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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 5(F)

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 143 Street, between theoretical NW 52 Avenue and NW 57 Avenue (Road Closing Petition No. P-908) Resolution No. R-962-14

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

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-908
Section: 19-52-41
NW 143 Street, Between Theoretical NW 52 Avenue and NW 57 Avenue
Commission District: 1

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 Barbara J. Jordan's District 1.

Fiscal Impact/Funding Source
All the properties abutting the right-of-way to be abandoned are tax exempt. Therefore, granting of this petition will not result in an increase in revenue from property taxes.

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 owner, Miami-Dade County Aviation Department, wishes to close NW 143 Street, between theoretical NW 52 Avenue and NW 57 Avenue, in order to incorporate the area into their property to be part of a long term lease between the owner and a third party private developer, Ave, LLC. The right-of-way requested to be closed have been incorporated to Opa-Locka Airport without reference to any of the plats that created it.

The subject right-of-way was dedicated in 1914, by the "PLAT OF MIAMI GARDENS", recorded in Plat Book 2, Page 96, and in 1925, by the plat of "BLUM ACRES", recorded in Plat Book 24, Page 9, both of the Public Records of Miami-Dade County, Florida. The areas abutting the subject right-of-way are designated "Terminals".

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(F)

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(F)
11-5-14

RESOLUTION NO. R-962-14

RESOLUTION GRANTING PETITION TO CLOSE NW 143 STREET, BETWEEN THEORETICAL NW 52 AVENUE AND NW 57 AVENUE (ROAD CLOSING PETITION NO. P-908)

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			**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 19 TOWNSHIP 52 S RANGE 41 E

N
NTS

This is not a survey

Legend

- P-908 Road Closing
- Lots
- Lots

P- 908

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Barbara J. Jordan, 1

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, 23, 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:

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):

The interest was acquired by way of two plats – Plat of Miami Gardens as recorded in PB 2, Page 96 and Plat of Blum Acres as recorded in PB 24, Page 9 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.

See Exhibit A.

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
		Property Address 14356 NW 56 Court
Miami-Dade County Aviation Department	30 2119 001-0010 30 2119 002-0040	**Mailing Address** P.O. Box 592075, Miami, Fl 33159

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):

This roadway dedication is obsolete. It was originally created by way of Plats recorded in 1914 and 1925, respectively. Since then, the road and surrounding areas have been incorporated in Opa-Locka Airport without any reference to these older plats. Currently, this land is subject to a long term development lease between the sole property owner, Miami Dade County Aviation Department and a third party private developer, Ave, LLC.

Indeed, the roadway and surrounding property are subject of a pending Waiver of Plat application and that process indicated this Petition was required.

Pursuant to this joint development,

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

SIGNATURE	ADDRESS
K. A. Pyatt MDC AVIATION DEPT.	Folios 30 2119 001-0010 and 30 2119 002-0040 14356 NW 56 Court / P.O. Box 592075 Miami, Fl 33159

(28436796;3)

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

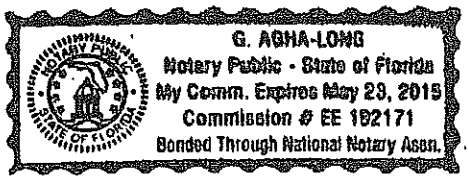
BEFORE ME, the undersigned authority, personally appeared Emilio Gonzalez _____, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all petitioners;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

16th day of May, 2014

_____
Notary Public State of Florida at Large



My Commission Expires: 5/23/15

{28436796;2}

February 27, 2014

EXHIBIT "A"

LEGAL DESCRIPTION:

The South 15 feet of the Northwest 1/4 of Section 19, Township 52 South, Range 41 East, Miami-Dade County, Florida, less the West 100 feet thereof; all lying within the limits of the plat of MIAMI GARDENS, according to the plat thereof, as recorded in Plat Book 2 at Page 96, of the Public Records of Miami-Dade County, Florida; containing 0.92 acres more or less.

