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

MEMORANDUM

Agenda Item No. 5(D)

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

DATE: January 23, 2013

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

SUBJECT: Resolution granting petition to close NW 150 Street, from NW 117 Avenue East for approximately 1,298 feet (Road Closing Petition No. P-898) Resolution No. R-02-13

The accompanying resolution was prepared by the Internal Services 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: January 23, 2013

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

From: Carlos A. Gimenez
Mayor

Subject: Road Closing Petition P-898
Section: 19-52-40
NW 150 Street, from NW 117 Avenue East for Approximately 1,298 Feet
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 Commission District 12.

Fiscal Impact/Funding Source
The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $22,500 per acre. Therefore, the estimated value of this right-of-way would be approximately $16,835.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated $312.00 per year in additional property taxes. The fee for this road closing is $2,483.50.

Track Record/Monitor
PWWM is the entity overseeing this project and the person responsible for monitoring is Mr. Luis Lacau, P.L.S., Section Head, Right-of-Way Division.

Background
The Petitioner, Dixie Gardens Nursery Inc., wishes to close NW 150 Street, from NW 117 Avenue East for approximately 1,298 feet, in order to incorporate the land into its property. The right-of-way being closed has never been improved or maintained by Miami-Dade County. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject right-of-way was dedicated in 1993, by a deed recorded in Official Records Book 15916, Page 2863, of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned AU (Agricultural District).

Alina T. Hudak,
County Manager/Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: January 23, 2013

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)
1-23-13

RESOLUTION NO. R-02-13

RESOLUTION GRANTING PETITION TO CLOSE NW 150 STREET, FROM NW 117 AVENUE EAST FOR APPROXIMATELY 1,298 FEET (ROAD CLOSING PETITION NO. P-898)

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 streets, roads or other places used for travel as described in the attached petition are 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 **Lynda Bell** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of January, 2013. 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.

