

Date: September 21, 2010

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-774
Section: 21-54-40
Portions of SW 90 Avenue, from SW 42 Street to SW 44 Street
Commission District: 10

Agenda Item No. 5(L)

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 10.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$4.96 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately \$135,000. However, the abutting properties are exempt from paying taxes, including one that is owned by Miami-Dade County. Therefore, granting of this petition will not result in an increase in revenue from property taxes. The fee for this road closing is \$14,300.00.

Track Record/Monitor

Not Applicable.

Background

The petitioner, Florida Christian School, wishes to close portions of right-of-way for SW 90 Avenue, from SW 42 Street to SW 44 Street, in order to incorporate the area abutting the proposed plat of "FLORIDA CHRISTIAN SCHOOL SUBDIVISION", Tentative plat number T-21631, into it to be used as part of the school grounds. Florida Christian School owns property on both sides of the right-of-way to be closed. Therefore, closing this right-of-way will make a much safer environment for the children by allowing Florida Christian School to fence off that portion of the road being closed adjacent to its property in order to restrict pedestrian access by outsiders to school grounds. Property owners abutting other portions of right-of-way to be closed have joined the Road Closing Petition. Park and Recreation will incorporate the closed right-of-way into its facility to be used as an integral part of its park; the two churches abutting that portion of the right of way being closed on the south side will incorporate the closed right-of-way into their respective properties as additional green areas. 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.

The subject right-of-way was dedicated in 1973, by a deed recorded in Official Records Book 8828, Page 76; in 1974, by a deed recorded in Official Records Book 8828, Page 78; and in 1949 by an instrument recorded in Deed Book 3117, Page 285, all of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned RU-1 (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 **DATE:** September 21, 2010
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr. **SUBJECT:** Agenda Item No. 5(L)
County Attorney

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(L)
9-21-10

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE
PORTIONS OF SW 90 AVENUE, FROM SW 42
STREET TO SW 44 STREET (ROAD CLOSING
PETITION NO. P-774)

WHEREAS, the County Commission held a public hearing to consider a petition to close portions of SW 90 Avenue, from SW 42 Street to SW 44 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 closing of the aforementioned road is contingent on the recording of the plat of FLORIDA CHRISTIAN SCHOOL SUBDIVISION, tentative plat T-21631; that in the event the plat is not approved this resolution becomes null and void; (2) 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; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (5) 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
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

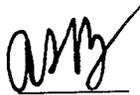
The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of September, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

