

Memorandum 

Date: **November 6, 2007**

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

From: George M. Burgess
County Manager 

Subject: Road Closing Petition P-843
Section: 30-56-40
SW 109 Avenue, from SW 248 Street South for Approximately 473 Feet; and SW 108
Court, from SW 248 Street South for Approximately 115 Feet
Commission District: 8

Agenda Item No. 5(O)

R-1194-07

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 8.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to these rights-of-way at \$120,000 per acre. Therefore, the estimated value of the rights-of-way being closed would be approximately \$51,600. If these rights-of-way are closed and vacated, the land will be placed on the tax roll, generating an estimated \$1,070 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 \$5,960.00, instead of \$750.00 which would have been the fee under the previous AO4-114 rules.

Track Record/Monitor

Not Applicable.

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

The Petitioner, Manuel C. Diaz, wishes to close SW 109 Avenue, from the south right-of-way line of SW 248 Street South to the northwesterly right-of-way line of the Florida Turnpike; and SW 108 Court, from the south right-of-way line of SW 248 Street South to the northwesterly right-of-way line of the Florida Turnpike, in order to incorporate the area into the proposed plat of "VILLA CLARA", Tentative Plat Number T-22763 (attached). 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 1926, by the plat of "SOUTH ALLAPATTAH GARDENS", recorded in Plat Book 25, Page 20, of the Public Records of Miami-Dade County, Florida; said plat contains a reverter clause which stipulates that the land reverts to the current property owner of the abutting property when its use as public rights-of-way is lawfully and permanently discontinued. The area surrounding the subject rights-of-way is zoned AU (Agricultural 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.



MEMORANDUM

(Revised)

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

DATE: November 6, 2007

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

SUBJECT: Agenda Item No. 5(O)

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(O)

11-06-07

RESOLUTION NO. R-1194-07

RESOLUTION GRANTING PETITION TO CLOSE SW 109 AVENUE, FROM SW 248 STREET SOUTH FOR APPROXIMATELY 473 FEET; AND SW 108 COURT, FROM SW 248 STREET SOUTH FOR APPROXIMATELY 115 FEET (ROAD CLOSING PETITION NO. P-843)

WHEREAS, the County Commission held a public hearing to consider a petition to close SW 109 Avenue, from the south right-of-way line of SW 248 Street South for approximately 473 feet; and SW 108 Court, from the south right-of-way line of SW 248 Street South for approximately 115 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 closing of the aforementioned road is contingent on the recording of the plat of VILLA CLARA, tentative plat T-22763, 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 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 **Katy Sorenson** who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman	aye	
	Barbara J. Jordan, Vice-Chairwoman	absent	
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	absent	Sally A. Heyman	aye
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	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of November, 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. GKS

Gerald K. Sanchez

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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:

Legal Description

That portion of SW 109th Avenue (Fourth Avenue by plat) lying west of Lots 1, 23, 22, 21, 20, 19, 18, and 17, Block 16 of "SOUTH ALLAPATTAH GARDENS", according to the plat thereof as recorded in Plat Book 25, Page 20, of the Public Records of Miami-Dade County, Florida described as follows:

Beginning at the southwest corner of Lot 1, Block 16, of said plat of "SOUTH ALLAPATTAH GARDENS"; thence **S00°24'11"E 316.57** feet along the east right of way line of SW 109th Avenue to the northwesterly right of way line of SR 821 (Homestead Extension to Florida Turnpike); thence **S48°08'31"W 46.76** feet along said northwesterly right of way line of SR 821 to a point on the west right of way line of SW 109th Avenue; thence **N00°24'11"W 472.75** feet along said west right of way line of SW 109th Avenue to a point on the south right of way line of Coconut Palm Dr. (SW 248th Street); thence **N89°19'18"E 59.88** feet along said right of way line of SW 248th Street to a point on a circular curve concave to the southeast, to which point a radial line bears **N0°40'42"W**; thence southwesterly and south along the arc of said curve having for its elements a radius of **25.00** feet, a central angle of **89°43'29"**, and an arc distance of **39.15**

feet to a point of tangency; thence continue **S00°24'11"E 100.55** feet along the east right of way line of said SW 109th Avenue to the **Point of Beginning**.

Containing: 0.37 acres±

AND

That portion of SW 108th Court (Fifth Avenue by plat) lying east of Lots 5 and 6, Block 16 of "SOUTH ALLAPATTAH GARDENS", according to the plat thereof as recorded in Plat Book 25, at page 20, of the Public Records of Miami-Dade County, Florida described as follows:

Commencing at the northeast corner of Lot 3, Block 16, of said plat of SOUTH ALLAPATTAH GARDENS; thence **S78°02'53"E 114.91** feet to the **Point of Beginning**; thence **N89°36'42"E 25.00** feet along the westerly extension of the south right of way line of SW 248 Street; thence **S00°23'14"E 84.16** feet along the center line of SW 108th Court to the northwesterly right of way line of said SR 821 (Homestead Extension of Florida Turnpike); thence **S38°41'36"W 39.66** feet along said northwesterly right of way line of SR 821 to the west right of way line of said SW 108th Court; thence **N00°23'14"W 114.85** feet along the east line of said Block 16 to the **Point of Beginning**.

