

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

Agenda Item No. 5(C)  
09-18-07

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

RESOLUTION NO. R-1024-07

RESOLUTION GRANTING PETITION TO CLOSE NW  
73 STREET, FROM NW 27 AVENUE EAST FOR 120  
FEET (ROAD CLOSING PETITION NO. P-839)

**WHEREAS**, the County Commission held a public hearing to consider a petition to close NW 73 Street, from NW 27 Avenue East for 120 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, save and except that the land is reserved as a utility easement with 24-hour access for Miami-Dade Water and Sewer Department; (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:** September 18, 2007

**FROM:** R. A. Cuevas, Jr.  
County Attorney

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

Please note any items checked.

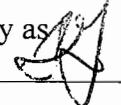
- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement 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 **Dorrin D. Rolle** who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this **20th** day of September, 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.



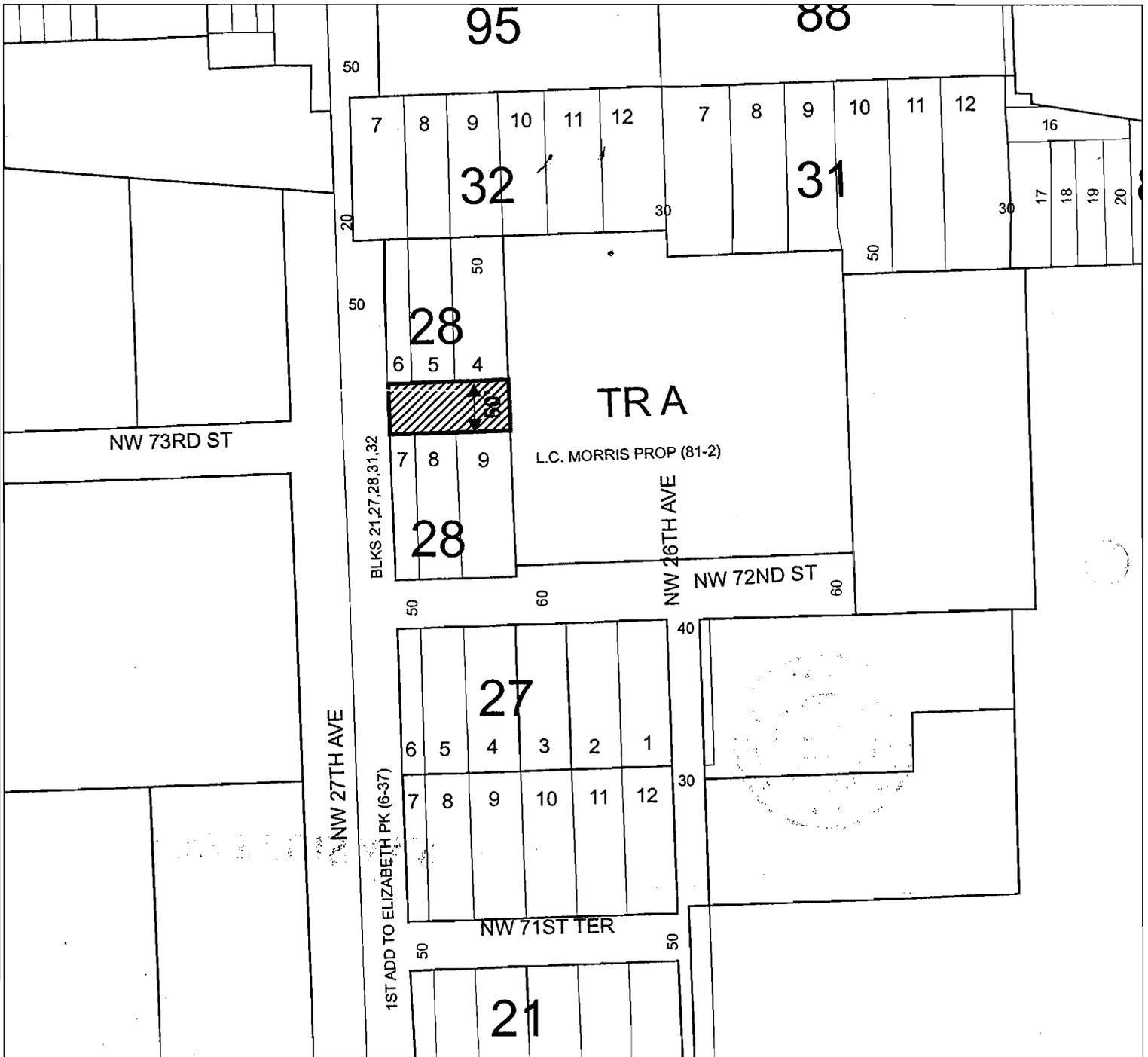
Approved by County Attorney as to form and legal sufficiency.   
Thomas Goldstein

