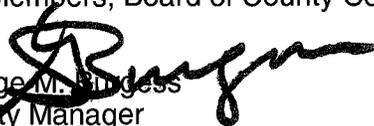


Date: July 10, 2007

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

From: 
George M. Burgess
County Manager

Subject: Road Closing Petition P-840
Section: 27-56-39
Parker Avenue, from Henderson Street, Southwesterly for Approximately 175 Feet
Commission District: 9

Agenda Item No. 5(H)

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 this right-of-way being closed.

Scope

Not Applicable.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$6.00 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately \$55,146. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$1,144 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 \$6,314.60, instead of \$750.00 which would have been the fee under the previous AO4-114 rules.

Track Record/Monitor

Not Applicable.

Background

The Petitioner, Richard A. Swentek, wishes to close Parker Avenue, from Henderson Street southwesterly for approximately 175 feet, in order to incorporate it as part of his property to be enhanced and maintained. The right-of-way 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 "NARANJA TERRACE", as recorded in Plat Book 21, Page 13, 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 owner of the abutting property when its use as a public right-of-way is lawfully and permanently discontinued. The area surrounding the subject right-of-way is zoned NCUC (Naranja Community Urban Center).



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.

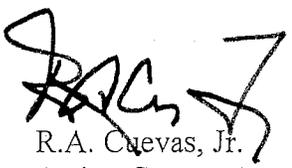


MEMORANDUM

(Revised)

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

DATE: July 10, 2007

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

SUBJECT: Agenda Item No. 5(H)

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(H)

Veto _____

07-10-07

Override _____

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE
PARKER AVENUE, FROM HENDERSON STREET,
SOUTHWESTERLY FOR APPROXIMATELY 175 FEET
(ROAD CLOSING PETITION NO. P-840)

WHEREAS, the County Commission held a public hearing to consider a petition to close Parker Avenue, from Henderson Street southwesterly for approximately 175 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 10th 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

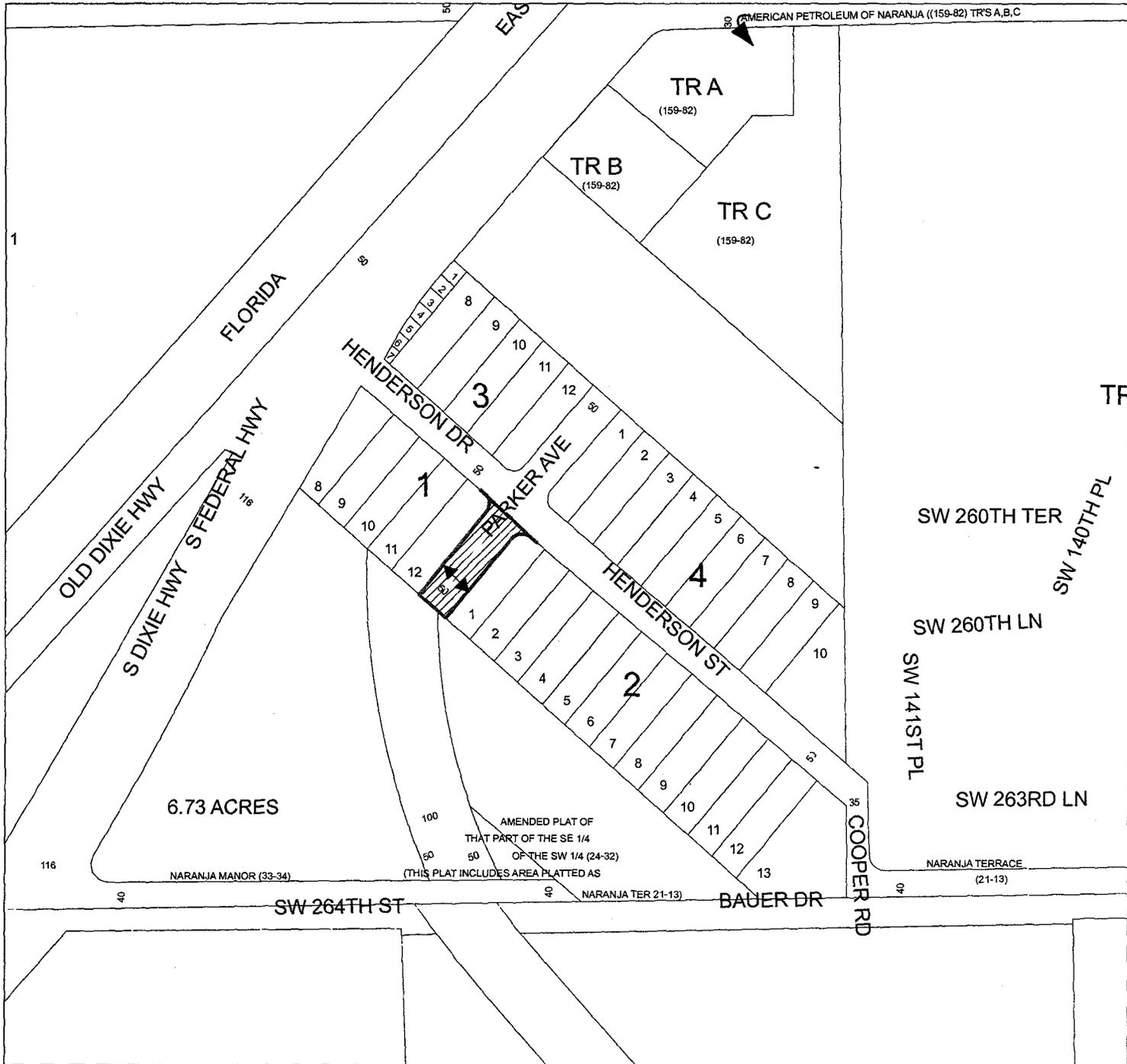
Approved by County Attorney as
to form and legal sufficiency.



