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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2007

Agenda Item No. 5(I)

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

From: George M. Burgess
County Manager

R-1279-07

Subject: Road Closing Petition P-848
Section: 25-56-39
A Portion of SW 264 Street (Bauer Drive), from SW 122 Avenue East for Approximately 298 feet
Commission District: 8

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 8

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $16,000.00 per acre. Therefore, the estimated value of the right-of-way being closed would be approximately $4,880. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $101 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 $2,000.00, instead of $750.00 which would have been the fee under the previous AO4-114 rules.

Track Record/Monitor

Not Applicable.

Background

The Petitioners, Rafael Lopez and Marcelo Stolarczyk, wish to close 45 of the 100 feet dedicated for SW 264 Street (Bauer Drive), from SW 122 Avenue East for approximately 298 feet, in order to incorporate the land to their property to be enhanced and maintained. The portion left open exceeds the right-of-way width required in Sec. 33-133 of the zoning code. 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 1950, by Deed Book 3233, Page 288, recorded in the Public Records of Miami-Dade County, Florida. 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 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: December 4, 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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(I)
12-04-07

RESOLUTION NO. **R-1279-07**

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF SW 264 STREET (BAUER DRIVE), FROM SW 122 AVENUE EAST FOR APPROXIMATELY 298 FEET (ROAD CLOSING PETITION NO. P-848)

WHEREAS, the County Commission held a public hearing to consider a petition to close a portion of SW 264 Street (Bauer Drive), from SW 122 Avenue East for approximately 298 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 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) 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.

The foregoing resolution was offered by Commissioner **Katy Sorenson**, 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	**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	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 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

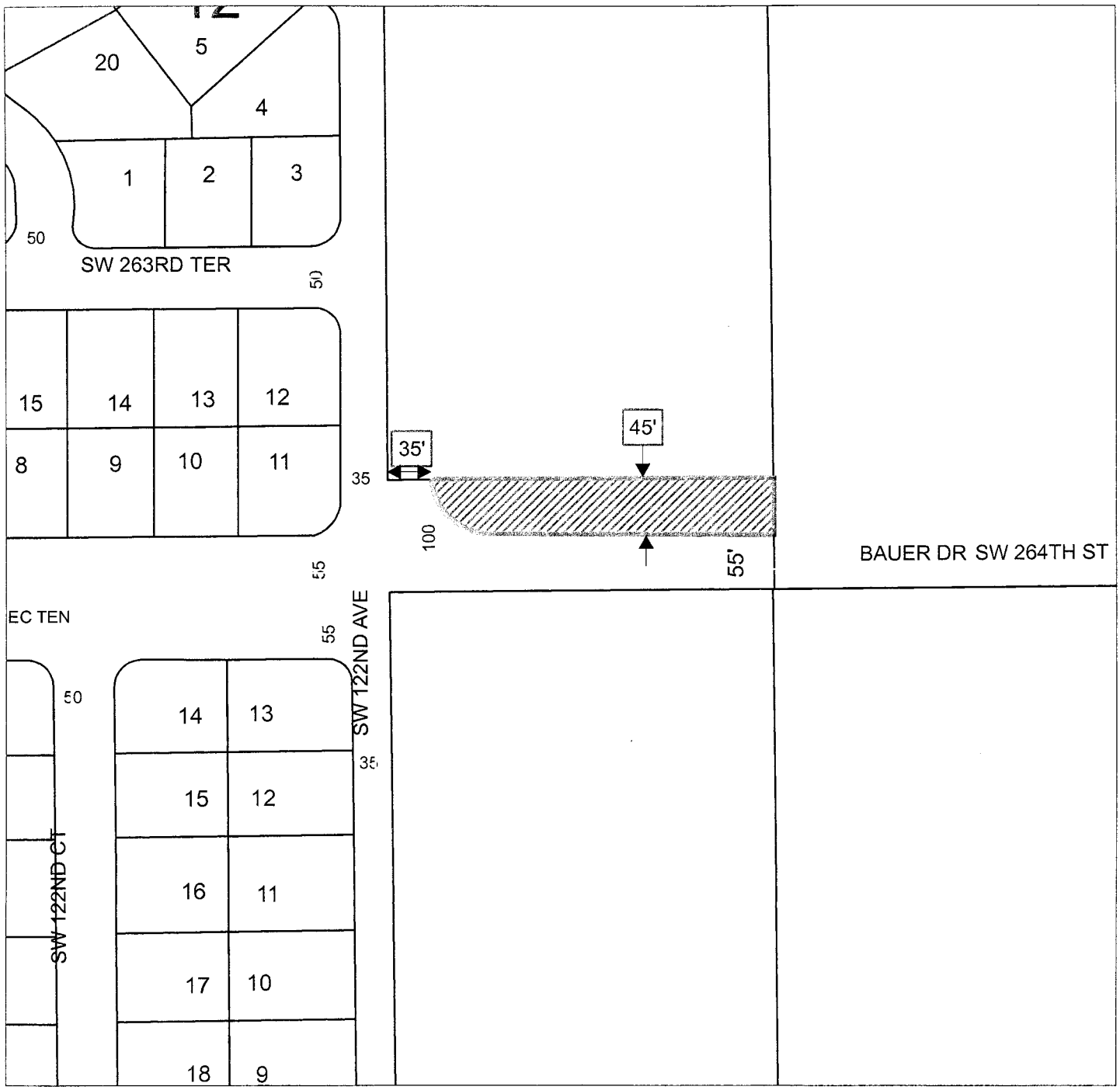
By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Location Map

SECTION 25 TOWNSHIP 56 RANGE 39



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P-848

NORTH

Yazmin Moreno
Senior Cadastral Technician
June 14, 2007

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 North 45.00 feet of the South 100.00 feet of the West 1/2 of the West 1/2 of the SW 1/4 of the SE 1/4 of Section 25, Township 56 South, Range 39 East;
> Less,
> The area bounded by the South line of the North 45 feet of the South 100 feet of said W 1/2 of the W 1/2 of the SW 1/4 of the SE 1/4 of said Section 25; bounded by the West line of said Section 25; and bounded by a 25 foot radius arc, concave to the Northeast, and being tangent to both of the last two described lines.
>
> All of the above lying in Miami-Dade County, Florida, and containing 14, 873 square feet, or 0.34 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 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):

> Right-of-Way Deed to Dade County (the "Deed") recorded in Official Records Book 3233, Page 288, of the Public Records of Miami-Dade County, Florida, copy attached.

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
Rafael Lopez	30-6925-000-0141	9041 SW 57 Terrace
and Marcelo Stolarczyk		Miami, Florida 33173-1608

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 Right-of-Way deed to Dade County conveyed a 100 foot strip of land of which Miami-Dade County only requires 55 feet. The right-of-way in question is SW 264 Street (Bauer Drive).

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

SIGNATURE	ADDRESS
	9041 SW 57 Terrace, Miami, FL 33173-1608
	9041 SW 57 Terrace, Miami, FL 33173-1608

Attorney for Petitioner:
Gilberto Pastoriza
2525 Ponce de Leon Blvd, Suite 700
Coral Gables, FL 33134
(Signature of Attorney nor required)

LOIS A. FLORES
Notary Public - State of Florida
My Commission Expires Oct 7, 2008
Commission # DD 360864
Bonded By National Notary Assn.

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Rafael Lopez marcelo Stolarczyk, whom first by me duly sworn, depose and say 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)

Sworn and subscribed to before me this

24th day of May, 2007

Notary Public State of Florida at Large

My Commission Expires: Oct 7, 2008