Containing: 0.06 acres ±

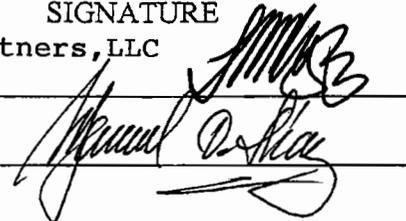
Total area: 0.43 acres ±

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):

Road closure to unify two parcels, and to reclaim unused right of way on the east side.

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

SIGNATURE	ADDRESS
Live Oak Partners, LLC Manager	26401 SW 107 AVE
	10880 SW 248 STREET
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

SIGNATURE	ADDRESS
_____	26401 SW 107 AVE
_____	10880 SW 248 STREET
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Attorney for Petitioner Sergio Cruz

Address: 26401 SW 107 Ave, Homestead, FL 33032
(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 Manuel C. Diaz, 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 contained and true.

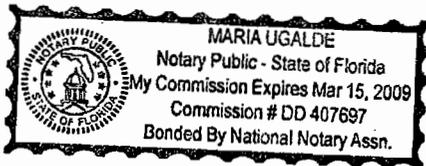
Manuel C. Diaz
(Signature of Petitioner)

Sworn and subscribed to before me this

10th day of February, 2007

Maria Galde
Notary Public State of Florida at Large

My Commission Expires: MARCH 15, 2009

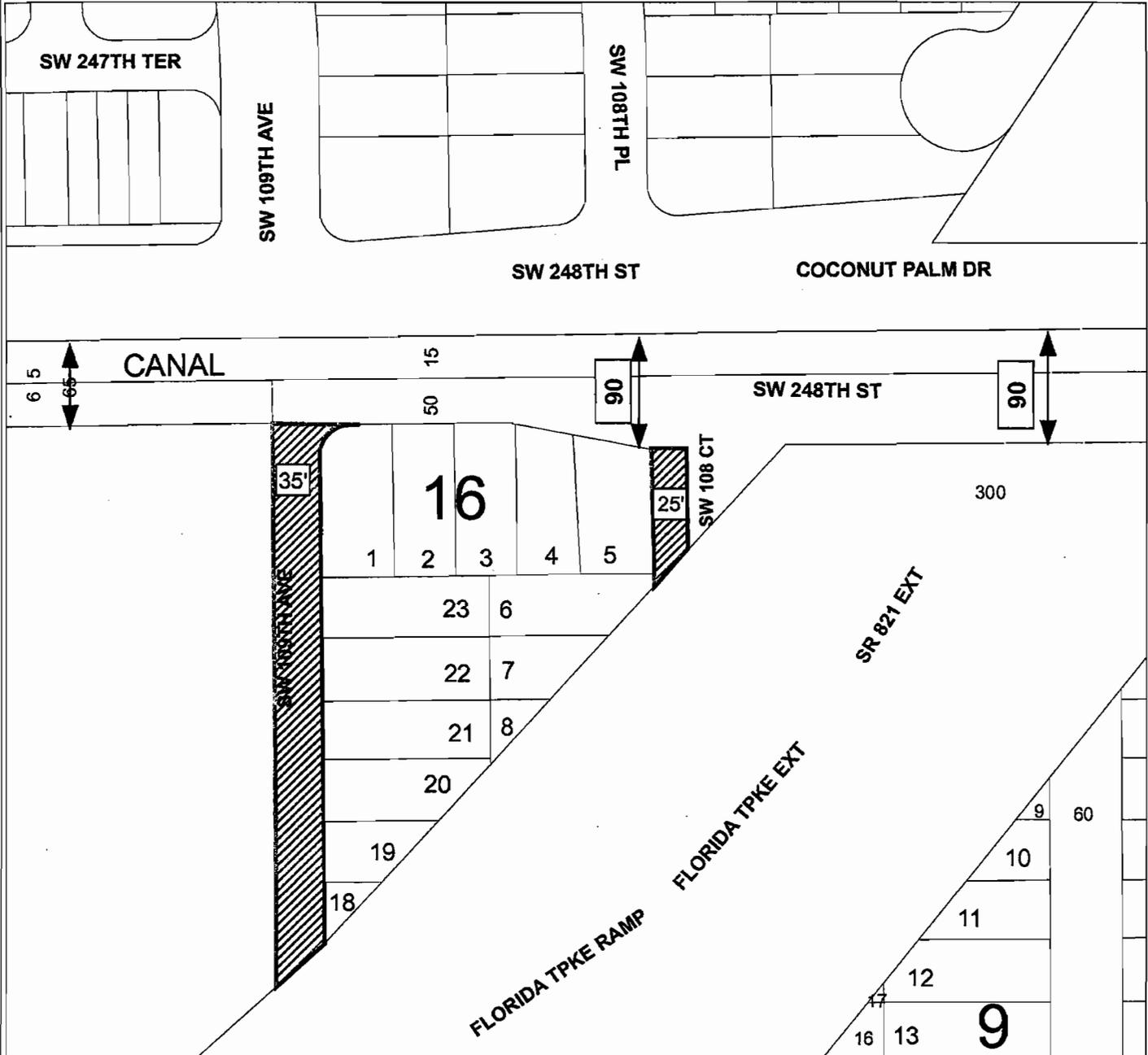




Location Map



SECTION 30 TOWNSHIP 56 RANGE 40



Legend

-  Lot Lines
-  Road Closing

P-843

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Yazmin Moreno
Senior Cadastral Technician
February 26, 2007

