Memorandum MIAMI-DADE COUNTY

Date: December 2, 2008

Agenda Item No. 5(H)

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-859
Section: 26-57-38
SW 347 Street, from SW 193 Avenue West for Approximately 297 Feet
Commission District: 8

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 8.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $2.75 per square feet. Therefore, the estimated value of the right-of-way being closed would be approximately $57,357. If this right-of-way is closed and vacated, the land 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 $6,535.70.

Track Record/Monitor

Not Applicable.

Background

The Petitioners, Jay C. Drennan and Barbara W. Tansey, wish to close SW 347 Street, from SW 193 Avenue West for approximately 297 feet, in order to incorporate the land into their property to be enhanced and maintained. The right-of-way being closed has never been improved nor maintained by Miami-Dade County. Each petitioner has recorded a Unity of Title for its respective property abutting both sides of the right-of-way to be closed, guaranteeing that the subject properties can not be conveyed as separate parcels in order to ensure access to a public road.

The subject right-of-way was dedicated in 1926, by the plat of "NORMA PARK", as recorded in Plat Book 27, Page 8, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned GU (Interim 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(H)

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(H)
12-2-08

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW 347 STREET, FROM SW 193 AVENUE WEST FOR APPROXIMATELY 297 FEET (ROAD CLOSING PETITION NO. P-859)

WHEREAS, the County Commission held a public hearing to consider a petition to close SW 347 Street, from SW 193 Avenue West for approximately 297 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, 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 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

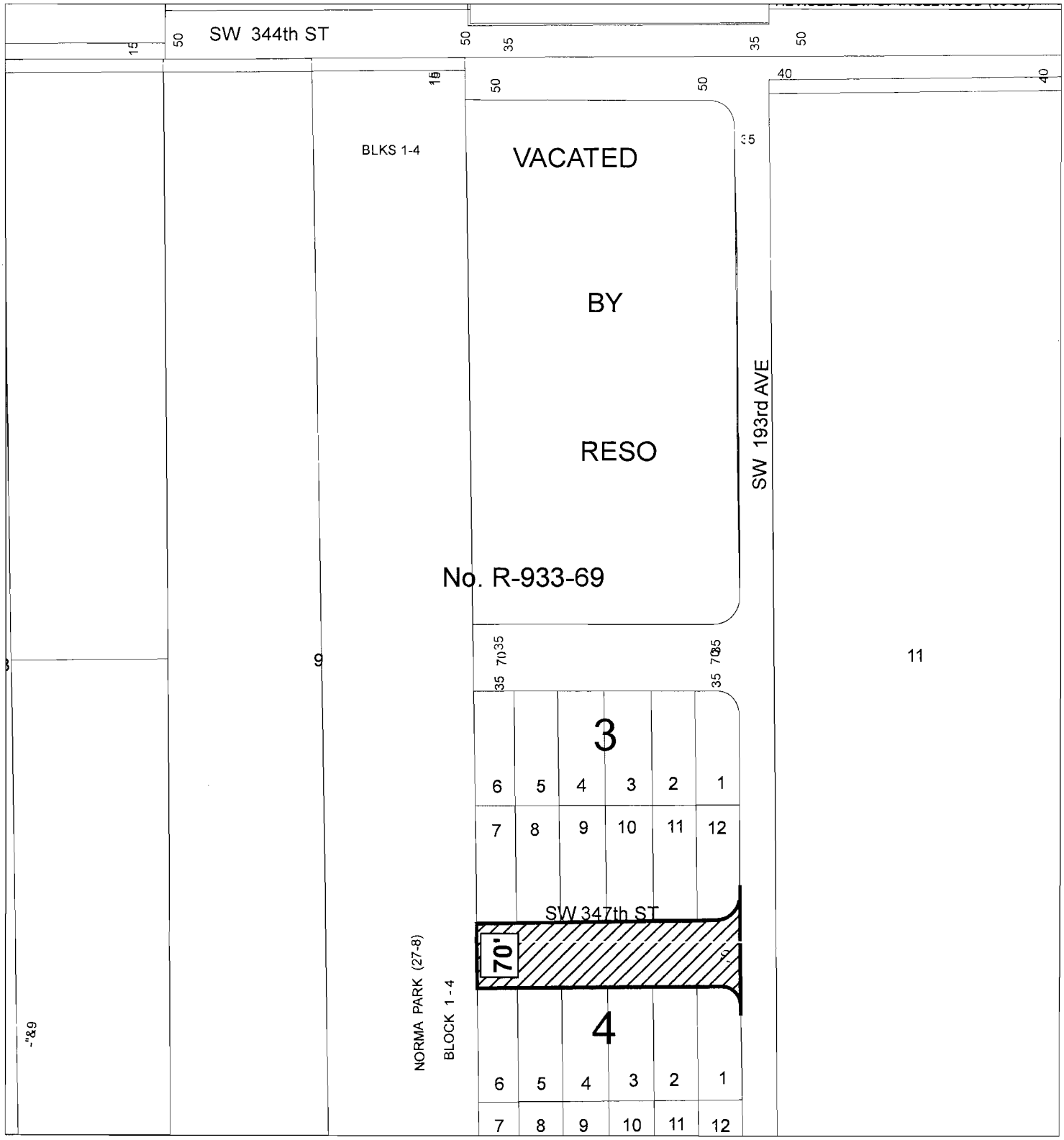
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Location Map

