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

Memorandum

MIAMI-DADE COUNTY

Date: May 6, 2008

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

Agenda Item No. 5(G)

From: George M. Burgess
County Manager

Resolution No. R-453-08

Subject: Road Closing Petition P-853
Section: 29-52-42
An Unnamed Right-of-Way, South of NE 121 Street, from NE 16 Avenue West for 780 Feet; and NE 15 Avenue, from NE 121 Street South for 333 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 $5.67 per square feet. Therefore, the estimated value of these rights-of-way being closed would be approximately $189,320. If these rights-of-way are closed and vacated, the land will be placed on the tax roll, generating an estimated $3,515 per year in additional property taxes. The fee for this road closing is $19,732.00.

Track Record/Monitor

Not Applicable.

Background

The Petitioner, Alta Mira Apartments LP, wishes to close an unnamed right-of-way, South of NE 121 Street, from NE 16 Avenue West for 780 feet; and NE 15 Avenue, from NE 121 Street South for 333 feet, in order to incorporate the areas into the proposed plat of "ALTA MIRA APARTMENTS", Tentative Plat Number T-22854. Said plat is creating one tract that will include all of the property. The intended use for the property is to build rental units. The rights-of-way requested to be closed are not improved nor maintained by Miami-Dade County. These rights-of-way have been utilized as a trailer park for many years. This trailer park, which has its entrance on the east side, is bounded on the west by NE 14 Avenue, on the north by NE 121 Street, on the east by NE 16 Avenue and on the south by the north line of the plat of BAYWINDS APARTMENTS, as recorded in Plat Book 158, Page 89, of the Public Records of Miami-Dade County, Florida. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject rights-of-way were dedicated in 1911, by the "PLAT OF SUBDIVISION OF S ½ OF N ½ OF SW ¼ OF SE ¼; N ½ OF S ½ OF SW ¼ OF SE ¼ SEC 29 TWP 52 S RG 42 E", recorded in Plat Book 1, Page 93, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject rights-of-way are zoned RU-3M (Minimum Apartment – 12.9 DU/net Acre).

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: May 6, 2008

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

SUBJECT: Agenda Item No. 5(G)

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(G)
5-6-08

RESOLUTION NO. **R-453-08**

RESOLUTION GRANTING PETITION TO CLOSE AN UNNAMED RIGHT-OF-WAY, SOUTH OF NE 121 STREET, FROM NE 16 AVENUE WEST FOR 780 FEET; AND NE 15 AVENUE, FROM NE 121 STREET SOUTH FOR 333 FEET (ROAD CLOSING PETITION NO. P-853)

WHEREAS, the County Commission held a public hearing to consider a petition to close An unnamed Right-of-Way, South of NE 121 Street, from NE 16 Avenue West for 780 Feet; and NE 15 Avenue, from NE 121 Street South for 333 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 **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Carlos A. Gimenez** 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	**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	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of May, 2008. 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

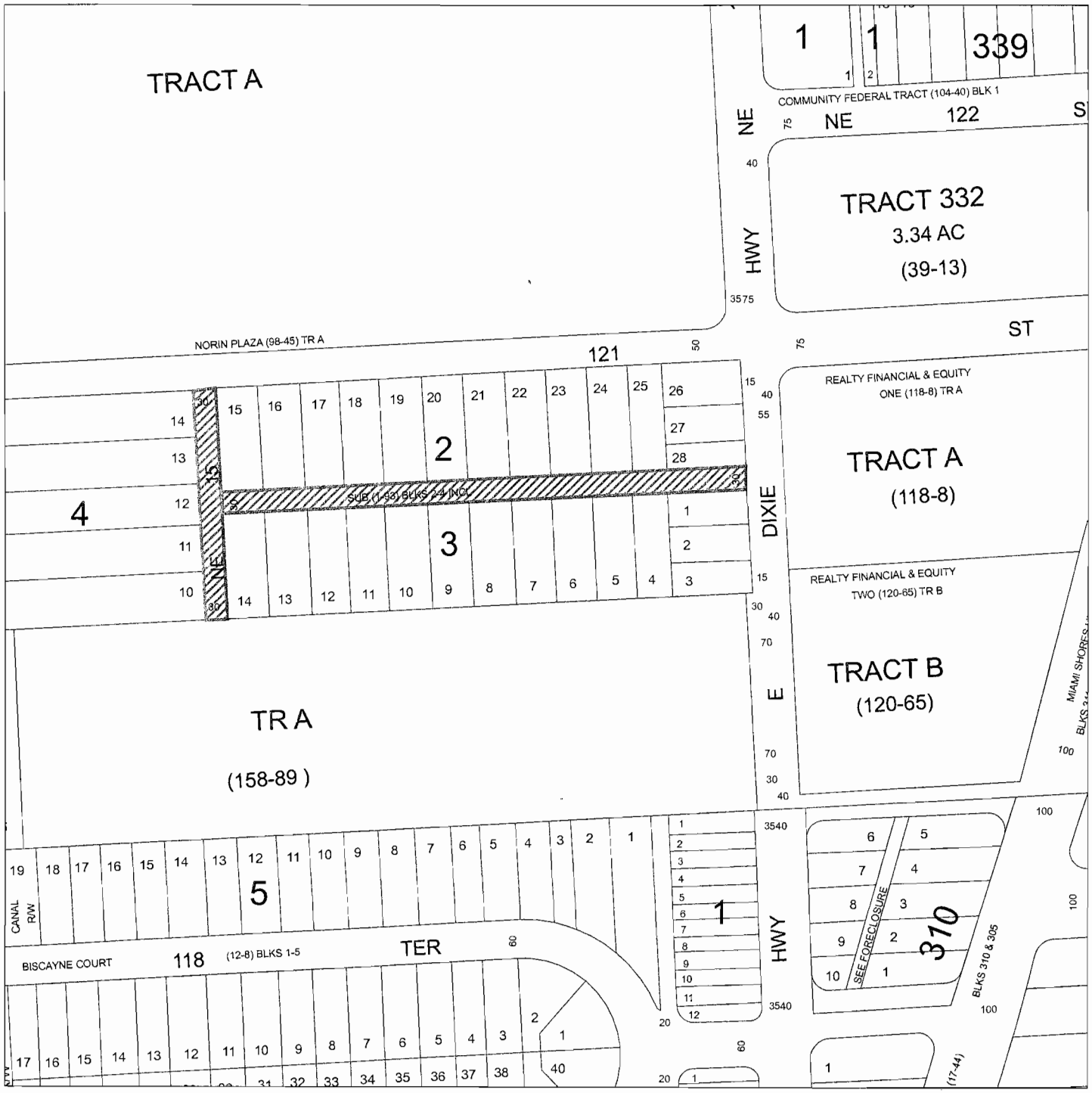
By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Location Map

