

Date: **March 1, 2005**

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: 
George M. Burgess
County Manager

Subject: Road Closing Petition P-792
Section: 15-53-41
NW 21st Court from NW 66th Street to NW 68th Street

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

RECOMMENDATION

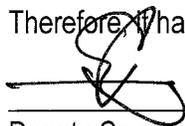
It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to the right-of-way closing.

BACKGROUND

The property owners abutting the subject portion of NW 21st Court from NW 66th Street to NW 68th Street have joined in signing the petition to close same in order to incorporate it to their property to be enhanced and maintained. The portion of right-of-way being closed has never been improved nor maintained by Miami-Dade County.

The subject right-of-way was dedicated in 1918 by the plat of "ORANGE RIDGE SUBDIVISION", recorded in Plat Book 4, Page 129, of the Public Records of Miami-Dade County, Florida. Said plat does not contain a reverter clause which stipulates that the right-of-way reverts to the current owners of the abutting properties when its use as a public right-of-way is lawfully and permanently discontinued. The area surrounding the subject right-of-way is zoned RU-2 (Two Family Residential District).

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$2.86 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$23,724. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$526 per year in additional property taxes. This petition was submitted prior to the County Commission Approval of the resolution amending Administrative Order 4-114 creating the two tier fee system for Road Closing Petitions. Therefore, it has been processed under the previous fee structure.



Deputy County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 1, 2005

FROM: 
Robert A. Ginsburg
County Attorney

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

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)(E)

Veto _____

03-01-05

Override _____

RESOLUTION NO. _____

RESOLUTION SETTING PUBLIC HEARING TO
CLOSE NW 21ST COURT FROM NW 66TH STREET
TO NW 68TH STREET (ROAD CLOSING PETITION
NO. P-792)

WHEREAS, the County Manager has recommended that a public hearing be held to consider a petition to close NW 21st Court (FIRST STREET by plat) from NW 66th Street (GRAPE AVE. by plat) to NW 68th Street (LIME AVE. by plat), 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 April 5, 2005 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:

- | | |
|-------------------------------|--------------------------|
| Joe A. Martinez, Chairman | |
| Dennis C. Moss, Vice-Chairman | |
| Bruno A. Barreiro | Dr. Barbara Carey-Shuler |
| Jose "Pepe" Diaz | Carlos A. Gimenez |
| Sally A. Heyman | Barbara J. Jordan |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of March, 2005. 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.

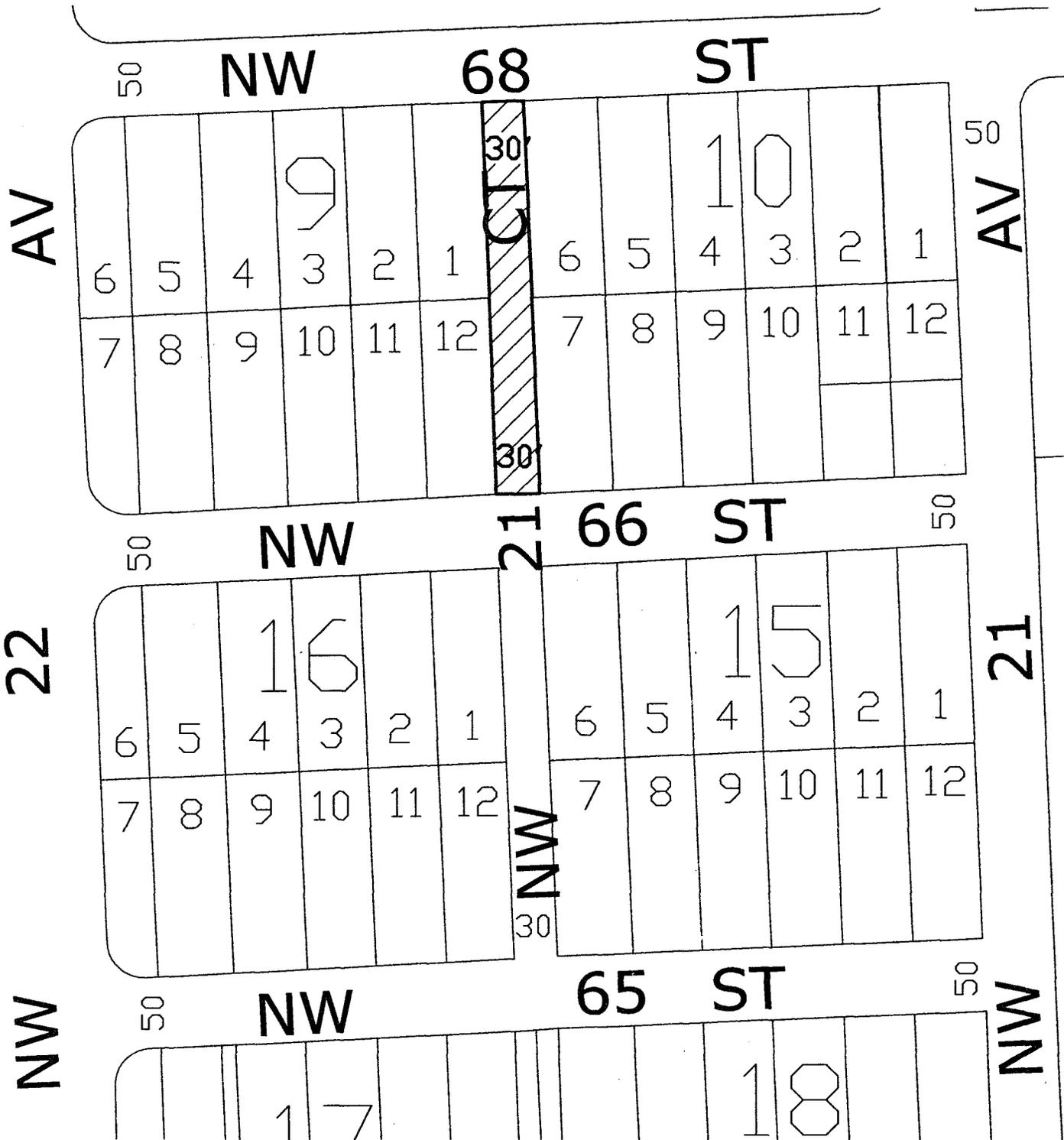
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

