# Memorandum

MIAMI-DADE COUNTY

Date: October 14, 2008

GOE
Agenda Item No. 2(BB)

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-867
Section: 07-52-40
NW 112 Avenue, from NW 170 Street North for Approximately 1,260 Feet
Commission District: 12

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## 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 Commission District 12.

## Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $0.69 per square foot. Therefore, the estimated value of this right-of-way would be approximately $30,640. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $569 per year in additional property taxes. The fee for this road closing is $3,864.

## Track Record/Monitor

Not Applicable

**Background**

The property owners abutting NW 112 Avenue, from NW 170 Street North for approximately 1,260 feet, have joined in signing the petition to close this right-of-way in order to incorporate the areas into their properties. The right-of-way requested to be closed is located within an area designated as a "Rockmining Overlay Zoning Area" and has never been improved nor maintained by Miami-Dade County.

The subject right-of-way was dedicated in 1911, by 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; and in 1946, by a deed recorded in Deed Book 2675, Page 59, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned AU (Agriculture 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 Bruno A. Barreiro
and Members, Board of County Commissioners

**DATE:** November 18, 2008

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

**SUBJECT:** Agenda Item No.

**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 Agenda Item No.
Veto _____
Override _____

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE NW 112 AVENUE, FROM NW 170 STREET NORTH FOR APPROXIMATELY 1260 FEET (ROAD CLOSING PETITION NO. P-867)

**WHEREAS**, the County Commission held a public hearing to consider a petition to close NW 112 Avenue, from NW 170 Street North for 1260 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 Avenue, 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 18th day of November, 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

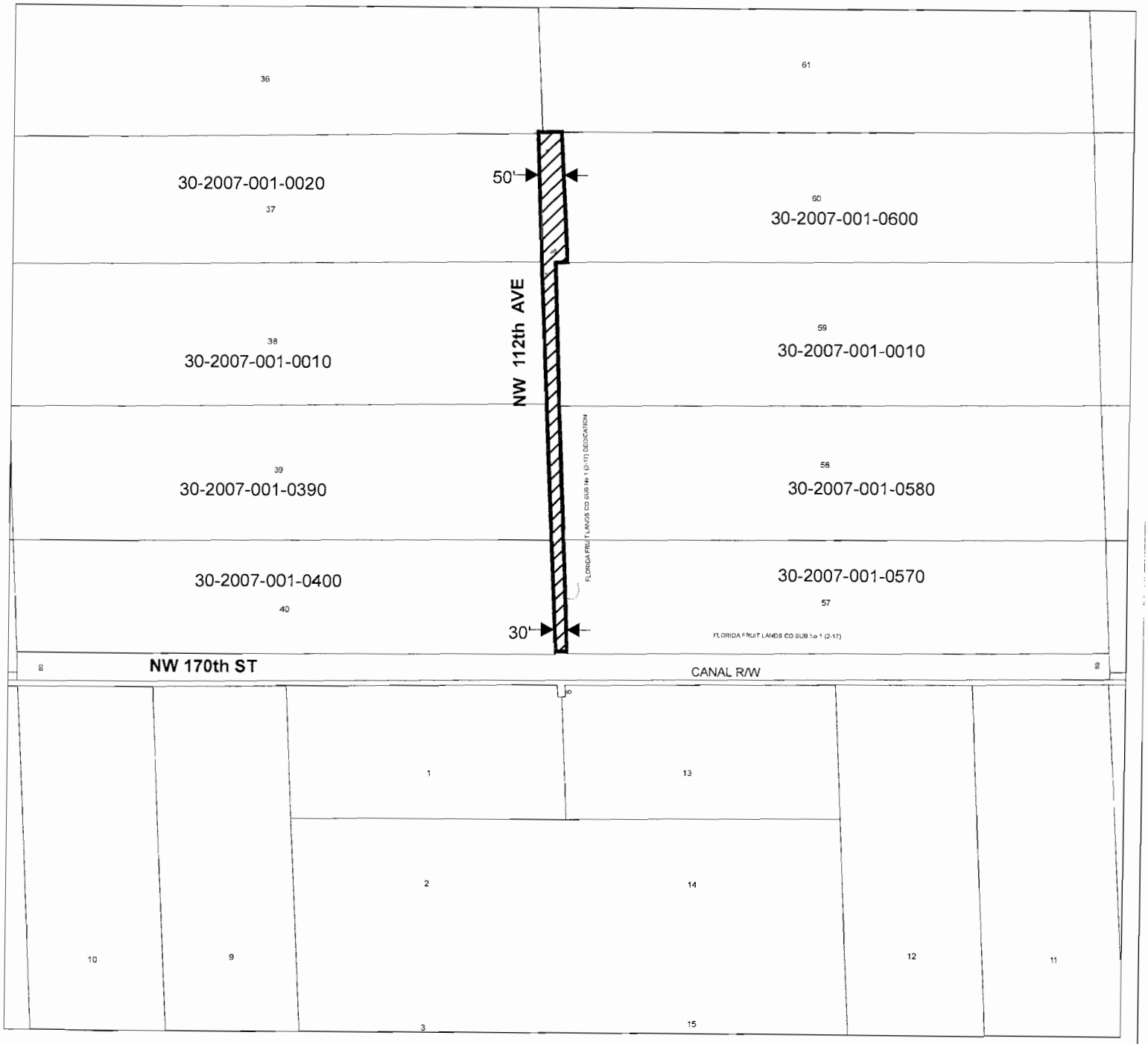
HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

