

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(E)

04-24-07

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

RESOLUTION NO. R-378-07

RESOLUTION GRANTING PETITION TO CLOSE SW
168 STREET, FROM SW 137 AVENUE WEST FOR
APPROXIMATELY 844 FEET (ROAD CLOSING
PETITION NO. P-827)

WHEREAS, the County Commission held a public hearing to consider a petition to close SW 168 Street, from SW 137 Avenue West for approximately 844 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 alleyway, street, road, 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; (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.



MEMORANDUM

(Revised)

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

DATE: April 24, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 5(E)

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

The foregoing resolution was offered by Commissioner Dennis C. Moss, who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz 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	absent
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of April, 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

A handwritten signature in black ink, appearing to be "T. Goldstein", written over a horizontal line.

Date: April 24, 2007

Agenda Item No. 5(E)

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-827
Section: 34-55-39
SW 168 Street, from SW 137 Avenue West for Approximately 844 Feet
Commission District: 9

RECOMMENDATION

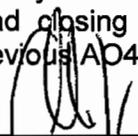
It is recommended that the Board of County Commissioners (BCC) grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to the right-of-way closing.

BACKGROUND

The Petitioner, Esridge Company, N.V., wishes to close the south 1/2 of SW 168 Street, from SW 137 Avenue West for approximately 844 feet, in order to incorporate it to its property. The subdivision west of the subject road closing, Weitzer Serena Lakes West Section 1, Plat Book 144, Page 24, does not provide for a connection. In addition, a waiver of the zoning regulation that requires 80 foot right-of-way for the subject segment of SW 168 Street was obtained through resolution CZAB14-32-06. The right-of-way that is being requested to be closed has never been improved nor maintained by Miami-Dade County.

The subject right-of-way was dedicated in 1911, by the plat of "TROPICO", recorded in Plat Book 2, Page 57, of the Public Records of Miami-Dade County, Florida. Said plat contains 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 BU-2 (Special Business District).

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$7.48 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$94,677. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$2,018 per year in additional property taxes. This petition was filed after October 1, 2004, when the BCC approved the resolution which amended Administrative Order 4-114 by creating the two tier fee system for Road Closing Petitions. Therefore, the total fee for this road closing is \$10,267.70, instead of \$750.00 which would have been the fee under the previous AO4-114 rules.


Assistant County Manager

4/30/07
Date

Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners
Page 2

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.

2

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 petition 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 the 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 a 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:

A portion of 15.00 feet Road Right-of-Way along the Northerly boundary line of Lot 1 in the Northeast ¼ of Section 34, Township 55 South, Range 39 East of Tropic, according to the plat thereof, as recorded in Plat Book 2, at Page 57 of the Public Records of Miami-Dade County, Florida, More particularly described as follows: The North 15.00 feet of the Northeast ¼ of the Northeast ¼ of Section 34, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida. Less the East 55.00 feet and less the West 410.00 feet thereof.

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):

County interest was acquired by way of a dedication made pursuant to "Tropic" Plat (P.B. 2, PG. 57.)

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.

See attached.

4. ABUTTING PROPERTY OWNERS: The following constitutes a complete and accurate schedule of all owners and occupants of property abutting upon or adjacent to the above

described road, right-of-way or lands and all persons who will be affected by the closing and abandonment thereof (all interested or affected persons must either sign this petition or sign a written consent):

PRINT NAME	FOLIO NO.	ADDRESS
Cantonville Investments, NV	30-5927-000-0220	3 Grove Isle Dr. # 1201, Miami, FL 33133-4114
<i>Marcus Santos</i> Esridge, Co., NV	30-5934-001-0170	240 SW 14 ST # 4 B MIAMI FL 33131-
<i>Marcus Santos</i> FLA POWER & LIGHT CO	30-5927-000-0131	ATTN: PROPERTY TAX DEPT PO BOX 14000 JUNO BEACH FL 33408-
<i>Marcus Santos</i> FLA POWER & LIGHT CO AGENT	30-5934-001-0179	ATTN: PROPERTY TAX DEPT PO BOX 14000 JUNO BEACH FL 33408-

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):

This petition should be granted for several reasons, particularly the fact that S.W. 168th Street currently dead ends at S.W. 137th Avenue where other than onto the property owned by these petitioners, SW 168th Street, as a practical matter, can not extend any further. Immediately abutting this property is the C1-W Canal, and beyond that is a fully built residential subdivision which does not provide for a connection to 168th Street. Also the Property on which the Street would terminate is the subject of a public hearing application wherein a new site plan with other entry and egress from the site will be designed.

7. Signatures of all abutting property owners:

Respectfully submitted,

Signature

Address

[Handwritten signature]

Cantonville Investments, NV
3 Grove Isle Dr. # 1201,
Miami, FL
33133-4114

[Handwritten signature]

Esridge, Co., NV
240 SW 14 ST # 4 B MIAMI FL
33131

[Handwritten signature]

FLORIDA POWER & LIGHT CO.
P.O. Box 14000
JUNO BEACH FL 33408

[Handwritten initials]

Attorney for Petitioner

Address: One SE Third Ave, Suite 2800
(Signature of Attorney not required) Miami, FL 33131

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

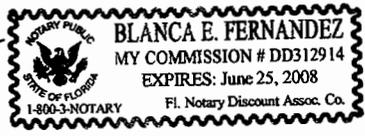
BEFORE ME, the undersigned authority, personally appeared Augusto E. Maxwell, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all, petitioners;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

Augusto E. Maxwell
(Signature of Petitioner)

Sworn and subscribed to before me this

23rd day of May, 2006

Blanca E. Fernandez
Notary Public State of Florida at Large



My Commission Expires: 6/25/08

SECTION 27-34 TOWNSHIP 55 RANGE 39



P-827

11

