



MEMORANDUM

Agenda Item No. 4(R)

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

DATE: March 16, 2004

FROM: George M. Burgess
County Manager

SUBJECT: Road Closing Petition P-731
Section: 02-54-39
SW 129th Avenue and
SW 6th Street
District: 12

RECOMMENDATION

It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The subject portion of right-of-way has never been improved nor maintained by Miami-Dade County, and there are reports of indiscriminate dumping. Based on the aforementioned circumstances, the Public Works Department (PWD) recommends approval of the petition. The Miami-Dade County Departments of Planning and Zoning, Fire Rescue, Water and Sewer and Public Works have no objection to the right-of-way closing.

BACKGROUND

This 25-foot wide by approximately 237 feet long portion of SW 129th Avenue lying south of SW 6th Street ends at the Tamiami Canal. If extended southward across said canal and Tamiami Trail, it would intercept a shopping center that lies within a plat named University Lakes Plaza, recorded in Plat Book 100, Page 50, of the Public Records of Miami-Dade County, Florida. Furthermore, both SW 127th Avenue and SW 132nd Avenue have connecting bridges over the Tamiami Canal.

The petitioner, Mr. Domingo Rodriguez, who has been cleaning and maintaining the subject unimproved right-of-way intends to incorporate it to his property, enhancing it with landscaping. The east 25 feet for the portion of the referenced road has not been dedicated. However, the owner has joined in the road closing petition.

The subject portion of right-of-way was dedicated to Miami-Dade County in 1927, by the Plat of SWEETWATER ESTATES, recorded in Plat Book 28, Page 36, of the Public Records of Miami-Dade County, Florida. Said plat contains a reverter clause which stipulates that the land reverts to the owners when its use as a public right-of-way is lawfully and permanently discontinued.

The area surrounding the subject right-of-way is zoned EU-1 (Estates 1 Family/ Acre Gross).

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$2.70 per square feet. Therefore, the estimated value of this right-of-way would be approximately \$16,000. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$400.00 per year in additional property taxes.

Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: March 16, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 4 (R)

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
Veto _____
Override _____

Agenda Item No. 4(R)
3-16-04

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE A 25-FOOT
PORTION OF SW 129TH AVENUE, FROM SW 6TH STREET
SOUTH FOR APPROXIMATELY 237 FEET (ROAD CLOSING
PETITION NO. P- 731)

WHEREAS, the County Commission held a public hearing to consider a petition to close a 25-foot portion of SW 129th Avenue, from SW 6th Street south for approximately 237 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; (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	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of March, 2004. 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

Approved by County Attorney as
to form and legal sufficiency.



Thomas Goldstein

By: _____
Deputy Clerk

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:

R.: SEE ATTACHED SURVEY.

DESCRIPTION (OF ROAD TO BE VACATED)

A Strip of Land bounded by the North by the South Right of Way of SW 6th Street by the East by the West line of SE ¼ of the SE ¼ of Section 2 Township 54 South Range 39 East by the South by the North Right of Way of Tamiami Canal by the West by the East line of Lot 1 Block 29 of SWEETWATER ESTATES as recorded in Plat Book 28 at Page 36 of the Public Record of Miami-Dade County, Florida.

More particularly described as: (the following bearing are based on Miami-Dade County Section Map) Commencing at the NW Corner of SE ¼ of the SE ¼ of Section 2 Township 54 South Range 39 East, thence run S 01°25'53" E a distance of 25.0 feet to the Point of Beginning; thence run S 01°25'53" E a distance of 237.19 feet to the intersection with the North Right of Way Line of Tamiami Canal; thence run S 89°45'00" W along the North Right of Way Line of Tamiami Canal a distance of 25.01 feet to the SE Corner of Lot 1 Block 29 of SWEETWATER ESTATES as recorded in Plat Book 28 at Page 36 of the Public Record of Miami-Dade County, Florida; thence run N 01°25'53" W along the East line of Said Lot 1, a distance of 210.94 to the Point of Curvature of a Curve to the left concave to the Southwest; thence run northerly and westerly along the arc of said curve a distance of 39.64 feet having a radius of 25 feet through a central angle of 90°50'27" to the point of tangency; thence run N 87°43'40" E a distance of 50.37 feet to the Point of Beginning

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):

PLAT OF SWEETWATER ESTATES SUBDIVISION
RECORDED IN P.B. 28, Pg. 36 MIAMI-DADE
COUNTY, FLORIDA IN 1927.

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):

DOMINICO RODRIGUEZ	12900 SW 6 TH ST MIAMI-FL 33184	30-4901-001-1230
JOSE RODRIGUEZ		30-4902-000-0170

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. GROUND 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):

TO AVOID INDISCRIMINATE PUBLIC ACCESS, DUMPING & VANDALISM. - ALSO, THAT STREET DOES NOT HAVE CONTINUITY SOUTHWARD.

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

TO AVOID PUBLIC ACCESS. - TO KEEP IT CLEAN AND LANDSCAPE IT. -

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

Respectfully submitted,

Signature
Joe & Ann Gully
D. [Signature]

Address
N/A see folio #
12900 SW 6th St - MIA: FL 33184

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

STATE OF FLORIDA)
)ss
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Domingo Rodriguez & Jose L. Rodriguez, 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.

