

MEMORANDUM

Agenda Item No. 5(G)

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

DATE: December 3, 2013

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

SUBJECT: Resolution granting petition to
close SW 115 Avenue, from
SW 228 Terrace to SW 228
Street (Road Closing Petition
No. P-896)
Resolution No. R-962-13

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 Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

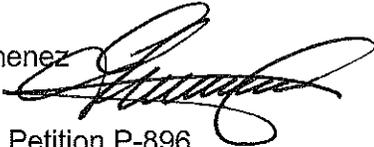
RAC/smm

Memorandum



Date: December 3, 2013

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

From: Carlos A. Gimenez
Mayor 

Subject: Road Closing Petition P-896
Section: 18-56-40
SW 115 Avenue, from SW 228 Terrace to SW 228 Street
Commission District: 9

Recommendation

It is recommended that the Board of County Commissioners not grant the attached Road Closing Petition. The Miami-Dade County Departments of Regulatory and Economic Resources, (RER) and Public Works and Waste Management (PWWM) object to this right-of-way being closed.

Scope

This road closing is located within Commissioner Dennis C. Moss' District 9.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$2.20 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$10,003.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$185.00 per year in additional property taxes. The fee for this road closing is \$2,000.00.

Track Record/Monitor

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

Background

If the subject right-of-way is vacated, future traffic circulation in the area would be impacted since the continuity of SW 115 Avenue from Bailles Road on the south to SW 224 Street in the north would be interrupted. Therefore RER and PWWM object to this road closing petition on the grounds that it is inconsistent with elements of Chapter 28 of the County Code as well as the Comprehensive Development Master Plan (CDMP) as follows:

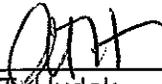
- A. Chapter 28-14(B)1 which calls for Conformance. Conformance requires that "the arrangement, extent, width, grade and location of all streets shall conform to the master plan, if one has been adopted for the area, and shall be considered in their relation to existing and planned streets, topographical conditions, to public conveniences, safety, and in their appropriate relation to the proposed uses of the land to be served by such streets". The master plan for this area calls for "All five-acre fractional lines shall be deemed interior subdivision streets unless otherwise provided in this chapter." As such, the closing of this right-of-way would not conform with the surrounding streets and area.

- B. Chapter 28-14(B)2 which calls for the "relation to adjoining street system. The arrangement of streets in new subdivisions shall make provisions for the continuation of existing streets in adjoining areas". As a result of this right-of-way being closed, the continuation of SW 115 Avenue, north of SW 228 Street to the south, would be eliminated.
- C. Traffic Circulation Sub element Policy TC-2A which requires that "the County shall continue to maintain and enforce the minimum right-of-way requirements as established in the Public Works Manual and in Chapter 33, Zoning, Code of Miami-Dade County, to ensure Countywide continuity of the thoroughfare system. The County shall review roadway design standards and right-of-way reservations and shall propose changes as may be necessary to better accommodate projected vehicular and non-vehicular movement in the corridors and design features recommended in the Transportation and Land Use Elements". The subject road closing would provide no right-of-way where the County Code calls for 50 feet of right-of-way width. Additionally, the proposed road closing would eliminate the continuity of SW 115 Avenue between SW 228 Street and Bailes Road to the south.
- D. Traffic Circulation Sub element Policy TC-2D requires that "the section line, half-section line, and quarter-section line road system should form a continuous network within developed areas, interrupted only when it would destroy the integrity of a neighborhood or development. The County shall not approve vacation of zoned rights-of-way unless it is determined that the right-of-way is not required for present or future public use." County staff has determined that this road is required for present use since the proposed road closing would limit all traffic from the subdivision planned for the area to Bailes Road to the South. This would be impacted by the proximity of this sole access point to an area school and the traffic associated with school zones.

The Water and Sewer Department has advised that they own and/or operate existing water/sewer facilities within the boundaries proposed to be vacated. As a result, should the right-of-way be vacated, WASD has requested that an easement for water/sewer facilities be reserved. The Fire Rescue Department has advised that they have no objection to this right-of-way being closed.

