Memorandum MIAMI-DADE COUNTY

Date: March 3, 2009

Agenda Item No. 5(C)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-865
Section: 32-51-42
A Portion of NE 215 Street, Beginning Approximately 105 Feet West of NE 12 Avenue West for Approximately 665 Feet
Commission District: 1

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 1.

Fiscal Impact/Funding Source

If this right-of-way is closed and vacated, said right-of-way will not be place on the tax roll, since it will become a private road. The fee for this road closing is $800.

Track Record/Monitor

Not Applicable.

/

Background

The Petitioner, Tetra Star, LLC, wishes to close a portion of NE 215 Street, from approximately 105 feet west of NE 12 Avenue, West for approximately 665 feet, in order to incorporate the area into the proposed plat of "TETRASTAR TOWNHOMES", Tentative Plat Number T-22980. The right-of-way requested to be closed has never been improved nor maintained by Miami-Dade County.

The subject right-of-way was dedicated in 2005, by the plat of "TETRASTAR", recorded in Plat Book 166, Page 46, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned RU-1 (Single 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 Dennis C. Moss and Members, Board of County Commissioners

DATE: March 3, 2009

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

SUBJECT: Agenda Item No. 5(C)

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 Mayor'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(C)
3-3-09

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF NE 215 STREET, BEGINNING APPROXIMATLEY 105 FEET WEST OF NE 12 AVENUE, WEST FOR APPROXIMATELY 665 FEET (ROAD CLOSING PETITION NO. P-865)

WHEREAS, the County Commission held a public hearing to consider a petition to close a portion of NE 215 Street, beginning approximately 105 feet west of NE 12 Avenue, West for approximately 665 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 closing of the aforementioned road is contingent on the recording of the plat of TETRASTAR TOWNHOMES, tentative plat T-22980, 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 2009. 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

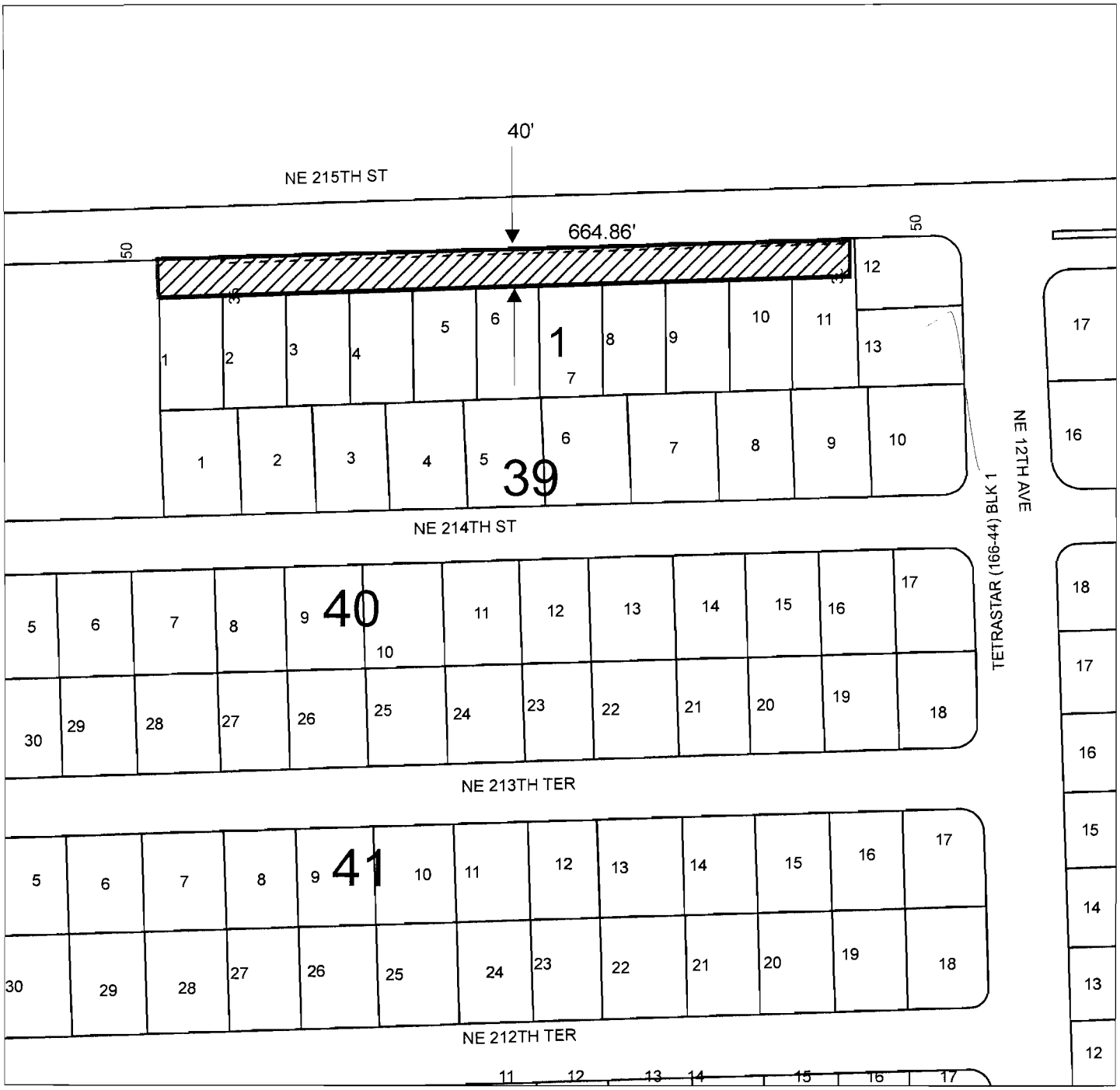
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Location Map

