OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 5(A)

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

DATE: January 22, 2014

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

SUBJECT: Resolution granting petition to close a portion of NW 117 Avenue, from approximately 207 feet south of the centerline of NW 114 Street south for 143 feet (road closing petition no. p-901)
Resolution No. R-16-14

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 Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

/

Memorandum

MIAMI-DADE COUNTY

Date: January 22, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Road Closing Petition P-901
Section: 31-52-40
NW 117 Avenue, from Approximately 207 feet South of NW 114 Street South for 143 feet
Commission District: 12

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 José "Pepe" Díaz' District 12.

Fiscal Impact/Funding Source
If this right-of-way is closed and vacated, it will not affect the tax roll, since said right-of-way is currently included in the petitioner's property for tax purposes. The fee for this road closing is $800.

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
The petitioner, Tarmac America LLC, wishes to close a portion of NW 117 Avenue, from approximately 207 feet South of NW 114 Street South for 143 feet, in order to incorporate the area into the proposed plat of "FLAGLER STATION NORTH", tentative plat number T-23385. The right-of-way requested to be closed has never been improved nor maintained by Miami-Dade County.

The subject right-of-way was dedicated in 1911, by "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1", recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned OPD (Office Park District).

Alina T. Hudak
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: January 22, 2014

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

SUBJECT: Agenda Item No. 5(A)

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(A)
1-22-14

RESOLUTION NO. R-16-14

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF NW 117 AVENUE, FROM APPROXIMATELY 207 FEET SOUTH OF THE CENTERLINE OF NW 114 STREET SOUTH FOR 143 FEET (ROAD CLOSING PETITION NO. P-901)

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 FLAGER STATION NORTH, tentative plat T-23385, that in the event the plat is not approved this resolution becomes null and void; (2) that the avenue, 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; (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 **Lynda Bell**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** 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	**absent**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of January, 2014. 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

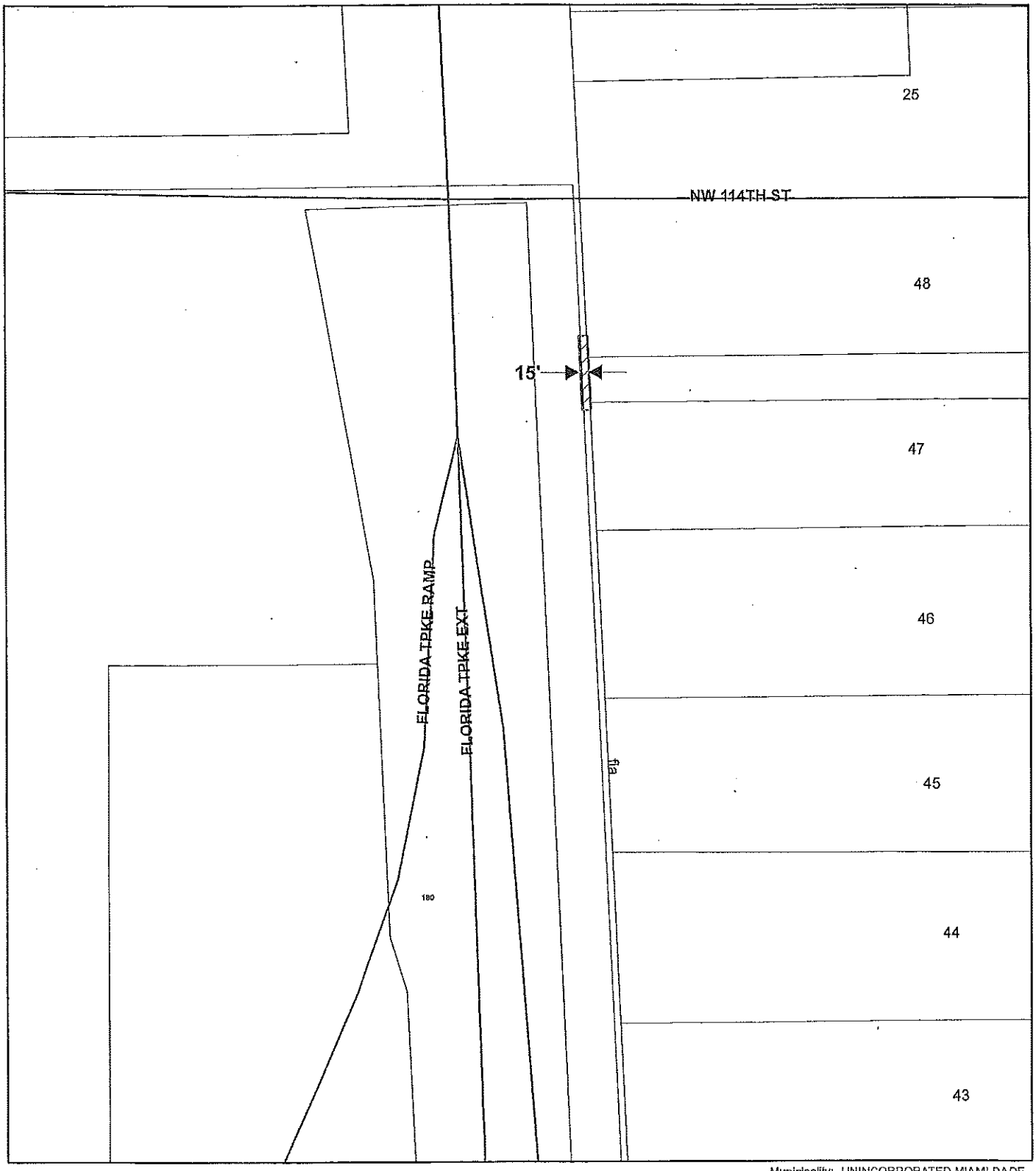
Approved by County Attorney as
to form and legal sufficiency.

