Memorandum MIAMI-DADE COUNTY

Date: July 1, 2008

Agenda Item No. 5(N)

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-837
Section: 13-56-39
SW 223 Street, from SW 123 Drive Southwesterly for 120 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

This road closing is located within the boundaries of Commission District 9.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $9.15 per square foot. Therefore, the estimated value of this right-of-way would be approximately $57,384.50. If this right-of-way is closed and vacated, it will be placed on the tax roll, generating an estimated $1,065 per year in additional property taxes. The fee for this road closing is $6,538.45.

Track Record/Monitor

Not Applicable.

Background

The Petitioner, R & E Homes, Inc., wishes to close SW 223 Street, from SW 123 Drive Southwesterly for 120 feet, in order to incorporate the land into the proposed plat of "ERO SUBDIVISION", Tentative Plat Number T-22652.

The right-of-way petitioned to be closed was dedicated in 2005, by the plat of ELERO SUBDIVISION, recorded in Plat Book 164, Page 1, as part of the platting process. The dedication was required to connect and extend theoretical SW 223 Street to the south of this parcel, but it is no longer needed. The area surrounding the subject right-of-way is zoned RU-1 (Single-Family Residential 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 1, 2008

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

SUBJECT: Agenda Item No. 5(N)

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(N)
7-1-08

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW 223 STREET, FROM SW 123 DRIVE SOUTHWESTERLY FOR 120 FEET (ROAD CLOSING PETITION NO. P-837)

WHEREAS, the County Commission held a public hearing to consider a petition to close SW 223 Street, from SW 123 Drive Southwesterly, 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
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of July, 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

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

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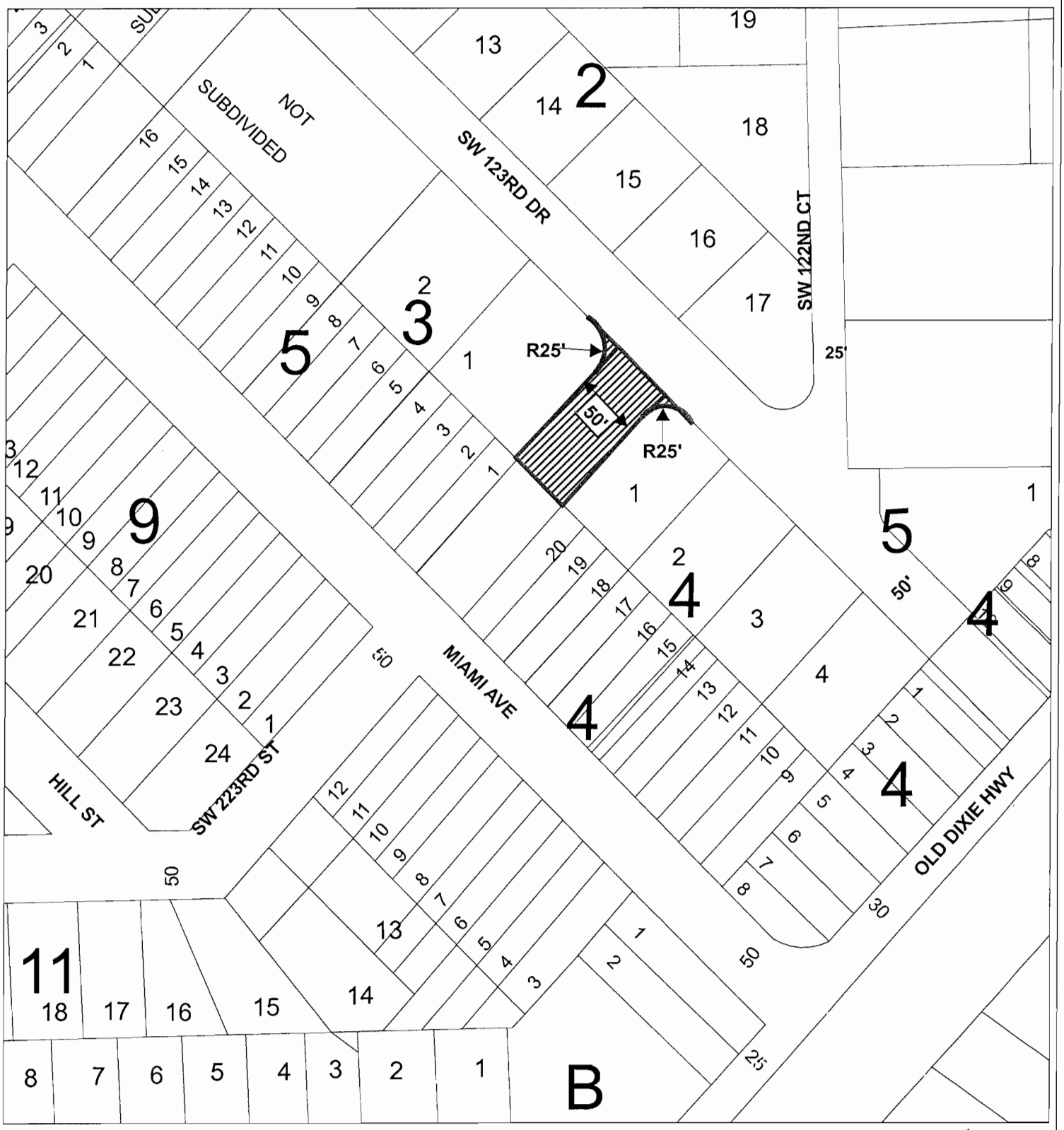
Location Map

