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

Memorandum

MIAMI-DADE COUNTY

Date: September 21, 2010

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

Agenda Item No. 5(K)

From: George M. Burgess
County Manager

Resolution No. R-937-10

Subject: Road Closing Petition P-860-B
Sections: 1, 11 & 12-52-39 And 6 & 7-52-40
NW 117 Avenue, from NW 170 Street to NW 202 Street, and NW 127 Avenue, from NW 178 Street to NW 202 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 estimated value of these rights-of-way, based on the Property Appraiser's Office assessment of the adjacent properties, would be approximately $99,880. If these rights-of-way are closed and vacated, the lands will be placed on the tax roll, generating an estimated $2,012 per year in additional property taxes. The fee for this road closing is $10,788.

Track Record/Monitor

Not Applicable

Background

The property owners abutting NW 117 Avenue, from NW 170 Street to NW 202 Street, and NW 127 Avenue, from NW 178 Street to NW 202 Street, have joined in signing the petition to close these rights-of-way in order to incorporate the areas into their properties to be used for rock mining. The subject rights-of-way are located within an area designated as a "Rockmining Overlay Zoning Area" and have 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", as recorded in Plat Book 2, Page 17; in 1913, by the plat of CHAMBERS LAND COMPANY SUBDIVISION, as recorded in Plat Book 2, Page 68; in 1925, by the plat of RICHACRE-FARMS, recorded in Plat Book 23, Page 19; in 1911, by the plat of TATUM BRO'S REAL ESTATE & INVESTMENT CO'S, as recorded in Plat Book 1, page 102; in 1950, by a deed recorded in Deed Book 3383, Page 582; and in Resolution No. 2167, recorded in Deed Book 2675, Page 59, all of the Public Records of Miami-Dade County, Florida. The area surrounding the subject rights-of-way are zoned AU (Agriculture District) and GU (Interim 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: September 21, 2010

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

SUBJECT: Agenda Item No. 5(K)

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(K)
9-21-10

RESOLUTION NO. R-937-10

RESOLUTION GRANTING PETITION TO CLOSE NW 117 AVENUE, FROM NW 170 STREET TO NW 202 STREET, AND NW 127 AVENUE, FROM NW 178 STREET TO NW 202 STREET (ROAD CLOSING PETITION NO. P-860-B)

WHEREAS, the County Commission held a public hearing to consider a petition to close NW 117 Avenue, from NW 170 Street to NW 202 Street, and NW 127 Avenue, from NW 178 Street to NW 202 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 **Jose "Pepe" Diaz**, 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**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

