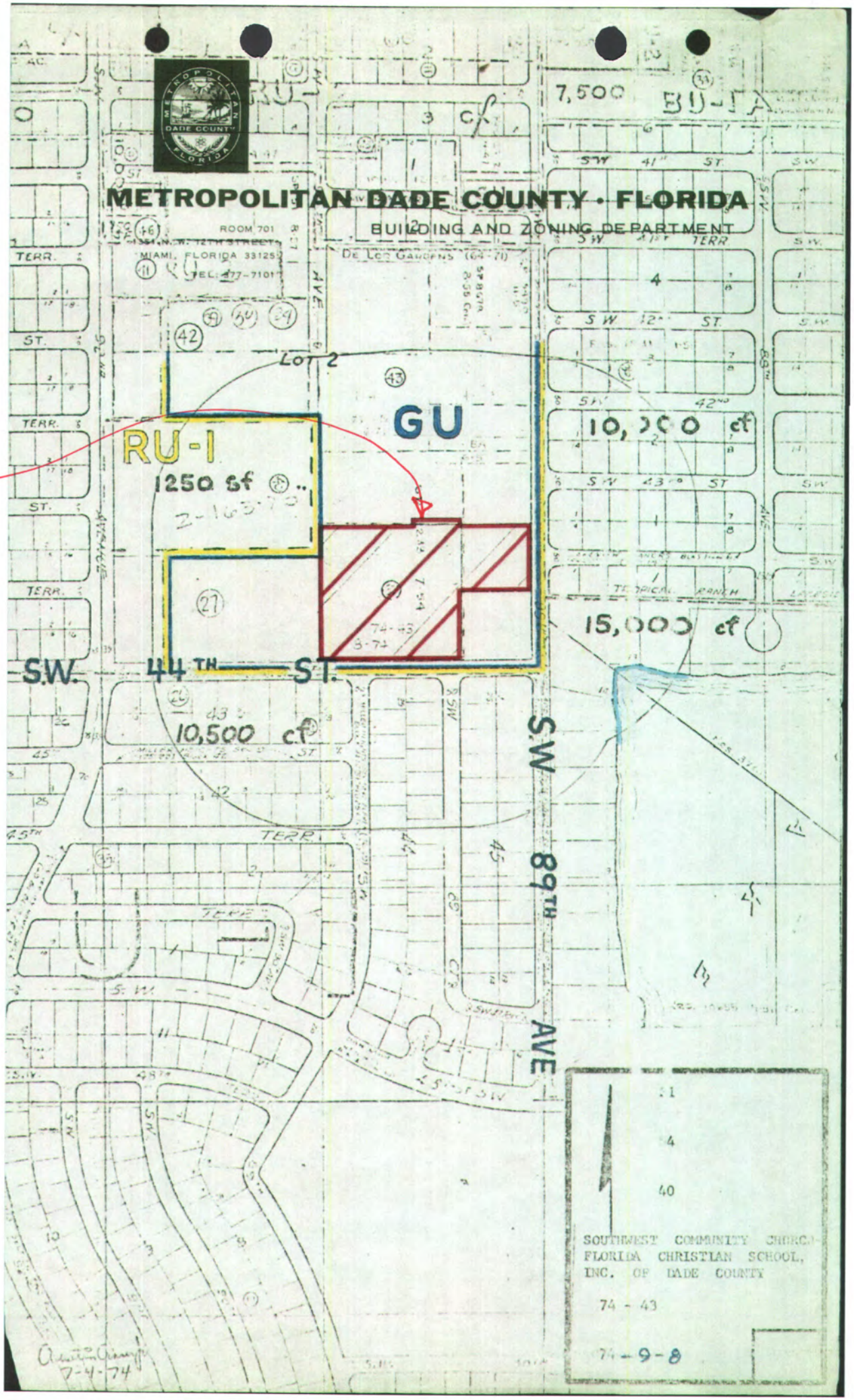
NOTE: LEGAL NEED TO INCLUDE THIS PROPERTY AS WELL.

1974 SKETCH



2011-064

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum MIAMI-DADE COUNTY

Date: September 21, 2010

Agenda Item No. 5(L)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Resolution No. R-938-10

Subject: Road Closing Petition P-774
Section: 21-54-40
Portions of SW 90 Avenue, from SW 42 Street to SW 44 Street
Commission District: 10

Recommendation

It is recommended that the Board of County Commissioners (BCC) grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to this right-of-way being closed.

Scope

This road closing is located within the boundaries of Commission District 10.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $4.96 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately $135,000. However, the abutting properties are exempt from paying taxes, including one that is owned by Miami-Dade County. Therefore, granting of this petition will not result in an increase in revenue from property taxes. The fee for this road closing is $14,300.00.

Track Record/Monitor

Not Applicable.

