

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(D)  
05-22-07

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

RESOLUTION NO. R- 618-07

RESOLUTION GRANTING PETITION TO CLOSE ALL RIGHTS-OF-WAY LYING BETWEEN SW 88 STREET AND SW 96 STREET AND BETWEEN SW 157 PATH AND SW 162 AVENUE (ROAD CLOSING PETITION NO. P-834)

**WHEREAS**, the County Commission held a public hearing to consider a petition to close all rights-of-way lying between SW 88 Street and SW 96 Street and between SW 157 Path and SW 162 Avenue, 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 closing of the aforementioned road is contingent on the recording of the plat of KENDALL TOWN CENTER, Tentative Plat T-21218, that in the event the plat is not approved this resolution becomes null and void; (2) 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; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) that 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



# MEMORANDUM

(Revised)

YIPU BUI SAUFINO  
UNCLASIFIED//FOR OFFICIAL USE ONLY

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

**DATE:** May 22, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 5(D)

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

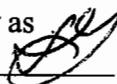
this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

The foregoing resolution was offered by Commissioner Joe A. Martinez, who moved its adoption. The motion was seconded by Commissioner Dorrin D. Rolle 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
Dorrin 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 22<sup>nd</sup> day of May, 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.



Approved by County Attorney as to form and legal sufficiency. 

