



MEMORANDUM

Agenda Item No. 5(B)

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

DATE: December 6, 2011

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

SUBJECT: Resolution granting petition to close a portion of NW 56 Street, from approximately 467 feet east of the centerline of NW 122 Avenue East for approximately 264 feet (Road Closing Petition No. P-888)

The accompanying resolution was prepared by the Public Works & Waste Management and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney


RAC/cp

Memorandum



Date: December 6, 2011

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

From: Carlos A. Gimenez
Mayor 

Subject: Road Closing Petition P-888
Section: 24-53-39
A Portion of NW 56 Street, East of NW 122 Avenue
Commission District: 12

Recommendation

It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Permitting, Environment and Regulatory Affairs, Public Works and Waste Management, 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 \$145,000 per acre. Therefore, the estimated value of this right-of-way would be approximately \$44,000.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$900.00 per year in additional property taxes. The fee for this road closing is \$5,200.00.

Track Record/Monitor

PWD is the entity overseeing this project and the person responsible for monitoring is Mr. Luis Lacau, PLS, Section Head, PWD Land Development/Right-of-Way Division.

Background

The petitioner, Concrete Structures, Inc., wishes to close the right-of-way for NW 56 Street, from approximately 467 feet east of the centerline of NW 122 Avenue East for approximately 264 feet, in order to incorporate the land into their property. 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 1946, by the plat of GREEN HAVEN ACRES, recorded in Plat Book 45, Page 77, of the Public Records of Miami-Dade County, Florida. The subject right-of-way is zoned GU (Interim District).



County Manager/Deputy Mayor

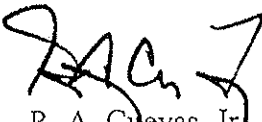


MEMORANDUM

(Revised)

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

DATE: December 6, 2011


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)
12-6-11

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF NW 56 STREET, FROM APPROXIMATELY 467 FEET EAST OF THE CENTERLINE OF NW 122 AVENUE EAST FOR APPROXIMATELY 264 FEET (ROAD CLOSING PETITION NO. P-888)

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 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 6th day of December, 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.

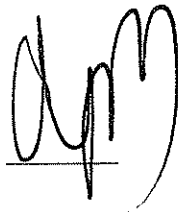
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

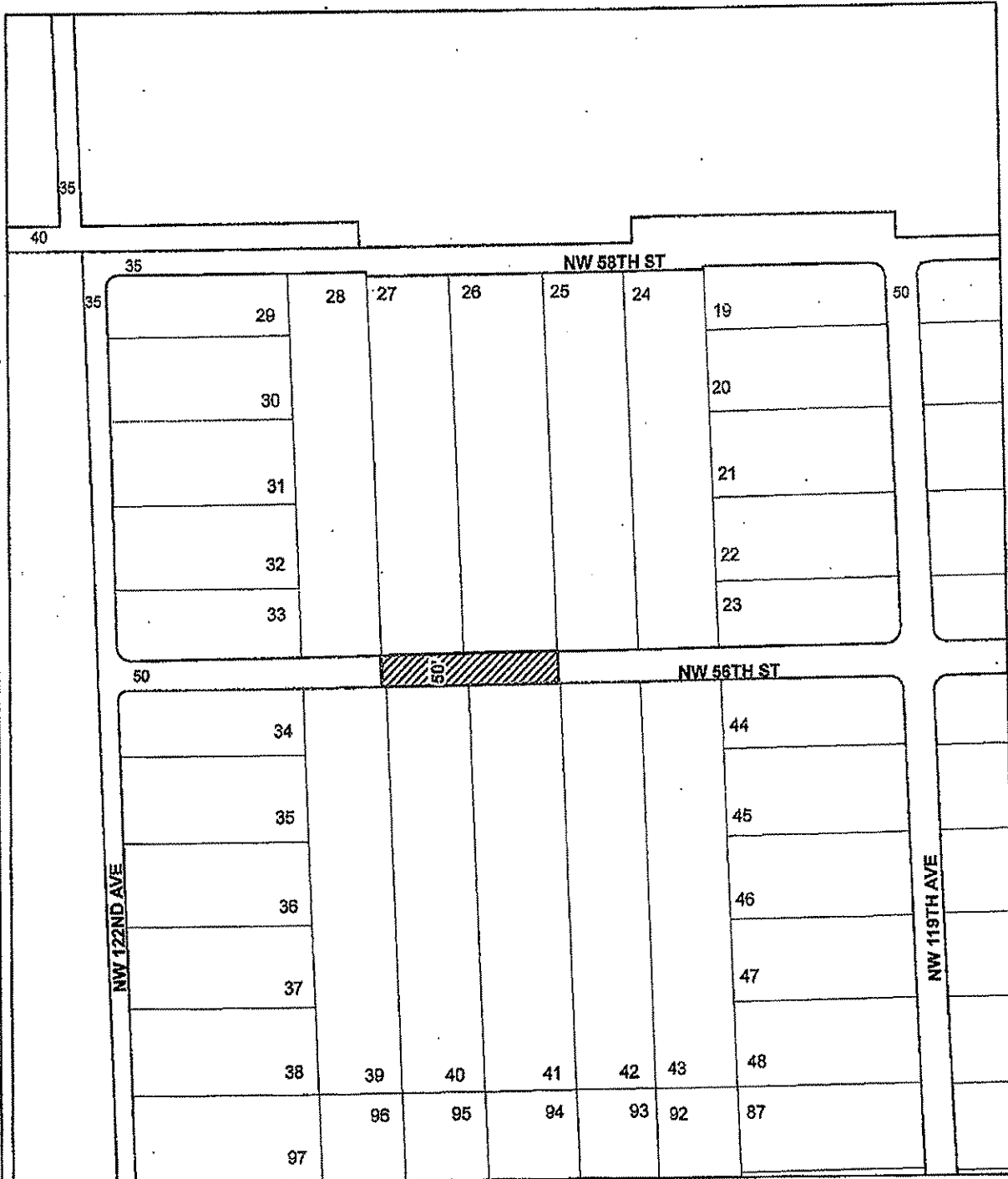
Approved by County Attorney as
to form and legal sufficiency.