Alex S. Boker

Location Map

SECTION 31 ,TOWNSHIP 52 S, RANGE 40 E

N
NTS



This is not a survey

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Jose "Pepe" Diaz 12,

P-901

Legend
MDC.Lot_line
Lots
Road Closing
MDC.PROP_PTX

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: August 16 ,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 or private 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 or land sought to be closed is as follows:

   See Attached Exhibit A

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 or land was acquired and is evidenced in the following manner (state whether public interest acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

   Acquired by Plat under the Florida Fruitlands Company's Subdivision No. 1, PB 2, Pg. 17.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey or location sketch accurately showing and describing the above described road, right-of-way or land and its location and relation to surrounding property, and showing all encroachments and utility easements.

   See Attached Legal and Sketch of R/W area, and Special Purpose Surveys labeled as Exhibit B.

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon or adjacent to the above described road right-of-way. These firms or individuals have been advised in writing of the proposed closure.

PRINT NAME	FOLIO NO.	ADDRESS
Section 31 Holdings, LLC	30-2031-001-0050	2855 Le Jeune Road, Fourth Floor Coral Gables, FL 33134
Tarmac America LLC	30-2031-001-0010	455 Fairway Drive Deerfield Beach, FL 33441
Miami-Dade County	None	111 N.W. 1st Street Miami, FL 33128
Florida's Turnpike Enterprise	None	P.O. Box 613069 Ocoee, FL 34761

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):

Theoretical NW 117th Avenue:

The existing road 15-foot R/W requested for vacation lies 2,286 feet north of NW 106th Street and just south of NW 114th Street in theoretical NW 117th Avenue. By the Miami-Dade County Code, this R/W is zoned as zero (0) feet. NW 117th Avenue cannot continue north of NW 114th Street because the road has been closed north of NW 114th Street, up to NW 122nd Street. To the south is an existing 100-foot Canal R/W. NW 117th Avenue abuts an existing Miami-Dade County Canal (Snapper Creek Canal) which is adjacent to the Florida Turnpike (SR 821). NW 117th Avenue cannot connect to NW 106th Street because this intersection would be within the Turnpike's limited access R/W area. South of NW 106th Street, NW 117th Avenue has been closed. A portion of this R/W is overlaid by a 130-foot Canal Maintenance Easement requested for release. The County will require dedication of a 50-foot canal R/W in its place. The new 50-foot canal R/W will overlay this 15-foot R/W requested for release.