SECTION 26 TOWNSHIP 57 S RANGE 38 E



Commission District: Katy Sorenson, 8

Legend

MDC.PROP

Road Closing

P-859 6

NORTH

May 6, 2008

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 right-of-way sought to be closed is as follows:

That right-of-way for SW 347 Street, lying within the plat of "NORMA PARK", recorded in Plat Book 27, Page 8, of the Public Records of Miami-Dade County, Florida, and depicted as 12th Street by said plat, being described as follows:

The right-of-way bounded by the south line of Block 3 of said plat of "NORMA PARK", by the north line of Block 4 of said plat, by the west line of said plat and by a line 35.00 feet west of the centerline of SW 193 Avenue (JANICE AVENUE, as per said plat).
Containing an area of 20,857 square feet.

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):

By Plat of Norma Park recorded in Plat Book 27, at Page 8 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
	Barbara W. Tansey	30-78260030030	35601 SW 192 Avenue Homestead, FL 33034
	Jay C. Drennan	30-78260030040	34600 SW 193 Avenue ~~Homestead, FL 33034~~
**	Dauce Pozo & Roxana E. Pozo, his wife	30-78260020043	35301 SW 213 Avenue ~~Homestead, FL 33034~~

** These owners are shown only for informational purposes as they only abut at the end of the road to be vacated and do not use the property in question for ingress or egress, and have never done so. They have access to their property from SW 344 Street. They are not a party to this petition.

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):

SW 12 Street is not now nor has ever been used by anyone as a road. In fact, it is not paved nor is it a dirt road. Both Petitioners have fenced in their yards to the centerline of SW 12 Street for over 20 years.

SW 12 street = SW 247 STREET (MDC).

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

SIGNATURE	ADDRESS
JAY C. DRENNAN	34600 SW 193 Avenue Homestead, FL 33034
BARBARA W. TANSEY	35601 SW 192 Avenue Homestead, FL 33034

Attorney for Petitioner Marshall King, Esq.
King & Lancaster, P.A.
Address: 5975 Sunset Dr., #703, S. Miami, FL 33143 Tel. 305-666-6000
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared JAY C. DRENNAN, 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

5 day of March, 2008

Notary Public State of Florida at Large

My Commission Expires:

Notary Public State of Florida
Carol Dryden
My Commission DD620736
Expires 02/09/2011

Attorney for Petitioner Marshall King, Esq.
King & Lancaster, P.A.
Address: 5975 Sunset Dr., #703, S. Miami, FL 33143 Tel. 305-666-6000
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared BARBARA W. TANSEY, 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.

Barbara W. Tansey
(Signature of Petitioner)

Sworn and subscribed to before me this

5 day of March, 2008

Carol Dryden
Notary Public State of Florida at Large

My Commission Expires: Notary Public State of Florida
Carol Dryden
My Commission DD620736
Expires 02/09/2011