

MEMORANDUM

Agenda Item No. 5(I)

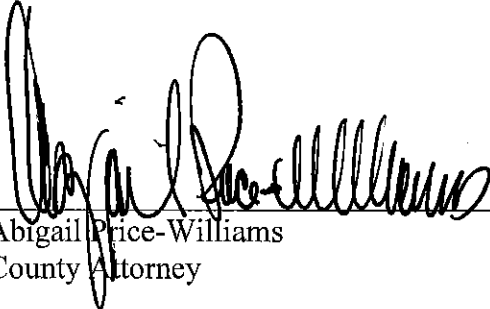
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution granting petition
to close NE 7 Avenue, from
NE 157 Terrace South for
approximately 464 feet; and
NE 157 Terrace, from NE 7
Avenue to NE 8 Avenue (Road
Closing Petition No. P-916)

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.



Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: September 7, 2016

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-916
Section: 18-52-42
A Portion of NE 7 Avenue, from NE 157 Terrace South for approximately 464 Feet and NE 157 Terrace, from NE 7 Avenue to NE 8 Avenue
Commission District: 2

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, Transportation and Public Works (DTPW), Fire Rescue and the City of North Miami Beach have no objection to these rights-of-way being closed.

Scope

This road closing is located within Commissioner Jean Monestime's District 2.

Fiscal Impact/Funding Source

All the properties abutting the rights-of-way to be abandoned are tax exempt. Therefore, granting of this petition will not result in an increase in revenue from property taxes.

Track Record/Monitor

DTPW 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, The School Board of Miami-Dade County, wishes to close NE 7 Avenue, from NE 157 Terrace South for approximately 464 feet and NE 157 Terrace, from NE 7 Avenue to NE 8 Avenue, for Parks Recreation and Open Spaces to preserve the trees and green space in the area, and to relocate tennis courts nearby. NE 7 Avenue and the western portion of NE 157 Terrace have never been improved; and the eastern portion of NE 157 Terrace is used as a Drop-off and parking area for Oak Grove Elementary School. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject rights-of-way were dedicated in 1957, recorded in Official Records Book 1970, Page 169, of the Public Records of Miami-Dade County, Florida. The area surrounding these rights-of-way is zoned RU-1 (Single Family Residential).

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: September 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(I)

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
- Statement of social equity 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

Agenda Item No. 5(I)

Veto _____

9-7-16

Override _____

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE NE 7 AVENUE, FROM NE 157 TERRACE SOUTH FOR APPROXIMATELY 464 FEET; AND NE 157 TERRACE, FROM NE 7 AVENUE TO NE 8 AVENUE (ROAD CLOSING PETITION NO. P-916)

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 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; save and except that the city of North Miami Beach shall have access to its utilities and nothing shall be constructed over them; (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

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of September, 2016. 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.