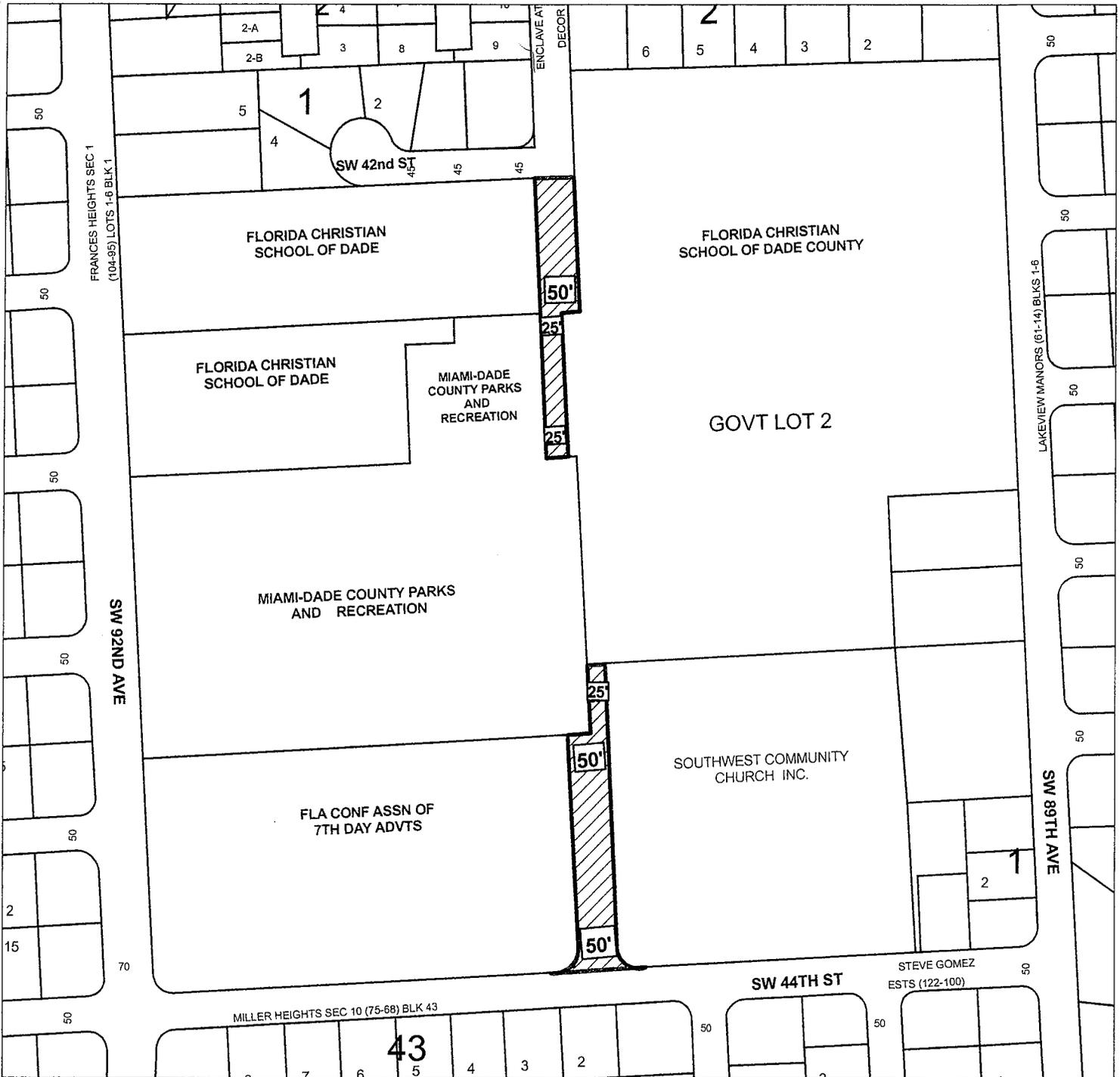
By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Alex S. Bokor

SECTION 21 TOWNSHIP 54 S RANGE 40 E



Legend



P-774-SW 90 Av & 42 St



MDC.LOT

Municipality: UNINCORPORATED MIAMI-DADE
 Commission District: Sen. Javier D. Souto, 10
 Miami-Dade County Mayor Carlos Alvarez

P-774



Date: April 15, 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. The legal description of the right-of-way sought to be closed is as follows:

The East 25 feet of the South 190 feet of the North 1085 feet of the West 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida; AND

The West 25 feet of the South 165 feet of the North 1060 feet of the East 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida.

The East 25 feet of the South 200 feet of the North 1285 feet of the West 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida.

The East 25 feet of the North 305 feet of the South 330 feet of the West 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida; And the area bounded by the north line of the South 25 feet of said government Lot 2, and bounded by the west line of the East 25 feet of the West ½ of said Government Lot 2, and bounded by a 25 foot radius arc concave to the northwest, said arc being tangent to both of the last described lines.

The West 25 feet of the North 418 feet of the South 443 feet of the East 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida; And the area bounded by the East line of the West 25 feet of the East ½ of said government Lot 2, and bounded by the north line of the South 25 feet of the East ½ of said Government Lot 2, and bounded by a 25 foot radius arc concave to the northeast, said arc being tangent to both of the last described lines.

