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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

From: George M. Burgess
County Manager

Agenda Item No. 5(E)

Resolution No. R-1289-08

Subject: Road Closing
Section: 28-53-41
NW 34 Street, from NW 36 Avenue West for Approximately 404 feet
Commission District: 2

Recommendation

It is recommended that the Board of County Commissioners (BCC) grant the road closure requested by the Public Works Department 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 2.

Fiscal Impact/Funding Source

All the properties abutting the right-of-way to be abandoned are tax exempt. Therefore, this road closure will not result in an increase in revenue from property taxes. Since the subject road closing is initiated by Public Works Department there is no fee associated with it.

Track Record/Monitor

Not Applicable.

Background

The Director of the Public Works Department pursuant to the functions, powers and duties prescribed in Article XIV, Sec. 2-100 (a), (b) and (c) of the Code of Miami-Dade County Volume I, has taken the initiative to request that the Board of County Commissioners grant the closing of NW 34 Street, from NW 36 Avenue West for approximately 404 feet to incorporate it to the abutting property to maximize the use of the land. The western portion of this road was closed by Resolution R-1317-77.

The subject right-of-way was dedicated in 1925, by the plat of "MELROSE HEIGHTS", as recorded in Plat Book 17, Page 22, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned RU-3B (Bungalow Court District), BU-2 (Special Business District) and IU-1 (Light Industry District).

Assistant County Manager

Note: The Clerk is directed to publish notice of a public hearing on a Road Closing 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(E)

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(E)
12-2-08

RESOLUTION NO. **R-1289-08**

RESOLUTION GRANTING CLOSURE OF NW 34 STREET, FROM NW 36 AVENUE WEST FOR APPROXIMATELY 404 FEET

WHEREAS, the County Commission held a public hearing to consider closure of NW 34 Street, from NW 36 Avenue West for approximately 404 feet, as outlined in the accompanying 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, 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.

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 28 TOWNSHIP 53S RANGE 41E

P-858 6

NORTH

February 8, 2008

P-858-NW 36 Av & 34 St
MDC PROP

INFORMATION OF ROAD TO BE CLOSED

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way sought to be closed is as follows:

That portion of NW 34th Street bounded by the south line of Block 70 of "MELROSE HEIGHTS", recorded in Plat Book 17, Page 22, of the Public Records of Miami-Dade County, Florida, bounded by the north line of Block 69 of said Plat of "MELROSE HEIGHTS", bounded on the west by a line from the southwest corner of Lot 19, of said Block 70 to the northwest corner of Lot 8, of said Block 69, and bounded on the east by a line 30.00 feet west of the centerline of NW 36 Avenue (NW 34 Avenue by said Plat).

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described right-of-way was acquired in the following manner:
This right of ways was dedicated to the county in 1925, by the plat of "MELROSE HEIGHTS", recorded in Plat Book 17, Page 22, of the Public Records of Miami-Dade County, Florida.

3. ATTACH LOCATION SKETCH: Attached hereto is a sketch showing the above described right-of-way and its location and relation to surrounding property.

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon the above described road, right-of-way.

PRINT NAME	FOLIO NO.	ADDRESS
Miami-Dade Aviation Dept.	30-3128-014-1720 30-3128-014-1730 30-3128-014-1540 30-3128-014-1290	P.O. Box 592075 Miami, Florida 33159

5. ACCESS TO OTHER PROPERTY: In the event this Road Closing is granted no other property owners will be prevented from access to and from their property.

6. Grounds for requesting this Road Closing and proposed use for the land:

This portion of NW 34 Street is not being used. Aviation Department owns all lots abutting said portion of the right of way and by closing it the use of the land can be maximized. The western portion of this road was previously closed (Resolution R-1317-77).