the Grantor, in and to the following described land, situated, lying and being in the County of Miami-Dade and State of Florida, to-wit:

See Exhibit "A" attached hereto and made a part hereof (the "Property").

It is the intention of the Grantor hereto by this instrument to convey to the Grantee, and its heirs, successors and/or assigns in interest, the Property herein described for and for purposes incidental thereto.

TO HAVE AND TO HOLD the Property in fee simple forever.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Grantor has caused this Right-of-Way Deed to be executed as of the day and year first written above.

WITNESSES:

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Print Name

Address: _____

Print Name

Address: _____

STATE OF FLORIDA)
)ss.
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me, by means of [] physical presence or [] online notarization, this _____ day of April 2025, by _____, as _____ of **THE VILLAGE OF PINECREST, a Florida municipal corporation**, who is [] personally known to me or who has [] produced _____ as identification..

[SEAL]

GRANTOR:

**THE VILLAGE OF PINECREST, a Florida
municipal corporation**

By: _____

Name: _____

Title: _____

Notary Public, State of Florida

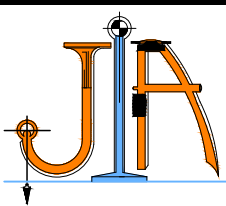
Print Name of Notary

Commission No. _____

Commission Expires: _____

EXHIBIT “A”

**Legal Description and Sketch
Of
Right of Way
on
5720 S.W. 128th Street, Miami, Florida 33156**



JOHN IBARRA & ASSOCIATES, INC.

Professional Land Surveyors & Mappers

WWW.IBARRALANDSURVEYORS.COM
777 N.W. 72nd AVENUE
SUITE 3025
MIAMI, FLORIDA 33126
PH: (305) 262-0400
FAX: (305) 262-0401

3725 DEL PRADO BLVD. S.
SUITE 823
CAPE CORAL, FL 33904
PH: (239) 540-2660
FAX: (239) 540-2664



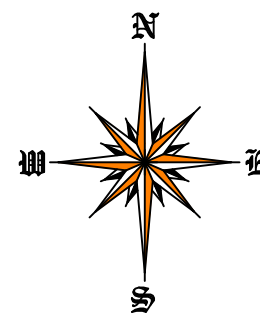
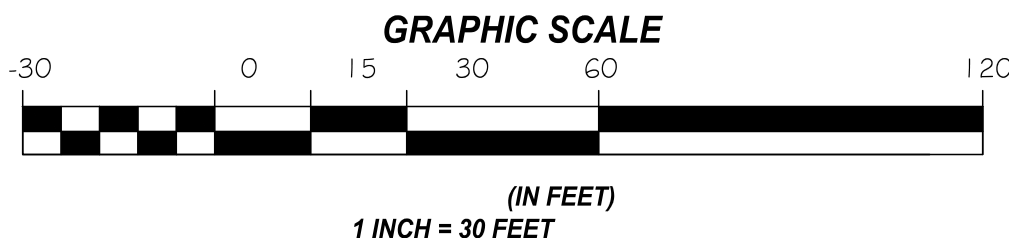
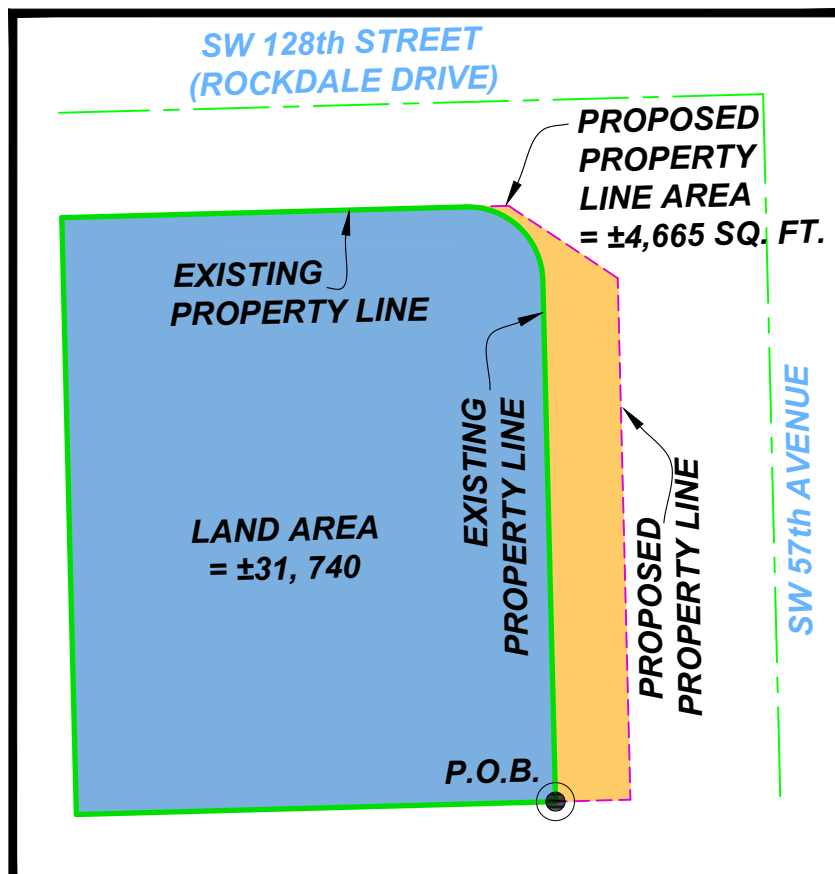
EXHIBIT A