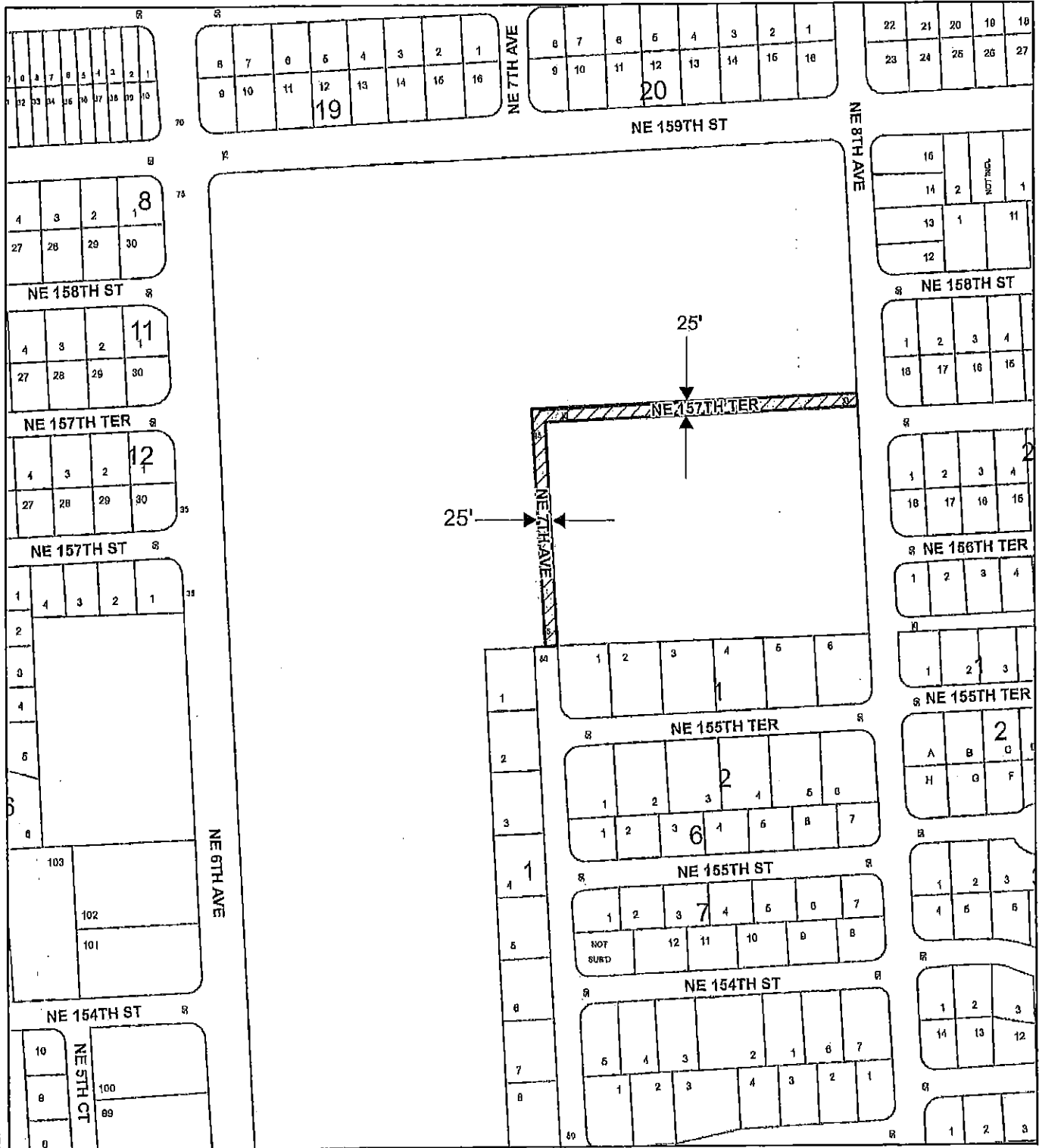


Alex S. Bokor



Location Map

SECTION 18 TOWNSHIP 52 S RANGE 42 E



This is not a survey

Legend

- P-916 Road Closing
- Lots
- Lots

P-916

Municipality: UNINCORPORATED MIAMI-DADE
Commissioner Jean Monestime, 2

MIAMI-DADE COUNTY
Public Works & Waste Management Department
Right-of-Way Division
111 NW 1st STREET, SUITE 1810, MIAMI FLORIDA 33120
PH (305) 375-2714 FAX (305) 375-2825

Date: August 18, 015
Prepared by: ym

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:

THE NORTH 25 FEET AND THE WEST 25 FEET OF A TRACT OF LAND LEGALLY DESCRIBED AS:

The South 130 feet of the Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 18, Township 52 South, Ranged 42 East, lying and being in Miami-Dade County, Florida;

AND

THE WEST 25 FEET OF A TRACT OF LAND LEGALLY DESCRIBED AS:

The North Half of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 18, Township 52 South, Ranged 42 East, lying and being in Miami-Dade County, Florida.

Containing 26,850 Square Feet or 0.62 Acres, more or less, by calculations.

