

## MEMORANDUM

Agenda Item No. 5(G)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

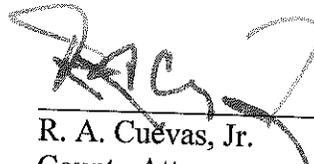
**DATE:** May 7, 2013

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

**SUBJECT:** Resolution granting Petition to  
Close SW 79 Terrace, from SW  
72 Avenue West for  
approximately 246 feet (Road  
Closing Petition No. P-895)

Resolution No. R-330-13

The accompanying resolution was prepared by the Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:** May 7, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Road Closing Petition P-895  
Section: 35-54-40  
SW 79 Terrace, from SW 72 Avenue West for Approximately 246 Feet  
Commission District: 7

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## 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 Regulatory and Economic Resources, Public Works and Waste Management (PWWM), Water and Sewer and Fire Rescue have no objection to this right-of-way being closed.

## Scope

This road closing is located within Commissioner Xavier L. Suarez' District 7.

## Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at an average of \$6.64 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$103,370.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$1,914.00 per year in additional property taxes. The fee for this road closing is \$11,137.00.

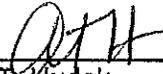
## Track Record/Monitor

PWWM is the entity overseeing this project and the person responsible for monitoring is Mr. Leandro Oña, P.E., Chief, Roadway Design and Right-of-Way Division.

## Background

The petitioner, Cutler Bay Venture, LLC, wishes to close SW 79 Terrace, from SW 72 Avenue West for approximately 246 feet, as a public right-of-way and convert it to an access easement by the proposed plat of SLEEPY HOLLOW AMENDED, tentative plat number T-23309. This would allow the petitioner to add a gated entry to the four (4) lots within the subdivision.

The subject right-of-way was dedicated in 2008, by the plat of "SLEEPY HOLLOW", recorded in Plat Book 168, Page 15, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned EU-1 (Single Family One Acre Estate District).

  
\_\_\_\_\_  
Alina T. Hudak  
Deputy Mayor

2



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 7, 2013

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

**SUBJECT:** Agenda Item No. 5(G)

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 Mayor'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(G)  
5-7-13

RESOLUTION NO. R-330-13

RESOLUTION GRANTING PETITION TO CLOSE  
SW 79 TERRACE, FROM SW 72 AVENUE WEST  
FOR APPROXIMATELY 246 FEET (ROAD  
CLOSING PETITION NO. P-895)

**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 closing of the aforementioned road is contingent on the recording of the plat of SLEEPY HOLLOW AMENDED, tentative plat T-23309, that in the event the plat is not approved and recorded this resolution becomes null and void; (2) that the road 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; save and except that the land is reserved as a utility easement; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (5) 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 **Xavier L. Suarez**,  
who moved its adoption. The motion was seconded by Commissioner **Jean Monestime**  
and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of May, 2013. 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.