MAP OF BOUNDARY SURVEY

LEGAL DESCRIPTION:

A PORTION OF A VACATED RIGHT OF WAY, BEING A PORTION OF TRACT 1, ROCKDALE ESTATES, PLAT BOOK 42, AT PAGE 19, LYING SOUTHERLY OF THE SOUTH RIGHT OF WAY LINE OF SW 128TH STREET FORMERLY KNOWN AS ROCKDALE DRIVE AS PER SAID PLAT, AND THE WEST 25.00 FEET OF THE EAST 50.00 FEET OF TRACT 1 OF SAID PLAT, LYING IN THE SE 1/4 OF SECTION 13 TOWNSHIP 55 SOUTH RANGE 40 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE WEST 160 FEET OF THE EAST 210 OF TRACT 1, OF ROCKDALE ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 42, AT PAGE 19 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. THENCE EAST ALONG THE EXTENSION OF THE SOUTH LINE OF SAID WEST 160.00 FEET, FOR A DISTANCE OF 25.00 FEET TO A POINT, AND BEING 50.0 FEET WEST OF AND PARALLEL TO THE CENTERLINE OF SW 57TH AVE., THENCE TURN 90°08'38" TO THE RIGHT FOR A DISTANCE OF 174.07 FEET TO A POINT, AND BEING 50.0 FEET WEST OF AND PARALLEL TO THE CENTERLINE OF SW 57TH AVE., THENCE TURN 124°57'10" TO THE RIGHT FOR A DISTANCE OF 43.69 FEET TO A POINT, AND BEING 35.00 FEET SOUTH OF AND PARALLEL TO THE CENTERLINE OF SW 128 STREET, THENCE TURN 144°55'41" TO THE RIGHT FOR A DISTANCE OF 14.24 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE BEING CONCAVE TO THE SOUTHWEST HAVING THE FOLLOWING ELEMENTS: A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°07'09", FOR A DISTANCE OF 39.32 FEET, TO A POINT OF TANGENCY, THENCE SOUTH ALONG A LINE 75.00 FEET WEST OF AND PARALLEL TO THE CENTERLINE OF SW 57TH AVE. FOR A DISTANCE OF 174.13 FEET TO THE POINT OF BEGINNING. AND CONTAINING AN AREA OF 4,665 SQUARE FEET MORE OR LESS OR 0.11 ACRES MORE OR LESS. RIGHT OF WAY IS CURRENTLY BEING USED BY MIAMI DADE COUNTY.



