Memorandum MIAMI-DADE COUNTY

Date: July 21, 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-871
Section: 22-53-41
Alley South of NW 54 Street, from NW 24 Court to NW 24 Place
Commission District: 3

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 the boundaries of Commission District 3.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $12.00 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately $31,104.00. However, several of the abutting lots are owned by a religious and/or charitable institution; as such, the State exempts these type of organizations from paying taxes. If this right-of-way is closed and vacated, the land that is not exempt from paying taxes will be placed on the tax roll, generating an estimated $145 per year in additional property taxes. The fee for this road closing is $3,910.40.

Track Record/Monitor

Not Applicable.

Background

The property owners abutting the alley south of NW 54 Street, from NW 24 Court to NW 24 Place have joined in signing the petition to close this right-of-way in order to incorporate the land to their property to be enhanced and maintained. The right-of-way being closed has never been improved nor maintained by Miami-Dade County. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

This right-of-way was dedicated in 1925, by the plat of "ADDITION TO GLENWOOD HEIGHTS", recorded in Plat Book 27, Page 30, of the Public Records of Miami-Dade County, Florida. The north half of the subject right-of-way is zoned BU-3 (Liberal Business District), and the south half is zoned RU-2 (Two 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: July 21, 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)
7-21-09

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY SOUTH OF NW 54 STREET, FROM NW 24 COURT TO NW 24 PLACE (ROAD CLOSING PETITION NO. P-871)

WHEREAS, the County Commission held a public hearing to consider a petition to close the alley south of NW 54 Street, from NW 24 Court to NW 24 Place, 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 alley, 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, save and except that the land is reserved as a utility easement; (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 21st day of July, 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

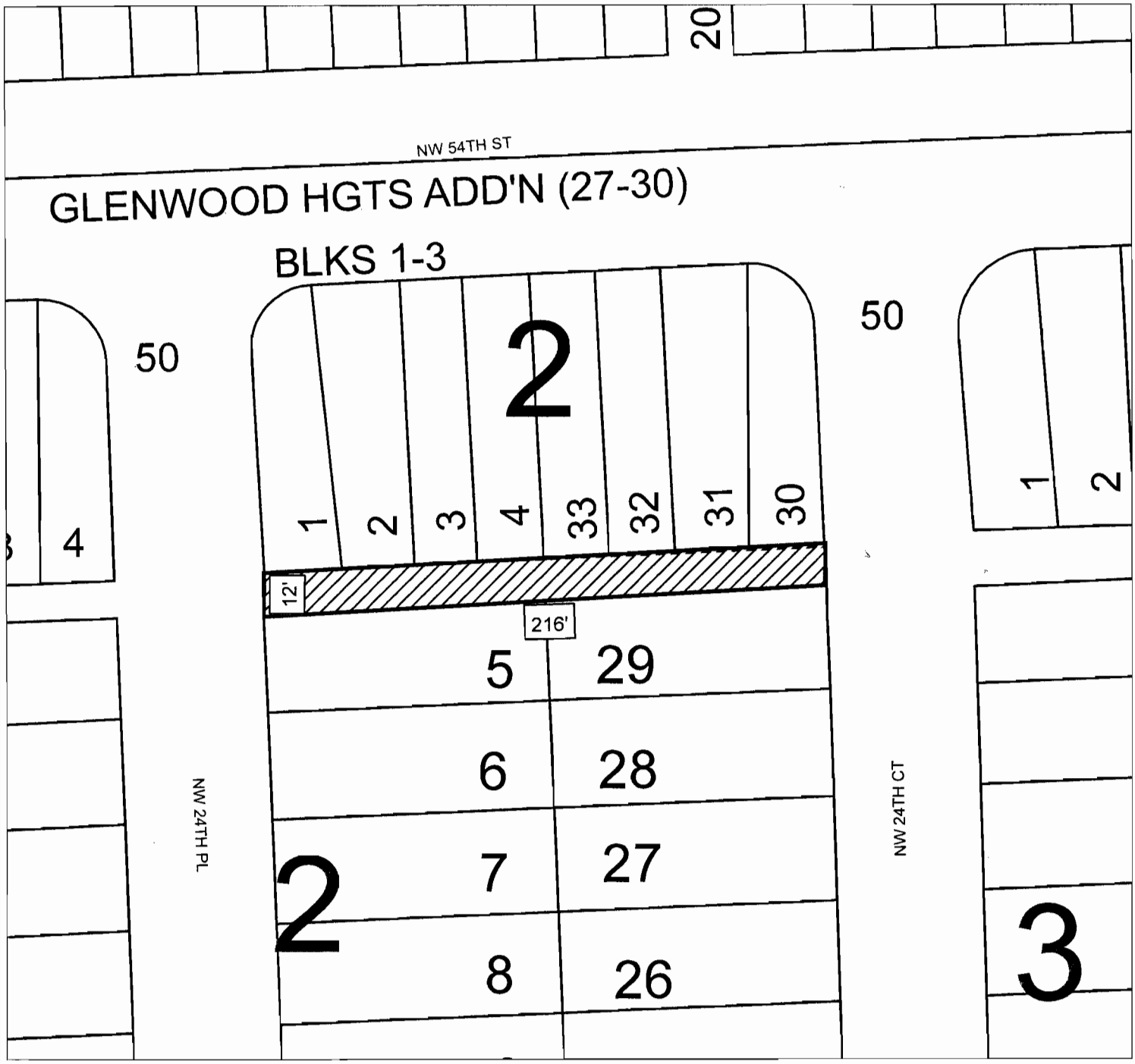
Approved by County Attorney as
to form and legal sufficiency.