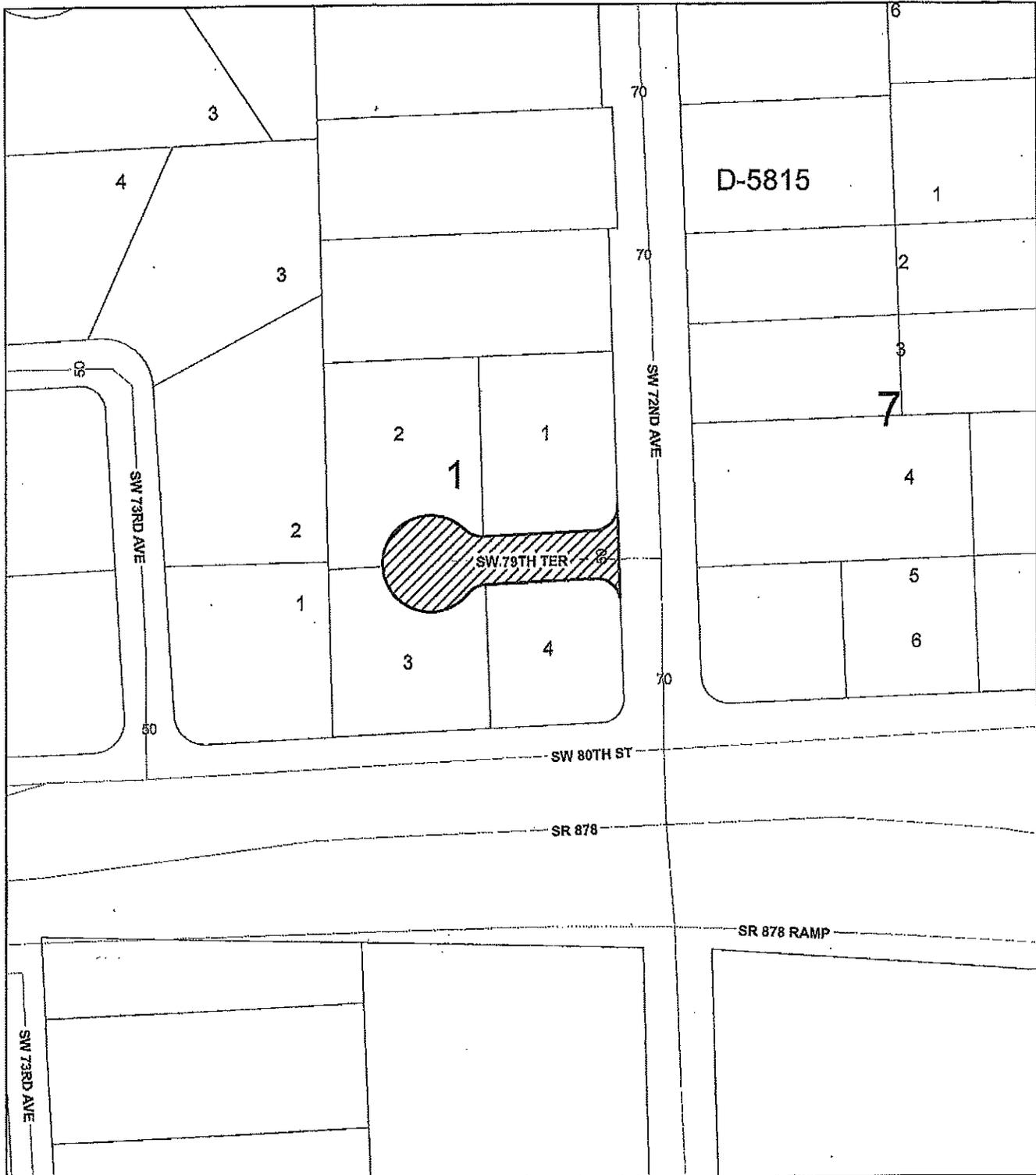
Alex S. Bokor

5

Location Map



SECTION 35 TOWNSHIP 54 S RANGE 40 E



This is not a survey

P-895

Municipality: UNINCORPORATED MIAMI-DADE  
Commission District: Xavier L. Suarez, 7

MIAMI-DADE COUNTY  
Public Works & Waste Management Department  
Land Development/Right-of-Way Division  
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128  
PH (305) 375-2714 FAX (305) 375-2825

**Legend**

-  Road Closing
-  MDC.PROP\_PTX

Date: July 2nd, 2012  
Prepared by: ym

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:

SW 79<sup>th</sup> Terrace Public Right of Way, as depicted on the Plat of "SLEEPY HOLLOW", according to the Plat thereof, as recorded in Plat Book 168, at Page 15 of the Public Records of Miami-Dade County, Florida.

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):

Public Interest on this portion of S.W. 79<sup>th</sup> Terr.  
was acquired thru "Sleepy Hollow" (PB 168-15)

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>Cutler Bay Venture, LLC</u>	<u>30-4035-053-0010</u>	<u>Not assigned</u>
<u>Elizabeth Gil</u>	<u>30-4035-053-0020</u>	<u>Not assigned</u>
<u>Cutler Bay Venture, LLC</u>	<u>30-4035-053-0030</u>	<u>Not assigned</u>
<u>Cutler Bay Venture, LLC</u>	<u>30-4035-053-0040</u>	<u>Not assigned</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):

Owners are requesting this petition in order to add a gated entry to the 4 lots that are enclosed within the existing 4 lot subdivision known as "Sleepy Hollow Sub" which is enclosed with a 6' precast concrete fence except for the present dedicated public street that is being petitioned.

Additionally, Cutler Bay Venture LLC and Elizabeth Gil have successfully obtained Resolution No. CZAB12-2-12 as the initial step in petitioning the closing of S.W. 79<sup>th</sup> Terrace as described herein.

