Memorandum

MIAMI-DADE COUNTY

Date: December 2, 2008

Agenda Item No. 5(F)

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-854
Section: 6-55-39
SW 93 Street Circle, from SW 169 Place to SW 169 Court
Commission District: 11

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 petition is located within Commission District 11.

Fiscal Impact/Funding Source

If this right-of-way is closed and vacated, it will not affect the tax roll, since an alternate right-of-way will be dedicated to replace it. The fee for this road closing is $800.

Track Record/Monitor

Not Applicable.

Background

The Petitioner, Kendall Land Development, LLC, wishes to close SW 93 Street Circle, from SW 169 Place to SW 169 Court, in order to incorporate the area into the proposed plat of "KENDALL COMMONS SQUARE", Tentative Plat Number T-22883. The right-of-way requested to be closed has never been improved nor maintained by Miami-Dade County. The petitioner for the subject road closing will also dedicate alternate roads for traffic continuity.

The subject right-of-way was dedicated in 2006, by the plat of "KENDALL COMMONS", recorded in Plat Book 166, Page 73, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned TND (Traditional Neighborhood 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: December 2, 2008

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

SUBJECT: Agenda Item No. 5(F)

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(F)
12-2-08

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW 93 STREET CIRCLE, FROM SW 169 PLACE TO SW 169 COURT (ROAD CLOSING PETITION NO. P-854)

WHEREAS, the County Commission held a public hearing to consider a petition to close SW 93 Street Circle, from SW 169 Place to SW 169 Court, 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 closing of the aforementioned road is contingent on the recording of the plat of KENDALL COMMONS SQUARE, tentative plat T-22883, that in the event the plat is not approved this resolution becomes null and void; (2) 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; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (5) 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 2nd day of December, 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

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 petition 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 the 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 a 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:

See attached as Exhibit "A"

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 or land was acquired and is evidenced in the following manner (state whether public interest acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

KENDALL COMMONS Plat, as recorded in Plat Book 166, Page 73 of the Public Records of Miami-Dade County, Florida

3. ATTACH SURVEY SKETCH: Attached hereto is a survey or location sketch accurately showing and describing the above described road, right-of-way or land and its location and relation to surrounding property, and showing all encroachments and utility easements.

See attached.

4. ABUTTING PROPERTY OWNERS: The following constitutes a complete and accurate schedule of all owners and occupants of property abutting upon or adjacent to the above described road, right-of-way or lands and all persons who will be affected by the closing and abandonment thereof (all interested or affected persons must either sign this petition or sign a written consent):

EXHIBIT "A"

A portion of right-of-way for S.W. 93rd Street Circle as shown on the Plat of KENDALL COMMONS, recorded in Plat Book 166, Page 73, of the Public Records of Miami-Dade County, Florida, being described as follows:

BEGIN at the Southeast Corner of Tract "S3" of said Plat of KENDALL COMMONS; the next described Eight (8) courses and distance being along the southerly lines of Tract "L1" of said Plat of KENDALL COMMONS, said lines being coincident with the northerly right-of-way lines of S.W. 93rd Street Circle as shown on said Plat of KENDALL COMMONS: 1) thence S87°04'39"E 26.27 feet; 2) thence N47°55'21"E 28.64 feet to a point of curvature of a circular curve to the right, concave to the southeast; 3) thence Northeasterly and Easterly along the arc of said curve, having for its elements a radius of 5.00 feet, through a central angle of 45°00'00" for an arc distance of 3.93 feet to a point of tangency; 4) thence S87°04'39"E 33.64 feet to a point of curvature of a circular curve to the right, concave to the Southwest; 5) thence Easterly and Southeasterly along the arc of said curve, having for its elements a radius of 5.00 feet, through a central angle of 45°00'00" for an arc distance of 3.93 feet to a point of tangency; 6) thence S42°04'39"E 35.63 feet; 7) thence S87°04'39"E 27.70 feet; 8) thence N47°55'21"E 72.41 feet to a point being the Southeast Corner of said Tract "L1"; thence S42°04'39"E 32.00 feet; the next described Seventeen (17) courses and distance being along the northwesterly lines of Tracts "N1", "T3" and "V6" of said Plat of KENDALL COMMONS, said lines being coincident with the must southeasterly right-of-way lines of S.W. 93rd Street Circle as also shown on said Plat of KENDALL COMMONS: 1) thence S47°55'21"W 72.42 feet; 2) thence S02°55'21"W 27.70 feet; 3) thence S42°04'39"E 35.63 feet to a point of curvature of a circular curve to the right, concave to the southwest; 4) thence Southeasterly and Southerly along the arc of said curve, having for its elements a radius of 5.00 feet, through a central angle of 45°00'00" for an arc distance of 3.93 feet to a point of tangency; 5) thence S02°55'21"W 33.64 feet to a point of curvature of a circular curve to the right, concave to the northwest; 6) thence Southerly and Southwesterly along the arc of said curve, having for its elements a radius of 5.00 feet, through a central angle of 45°00'00" for an arc distance of 3.93 feet to a point of tangency; 7) thence S47°55'21"W 28.64 feet; 8) thence S02°55'21"W

