OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: January 21, 2010

Agenda Item No. 5(E)

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

From: George M. Burgess
County Manager

Resolution No. R-08-10

Subject: Road Closing Petition P-877
Section: 21-52-39
NW 138 Street, from NW 147 Avenue to 325 Feet East of NW 157 Avenue; NW 146 Street, from NW 147 Avenue to 325 Feet East of NW 157 Avenue; and NW 152 Avenue, from NW 138 Street to NW 154 Street
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 these rights-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 these rights-of-way at $25,000 per acre. The rights-of-way being closed have an area of 16.993 acres. Therefore, the estimated value of these rights-of-way would be approximately $424,825. If these rights-of-way are closed and vacated, the land will be placed on the tax roll, generating an estimated $5,104 per year in additional property taxes. The fee for this road closing is $43,282.50.

Track Record/Monitor

Not Applicable

Background

The Petitioner, Cemex Construction Materials of Florida, LLC, wishes to close NW 138 Street, from NW 147 Avenue to 325 feet east of NW 157 Avenue; NW 146 Street, from NW 147 Avenue to 325 feet east of NW 157 Avenue; and NW 152 Avenue, from NW 138 Street to NW 154 Street, in order to incorporate the lands into their properties. The rights-of-way requested to be closed are located within an area designated as a "Rockmining Overlay Zoning Area" and has never been improved nor maintained by Miami-Dade County.

The subject rights-of-way were dedicated in 1911, by the plat of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1", recorded in Plat Book 2, Page 17; in 1946, by a deed recorded in Deed Book 2675, Page 59; and in 1951, by a deed recorded in Deed Book 3383, Page 583, all of the Public Records of Miami-Dade County, Florida. The subject rights-of-way are zoned AU (Agriculture 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: January 21, 2010

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

SUBJECT: Agenda Item No. 5(E)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(E)
1-21-10

RESOLUTION NO. **R-08-10**

RESOLUTION GRANTING PETITION TO CLOSE NW 138 STREET, FROM NW 147 AVENUE TO 325 FEET EAST OF NW 157 AVENUE; NW 146 STREET, FROM NW 147 AVENUE TO 325 FEET EAST OF NW 157 AVENUE; AND NW 152 AVENUE, FROM NW 138 STREET TO NW 154 STREET (ROAD CLOSING PETITION NO. P-877)

WHEREAS, the County Commission held a public hearing to consider a petition to close NW 138 Street, from NW 147 Avenue to 325 feet east of NW 157 Avenue; NW 146 Street, from NW 147 Avenue to 325 feet east of NW 157 Avenue; and NW 152 Avenue, from NW 138 Street to NW 154 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 Avenue, 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 **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** 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**
Dorrin D. Rolle	**aye**	Natacha Seijas	**absent**
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 January, 2010. 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