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

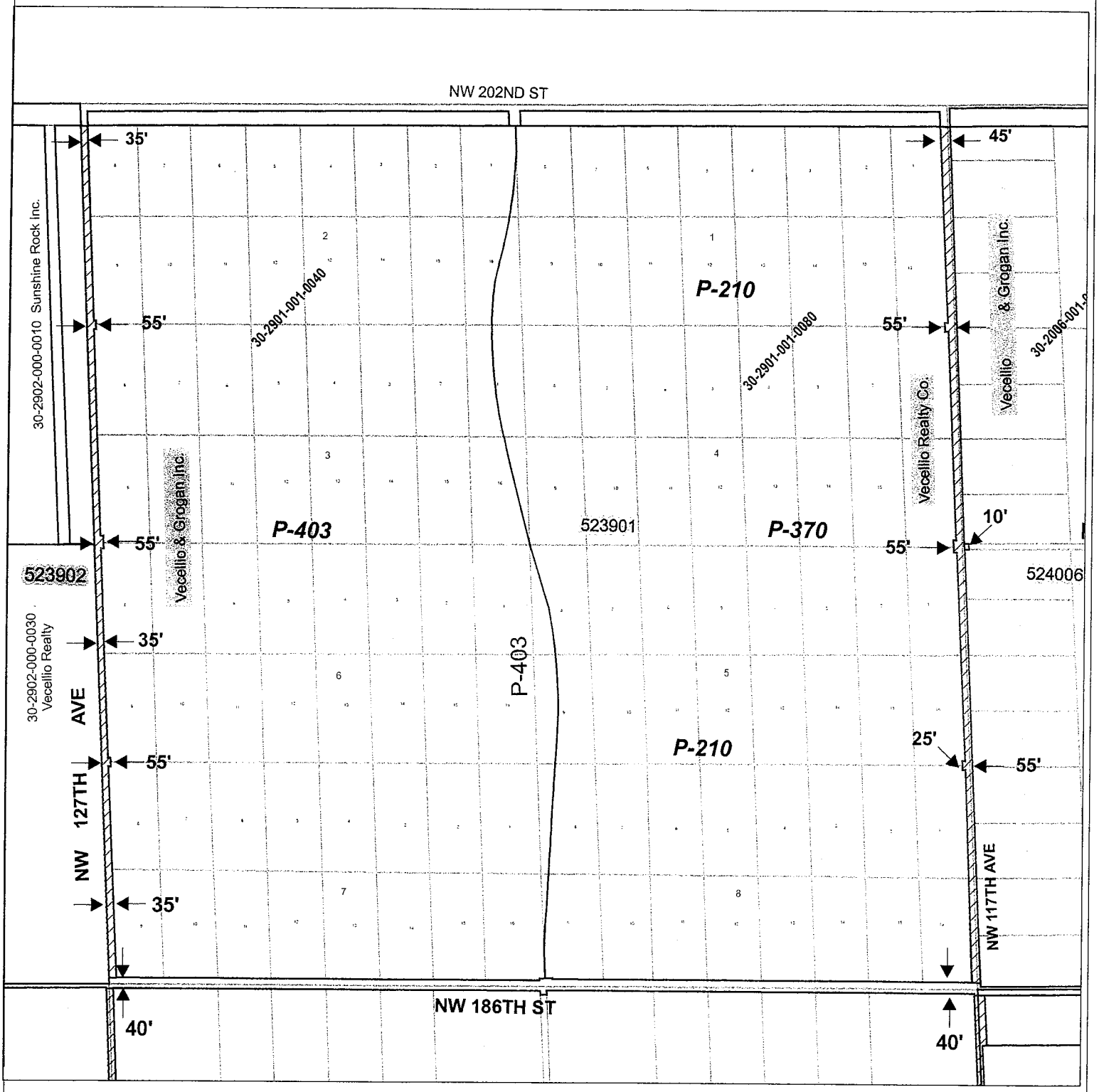
By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Alex S. Bokor