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):

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
<u>FLORIDA CHRISTIAN SCHOOL</u>	<u>30-4021-000-0290</u>	<u>4200 SW 39 ST, MIAMI, FL 33165</u>
_____	<u>30-4021-000-0180</u>	_____
<u>MIAMI-DADE COUNTY PARKS AND RECREATION</u>	<u>30-4021-000-0233</u>	<u>215 NW 2 ST, 2ND FL, MIAMI, FL 33123</u>
_____	<u>30-4021-000-0230</u>	_____
<u>SOUTHWEST COMMUNITY CHURCH, INC</u>	<u>30-4021-000-0100</u>	<u>8951 SW 44 ST, MIAMI, FL 33165</u>
_____	_____	_____
<u>FLORIDA CONFERENCE ASSOCIATION OF 7TH DAY ADVENTISTS</u>	<u>30-4021-000-0220</u>	<u>PO BOX 2626, WINDY PARK, FL 32790</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 has never been used as a public roadway. Moreover, the right-of-way is not needed to provide access or adequate circulation in the area. Instead, the zoned right-of-way has provided additional open space and parking for the adjacent properties. The vacation of the right-of-way will ensure the continued use of the area consistent with the current and approved development of the adjacent properties.

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

SIGNATURE

ADDRESS

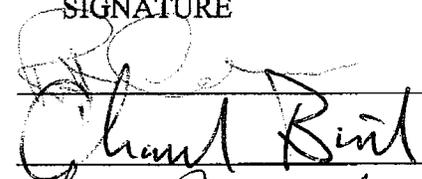
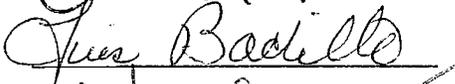
SEE NEXT PAGE.

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):

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

SIGNATURE

ADDRESS


Cheryl Bintl

Juan Badillo

W. Howard

4200 SW 87th Ave

8951 SW 44 STREET

9175 SW. 44 ST.

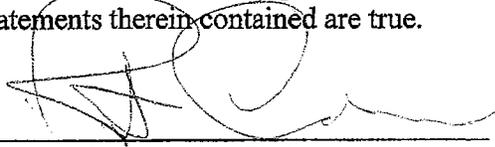
SW 42nd TERRACE & SW 92nd Ave.

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Robert Andrews, 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.

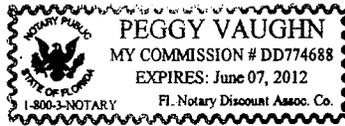


(Signature of Petitioner)

Sworn and subscribed to before me this

19th day of December, 2008

Peggy Vaughn
Notary Public State of Florida at Large



My Commission Expires: 6/7/12

December 23, 2008

LEGAL DESCRIPTION:

(Folio No: 30-4021-000-0180)

The East 25 feet of the South 190 feet of the North 1085 feet of the West 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida; AND

(Folio No: 30-4021-000-0290)

The West 25 feet of the South 165 feet of the North 1060 feet of the East 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida.

(Folio No: 30-4021-000-0230)

The East 25 feet of the South 200 feet of the North 1285 feet of the West 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida.