Background

The petitioner, Florida Christian School, wishes to close portions of right-of-way for SW 90 Avenue, from SW 42 Street to SW 44 Street, in order to incorporate the area abutting the proposed plat of "FLORIDA CHRISTIAN SCHOOL SUBDIVISION", Tentative plat number T-21631, into it to be used as part of the school grounds. Florida Christian School owns property on both sides of the right-of-way to be closed. Therefore, closing this right-of-way will make a much safer environment for the children by allowing Florida Christian School to fence off that portion of the road being closed adjacent to its property in order to restrict pedestrian access by outsiders to school grounds. Property owners abutting other portions of right-of-way to be closed have joined the Road Closing Petition. Park and Recreation will incorporate the closed right-of-way into its facility to be used as an integral part of its park; the two churches abutting that portion of the right of way being closed on the south side will incorporate the closed right-of-way into their respective properties as additional green areas. The right-of-way being closed has never been improved nor 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 1973, by a deed recorded in Official Records Book 8828, Page 76; in 1974, by a deed recorded in Official Records Book 8828, Page 78; and in 1949 by an instrument recorded in Deed Book 3117, Page 285, all of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned RU-1 (Single Family Residential District).

Assistant County Manager

Note: The Clerk is directed to publish notice of a public hearing on a Road Closing Petition in a newspaper of general circulation in Miami-Dade County, one (1) time, at least two (2) weeks prior to the date of said public hearing in conformity with the statutory requirements.

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: September 21, 2010

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

SUBJECT: Agenda Item No. 5(L)

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 Manager'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

3

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 5(L)

9-21-10

RESOLUTION NO. R-938-10

RESOLUTION GRANTING PETITION TO CLOSE PORTIONS OF SW 90 AVENUE, FROM SW 42 STREET TO SW 44 STREET (ROAD CLOSING PETITION NO. P-774)

WHEREAS, the County Commission held a public hearing to consider a petition to close portions of SW 90 Avenue, from SW 42 Street to SW 44 Street, as outlined in the accompanying petition and 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 closing of the aforementioned road is contingent on the recording of the plat of FLORIDA CHRISTIAN SCHOOL SUBDIVISION, tentative plat T-21631; that in the event the plat is not approved this resolution becomes null and void; (2) 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; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (5) 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 **Jose "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:

Dennis C. Moss, Chairman	aye		
Jose "Pepe" Diaz, Vice-Chairman	aye		
Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of September, 2010. 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

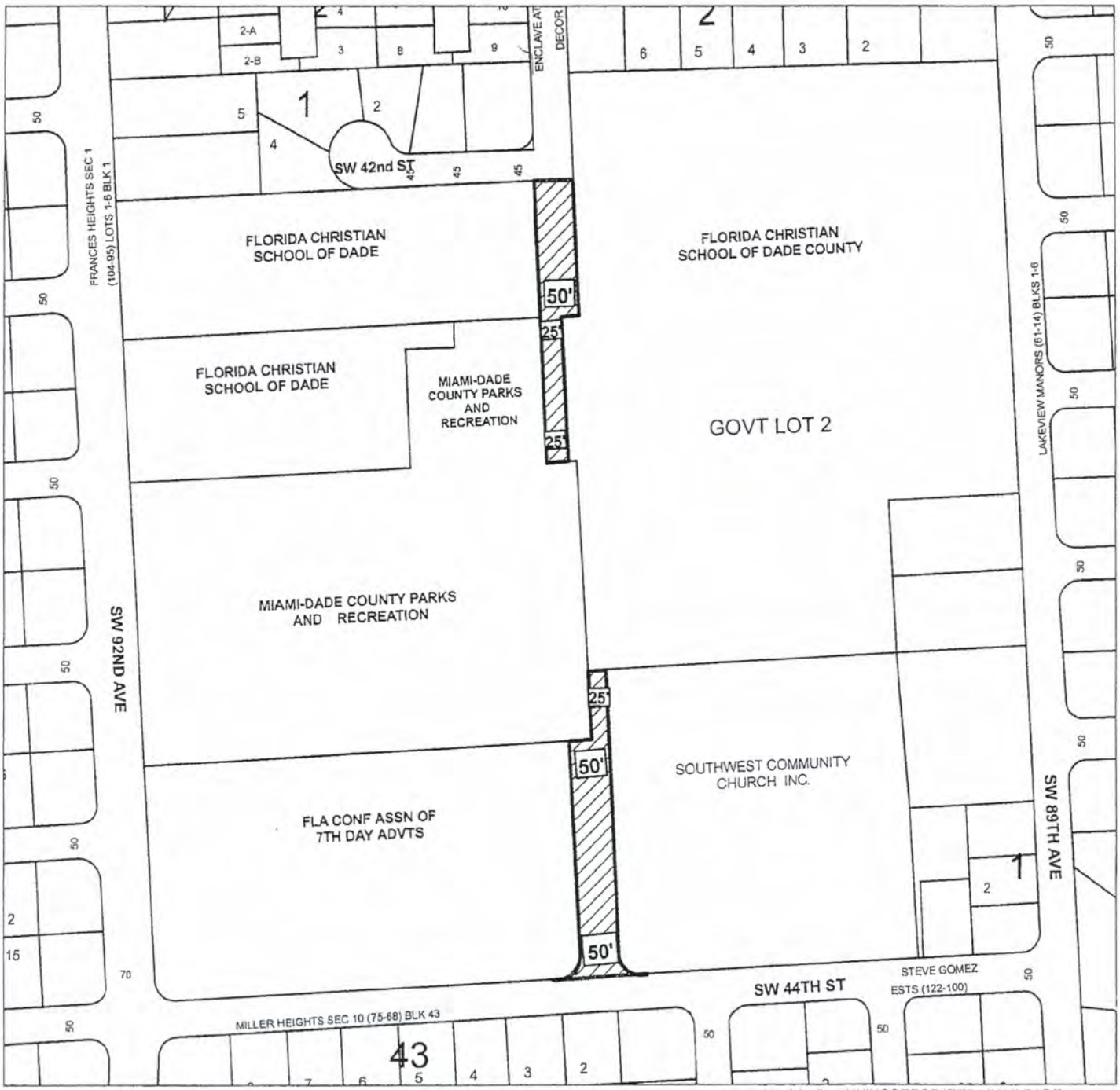
By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Alex S. Bokor

