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

Memorandum

MIAMI-DADE COUNTY

Date: May 3, 2011

Agenda Item No. 5(H)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Resolution No. R-281-11

Subject: Road Closing Petition P-883
Section: 22 & 27-52-39
NW 138 Street, from NW 137 Avenue West to Approximately 10 Feet East of the East FP&L Right-of-Way Line
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 this right-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 this right-of-way at $25,000.00 per acre. Therefore, the estimated value of this right-of-way would be approximately $140,700.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $2,888.00 per year in additional property taxes. The fee for this road closing is $14,870.00.

Track Record/Monitor

Not Applicable

Background

The Petitioner, Cemex Construction Materials of Florida, LLC, wishes to close NW 138 Street, from NW 137 Avenue West to approximately 10 feet east of the east FP&L Right-of-Way Line, in order to incorporate the land into its property to be used for rock mining. The subject right-of-way is located within an area designated as a "Rockmining Overlay Zoning Area" and has never been improved nor maintained by Miami-Dade County.

The subject right-of-way was dedicated in 1911, by the plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17; and in 1951, by an instrument recorded in Deed Book 3383, Page 582, both of the Public Records of Miami-Dade County, Florida. The subject right-of-way is zoned AU (Agricultural 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 Joe A. Martinez and Members, Board of County Commissioners

DATE: May 3, 2011

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

SUBJECT: Agenda Item No. 5(H)

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(H)
5-3-11

RESOLUTION NO. R-281-11

RESOLUTION GRANTING PETITION TO CLOSE NW 138 STREET, FROM NW 137 AVENUE WEST TO APPROXIMATELY 10 FEET EAST OF THE EAST FP&L RIGHT-OF-WAY LINE (ROAD CLOSING PETITION NO. P-883)

WHEREAS, this Board desires to accomplish the purposes 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 alleyway, 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 **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	aye		
Audrey M. Edmonson, Vice Chairwoman	aye		
Bruno A. Barreiro	aye	Lynda Bell	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Jean Monestime	aye
Dennis C. Moss	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2011. 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

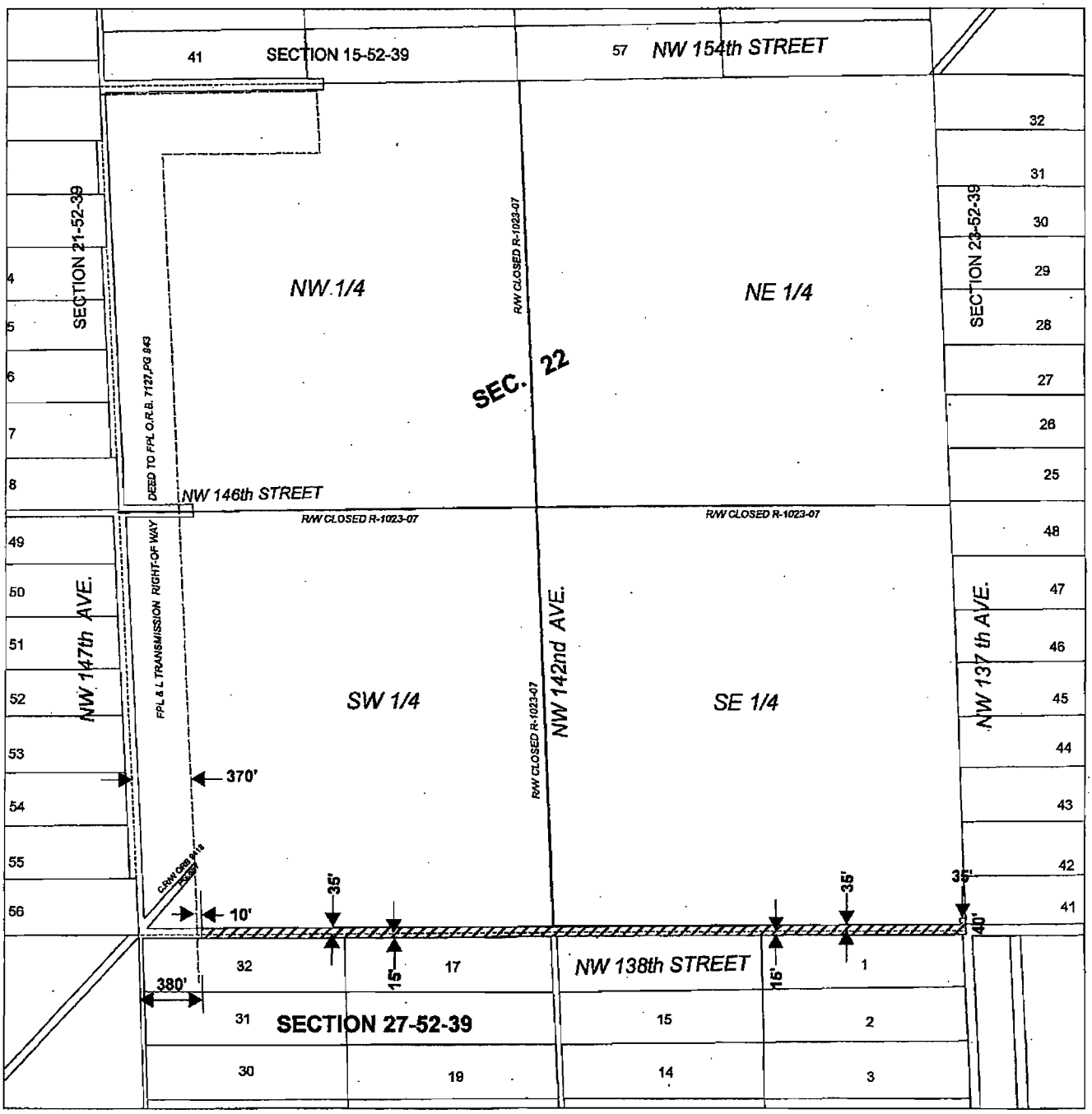
By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Alex S. Bokor