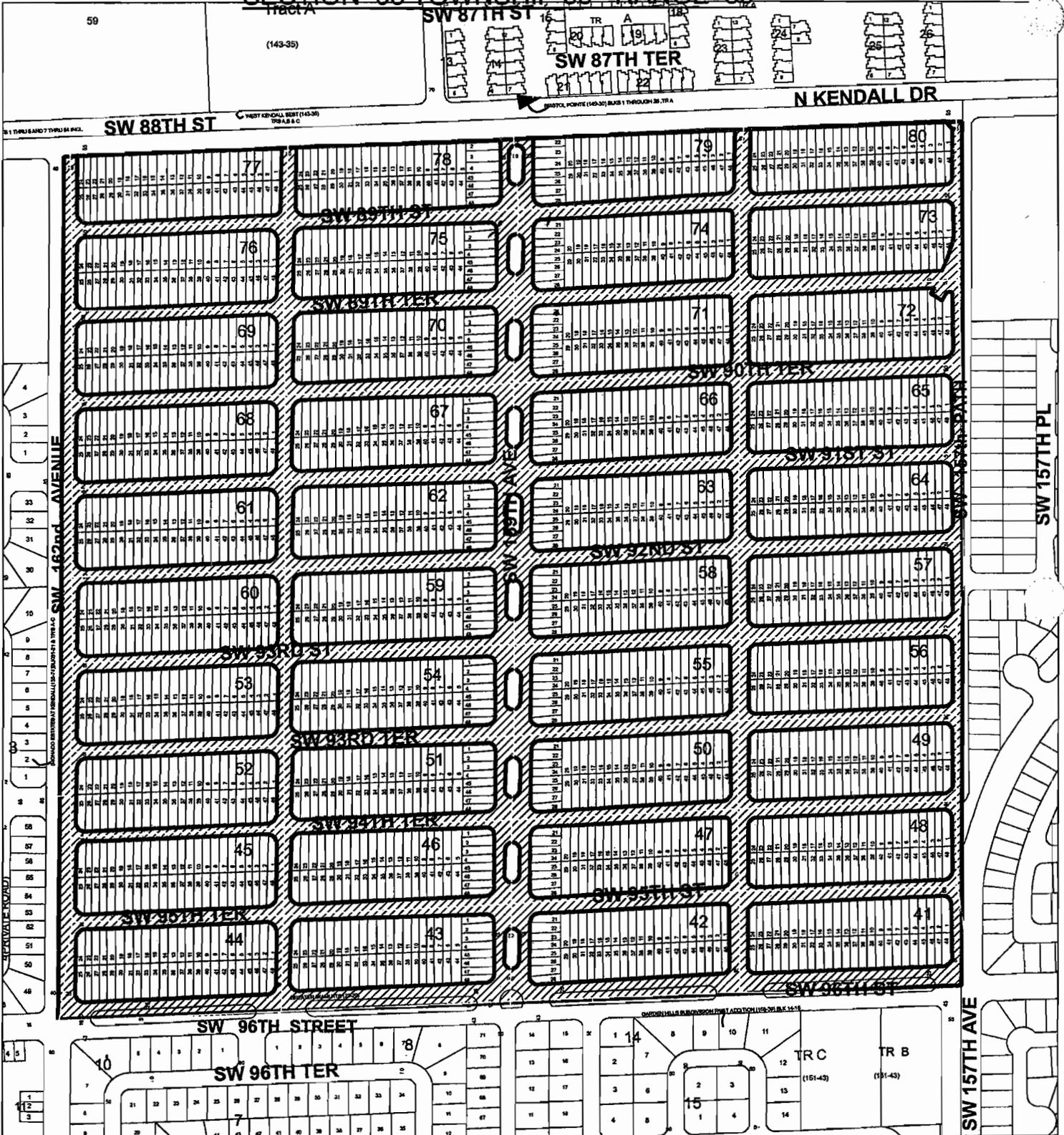
Thomas Goldstein

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

HARVEY RUVIN, CLERK

By: **KAY SULLIVAN**  
Deputy Clerk

## SECTION 05 TOWNSHIP 55 RANGE 39



### Legend

-  Lot Lines
-  Road Closing

P-834

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**NORTH**

Yazmin Moreno  
Senior Cadastral Technician  
December 13, 2006

Date: May 22, 2007

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

From: George M. Burgess  
County Manager

Subject: Road Closing Petition P-834  
Section: 5-55-39  
All Rights-of-Way Between SW 88 Street and SW 96 Street; and Between SW 157 Path  
and SW 162 Avenue  
Commission District: 11

Agenda Item No. 5(D)

RESOLUTION # R-618-07

**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 these rights-of-way being closed.

**Scope**

This item is located and within Commission District 11.

**Fiscal Impact/Funding Source**

The Property Appraiser's Office has assessed the adjacent property to these rights-of-way at \$5.50 per square foot. Therefore, the estimated value of the difference between the rights-of-way being closed and the rights-of-way proposed by plat would be approximately \$6,149,341. If these rights-of-way are closed and vacated, said rights-of-way will be placed on the tax roll, generating an estimated \$127,579 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. The fee for road closing petition processing does not apply where the road closing petition is a requirement for approval of a new subdivision plat in which the roads being closed are being replaced by other rights-of-way dedicated by said plat as shown in Exhibit "A". Therefore, the total fee for this road closing is \$800.00, instead of \$750.00 which would have been the fee under the previous AO4-114 rules.

**Track Record/Monitor**

Not Applicable.

**Background**

The Petitioner, West Kendall Holdings, LLC, wishes to close all the rights-of-way between SW 88 Street and SW 96 Street; between SW 157 Path and SW 162 Avenue, in order to incorporate the areas into the proposed plat of "KENDALL TOWN CENTER", Tentative Plat Number T-21218. The rights-of-way requested to be closed have never been improved nor maintained by Miami-Dade County.

Most of the subject rights-of-way were dedicated in 1926, by the plat of "GREATER MIAMI HEIGHTS", recorded in Plat Book 23, Page 20, of the Public Records of Miami-Dade County, Florida; and a very small portion in 2003, by a Deed recorded in Official Records Book 21368, Pages 4265-4273, of the Public Records of Miami-Dade County, Florida. Both, the plat and deed contain reverter clauses which stipulate that the rights-of-way revert to the current property owners of the abutting properties when their uses as public rights-of-way are lawfully and permanently discontinued. The area surrounding the subject rights-of-way are zoned BU-2 (Special Business District) and BU-3 (Liberal Business District).



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Assistant County Manager

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.

**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:

**All those rights-of-way lying within the NE ¼ of Section 5, Township 55 South, Range 39 East, Miami-Dade County, Florida, less the North 55 feet thereof.**

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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):

**SECTION NO. 2 GREATER MIAMI HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 20, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN THE NE 1/4 OF SECTION 5, TOWNSHIP 55 SOUTH, RANGE 39 EAST IN 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
<u>West Kendall Holdings, LLC</u>	<u>30-5905-002-0480</u>	<u>Lying to the South of SW 88 Street,</u> <u>West of SW 157 Path, North of SW</u> <u>96 Street, &amp; East of SW 162 Avenue</u>
_____	<u>30-5905-002-0460</u>	
_____	<u>30-5905-002-0450</u>	_____
_____	<u>30-5905-002-0430</u>	_____
_____	<u>30-5905-002-0420</u>	_____
_____	<u>30-5905-002-0410</u>	_____
_____	<u>30-5905-002-0400</u>	_____
_____	<u>30-5905-002-0390</u>	_____
_____	<u>30-5905-002-0380</u>	_____
_____	<u>30-5905-002-0360</u>	_____
_____	<u>30-5905-002-0350</u>	_____
_____	<u>30-5905-002-0340</u>	_____
_____	<u>30-5905-002-0330</u>	_____
_____	<u>30-5905-002-0320</u>	_____
_____	<u>30-5905-002-0310</u>	_____
_____	<u>30-5905-002-0300</u>	_____
_____	<u>30-5905-002-0290</u>	_____
_____	<u>30-5905-002-0280</u>	_____
_____	<u>30-5905-002-0270</u>	_____
_____	<u>30-5905-002-0250</u>	_____
_____	<u>30-5905-002-0240</u>	_____
_____	<u>30-5905-002-0230</u>	_____
_____	<u>30-5905-002-0220</u>	_____
_____	<u>30-5905-002-0210</u>	_____
_____	<u>30-5905-002-0200</u>	_____
_____	<u>30-5905-002-0190</u>	_____
_____	<u>30-5905-002-0180</u>	_____
_____	<u>30-5905-002-0170</u>	_____
_____	<u>30-5905-002-0160</u>	_____

