MEMORANDUM

Agenda Item No. 5(C)

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

DATE: April 21, 2015

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

SUBJECT: Resolution granting petition to close the easterly 60.18 feet and the westerly 300 feet of the easterly 650 feet of the alley West of NE 7 Avenue, between NE 31 Street and NE 32 Street

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 Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

Memorandum

MIAMI-DADE COUNTY

Date: April 21, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Road Closing Petition P-910
Section: 30-53-42
Portions of Alley West of NE 7 Avenue, Between NE 31 Street and NE 32 Street
Commission District: 3

Recommendation
It is recommended that the Board of County Commissioners grant the requested 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 Audrey M. Edmonson's District 3.

Fiscal Impact/Funding Source
The Property Appraiser's Office has assessed the adjacent properties to these rights-of-way at $80.00 per square foot. Therefore, the estimated value of these rights-of-way would be approximately $321,760.00. If these rights-of-way are closed and vacated, the land will be placed on the tax roll, generating an estimated $6,002.00 per year in additional property taxes. The fee for this road closing is $32,976.00.

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 petitioners, PRH Paraiso Four, LLC and PRH NE 31 Street, LLC, wish to close the easterly 60.18 feet and the westerly 300 feet of the easterly 650 feet of the alley west of NE 7 Avenue, between NE 31 Street and NE 32 Street, in order to incorporate the abutting area into their properties. The rights-of-way requested to be closed have never been improved nor maintained by Miami-Dade County.

In 1945, Miami-Dade County acquired title to the alley by final decree of the Circuit Court. On December 10, 1946, at the request of the City of Miami, the Miami-Dade County Commission set aside and dedicated the subject property for Public Street or alley by Resolution No. 2347. On March 26, 1992, the City of Miami Commission disclaimed and renounced any interest in the alley by Resolution No. 92-204. The area surrounding the subject rights-of-way is zoned by the City of Miami T6-36A-L (Urban Core, 36-story maximum height limit).

Alina T. Hudak
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: April 21, 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)
4-21-15

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE THE EASTERLY 60.18 FEET AND THE WESTERLY 300 FEET OF THE EASTERLY 650 FEET OF THE ALLEY WEST OF NE 7 AVENUE, BETWEEN NE 31 STREET AND NE 32 STREET (ROAD CLOSING PETITION NO. P-910)

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 alley, avenue, street, 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) 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:

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 21st day of April, 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

