

## **MEMORANDUM**

Agenda Item No. 5(G)

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**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 a portion of Ponce de Leon  
Road (SW 49 Avenue), from SW  
76 Street to SW 78 Street (Road  
Closing Petition No. P-905)  
Resolution No. R-963-14

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The accompanying resolution was prepared by the Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**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-905  
Section: 31-54-41  
A Portion of Ponce De Leon Road (SW 49 Avenue), from SW 76 Street to SW 78 Street  
Commission District: 7

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## 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 Xavier L. Suarez' District 7.

## Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$18.60 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$291,555.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$5,426.00 per year in additional property taxes. The fee for this road closing is \$29,955.50.

## 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 property owners abutting the east side of Ponce De Leon Road (SW 49 Avenue), from SW 76 Street to SW 78 Street, have joined in signing the petition to close a portion of this right-of-way, in order to incorporate the land into their property to be enhanced and maintained. The zoned right of way for this road is 50 feet, 25 feet on each side of the centerline. In this block the existing right of way is 75 feet, 25 on the west side and 50 on the east side of the centerline.

The subject right-of-way was dedicated in 1939, by "AMENDED PLAT OF GRANADA PARK", recorded in Plat Book 40, Page 21, of the Public Records of Miami-Dade County, Florida. The areas abutting the subject right-of-way are designated "Estate Density Residential".

  
Aljina 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(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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(G)  
11-5-14

RESOLUTION NO. R-963-14

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF PONCE DE LEON ROAD (SW 49 AVENUE), FROM SW 76 STREET TO SW 78 STREET (ROAD CLOSING PETITION NO. P-905)

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

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> 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.

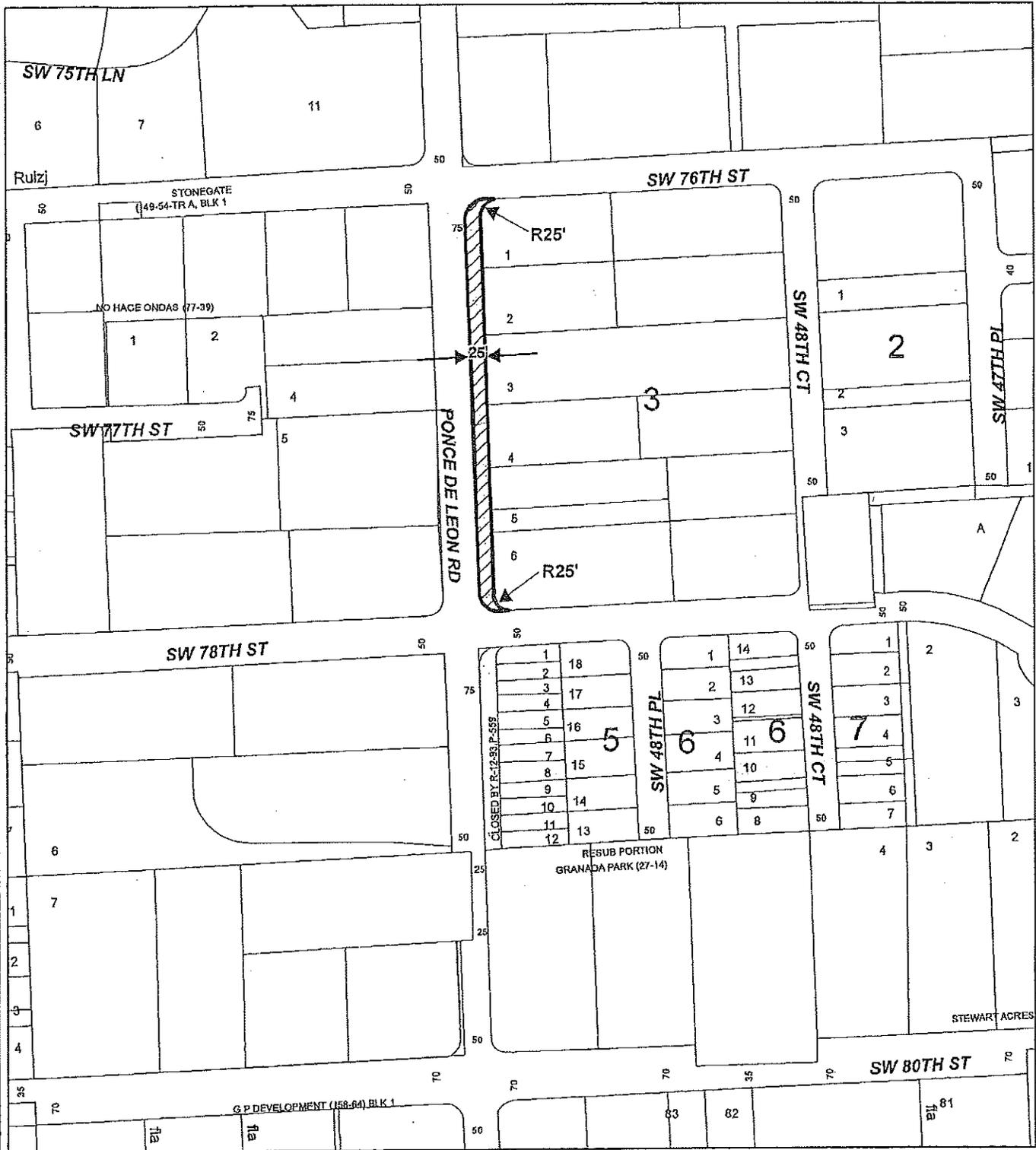
Alex S. Bokor



# Location Map



SECTION 31 TOWNSHIP 54 S RANGE 41 E



This is not a survey

## P-905

Municipality: UNINCORPORATED MIAMI-DADE  
Commission District: Xavier L. Suarez, 7

**Legend**

- Road Closing
- MDC, Lot\_line**
- Lots
- 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 25, 2014  
 Prepared by : ym

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**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:

**SEE 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 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):

Dedicated by plat, recorded in Plat Book 40, Page 21, of the Public Records of Miami-Dade County, Florida. The plat contains a reverter clause which stipulates that the right of way reverts to the owners when it is lawfully and permanently discontinued.

