

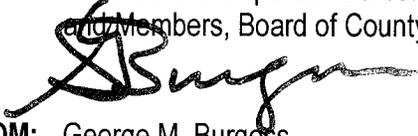


M E M O R A N D U M

Agenda Item No. 7(P)(1)(C)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and members, Board of County Commissioners

DATE: December 4, 2003


FROM: George M. Burgess
County Manager

SUBJECT: Road Closing Petition P-737
Section: 4-53-41
Portions of NW 28 Avenue from NW 90
Street to NW 91 Street
District 2

RECOMMENDATION

It is recommended that the Board of County Commissioners grant the attached Road Closing petition following a public hearing. The subject right-of-way has never been improved nor maintained by Miami-Dade County. The abutting properties receive public services from the front of the property and not the rear of each lot. The proposed closing will not impact vehicular traffic. Furthermore, granting this petition will relieve the County of the liabilities associated with a public right-of-way. For the aforementioned circumstances the Public Works Department recommends approval of this petition. The Miami-Dade Departments of Planning and Zoning, Fire Rescue, Water and Sewer, and Public Works have no objection to the right-of-way closing.

BACKGROUND

All property owners abutting the subject portion of NW 28 Avenue have joined in signing this petition, they intend to incorporate portions of the subject right-of-way as part of their property, to be landscaped and maintained thus improving the property values.

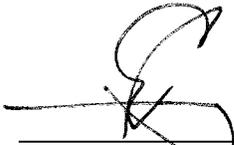
The right-of-way to be closed is a 35-foot wide portion of NW 28 Avenue, extending from NW 90th Street North to NW 91st Street for approximately 280 feet. The subject right-of-way was dedicated in 1924, by the Amended Plat of THE TROPICS, A SUBDIVISION in Section 4 -Township 53 – Range 41, recorded in Plat Book 10, Page 17, of the Public Records of Miami-Dade County, Florida. Said plat contains a reverter clause stipulating that the property will revert back to the abutting property owners whenever the right-of-ways are discontinued.

The Zoning District to the west of the alley is RU-3 (Four Unit Apartment House District). The east side of said alley is zoned BU-1A (Limited Business District), this split zoning is typical of the property along section line roads such as 27th Avenue.

The Miami-Dade Water and Sewer Department reports that there is an existing 6" water main within the subject alley. The right-of-way can be vacated providing the entire area is reserved as a utility easement.

Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and members, Board of County Commissioners
Page Two

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$1.03 per foot. Therefore, the appraised value of this right-of-way would be approximately \$10,100. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$252 per year in additional property taxes to be paid by the adjoining property owner.



Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: December 4, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(P)(1)(C)

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. 7(P)(1)(C)
12-4-03

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION SETTING PUBLIC HEARING TO
CLOSE A PORTION OF NW 28TH AVENUE, FROM
NW 90TH STREET TO NW 91ST STREET (ROAD
CLOSING PETITION NO. P-737)

WHEREAS, the County Manager has recommended that a public hearing be held to consider a petition to close a portion of NW 28th Avenue from NW 90th Street to NW 91st Street, 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, that a public hearing to consider the advisability of granting said petition shall be held in accordance with the statutory provisions, on January 20, 2004 at 9:30 in the morning, at the County Commission meeting room on the 2nd floor of the Stephen P. Clark Center and the Clerk is directed to publish notice of such public hearing in a newspaper of general circulation in Miami-Dade County, one time, at least two weeks prior to the date of said public hearing in conformity with the statutory requirements.

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 4th day of December, 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