Location Map

SECTION 22 & 27 TOWNSHIP 52 S RANGE 39 E



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

Legend

P-883-ROAD CLOSING

P-883

PUBLIC WORKS DEPARTMENT
RIGHT- OF- WAY

Date: November 3rd, 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 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:

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):

Right-of-ways to be vacated were dedicated by deed as conveyed in official Book 3383 at Page 582 of the public records of Dade County, Florida and by the plat of Florida Fruit Land Company's Subdivision, as recorded in Plat 2, Page 17, of the Public Records of Miami-Dade County, Florida as further described in Exhibit "A".

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.	30-2927-001-0010	1501 Belvedere Rd., West
	30-2927-001-0160	Palm Beach, Florida, 33406
	30-2927-001-0170	
	30-2927-001-0300	
	30-2922-000-0010	

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	1501 Belvedere Road, West Palm Beach,
(Rinker Materials Corp. n/k/a	Florida 33406
Cemex Construction Materials	
Florida. LLC)	

MIA 181,333,822v1 7-13-10

Attorney for Petitioner

Address: 1501 Belvedere Road, West Palm Beach, Florida 33406
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
Palm Beach ~~MIAMI-DADE~~ COUNTY)

BEFORE ME, the undersigned authority, personally appeared Jorge Lozano, 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.

X _____
(Signature of Petitioner)