The petitioner, Bailes Opportunity Partners LLC, wishes to close SW 115 Avenue, from SW 228 Terrace to SW 228 Street to incorporate the land into the abutting lots. The portion of right-of-way petitioned to be closed has been improved and maintained by Miami-Dade County.

The subject right-of-way was dedicated in 2007, by the plat of "BAILES COMMONS", recorded in Plat Book 166, Page 70; and by the plat of "BAILES COMMONS FIRST ADDITION", recorded in Plat Book 167, Page 12, both of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned EU-1MA (Modified Single Family Residential District).



Alina T. Hudak
Deputy Mayor



MEMORANDUM
(Revised)

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

DATE: December 3, 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

Agenda Item No. 5(G)

Veto _____

12-3-13

Override _____

RESOLUTION NO. R-962-13

RESOLUTION GRANTING PETITION TO CLOSE SW 115 AVENUE, FROM SW 228 TERRACE TO SW 228 STREET (ROAD CLOSING PETITION NO. P-896)

WHEREAS, this Board desires to grant the road closing petition outlined in the accompanying memorandum notwithstanding the recommendations contained therein,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the avenue, 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 easement; (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 **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	aye
	Lynda Bell, Vice Chair	aye
Bruno A. Barreiro	aye	Esteban L. Bovo, Jr. aye
Jose "Pepe" Diaz	absent	Audrey M. Edmonson aye
Sally A. Heyman	aye	Barbara J. Jordan aye
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 3rd day of December, 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



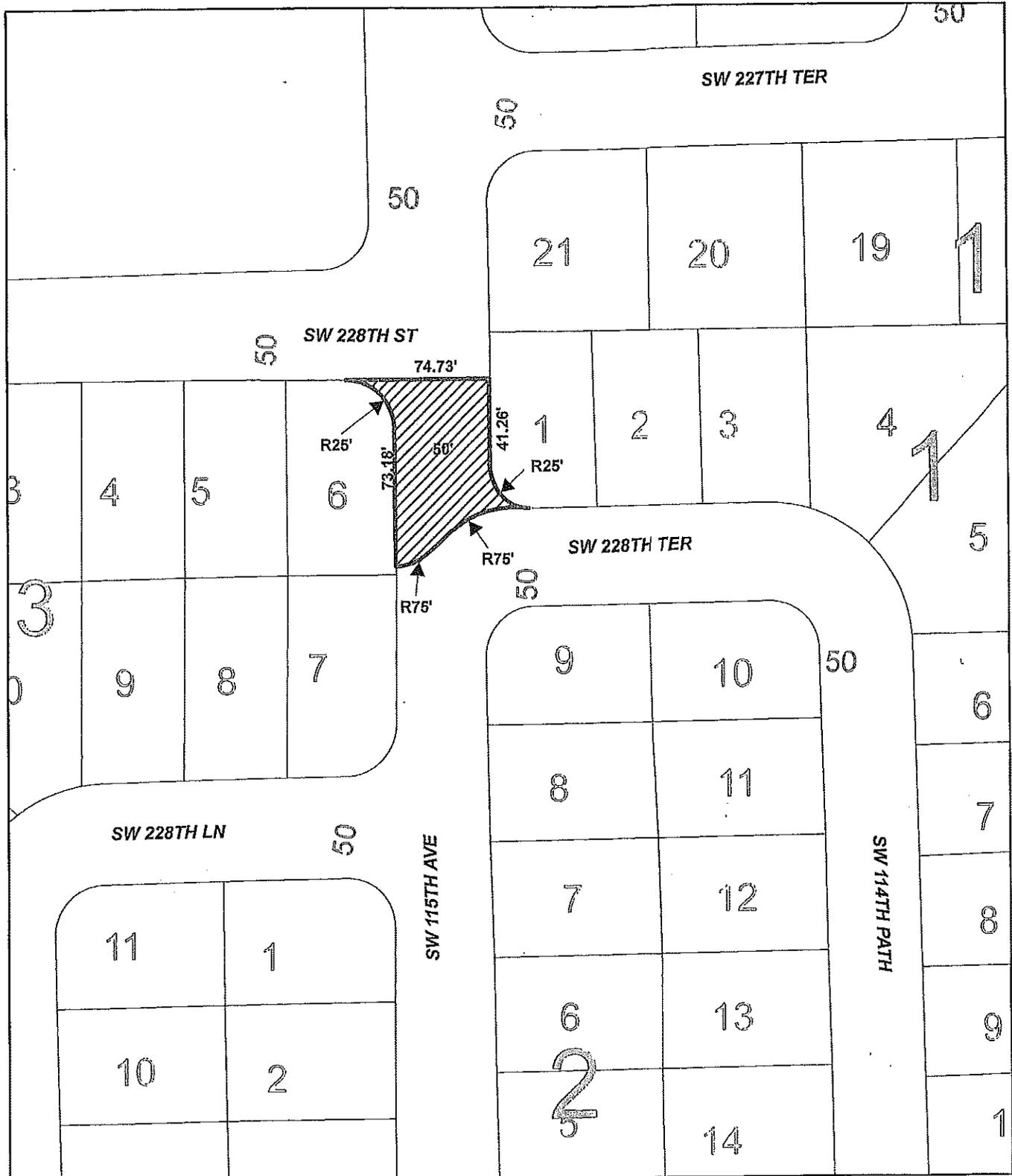
Approved by County Attorney as to form and legal sufficiency.

