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

Memorandum MIAMI-DADE COUNTY

Date: June 30, 2009

Agenda Item No. 5(M)

Resolution No. R-796-09

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

From: George M. Burgess
County Manager

Subject: Road Closing Petition P-873
Section: 04-53-41
NW 29 Court, from NW 99 Street to NW 100 Street
Commission District: 2

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 2.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $12.56 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately $123,088.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $2,292 per year in additional property taxes. The fee for this road closing is $13,108.80.

Track Record/Monitor

Not Applicable.

Background

The property owners abutting NW 29 Court, from NW 99 Street to NW 100 Street, have joined in signing the petition to close this right-of-way in order to incorporate the land into 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 1921, by the "AMENDED PLAT OF THE TROPICS", recorded in Plat Book 10, Page 17, of the Public Records of Miami-Dade County, Florida. The subject right-of-way is zoned RU-1 (Single 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: June 30, 2009

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

SUBJECT: Agenda Item No. 5(M)

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(M)
6-30-09

RESOLUTION NO. R-796-09

RESOLUTION GRANTING PETITION TO CLOSE NW 29 COURT, FROM NW 99 STREET TO NW 100 STREET (ROAD CLOSING PETITION NO. P-873)

WHEREAS, the County Commission held a public hearing to consider a petition to close NW 29 Court, from NW 99 Street to NW 100 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 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; (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 **Dorrin D. Rolle**, who moved its adoption. The motion was seconded by Commissioner **Sen. Javier D. Souto** 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	**absent**
Dorrin D. Rolle	**aye**	Natacha Seijas	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of June, 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

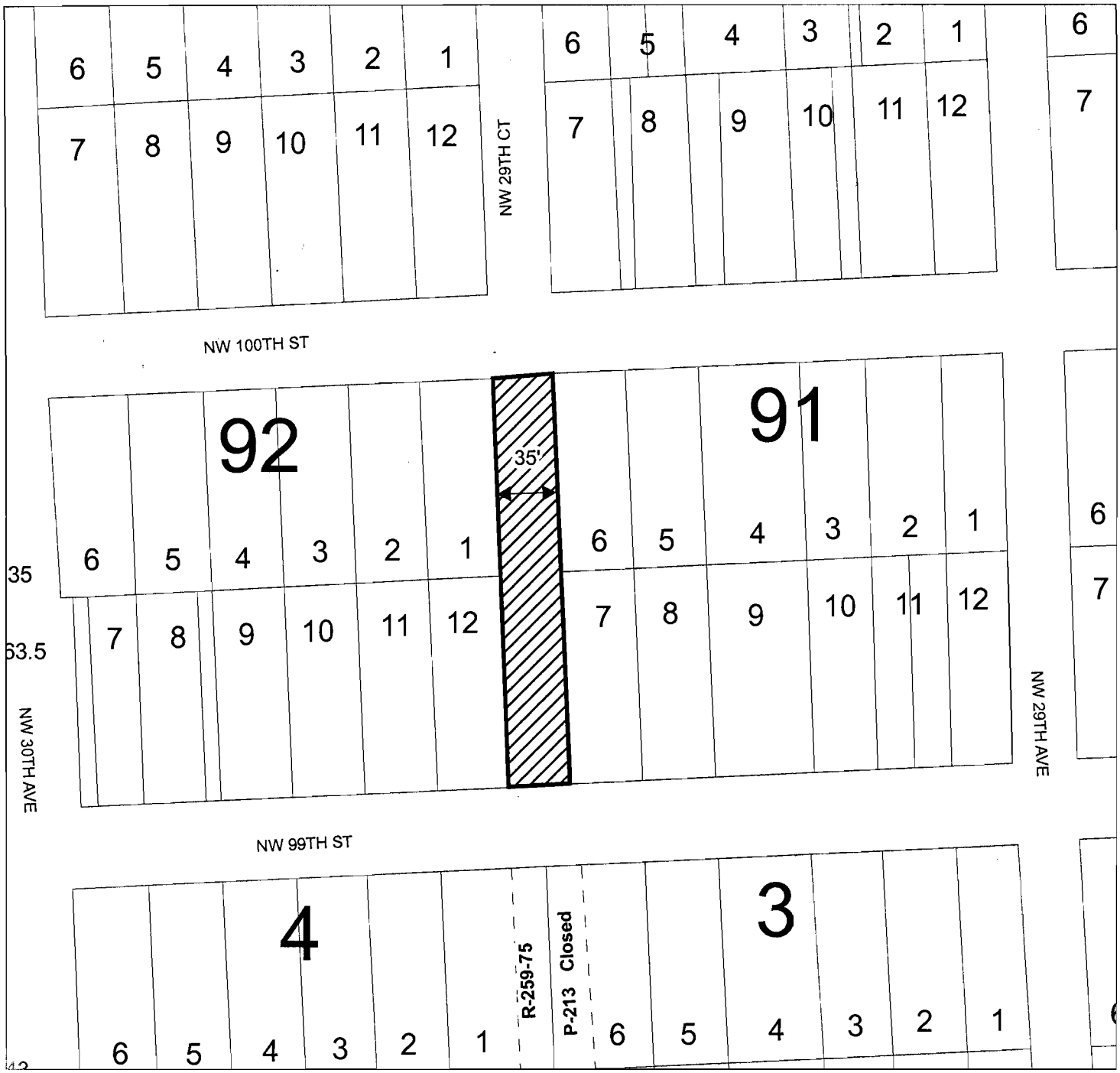
By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Location Map

SECTION 04 TOWNSHIP 53 S RANGE 41 E



THIS IS NOT A SURVEY

Municipality : UNINCORPORATED MIAMI-DADE
Commission District: Dorrin D. Rolle, 2
Miami-Dade County Mayor Carlos Alvarez

