

MEMORANDUM

Agenda Item No. 5(B)

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

DATE: November 5, 2013

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

SUBJECT: Resolution granting petition
to close NW 29 Court, from
NW 95 Terrace to NW 96
Street (Road Closing Petition
No. P-899)
Resolution No. R-879-13

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 Jean Monestime.



R. A. Cuevas, Jr.
County Attorney

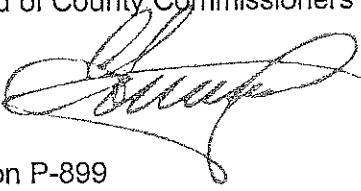
RAC/smm

Memorandum



Date: November 5, 2013

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

From: Carlos A. Gimenez
Mayor 

Subject: Road Closing Petition P-899
Section: 04-53-41
NW 29 Court, from NW 95 Terrace to NW 96 Street
Commission District: 2

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 Jean Monestime's District 2.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$1.65 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$16,170.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$299.00 per year in additional property taxes. The fee for this road closing is \$2,417.00.

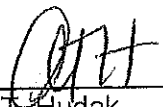
Track Record/Monitor

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 property owners abutting NW 29 Court, from NW 95 Terrace to NW 96 Street, have joined in signing the petition to close this right-of-way in order to incorporate the land into their property. The right-of-way being closed has never been improved nor maintained by Miami-Dade County. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject right-of-way was dedicated in 1924, by the "AMENDED PLAT OF THE TROPICS", recorded in Plat Book 10, Page 17, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned RU-1 (Single Family Residential District).



Alina T. Hudak
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: November 5, 2013

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

SUBJECT: Agenda Item No. 5(B)

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(B)
11-5-13

RESOLUTION NO. R-879-13

RESOLUTION GRANTING PETITION TO CLOSE NW 29 COURT, FROM NW 95 TERRACE TO NW 96 STREET (ROAD CLOSING PETITION NO. P-899)

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.

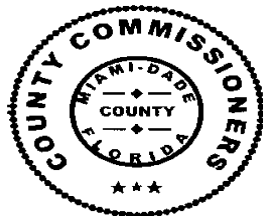
The foregoing resolution was offered by Commissioner **Jean Monestime**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of November, 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

