

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(A)
10-16-07

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

RESOLUTION NO. R-1151-07

RESOLUTION GRANTING PETITION TO CLOSE THAT PORTION OF THE ALLEY WEST OF SW 87 AVENUE, BEGINNING 135 FEET NORTH OF SW 72 STREET NORTH FOR 150 FEET (ROAD CLOSING PETITION NO. P-838)

WHEREAS, the County Commission held a public hearing to consider a petition to close that portion of the alley west of SW 87 Avenue, beginning 135 feet north of SW 72 Street North for 150 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, with the condition that an access easement be granted by the petitioner, as depicted in attached Exhibit "B", to allow vehicular and pedestrian traffic to exit and enter that portion of the alley that will remain open to the north of the subject property; (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.

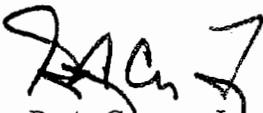


MEMORANDUM

(Revised)

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

DATE: October 16, 2007

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

SUBJECT: Agenda Item No. 5(A)

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 Carlos A. Gimenez 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	aye		
	Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	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 16th day of October, 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

KAY SULLIVAN

Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

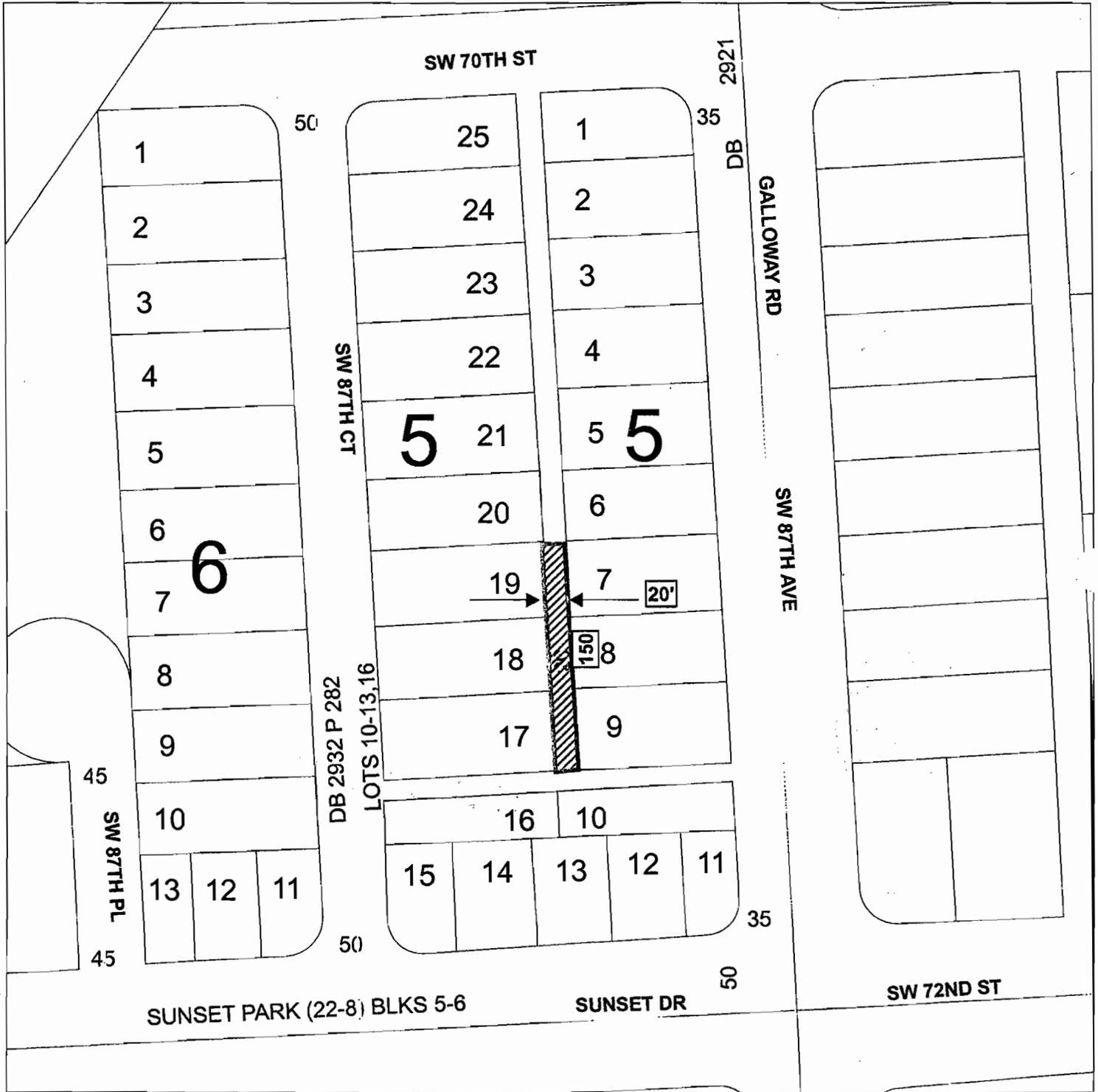
Thomas Goldstein



Location Map



SECTION 28 TOWNSHIP 54 RANGE 40



Legend

 Road Closing

 Lot Lines

P-838

6



Yazmin Moreno
Senior Cadastral Technician
November 27, 2006

Date: October 16, 2007

Agenda Item No. 5(A)

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

From: George M. Burgess
County Manager



Subject: Road Closing Petition P-838
Section: 28-54-40
That Portion of the Alley West of SW 87 Avenue, Beginning 135 Feet North of SW 72
Street North for 150 Feet
Commission District: 7

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 7.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$18.00 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately \$54,000. If this right-of-way is closed and vacated, it will be placed on the tax roll, generating an estimated \$1,120 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 \$6,200.00, instead of \$750.00 which would have been the fee under the previous AO4-114 rules.