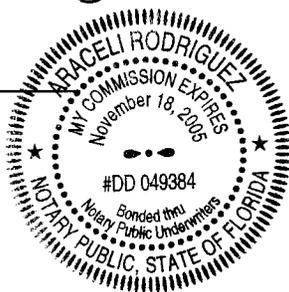
[Signature]
(Signature of Petitioner)

Sworn and subscribed to before me this

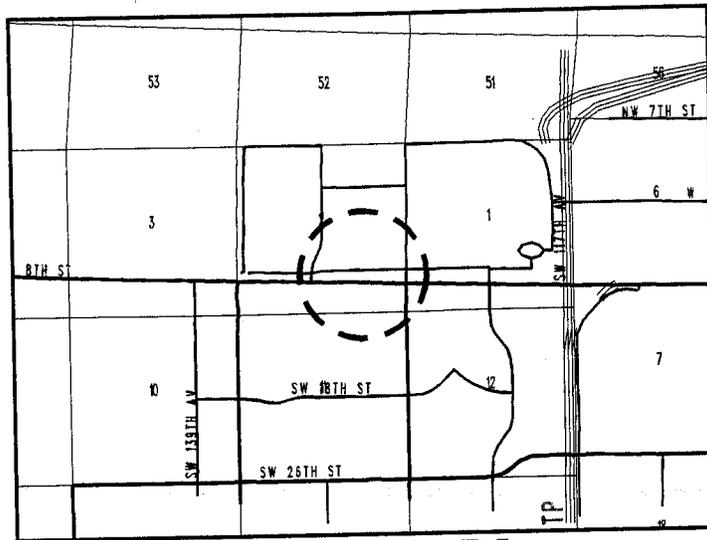
16th day of July, 2002

[Signature]
Notary Public state of Florida at Large

My Commission Expires: _____

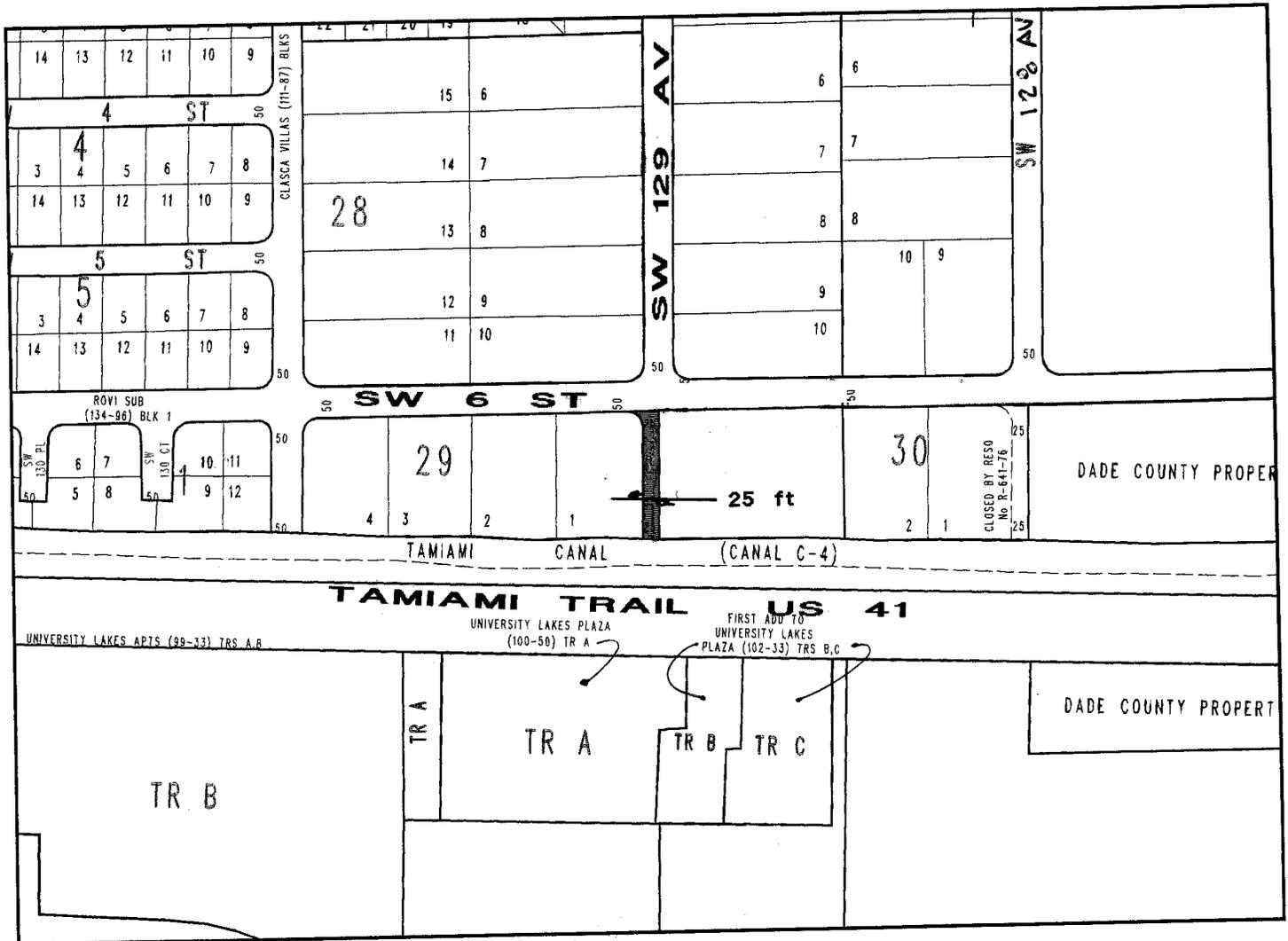


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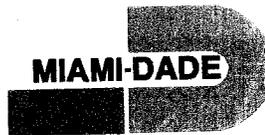
Sec: 02
Twp: 54
Rge: 39

Location Plan



LEGEND

 RIGHT OF WAY TO BE CLOSED



1/28/03 SR