



MEMORANDUM

Agenda Item No. 5(F)

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

DATE: July 19, 2011

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

SUBJECT: Resolution granting petition to close
NW 133 Street, from NW 27 Avenue
East to Upper Rio Vista Canal (Road
Closing Petition No. P-887)

Resolution No. R-603-11

The accompanying resolution was prepared by the Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.

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

R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum



Date: July 19, 2011

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

From: Alina T. Hudak
County Manager

Subject: Road Closing Petition P-887
Section: 27-52-41
NW 133 Street, from NW 27 Avenue East to Upper Rio Vista Canal
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 Commission District 2.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$14.00 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$101,800.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$2,082.00 per year in additional property taxes. The fee for this road closing is \$10,980.00.

Track Record/Monitor

Not Applicable

Background

The petitioners, GTC Opa Locka, LLC and Pro Property, LLC, wish to close the right-of-way for NW 133 Street from NW 27 Avenue east to Upper Rio Vista Canal to incorporate the land into their property. The right-of-way being closed has never been improved nor maintained by Miami-Dade County. This action will not adversely impact traffic flow or continuity of traffic in the area.

The subject right-of-way was dedicated in 1933, by the REVISED PLAT OF GOLF PARK SEC-1, recorded in Plat Book 34, Page 37, of the Public Records of Miami-Dade County, Florida. The subject right-of-way is zoned BU-2 (Special Business 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: July 19, 2011

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

SUBJECT: Agenda Item No. 5(F)

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(F)
7-19-11

RESOLUTION NO. R-603-11

RESOLUTION GRANTING PETITION TO CLOSE NW 133 STREET, FROM NW 27 AVENUE EAST TO UPPER RIO VISTA CANAL (ROAD CLOSING PETITION NO. P-887)

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 **Jean Monestime**, who moved its adoption. The motion was seconded by Commissioner **Bruno A. Barreiro** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of July, 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: **Christopher Agrippa**
Deputy Clerk

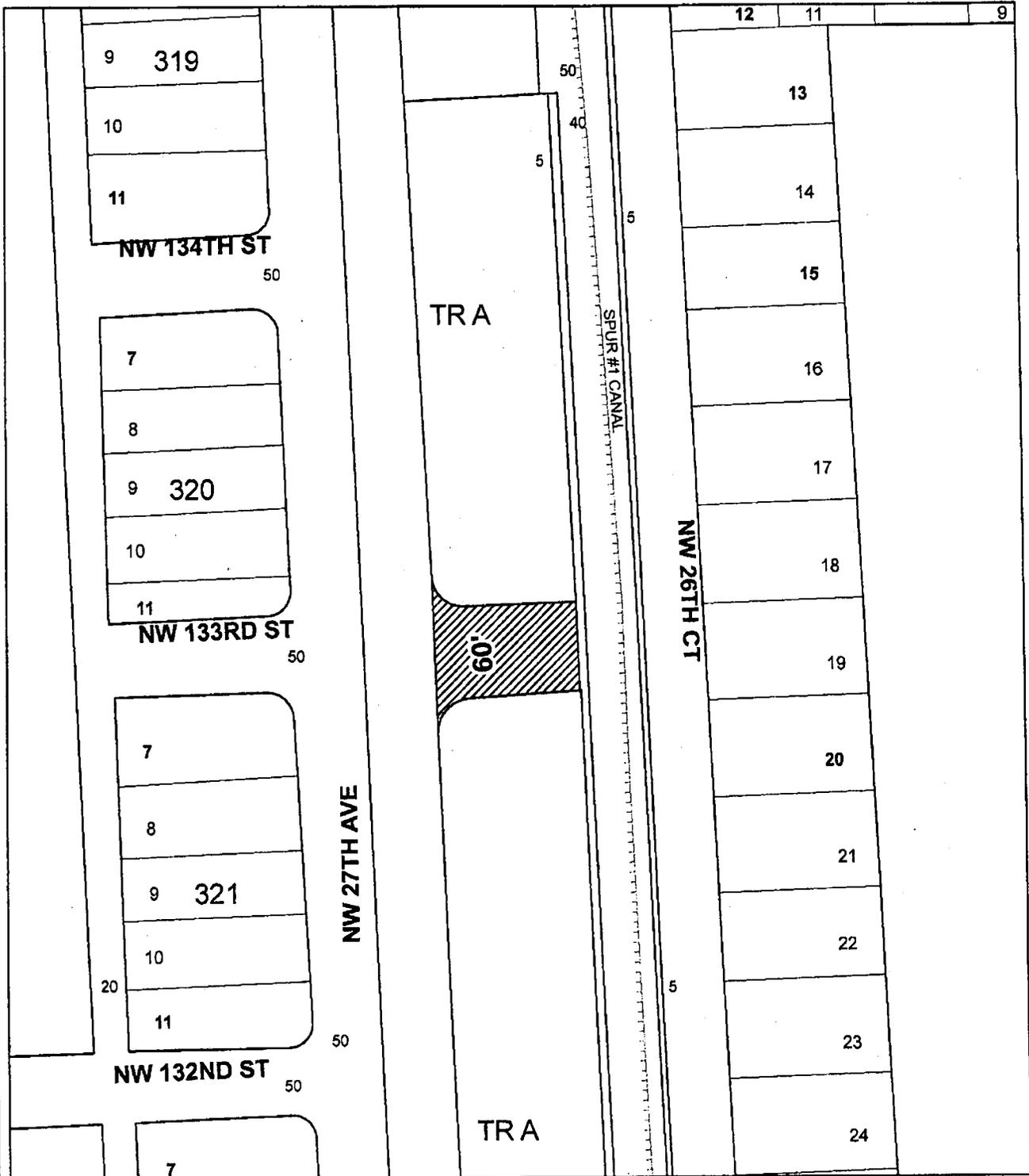
Approved by County Attorney as
to form and legal sufficiency.

