

Date: January 20, 2005

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

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

From: 
George M. Burgess
County Manager

Subject: Road Closing Petition P-796
Section: 30-53-42 (District 3)
A portion of an alley west of NE 7th Avenue between NE 31st Street and NE 32nd Street

RECOMMENDATION

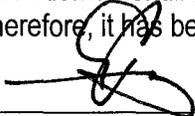
It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The subject right-of-way has never been improved nor maintained by Miami-Dade County. The Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to the right-of-way closing.

BACKGROUND

The petitioner, Saxon Development Company, Inc., the owner of all the lands abutting the alley, wishes to close that portion of the alley from the northerly projection of the west line of Lot 2, "HAINES-BAYFRONT", as recorded in Plat Book 29, Page 55, to the southerly projection of the east line of lot 11, Block 6, "ELWOOD COURT BAY FRONT SECTION", as recorded in Plat Book 16, Page 70, both recorded in the Public Records of Miami-Dade County, Florida, in order to incorporate the area to their property.

In 1945, Miami-Dade County acquired title to the alley by final decree of the Circuit Court. On December 10, 1946, at the request of the City of Miami, the Miami-Dade County Commission set aside and dedicated the subject property for public street or alley by Resolution No. 2347. On March 26, 1992, the City of Miami Commission disclaimed and renounced any interest on the alley by Resolution No. 92-204. The area surrounding the subject right-of-way is zoned by the City of Miami as R-4, Multifamily High Density (150 DUs/Ac.) Residential District.

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$69.55 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$263,525. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$5,846 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: January 20, 2005

FROM: 
Robert A. Ginsburg
County Attorney

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

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)(B)

01-20-05

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION SETTING PUBLIC HEARING TO
CLOSE A PORTION OF THE ALLEY WEST OF NE
7TH AVENUE BETWEEN NE 31ST STREET AND NE
32ND STREET (ROAD CLOSING PETITION NO. P-
796)

WHEREAS, the County Manager has recommended that a public hearing be held to consider a petition to close a portion of the alley west of NE 7th Avenue between NE 31st Street and NE 32nd 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 February 15, 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
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 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

