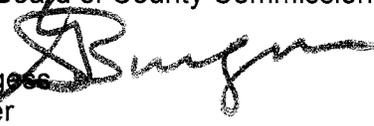


Date: May 22, 2007

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

From: George M. Burgess
County Manager



Agenda Item No. 5(D)

Subject: Road Closing Petition P-834
Section: 5-55-39
All Rights-of-Way Between SW 88 Street and SW 96 Street; and Between SW 157 Path
and SW 162 Avenue
Commission District: 11

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 these rights-of-way being closed.

Scope

This item is located and within Commission District 11.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to these rights-of-way at \$5.50 per square foot. Therefore, the estimated value of the difference between the rights-of-way being closed and the rights-of-way proposed by plat would be approximately \$6,149,341. If these rights-of-way are closed and vacated, said rights-of-way will be placed on the tax roll, generating an estimated \$127,579 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. The fee for road closing petition processing does not apply where the road closing petition is a requirement for approval of a new subdivision plat in which the roads being closed are being replaced by other rights-of-way dedicated by said plat as shown in Exhibit "A". Therefore, the total fee for this road closing is \$800.00, instead of \$750.00 which would have been the fee under the previous AO4-114 rules.

Track Record/Monitor

Not Applicable.

Background

The Petitioner, West Kendall Holdings, LLC, wishes to close all the rights-of-way between SW 88 Street and SW 96 Street; between SW 157 Path and SW 162 Avenue, in order to incorporate the areas into the proposed plat of "KENDALL TOWN CENTER", Tentative Plat Number T-21218. The rights-of-way requested to be closed have never been improved nor maintained by Miami-Dade County.

Most of the subject rights-of-way were dedicated in 1926, by the plat of "GREATER MIAMI HEIGHTS", recorded in Plat Book 23, Page 20, of the Public Records of Miami-Dade County, Florida; and a very small portion in 2003, by a Deed recorded in Official Records Book 21368, Pages 4265-4273, of the Public Records of Miami-Dade County, Florida. Both, the plat and deed contain reverter clauses which stipulate that the rights-of-way revert to the current property owners of the abutting properties when their uses as public rights-of-way are lawfully and permanently discontinued. The area surrounding the subject rights-of-way are zoned BU-2 (Special Business District) and BU-3 (Liberal Business District).



Assistant County Manager

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: May 22, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 5(D)

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. 5(D)

Veto _____

05-22-07

Override _____

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE ALL RIGHTS-OF-WAY LYING BETWEEN SW 88 STREET AND SW 96 STREET AND BETWEEN SW 157 PATH AND SW 162 AVENUE (ROAD CLOSING PETITION NO. P-834)

WHEREAS, the County Commission held a public hearing to consider a petition to close all rights-of-way lying between SW 88 Street and SW 96 Street and between SW 157 Path and SW 162 Avenue, 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 closing of the aforementioned road is contingent on the recording of the plat of KENDALL TOWN CENTER, Tentative Plat T-21218, that in the event the plat is not approved this resolution becomes null and void; (2) 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; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (5) 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.

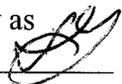
The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of May, 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