Alex S. Bokor



Location Map

SECTION 24 TOWNSHIP 53 S RANGE 39 E



This is not a survey

P-888

PUBLIC WORKS DEPARTMENT
RIGHT OF WAY



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

Date: March 22, 2011
Prepared by: Yazmin Moreno

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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:

A portion of NW 56 Street, lying directly adjacent to Lots 26, 27, 40 and 41, GREEN HAVEN ACRES, according to the plat thereof, as recorded in Plat Book 45 at Page 77 of the Public Records of Miami-Dade County, Florida, described as follows:

Begin at the southwest corner of said Lot 27, said point lying on the north right of way line of said NW 56 Street; thence $N89^{\circ}39'42''E$ along said north right-of-way line, also being the south lines of said Lots 27 and 26, for 264.27 feet to the southeast corner of said Lot 26; thence $S01^{\circ}45'18''E$ along the southerly extension of the east line of said Lot 26 for 25.01 feet to a point on the centerline of said NW 56 Street; thence $N89^{\circ}39'42''E$ along said centerline of NW 56 Street for 0.17 feet; thence $S01^{\circ}45'37''E$ along the northerly projection of the east line of said Lot 41, for 25.01 feet to the northeast corner of said Lot 41; thence $S89^{\circ}39'42''W$ along the south right of way line of said NW 56 Street, also being the north line of said Lots 40 and 41, for 264.57 feet to the northwest corner of said Lot 40; thence $N01^{\circ}45'37''W$ along the northerly extension of the west line of said Lot 40, for 25.01 feet to a point on said centerline of NW 56 Street; thence $S89^{\circ}39'42''W$ along said centerline of NW 56 Street for 0.14 feet; thence $N01^{\circ}45'24''W$ along the southerly extension of the west line of said Lot 27, for 25.01 feet to the Point of Beginning.

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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 title or interest of the county and the Public in and to the described road, right-of-way was acquired on June 15, 1946 and is evidenced by the recording of the Plat dedication found at Plat Book 45, Page 77 of the Public Record 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
<u>Concrete</u>	<u>30-39240020142</u>	<u>12100 NW 58ST</u>
<u>Structures</u>	<u>30-39240020143</u>	_____
<u>Inc.</u>	<u>30-39240020272</u>	_____
_____	<u>30-39240020280</u>	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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.

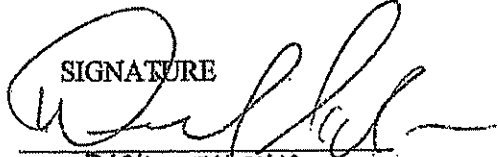
6. **GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST:** The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

Petitioner has been granted approval and has permitted a 50 year rock mining project on properties that they own on either side of undedicated NW 56 St. Use of NW 56 St is required for cross access to the southernmost properties of the project.

The petitioner's use was approved at Public Hearing, one of the conditions being that per Miami-Dade County Public Works Department "a road closing petition is required".

NW 56 St, West of the Florida Turnpike is unimproved, undedicated and has no linkage to any improved road. The entire area is outside the UDB and is designated Open Land. Due to these restrictions the area is not slated for any type of development and it is highly unlikely that NW 56 St would ever be improved.

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

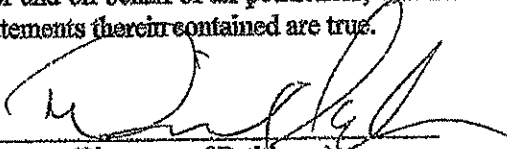
SIGNATURE	ADDRESS
 DICK SALONIA FOR CONCRETE STRUCTURES INC.	12100 NW 58 ST
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

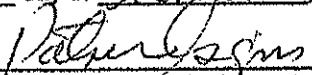
STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Mr. Dick Salinas, 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

14 day of December, 2010


Notary Public State of Florida at Large

My Commission Expires:

