



MEMORANDUM

Agenda Item No. 5(F)

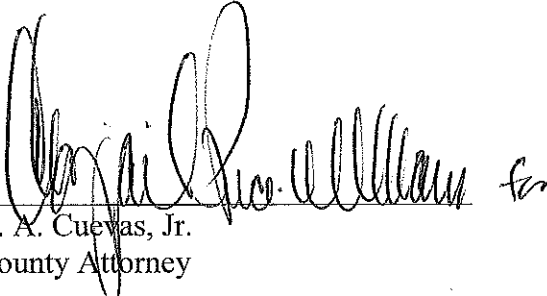
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 3, 2012

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

SUBJECT: Resolution granting petition to close
NW 122 Street, from NW 115 Avenue
to NW 117 Avenue, and NW 117
Avenue, from NW 122 Street south for
1815 feet, (Road Closing Petition No.
P-894)

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



R. A. Cuevas, Jr.
County Attorney

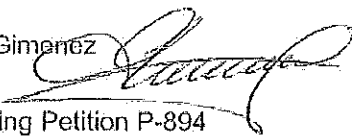
RAC/cp

Memorandum



Date: July 3, 2012

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

From: Carlos A. Gimenez
Mayor 

Subject: Road Closing Petition P-894
Section: 31-52-40
NW 122 Street, from NW 115 Avenue to NW 117 Avenue; and NW 117 Avenue,
from NW 122 Street South for 1,815 feet
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 Sustainability, Planning and Economic Enhancement, Public Works and Waste Management (PWWM), Water and Sewer, and Fire Rescue have no objection to these rights-of-way being closed.

Scope

This road closing is located within Commission District 12.

Fiscal Impact/Funding Source

If these rights-of-way are closed and vacated, it will not affect the tax roll, since said rights-of-way are currently included in the petitioner's property for tax purposes. The fee for this road closing is \$800.

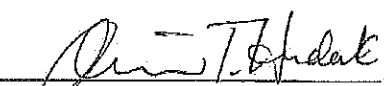
Track Record/Monitor

PWWM is the entity overseeing this project and the person responsible for monitoring is Mr. Raúl A. Pino, P.L.S., Chief, Land Development/Right-of-Way Division.

Background

The petitioner, Tarmac America LLC, wishes to close NW 122 Street, from NW 115 Avenue to NW 117 Avenue; and NW 117 Avenue, from NW 122 Street South for 1,815 feet, in order to incorporate the area into the proposed plat of "MIAMI INTERNATIONAL TRADEPORT", tentative plat number T-23200. The rights-of-way requested to be closed have never been improved nor maintained by Miami-Dade County.

The subject rights-of-way were dedicated in 1911, by the plat of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida. The subject rights-of-way are zoned IU-3 (Unlimited Industrial Manufacturing District).


Alina T. Hudak
County Manager/Deputy Mayor



MEMORANDUM
(Revised)

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

DATE: July 3, 2012

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

SUBJECT: Agenda Item No. 5(F)

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(F)

7-3-12

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE NW 122 STREET, FROM NW 115 AVENUE TO NW 117 AVENUE, AND NW 117 AVENUE, FROM NW 122 STREET SOUTH FOR 1815 FEET, (ROAD CLOSING PETITION NO. P-894)

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 streets, roads or other places used for travel as described in the attached petition are 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 3rd day of July, 2012. 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

