

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(G)
03-06-07

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

RESOLUTION NO. R-212-07

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY BETWEEN SW 38 STREET AND SW 39 STREET, FROM SW 67 AVENUE WEST FOR APPROXIMATELY 430 FEET; AND THAT PORTION OF THE ALLEY EAST OF SW 68 AVENUE, FROM SW 38 STREET SOUTH FOR APPROXIMATELY 115 FEET (ROAD CLOSING PETITION NO. P-830)

WHEREAS, the County Commission held a public hearing to consider a petition to close the alley between SW 38 Street and SW 39 Street, from SW 67 Avenue West for approximately 430 feet; and that portion of the alley east of SW 68 Avenue, from SW 38 Street South for approximately 115 feet, as outlined in the accompanying petition and 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 alleyways, streets 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 land shall be retained as an easement for public utilities; (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.

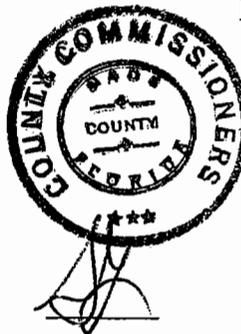
The foregoing resolution was offered by Commissioner Katy Sorenson, who moved its adoption. The motion was seconded by Commissioner Sally A. Heyman and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrian D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of March, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: **KAY SULLIVAN**

Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

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Date: March 6, 2007

Agenda Item No. 5(G)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-830
Section: 15-54-40
The Alley Located Between SW 38 Street and SW 39 Street, from SW 67 Avenue West for Approximately 430 Feet; and that Portion of the Alley East of SW 68 Avenue, from SW 38 Street South for Approximately 115 Feet
Commission District: 6

RECOMMENDATION

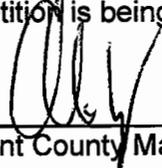
It is recommended that the Board of County Commissioners (BCC) grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to the right-of-way closing.

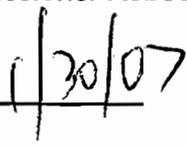
BACKGROUND

The Director of the Public Works Department (PWD) pursuant to the functions, powers and duties prescribed in Article XIV, Sec. 2-100 (a), (b) and (c) of the Code of Miami-Dade County Volume I, has taken the initiative to request that the BCC grant the closing of the alleys subject of this petition since this was a determination based in the interest of public safety. Said alleys have never been improved nor maintained by Miami-Dade County and presently there is a structure occupied by Cavalry Chapel towards the east end of the alley that runs east-west; therefore, traffic flow is impeded through this alley. This action will benefit the public by preventing illegal dumping and indiscriminate activities, without violating private property rights. The abutting property owners have been notified of said road closing and are in agreement.

The subject rights-of-way were dedicated in 1926, by the "AMENDED PLAT OF CENTRAL MIAMI PART THREE COMMERCIAL SECTION", recorded in Plat Book 25, Page 42, of the Public Records of Miami-Dade County, Florida. Said plat does not contain a reverter clause which stipulates that the right-of-way reverts to the current owners of the abutting properties when its use as a public right-of-way is lawfully and permanently discontinued. The area surrounding the subject right-of-way is zoned RU-1 (Single Family Residential District) and RU-3 (Four Unit Apartment District).

The Property Appraiser's Office has assessed the adjacent property to these rights-of-way at \$26 per square foot. Therefore, the estimated value of the rights-of-way would be approximately \$114,400. If these rights-of-way are closed and vacated, the taxable portions of rights-of-way will be placed on the tax roll, generating an estimated \$2,439 per year in additional property taxes. Since this road closing petition is being initiated, by the PWD, administrative fees do not apply. This petition is being sponsored by Commissioner Rebeca Sosa.


Assistant County Manager


Date

Honorable Chairman Bruno Barreiro
and Members, Board of County Commissioners
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Note: The Clerk is directed to publish notice of a public hearing on a Road Closing Petition in a newspaper of general circulation in Miami-Dade County, one (1) time, at least two (2) weeks prior to the date of said public hearing in conformity with the statutory requirements.



