Memorandum MIAMI-DADE COUNTY

Date: (Public Hearing 07-24-07)
July 10, 2007

Agenda Item No. 5(I)

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-824
Section: 35-54-39
SW 73 Court, from SW 72 Street South for 613 Feet; SW 73 Court, from SW 76 Street to SW 75 Street; and SW 75 Street, from Approximately 178 Feet East of SW 74 Avenue East for approximately 614 feet
Commission District: 7

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

Not Applicable.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to these rights-of-way at $13.68 per square foot. Therefore, the estimated value of the rights-of-way being closed would be approximately $1,177,573. If these rights-of-way are closed and vacated, the land will be placed on the tax roll, generating an estimated $24,431 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 $118,557.30, instead of $750.00 which would have been the fee under the previous AO4-114 rules.

Track Record/Monitor

Not Applicable.

Background

The Petitioner, University Baptist Church of Coral Gables, Inc., wishes to close the rights-of-way for SW 73 Court, between the South right-of-way line of SW 72 Street and the North right-of-way line of SW 76 Street; and SW 75 Street, from approximately 178 feet east of SW 74 Avenue East for approximately 614 feet, in order to incorporate the areas into the proposed plat of "UNIVERSITY BAPTIST CHURCH", Tentative Plat Number T-21849. The rights-of-way requested to be closed have been improved.

The subject rights-of-way were dedicated in 1988, by the plat of "TRANSCONTINENTAL ESTATES", as recorded in Plat Book 135, Page 41, of the Public Records of Miami-Dade County, Florida. The plat contains a reverter clause which stipulates 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 EU-1 (Estates 1-Acre 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: July 24, 2007

FROM: R.A. Cuevas, Jr. Acting County Attorney

SUBJECT: Agenda Item No. 5(I)

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(I)

07-24-07

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE THE RIGHTS-OF-WAY FOR SW 73 COURT, BETWEEN SW 72 STREET AND SW 76 STREET; AND SW 75 STREET, FROM APPROXIMATELY 178 FEET EAST OF SW 74 AVENUE EAST FOR 614 FEET (ROAD CLOSING PETITION NO. P-824)

WHEREAS, the County Commission held a public hearing to consider a petition to close the rights-of-way for SW 73 Court, between SW 72 Street and SW 76 Street; and SW 75 Street, from approximately 178 feet East of SW 74 Avenue East for 614 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 closing of the aforementioned road is contingent on the recording of the plat of UNIVERSITY BAPTIST CHURCH, tentative plat T-21849, 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
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 July, 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

