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

Memorandum

MIAMI-DADE COUNTY

Date: December 2, 2008

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

Agenda Item No. 5(D)

From: George M. Burgess
County Manager

Resolution No. R-1288-08

Subject: Road Closing Petition P-861
Section: 09-52-40
A Portion of NW 87 Avenue, Beginning 184 Feet North of NW 171 Terrace, North for Approximately 329 feet
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 road closing 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 $16.78 per square feet. Therefore, the estimated value of the right-of-way being closed would be approximately $82,857. The property abutting the right-of-way to be abandoned is tax exempt. The fee for this road closing is $9,085.70.

Track Record/Monitor

Not Applicable.

Background

The Petitioner, Iglesia Bautista Nuevo Amanecer, Inc., wishes to close a portion of NW 87 Avenue, beginning 184 feet north of NW 171 Terrace, North for approximately 329 feet, in order to incorporate the land into their property to be enhanced and maintained. The portion of right-of-way being closed has never been improved nor maintained by Miami-Dade County.

The subject right-of-way was dedicated in 1971, by a deed recorded in Official Records Book 7646, Page 183, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned AU (Agricultural 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 Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: December 2, 2008

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

SUBJECT: Agenda Item No. 5(D)

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(D)
12-2-08

RESOLUTION NO. **R-1288-08**

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF NW 87 AVENUE, BEGINNING 184 FEET NORTH OF NW 171 TERRACE, NORTH FOR APPROXIMATELY 329 FEET (ROAD CLOSING PETITION NO. P-861)

WHEREAS, the County Commission held a public hearing to consider a petition to close a portion of NW 87 Avenue, beginning 184 feet north of NW 171 Terrace, North for approximately 329 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 avenue, 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 **Carlos A. Gimenez** who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** 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	**absent**
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 2nd day of December, 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

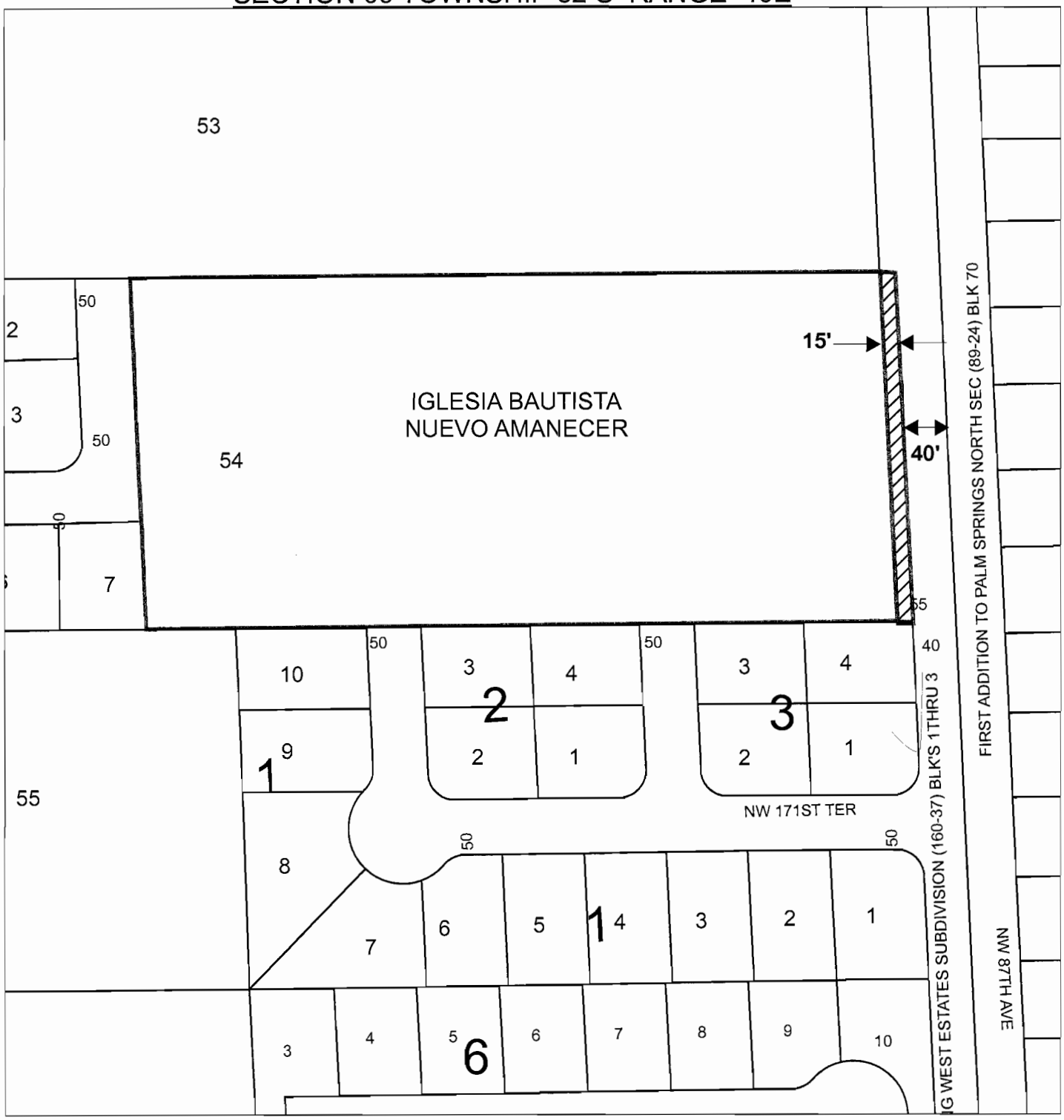
By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Location Map

SECTION 09 TOWNSHIP 52 S RANGE 40E



30-2009-001-0540

Commission District: Jose " Pepe" Diaz, 12

Legend
- Lot Lines
- Road Closing

P-861 6

NORTH

June 2, 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:

That portion of Tract 54 in Section 9, Township 52 South, Range 40 East, of FRUIT LANDS COMPANY SUBDIVISION, recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, that lies within the west 15 feet of the east 55 feet of the SE ¼ of said Section 9.

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 1971 by Deed recorded in Official Records Book 7646, Page 183, 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 the above described right-of-way.

PRINT NAME	FOLIO NO.	ADDRESS
Rudy A. Rivero for Iglesia Bautista Nuevo Amanecer	30-2009-001-0540	7200 NW 87 Ave. Miami, Fl. 33015

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 CHURCH DECIDED THAT IF MIAMI-DADE COUNTY RETURNS THE PROPERTY, THIS WOULD BALANCE OR HARMONIZE THE RIGHT OF WAY WITH ADJACENT PROPERTIES WITHOUT ANY ADVERSE AFFECTS.

X

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

SIGNATURE	ADDRESS
Rudy Perez	17200 N.W. 87 AVE

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared RUDY RIVERO _____, 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.

Rudy Rivero - Pastor
(Signature of Petitioner)

Sworn and subscribed to before me this

29 day of January, 2008

Jennifer L. Todd
Notary Public State of Florida at Large
Jennifer L. Todd

My Commission Expires: July 25, 2008

Jennifer L Todd
My Commission DD340698
Expires July 25, 2008