

# MEMORANDUM

Agenda Item No. 5(C)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** February 3, 2015

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

**SUBJECT:** Resolution granting petition to  
close NW 16 Street, NW 14  
Terrace, NW 13 Terrace and NW  
13 Street, between NW 129  
Avenue and NW 130 Avenue  
(Road Closing Petition  
No. P-906)

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

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** February 3, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Road Closing Petition P-906  
Section: 35-53-39  
NW 16 Street, NW 14 Terrace, NW 13 Terrace and NW 13 Street, Between NW  
129 Avenue and NW 130 Avenue  
Commission District: 12

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## **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 these rights-of-way being closed.

## **Scope**

This road closing is located within Commissioner José "Pepe" Díaz' District 12.

## **Fiscal Impact/Funding Source**

If these rights-of-way are closed and vacated, it will not affect the tax roll, since alternate roads will be dedicated by plat. 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. Leandro Oña, P.E., Chief, Roadway Engineering and Right-of-Way Division.

## **Background**

The petitioner, Philip L. Brawner, wishes to close NW 16 Street, NW 14 Terrace, NW 13 Terrace and NW 13 Street, between NW 129 Avenue and NW 130 Avenue, in order to incorporate the area into the proposed plat of "DCT COMMERCE CENTER", tentative plat number T-23510. The rights-of-way being closed have never been improved nor maintained by Miami-Dade County. The petitioner will also dedicate alternate roads for traffic continuity.

The subject rights-of-way were dedicated in 1926, by the plat of WESTERN MIAMI SECTION "A", recorded in Plat Book 27, Page 34, and WESTERN MIAMI SECTION "C", recorded in Plat Book 27, Page 54, of the Public Records of Miami-Dade County, Florida. The areas abutting the subject rights-of-way are zone GU (Interim District).

A handwritten signature in black ink, appearing to read "Alina T. Hudak".  
\_\_\_\_\_  
Alina T. Hudak  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** February 3, 2015

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

**SUBJECT:** Agenda Item No. 5(C)

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(C)  
2-3-15

RESOLUTION NO. \_\_\_\_\_

RESOLUTION GRANTING PETITION TO CLOSE NW 16 STREET, NW 14 TERRACE, NW 13 TERRACE AND NW 13 STREET, BETWEEN NW 129 AVENUE AND NW 130 AVENUE (ROAD CLOSING PETITION NO. P-906)

**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**, that (1) the closing of the aforementioned roads is contingent on the recording of the plat of DCT COMMERCE CENTER, tentative plat T-23510, such that in the event the plat is not approved this resolution becomes null and void; (2) the avenues, streets, roads, highways or other places used for travel as described in the attached petition are hereby vacated, abandoned and closed, and all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (5) the Clerk of the Board 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of February, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

