Memorandum MIAMI-DADE COUNTY

Date: November 3, 2009

Agenda Item No. 5(D)

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-876
Section: 8 & 9-55-39
Maine Street (Old Alignment of SW 157 Avenue), from SW 112 Terrace to SW 117 Street
Commission District: 11

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 11.

Fiscal Impact/Funding Source

All the properties abutting the right-of-way to be abandoned are tax exempt. Therefore, granting of this petition will not result in an increase in revenue from property taxes.

Track Record/Monitor

Not Applicable.

Background

The petitioner, Miami-Dade County Parks and Recreation, wishes to close the right-of-way for Maine Street (Old Alignment of SW 157 Avenue), from SW 112 Terrace to SW 117 Street, in order to incorporate the land into their property to fully develop the West Kendall District Park for the benefit of the public. The right-of-way being closed has never been improved nor maintained by Miami-Dade County, and SW 157 Avenue has a new alignment. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

This right-of-way was dedicated in 1926, by the plat of "GREATER MIAMI ESTATES", as recorded in Plat Book 23, Page 43; and by instruments, in 1951, recorded in Deed Book 3401, Page 379; and in 1946, recorded in Deed Book 2675, Page 59, all of the Public Records of Miami-Dade County, Florida. 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 Dennis C. Moss and Members, Board of County Commissioners

DATE: November 3, 2009

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

SUBJECT: Agenda Item No. 5(D)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(D)
11-3-09

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE MAINE STREET (OLD ALIGNMENT OF SW 157 AVENUE), FROM SW 112 TERRACE TO SW 117 STREET (ROAD CLOSING PETITION NO. P-876)

WHEREAS, the County Commission held a public hearing to consider a petition to close Maine Street (Old alignment of SW 157 Avenue), from SW 112 Terrace to SW 117 Street, 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 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
José "Pepe" Díaz, 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 Chairman thereupon declared the resolution duly passed and adopted this 3rd day of November, 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

MIAMI-DADE COUNTY

MIAMI-DADE PWD

SECTION 8-9 TOWNSHIP 55 S RANGE 39 E

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Joe A. Martinez, 11
Miami-Dade County Mayor Carlos Alvarez

Legend

- ROAD CLOSING
- MDC.Canal
- MDC.LOT

P-876

6

NORTH

Date : July 9, 2009
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 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:

The right-of-way for Maine Street located within the SE ¼ of Section 8 and the SW ¼ of Section 9, Township 55 South, Range 39 East, Miami-Dade County, Florida, dedicated by the plat of GREATER MIAMI ESTATES, as recorded in Plat Book 23, Page 43, and by instruments recorded in Deed Book 3401, Page 379 and Deed Book 2675, Page 59, all of the Public Records of Miami-Dade County, Florida, that lies west and south of the southwesterly and westerly right-of-way lines of Canal C-1-W (Black Creek Canal), as shown on the South Florida Water Management District Right-of-Way Map dated May 28, 1993, recorded in Road Plat Book 124, Page 85, of the Public Records of Miami-Dade County, Florida; and easterly of that portion designated as road right-of-way for SW 157 Avenue by Resolution R-174-05, approved the 1st of February of 2005, by the Miami-Dade Board of County Commissioners.

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 and is evidenced in the following manner:

Dedicated in 1926 by the plat of GREATER MIAMI ESTATES, as recorded in Plat Book 23, Page 43; and by instruments, in 1951, recorded in Deed Book 3401, Page 379; and in 1946, recorded in Deed Book 2675, Page 59, all 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
Miami-Dade County Parks and Recreation	30-5908-001-0010	275 NW 2 Street, Suite 430, Miami, Florida 33134
South Florida Water Management District	30-5909-000-0030	3301 Gun Club Road, West Palm Beach, Florida 33406

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):

This right of way has never been improved and SW 157th Avenue has a new alignment. Closing this right of way will enable Miami-Dade County Parks and Recreation Department to fully develop the park for public benefit, without impacting any abutting property owner.

