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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(J)

R-1280-07

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-748
Section: 2-54-39
A Portion of SW 136 Place at Theoretical SW 6 Street
Commission District: 12

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 12.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $2.68 per square foot. Therefore, the estimated value of this right-of-way would be approximately $1,383. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $29 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 petitioner, José R. Soberón, wishes to close the corner of an irregularly shaped right-of-way abutting his property to incorporate the area into the proposed plat of "EL TOVAR AT UNIVERSITY PARK", Tentative plat number T-19964. The remaining right-of-way will consist of a cul-de-sac, which complies with the Public Works Manual Standard Details and matches the existing pavement. The closing of the subject portion of right-of-way does not violate any zoning law applicable to this area of the county nor does it affect traffic continuity.

The subject right-of-way was dedicated in 1981, by the Plat of "UNIVERSITY PARK WEST SECTION FOUR", recorded in Plat Book 118, Page 63, 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 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 RU-1 (Single Family Residential 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(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

Approved _____ Mayor
Veto _____
Override _____

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

RESOLUTION NO. **R-1280-07**

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF SW 136 PLACE AT THEORETICAL SW 6 STREET (ROAD CLOSING PETITION NO. P-748)

WHEREAS, the County Commission held a public hearing to consider a petition to close a portion of SW 136 Place at theoretical SW 6 Street, 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 EL TOVAR AT UNIVERSITY PARK, tentative plat T-19964, 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 **Jose "Pepe" Diaz**, 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	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

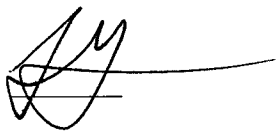
The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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 02 TOWNSHIP 54 RANGE 39

6

P-748

NORTH

Prepared by: Yazmin Moreno
September 6, 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:

That part of the right-of-way of SW 136 place of UNIVERSITY PARK WEST SECTION FOUR, as recorded in Plat Book 118, Page 63, of the Public Records of Miami-Dade County, Florida, which lies within the external area formed by a 50.00 foot radius arc, concave to the northeast, tangent to the northwesterly line of Tract "B", said line being 130 feet north of and parallel with the center line of Tamiami Canal, bearing N89°42'04"E, of said UNIVERSITY PARK WEST SECTION FOUR and the easterly line of the canal right of way (O.R.B. 5431, Pg. 572) as shown on the above mentioned UNIVERSITY PARK WEST SECTION FOUR.

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):

Dedicated in 1981, by the plat of UNIVERSITY PARK WEST SECTION FOUR, recorded in Plat Book 118, Page 63, of the Public Records of Miami-Dade County, Florida.

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
José R. Soberón for: Dakota Investment and Development Corporation	30-4902-024-0970	6870 Bamboo Street Miami Lakes, Fl. 33014

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 land in question will be used for residential purposes, the same as those in adjacent properties and in conformity with all zoning laws. This land will provide the flexibility to build sidewalks and provide access to the cul-de-sac, matching the current neighborhood use.

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

SIGNATURE	ADDRESS
Dakota Investment and Development Corporation	6870 Bamboo St., Miami Lakes, Fl. 33014

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared **José R. Soberón**, 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 of Petitioner)

Sworn and subscribed to before me this

7th day of September, 2007

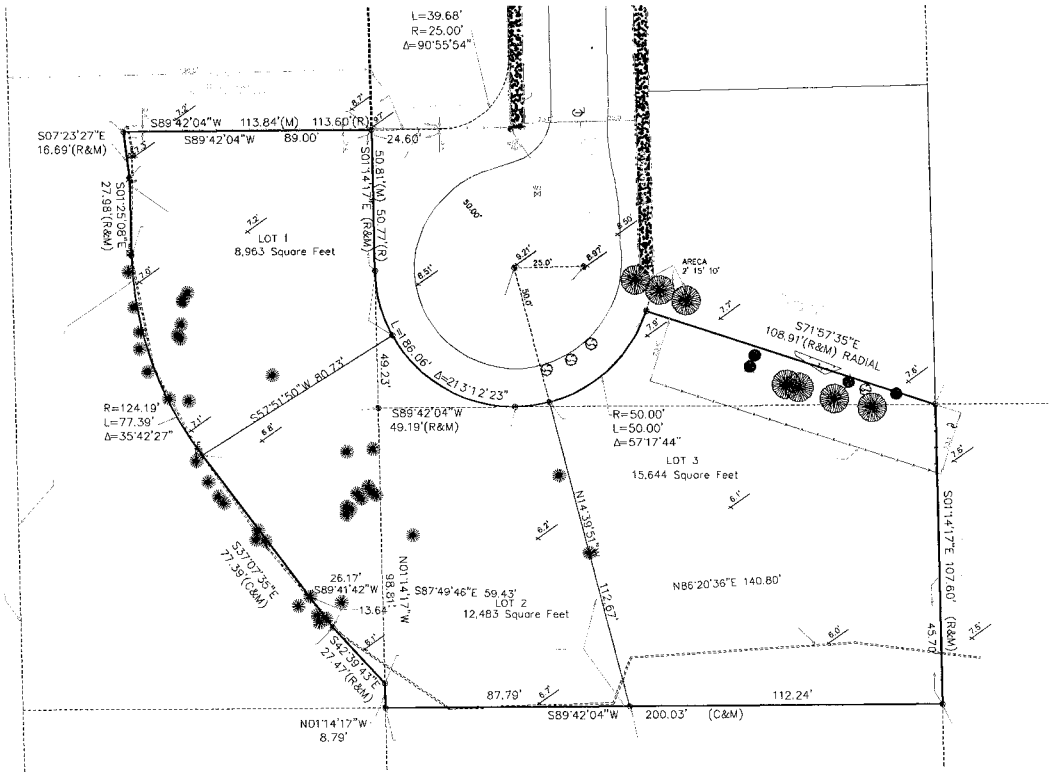
_____
Notary Public State of Florida at Large

