**Memorandum** MIAMI-DADE COUNTY

Date: September 21, 2010

Agenda Item No. 5(J)

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-860-A
Section: 4-52-40
NW 194 Street, from NW 97 Avenue East to Interstate 75 (State Road No. 93)
Commission District: 12

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## 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 $1.15 per square foot. Therefore, the estimated value of this right-of-way would be approximately $46,000.00. However, the abutting properties are exempt from paying taxes. Therefore, granting of this petition will not result in an increase in revenue from property taxes. The fee for this road closing is $5,400.00.

## Track Record/Monitor

Not Applicable

**Background**

The abutting property owner, South Florida Water Management District, wishes to close NW 194 Street, from NW 97 Avenue East to Interstate 75 (State Road No. 93), in order to incorporate the land into its property to be used for rock mining. The subject right-of-way is located within an area designated as a "Rockmining Overlay Zoning Area" and has never been improved nor maintained by Miami-Dade County.

The subject right-of-way was dedicated in 1911, by the plat of CHAMBERS LAND COMPANY SUBDIVISION, as recorded in Plat Book 2, Page 27 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:** September 21,2010

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

**SUBJECT:** Agenda Item No. 5(J)

**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(J)
9-21-10

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE NW 194 STREET, FROM NW 97 AVENUE EAST TO INTERSTATE 75 (STATE ROAD NO. 93) (ROAD CLOSING PETITION NO. P-860-A)

**WHEREAS**, the County Commission held a public hearing to consider a petition to close NW 194 Street, from NW 97 Avenue East to Interstate 75 (State Road No. 93), 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 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 September, 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

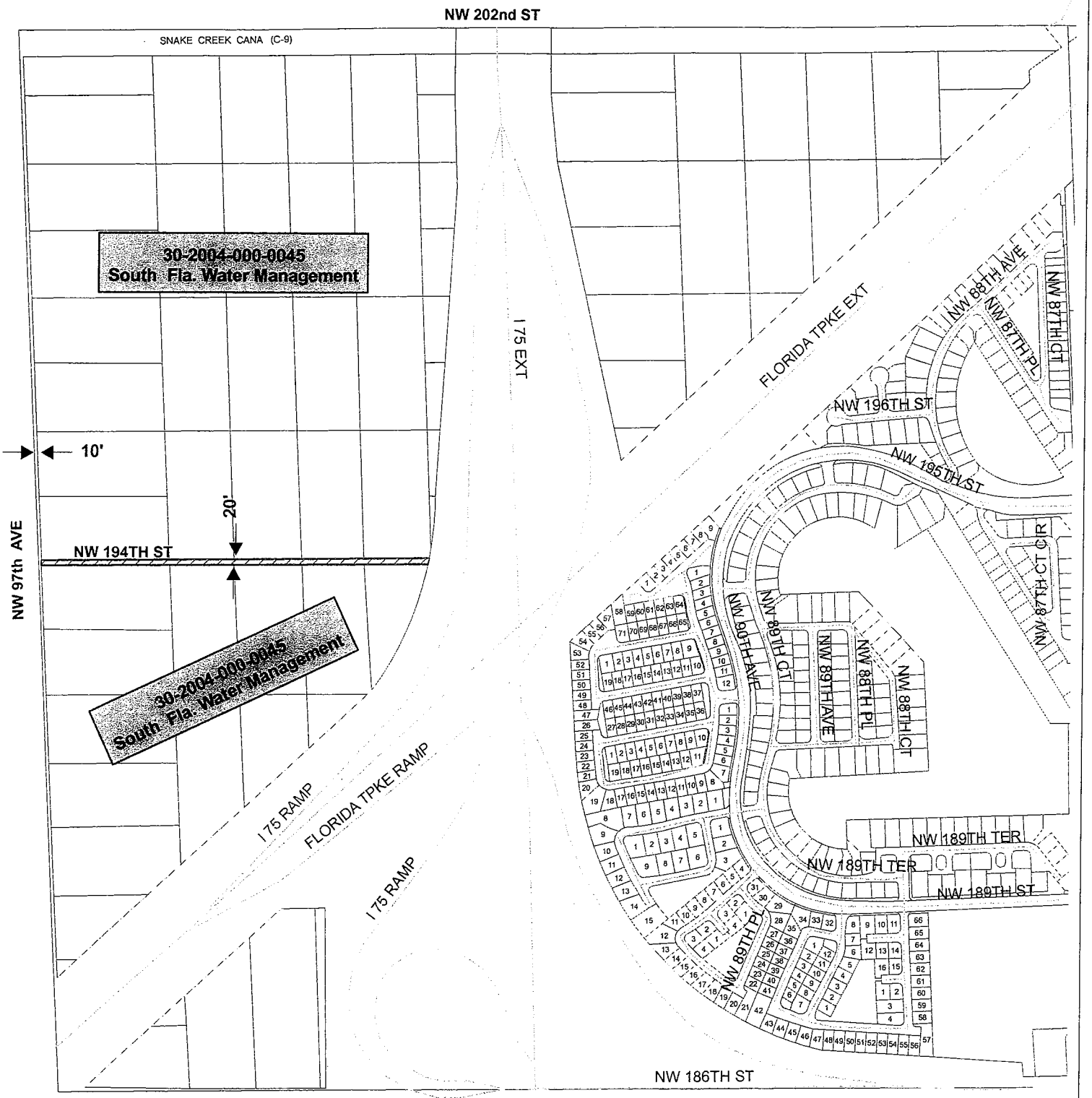
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. asB

Alex S. Bokor

# Location Map

**SECTION 04 TOWNSHIP 52 S RANGE 40 E**




Commission District: Jose " Pepe" Diaz, 12

## Legend

- Road Closing
- Lot LinesPg-4

# P-860-A

6



NORTH

Date: Rev. June 10, 2010
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 existing public streets, roads, 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:

**NW 194th STREET RIGHT-OF-WAY VACATION**:

A 20-foot right-of-way along the centerline of Section **4**, Township **52** South, Range **40** East, in CHAMBERS LAND COMPANY SUBDIVISION, as recorded in Plat Book 2, Page 27, of the Public Records of Miami-Dade County, Florida, bounded on the east by the west right-of-way line of Interstate 75 (State Road No. 93), and bounded on the west by the east line of the west 10 of said Section 4;

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:

Portions were dedicated in 1911, by the plat of CHAMBERS LAND COMPANY SUBDIVISION, as recorded in Plat Book 2, Page 27 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 properties.

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 |
|---|---|---|
| South Florida Water Management District | 30-2004-000-0045 | P.O. Box 24680 West Palm Beach, FL 33416 |

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 dedicated right-of-way is 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 right-of-way requested for vacation is not necessary for access to non-rock mining properties.

7. Signatures of **all** abutting property owners attached:

| SIGNATURE | ADDRESS |
|---|---|

See signature sheet attached.

| Print Name | Folio No. | Address | Signature |
|---|---|---|---|
| South Florida Water Management District | 30-2004-000-0045 | P.O. Box 24680<br>West Palm Beach,<br>Fl 33416 | Stephanie Nelson |

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA )
) SS
PALM BEACH COUNTY )

BEFORE ME, the undersigned authority, personally appeared Leo A. Vecellio, Jr. who first by me duly sworn, deposes and says that he is one of the petitioners named in and who signed the foregoing petition; that he 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.

Leo A Vecellio Jr
(Signature of Petitioner)

Sworn and subscribed to before me this

14 day of June 2010

Notary Public State of Florida

DIANNE C. BRADLEY
MY COMMISSION EXPIRES
JUN 13, 2011
#DD 650169
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires: _____