Memorandum MIAMI-DADE COUNTY

Date: March 4, 2008

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

Agenda Item No. 5(I)

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-849
Section: 22-56-38
SW 199 Avenue, from SW 244 Street South for Approximately 639 Feet
Commission District: 9

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

The Road Closing location is Commission District 9

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $100,000 per acre. Therefore, the estimated value of the right-of-way being closed would be approximately $36,963. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $686 per year in additional property taxes. The fee for this road closing is $4,496.30.

Track Record/Monitor

Not Applicable.

Background

The Petitioner, James W. Hays, wishes to close SW 199 Avenue, from SW 244 Street South for approximately 639 feet, in order to incorporate the land to his property to be enhanced and maintained. The right-of-way requested to be closed is not improved nor maintained by Miami-Dade County. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject right-of-way was dedicated in 1977, by a Deed recorded in Official Records Book 10084, Page 2060, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned AU (Agricultural 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: March 4, 2008

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)
03-04-08

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW 199 AVENUE, FROM SW 244 STREET, SOUTH FOR APPROXIMATELY 639 FEET (ROAD CLOSING PETITION NO. P-849)

WHEREAS, the County Commission held a public hearing to consider a petition to close SW 199 Avenue, from SW 244 Street South for approximately 639 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 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.

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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 4th day of March, 2008 . 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.

By:_____
Deputy Clerk

Thomas Goldstein

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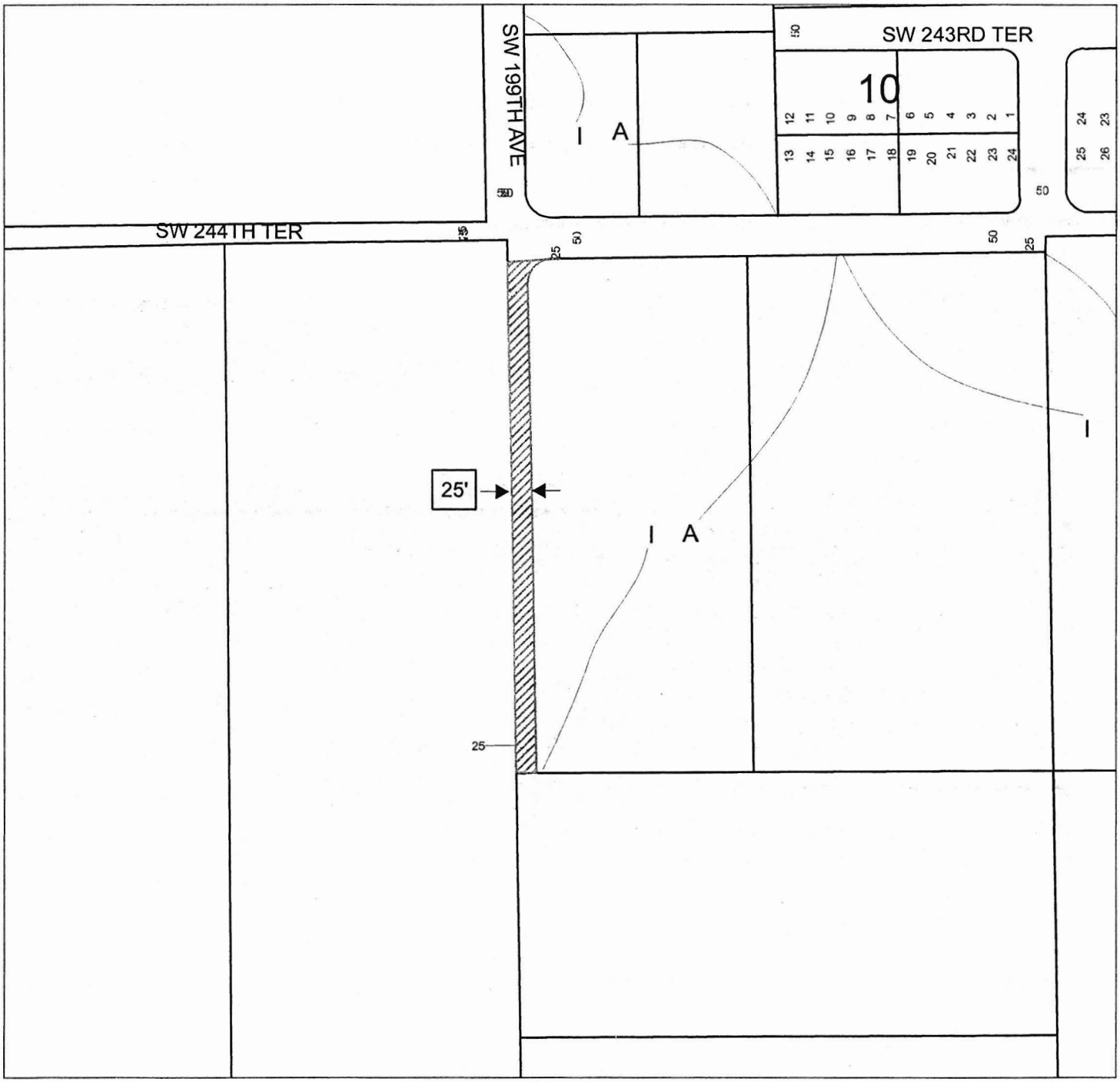
Location Map