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 6, 2007

FROM: Murray A. Greenberg
County Attorney

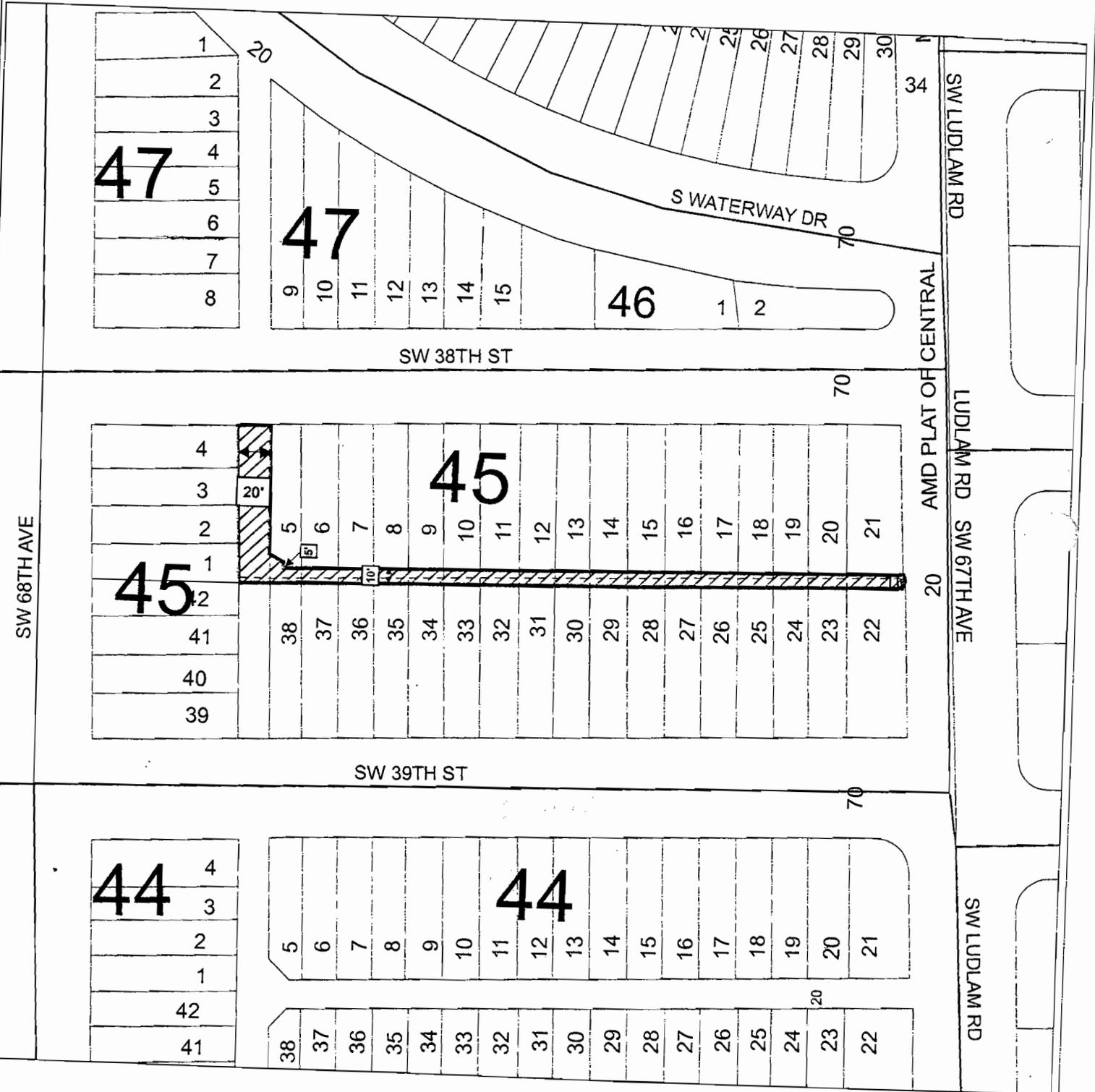
SUBJECT: Agenda Item No. 5(G)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