Location Map

SECTION 21 TOWNSHIP 54 S RANGE 40 E



Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Sen. Javier D. Souto,10
Miami-Dade County Mayor Carlos Alvarez

Legend

- P-774-SW 90 Av & 42 St
- MDC.LOT

P-774

NORTH

Date: April 15,2009
Prepared By: Yazmin Moreno

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. The legal description of the right-of-way sought to be closed is as follows:

The East 25 feet of the South 190 feet of the North 1085 feet of the West 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida; AND

The West 25 feet of the South 165 feet of the North 1060 feet of the East 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida.

The East 25 feet of the South 200 feet of the North 1285 feet of the West 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida.

The East 25 feet of the North 305 feet of the South 330 feet of the West 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida; And the area bounded by the north line of the South 25 feet of said government Lot 2, and bounded by the west line of the East 25 feet of the West ½ of said Government Lot 2, and bounded by a 25 foot radius arc concave to the northwest, said arc being tangent to both of the last described lines.

The West 25 feet of the North 418 feet of the South 443 feet of the East 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida; And the area bounded by the East line of the West 25 feet of the East ½ of said government Lot 2, and bounded by the north line of the South 25 feet of the East ½ of said Government Lot 2, and bounded by a 25 foot radius arc concave to the northeast, 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 (state whether public interest was acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

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
FLORIDA CHRISTIAN SCHOOL	30-4021-000-0290	4200 SW 82 AV, MIAMI, FL 33165
	30-4021-000-0180	
MIAMI-DADE COUNTY PARKS AND RECREATION	30-4021-000-0235	275 NW 2 ST, 2ND FL, MIAMI, FL 33128
	30-4021-000-0230	
SOUTHWEST COMMUNITY CHURCH, INC	30-4021-000-0100	8951 SW 44 ST, MIAMI, FL 33165
FLORIDA CONFERENCE ASSOCIATION OF 7TH DAY ADVENTIST	30-4021-000-0220	PO BOX 2626, WINTER PARK, FL 32790

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):

The right-of-way has never been used as a public roadway. Moreover, the right-of-way is not needed to provide access or adequate circulation in the area. Instead, the zoned right-of-way has provided additional open space and parking for the adjacent properties. The vacation of the right-of-way will ensure the continued use of the area consistent with the current and approved development of the adjacent properties.

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

SIGNATURE	ADDRESS
SEE NEXT PAGE.	

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):

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

SIGNATURE	ADDRESS
[illegible]	4200 SW 89th Ave
Chand Bint	8951 SW 44 STREET
Luis Badillo	9175 SW. 44 St.
W Howard [illegible]	SW 42nd TERRACE & SW 92nd Ave.

Attorney for Petitioner

Address:_____
Signature of Attorney not required)

STATE OF FLORIDA)
) SS
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Robert Andrews _____, 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

19th day of December, 2008

_____
Notary Public State of Florida at Large

PEGGY VAUGHN
MY COMMISSION # DD774688
EXPIRES: June 07, 2012
Fl. Notary Discount Assoc. Co.
1-800-3-NOTARY

My Commission Expires: 6/7/12

December 23, 2008

LEGAL DESCRIPTION:

(Folio No: 30-4021-000-0180)

The East 25 feet of the South 190 feet of the North 1085 feet of the West 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida; AND

(Folio No: 30-4021-000-0290)

The West 25 feet of the South 165 feet of the North 1060 feet of the East 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida.

(Folio No: 30-4021-000-0230)

The East 25 feet of the South 200 feet of the North 1285 feet of the West 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida.

(Folio No: 30-4021-000-0220)

The East 25 feet of the North 305 feet of the South 330 feet of the West 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida;
And the area bounded by the north line of the South 25 feet of said government Lot 2, and bounded by the west line of the East 25 feet of the West ½ of said Government Lot 2, and bounded by a 25 foot radius arc concave to the northwest, said arc being tangent to both of the last described lines.

(Folio No: 30-4021-000-0100)