SECTION 29 TOWNSHIP 52 RANGE 42



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P-853

NORTH

Prepared: Yazmin Moreno
September 7, 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:

A portion of that particular un-named street between Blocks 2, 3 and 4, of "Plat of Subdivision of S1/2 of N1/2 of SW1/4 of SE1/4; N1/2 of S1/2 of SW1/4 of SE1/4 Sec 29 TWP 52 S RG 42 E", according to the plat there of as recorded in Plat Book 1, on page 93, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Begin at the Northeast corner of Lot 1, Block 3, of said plat; THENCE westerly along the northerly line of said Block 3, 780 feet to the Northwest corner of Lot 14, Block 3, of said plat; THENCE southerly along the westerly line of said Lot 14, Block 3, 152.8 feet to the Southwest corner of said Lot 14, Block 3 and to the southerly line of said plat; THENCE westerly along the southerly line of said plat 30 feet to the Southeasterly corner of Lot 10, Block 4, of said plat; THENCE northerly, along the easterly line of said Block 4, 333 feet to the Northeast corner of Lot 6, Block 4, of said plat and the North line of the S1/2 of SW1/4 of SE1/4 of said Section 29; THENCE easterly along said North line 30 feet to the Northwest corner of Lot 15, Block 2, of said plat; THENCE southerly along the westerly line of said Lot 15, Block 2 150 feet to the Southwest corner of said Lot 15, Block 2; THENCE easterly along the southerly line of Block 2, 780 feet to the Southeast corner of Lot 28, Block 2, of said plat; THENCE southerly along the southerly prolongation of easterly line of Block 2, 30 feet to the Northeast corner of said Lot 1, Block 3 and the Point of Beginning.

Said lands lying and being in unincorporated Miami-Dade County and containing 33,390 square feet or 0.766 acres more or less

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):

Road was created by a plat recorded in the public records. (P.B. 1, page 93, M.D.C.R.)

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
Alta Mira Apartments, L.P.	30 22290010020 30 22290010030 30 22290010040 30 22290010100 30 22290010110 30 22290010120 30 22290010130 30 22290010140	1110 Northchase Parkway Suite 150 Marietta, Georgia 30067

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 road was created by plat and never improved by either a governmental entity of the adjoining land owners. The adjoining land owners (previous historic owners) have utilized the road as private property since before 1970 as is the property utilized today.

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

SIGNATURE	ADDRESS
_____	Alta Mira Apartments, L.P.
Wood Altamira, LLC, a Georgia limited liability co., its general partner	1110 Northchase Pkwy, Suite 150
WPSouth Corp. Inc., a Georgia corp., its manager	Marietta, Ga 30067

Attorney for Petitioner

Address: _____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
COUNTY OF BROWARD)

BEFORE ME, the undersigned authority, personally appeared Gregory Mire, who first by me duly sworn, deposes and says that he 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

19th day of July, 2007

Notary Public State of Florida
Traci R Scheppske
My Commission DD651383
Expires 03/15/2011

_____
Notary Public State of Florida at Large

My Commission Expires: 03/15/2011