Memorandum MIAMI-DADE COUNTY

Date: June 30, 2009

Agenda Item No. 5(P)

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-869
Section: 09-52-40
A Portion of NW 87 Avenue, Beginning Approximately 513 Feet North of NW 171 Terrace, North for Approximately 329 feet
Commission District: 12

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 $13.43 per square feet. Therefore, the estimated value of the right-of-way being closed would be approximately $66,317. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $1,235 per year in additional property taxes. The fee for this road closing is $7,431.70.

Track Record/Monitor

Not Applicable.

Background

The Petitioner, Luxor Properties Holdings, LLC, wishes to close a portion of NW 87 Avenue, beginning approximately 513 feet north of NW 171 Terrace, North for approximately 329 feet, in order to incorporate the land into their property to be enhanced and maintained. The portion of right-of-way being closed has never been improved nor maintained by Miami-Dade County. The strip being closed is in excess of the zoned right-of-way requirement and is not needed for any public purpose now nor in the future, for any intersection improvement or street widening.

The subject right-of-way was dedicated in 1972, by a deed recorded in Official Records Book 8133, Page 365, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned RU-1MB (Modified 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: June 30, 2009

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

SUBJECT: Agenda Item No. 5(P)

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(P)
6-30-09

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF NW 87 AVENUE, BEGINNING APPROXIMATELY 513 FEET NORTH OF NW 171 TERRACE, NORTH FOR APPROXIMATELY 329 FEET (ROAD CLOSING PETITION NO. P-869)

WHEREAS, the County Commission held a public hearing to consider a petition to close a portion of NW 87 Avenue, beginning approximately 513 feet north of NW 171 Terrace, North for approximately 329 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:

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 30th day of June, 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 09 TOWNSHIP 52 S RANGE 40 E

Commission District: Jose "Pepe" Diaz, 12

Legend

Road Closing

MDC.LOT

P-869

6

NORTH

Date September 11, 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 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):

Public interest was acquired by Right of Way Deed, as recorded in Official Records Book 8133, Page 365 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 as Exhibit "A"

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):

PRINT NAME	FOLIO NO.	ADDRESS
Luxor Properties Holdings, LLC	**30-2009-001-0531**	**6073 NW 167th Street, Unit C-19, Hialeah, Florida 33015**

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 Right-of-Way deed to Miami-Dade County conveyed 55' strip of land of which Miami-Dade County Zoning Code only requires 40'. The purpose of this petition is to reclaim the unused right of way. Those portions of the roadways being closed are not required for access to other properties in the area.

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

Signature	Address
Jesus Freiria, as Manager of Luxor Properties Holdings, LLC	6073 NW 87th Avenue, Unit C-19 Hialeah, Florida 33015

{M2287451;1}

Attorney for Petitioner

Address:_____
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Jesus Freiria, as Manager of Luxor Properties Holdings, 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