SECTION 13 TOWNSHIP 56 RANGE 39



Legend

Road CLosing

Lot Lines

P-837

NORTH

Yazmin Moreno
Senior Cadastral Technician
November 27, 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 that portion of Southwest 223rd Street lying between Blocks 3 and 4 of Elero Subdivision as recorded in Plat Book 164 at Page 1 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 the Plat of "*Elero Subdivision*" (164 – 1) of the Public Records of Miami-Dade County, Florida.
Said Plat and dedications therein were granted by R & E Homes, Inc. a Florida Corporation.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey prepared by Juan R. Martinez and Associates Inc., 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
FMV Family Ltd Partnership	30-6913-007-0179	22400 Old Dixie Hwy #2 Miami FL 33170
Frances Varela, manager		
R&E Homes Inc.	30-6913-007-0330	22282 SW 123 Drive Miami, Florida 33170
Rafael Rosado, President		
Lazaro Celestrin.	30-6913-007-0350	22322 SW 123 Drive Miami Florida 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):

The road right of way was provided by the Plat of "*Elero Subdivision*", (164-1) at the request of Public Works Department to have continuity for SW 223rd St between Miami Avenue and SW 123rd Drive. Since the recordation of the plat of "Elero Subdivision " it has been discovered that the continuation of said road will not be possible because public right of way was not provided for SW 223rd St. by the plat of *Realty Securities Corporation's Addition to Goulds* (2-!09).

Since lots in "*Elero Subdivison*" do not front on SW 223rd St. and to eliminate a dead end situation this petitioner is making the request to close this currently unimproved road.

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

SIGNATURE	ADDRESS
FMV Family Limited Partnership Francis Varela, Manager	22400 Old Dixie Hwy # 2
R & E Homes, Inc	*22282 SW 123 Drive, Miami Fl 33170*
Lazaro Celestrin	22322 SW 123 Drive Miami, Fl 33170

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Rafael Rosado,President of R & E Homes, Inc. who first by me duly sworn, deposes and says that he is one of the petitioners named in and who signed the foregoing petition; that he is duly authorized to make this verification for and on behalf of all petitioners; that he has read the foregoing petition and that the statements therein contained are true.

_____
(Signature of Petitioner)

Sworn and subscribed to before me this

25th day of october, 2006

_____
Notary Public State of Florida at Large

MICHELLE MOREJON
MY COMMISSION # DD 336066
EXPIRES: November 8, 2008
Bonded Thru Notary Public Underwriters

My Commission Expires: 11-8-08