

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

Agenda Item No. 5(I)

10-02-07

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

RESOLUTION NO. R-1050-07

RESOLUTION GRANTING PETITION TO CLOSE SW 9  
STREET, FROM SW 68 AVENUE TO SW 68 COURT  
(ROAD CLOSING PETITION NO. P-815)

**WHEREAS**, the County Commission held a public hearing to consider a petition to close SW 9 Street, from SW 68 Avenue to SW 68 Court, 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; (2) the Petitioner shall relocate the wooden utility poles which exist within the right-of-way at its expense; (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 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(I)

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 **Dorrrin 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
Dorrrin 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 11 TOWNSHIP 54 RANGE 40

9	26
10	25
11	24
12	23
13	22
14	21
15	20
16	19
17	18

1	32
2	31
3	30
4	29
5	28
6	27
7	26
8	25
	24

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1	32
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3	30
4	29
5	28
6	27
7	26
8	25
9	24

SW 68 COURT

SW 68 AVENUE

### P-815

#### Legend

- Road Closing
- Lot Lines



Date: October 2, 2007

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

From: George M. Burgess  
County Manager 

Subject: Road Closing Petition P-815  
Section: 11-54-40  
SW 9 Street, from SW 68 Avenue to SW 68 Court  
Commission District: 6

Agenda Item No. 5(I)

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**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 6.

**Fiscal Impact/Funding Source**

The Property Appraiser's Office has assessed the adjacent properties to this right-of-way at \$24.00 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately \$267,250. If this right-of-way is closed and vacated, it will be placed on the tax roll, generating an estimated \$5,545 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 \$27,525.00, instead of \$750.00 which would have been the fee under the previous AO4-114 rules.

**Track Record/Monitor**

Not Applicable.

**Background**

The Petitioner, 8 Street Holdings, LLC, wishes to close SW 9 Street, from SW 68 Avenue to SW 68 Court, in order to incorporate it to its properties to be utilized as part of a commercial development that will enhance the community. The right-of-way requested to be closed has been improved and maintained by Miami-Dade County. Additionally, on June 7, 2007 the BCC adopted Resolution Z-11-7 that approved a zoning change and site plans for the unified development, which in effect eliminates the subject 50-foot wide right-of-way.

The subject right-of-way was dedicated in 1925, by the plat of "TAMIAMI CITY", recorded in Plat Book 14, Page 9, of the Public Records of Miami-Dade County, Florida. Said plat contains a reverter clause which stipulates that the right-of-way reverts to the current property owner of the abutting properties when its use as a public right-of-way is lawfully and permanently discontinued. The area surrounding the subject right-of-way is zoned RU-3B (Bungalow Court 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 applicant seeks to vacate that portion of S.W. 9<sup>th</sup> Street fronting the following parcels: Lots 17 and 18 in Block 3, and Lots 1 and 32 in Block 4 of "Tamiami City Plat", according to the Plat thereof, as recorded in Plat Book 14, Page 9 of the Public Records of Miami-Dade County, Florida, lying West of the West Right of Way of S.W. 68<sup>th</sup> Avenue (as per said Plat) and lying East of the East Right of Way of S.W. 68<sup>th</sup> Court (as per said Plat), Containing 11135.42 Square Feet or 0.26 Acres +/-.**

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):

**Tamiami City Plat as recorded in Plat Book 14, Page 9 of the Public Records of 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>8 Street Holdings, LLC</u>	<u>30-4011-008-0160</u>	<u>6840 SW 8 Street, Miami, FL</u>
<u>8 Street Holdings, LLC</u>	<u>30-4011-008-0390</u>	_____
<u>8 Street Holdings, LLC</u>	<u>30-4011-008-0170</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 Way was intended for the extension of S.W. 9<sup>th</sup> Street in a westerly direction, however this Right of Way is not necessary.**

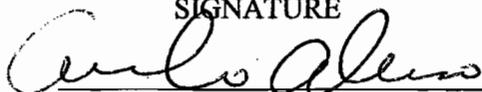
**The vacated Right of Way will be part of a proposed commercial development.**

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE

ADDRESS



**8 Street Holdings, LLC**

**6840 SW 8 Street, Miami, FL**

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