MEMORANDUM

Agenda Item No. 5(B)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	April 2, 2013
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution granting petition to close SW 97 Avenue, from SW 360 Street to theoretical SW 346 Street (Road Closing Petition No. P-897)

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

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: April 2, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Road Closing Petition P-897
Section: 28-57-40
SW 97 Avenue, from SW 360 Street to theoretical SW 346 Street
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 Regulatory and Economic Resources, 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 property to this right-of-way at $3,875.74 per acre. Therefore, the estimated value of this right-of-way would be approximately $12,584.50. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $233.00 per year in additional property taxes. The fee for this road closing is $2,058.45.

Track Record/Monitor
PWWM is the entity overseeing this project and the person responsible for monitoring is Mr. Leandro Oña, P.E., Chief, Roadway Design and Right-of-Way Division.

Background
The Petitioner, Florida Power and Light Company, wishes to close SW 97 Avenue, from SW 360 Street to theoretical SW 346 Street, in order to incorporate the land into its property. The right-of-way being closed has never been improved or 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 1916, by the plat of MIAMI LAND AND DEVELOPMENT COMPANY, as recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned GU (Interim District) and IU-3 (Industry Unlimited District).

Alina T. Hudak,
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

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 Mayor'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)
4-2-13

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW 97 AVENUE, FROM SW 360 STREET TO THEORETICAL SW 346 STREET (ROAD CLOSING PETITION NO. P-897)

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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

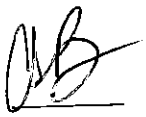
The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of April, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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.

