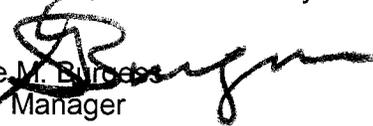


Date: October 24, 2006

Agenda Item No. 5(G)

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

From: 
George M. Burdick
County Manager

Subject: Road Closing Petition P-818
Section: 26-56-39
SW 134 Court, Starting 200 Feet South of SW 250 Street South for Approximately 468 Feet
Commission District: 8

RECOMMENDATION

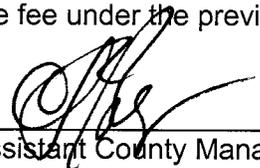
It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to the right-of-way closing.

BACKGROUND

The Petitioners, Alfredo F. Diaz and Robert E. Chisholm, wish to close SW 134th Court, beginning 200 feet south of SW 250th Street, in order to incorporate it to their property, thus unifying the two parcels for a future development that includes alternate roads. The Petitioners jointly own the land abutting both sides of the portion of right-of-way to be closed, which has never been improved nor maintained by Miami-Dade County.

The subject right-of-way was dedicated in 1954, recorded in Deed Book 3885, Page 284, of the Public Records of Miami-Dade County, Florida. Said Deed contains 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 EU-M (Estates Modified District).

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$1.15 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$26,902. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$573 per year in additional property taxes. This petition was filed after October 1, 2004, when the County Commission approved the resolution which amended Administrative Order 4-114 by creating the two tier fee system for Road Closing Petitions. Therefore, the total fee for this road closing is \$3,490, instead of \$750.00 which would have been the fee under the previous AO4-114 rules.


Assistant County Manager

8/28/06
Date

Honorable Chairman Joe A. Martinez
and Members Board of County Commissioners
Page 2

Note: The Clerk is directed to publish notice of a public hearing on a Road Closing Petition 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.

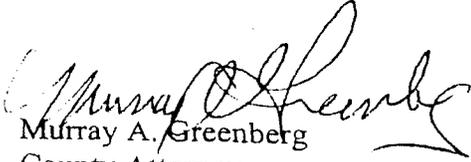


MEMORANDUM

(Revised)

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

DATE: October 24, 2006

FROM: 
Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 5(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
Veto _____
Override _____

Agenda Item No. 5 (G)

10-24-06

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW
134 COURT, STARTING 200 FEET SOUTH OF SW 250
STREET SOUTH FOR APPROXIMATELY 468 FEET
(ROAD CLOSING PETITION NO. P-818)

WHEREAS, the County Commission held a public hearing to consider a petition to close SW 134 Court, starting 200 feet South of SW 250 Street South for approximately 468 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:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

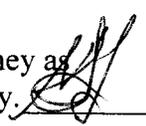
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this
24th day of October, 2006. 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

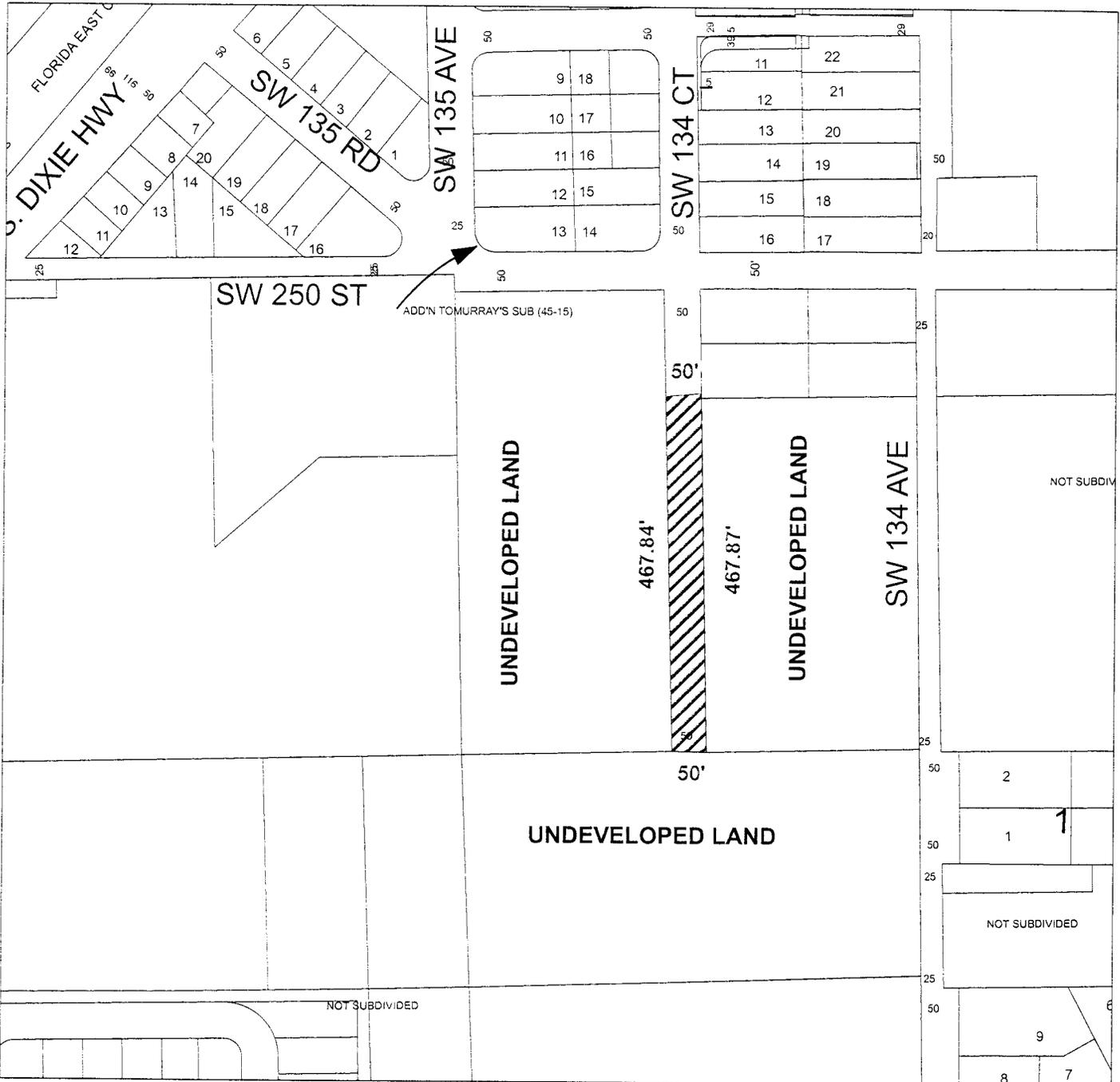
By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. 

