



MEMORANDUM

Agenda Item No. 5(H)

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

DATE: July 7, 2011

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

SUBJECT: Resolution granting petition to close
NW 6 Court, from NW 116 Terrace
to NW 117 Street (Road Closing
Petition No. P-886)

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

A handwritten signature in black ink, appearing to read "RAC", is written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

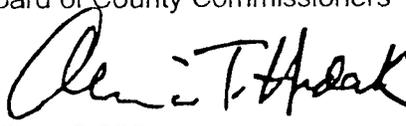
RAC/up

Memorandum



Date: July 7, 2011

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

From: Alina T. Hudak
County Manager 

Subject: Road Closing Petition P-886
Section: 36-52-41
NW 6 Court, from NW 116 Terrace to NW 117 Street
Commission District: 2

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 2.

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. The inclusion of this additional area (approximately 7,012 square feet) will not create a fiscal impact to the Park and Recreation Department.

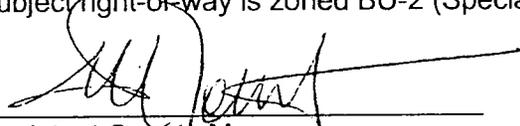
Track Record/Monitor

Not Applicable

Background

The petitioner, Miami-Dade County Park and Recreation, wishes to close the right-of-way for NW 6 Court from NW 116 Terrace to NW 117 Street to incorporate the land into its property and fully develop as a park. The right-of-way being closed has never been improved nor maintained by Miami-Dade County. This action will not adversely impact traffic flow or continuity of traffic in the area.

The subject right-of-way was dedicated in 1925, by the plat of PARKWOOD TERRACE, recorded in Plat Book 22, Page 3, of the Public Records of Miami-Dade County, Florida. The subject right-of-way is zoned BU-2 (Special Business District).


Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: July 7, 2011

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

SUBJECT: Agenda Item No. 5(H)

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(H)
7-7-11

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE NW 6
COURT, FROM NW 116 TERRACE TO NW 117 STREET
(ROAD CLOSING PETITION NO. P-886)

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 alleyway, 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 resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commission
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 7th day of July, 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.

