Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 5(G)

07-10-07

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

RESOLUTION NO. R-779-07

RESOLUTION GRANTING PETITION TO CLOSE ALL ROADS FROM THE CENTER LINE OF SW 152 AVENUE WEST TO THE EAST RIGHT-OF-WAY LINE OF C-1W CANAL AND FROM SW 120 STREET TO SW 116 STREET, LYING WITHIN THE PLAT OF GREATER MIAMI ESTATES PART ONE, RECORDED IN PLAT BOOK 23, PAGE 43, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THAT ABUT BLOCKS 48 TO 57, THE SOUTH ½ OF BLOCK 69, AND BLOCKS 70 TO 76, ALL INCLUSIVE (ROAD CLOSING PETITION NO. P-845)

WHEREAS, the County Commission held a public hearing to consider a petition to close all roads from the centerline of SW 152 Avenue West to the East right-of-way line of C-1W Canal and from SW 120 Street to SW 116 Street, lying within the plat of "GREATER MIAMI ESTATES PART ONE", recorded in Plat Book 23, Page 43, of the Public Records of Miami-Dade County, Florida, that abut Blocks 48 to 57, the South ½ of Block 69, and Blocks 70 to 76, all inclusive, 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 CENTURY GARDENS AT TAMIAMI, tentative plat T-22648, 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

MEMORANDUM

(Revised)

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

DATE: July 10, 2007

FROM: R.A. Cuevas, Jr. Acting 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**

expressly ratified and approved; and (5) 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 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	absent	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	absent
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 10th day of July, 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

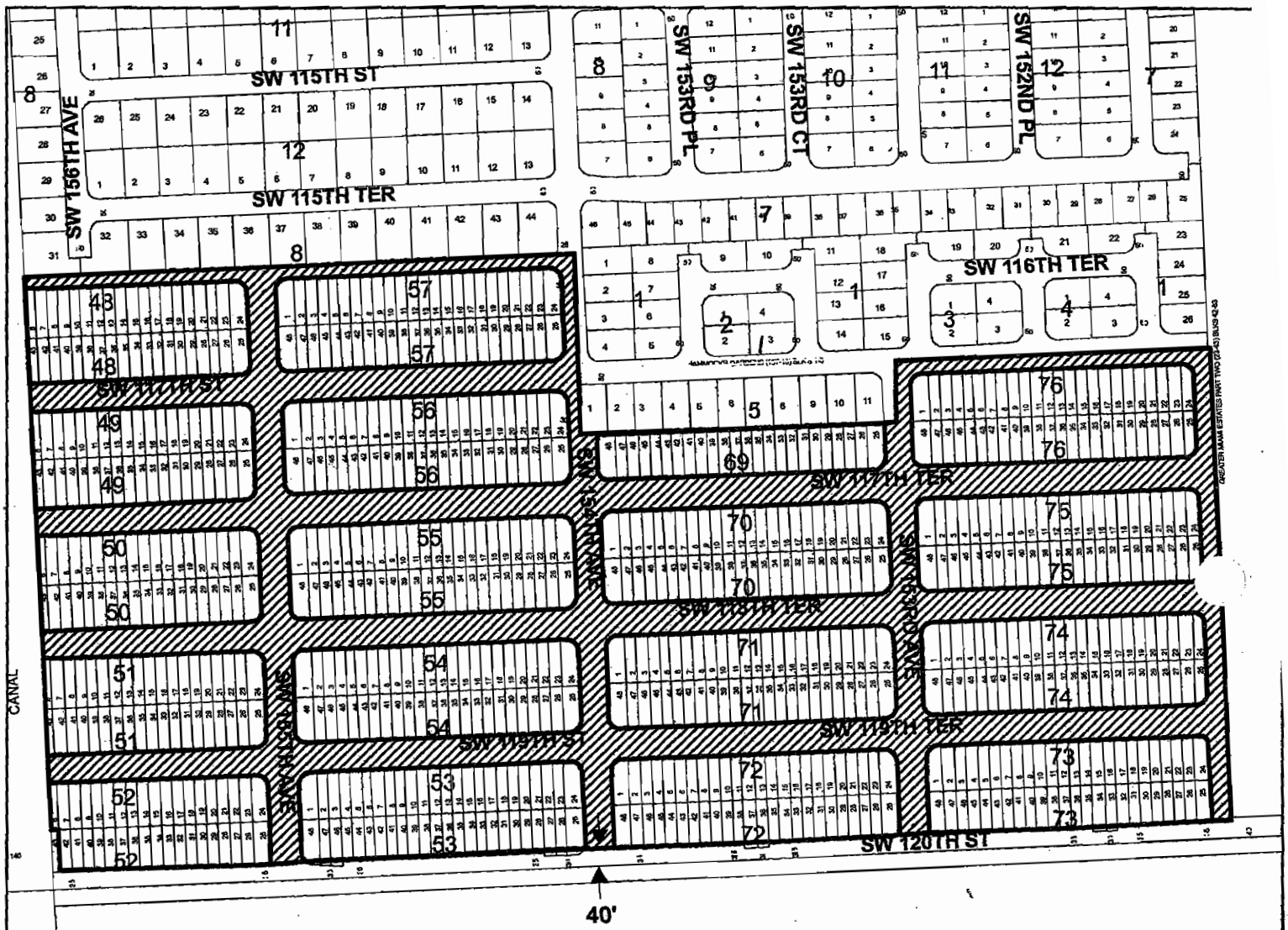
By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Location Map

