

Date: March 17, 2009

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

Agenda Item No. 5(F)

From: George M. Burgess
County Manager



Subject: Road Closing Petition P-857
Section: 8-56-39

Portions of SW 164 Avenue, from SW 215 Street to SW 216 Street; SW 215 Street, from SW 164 Avenue to Ali Cogia Circle; Ali Cogia Circle, from SW 215 Street to SW 216 Street; and the Alley North of SW 216 Street, from SW 164 Avenue to Ali Cogia Circle
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 these rights-of-way being closed.

Scope

This road closing is located within the boundaries of Commission District 8

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to these rights-of-way at \$120,000 per acre. Therefore, the estimated value of the rights-of-way being closed would be approximately \$31,314. If these rights-of-way are closed and vacated, the land will be placed on the tax roll, generating an estimated \$581 per year in additional property taxes. The fee for this road closing is \$3,931.40.

Track Record/Monitor

Not Applicable.

Background

The Petitioner, Foliage F/X, Inc., wishes to close a 5-foot strip of SW 164 Avenue, from SW 215 Street to SW 216 Street; a 5-foot strip of SW 215 Street, from SW 164 Avenue to Ali Cogia Circle; a 5-foot strip of Ali Cogia Circle, from SW 215 Street to SW 216 Street; and the alley north of SW 216 Street, from SW 164 Avenue to Ali Cogia Circle, in order to incorporate the land to its property to be enhanced and maintained. The rights-of-way requested to be closed are not improved nor maintained by Miami-Dade County. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area. The strips being closed are in excess of the zoned right-of-way requirements and are not needed for any public purposes now nor in the future, for any intersection improvements or street widening.

These rights-of-way were dedicated in 1925, by the plat of "ALADDIN CITY", recorded in Plat Book 23, Page 5, of the Public Records of Miami-Dade County, Florida. The subject rights-of-way are 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 Dennis C. Moss **DATE:** March 17, 2009
and Members, Board of County Commissioners

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 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 (F)
3-17-09

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE PORTIONS OF SW 164 AVENUE, FROM SW 215 STREET TO SW 216 STREET; SW 215 STREET, FROM SW 164 AVENUE TO ALI COGIA CIRCLE; ALI COGIA CIRCLE, FROM SW 215 STREET TO SW 216 STREET; AND THE ALLEY NORTH OF SW 216 STREET, FROM SW 164 AVENUE TO ALI COGIA CIRCLE (ROAD CLOSING PETITION NO. P-857)

WHEREAS, the County Commission held a public hearing to consider a petition to close a 5-foot strip of SW 164 Avenue, from SW 215 Street to SW 216 Street; a 5-foot strip of SW 215 Street, from SW 164 Avenue to Ali Cogia Circle; a 5-foot strip of Ali Cogia Circle, from SW 215 Street to SW 216 Street; and the alley north of SW 216 Street, from SW 164 Avenue to Ali Cogia Circle, 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 alleyway, 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:

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 17th 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