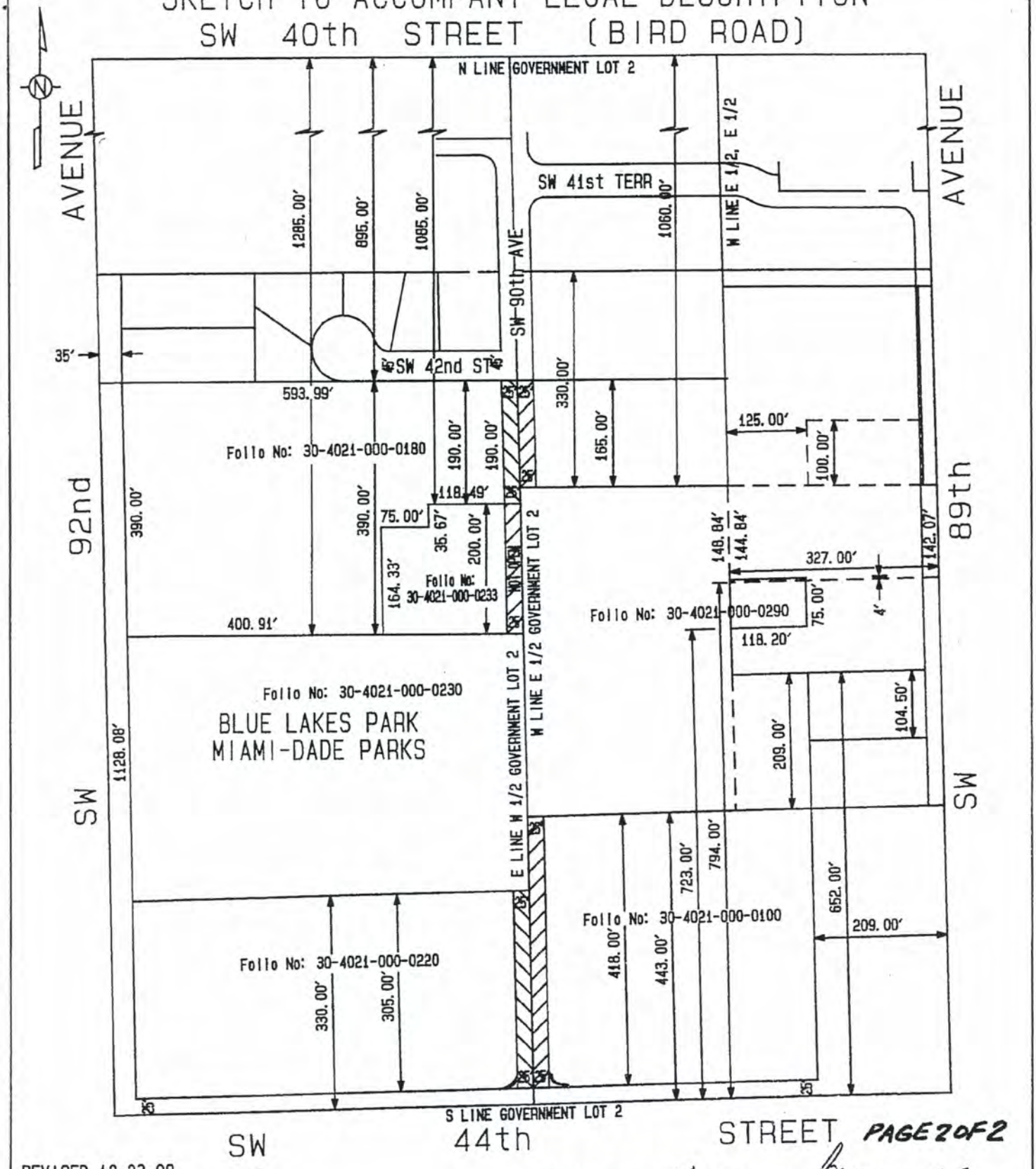
The West 25 feet of the North 418 feet of the South 443 feet of the East 1/2 of Government Lot 2, in Section 21, Township 54 South, Range 40 East, lying and being in Miami-Dade County, Florida;
And the area bounded by the East line of the West 25 feet of the East ½ of said government Lot 2, and bounded by the north line of the South 25 feet of the East ½ of said Government Lot 2, and bounded by a 25 foot radius arc concave to the northeast, said arc being tangent to both of the last described lines.

E.R. BROWNELL & ASSOCIATES, INC.

This Description and accompanying Sketch are not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper. This Description and Sketch are not valid one without the other.

12

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



PAGE 2 OF 2

REVISED 12-23-08
THIS IS NOT A BOUNDARY SURVEY

PREPARED BY: Thomas Brownell

GOVERNMENT LOT 2 IN SECTION 21
TOWNSHIP 54 SOUTH, RANGE 40 EAST

13

E. R. BROWNELL & ASSOCIATES, INC.
LAND SURVEYORS - CONSULTING ENGINEERS
2434 SW 28th LANE MIAMI, FL 33133 (305)860-3866

DR. BY : TB	DATE : 09-05-03	CERTIFICATE OF AUTH: LB761
JOB #54236/55745	SCALE: 1" = 200'	SK. #SM-1620

21-54-40
Item No.77 60

RESOLUTION No 4-ZAB-418-77.

The following resolution was offered by Mrs. Margaret C. Nelson, seconded by Mrs. Thelma Damewood, and upon poll of members present, the vote was as follows:

Nancy Brown	aye	Peter Goldring	aye
Thelma Damewood	aye	Margaret C. Nelson	aye
Lillian Dickmon	absent	Betty S. Page	absent
R. Jollivette Frazier	aye	Murray Sisselman	aye
Edward G. Coll, Jr.	aye		

WHEREAS, SOUTHWEST COMMUNITY CHURCH has applied for the the following requests:

1. TO PERMIT MODIFICATION of previously approved plans, approved pursuant to Resolution 4-ZAB-27-76 passed and adopted by the Zoning Appeals Board on the 5th day of January, 1976, plans entitled "Southwest Community Church," prepared by Harry E. Penney and Associates, Architects and dated October 1973.