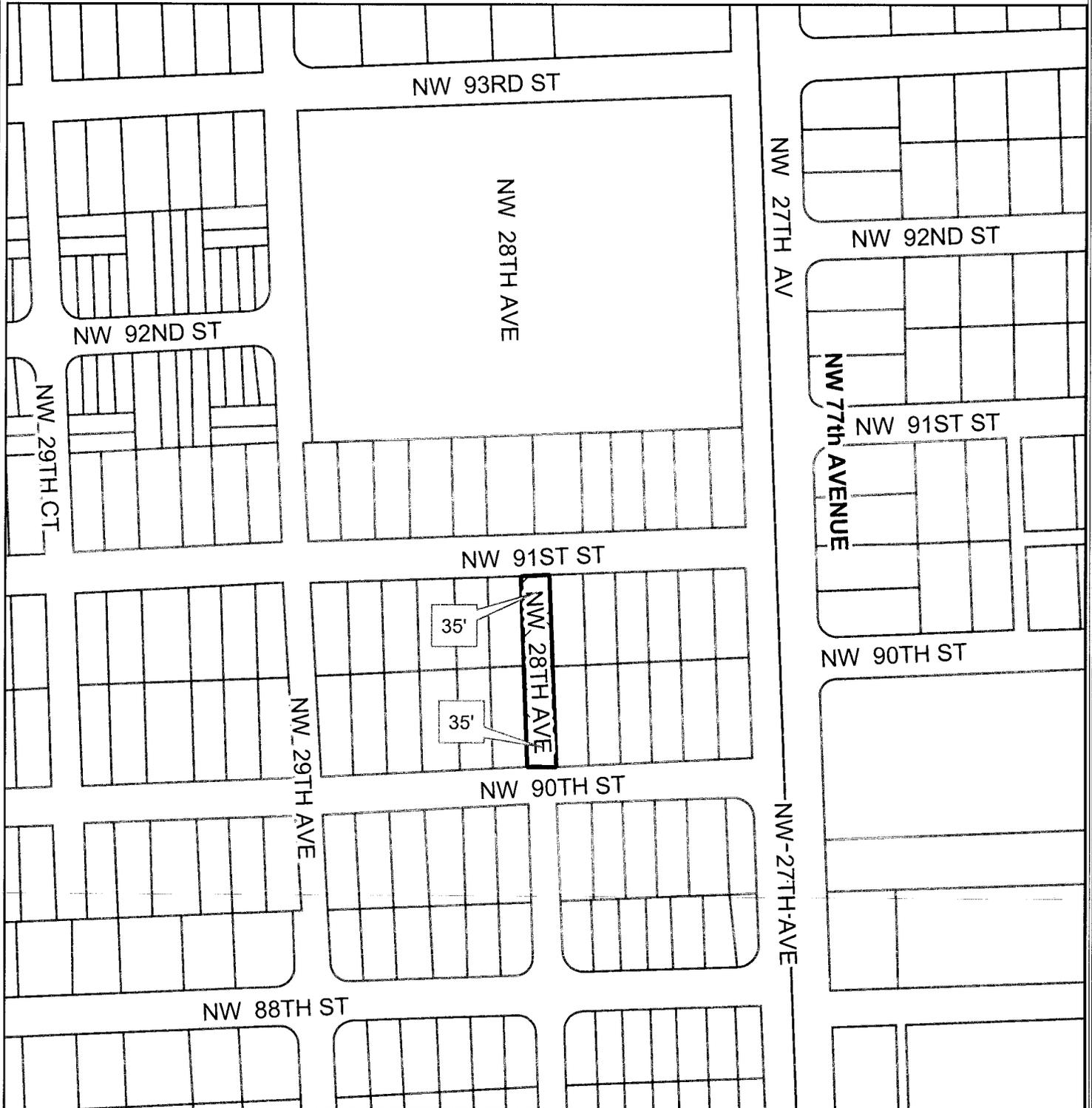
By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Thomas Goldstein

TTRRSS: 534104



Legend

-  Road Closing
-  Section Lines
-  Lot Lines

P-737
A.D.C. - 10/14/2003

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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 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 the 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 a 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:

That portion of NW 28th Avenue being a 35 foot right-of-way, lying and being between the West line of Block 80 and the East Line of Block 79 and lying South of a line from the Northeast corner of Block 79, Eastward to the Northwest corner of Block 80 and the North of a line from the South East corner of Block 79, Eastward to the South West corner of Block 80, all in Plat Book 10, Page 17 of the public records of Miami-Dade County, Florida.

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):

By dedication as shown in platted subdivision "Tropics Amended" in PB 10 Pg 17 Miami Dade County

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 interested or affected persons must either sign this petition or sign a written consent):

Name	Address	Description of Property
<u>JOSE A DIAZ</u>	<u>2802 NW 91 ST</u>	<u>Single family Residence</u>
<u>BERNARDA D DIAZ</u>	<u>2802 NW 91 ST</u>	<u>" " "</u>
<u>MARIO DIAZ</u>	<u>2819 NW 90 ST</u>	<u>" " "</u>
<u>JOSE L URENA</u>	<u>2819 NW 90 ST</u>	<u>" " "</u>
<u>CMCC LTD</u>	<u>9050 NW 27 Ave</u>	<u>Commercial (CAR Lot)</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

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.

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):

This unimproved dirt road creates an unsage environment for the surrounding neighbors in the following ways:

- a) Constant dumping of thrash & garbage attracts flies and vermin.
- b) This alley is used for drug transactions & prostitution.