Alex S. Bokor



Location Map

SECTION 18 TOWNSHIP 56 S RANGE 40 E



This is not a survey

P-896

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Derrils C. Moss, 9

Legend

-  P-896
- LOT_TYPE**
-  Lots

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: September 04th, 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:

DESCRIPTION

Portion of Right-of-Way To Be Vacated

A portion of those certain Rights-of-Way for S.W. 115th Avenue and S.W. 228th Terrace, as depicted on **BAILES COMMONS**, according to the Plat thereof, as recorded in Plat Book 166, page 70 of the Public Records of Miami-Dade County, Florida; **TOGETHER WITH** a portion of that certain Right-of-Way for S.W. 115th Avenue as depicted on **BAILES COMMONS FIRST ADDITION**, according to the Plat thereof, as recorded in Plat Book 167, page 12 of the Public Records of Miami-Dade County, Florida, and being more particularly described as follows:

BEGIN at the most northerly northeast corner of Lot 6, Block 3, **BAILES COMMONS FIRST ADDITION**; thence along a line being the easterly prolongation of the North line of said Lot 6, North 89°11'00" East, 74.73 feet to a point on the West line of Lot 1, Block 1, **BAILES COMMONS**; thence along said line, South 1°26'19" East, 41.26 feet to the most westerly southwest corner of said Lot 1 (said point being on the arc of a tangent curve); thence along the southwesterly line of said Lot 1 and southeasterly along the arc of said curve being concave to the northeast, having a radius of 25.00 feet, a central angle of 90°09'50", an arc distance of 39.34 feet to the most southerly southwest corner of said Lot 1 and a point on the arc of a non-tangent curve (a radial line through said point bears North 1°36'08" West); thence southwesterly along the arc of said curve being concave to the southeast, having a radius of 75.00 feet, a central angle of 39°00'40", an arc distance of 51.07 feet to a point of reverse curvature; thence southwesterly along the arc of said curve being concave to the northwest, having a radius of 75.00 feet, a central angle of 24°07'51", an arc distance of 31.59 feet to a point on the East line of said Lot 6, Block 3; thence along said line, North 1°26'19" West, 73.18 feet to the most southerly northeast corner of said Lot 6 (said point being on the arc of a tangent curve); thence along the northeasterly line of said Lot 6 and northwesterly along the arc of said curve being concave to the southwest, having a radius of 25.00 feet, a central angle of 89°22'41", an arc distance of 39.00 feet to the Point of Beginning.

Said lands lying, situate and being in Miami-Dade County, Florida, and containing 0.1044 acres (4,547 square feet), 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):

- a) Bailes Commons. Plat Book 166 Page 70
- b) Bailes Commons First Addition. Plat Book 167 Page 12.

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.