Alex S. Bokor



Location Map

SECTION 27 TOWNSHIP 52 S RANGE 41 E



This is not a survey

P-887

PUBLIC WORKS DEPARTMENT
RIGHT OF WAY



Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Jean Monestime, 2

Date: March 15, 2011
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:

THAT PORTION OF BENCIANO STREET (NOW KNOWN AS N.W. 133RD STREET), AS SHOWN ON "REVISED PLAT OF GOLF PARK SEC-1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 37, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BOUNDED ON THE NORTH BY THE SOUTH LINE OF TRACT "A", BLOCK 122 ALSO BOUNDED ON THE NORTH BY THE ARC OF A CURVE TANGENT TO SAID SOUTH LINE AND ALSO TANGENT TO A LINE LYING 5.00 FEET EAST OF THE WEST LINE OF SAID TRACT "A"; ON THE EAST BY THE THE NORTHERLY EXTENSION OF THE EAST LINE OF TRACT "A", BLOCK 123; ON THE SOUTH BY THE NORTH LINE OF TRACT "A", BLOCK 123; AND ON THE WEST BY A LINE LYING 50.00 FEET EAST, OF AND PARALLEL WITH THE WEST LINE OF SECTION 27-52-41, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT "A", BLOCK 123; THENCE NORTH 89°23'00" WEST ALONG THE NORTH LINE OF SAID TRACT "A", BLOCK 123, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF SAID N.W. 133RD STREET (BENCIANO STREET) 97.70 FEET TO A POINT OF CURVATURE; THENCE WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 53°44'48" FOR AN ARC DISTANCE OF 23.45 FEET TO A POINT ON A LINE LYING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SECTION 27-52-41; THENCE NORTH 00°00'00" EAST ALONG SAID PARALLEL LINE 95.00 FEET TO A POINT OF CUSP ALSO BEING A POINT OF CURVATURE; THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°23'00" FOR AN ARC DISTANCE OF 39.00 FEET TO A POINT OF TANGENCY ON THE SOUTH LINE OF TRACT "A", BLOCK 122 ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF SAID BENCIANO STREET (N.W. 133RD STREET) AS SHOWN ON SAID PLAT; THENCE SOUTH 89°23'00" EAST ALONG SAID SOUTH LINE OF SAID TRACT "A", BLOCK 122, AND SAID NORTH RIGHT-OF-WAY LINE 93.08 FEET; THENCE SOUTH 00°09'34" EAST ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT "A", BLOCK 123 FOR 60.01 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA CONTAINING 7,272 SQUARE FEET (0.1699 ACRES).

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):

NW 133 Street Right-of-Way (formerly known as Benciano Street) was dedicated to the public by REVISED PLAT OF GOLF PARK SEC 1, Plat Book 34, Page 37 (1933), all in the Public Records of Miami-Dade County, Florida. REVISED PLAT OF GOLF PARK SEC 1 states "all dedications remain the same as in the original Plats as recorded in PB's - 26 page 75, PB-27 page 52, and PB-20 at Page 35, all of the Public Records of 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
<u>PRO PROPERTY, LLC</u>	<u>30-2127-011-0680</u>	<u>unassigned</u>
<u>GTC OPA LOCKA LLC</u>	<u>30-2127-011-0660</u>	<u>unassigned</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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.