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
<u>Mario Bustamante &amp; W</u> <u>Angelina</u>	<u>30-4131-009-0100</u>	<u>7615 Ponce De Leon Rd</u>
<u>S Roger Wolin TRS,</u> <u>Melissa Wolin</u>	<u>30-4131-009-0120</u>	<u>7677 Ponce De Leon Rd</u>
<b>THOMAS THORNTON</b> <del><u>Charlotte Leatherman</u></del>	<u>30-4131-009-0131</u>	<u>7707 Ponce De Leon Rd</u>
<u>Rodolfo E Milani &amp;</u> <u>W Linda S</u>	<u>30-4131-009-0140</u>	<u>7741 Ponce De Leon Rd</u>

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):

Petitioners are requesting to close 25 feet on the east side adjacent to their property in order to maintain it and keep it clean. This portion of the right of way has never been improved by the County and has been maintained by the adjacent owners. The closing and vacating of this portion of the right of way will relieve the County from any future maintenance responsibilities to keep the land clear of trash or debris.

The road closing would be in line with the existing development trend in the area. The zoned right of way for Ponce De Leon Road is only 50 feet (25 feet on each side of the center line). The area petitioners seek to close was over dedicated by Plat. The section sheet for the area shows a 50 foot right of way to the north and to the south of this block face, which would be consistent with the petitioners' request. A similar petition to close the 25 feet on the east side of the block face to the south was approved by the Board of County Commissioners pursuant to Resolution No. R-12-93.

7. Signatures of **all** abutting property owners:

Respectfully submitted,

SIGNATURE

ADDRESS

Muhammad W. Ali

7677 PONCE DE LEON RD.  
MIAMI, FL 33143

Robert S. Milani

7741 PONCE DE LEON RD.  
MIAMI FL 33143

X John Milani

[Signature]

7615 PONCE DE LEON ROAD

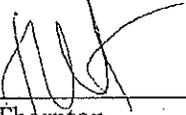
Angie Bustamante

7615 Ponce de Leon Rd.

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

SIGNATURE

ADDRESS

  
\_\_\_\_\_  
Thomas Thornton

7707 Ponce De Leon Rd.  
Miami, FL 33143

## EXHIBIT "A"

A portion of the Right-of-Way for SW 49 Avenue (Ponce de Leon Road), abutting Block 3 of the AMENDED PLAT OF GRANADA PARK, as recorded in Plat Book 40, Page 21, of the Public Records of Miami-Dade County, Florida, lying in Section 31, Township 54 South, Range 41 East, described as follows:

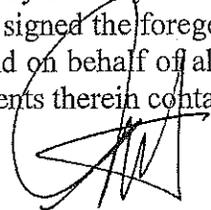
Commence at the intersection of the centerlines of SW 49 Avenue (Ponce de Leon Road) and SW 78 Street; thence **N89°19'30"E 75.59** feet along the centerline of SW 78 Street; thence **N00°00'00"E 25.00** feet to the north right of way line of SW 78 Street to the **Point of Beginning**, said point also being the west end of the most southerly tangent line of Lot 6 of said Block 3; thence **S89°19'30"W 25.00** feet to the point of curvature of a **25.00** foot radius arc concave to the northeast; thence westerly, northwesterly and northerly **39.56** feet along said curve through a central angle of **90°40'30"** to the point of tangency; thence **N00°00'00"W 576.99** feet along a line parallel with and **25.00** feet east of the centerline of SW 49 Avenue (Ponce de Leon Road) to the point of curvature of a **25.00** foot radius arc concave to the southeast; thence northerly, northeasterly and easterly **38.97** feet along the arc of said curve through a central angle of **89°18'30"** to the point of tangency; thence **N89°18'30"E 25.00** feet to a point of cusp, said point being at the west end of the most northerly tangent line of Lot 1 of said Block 3, to which point a radial line bears **N00°41'30"W**; the following three (3) courses being along the northwesterly, westerly and southwesterly boundary of said Block 3; thence westerly, southwesterly and southerly **38.97** feet along the arc of a **25.00** foot radius curve concave to the southeast through a central angle of **89°18'30"** to the point of tangency; thence **S00°00'00"E 576.99** feet to the point of curvature of a **25.00** foot radius curve concave to the northeast; thence southerly, southeasterly and easterly **39.56** feet along the arc of said curve through a central angle of **90°40'30"** to the point of beginning.

Attorney for Petitioner

Address: \_\_\_\_\_  
(Signature of Attorney not required)

STATE OF FLORIDA                    )  
  ) SS  
MIAMI-DADE COUNTY                )

BEFORE ME, the undersigned authority, personally appeared Mario M. Bustamante, 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

11<sup>th</sup> day of March, 2014

Eric J. Riveron  
Notary Public State of Florida at Large



My Commission Expires: 1/12/2018