# Location Map

## SECTION 07 TOWNSHIP 52 S RANGE 40 E




Commission District: Jose " Pepe" Diaz ,12
Folio: 30-2007-000-0010

**EXHIBIT "A"**

**P-867**

6

**Legend**

- Road Closing
- Lot Lines

NORTH

Date: July 23, 2008
Prepared By: Yazmin Moreno

# 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 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:

That portion of N.W. 112 Avenue lying in the South ½ of Section 7, Township 52 South, Range 40 East, 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, described as follows:

Commence at the Southwest corner of the SE ¼ of said Section 7; thence N02°36'09"W along the West line of said SE ¼ of Section 7 for 60.04 feet to the Point of Beginning of the hereinafter described right-of-way vacation; thence N89°32'58"E along a line parallel with and 60.00 feet North of the South line of said SE ¼ of Section 7 for 15.01 feet; thence N02°36'09"W along a line parallel with and 15.00 feet East of said West line of said SE ¼ of Section 7 for 930.14 feet to a point on the South line of Tract 60 of said plat of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1"; thence N89°33'23"E for 20.01 feet; thence N02°36'09"W along a line parallel with and 35.00 feet East of said West line of said SE ¼ of Section 7 for 330.06 feet to a point on the North line of said Tract 60; thence S89°33'32"W along said North line of said Tract 60 and the Westerly prolongation thereof for 50.04 feet; thence S02°36'09"E along a line parallel with and 15.00 feet West of said West line of said SE ¼ of Section 7 for 1260.20 feet; thence N89°32'58"E along a line parallel with and 60.00 feet North of the South line of the SE ¼ of said Section 7 for 15.01 feet to the Point of Beginning.

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:

Portions of this right-of-way were dedicated in 1911, by the plat of "FLORIDA FRUIT LANDS COMPANY'S No. 1", recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida; and a portion in 1946, by Deed Book 2675, Page 59, of the Public Records of Miami-Dade County, Florida.

3. ATTACH SKETCH: Attached hereto is a sketch showing the above described right-of-way and its location and relation to surrounding property.

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon the above described right-of-way.