ABBREVIATIONS

A = ARC
A/C = AIR CONDITIONER PAD
A/E = ANCHOR EASEMENT
A/R = ALUMINUM ROD
A.S. = ALUMINUM SHED
ASPH. = ASPHALT
B.C. = BLOCK CORNER
BLDG. = BUILDING
B.M. = BENCH MARK
B.C.R. = BROWARD COUNTY RECORDS
B.O.B. = BASIS OF BEARING
B.S.L. = BUILDING SETBACK LINE
(C) = CALCULATED
C.B. = CATCH BASIN
C.B.S. = CONCRETE BLOCK STRUCTURE
C.B.W. = CONCRETE BLOCK WALL
CH. = CHORD
CH.B. = CHORD BEARING
CH.L. = CHORD LENGTH
CL. = CLEAR
C.O. = CLEAN OUT
C.L.F. = CHAIN LINK FENCE
C.M.E. = CANAL MAINTENANCE EASEMENT
CONC. = CONCRETE
C.U.P. = CONCRETE UTILITY POLE
C.P. = CONCRETE PORCH
C.S. = CONCRETE SLAB
C.W. = CONCRETE WALL
D.E. = DRAINAGE EASEMENT
D.M.E. = DRAINAGE MAINTENANCE EASEMENT
DRIVE. = DRIVEWAY
D.R. = DEGREES
E.B. = ELECTRIC BOX
E.T.P. = ELECTRIC TRANSFORMER PAD
ELEV. = ELEVATION
ENCR. = ENCROACHMENT
F.H. = FIRE HYDRANT
F.I.P. = FOUND IRON PIPE
F.I.R. = FOUND IRON ROD
F.F.E. = FINISHED FLOOR ELEVATION
F.N.D. = FOUND NAIL & DISK
FT. = FEET
F.N.P. = FEDERAL NATIONAL INSURANCE PROGRAM
F.N. = FOUND NAIL
H. = HIGH OR (HEIGHT)
H.A.E.G. = HEDGES AND EGRESS EASEMENT
I.C.V. = IRRIGATION CONTROL VALVE
I.F. = IRON FENCE
I.B. = LICENSED BUSINESS
L.P. = LIGHT POLE
L.F.E. = LOWEST FLOOR ELEVATION
L.M.E. = LAKE MAINTENANCE EASEMENT
MIN. = MINUTES
(M) = MEASURED DISTANCE
M.B. = MAIL BOX
M.D.C.R. = MIAMI DADE COUNTY RECORDS
M.E. = MAINTENANCE EASEMENT
M.H. = MANHOLE
N.A.P. = NOT A PART OF
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
N.T.S. = NOT TO SCALE
or NO. = NUMBER
OS = OFFSET
O.H. = OVERHEAD
O.H. = OVERHEAD UTILITY LINES
O.R.B. = OFFICIAL RECORDS BOOK
O.V.H. = OVERHANG
P.M.T. = PAVEMENT
PL. = PLANTER
P.L. = PROPERTY LINE
P.C. = POINT OF COMPOUND CURVATURE
P.C. = POINT OF CURVATURE
P.O.T. = POINT OF TANGENCY
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
P.R.C. = POINT OF REVERSE CURVATURE
PWY. = PARKWAY
P.R.M. = PERMANENT REFERENCE MONUMENT
P.L.S. = PROFESSIONAL LAND SURVEYOR
P.P. = POWER POLE
P.P.S. = POOL PUMP SLAB
P.U.E. = PUBLIC UTILITY EASEMENT
R. = RECORD DISTANCE
(R) = RECORD DISTANCE
R.R. = RAIL ROAD
RES. = RESIDENCE
RW. = RIGHT-OF-WAY
RAD. = RADIUS OR RADIAL
RGE. = RANGE
R.O.E. = ROOF OVERHANG EASEMENT
SEC. = SECTION
STY. = STORY
SWK. = SIDEWALK
S.I.P. = SET IRON PIPE
S. = SOUTH
S.P. = SCREENED PORCH
S.V. = SEWER VALVE
S. = SECONDS
T. = TANGENT
T.B. = TELEPHONE BOOTH
T.B.M. = TEMPORARY BENCHMARK
T.U.E. = TECHNOLOGY UTILITY EASEMENT
TSB. = TRAFFIC SIGNAL BOX
T.S.P. = TRAFFIC SIGNAL POLE
TWP. = TOWNSHIP
UTL. = UTILITY
U.E. = UTILITY EASEMENT
U.P. = UTILITY POLE
W.M. = WATER METER
W.F. = WOOD FENCE
W.P. = WOOD PORCH
W.R. = WOOD ROOF
W.V. = WATER VALVE
W.L. = WOOD LINE
C. = CENTER LINE
Δ = DELTA