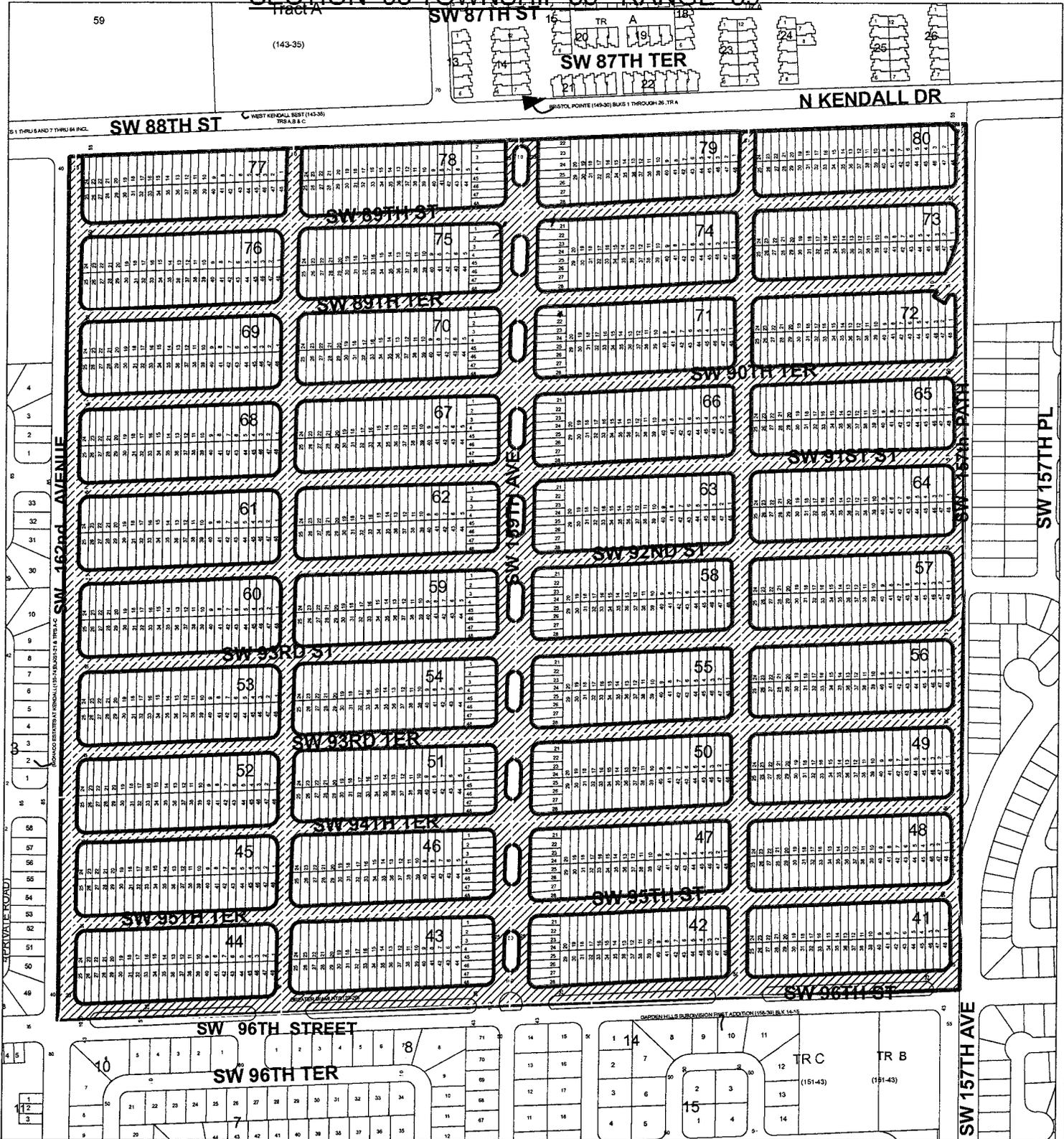
Approved by County Attorney as
to form and legal sufficiency. 

Thomas Goldstein

By: _____
Deputy Clerk

5

SECTION 05 TOWNSHIP 55 RANGE 39



Legend

-  Lot Lines
-  Road Closing

P-834

6

NORTH
 Yazmin Moreno
 Senior Cadastral Technician
 December 13, 2006

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:

All those rights-of-way lying within the NE ¼ of Section 5, Township 55 South, Range 39 East, Miami-Dade County, Florida, less the North 55 feet thereof.

7

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):

SECTION NO. 2 GREATER MIAMI HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 20, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN THE NE 1/4 OF SECTION 5, TOWNSHIP 55 SOUTH, RANGE 39 EAST IN 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>West Kendall Holdings, LLC</u>	<u>30-5905-002-0480</u>	<u>Lying to the South of SW 88 Street,</u>
<u>_____</u>	<u>30-5905-002-0460</u>	<u>West of SW 157 Path, North of SW</u>
<u>_____</u>	<u>30-5905-002-0450</u>	<u>96 Street. & East of SW 162 Avenue</u>
<u>_____</u>	<u>30-5905-002-0430</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0420</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0410</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0400</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0390</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0380</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0360</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0350</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0340</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0330</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0320</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0310</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0300</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0290</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0280</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0270</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0250</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0240</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0230</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0220</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0210</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0200</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0190</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0180</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0170</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0160</u>	<u>_____</u>

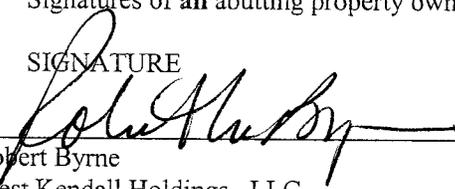
4. ABUTTING PROPERTY OWNERS (CONTINUED): the following constitutes a complete and accurate schedule of all owners of property abutting upon or adjacent to the above described road, right-of-way. These firms or individuals have been advised in writing of the proposed closure.