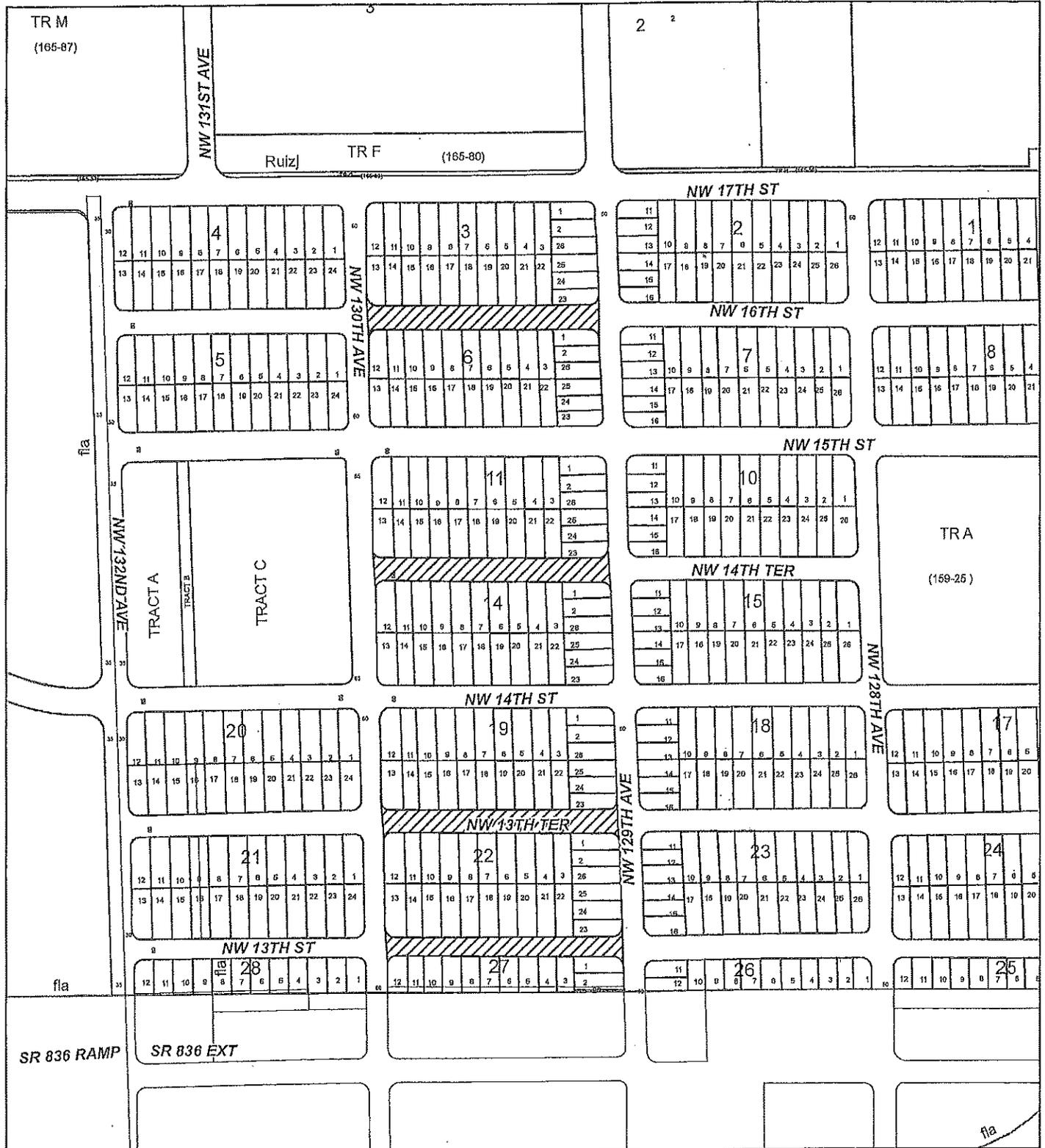


Alex S. Bokor



# Location Map

SECTION 35 TOWNSHIP 53 S RANGE 39 E



This is not a survey

**Legend**

- Road Closing
- MDC.Lot\_line
- Lots
- Lots

## P- 906

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

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

Date: April 22, 2014  
 Prepared by: ym

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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 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 Western Miami Section "A", PB 27, Pg. 34; and Western Miami Section "C", PB 27, Pg. 54.*

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 Special Purpose Survey, and Legal and Sketch of R/W areas labeled as Exhibit B.*

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

Philip L. Brawner

30-3935-003-0010

9100 School House Road  
Coral Gables, FL 33156

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):

*Seventh Street, Fifth Street, Third Street, Second Street, aka NW 16<sup>th</sup> Street, NW 14<sup>th</sup> Terrace, NW 13<sup>th</sup> Terrace, NW 13<sup>th</sup> Street, respectively:*

This property was originally platted with multiple small lots and the existing R/W was needed to provide access to those lots. However, the property will now be platted as three large tracts for warehouse building sites. The remaining public roads, NW 17<sup>th</sup> Street to the north, NW 15<sup>th</sup> Street, NW 14<sup>th</sup> Street, and the new proposed south R/W (replacing NW 13<sup>th</sup> Street), will provide adequate access to all sides of the proposed tracts and adjacent properties. Existing NW 129<sup>th</sup> Avenue and NW 130<sup>th</sup> Avenue provide north-south access to these tracts and adjacent lands.