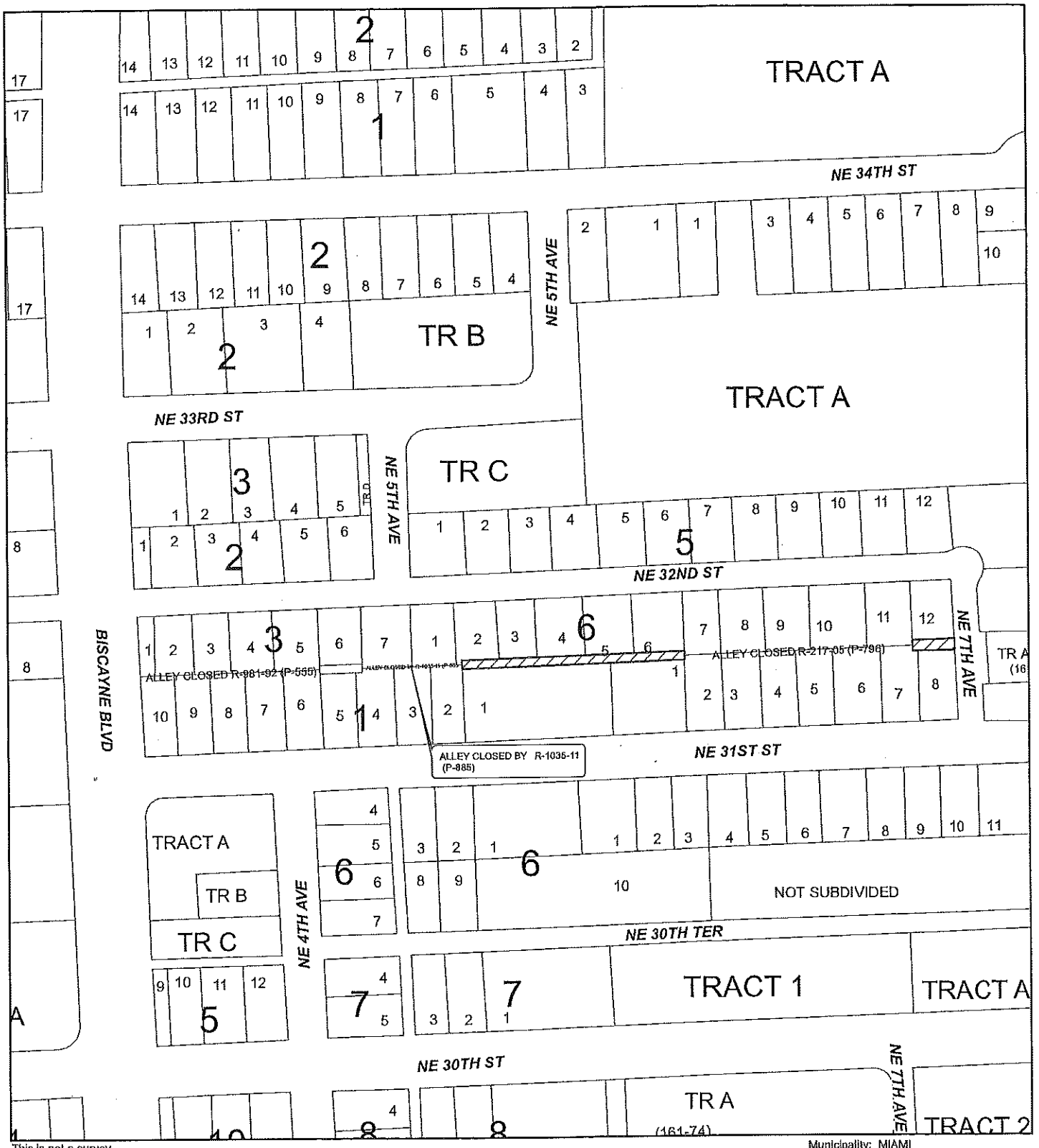
Approved by County Attorney as
to form and legal sufficiency.

Alex S. Bokor

Location Map

SECTION 30 TOWNSHIP 53 S RANGE 42 E

N
NTS



This is not a survey

Municipality: MIAMI
Commission District: Audrey M. Edmonson, 3

P- 910

Legend

Road Closing

MDC.Lot_line

Lots

Lots

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 26, 2014
Prepared by : vm

6

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 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 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 County acquired title to the Property in a Final Decree of the Circuit Court of the Eleventh Judicial Circuit of Florida, dated December 28, 1945, which is recorded in the Official Records Book 748 at Page 304, 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
PRH Paraiso Four, LLC	**01-3230-011-0170**	**436 NE 32nd Street**
PRH Paraiso Four, LLC	**01-3230-011-0180**	**444 NE 32nd Street**
PRH Paraiso Four, LLC	**01-3230-011-0190**	**450 NE 32nd Street**
PRH Paraiso Four, LLC	**01-3230-011-0200**	**460 NE 32nd Street**
PRH Paraiso Four, LLC	**01-3230-011-0210**	**478 NE 32nd Street**
PRH NE 31st Street, LLC	**01-3230-011-0220**	**Vacant**
PRH NE 31st Street, LLC	**01-3230-011-0230**	**Vacant**
PRH NE 31st Street, LLC	**01-3230-011-0270**	**3120 NE 7th Avenue**
PRH NE 31st Street, LLC	**01-3230-016-0030**	**Vacant**
PRH Paraiso Four, LLC	**01-3230-016-0020**	**501 NE 31st Street**
PRH Paraiso Four, LLC	**01-3230-016-0010**	**471 NE 31st Street**
PRH Paraiso Four, LLC	**01-3230-013-0010**	**461 NE 31st Street**
PRH Paraiso Four, LLC	**01-3230-013-0020**	**451 NE 31st Street**

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):

The alley in question was obtained by Miami Dade County in 1945 by Court Decree and set aside and dedicated as a street or alley by Resolution 2347. On March 26, 1992 the City of Miami Commission disclaimed and renounced any interest in the alley by Resolution No. 92-204. Additionally said alley has never been used as such by any abutting owner or governmental agency. The properties surrounding the "alley" are owned by the same owner and respectfully requests that the alley be closed.