**See list of property owners attached.**

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):

These dedicated rights-of-way are located in an area that has been designated as the Rockmining Overlay Zoning Area (the "ROZA"). Rock mining and activities ancillary to rock mining are historic uses in this area, are presently being conducted in the ROZA, and will continue to be conducted in the ROZA for the foreseeable future.

The dedicated rights-of-way requested for vacation are not necessary for access to non-rock mining properties. The right-of-way to the north in this Section was vacated by resolution R-792-95. The dedicated right-of-way to be vacated is shown on Exhibit "A".

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

**See Signature page attached.**

Attorney for Petitioner
Address: _____
Signature of Attorney not required)

STATE OF FLORIDA )
) SS
PALM BEACH COUNTY )

BEFORE ME, the undersigned authority, personally appeared he/she is one of the petitioners Leo A. Vecellio, Jr. 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, petitioner; that he/she has read the foregoing petition and that the statements therein contained and true.

Leo Vecellio, Jr.
Signature of Petitioner

Sworn and subscribed to before me this
11 day of February 2008

DC Bradley
Notary Public State of Florida at Large

My Commission Expires: 7/13/2011

DIANNE C. BRADLEY
MY COMMISSION EXPIRES
July 13, 2011
#DD 650169
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

ITEM 4 EXHIBIT

NW 112th Avenue
Section 7

| Print Name | Folio No. | Address | Signature |
|---|---|---|---|
| Black Island Partnership | 30-2007-001-0020 | 1 SE 3 Avenue, #3050, Miami, FL 33131 | See attached signature block |
| BIP Mining, LLC | 30-2007-001-0580; 30-2007-001-0570; 30-2007 001-0390; 30-2007-001-0400 | 1 SE 3 Avenue, #3050, Miami, FL 33131 | |
| GO Inc. | 30-2007-001-0600 | 1 SE 3 Avenue, #3050, Miami, FL 33131 | |
| TIITF / State of Florida | 30-2007-001-0010 | 3900 Commonwealth Blvd., Tallahassee, FL 32399 | |

