Memorandum MIAMI-DADE COUNTY

Date: October 7, 2008

Agenda Item No. 5(E)

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

From: George M. Burgess
County Manager

Subject: Right-of-Way Closing P-864
Section: 17-52-40
A Right-of-Way Located in the City of Hialeah and Extending from NW 107 Avenue East for Approximately 1,320 feet
Commission District: 12

Recommendation

It is recommended that the Board of County Commissioners (BCC) set a public hearing to close the subject right-of-way. The Miami-Dade County Public Works Department (PWD) has no objection to closing the subject right-of-way.

Scope

The subject road right-of-way is located within Commission District 12.

Fiscal Impact/Funding Source

There is no fiscal impact to the County associated with this item.

Track Record/Monitor

Not Applicable.

Background

The Director of the PWD, pursuant to the functions, powers and duties prescribed in Article XIV, Sec. 2-100 (a), (b) and (c) of the Code of Miami-Dade County Volume I, has taken the initiative to request that the BCC grant the closing of the subject road right-of-way.

The subject right-of-way, located within the City of Hialeah and extending from NW 107 Avenue East for approximately 1,320 feet, was dedicated in 1939 by a right-of-way deed recorded in Deed Book 2222, Page 510, of the Public Records of Miami-Dade County, Florida. The area surrounding said right-of-way is zoned AG (Agricultural).

The right-of-way being closed has never been improved or maintained by Miami-Dade County, therefore, this action will not adversely impact traffic flow or traffic continuity in the area.

Miami-Dade County owns, in fee simple, the land adjacent to the south of the subject right-of-way; the proposal is to merge said property with the right-of-way being closed in order to allow the City of Hialeah to build a Reverse Osmosis Plant within the combined sites. The right-of-way being closed contains a reverter clause which will cause the land to revert to FDG Beacon Countyline, LLC (FDG) the owner of the property adjacent to the north of the subject road closing. FDG has agreed to provide the County a Quit Claim Deed in order for Miami-Dade County to retain the ownership of the subject property after the right-of-way closing.

On July 26, 2007, the BCC approved Resolution R-918-07, authorizing execution of a Joint Participation Agreement (JPA) with the City of Hialeah (City) for the construction of a 17.5 million gallons per day (mgd) Reverse Osmosis Water Treatment Plant to serve future water supply needs in the City's annexation area and the Miami-Dade Water and Sewer Department's (MDWASD) service area, including future needs of wholesale customers. The project is part of the alternative water supply plan submitted to the South Florida Water Management District (District) and has already been included in the Capital Improvements Element of the Comprehensive Development Master Plan (CDMP). The JPA specifies that the City and the County will be equal partners in funding the project, and that the City is responsible for the planning, design and construction of the Reverse Osmosis Water Treatment Plant. The County will participate in the selection of a design/build/operate contractor and will review and approve the contract for these services that will be entered into by the City and the contractor.

It is therefore recommended, as being in the best interest of the County that the BCC approve the subject road right-of-way closing which will result in substantial benefits for Miami-Dade County.

Assistant County Manager

Note: The Clerk is directed to publish notice of a public hearing of this Right-of-Way Closing 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 7, 2008

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

SUBJECT: Agenda Item No. 5(E)

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(E)

10-7-08

RESOLUTION NO. _____

RESOLUTION GRANTING THE CLOSURE OF A RIGHT-OF-WAY LOCATED IN THE CITY OF HIALEAH AND EXTENDING FROM NW 107 AVENUE EAST FOR APPROXIMATELY 1,320 FEET (RIGHT-OF-WAY CLOSING P-864)

WHEREAS, the County Commission held a public hearing to consider a closure of a right-of-way located in the City of Hialeah and extending from NW 107 Avenue East for approximately 1,320 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 dedicated right-of-way located in the City of Hialeah and extending from NW 107 Avenue East for approximately 1,320 feet is hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to said right-of-way are hereby renounced and disclaimed provided; however, that Miami-Dade County may acquire said abandoned right-of-way from the adjacent property owner to whom the land reverts and use same for whatever purpose the County deems appropriate; (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 7th day of October, 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