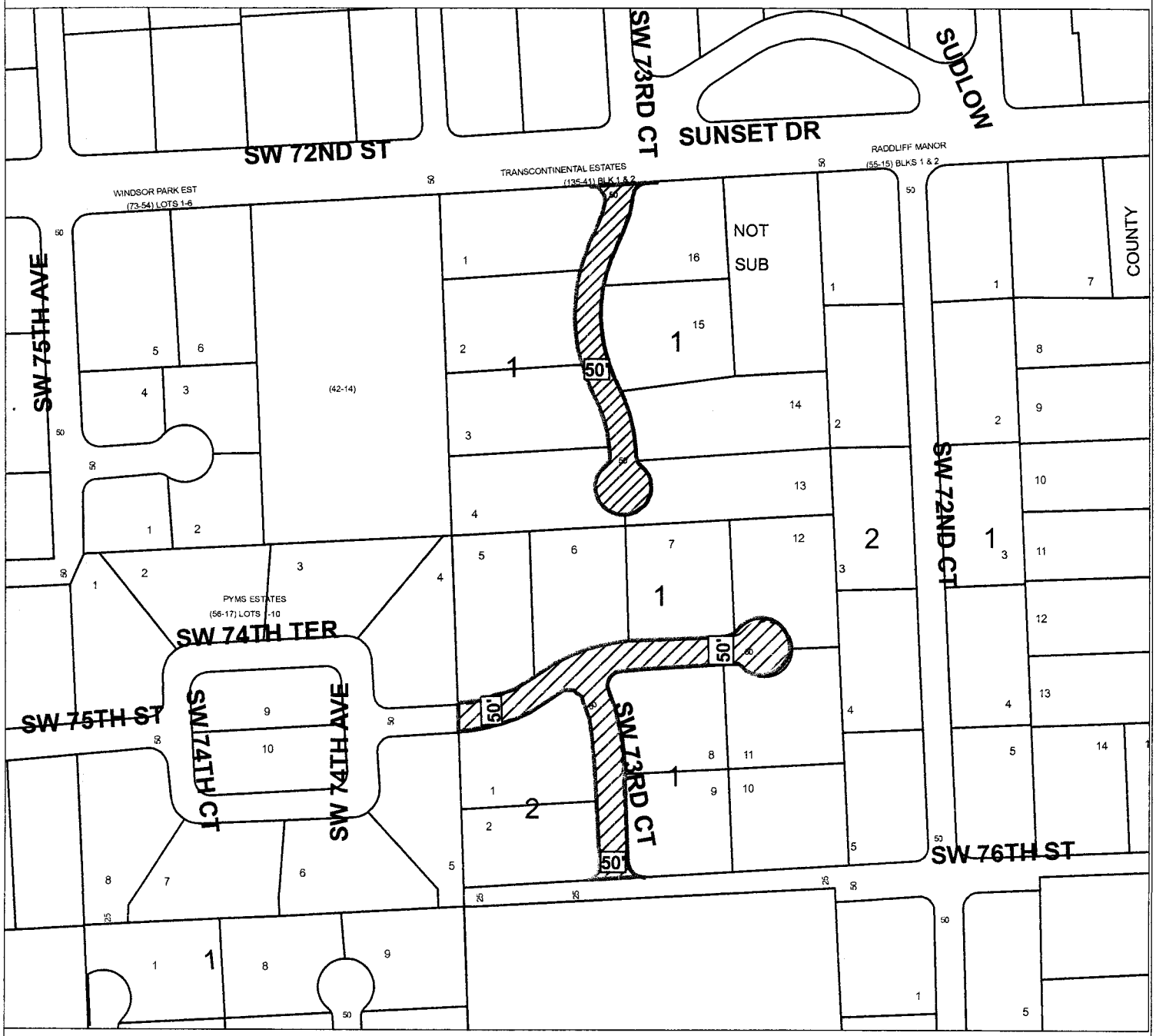
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Location Map

SECTION 35 TOWNSHIP 54 RANGE 40



Legend

Road Closing

NORTH

P-824

6

Yazmin Moreno
Senior Cadastral Technician
May 4, 2007

Ryan D. Bailine, Esq.
Shutts & Bowen, LLP
201 South Biscayne Boulevard
Suite 1500
Miami, Florida 33131

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 plat of "TRANSCONTINENTAL ESTATES", as recorded in Plat Book 135, Page 41, of the Public Records of Miami-Dade County, Florida, less the South 25 feet thereof for SW 76th Street.

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 was acquired and is evidenced in the following manner (state whether public interest was acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

These rights-of-way were dedicated to Miami-Dade County in 1987 by the plat of TRANSCONTINENTAL ESTATES, recorded in Plat Book 135, Page 41.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey accurately showing and describing the above described right-of-way 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 right-of-way. These firms or individuals have been advised in writing of the proposed closure.

PRINT NAME	FOLIO NO.	ADDRESS
The University Baptist Church of Coral Gables, Inc.	30-4035-035-0160 30-4035-035-0010 30-4035-035-0120	624 Anastasia Avenue Coral Gables, FL 33134

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):

The purpose of this request is to permit the property, which comprises the entire land area shown on the plat of TRANSCONTINENTAL ESTATES, recorded in Plat Book 135, Page 41, of the Public Records of Miami-Dade County Florida to be redeveloped as a religious facility with ancillary uses serviced by new points of ingress and egress in accordance with the site development plans approved by the Miami-Dade County Board of County Commissioners in Resolution No. Z-18-97.

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

SIGNATURE	ADDRESS
David M. Wilson	624 Anastasia Avenue, Coral Gables, FL

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared _____
David Widerman, 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.

(Signature of Petitioner)

Sworn and subscribed to before me this

23rd day of April, 2007

Notary Public State of Florida at Large

Notary Public State of Florida
Beth H Thomas
My Commission DD537932
Expires 04/06/2010

My Commission Expires: 4/6/10