See next two pages – Signed and sealed Legal and Sketch by Sun-Tech Engineering

DESCRIPTION

Portion of Right-of-Way To Be Vacated

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BEGIN at the most northerly northeast corner of Lot 6, Block 3, **BAILES COMMONS FIRST ADDITION**; thence along a line being the easterly prolongation of the North line of said Lot 6, North 89°1'100" East, 74.73 feet to a point on the West line of Lot 1, Block 1, **BAILES COMMONS**; thence along said line, South 1°26'19" East, 41.26 feet to the most westerly southwest corner of said Lot 1 (said point being on the arc of a tangent curve); thence along the southwesterly line of said Lot 1 and southeasterly along the arc of said curve being concave to the northeast, having a radius of 25.00 feet, a central angle of 90°09'50", an arc distance of 39.34 feet to a point on the arc of a non-tangent curve (a radial line through said point bears North 1°36'08" West); thence southwesterly along the arc of said curve being concave to the southeast, having a radius of 75.00 feet, a central angle of 39°00'40", an arc distance of 51.07 feet to a point of reverse curvature; thence southwesterly along the arc of said curve being concave to the northwest, having a radius of 75.00 feet, a central angle of 24°07'51", an arc distance of 31.59 feet to a point on the East line of said Lot 6, Block 3; thence along said line, North 1°26'19" West, 73.18 feet to the most southerly northeast corner of said Lot 6 (said point being on the arc of a tangent curve); thence along the northeasterly line of said Lot 6 and northwesterly along the arc of said curve being concave to the southwest, having a radius of 25.00 feet, a central angle of 89°22'41", an arc distance of 39.00 feet to the Point of Beginning.

Said lands lying, situate and being in Miami-Dade County, Florida, and containing 0.1044 acres (4,547 square feet), more or less.

SURVEYOR'S CERTIFICATION

DATE	REVISION	BY	CHK.

I HEREBY CERTIFY that the herein captioned Sketch of Description is true and correct to the best of my knowledge and belief, as prepared under my direction, supervision and responsible charge.

Sun-Tech Engineering, Inc.
Date of Preparation: July 16, 2012



7-16-12 Date

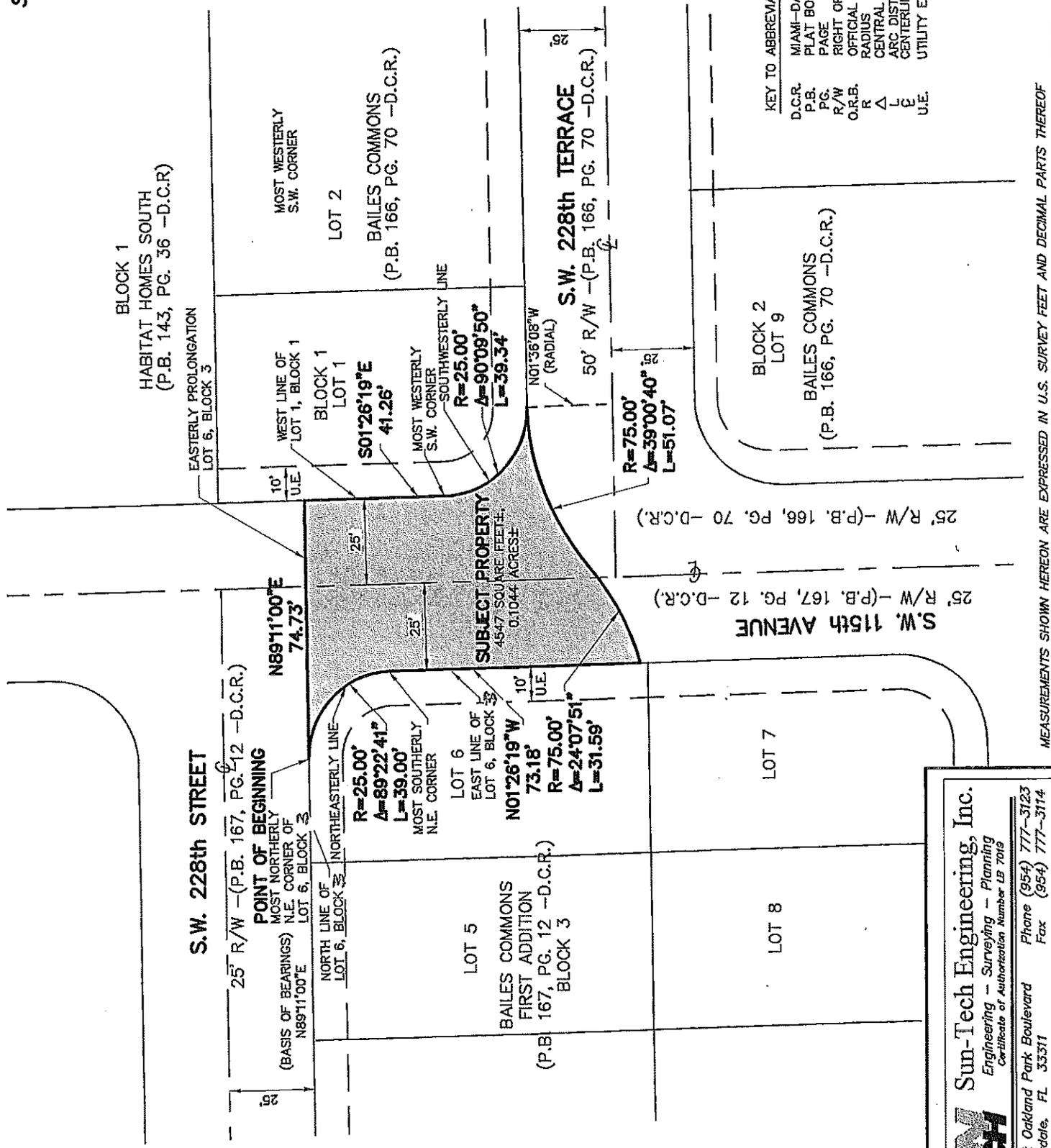
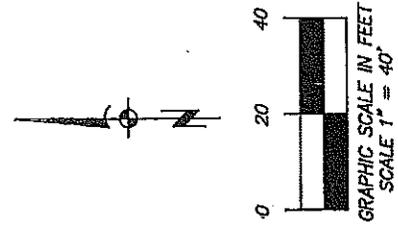
Charles E. Rossi, P.L.S.
Professional Surveyor and Mapper
Florida Registration No. 4798



