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

Memorandum MIAMI-DADE COUNTY

Date: October 7, 2008

Agenda Item No. 5(G)

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-851
Section: 35-54-40
SW 75 Street, from SW 74 Avenue East for Approximately 153 Feet
Commission District: 7

Resolution R-992-08

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 7.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $14.36 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately $113,860. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $2,114 per year in additional property taxes. The fee for this road closing is $12,186.

Track Record/Monitor

Not Applicable.

Background

The property owners abutting SW 75 Street, from SW 74 Avenue East for approximately 153 feet, 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 requested to be closed has been improved by a developer. However, its easterly extension was previously closed by Resolution R-862-07, making SW 75 Street a dead end road. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject right-of-way was dedicated in 1953, by the plat of "PYMS ESTATES", recorded in Plat Book 56, Page 17, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned EU-1 (Estates 1-Acre 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: October 7, 2008

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

SUBJECT: Agenda Item No. 5(G)

R-992-08

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)
10-7-08

RESOLUTION NO. R-992-08

RESOLUTION GRANTING PETITION TO CLOSE SW 75 STREET FROM SW 74 AVENUE EAST FOR APPROXIMATELY 153 FEET (ROAD CLOSING PETITION NO. P-851)

WHEREAS, the County Commission held a public hearing to consider a petition to close SW 75 Avenue, from SW 74 Avenue East for approximately 153 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; save and except that the land shall be retained as an easement for public utilities; (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 Commissione **Carlos A. Gimenez** , who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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

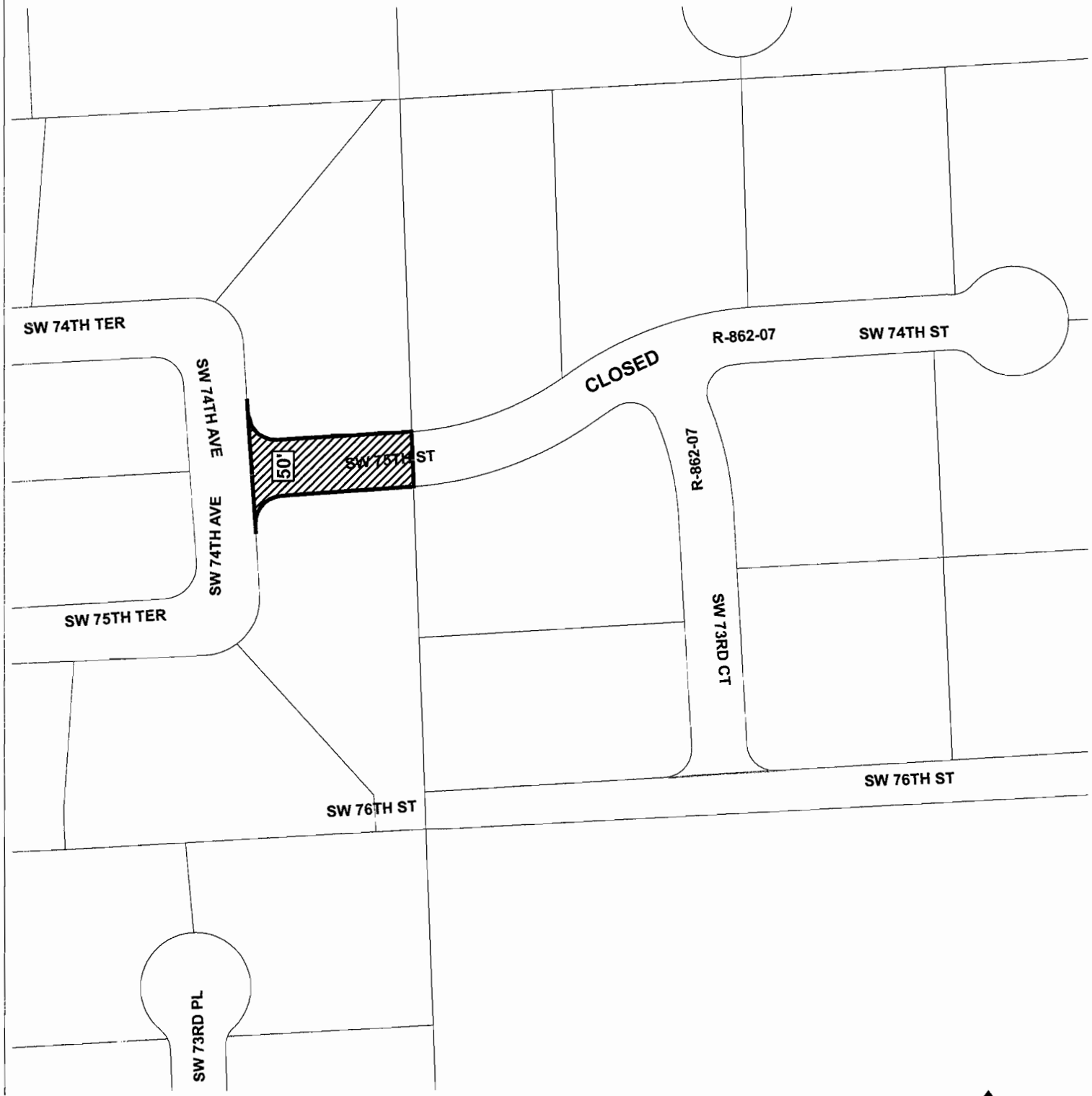
By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Esteve

