

MEMORANDUM

Agenda Item No. 5(A)

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

DATE: February 19, 2014

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

SUBJECT: Resolution granting petition to
close NW 33 Avenue, from NW
100 Street to NW 101 Street
(Road Closing Petition
No. P-900)

Resolution No. R-161-14

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 Jean Monestime.



R. A. Cuevas, Jr.
County Attorney


RAC/lmp

Memorandum



Date: February 19, 2014

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

From: Carlos A. Gimenez
Mayor 

Subject: Road Closing Petition P-900
Section: 04-53-41
NW 33 Avenue, from NW 100 Street to NW 101 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 \$1.66 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$14,900.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$276.00 per year in additional property taxes. The fee for this road closing is \$2,290.00.


Track Record/Monitor

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

Background

The property owners abutting NW 33 Avenue, from NW 100 Street to NW 101 Street, have joined in signing the petition to close this right-of-way in order to incorporate the land into their property to be enhanced and maintained. The right-of-way being closed has never been improved nor maintained by Miami-Dade County and has a substandard width of 32 feet. Furthermore, there is a well established traffic grid in the neighborhood; therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject right-of-way was dedicated in 1921, by "THE TROPICS ADDITION", recorded in Plat Book 5, Page 91, 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: February 19, 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)

2-19-14

RESOLUTION NO. R-161-14

RESOLUTION GRANTING PETITION TO CLOSE NW 33
AVENUE, FROM NW 100 STREET TO NW 101 STREET
(ROAD CLOSING PETITION NO. P-900)

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 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, 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 **Esteban L. Bovo, Jr.**, 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:

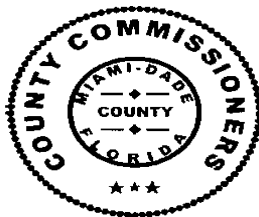
	Rebeca Sosa, Chairwoman	aye
	Lynda Bell, Vice Chair	aye
Bruno A. Barreiro	aye	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	aye	Audrey M. Edmonson
Sally A. Heyman	aye	Barbara J. Jordan
Jean Monestime	absent	Dennis C. Moss
Sen. Javier D. Souto	aye	Xavier L. Suarez
Juan C. Zapata	aye	absent

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of February, 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. Bokor



Location Map

SECTION 04, TOWNSHIP 53 S, RANGE 41 E



This is not a survey

P-900

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

- Legend**
- Lot
 - MDC Lot Line
 - Blocks
 - 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: July 24, 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:

LEGAL DESCRIPTION OF THE PROPOSED VACATION OF NW 33RD AVENUE (NOT IMPROVED) BETWEEN NW 100TH STREET AND NW 101ST STREET BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF NW 33RD AVENUE BEING BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF NW 101ST STREET, AND BEING BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF NW 100TH STREET, AND BEING BOUNDED ON THE EAST BY THE WEST LINE OF BLOCK 18 AND BEING BOUNDED ON THE WEST BY THE EAST LINE OF BLOCK 19 OF THE TROPICS ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5 AT PAGE 91 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. SAID LANDS LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA, AND CONTAINING 8,960 SQUARE FEET MORE OR LESS, OR 0.2057 ACRES 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):

THIS RIGHT-OF-WAY WAS DEDICATED TO THE COUNTY IN 1921 BY THE PLAT OF "THE TROPICS ADDITION", RECORDED IN PLAT BOOK 5, PAGE 91, 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
ROGER OBREGON	30-3104-005-1280	3301 NW 100 ST MIAMI FL 33147
MILAGROS E. MINQUIZ	30-3104-005-1140 30-3104-005-1140	3290 N.W. 101 ST. MIAMI FL 33147
FEDANE MONTES	30-3104-005-1210	3300 NW. 101 STREET MIAMI FL 33147
ANTONIA HERNANDEZ	30-3104-005-1150	3299 NW 100 ST MIAMI FL 33147
SON THANH PHAM	11	11 MIAMI FL 33147

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):

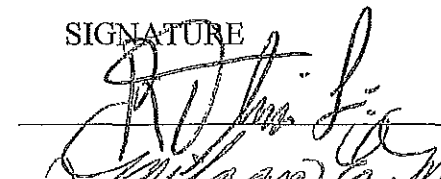
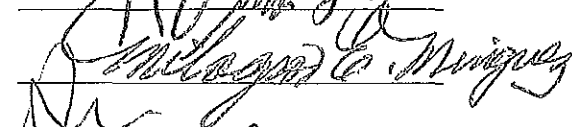
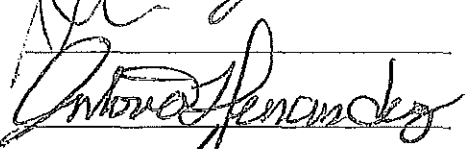

THE RIGHT-OF-WAY SUBJECT OF THIS PETITION, NW 33 AVENUE, BETWEEN NW 100 STREET AND NW 101 STREET, HAS NEVER BEEN IMPROVED NOR MAINTAINED BY MIAMI-DADE COUNTY. WE WISH TO CLOSE THE ROAD TO STOP THE ILLEGAL DUMPING, THE WILD RUNNING OF DIRT BIKES, AND THE TRESPASSING INTO OUR PROPERTIES. IF THE RIGHT-OF-WAY IS VACATED AND THE LAND INCORPORATED INTO OUR PROPERTIES WE CAN FENCE IT AND KEEP IT TRIMMED TO ENSURE THE SAFETY OF OUR CHILDREN.

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE

ADDRESS

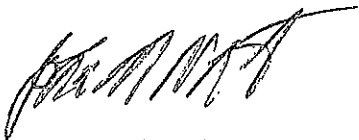
	3301 NW 100 ST. MIAMI FL 33147
	3290 N. W. 101 ST. MIAMI FL 33147
	3300 NW 101 STREET MIAMI FL 33147
	3299 NW 100 ST MIAMI FL 33147
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Attorney for Petitioner

Address: _____
(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Son Thanh Pham, 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

24 day of July, 2013

John M. White
Notary Public State of Florida at Large

My Commission Expires: 4/20/16