Legend

- Road Closing
- MDC.LOT

P-873 6

NORTH

Date February 5, 2009
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 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:

That portion of NW 29th Court lying between Blocks 91 and 92, and limited by the north and the south extended lines of said blocks, of the AMENDED PLAT OF THE TROPICS, as recorded in Plat Book 10, Page 17, of the Public Records of Miami Dade County, Florida. Containing an area of 9,800 squared 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 public records):

Dedicated in 1921 by the "AMENDED PLAT OF THE TROPICS", recorded in Plat Book 10, Page 17, 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
Acelia Estevez	30-3104-003-6340	2929 NW 99 St.
Kleber Loor	30-3104-003-6380	2950 NW 100 St.
Mayling Brache	30-3104-003-6450	2955 NW 99 St.
Oscar Fernandez	30-3104-003-6334	2940 NW 100 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):

THE RIGHT-OF-WAY BEING CLOSED HAS NEVER BEEN IMPROVED NOR MAINTAINED BY MIAMI-DADE COUNTY.

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

SIGNATURE	ADDRESS
Celia Estevez	2929 NW 99ST MIAMI FL 33147
[illegible]	2950 NW 100 ST MIAMI FL 33147
[illegible]	2955 NW 99st Miami Fla 33147
Oscar Fernandez	2940 NW 100 ST MIAMI FLA 33147

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Mayling Brache, 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

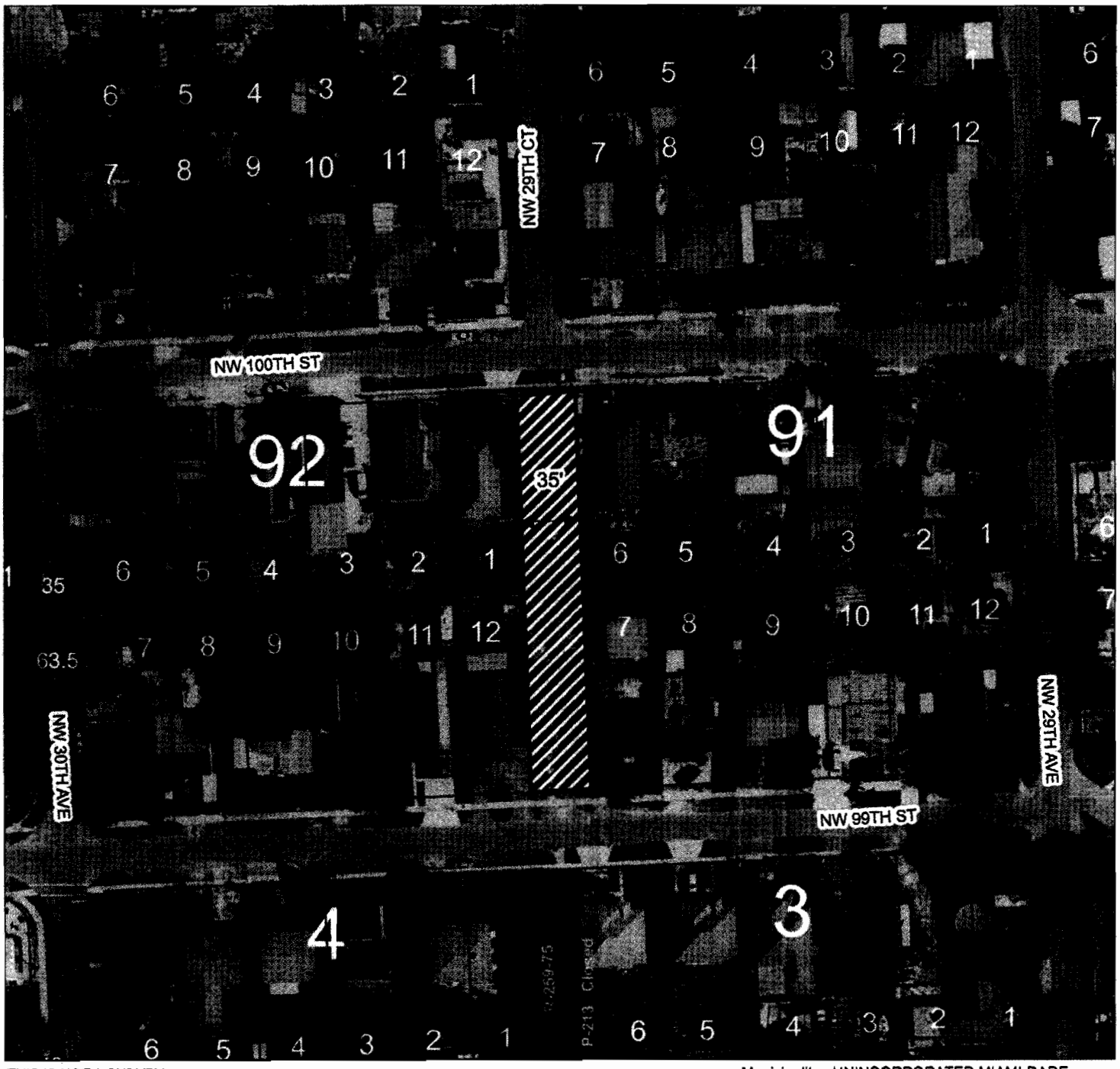
3rd day of February, 2009

Aixa Guadarrama
Notary Public State of Florida at Large

My Commission Expires: July 30, 2010

Location Map

SECTION 04 TOWNSHIP 53 S RANGE 41 E



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Municipality : UNINCORPORATED MIAMI-DADE
Commission District: Dorrin D. Rolle, 2
Miami-Dade County Mayor Carlos Alvarez

Legend

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NORTH

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