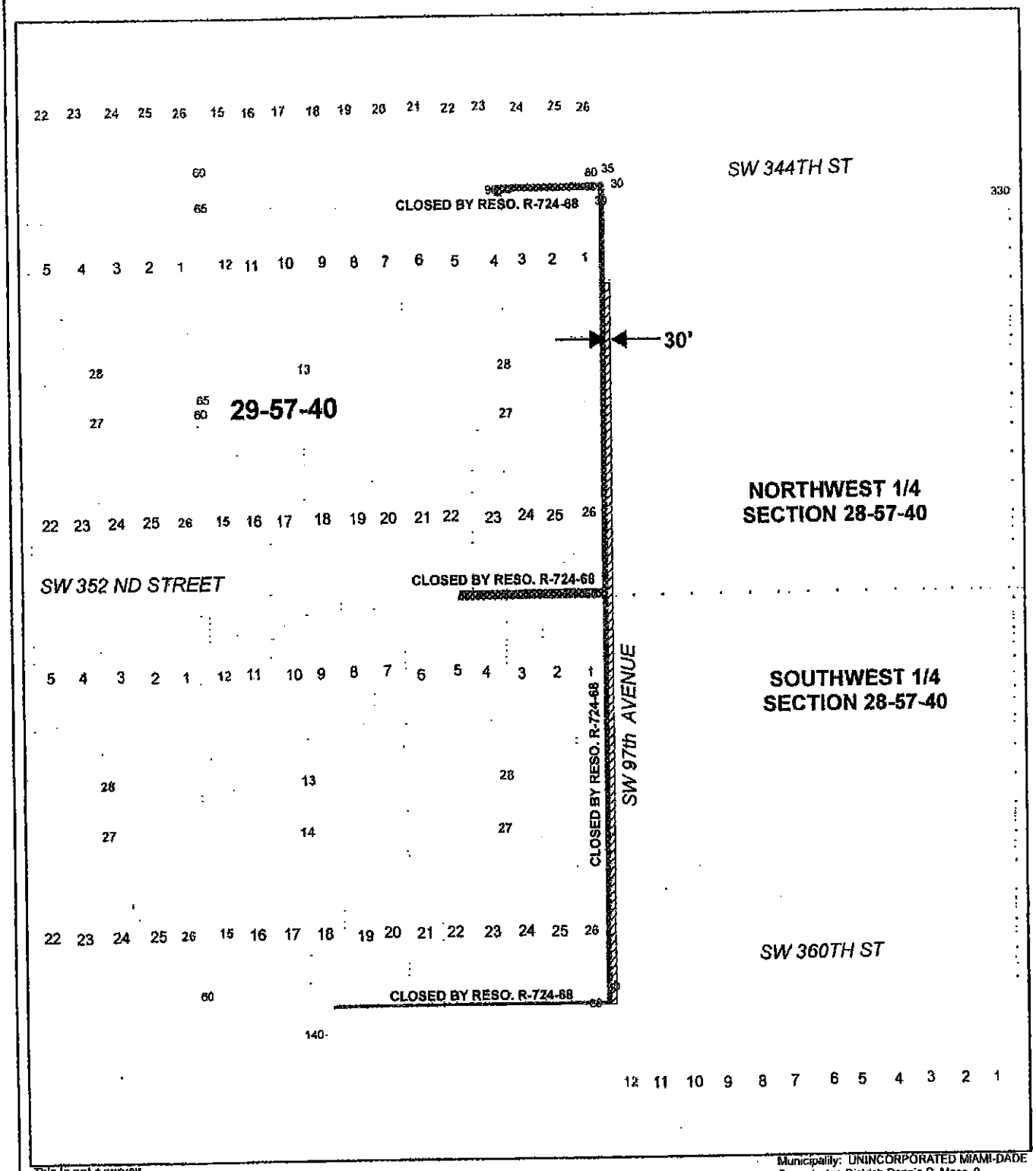


Alex S. Boker

Location Map

SECTION 28 ,TOWNSHIP 57 S , RANGE 40 E

N
NTS



This is not a survey

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

P-897

Legend

- P-897- Road Closing
- CLOSED BY RESO. R-724-68

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

Date: September 10,2012
Prepared by: jm

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:

See Attachment 1 – Sketch and Legal Description

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 legally described right-of-way ("Subject ROW") was dedicated by PLAT OF LANDS BELONGING TO THE MIAMI LAND AND DEVELOPMENT COMPANY, according to the plat thereof as recorded in Plat Book 5 at Page 10, Public Records of Miami-Dade County, Florida, in Section 28, Township 57 South, Range 40 East.

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.

See Attachment 1 – Sketch and Legal Description

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 NOs.	ADDRESS
Florida Power & Light Co.	**30 7028 000 0010** **30 7029 001 0011**	**700 Universe Blvd.** **Juno Beach, FL 33408**

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.

Florida Power & Light Company ("FPL") owns the properties abutting the Subject ROW and also owns all properties immediately south of the Subject ROW. These properties range in size from 136 acres to 1,200 acres. The adjoining portion of SW 97th Avenue north of the Subject ROW will remain dedicated and may be improved if and when required. As such, granting this petition will neither prevent access to and from properties owned by other property owners, nor adversely affect other property owners.

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 Subject ROW is the remaining 30-foot eastern half of a previously dedicated 60-foot right-of-way for the southernmost segment of SW 97th Avenue from SW 346th Street to SW 360th Street. The western 30-foot portion of the previously dedicated 60-right-of-way was closed pursuant to Miami-Dade County Resolution No. R-724-68 (O.R.B. 6901, Pg. 420). The Subject ROW is surrounded in all directions by land owned by FPL, and extends from the entry road to the industrial wastewater cooling canals at the FPL Turkey Point Power Plant. FPL has filed an application for public hearing (PH No. 12-090) proposing ancillary facilities associated with Turkey Point Units 6 & 7, approved by Resolution No. Z-56-07. These ancillary facilities would be located on or near the Subject ROW and public access through this area would create public safety concerns and power plant security issues. The Subject ROW does not extend south of SW 360th Street and no other property owners would be affected by its closure.

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE

[Officer of FPL]

ADDRESS

Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

Attorney for Petitioner: Jeffrey Bercow, Esq., Address: Bercow Radell & Fernandez, PA., 200 S. Biscayne Blvd., Suite 850, Miami, FL 33131.

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared RAY BUTTS, who first by me duly sworn, deposes and says that Florida Power & Light Company is one of the petitioners named herein and he/she signed the foregoing petition on behalf of Florida Power & Light Company; 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)