SECTION 22 TOWNSHIP 56 RANGE 38



P-849

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NORTH

Yazmin Moreno
Senior Cadastral Technician
July 18, 2007

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 West 25 feet of the West1/2 of the NW1/4 of the SE1/4 of the SE1/4, Less the North 25 feet thereof, of Section 22, Township 56 South, Range 38 East, Miami-Dade County, Florida,

And

The area bounded by the South line of the North 25 feet of the West1/2 of the NW1/4 of the SE1/4 of the SE1/4 of said Section 22, and bounded by the East line of the West 25 feet of the West1/2 of the NW1/4 of the SE1/4 of the SE1/4 of said Section 22, and bounded by a 25 foot radius arc, concave to the Southeast, said arc being tangent to both of the last described lines.

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 in 1977 to Miami-Dade County by Deed recorded in Official Records Book 10084, Page 2060, 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
JANET R. HAYS JAMES W. HAYS	30-6822-000-0240	19850 SW 244 ST. HOMESTEAD, FL. 33031
COSTA NURSERY FARMS, INC	30-6822-000-0230 30-6822-000-0190	19901 SW 248 ST. GOULDS, FL. 33170

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):

A) THE ROAD, WHILE DEDICATED IN 1977, HAS NEVER BEEN OPEN TO TRAFFIC OR ACCESS TO ADJACENT PROPERTY AND HAS BEEN A MAINTENANCE PROBLEM FOR US, THE ADJACENT REVERSION OWNER

B) TODAYS STANDARDS WOULD NOT REQUIRE THIS DEDICATION BEING OUTSIDE THE URBAN DEVELOPMENT BOUNDARY (UBD) LINE. EXISTING RIGHT OF WAY FOR SW 244ST, ACROSS THE NORTH SIDE OF THIS SITE WILL REMAIN OPEN FOR PUBLIC ACCESS.

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

SIGNATURE	ADDRESS
	~~22220~~ 19901 SW 248th St.
	Goulds FL 33170
Janet R Hays	19850 SW 244 St Homstd, Fl 33031
J W Hays	" "

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared JANET B HAYES JAMES W HAYS, 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.

Janet B Hays JW Hays
(Signature of Petitioner)

Sworn and subscribed to before me this

28 day of JUNE, 2007

Betty J Debish
Notary Public State of Florida at Large

My Commission Expires: 7-26-2010

NOTARY PUBLIC STATE OF FLORIDA
Betty J. Debish
Commission # DD565622
Expires July 26, 2010
Bonded Troy Fain - Insurance, Inc. 800-385-7019