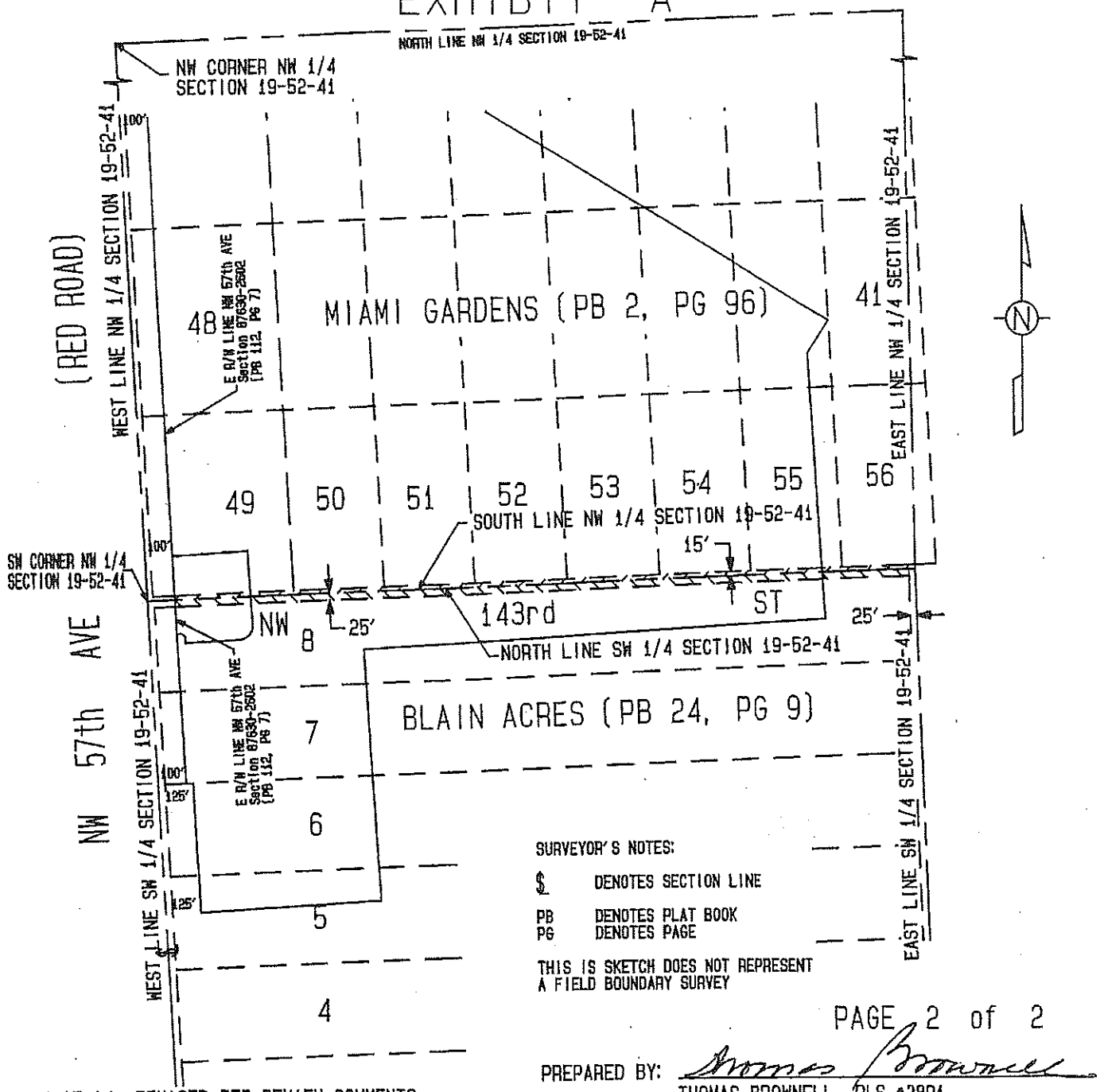
AND

The North 25 feet of the Southwest 1/4 of Section 19, Township 52 South, Range 41 East, Miami-Dade County, Florida, less the West 100 feet and the East 25 feet thereof; all lying within the limits of the plat of BLAIN ACRES, according to the plat thereof, as recorded in Plat Book 24 at Page 9, of the Public Records of Miami-Dade County, Florida; containing 1.52 acres more or less.

This Exhibit consists of 2 pages and each page shall not be considered full, valid and complete unless attached to the others with the signature and the original raised seal of a Florida licensed surveyor and mapper on page 2 of 2. Any additions or deletions to the attached sketch and/or the description by other than the signing party or parties are prohibited without written consent of the signing party or parties.

E.R. BROWNELL & ASSOCIATES, INC.

EXHIBIT "A"



SURVEYOR'S NOTES:

$ DENOTES SECTION LINE

PB DENOTES PLAT BOOK
PG DENOTES PAGE

THIS IS SKETCH DOES NOT REPRESENT A FIELD BOUNDARY SURVEY

PAGE 2 of 2

PREPARED BY: Thomas Brownell
THOMAS BROWNELL, PLS #2891

4-17-14 REVISED PER REVIEW COMMENTS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION PORTION OF THE W 1/2 OF SECTION 19 TOWNSHIP 52 S, RANGE 41 E	E. R. BROWNELL & ASSOCIATES, INC. LAND SURVEYORS - CONSULTING ENGINEERS 2434 SW 28th LANE MIAMI, FL 33133 (305)860-3866		
	DR. BY : TB	DATE : 02-27-14	SK. # SM-2632
	JOB # 56817AV	SCALE: 1" = 500'	

THIS DOCUMENT CONSISTS OF MULTIPLE PAGES AND IS NOT COMPLETE UNLESS ATTACHED TO THE OTHER

CERTIFICATE OF AUTHORIZATION LB761

{28436796;2}