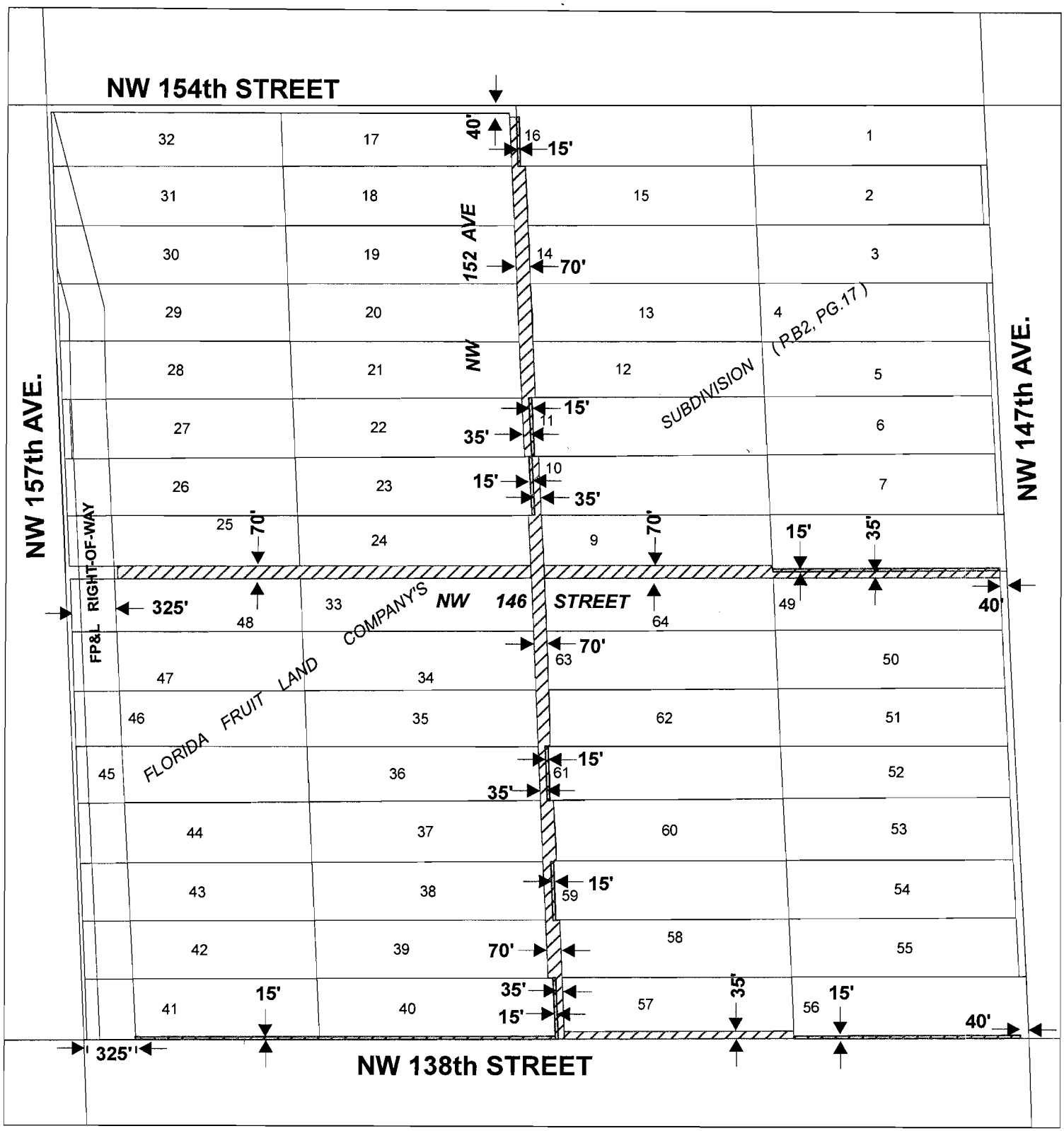
By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

Location Map

SECTION 21 TOWNSHIP52 S RANGE 39 E



Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Jose "Pepe" Diaz, 12
Miami-Dade County Mayor Carlos Alvarez

Legend

ROAD CLOSING

LOT LINES

P-877

NORTH

Date: Oct 19, 2009
Prepared By: Yazmin Moreno

6

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

Please see attached Exhibit "A"

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):

A portions of the 15 foot (road reservations) according to the Florida Fruit Land Company Subdivision as recorded in Plat Book 2 Page 17, accepted on January 12, 1960 By Dade County Resolution 4406, recorded in Book 1884 at Page 501 of Miami-Dade County.

Portions of deeded right-of-way recorded in deed Book 3383 at Page 583 of Miami-Dade County.

Portions of rights-of-way as recorded in Resolution 2167, recorded at Page 2675 at Page 59 of Miami-Dade County

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
Rinker Materials Corp.	30-2921-001-0020	1501 Belvedere Rd., West
	30-2921-001-0080	Palm Beach, Florida, 33406
	30-2921-001-0040	
Southeastern Materials, Inc.	30-2928-000-0010	1501 Belvedere Rd., West
		Palm Beach, Florida, 33406

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):

These dedicated rights of way are located in an area that has been designated as the Rockmining Overlay Zoning Area (the "ROZA"). Rock mining and activities ancillary to rock mining are historic uses in this area, are presently being conducted in the ROZA, and will continue to be conducted in the ROZA for the foreseeable future. The dedicated rights of way requested for vacation are not necessary for access to non-rock mining properties.

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

SIGNATURE	ADDRESS
x Robert Capasso	1501 Belvedere Road, West Palm Beach,
(Rinker Materials Corp. n/k/a	Florida 33406
Cemex Construction Materials	
Florida. LLC)	
x Robert Capasso	1501 Belvedere Road, West Palm Beach,
(Southeastern Materials, Inc. n/k/a	Florida 33406
Cemex Construction Materials	
Florida. LLC)	

Attorney for Petitioner

Greenberg Traurig, P.A.
1221 Brickell Avenue
Miami, FL 33131

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME the undersigned authority, personally appeared he/she is one of the petitioners Robert J. Capasso, 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, petitioner; that he/she has read the foregoing petition and that the statements therein contained and true.

x Robert J Capasso
(signature of Petitioner)