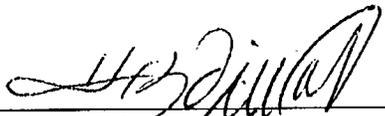
6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

The NW 133 St closure area is approx. 0.1699 acres in size and is bounded on the west by NW 27 Avenue, on the east by the Rio Vista Canal and to the north and south by properties owned by the applicants. The closure of this portion of NW 133 St will not negatively impact the provision of municipal services including police, fire and emergency rescue. This portion of NW 133 St is unimproved vacant land and has not been otherwise used by the public for right of way purposes; there is no vehicular or pedestrian connectivity provided due to the existing Rio Vista Canal immediately to the east.

7. Signatures of **all** abutting property owners:

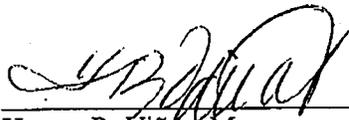
Respectfully submitted,

PRO PROPERTY, LLC, a Florida limited liability company



Hector R. Viñas, Manager
2760 N. University Drive
Davie, FL 33024

GTC OPA LOCKA, LLC, a Florida limited liability company



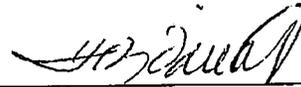
Hector R. Viñas, Manager
2760 N. University Drive
Davie, FL 33024

Attorney for Petitioner

Gilberto Pastoriza, Esq.
Estrellita Sibila, Esq.
Weiss Serota Helfman Pastoriza
Cole & Boniske, PL
2525 Ponce de Leon Boulevard, Suite 700
Coral Gables, Florida 33134

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Hector R. Viñas as Manager of PRO PROPERTY, LLC, a Florida limited liability company, who after 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.



Hector R. Viñas, Manager
2760 N. University Drive
Davie, FL 33024

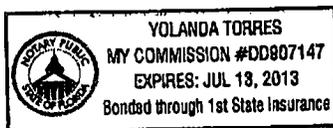
Sworn and subscribed to before me this

10 day of MARCH, 2011



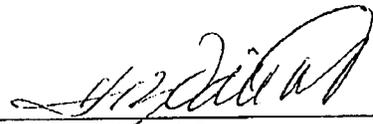
Notary Public State of Florida at Large

My Commission Expires: July 13, 2013



STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Hector R. Viñas as Manager of GTC OPA LOCKA, LLC, a Florida limited liability company, 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.



Hector R. Viñas, Manager
3760 N. University Drive
Davie, FL 33024

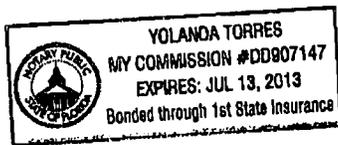
Sworn and subscribed to before me this

10 day of March, 2011



Notary Public State of Florida at Large

My Commission Expires: July 13, 2013





SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33361

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LBE3870



LEGAL DESCRIPTION:

THAT PORTION OF BENCIANO STREET (NOW KNOWN AS N.W. 133RD STREET), AS SHOWN ON "REVISED PLAT OF GOLF PARK SEC-1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 37, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BOUNDED ON THE NORTH BY THE SOUTH LINE OF TRACT "A", BLOCK 122 ALSO BOUNDED ON THE NORTH BY THE ARC OF A CURVE TANGENT TO SAID SOUTH LINE AND ALSO TANGENT TO A LINE LYING 5.00 FEET EAST OF THE WEST LINE OF SAID TRACT "A"; ON THE EAST BY THE THE NORTHERLY EXTENSION OF THE EAST LINE OF TRACT "A", BLOCK 123; ON THE SOUTH BY THE NORTH LINE OF TRACT "A", BLOCK 123; AND ON THE WEST BY A LINE LYING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SECTION 27-52-41, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA CONTAINING 7,272 SQUARE FEET (0.1699 ACRES).

