Memorandum MIAMI-DADE COUNTY

Date: February 2, 2010

Agenda Item No. 5(B)

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-878
Section: 28 & 33-53-39
Portions of NW 17 Street, NW 25 Street, NW 29 Street and NW 33 Street, Between NW 147 Avenue and NW 157 Avenue; Portions of NW 152 Avenue, Between NW 12 Street and NW 41 Street; and a Portion of NW 157 Avenue, from NW 17 Street South for approximately 330 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 these rights-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 these rights-of-way at $25,000 per acre. The rights-of-way being closed have an area of 6.777 acres. Therefore, the estimated value of these rights-of-way would be approximately $169,425.00. If these rights-of-way are closed and vacated, the land will be placed on the tax roll, generating an estimated $2,035 per year in additional property taxes. The fee for this road closing is $17,742.50.

Track Record/Monitor

Not Applicable

Background

The Petitioner, Cemex Construction Materials of Florida, LLC, wishes to close portions of NW 17 Street, NW 25 Street, NW 29 Street and NW 33 Street, between NW 147 Avenue and NW 157 Avenue; portions of NW 152 Avenue, between NW 12 Street and NW 41 Street; and a portion of NW 157 Avenue, from NW 17 Street South for approximately 330 feet, in order to incorporate the lands into their properties. The rights-of-way requested to be closed are located within an area designated as a "Rockmining Overlay Zoning Area" and has never been improved nor maintained by Miami-Dade County.

The subject rights-of-way were dedicated in 1951, by a deed recorded in Deed Book 3383, Page 584; and in 1946, by a deed recorded in Deed Book 2675, Page 59, all of the Public Records of Miami-Dade County, Florida. The subject rights-of-way are zoned AU (Agriculture 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: February 2, 2010

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

SUBJECT: Agenda Item No. 5(B)

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(B)
2-2-10

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE PORTIONS OF NW 17 STREET, NW 25 STREET, NW 29 STREET AND NW 33 STREET, BETWEEN NW 147 AVENUE AND NW 157 AVENUE; PORTIONS OF NW 152 AVENUE, BETWEEN NW 12 STREET AND NW 41 STREET; AND A PORTION OF NW 157 AVENUE, FROM NW 17 STREET SOUTH FOR APPROXIMATELY 330 FEET (ROAD CLOSING PETITION NO. P-878)

WHEREAS, the County Commission held a public hearing to consider a petition to close portions of NW 17 Street, NW 25 Street, NW 29 Street and NW 33 Street, between NW 147 Avenue and NW 157 Avenue; portions of NW 152 Avenue, between NW 12 Street and NW 41 Street; and a Portion of NW 157 Avenue, from NW 17 Street South for approximately 330 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, 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 2nd day of February, 2010. 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

