

MEMORANDUM

Agenda Item No. 11(A)(8)

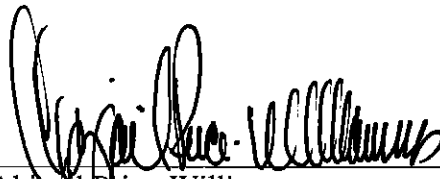
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: June 5, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to use the title "Road Closing Petition" only for those petitions that seek to close actual or theoretical streets, roads, or highways and to use the title "Vacation of Right-of-Way" or other similar title for petitions that seek to close all other rights-of-way that are not used for vehicular traffic

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Abigail Price-Williams
County Attorney

APW/smm

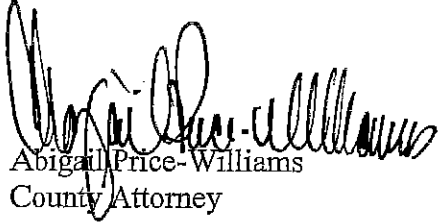


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

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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
- Statement of social equity 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. 11(A)(8)
6-5-18

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO USE THE TITLE "ROAD CLOSING PETITION" ONLY FOR THOSE PETITIONS THAT SEEK TO CLOSE ACTUAL OR THEORETICAL STREETS, ROADS, OR HIGHWAYS AND TO USE THE TITLE "VACATION OF RIGHT-OF-WAY" OR OTHER SIMILAR TITLE FOR PETITIONS THAT SEEK TO CLOSE ALL OTHER RIGHTS-OF-WAY THAT ARE NOT USED FOR VEHICULAR TRAFFIC

WHEREAS, section 1.01(A)(1) of the Home Rule Charter vests this Board with the power to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities and develop and enforce master plans for the control of traffic and parking; and

WHEREAS, section 2-96.1 of the Code states that from and after September 16, 1960, all traffic engineering services shall be performed by the traffic and transportation department, and such department shall have exclusive jurisdiction over the closure of access to any road or street; and

WHEREAS, all requests to close a street, road, highway, or other right-of-way owned and maintained by the County are made by written petition which have historically been entitled "Road Closing Petition"; and

WHEREAS, "Road Closing Petitions", which are presented with a recommendation from the Department of Transportation and Public Works, are subject to Board approval after a public hearing; and

WHEREAS, the title of such petitions may cause confusion as not all “Road Closing Petitions” request to close a road, street, highway, or theoretical road that is or could be used for vehicular traffic; and

WHEREAS, a theoretical road is a right-of-way that has been dedicated but not yet improved upon; and

WHEREAS, some “Road Closing Petitions” seek to close alleyways and other rights-of-way that are not used for vehicular traffic; and

WHEREAS, some “Road Closing Petitions” seek to close dedicated rights-of-way that are currently unimproved greenspace or vacant lots that are not used for vehicular traffic; and

WHEREAS, managing traffic congestion is of utmost importance to this Board; and

WHEREAS, using the title “Road Closing Petition” only for petitions that seek to close streets, roads, or highways used for vehicular traffic, and using a different title for those petitions that seek to close other types of right-of-way that are not used for vehicular traffic, will assist this Board in determining when a road closing petition might have an adverse effect in traffic congestion,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Mayor or County Mayor’s designee to use the title “Road Closing Petition” only for those petitions that seek to close actual or theoretical streets, roads, or highways currently used, or that could be used in the future, for vehicular traffic and to use the title “Vacation of Right-of-Way” or other similar title for petitions that seek to close all other rights-of-way that are not used for vehicular traffic, such as alleyways.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Daniella Levine Cava	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
District 5 - Vacant	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of June, 2018. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Annery Pulgar Alfonso
Lauren E. Morse