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



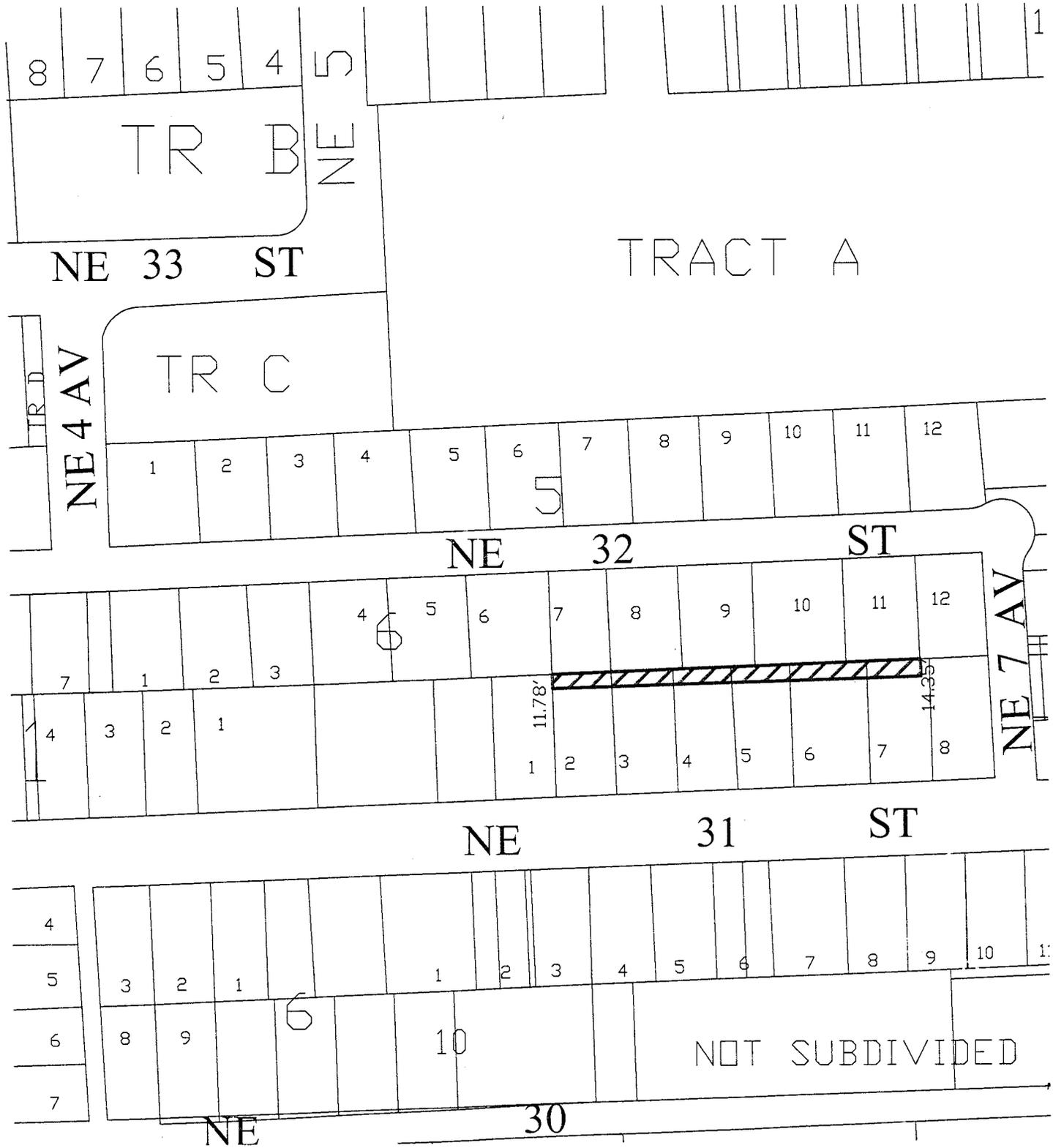
Thomas Goldstein



Location Map

PWD

SECTION 30 TOWNSHIP 53S RANGE 42E

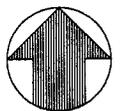


Legend

-  Road Closing
-  Lot Lines

P-796

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Nauret Riverol
 Senior Cadastral Technician
 September 22, 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 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 certifies:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right of way or land sought to be closed is as follows:

See Exhibit "A" attached hereto

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 County acquired title to the property in a Final Decree of the Circuit Court of the Eleventh Judicial Circuit of Florida, dated December 28, 1945, which is recorded in Official Records Book 748 at Page 304 of the Public Records of 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 abutting upon to the above described road, right of way or lands.

PRINT NAME	FOLIO NUMBER	ADDRESS
<u>Saxon Development Company, Inc.</u>	<u>01-3230-011-0260</u>	<u>608 NE 32nd Street</u>
<u>Robert Wohl</u>	<u>01-3230-011-0250</u>	<u>600 NE 32nd Street</u>
<u>Robert Wohl</u>	<u>01-3230-011-0240</u>	<u>590 NE 32nd Street</u>
<u>Robert Wohl</u>	<u>01-3230-011-0230</u>	<u>550 NE 32nd Street</u>
<u>Robert Wohl</u>	<u>01-3230-011-0220</u>	<u>540 NE 32nd Street</u>
<u>Robert Wohl</u>	<u>01-3230-016-0030</u>	<u>525 NE 31st Street</u>
<u>Robert Wohl</u>	<u>01-3230-016-0040</u>	<u>601 NE 31st Street</u>
<u>Robert Wohl</u>	<u>01-3230-016-0050</u>	<u>615 NE 31st Street</u>
<u>Robert Wohl</u>	<u>01-3230-016-0060</u>	<u>621 NE 31st Street</u>
<u>Patricia Cavalaris</u>	<u>01-3230-016-0070</u>	<u>629 NE 31st Street</u>
<u>Robert Wohl</u>	<u>01-3230-016-0080</u>	<u>637 NE 31st Street</u>

5. ACCESS TO OTHER PROPERTY: The undersigned certifies 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. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as grounds and reason

in support of this petition the following (state in detail why petition should be granted):

See attached letter of intent

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

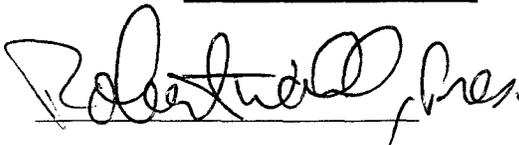
See attached letter of intent

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

Respectfully submitted,

NAME SIGNATURE

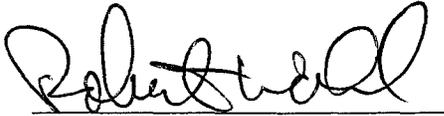
ADDRESS



546 NE 31st Street, Miami, FL 33137

Robert Wohl, President

Saxon Development Company, Inc.