Thomas Goldstein

5

SECTION 26 TOWNSHIP 56 RANGE 39



Legend

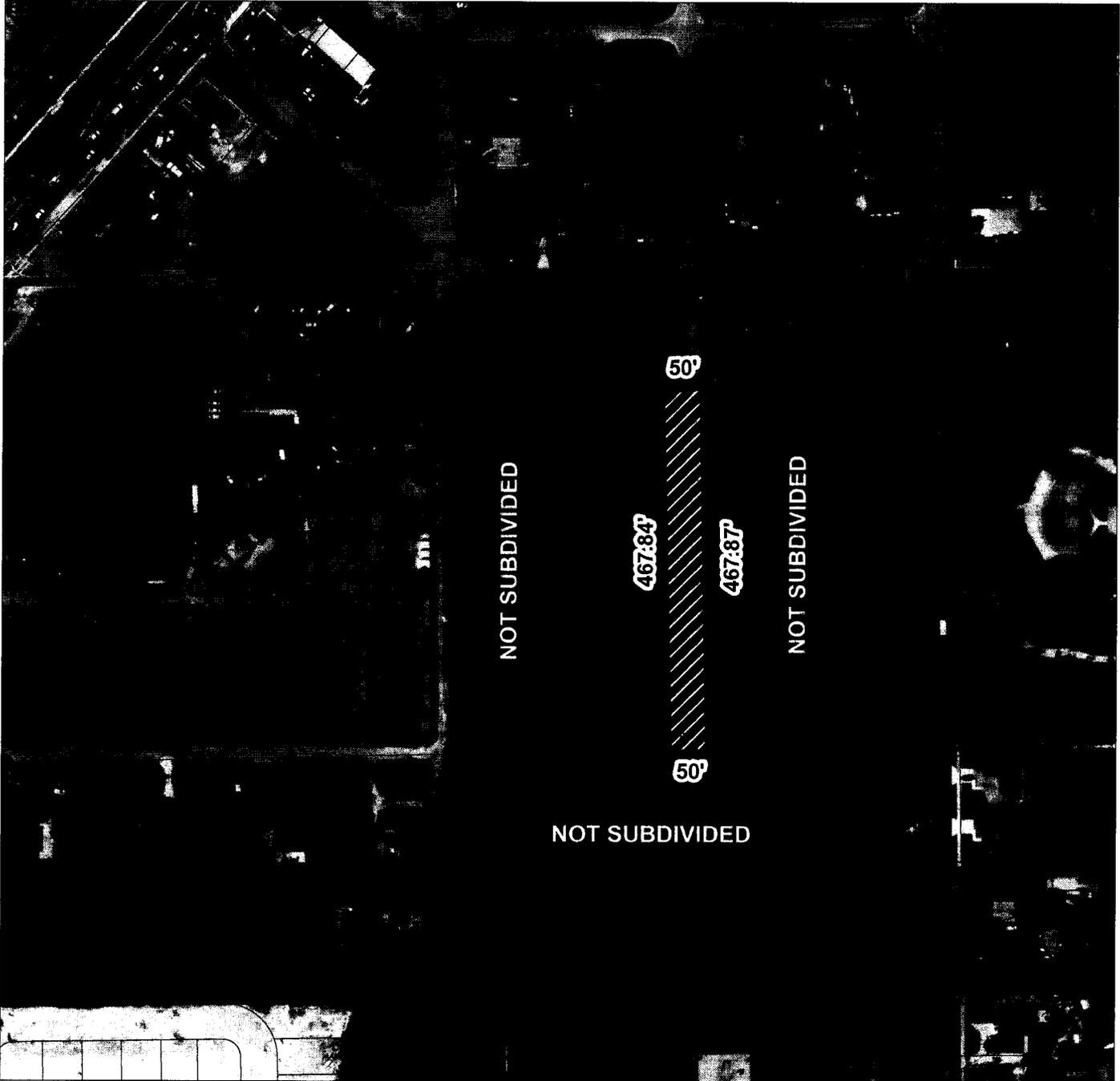
-  Road Closing
-  Lot Lines

P-818



6

SECTION 26 TOWNSHIP 56 RANGE 39



Legend

-  Road Closing
-  Lot Lines

P-818



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:

The West 25 feet of the East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, less the North 200 feet, of Section 26, Township 56 South, Range 39 East;

And

The East 25 feet of the West $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, less the North 200 feet, of said Section 26.

Containing an area of 23,393 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):

Dedicated to Miami-Dade County in 1954 by DB 3885,
Pg. 294

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.

Dated 8/30/05
[Signature]

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon or adjacent to the above described road, right-of-way. These firms or individuals have been advised in writing of the proposed closure.

PRINT NAME	FOLIO NO.	ADDRESS
<u>Robert Chisholm &</u>	<u>30-6926-000-231</u>	7254 SW 48th St MI 33155
<u>Alfredo Diaz</u>	<u>30-6926-000-0230</u>	
_____	<u>30-6926-000-0225</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.

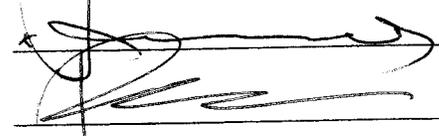
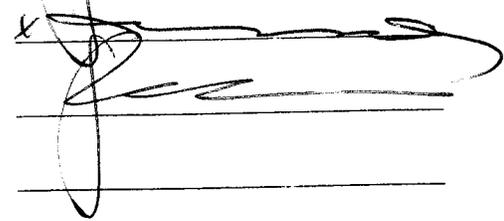
6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

Road Closure to unify two parcels.
For future subdivision improvements.

* APPLICABLE SURVEY/LOCATION SKETCH IS DATED 8/30/05