FOR ADDITIONAL INFORMATION SEE EXHIBIT "A" ATTACHED 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):

Right of Way Deed dated June 6, 1957, recorded in Official Records Book 1970, Page 169, Miami-Dade County Records.

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-Dade County, Parks Recreation and Open Spaces Department</u>	<u>30-2218-004-0010</u>	<u>680 NE 159th Street, Miami, Florida 33162</u>
<u>School Board of Miami- Dade County</u>	<u>30-2218-004-0011</u>	<u>15700 NE 8th Avenue, Miami, Florida 33162</u>

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 portion of NE 7th Avenue where the adjoiners cited in Item No. 4 abuts, was never physically open to vehicular traffic and was not developed as a road since its dedication as a public road in 1957. Also, the road network to the south (NE 7th Avenue and NE 153rd Street) has never been fully improved, so there is little traffic nor demand from neighbors for additional traffic that would ensue from new road construction. NE 7th Avenue does not continue to next southern street, NE 152nd Street, nor does it continue further south to next collector street in neighborhood, NE 149th Street.

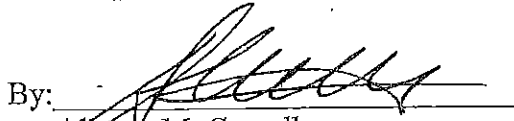
In the case of NE 157th Terrace, the western half is not developed as a public road, nor is physically open to vehicular traffic. The eastern half is currently used by Schools as a drop off and a parking area for Oak Grove Elementary School.

The main purpose of the proposed use of the vacated Right-of-Ways is for PROS to preserve the trees and green space in the area, and to relocate tennis courts nearby.

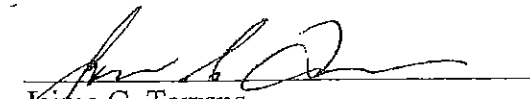
Finally, constructing additional roads (NE 7th Avenue, NE 157th Terrace) between the park and school would create more pedestrian conflicts, especially for children going to and from school and using the park after school hours.

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


**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY, FLORIDA**
15640 N.E. 8 Avenue
Unincorporated Miami-Dade County

By: 
Alberto M. Carvalho
Superintendent of Schools
Date: 7/30/15

RECOMMENDED:


Jaime G. Torrens
Chief Facilities Officer
Date: 7/22/15

**TO THE BOARD:
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**


School Board Attorney
Date: 07/24/15

The main purpose of the proposed use of the vacated Right-of-Ways is for PROS to preserve the trees and green space in the area, and to relocate tennis courts nearby.

Finally, constructing additional roads (NE 7th Avenue, NE 157th Terrace) between the park and school would create more pedestrian conflicts, especially for children going to and from school and using the park after school hours.

7. Signatures of all abutting property owners:

Respectfully submitted,

GP
B/B
SIGNATURE


Jack Kardys, Director
Miami-Dade County Parks, Recreation
And Open Spaces Department

ADDRESS
680 NE 159 Street

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY, FLORIDA**
15640 N.E. 8 Avenue
Unincorporated Miami-Dade County

By: _____
Alberto M. Carvalho
Superintendent of Schools

Date: _____

RECOMMENDED:

Jaime G. Torrens
Chief Facilities Officer
Date: _____

**TO THE BOARD:
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

School Board Attorney
Date: _____

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
A PORTION OF NE 7th AVENUE AND NE 157th TERRACE RIGHT OF WAYS
TO BE CLOSED, ABANDONED AND VACATED
EXHIBIT "A"

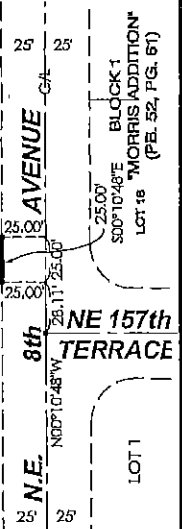
MIAMI DADE COUNTY PARKS & RECREATION SITE
 PORTION OF THE NORTHWEST 1/4,
 OF THE SOUTHEAST 1/4
 OF SECTION 18-52 S-42 E