26.27 feet to a point being the Northeast Corner of said Tract "T3"; 9) thence S47°55'21"W 28.00 feet to a point being the Northwest Corner of said Tract "T3"; 10) thence N87°04'39"W 26.27 feet; 11) thence S47°55'21"W 28.64 feet to a point of curvature of a circular curve to the right, concave to the Northwest; 12) thence Southwesterly and Westerly along the arc of said curve, having for its elements a radius of 5.00 feet, through a central angle of 45°00'00" for an arc distance of 3.93 feet to a point of tangency; 13) thence N87°04'39"W 33.64 feet to a point of curvature of a circular curve to the right, concave to the northeast; 14) thence Westerly and Northwesterly along the arc of said curve, having for its elements a radius of 5.00 feet, through a central angle of 45°00'00" for an arc distance of 3.93 feet to a point of tangency; 15) thence N42°04'39"W 35.63 feet; 16) thence N87°04'39"W 27.69 feet; 17) thence S47°55'21"W 75.41 feet to a point being the Northwest Corner of said Tract "V6"; thence N42°04'39"W, along a line parallel with and 24.00 feet Northeast of the Centerline for S.W. 169th Place, for a distance of 33.46 feet to a point being the Southwest Corner of Tract "U6" of said Plat of KENDALL COMMONS; the next described Eleven (11) courses and distances being along the Southeasterly Lines of said Tract "U6", and Tracts "M1" and "S3" of said Plat of KENDALL COMMONS: 1) thence N47°55'21"E 5.00 feet to a point being the Southeast Corner of said Tract "U6"; 2) thence S42°04'39"E 1.46 feet to a point being the must southerly point of said Tract "M1"; 3) thence N47°55'21"E 70.42 feet; 4) thence N02°55'21"E 27.70 feet; 5) thence N42°04'39"W 35.63 feet to a point of curvature of a circular curve to the right, concave to the northeast; 6) thence Northwesterly and Northerly along the arc of said curve, having for its elements a radius of 5.00 feet, through a central angle of 45°00'00" for an arc distance of 3.93 feet to a point of tangency; 7) thence N02°55'21"E of 33.64 feet to a point of curvature of a circular curve to the right, concave to the southeast; 8) thence Northerly and Northeasterly along the arc of said curve, having for its elements a radius of 5.00 feet, through a central angle of 45°00'00" for an arc distance of 3.93 feet to a point of tangency; 9) thence N47°55'21"E 28.64 feet; 10) thence N02°55'21"E 26.27 feet to a point being the Southwest Corner of said Tract "S3"; 11) thence N47°55'21"E 28.00 feet to the Point of Beginning. Less Tracts "J3" and "O8" of said Plat of KENDALL COMMONS.

Containing 18,083.34 Square Feet or 0.42 Acres more or less.

PRINT NAME	FOLIO NO.	ADDRESS
Kendall Land Development, LLC	**30-5906-000-0030**	**1200 Ponce de Leon Blvd, First Floor, Coral Gables, Florida 33134**

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 purpose of this petition is to realign the entrance to Kendall Commons.

The minor change is necessary to improve the vehicular traffic off of S.W. 88th Street and within the subdivision, Kendall Commons.

The realignment of the road will be accomplished through the replat process by the plat "Kendall Commons Square", which is in process.

Those portions of the roadways being closed are internal and are not required for access to other properties in the area.

