**Memorandum** MIAMI-DADE COUNTY

Date: July 1, 2008

Agenda Item No. 5(P)

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-855
Section: 15-53-41
Alley East of NW 18 Avenue, from NW 69 Terrace to NW 70 Street
Commission District: 2

---

## 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 2.

## Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $8.00 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately $14,520.00. However, several of the abutting properties are State exempt from paying taxes, including the ones that are owned by Miami-Dade County. If this right-of-way is closed and vacated, the portions of land that are not exempt will be placed on the tax roll, generating an estimated $100 per year in additional property taxes. The fee for this road closing is $2,000.00.

## Track Record/Monitor

Not Applicable.

**Background**

The property owners abutting the alley East of NW 18 Avenue, from NW 69 Terrace to NW 70 Street, have joined in signing the petition to close this right-of-way in order to incorporate it to their property to be enhanced and maintained. The right-of-way being closed has never been 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 1922, by the plat of "LIBERTY CITY", recorded in Plat Book 7, Page 79, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned RU-2 (Two 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(P)

**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(P)
7-1-08

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY EAST OF NW 18 AVENUE, FROM NW 69 TERRACE TO NW 70 STREET (ROAD CLOSING PETITION NO. P-855)

**WHEREAS**, the County Commission held a public hearing to consider a petition to close the alley East of NW 18 Avenue, from NW 69 Terrace to NW 70 Street, 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

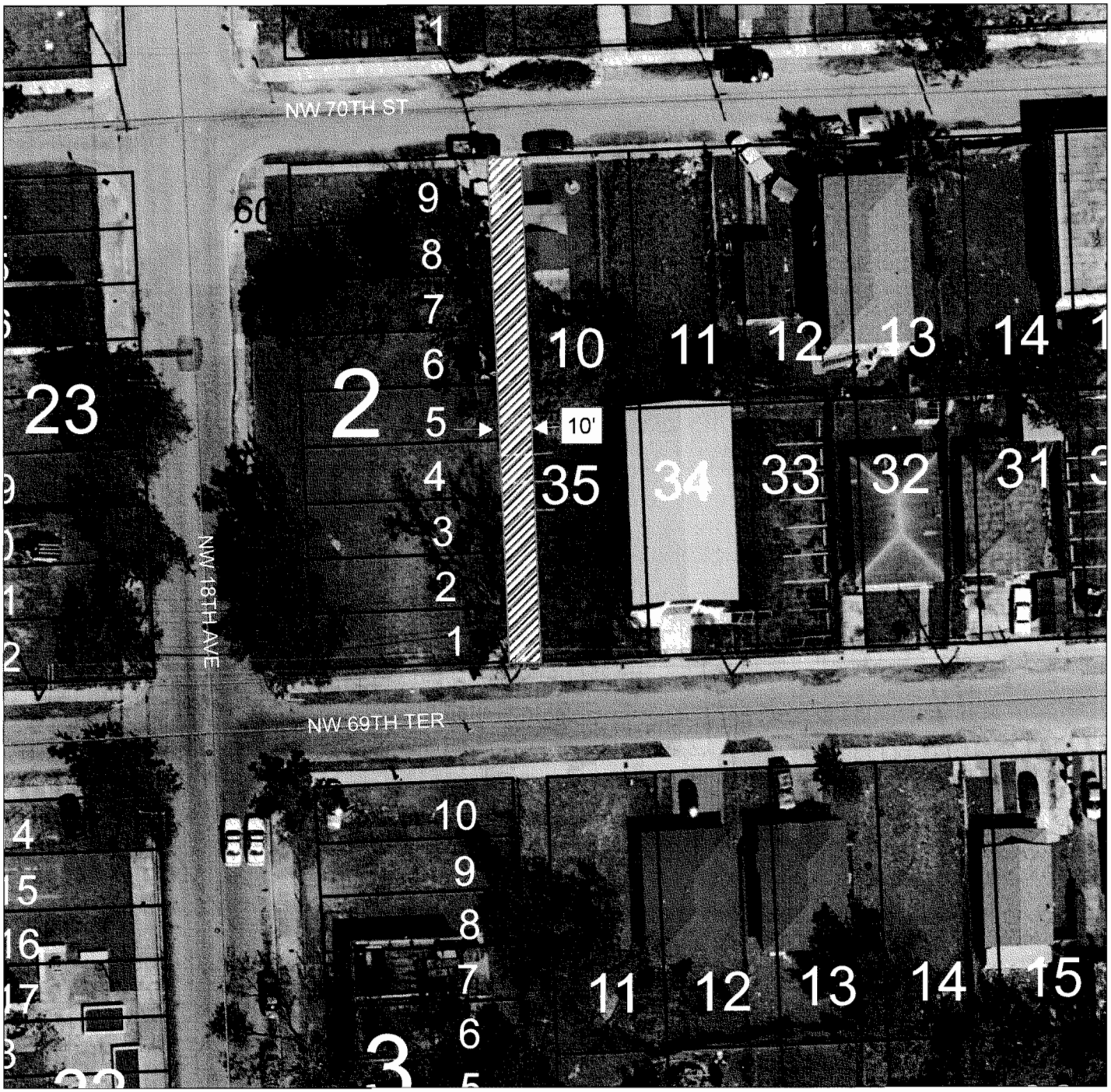
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