Location Map

SECTION 01 TOWNSHIP 52 S RANGE 39 E SECTION 06 TOWNSHIP 52 S RANGE 40 E



Commission District: Jose " Pepe" Diaz, 12

Road Closing

MDC.LOT

P-860-B

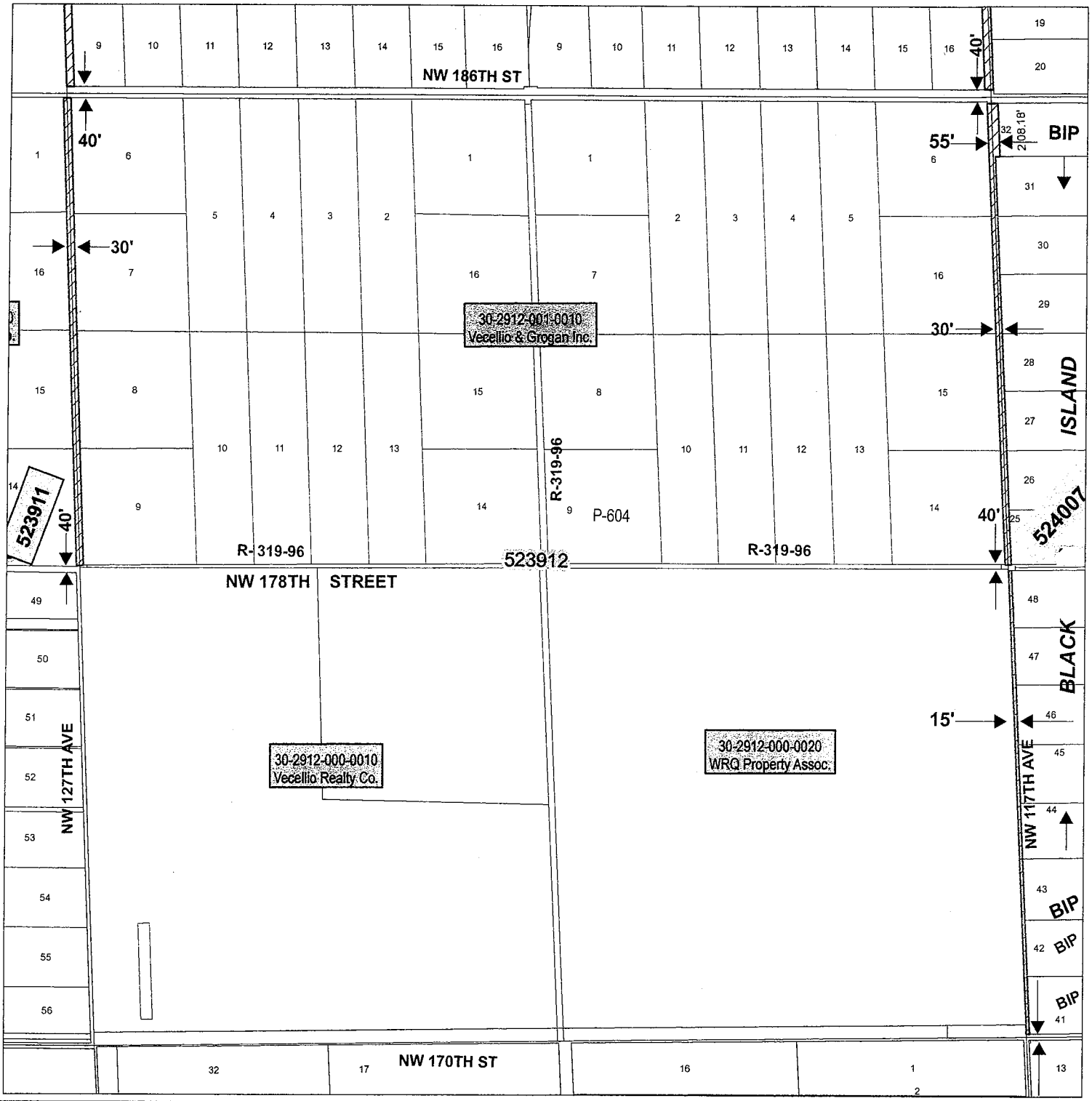
NORTH

Date: Rev.June 10 2010
Prepared By: Yazmin Moreno

Location Map

SECTION 11 TOWNSHIP 52 S RANGE 39 E SECTION 12 TOWNSHIP 52 S RANGE 39 E

SECTION 07 TOWNSHIP 52 S RANGE 40 E



Commission District: Jose " Pepe" Diaz, 12

Legend

ROAD CLOSING

PROPERTY LINE

P-860-B

NORTH

Date: Rev.June 10, 2010
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 existing public streets, roads, 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:

NW 117th AVENUE RIGHT-OF-WAY VACATION:

Portions of Section **1**, Township **52** South, Range **39** East, plat of "RICHACRE FARMS", as recorded in Plat Book 23, Page 19, of the Public Records of Miami-Dade County, Florida, described as follows:

The east 35 feet of said Section 1, less the north 130 feet and less the south 40 feet thereof;
And
The south 25 feet of the west 20 feet of the east 55 feet of the NE ¼ of the NE ¼ of said Section 1;
And
The north 25 feet of the west 20 feet of the east 55 feet of the SE ¼ of the NE ¼ of said Section 1;
And
The south 35 feet of the west 20 feet of the east 55 feet of the SE ¼ of the NE ¼ of said Section 1;
And
The north 35 feet of the west 20 feet of the east 55 feet of the NE ¼ of the SE ¼ of said Section 1;
And
The south 25 feet of the west 20 feet of the east 55 feet of the NE ¼ of the SE ¼ of said Section 1;
And

The north 25 feet of the west 20 feet of the east 55 feet of the SE ¼ of the SE ¼ of said Section 1;

AND ALSO

Portions of Section **6**, Township **52** South, Range **40** East, plat of "CHAMBERS LAND COMPANY SUBDIVISION", as recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida, described as follows:

The west 10 feet of said Section 6, less the north 130 feet and the south 40 feet thereof;
And
The east 30 feet of the west 40 feet of the south 10 feet of the NW ¼ of said Section 6;
And
The east 30 feet of the west 40 feet of the north 10 feet of the SW ¼ of said Section 6;

AND ALSO

The east 15 feet of the NE ¼ of Section **12**, Township **52** South, Range **39** East, plat of "TATUM BRO'S REAL ESTATE & INVESTMENT CO'S SUBDIVISION", as recorded in Plat Book 1, Page 102, of the Public Records of Miami-Dade County, Florida, less the north 40 feet thereof;
And
The west 25 feet of the east 40 feet of the south 15 feet of the NE ¼ of said Section 12;

AND ALSO

Portions of Section **7**, Township **52** South, Range **40** East, plat of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1", as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, described as follows:

The west 15 feet of said Section 7, less the north 40 feet and the south 40 feet thereof;
And the east 20 feet of the west 35 feet of the north ½ of the NW ¼ of the NW ¼ of the NW ¼ of said Section 7, less the north 40 feet thereof;
And
The east 25 feet of the west 40 feet of the south 15 feet of the NW ¼ of said Section 7;
And
The East 25 feet of the west 40 feet of the north 15 feet of the SW ¼ of said Section 7.

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NW 127th AVENUE RIGHT-OF-WAY VACATION:

Portions of Section **1**, Township **52** South, Range **39** East, plat of "RICHACRE FARMS", as recorded in Plat Book 23, Page 19, of the Public Records of Miami-Dade County, Florida, described as follows:

The west 35 feet of said Section 1, less the north 130 feet and the south 40 feet thereof;
And
The south 25 feet of the east 20 feet of the west 55 feet of the NW ¼ of the NW ¼ of said Section 1;
And
the north 25 feet of the east 20 feet of the west 55 feet of the SW ¼ of the NW ¼ of said Section 1;
And
The south 35 feet of the east 20 feet of the west 55 feet of the NW ¼ of said Section 1;
And
The north 35 feet of the east 20 feet of the west 55 feet of the SW ¼ of said Section 1;
And
the south 25 feet of the east 20 feet of the west 55 feet of the NW ¼ of the SW ¼ of said Section 1;
And
The north 25 feet of the east 20 feet of the west 55 feet of the SW ¼ of the SW ¼ of said Section 1;

AND ALSO

Portions of Section **12**, Township **52** South, Range **39** East, plat of "TATUM BRO'S REAL ESTATE & INVESTMENT CO'S SUBDIVISION", as recorded in Plat Book 1, Page 102, of the Public Records of Miami-Dade County, Florida, described as follows:

The west 15 feet of the NW ¼ of said Section **12**, less the north 40 feet thereof;
And
The east 25 feet of the west 40 feet of the south 15 feet of the NW ¼ of said Section 12;

AND ALSO

The east 15 feet of the NE ¼ of Section **11**, Township **52** South, Range **39** East, plat of "TATUM BRO'S REAL ESTATE & INVESTMENT CO'S SUBDIVISION", as recorded in Plat Book 1, Page 102, of the Public Records of Miami-Dade County, less the north 40 feet thereof.