Robert J. Capasso Vice President
on behalf of Cemex Construction
Materials of Florida, LLC

Sworn and subscribed to before me this

23rd day of December, 2008

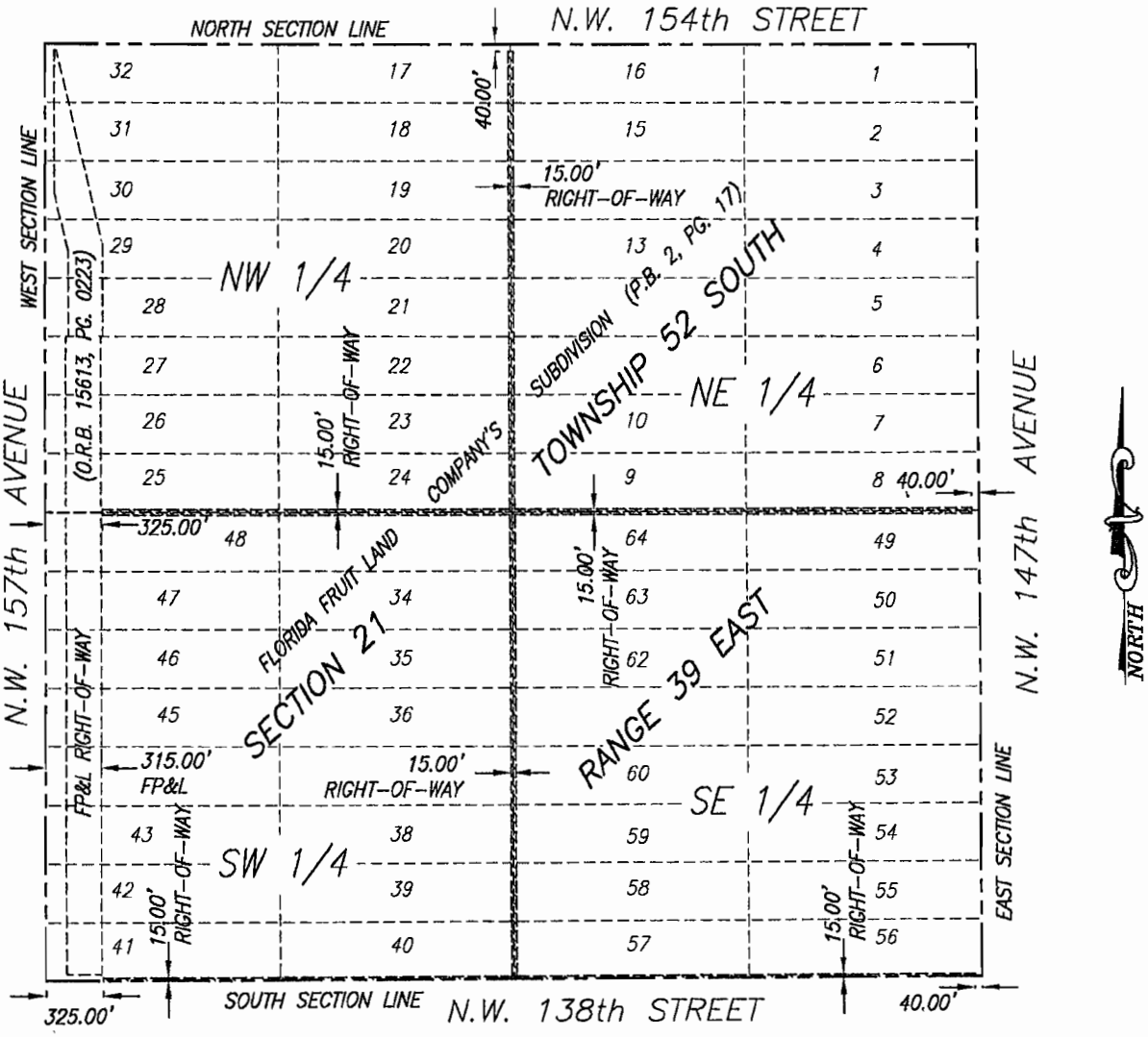
Cynthia Helwig
Notary Public State of Florida at Large

CYNTHIA HELWIG
Notary Public - State of Florida
My Commission Expires Oct 20, 2010
Commission # DD 588609
Bonded By National Notary Assn.