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

SIGNATURE	ADDRESS
Jack Kardys for: Miami-Dade County Parks and Recreation	275 NW 2 Street, Suite 430, Miami, Florida 33134
See consent letter attached. Marcy A. Zehnder South Florida Water Management District	3301 Gun Club Road, West Palm Beach, Florida 33406

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

July 2, 2009

Randy Koper, Registered Landscape Architect
Miami-Dade County Park and Recreation Department
275 NW 2 Street, Suite 430
Miami, Florida 33134

Subject: PETITION TO CLOSE THAT CERTAIN ROAD KNOWN AS "MAINE STREET", PB 23-43, TOGETHER WITH ADDITIONAL ROAD RIGHT OF WAY PER DB 2675-59 AND DB 3401-379

Dear Mr. Koper:

The South Florida Water Management District (the "District") has no objection and hereby consents to the abandonment of the following:

> That certain road located in Section 9, Township 55 South, Range 39 East, known as "Maine Street", as shown on the Plat of Greater Miami Estates Part Two, recorded in Plat Book 23, page 43, public records of Miami-Dade County, Florida, together with additional road right of way located East of and adjacent thereto, as dedicated in Deed Book 2675, page 59 and Deed Book 3401, page 379, LESS any portion thereof located within the SFWMD C-1W (Black Creek Canal) Right of Way as laid out and in use (see attached Exhibit"A" for full legal description)

Please contact me at 561-682-6694 should you have any questions or concerns.

Sincerely,

Marcy A. Zehnder
Manager
Title and Closing Section
Land Acquisition Department

MZW/idm

Via e-mail: Randy Koper RKPK@miamidade.gov
Via regular mail

Attorney for Petitioner

Address: _____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared JACK KADYS DIRECTOR, PARK + REC DEPT, 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