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

SIGNATURE	ADDRESS
Carlos Rosso, Vice-President, PRH Paraiso Four, LLC and PRH NE 31st Street, LLC	315 Biscayne Blvd., Miami, FL 33131

Attorney for Petitioner: Iris V. Escarra

Address: Greenberg Traurig
333 Avenue of the Americas
Miami, FL 33131
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Carlos Rosso, 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

19 day of September, 2014

Notary Public State of Florida at Large

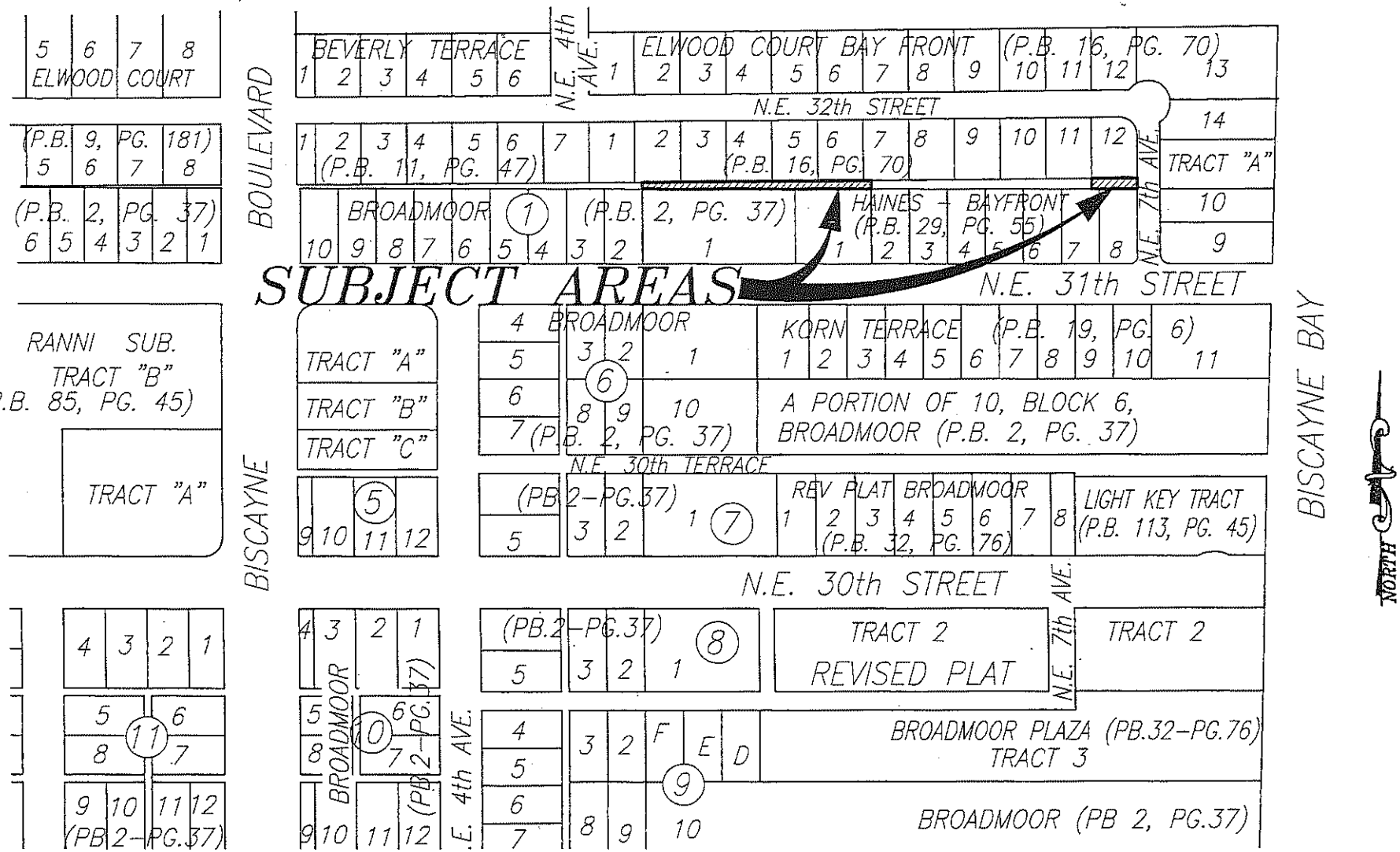
My Commission Expires:

MARISOL RODRIGUEZ
Notary Public - State of Florida
My Comm. Expires Sep 27, 2014
Commission # EE 30092

MIA 184045606v2

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LOCATION MAP – ALLEY TO BE CLOSED AND VACATED



Schwebke-Shiskin & Associates, Inc.
LAND SURVEYORS–ENGINEERS–LAND PLANNERS – 3240 CORPORATE WAY–MIRAMAR, FL 33025
PHONE No.(954)435–7010 FAX No. (954)438–3288

ORDER NO. 199356
DATE: AUGUST 11, 2014
THIS IS NOT A " BOUNDARY SURVEY"
CERTIFICATE OF AUTHORIZATION No. LB–87

PREPARED UNDER MY SUPERVISION:
MARK STEVEN JOHNSON SEC'Y & TREAS.
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

EXHIBIT "A"
SCALE 1"=150'
SHEET 1 OF 5 SHEETS

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LEGAL DESCRIPTION TO ACCOMPANY SKETCH

ALLEY TO BE CLOSED AND VACATED

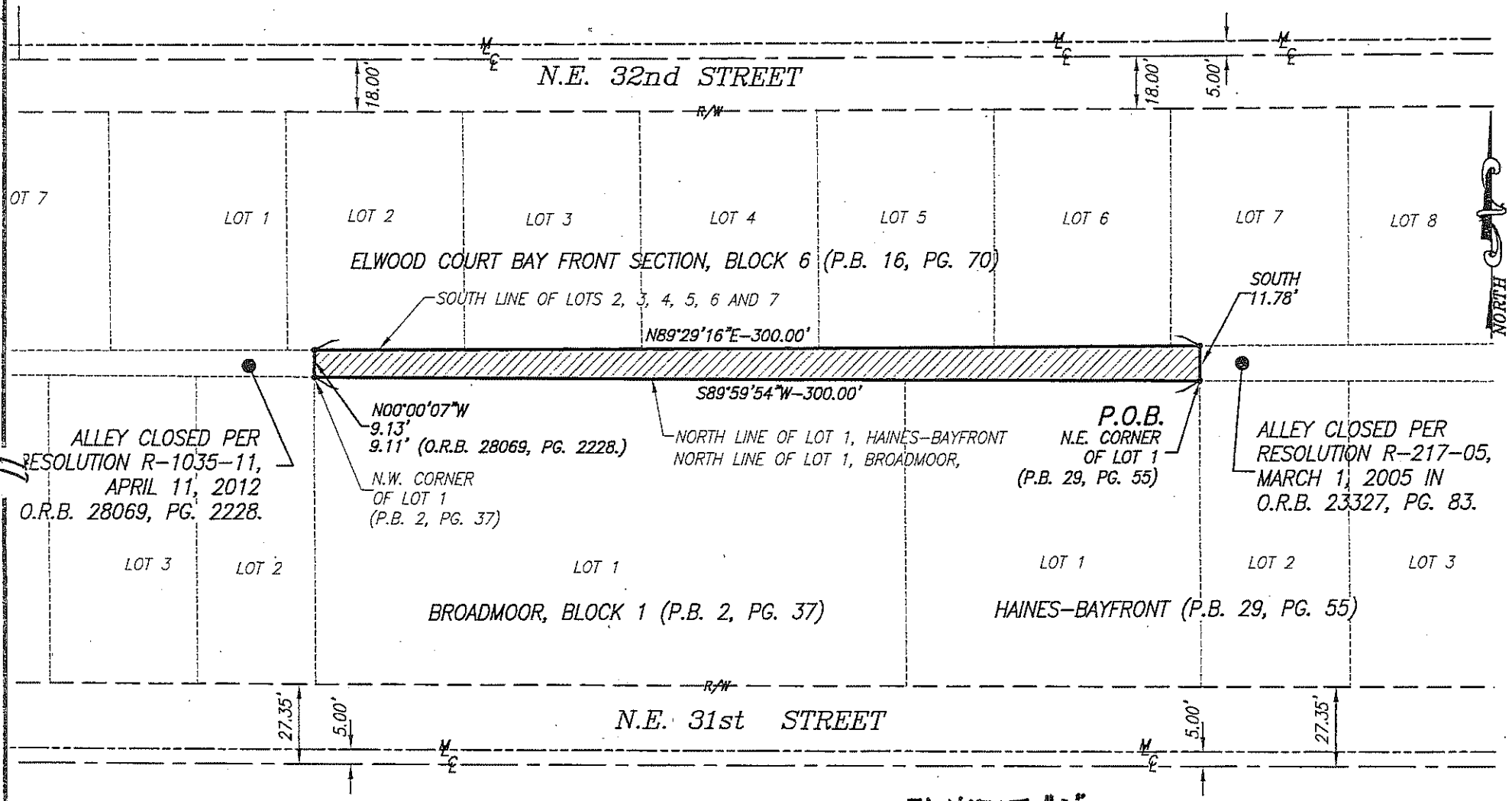

EXHIBIT "A"
SHEET 2 OF 5 SHEETS

SCALE 1"=50'

NOTE: THERE ARE NO IMPROVEMENTS ON THE SUBJECT SITE.

LEGEND:

℄	DENOTES CENTER LINE
M ℄	DENOTES MONUMENT LINE
P.B.	DENOTES PLAT BOOK
PG.	DENOTES PAGE
P.O.B.	DENOTES POINT OF BEGINNING
(M)	DENOTES MEASURED

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K:\305342\ELEMENT\LEGAL\dwg\ALLEY TO BE CLOSED 081114 - PARAISO THREE.dwg

LEGAL DESCRIPTION TO ACCOMPANY SKETCH

ALLEY TO BE CLOSED AND VACATED

A PARCEL OF UNPLATTED LAND LYING IN THE NORTHWEST QUARTER (N.W. 1/4) OF SECTION 30, TOWNSHIP 53 SOUTH, RANGE 42 EAST, CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA, ALSO BEING A PORTION OF THAT STRIP OF LAND LYING BETWEEN THE NORTH LINE OF "HAINES BAYFRONT" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 29, PAGE 55, THE NORTH LINE OF "BROADMOOR" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 37, AND THE SOUTH LINE OF BLOCK 6, "ELWOOD COURT BAY FRONT SECTION" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 16, PAGE 70, ALL OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID STRIP BEING DEDICATED FOR PUBLIC ALLEY BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA PER CLERK'S FILE V97857, DEED BOOK 2790 AT PAGE 358, RECORDED DECEMBER 11, 1946, THE SUBJECT PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF THE PREVIOUSLY MENTIONED PLAT OF "HAINES-BAYFRONT"; THENCE SOUTH 89 DEGREES 59 MINUTES 54 SECONDS WEST, ALONG THE NORTH LINE OF LOT 1 OF THE PREVIOUSLY MENTIONED PLAT OF "HAINES-BAYFRONT" AND THE NORTH LINE OF LOT 1 OF THE PREVIOUSLY MENTIONED PLAT OF "BROADMOOR", FOR 300.00 FEET TO THE N.W. CORNER OF LOT 1 OF THE PREVIOUSLY MENTIONED PLAT OF "BROADMOOR"; THENCE NORTH 00 DEGREES 00 MINUTES 07 SECONDS WEST, ALONG THE EAST LINE OF AN ALLEY CLOSED AND VACATED BY MIAMI-DADE COUNTY RESOLUTION R-1035-11, RECORDED IN OFFICIAL RECORD BOOK 28069 AT PAGE 2228 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR 9.13 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 16 SECONDS EAST, ALONG THE SOUTH LINE OF LOTS 2, 3, 4, 5, 6 AND 7, BLOCK 6 OF THE PREVIOUSLY MENTIONED PLAT OF "ELWOOD COURT BAY FRONT SECTION", FOR 300.00 FEET; THENCE DUE SOUTH, ALONG THE WEST LINE OF AN ALLEY CLOSED AND VACATED BY MIAMI-DADE COUNTY RESOLUTION R-217-05, RECORDED IN OFFICIAL RECORD BOOK 23327 AT PAGE 83 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR 11.78 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 3,140 SQUARE FEET MORE OR LESS.