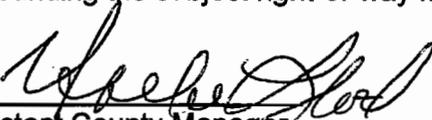
Track Record/Monitor

Not Applicable.

Background

The Petitioner, Galloway Development Group, Inc., wishes to close a portion of the alley west of SW 87 Avenue, beginning 135 feet north of SW 72 Street north for 150 feet, in order to unite the properties on both sides into one parcel. An access easement is being granted by the petitioner to allow vehicular and pedestrian traffic to exit and enter that portion of the alley that will remain open to the north of the subject property, which is depicted in the attached Exhibit "B".

The subject right-of-way was dedicated in 1947, by an instrument recorded in Deed Book 2921, Page 323, of the Public Records of Miami-Dade County, Florida. The deed contains a reverter clause which stipulates that the right-of-way reverts to the current owner of the abutting properties when its use as public right-of-way is lawfully and permanently discontinued. The area surrounding the subject right-of-way is zoned BU-2 (Special Business District).


Assistant County Manager

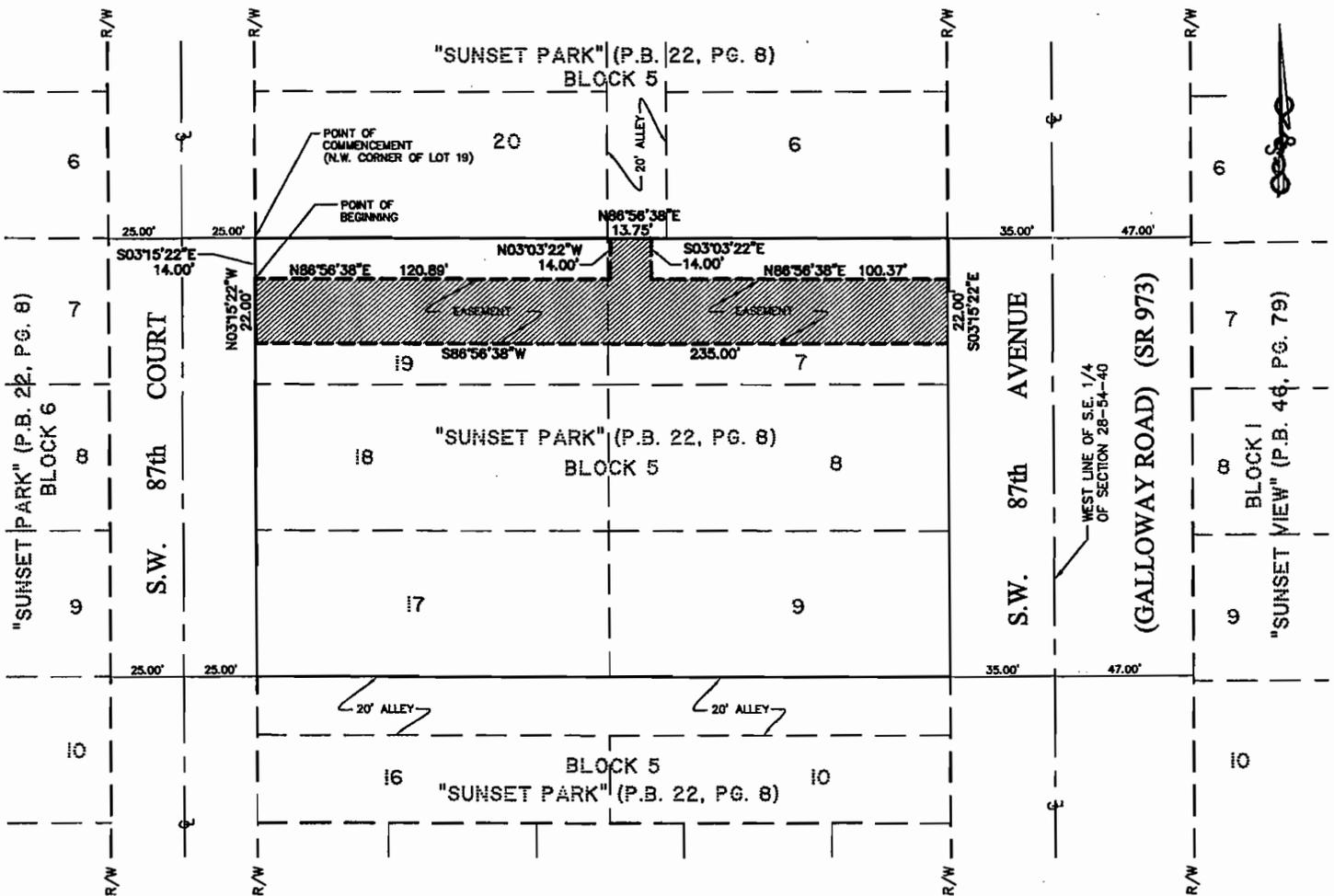
Note: The Clerk is directed to publish notice of a public hearing on a Road Closing Petition in a newspaper of general circulation in Miami-Dade County, one (1) time, at least two (2) weeks prior to the date of said public hearing in conformity with the statutory requirements.