PROPERTY ADDRESS:

5720 SW 128TH STREET,
MIAMI, FLORIDA. 33156

CERTIFICATION:

BECKER & POLIAKOFF

LEGAL NOTES TO ACCOMPANY SKETCH OF SURVEY:

- THERE MAY BE EASEMENTS RECORDED IN THE PUBLIC RECORDS NOT SHOWN ON THIS SURVEY.
- THE PURPOSE OF THIS SURVEY IS FOR USE IN OBTAINING TITLE INSURANCE AND FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
- EXAMINATIONS OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY.
- THIS SURVEY IS SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR EASEMENTS OF RECORD.
- LEGAL DESCRIPTIONS PROVIDED BY CLIENT OR ATTESTING TITLE COMPANY.
- BOUNDARY SURVEY MEANS A DRAWING AND/OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD. COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE. THE WALLS OR FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.
- EASEMENTS AS SHOWN ARE PER PLAT BOOK, UNLESS DEPICTED OTHERWISE.
- THE TERM "ENCROACHMENT" MEANS VISIBLE AND ABOVE GROUND ENCROACHMENTS.
- ARCHITECTS SHALL VERIFY ZONING REGULATIONS, RESTRICTIONS, SETBACKS AND WILL BE RESPONSIBLE FOR SUBMITTING PLAT PLANS WITH CORRECT INFORMATION FOR "APPROVAL FOR AUTHORIZATION" TO THE PROPER AUTHORITIES IN NEW CONSTRUCTION.
- UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTING AND/OR FOUNDATIONS.
- FENCE OWNERSHIP NOT DETERMINED.
- THIS PLAN OF SURVEY, HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.

FLOOD ZONE INFORMATION:

THE NFIP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE SITUATED IN:
FLOOD ZONE: 7AE
BASE FLOOD ELEVATION: 11 FT
COMMUNITY: 120425
PANEL: 0468
SUFFIX: L
DATE OF FIRM: 09/11/2009
THE SUBJECT PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA.

SURVEYOR'S NOTES:

1. IF SHOWN, BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN, BY SAID PLAT IN THE DESCRIPTION OF THE PROPERTY, IF NOT, BEARINGS ARE THEN REFERRED TO COUNTY, TOWNSHIP MAPS.
2. THE CLOSURE IN THE BOUNDARY SURVEY IS ABOVE 1:7500 FT.
3. CERTIFICATE OF AUTHORIZATION LB # 7806.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THIS "BOUNDARY SURVEY" OF THE PROPERTY DESCRIBED HEREON, HAS RECENTLY BEEN SURVEYED AND DRAWN UNDER MY SUPERVISION, AND COMPLES WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5-1-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES.