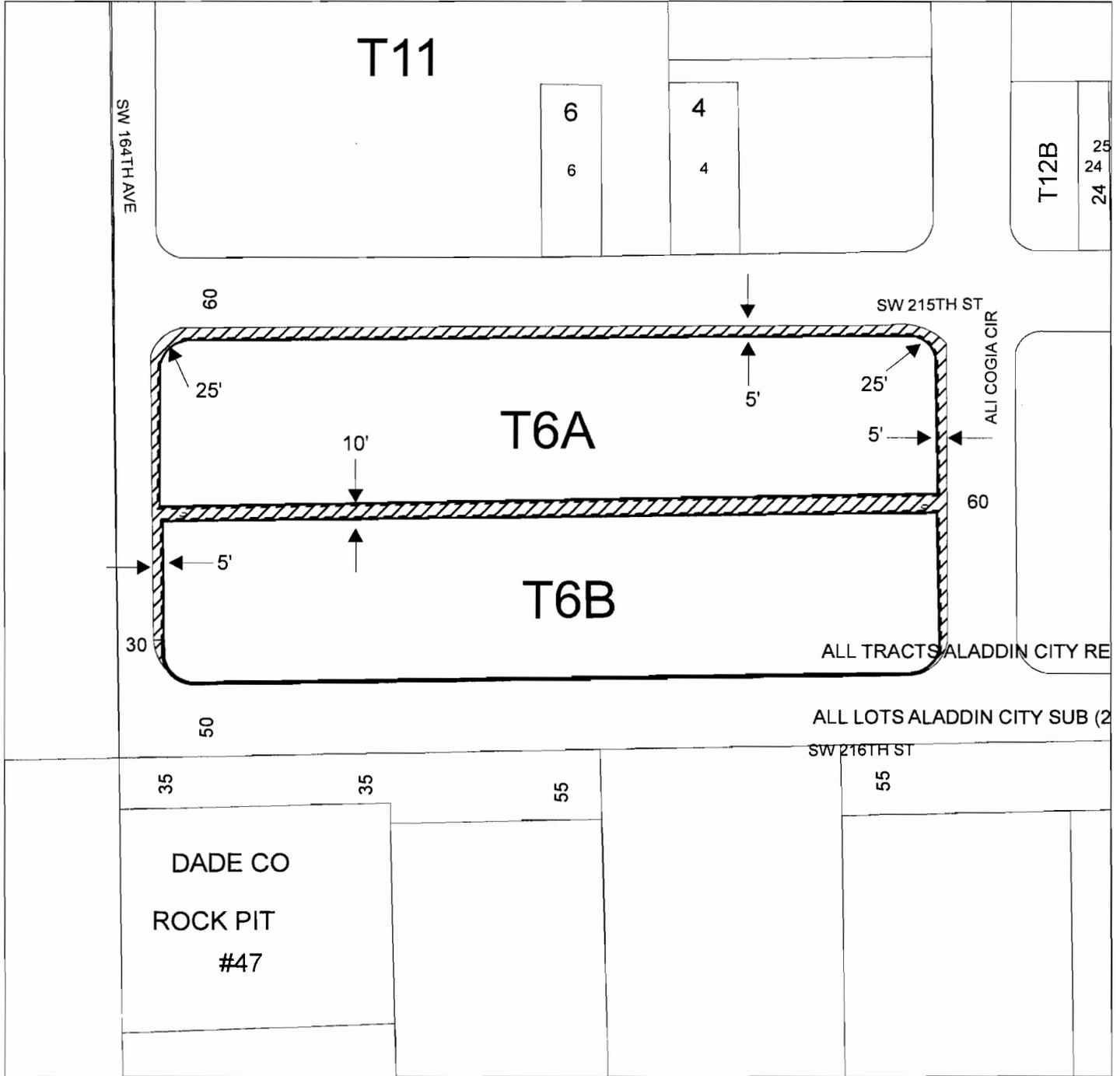
By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Thomas Goldstein

SECTION 08 TOWNSHIP 56 RANGE 39



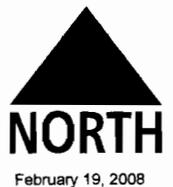
Commission District: Katy Sorenson, 8

Legend

- Road Closing
- MDC.LOT

P-857

6



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:

The 10.00 foot alley that lies between Tracts 6-A and 6-B, of “REVISED PLAT OF ALADDIN CITY”, recorded in Plat Book 34, Page 56, of the public records of Miami-Dade County, Florida. Containing 6,003.22 Square Feet.

And

The East 5.00 feet of S.W. 164 Avenue, the South 5.00 feet of S.W. 215 Street and the West 5.00 feet of S.W. Ali Cogia Avenue, described as follows:

Begin at the northwest corner of Tract 6-B, of said “REVISED PLAT OF ALADDIN CITY”; thence S00°04’49”W along the westerly boundary line of said Tract 6-B 93.56 feet to the beginning of a curve concave to the northeast; thence Southerly and Southeasterly along said curve having a radius of 25.00 feet, a central angle of 37°08’18” and an arc distance of 16.20 feet to a point of cusp with a curve concave to the northeast, to which point a radial line (from the center of the last mentioned curve) bears

