

MEMORANDUM

Agenda Item No. 5(D)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 22, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution granting petition to
close the alley south of SW 80
Street, from SW 69 Avenue to
SW 70 Avenue (Road Closing
Petition No. P-913)

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.



Abigail Price-Williams
County Attorney


APW/smm

Memorandum



Date: February 22, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Road Closing Petition P-913
Section: 35-54-40
Alley South of SW 80 Street, from SW 69 Avenue to SW 70 Avenue
Commission District: 7

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), Water and Sewer, and Fire Rescue have no objection to this right-of-way being closed.

Scope

This road closing is located within District 7, which is represented by Commissioner Xavier Suarez.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent properties to this right-of-way at an average of \$37.50 per square foot; therefore, the estimated value of this right-of-way would be approximately \$157,837.50. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll generating an estimated \$2,882 per year in additional property taxes. The fee for this road closing is \$16,583.75.

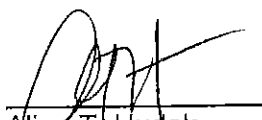
Track Record/Monitor

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

Background

The petitioner, CCER Investment, LLC, wishes to close the alley south of SW 80 Street, from SW 69 Avenue to SW 70 Avenue, in order to incorporate the land into their property. The alley is not being used for its intended purposes, is gated on both ends, and does not have the entrance cut along SW 70 Avenue. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject right-of-way was dedicated in 1953, by the plat of "LUDLAM-GROVES ADDITION", recorded in Plat Book 56, Page 20, of the Public Records of Miami-Dade County, Florida. The area surrounding this right-of-way is zoned IU-1 (Industrial District, Light Manufacturing).


Alina T. Hudak
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 22, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(D)

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
Veto _____
Override _____

Agenda Item No. 5(D)
2-22-17

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE THE
ALLEY SOUTH OF SW 80 STREET, FROM SW 69 AVENUE
TO SW 70 AVENUE (ROAD CLOSING PETITION NO. P-913)

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; save and except that a 15-foot easement, lying 7.50 feet on each side of the centerline of the aforementioned alley, is reserved for the Miami-Dade County Water and Sewer Department; (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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of February, 2017. 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.

