



MEMORANDUM

Agenda Item No. 5(E)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 1, 2011

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

SUBJECT: Resolution granting petition to close
SW 76 Street, beginning
approximately 145 feet west of the
north alignment of SW 72 Court west
for approximately 678 feet (Road
Closing Petition No. P-852)

The accompanying resolution was prepared by the Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.

R. A. Cuevas, Jr.
County Attorney

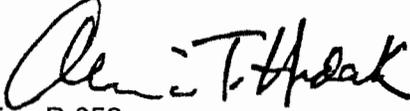
RAC/cp

Memorandum



Date: September 1, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager 

Subject: Road Closing Petition P-852
Section: 35-54-40
SW 76 Street, Beginning Approximately 145 Feet West of the North Alignment of SW
72 Court, West for Approximately 678 feet
Commission District: 7

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 7.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$15.00 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$254,400.00. Because all the properties abutting the right-of-way to be abandoned are tax exempt, the granting of this petition will not result in an increase in property tax revenues. The fee for this road closing is \$26,240.00.

Track Record/Monitor

Not Applicable

Background

The petitioner, The University Baptist Church of Coral Gables, Inc., wishes to close the right-of-way for SW 76 Street from approximately 145 feet west of the north alignment of SW 72 Court, west for approximately 678 feet to incorporate the land into its property and eliminate illegal and illicit activities in the area. The right-of-way to the west was closed in 1992 by Resolution R-1092-92 and the petitioner has granted the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (owner of the property abutting the right-of-way to be closed) and the Miami-Dade County Department of Environmental Resources Management (managers of said abutting property) an access easement, which was recorded in the Official Records Book 26878, Pages 3589 - 3601. This action will not adversely impact traffic flow or the continuity of traffic in the area.

The subject right-of-way was dedicated in 1988, by the plat of TRANSCONTINENTAL ESTATES, recorded in Plat Book 135, Page 41, of the Public Records of Miami-Dade County, Florida. The subject right-of-way is zoned EU-1 (Single Family One Acre Estate District).


Assistant County Manager

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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 Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 1, 2011

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

SUBJECT: Agenda Item No. 5(E)

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(E)
9-1-11

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW 76 STREET, BEGINNING APPROXIMATELY 145 FEET WEST OF THE NORTH ALIGNMENT OF SW 72 COURT WEST FOR APPROXIMATELY 678 FEET (ROAD CLOSING PETITION NO. P-852)

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying 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 street, 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 an access easement, recorded in Official Records Book 26878, Pages 3589 - 3601, is granted by the petitioner over a portion of the land in favor of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIIF) and the Miami-Dade County Department of Environmental Resources Management (DERM); (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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 2011. 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.