S36°44'54"W; thence Northwesterly and Northerly along said curve having a radius of 25.00 feet, a central angle of 53°19'55" and an arc distance of 23.27 feet; thence N00°04'49"E along a line parallel with and 5.00 feet west of the westerly boundary line of Tract 6-B and Tract 6-A 198.76 feet to the beginning of a curve concave to the southeast; thence Northerly, Northeasterly and Easterly along said curve having a radius of 25.00 feet, a central angle of 89°33'54" and an arc distance of 39.08 feet; thence N89°38'43"E along a line parallel with and 5.00 feet north of the northerly boundary line of Tract 6-A 560.17 feet to the beginning of a curve concave to the southwest; thence Easterly, Southeasterly and Southerly along a curve having a radius of 25.00 feet, a delta of 90°21'17" and an arc distance of 39.42 feet; thence S00°00'00"W along a line parallel with and 5.00 feet east of the easterly boundary line of Tract 6-A and Tract 6-B 198.41 feet to the beginning of a curve concave to the northwest, having a radius of 25.00 feet, a central angle of 52°57'47" and an arc distance of 23.11 feet to a point of cusp with a curve concave to the northwest, to which point a radial line (from the center of the last mentioned curve) bears S53°21'11"E ; thence Northeasterly and Northerly along said curve having a radius of 25.00 feet, a central angle of 36°38'49" and an arc distance of 15.99 feet; thence N00°00'00"E along the east boundary line of said Tract 6-B 93.56 feet to the northeast corner of said Tract 6-B; thence N00°00'00"E 10.00 feet to the southeast corner of Tract 6-A; thence N00°00'00"E along the east boundary line of said Tract 6-A 94.85 feet to the beginning of a curve concave to the southwest; thence Northerly, Northwesterly and Westerly along said curve having a radius of 25.00 feet, a central angle of 90°21'17" and an arc distance of 39.42 feet; thence S89°38'43"W along the northerly boundary line of said Tract 6-A 550.18 feet to the beginning of a curve concave to the southeast; thence Westerly, Southwesterly and Southerly along said curve having a radius of 25.00 feet, a central angle of 89°33'54" and an arc distance of 39.08 feet; thence S00°04'49"W along the westerly boundary line of said Tract 6-A 95.19 feet to the southwest corner of said Tract 6-A; thence S00°04'49"W 10.00 feet to the Point of Beginning. Containing 5,363.63 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):

This right of way was dedicated in 1934 by the revised plat of Aladdin city as recorded in plat book 34 page 56 of the public records of Miami, Dade, Florida County

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
<u>ISAEL Veliz</u>	<u>30-6908-000-0281</u>	<u>16401 SW 216 ST MIAMI, FL 33170</u>
<u>Israel Veliz</u>	<u>30-6908-000-0281</u>	<u>16401 SW 216 ST MIAMI, FL 33170</u>
<u>Diane C. Craig</u>	<u>30-6908-001-0050</u>	<u>16375 SW 215 ST MIAMI, FL 33187</u>
<u>Rene Espinosa</u>	<u>30-6908-001-0020</u>	<u>16255 SW 216 ST MIAMI, FL 33170</u>
<u>Sandra S. Espinosa</u>	<u>30-6908-001-0020</u>	<u>16255 SW 216 ST MIAMI, FL 33170</u>
<u>Daryl Mund</u>	<u>30-6908-001-0040</u>	<u>16351 SW 216 ST MIAMI, FL 33170</u>
<u>Daryl Mund</u>	<u>30-6908-001-0030</u>	<u>16351 SW 216 ST MIAMI, FL 33170</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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.

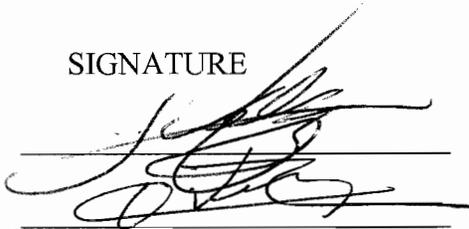
6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

Foliage F/x, INC. wishes to close the alley running between TRACTS 6-A and 6-B which conform the whole block, in order to incorporate the land to its property to fence it for security, and to enhance same. Furthermore, the zoned right of way for the roads WEST, North and EAST of these properties Are 25 feet from the centerline. THE Existing dedication on SAID ROADS Are 30 feet from the centerline. Therefore, Foliage F/x, INC. wishes to close the excess dedication to incorporate it to its property for the same above mention reasons.

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

SIGNATURE

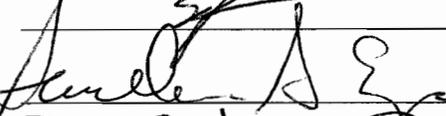
ADDRESS



16401 SW 216 ST MIAMI, FL 33170



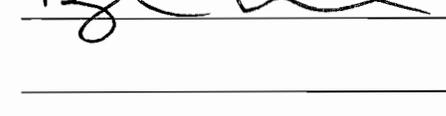
16401 SW 216 ST MIAMI, FL 33170



16375 SW 215 ST MIAMI, FL 33187



16255 SW 216 ST MIAMI, FL 33170



16255 SW 216 ST MIAMI, FL 33170



16351 SW 216 ST MIAMI, FL 33170



16351 SW 216 ST MIAMI, FL 33170

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Daryl Mund
_____, 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.

 Jose Vidal
My Commission DD295781
Expires March 02, 2008


(Signature of Petitioner)

Sworn and subscribed to before me this

4th day of January, 2008


Notary Public State of Florida at Large

My Commission Expires: March 2, 2008