M

SECTION 14 TOWNSHIP 54 RANGE 40



P-830

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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 or private 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 or land sought to be closed is as follows:

The middle 10 feet of the 20 foot alley running in an easterly-westerly direction through Block 45 of AMENDED PLAT OF CENTRAL MIAMI, PART THREE COMMERCIAL SECTION, as per Plat Book 25, page 42, of the Public Records of Miami-Dade County, Florida, less the east 5 feet thereof;

And

That portion of the alley running in a northerly-southerly direction through said Block 45, from the westerly extension of a line 5 feet north of and parallel with the north line of Lots 22 through 38, inclusive, and including that portion of the alley southwesterly of Lot 5, of said Block 45, to the south right-of-way line of SW 38th Street, same being the north line of said block.

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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 or land was acquired and is evidenced in the following manner (state whether public interest acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

DEDICATED IN 1926 BY "AMENDED PLAT OF CENTRAL MIAMI PART THREE COMMERCIAL SECTION", AS RECORDED IN PLAT BOOK 25, PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey or location sketch accurately showing and describing the above described road, right-of-way or land 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 or adjacent to the above described road, right-of-way. These firms or individuals have been advised in writing of the proposed closure.

PRINT NAME	FOLIO NO:	ADDRESS
<i>K. Haggil for Cad. Prop. of Dade County</i>	3040140050540	6700 SW. 38 th ST.
<i>K. Haggil for Cad. Prop. of Dade County</i>	3040140050530	6740 SW. 38 th ST.
MARCEL CARDERO	3040140050500	6744 SW. 38 th ST.
	3040140050490	6748 SW. 38 th ST.
	3040140050470	6758 SW. 38 th ST.
JOSE LUIS CAZAS	3040140050450	6770 SW. 38 th ST.
<i>V. Haggil for Cad. Prop. of Dade County</i>	3040140050580	6737 SW. 39 th ST.
	3040140050600	6749 SW. 39 th ST.
CONCEPCION CORTES	3040140050620	6751 SW. 39 th ST.
DECEASED	3040140050640	6765 SW. 39 th ST.
JOSE A. BOIX	3040140050650	6775 SW. 39 th ST.
ANGELA LOPEZ	3040140050440	3801 SW. 68 th AVE
	304014005-0420	3819 SW. 68 th AVE

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 THE ALLEY TO BE CLOSED IS CURRENTLY FENCED BY MOST OF THE NEIGHBORS AND LOTS 15 TO 28 OF BLOCK 45 OF "AMENDED PLAT OF CENTRAL MIAMI, PART THREE COMMERCIAL SECTION", AS PER PLAT BOOK 25, PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ARE OCCUPIED BY A BUILDING AND PARKING AREA, SAID BUILDING RESTS OVER THE ALLEY, MAKING IT INACCESSIBLE. IF THE PETITION IS GRANTED EACH OF THE ABUTTING PROPERTY OWNERS CAN LEGALLY HAVE ITS PORTION OF THE ALLEY AND INCLUDE IT TO THE LOT AREA.

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE

ADDRESS

K. Hayes for Calvary Chapel of Dade County, Inc.
 K. Hayes for Calvary Chapel of Dade County

6700 SW. 38th ST

6740 SW. 38th ST

6744 SW. 38th ST.

6748 SW. 38th ST.

6758 SW. 38th ST.

6770 SW. 38th ST.

K. Hayes for Calvary Chapel of Dade County

6737 SW. 39th ST.

6749 SW. 39th ST.

Concepcion Ortiz

6751 SW. 39th ST.

6765 SW. 39th ST.

(DECEASED)
 Juan Jimenez
 Cesar Jimenez

6775 SW 39th ST.

3801 SW 68th AVE

3819 SW 68th AVE

Attorney for Petitioner

Address: _____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared MARCEL CARDERO
_____, 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.