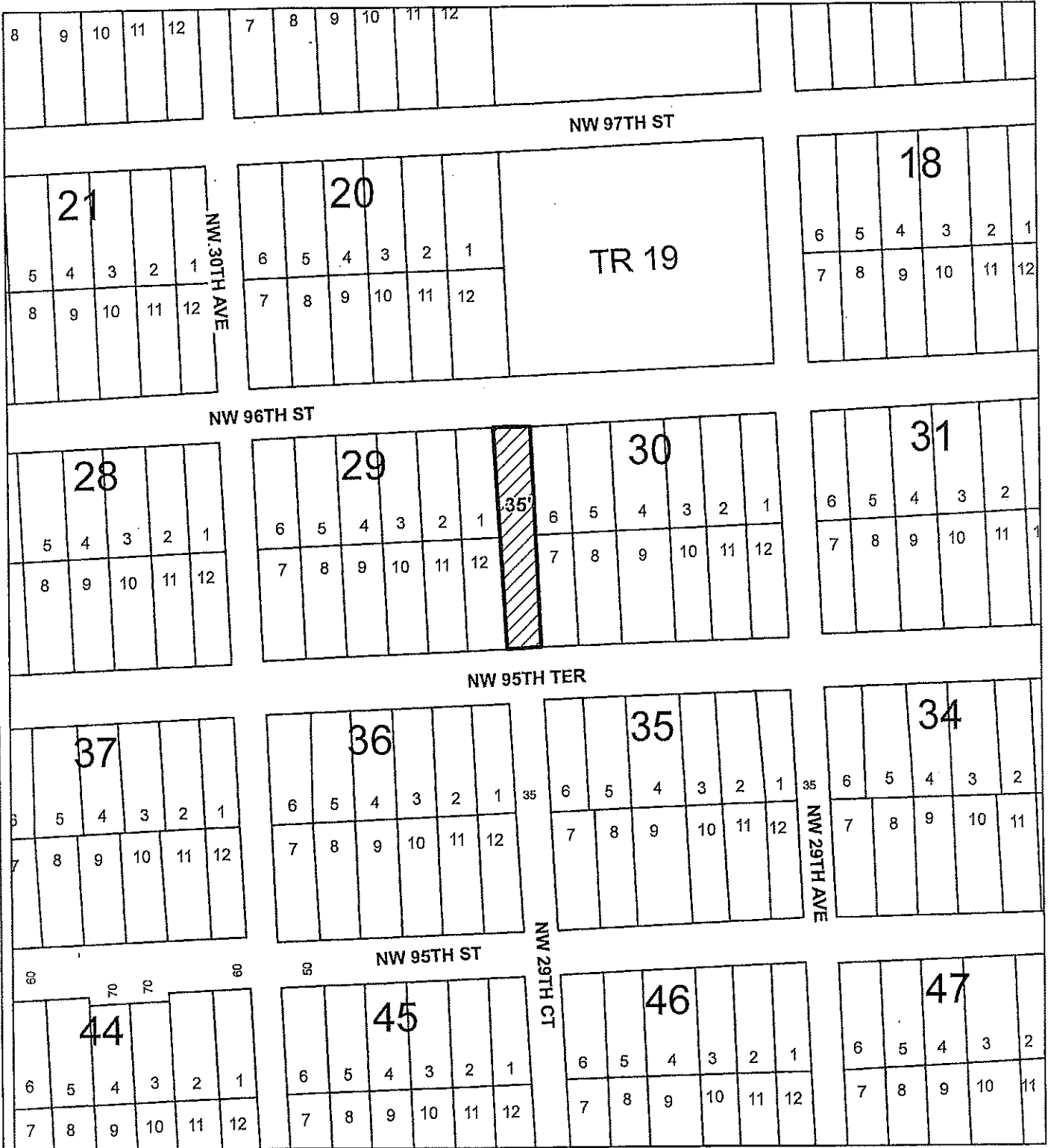
Approved by County Attorney as
to form and legal sufficiency.

Alex S. Bokor



Location Map

SECTION 04 , TOWNSHIP 53 S, RANGE 41 E



This is not a survey

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

Legend

-  P-899
- MDC.Lot_line
- LINE_TYPE
-  Blocks
-  Lots

P-899

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

Date: June 25th, 2013
Prepared by: ym

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: The complete and accurate legal description of the road right-of-way sought to be closed is as follows:

The right-of-way abutting Lots 1 and 12 of Block 29 and Lots 6 and 7 of Block 30 of the "AMENDED PLAT OF THE TROPICS", recorded in Plat Book 10, Page 17, of the Public Records of Miami-Dade County, Florida, for NW 29 Court (FOURTH STREET by said plat) bounded on the north by the south right-of-way line of NW 96 Street (CYPRESS AVENUE by said plat) and on the south by the north right-of-way line of NW 95 Terrace (MAPLE AVENUE by said plat).

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 in the following manner:

Dedicated to Miami-Dade County in 1924, by the "AMENDED PLAT OF THE TROPICS", recorded in Plat Book 10, Page 17, 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.

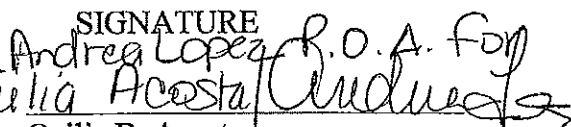
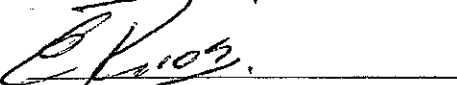
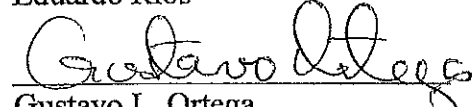

PRINT NAME	FOLIO NO.	ADDRESS
Ocilia B. Acosta	30-3104-003-1970	2934 NW 96 Street, Mia. FL
Eduardo Ríos	30-3104-003-1890	2954 NW 96 Street, Mia. FL
Gustavo L. Ortega	30-3104-003-1940	2951 NW 95 Terrace, Mia. FL
Robert Cox	30-3104-003-1980	2955 NW 95 Terrace, Mia., FL

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):

NW 29 Court has never been improved nor maintained by Miami-Dade County. The portions of said road from NW 96 Street to NW 100 Street were closed in the past. We wish to close the road to include the land into our properties to fence and enhance it.