My Commission Expires: Oct. 20, 2010

SKETCH AND LEGAL DESCRIPTION

RIGHTS-OF-WAY TO BE CLOSED AND VACATED (BY PLAT BOOK)



LEGEND:	
------	DENOTES SECTION LINE
PG.	DENOTES PAGE
O.R.B.	DENOTES OFFICIAL RECORD BOOK

SCALE 1"=1000'

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. 196559

DATE: 06/11/2009

THIS IS NOT A " BOUNDARY SURVEY"

CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:

MARK STEVEN JOHNSON

FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

LEGAL DESCRIPTION TO ACCOMPANY SKETCH

RIGHTS-OF-WAY TO BE CLOSED AND VACATED (BY PLAT BOOK)

A PORTION OF THE 15 FOOT (ROAD RESERVATIONS), LYING WITHIN THE SECTION 21, TOWNSHIP 52 SOUTH, RANGE 39 EAST, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 17, AND ACCEPTED IN JANUARY 12, 1960, BY DADE COUNTY RESOLUTION No. 4406, RECORDED IN OFFICIAL RECORD BOOK 1884 AT PAGE 501, ALL OF THE PUBLIC RECORD OF DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 15 FEET LESS THE EAST 40 FEET AND ALSO LESS THE WEST 325 FEET OF SECTION 21 TOWNSHIP 52 SOUTH, RANGE 39 EAST; TOGETHER WITH THE WEST 15 FEET LESS THE NORTH 40 FEET OF NE 1/4 OF SAID SECTION 21; TOGETHER WITH THE SOUTH 15 FEET LESS THE EAST 40 FEET OF THE NE 1/4 OF SAID SECTION 21; TOGETHER WITH THE NORTH 15 FEET LESS THE EAST 40 FEET OF THE SE 1/4 OF SAID SECTION 21; TOGETHER WITH THE WEST 15 FEET OF THE SE 1/4 OF SAID SECTION 21; TOGETHER WITH THE EAST 15 FEET OF THE SW 1/4 OF SAID SECTION 21; TOGETHER WITH THE NORTH 15 FEET LESS THE WEST 325 FEET OF THE SW 1/4 OF SAID SECTION 21; TOGETHER WITH THE SOUTH 15 FEET LESS THE WEST 325 FEET OF THE NW 1/4 OF SAID SECTION 21 AND TOGETHER WITH THE EAST 15 FEET LESS THE NORTH 40 FEET OF THE NW 1/4 OF SAID SECTION 21, TOWNSHIP 52 SOUTH RANGE 39 EAST. SAID LAND AS DESCRIBED HEREON CONTAINS 377,025 SQUARE FEET (8.655 ACRES) MORE OR LESS

LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

SHEET 2 OF 2 SHEETS

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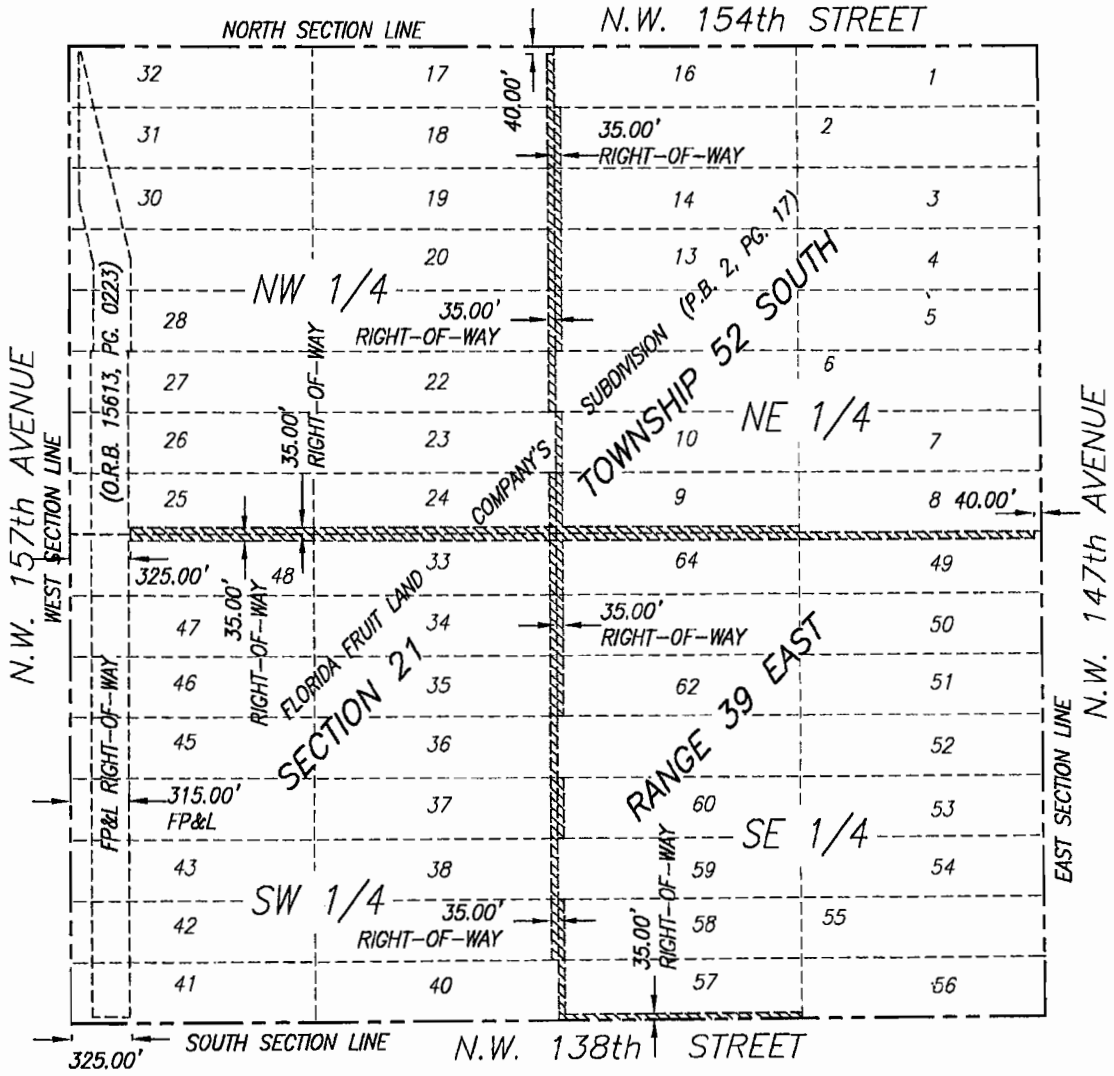
REVISIONS