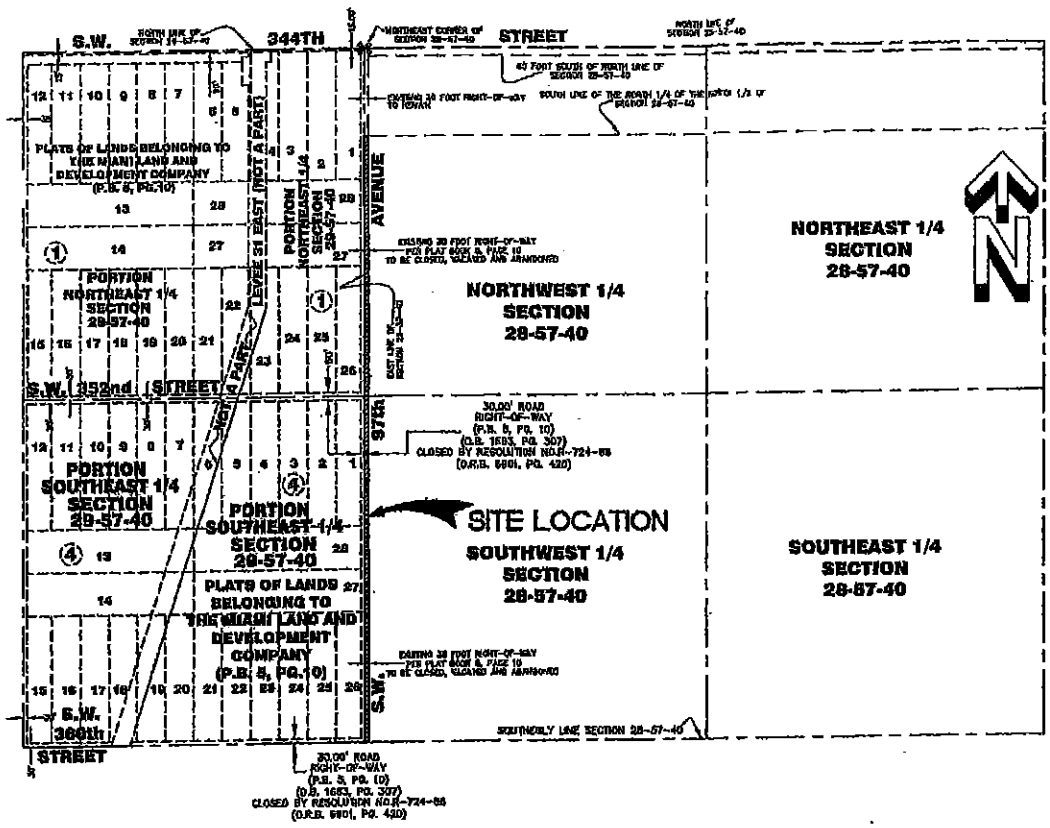
Attest
Lois M Sivia

Office Held: VICE PRESIDENT

Sworn to and subscribed to before me
This 5th day of September, 2012

Lois M. Sivia
Notary Public:
Commission Expires: 11/5/15

Notary Public State of Florida
Lois M Sivia
My Commission EE130697
Expires 11/05/2015



SECTIONS 28 AND EAST 1/2 OF 29 TOWNSHIP 57 SOUTH, RANGE 40 EAST,
MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

SURVEYOR'S NOTES:

1) –This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
2) –Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
3) –There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of ABSTRACT OF TITLE will be made to determine recorded instruments, if any affecting this property.
4) –North arrow direction and Bearings shown hereon are based on an assumed value N89°33'02"E, along the North Line of Section 29–57S–40E, Miami–Dade County, Florida.
5) –The Sketch and Legal Description shown herein is based on the information provided by the Client.
6) –No title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right of Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilizes for.

SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon. I further certify that this sketch was prepared in accordance with the applicable provisions of Chapter 5J–17 (Formerly Chapter 61G17–6), Florida Administrative Code.

Ford, Armenteros and Manucy, Inc. L.B. #6557

Date: MAY 29th, 2012.
Revision: NOVEMBER 26th, 2012 (ADD NOTE ON SHEET 2 OF 2).