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

SIGNATURE	ADDRESS
 Ocilia B. Acosta	2934 NW 96 Street, Miami, FL 33147
 Eduardo Ríos	2954 NW 96 Street, Miami, FL 33147
 Gustavo L. Ortega	2951 NW 95 Terrace, Miami, FL 33147
 Robert Cox	2955 NW 95 Terrace, Miami, FL 33147

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Andres Lopez POA for Celia Acosta, 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.

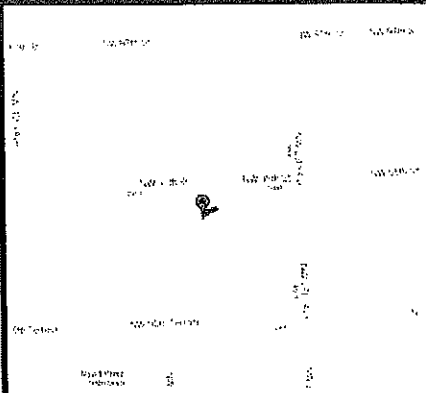
Andres Lopez on behalf of, &
(Signature of Petitioner) P.O.A for Celia Acosta

Sworn and subscribed to before me this

12th day of June, 2013
D. Malave
Notary Public State of Florida at Large



My Commission Expires: June 13th, 2016



DATE : 06/19/13 FILE NUMBER: LOP.AN.06-13 PROPERTY ADDRESS : NW 29TH COURT (ROW) MIAMI, FL 33147

CERTIFICATIONS : LEGAL DESCRIPTION : SECTION: 04-53-41 COUNTY : MIAMI-DADE

ANDREA LOPEZ THE RIGHT-OF-WAY ABUTTING LOTS 1 AND 12 OF BLOCK 29 AND LOTS 6 AND 7 OF BLOCK 30 OF THE AMENDED PLAT OF THE TROPICS, RECORDED IN PLAT BOOK 10, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR NW 29 COURT (FOURTH STREET BY SAID PLAT) BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF NW 96 STREET (CYPRESS AVENUE BY SAID PLAT) AND ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF NW 95 TERRACE (MAPLE AVENUE BY SAID PLAT).

FLOOD INFORMATION:
 COMMUNITY NUMBER: 120635
 PANEL NUMBER: 0301
 DATE OF INDEX: 09-11-2009 SUFFIX: L
 FLOOD ZONE: AH BASE FLOOD ELEV: 9.0

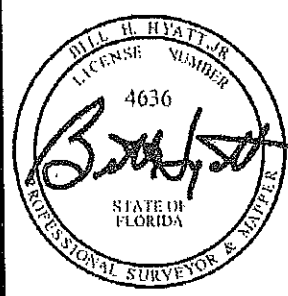
LEGEND & ABBREVIATIONS :