SKETCH OF EASEMENT

EXHIBIT "B"

LEGAL DESCRIPTION:

Commence at the Northwest Corner of Lot 19 of Block 5 of "SUNSET PARK", according to the Plat thereof as recorded in Plat Book 22 at Page 8 of Public Records of Miami-Dade County, Florida; thence run South 03°15'22" East along the Easterly Right-of-Way Line of S.W. 87th Court for a distance of 14.00 feet to a point on said Easterly Right-of-Way Line, also being the POINT OF BEGINNING; thence run North 86°56'38" East for a distance of 120.89 feet to a point; thence run North 03°03'22" West for a distance of 14.00 feet to a point; thence run North 86°56'38" East for a distance of 13.75 feet to a point; thence run South 03°03'22" East for a distance of 14.00 feet to a point; thence run North 86°56'38" East for a distance of 100.37 feet to a point on the Westerly Right-of-Way Line of S.W. 87th Avenue (Galloway Road, SR 973); thence run South 03°15'22" East along said Westerly Right-of-Way Line of S.W. 87th Avenue for a distance of 22.00 feet to a point on the Westerly Right-of-Way Line of S.W. 87th Avenue (Galloway Road, SR 973); thence run South 86°56'38" West for a distance of 235.00 feet to a point on said Easterly Right-of-Way Line of S.W. 87th Court; thence run North 03°15'22" West along said Easterly Right-of-Way Line of S.W. 87th Court for a distance of 22.00 feet to the POINT OF BEGINNING, containing an area of 5,362.53 square feet, more or less.



A PORTION THE SE 1/4 OF SECTION 28-54-40

LEGEND

NOTES:
 1. THIS IS NOT A SURVEY.
 2. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN ALONG THE EAST LINE OF THE SE 1/4 OF SECTION 28-54-40, AS SHOWN.

P/L Property Line
 R/W Right-of-Way Line
 P.B. Plat Book
 PG. Page

NO.	DATE	REVISION

Aviño & ASSOCIATES
 ENGINEERS • PLANNERS • SURVEYORS

1350 SW 57th AVENUE
 SUITE 207
 WEST MIAMI, FLORIDA 33144
 TEL: 305 265-5030 - FAX: 305 265-5033
 CERTIFICATE OF AUTHORIZATION EB # 5098
 CERTIFICATE OF AUTHORIZATION LB # 5098
 EMAIL: JAVINO@AVINONDASSOCIATES.COM

GALLOWAY PROFESSIONAL CENTER
 SKETCH OF EASEMENT

George R. Avino
 GEORGE R. AVINO, PE, PSM

DRAWN BY: B.J.S.
 CHECKED BY: J.R.A.
 DATE: 06/18/2007
 SCALE: 1"=60'

SHEET
 1
 OF 1 SHEETS

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:

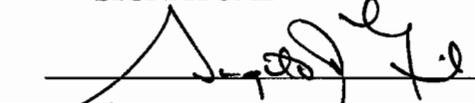
The West 20 feet of Lots 7,8 and 9, all in Block 5, of "SUNSET PARK" according to the plat thereof as recorded in Plat Book 22 at Page 8 of the Public Records of Miami-Dade County, Florida, in Section 28, Township 54 South, Range 40 East, containing 3,000 square feet, more or less.

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):

We are proposing to vacate a portion of the existing alley due to its underutilization and we are proposing to develop the entire site as one parcel in order to provide additional retail and office spaces for this underdeveloped are of Miami-Dade the requires it.

7. Signatures of all abutting property owners: Respectfully submitted,

SIGNATURE	ADDRESS
 Augusto J. Gil	7300 SW 93 Avenue #210
Managing Partner Galloway Development Group, LLC.	Miami, Florida 33173
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

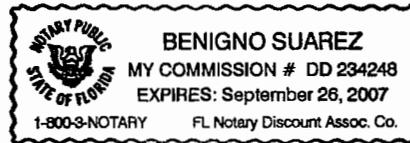
BEFORE ME, the undersigned authority, personally appeared AUGUSTO J. GIL, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all petitioners; that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

[Signature]
(Signature of Petitioner)

Sworn and subscribed to before me this

1st day of November, 2006

[Signature]
Notary Public State of Florida at Large



My Commission Expires: _____