



MEMORANDUM

Agenda Item No. 5(C)

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

DATE: December 6, 2011

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

SUBJECT: Resolution granting petition to close
the easterly 130 feet of the westerly
454 feet of the alley east of Biscayne
Boulevard, between NE 31 Street and
NE 32 Street (Road Closing Petition
No. P-885)

Resolution R-1035-11

The accompanying resolution was prepared by the Public Works & Waste Management and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: December 6, 2011

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

Subject: Road Closing Petition P-885
Section: 30-53-42
The Easterly 130 Feet of the Westerly 454 Feet of the Alley East of Biscayne Boulevard,
Between NE 31 Street and NE 32 Street
Commission District: 3

Recommendation

It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Permitting, Environment and Regulatory Affairs, Public Works and Waste Management (PWWMD), 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 3.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$32.00 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$35,520.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$727.00 per year in additional property taxes. The fee for this road closing is \$4,352.00.

Track Record/Monitor

PWWMD is the entity overseeing this project and the person responsible for monitoring is Mr. Luis Lacau, PLS, Section Head, PWWMD Land Development/Right-of-Way Division.

Background

The Petitioner, Gruppo Galileo Corp., wishes to close that portion of the alley from the southerly projection of the east line of Lot 6, Block 3, of ELWOOD COURT, as recorded in Plat Book 9, Page 181, to the northerly projection of the east line of Lot 2, Block 1, of BROADMOOR, as recorded in Plat Book 2, Page 37, both of the Public Records of Miami-Dade County, Florida, in order to incorporate the land into its property. The subject right-of-way has never been improved nor maintained by Miami-Dade County.

In 1945, Miami-Dade County acquired title to the alley by final decree of the Circuit Court. On December 10, 1946, at the request of the City of Miami, the Miami-Dade County Commission set aside and dedicated the subject property for Public Street or alley by Resolution No. 2347. On March 26, 1992, the City of Miami Commission disclaimed and renounced any interest in the alley by Resolution No. 92-204. The area surrounding the subject right-of-way is zoned by the City of Miami as R-4, Multifamily High Density Residential District (150 DUs/Ac.).

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

County Manager/Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: December 6, 2011

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

SUBJECT: Agenda Item No. 5(C)

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

Agenda Item No. 5(C)

Veto _____

12-6-11

Override _____

RESOLUTION NO. R-1035-11

RESOLUTION GRANTING PETITION TO CLOSE THE
EASTERLY 130 FEET OF THE WESTERLY 454 FEET OF THE
ALLEY EAST OF BISCAYNE BOULEVARD, BETWEEN NE
31 STREET AND NE 32 STREET (ROAD CLOSING
PETITION NO. P-885)

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 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.

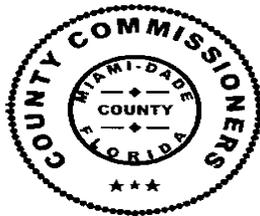
The foregoing resolution was offered by Commissioner **José "Pepe" Diaz**
who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss**
and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	aye	
	Audrey M. Edmonson, Vice Chairwoman	aye	
Bruno A. Barreiro	aye	Lynda Bell	aye
Esteban L. Bovo, Jr.	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
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of December, 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 30 TOWNSHIP 53 S RANGE 42 E



THIS IS NOT A SURVEY

Legend

-  ROAD CLOSING
-  MDC.LOT

Municipality: MIAMI
 Commission District: Audrey M. Edmonson, 3
 Miami-Dade County Mayor Carlos Alvarez

P-885

PUBLIC WORKS DEPARTMENT
 RIGHT-OF-WAY

Date: October 27, 2010
 Prepared By: Yezmin 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:

A portion of the alley recorded in Deed Book 2790, Page 358, of the Public Records of Miami-Dade County, Florida, lying between Block 1 of **BROADMOOR**, as recorded in Plat Book 2, Page 37, and Block 3 of **ELWOOD COURT**, as recorded in Plat Book 9, Page 181, and Block 6 of **ELWOOD COURT BAY FRONT SECTION**, as recorded in Plat Book 16, Page 70, all of the Public Records of Miami-Dade County, Florida, described as follows:

Commence at the intersection of the southerly line of the above described alley and the easterly line of a 100 foot wide road right-of-way of Biscayne Boulevard; thence **N89°58'27"E**, along the southerly line of said alley, said southerly line is the northerly line of Block 1 of said plat of **BROADMOOR** for **324.15** feet (m), **324.00** feet (r), to a point the **Point of Beginning**; thence continue **N89°58'27"E** along the said southerly line of alley for **130.00** feet to a point coincident with the northeast (NE) corner of Lot 2, Block 1 of said plat of **BROADMOOR**; thence **N00°01'56"W** along the northerly projection of the east line of said Lot 2, for **9.11** feet to the point of intersection with the northerly line of said alley; thence **S89°28'19"W** along the northerly line of said alley for **130.02** feet to a point coincident with the southeast (SE) corner of Lot 6, Block 3 of said plat of **ELWOOD COURT**; thence **S00°01'56"E** along the southerly projection of the east line of said Lot 6 for **7.97** feet to the **Point of Beginning**.

Containing **1,110** square feet or **0.03** acres more or less.

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):

The County acquired title to the property in a Final Decree of the Circuit Court of the Eleventh Judicial Circuit of Florida, dated December 28, 1945, which is recorded in Official Records Book 748, Page 304, of the Public Records of Miami-Dade County Florida, and on December 10, 1946, dedicated the strip of land for a public alley.

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>GRUPPO GALILEO CORP</u>	<u>01-3230-013-0022</u>	<u>17555 Collins Ave., Unit 603, Sunny Isles Beach, FL 33160</u>
<u>SUMERAR 32 LLC</u>	<u>01-3230-011-0160</u>	<u>18151 NE 31 Ct., Suite 1015 Aventura, FL 33137</u>
<u>436 PROPERTY, LLC</u>	<u>01-3230-011-0170</u>	<u>4500 Island Rd, Miami, FL 33137</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):

On March 26, 1992, the City of Miami disclaimed any interest it may have had in the public alley and requested that Miami-Dade County no longer set aside and dedicate the property for a public alley. No portion of the alley has ever been improved or maintained by Miami-Dade County . Two portions of the alley have been closed and abandoned by Miami-Dade County . Closing the alley will relieve the County from any responsibilities to keep the land clear of trash and indiscriminant dumping, and the abutting owners will include it into their properties.

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

SIGNATURE

ADDRESS

Michael M. Mottalen PRESIDENT

Mariusz G. Gwin

18151 NE 31st. # 1015 Aventura. FL. 33160

17555 COLLINS AVE UNIT 603 - SIB FL 33160

4500 JOLLAND ROAD
MIAMI - FLORIDA 33132