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

SIGNATURE	ADDRESS
VP of Section 31 Holdings LLC	Section 31 Holdings, LLC 2855 Le Jeune Road, Fourth Floor Coral Gables, FL 33134
President	Tarmac America LLC 455 Fairway Drive Deerfield Beach, FL 33441
N.A.	Miami-Dade County 111 NW 1st Street Miami, FL 33128
	Florida's Turnpike Enterprise P.O. Box ~~9828~~ 613069 ~~Ft. Lauderdale~~, FL ~~33310~~ Ocoee 34761

STATE OF ~~FLORIDA~~ Virginia)
City of Norfolk) SS
~~BROWARD~~)

BEFORE ME, the undersigned authority, personally appeared J. Patrick Borders, 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.

(Signature of Petitioner)

Sworn and subscribed to before me this

18th day of June, 2013

Karen K. Britton

Notary Public ~~State of Florida at Large~~ Commonwealth of Virginia

My Commission Expires: 7/31/2013

KAREN K. BRITTON NOTARY PUBLIC REG # 194477 MY COMMISSION EXPIRES 07/31/13 COMMONWEALTH OF VIRGINIA

LEGAL AND SKETCH
EXHIBIT "A"

SURVEYOR'S NOTES:

1. Bearings are based on an assumed value of N02°37'28"W along the West line of Section 31, Township 52 South, Range 40 East in Miami-Dade County, Florida.
2. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
3. This sketch does not represent a land survey.

LEGEND:

POC	Point of Commencement	SF	Square Feet	SEC.	Section
POB	Point of Beginning	R/W	Right of Way	O.R.B.	Official Record Book
P.B.	Plat Book			PG.	Page

LEGAL DESCRIPTION:

A PORTION OF SECTION 31, TOWNSHIP 52 SOUTH, RANGE 40 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N02°37'28"W, AS BASIS OF BEARING ALONG THE WEST LINE OF SAID SECTION 31 FOR A DISTANCE OF 2285.66 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE N02°37'28"W ALONG SAID WEST LINE FOR A DISTANCE OF 143.10 FEET; THENCE N89°30'09"E FOR A DISTANCE OF 15.00 FEET; THENCE S02°37'28"E ALONG A LINE 15.00 FEET EAST OF AND PARALLEL TO SAID WEST LINE FOR A DISTANCE OF 143.10 FEET; THENCE S89°30'09"W FOR A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 2,146.5 SQUARE FEET OR 0.049 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 5J-17.051. Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey.
Ludovici and Orange Consulting Engineers Inc. L.B. #1012

By: _____
Arturo A. Sosa
Surveyor and Mapper 2629
State of Florida

THIS DOCUMENT CONSISTS OF THREE (3) SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID NOR COMPLETE UNLESS ATTACHED TO THE OTHERS.