Marcel Cardero
(Signature of Petitioner)

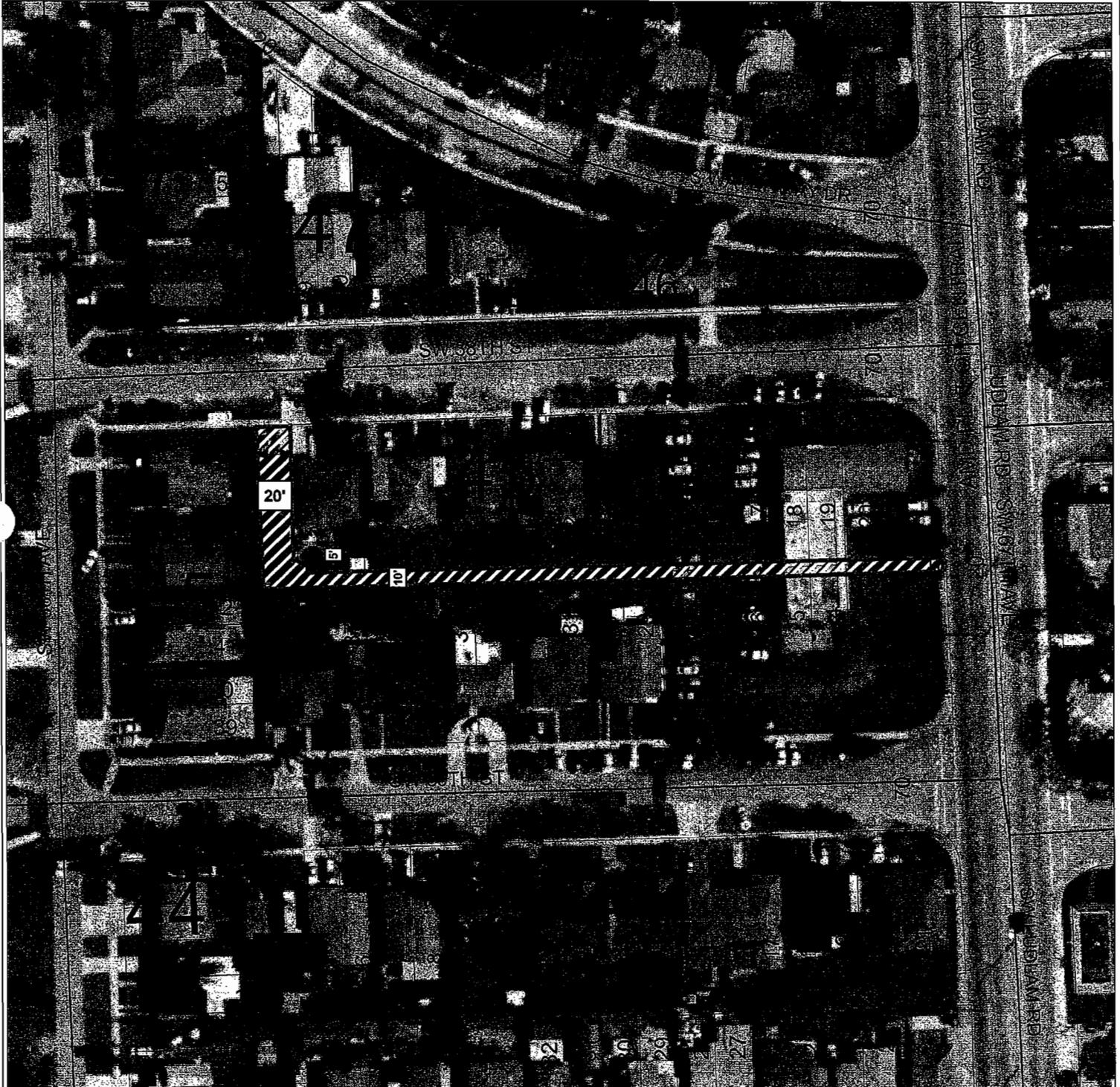
Sworn and subscribed to before me this

5th day of June, 200
Karen Pascual
Notary Public State of Florida at Large

My Commission Expires: _____



SECTION 14 TOWNSHIP 54 RANGE 40



P-830

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Yazmin Moreno
Senior Cadastral Technician
August 14, 2006