ORDER NO. 0504-115



7. Signatures of all abutting property owners: Respectfully submitted,

SIGNATURE	ADDRESS
	30-6926-000-0230
	30-6926-000-231
	30-6926-000-0225

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

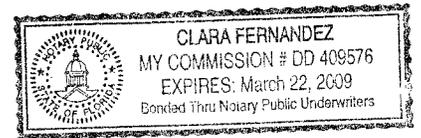
STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared he/she is one of the petitioners Alfredo F. Diaz, 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, petitioner; that he/she has read the foregoing petition and that the statements therein contained and true.

(signature of Petitioner)

Sworn and subscribed to before me this

21 day of July, 2005
Clara Fernandez
Notary Public State of Florida at Large



My Commission Expires: _____

(signature of Petitioner)

Sworn and subscribed to before me this

_____ day of _____, 200__

Notary Public State of Florida at Large

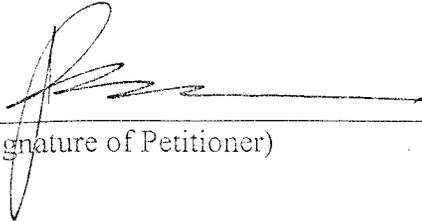
My Commission Expires: _____

Attorney for Petitioner

Address: _____
Signature of Attorney not required)

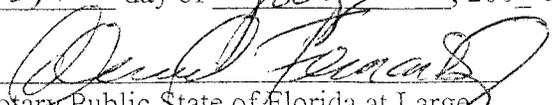
STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared he/she is one of the petitioners ROBERT E. CHISHOLM., 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, petitioner; that he/she has read the foregoing petition and that the statements therein contained and true.



(signature of Petitioner)

Sworn and subscribed to before me this

21 day of July, 2009

Notary Public State of Florida at Large

My Commission Expires: _____

