

MEMORANDUM

Agenda Item No. 5(J)

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 a portion of SW 125
Avenue, from SW 194 Street
north for approximately 637 feet
(Closing Petition No. P-922)

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



Abigail Price-Williams *jer*
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
Subject: Road Closing Petition P-922,
Commission District: 9

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, written over a horizontal line.

Recommendation

It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The Miami-Dade County (County) Departments of Regulatory and Economic Resources, Transportation and Public Works (DTPW), Water and Sewer, and Fire Rescue have no objection to this right-of-way being closed.

Scope

This road closing is located within Commissioner Dennis C. Moss' District 9.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$165,000.00 per acre. Therefore, the estimated value of this right-of-way would be approximately \$12,072.00. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$220.00 per year in additional property taxes. The fee for this road closing is \$3,167.20.

Track Record/Monitor

DTPW is the entity overseeing this project and the person responsible for monitoring is Leandro Oña, P.E., Chief Roadway Engineering and Right-of-Way Division.

Background

The petitioner, Charter Venture Eureka, LLC, wishes to close a portion of SW 125 Avenue, from SW 194 Street North for approximately 637 feet in order to incorporate the area into the proposed plat of "GRACE BAPTIST CHURCH SUBDIVISION", tentative plat number T-23496. The portion being closed is in excess of the total zoned right of way. As such, closing this portion of right of way, will align the petitioner's plat with the plat of GUEVAL SUBDIVISION SECTION TWO, recorded in Plat Book 95, Page 73, of the Public Records of Miami-Dade County, Florida, located immediately to the north.

The subject right-of-way was dedicated in 1989, by a deed recorded in Official Records Book 14228, Page 2593, of the Public Records of Miami-Dade County, Florida. This right-of-way is zoned EU-M (Estate-Modified), which is generally characterized by single-family residences, workforce housing and, under certain conditions, group homes.

A handwritten signature in black ink, appearing to read "Alina T. Hudak". The signature is written in a cursive style over a horizontal line.

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(J)

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(J)

9-7-16

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF SW 125 AVENUE, FROM SW 194 STREET NORTH FOR APPROXIMATELY 637 FEET (CLOSING PETITION NO. P-922)

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 road described in the attached memorandum is contingent on the recording of the plat of "GRACE BAPTIST CHURCH SUBDIVISION", tentative plat T-23496, that in the event the plat is not approved this resolution shall become null and void; (2) 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; (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 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 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.