LYING AND BEING IN SECTION 30, TOWNSHIP 53 SOUTH, RANGE 42 EAST, CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA.

NOTES:

1) BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF NORTH 89 DEGREES 29 MINUTES 16 SECONDS EAST, ALONG THE ALONG THE SOUTH LINE OF BLOCK 6 OF SAID PLAT OF "ELWOOD COURT BAY FRONT SECTION"

2) ORDERED BY: THE RELATED GROUP

3) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE EMBOSSED SEAL OF THE ATTESTING PROFESSIONAL LAND SURVEYOR.

Schwebke-Shiskin & Associates, Inc.

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EXHIBIT "A"

SHEET 3 OF 5 SHEETS

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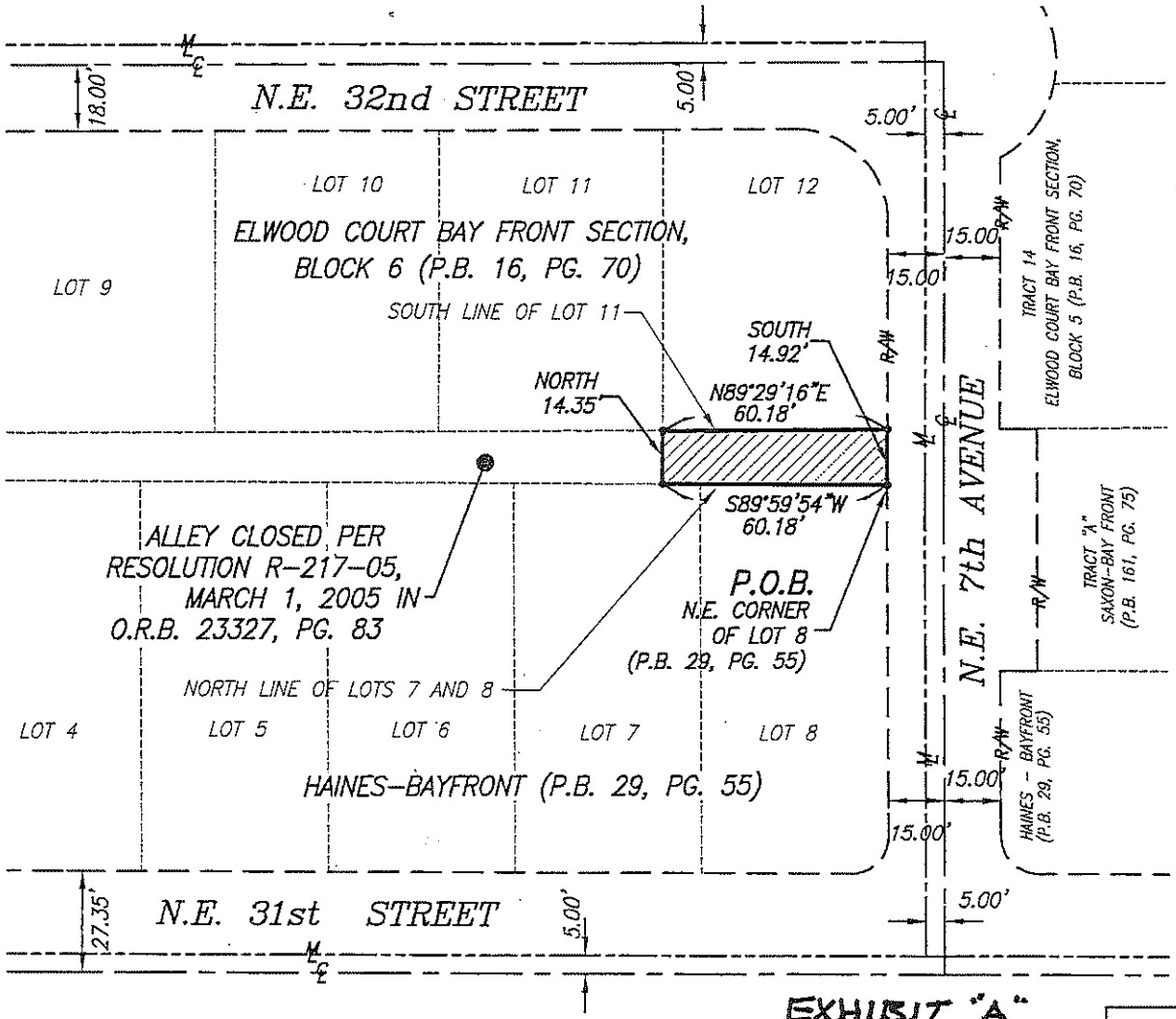
ALLEY TO BE CLOSED AND VACATED



