

Memorandum



Date: May 1, 2012
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
From: Carlos A. Gimenez
Mayor

Agenda Item No. 5(E)

Subject: Approving the Waiver of Plat for Ellen Gardner 79th Street, LLC Resolution No. R-358-12

Recommendation

The following waiver of plat is hereby submitted for consideration by the Board of County Commissioners for approval. This plat is bounded on the north by NW 79 Terrace, on the east 160 feet west of NW 21 Avenue, on the south by NW 79 Street, and on the west by 175 feet east of NW 22 Avenue. The Miami-Dade County Plat Committee, comprised of representatives from the Florida Department of Transportation, the Florida Department of Health, the Miami-Dade County School Board and Miami-Dade County departments of Fire Rescue, Parks, Recreation and Open Spaces, Permitting, Environment and Regulatory Affairs, Public Works and Waste Management (PWWM), Sustainability, Planning and Economic Enhancement, and Water and Sewer, recommends approval of this waiver of plat.

Scope

This waiver of plat is located within the boundaries of Commission District 2.

Fiscal Impact /Funding Source

There is no associated fiscal impact to Miami-Dade County with the approval of this waiver of plat; all improvements are in place.

Track Record/Monitor

The Public Works and Waste Management Department, Land Development/Right-of-Way Division administers the processing of plats and the person responsible for this function is Raul A. Plino, PLS, Land Development/Right-of-Way Division Chief.

Background

ELLEN GARDNER 79TH STREET, LLC (D-23216)

- Located in Section 10, Township 53 South, Range 41 East
- Commission District: 2
- Zoning: BU-2
- Proposed Usage: Retail store
- Number of parcels: 1
- This plat meets concurrency

Plat Restrictions

- Plat restrictions: none, waiver of plat.
- Covenant requirements: none, waiver of plat.

Developer's Obligation

- None, all improvements are in place.



County Manager/Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: May 1, 2012

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)
5-1-12

RESOLUTION NO. R-358-12

RESOLUTION APPROVING THE WAIVER OF PLAT OF ELLEN GARDNER 79TH STREET, LLC, D-23216, LOCATED IN THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 53 SOUTH, RANGE 41 EAST (BOUNDED ON THE NORTH BY NW 79 TERRACE, ON THE EAST 160 FEET WEST OF NW 21 AVENUE, ON THE SOUTH BY NW 79 STREET, AND ON THE WEST 175 FEET EAST OF NW 22 AVENUE)

WHEREAS, Ellen Gardner 79th Street, LLC, a Florida limited liability company has this day presented to this Board a waiver of plat of certain lands lying in Miami-Dade County, Florida, said waiver of plat of the property legally described as a portion of Tract 21 of “Revised Plat of West Little River”, according to the plat thereof, as recorded in Plat Book 34, at Page 19, of the Public Records of Miami-Dade County, Florida, lying and being in the Northeast 1/4 of Section 10, Township 53 South, Range 41 East, Miami-Dade County, Florida, and it appears that all requirements of law concerning said waiver of plat insofar as the authority of this Board is concerned have been complied with,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that said waiver of plat is hereby approved; that the property has been found to be in compliance with Chapter 28, Subdivisions, of the Miami-Dade County Code; that approval of this waiver of plat is not a waiver of any zoning regulations and that the requirements of the zoning existing on this land at the time this Resolution is approved shall be enforced whether or not the parcel on this waiver of

plat conforms to those requirements; this approval is conditioned upon the proper execution of all documents required by the County Attorney's Office.

The foregoing resolution was offered by Commissioner **Jean Monestime**, 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.	absent	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 1st day of May, 2012. 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

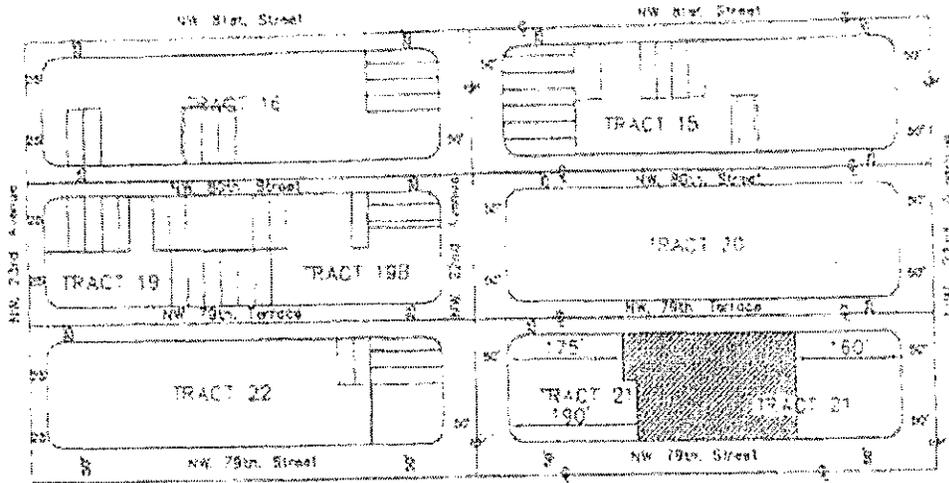
HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk



Approved by County Attorney as to form and legal sufficiency. JM

John McInnis



LOCATION MAP



ELLEN GARDNER 79TH STREET, LLC (D-23216)

SEC. 10, TWP. 53 S, RGE. 41 E