Purpose of the request is to submit a new revised site plan showing two proposed educational-social buildings; plans being entitled "Proposed Addition and Alterations for Southwest Community Church" as prepared by Jackson & Nunn, Architects and dated 6/27/77.

2. SPECIAL EXCEPTION to expand an existing church and day care center to include two proposed classroom-social buildings.

3. SPECIAL EXCEPTION to expand the existing day care center and kindergarten to include a private school with grades 1 through 6.

4. VARIANCE OF SETBACK REQUIREMENTS to permit proposed educational building "B" setback 61' (75' required) from property under different ownership along the east property line.

5. VARIANCE OF SETBACK REQUIREMENTS to permit proposed Building "A" setback 57' (75' required) from the side street (west) (S.W. 90 Avenue) property line. *7.

6. VARIANCE OF NUMBER OF STORIES AND HEIGHT REQUIREMENTS to permit proposed building "A" to be two (2) stories and 20'8" in height and proposed building "B" to be two (2) stories and varying in height from 22'-31' (1 story and 15' in height permitted each building). * DO

Plans are on file and may be examined in the Zoning Department entitled, "Proposed Addition and Alterations for Southwest Community Church" prepared by Jackson and Nunn, Architects and dated 6/27/77.

SUBJECT PROPERTY: The S 443' of the E½ of Gov. Lot 2, in Sect. 21, Twp. 54 South, Range 40E, less and except the E 209' thereof and also the S25' and the West 25' dedicated for Roadway purposes. From NE corner of said property, thence run N/ly a distance of 20' on an extension of the E property line of said parcel to a point. Thence run W/ly 150' parallel to the North property line of said parcel to a point, then run S/ly parallel to the East property line of said parcel a distance of 20' to a point on the North property line of said parcel; thence run E/ly a distance of 150' to the POB. Also the East 209' of the North 209' of the S 443' of the E½ of Gov. Lot 2, in Sect. 21, Township 54 South, Range 40E, less and except the E 25' thereof dedicated Roadway purposes.
LOCATION: 8951 S. W. 44 Street, DADE COUNTY, FLORIDA.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, the Board accepted the Departments' recommendation for dismissal items #4, #5, and #6 as they were not necessary;

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested Modification would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance; and that the requested Special Exceptions would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested dismissal and Modification be and the same are hereby approved;

BE IT FURTHER RESOLVED that the requested Special Exceptions be and the same are hereby approved; subject to the following conditions:

1. That a detailed plot use plan be submitted to and meet with the approval of the Zoning Director; said plan shall include among other things, but not be limited thereto, location of structure or structures, off-street parking areas and driveways, walls, hedges and fences, landscaping, etc.
2. That the use be made to conform to the requirements and/or recommendations of the Dade County Fire Chief and Dade County Department of Public Health.
3. That the use be established and maintained in accordance with the approved plan.
4. That before any use is made of the premises, and before any Certificate of Use and Occupancy is issued for the desired use, written approval be secured from the Dade County Fire Department and County Department of Public Health, that the premises and use comply with their recommendations.
5. That the use be approved for and be restricted to a maximum of 200 children.
6. That the number of grades will be from k-2 through Grade 6.
7. That the hours of operation shall be from 7:00 a.m. to 6:00 p.m.
8. That the play area for the day nursery shall be fully enclosed with a fence of a type and at a location to be approved by the Zoning Director.
9. That the use shall be conducted on the premises on week days only, Monday through Friday inclusive.
10. That the proposed structure, or the addition to the existing structure, be of a residential type and character and meet with the approval of the Zoning Director.
11. That there be no sign permitted in connection with the use.
12. That transportation to be furnished in connection with the use will consist of none vehicles and shall be of a none type said vehicles to be stored on the premises.

13. That the Certificate of Use and Occupancy be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions, and be subject to cancellation upon violation of any of the conditions, or when in the opinion of the Metropolitan Dad County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

14. That the dedication of rights-of-way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way in order to comply with and in accordance with the requirements of the manual of Public Works construction, as may be deemed lacking, desirable and necessary by the Public Works Director.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 7th day of november, 1977.

Heard 11/7/77
Hearing No.77-90-23 Rehrg.
11/21/77
ns

21-54-40
Item No. 75-535

RESOLUTION NO. 4-ZAB-27-76

The following resolution was offered by Mr. Carl W. Rhetta, seconded by Milton I. Starkman, and upon poll of members present, the vote was as follows:

Nancy Brown	aye	Sy Reese	absent
Thelma Demewood	aye	Carl W. Rhetta	aye
Lillian Dickmon	aye	Milton I. Starkman	aye
Margaret C. Nelsen	aye	Edward G. Coll, Jr.	absent

WHEREAS, Southwest Community Church has applied for an UNUSUAL USE to permit a kindergarten and day nursery.

Plans are on file and may be examined in the Zoning Department entitled "Southwest Community Church" prepared by Harry E. Penney & Associates, Architects, and dated 10-73.

SUBJECT PROPERTY: S. 443' of E½ of Gov't. Lot 2, less E. 209' and less S. 25' for road, and less W. 25' for road, consisting of approximately 4.2 acres; and the E. 209' of the N. 209' of the S. 443' of Gov't. Lot 2, less E. 25' for road, consisting of approximately .88 acres--both of the above lots are in 21-54-40.

