

## MEMORANDUM

Agenda Item No. 5(D)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** February 3, 2015

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

**SUBJECT:** Resolution granting petition to  
close the 20 foot alley west of  
NW 17 Avenue, between NW 91  
Street and NW 92 Street (Road  
Closing Petition No. P-909)  
Resolution No. R-84-15

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**This item was amended from the original version as stated in the County Mayor's memorandum.**

The accompanying resolution was prepared by the Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** February 3, 2015

**To:** Honorable Chairman Jean Monestima  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Road Closing Petition P-909  
Section: 3-53-41  
Alley West of NW 17 Avenue, Between NW 91 Street and NW 92 Street  
Commission District: 2

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**This item was amended at the January 13, 2015 Infrastructure & Capital Improvements Committee to recommend that the Board of County Commissioners waive the processing fee in the amount of \$4,396.00 for the proposed road closing. The waiver was approved given the organization's nonprofit status and in accordance with I.O. 4-114.**

## **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 Monestima's District 2.

## **Fiscal Impact/Funding Source**

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$10.00 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$43,960.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$820.00 per year in additional property taxes. The fee for this road closing is \$800.00.

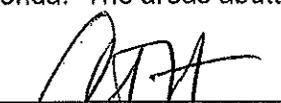
## **Track Record/Monitor**

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, Greater New Hope Primitive Baptist Church Inc., wishes to close the 20 foot alley west of NW 17 Avenue, between NW 91 Street and NW 92 Street, in order to incorporate the abutting area into their property to be used as additional parking. The right-of-way requested to be closed has never been improved nor maintained by Miami-Dade County and is presently occupied by the property owners to the east, which are the same lots from which the dedications were made for the alley.

The subject right-of-way was dedicated in 1948, by documents recorded in Deed Book 3073, Page 249 and Deed Book 3073, Page 253, both of the Public Records of Miami-Dade County, Florida. The areas abutting the subject right-of-way are designated "Business and Office".

  
Alina T. Hudak  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** February 3, 2015

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

**SUBJECT:** Agenda Item No. 5(D)

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(D)  
2-3-15

RESOLUTION NO. R-84-15

RESOLUTION GRANTING PETITION TO CLOSE THE 20 FOOT ALLEY WEST OF NW 17 AVENUE, BETWEEN NW 91 STREET AND NW 92 STREET (ROAD CLOSING PETITION NO. P-909)

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 alley, avenue, street, 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) 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 **Jean Monestime** who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson** and upon being put to a vote, the vote was as follows:

	Jean Monestime, Chairman	<b>aye</b>
	Esteban L. Bovo, Jr., Vice Chairman	<b>absent</b>
Bruno A. Barreiro	<b>aye</b>	Daniella Levine Cava <b>aye</b>
Jose "Pepe" Diaz	<b>aye</b>	Audrey M. Edmonson <b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan <b>aye</b>
Dennis C. Moss	<b>aye</b>	Rebeca Sosa <b>aye</b>
Sen. Javier D. Souto	<b>aye</b>	Xavier L. Suarez <b>aye</b>
Juan C. Zapata	<b>aye</b>	

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of February, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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



**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:

**The West 20 feet of Lots 7 and 15 of Block 16, of AIRLINE ESTATES, according to the plat thereof as recorded in Plat Book 44, Page 59, of the Public Records of Miami-Dade County, Florida, in Section 3, Township 53 South, Range 41 East.**

2. **PUBLIC INTEREST IN ROAD:** The title or interest of the county and the Public in and to the above described right-of-way was acquired and is evidenced in the following manner:

**The land was dedicated in 1948 by documents recorded in Deed Book 3073, Page 249 and Deed Book 3073, Page 253.**

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>Alphonso &amp; Patricia Nelson</u>	<u>30-3103-011-1050</u>	<u>1730 NW 92 St., Miami, FL 33147</u>
<u>Mark Jarman</u>	<u>30-3103-011-1111</u>	<u>1725 NW 91 St, Miami, FL 33147</u>
<u>ESA Farraj JTRS</u>	<u>30-3103-011-1130</u>	<u>9100 NW 17 Ave, Miami, FL 33147</u>
Saed FARraj JTRS		

Greater New Hope PBC 30-3103-011-1060 9150 NW 17 Ave Miami, FL  
Willie J. Webb, Sr. Pastor 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:

The property exists within and closed fence surrounding the **Greater New Hope Primitive Baptist Church (GNHPBC)** the petitioner's property. There is no ingress and egress to the property and doesn't impact any of the neighboring properties. Access to the easement property is through the fence of the petitioner's (GNHPBC) property which would cause someone to trespass on the petitioner's (GNHPBC) property.

This appears to be the only easement within the area along the west side of North West 17 avenue.

Because the property is enclosed within the petitioner's (GNHPBC) property and the petitioner maintains the property and given the property will only be accessible to the petitioner; the petitioner's (GNHPBC) request that the property be granted to them.

The petitioner will use the additional property for parking.