- A/C.....AIR CONDITIONER
 - BM.....BENCHMARK
 - (C).....CALCULATED
 - C.G.....CONCRETE GUTTER OR VALLEYED GUTTER
 - C & G.....CURB & GUTTER
 - CH.....CHORD
 - C.M.E.....CANAL MAINTENANCE EASEMENT
 - CNA.....CORNER NOT ACCESSIBLE
 - CONC.....CONCRETE
 - D.....DELTA (CENTRAL ANGLE)
 - D.E.....DRAINAGE EASEMENT
 - EOP.....EDGE OF PAVEMENT
 - FC.....FENCE CORNER
 - FDH.....FOUND DRILL HOLE
 - FE.....FENCE ENDS
 - F.F.....FINISHED FLOOR
 - FIPIR.....FOUND IRON PIPE/ROD
 - FN.....FOUND NAIL
 - FN&D.....FOUND NAIL AND DISC
 - F.P.K.N.....FOUND PARKER KALON NAIL
 - I.D.....SURVEYOR'S IDENTIFICATION
 - CHATT.....CHATTAHOOCHEE, EPOXY-STONE
 - L.....LENGTH
 - L.A.E.....LIMITED ACCESS EASEMENT
 - L.M.E.....LAKE MAINTENANCE EASEMENT
 - (M).....MEASURE
 - OS.....OFFSET
 - (P).....PLAT
 - P.C.....POINT OF CURVATURE
 - P.C.C.....POINT OF COMPOUND CURVATURE
 - PL.....PLANTER
 - P.O.B.....POINT OF BEGINNING
 - P.O.C.....POINT OF COMMENCEMENT
 - P.R.C.....POINT OF REVERSE CURVATURE
 - P.R.M.....PERMANENT REFERENCE MONUMENT
 - P.T.....POINT OF TANGENCY
 - R.....RADIUS
 - (R).....RECORD
 - R/W.....RIGHT-OF-WAY
 - SIR.....SET 1/2" IRON ROD
 - SN&D.....SET NAIL AND DISC
 - (TYP).....TYPICAL
 - U.E.....UTILITY EASEMENT
 - W.E.....WATER'S EDGE
 - POINTS OF INTEREST
 - (A) SPECIFIES POINT OF INTEREST
 - (B) SPECIFIES POINT OF INTEREST
- OVERHEAD CABLES(OH)
 - OH
 - POLYVINYLCHLORIDE FENCE (PVCF)
 - WIRE OR CHAIN LINK FENCE (CLF)
 - WOOD FENCE (WF)
 - METAL FENCE (MF)
 - MASONRY OR CONCRETE BLOCK WALL
 - CONCRETE
 - OVERHANG(O/H) DR ROOF
 - COMMUNICATIONS BOX
 - CATCH BASIN
 - SEWER MANHOLE
 - UTILITY POLE (UP)
 - LIGHT POLE (LP)
 - WATER METER (WM)
 - UTILITY ANCHOR
 - FIRE HYDRANT (FH)
 - CENTER LINE
 - PROPERTY LINE
 - WATER VALUE / CLEANOUT
 - CABLE BOX (CA.TV.)
 - ELEVATRIC METER (EM)
 - ELECTRIC BOX (FPL)
 - HANDICAP PARKING (HOP)
 - PLANTER OR PLANTED
 - ELEVATION MARKER
 - TREE (SIZE/TYPE)
 - TREE (SIZE/TYPE)
 - TREE (SIZE/TYPE)
 - TREE (SIZE/TYPE)

GENERAL NOTES:

THIS IS A COPYRIGHT DOCUMENT CONTAINING PROPRIETARY INFORMATION AND IS NOT WARRANTED BY ALLSTATE SURVEYING, LLC. OR THE SIGNING SURVEYOR WHEN COPIED BY OTHERS.
 UNLESS OTHERWISE SHOWN HEREON, THE FOLLOWING NOTES APPLY:
 * RECORD AND MEASURED CALLS ARE IN SUBSTANTIAL AGREEMENT AND POINTS ARE WITHIN 0.10' POSITIONAL TOLERANCE.
 * THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT AND THE SAME, IF ANY MAY NOT BE SHOWN ON THIS SKETCH.
 * UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
 * ELEVATIONS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM. (FLOOD ZONES: "B", "C", "D" & "X" ARE NOT IN DESIGNATED FLOOD HAZARD ZONE AREA.
 * FENCE TIES ARE TO THE CENTERLINE OF THE FENCE. FENCE OWNERSHIP NOT DETERMINED BY THIS OFFICE.
 * WALL TIES ARE TO THE FACE OF THE WALL.
 * BASIS OF BEARINGS, IF ANY, ARE ASSUMED PER PLAT AND/OR LEGAL DESCRIPTION.
 * THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE PURPOSE FOR USE AS AN AID IN OBTAINING TITLE INSURANCE ON THE HEREON DESCRIBED PROPERTY. NO ADDITIONAL WARRANTIES ARE HEREBY EXTENDED.
 * THIS SURVEY IS VALID IN ACCORDANCE WITH F.S. 627.7842 FOR A PERIOD OF 90 DAYS FROM THE DATE OF CERTIFICATION.