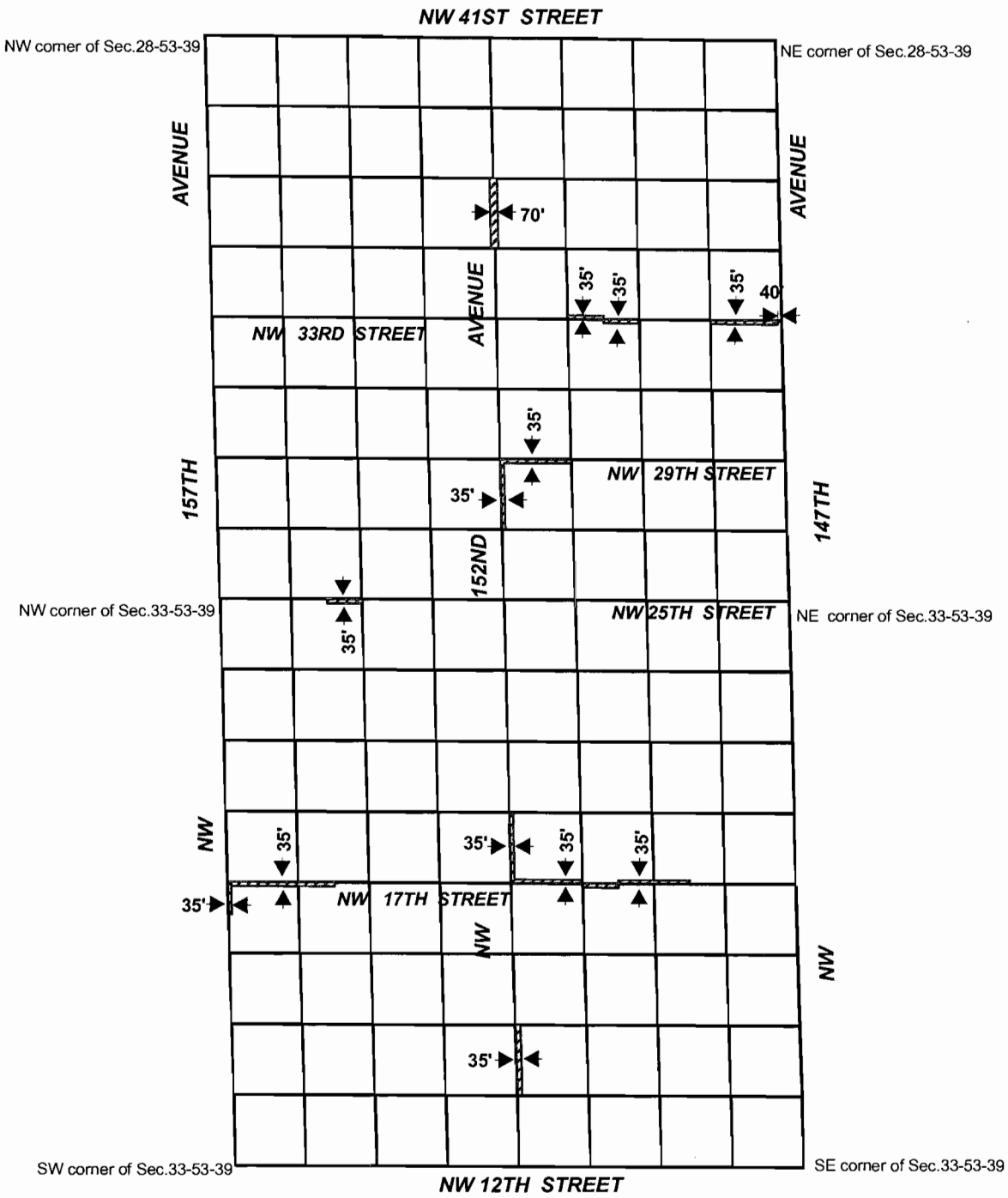
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Alex S. Bokor

Location Map

SECTION 28 -33 TOWNSHIP 53 S RANGE 39 E



Legend

ROAD CLOSING

Sec-28GridLine

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Jose "Pepe" Diaz, 12
Miami-Dade County Mayor Carlos Alvarez

P-878

6

NORTH

Date: August 25, 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 road, right-of-way sought to be closed is as follows:

Please see attached 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 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):

Portions of rights-of-way as recorded by deed recorded in Book 3383 at Page 584 of Miami-Dade County

Portions of rights-of-way as recorded in Resolution 2167, recorded at Page 2675 at Page 59 of Miami-Dade 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 the above described right-of-way.

PRINT NAME	FOLIO NO.	ADDRESS
Rinker Materials Corp.	30-3920-000-0020	1501 Belvedere Rd., 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):

These dedicated rights of way are located in an area that has been designated as the Rockmining Overlay Zoning Area (the "ROZA"). Rock mining and activities ancillary to rock mining are historic uses in this area, are presently being conducted in the ROZA, and will continue to be conducted in the ROZA for the foreseeable future. The dedicated rights of way requested for vacation are not necessary for access to non-rock mining properties.

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

SIGNATURE	ADDRESS
X Robert Capasso	1501 Belvedere Road, West Palm Beach,
(Rinker Materials Corp. n/k/a	Florida 33406
Cemex Construction Materials	
Florida. LLC)	

Attorney for Petitioner

Greenberg Traurig, P.A.
1221 Brickell Avenue
Miami, FL 33131

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
~~MIAMI-DADE~~ COUNTY)
Palm Beach

BEFORE ME the undersigned authority, personally appeared he/she is one of the petitioners Peter C. Lyons, 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, petitioner; that he/she has read the foregoing petition and that the statements therein contained and true.

