

Date: July 21, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 5(C)

From: George M. Burgess
County Manager



Resolution No. R-941-09

Subject: Road Closing Petition P-871
Section: 22-53-41
Alley South of NW 54 Street, from NW 24 Court to NW 24 Place
Commission District: 3

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 the boundaries of Commission District 3.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$12.00 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately \$31,104.00. However, several of the abutting lots are owned by a religious and/or charitable institution; as such, the State exempts these type of organizations from paying taxes. If this right-of-way is closed and vacated, the land that is not exempt from paying taxes will be placed on the tax roll, generating an estimated \$145 per year in additional property taxes. The fee for this road closing is \$3,910.40.

Track Record/Monitor

Not Applicable.

Background

The property owners abutting the alley south of NW 54 Street, from NW 24 Court to NW 24 Place have joined in signing the petition to close this right-of-way in order to incorporate the land 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.

This right-of-way was dedicated in 1925, by the plat of "ADDITION TO GLENWOOD HEIGHTS", recorded in Plat Book 27, Page 30, of the Public Records of Miami-Dade County, Florida. The north half of the subject right-of-way is zoned BU-3 (Liberal Business District), and the south half is zoned RU-2 (Two Family Residential 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 Dennis C. Moss
and Members, Board of County Commissioners

DATE: July 21, 2009

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

SUBJECT: Agenda Item No. 5(C)

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 Mayor'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 (C)
7-21-09

RESOLUTION NO. R-941-09

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY SOUTH OF NW 54 STREET, FROM NW 24 COURT TO NW 24 PLACE (ROAD CLOSING PETITION NO. P-871)

WHEREAS, the County Commission held a public hearing to consider a petition to close the alley south of NW 54 Street, from NW 24 Court to NW 24 Place, 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 alley, 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, 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 **Audrey M. Edmonson**, 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:

| | | | |
|----------------------|---------------------------------|--------------------|-----|
| | Dennis C. Moss, Chairman | aye | |
| | Jose "Pepe" Diaz, Vice-Chairman | aye | |
| Bruno A. Barreiro | aye | Audrey M. Edmonson | aye |
| Carlos A. Gimenez | aye | Sally A. Heyman | aye |
| Barbara J. Jordan | aye | Joe A. Martinez | aye |
| Dorrrin D. Rolle | aye | Natacha Seijas | aye |
| Katy Sorenson | aye | Rebeca Sosa | aye |
| Sen. Javier D. Souto | absent | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of July, 2009. 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

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "Diane Collins", written over a horizontal line.