# Location Map

SECTION 15 TOWNSHIP 53 RANGE 41




Commission District: Dorrin D. Rolle, 2

**Legend**

Road Closing

Property Lines

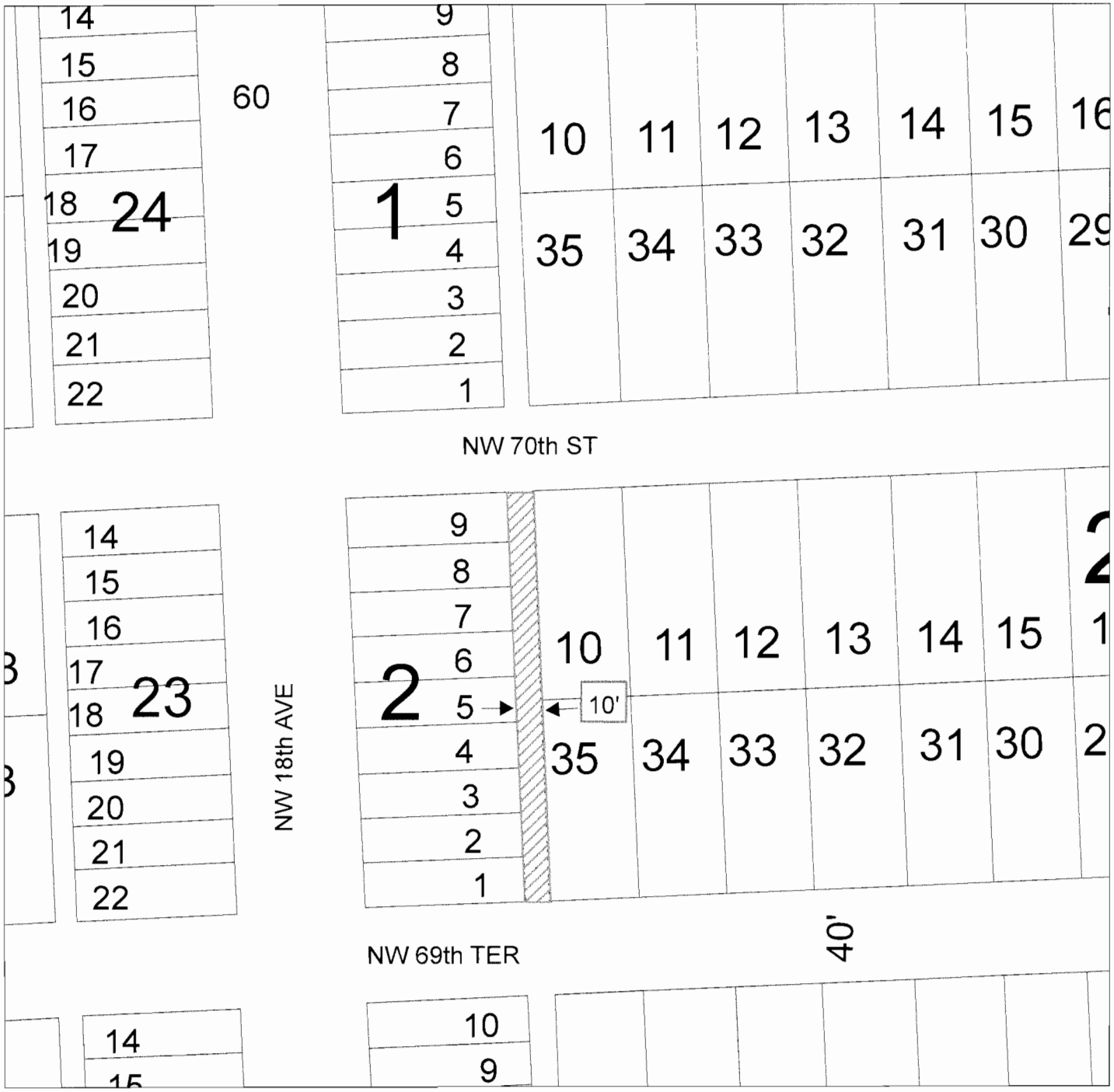
NORTH

**P-855**

December 3, 2007

# Location Map

SECTION 15 TOWNSHIP 53 RANGE 41




Commission District: Dorrin D. Rolle, 2

**Legend**

Road Closing

Property Lines

**P-855**

7

NORTH

December 3, 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 alley lying within Block 2 of LIBERTY CITY, as recorded in Plat Book 7, Page 79 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):

THE ALLEY WAS DEDICATED IN 1922 BY THE PLAT OF LIBERTY CITY, RECORED IN PLAT BOOK 7, PAGE 79, 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 |
|---|---|---|
| Robert parker | 30-3115-005-0370 | Miami, FL 33147<br>1774 NW 70 ST |
| Daniel O. Borges/MDC | 030-3115-005-0330<br>30-3115-005-0340<br>30-3115-005-0360 | 140 W Flagler St #1000 MDC<br>Miami, FL |
| X [signature] | 30-3115-005-0350 | 3130 NW 81 TERRACE<br>Miami Fla 33147 |
| Gossie Zolbert | 0310<br>0470 | 1781 NW 69 TERRACE<br>Miami, FL 33147 |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

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):

