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

Memorandum

MIAMI-DADE COUNTY

Date: October 7, 2008

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-862
Section: 34-52-41
Alley from NW 25 Avenue to NW 111 Street
Commission District: 2

Agenda Item No. 5(F)

Resolution No. R-991-08

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 road closing petition is located within Commission District 2.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $7.50 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately $24,007.50. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $446 per year in additional property taxes. The fee for this road closing is $3,200.75.

Track Record/Monitor

Not Applicable.

Background

The property owners abutting the alley from NW 25 Avenue to NW 111 Street have joined in signing the petition to close this right-of-way in order to incorporate it to their property to be enhanced and maintained. The right-of-way being closed has never been improved nor maintained by Miami-Dade County. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject right-of-way was dedicated in 1926, by the plat of "GOLF PARK SEC-2", recorded in Plat Book 23, Page 46, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned RU-1 (Single Family Residential).

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: October 7, 2008

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

SUBJECT: Agenda Item No. 5(F)

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(F)
10-7-08

RESOLUTION NO. **R-991-08**

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY FROM NW 25 AVENUE TO NW 111 STREET (ROAD CLOSING PETITION NO. P-862)

WHEREAS, the County Commission held a public hearing to consider a petition to close the alley from NW 25 Avenue to NW 111 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 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 the land is reserved as a utility easement; (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.

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The foregoing resolution was offered by Commissioner **Dorrin D. Rolle**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** 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	**aye**
Katy Sorenson	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 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.

Jorge Martinez-Esteve

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Location Map

SECTION 34 TOWNSHIP 52S RANGE 41 E

UNINCORPOEATED MIAMI-DADE
Commission District: Dorrin D. Rolle, 2

Legend

- Lot Lines
- Alley Closing

P-862

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NORTH

Date, June 4, 2008
Prepared By: Yazmin Moreno

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 alley lying between Tract A and Tract B of Block 83 of "REVISED PLAT OF GOLF PARK SEC-2", as recorded in Plat Book 34, Page 36, of the Public Records of Miami-Dade County, Florida.

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):

THIS RIGHT OF WAY WAS DEDICATED IN 1926, BY THE PLAT OF GOLF PARK SECTION - 2, AS RECORDED IN PLAT BOOK 23 PAGE 46, 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
CHARLES HO-KING	30213400206 84	11090 W GOLF DRIVE
Yolex MORENO	30213400206 82 ~~11070 W~~	11050 ~~11050~~ W GOLF DRIVE
JOSE MORENO	30213400206 83	11070 W GOLF DRIVE
Michele Reid	# 30213400206 80	2495 NW 110th STREET
Benjamin Parrott Sr.	30213400206 71	11085 NW 25th AVE.
Willy Barthelemy	30213400206 81	11030 W Golf Drive
FABIAN E. WALKER	30-2134-002-0670	2470 NW 111th ST
JENNIFER C. WALKER	30-2134-002-0670	2470 NW 111th ST.

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):

ALLEY NOT BEING USED - IT'S MAINTAINED BY NEIGHBORS. SHOULD BE CLOSED AND ADDED TO NEIGHBOR'S PROPERTY TO ENHANCE AND LEGALLY MAINTAIN IT.

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

SIGNATURE	ADDRESS
Charles Ho-King	11090 W GOLF DR.
Jose Moreno	11070 W GOLF DR
Yuley Moreno	11050 W Golf Dr
Michele Reid	2495 NW 110th Street
Benjamin N Barnett Sr.	11085 N.W. 25 AVE
Willy Barthelemy	11030 W. Golf drive
[illegible]	2470 NW 11TH ST.
[illegible]	2470 NW 111th Street

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Fabian & Jennifer Walker, 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

16 day of April, 2008

Notary Public State of Florida at Large

My Commission Expires: 8/5/2010

MARLIE DIB MICHALLAF
Comm# DD0533478
Expires 8/5/2010
Florida Notary Assn., Inc.