546 NE 31st Street, Miami, FL 33137

Robert Wohl

Attorney for Petitioner

Address:

(Signature of attorney not required)

STATE OF FLORIDA)

) ss.:

COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority, personally appeared Robert Wohl, who first by me duly sworn, deposes and says that he is one of the petitioners named in and who signed the foregoing petition; that he is duly authorized to make this verification for and on behalf of all petitioners; that he has read the foregoing petition and that the statements therein contained are true.



(Signature of Petitioner)

Sworn and subscribed to before me this 24 day of March, 2004.

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Adriana Sandoval
My Commission DD222408
Expires June 12, 2007

Respectfully submitted,

NAME SIGNATURE

ADDRESS

Patricia Cavalaris

629 NE 31st Street, Miami, FL 33137

Patricia Cavalaris

Attorney for Petitioner

Address:

(Signature of attorney not required)

STATE OF FLORIDA)

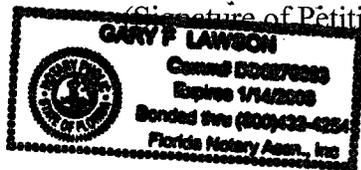
) ss.:

COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority, personally appeared Patricia Cavalaris, who first by me duly sworn, deposes and says that he is one of the petitioners named in and who signed the foregoing petition; that he is duly authorized to make this verification for and on behalf of all petitioners; that he has read the foregoing petition and that the statements therein contained are true.

Gary F. Lawson

Sworn and subscribed to before me this 25 day of MARCH, 2004.



(Signature of Petitioner)

Notary Public State of Florida at Large
My Commission Expires:

I.D. Personally Known

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of unplatted land lying in the Northeast Quarter (NE1/4) of Section 30, Township 53 South, Range 42 East, City of Miami, Miami-Dade County, Florida, also being a portion of that strip of land lying between the North line of "HAINES BAYFRONT" according to the Plat thereof recorded in Plat Book 29, Page 55, and the South line of Block 6, "ELWOOD COURT BAY FRONT SECTION", according to the Plat thereof recorded in Plat Book 16, Page 70, both of the Public Records of Miami-Dade County, Florida, said strip being dedicated for Public Alley by the Board of County Commissioners of Dade County, Florida per Clerk's File V97897, December 12, 1946, the subject parcel being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 11, Block 6 of said Plat of "ELWOOD COURT BAY FRONT SECTION"; thence with an assumed bearing of Due South along the Southerly extension of the East line of said Lot 11 for a distance of 14.35 feet; thence S.89°59'54"W., along the North line of Lots 7, 6, 5, 4, 3 and 2 of the previously mentioned Plat of "HAINES BAYFRONT" for 290.00 feet to the Northwest corner of said Lot 2; thence Due North, along the Northerly extension of the West line of said Lot 2, for 11.78 feet; thence N.89°29'26"E., along the South line of Lots 7, 8, 9, 10 and 11, Block 6 of said Plat of "ELWOOD COURT BAY FRONT SECTION", for 290.01 feet to the POINT OF BEGINNING.

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LETTER OF INTENT

This firm represents Saxon Development ("Applicant") with respect to certain matters, including the instant request to vacate a portion of the alley between N.E. 32 Street and N.E. 31 Street, east of Biscayne Boulevard. Please accept this petition for road closing in accordance with the Code of Miami-Dade County.

On December 10, 1946, Dade County dedicated a strip of land between N.E. 32 Street and N.E. 31 Street, east of Biscayne Boulevard, for a public alley. See attached Exhibit "A". On March 26, 1992, the City of Miami disclaimed any interest it may have had in the public alley and requested that Miami-Dade County no longer set aside and dedicate the property for a public alley. See attached Exhibit "B". Following the request, on July 23, 1992, the Miami-Dade County Commission vacated the western portion of the alley. See attached Exhibit "C".

The abutting property owners of a remaining portion of the alley seek to have the County vacate the alley between 608 N.E. 32 Street and 540 N.E. 32 Street. This portion of the alley never has been maintained by Miami-Dade County. Closing the alley will relieve the County from any responsibilities to keep the land clear of trash and indiscriminant dumping. The alley does not function as an alley nor has it been used as an alley. Therefore, the Applicant requests that the County, as requested by the City of Miami, vacate this portion of the alley.