SECTION 09 TOWNSHIP 55 RANGE 39



Legend

Road Closing

P-845

NORTH

6

Yazmin Moreno
Senior Cadastral Technician

Memorandum MIAMI-DADE COUNTY

Date: July 10, 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-845
Section: 9-55-39
All Roads from the Center Line of SW 152 Avenue West to the East Right-of-Way Line of C-1W Canal and from SW 120 Street to SW 116 Street, Lying Within the Plat of "GREATER MIAMI ESTATES PART ONE", Recorded in Plat Book 23, Page 43, of the Public Records of Miami-Dade County, Florida, that Abut Blocks 48 to 57, the South ½ of Block 69, and Blocks 70 to 76, All Inclusive
Commission District: 11

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 within Commission District 11

Fiscal Impact/Funding Source

This petition was filed after October 1, 2004, when the County Commission 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 $800, instead of $750.00 which would have been the fee under the previous A04-114 rules.

Track Record/Monitor

Not Applicable

/

Background

The Petitioner, Century Business Park, LLC, wishes to close all the rights-of-way from the center line of SW 152 Avenue West to the East right-of-way line of C-1W Canal and from SW 120 Street to SW 116 Street, lying within the plat of "GREATER MIAMI ESTATES PART ONE", as recorded in Plat Book 23, Page 43, of the Public Records of Miami-Dade County, Florida, that abut Blocks 48 to 57, the South ½ of Block 69, and Blocks 70 to 76, all inclusive, in order to incorporate the areas into the proposed plat of "CENTURY GARDENS AT TAMIAMI", Tentative Plat Number T-22648. The rights-of-way requested to be closed have never been improved nor maintained by Miami-Dade County. Alternate roads for traffic continuity provided within said proposed plat will replace the roads being closed.

The subject rights-of-way were dedicated in 1926, by the plat of "GREATER MIAMI ESTATES PART ONE", as recorded in Plat Book 23, Page 43, of the Public Records of Miami-Dade County, Florida. The plat contains a reverter clause 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-1A (Limited Business District), RU-1MB (Modified Single Family District) and RU-3M (Minimum Apartment House District).

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 undersign, 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 of 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 or 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 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.

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

December 13, 2006
April 18, 2007 Revised

EXHIBIT "A"
Sheet 1 of 2

LEGAL DESCRIPTION:

That portion of Florida Street, Washington Street, Massachusetts Street, New York Street, Maryland Avenue, Ohio Avenue, Pennsylvania Avenue, New Jersey Avenue and Illinois Avenue shown lying within the limits of the plat of GREATER MIAMI ESTATES PART TWO, in Section 9, Township 55 South, Range 39 East, according to the Plat thereof recorded in Plat Book 23 at Page 43, of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Commence at the Southeast corner of said Section 9, said corner having a Northing of 480709.59 feet and an Easting of 687039.64 based on the State Plane Coordinate System, (1974 Adjustment), Florida East Zone; thence run South 87°25'51" West along the common line between Sections 9 and 16, in Township 55 South, Range 39 East, where the North line of Section 16 was determined in the Final Judgment of Miami-Dade County Circuit Court Case No. 89-15236 (CA 25), for a distance of 2677.15 feet to the North 1/4 corner of said Section 16; thence continue South 87°25'51" West along the said common line for 83.71 feet to the Point of Beginning of the parcel of land herein after described; thence continue South 87°25'51" West along the said common line for 2585.86 feet to a point of intersection with the East right of way line of Canal C-1W defined by the Agreement to Fix Location of Common Boundary between Jack K. Thomas, Jr., Trustee and the South Florida Water Management District as recorded in Official Records Book 14311 at Page 3397; thence run North 02°25'09" West along the said East right of way line of Canal C-1W for a distance of 1359.10 feet to a point of intersection with the South line of Block 8 of the plat of HAMMOCKS SHORES THIRD ADDITION, according to the Plat thereof recorded in Plat Book 147 at Page 9, of the Public Records of Miami-Dade County, Florida; thence run North 87°25'34" East along the South line of the plat of HAMMOCKS SHORES THIRD ADDITION, for a distance of 1206.04 feet to a point of intersection with the centerline of SW 154th Avenue as shown on said plat of HAMMOCKS SHORES THIRD ADDITION, the common boundary line defined by the Agreement to Fix Location of Common Boundary between Jack K. Thomas, Jr., Trustee, Corlett et al and Metropolitan Dade County as recorded in Official Records Book 14309 at Page 2097; thence run South 02°23'36" East along the common boundary line defined by the said Agreement for a distance of 407.55 feet to the Southwest corner of Lot 1, Block 5 of HAMMOCKS GARDENS, according to the Plat thereof recorded in Plat Book 157 at Page 16, of the Public Records of Miami-Dade County, Florida; thence run North 87°25'34" East along the South line of the plat of HAMMOCKS GARDENS, for a distance of 690.00 feet to a point of intersection with the centerline of SW 153rd Avenue as shown on said plat of HAMMOCKS GARDENS; thence run North 02°23'36" West along the said centerline, a line 20 feet East of and parallel with the East line of Lot 11 in said Block 5 of HAMMOCKS GARDENS, for a distance of 136.00 feet to a point; thence run North 87°25'34" East along the center line of SW 117th Street as shown on the said plat of HAMMOCKS GARDENS, for a distance of 690.92 feet to a point of intersection with the

December 13, 2006
April 18, 2007 Revised

West line of Tract "A" of AMERIFIRST PARK according to the Plat thereof recorded in Plat Book 127 at Page 65, of the Public Records of Miami-Dade County, Florida, were a portion of said West line was defined by the Agreement to Fix Location of Common Boundary between Jack K. Thomas, Jr., Trustee, Amerifirst Bank and Metropolitan Dade County as recorded in Official Records Book 14309 at Page 2109; thence South 02°22'03" East along said West line for a distance of 1087.77 feet to the Point of Beginning;

LESS

The South 40.00 feet of the Southwest 1/4 of Section 9, Township 55 South, Range 39 East, Miami-Dade County, Florida thereof;

AND LESS

That portion of the Lots lying within Blocks 48, 49, 50, 51 and 52, of the said plat of GREATER MIAMI ESTATES PART TWO, which lies East of the East right of way line of Canal C-1W as defined by the Agreement to Fix Location of Common Boundary between Jack K. Thomas, Jr., Trustee and the South Florida Water Management District, recorded in Official Records Book 14311 at Page 3397, of the Public Records of Miami-Dade County, Florida;

AND LESS

All of the Lots lying within Blocks 53, 54, 55, 56, 57, 70, 71, 72, 73, 74, 75 and 76, of the said plat of GREATER MIAMI ESTATES PART TWO;

AND LESS

That portion of the Lots lying within Block 69 of the said plat of GREATER MIAMI ESTATES PART TWO, which lie South of the South line of HAMMOCKS GARDENS, according to the Plat thereof recorded in Plat Book 157 at Page 16, of the Public Records of Miami-Dade County, Florida.;

All portions of said roadways contain 784,581 square feet more or less (18.012 acres more or less)

E.R. BROWNELL & ASSOCIATES, INC.

This Description and the accompanying Sketch are not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper. This Description and the accompanying Sketch are not valid one without the other.

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):

Dedication by the Plat of Greater Miami Estates Part Two, Plat Book 23, Page 43

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 abutting upon to the above described road, right-of-way or lands.

PRINT NAME	FOLIO NO.	ADDRESS
See list of abutting property owners attached as Exhibit "B"		

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.