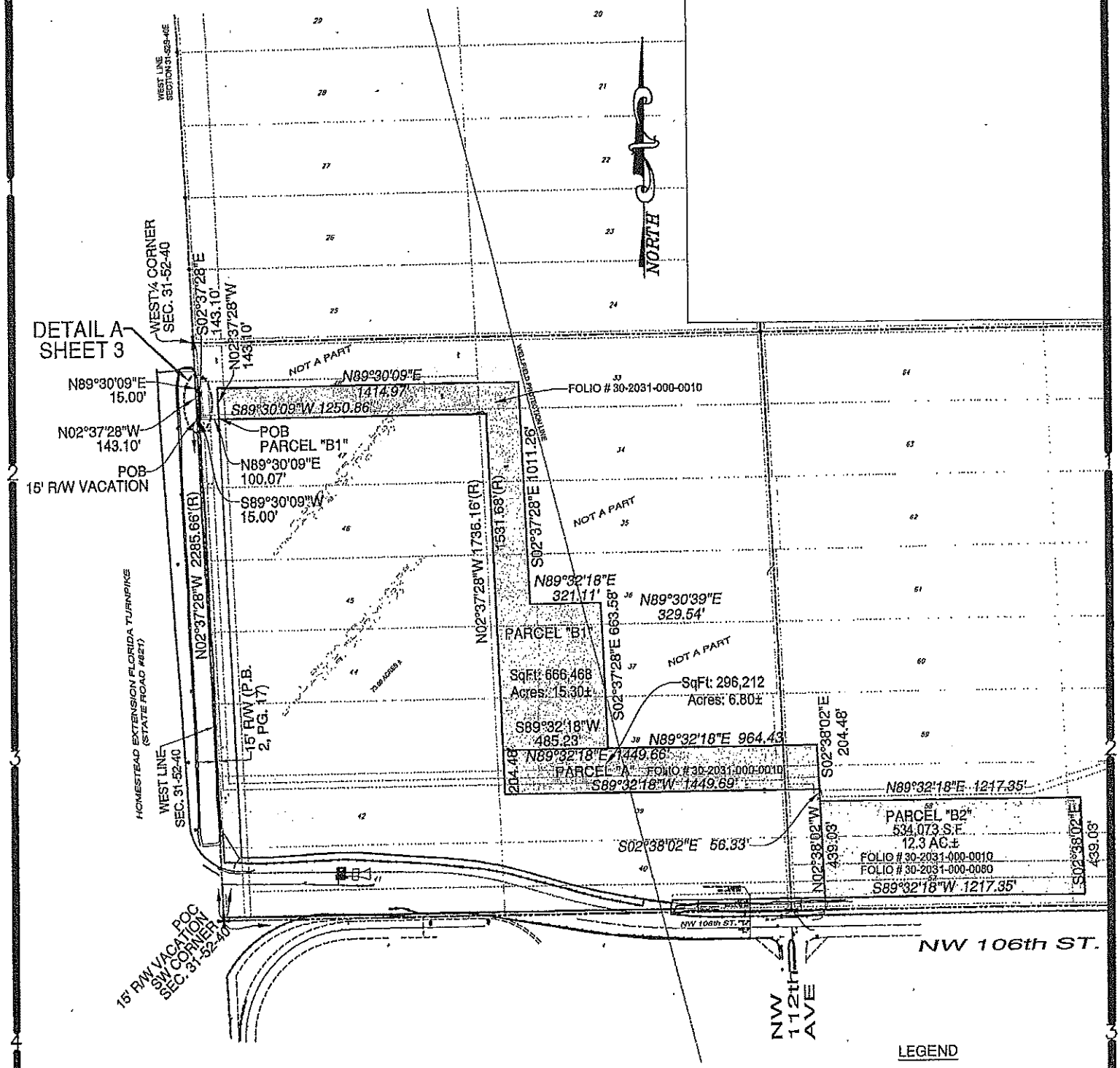
PROJ. NO: 2013 05A	DATE: 07-11-13	DRAWN: BBL	CHECKED: SVZ	SCALE: AS NOTED

LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

15' R/W VACATION

SHEET 1 OF 3 SHEETS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



THIS DOCUMENT CONSISTS OF THREE (3) SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID NOR COMPLETE UNLESS ATTACHED TO THE OTHERS.