Location Map

SECTION 35 TOWNSHIP 54 RANGE 40



Legend
Road Closing

P-851 6

NORTH

Prepared by: Yazmin Moreno
August 30, 2007

Prepared by:
Ryan D. Bailine, Esq.
Shutts & Bowen LLP
201 South Biscayne Boulevard
Suite 1500
Miami, Florida 33131

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 the County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, declaration 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:

SEE ATTACHED SKETCH AND LEGAL DESCRIPTION.

A portion of S.W. 75th Street, as shown on the Plat of PYMS ESTATES, Plat Book 56, Page 17, of the Public Records of Miami-Dade County, Florida from S.W. 74th Avenue East for approximately 153 feet.

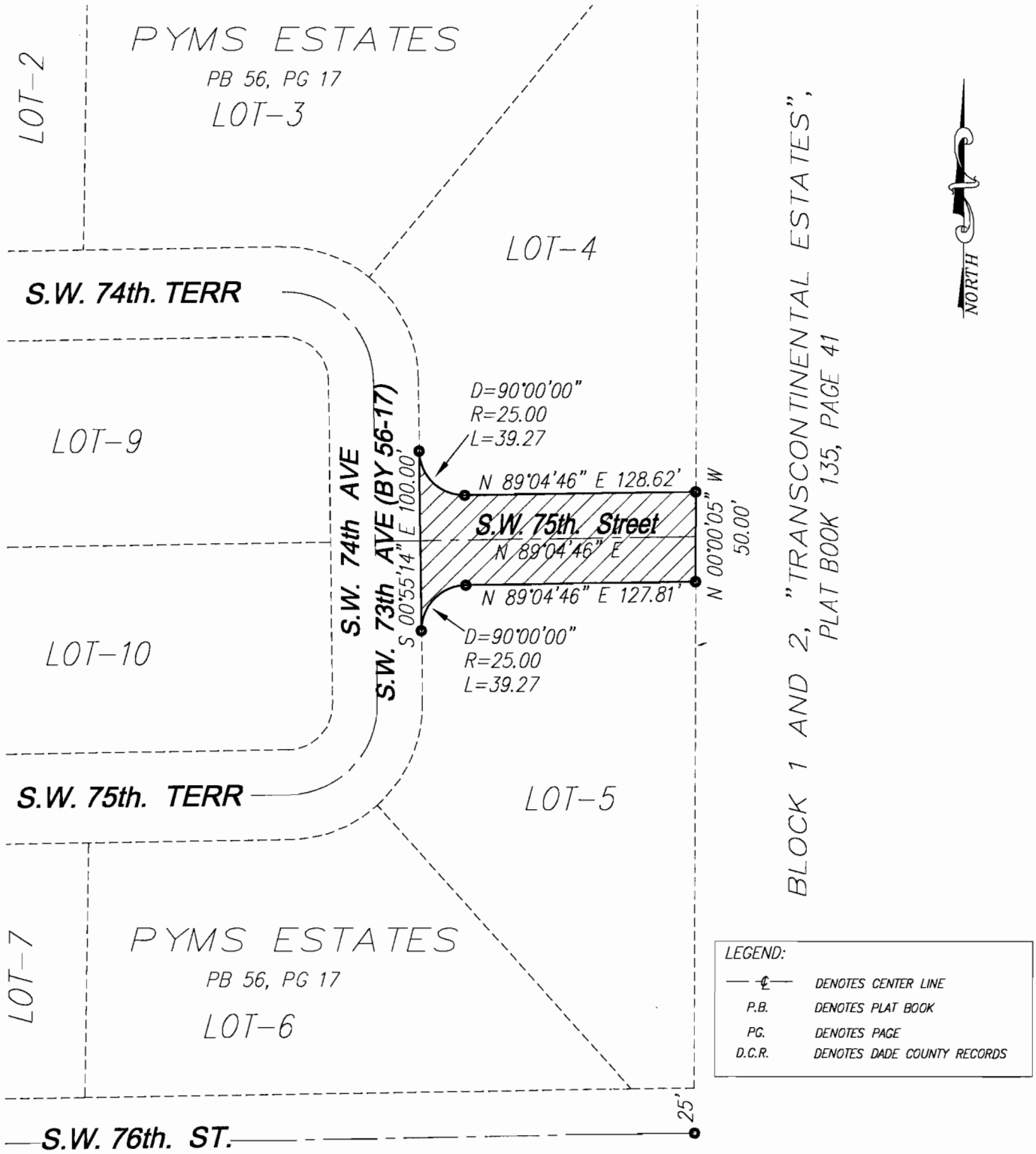
2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described road, right-of-way was acquired and is evidenced in the following manner (state whether public interest was acquired by deed, dedication or prescription and set forth where deed or plat is recorded in the public records):