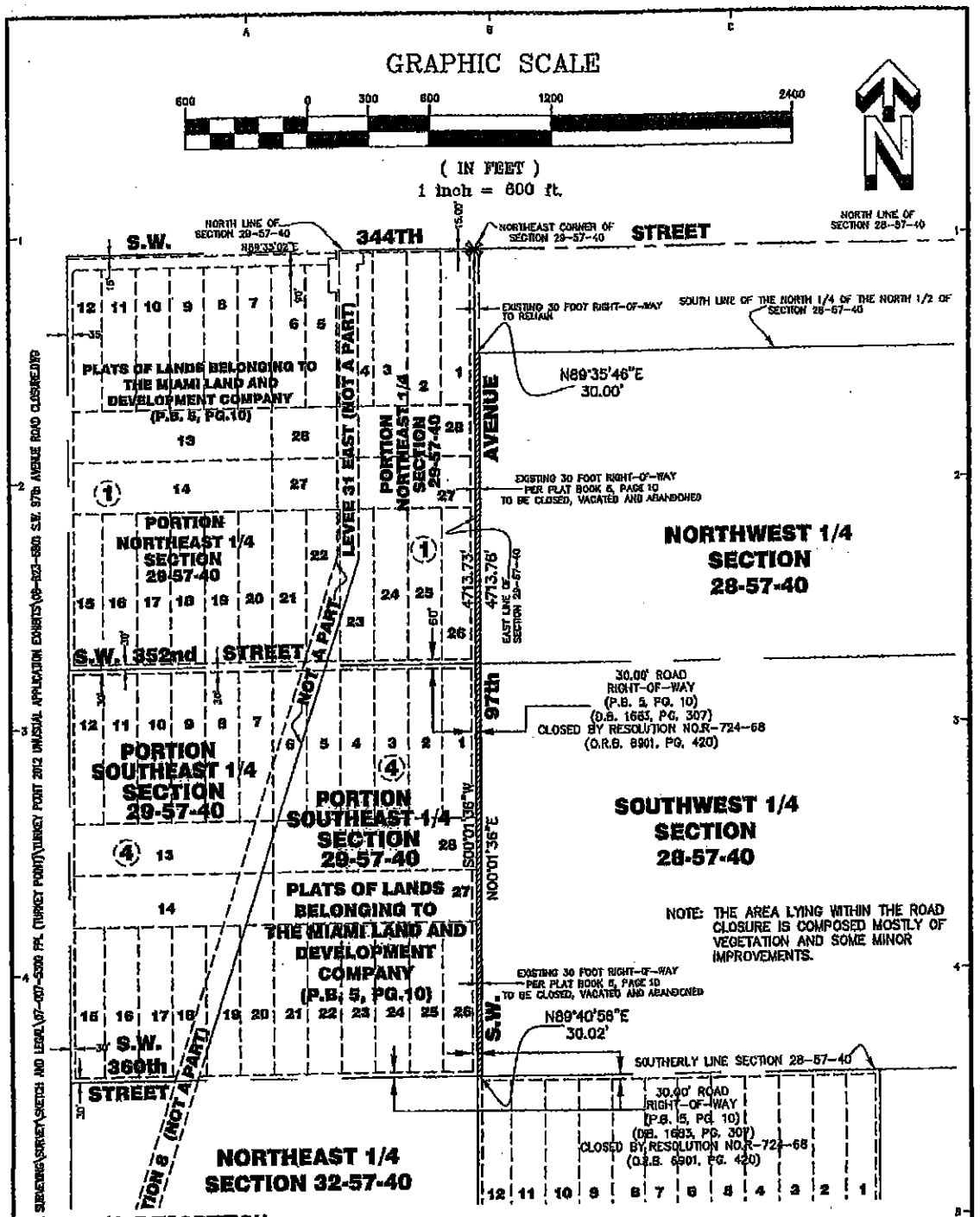
Ricardo Rodriguez, P.S.M., For the Firm
Professional Surveyor and Mapper
State of Florida, Registration No.5936

S.W. 97th AVENUE ROAD CLOSURE

FORD, ARMENTEROS & MANUCY, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION		
SHEET NAME:	LOCATION MAP AND SURVEYOR'S NOTES.		
PREPARED FOR:	"FLORIDA POWER & LIGHT COMPANY"		
DRAWN BY: R.RODRIGUEZ	DATE: MAY 29th, 2012.	SHEET: 1 OF 2 SHEETS	
DWG. CHECKED BY:	SCALE: AS SHOWN		
CHECKED BY:	PROJECT No: 08B023-5801		

CAD FILE:C:\FORD COMPANIES\ENGINEERING & SURVEYING\SURVEY\SKETCH AND LEGAL\07-002-5300 FPL (TURKEY POINT)\TURKEY POINT 2012 UNUSUAL APPLICATION EXHIBITS\08-023-5801 S.W. 97th AVENUE ROAD CLOSURE.DWG



LEGAL DESCRIPTION:

THAT PORTION OF THE WEST 30.00 FEET OF SECTION 28, TOWNSHIP 57 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, AS SHOWN ON PLATS OF LANDS BELONGING TO THE MIAMI LAND AND DEVELOPMENT COMPANY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, AT PAGE 10 OF THE PUBLIC RECORDS OF MIAMI-DDE COUNTY, FLORIDA. LYING SOUTH OF THE SOUTH LINE OF THE NORTH 1/4 OF THE NORTH 1/2 OF SAID SECTION 28

CONTAINING 141,459.72 SQUARE FEET OR 3.24 ACRES MORE OR LESS.

S.W. 97th AVENUE ROAD CLOSURE

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1950 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION
SHEET NAME:	SKETCH AND LEGAL DESCRIPTION
PREPARED FOR:	"FLORIDA POWER & LIGHT COMPANY"
DRAWN BY: R.RODRIGUEZ	DATE: MAY 29th, 2012
DBL CHECKED BY:	SCALE: AS SHOWN
CHECKED BY:	PROJECT No: 088023-5901
SHEET	2 OF 2 SHEETS