BY: JOHN IBARRA (DATE OF FIELD WORK) 08/24/2023

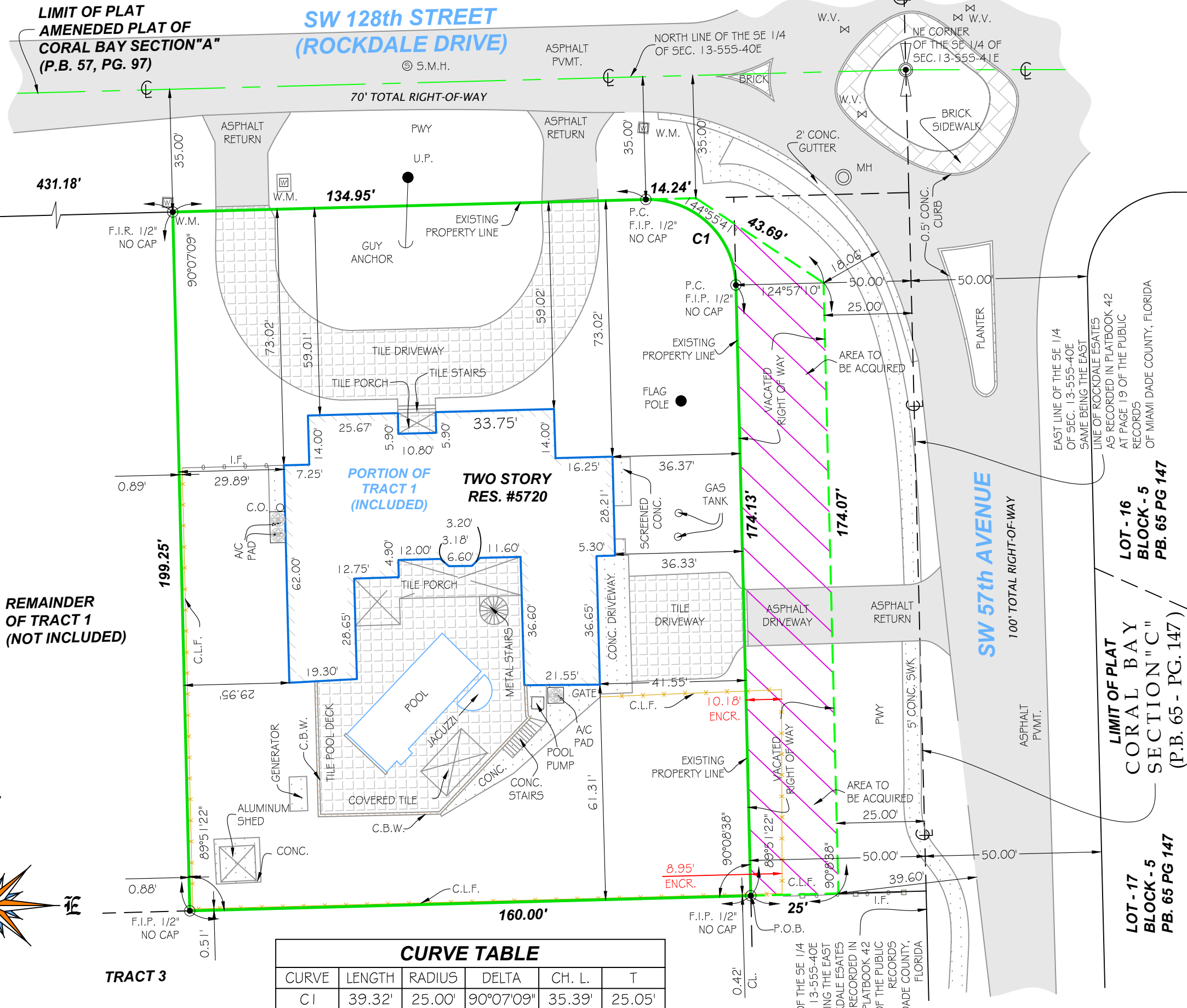
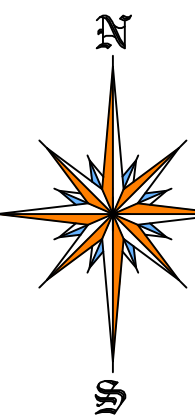
PROFESSIONAL LAND SURVEYOR NO.: 5204 STATE OF FLORIDA
(NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER)

REVISED ON: 7/27/2024 - ADDED PROPOSED PROPERTY LINE + LEGAL DESCRIPTION

REVISED ON: _____

LEGEND

— O—H — = OVERHEAD UTILITY LINES
— X—X—X—X — = CONCRETE BLOCK WALL
— X—X—X—X — = CHAIN LINK FENCE
— 0—0—0—0 — = IRON FENCE
— ||—||—||—|| — = WOOD FENCE
— ——— — = BUILDING SETBACK LINE
— ——— — = UTILITY EASEMENT
— ||—||—||—|| — = LIMITED ACCESS R/W
— ——— — = NON-VEHICULAR ACCESS R/W
— ——— — = EXISTING ELEVATIONS
+ 0.00



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH. L.	T
C1	39.32'	25.00'	90°07'09"	35.39'	25.05'