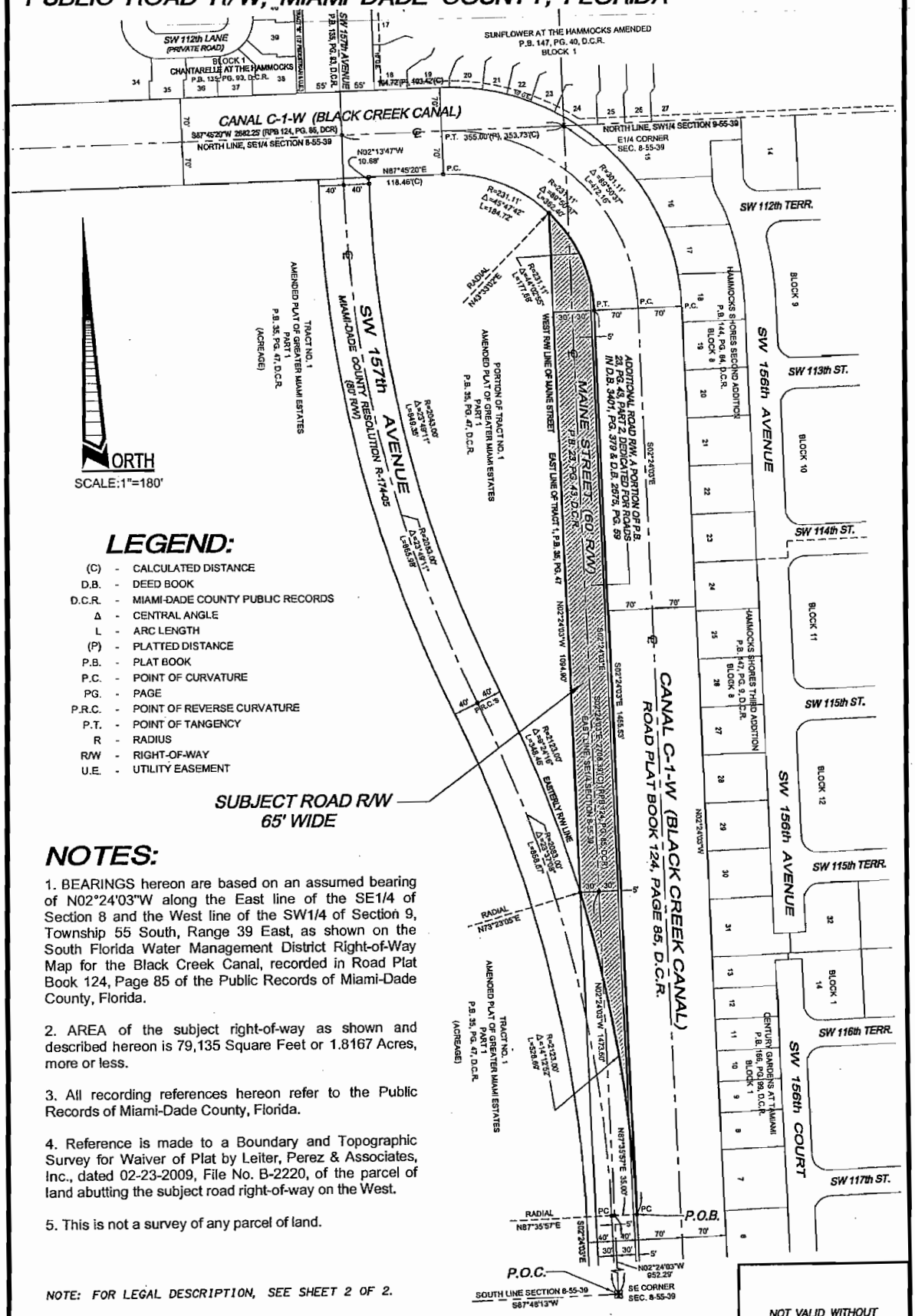
28 day of May, 2009

_____
Notary Public State of Florida at Large

My Commission Expires 9/11/2009

OMARA COELLO
Notary Public - State of Florida
My Commission Expires Sep 11, 2009
Commission # DD 453133
Bonded By National Notary Assn.

EXHIBIT "A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PUBLIC ROAD R/W, MIAMI-DADE COUNTY, FLORIDA



LEGEND:

(C)	-	CALCULATED DISTANCE
D.B.	-	DEED BOOK
D.C.R.	-	MIAMI-DADE COUNTY PUBLIC RECORDS
Δ	-	CENTRAL ANGLE
L	-	ARC LENGTH
(P)	-	PLATTED DISTANCE
P.B.	-	PLAT BOOK
P.C.	-	POINT OF CURVATURE
PG.	-	PAGE
P.R.C.	-	POINT OF REVERSE CURVATURE
P.T.	-	POINT OF TANGENCY
R	-	RADIUS
R/W	-	RIGHT-OF-WAY
U.E.	-	UTILITY EASEMENT

SUBJECT ROAD R/W
65' WIDE

NOTES:

1. BEARINGS hereon are based on an assumed bearing of N02°24'03"W along the East line of the SE1/4 of Section 8 and the West line of the SW1/4 of Section 9, Township 55 South, Range 39 East, as shown on the South Florida Water Management District Right-of-Way Map for the Black Creek Canal, recorded in Road Plat Book 124, Page 85 of the Public Records of Miami-Dade County, Florida.

2. AREA of the subject right-of-way as shown and described hereon is 79,135 Square Feet or 1.8167 Acres, more or less.

3. All recording references hereon refer to the Public Records of Miami-Dade County, Florida.

4. Reference is made to a Boundary and Topographic Survey for Waiver of Plat by Leiter, Perez & Associates, Inc., dated 02-23-2009, File No. B-2220, of the parcel of land abutting the subject road right-of-way on the West.

5. This is not a survey of any parcel of land.

NOTE: FOR LEGAL DESCRIPTION, SEE SHEET 2 OF 2.