4. ABUTTING PROPERTY OWNERS (CONTINUED): 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
<u>West Kendall Holdings, LLC</u>	<u>30-5905-002-0150</u>	<u>Lying to the South of SW 88 Street,</u>
_____	<u>30-5905-002-0140</u>	<u>West of SW 157 Path, North of SW</u>
_____	<u>30-5905-002-0130</u>	<u>96 Street, &amp; East of SW 162 Avenue</u>
_____	<u>30-5905-002-0120</u>	_____
_____	<u>30-5905-002-0110</u>	_____
_____	<u>30-5905-002-0100</u>	_____
_____	<u>30-5905-002-0080</u>	_____
_____	<u>30-5905-002-0070</u>	_____
_____	<u>30-5905-002-0020</u>	_____
_____	<u>30-5905-002-0060</u>	_____
_____	<u>30-5905-002-0010</u>	_____

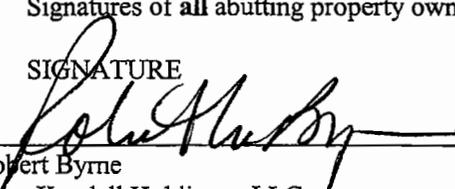
5. ACCESS TO OTHER PROPERTY: The undersigned certify that in event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

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-Ways were intended to create a grid running east-west and north-south through the Property. However, the Right-of-Ways were never developed and the Property was used for agricultural uses. The Property has subsequently been acquired by a single owner who intends to develop the property as part of a commercial development. The owner will be creating new right-of-ways in order to ensure appropriate access through the Property.

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE  
  
 \_\_\_\_\_  
 Robert Byrne  
 West Kendall Holdings, LLC  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ADDRESS  
 \_\_\_\_\_  
 c/o General Growth Properties  
 P.O. Box 617905  
 Chicago, IL 60661  
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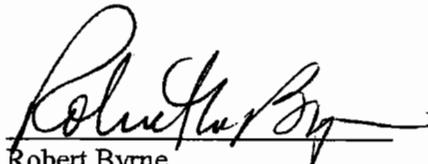
Attorney for Petitioner: Tracy R. Slavens, Esq.

Address: Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, FL 33131

(Signature of Attorney not required)

STATE OF MARYLAND )  
 ) SS  
COUNTY OF HOWARD )

BEFORE ME, the undersigned authority, personally appeared Robert Byrne, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the forgoing 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.