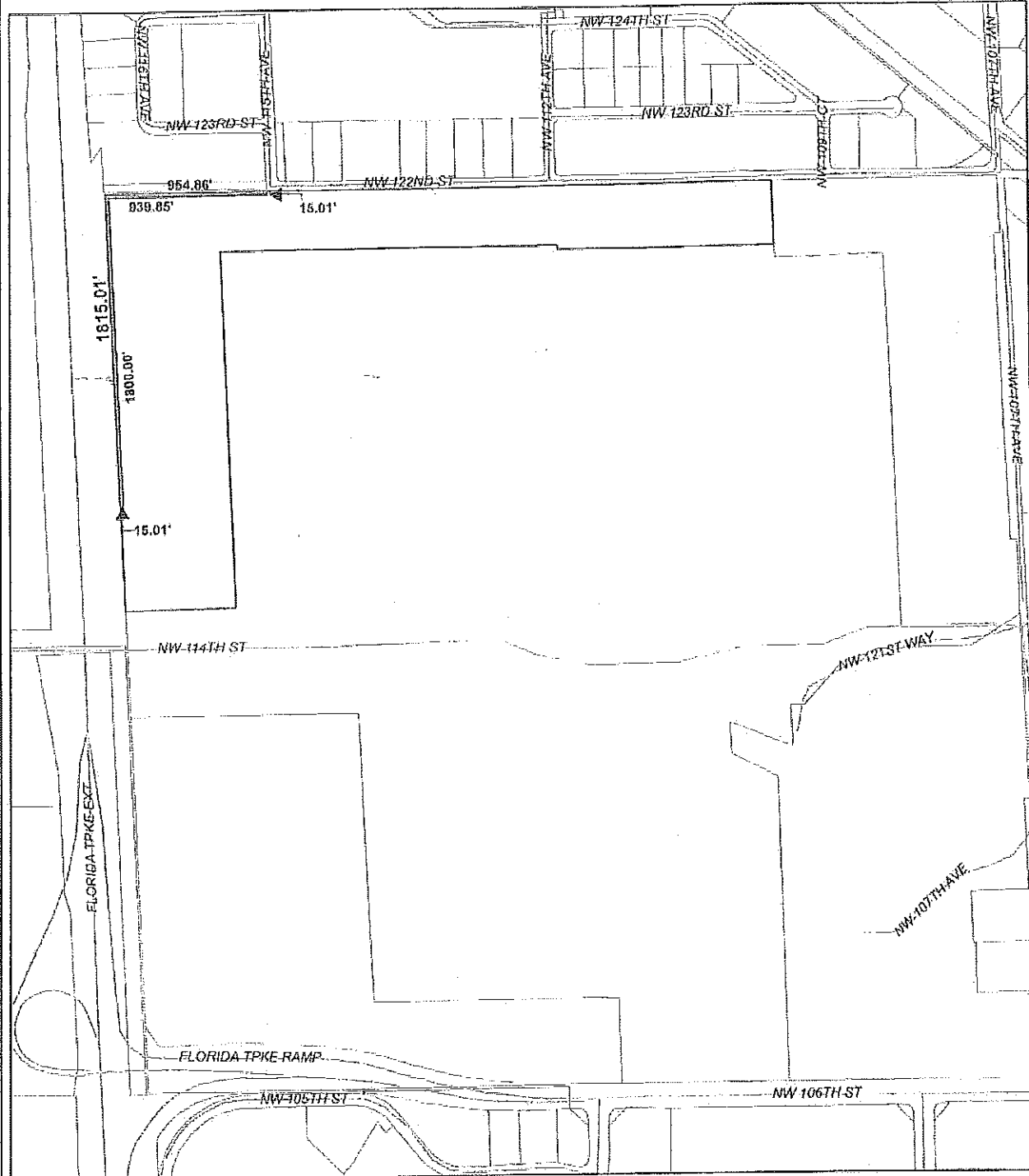
Approved by County Attorney as
to form and legal sufficiency.



Alex S. Bokor

Location Map

SECTION 31 TOWNSHIP 52 S RANGE 40 E



This is not a survey

P- 894

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Jose "Pepe" Diaz 12

SEC. 52-40-31

MIAMI-DADE COUNTY
Public Works & Waste Management Department
Land Development/Right-of-Way Division
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825

Date: March 14, 2012
Prepared by: jpm



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 or private 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 or land sought to be closed is as follows:

See Attached Exhibit A

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 or land was acquired and is evidenced in the following manner (state whether public interest acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

Acquired by Plat under the Florida Fruitlands Company's Subdivision No. 1, PB 2, Pg. 17.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey or location sketch accurately showing and describing the above described road, right-of-way or land and its location and relation to surrounding property, and showing all encroachments and utility easements.

See Attached Legal.