X _____
(signature of Petitioner)

Peter C. Lyons
on behalf of Cemex Construction Materials of Florida, LLC

Sworn and subscribed to before me this

18th day of March, 2009

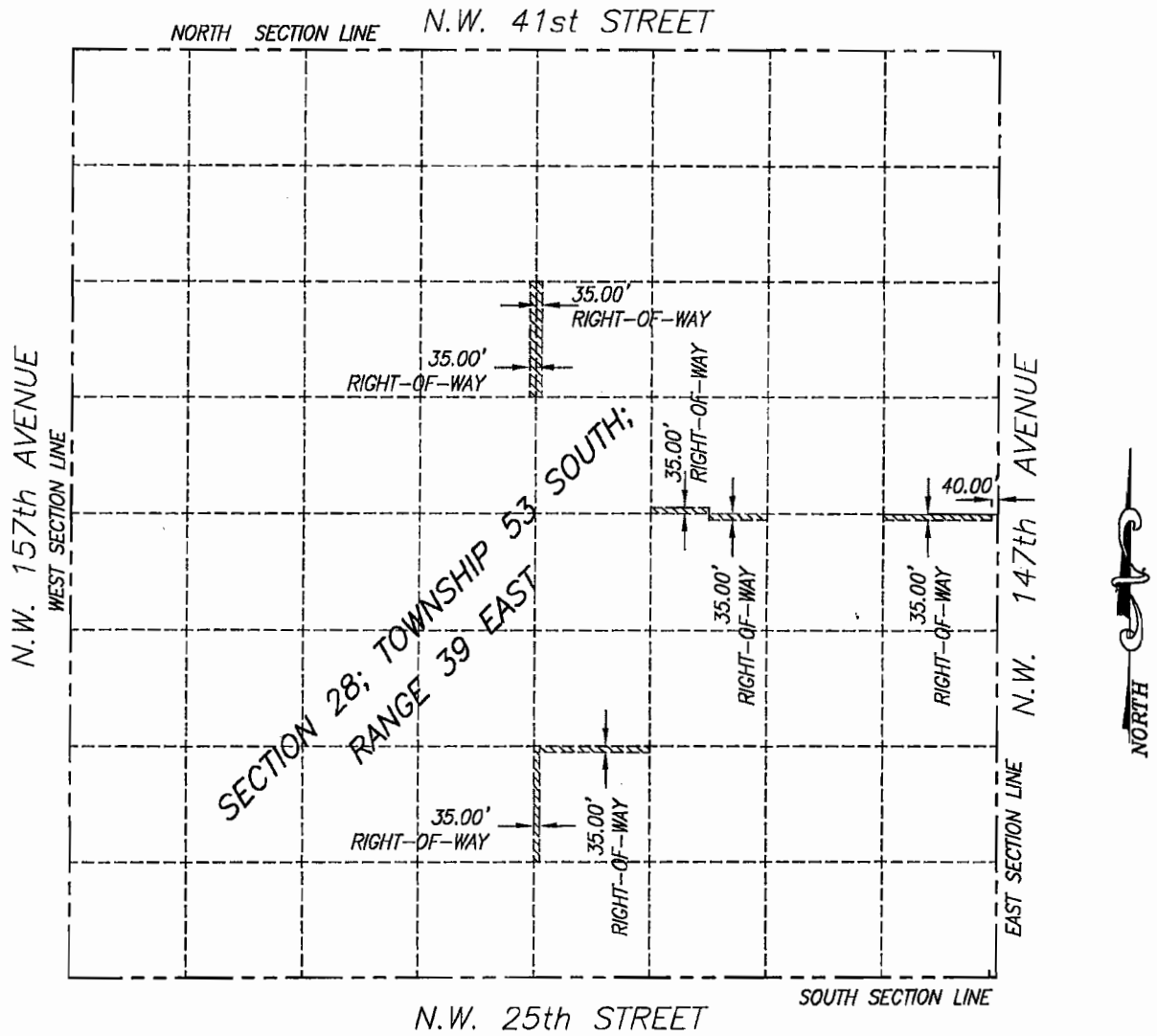
Sheryl M. Tyson
Notary Public State of Florida at Large

My Commission Expires: Sept. 4, 2011

SHERYL M. TYSON
My Comm. Expires SEP 4, 2011
No. DD 000027
NOTARY PUBLIC
STATE OF FLORIDA

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

RIGHTS-OF-WAY TO BE CLOSED AND VACATED
(BY DEED BOOK)



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PG.	DENOTES PAGE
O.R.B.	DENOTES OFFICIAL RECORD BOOK

SCALE 1"=1000'