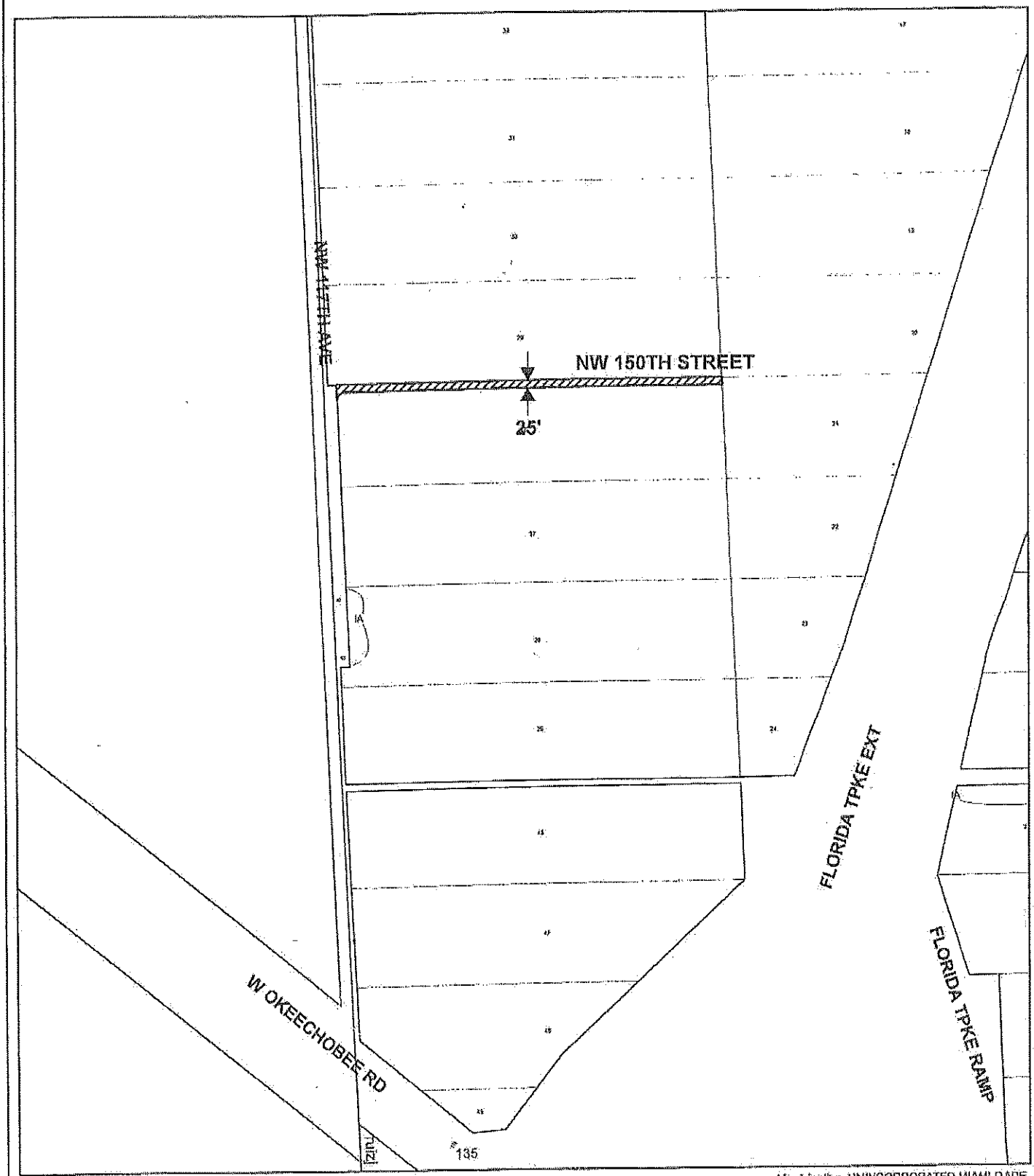
Alex S. Bokor

Location Map

SECTION 19 ,TOWNSHIP 52 S, RANGE 40 E

N

NTS



This is not a survey

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

P-898

Legend

ROAD CLOSING

MDC.Lot_line

Lots

MIAMI-DADE COUNTY
Public Works & Waste Management Department
Right-of-Way Division
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2114 FAX (305) 375-2825

Date: September 17,2012
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:

The North 25 feet of Tract 28 in Section 19, Township 52 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVIISON NO. 1, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, less the west 40 feet of the NW ¼ of said section;

AND

The area bounded by the East line of the West 40 feet of the NW ¼ of said Section 19, and bounded by the South line of the North 25 feet of said Tract 28, 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:

This right-of-way was acquired by a deed recorded in Official Records Book 15916, Page 2863, of the Public Records of Miami-Dade County, Florida.

3. ATTACH SKETCH: Attached hereto is a sketch showing 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
Dixie Gardens Nursery Inc.	30-2019-001-0290	17801 NW 137 Ave, Hialeah Gardens, Florida 33018
Vecellio & Grogan Inc.	30-2018-001-0011	101 Seasburys way, West Palm Beach, Florida 3341

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 right of way serves no public interest as it stops prior to reaching Florida Turnpike. This area is west of the Turnpike and North of Okeechobee Road where there is limited traffic, and certainly no need for this right of way.

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

SIGNATURE	ADDRESS
[signature]	c/o 17801 NW 137 AVE, Hialeah Gardens FL 33018
Vecellio & Grogan, Inc. By: [signature], President	c/o 101 Sansburys Way, West Palm Beach, FL 33411

Robert J. Julia
Fl. Bar No. 123821

Attorney for Petitioner

Address: 8042 NW 161 st Terrace, Miami Lakes, FL 33016
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Ulises Fernandez, 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

30 day of May, 2012

Notary Public State of Florida at Large

EE037472

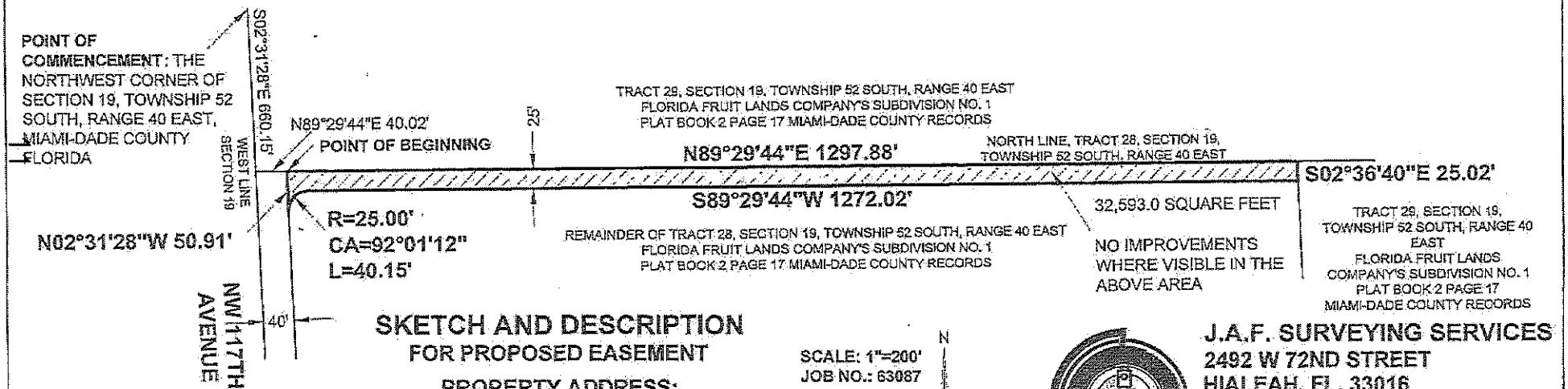
My Commission Expires: 10-26-14

ROBERT JAMES JULIA
MY COMMISSION # EE 037472
EXPIRES: October 26, 2014
Bonded Thru Notary Public Underwriters