EXHIBIT "A"

LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MIAMI-DADE, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

SEVENTH STREET (KNOWN AS NW 16th STREET) BETWEEN CHELSEA AVENUE (KNOWN AS NW 130th AVENUE) AND WALBROK AVENUE (KNOWN AS 129th AVENUE) AS SHOWN ON PLAT BOOK WESTERN MIAMI SECTION "A" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 27 AT PAGE 34 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. CONTAINING 36,739 S.F. OR 0.843 ACRES, MORE OR LESS.

FIFTH STREET (KNOWN AS NW 14th TERRACE) BETWEEN CHELSEA AVENUE (KNOWN AS NW 130th AVENUE) AND WALBROK AVENUE (KNOWN AS 129th AVENUE) AS SHOWN ON PLAT BOOK WESTERN MIAMI SECTION "A" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 27 AT PAGE 34 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. CONTAINING 36,743 S.F. OR 0.844 ACRES, MORE OR LESS.

THIRD STREET (KNOWN AS NW 13th TERRACE) BETWEEN CHELSEA AVENUE (KNOWN AS NW 130th AVENUE) AND WALBROK AVENUE (KNOWN AS 129th AVENUE) AS SHOWN ON PLAT BOOK WESTERN MIAMI SECTION "C" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 27 AT PAGE 54 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. CONTAINING 36,775 S.F. OR 0.844 ACRES, MORE OR LESS.

SECOND STREET (KNOWN AS NW 13th STREET) BETWEEN CHELSEA AVENUE (KNOWN AS NW 130th AVENUE) AND WALBROK AVENUE (KNOWN AS 129th AVENUE) AS SHOWN ON PLAT BOOK WESTERN MIAMI SECTION "C" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 27 AT PAGE 54 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. CONTAINING 36,802 S.F. OR 0.845 ACRES, MORE OR LESS.

# LEGAL AND SKETCH

EXHIBIT "B" PG. 1 OF 8

## SURVEYOR'S NOTES:

1. The survey map and report or the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. This sketch does not represent a land survey.
3. 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.

## LEGEND:

R/W Right of Way P.B. Plat Book PG. Page

## LEGAL DESCRIPTION:

SEVENTH STREET (KNOWN AS NW 16th STREET) BETWEEN CHELSEA AVENUE (KNOWN AS NW 130th AVENUE) AND WALBROK AVENUE (KNOWN AS 129th AVENUE) AS SHOWN ON PLAT BOOK WESTERN MIAMI SECTION "A" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 27 AT PAGE 34 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

## SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 5J-17.051, Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey.  
Ludovici and Orange Consulting Engineers Inc. L.B. #1012

By: \_\_\_\_\_

Arturo A. Sosa  
Surveyor and Mapper 2629  
State of Florida

THIS DOCUMENT CONSISTS OF TWO (2) SHEETS AND EACH SHEET NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHERS.

PROJ. NO: 2013 22

DATE: 3-13-14

DRAWN: BBL

CHECKED: AS

SCALE: AS NOTED



**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

NW 16th STREET  
R/W TO BE  
RELEASED

SHEET 1 OF 2 SHEETS

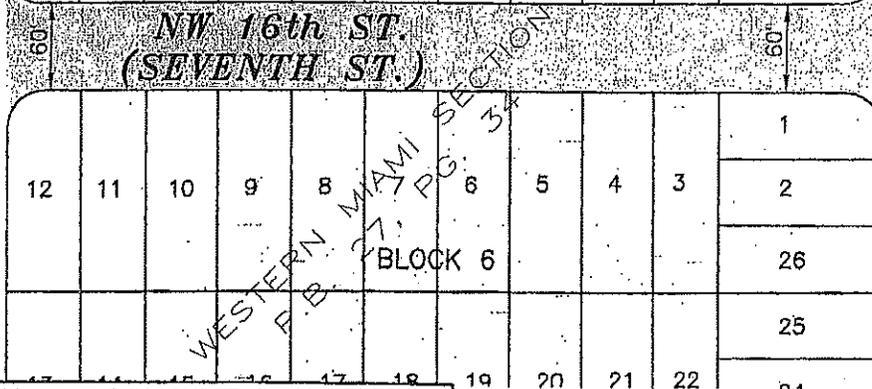
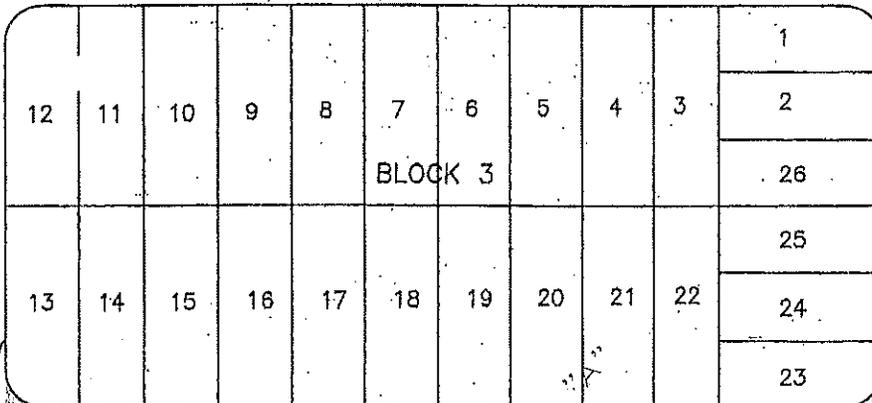
A B  
**SKETCH TO ACCOMPANY  
 LEGAL DESCRIPTION**

