Memorandum MIAMI-DADE COUNTY

Date: October 2, 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-815
Section: 11-54-40
SW 9 Street, from SW 68 Avenue to SW 68 Court
Commission District: 6

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

This item is located within Commission District 6.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent properties to this right-of-way at $24.00 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately $267,250. If this right-of-way is closed and vacated, it will be placed on the tax roll, generating an estimated $5,545 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 $27,525.00, instead of $750.00 which would have been the fee under the previous AO4-114 rules.

Track Record/Monitor

Not Applicable.

Background

The Petitioner, 8 Street Holdings, LLC, wishes to close SW 9 Street, from SW 68 Avenue to SW 68 Court, in order to incorporate it to its properties to be utilized as part of a commercial development that will enhance the community. The right-of-way requested to be closed has been improved and maintained by Miami-Dade County. Additionally, on June 7, 2007 the BCC adopted Resolution Z-11-7 that approved a zoning change and site plans for the unified development, which in effect eliminates the subject 50-foot wide right-of-way.

The subject right-of-way was dedicated in 1925, by the plat of "TAMIAMI CITY", recorded in Plat Book 14, Page 9, 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 property owner 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 RU-3B (Bungalow Court 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: October 2, 2007

FROM: R. A. Cuevas, Jr. 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)

10-02-07

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW 9 STREET, FROM SW 68 AVENUE TO SW 68 COURT (ROAD CLOSING PETITION NO. P-815)

WHEREAS, the County Commission held a public hearing to consider a petition to close SW 9 Street, from SW 68 Avenue to SW 68 Court, 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) the Petitioner shall relocate the wooden utility poles which exist within the right-of-way at its expense; (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 2nd day of October, 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

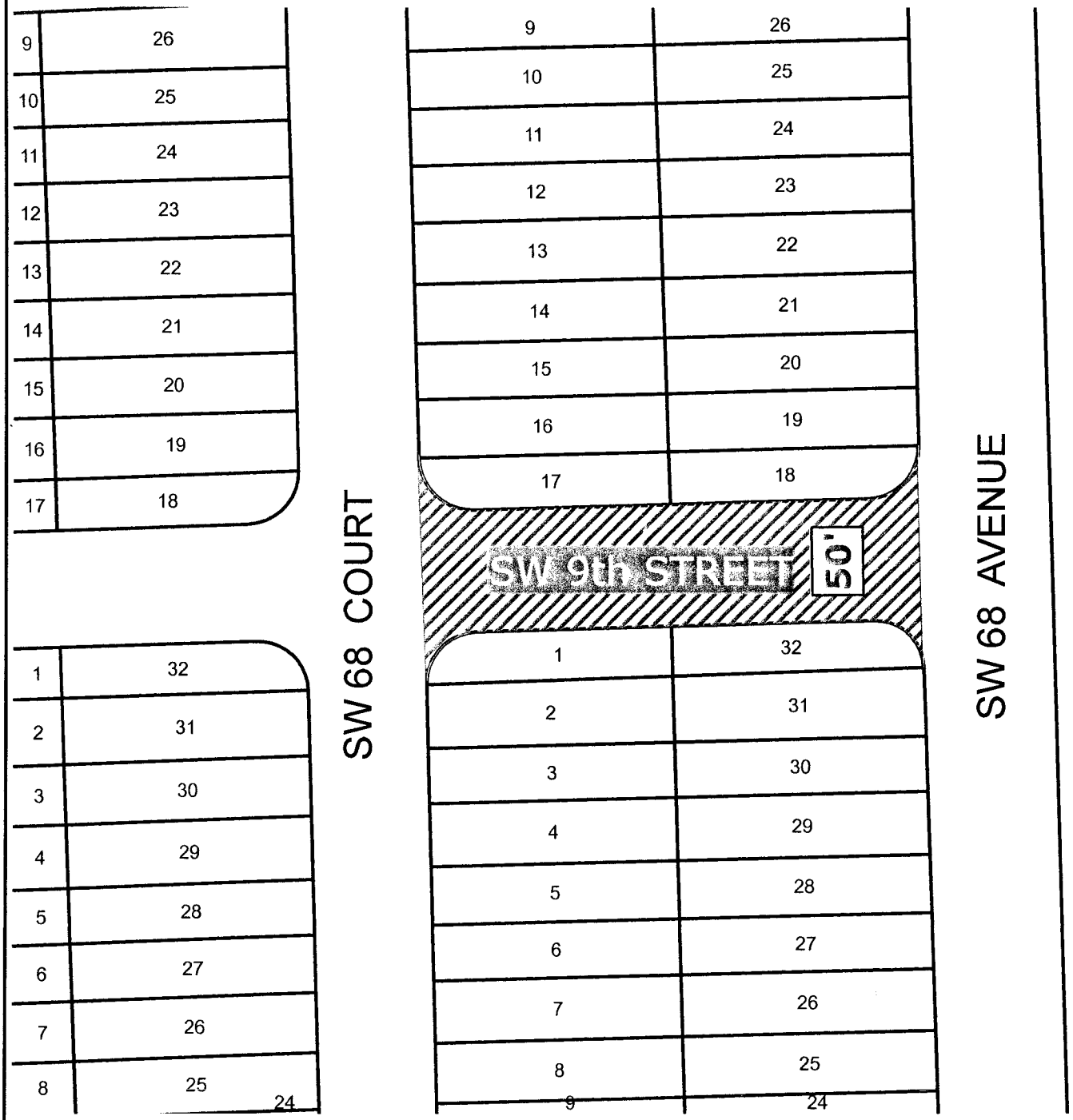
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Location Map

SECTION 11 TOWNSHIP 54 RANGE 40



P-815

Legend

Road Closing

Lot Lines

NORTH

6

Yazmin Moreno
Senior Cadastral Technician
February 06, 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:

> **The applicant seeks to vacate that portion of S.W. 9th Street fronting the following parcels: Lots 17 and 18 in Block 3, and Lots 1 and 32 in Block 4 of "Tamiami City Plat", according to the Plat thereof, as recorded in Plat Book 14, Page 9 of the Public Records of Miami-Dade County, Florida, lying West of the West Right of Way of S.W. 68th Avenue (as per said Plat) and lying East of the East Right of Way of S.W. 68th Court (as per said Plat), Containing 11135.42 Square Feet or 0.26 Acres +/-.**

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):

Tamiami City Plat as recorded in Plat Book 14, Page 9 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
8 Street Holdings, LLC	**30-4011-008-0160**	**6840 SW 8 Street, Miami, FL**
8 Street Holdings, LLC	**30-4011-008-0390**	
8 Street Holdings, LLC	**30-4011-008-0170**	

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 Way was intended for the extension of S.W. 9th Street in a westerly direction, however this Right of Way is not necessary.

The vacated Right of Way will be part of a proposed commercial development.

7. Signatures of **all** abutting property owners:

Respectfully submitted,

SIGNATURE	ADDRESS
8 Street Holdings, LLC	**6840 SW 8 Street, Miami, FL**

Attorney for Petitioner: **Juan J. Mayol, Jr., Esq.**

Address: **701 Brickell Avenue, Suite 3000**
Miami, FL 33131 .

(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Armando Alonso, 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.

(Signature of Petitioner)

Sworn and subscribed to before me this

1 day of September 2005

Notary Public State of Florida at Large

My Commission Expires:

MERCEDES ARROJAS
MY COMMISSION # DD 242245
EXPIRES: December 16, 2007
Bonded Thru Notary Public Underwriters

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