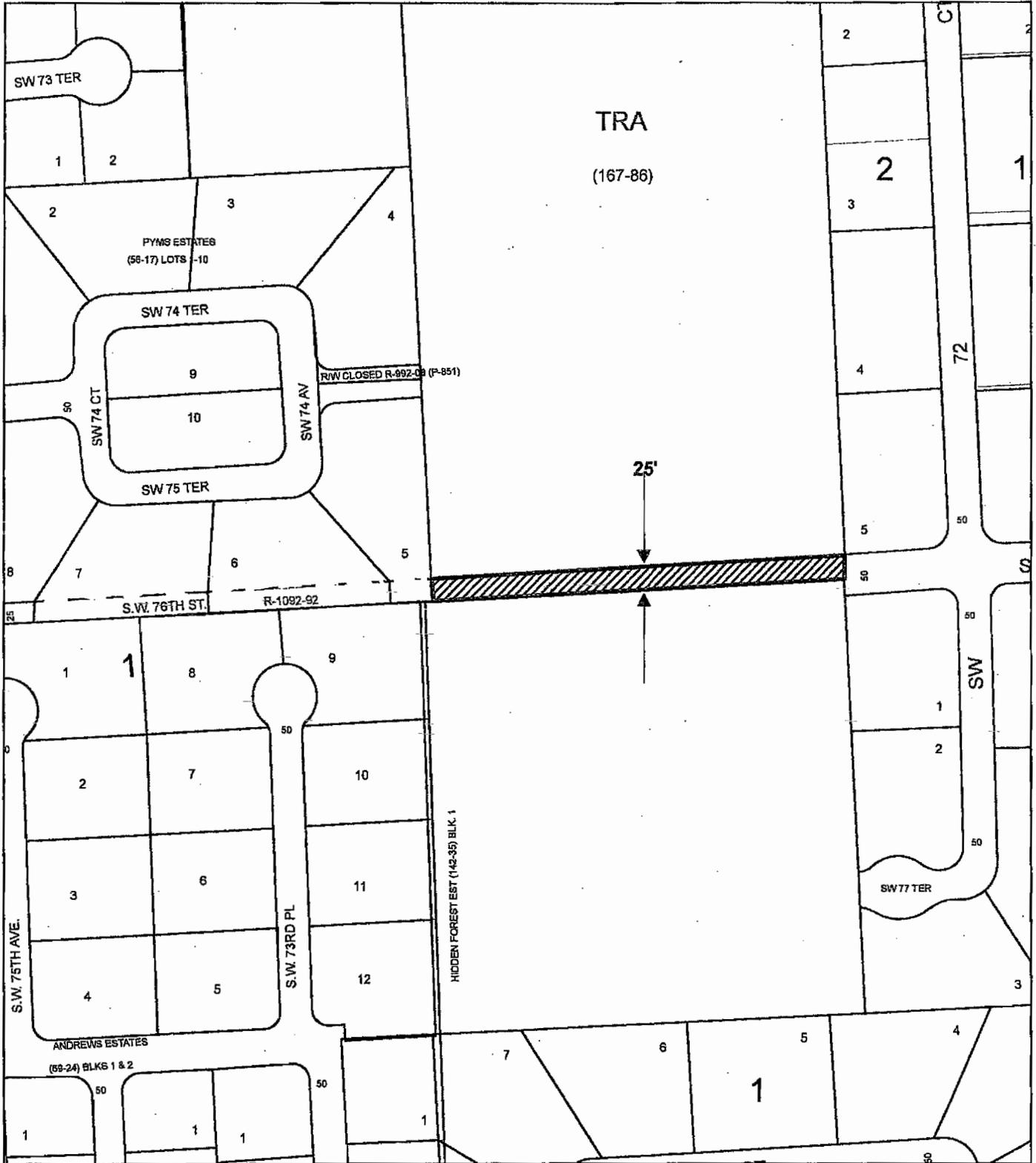


Alex S. Bokor

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Location Map

SECTION 35 TOWNSHIP 54 RANGE 40



This is not a survey

P-852 6

PUBLIC WORKS DEPARTMENT
RIGHT OF WAY

Date: April 25, 2011
Prepared by: Yazmin More



Municipality: UNINCORPORATED MIAMI-DADE
Commission District: 7

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:

The northern 25 feet of S.W. 76 Street, as shown on the plat of TRANSCONTINENTAL ESTATES, as recorded in Plat Book 135, Page 41, 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 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):

The subject portion of S.W. 76 Street was dedicated to Miami-Dade County in 1988 by the plat of TRANSCONTINENTAL ESTATES, recorded in Plat Book 135, Page 41, of the Public Records of Miami-Dade County, Florida.

3. ATTACH SURVEY SKETCH: Attached hereto, for the file, 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.

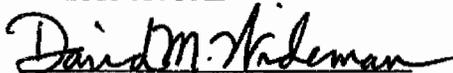
PRINT NAME	FOLIO NO.	ADDRESS
University Baptist Church of Coral Gables, Inc.	30-4035-052-0010	624 Anastasia Avenue Coral Gables, FL 33134
Board of Trustees of the Internal Improvement Trust Fund of the State of Florida	30-4035-000-0610	3000 Commonwealth Blvd., Tallahassee, FL 32399

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 purpose of this request is to permit the subject right-of-way to be closed in order to promote the health, safety and existing character in the surrounding neighborhood. The portion of SW 76 Street that is the subject of this Petition to Close Road will be closed in favor of the elimination of illegal and illicit activity in the area, and closing it will protect the public interest, the specimen trees and plants located to the south and area residents to the maximum extent possible.

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

SIGNATURE	ADDRESS
 David Wideman	<u>624 Anastasia Avenue, Coral Gables, FL</u>
Board of Trustees of the Internal Improvement Trust Fund of the State of Florida	<u>3800 Commonwealth Blvd., Tallahassee, FL 32399</u>

Gloria C. Barber, Operations and Management
Consultant Manager Bureau of Public Land
Administration, Division of State Lands,
State of Florida Department of Environmental Protection
Acting as an agent for and on behalf of the Board of Trustees
of the Internal Improvement Trust Fund of the State of
Florida

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<hr/> David Wideman	624 Anastasia Avenue, Coral Gables, FL

Board of Trustees of the Internal Improvement Trust Fund of the State of Florida	3800 Commonwealth Blvd. Tallahassee, FL 32399
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Gloria C. Barber
Gloria C. Barber, Operations and Management
Consultant Manager Bureau of Public Land
Administration, Division of State Lands,
State of Florida Department of Environmental Protection
Acting as an agent for and on behalf of the Board of Trustees
of the Internal Improvement Trust Fund of the State of
Florida

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Attorney for Petitioner

Address: Etha Wass 201 S. Biscayne Blvd., 1600 Miami Center, Miami, FL 33131
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared David Widema
_____, 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.

