

Date: March 6, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-831
Section: 2-54-40
NW 6 Street, from NW 74 Avenue West for 150 Feet
Commission District: 6

Agenda Item No. 5(F)

RECOMMENDATION

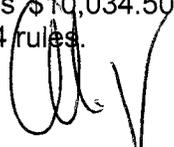
It is recommended that the Board of County Commissioners (BCC) grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to the right-of-way closing.

BACKGROUND

The Petitioner, Raúl Pestana, wishes to close NW 6 Street, from NW 74 Avenue West for 150 feet, in order to incorporate the portion of the property that reverts back to him into his property. The petitioner will enhance and maintain this portion as part of his property. The abutting property owner to the north has been made aware of this road closing and has no objection. The right-of-way that is being requested to be closed has never been improved nor maintained by Miami-Dade County.

The subject right-of-way was dedicated in 1925, by the plat of "WINONA PARK 1ST ADDITION", recorded in Plat Book 17, Page 49, of the Public Records of Miami-Dade County, Florida. Said plat 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 GU (Interim District).

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$10.11 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$92,345. If this right-of-way is closed and vacated, it will be placed on the tax roll, generating an estimated \$1,968 per year in additional property taxes. This petition was filed after October 1, 2004, when the BCC 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 \$10,034.50, instead of \$750.00 which would have been the fee under the previous AO4-114 rules.



Assistant County Manager

1/30/07

Date

Honorable Chairman Bruno A. Barreiro
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 (1) time, at least two (2) weeks prior to the date of said public hearing in conformity with the statutory requirements.



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 5(F)

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 (F)
03-06-07

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE NW
6 STREET, FROM NW 74 AVENUE WEST FOR 150
FEET (ROAD CLOSING PETITION NO. P-831)

WHEREAS, the County Commission held a public hearing to consider a petition to close NW 6 Street, from NW 74 Avenue West for 150 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 streets, roads 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 (1) 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of March, 2007. 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

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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 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 6th Street, bounded on the north by the south line of Tract “A” of “FUTURA-EXPO SUBDIVISION”, as per Plat Book 117, Page 52, of the Public Records of Miami-Dade County, Florida; bounded on the east by the northerly extension of the west right-of-way line of NW 74th Avenue; bounded on the south by the north line of Block 11 (including the radius return thereof) of “Amended Plat of WINONA-PARK”, as per Plat Book 28, Page 2, of the Public Records of Miami-Dade County, Florida; and bounded on the west by northerly extension of the west line of said Block 11.

Containing an area of 9,134 square feet, more or less.

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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 RIGHT-OF-WAY WAS DEDICATED IN 1925 BY THE PLAT OF "WINONA~ PARK 1ST ADDITION", RECORDED IN PLAT BOOK 17, PAGE 49, 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.

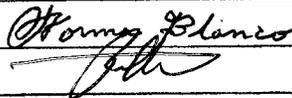
4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon or adjacent to the above described road, right-of-way. These firms or individuals have been advised in writing of the proposed closure.

| PRINT NAME | FOLIO NO. | ADDRESS |
|-------------------------|-------------------------|--------------------------------|
| <u>NORMA BLANCO</u> | <u>30-4002-010-0105</u> | <u>7350 NW 6ST</u> |
| <u>CAPE VERDE</u> | <u>30-4002-040-0005</u> | <u>7400 NW 7ST</u> |
| <u>CARDIOLAB Mobile</u> | <u>30-4002-010-0090</u> | <u>574 NW 74^{AVE}</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):

Signatures of all abutting property owners:

| Signature | Address |
|---|------------------------------|
|  | 7350 NW 6st 574 NW 74ave. |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

SIGNATURE

Respectfully submitted,

In 1993 we started the project to clean up the aforementioned land. That there is a certified letter held by public works from the administrator of the adjacent land dated 1993, permitting and asking the land to be cleaned and allowing the road to be fenced in. We do not have this letter but it should be on file. In 1996 we were granted a permit to use the land and clean it, we did, and spent \$16,000.00 dollars, cleaning it. However papers were not finalized. We have been trying to get this done since 2000; and since the new owner of the abutting land lives in Venezuela, it has been a nightmare to get him to sign the petition. The administrator of the warehouse is aware of this matter. So far we have not received anything showing any interest at all from said owner. However, it would be very rewarding for the people living in Winnona Park, if this street is closed. **We want to make it even prettier by planting oranges, lemons, etc** and make it an addition to our property. We want this petition to be granted because we have been maintaining the land, with great care and will continue to do so.

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

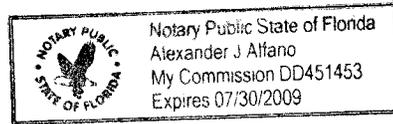
BEFORE ME, the undersigned authority, personally appeared he/she is one of the petitioners RAUL Pestana, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and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

(signature of Petitioner)

Sworn and subscribed to before me this

30 day of June, 2006

Notary Public State of Florida at Large



My Commission Expires: 7/30/06

SECTION 02 TOWNSHIP 54 RANGE 40



P-831

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Yazmin Moreno
Senior Cadastral Technician
August 17, 2006