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

Upon closer the undersigned intend to fence and landscape the property.

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

Respectfully submitted,

Signature

Address

José A. Díaz
Bernarda Díaz
Mario Díaz
José María
©. O. Díaz

2802 NW 91ST MIAMI FL 33147
2802 NW 91 ST MIAMI FL 33147
2819 NW 90 ST " " 33147
2819 NW 90 ST " " 33147
9050 NW 27AVE " " 33147

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

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

BEFORE ME, the undersigned authority, personally appeared Those persons listed below, 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.

(see page three)

(Signature of Petitioner)

Sworn and subscribed to before me this

14 day of July, 2003

[Signature]

Notary Public State of Florida at Large

 Edelia Maria Garcia
My Commission CC879478
Expires October 13, 2003

My Commission Expires: Oct 13 2003

JOSE DIAZ

BERNARDA DIAZ

MARIO DIAZ

Jose L. URENA

CMCC LTD

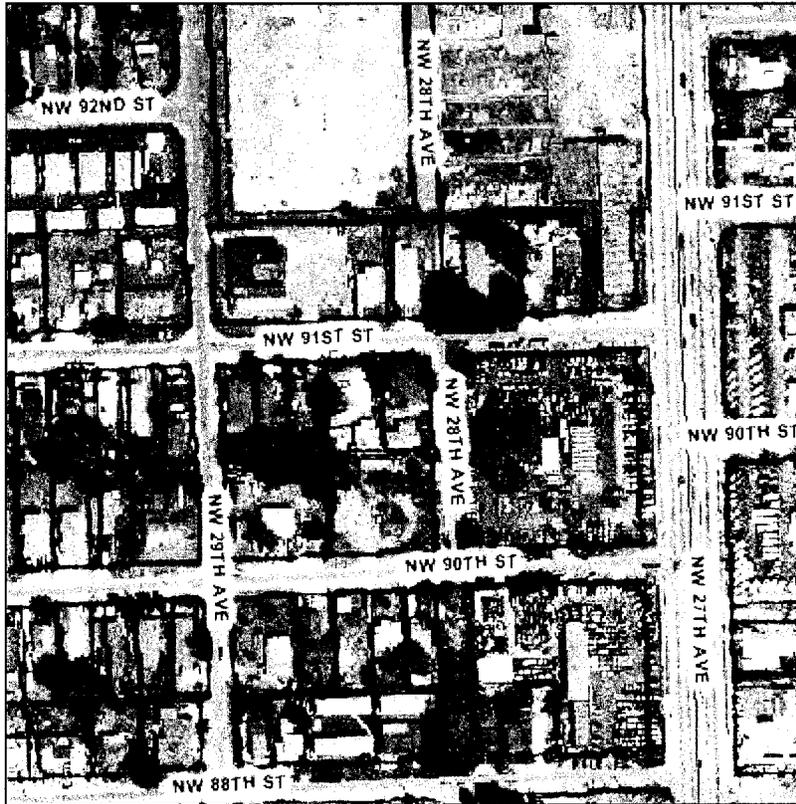
ABE CHAMOUN (president)

My Home
Miami-Dade County, Florida



miamidade.gov

Property Information Map



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Close

Summary Details:

Folio No.:	30-3104-003-5670
Property:	2802 NW 91 ST
Mailing Address:	JOSE A DIAZ &W BERNARDA 2802 NW 91 ST MIAMI FL 33147-3416

Property Information:

Primary Zone:	5100 BUNGALOW COURTS
CLUC:	0001 RESIDENTIAL- SINGLE FAMILY
Beds/Baths:	3/1
Floors:	1
Living Units:	1
Adj Sq Footage:	936
Lot Size:	9,730 SQ FT
Year Built:	1960
Legal Description:	THE TROPICS AMD PL PB 10-17 LOT 1 & E20FT OF LOT 2 & LESS S 1FT OF E20FT OF LOT 2 BLK 79 LOT SIZE 70.000 X 139 OR 16834-3397 0695 1

Sale Information:

Sale O/R:	16834-3397
Sale Date:	6/1995
Sale Amount:	\$67,500

Assessment Information:

Year:	2003	2002
Land Value:	\$45,538	\$36,502
Building Value:	\$43,166	\$36,950
Market Value:	\$88,704	\$73,452
Assessed Value:	\$50,190	\$49,014
Homestead Exemption:	\$25,000	\$25,000
Total Exemptions:	\$25,000	\$25,000
Taxable Value:	\$25,190	\$24,014