WE The PARSHIONERS AT WALKER Temple ARE COGITATING AN IRON fence. HOWEVER, WE NEED TO KNOW All The Legalities that PERTAIN TO IMPLEMENTING The PROJECT SO By GRANTING the PARSHIONERS AT WALKER Temple The ROAD closure that WE ARE PETHIONING for, SO WE CAN BEAUTIFY OUR Church AN COMMUNITY

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

| SIGNATURE | ADDRESS |
|---|---|
| Robert Parker | 1774 NW 70 ST |
| [illegible] | 140 W Flagler St 1000 MDC |
| [illegible] | 313 NW 81 TERRACE Miami, Fla, 33147 |
| Gessie Zorbert | 1781 NW 69 TERRACE MIAMI FL 33147 |
| | |
| | |
| | |
| | |
| | |
| | |

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA )
) SS
MIAMI-DADE COUNTY )

BEFORE ME, the undersigned authority, personally appeared Jessie Tolbert _____, 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.

Jessie Tolbert
(Signature of Petitioner)

Sworn and subscribed to before me this

10th day of October, 2007

Octeon Kelly
Notary Public State of Florida at Large

My Commission Expires: Feb. 19, 2010

NOTARY PUBLIC STATE OF FLORIDA
OCTEON KELLY
MY COMMISSION # DD 491261
EXPIRES: February 19, 2010
Bonded Thru Budget Notary Services