SECTION 32 TOWNSHIP 51 S RANGE 42 E



Commission District: Barbara J. Jordan ,1

NORTH

P-865 6

Date, July 15, 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 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:

That portion of N.E. 215th Street right of way, as dedicated by the plat of TETRASTAR, according to the plat thereof, as recorded in Plat Book 166, Page 46, of the Public Records of Miami-Dade County, Florida, and being more particularly described as follows:

Begin at the Northwest corner of Lot 1, Block 1 of said plat of TETRASTAR; thence N 00°07'02" E along the Northerly extension of the West line of said Lot 1 for 40.00 feet; thence S 89°23'50" E along a line parallel with and 50.00 feet South of the North line of the N.W. 1/4, N.W. 1/4 of Section 32, Township 51 South, Range 42 East for 664.86 feet to the most Northerly Northwest corner of Lot 11 of said Block 1; thence S 00°07'02" W along the West line of said Lot 11 for 40.00 feet; thence N 89°23'50" W along the North line of said Block 1 for 664.86 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 (state whether public interest was acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

That portion of N.E. 215th Street right of way was dedicated by the plat of TETRASTAR, according to the plat thereof, as recorded in Plat Book 166, Page 46, 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 the above described right-of-way.

PRINT NAME	FOLIO NO.	ADDRESS
Maxim Szarf FOR TETRA STAR LLC	30-1232-030-0010	1080 NE 215 ST
	30-1232-030-0020	1090 NE 215 ST
	30-1232-030-0030	1100 NE 215 ST
	30-1232-030-0040	1110 NE 215 ST
	30-1232-030-0050	1120 NE 215 ST
	30-1232-030-0060	1130 NE 215 ST
	30-1232-030-0070	1140 NE 215 ST
	30-1232-030-0080	1150 NE 215 ST
	30-1232-030-0090	1160 NE 215 ST
	30-1232-030-0100	1170 NE 215 ST
	30-1232-030-0110	1180 NE 215 ST
	30-1232-030-0120	21480 NE 12 AVE
	30-1232-030-0130	21440 NE 12 AVE

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):

Said right of way was dedicated as part of the plat of TETRASTAR, according to the plat thereof, as recorded in Plat Book 166, Page 46, of the Public Records of Miami-Dade County, Florida. Said plat called for single family lots. Said plat is now being replatted in order to accommodate 4 residential town house buildings containing 18 units which calls

for a private road, thus by way of this petition we are requesting that the road be vacated in order to satisfy said requirements.