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon or adjacent to the above described road right-of-way. These firms or individuals have been advised in writing of the proposed closure.

PRINT NAME	FOLIO NO.	ADDRESS
Tarmac America LLC	30-2031-001-0040	455 Fairway Drive Deerfield Beach, FL 33441
Pan American North Business Maintenance Association, Inc.	22-2030-016-0460	150 Alhambra Circle, Suite 925 Coral Gables, FL 33134-4548
Miami-Dade County	None	111 N.W. 1st Street Miami, FL 33128
Florida's Turnpike Enterprise	None	P.O. Box 9828 613069 Rt. Lauderdale, FL 33310 Odeec 34961

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):

Theoretical NW 117th Avenue:

The existing road 15-foot R/W requested for vacation lies 850 feet north of NW 114th Street and south of NW 122nd Street in theoretical NW 117th Avenue. By the Miami-Dade County Code, this R/W is zoned as zero (0) feet. NW 117th Avenue cannot continue north of NW 122nd Street due to an existing 50-foot flow rights easement and private lot with no dedicated R/W. NW 117th Avenue abuts an existing Miami-Dade County Canal (Snapper Creek Canal) which is adjacent to the Florida Turnpike (SR 821). To the south, theoretical NW 117th Avenue lies in a rock mining area. This R/W is overlaid by a 130-foot Canal Maintenance Easement requested for release. The County will require dedication of a 50-foot canal R/W and 25-foot canal maintenance in its place. This proposed 50-foot canal R/W will overlay this 15-foot R/W requested for release. A new lake in a private industrial development will abut the canal R/W. Circulation within the project site will be provided on proposed NW 115th Avenue.

NW 122nd Street:

The existing 15-foot road R/W requested for vacation lies between NW 115th Avenue and the Florida Turnpike (SR 821). Its westward expansion is blocked by the Turnpike. North of the section line are a flow rights easement and private lot. To the south will be a new lake. This piece of theoretical NW 122nd Street will abut no lots, only a lake and flow rights easement (ditch). Thus, a public R/W here would lead to nowhere and serve no building tract or lot development.

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE

ADDRESS

[Handwritten Signature]
[Handwritten Signature]

Tarmac America LLC
455 Fairway Drive
Deerfield Beach, FL 33441

Pan American North Business Maintenance
Association, Inc.
150 Alhambra Circle, Suite 925
Coral Gables, FL 33134-4548

N.A.

Miami-Dade County
111 NW 1st Street
Miami, FL 33128

[Handwritten Signature]

Florida's Turnpike Enterprise
P.O. Box 9828 613069
Ft. Lauderdale, FL 33310-34761
OCBER

STATE OF FLORIDA)
) SS
BROWARD)

BEFORE ME, the undersigned authority, personally appeared J. Patrick Borders, 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.

[Handwritten Signature]
(Signature of Petitioner)

Sworn and subscribed to before me this

10th day of June, 2011

[Handwritten Signature]
Notary Public State of Florida at Large

My Commission Expires: 4/19/13

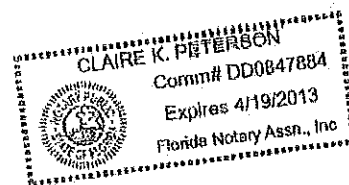


EXHIBIT "A"

LEGAL DESCRIPTION:

A portion of Section 31, Township 52 South, Range 40 East, in Miami-Dade County, Florida, described as follows:

Begin at the Northwest corner of said Section 31; thence **N89°27'50"E**, as basis of bearing, along the north line of the Northwest ¼ of said Section 31 for **954.86** feet; thence **S02°38'14"E** for **15.01** feet; thence **S89°27'50"W** for **939.85** feet to a point on a line **15.00** feet east of and parallel with the west line of the Northwest ¼ of said Section 31; thence **S02°37'28"E** along said line for **1800.00** feet; thence **S89°29'20"W** for **15.01** feet to the point of intersection with the west line of the Northwest ¼ of said Section 31; thence **N02°37'28"W** along said west line for **1815.01** feet to the Point of Beginning.

Containing 41,326 square feet or 0.95 acres, more or less.