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

MEMORANDUM

Agenda Item No. 5(E)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	November 5, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution granting petition to close NW 58 Street, from NW 72 Avenue East for approximately 1269 feet to the canal (Road Closing Petition No. P-904) Resolution No. R-961-14

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

Memorandum

MIAMI-DADE COUNTY

Date: November 5, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Road Closing Petition P-904
Section: 14 & 23-53-40
NW 58 Street, from NW 72 Avenue East for Approximately 1269 feet to the Canal
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
The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $9.00 per square foot. Therefore, the estimated value of the right-of-way that should revert to the petitioner, the land south of the section line, would be approximately $458,000.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $8,524.00 per year in additional property taxes. The fee for this road closing is $46,600.00.

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
The petitioner, LIT Industrial L.P., wishes to close NW 58 Street, from NW 72 Avenue East for approximately 1269 feet to the canal in order to incorporate the area into their property to be used as additional parking and truck and trailer staging for its industrial and transshipment operations. The right-of-way requested to be closed dead ends at the canal. Therefore, this action will not adversely impact traffic flow in the area.

The subject right-of-way was dedicated in 1951, by Deed Book 3530, Page 225 and Deed Book 3528, Page 476, and in 1994, by a deed recorded in Official Records Book 16399, Page 2579, all of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned IU-2 (Industrial Heavy Manufacturing District).

Alina T. Hudak
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: November 5, 2014

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

SUBJECT: Agenda Item No. 5(E)

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(E)
11-5-14

RESOLUTION NO. R-961-14

RESOLUTION GRANTING PETITION TO CLOSE NW 58 STREET, FROM NW 72 AVENUE EAST FOR APPROXIMATELY 1269 FEET TO THE CANAL (ROAD CLOSING PETITION NO. P-904)

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, that (1) 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 a canal access easement is reserved, as depicted in Exhibit "A" attached herewith; and a utility easement is reserved as follows: a 12 feet wide utility easement centered along the existing water main and a 15 feet wide utility easement centered along the existing gravity sewer; (2) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (3) 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 **José "Pepe" Diaz**, 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.	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**absent**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

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

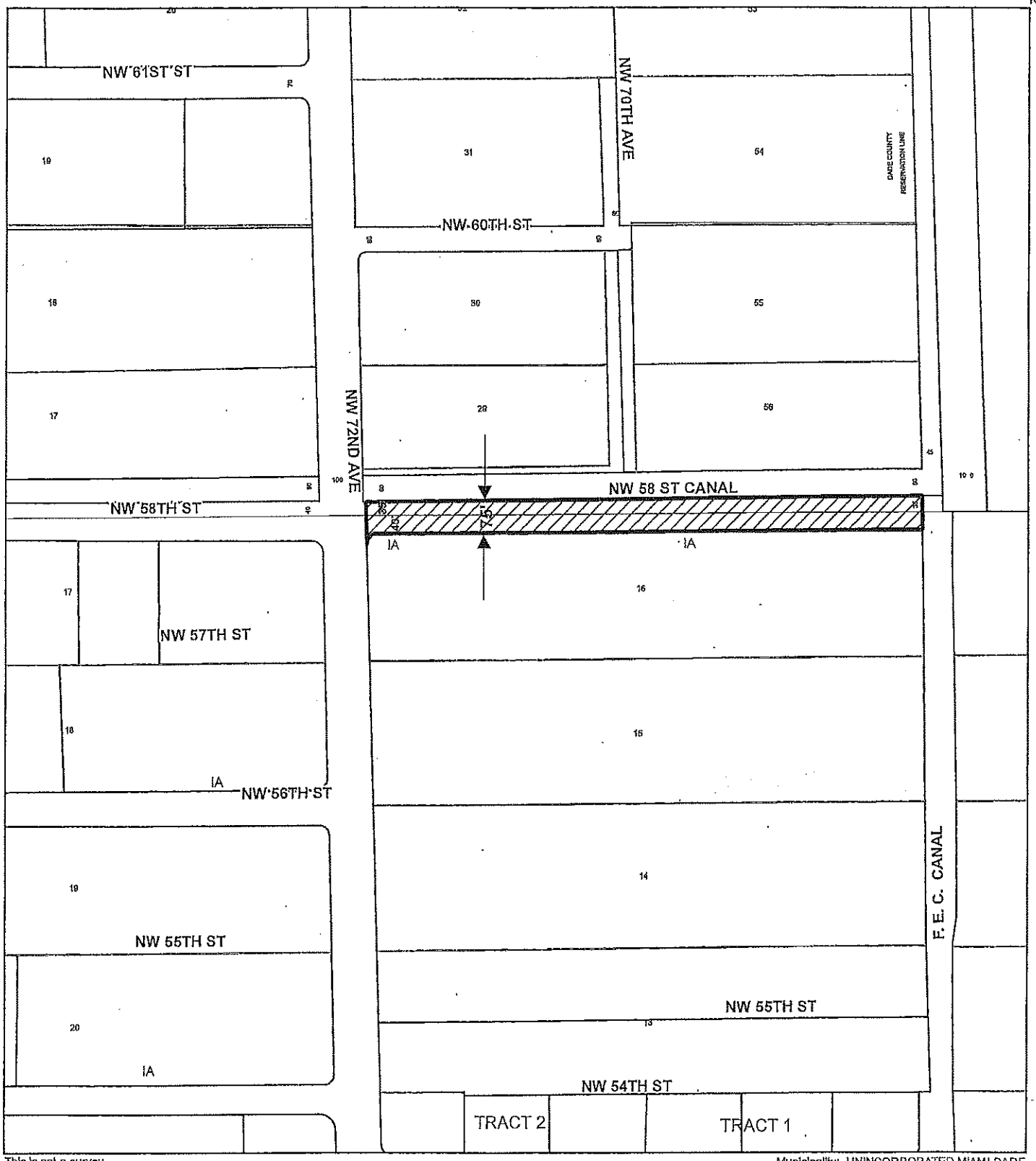
Approved by County Attorney as
to form and legal sufficiency.

Alex S. Bokor

Location Map

SECTION 14 & 23 TOWNSHIP 53 S RANGE 40 E

N
NTS



This is not a survey

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

P- 904

Legend

Road Closing

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: March 11, 2014
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:

Those portions of Tracts 29 and 56 of the AMENDED PLAT OF THE E½ OF SECTION 14, TOWNSHIP 53 SOUTH, RANGE 40 EAST, as recorded in Plat Book 13, Page 63, of the Public Records of Miami-Dade County, Florida, lying within the south 35 feet of the SE ¼ of said Section 14, less the west 50 feet of said Tract 29;

And

That portion of Tract 16 in the NE ¼ of Section 23, Township 53 South, Range 40 East of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, that lies within the North 40 feet of the NE ¼ of said Section 23, less that portion of said Tract 16 that lies within the west 50 feet of said NE ¼ of Section 16;

And

The area bounded by the south line of the North 40 feet and by the east line of the West 50 feet of the NE ¼ of Section 23, Township 53 South, Range 40 East, and bounded by a 25 foot radius arc concave to the southeast, said arc being tangent to both of the last described lines.

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 the public records):

The subject roadways were dedicated to Miami-Dade County, Florida, through the recordation of a Dedication and Improvement Agreement of April 27, 1994, as recorded in OR Book 16336, page 4602, and through the recordation of a Right-of-Way Deed of June 13, 1994, as recorded in OR Book 16399, page 2579. AND BY DEED BOOK 3530, PAGE 225 &
" " 3528, " 476

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 up the described right of way.

PRINT NAME	FOLIO #	ADDRESS
LIT Industrial L.P.	30-3023-001-0070	5601 N.W. 72nd Avenue
Miami-Dade County	30-3014-001-0151	Canal

5. ACCESS TO OTHER PROPERTY: The undersigned certifies 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 grounds and reasons in support of this petition the following (state in detail why petition should be granted):

The subject roadway serves only traffic that is entering or leaving petitioners property. The area that petitioner seeks to vacate is bounded on the south only by petitioner and is bounded on the east and north by canals owned by Miami-Dade County. The western boundary of the subject property is the intersection of N.W. 72nd Avenue. The intersection will not be affected by the vacation of the subject property. There are no other private property owners that abut the subject roadway or that are served by the subject roadway that petitioner seeks to vacate. The petitioner intends to use the subject property for additional parking and truck and trailer staging for its industrial and transshipment operations. The Petitioner has corresponded with RER (DERM) and they have indicated that they have no objection to the vacation of the roadway so long as a perpetual easement is granted to RER for canal maintenance purposes and so long as Petitioner provides a N.W. 72nd Avenue driveway cut on the north side of the canal for RER access to the canal maintenance easement that they already own, but do not have adequate access to.