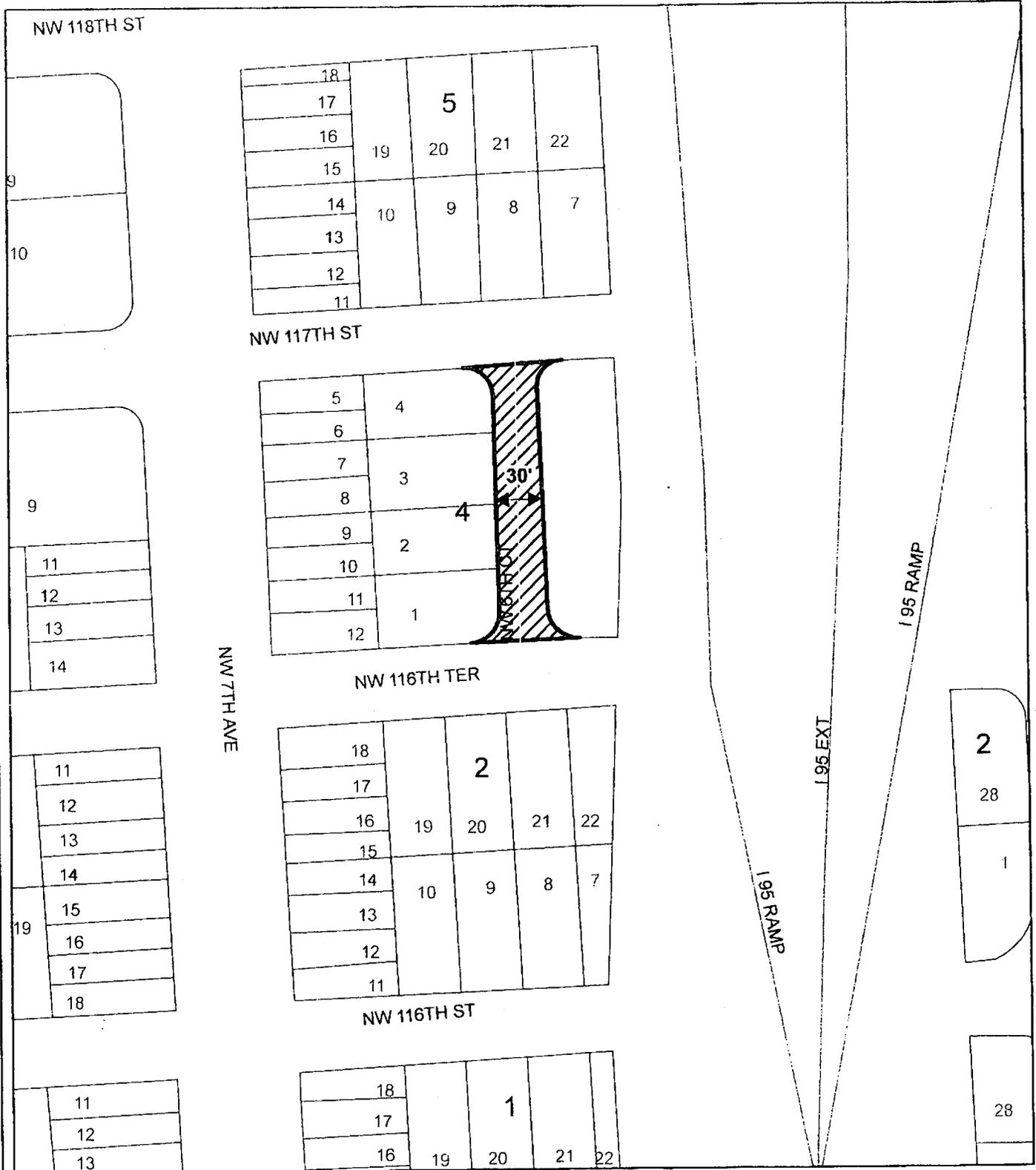


Alex S. Bokor



Location map

SECTION 36 TOWNSHIP 52 S RANGE 41 E



This is not a survey

P-886

PUBLIC WORKS DEPARTMENT
RIGHT OF WAY

Date: March 10, 2011
Prepared by: Yazmin Morer



Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Jean Monestine, 2

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 legal description of the right-of-way sought to be closed is as follows:

A parcel of land being a portion of the west one-half (W. ½) of the northwest one-quarter (N.W. ¼) of the northwest one-quarter (N.W. ¼) of the Section 36, Township 52 South, Range 41 East, Miami-Dade County, Florida, bounded on the North by the South right-of-way line of N.W. 117th Street (NW 117th TERR. by said plat), on the South by the North right-of-way line of N.W. 116 Terrace, on the West by the East line of Block 4, including all radius returns thereof, according to the plat of "PARKWOOD TERRACE", as recorded in Plat Book 22, Page 3, of the Public Records of Miami-Dade County, Florida, lying between a tract named Public Park and Block 4, both of said plat.

2. PUBLIC INTEREST IN ROAD: The title 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:

Dedicated in 1925, by the plat of "PARKWOOD TERRACE", recorded in Plat Book 22, Page 3, 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	30-2136-032-0910	275 NW 2 Street, Suite 430, Miami, Florida 33134
Historical Association of Southern Florida	30-2136-032-0430	101 W. Flagler Street Miami, Florida 33130

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.

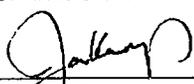
6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

This right of way has never been improved nor maintained by Miami-Dade County Public Works Department. Closing this right of way will enable Miami-Dade County Park and Recreation Department and the Historical Association of Southern Florida to fully develop same for the benefit of the public, without impacting any abutting property owner.

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

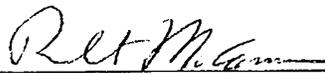
SIGNATURE

ADDRESS



Jack Kardys for:
Miami-Dade County
Parks and Recreation

275 NW 2 Street,
Miami, Florida 33128



Robert McCammon
Historical Association
of Southern Florida

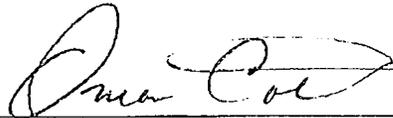
101 W. Flagler Street
Miami, Florida 33130

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Jack Kardys, 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 has read the foregoing petition and that the statements therein contained are true.



