

MEMORANDUM

Agenda Item No. 5(I)

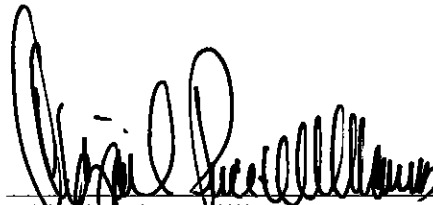
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution granting Petition to
Close a portion of Old SW 72
Avenue from SW 39 Terrace
South for 100 feet (Road Closing
Petition No. P-915)

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



Abigail Price-Williams
County Attorney

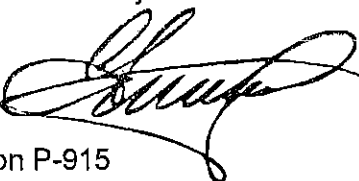
APW/smm

Memorandum



Date: November 7, 2017

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

From: Carlos A. Gimenez
Mayor 

Subject: Road Closing Petition P-915
Section: 14-54-40
A Portion of Old SW 72 Avenue, from SW 39 Terrace South for 100 Feet
Commission District: 6

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) and Miami-Dade Fire Rescue have no objection to this right-of-way being closed.

Scope

This road closing is located within District 6, which is represented by Commissioner Rebeca Sosa.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent properties to this right-of-way at \$40.00 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$127,160.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$2,275.00 per year in additional property taxes. The fee for this road closing is \$13,516.00.

Track Record/Monitor

DTPW is the entity overseeing this project and the person responsible for monitoring is Luis F. Lacau, P.L.S., Head of Special Projects and Survey Section, Roadway Engineering and Right-of-Way Division.

Background

The petitioner, Schatzie, LLC, wishes to close a portion of Old SW 72 Avenue from SW 39 Terrace South for 100 feet in order to incorporate the land into its property to use the area for safe, off-road delivery of palletized merchandise. The right-of-way petitioned to be closed is a dead-end street. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject right-of-way was dedicated in 1925 by the plat of "CENTRAL MIAMI PART SIX", recorded in Plat Book 17, Page 8, of the Public Records of Miami-Dade County, Florida. The subject right-of-way and abutting property are zoned BU-2 (Special Business District).



Alvin T. Hudak
Deputy Mayor

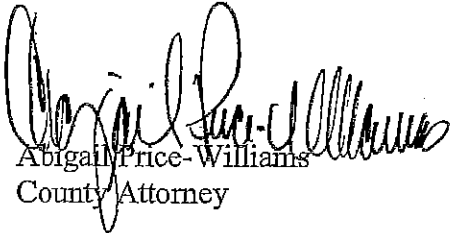


MEMORANDUM

(Revised)

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

DATE: November 7, 2017

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
Veto _____
Override _____

Agenda Item No. 5(I)
11-7-17

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE A PORTION
OF OLD SW 72 AVENUE FROM SW 39 TERRACE SOUTH FOR
100 FEET (ROAD CLOSING PETITION NO. P-915)

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, (1) that the alleys, avenue, street, highway or other place used for travel as described in the attached petition are 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 land is reserved as a utility easement; (2) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (3) that 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 7th day of November, 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.



Annery Pulgar Alfonso

Location Map

SECTION 14 TOWNSHIP 54 S RANGE 40 E



This is not a survey

Legend

- Closing Road
- Closing Road
- Lots
- Lots

P- 915

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Rebeca Sosa, 6

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) 375-2826

Date: Rev . November 15, 2015
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 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 Exhibit "A" attached hereto and made a part
hereof.

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):

DEDICATED TO MIAMI-DADE IN 1925 BY THE PLAT OF "CENTRAL MIAMI PART SIX"; RECORDED IN PLAT BOOK 17, AT PAGE 8.

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>Schatzie, LLC</u>	<u>30-4014-008-4230</u>	<u>7200 SW 39 Terr.</u>
<u>Busy Bird Creations Inc.</u>	<u>30-4014-008-4240</u>	<u>7201 SW 40 Street</u>
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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. GROUND 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 area being requested is currently a "Dead End Street" and is not regularly used by anybody. We need the use of this area for receiving the large semi-trailers that deliver palletized merchandise several times a week, as a safe off road location. (see attached pictures). We'll be able to keep the area cleaner and free from "cars for sale" and/or abandoned vehicles. And this will help in keeping the sidewalk unobstructed at all times and drivers from cutting through the side of the existing guard rails to avoid the traffic on 72nd Avenue during 'rush hour'. It is for all the above reasons that we kindly request this property be vacated.

