Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 5(J)

10-02-07

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

RESOLUTION NO. R-1051-07

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY SOUTH OF NE 213 STREET, FROM NE 26 AVENUE EAST FOR 517 FEET; AND THE ALLEY WEST OF WEST DIXIE HIGHWAY, FROM NE 213 STREET SOUTH FOR 100 FEET (ROAD CLOSING PETITION NO. P-832)

**WHEREAS**, the County Commission held a public hearing to consider a petition to close the alley south of NE 213 Street, from NE 26 Avenue East for 517 feet; and the alley west of West Dixie Highway, from NE 213 Street South for 100 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 utility easement with 24-hour access; (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 2, 2007

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

SUBJECT: Agenda Item No. 5(J)

**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 Rebeca Sosa, 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 | aye |
| 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 2nd 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

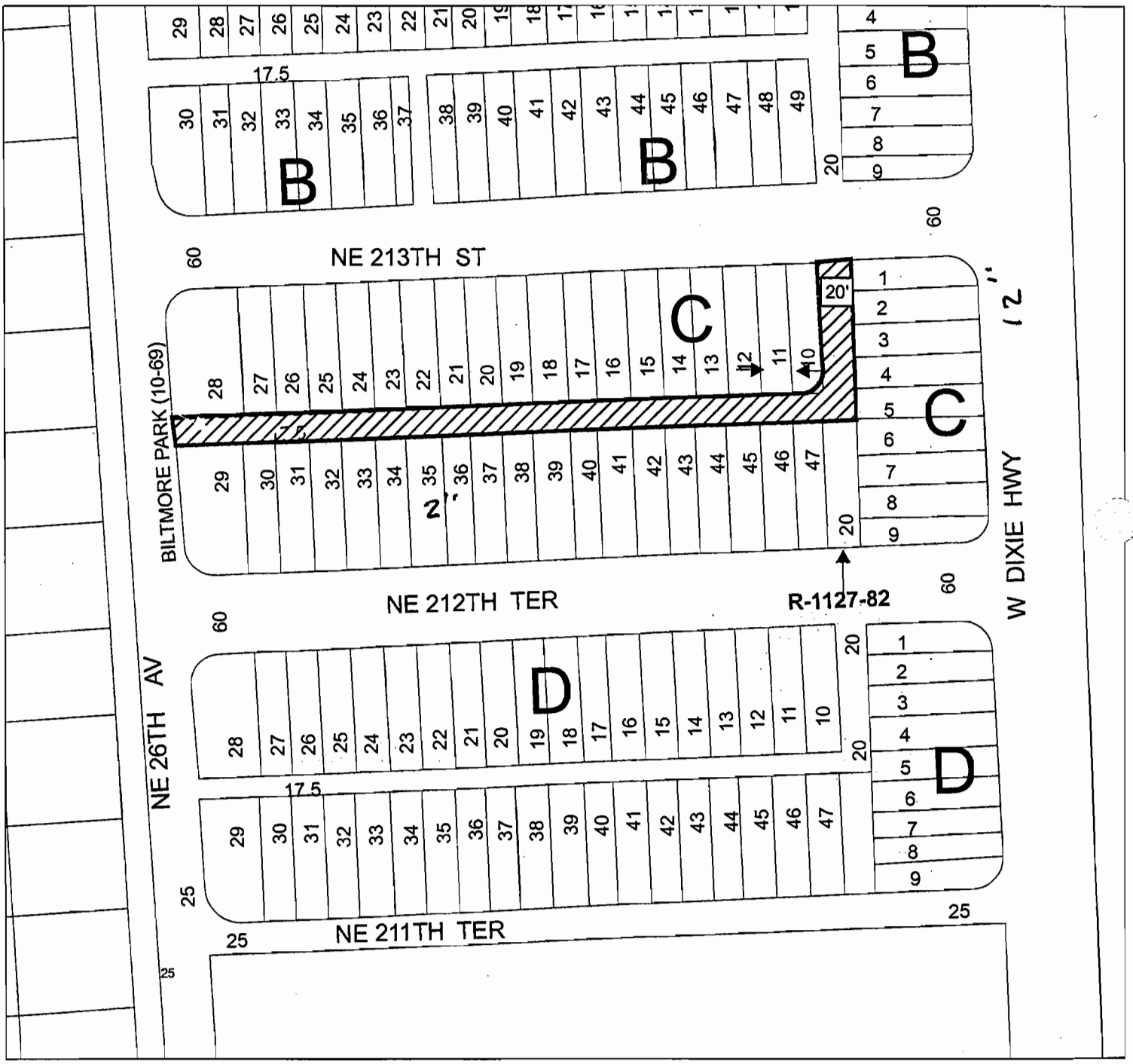
By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

# Location Map

## SECTION 34 TOWNSHIP 51 RANGE 42




**Legend**

Road Closing

Lot Lines

**P-832**

6

NORTH

Yazmin Moreno
Senior Cadastral Technician
Sept 28, 2006

**Memorandum** MIAMI-DADE COUNTY

Date: October 2, 2007

Agenda Item No. 5(J)

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-832
Section: 34-51-42
Alley South of NE 213 Street, from NE 26 Avenue, East for 517 Feet and the Alley West of West Dixie Highway, from NE 213 Street, South for 100 feet
Commission District: 4

---

**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 4.

**Fiscal Impact/Funding Source**

The Property Appraiser's Office has assessed the adjacent property to these rights-of-way at $19.25 per square foot. Therefore, the estimated value of the rights-of-way being closed would be approximately $213,240. If these rights-of-way are closed and vacated, the land will be placed on the tax roll, generating an estimated $4,424 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 $22,124.00, instead of $750.00 which would have been the fee under the previous AO4-114 rules.

