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

Memorandum

MIAMI-DADE COUNTY

Date: July 1, 2008

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-856
Section: 35-53-39
NW 134 Place, from NW 17 Street to NW 19 Lane
Commission District: 12

Agenda Item No. 5(M)

Resolution No. R-726-08

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 $2.32 per square feet. Therefore, the estimated value of the right-of-way being closed would be approximately $142,732. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $2,650 per year in additional property taxes. The fee for this road closing is $15,073.20.

Track Record/Monitor

Not Applicable.

Background

The Petitioner, Pan American West Ltd., wishes to close NW 134 Place, from NW 17 Street to NW 19 Lane, in order to incorporate the areas into the proposed plat of "PAN AMERICAN WEST BUSINESS PARK FIRST ADDITION", Tentative Plat Number T-22892. Said plat is creating one tract that will include all of the property. The right-of-way requested to be closed was dedicated and improved by the petitioner.

The subject right-of-way was dedicated in 2007, by "PAN AMERICAN WEST BUSINESS PARK", recorded in Plat Book 167, Page 15, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned IU-1 (Light Industrial 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: July 1, 2008

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

SUBJECT: Agenda Item No. 5(M)

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(M)
7-1-08

RESOLUTION NO. **R-726-08**

RESOLUTION GRANTING PETITION TO CLOSE NW 134 PLACE, FROM NW 17 STREET TO NW 19 LANE (ROAD CLOSING PETITION NO. P-856)

WHEREAS, the County Commission held a public hearing to consider a petition to close NW 134 Place from NW 17 Street to NW 19 Lane, 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 PAN AMERICAN WEST BUSINESS PARK FIRST ADDITION, tentative plat T-22892, 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; save and except that land is reserved as a utility easement with 24-hour access for Miami-Dade Water and Sewer Department; (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 **Audrey M. Edmonson** 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	**absent**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of July, 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 35 TOWNSHIP 53 RANGE 39E

Legend

P-856-NW 134 PL

MDC.LOT

P-856

Comm. District: Jose "Pepe" Diaz, 12

NORTH

February 22, 2008

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 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 or right-of-way sought to be closed is as follows:

N.W. 134th Place as depicted in PAN AMERICAN WEST BUSINESS PARK, as recorded in Plat Book 167, Page 15, of the Public Records of Miami-Dade County, Florida, bounded on the north by the south right of way line of N.W. 19th Lane and bounded on the south by the north right of way line of NW. 17 Street.

2. PUBLIC INTEREST IN ROAD: The public interest in this road was acquired via the recordation of the Pan American West Business Park Plat which was recorded in the Public Records of Miami-Dade County, Florida on November 28, 2007, PLAT BOOK 167, PAGE 15.

3. SURVEY SKETCH: Attached

4. ABUTTING PROPERTY OWNERS: the abutting property to this right of way is solely owned by the petitioner, Pan American West Ltd. Folio# 3039350000030.

5.ACCESS TO OTHER PROPERTY: The undersigned certifies 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: Pan American West Business Park hereby requests this petition because due to timing constraints with respect to recordation of its Final Plat on November 28, 2007 there was not enough time to make adjustments to the design to accommodate a single user for the entire property that is bisected by this road. Alterations to design would have caused a considerable delay to the approval of the final plat. Any such delay in approval of the plat might have jeopardized several other projects that had already been committed to by petitioner and Miami-Dade County.

7. SIGNATURE OF ALL ABUTTING PROPERTY OWNERS: the abutting property to this right of way is solely owned by the petitioner.

SIGNATURE

Carlos C. Lopez-Cantera for
Pan American West Ltd.

FOLIO NO.

30-3935-000-0030

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Carlos C. Lopez-Cantera _____, 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

3rd day of December, 2007

_____
Notary Public State of Florida at Large

ALEMIS MACHADO
MY COMMISSION #DD647801
EXPIRES: MAR 06, 2011
Bonded through 1st State Insurance