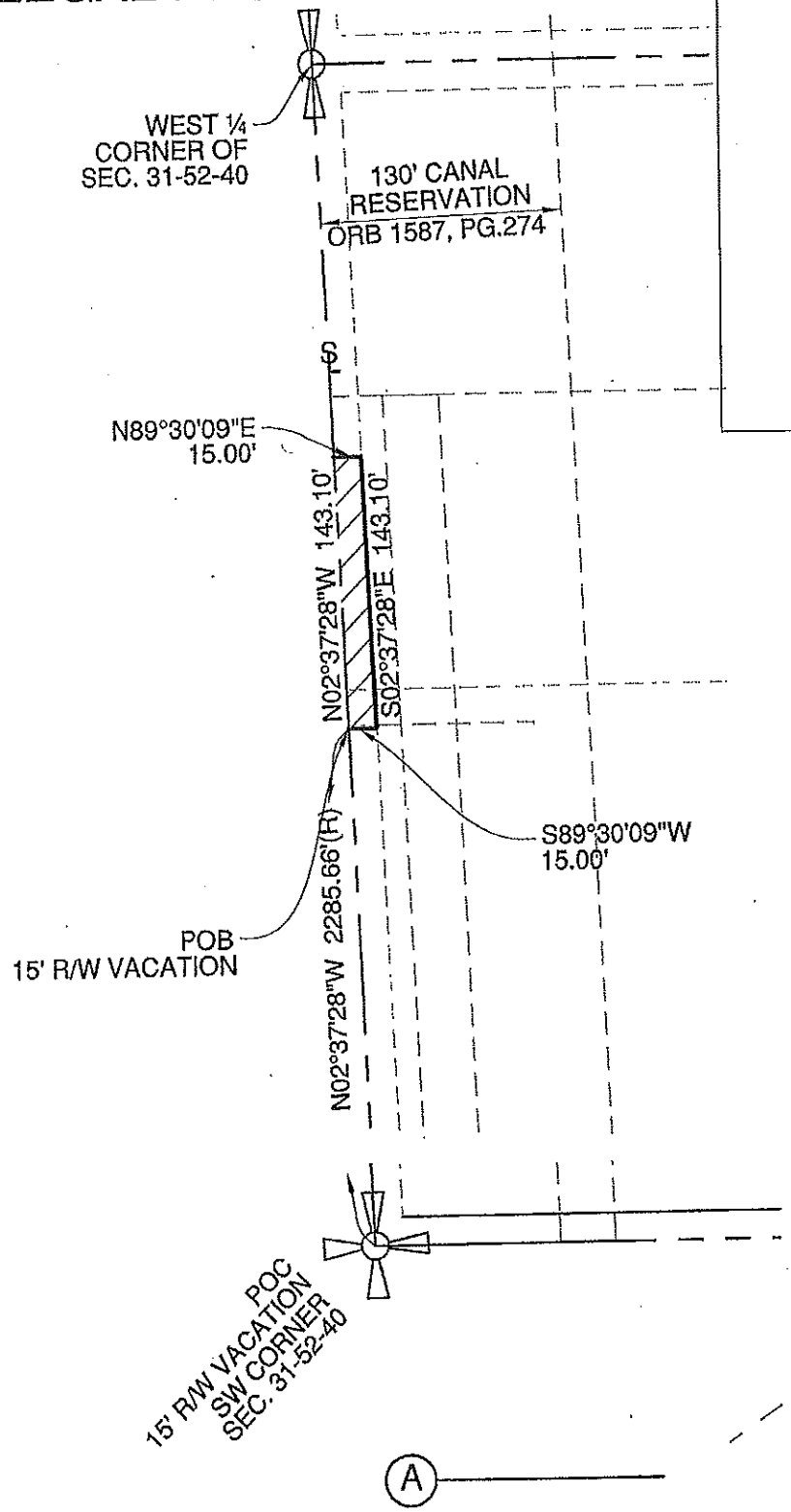
PROJ. NO: 2013 05A	DATE: 07-11-13	DRAWN: BBL	CHECKED: SVZ	SCALE: NTS

LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

15' R/W VACATION

SHEET 2 OF 3 SHEETS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



THIS DOCUMENT CONSISTS OF THREE (3) SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID NOR COMPLETE UNLESS ATTACHED TO THE OTHERS.

PROJ. NO: 2013 05A	DATE: 07-11-13	DRAWN: BBL	CHECKED: SVZ	SCALE: NTS

LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

15' R/W VACATION

SHEET 3 OF 3 SHEETS