EXHIBIT "B" PG. 2 OF 8

**NW 17th STREET  
 (EIGHTH ST.)**

**NW 130th AVE. (CHELSEA AVE.)**

**NW 129th AVE. (WALBROK AVE.)**



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PROJ. NO: 2013 22    DATE: 3-13-14    DRAWN: BBL    CHECKED: AS    SCALE: NTS

**LUDOVICI & ORANGE**  
 CONSULTING ENGINEERS, INC.  
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NW 16th STREET  
 RW TO BE  
 RELEASED  
 SHEET 2 OF 2 SHEETS

12

# LEGAL AND SKETCH

EXHIBIT "B" Pg. 3 OF 8

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## LEGEND:

R/W Right of Way P.B. Plat Book PG. Page

## LEGAL DESCRIPTION:

FIFTH STREET (KNOWN AS NW 14th TERRACE) BETWEEN CHELSEA AVENUE (KNOWN AS NW 130th AVENUE) AND WALBROK AVENUE (KNOWN AS 129th AVENUE) AS SHOWN ON PLAT BOOK WESTERN MIAMI SECTION "A" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 27 AT PAGE 34 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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Ludovici and Orange Consulting Engineers Inc. L.B. #1012

By: 

Arturo A. Sosa  
Surveyor and Mapper 2629  
State of Florida

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DRAWN: BBL

CHECKED: AS

SCALE: AS NOTED



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CONSULTING ENGINEERS, INC.

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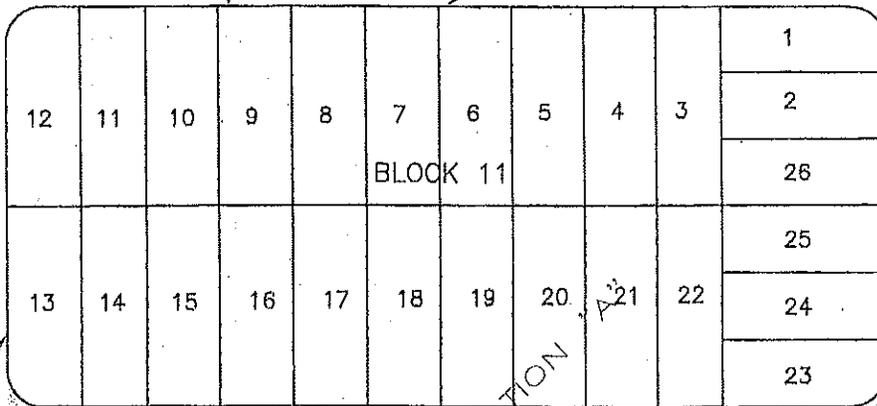
NW 14th TERRACE  
R/W TO BE  
RELEASED