Thomas Goldstein

5

SECTION 27 TOWNSHIP 56 RANGE 39



Legend

-  Road Closing
-  Lot Lines

P-840

6



NORTH

Yazmin Moreno
Senior Cadastral Technician
December 28, 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:

That portion of Parker Avenue lying southwesterly of the southwesterly right-of-way line of Henderson Street, including the radius returns thereof, as shown on the plat of NARANJA TERRACE, as recorded in plat Book 21, page 13, of the public records of Miami-Dade County, Florida.

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):

DEDICATED BY PLAT IN 1925 PLAT BOOK 21, PAGE 13, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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.

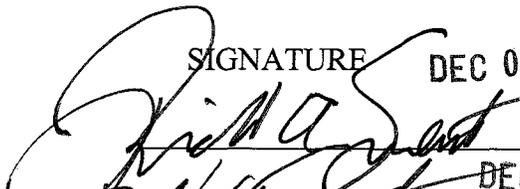
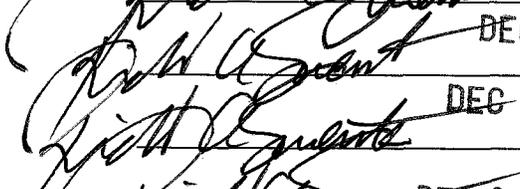
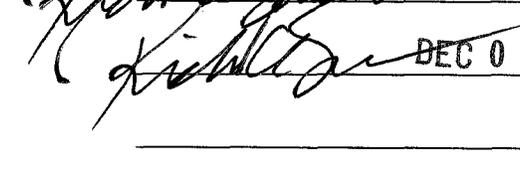
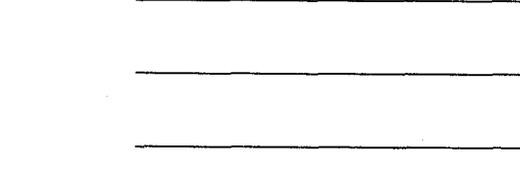
PRINT NAME	FOLIO NO.	ADDRESS
<u>Richard A. Swentek</u>	<u>30-69-27-000-0371</u>	<u>15 Stillwright Way Key Largo, FL. 33037</u>
<u>Richard A. Swentek</u>	<u>30-69-27-004-0030</u>	<u>15 Stillwright Way Key Largo, FL. 33037</u>
<u>Richard A. Swentek</u>	<u>30-69-27-004-0011</u>	<u>15 Stillwright Way Key Largo, FL. 33037</u>
<u>Naranja Commons, LLC</u>	<u>30-69-27-000-0370</u>	<u>15 Stillwright Way Key Largo, FL. 33037</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):

Relocating Parker Avenue approximately 150 feet South East.

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

SIGNATURE	DEC 0 5 2006	ADDRESS
	DEC 0 5 2006	15 Stillwright Way Key Largo, FL. 33037
	DEC 0 5 2006	15 Stillwright Way Key Largo, FL. 33037
	DEC 0 5 2006	15 Stillwright Way Key Largo, FL. 33037
	DEC 0 5 2006	15 Stillwright Way Key Largo, FL. 33037
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

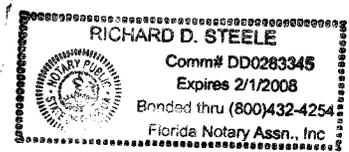
BEFORE ME, the undersigned authority, personally appeared Richard A. Swentek, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all petitioners;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

Richard A. Swentek
(Signature of Petitioner)

Sworn and subscribed to before me this

21st day of December, 2006

[Signature]
Notary Public State of Florida at Large



My Commission Expires: FEB. 1, 2008