  
Robert Byrne  
West Kendall Holdings, LLC

Sworn and subscribed to before me this

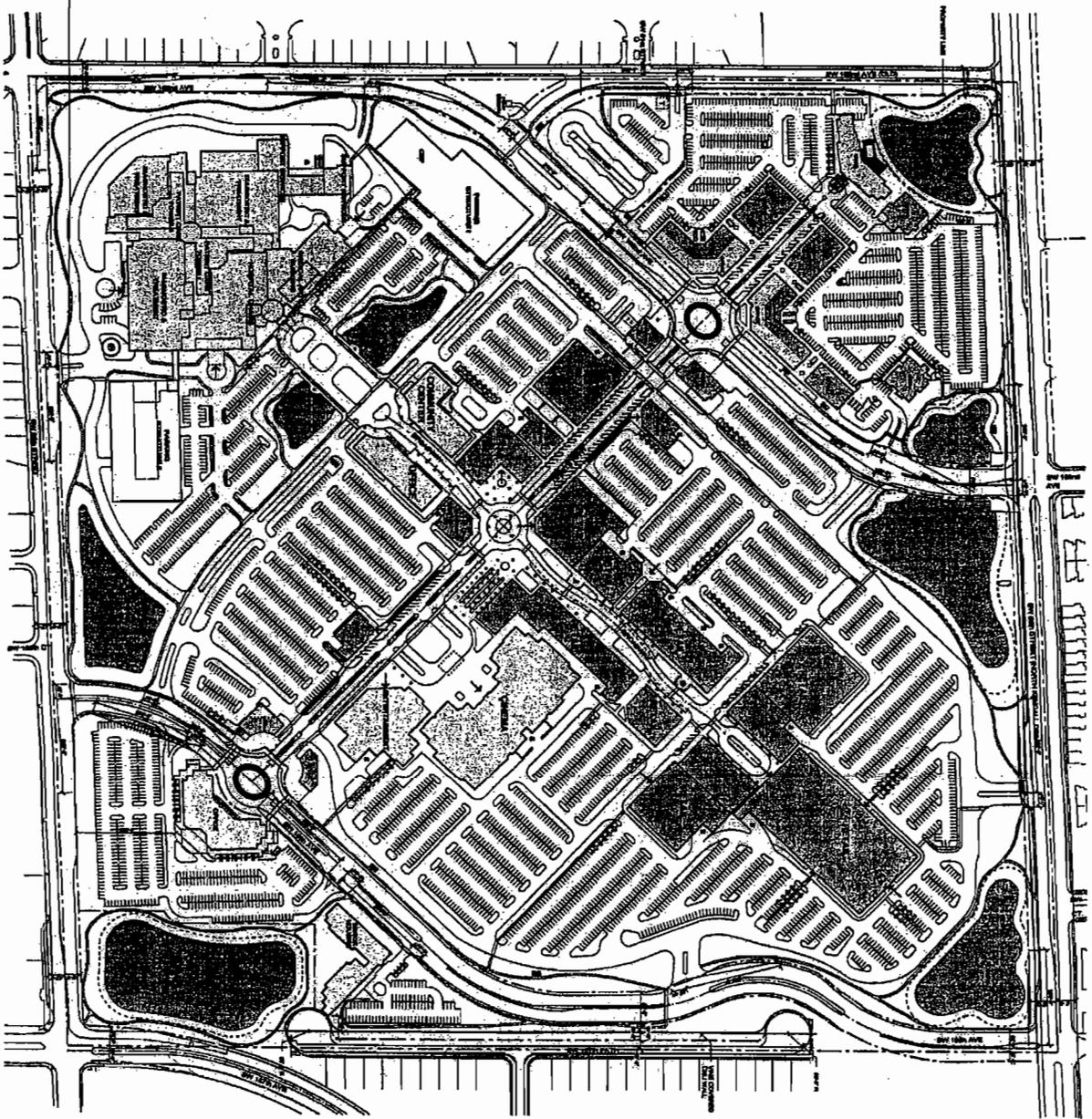
12th day of October, 2006

Karen J. Green  
Notary Public

My Commission Expires: 1/27/08

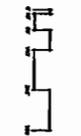
**KAREN J. GREEN, Notary Public**  
**Howard County, Maryland**  
**My Commission Expires: 1/27/08**





**GENERAL NOTES:**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE FLORIDA BUILDING CODE (FBC).
2. ALL UTILITIES SHALL BE DEPTH MARKED AND SHOWN ON THE SITE PLAN.
3. THE SITE PLAN IS BASED ON THE DATA PROVIDED BY THE CLIENT AND THE CONSULTING ENGINEER. THE CONSULTING ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO DISCREPANCIES BETWEEN THE DATA PROVIDED AND THE ACTUAL SITE CONDITIONS.
4. THE SITE PLAN IS SUBJECT TO THE APPROVAL OF THE LOCAL AGENCIES AND THE STATE DEPARTMENT OF TRANSPORTATION.
5. THE SITE PLAN IS SUBJECT TO THE APPROVAL OF THE CLIENT AND THE CONSULTING ENGINEER.



**ZONE KEY**  
N.O.P.C.

NO.	DESCRIPTION	AREA (SQ. FT.)	VOLUME (CU. YD.)	REMARKS
1	Site Preparation	1,200,000	10,000	Grading, clearing, and site preparation.
2	Foundation	1,200,000	10,000	Foundation work for all buildings.
3	Structural Steel	1,200,000	10,000	Structural steel erection for all buildings.
4	Concrete	1,200,000	10,000	Concrete work for all buildings.
5	Masonry	1,200,000	10,000	Masonry work for all buildings.
6	Roofing	1,200,000	10,000	Roofing work for all buildings.
7	Interior Finishes	1,200,000	10,000	Interior finishes for all buildings.
8	Exterior Finishes	1,200,000	10,000	Exterior finishes for all buildings.
9	Landscaping	1,200,000	10,000	Landscaping work for all buildings.
10	Site Work	1,200,000	10,000	Site work for all buildings.

**KENDALL TOWN CENTER**  
MIAMI, FLORIDA  
FOR  
**WEST KENDALL HOLDINGS, LLC**  
AN AFFILIATE OF THE HOUSE COMPANY