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

Signature	Address
Jose R. Boschetti, as Manager of Kendall Land Development, LLC	1200 Ponce de Leon Blvd, First Floor Coral Gables, Florida 33134

Attorney for Petitioner

Address:_____
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Jose R. Boschetti, as Manager of Kendall Land Development, LLC, a Florida limited liability company, 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.

_____
(Signature of Petitioner)

Sworn and subscribed to before me this

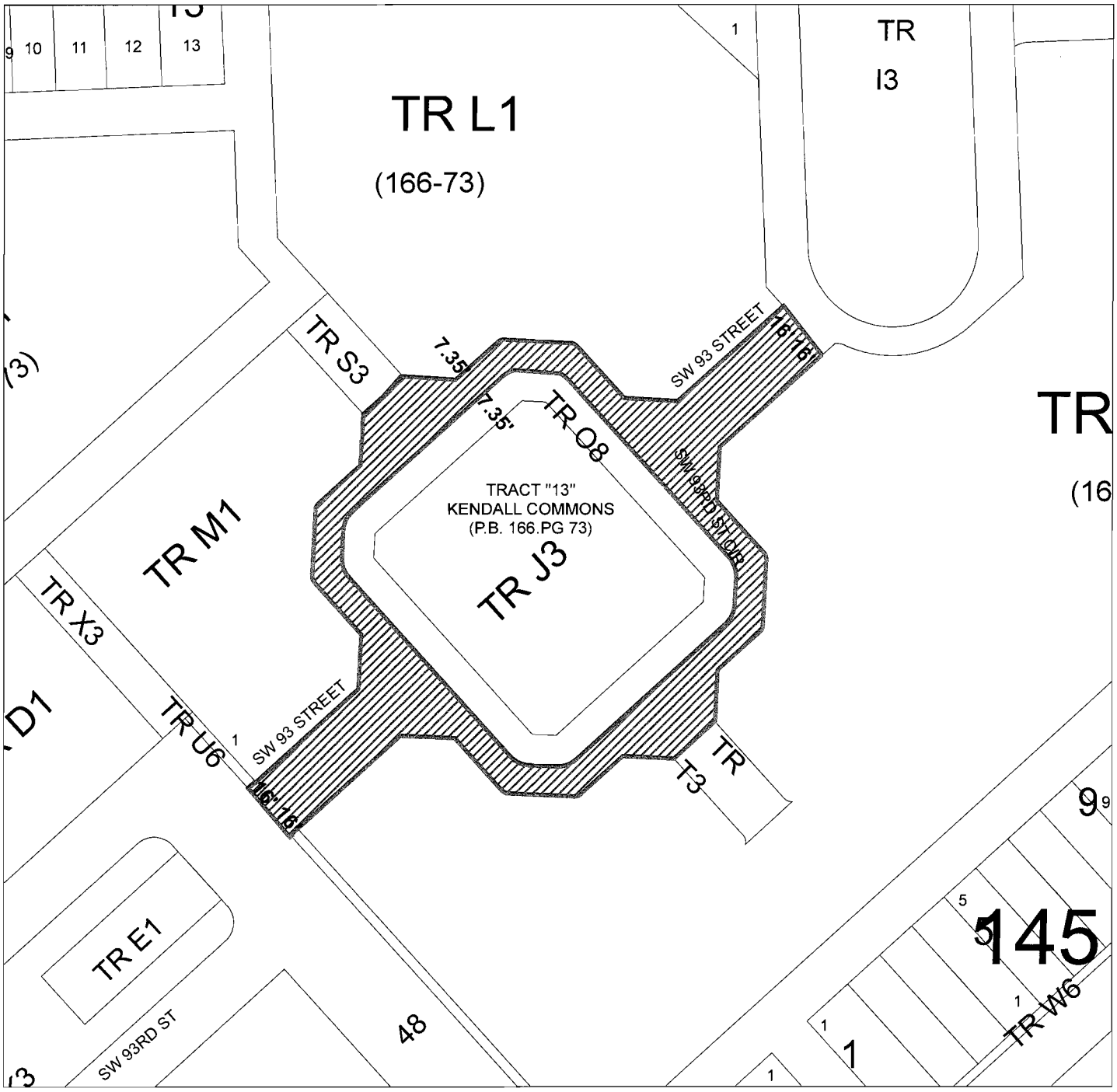
5TH day of October, 2007

Michelle Leza
Notary Public State of Florida at Large

My Commission Expires: August 24, 2009

Location Map

SECTION 06 TOWNSHIP 55 RANGE 39



Commission District: Joe A. Martinez,11

Legend

- Road Closing
- MDC.LOT

P-854

NORTH

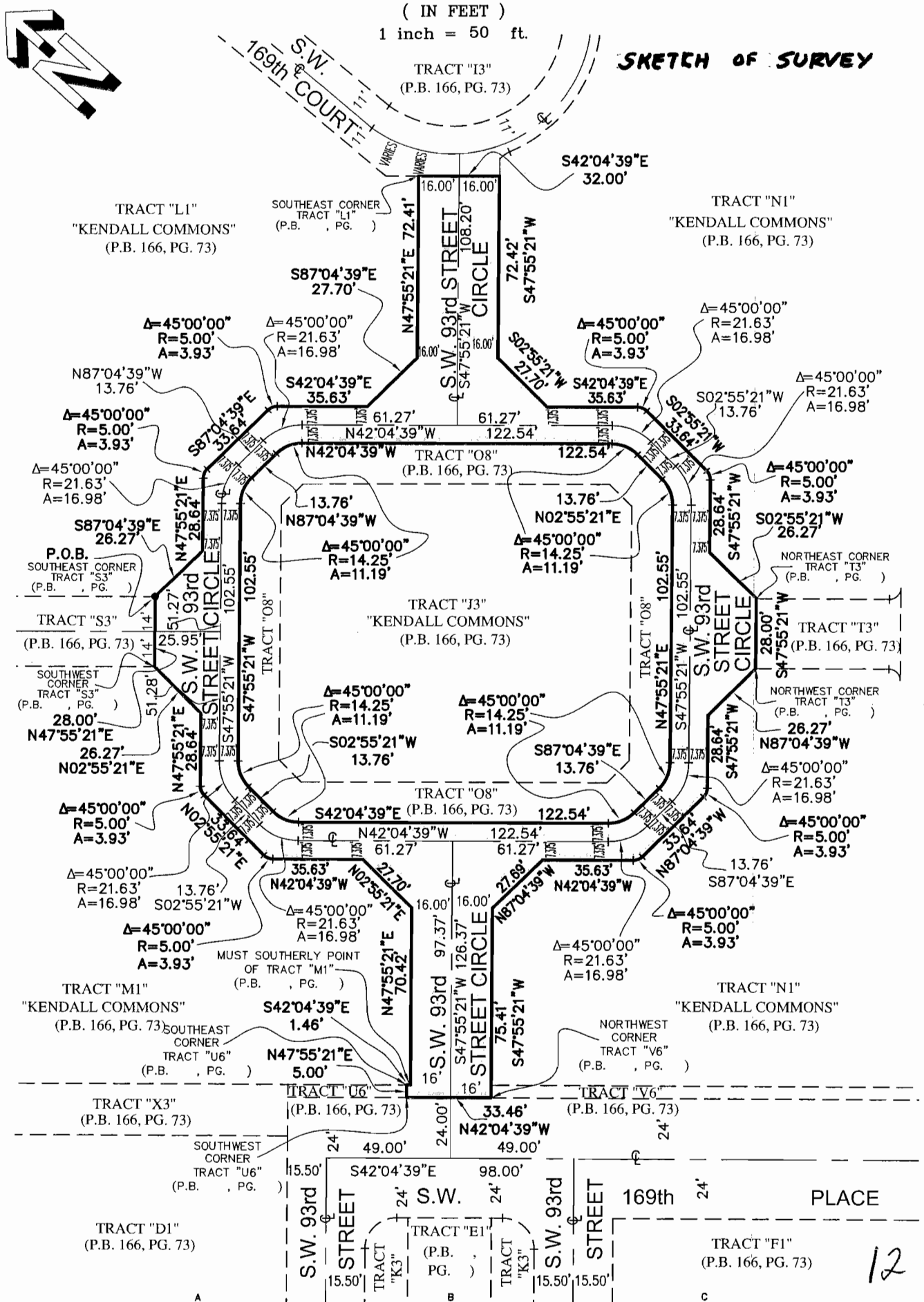
August 27, 2008

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

SKETCH OF SURVEY



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