DRAWN BY:	CARLOS D.
FIELD DATE:	08/24/2023
SURVEY NO:	23-001254-3
SHEET:	1 OF 1

David J. Moscoso
Attorney at Law
Phone: 305.260.1003 Fax: 305.442.2232
dmoscoso@beckerlawyers.com

Becker

Becker & Poliakoff
2525 Ponce de Leon Blvd, Suite 825
Coral Gables, FL 33134

May 17, 2024

Via E-mail: solmsted@pinecrest-fl.gov

Mr. Stephen Olmsted
Planning Director
Village of Pinecrest
12645 Pinecrest Parkway
Pinecrest, FL 33156

Re: *Petition to vacate the right of way with a legal description of: SW 57TH AVE, S RED RD* in Plat Book 42, Page 19 of the Public records of Miami Dade County (the "ROW", (collectively, the "Matter").

To: Mayor and Village Council
Pinecrest, Florida

Mr. Armando Diaz, owner of the property located at 5720 SW 128 Street, Pinecrest, Florida 33156, by and through the undersigned law firm and retained counsel, pursuant to Sections 336.09 – 336.12, Florida Statutes, hereby petition the mayor and Village Council to vacate, abandon, discontinue, and close an existing public or private street, alleyway, road, highway, or other placed used for travel, or portion thereof, and to renounce and disclaim any right of the Village and the public in and to any land in connection therewith; or to renounce and disclaim any right of the Village 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 Village and the public in and to certain land delineated on a 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 or aldn sought to be closed is as follows:

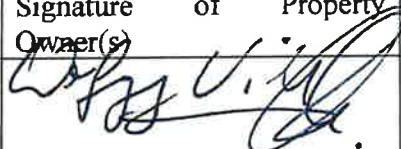
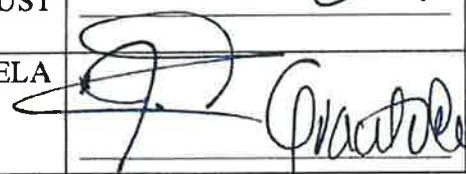
SW 57th Ave, S Red RD in Plat Book 42, Page 19 of the Public records of Miami Dade County: E 50' of TR 1 (42-19).

- II. **PUBLIC INTEREST IN ROAD:** The title or interest of the Village and the public in and to the above described road, right-of-way or land was acquired and is evidenced in the following manner:

Mr. Stephen Olmsted
Planning Director
Village of Pinecrest
12645 Pinecrest Parkway
Pinecrest, FL 33156
May 17, 2024
Page 2

Title or interest of the Village and the public and to the above described right of way was acquired by of dedication, March 14, 1940 and can be found in Recording Book 42, Page 19, of the Deed Books of the Miami-Dade County Clerk of Courts:

- III. **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.
- IV. **ABUTTING PROPERTY OWNERS:** The following Constitutes a complete and accurate schedule of all property owners abutting the right of way:

Property Address	Property Owner(s)	Signature of Property Owner(s)
5740 SW 128 ST	MELINDA AGOSTINI WILD TRS BAVARIAN INTERNATIONAL TRUST WOLFGANG WILD TRS	
12850 SW 57 AVE	JOHN CRESPO GRACIELA CRESPO	

- V. **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.
- VI. **NO FEDERAL OR STATE HIGHWAY AFFECTED:** The undersigned certify that the above described road, right-of-way or land is not a part of any state or federal highway and was not acquired or dedicated for state or federal highway purposes; and that such road, right-of-way or land is under the control and jurisdiction of the Village Council.
- VII. **GROUND FOR GRANTING PETITION:** The undersigned submits as grounds and reasons in support of this petition the following:

This petition seeking a vacation of the right-of-way currently owned by the Village is grounded in three fundamental reasons. First, the right of way does not currently

Mr. Stephen Olmsted
Planning Director
Village of Pinecrest
12645 Pinecrest Parkway
Pinecrest, FL 33156
May 17, 2024
Page 3

bring any value, whether practical or pecuniary to the Village. Because the right of way has already been partially vacated by the Village to at least one abutting owner, the continuity which is required for the right-of-way to serve as a lane for pedestrian access is not present. Further, neither the Village, nor any public body, including any public utility, has any use for the portion sought to be vacated by the Village.