LOCATION: 8951 SW 44 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested unusual use would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested unusual use to permit a kindergarten and day nursery be and the same is hereby approved, subject to the following conditions:

1. That a detailed plot use plan be submitted to and meet with the approval of the Zoning Director; said plan shall include among other things, but not be limited thereto, location of structure or structures, off-street parking areas and driveways, walls, hedges and fences, landscaping, etc.

2. That the uses be made to conform to the requirements and/or recommendations of the Dade County Fire Chief and Dade County Department of Public Health and State Welfare Department.

3. That the uses be established and maintained in accordance with the approved plan.

4. That the uses be approved for and be restricted to a maximum of 45 children.

5. That the day nursery be restricted to children in the age group of infants to five (5) years old; that the kindergarten be restricted to children in the age group of four (4) years to six (6) years old.

6. That the hours of operation shall be from 7:30 a.m. to 6:00 p.m.

7. That the uses being conducted on the premises are week days only, Monday through Friday inclusive.

8. That the play area for the day nursery and kindergarten shall be enclosed with a fence of a type and at a location to be approved by the Zoning Director.

9. That the proposed structure or the addition to the existing structure be of a residential type and character and meet with the approval of the Zoning Director.

10. That only one sign, not to exceed 1½ sq. ft., will be maintained in connection with the use.

11. That no transportation will be furnished in connection with the uses.

12. That the Certificate of Use and Occupancy be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions and be subject to cancellation upon violation of any of the conditions or when, in the opinion of the Metropolitan Dade County Zoning Appeals Board after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

13. That the dedication of rights-of-way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way in order to comply with and in accordance with the requirements of the manual of Public Works construction as may be deemed lacking, desirable and necessary by the Public Works Director.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 5th day of January, 1976.

Heard 1/5/76
1/21/76
ng

cc: Hearing File
Agnes Pyles
Enforcement Sec.
Public Works Dept.
Public Health
Fire Chief
State Welfare Dept.

January 21, 1976

Southwest Community Church
8951 SW 44 Street
Miami, Florida

Re: Hearing No. 76-1-28. Request for an Unusual Use to permit a kindergarten and day nursery.

Gentlemen:

Enclosed herewith is a copy of Resolution No. 4-ZAB-27-76, adopted by the Metropolitan Dade County Zoning Appeals Board, approving your application concerning the above subject matter.

Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. The required plot use plan should be submitted to this office in triplicate for approval before any detailed plans are prepared, inasmuch as building permits willnot be issued prior to the approval of said plan.

It is necessary that you apply for a Certificate of Use and Occupancy at the Zoning Information Counter of this Department in order to meet the requirements of the approved Resolution. It is then automatically renewable annually by this Department.

You are hereby advised that the decision of the Zoning Appeals Board may be appealed by an aggrieved party (within 14 days) or by the Directors of the Dade County Building and Zoning Department and Planning Department (within 18 days), as is provided in Chapter 33-313 of the Code of Metropolitan Dade County, Florida; and that no permits or Certificate of Use and Occupancy can be issued until the appeal periods have expired, and only if no appeal has been filed. Application for necessary permits and/or Certificate of Use and Occupancy should be made with this Department. The appeal period commences to run two days after the adoption date of the Resolution.

Very truly yours,

Chester C. Czebrinski
Assistant Director

CCC:ng
Enc.

21-54-40
Item No. 74-43

RESOLUTION NO. A-ZAB-432-74

The following resolution was offered by Mr. Carl W. Khetta, seconded by Mrs. Thelma Damewood, and upon poll of members present, the vote was as follows:

Nancy Brown	aye	Carl W. Khetta	aye
Thelma Damewood	aye	Miguel Suarez	absent
Aspee Irani	absent	Albert R. Vari	absent
Robert S. Kaufman	aye	Edward G. Coll, Jr.	aye
Joe H. Moffat	aye		

WHEREAS, Southwest Community Church & Florida Christian School, Inc., has applied for a VARIANCE of setback requirements to permit the maintenance and continued use of an existing single family residence, to wit: a parsonage encroaching 6' into property under other ownership to the North.

Plans of the existing structure may be examined and are on file in the Zoning Department entitled "Southwest Community Church," drawn by Harry E. Penny and Associates dated November, 1973.

SUBJECT PROPERTY: The South 443' of the E½ of Government Lot 2, less the East 809', in Section 21, Township 54, Range 40, and less the South 25' for road purposes.

LOCATION: 8951 S.W. 44th Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested variance would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested variance be and the same is hereby approved, subject to the following condition:

1. That the dedication of rights-of-way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way in order to comply with and in accordance with the requirements of the manual of Public Works Construction, as may be deemed lacking, desirable and necessary by the Public Works Director.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 6th day of September, 1974.

ard 9/6/74
74-9-8
13/74 ng

September 13, 1974

Southwest Community Church
Florida Christian School, Inc.
8951 S.W. 44th Street
Miami, Florida

RE: Request for a Variance of setback requirements. Section 21-54-40. Hearing No. 74-9-8.

Enclosed herewith is a copy of Resolution No. 4-ZAB-432-74, adopted by the Metropolitan Dade County Zoning Appeals Board, approving your application concerning the above subject matter.

If said approval was with conditions, please note same carefully inasmuch as strict compliance therewith will be required.