My Commission Expires: 03/06/11

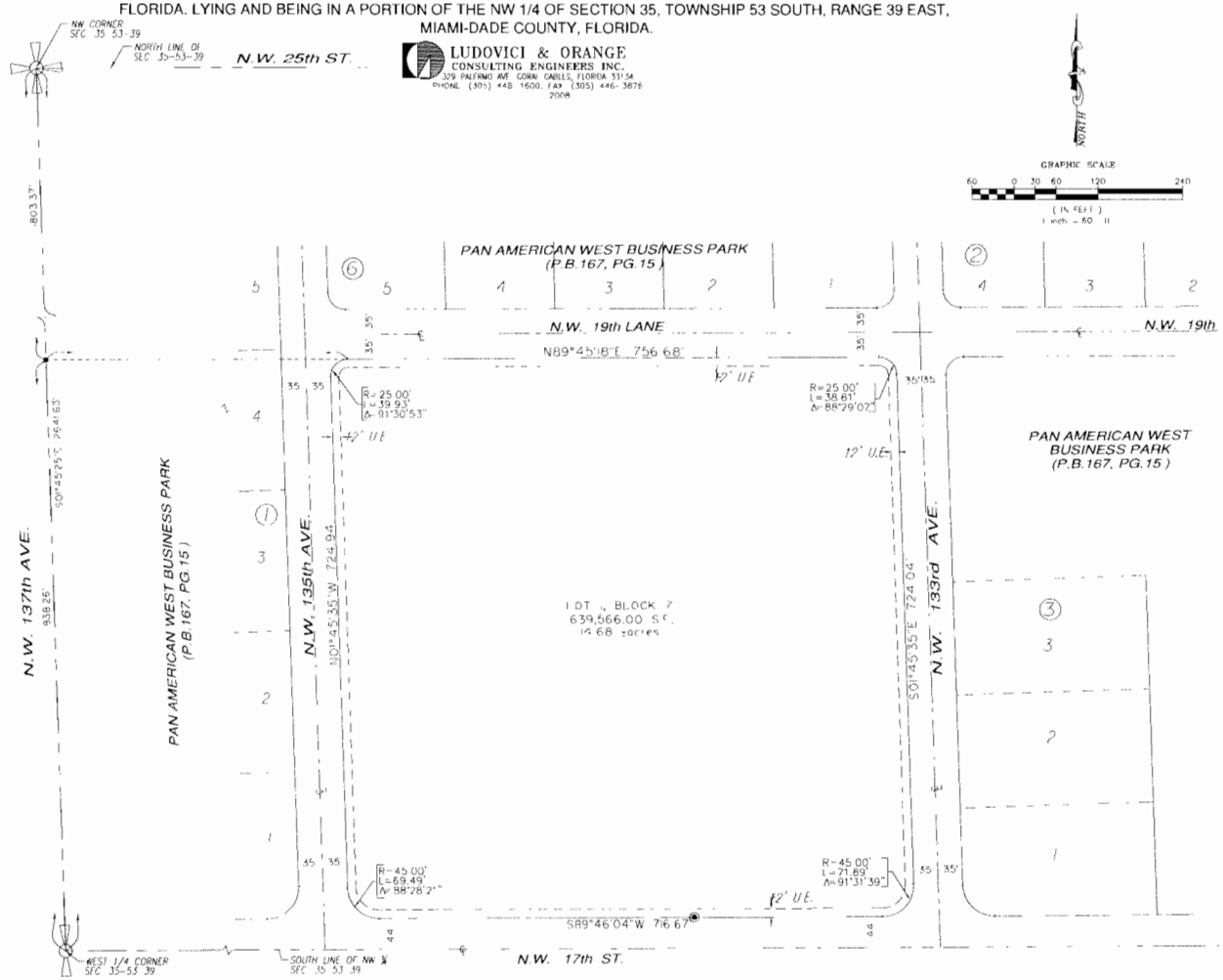
PAN AMERICAN WEST BUSINESS PARK FIRST ADDITION

P.B. ___ PG. ___

SHEET 2 OF 2 SHEETS

BEING A REPLAT OF A PORTION OF "PAN AMERICAN WEST BUSINESS PARK", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 167 AT PAGE 15 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY. FLORIDA. LYING AND BEING IN A PORTION OF THE NW 1/4 OF SECTION 35, TOWNSHIP 53 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA.

LUDOVICI & ORANGE
CONSULTING ENGINEERS INC.
379 PALERMO AVE. CORAL GABLES, FLORIDA 33134
PHONE (305) 448 1600, FAX (305) 446-3876
2008



SURVEYOR'S NOTES AND LEGEND

BEARINGS ARE BASED ON AN ASSUMED VALUE OF N89°50'50"E ALONG THE NORTH LINE OF SECTION 35-53-39 MIAMI-DADE COUNTY, FLORIDA.

- ⊕ PRM (PERMANENT REFERENCE MONUMENT)
- ● PCP (PERMANENT CONTROL POINT)
- ℄ CENTER LINE
- C/D CHORD BEARING AND DISTANCE
- U.E. UTILITY EASEMENT
- O.R.B. OFFICIAL RECORD BOOK
- P.B. PLAT BOOK
- PG. PAGE
- S.F. SQUARE FEET
- R RADIUS
- L LENGTH OF CURVE
- Δ CENTRAL ANGLE OF CURVE

NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

RECORDING STATEMENT

FILED FOR RECORD THIS _____ DAY OF _____ A.D. 2006 AT _____ IN BOOK _____ OF PLATS AT PAGE _____ OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THIS PLAT COMPLIES WITH THE LAWS OF THE STATE OF FLORIDA AND MIAMI-DADE COUNTY, FLORIDA.

HARVEY RUVIN
CLERK OF THE CIRCUIT COURT

BY _____ DEPUTY CLERK

LEGAL AND SKETCH

SURVEYOR' S NOTES:

1. Bearings are based on an assumed value of S01°45'25"E along the West line of Section 35-53-39, Miami-Dade County, Florida.

2. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

3. This sketch does not represent a land survey

LEGEND:

POC	Point of Commencement	R	Radius	SEC.	Section
POB	Point of Beginning	Δ	Central Angle Of Curve	O.R.B.	Official Record Book
POT	Point of Termination	L	Length		
P.B.	Plat Book	SF	Square Feet		
PG.	Page	R/W	Right of Way		

LEGAL DESCRIPTION:

N.W. 134th Place as depicted in PAN AMERICAN WEST BUSINESS PARK, as recorded in Plat Book 167, Page 15, of the Public Records of Miami-Dade County, Florida, bounded on the north by the south right of way line of N.W. 19th Lane and bounded on the south by the north right of way line of NW. 17 Street.

Containing 1.41 acres, more or less.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 61G17-6. Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey.
Ludovici and Orange Consulting Engineers Inc. L.B. #1012

By: _____

Arturo A. Sosa
Surveyor and Mapper 2629
State of Florida

PROJ. NO:2004 07A SUR	DATE: 03-05-2008	DRAWN: AS	CHECKED: AS	SCALE: NTS

LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

N.W. 134th PLACE
RIGHT-OF-WAY

SHEET 1 OF 2 SHEETS

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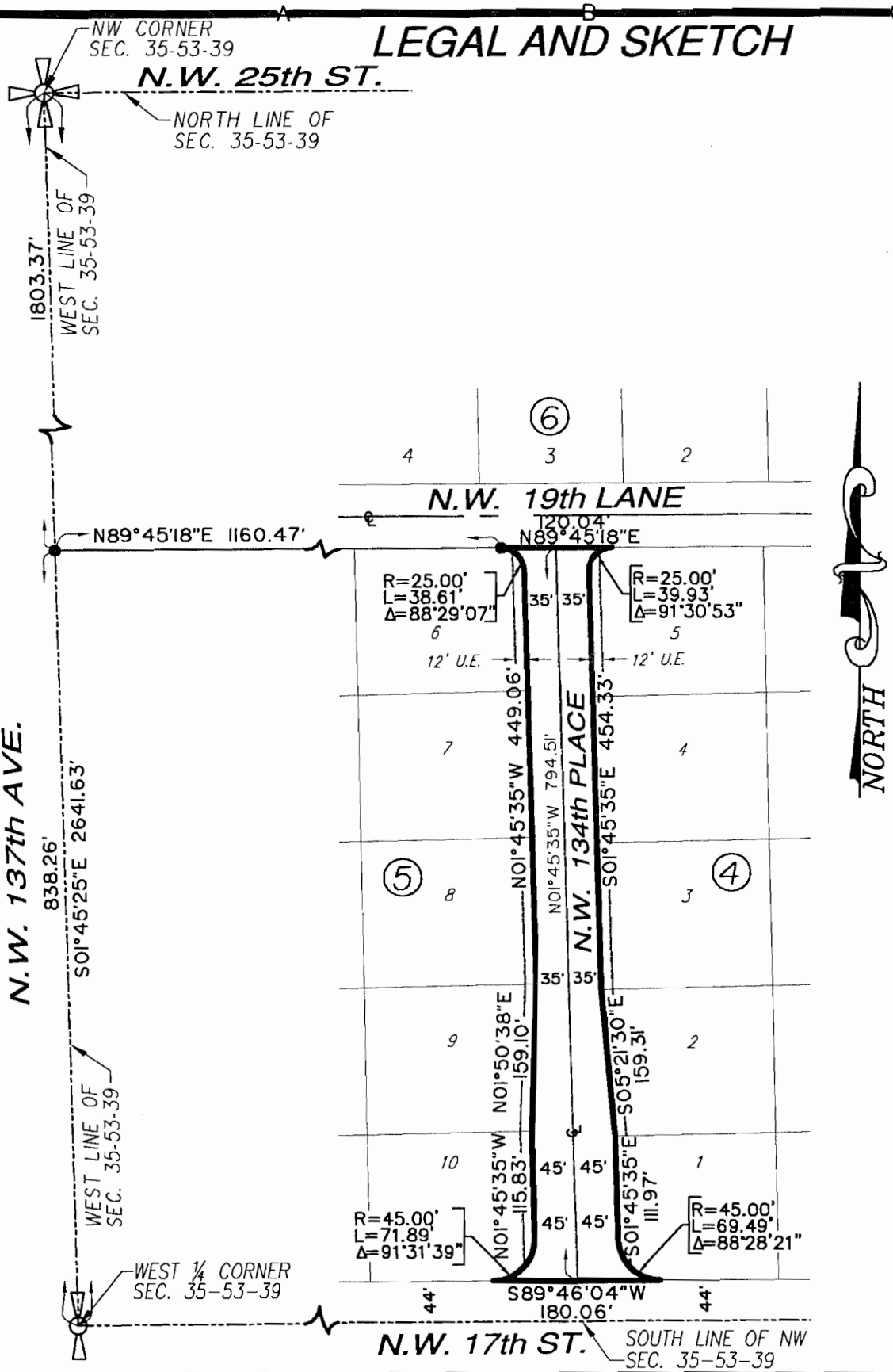
LEGAL AND SKETCH



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N.W. 134th PLACE
RIGHT-OF-WAY

SHEET 2 OF 2 SHEETS

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