X Sworn and subscribed to before me this

30th day of July, 2010

Cynthia Helwig
Notary Public State of Florida at Large

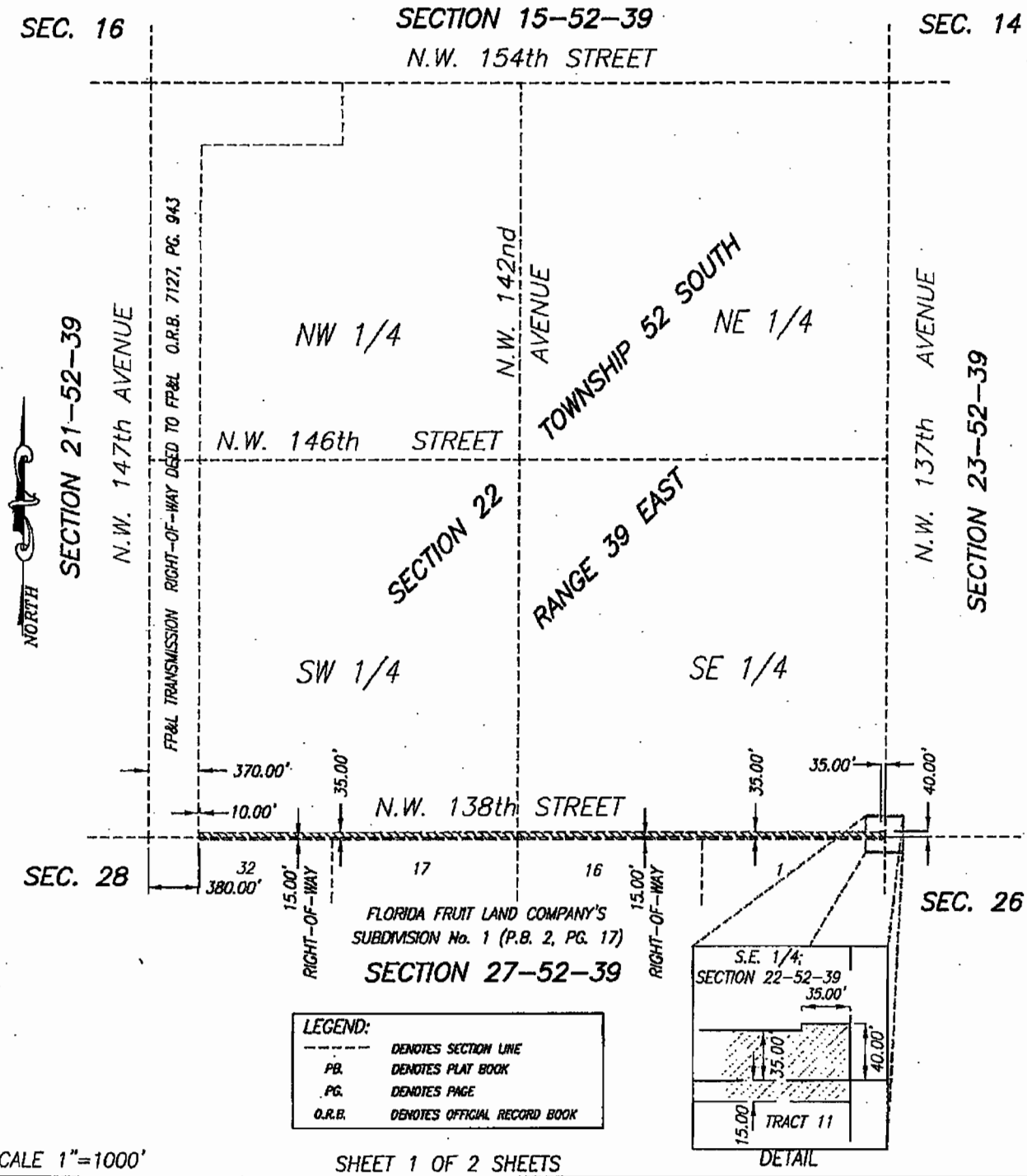
CYNTHIA HELWIG
Notary Public - State of Florida
My Commission Expires Oct 20, 2010
Commission # DD 588609
Bonded By National Notary Assn.

My Commission Expires: _____

MIA 181,333,822v1 7-13-10

SKETCH AND LEGAL DESCRIPTION

RIGHTS–OF–WAY TO BE CLOSED AND VACATED



LEGEND:	
------	DENOTES SECTION LINE
PB.	DENOTES PLAT BOOK
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. 197536

DATE: SEPTEMBER 22, 2010

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

K:\245239\CEMEX LEGALS\SURVEY\DWG\CEMEX SECTIONS 14 AND 22 AND 235239 REVISED 101210.dwg, 1/12/2011 8:54:55 AM

SKETCH AND LEGAL DESCRIPTION

RIGHTS-OF-WAY TO BE CLOSED AND VACATED

THE SOUTH 35 FEET, LESS THE WEST 380 FEET THEREOF AND LESS THE EAST 35 FEET THEREOF, OF SECTION 22, TOWNSHIP 52 SOUTH, RANGE 39 EAST, AS CONVEYED IN OFFICIAL BOOK 3383 AT PAGE 582 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA;

TOGETHER WITH:

THE SOUTH 40 FEET OF THE EAST 35 FEET OF SECTION 22, TOWNSHIP 52 SOUTH, RANGE 39 EAST.

ALSO TOGETHER WITH

A PORTION OF THE 15 FOOT (ROAD RESERVATIONS), LYING WITHIN THE SECTION 27, 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 NORTH 15 FEET OF TRACT 1; TOGETHER WITH THE NORTH 15 FEET OF TRACT 16; TOGETHER WITH THE NORTH 15 FEET OF TRACT 17; AND TOGETHER WITH THE NORTH 15 FEET LESS THE WEST 380 FEET OF TRACT 32.

SAID LAND AS DESCRIBED HEREON CONTAINS 245,175 SQUARE FEET (5.628 ACRES) MORE OR LESS

LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

SHEET 2 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

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PREPARED UNDER MY SUPERVISION:
MARK STEVEN JOHNSON
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

K:\245239\CEMEX LEGALS\SURVEY\DWG\CEMEX SECTIONS 14 AND 22 AND 236239 REVISED 101210.dwg, 1/12/2011 8:56:24 AM