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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 5(C)

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

DATE: July 2, 2013

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

SUBJECT: Resolution granting petition to close SW 68 Court, from SW 56 Street (Miller Drive) South for approximately 174 Feet (Road Closing Petition No. P-833)
Resolution No. R-501-13

The accompanying resolution was prepared by the Public Works and 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/cp

Memorandum

MIAMI-DADE COUNTY

Date: July 2, 2013

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

From: Carlos A. Gimenez
Mayor

Subject: Road Closing Petition P-833
Section: 26-54-40
SW 68 Court, from SW 56 Street (Miller Drive) South for Approximately 174 Feet
Commission District: 7

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's District 7.

Fiscal Impact/Funding Source
The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $6.75 per square foot. Therefore, the estimated value of this right-of-way would be approximately $60,255.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $1,115.00 per year in additional property taxes. The fee for this road closing is $6,825.50.

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, Sergio Moreno, wishes to close SW 68 Court, from SW 56 Street (Miller Drive) South for approximately 174 feet, as a public right-of-way and convert it to an access easement by the proposed plat of "MILLER OAK ESTATES", Tentative Plat Number T-22806.

The subject right-of-way was dedicated in 2003, by the plat of "MILLER GROVE ESTATES", recorded in Plat Book 161, Page 99, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned E-UM (Estates Modified District).

Alina T. Hudak
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: July 2, 2013

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 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(C)
7-2-13

RESOLUTION NO. R-501-13

RESOLUTION GRANTING PETITION TO CLOSE SW 68 COURT, FROM SW 56 STREET (MILLER DRIVE) SOUTH FOR APPROXIMATELY 174 FEET (ROAD CLOSING PETITION NO. P-833)

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 MILLER OAK ESTATES, tentative plat T-22806, that in the event the plat is not approved this resolution becomes null and void; (2) 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; save and except that the land is reserved as a utility and private access 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			**aye**
Lynda Bell, Vice Chair			**absent**
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**absent**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**absent**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of July, 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