7 day of August, 200 08

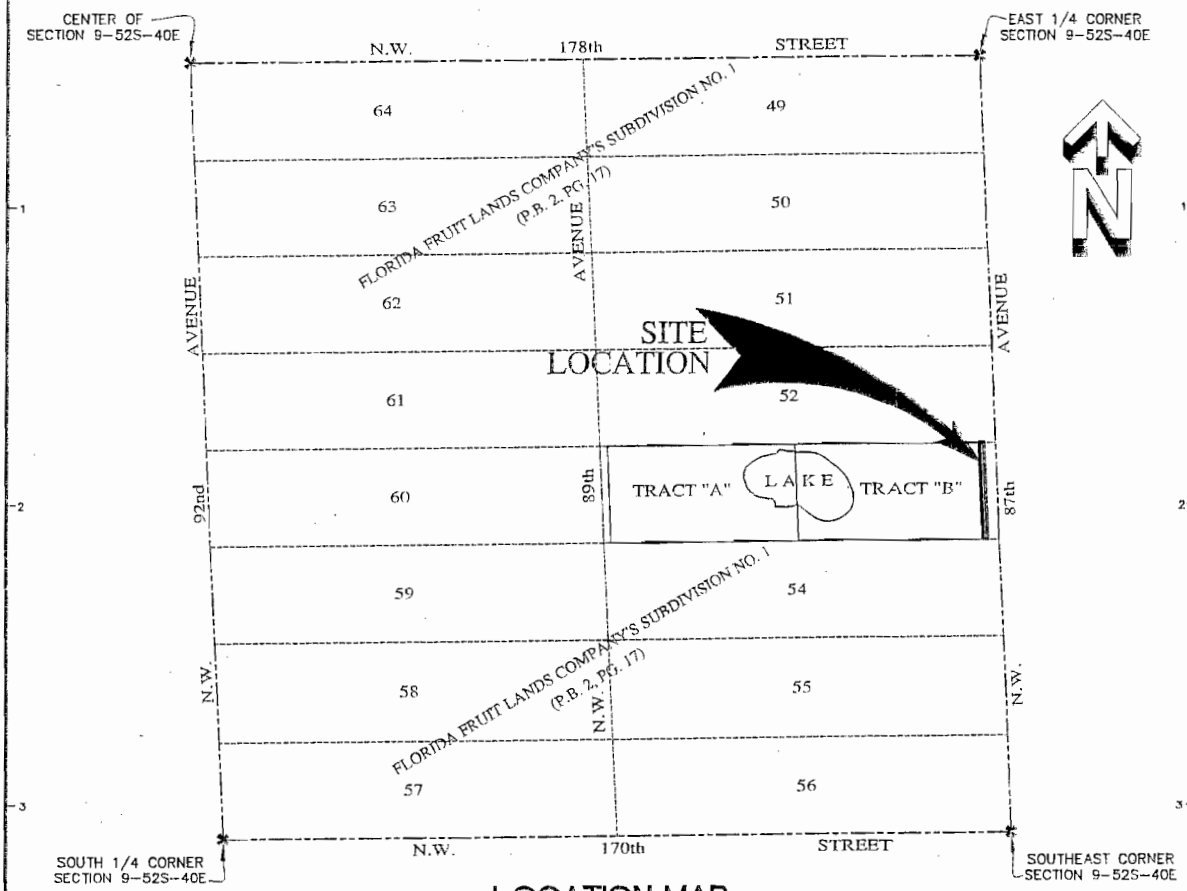
_____
Notary Public State of Florida at Large

Alicia M Morgado
My Commission DD357168
Expires November 21, 2008

My Commission Expires: 11/21/2008.

{M2287451;1}

EXHIBIT "A"



LOCATION MAP

SURVEYOR'S NOTES:

1) -This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
2) -Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
3) -There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of ABSTRACT OF TITLE will be made to determine recorded instruments, if any affecting this property.
4) -North arrow direction and bearing shown hereon are based on an assumed value of N02deg38min13secW, along the East Line of the Southeast 1/4 of Section 9, Township 52 South, Range 40 East, Miami-Dade County, Florida.
5) -The Sketch and Legal Description shown herein is based on the information provided by the Client.
6) -No title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right of Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilized for.

SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon. I further certify that this sketch was prepared in accordance with the applicable provisions of Chapter 61G17-6, Florida Administrative Code.

Ford, Armenteros & Manucy, Inc. L.B. 6557
Date: JUNE 25, 2008.
Revision 1:

By: _____
Edwin J. Fernandez, P.S.M. for the Firm
Professional Surveyor and Mapper
State of Florida Registration No. 5676