(a) The subject portion of S.W. 75th Street was dedicated to Miami-Dade County in 1953 by the Plat of PYMS ESTATES, recorded in Plat Book 56, Page 17.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey accurately showing and describing each of the above-described rights-of-way and their location and relation to surrounding property, and showing all encroachments and utility easements.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

RIGHT OF WAY TO BE CLOSED AND VACATED



LEGEND:

—℄—	DENOTES CENTER LINE
P.B.	DENOTES PLAT BOOK
PG.	DENOTES PAGE
D.C.R.	DENOTES DADE COUNTY RECORDS

SCALE 1" =80'

SHEET 1 OF 2 SHEETS

Schwebke-Shiskin & Associates, Inc.
LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025
PHONE No.(954)435-7010 FAX No. (954)438-3288

ORDER NO. 193725

DATE: AUG. 3, 2007

THIS IS NOT A " BOUNDARY SURVEY"

CERTIFICATE OF AUTHORIZATION No. LB-87

8

PREPARED UNDER MY SUPERVISION:

RONALD A. FIRTZ, ASSISTANT VICE-PRESIDENT

FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767

REVISIONS

LEGAL DESCRIPTION TO ACCOMPANY SKETCH

RIGHT OF WAY TO BE CLOSED AND VACATED

THAT PORTION OF S.W. 75TH STREET LYING EASTERLY OF THE EAST RIGHT-OF-WAY LINE OF S.W. 74TH AVENUE (BY 56-17) , ALL AS SHOWN ON THE PLAT OF PYMS ESTATE AS RECORDED IN PLAT BOOK 56, PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA,

LYING AND BEING IN SECTION 35, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI, MIAMI- DADE COUNTY, FLORIDA.

NOTES:

1) BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF N 00°00'05" W ALONG THE EAST LINE OF PYMS ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56 AT PAGE 17 OF PUBLIC RECORDS OF DADE COUNTY FLORIDA.

2) ORDERED BY: SHUTTS & BOWEN

3) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE EMBOSSED SEAL OF THE ATTESTING PROFESSIONAL LAND SURVEYOR.

4) PROPERTY AS SHOWN HEREON CONTAINS 7,929 SQUARE FEET, MORE OR LESS

Schwebke-Shiskin & Associates, Inc.
LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025
PHONE No.(954)435-7010 FAX No. (954)438-3288

ORDER NO. 193725
DATE: AUG. 3, 2007
THIS IS NOT A " BOUNDARY SURVEY"
CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:
Ronald A. Firtz
RONALD A. FIRTZ, ASSISTANT VICE-PRESIDENT
FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767

REVISIONS

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 rights-of-way. These firms or individuals have been advised in writing of the proposed closure.

PRINT NAME	FOLIO NO.	ADDRESS
The University Baptist Church of Coral Gables, Inc.	30-4035-035-0180 30-4035-035-0090 30-4035-035-0100	624 Anastasia Avenue Coral Gables, FL 33134
Victor E. Rocha	30-4035-006-0040	7441 S.W. 74th Avenue
Enrique Suarez	30-4035-006-0050	7400 S.W. 75th Street

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 submit as grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

The purpose of this request is to permit the subject right-of-way to be closed in order to promote the health, safety and existing character in the surrounding neighborhood. As detailed in the enclosed Letter of Intent, the right-of-way will be closed in favor of the elimination of illegal and illicit activity in the area, as well as development of a new worship facility in the area. The area of S.W. 75th Street that is the subject of this Petition to Close Road will be improved with public utilities and landscaping by agreement of the Petitioner. The new public utilities in that area have already been approved by the Miami-Dade County Water and Sewer Department.

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE	ADDRESS
_____	624 Anastasia Avenue, Coral Gables, FL
_____	7441 S.W. 74th Avenue, Miami, FL
_____	7400 S.W. 75th Street, Miami, FL

Attorney for Petitioner
Address: _____
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Victor E. Rocha who first by me duly sworn, deposes and says that he is one of the petitioners named in and who signed the foregoing petition; that he is duly authorized to make this verification for and on behalf of all petitioners, that he has read the foregoing petition and that the statements therein contained are true.

(Signature of Petitioner)

Sworn and subscribed to before me this

23rd day of August, 2007.

Nicole M. Guitian
Notary Public, State of Florida

My Commission Expires:

Notary Public State of Florida
Nicole M Guitian
My Commission DD539334
Expires 04/11/2010

MIADOCS 2281064 1
8/21/07

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Enrique Suarez who first by me duly sworn, deposes and says that he 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 has read the foregoing petition and that the statements therein contained are true.

(Signature of Petitioner)

Sworn and subscribed to before me this

23rd day of AUGUST, 2007.

Nicole M. Guitian
Notary Public, State of Florida

My Commission Expires:

Notary Public State of Florida
Nicole M Guitian
My Commission DD539334
Expires 04/11/2010

MIADOCS 2281064 1
8/21/07