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:

Portions were dedicated in 1913, by the plat of "CHAMBERS LAND COMPANY SUBDIVISION", as recorded in Plat Book 2, Page 68; in 1911, by the plat of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1", as recorded in Plat Book 2, Page 17; in 1925, by the plat of "RICHACRE-FARMS", as recorded in Plat Book 23, Page 19; in 1911, by the plat of "TATUM BRO'S REAL ESTATE & INVESTMENT CO'S SUBDIVISION", as recorded in Plat Book 1, page 102; in 1950, by a deed recorded in Deed Book 3383, Page 582; and in Resolution No. 2167, recorded in Deed Book 2675, Page 59, all 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 properties.

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
Vecellio and Grogan Inc.	30-2912-001-0010 30-2006-001-0010 30-2901-001-0040	101 Sansburys Way, West Palm Beach, Fl 33411
Vecellio Realty Company	30-2901-001-0080 30-2902-000-0030 30-2911-001-0010	101 Sansburys Way, West Palm Beach, Fl 33411
BIP Mining, LLC	30-2007-001-0410 30-2007-001-0420 30-2007-001-0430 30-2007-001-0320	1 SE 3 Avenue, #3050, Miami, Fl 33131
Black Island Partnership	30-2007-001-0020	1 SE 3 Ave., #3050, Miami, Fl 33131
WRQ Property Assoc.	30-2912-000-0020	101 Sansburys Way, West Palm Beach, FL 33411
Sunshine Rock Inc.	30-2902-000-0011	8518 SW 8th Street, Miami, Florida 33144

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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. For signatures of all abutting property owners see **attached sheets**.

117th Avenue (From County Line to NW 170th Street)

Print Name	Folio No.	Address	Signature
Vecellio and Grogan Inc.	30-2912-001-0010; ~~30-2901-001-0080~~; 30-2006-001-0010	PO Box 15065 West Palm Beach, FL 33406	Jim Hurley President
BIP Minning, LLC	30-2007-001-0410; 30-2007-001-0420; 30-2007-001-0430; 30-2007-001-0320	1 SE 3 Avenue, #3050, Miami, FL 33131	Adm Manager
Black Island Partnership	30-2007-001-0020	1 SE 3 Avenue, #3050, Miami, FL 33131	Adm Manager
WRQ Property Assoc.	30-2912-000-0020	101 Sansburys Way, West Palm Beach, FL 33411	Leo A Vecellio Jr

127th Avenue (From County Line to NW 178th Street)

Print Name	Folio No.	Address	Signature
Vecellio and Grogan Inc.	30-2901-001-0040; 30-2912-001-0010	101 Sansburys Way, West Palm Beach, FL 33411	Tom Hurley President
Vecellio Realty Company	30-2902-000-0030; 30-2911-001-0010	101 Sansburys Way, West Palm Beach, FL 33411	Leo Vecellio Jr
Sunshine Rock, Inc.	30-2902-000-0011	8518 SW 8th Street, Miami, FL 33144	Adm. Manager

Print Name	Folio No.	Address	Signature
Vecellio Realty Company	30-2901-001-0080	101 Sansburys Way, West Palm Beach, FL 33411	Leo A Vecellio Jr

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
PALM BEACH COUNTY)

BEFORE ME, the undersigned authority, personally appeared Leo A. Vecellio, Jr. who first by me duly sworn, deposes and says that he is one of the petitioners named in and who signed the foregoing petition; that he 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.

Leo A Vecellio Jr
(Signature of Petitioner)

Sworn and subscribed to before me this

14 day of June 2010

Notary Public State of Florida

DIANNE C. BRADLEY
MY COMMISSION EXPIRES
JULY 13, 2011
#DD 650169
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires: _____