SHEET 1 OF 2 SHEETS

Schwebke-Shiskin & Associates, Inc.
LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025
PHONE No.(954)435-7010 FAX No. (954)435-3288

ORDER NO. 196559
DATE: 06/11/2009
THIS IS NOT A " BOUNDARY SURVEY"
CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:
MARK STEVEN JOHNSON
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

K:\245239\CEMEX LEGALS\SURVEY\DWG\CEMEX CANAL TO BE RELEASE REVISED 090909.dwg, SHEET 14

LEGAL DESCRIPTION TO ACCOMPANY SKETCH

RIGHTS-OF-WAY TO BE CLOSED AND VACATED (BY DEED BOOK)

PORTIONS OF THE RIGHT OF WAY, AS RECORDED IN DEED BOOK 3383 AT PAGE 584 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA, LYING WITHIN SECTION 28, TOWNSHIP 53 SOUTH, RANGE 39 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 35 FEET OF THE WEST 1/2 OF EAST 1/2 OF SW 1/4 OF NE 1/4; TOGETHER WITH THE WEST 35 FEET OF NW 1/4 OF SW 1/4 OF NE 1/4; TOGETHER WITH THE EAST 35 FEET OF NE 1/4 OF SE 1/4 OF NW 1/4; TOGETHER WITH THE NORTH 35 FEET LESS THE EAST 40 FEET OF NE 1/4 OF NE 1/4 OF SE 1/4; TOGETHER WITH THE NORTH 35 FEET OF EAST 1/2 OF EAST 1/2 OF NW 1/4 OF SE 1/4 OF SECTION 28, TOWNSHIP 53 SOUTH, RANGE 39 EAST.

TOGETHER WITH FOLLOWING RIGHT OF WAY, AS RECORDED IN RESOLUTION NUMBER 2167, AND OFFICIAL RECORD BOOK 2675 AT PAGE 59 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 35 FEET AND THE WEST 35 FEET OF NW 1/4 OF SW 1/4 OF SE 1/4 OF SECTION 28, TOWNSHIP 53 SOUTH, RANGE 39 EAST.

SAID LAND AS DESCRIBED HEREON CONTAINS 135,975 SQUARE FEET (3.121 ACRES) MORE OR LESS

LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

SHEET 2 OF 2 SHEETS

Schwebke-Shiskin & Associates, Inc.
LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025
PHONE No.(954)435-7010 FAX No. (954)438-3288

ORDER NO. 196559
DATE: 06/11/2009
THIS IS NOT A " BOUNDARY SURVEY"
CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:
MARK STEVEN JOHNSON
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