**Track Record/Monitor**

Not Applicable.

**Background**

The Petitioner, Aventura Commons, LLC, wishes to close the alley south of NE 213 Street, from NE 26 Avenue, East for 517 feet and the alley west of West Dixie Highway, from NE 213 Street, South for 100 feet, in order to incorporate it to its property to enhance the development design plan. The rights-of-way requested to be closed have never been improved nor maintained by Miami-Dade County.

The subject rights-of-way were dedicated in 1925, by the plat of "BILTMORE PARK", recorded in Plat Book 10, Page 69, of the Public Records of Miami-Dade County, Florida. The plat contains a reverter clause which stipulates that the rights-of-way revert to the current owner of the abutting properties when their use as public rights-of-way are lawfully and permanently discontinued. The area surrounding the subject rights-of-way is zoned RU-2 (Two Family Residential District) and BU-1 (Neighborhood 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:

The alley running in an easterly-westerly direction in Block "C" of BILTMORE PARK, according to the plat thereof, as recorded in Plat Book 10, Page 69, of the Public Records of Miami-Dade County, Florida, from the East right of way line of NE 26th Avenue (Miami Drive per plat) East extending its north and south lines to the east line of the alley running in a northerly-southerly direction in said block.

And

That portion of the alley running in a northerly-southerly direction through said Block "C", from the easterly extension of the south line of Lot 10 of said block North to the south right of way line of NE 213th Street (Biltmore Blvd. per plat), including the 10-foot radius return at the southeast corner of said lot.

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):

**BILTMORE PARK PLAT AS RECORDED IN PLAT BOOK 10, PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.** (1925)

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 |
|---|---|---|
| Aventura Commons, LLC | 30-1234-003-0960 | The entire block where NE 213th Street lies to the North, West Dixie Highway lies to the East, NE 212th Street lies to the South, and NE 26 Avenue lies to the West |
| | 30-1234-003-0930 | |
| | 30-1234-003-0900 | |
| | 30-1234-003-0890 | |
| | 30-1234-003-0870 | |
| | 30-1234-003-0860 | |
| | 30-1234-003-0850 | |
| | 30-1234-003-0840 | |
| | 30-1234-003-0830 | |
| | 30-1234-003-0970 | |
| | 30-1234-003-0980 | |
| | 30-1234-003-0990 | |
| | 30-1234-003-1000 | |
| | 30-1234-003-1010 | |
| | 30-1234-003-1020 | |
| | 30-1234-003-1030 | |
| | 30-1234-003-1040 | |
| | 30-1234-003-1050 | |
| | 30-1234-003-1060 | |
| | 30-1234-003-1070 | |
| | 30-1234-003-1080 | |
| | 30-1234-003-1090 | |
| | 30-1234-003-0790 | |
| | 30-1234-003-0780 | |
| | 30-1234-003-0770 | |
| | 30-1234-003-0760 | |
| | 30-1234-003-0750 | |
| | 30-1234-003-0740 | |
| | 30-1234-003-1100 | |

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 ARE ALLEYS RUNNING BEHIND INDIVIDUAL PROPERTIES. A SINGLE OWNER HAS PURCHASED THE ENTIRE BLOCK AND INTENDS TO REPLAT AND DEVELOP THE PROPERTIES.**

**THE VACATED RIGHT-OF-WAYS WILL BE PART OF THE RESIDENTIAL DEVELOPMENT.**

**NO ACCESS ISSUES WILL BE CREATED BY THE VACATION OF THE RIGHT OF WAYS.**

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

Respectfully submitted,

| SIGNATURE | ADDRESS |
|---|---|
| **Bernardo Kopel, Managing Member**<br>**AVENTURA COMMONS, LLC** | **10850 NW 21 Street, Suite 230**<br>**Miami, FL 33172** |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

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 FLORIDA )
) SS
MIAMI-DADE COUNTY )

BEFORE ME, the undersigned authority, personally appeared Bernardo Kopel, 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.

(Signature of Petitioner)

Sworn and subscribed to before me this

26 day of September, 2006

Notary Public State of Florida at Large

MARIBEL V. SAROTE
MY COMMISSION # DD 337439
EXPIRES: July 25, 2008
Bonded Thru Notary Public Underwriters

My Commission Expires: 7/25/08

# 4063980_v1