You are hereby advised that the decision of the Zoning Appeals Board may be appealed by an aggrieved party (within 14 days) or by the Directors of the Dade County Building and Zoning Department and Planning Department (within 18 days), as has been provided in Chapter 33-313 of the Code of Metropolitan Dade County, Florida; and that no permits or Certificate of Use and Occupancy can be issued until the appeal periods have expired, and only if no appeal has been filed. Application for necessary permits should be made with this department. The appeal period commences to run two days after the adoption date of the Resolution.

Very truly yours,

METROPOLITAN DADE COUNTY
BUILDING AND ZONING DEPARTMENT

Chester C. Czebrinski
Assistant Director

CCCng

Enclosure

cc: Hearing File ✓
Agnes Fyles
Public Works Dept.

21-54-40
Item No. 72-395

RESOLUTION NO. 4-ZAB-515-72

The following resolution was offered by Mr. Wilfredo Borroto, seconded by Mr. Carlos Salman, and upon poll of members present, the vote was as follows:

Wilfredo Borroto	aye	Betty S. Page	abstain
Frank P. Catania	aye	Carlos Salman	aye
Edward G. Coll, Jr.	aye	Roger Shaw	absent
Irene Faugno	aye	Jerome C. Berlin	aye
Aspee Irani	aye		

WHEREAS, Louis B. Coverman, Tr., has applied for the following:

SPECIAL EXCEPTION to permit a Church, Sunday School and Fellowship Hall with kitchen facilities.

VARIANCE of setback requirements to permit the proposed church and church-oriented facilities, setback 65' from the side (W) property line and setback 50' from the rear (N) property line (75' required).

Plans of the proposed project may be examined and are on file in the Zoning Dept., entitled "Southwest Community Church" as prepared by Jackson and Munn, Architects and dated June 29, 1972.

SUBJECT PROPERTY: The South 443' of the East ½ of Govt. Lot 2, less the East 209', Section 21, Township 54 South, Range 40 East, and less the South 25' for road, at North side of SW 44 St. approximately 200' West of SW 89 Avenue, Dade County, Florida, and

WHEREAS, an inspection of the subject property was made, and a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested special exception would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance; and that the requested variance would not be compatible with the area and its development and would not be in harmony with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested special exception be and the same is hereby approved, subject to the following conditions:

1. That the dedication of rights-of-way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way in order to comply with and in accordance with the requirements of the manual of Public Works construction, as may be deemed lacking, desirable, and necessary by the Public Works Director.

2. That a detailed plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but not be limited to, type and location of bulletin board or sign, location of structure or structures, offstreet parking areas and driveways, walls, hedges, landscaping, drainage, etc.

3. That in the approval of the plan, the same be basically in accordance with that submitted for the hearing entitled "Southwest Community Church" as prepared by Jackson and Nunn, Architects, dated June 29, 1972.

4. That the use be established and maintained in accordance with the approved plan.

5. No temporary structures or temporary use of any type is to be permitted on the premises.

6. That no occupancy or use of the premises be permitted until the required parking facilities have been improved and installe in accordance with the zoning code requirements.

BE IT FURTHER RESOLVED that the requested variance be and the same is hereby denied without prejudice.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 11th day of October, 1972.

Heard 10/11/72
No. 72-10-37
10/19/72
ugr

Space Above This Line for Recording Data

RESTATED AND MODIFIED EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, by **SOUTHWEST COMMUNITY CHURCH INC.,** whose mailing address and address for any notices pursuant to this Agreement is 8951 SW 44th Street, Miami, Florida 33165, hereinafter referred to as "SWCC", and **FLORIDA CHRISTIAN SCHOOL OF DADE COUNTY, INC.,** whose mailing address and address for any notices pursuant to this Agreement address is 4200 SW 89th Avenue, Miami, Florida 33165, hereinafter referred to as "FCS" (and hereinafter SWCC and FCS may be collectively referred to as "PARTIES"),

WITNESSETH THAT:

WHEREAS, SWCC is the record title holder of that certain real property located in Miami-Dade County, Florida, hereinafter referred to as "SWCC Property" and legally described in **Exhibit "A"** attached hereto and made a part hereof; and

WHEREAS, FCS is the record title holder of that certain real property located in Miami-Dade County, Florida, hereinafter referred to as "FCS Property" and legally described in **Exhibit "B"** attached hereto and made a part hereof; and

WHEREAS, both the SWCC Property and the FCS Property are improved with structures and other improvements (respectively referred to as "SWCC Property Improvements" and FCS Property Improvements"); and

WHEREAS, a portion of a SWCC building, a one story structure, encroaches, upon the FCS Property, ("SWCC Encroachment"), said SWCC Encroachment being more particularly described in **Exhibit "C"** attached hereto and made a part hereof; and

WHEREAS, sometime in 1974, SWCC and FCS made a joint application with Miami-Dade County, Florida for approval of a variance of the setback requirements in order to allow the SWCC Encroachment (Application for Variance"); and

WHEREAS, on or about September 6, 1974, the Metropolitan Dade County Zoning Appeals Board approved the SWCC and FCS joint Application for Variance by passing and adopting Resolution #4-ZAB-432-74; and

WHEREAS, on or about October 19, 1977, FCS and SWCC entered into a written but unrecorded Easement Agreement ("1977 Easement Agreement"), whereby FCS granted SWCC an easement on the FCS Property for the SWCC Encroachment, wherein the 1977 Easement Agreement is restated and modified pursuant to this Agreement. A copy of the 1977 Easement Agreement is attached hereto as **Exhibit "D"** and made a part hereof; and

Initials _____ Initials _____

NOW THEREFORE, in consideration of the premises and the mutual covenants contained herein, the Parties hereby declare as follows:

1. RECITAL WHEREAS CLAUSES. The RECITAL WHEREAS CLAUSES are true and correct and are hereby made an integral part of this Agreement.