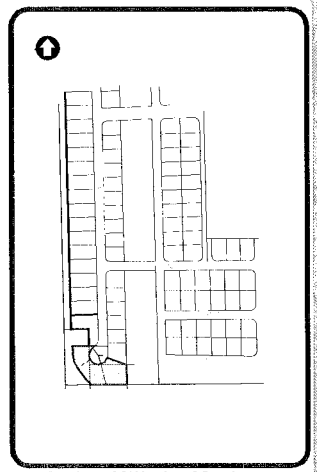
John M White
My Commission DD311694
Expires April 20, 2008

My Commission Expires: 4/20/08

TENTATIVE PLAT OF EL TOVAR AT UNIVERSITY PARK

A A SUBDIVISION OF THE SW. 1/4, OF SECTION 2, TOWNSHIP 54 SOUTH, RANGE 39 EAST AND
A RESUBDIVISION OF TRACT "B" OF UNIVERSITY PARK WEST SECTION FOUR,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 118, AT PAGE 63
AL LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.





Portion of SW. 1/4, of Section 2,
Township 54 South, Range 39 East
Miami-Dade County, Florida
LOCATION MAP
SCALE 1" = 300'

SURVEYOR'S NOTES

1. The date of completion or original field Survey was on February 14, 2005.

2. LEGAL DESCRIPTION:

Tract "B" of "UNIVERSITY PARK WEST SECTION FOUR" according to the Plat thereof, as recorded in Plat Book 118, Page 63 of the Public Records of Miami-Dade County, Florida.
Together with:
That Portion of the West 130 feet of Section 2, Township 54 South, Range 39 East , Dade County Florida, Which lies North of the North Bank of Tamiami Canal and South of a line being 207.57 feet distant from the North Bank of Tamiami Canal, Being More particularly described as follows:
Begin at the most Southwesterly corner of Lot 32, in Block 11, of "UNIVERSITY PARK WEST SECTION FOUR SUBDIVISION", according to the plat thereof as recorded in Plat Book 118 at Page 63 of the Public Records of Miami-Dade County, Florida; thence S 89° 42' 04"W, along the westerly prolongation of the most southerly line of said Lot 32, Block11, a distance of 89.00 feet; thence S 01° 23' 27" E, a distance of 16.69 feet; thence S 01° 25' 06" E a distance of 27.69 feet to the point of curvature of a curve to the left, having as its elements a central angle of 35° 42' 27", a radius of 124.19 feet and a chord bearing S 19° 16' 21" E, for a distance of 77.39 feet; thence southeasterly along the arc of said curve, a distance of 77.39 feet to the point of tangency; thence S 37° 07' 34" E, a distance of 77.38 feet; thence S 42° 39' 43" E, a distance of 27.47 feet to the intersection with the westerly line of Tract "B" of said "UNIVERSITY PARK WEST SECTION FOUR SUBDIVISION", thence N 01° 14' 17" W, along said westerly line of said Tract "B", a distance of 98.81 feet to the Northwest corner of said Tract "B"; thence continue N 01° 14' 17" W, a distance of 100.00 feet to the Point of Beginning of the herein described parcel of land.

Containing 37,118 square feet (0.85 Acres) more or less by calculations.

Property Location: SW. 136th Place North of Tamiami Canal
Folio No.: 30-4902-024-0870

3. ACCURACY:

The accuracy obtained by measurement and calculation of closed geometric figures was found to exceed this requirement.

4. ADMINISTRATION:

[illegible]

5. [illegible]

[illegible]

6. [illegible]

[illegible]

7. [illegible]

[illegible]

8. [illegible]

[illegible]

9. [illegible]

[illegible]

10. [illegible]

[illegible]

11. [illegible]

[illegible]

12. [illegible]

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13. [illegible]

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14. [illegible]

[illegible]

15. [illegible]

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16. [illegible]

[illegible]

17. [illegible]

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18. [illegible]

[illegible]

19. [illegible]

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MAP OF BOUNDARY SURVEY
for
JOSE R. SOBERON
of
SW. 136th PLACE AND SW. 6th STREET, MIAMI FLORIDA

REVISIONS
1-REV. 09/07/07
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