LEGAL DESCRIPTION: (PER OFFICIAL RECORD BOOK 15916 PAGE 2863 MIAMI-DADE COUNTY RECORDS)
THE NORTH 25 FEET OF TRACT 28 IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVSION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, less the portion that lies within the west 40 feet of said Section 19;
AND
THE AREA BOUNDED BY THE EAST LINE OF THE WEST 40 FEET OF THE NW 1/4 OF SAID SECTION 19, AND BOUNDED BY THE SOUTH LINE OF THE NORTH 25 FEET OF SAID TRACT 28 AND BOUNDED BY A 25 FOOT RADIUS ARC CONCAVE TO THE SOUTHEAST, SAID ARC BEING TANGENT TO BOTH OF THE LAST DESCRIBED LINES.

DESCRIPTION: (DESCRIBING THE SKETCH BELOW)
A PORTION OF TRACT 28, SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISON NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

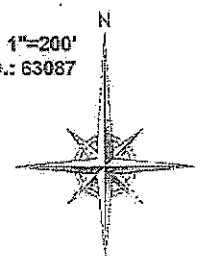
COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 19; THENCE SOUTH 02°31'28" EAST ALONG THE WEST LINE OF SAID SECTION 19, 660.15 FEET; THENCCE NORTH 89°29'44" EAST, ALONG THE NORTH LINE OF SAID TRACT 28, 40.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°29'44" EAST, 1297.88 FEET TO THE NORTHWEST CORNER OF SAID TRACT 28; THENCE SOUTH 02°36'40" EAST, ALONG THE EAST LINE OF SAID TRACT 28, 25.02 FEET; THENCE SOUTH 89°29'44" WEST, 127.02 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 92°01'12", AN ARC DISTANCE OF 40.15 FEET TO A POINT 40 FEET WEST OF THE WEST LINE OF SAID SECTION 19; THENCE NORTH 02°31'28" WEST, 50.91 FEET TO THE POINT OF BEGINNING.



SKETCH AND DESCRIPTION
FOR PROPOSED EASEMENT

PROPERTY ADDRESS:
14949 NW 117 AVENUE, HIALEAH FL
CERTIFICATIONS:

SCALE: 1"=200'
JOB NO.: 63087



J.A.F. SURVEYING SERVICES
2492 W 72ND STREET
HIALEAH, FL. 33016
(786)416-1018
(305)817-9709 FAX
josefanjul@ymail.com

GENERAL NOTES:

1. LEGAL DESCRIPTION FURNISHED BY CLIENT. NO SEARCH OF PUBLIC RECORDS WAS MADE BY THIS OFFICE.
2. ANY ELEVATIONS SHOWN HEREON ARE PER NGVD (NATIONAL GEODETIC VERTICAL DATUM) OF 1929.
3. NO EXCAVATIONS WERE PERFORMED AS TO DETERMINE UNDERGROUND ENCROACHMENTS.
4. DISTANCES AND ANGLES ARE FIELD MEASURED AND CORRESPOND WITH RECORD DATA UNLESS NOTED.
5. IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES, IN ALL CASES, DIMENSIONS SHOWN SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.
6. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. (CHAPTER 61G17-6.003 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES)
7. A SKETCH SHOWING THE APPROXIMATE AREA AND DIMENSION OF THE FUTURE EASEMENT WAS PROVIDED BY THE CLIENT AS A SOURCE OF DATA
8. THIS IS NOT A BOUNDARY SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON

I HEREBY CERTIFY: THAT THIS SKETCH AND DESCRIPTION WAS PREPARED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. FURTHERMORE THIS SURVEY SKETCH MEETS THE INTENT OF THE MINIMUM TECHNICAAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, PURSUANT TO RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE AND ITS IMPLEMENTING RULE, CHAPTER 472.027 OF THE FLORIDA STATUTES.

SIGNED:
GINO FURLANO SURVEYOR AND MAPPER
FLORIDA LICENSE NO.: 5044
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR/MAPPER NAMED ABOVE.