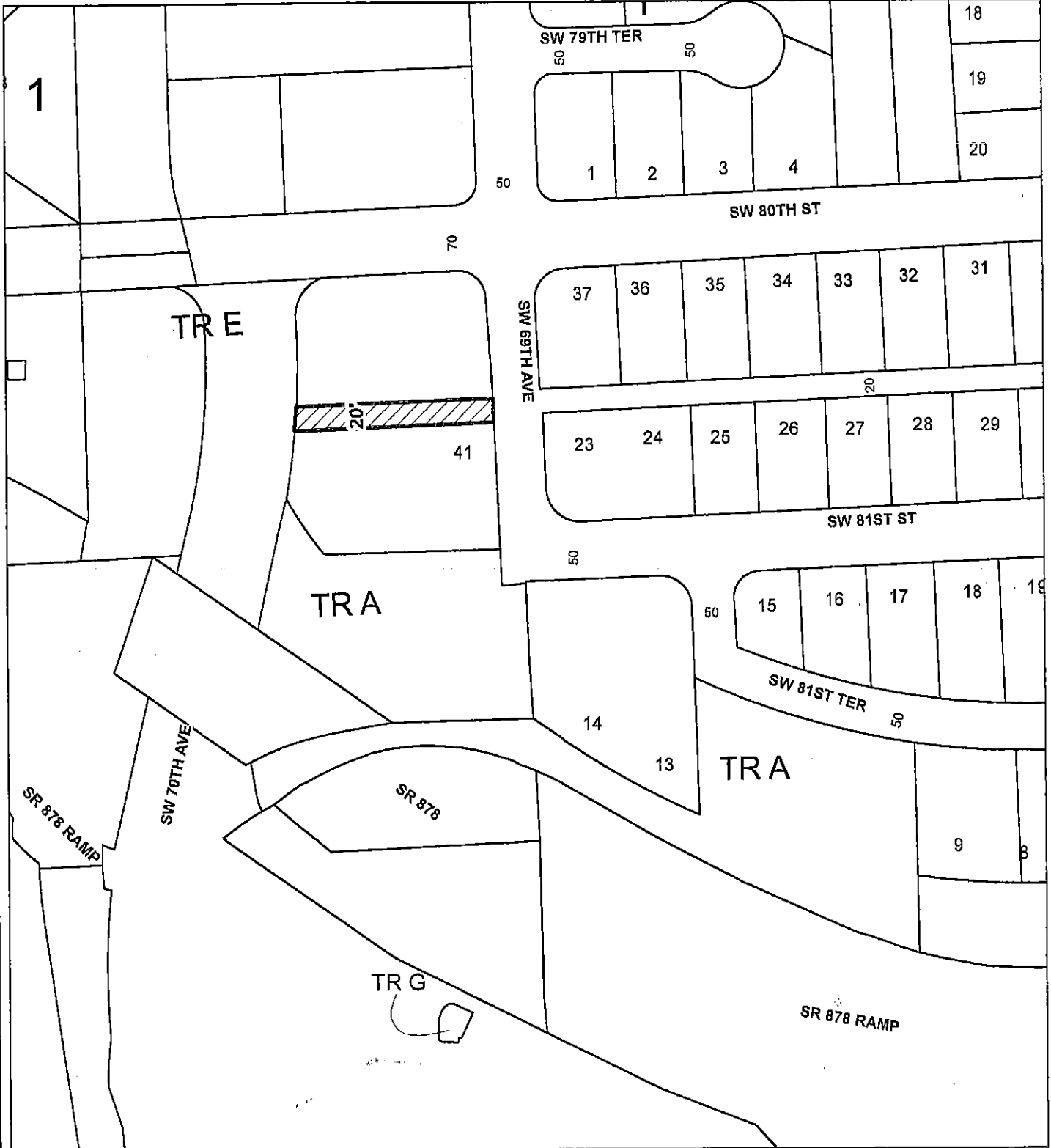


Lauren E. Morse



Location Map

SECTION 35 TOWNSHIP 54 S RANGE 40 E





This is not a survey

P-913

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Xavier L. Suarez, 7

Legend

-  Road Closng
-  MDC.PROP_PTX

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: May 28, 2015
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

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 a 20 feet Alley lying North of and adjacent to Tract 41 of LUDLAM-GROVES ADDITION, according to the Plat thereof, as recorded in Plat Book 56, at Page 20, of the Public Records of Miami-Dade County, Florida. Said portion of the 20 feet Alley being bounded on the North by the South line of Tracts 38, 39, and 40 of said subdivision; bounded on the East by the West right of way line of SW 69th Avenue; bounded on the South by the North line of said Tract 41; and bounded on the West by the Easterly right of way line of SW 70th Avenue.

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 20' alley-way, which forms the basis of this Request to Vacate, was dedicated as per the Plat of Ludlam-Groves Addition, as recorded in Plat Book 56 at Page 20, 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.

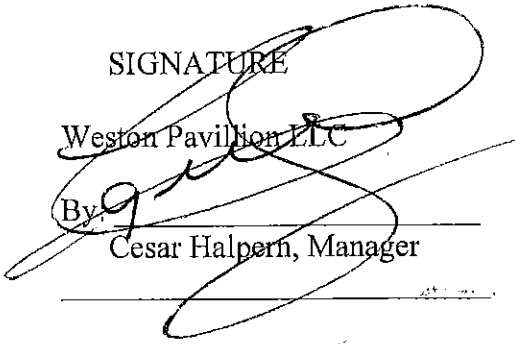
4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon the above described right-of-way.

PRINT NAME	FOLIO NO.	ADDRESS
Weston Pavilion LLC	30-40-35-011-0180	6900 S.W. 80 St., Miami, FL
_____	_____	_____
_____	_____	_____
CCER Investment, LLC*	30-40-35-011-0210	8040 S.W. 69 Ave., Miami, FL
*Petitioner	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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-way sought to be vacated, ceased being used by any adjacent or abutting property owners many, many years ago. In fact, the property owner on the North property line of the affected property, constructed a decorative inter-woven concrete wall on their side of the common property line, running the entire length of the property. As such, they have created a situation preventing them from having any type of access to the alley-way in question. The County, likewise, constructed a concrete sidewalk at the Western end of the alley-way and immediately to the West of said side-walk, constructed what is now known as S.W. 70th Avenue, thereby effectively cutting off any through access for the alley-way as well. Today, the only property owner who has any access to the alley-way and has any cause to use the same, is your Petitioner and that is why said Request to Vacate is respectfully being made at this time.