FILE: 09-104Sketch&LegalRevised.dwg

REV. LEGAL & SKETCH 6-22-09; 7-01-09

LEITER, PEREZ & ASSOCIATES, INC.
LAND DEVELOPMENT CONSULTANTS
CIVIL ENGINEERS-LAND SURVEYORS LB#6787
LANDPLANNERS-ENVIRONMENTAL
160 N.W. 176TH ST. , SUITE 403, MIAMI, FLORIDA 33169
PHONE: DADE (305) 652-5133 BROWARD (954) 524-2202
INTERNET EMAIL: officeOleiterperez.com

THIS "SKETCH & LEGAL DESCRIPTION" WAS PREPARED UNDER MY SUPERVISION.
LEITER, PEREZ & ASSOCIATES, INC.
BY: _____ VICE PRESIDENT
HENRY GRIER EDMUNDS, PROFESSIONAL SURVEYOR & MAPPER #3323
or GEOFFREY LEITER, PROFESSIONAL SURVEYOR & MAPPER #6395
STATE OF FLORIDA

DATE: 4-29-2009	JOB NO. : 09-104	FILE: L-1867	SHEET 1 OF 2

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

EXHIBIT "A"
SKETCH AND LEGAL DESCRIPTION
PUBLIC ROAD R/W, MIAMI-DADE COUNTY, FLORIDA

LEGAL DESCRIPTION

A parcel of land lying in the Southeast 1/4 of Section 8 and the Southwest 1/4 of Section 9, Township 55 South, Range 39 East, Miami-Dade County, Florida, being a portion of the 60 foot wide right-of-way for Maine Street as shown on the plat of GREATER MIAMI ESTATES (Part One and Part Two), as recorded in Plat Book 23, Page 43 of the Public Records of Miami-Dade County, Florida, together with an additional strip of road right-of-way lying between the Easterly right-of-way line of said Maine Street and the Westerly right-of-way line of Canal C-1-W (Black Creek Canal) according to South Florida Water Management District Right-of-Way Map dated May 28, 1993, recorded in Road Plat Book 124, Page 85 of the Public Records of Miami-Dade County, Florida, said additional strip being contained in that land dedicated as road right-of-way per Deed Book 3401, Page 379 and Deed Book 2675, Page 59, all of the Public Records of Miami-Dade County, Florida, the total subject parcel being more particularly described as follows:

COMMENCE at the Southeast Corner of Section 8, Township 55 South, Range 39 East, Miami-Dade County, Florida, based on the property agreement recorded in Official Records Book 14311 at Page 3397 of the Public Records of Miami-Dade County, Florida; thence N02°24'03"W, along the East line of said SE1/4 of Section 8 and the West line of said SW1/4 of Section 9, a distance of 952.29 feet; thence N87°35'57"E for 35.00 feet to the point of beginning of a circular curve concave to the Southwest, being a portion of the Easterly right-of-way line of SW 157th Avenue as described in Miami-Dade County Resolution R-174-05 adopted February 1, 2005, said point of beginning bearing N87°35'57"E from the radius point of said curve, and being the POINT OF BEGINNING of the subject parcel of land; thence Northwesterly along the arc of said curve, along said Easterly right-of-way line of SW 157th Avenue, having a radius of 2123.00 feet and a central angle of 14°12'52" for an arc length of 526.69 feet; thence N02°24'03"W along the East line of Tract No. 1 of the AMENDED PLAT OF GREATER MIAMI ESTATES PART 1, also being the West right-of-way line of Maine Street as shown on said plat, for 1094.90 feet to a point of intersection with a curve concave to the Southwest, being the Southwesterly right-of-way limit of the bend in Canal C-1-W (Black Creek Canal) as previously referenced, said point of intersection bearing N43°33'02"E from the radius point of said curve; thence Southeasterly along the arc of said curve, having a radius of 231.11 feet (based on said Right-of-Way Map) and a central angle of 44°02'55" for an arc length of 177.68 feet to a point of tangency; thence S02°24'03"E, along the West right-of-way line of said Canal C-1-W (Black Creek Canal) and along a line lying 35 feet East of and parallel with the West line of the SW1/4 of said Section 9, for 1455.53 feet to the POINT OF BEGINNING.

NOTE: FOR SKETCH TO ACCOMPANY LEGAL DESCRIPTION, LEGEND, NOTES AND CERTIFICATION, SEE SHEET 1 OF 2.

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