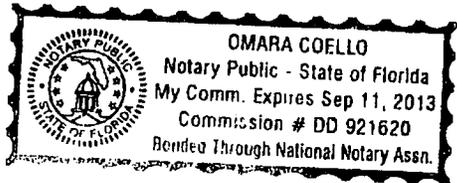
(Signature of Petitioner)

Sworn and subscribed to before me this

3rd day of March, 2011

Omara Coello
Notary Public State of Florida at Large

My Commission Expires: 9/11/2013



EXACTA

COMMERCIAL LAND SURVEYORS

L.B. 7551

3460 FAIRLANE FARMS ROAD, SUITE 7, WELLINGTON, FL. 33414

RECORDING AREA

LEGAL DESCRIPTION OF: PROPOSED ROAD VACATION

A PARCEL OF LAND LYING EAST OF BLOCK 4, "PARKWOOD TERRACE"

PLAT BOOK 22, PAGE 3, M-D.C.R.

MIAMI, MIAMI-DADE COUNTY, FLORIDA

SECTION 36, TOWNSHIP 52 SOUTH, RANGE 41 EAST

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THE WEST ONE-HALF (W. 1/2) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF SECTION 36, TOWNSHIP 52 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, BOUNDED ON THE NORTH BY THE SOUTH RIGHT OF WAY LINE OF N.W. 117th STREET, ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE OF N.W. 116th TERRACE, ON THE WEST BY THE EAST LINE OF BLOCK 4, "PARKWOOD TERRACE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGE 3 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY AND ON THE EAST BY THE WEST LINE OF A PUBLIC PARK PARCEL, AS SHOWN ON SAID "PARKWOOD TERRACE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGE 3 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY.

SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 4, BLOCK 4, "PARKWOOD TERRACE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGE 3 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY;

THENCE NORTH 89°47'01" EAST, ALONG THE NORTH LINE OF SAID BLOCK 4 AND ALONG THE SOUTH RIGHT OF WAY LINE OF N.W. 117th STREET (FORMERLY KNOWN AS N.W. 117th TERRACE, PER PLAT), A DISTANCE OF 74.81 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST, SAID POINT OF CURVATURE BEING ALSO THE POINT OF BEGINNING;

THE FOLLOWING THREE (3) COURSES BEING COINCIDENT WITH THE EAST BOUNDARY LINES OF SAID BLOCK 4;

THENCE EASTERLY, SOUTHEASTERLY AND SOUTHERLY, ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A CENTRAL ANGLE OF 90°26'58" AND A RADIUS OF 25.00 FEET FOR AN ARC DISTANCE OF 39.47 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 00°13'59" WEST, ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 165.87 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE SOUTHERLY, SOUTHWESTERLY AND WESTERLY, ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A CENTRAL ANGLE OF 89°32'09" AND A RADIUS OF 25.00 FEET FOR AN ARC DISTANCE OF 39.07 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF N.W. 116th TERRACE (FORMERLY KNOWN AS N.W. 117th STREET, PER PLAT);

THENCE NORTH 89°46'08" EAST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 80.00 FEET TO A POINT OF CUSP OF A TANGENT CURVE CONCAVE TO THE NORTHEAST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF SOUTH 00°13'52" EAST;

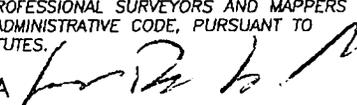
THE FOLLOWING THREE (3) COURSES BEING COINCIDENT WITH THE WEST BOUNDARY LINES OF A PUBLIC PARK PARCEL, AS SHOWN ON SAID "PARKWOOD TERRACE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGE 3 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY;

FILE: C:\Exacta Commercial surveyors\Exacta projects 2011\FL1102.0406 NW 6th Ct\1102-0406 SD.dwg

SKETCH No. FL 1102-0406 SD	REVISIONS		DATE	BY
DATE OF SKETCH:	DRAWN BY	CHECKED BY	FIELD BOOK	
02/18/11	JDLR	SF	N/A	

CERTIFICATE:

THIS IS TO CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.

JAVIER DE LA ROCHA 
PROFESSIONAL SURVEYOR AND MAPPER NO. 6080 - STATE OF FLORIDA

SEAL

NOT VALID UNLESS
SEALED HERE WITH
AN EMBOSSED
SURVEYOR'S SEAL

SHEET 1 OF 3

10

EXACTA

COMMERCIAL LAND SURVEYORS

L.B. 7551

3460 FAIRLANE FARMS ROAD, SUITE 7, WELLINGTON, FL. 33414

RECORDING AREA

**LEGAL DESCRIPTION OF:
PROPOSED ROAD VACATION**

A PARCEL OF LAND LYING EAST OF BLOCK 4, "PARKWOOD TERRACE"

PLAT BOOK 22, PAGE 3, M-D.C.R.