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

SIGNATURE

ADDRESS

8

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

SIGNATURE

ADDRESS

CUTLER BAY VENTURE LLC.  
Luis Machado, Managing Member  
Owner of folio #'s:  
30-4035-053-0010  
30-4035-053-0030  
30-4035-053-0040

Lot addresses not assigned

Elizabeth Gil  
Elizabeth Gil  
Owner of folio #:  
30-4035-053-0020

Lot address not assigned

Attorney for Petitioner

Address: NOT APPLICABLE  
(Signature of Attorney not required)

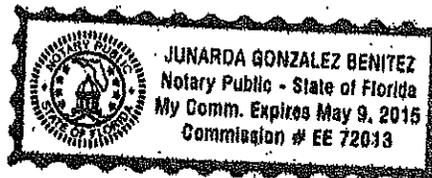
STATE OF FLORIDA )  
MIAMI-DADE COUNTY ) SS

BEFORE ME, the undersigned authority, personally appeared Luis Machado, 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.

(Signature of Petitioner)

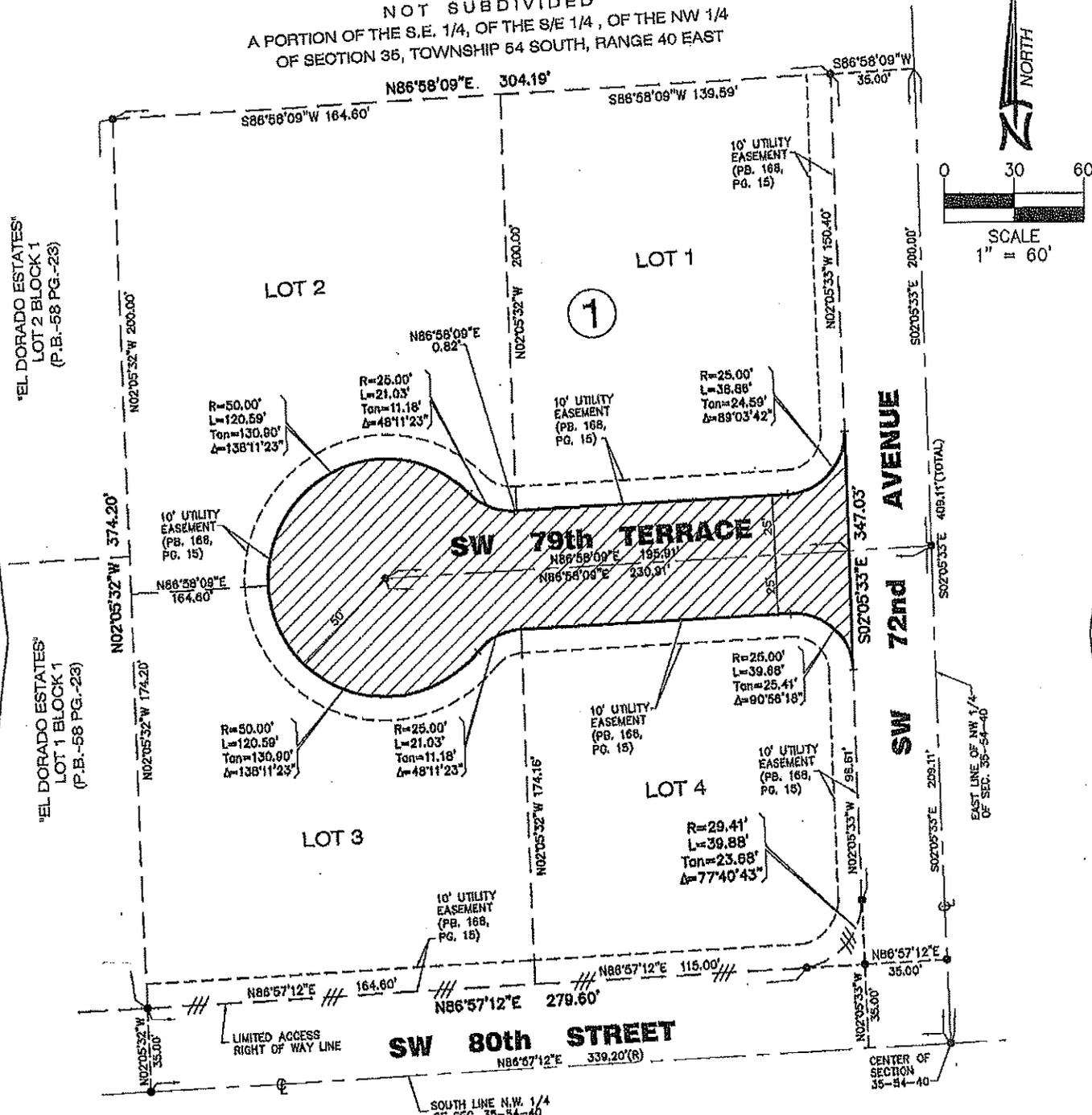
Sworn and subscribed to before me this 30 day of May, 2012

