



MEMORANDUM

Agenda Item No. 4(G)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 9, 2003

FROM:

George M. Burgess
County Manager

SUBJECT: Road Closing Petition

P-732

Section: 2-53-41

A 20-foot alley East of NW 17 Avenue
between NW 95 Street & Little River Blvd.
Approximately 550-feet

District: 2

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the subject unimproved alley to be vacated. There is indiscriminate dumping and other criminal activities occurring within said alley, that is creating an adverse effect to the health and safety of the residents, as well as the depreciation of their property.

BACKGROUND

Right-of-way to be Closed

The entire 20-foot alley located at Block 17, just east of NW 17th Avenue, between NW 95th Street and Little River Blvd., approximately 550 feet long.

Petitioners

The property owners of the abutting subject right-of-way have signed the attached petition.

Intent of use

The neighbors of Block 17 at the subject location are requesting that the right-of-way be proportionately divided and its content be added to each parcel or lot, to be privately maintained thereafter.

Right-of-way Dedication

The subject alley was dedicated at no cost to Miami-Dade County the plat of MIAMI PARK-SECTION 2, recorded in plat Book 46, Page 23 of the Public Records of Miami-Dade County, Florida. The dedication contains a clause stipulating that the property will revert back to the abutting property owners when the right-of-way is lawfully closed.

Easements

Miami-Dade Water and Sewer Department has no facilities within the right-of-way.

Zoning District

The area to the east of the alley is zoned Residential, the areas west and south are zoned commercial and light industrial.

Departmental Recommendation

The Public Works Department is recommending that the road closing be granted, after a public hearing. Research indicates that motor vehicle traffic is not expected to be negatively impacted. The Miami-Dade Departments of Planning and Zoning, Public Works, Fire Rescue and Water and Sewer have no objection to the right-of-way closing. The Property Appraiser's Office has assessed the adjacent property to this right-of-way ranging from \$1.00 to \$ 3.00 per square foot. Therefore, the appraised value of this right-of-way would be approximately \$1,500 to \$4,500. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$6,000 per year in additional property taxes to be paid by the adjoining property owners.



MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 9, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 4(G)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 4(G)

Veto _____

9-9-03

Override _____

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE
A PORTION OF A 20-FOOT ALLEY EAST OF NW
17TH AVENUE BETWEEN NW 95TH STREET AND
LITTLE RIVER BOULEVARD APPROXIMATELY
550-FEET (ROAD CLOSING PETITION NO. 732)

WHEREAS, the County Commission held a public hearing to consider a petition to close a portion of a 20-foot alley east of NW 17th Avenue between NW 95th Street and Little River Boulevard approximately 550-feet, as outlined in the accompanying petition and memorandum, a copy of which is incorporated herein by reference ,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the alleyway, street, road, highway or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; save and except that the land shall be retained as an easement for public utilities; (2) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (3) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (4) the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 9th day of September, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Thomas Goldstein

PETITION TO CLOSE ROAD

TO: Board of County Commissioners
Miami-Dade County, Florida

The undersign, pursuant to Sections 336.09 – 336.12 Florida Statutes, hereby petition 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:

The 20 foot alley in Block 17 of “MIAMI PARK”, according to the plat thereof, as recorded in Plat Book 46, Page 23, of the Public Records of Miami-Dade County, Florida, bounded on the south by the north right-of-way line of NW 95th Street and bounded on the west by the east right-of-way line of NW 17th Avenue, as per the above mentioned plat.

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):

The Plat of MIAMI PARK SECTION 2, Block 17, Plat Book 46, Page 23, Miami-Dade County, Florida, February 1947.

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.

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners and occupants of property abutting upon or adjacent to the above described road, right-of-way or lands and all persons who will be affected by the closing and abandonment thereof (all interest or affected persons must either sign this petition or sign a written consent):

PRINT NAME	FOLIO NO.	ADDRESS
NOTE: SEE ATTACHED SIGNATURES SHEETS	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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. 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 Board of County Commissioners

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LITTLE RIVER BLVD ROAD CLOSURE PETITION

Property Owner's Name	Address	Folio Number	Agree to Road Closure? Yes/No	Property Owner's Signature	Telephone No.	Date
1 Rosa M. Garcia	9508 Little River Blvd	30-3102-011-0670	SI	Rosa Garcia	305-693-2668	1/31/03
2 Johnnie & Fairy Mills 9	9518 Little River Blvd	30-3102-011-0680	yes	Fairy Mills	305-835-7459	01/31/03
3 J.Q. & Louise Mathis	9528 Little River Blvd	30-3102-011-0690	yes	Jean Mathis	(305) 836-7163	01/31/03
4 Cheri M. Agurs	9538 Little River Blvd	30-3102-011-0700	yes	Cheri Agurs	(805) 300-4406	2/2/03
5 Raul & Ana V. Ortiz	9608 Little River Blvd	30-3102-011-0710	yes	Raul Ortiz	305-894-9448	01-31-03
6 Mauricio & Yolanda Martinez	9618 Little River Blvd	30-3102-011-0720	yes	Mauricio	(805) 836-4297	01-31-07

LITTLE RIVER BLVD ROAD CLOSURE PETITION

7	Manuel & Gladys Alcala	9628 Little River Blvd	30-3102-011-0730	SI	Manuel & Gladys	836-6159	1/31/03
	Austria Mejia ***	9638 Little River Blvd	30-3102-011-0740				
9	Doris O. King	9648 Little River Blvd	30-3102-011-0750	yes	Doris O. King	696-6337	1/31/2000
10	Manuel Fuentes Jr. ***	9521 NW 17 Ave	30-3102-011-0770				
11	Steven W. Somers ***	1605 NW 95 St	30-3102-011-0830				

*** Note: Property owners do not reside at these locations.

7. GROUNDS FOR REQUESTING PETITION: The undersigned submit as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

The subject alleyway has never been improved, since its dedication in 1947. Due to the unsupervised nature of an area outside the private property, at present, it is overgrown with wild-vegetation, becoming a site for indiscriminate dumping as well as potential for other criminal activities.

8. INTENT: The undersigned submit as grounds and reason for the utilization of the land sought to be closed (state purpose in detail):

The intent of this petition is to exercise the revision clause within the dedication of the aforementioned-recorded plat. Whereby the parcel shall be proportionally divided among the abutting property owners undersigning herein. This covenant shall run with the land for the perpetual use, care and maintenance of each of the eleven proprietors and/or their successors.

(Petition must be signed by all property owners abutting the road, right-of-way or land to be closed or abandoned)

Respectfully submitted,

SIGNATURE

ADDRESS

NOTE: SEE ATTACHED _____

SIGNATURES SHEETS _____