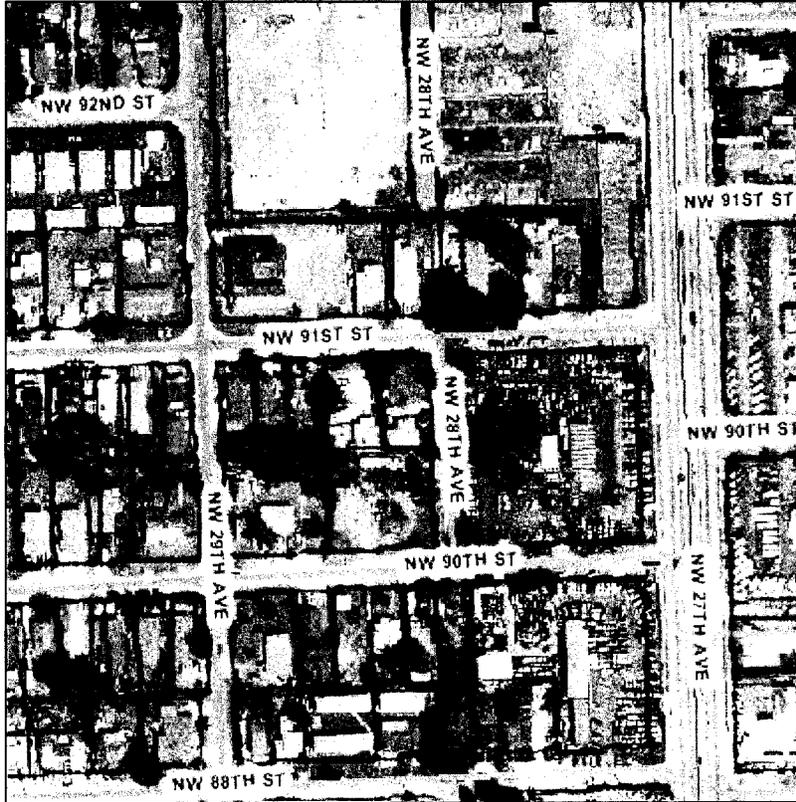
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Miami-Dade County, Florida

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Property Information Map



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Summary Details:

Folio No.:	30-3104-003-5730
Property:	9050 NW 27 AVE
Mailing Address:	CMCC LTD 9050 NW 27 AVE MIAMI FL 33147-3502

Property Information:

Primary Zone:	6100 RESTRICTED COMMERCIAL
CLUC:	0019 COMMERCIAL- MIXED USE
Beds/Baths:	0/2
Floors:	1
Living Units:	0
Adj Sq Footage:	1,612
Lot Size:	78,680 SQ FT
Year Built:	1980
Legal Description:	4 53 41 THE TROPICS AMD PL PB 10-17 LOT 1 LESS E25FT & LOTS 2 TO 11 INC & LOT 12 LESS E25FT BLK 80 LOT SIZE IRREGULAR OR 18614-2657 THRU 2668 0599 5

Sale Information:

Sale O/R:	15815-1324
Sale Date:	2/1993
Sale Amount:	\$172,500

Assessment Information:

Year:	2003	2002
Land Value:	\$272,204	\$233,392
Building Value:	\$2,761	\$2,761
Market Value:	\$274,965	\$236,153
Assessed Value:	\$274,965	\$236,153
Total Exemptions:	\$0	\$0
Taxable Value:	\$274,965	\$236,153

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Miami-Dade County, Florida

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Property Information Map



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Summary Details:

Folio No.:	30-3104-003-5720
Property:	2819 NW 90 ST
Mailing Address:	MARIO DIAZ 7777 NW 17 AVE MIAMI FL 33147-5656

Property Information:

Primary Zone:	5100 BUNGALOW COURTS
CLUC:	0002 MULTIFAMILY-DUPLEX
Beds/Baths:	4/3
Floors:	1
Living Units:	2
Adj Sq Footage:	3,859
Lot Size:	21,000 SQ FT
Year Built:	1945
Legal Description:	THE TROPICS AMD PL PB 10-17 LOTS 10-11 & 12 BLK 79 LOT SIZE 150,000 X 140 OR 20472-0287 0602 5

Sale Information:

Sale O/R:	
Sale Date:	3/2003
Sale Amount:	\$0

Assessment Information:

Year:	2003	2002
Land Value:	\$97,808	\$78,401
Building Value:	\$157,814	\$134,771
Market Value:	\$255,622	\$213,172
Assessed Value:	\$255,622	\$213,172
Total Exemptions:	\$0	\$0
Taxable Value:	\$255,622	\$213,172



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