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

SIGNATURE

ADDRESS



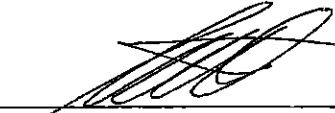
7200 S.W. 39th Terrace, Miami, FL 33155
7201 S.W. 40th Street, Miami, FL 33155

Attorney for Petitioner

Address: _____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Alfredo Ona
_____, 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

16 day of July, 2015
Alicia Bryans
Notary Public State of Florida at Large

My Commission Expires: 10/07/16



EXHIBIT "A"

Legal Description:

A portion of Old SW 72 Avenue, south of SW 39 Terrace, described as follows:

Begin at the most northerly point of curvature of Lot 15 in Block 112 of CENTRAL MIAMI PARK SIX, according to the plat thereof, recorded in Plat Book 17, Page 8, of the Public Records of Miami-Dade County, Florida, said point being on the south right of way line of SW 39 Terrace; thence with an assumed bearing of N88°42'03"E, along the easterly extension of the south right of way line of said SW 39 Terrace, 52.60 feet to a point on a non-tangent circular curve concave to the west, having a radius of 5,547.37 feet, to which point a radial line bears S89°31'59"E; thence southerly 100.08 feet, along the arc of said circular curve through a central angle of 1°02'01"; thence S88°42'03"W, along the easterly extension of the south line of Lot 16 in Block 112 of the aforementioned plat, 29.04 feet to the southeast corner of said lot 16; thence N0°59'42"W, along the west right of way line of Old SW 72 Avenue, also the east line of Block 112, for 79.90 feet to the beginning of a curve concave to the southwest having a radius of 20 feet; thence northerly, northwesterly and westerly along the arc of said curve 31.52 feet through a central angle of 90°18'15" to the Point of Beginning. Said land lying in Miami-Dade County, Florida; containing 0.07 Acres more or less, or approximately 3,179 square feet.



THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
MIAMI-DADE COUNTY DEPARTMENT
OF TRANSPORTATION AND PUBLIC WORKS
RIGHT-OF-WAY DIVISION
ENGINEERING SECTION

ROAD CLOSING

NOT TO SCALE	DATE: 05-11-17
CHECKED BY: L. Lacau	
DRAWN BY: L. Espinosa	
PROJECT:	SHEET: 1 of 2

SEC 14
 TWP 54 S
 RGE 40 E



POB

MOST NORTHERLY POINT OF CURVATURE
 OF LOT 15, BLK 112 P.B.17, PG. 8

SW 39 TER.

SOUTH R/W LINE OF SW 69 TER.

RADIAL N88°42'03"E
 S89°31'59"E 52.60'

R=20.00'
 A=31.52'
 Δ=90°18'15"

LOT 15

79.90'

112

LOT 16

N00°59'42"W

R=5,547.37' A=100.08' Δ=1°02'01"

OLD SW 72 AVE.

S88°42'03"W
 29.04'

WEST R/W LINE OF
 OLD SW 72 AVE.

LOT 17

LEGEND

- | | | | |
|--|-------------------|-------|--------------------|
| | BOUNDARY LINE | (POB) | POINT OF BEGINNING |
| | RIGHT OF WAY LINE | R/W | RIGHT OF WAY |
| | PROPERTY LINE | BLK. | BLOCK |
| | ROAD CLOSED | SEC. | SECTION LINE |
| | | ℓ | PROPERTY LINE |

THIS SKETCH IS A GRAPHIC REPRESENTATION OF THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED AND WITHOUT WHICH THIS SKETCH IS TO BE CONSIDERED VOID AND INCOMPLETE.



THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS RIGHT-OF-WAY DIVISION ENGINEERING SECTION	ROAD CLOSING	NOT TO SCALE	DATE: 05-11-17
		CHECKED BY: L. Laccu	
		DRAWN BY: L. Espinosa	
		PROJECT:	SHEET: 2 of 2

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