SEE EXHIBIT "A" ATTACHED:

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

SIGNATURE	ADDRESS
Thomas J. Flanigan, Senior V.P., as Authorized Signator for LIT Holdings Group, LLC, as General Partner of LIT Industrial, L.P.	30 Ivan Allen Jr. Boulevard, Suite 950 Atlanta, GA 30308

Attorney for Petitioner: J. Wiley Hicks

Address: 5730 S.W. 74th Street
Suite 400
Miami, FL 33143
305-661-6688
wiley@wileyhicks.com

Attorney for Petitioner: J. Wiley Hicks, Esq.

Address: The Law Office of Wiley Hicks
5730 S.W. 74th Street
Suite 400
Miami, FL 33143

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared J. Wiley Hicks, 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 Attorney for Petitioner)

Sworn and subscribed to before me this

21st day of March, 2014.

Marlene F. King

Notary Public State of Florida at Large

MARLENE F. KING
MY COMMISSION # EE862526
EXPIRES: January 03, 2017

My Commission Expires: 1/3/17

COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 5783-06

CLIENT : LIT INDUSTRIAL LIMITED PARTNERSHIP

LAND DESCRIPTION AND SKETCH

EXHIBIT "A"

LAND DESCRIPTION:

A PORTION OF A 75 FOOT RIGHT OF WAY (NW 58TH STREET) RUNNING PARALLEL WITH THE NORTH LINE OF TRACT 16 IN SECTION 23, TOWNSHIP 53 SOUTH, RANGE 40 EAST, "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 23, TOWNSHIP 53 SOUTH, RANGE 40 EAST AND THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT 16;

THENCE SOUTH 00°03'10" WEST ALONG SAID NORTHERLY EXTENSION AND THE EAST LINE OF SAID TRACT 16, A DISTANCE OF 25.01 FEET;

THENCE NORTH 88°29'30" WEST, A DISTANCE OF 40.13 FEET;

THENCE NORTH 00°20'14" EAST, A DISTANCE OF 45.01 FEET;

THENCE NORTH 88°29'30" WEST ALONG A LINE 20.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NE 1/4 OF SECTION 23, TOWNSHIP 53 SOUTH, RANGE 40 EAST, A DISTANCE OF 1228.74 FEET;

THENCE NORTH 00°06'22" EAST ALONG THE EAST RIGHT OF WAY LINE OF NW 72ND AVENUE EXTENDED TO THE NORTH, A DISTANCE OF 15.00 FEET;

THENCE SOUTH 88°29'30" EAST ALONG A LINE 35.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NE 1/4 OF SECTION 23, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ALSO BEING THE NORTH RIGHT OF WAY LINE OF NW 58TH STREET, A DISTANCE OF 1268.81 FEET;

THENCE SOUTH 00°20'14" WEST, A DISTANCE OF 35.01 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI/DADE COUNTY, FLORIDA.

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	06/01/14	----	AV	REC

LAND DESCRIPTION AND SKETCH OF CANAL ACCESS & MAINTENACE EASEMENT

PROPERTY : 5601 NW 72ND AVENUE

SCALE: N/A

SHEET 1 OF 4

COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 689-7766 FAX (954) 689-7799