FILE: PRO PROPERTY, LLC

SCALE: NOT TO SCALE

ORDER NO: 53415

DATE: 01-19-11

RIGHT-OF-WAY VACATION N.W. 133RD ST

MIAMI-DADE COUNTY, FLORIDA

FOR: AUTOZONE

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

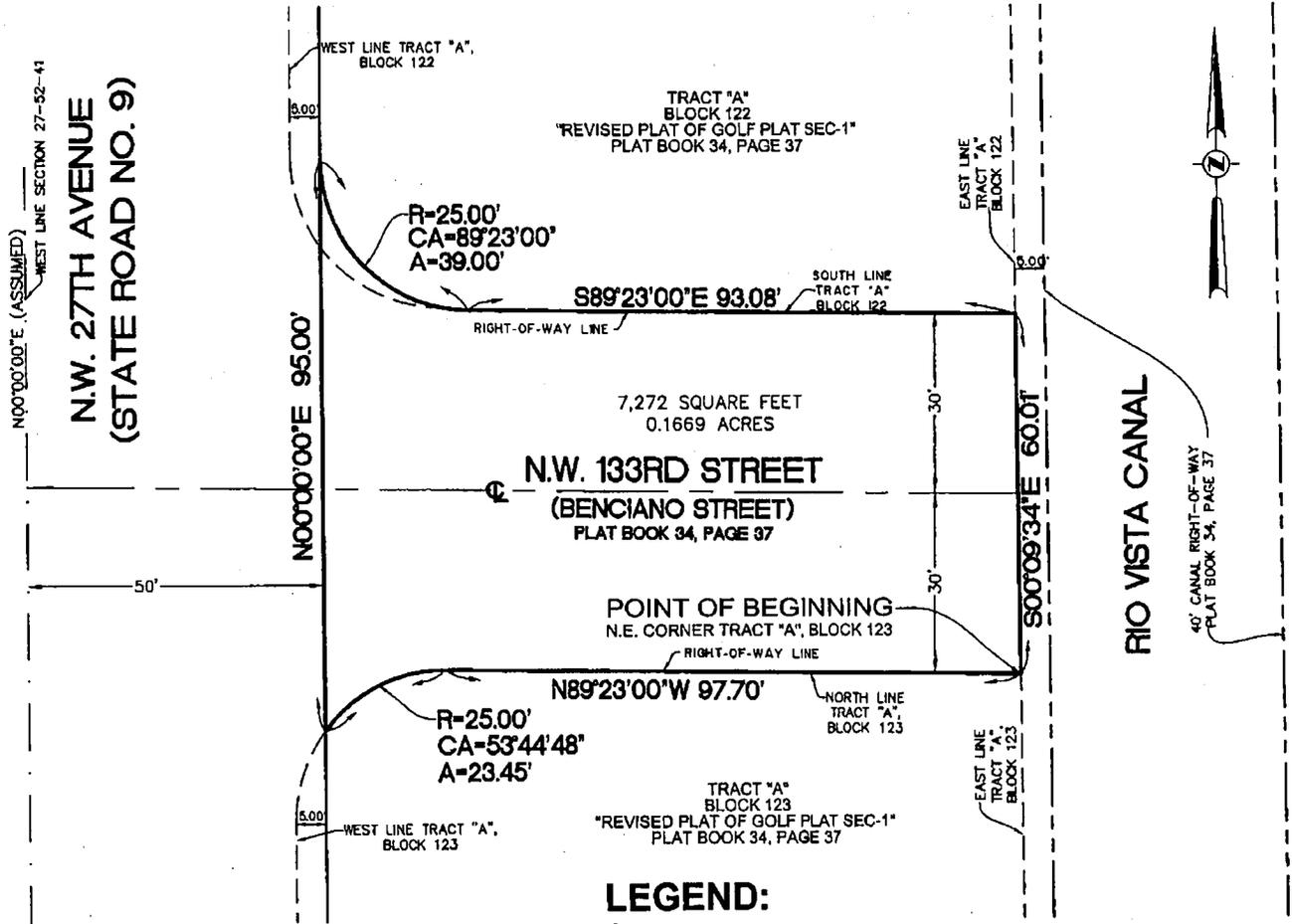
JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
 BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136



SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandssurveyors.com CERTIFICATE OF AUTHORIZATION LB33870



LEGEND:
 ⊕ CENTERLINE
 R RADIUS
 CA CENTRAL ANGLE
 A ARC LENGTH

NOTES:

- 1) BEARINGS ARE BASED ON THE WEST LINE OF SECTION 27-52-41, BEING N00°00'00" E.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

FILE: PRO PROPERTY, LLC
SCALE: 1"=30'
ORDER NO.: 53415
DATE: 01-19-11
RIGHT-OF-WAY VACATION NW 133rd ST
MIAMI-DADE COUNTY, FLORIDA
FOR: AUTOZONE

SHEET 2 OF 2 THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2