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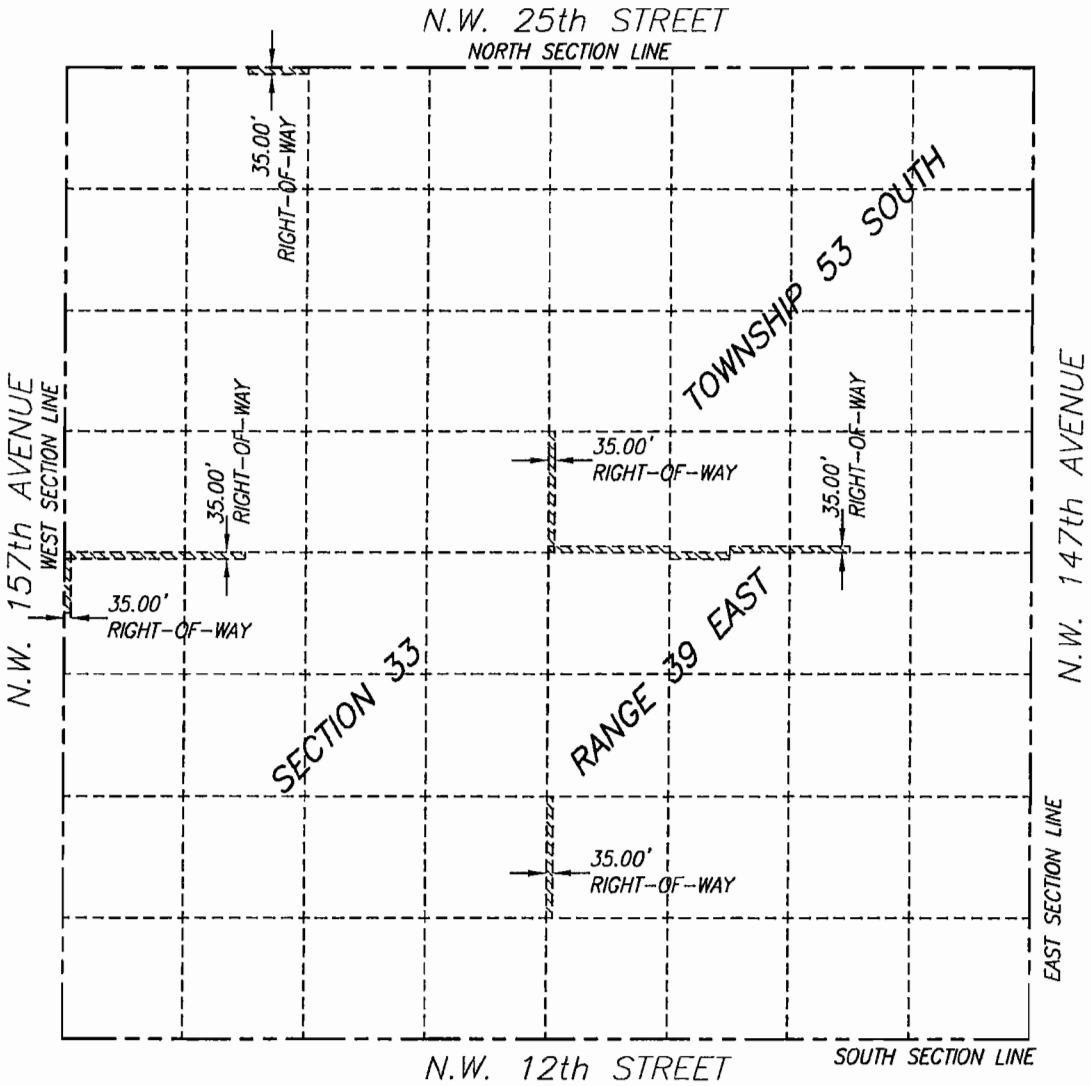
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

RIGHTS-OF-WAY TO BE CLOSED AND VACATED
(BY DEED BOOK)



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PG.	DENOTES PAGE
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SCALE 1"=1000'

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LEGAL DESCRIPTION TO ACCOMPANY SKETCH

RIGHTS-OF-WAY TO BE CLOSED AND VACATED (BY DEED BOOK)

PORTIONS OF THE RIGHTS OF WAY, AS RECORDED IN RESOLUTION NUMBER 2167, AS PER OFFICIAL RECORD BOOK 2675 AT PAGE 59 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 35 FEET OF EAST 1/2 OF EAST 1/2 OF SW 1/4 OF NE 1/4 OF SECTION 33 TOWNSHIP 53 SOUTH, RANGE 39 EAST; TOGETHER WITH THE WEST 35 FEET AND SOUTH 35 FEET OF SW 1/4 OF SW 1/4 OF NE 1/4 OF SAID SECTION 33; TOGETHER WITH THE SOUTH 35 FEET OF WEST 1/2 OF WEST 1/2 OF SE 1/4 OF NE 1/4 OF SAID SECTION 33; TOGETHER WITH THE NORTH 35 FEET OF EAST 1/2 OF EAST 1/2 OF NW 1/4 OF NW 1/4 OF SAID SECTION 33; TOGETHER WITH THE NORTH 35 FEET OF NORTH 1/2 OF WEST 1/2 OF EAST 1/2 OF NW 1/4 OF SW 1/4 OF SAID SECTION 33; TOGETHER WITH THE NORTH 35 FEET AND WEST 35 FEET OF NORTH 1/2 OF NW 1/4 OF NW 1/4 OF SW 1/4 OF SAID SECTION 33; TOGETHER WITH THE NORTH 35 FEET OF WEST 1/2 OF EAST 1/2 OF NW 1/4 OF SE 1/4 OF SAID SECTION 33 AND TOGETHER WITH THE WEST 35 FEET OF NW 1/4 OF SW 1/4 OF SE 1/4 OF SAID SECTION 33 TOWNSHIP 53 SOUTH, RANGE 39 EAST. SAID LAND AS DESCRIBED HEREON CONTAINS 159,250 SQUARE FEET (3.656 ACRES) MORE OR LESS.

LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

SHEET 2 OF 2 SHEETS

Schwebke-Shiskin & Associates, Inc.
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