Second, the character, step and rhythm of the frontage of the property abutting the right-of-way sought to be vacated is currently not aligned with that of the residential property abutting it on the south side. Vacating the right-of-way would harmonize the character, step, and rhythm of the frontage of the property abutting the right-of-way with that of its southernly neighbor bringing greater aesthetic appeal and an overall value to the abutting properties.

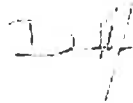
Third, vacating the right-of-way would allow for it to be incorporated as tax revenue producing property, where at present it merely incurs a cost to the Village as a result of the maintenance cost the Village takes on.

The undersigned requests the petition be granted to avoid future public nuisance for persons not to park or loiter in the street area that has not been installed. This right-of-way would not serve any future access to any other right-of-way and would not have a positive effect on the neighborhood.

Name	Address
Armando A. Diaz	5720 SW 128 ST, Pinecrest, Florida 33156
Silvia Diaz	5720 SW 128 ST, Pinecrest, Florida 33156

Thank you very much.

Sincerely,



David J. Moscoso
Attorney for Petitioner

RIGHT OF WAY (ROW) PROPOSAL

5720 SW 128th Street, Pinecrest, FL 33156

Folio # 20-5013-008-0031

Below are the points of Mr. Armando Diaz to the Village of Pinecrest hereinafter referred as to "VOP" for the land located to the east of Mr. Diaz's property located at 5720 SW 128th Street, Pinecrest, FL 33156 hereinafter referred as to "Property".

1. The land in question was given to Miami Dade County by the property owner because at the time Miami Dade did not know where the street was going to be built. (See attached hereto **"Exhibit A"**)
2. The County agreed to return the land to the property owner if not used as intended. (See attached hereto **"Exhibit B"**)
3. The street was built, and the sidewalk was built but the remaining property was never returned as agreed. (See attached hereto **"Exhibit C-1"** and **"Exhibit C-2"**)
4. The division between Coral Gables and Pinecrest on the side in question (East side of the property 57th Ave). Is right in the middle of the existing sidewalk. (See attached hereto **"Exhibit D"**)
5. The Village of Pinecrest granted my neighbor the full extended land up to the VOP city limit. (See attached hereto **"Exhibit D"**)
6. We agree to give up 15 feet from the east boundary line of the VOP ROW. (See attached hereto **"Proposed Site Plan Master"**)
8. The new setback must be adjusted accordingly to the new property.
9. I agree to pay additional tax dollars for the land. This will generate income to the Village.
10. I plan to build a perimeter fence on the new property line according to all Village of Pinecrest building codes and regulations. (See attached hereto **"Proposed Site Plan Fence"**)
11. I plan to plant at least 7 palm trees and other trees along the new proposed land on the east side and 2 palm trees on the North side, all approved by an arborist. This will beautify the Village of Pinecrest side the neighborhood. (See attached hereto **"Proposed Site Plan New Trees"**)
12. I would agree to remove the dangerous coconut trees that would remain on the Pinecrest easement side. I would agree to plant more plants and trees on the Pinecrest easement side at my expense. (See attached hereto **"Proposed Site Plan Tree Removal"**)



Florida Power & Light Company, 14250 SW 112TH ST, Miami, FL 33186
Phone: 305-387-6650, Fax: 305-387-6651

April 29, 2024

Armando & Silvia Diaz
5720 SW 128TH ST
Pinecrest, FL, 33156

Dear Armnado & Silvia Diaz,

This letter is in response to your request for the release of a platted road right-of-way.

In meeting with your request, FPL has no objection to releasing our rights in the road right-of-way known as "SW 57TH AVE, S RED RD" in Plat Book 42, Page 19 of the Public records of Miami Dade County .

The release is restricted to the following description: E 50' OF TR 1 (42-19)

Should you have any questions or concerns, please do not hesitate to contact Maria Castillo Chavez at 305-387-6688.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jean Diaz', is written over a circular stamp.

Jean Diaz
Engineering Lead