EXHIBIT "B"

	PRINT NAME	FOLIO NO.	ADDRESS*
1	Nereyda Rodriquez	30-5909-040-0080	11540 SW 156 AV Miami Fl
2	George Percides	30-5909-040-0090	15570 SW 115 TR Miami Fl
3	Nubia Martinez	30-5909-040-0100	15560 SW 115 TR Miami Fl
4	Tomas Trujillo & W. ROXANA	30-5909-040-0110	15550 SW 115 TR Miami Fl
5	Rosario Gambino & GRACIELA	30-5909-040-0120	15540 SW 115 TR Miami Fl
6	Maglo J. Montiel & CLAUDIA	30-5909-040-0130	15530 SW 115 TR Miami Fl
7	Eladio M. Cepero & MARIA	30-5909-040-0140	15520 SW 115 TR Miami Fl
8	William Montoya & ~~MIRIAM~~ MARIA	30-5909-040-0150	15480 SW 115 TR Miami Fl
9	Andres Gonzalez & MIRYAM	30-5909-040-0160	15470 SW 115 TR Miami Fl
10	Maria Guzman	30-5909-040-0170	15460 SW 115 TR Miami Fl
11	Kenneth C. Kepner & GAIL	30-5909-040-0180	15450 SW 115 TR Miami Fl
12	Angel Karkado	30-5909-040-0190	15440 SW 115 TR Miami Fl
13	Hiram Sem & JOSE MARTAS	30-5909-040-0200	15430 SW 115 TR Miami Fl
14	Carlos E Demestre & TERESITA	30-5909-040-0210	15420 SW 115 TR Miami Fl
15	George R Rodriguez & MARALET	30-5909-045-0390	15380 SW 117 ST Miami Fl
16	Luz Stella Cancino	30-5909-045-0490	15300 SW 117 ST Miami FL
17	Beckman Coulter Inc	30-5909-014-0011	11800 SW 147 AV Miami Fl

- Note all of the above addresses are located within the 33196 zip code.

6. NO FEDERAL OR STATE HIGHWAY AFFECTED: The undersigned certify that the above described road, right-of-way or land is not part of any state or federal highway and was not acquired or dedicated for state or federal highway purposes; and that such road, right-of-way or land is under the control and jurisdiction of the Board of County Commissioners.

7. GROUNDS FOR REQUESTING PETITION: The undersigned submits as grounds and reasons in support of this petition the following (state in detail, why the petition should be granted):

Existing roadway dedications proposed to b e vacated do not conform to the roadway network recently approved by Resolution Z-39-06.

8. INTENT: The undersigned submit as grounds and reason for the utilization of the land sought to be closed (state purpose in detail):

Develop project as per the plan approved by Resolution Z-39-06 and T-plat 22648

(Petition must be signed by all property abutting the road,
right-of-way or land to be closed or abandoned)

Respectfully submitted,

NAME SIGNATURE	ADDRESS
See list of signatures and addresses attached as Exhibit "C"	

EXHIBIT "C"

	NAME SIGNATURE	ADDRESS
1	Nuyda Rodriguez	11540 SW 156 Ave.
2	[illegible]	15570 S.W. 115 TERR.
3	[illegible]	15560 SW 115th terr.
4	[illegible]	15550 SW 115 Terr
5	[illegible]	15540 SW 115 terr
6	[illegible] Claudia Montiel	15530 SW 115 TERR.
7	[illegible]	15520 SW 115 TERR.
8	William T Patricia Q	15480 SW 115 TRR
9		
10	[illegible]	15460 SW 115 Terrace
11	[illegible]	15450 SW 115th TERRACE
13	[illegible]	15430 SW 115th Terrace
12	[illegible]	15440 SW 115 TERR
14	Margaret Rodriguez [illegible]	15380 SW 117 St
15	[illegible]	15420 SW 115 terr Miami
16	Ave S. Cancino	15300 S.W 117 ST MIAMI 33196.
17		

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared he/she is one of the petitioners Eryd Pino, 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, petitioner; that he/she has read the foregoing petition and that the statements therein container are true

_____
Signature of Petitioner)

Sworn and subscribed to before me this

30 day of December, 2006

_____
Notary Public State of Florida at Large

SARY FAR
Notary Public - State of Florida
My Commission Expires Jan 19, 2008
Commission # DD279122
Bonded By National Notary Assn.

My Commission Expires: 01/19/08