## SIGNATURE PAGE

**Item 7. Signatures of all Abutting Property Owners:**

BLACK ISLAND PARTNERSHIP

By: Go, Inc. (SEAL)
a Florida corporation

By: _____
Donald S. Rosenberg
Vice President

and

By: CARLTON ASSOCIATES, LTD.
a Florida Limited Partnership

By: _____
George D. O'Neill, Jr.
General Partner

Its Partners
**Folio No. 30-2007-001-0020**

GO, INC., a Florida corporation

By: _____
Donald S. Rosenberg
Vice President

**Folio No. 30-2007-001-0660**

BIP MINING, LLC, a Florida
limited liability company

By: _____
David O'Neill
Its Manager

**Folio Nos. 30-2007-001-0580; 30-2007-001-0570; 30-2007-001-0390; 30-2007-001-0400**

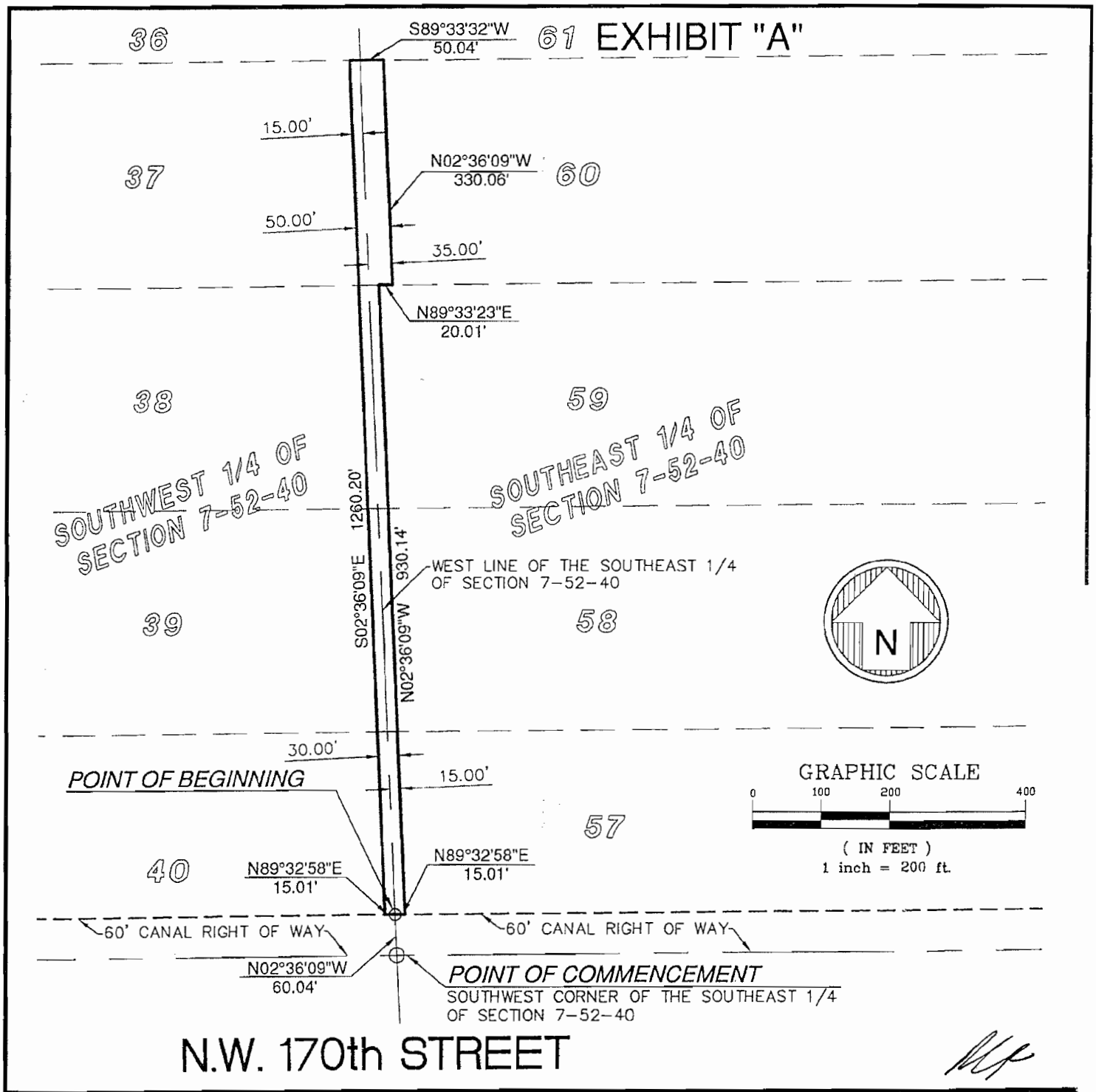
**Address for Black Island Partnership, BIP Mining, LLC and Go, Inc.:**
**One S.E. Third Avenue, Suite 3050**
**Miami, FL 33131**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

By: _____
Scott E. Woolam
Acting Director
Division of State Lands, Department of Environmental Protection

**Address:**
**Department of Environmental Protection**
**3900 Commonwealth Boulevard**
**MS130**
**Tallahassee, FL 32399-3000**

**Folio No. 30-2007-001-0010**




| | | | |
|---|---|---|---|
| Drawn By | MJL | SKETCH OF DESCRIPTION | Date 5/2/07 |
| Cad. No. | 070394 | FORTIN, LEAVY, SKILES, INC. | Scale 1'= 200' |
| Ref. Dwg. | 3006-118 | CONSULTING ENGINEERS, SURVEYORS & MAPPERS | Job. No. 070394 |
| | | FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653 | Dwg. No. 1007-035 |
| Plotted: | 03/29/07 | 180 Northeast 168th Street / North Miami Beach, Florida 33162 | Sheet 1 of 1 |
| | | Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com | |