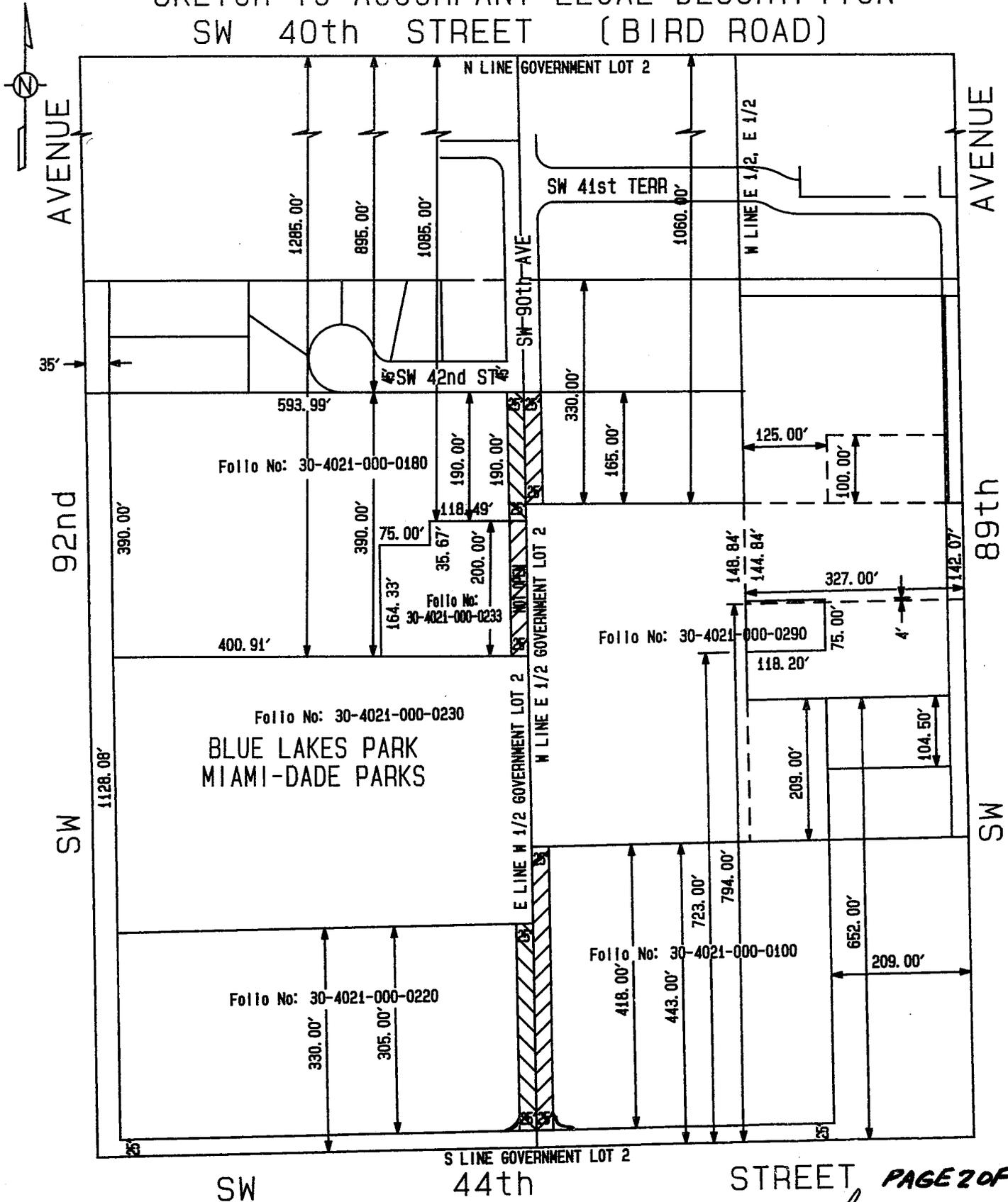
(Folio No: 30-4021-000-0220)

The East 25 feet of the North 305 feet of the South 330 feet of the West 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida;
And the area bounded by the north line of the South 25 feet of said government Lot 2, and bounded by the west line of the East 25 feet of the West 1/2 of said Government Lot 2, and bounded by a 25 foot radius arc concave to the northwest, said arc being tangent to both of the last described lines.

(Folio No: 30-4021-000-0100)

The West 25 feet of the North 418 feet of the South 443 feet of the East 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida;
And the area bounded by the East line of the West 25 feet of the East 1/2 of said government Lot 2, and bounded by the north line of the South 25 feet of the East 1/2 of said Government Lot 2, and bounded by a 25 foot radius arc concave to the northeast, said arc being tangent to both of the last described lines.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION SW 40th STREET (BIRD ROAD)



REVISED 12-23-08
THIS IS NOT A BOUNDARY SURVEY

PREPARED BY: *Thomas Brownell*

GOVERNMENT LOT 2 IN SECTION 21
TOWNSHIP 54 SOUTH, RANGE 40 EAST

E. R. BROWNELL & ASSOCIATES, INC.
LAND SURVEYORS - CONSULTING ENGINEERS
2434 SW 28th LANE MIAMI, FL 33133 (305) 860-3866

DR. BY : TB	DATE : 09-05-03	CERTIFICATE OF AUTHORITY 18761
JOB #54236/55745	SCALE: 1" = 200'	SK. * SM-1620