Junarda Gonzalez Benitez  
Notary Public State of Florida at Large  
My Commission Expires: 5/9/2015



**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**  
**SW 79th TERRACE ROAD CLOSURE PETITION**  
**SLEEPY HOLLOW SUBDIVISION**  
**EXHIBIT "A"**

NOT SUBDIVIDED  
 A PORTION OF THE S.E. 1/4, OF THE S/E 1/4, OF THE NW 1/4  
 OF SECTION 35, TOWNSHIP 64 SOUTH, RANGE 40 EAST



**LEGEND**

- |                              |                       |                                |                                     |
|------------------------------|-----------------------|--------------------------------|-------------------------------------|
| PC = POINT OF CURVATURE      | SEC. = SECTION        | TAN = TANGENT                  | (R) = RECORD VALUE                  |
| PT = POINT OF TANGENCY       | R.O.W. = RIGHT OF WAY | P.O.C. = POINT OF COMMENCEMENT | (C) = CALCULATED VALUE              |
| PRC = POINT OF REVERSE CURVE | R = RADIUS CURVE      | P.O.B. = POINT OF BEGINNING    | FPL = FLORIDA POWER & LIGHT COMPANY |
| PB. = PLAT BOOK              | Δ = CENTRAL ANGLE     | P.O.T. = POINT OF TERMINATION  |                                     |
| PG. = PAGE                   | L, A = ARC LENGTH     | O.R.B. = OFFICIAL RECORDS BOOK |                                     |

**LEGAL DESCRIPTION:**

SW 79th Terrace - Public Right of Way as depicted on the Plat of "SLEEPY HOLLOW" according to the plat thereof, as recorded in Plat Book 168, Page 15, of the Public Records of Miami-Dade County, Florida.

Containing 15,568 Square Feet, more or less, by calculations.

**NOTICE: Not full and complete without all pages. Total of Two (2) Pages**

No. 03591  
 Page 1 of 2

10

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

**SW 79th TERRACE ROAD CLOSURE PETITION  
SLEEPY HOLLOW SUBDIVISION  
EXHIBIT "A"**

**SOURCES OF DATA:**

Property Address:  
S.W 80th Street and S.W 72nd Avenue, Miami, Florida, 33143.

Folio No.: 30-4035-053-0020 (Lot 1)  
Folio No.: 30-4035-053-0010 (Lot 2)  
Folio No.: 30-4035-053-0040 (Lot 3)  
Folio No.: 30-4035-053-0030 (Lot 4)

The Legal Description of the Subject Property was generated from the following sources of data:

a) Plat of "SLEEPY HOLLOW", recorded in Plat Book 168, Page 15, Miami-Dade County Records.

Bearings as shown hereon are based upon the East Line of the Northwest 1/4 of Section 35, Township 5 South, Range 40 East, Miami-Dade County, Florida, with an assumed bearing of S02°05'33"E.

**EASEMENTS AND ENCUMBRANCES:**

No information was provided as to the existence of any easements other than that appears on the underlying Parcel. Please refer to the Limitations item with respect to possible restrictions of record and utility services.

**LIMITATIONS:**

Since no other information were furnished other than that is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

**INTENDED USE / EXPRESS PURPOSES:**

It is understood by the Surveyor that the intended use of this document is to attached as an Exhibit for a Road Closure petition form to Miami-Dade County, Public Works Department.

**SURVEYOR'S CERTIFICATE:**

I hereby certify that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 through 5J-17.052 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By: Jose Genas Date: 07/10/12

Jose Genas, P.S.M.  
Professional Surveyor and Mapper LS 5938  
State of Florida  
HADONNE CORP.  
Land Surveyors and Mappers  
Certificate of Authorization LB7097  
1985 N.W. 88th Court, Suite 202  
Doral, Florida 33172  
305.266.1188 phone  
305.207.6845 fax

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17.051 of the Florida Administrative Code.