EXHIBIT 'A' SHEET 3 OF 4

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

RIGHTS-OF-WAY TO BE CLOSED AND VACATED (BY DEED BOOK)



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RIGHTS-OF-WAY TO BE CLOSED AND VACATED (BY DEED BOOK)

PORTIONS OF THE DEEDED RIGHT OF WAY LYING WITHIN SECTION 21, TOWNSHIP 52 SOUTH, RANGE 39 EAST, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, PLAT BOOK 2, PAGE 17, RECORDED IN DEED BOOK 3383 AND PAGE 583 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 35 FEET AND SOUTH 35 FEET OF TRACT 9; TOGETHER WITH THE WEST 35 FEET OF TRACTS 10, 12, 13 AND 14 AND 15; TOGETHER WITH THE EAST 35 FEET LESS THE NORTH 40 FEET OF TRACT 17; TOGETHER WITH THE EAST 35 FEET OF TRACTS 18, 19, 20, 21 AND 22; TOGETHER WITH THE SOUTH 35 FEET LESS THE WEST 325 FEET OF TRACT 25; TOGETHER WITH THE EAST 35 FEET OF TRACTS 34, 35, 36, 37, 38 AND 39; TOGETHER WITH THE NORTH 35 FEET LESS THE WEST 325 FEET OF TRACT 48; TOGETHER WITH THE NORTH 35 FEET LESS THE EAST 40 FEET OF TRACT 49; TOGETHER WITH THE WEST 35 FEET AND SOUTH 35 FEET OF TRACT 57; TOGETHER WITH THE WEST 35 FEET OF TRACTS 58, 60, 62 AND 63; TOGETHER WITH THE WEST 35 FEET AND NORTH 35 FEET OF TRACT 64, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, SECTION 21. TOWNSHIP 52 SOUTH, RANGE 39 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

TOGETHER WITH FOLLOWING RIGHTS OF WAY, AS RECORDED IN RESOLUTION NUMBER 2167, AND OFFICIAL RECORD BOOK 2675 AT PAGE 59 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 35 FEET AND THE SOUTH 35 FEET OF TRACT 24 AND TOGETHER WITH THE NORTH 35 FEET AND THE EAST 35 FEET OF TRACT 33, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, SECTION 21. TOWNSHIP 52 SOUTH, RANGE 39 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

SAID LAND AS DESCRIBED HEREON CONTAINS 363,200 SQUARE FEET (8.338 ACRES) MORE OR LESS, EXCLUDING THE 15 FOOT RIGHT OF WAY DEDICATED BY PLAT.

LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

SHEET 2 OF 2 SHEETS

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LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025
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