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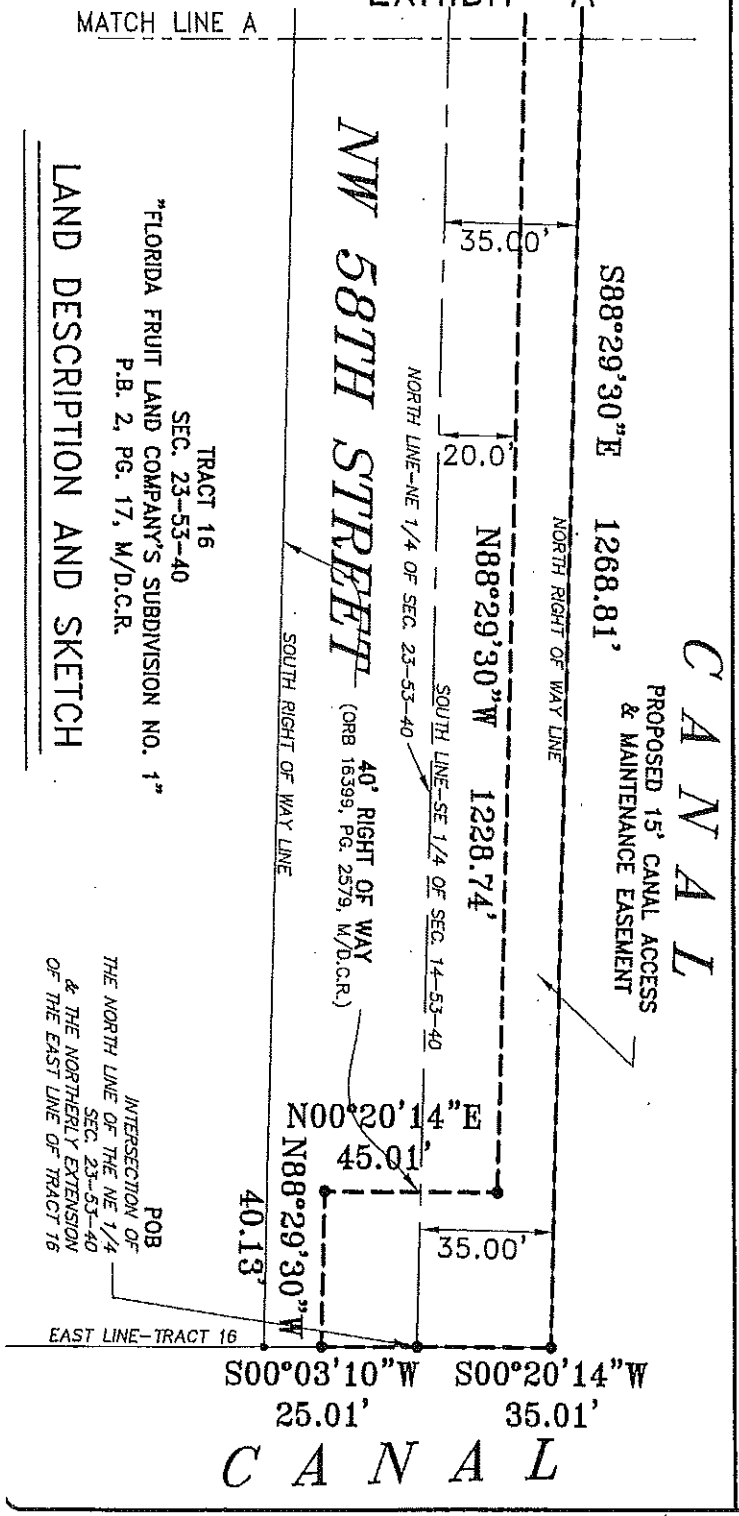