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

SIGNATURE
Weston Pavilion LLC
By: 
Cesar Halpern, Manager

ADDRESS
6900 SW 80th Street, Miami FL

CCER Investment LLC (Petitioner)

By:

Gerardo Capo, Manager/Pres.

[Signature]

Sidney Z. Brodie, J.D.
Attorney-in- Fact for Petitioner

Address: 7700 N. Kendall Dr., Suite 802, Miami, FL 33156
Tel: 786-360-3808

(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Gerardo Capo, as Manager and President of the Petitioner, who first by me duly sworn, deposes and says that he is one of the petitioners named in and who signed the foregoing petition; that he is duly authorized to make this verification for and on behalf of all petitioners; that he has read the foregoing petition and that the statements therein contained are true.

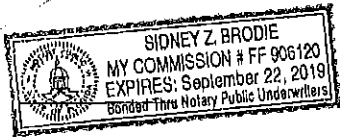
[Signature]
(Signature of Petitioner)

Sworn and subscribed to before me this

9th day of December, 2015.

[Signature]
Notary Public State of Florida at Large

My Commission Expires:



"SKETCH & LEGAL DESCRIPTION"

PREPARED BY:

 **GUNTER GROUP, INC.**
LAND SURVEYING - LAND PLANNING
FLORIDA CERTIFICATE OF AUTHORIZATION # LB 4507
9350 S.W. 22nd TERRACE
MIAMI, FLORIDA 33165
(305) 220-0073

LEGAL DESCRIPTION:

A portion of a 20 feet Alley lying North of and adjacent to Tract 41 of LUDLAM-GROVES ADDITION, according to the Plat thereof, as recorded in Plat Book 56, at Page 20, of the Public Records of Miami-Dade County, Florida. Said portion of the 20 feet Alley being bounded on the North by the South line of Tracts 38, 39, and 40 of said subdivision; bounded on the East by the West right of way line of SW 69th Avenue; bounded on the South by the North line of said Tract 41; and bounded on the West by the Easterly right of way line of SW 70th Avenue.

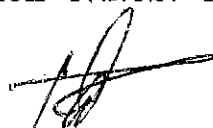
Containing approximately 4,209 square feet.

SURVEYOR'S NOTES:

- 1) This is not a Boundary Survey.
- 2) This instrument was conducted for the purpose of a "SKETCH & LEGAL DESCRIPTION" only and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other entity.
- 3) Bearings shown hereon are based on an assumed meridian of N86°56'42"E along the South line of Tracts 38, 39, and 40, of LUDLAM-GROVES ADDITION, according to the Plat thereof, as recorded in Plat Book 56, at Page 20, of the Public Records of Miami-Dade County, Florida.
- 4) This instrument has been prepared for the exclusive use of the entities named hereon only and the certifications hereon do not extend to any unnamed parties.
- 5) Professional Land Surveyor and Mapper in responsible charge: Rolando Ortiz LS 4312, State of Florida.
- 6) This instrument is not valid without the signature and the raised seal of a Florida Licensed Land Surveyor and Mapper.

I hereby certify to The Miami-Dade County Right of Way department that the Sketch & Legal Description of the described property is true and correct to the best of my knowledge and belief, as recently prepared under my direction; also that meets the Minimum Technical Standards set in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

Date: 05-19-2015
Job No.: 15-30233
Sketch No. 27592


By: Rolando Ortiz LS 4312
Professional Land Surveyor
& Mapper, State of Florida.

