



MEMORANDUM

Agenda Item No. 5(D)

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 SW 353 Street, from the west right-of-way line of SW 187 Avenue west for approximately 558 feet (Road Closing Petition No. P-892)

The accompanying resolution was prepared by the Public Works & Waste Management and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

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-892
Section: 26-57-38
SW 353 Street, from SW 187 Avenue West for Approximately 558 Feet
Commission District: 9

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 (PWWM), 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 9.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent properties to this right-of-way at an average \$1.78 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$49,550.00. All the properties abutting the right-of-way to be abandoned are owned by Miami Community Charter School, Inc. (Charter School), and as such are tax exempt as per Florida Statutes 196.198 and 196.1983. Therefore, if this right-of-way is closed and vacated and the land is placed on the tax roll and solely used by the Charter School, they would be required to apply for the exemption on the additional portion of the land. The fee for this road closing is \$5,755.00.

Track Record/Monitor

PWWM is the entity overseeing this item and the person responsible is Raul A. Pino, PLS, Land Development/Right-of-Way Chief.

Background

The petitioner, Miami Community Charter School, Inc., owner of the properties on both sides of the street, wishes to close the right-of-way for SW 353 Street, from the west right-of-way line of SW 187 Avenue West for approximately 558 feet, in order to unite the 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 1925, by the plat of FLA. CITY HIGHLANDS, recorded in Plat Book 20, Page 36, of the Public Records of Miami-Dade County, Florida. The subject right-of-way is zoned EU-M (Estates Modified 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(D)

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(D)
12-6-11

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW 353 STREET, FROM THE WEST RIGHT-OF-WAY LINE OF SW 187 AVENUE WEST FOR APPROXIMATELY 558 FEET (ROAD CLOSING PETITION NO. P-892)

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, 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

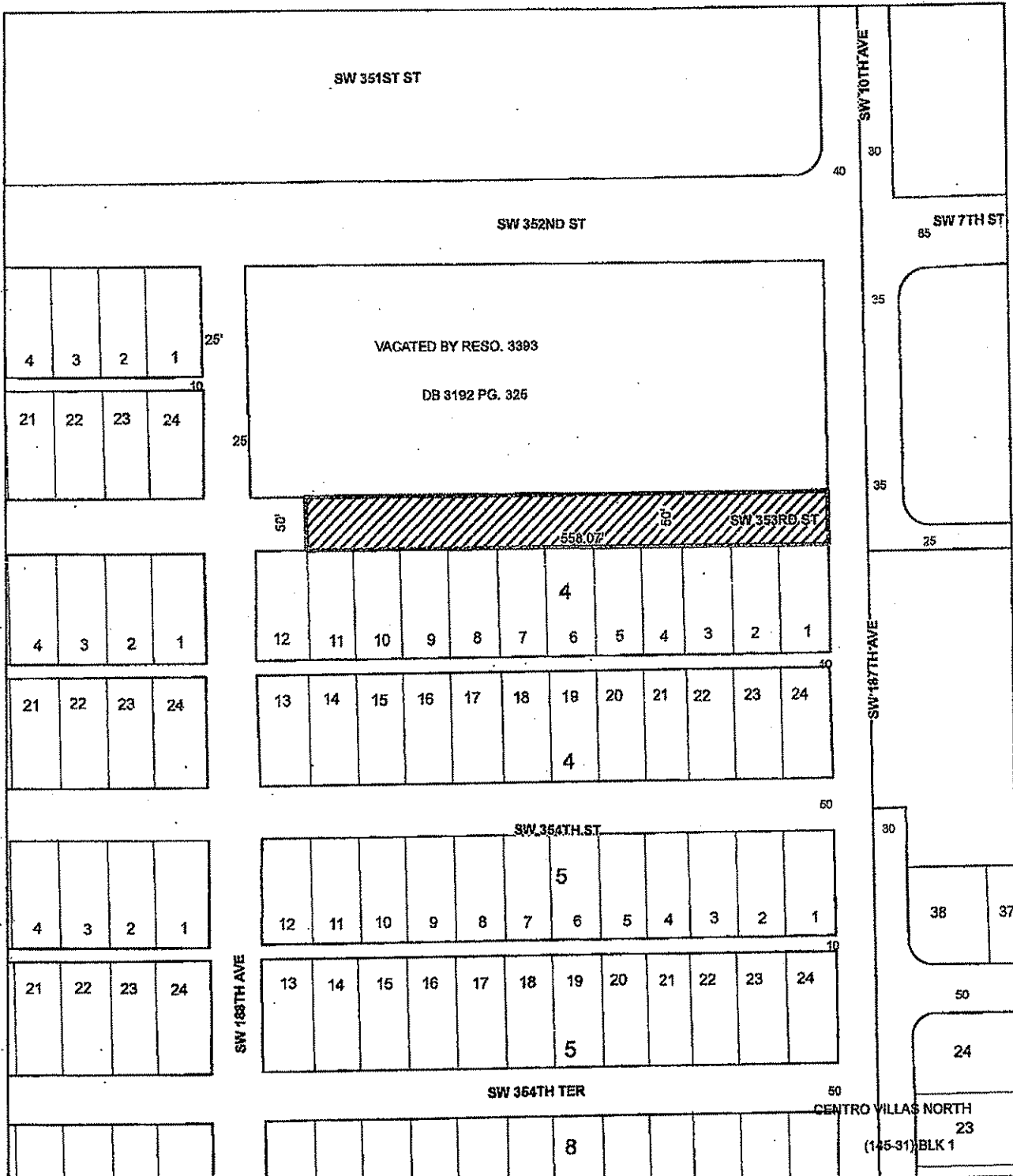
Approved by County Attorney as
to form and legal sufficiency.