David M. Widema
(Signature of Petitioner)

Sworn and subscribed to before me this

5 day of April, 2011

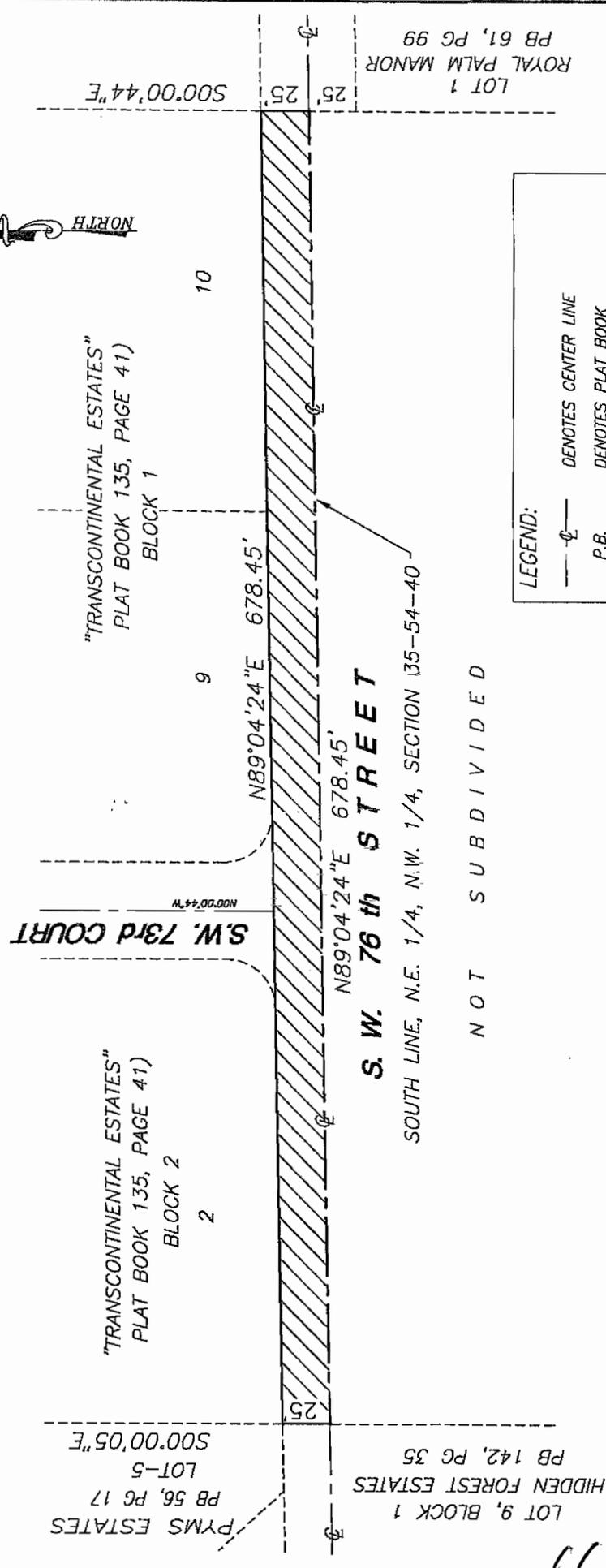
Betty Lara
Notary Public State of Florida at Large



My Commission Expires: 4-6-14

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

RIGHT OF WAY TO BE CLOSED AND VACATED



LEGEND:

- DENOTES CENTER LINE
- P.B. DENOTES PLAT BOOK
- PG. DENOTES PAGE
- D.C.R. DENOTES DADE COUNTY RECORDS

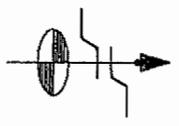
NOT SUBDIVIDED

SCALE 1" = 150'

REVISIONS

Schwabke-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. 193725
 DATE: AUG. 3, 2007
 THIS IS NOT A "BOUNDARY SURVEY"
 CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:
Ronald A. Firtz
 RONALD A. FIRTZ, ASSISTANT VICE-PRESIDENT
 FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767



LEGAL DESCRIPTION TO ACCOMPANY SKETCH

RIGHT OF WAY TO BE CLOSED AND VACATED

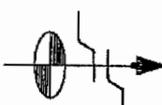
ALL THAT PORTION OF SW 76TH STREET LYING WITHIN THE PLAT OF CONTINENTAL ESTATES, AS RECORDED IN PLAT BOOK 135 AT PAGE 41 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LYING AND BEING IN SECTION 35, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI, MIAMI- DADE COUNTY, FLORIDA.

NOTES:

- 1) BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF N 89°04'24" E ALONG THE CENTER LINE OF S.W. 76TH STREET.
- 2) ORDERED BY: SHUTTS & BOWEN
- 3) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE EMBOSSED SEAL OF THE ATTESTING PROFESSIONAL LAND SURVEYOR.
- 4) PROPERTY AS SHOWN HEREON CONTAINS 16,961 SQUARE FEET, MORE OR LESS

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	<p style="text-align: center;">Schwabke-Shiskin & Associates, Inc.</p> <p>LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025 PHONE No. (954)435-7010 FAX No. (954)438-3288 ORDER NO. 193725 PREPARED UNDER MY SUPERVISION: DATE: AUG. 3, 2007 <i>Ronald A. Firtz</i></p> <p>THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-87</p>	REVISIONS
<p style="text-align: right;">RONALD A. FIRTZ, ASSISTANT VICE-PRESIDENT FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767</p>		