NOT VALID WITHOUT SHEET 2 OF 2

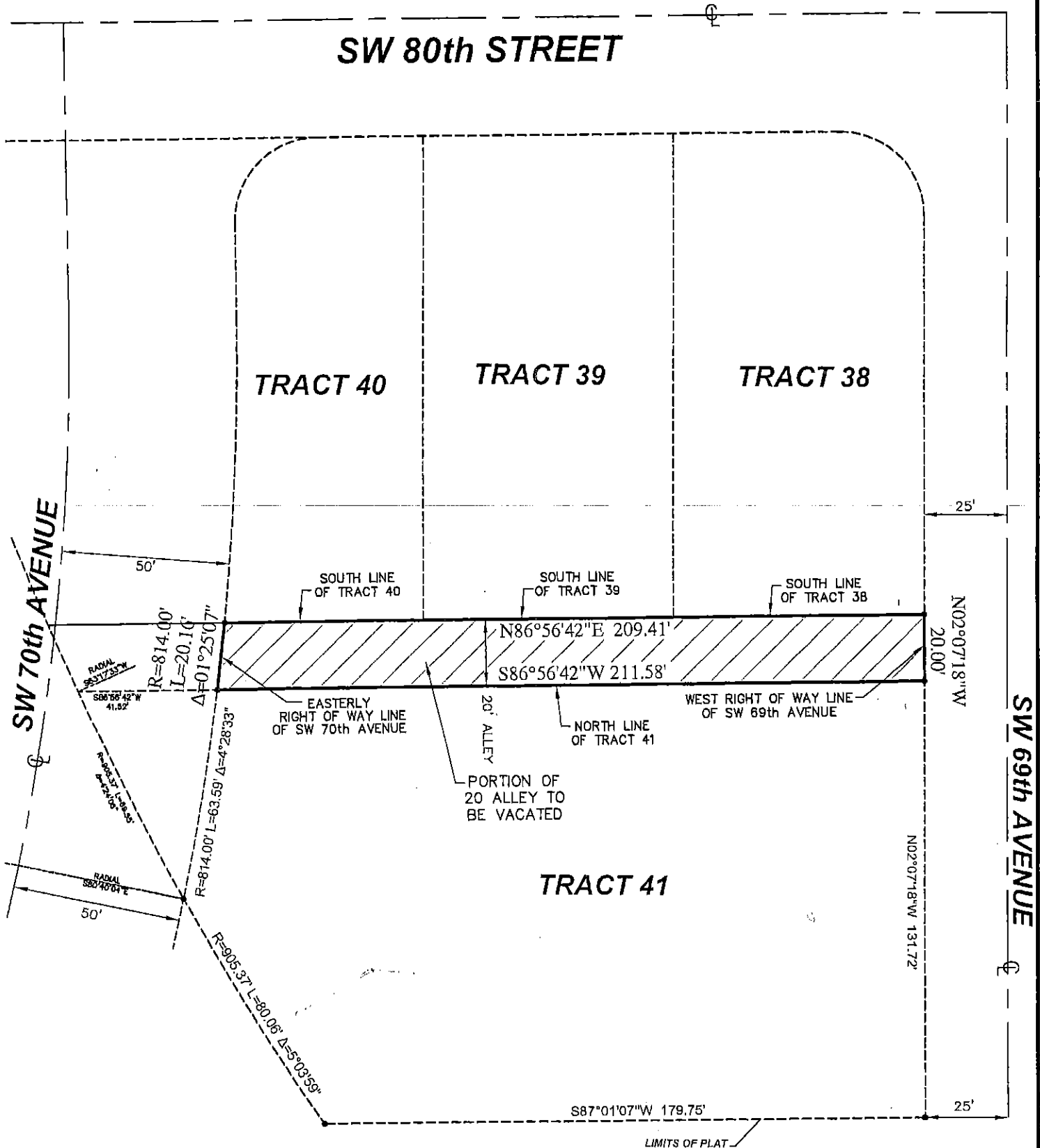
(SHEET 2 OF 2 CONTAINS SKETCH & LEGAL DESCRIPTION)

SHEET 1 OF 2

"SKETCH & LEGAL DESCRIPTION"



SCALE:
1 inch = 40 feet



NOT VALID WITHOUT SHEET 1 OF 2
(SHEET 1 OF 2 CONTAINS LEGAL DESCRIPTIONS AND SURVEYORS NOTES)

SHEET 2 OF 2

Location Map

SECTION 35 TOWNSHIP 54 S RANGE 40 E



This is not a survey

P-913

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Xayler L. Suarez, 7

Legend

- Road Closing
- MDC.PROP_PTX

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: May 28, 2015
Prepared by : ym