Alex S. Bokor



LOCATION MAP

SECTION 26 TOWNSHIP 57 RANGE 38



This is not a survey
SEC.26-67-38

P-892

PUBLIC WORKS DEPARTMENT
RIGHT OF WAY



Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Dennis C. Moes, 9

Date: June 9, 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: The complete and accurate legal description of the road, right-of-way sought to be closed is as follows:

Please see Exhibit "A" attached hereto and incorporated herein.

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 roadways were dedication to Metropolitan Dade County, Florida, through the recordation of a plat entitled FLA, CITY HIGHLANDS recorded in Plat Book 20, Page 36 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
<u>Miami Community Charter School, Inc.</u>	<u>30-7826-007-0010</u>	<u>18720 SW 352 Street</u>
<u>Miami Community Charter School, Inc.</u>	<u>30-7826-007-0730</u>	<u>Lots 1 – 6, Block 4, FLA, CITY HIGHLANDS, Plat Book 20, Page 36</u>

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Miami Community 30-7826-007-0790 Lot 7, Block 4, FLA. CITY
Charter School, Inc. CITY HIGHLANDS,
 Plat Book 20, Page 36


Miami Community 30-7826-007-0800 Lots 8 - 11, Block 4, FLA.
Charter School, Inc. CITY HIGHLANDS,
 Plat Book 20, Page 36

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):

Please see Exhibit "A" attached hereto and incorporated herein.

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

SIGNATURE

Michelle Diaz, Chair of the Board of Directors
Miami Community Charter School, Inc.,
a Florida non-profit corporation

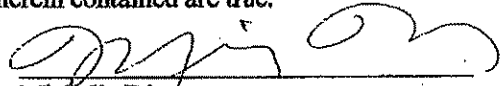
ADDRESS
18720 SW 352 Street together with Lots
1-11, Block 4, FLA. CITY
HIGHLANDS, Plat Book 20, Page 36

Attorneys for Petitioner:
Stanley B. Price & William W. Riley
Bilzin Sumberg

Address: 1450 Brickell Avenue., Suite 2300
Miami, Florida 33131
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Michelle Diaz, Chair of the Board of Directors, Miami Community Charter School, Inc. a Florida non-profit corporation, 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.


Michelle Diaz

Sworn and subscribed to before me this

26th day of April, 2011


Notary Public State of Florida at Large

My Commission Expires: 11/30/14

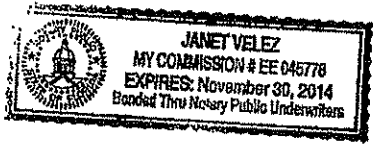


EXHIBIT "A"

1. Legal Description:

That portion of SW 353rd Street (formerly known as 17th Street), lying between Blocks 1 and 4 of FLORIDA CITY HIGHLANDS, according to the plat thereof, as recorded in Plat Book 20 at Page 36 of the Public Records of Miami-Dade County, Florida; Less that portion of SW 353rd Street lying Westerly of the East line of Lot 12 in said Block 4, prolonged Northerly.

6. Grounds for requesting petition and proposed use for the land by this request:

The Applicant, Miami Community Charter School, Inc., is the owner of approximately 6.345 net acres of land located at southwest corner of SW 352 Street and SW 187 Avenue in Miami-Dade County.

The northern portion of the Property, which encompasses that land area located north of SW 353 Street, is being developed with a charter school that will serve 640 students in grades 6 through 12. The southern portion of the Property, which encompasses that land area located south of SW 353 Street, is vacant property that is planned to serve as a future expansion site for the school campus. The current petition to vacate the roadway will allow for a single unified campus with fewer portions for student-vehicular conflicts and potential security breaches.

The subject roadway was dedicated to Metropolitan Dade County, Florida, through the plat of "FLA. CITY HIGHLANDS", recorded in Plat Book 20, Page 36 of the Public Records of Miami-Dade County, Florida. However, the roadway has not been improved as essential infrastructure necessary to serve the immediate vicinity. Moreover, with the proposed unification of the north and south portions of the Property, the single site will cause the theoretical roadway to be unnecessary for the surrounding community.