G:\F.C.\E.S.\Survey\Sketch & Legals\08-032(MATER LAKES ACADEMY)\08-032-5802.dwg

MATER LAKES ACADEMY

FORD, ARMENTEROS & MANUCY, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

10

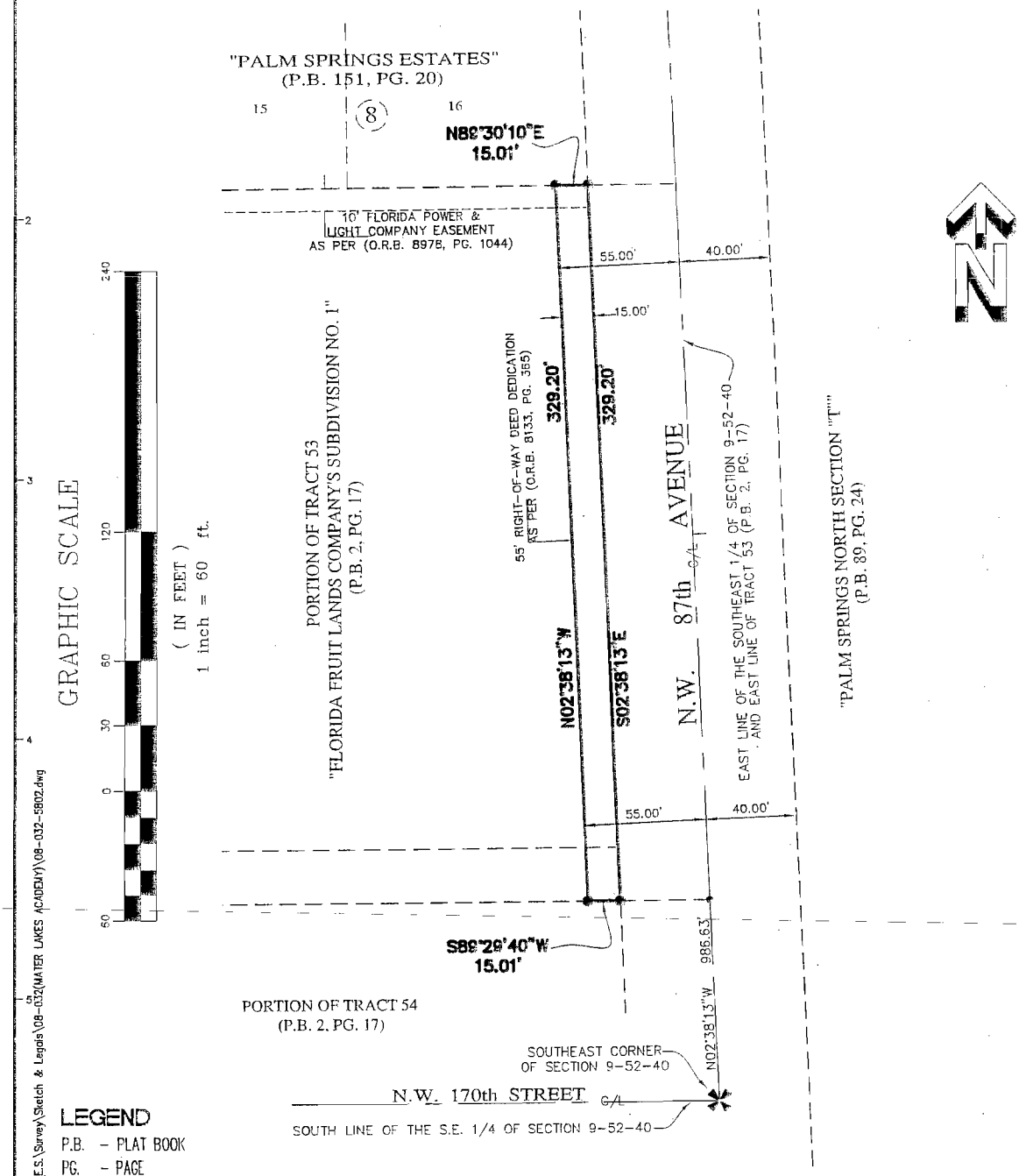
TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION		
SHEET NAME:	LOCATION MAP AND NOTES		
PREPARED FOR:	SCHOOL DEVELOPMENT, H.G.		
DRAWN BY: E.REYES	DATE: JUNE 25, 2008.	SHEET: 1	
DWG. CHECKED BY:	SCALE: N/A		
CHECKED BY:	PROJECT No: 08-032-5802		

EXHIBIT "A"

LEGAL DESCRIPTION:

That portion of Tract 53, that lies within the West 15.00 feet of the East 55.00 feet of the S.E 1/4 of Section 9, Township 52 South, Range 40 East, of "Florida Fruit Lands Company's Subdivision No. 1, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida.

Containing 4,937.96 Square Feet more or less.



MATER LAKES ACADEMY

FORD, ARMENTEROS & MANUCY, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION		
SHEET NAME:	LOCATION MAP AND NOTES		
PREPARED FOR:	SCHOOL DEVELOPMENT, H.G.		
DRAWN BY: E.REYES	DATE: JUNE 25, 2008.	SHEET: 2	
DWG. CHECKED BY:	SCALE: 1"=60'		
CHECKED BY:	PROJECT No: 08-032-5802	OF 2 SHEETS	