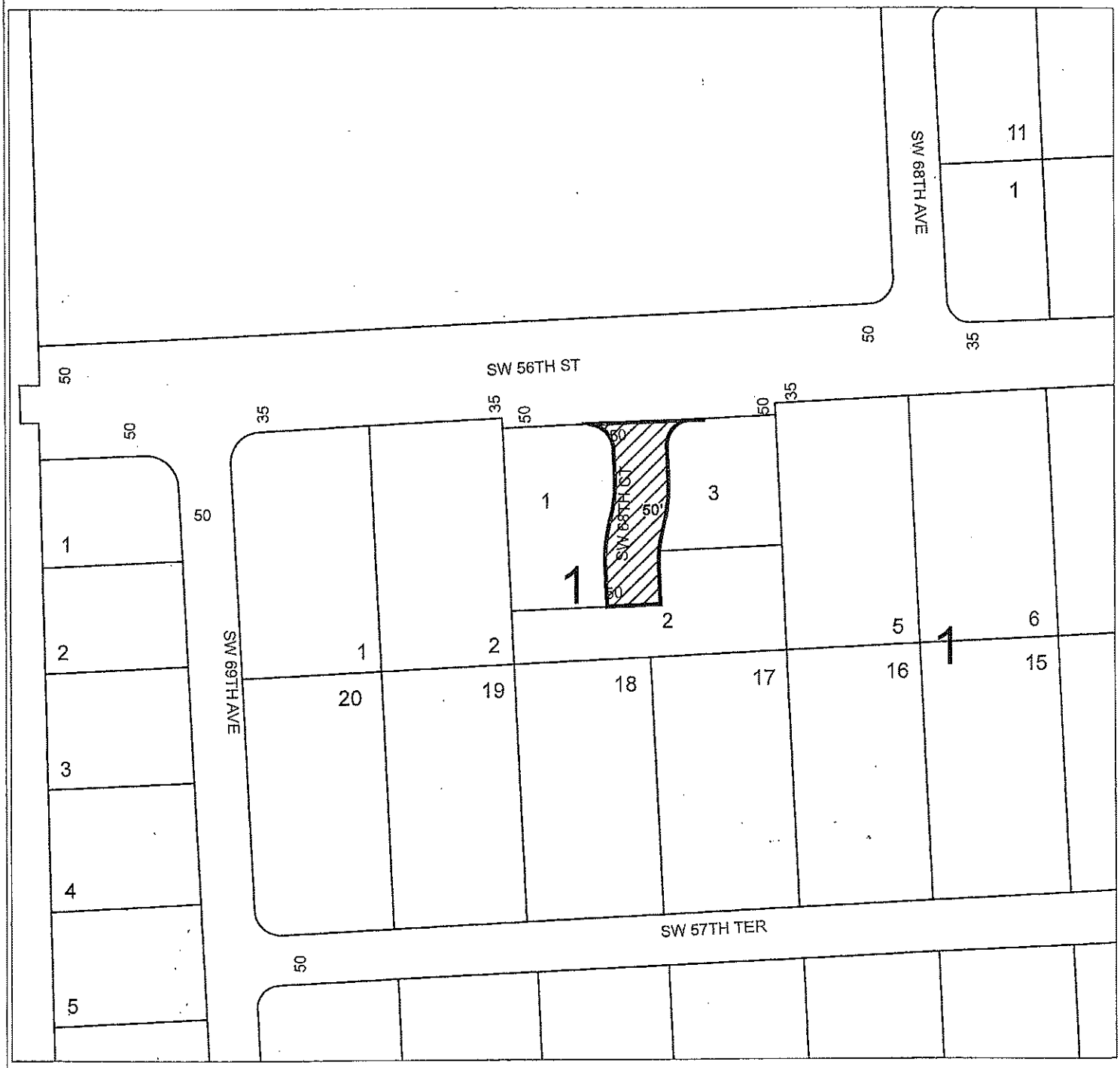
By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Alex S. Bokor

Location Map

SECTION 26 TOWNSHIP 54 RANGE 40



Legend

Road Closing

Lot Lines

P-833

NORTH

Date; Rev-April 30,2013
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:

All the right-of-way for SW 68 Court lying within the plat of "MILLER GROVE ESTATES", as recorded in Plat Book 161, Page 99, of the Public Records of Miami-Dade County, Florida, bounded on the north by the south line of the north 50 feet of Section 26, Township 54 South, Range 40 East.

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described right-of-way was acquired and is evidenced in the following manner:

This Right-of-Way was dedicated by the plat of MILLER GROVE ESTATES, as recorded in Plat Book 161, Page 99, of the Public Records of Miami-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
Sergio Moreno	30-4026-042-0030	5601 SW 68 Ct., Miami, FL
Lisandro Rodríguez	30-4026-042-0020	5621 SW 68 Ct., Miami, FL
Justo M. Eiroa	30-4026-042-0010	5600 SW 68 Ct., Miami, FL

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):

Road being converted to an Access Easement by replat.

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

Respectfully submitted,

	SIGNATURE	ADDRESS
Sergio Moreno		5601 SW 68 Ct., Miami, FL
Lisandro Rodríguez		5621 SW 68 Ct., Miami, FL
Justo M. Eiroa		5600 SW 68 Ct., Miami, FL

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared **Sergio Moreno**, who first by me duly sworn, deposes and says that he is one of the petitioners named in and who signed the foregoing petition; that he is duly authorized to make this verification for and on behalf of all petitioners; that he has read the foregoing petition and that the statements therein contained are true.

Sergio Moreno
(Signature of Petitioner)

Sworn and subscribed to before me this

1st day of April, 2013

Madelyn Perdomo
Notary Public State of Florida at Large

My Commission Expires: 2/24/14

MADELYN PERDOMO
NOTARY PUBLIC
STATE OF FLORIDA
Comm# DD985510
Expires 2/24/2014