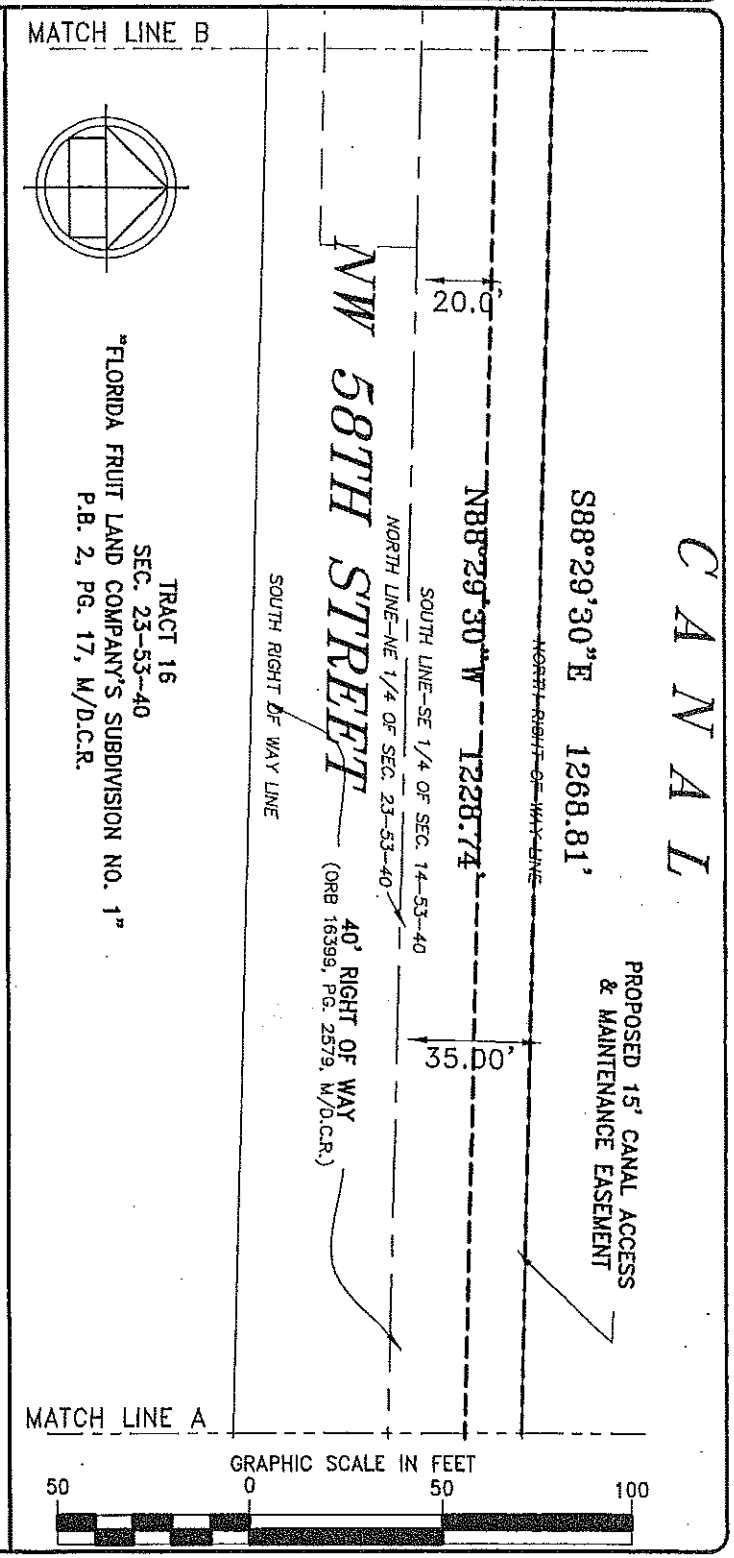
EXHIBIT "A"