SHEET 1 OF 2 SHEETS

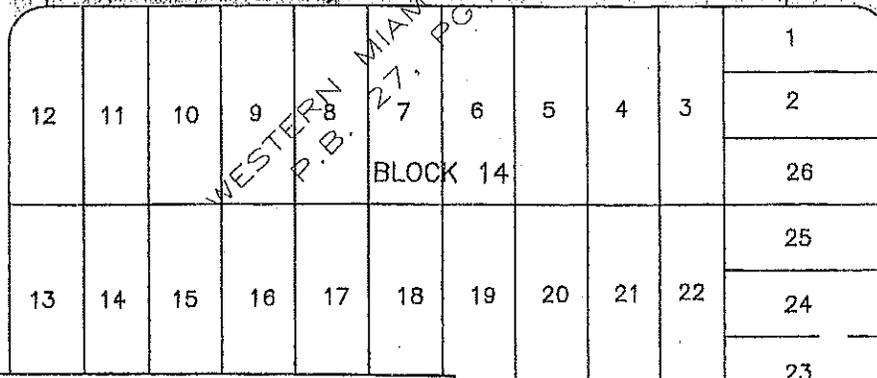
**SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION**

EXHIBIT "B" PG. 4 OF 8

**NW 15th STREET.  
(SIXTH ST.)**



**NW 14th TERR.  
(FIFTH ST.)**



**NW 130th AVE. (CHELSEA AVE.)**

**NW 129th AVE. (WALBROK AVE.)**



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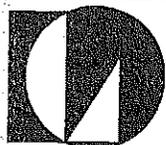
PROJ. NO: 2013 22

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DRAWN: BBL

CHECKED: AS

SCALE: NTS



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NW 14th TERRACE  
R/W TO BE  
RELEASED

SHEET 2 OF 2 SHEETS

# LEGAL AND SKETCH

EXHIBIT "B" PG. 5 OF 8

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## LEGEND:

R/W Right of Way P.B. Plat Book PG. Page

## LEGAL DESCRIPTION:

THIRD STREET (KNOWN AS NW 13th TERRACE) BETWEEN CHELSEA AVENUE (KNOWN AS NW 130th AVENUE) AND WALBROK AVENUE (KNOWN AS 129th AVENUE) AS SHOWN ON PLAT BOOK WESTERN MIAMI SECTION "C" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 27 AT PAGE 54 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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Ludovici and Orange Consulting Engineers Inc. L.B. #1012

By: \_\_\_\_\_

Arturo A. Sosa  
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State of Florida

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CHECKED: AS

SCALE: AS NOTED



**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

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NW 13th TERRACE  
R/W TO BE  
RELEASED

SHEET 1 OF 2 SHEETS

**SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION**

EXHIBIT "B" PG. 6 OF 8

13	14	15	16	17	18	19	20	21	22	24
										23

**NW 14th STREET  
(FOURTH ST.)**

										1
12	11	10	9	8	7	6	5	4	3	2
										26
										25
13	14	15	16	17	18	19	20	21	22	24
										23

BLOCK 19

**NW 13th TERR.  
(THIRD ST.)**

										1
12	11	10	9	8	7	6	5	4	3	2
										26
										25
										24
										23

BLOCK 22

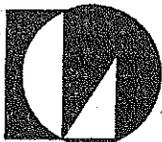
**NW 130th AVE. (CHELSEA AVE.)**

**NW 129th AVE. (WALBROK AVE.)**



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PROJ. NO: 2013 22 | DATE: 3-13-14 | DRAWN: BBL | CHECKED: AS | SCALE: NTS



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CONSULTING ENGINEERS, INC.

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NW 13th TERRACE  
R/W TO BE  
RELEASED

SHEET 2 OF 2 SHEETS

16

# LEGAL AND SKETCH

EXHIBIT "B" PG 7 OF 8

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## LEGEND:

R/W Right of Way P.B. Plat Book PG. Page

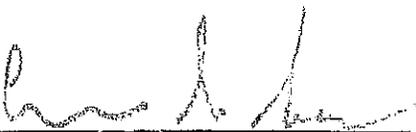
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By: \_\_\_\_\_