PRINT NAME	FOLIO NO.	ADDRESS
<u>West Kendall Holdings, LLC</u>	<u>30-5905-002-0150</u>	<u>Lying to the South of SW 88 Street,</u>
<u>_____</u>	<u>30-5905-002-0140</u>	<u>West of SW 157 Path, North of SW</u>
<u>_____</u>	<u>30-5905-002-0130</u>	<u>96 Street, & East of SW 162 Avenue</u>
<u>_____</u>	<u>30-5905-002-0120</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0110</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0100</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0080</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0070</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0020</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0060</u>	<u>_____</u>
<u>_____</u>	<u>30-5905-002-0010</u>	<u>_____</u>

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in 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):

The Right-of-Ways were intended to create a grid running east-west and north-south through the Property. However, the Right-of-Ways were never developed and the Property was used for agricultural uses. The Property has subsequently been acquired by a single owner who intends to develop the property as part of a commercial development. The owner will be creating new right-of-ways in order to ensure appropriate access through the Property.

SIGNATURE	ADDRESS
<u></u>	<u>Respectfully submitted,</u>
<u>Robert Byrne</u>	<u>c/o General Growth Properties</u>
<u>West Kendall Holdings, LLC</u>	<u>P.O. Box 617905</u>
<u>_____</u>	<u>Chicago, IL 60661</u>
<u>_____</u>	<u>_____</u>

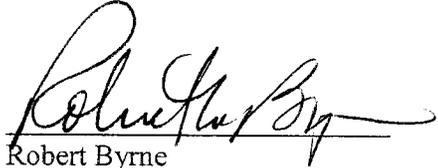
Attorney for Petitioner: Tracy R. Slavens, Esq.

Address: Holland & Knight, LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131

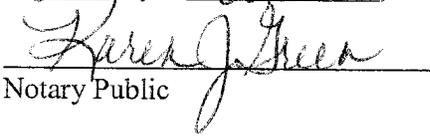
(Signature of Attorney not required)

STATE OF MARYLAND)
) SS
COUNTY OF HOWARD)

BEFORE ME, the undersigned authority, personally appeared Robert Byrne, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the forgoing 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.


Robert Byrne
West Kendall Holdings, LLC

Sworn and subscribed to before me this

12th day of October, 2006

Notary Public

My Commission Expires: 1/27/08
KAREN J. GREEN, Notary Public
Howard County, Maryland
My Commission Expires: 1/27/08

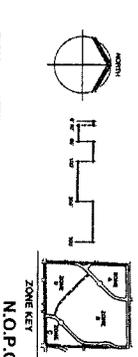
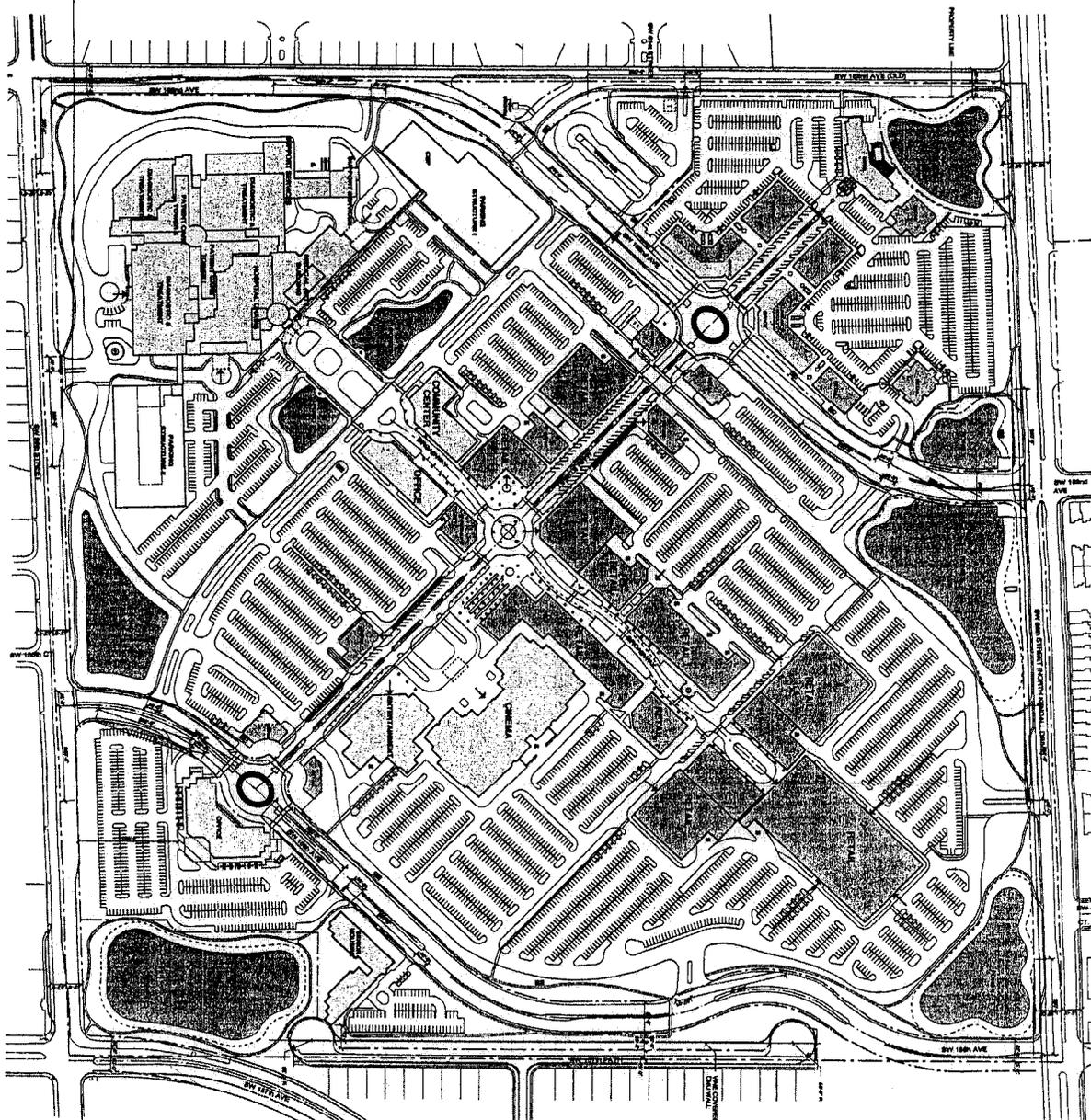
FOR INFORMATION: THE CITY OF MIAMI HAS REVIEWED THIS PLAN AND HAS ISSUED THIS PERMIT UNDER THE PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AND THE CITY OF MIAMI HAS NOT REVIEWED THE TECHNICAL ASPECTS OF THIS PLAN.