MIAMI, MIAMI-DADE COUNTY, FLORIDA

SECTION 36, TOWNSHIP 52 SOUTH, RANGE 41 EAST

LEGAL DESCRIPTION (CONT):

THENCE WESTERLY, NORTHWESTERLY AND NORTHERLY, ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A CENTRAL ANGLE OF 90°27'51" AND A RADIUS OF 25.00 FEET FOR AN ARC DISTANCE OF 39.47 FEET TO A POINT OF TANGENCY;

THENCE NORTH 00°13'59" EAST, ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 165.84 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE NORTHERLY, NORTHEASTERLY AND EASTERLY, ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A CENTRAL ANGLE OF 89°33'02" AND A RADIUS OF 25.00 FEET FOR AN ARC DISTANCE OF 39.07 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF N.W. 117th STREET (FORMERLY KNOWN AS N.W. 117th TERRACE, PER PLAT);

THENCE SOUTH 89°47'01" WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN MIAMI-DADE COUNTY, FLORIDA, CONTAINING 7,012 SQUARE FEET, MORE OR LESS.

NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF N 89°47'01" E, ALONG THE CENTER LINE OF N.W. 117th STREET, AS SHOWN IN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-MAP FOR ROAD No. 9A (INTERSTATE I-95) SECTION No. 87270-2411.
2. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY OF OTHER MATTERS OF RECORD BY EXACTA.
3. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY (THIS IS NOT A SURVEY).
4. THE LEGAL DESCRIPTION SHOWN HEREON WAS AUTHORED BY EXACTA COMMERCIAL SURVEYORS, INC., WITHOUT THE BENEFIT OF A TITLE SEARCH. FOR MORE INFORMATION ABOUT POSSIBLE EASEMENTS AND RESTRICTIONS ON THIS PROPERTY REFER TO THE PUBLIC RECORDS OF THIS COUNTY AND THE PLAT OF RECORD (IF ANY).

SKETCH No.
FL1102-0406 SD

EXACTA

COMMERCIAL LAND SURVEYORS
L.B. 7551

3460 FAIRLANE FARMS ROAD, SUITE 7, WELLINGTON, FL. 33414

RECORDING AREA

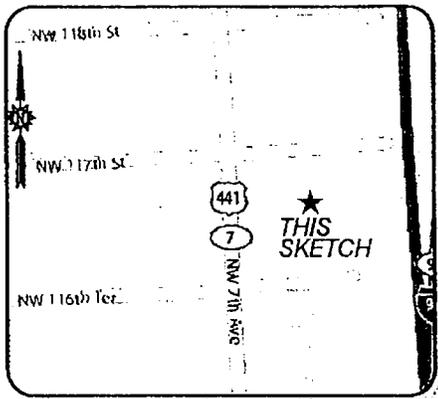
SKETCH OF DESCRIPTION OF: PROPOSED ROAD VACATION

A PARCEL OF LAND LYING EAST OF BLOCK 4, "PARKWOOD TERRACE"

PLAT BOOK 22, PAGE 3, M-D.C.R.

MIAMI, MIAMI-DADE COUNTY, FLORIDA

SECTION 36, TOWNSHIP 52 SOUTH, RANGE 41 EAST



LOCATION MAP

NOT TO SCALE

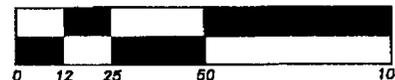
NOTE:
SEE SHEETS 1 AND 2 FOR THE LEGAL
DESCRIPTION OF THE SKETCH
GRAPHICALLY SHOWN HEREON.

LEGEND:

- M-D.C.R. MIAMI-DADE COUNTY RECORDS
- P.B. PLAT BOOK
- PG. PAGE
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- R/W RIGHT OF WAY
- CA CENTRAL ANGLE
- R RADIUS
- A ARC LENGTH
- C CENTERLINE



SCALE: 1" = 50'



GRAPHIC SCALE

FILE: C:\Exacta Commercial surveyors\Exacta projects 2011\FL1102.0406 NW 6th CT\1102-0406 SD.dwg

SKETCH No.
FL1102-0406 SD