S89°52'47"E 635.37'



25' RIGHT-OF-WAY DEDICATION
 PER RIGHT OF WAY DEED
 (O.R.B. 1970, PG. 169)

MIAMI-DADE COUNTY PUBLIC SCHOOLS SITE
 PORTION OF THE NORTHWEST 1/4,
 OF THE SOUTHEAST 1/4
 OF SECTION 18-52 S-42 E



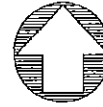
MIAMI DADE COUNTY PARKS & RECREATION SITE
 PORTION OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4
 OF SECTION 18-52 S-42 E



25' RIGHT-OF-WAY DEDICATION
 PER RIGHT OF WAY DEED
 (O.R.B. 1970, PG. 169)

MIAMI-DADE COUNTY PUBLIC SCHOOLS SITE
 PORTION OF THE NORTHWEST 1/4,
 OF THE SOUTHEAST 1/4
 OF SECTION 18-52 S-42 E

S89°40'31"E
 25.00'



SCALE
 1" = 100'

**LEGAL DESCRIPTION OF PORTION OF RIGHT OF WAY TO BE CLOSED,
 ABANDONED AND VACATED:**

THE NORTH 25 FEET AND THE WEST 25 FEET OF A TRACT OF LAND LEGALLY DESCRIBED AS:

The South 130 feet of the Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 18, Township 52 South, Ranged 42 East, lying and being in Miami-Dade County, Florida;

AND

THE WEST 25 FEET OF A TRACT OF LAND LEGALLY DESCRIBED AS:

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Containing 26,850 Square Feet or 0.62 Acres, more or less, by calculations.

LEGEND:

- O.R.B. = OFFICIAL RECORDS BOOK
- PG. = PAGE
- C/L = CENTERLINE

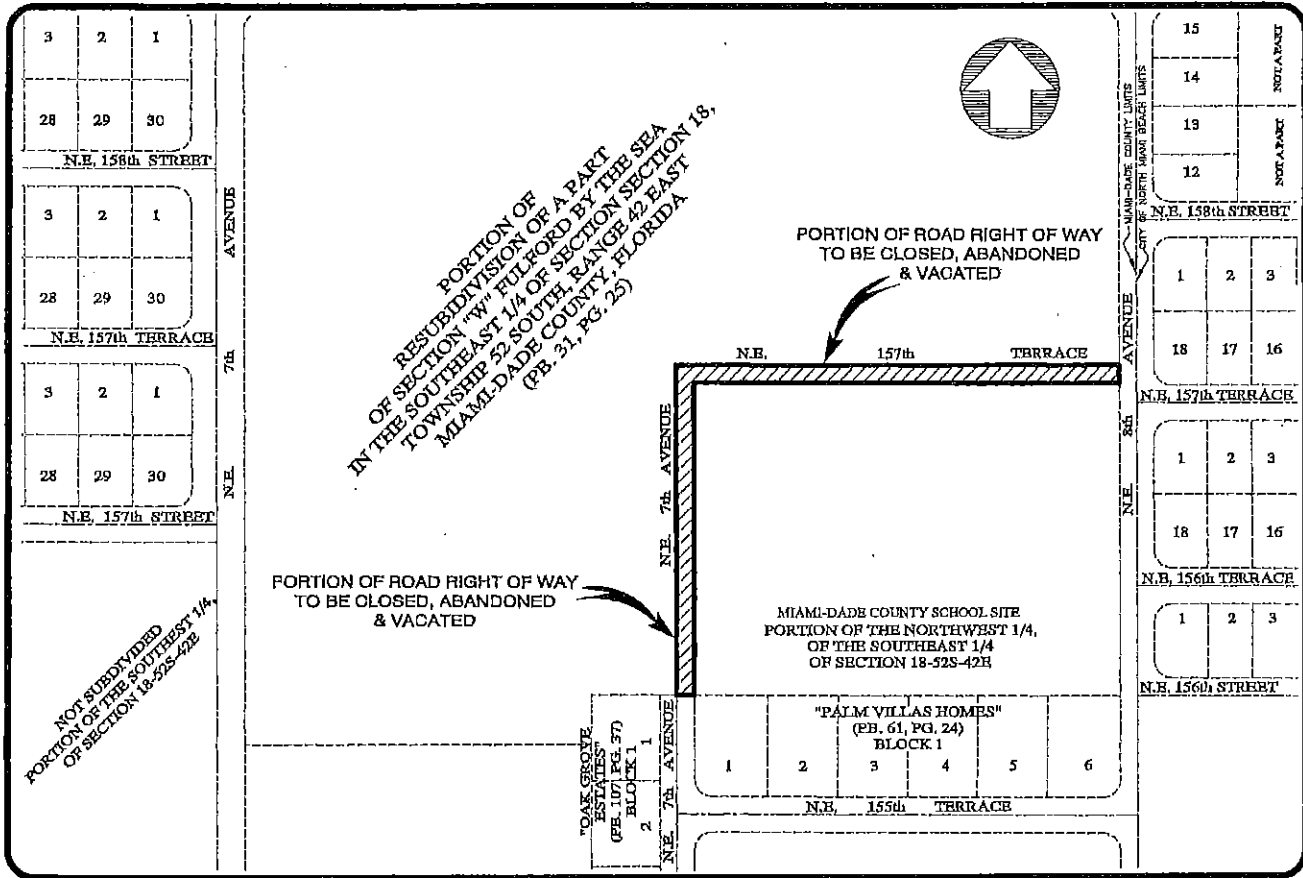
LONGITUDE
 SURVEYORS

3900 NW 79th AVENUE, SUITE 601
 DORAL, FL. 33166
 PHONE: (305) 463-0912 FAX: (305) 513-5680
 WWW.LONGITUDESURVEYORS.COM

NOTICE: Not full and complete without all two (2) pages.

JOB NO.: 13190
 PAGE 1 OF 2

SKECTH TO ACCOMPANY LEGAL DESCRIPTION
A PORTION OF NE 7th AVENUE AND NE 157th TERRACE RIGHT OF WAYS
TO BE CLOSED, ABANDONED AND VACATED
EXHIBIT "A"



LOCATION MAP (NOT TO SCALE)

PERTINENT INFORMATION USED FOR THE PREPARATION OF THIS DOCUMENT:

The Legal Description of the Subject Parcel was generated from the following record document:
 1. Right of Way Deed dated June 6, 1957, recorded in Official Records Book 1970, Page 169, Miami-Dade County Records.

Bearings as shown hereon are based upon the South Right of Way Line of the NE 157th Terrace, with an assumed bearing of S89°52'47"E.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than what appears on the underlying Plat of record. Please refer to the Limitations Item with respect to possible restrictions of record and utility services.

RESTRICTIONS:

Since no other information were furnished other than what is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on this Sketch or contained within this report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify that this "Sketch to Accompany Legal Description" and the Survey Map resulting therefrom was performed under my direction and is true and correct to the best of my knowledge and belief and further, that said "Sketch to Accompany Legal Description" meets the intent of the applicable provisions of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 through 5J-17.052 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

LONGITUDE SURVEYORS LLC., a Florida Limited Liability Company
 Florida Certificate of Authorization Number LB7335

By: Jose Senas Date: 06/09/14
 Jose Senas, PSM
 Registered Surveyor and Mapper LS5938
 State of Florida

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.

NOTICE: Not full and complete without all two (2) pages.
 L:\13190 Oak Grove Park, North Miami, FL\copy\Sketch and Logo\13190 SL 06-04-14.dwg 6/9/2014 11:17:00 AM EDT

JOB NO.: 13190
 PAGE 2 OF 2

LONGITUDE
 SURVEYORS

3900 NW 79TH AVENUE, SUITE 601
 DORAL, FL. 33166
 PHONE:(305)463-0912 FAX:(305)513-5680
 WWW.LONGITUDESURVEYORS.COM