  
Arturo A. Sosa  
Surveyor and Mapper 2629  
State of Florida

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PROJ. NO: 2013 22

DATE: 3-13-14

DRAWN: BBL

CHECKED: AS

SCALE: AS NOTED



**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

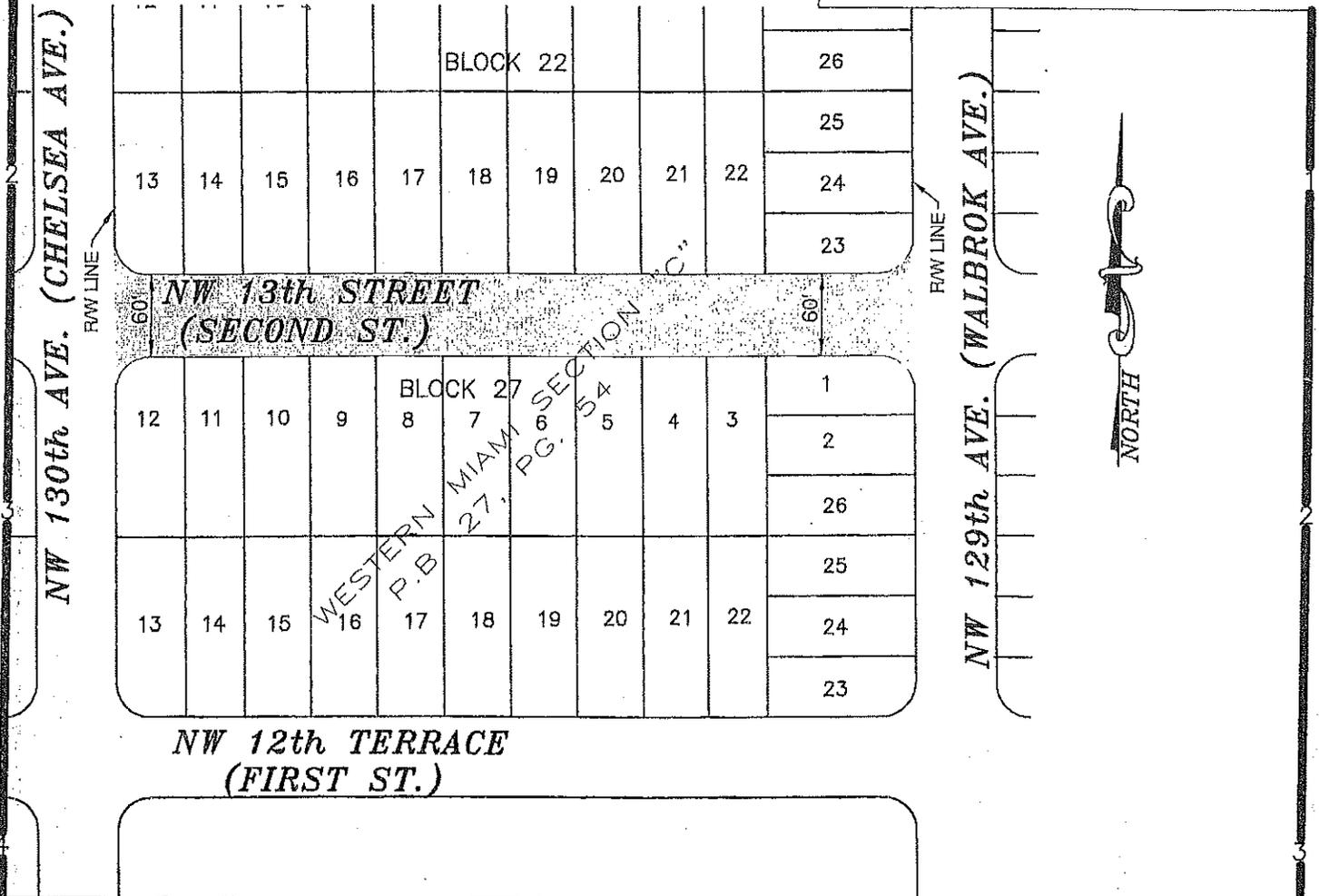
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NW 13th STREET  
R/W TO BE  
RELEASED

SHEET 1 OF 2 SHEETS

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "B" PG. 8 OF 8



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PROJ. NO: 2013 22 | DATE: 3-13-14 | DRAWN: BBL | CHECKED: AS | SCALE: NTS



**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

NW 13th STREET  
R/W TO BE  
RELEASED

SHEET 2 OF 2 SHEETS