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

SIGNATURE	ADDRESS
FOR TETRA STAR, LLC	1080 NE 215 ST
	1090 NE 215 ST
	1100 NE 215 ST
	1110 NE 215 ST
	1120 NE 215 ST
	1130 NE 215 ST
	1140 NE 215 ST
	1150 NE 215 ST
	1160 NE 215 ST
	1170 NE 215 ST
	1180 NE 215 ST
	21480 NE 12 AVE
	21440 NE 12 AVE

Attorney for Petitioner
Victor H. Rones #245178
Address: 16105 NE 18 Ave. N. Miami Beach, FL 33162
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Maxim Szarf, 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

1st day of July, 2008

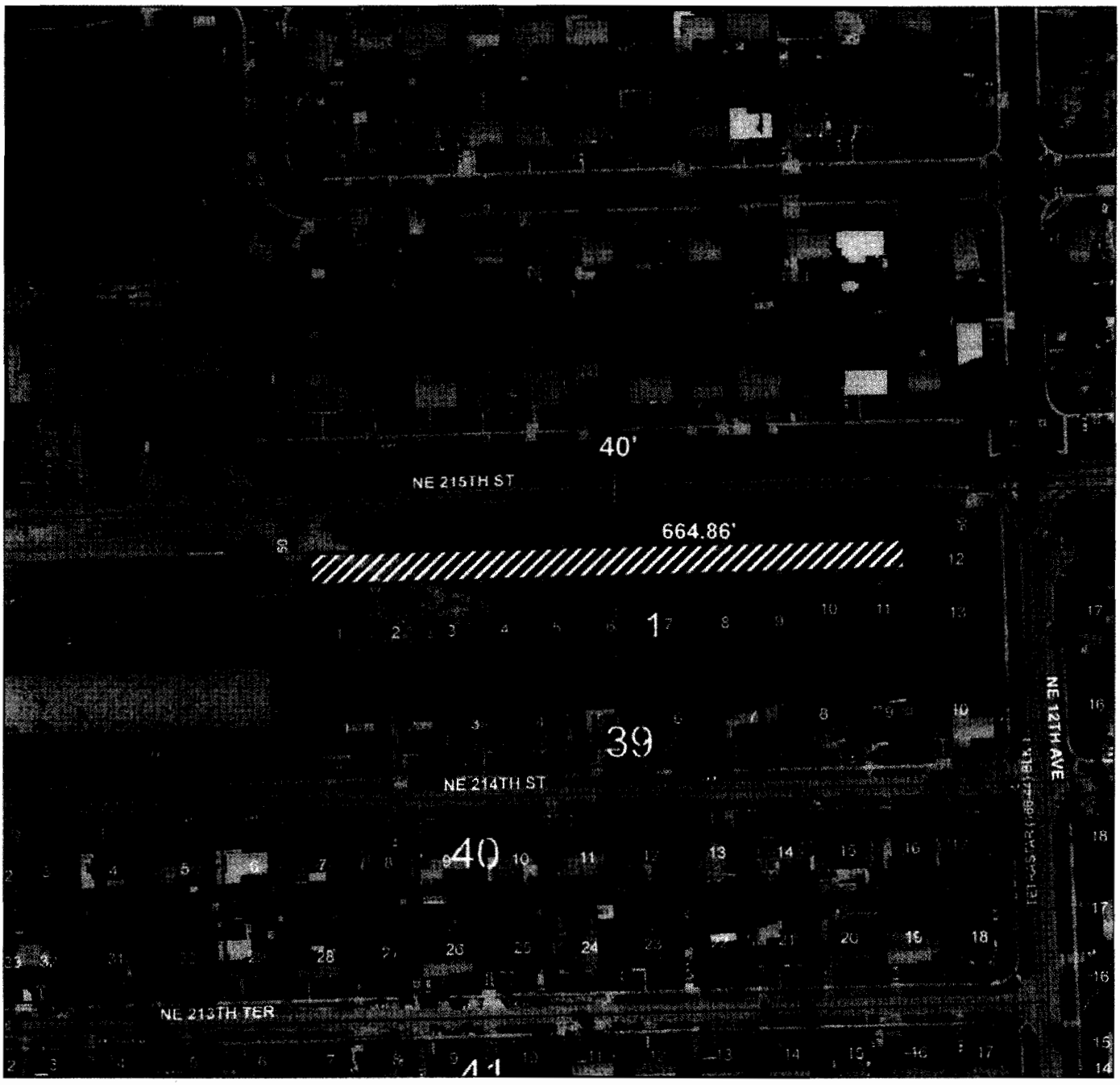
Hilda Garza
Notary Public State of Florida at Large

My Commission Expires: 8/13/2012

HILDA GARZA
Comm# DD0781194
Expires 8/13/2012
Florida Notary Assn., Inc

Location Map

SECTION 32 TOWNSHIP 51 S RANGE 42 E



Commission District: Barbara J. Jordan ,1

P-865 //

NORTH

Date: July 15, 2008
Prepared By: Yazmin Moreno