TRACT 16
SEC. 23-53-40
"FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1"
P.B. 2, PG. 17, M/D.C.R.

LAND DESCRIPTION AND SKETCH



TRACT 16
SEC. 23-53-40
"FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1"
P.B. 2, PG. 17, M/D.C.R.

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	06/01/14	----	AV	REC

LAND DESCRIPTION AND SKETCH OF CANAL ACCESS & MAINTENACE EASEMENT

PROPERTY : 5601 NW 72ND AVENUE

SCALE: 1"= 50'

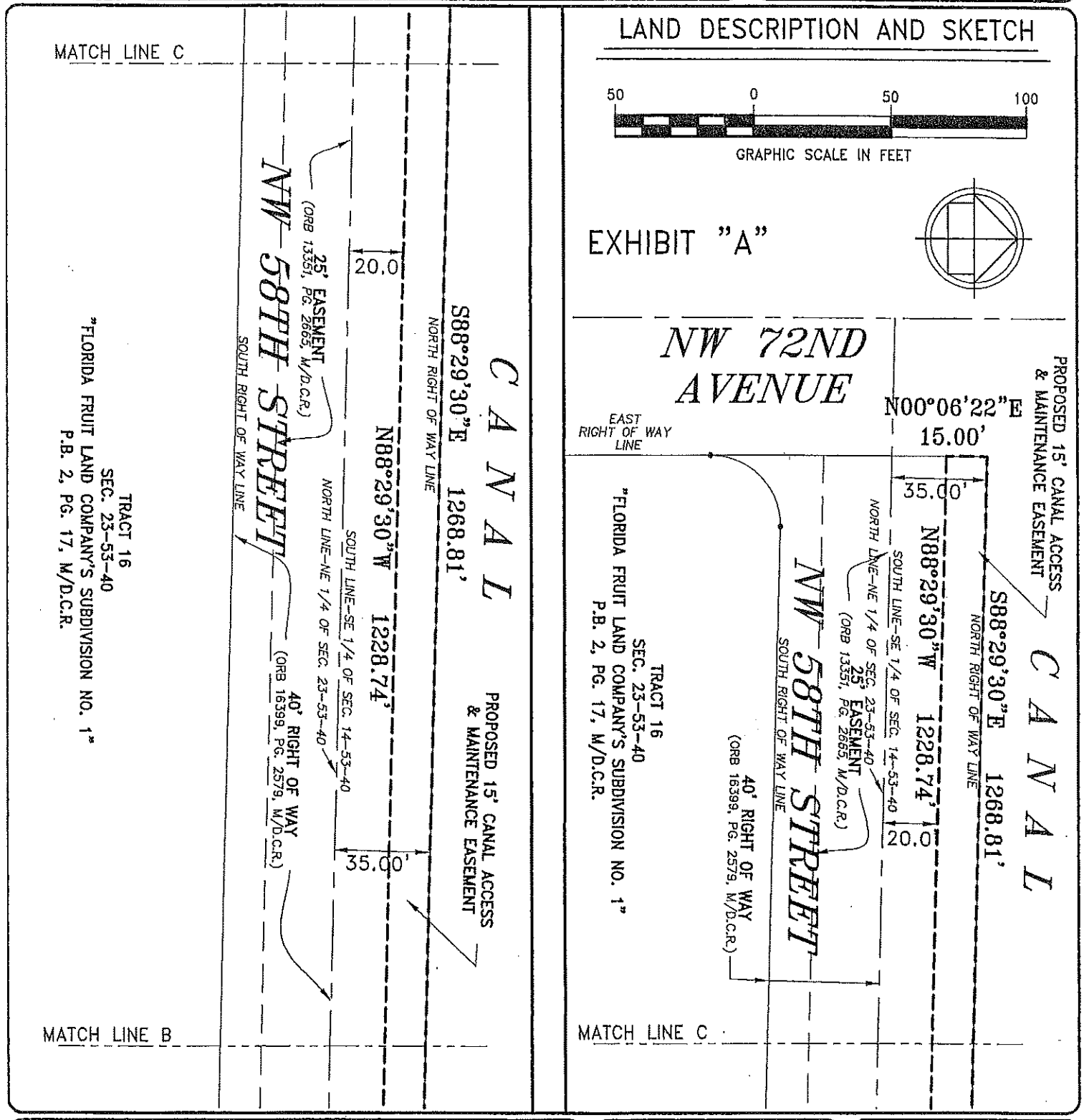
SHEET 2 OF 4

COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 5783-06

CLIENT : LIT INDUSTRIAL LIMITED PARTNERSHIP

LAND DESCRIPTION AND SKETCH



REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	06/01/14	----	AV	REC

LAND DESCRIPTION AND SKETCH OF CANAL ACCESS & MAINTENACE EASEMENT

PROPERTY : 5601 NW 72ND AVENUE

SCALE: 1"= 50'

SHEET 3 OF 4

COUSINS SURVEYORS & ASSOCIATES, INC.
3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 5783-06

CLIENT :
LIT INDUSTRIAL LIMITED PARTNERSHIP

LAND DESCRIPTION AND SKETCH

EXHIBIT "A"

LEGEND:

CKD	CHECKED BY
DWN	DRAWN BY
FB/PG	FIELD BOOK AND PAGE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
P.B.	PLAT BOOK
B.C.R.	BROWARD COUNTY RECORDS
M/D.C.R.	MIAMI/DADE COUNTY RECORDS

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. DATA SHOWN HEREON DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. BEARINGS SHOWN HEREON ARE ASSUMED. THE EAST LINE OF TRACT 16 SECTION 23, TOWNSHIP 53 SOUTH, RANGE 40 EAST BEARS N00°03'10"E.

I HEREBY CERTIFY THAT THE ATTACHED "LAND DESCRIPTION AND SKETCH" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION IN JUNE, 2014. I FURTHER CERTIFY THAT THIS "LAND DESCRIPTION AND SKETCH" MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: Richard E. Cousins

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	06/01/14	----	AV	REC

LAND DESCRIPTION AND SKETCH OF CANAL ACCESS & MAINTENACE EASEMENT

PROPERTY :
5601 NW 72ND AVENUE

SCALE: N/A

SHEET 4 OF 4