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE.
 (c) 2013

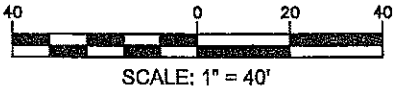
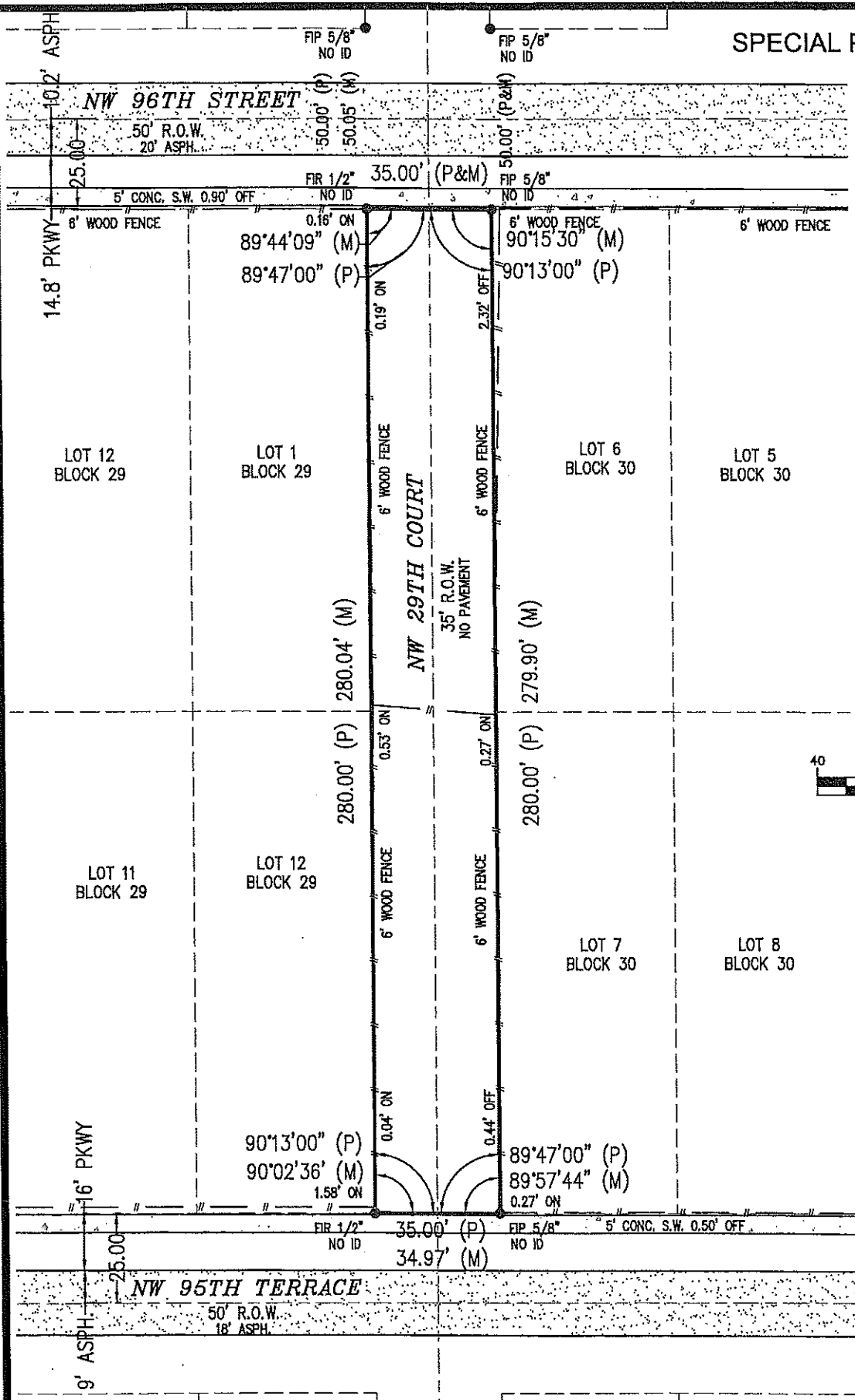


BILL HENRY HYATT, JR
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA LICENSE NUMBER: 4636

FIELD DATE: 06/13/13
 SIGNED DATE: 06/19/13

AllState Surveying
 State of the Art Land Surveying & Mapping
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SPECIAL PURPOSE SURVEY



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