NOTE: THERE ARE NO IMPROVEMENTS ON THE SUBJECT SITE.

EXHIBIT "A"
SHEET 4 OF 5 SHEETS

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13

LEGAL DESCRIPTION TO ACCOMPANY SKETCH

ALLEY TO BE CLOSED AND VACATED

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BEGINNING AT THE NORTHEAST CORNER OF LOT 8 OF THE PREVIOUSLY MENTIONED PLAT OF "HAINES-BAYFRONT"; THENCE SOUTH 89 DEGREES 59 MINUTES 54 SECONDS WEST, ALONG THE NORTH LINE OF LOTS 7 AND 8 OF THE PREVIOUSLY MENTIONED PLAT OF "HAINES-BAYFRONT", FOR 60.18 FEET; THENCE DUE NORTH, ALONG THE EAST LINE OF AN ALLEY CLOSED AND VACATED BY MIAMI-DADE COUNTY RESOLUTION R-217-05, RECORDED IN OFFICIAL RECORD BOOK 23327 AT PAGE 83 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR 14.35 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 16 SECONDS EAST, ALONG THE SOUTH LINE OF LOT 12, BLOCK 6 OF THE PREVIOUSLY MENTIONED PLAT OF "ELWOOD COURT BAY FRONT SECTION", FOR 60.18 FEET; THENCE DUE SOUTH, ALONG THE WEST RIGHT-OF-WAY LINE OF N.E. 7th AVENUE, FOR 14.92 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 882 SQUARE FEET MORE OR LESS.

LYING AND BEING IN SECTION 30, TOWNSHIP 53 SOUTH, RANGE 42 EAST, CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA.

NOTES:

1) BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF NORTH 89 DEGREES 29 MINUTES 16 SECONDS EAST, ALONG THE ALONG THE SOUTH LINE OF BLOCK 6 OF SAID PLAT OF "ELWOOD COURT BAY FRONT SECTION"

2) ORDERED BY: THE RELATED GROUP

3) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE EMBOSSED SEAL OF THE ATTESTING PROFESSIONAL LAND SURVEYOR.

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SHEET 5 OF 5 SHEETS

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