By:_____
Deputy Clerk

Thomas Goldstein

Location Map

SECTION 22 TOWNSHIP 53 S RANGE 41 E



Commission District: Audrey M. Edmonson, 3

Legend

- Road Closing
- MDC.LOT

P-871

NORTH

Date November 5, 2008
Prepared By: Yazmin Moreno

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 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:

Alley in Block 2 of "ADDITION TO GLENWOOD HEIGHTS", as recorded in Plat Book 27, Page 30, of the Public Records of Miami-Dade County, Florida.

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described right-of-way was acquired in the following manner:

Dedicated in 1925 by the plat of "ADDITION TO GLENWOOD HEIGHTS", as recorded in Plat Book 27, Page 30, of the Public Records of Miami-Dade County, Florida.

3. ATTACH SKETCH: Attached hereto is a sketch showing the above described right-of-way and its location and relation to surrounding property.

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
James E. Scott Com. Assoc., Inc.	30-3122-018-0310	2440 NW 54 St.
Benny Polite	30-3122-018-0300	5328 NW 24 Ct.
World Deliverance Missionary Evangelistic Center	30-3122-018-0140 30-3122-018-0130 30-3122-018-0120 30-3122-018-0150	2450 NW 54 St.

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):

WORLD DELIVERANCE MISSIONARY EVANGELISTIC CENTER OWNS PROPERTY ON BOTH SIDES OF THE ALLEY REQUESTED TO BE CLOSED. BY CLOSING THE ALLEY THE CHURCH PROPERTY WILL BE UNIFIED, FACILITATING THE DESIGN OF AN ADDITION TO THE EXISTING BUILDING, AS WELL AS THE PARKING AREA.

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

SIGNATURE	ADDRESS
Sylvia Styles	2440 NW 54 St, Miami 33142
Benny Polite	5328 NW 24 Court
Pastor Arthur Wright	2450 NW 54th street

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared _____ Princeton L. Hardy, 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

2nd day of September, 2008

_____
Notary Public State of Florida at Large

My Commission Expires: Nov. 27, 09

Location Map

SECTION 22 TOWNSHIP 53 S RANGE 41 E

Commission District: Audrey M. Edmonson, 3

Legend

- Road Closing
- MDC.LOT

P-871

NORTH

Date November 5, 2008
Prepared By: Yazmin Moreno