Sun-Tech Engineering, Inc.
Engineering - Surveying - Planning
Certificate of Authorization Number LB 7019
1600 West Oakland Park Boulevard Phone (954) 777-3123
Ft. Lauderdale, FL 33311 Fax (954) 777-3114

SURVEYOR'S NOTES

- Measurements shown hereon are expressed in U.S. Survey feet and decimal parts thereof.
- Sun-Tech Engineering, Inc. reserves the right to utilize any and all information obtained in the preparation of this Survey, including Sketch of Description for any other purposes.
- This drawing may not be reproduced in whole or in part without the permission of Sun-Tech Engineering, Inc. Additions or deletions to the Sketch by other than the signing party is prohibited without the written consent of the signing party.
- This drawing is not valid without the signature and original raised seal of a Florida licensed Surveyor and Mapper.
- The certification contained herein is applicable to the preparation date or latest revision date, whichever applicable.
- Some features shown hereon may be drawn "out of scale" for the purposes of clarity. Written dimensions take precedence over scaled measurements.
- Sources of information used in the preparation of this Sketch and Description are as follows:
 - Plat entitled **BAILES COMMONS**, Plat Book 166, Page 70; Miami-Dade County Public Records.
 - Plat entitled **BAILES COMMONS FIRST ADDITION**, Plat Book 167, Page 12; Miami-Dade County Public Records.
 - Site Plan prepared by Development Consultants Group, file received 7/16/2012.
- Sun-Tech Engineering, Inc. is authorized to provide Surveying and Mapping Services by the State of Florida Department of Business and Professional Regulation, License No. LB.7019, pursuant to the provisions of Chapter 472, Florida Statutes.
- The purpose of this sketch is to depict the elements of the description appearing hereon, and is provided as an aid in its depiction. This sketch is not a survey. Uses inconsistent with its intended purpose are prohibited.
- Bearings shown hereon are based on an assumed datum and are relative to the North line of Block 1, bearing North 89°1'100" East, as shown on Plat referenced on Surveyor's Note 7. A.