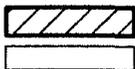
Approved by County Attorney as _____
to form and legal sufficiency:
Thomas Goldstein

By: _____
Deputy Clerk

SECTION 15 TOWNSHIP 53S RANGE 41E



Legend



Road Closing
Lot Lines

P-792

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DISTRICT 2



Nauret Rivera
May 20, 2004

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:

That portion of NW 21st Court (FIRST STREET by plat) lying between Blocks 9 and 10 of “ORANGE RIDGE SUBDIVISION”, according to the plat thereof, as recorded in Plat Book 4, Page 129, of the Public Records of Miami-Dade County, Florida, bounded on the north by the south right-of-way line of NW 68th Street (LIME AVE. by plat), bounded on the east by the west line of said Block 10, bounded on the south by the north right-of-way line of NW 66th Street (GRAPE AVE. by plat), and bounded on the west by the east line of said Block 9; Containing an area of 8,295 square feet.

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):

THIS ROAD WAS DEDICATED BY THE PLAT OF "ORANGE RIDGE SUBDIVISION" AS RECORDED IN PLAT BOOK 4 AT PAGE 129 OF THE 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.

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
LABAN RUTHERFORD	2150 NW 68 ST	LOT 6 BLK 10 PB4-129
FERNANDO BOWEN	2145 NW 66 ST	LOT 7 BLK 10 PB4-129
Armando Perez		LOT 1 BLK 9 PB4-129
TOM JACKSON	2153 NW 66 ST	LOT 12 BLK 9 PB4-129

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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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 RIGHT OF WAY HAS NEVER BEEN IMPROVED NOR MAINTAINED BY MIAMI-DADE COUNTY, CLOSING AND VACATING THE RIGHT OF WAY WILL RELIEVE THE COUNTY FROM ANY RESPONSIBILITIES TO KEEP THE CAND CLEAR OF TRASH AND INDISCRIMINATE DUMPING.

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

THE PROPERTY OWNERS WISH TO INCORPORATE THE RIGHTOFWAY AS PART OF THIER PROPERTY IN ORDER TO CLOSE IT IN FOR SECURITY.

(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

[Handwritten signatures]
James Jackson & Reda

3031150200340
3031150200350
3031150200210
3031150200291

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

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

BEFORE ME, the undersigned authority, personally appeared FERNANDO BOWEN, 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.

 Jose Vidal
My Commission DD295781
Expires March 02, 2008

(Signature of Petitioner)

Sworn and subscribed to before me this
23 day of April, 2004



Notary Public State of Florida at Large

My Commission Expires: March 02, 2008