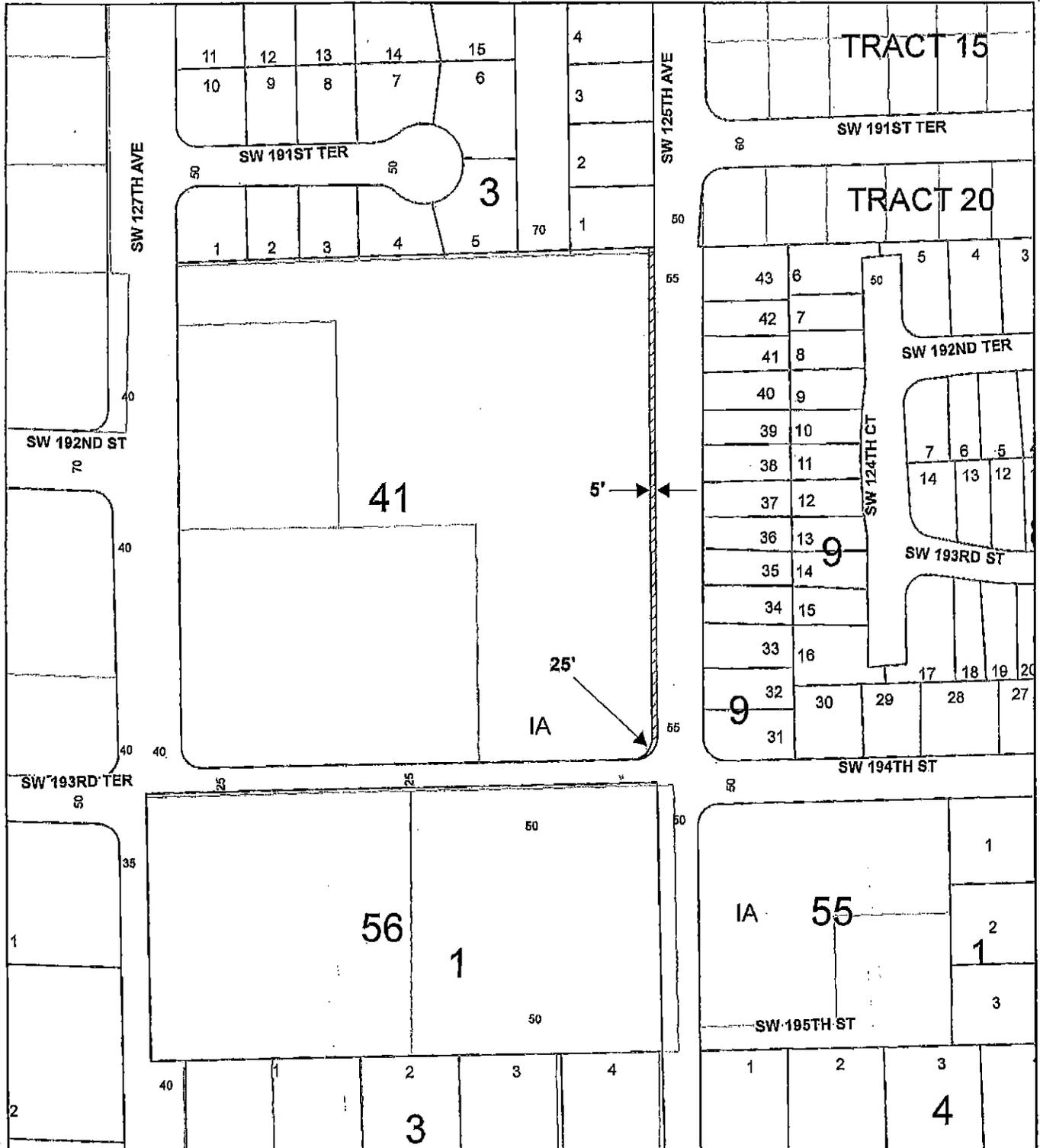


Alex S. Bokor



Location Map

SECTION 1 TOWNSHIP 56 S RANGE 39 E



This is not a survey

Legend

- Road Closing
- MDC.Lot_line
- Lots
- Lots

P- 922

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

MIAMI-DADE COUNTY
 Department of Transportation & Public Works
 Right-of-Way
 111 NW 1st STREET, SUITE 1810, MIAMI FLORIDA 33128
 PH (305) 375-2714 FAX (305) 375-2825

Date: March 16, 2016
Prepared by: ym

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:

A portion of Lot 41 of PERRINE GRANT SUBDIVISION of Section 1, Township 56 South, Range 39 East, according to the plat thereof as recorded in Plat Book 3, Page 141, of the Public Records of Miami-Dade County, Florida, described as follows:

The west 5 feet of the east 25 feet of said Lot 41, less the south 25 feet thereof, and the external area of a 25 foot radius arc concave to the northwest, said arc being tangent to the north line of the south 25 feet and to the west line of the east 25 feet of said Lot 41; Less the external area of a 25 foot radius arc concave to the northwest, said arc being tangent to the north line of the south 25 feet and to the west line of the east 20 feet of said Lot 41. Containing an area of 3,187 square feet, more or less.

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described right-of-way was acquired and is evidenced in the following manner: **The right-of-way was dedicated to the County, in 1989, by a deed recorded in Official Records Book 14228, Page 2593, 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.

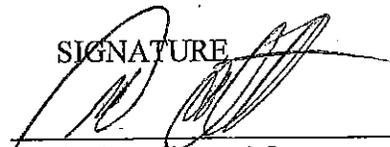
PRINT NAME	FOLIO NO.	ADDRESS
Charter Venture Eureka, LLC	30-6901-005-0150	13911 SW 42 Street, Suite 209 Miami, Florida 33175

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 right-of-way which is the subject of this Petition is being replatted. [See Tentative Plat No. 23496]. Said right-of-way is no longer needed by Miami-Dade County for roadway travel purposes, and is to be acquired by the new plat. Additionally, the granting of this Petition will not prevent other property owners from having access to and from their properties and no other property owners in the vicinity will be adversely affected.

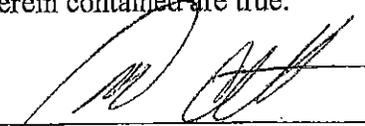
7. Signatures of all abutting property owners: Respectfully submitted,

SIGNATURE	ADDRESS
 _____ Mario Castellanos, Manager Charter Venture Eureka, LLC	_____ 13911 SW 42 nd Street, Suite 209 Miami, Florida 33175
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Attorney for Petitioner: Juan J. Mayol, Jr., Esq.
Address: Holland & Knight, LLP
701 Brickell Avenue, Suite 3300
Miami, Florida 33131

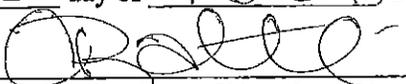
STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Mario Castellanos, Manager, Charter Venture Eureka, LLC, 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

15 day of March, 2016


Notary Public State of Florida at Large

My Commission Expires: 9-14-19