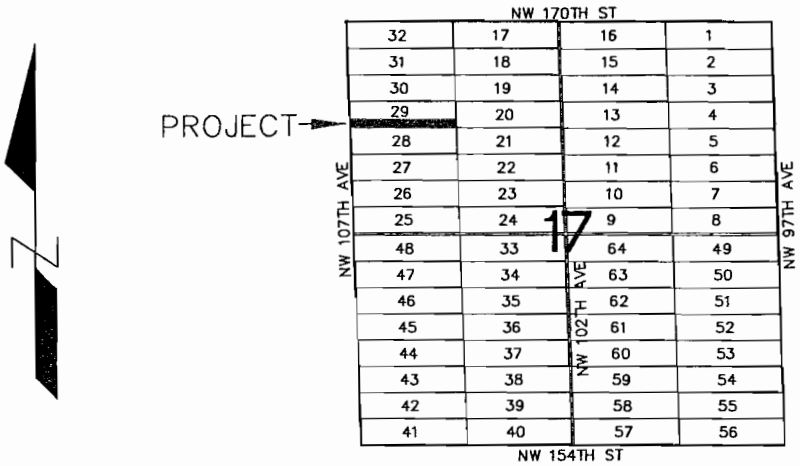
HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

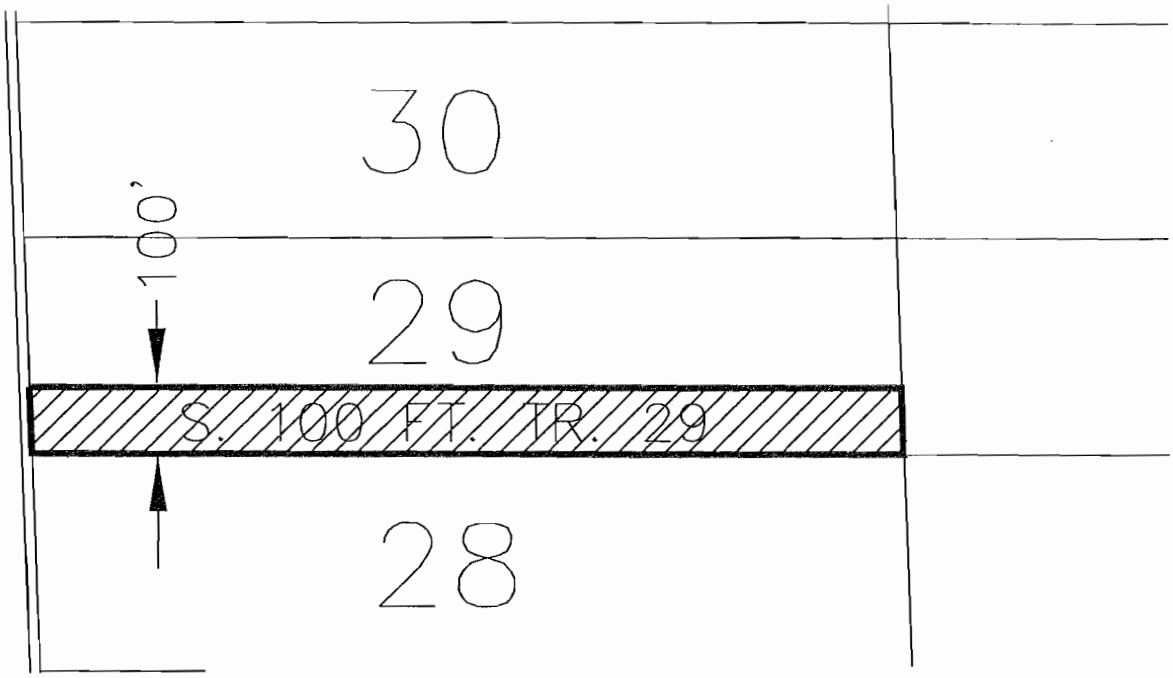
Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Esteve

SEC 17
TWP 52 S
RGE 40 E



LOCATION MAP
Not to Scale



Road Right of Way to be vacated

MIAMI-DADE

PUBLIC WORKS DEPT.
RIGHT-OF-WAY ENGINEERING DIVISION
111 N.W. 1ST ST. 16TH FLR.
MIAMI, FL. 33128

EXHIBIT "A"

6

NOT A SURVEY
SCALE 1" = 250'

7/03/08 S. BURTON PSM

Exhibit "B"

Legal Description

The South 100' feet of Tract 29 of the Plat of Florida Fruit Lands Company's Subdivision No. 1 as recorded in Plat Book 2, Page 17 of the Public Records of Miami-Dade County, Florida all in Section 17, Township 52 South, Range 40 East. Less the West 40 feet thereof.