By: **DIANE COLLINS**
Deputy Clerk

Thomas Goldstein

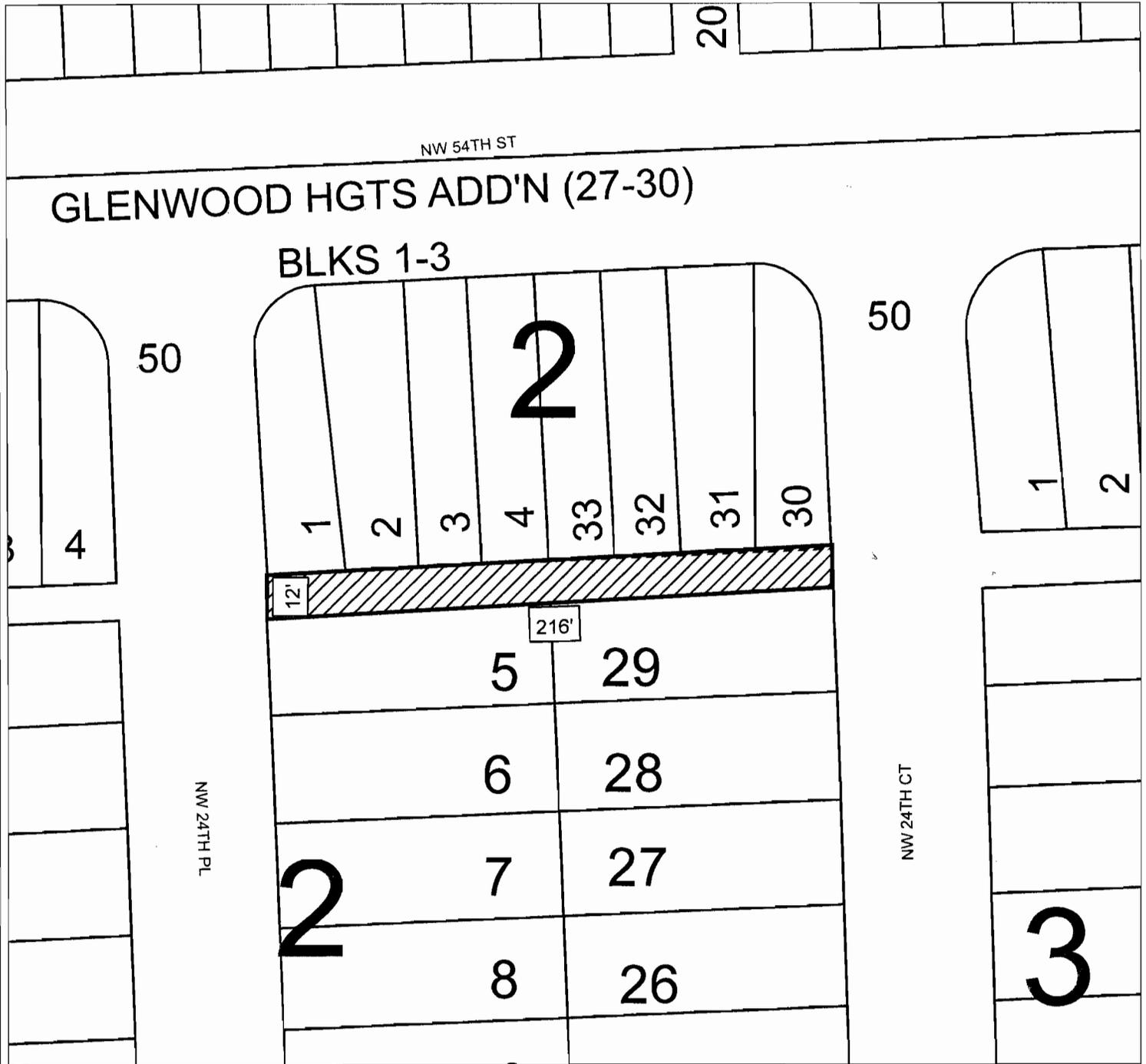
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Location Map



SECTION 22 TOWNSHIP 53 S RANGE 41 E



Commission District: Audrey M. Edmonson, 3

Legend

-  Road Closing
-  MDC.LOT

P-871



Date November 5, 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 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 right-of-way sought to be closed is as follows:

Alley in Block 2 of “ADDITION TO GLENWOOD HEIGHTS”, as recorded in Plat Book 27, Page 30, 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 right-of-way was acquired in the following manner:

Dedicated in 1925 by the plat of “ADDITION TO GLENWOOD HEIGHTS”, as recorded in Plat Book 27, Page 30, of the Public Records of Miami-Dade County, Florida.

3. ATTACH 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 right-of-way.

| PRINT NAME | FOLIO NO. | ADDRESS |
|---|--|----------------|
| James E. Scott Com. Assoc., Inc. | 30-3122-018-0310 | 2440 NW 54 St. |
| Benny Polite | 30-3122-018-0300 | 5328 NW 24 Ct. |
| World Deliverance Missionary Evangelistic Center | 30-3122-018-0140 30-3122-018-0130 30-3122-018-0120 30-3122-018-0150 | 2450 NW 54 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):

WORLD DELIVERANCE MISSIONARY EVANGELISTIC CENTER OWNS PROPERTY ON BOTH SIDES OF THE ALLEY REQUESTED TO BE CLOSED. BY CLOSING THE ALLEY THE CHURCH PROPERTY WILL BE UNIFIED, FACILITATING THE DESIGN OF AN ADDITION TO THE EXISTING BUILDING, AS WELL AS THE PARKING AREA.

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

SIGNATURE

ADDRESS

Aylma Styles

2440 NW 54th St, Miami 33142

Benny Polite

5328 NW 24 Court

Pastor Arthur Wiley

2450 NW 54th street

SECTION 22 TOWNSHIP 53 S RANGE 41 E



Commission District: Audrey M. Edmonson, 3

Legend

-  Road Closing
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Date November 5, 2008
Prepared By: Yazmin Moreno