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

HARVEY RUVIN, CLERK

By: **KAY SULLIVAN**  
Deputy Clerk

## SECTION 10 TOWNSHIP 53 RANGE 41



### Legend

-  Road Closing
-  Lot Lines

# P-839

6



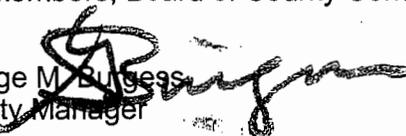
## NORTH

Yazmin Moreno  
Senior Cadastral Technician  
December 5, 2006

Date: September 18, 2007

Agenda Item No. 5(C)

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

From: George M. Burgess  
County Manager 

Subject: Road Closing Petition P-839  
Section: 10-53-41  
NW 73 Street, from NW 27 Avenue East 120 feet  
Commission District: 2

**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 this right-of-way being closed.

**Scope**

This item is located within Commission District 2.

**Fiscal Impact/Funding Source**

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$8.00 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately \$48,000. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$996 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 \$5,600.00, instead of \$750.00 which would have been the fee under the previous AO4-114 rules.

**Track Record/Monitor**

Not Applicable.

**Background**

The Petitioner, Carlos Tapanes Corp., wishes to close NW 73 Street, from NW 27 Avenue East for 120 feet, in order to incorporate the land to his property to be enhanced and maintained. The easterly extension of this road was closed by Plat Book 81, Page 2, of the Public Records of Miami-Dade County, Florida. The right-of-way requested to be closed is not improved nor maintained by Miami-Dade County.

The subject right-of-way was dedicated in 1946, by Deed Book 2625, Page 313, recorded in the Public Records of Miami-Dade County, Florida. The total width of the subject right-of-way was dedicated from Lots 4, 5 and 6, Block 28, of FIRST ADDITION TO ELIZABETH PARK, recorded in Plat Book 6, Page 37, of the Public Records of Miami-Dade County, Florida, owned by the petitioner. Said Deed contains a reverter clause which stipulates that the right-of-way reverts to the current owner of the abutting property 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) and BU-3 (Liberal Business 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 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:

**That portion of NW 73<sup>rd</sup> Street extending over and across the South 50 feet of Lots 4, 5 and 6, Block 28, of FIRST ADDITION TO ELIZABETH PARK, according to the plat thereof, as recorded in Plat Block 6, Page 37, of the Public Records of Miami-Dade County, Florida.**

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 in 1946 by DB 2625 Pg. 313, recorded in the Public Records of Miami-Dade County, Florida.**

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 or adjacent to the above described right-of-way. These firms or individuals have been advised in writing of the proposed closure.

PRINT NAME	FOLIO NO.	ADDRESS
<u>Justo Tapanes</u>	<u>30-3110-034-0161</u>	<u>7301 NW 27<sup>th</sup> Ave., Mia., Fl.</u>
<u>Raul &amp; Mercedes Guilarte</u>	<u>30-3110-034-0170</u>	<u>7201 NW 27<sup>th</sup> Ave., Mia., Fl.</u>
<u>Joe &amp; Louise Woodard</u>	<u>30-3110-068-0010</u>	<u>2575 NW 72<sup>nd</sup> Street, Mia., Fl.</u>

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 street at the moment is in horrible condition and is not being maintained - excess amount of garbage and the unpaved road needs to be reestablished. The abandoned area allows for criminal activity and access for theft to the property. Street originally belonged to 7301 N.W. 27 Avenue. Even though it was taken away and turned into a street, I have continued to pay taxes on it for the last 30 yrs

7. Signatures of **all** abutting property owners.

Respectfully submitted,

SIGNATURE  
Jack B  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDRESS  
7301 NW 27 AVE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attorney for Petitioner

Address: \_\_\_\_\_  
(Signature of Attorney not required)

STATE OF FLORIDA )  
 ) SS  
MIAMI-DADE COUNTY )

BEFORE ME, the undersigned authority, personally appeared CARLOS JAPANEZ, 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)  
T152 100-78-303-0

Sworn and subscribed to before me this

80 day of June, 2006

\_\_\_\_\_  
Notary Public State of Florida at Large

My Commission Expires \_\_\_\_\_