ENTIRE: THE ENTIRE PROJECT IS SUBJECT TO THE CITY OF MIAMI'S ZONING ORDINANCE AND THE CITY OF MIAMI'S DEVELOPMENT CODE, AND THE CITY OF MIAMI'S ZONING ORDINANCE AND THE CITY OF MIAMI'S DEVELOPMENT CODE SHALL APPLY TO THE ENTIRE PROJECT.

GENERAL NOTES: THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MIAMI AND THE STATE OF FLORIDA, AND THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MIAMI AND THE STATE OF FLORIDA.

SITE PLAN DISCUSSION: THE SITE PLAN IS SUBMITTED AS A PRELIMINARY PLAN FOR THE CITY OF MIAMI'S REVIEW AND APPROVAL. THE CITY OF MIAMI'S REVIEW AND APPROVAL IS SUBJECT TO THE CITY OF MIAMI'S ZONING ORDINANCE AND THE CITY OF MIAMI'S DEVELOPMENT CODE, AND THE CITY OF MIAMI'S ZONING ORDINANCE AND THE CITY OF MIAMI'S DEVELOPMENT CODE SHALL APPLY TO THE ENTIRE PROJECT.

GENERAL NOTES: THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MIAMI AND THE STATE OF FLORIDA, AND THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MIAMI AND THE STATE OF FLORIDA.



NO.P.C.

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE	REMARKS
1	LOT 1	10,000	10.0%	
2	LOT 2	10,000	10.0%	
3	LOT 3	10,000	10.0%	
4	LOT 4	10,000	10.0%	
5	LOT 5	10,000	10.0%	
6	LOT 6	10,000	10.0%	
7	LOT 7	10,000	10.0%	
8	LOT 8	10,000	10.0%	
9	LOT 9	10,000	10.0%	
10	LOT 10	10,000	10.0%	
11	LOT 11	10,000	10.0%	
12	LOT 12	10,000	10.0%	
13	LOT 13	10,000	10.0%	
14	LOT 14	10,000	10.0%	
15	LOT 15	10,000	10.0%	
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19	LOT 19	10,000	10.0%	
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97	LOT 97	10,000	10.0%	
98	LOT 98	10,000	10.0%	
99	LOT 99	10,000	10.0%	
100	LOT 100	10,000	10.0%	

KENDALL TOWN CENTER
 MIAMI, FLORIDA
 FOR
WEST KENDALL HOLDINGS, LLC
 AN AFFILIATE OF THE ROUSE COMPANY