34925kva000000.dwg
JOB No.: 12-3490

MEASUREMENTS SHOWN HEREON ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMAL PARTS THEREOF

Sun-Tech Engineering, Inc.
Engineering - Surveying - Planning
Certificate of Authorization Number LB 7019

1600 West Oakland Park Boulevard
FL Lauderdale, FL 33311

Phone (954) 777-3123
Fax (954) 777-3114

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.

<u>PRINT NAME</u>	<u>FOLIO NO.</u>	<u>ADDRESS</u>
Bailes Opportunity Partners LLC	30-6018-031-0010	11495 SW 228 TER
Bailes Opportunity Partners LLC	30-6018-032-0060	11502 SW 228 ST.

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):

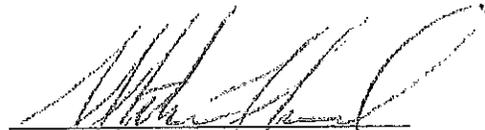
The applicant, Bailes opportunity Partners LLC, has recently acquired both subdivision Bailes Commons (30 lots) and Bailes Commons First Addition (47 lots) and would like to replat these properties under a new site plan which combines the three properties. See attached Conceptual Site Plan.

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

SIGNATURE

FOLIO NO.

ADDRESS



30-6018-031-0010

11495 SW 228 TER

Michael S. Nevel, Manager/Member
Bailes Opportunity Partners, LLC



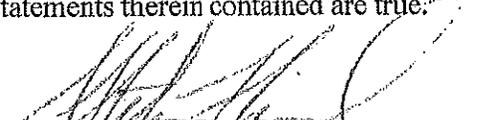
30-6018-032-0060

11502 SW 228 ST.

Michael S. Nevel, Manager/Member
Bailes Opportunity Partners, LLC

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

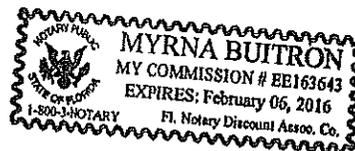
BEFORE ME, the undersigned authority, personally appeared Michael S. Nevel, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all petitioners; 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

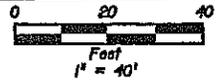
29 day of August, 2012

Myrna Buitron
Notary Public State of Florida at Large



My Commission Expires: February 06 2016

BLOCK 1
 HABITAT HOMES SOUTH
 (P.B. 143, PG. 36 -D.C.R.)



10'
 U.E.

BLOCK 1
 LOT 1

LOT 2

BAILES COMMONS
 (P.B. 166, PG. 70)

LOT 5
 BAILES COMMONS
 FIRST ADDITION
 (P.B. 167, PG. 12 -D.C.R.)
 BLOCK 3

LOT 6

10'
 U.E.

2' VALLEY GUTTER

20' ASPHALT

2' VALLEY GUTTER

LOT 8

LOT 7

20' ASPHALT

BLOCK 2
 LOT 9

BAILES COMMONS
 (P.B. 166, PG. 70 -D.C.R.)

NOTES:
 AREA TO BE VACATED
 CONTAINS 4547.19 Sq.
 Ft. (Shown Shaded)

EXISTING UTILITIES
 SHOWN ARE
 INSTALLED.
 CONVEYANCE TO
 MD-WASD IN
 PROCESS.

**SKETCH TO ACCOMPANY RIGHT OF WAY VACATION APPLICATION
 SHOWING EXISTING IMPROVEMENTS, UTILITIES & SQUARE FOOTAGE**

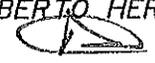


development Consulting group

planning • engineering • transportation
 construction administration

12855 SW 132 Street, Suite 206
 Miami, Florida 33186
 Phone: (305) 253-1970
 Fax: (305) 253-0897
 Authorization No. EB-26343

Engineer of Record:
ALBERTO HERRERA



Registered Engineer Number: 59357
 State of Florida

Date: 01/30/12

Location Map

SECTION 18 TOWNSHIP 56 S RANGE 40 E



This is not a survey

P-896

Municipality: UNINCORPORATED MIAMI-DADE
Commission-District: Dennis C. Moss, 9

Legend

 P-896

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: September 04th, 2012
Prepared by: ym