2. ENCROACHMENT.

(a) General Easement. FCS, its successors and or assigns, hereby declares, establishes and grants to SWCC, its successors and or assigns, an easement onto and across the FCS Property to allow the continuation of the SWCC Encroachment. Said rights shall be continuous and uninterrupted until terminated pursuant to the provisions of this Agreement.

(b) Access Easement. FCS hereby creates, declares and grants an easement ("Access Easement") over and across the FCS Property in favor of the SWCC Property and SWCC for the purposes of accessing the SWCC Encroachment. The Access Easement shall be a nonexclusive easement appurtenant to the FCS Property in favor of the SWCC Property for the following purposes: (i) for the maintenance, removal and replacement of SWCC Encroachment, and (ii) any other purpose consistent with this Agreement.

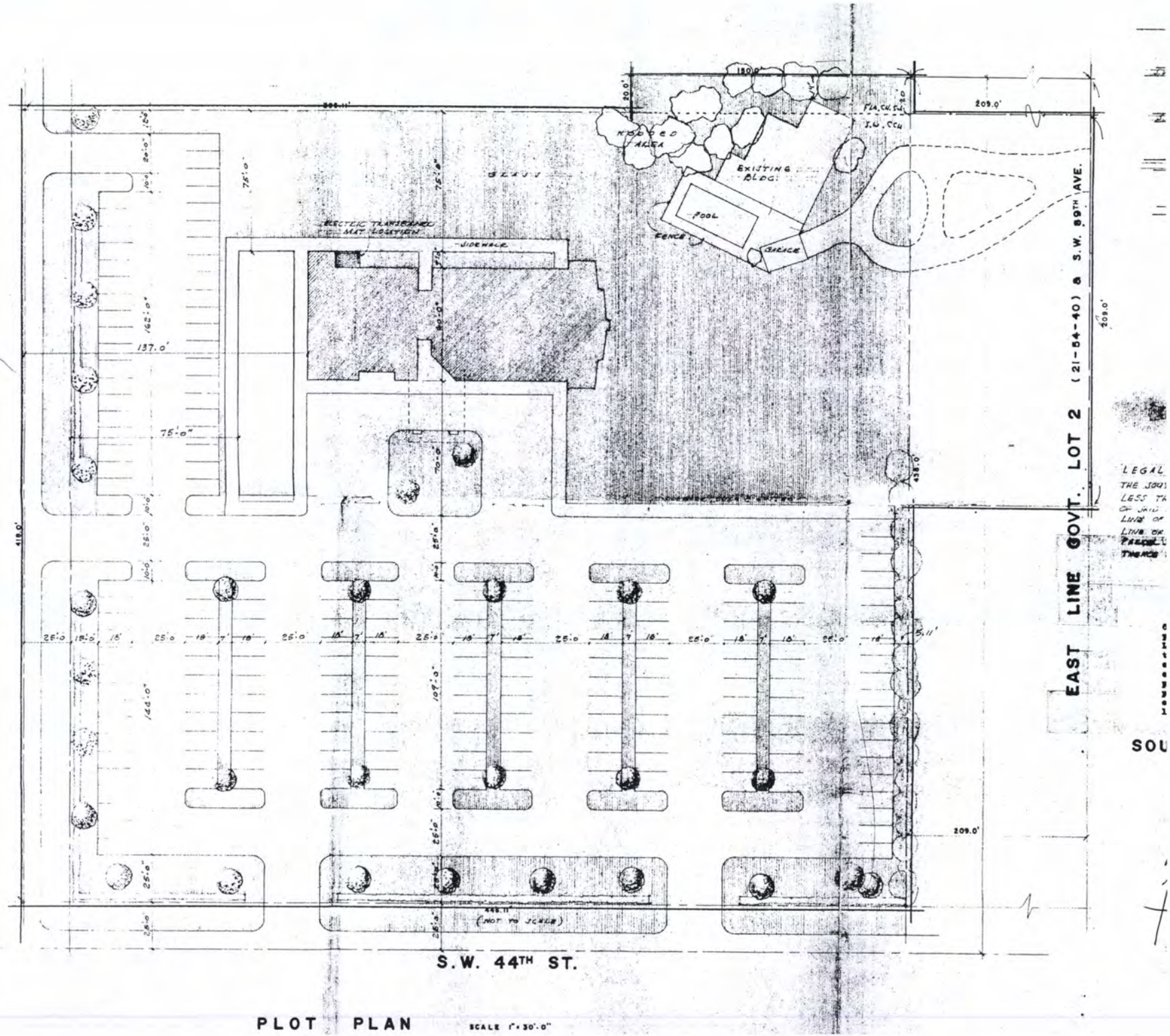
(c) SWCC Maintenance of SWCC Encroachments. SWCC agrees to maintain the SWCC Encroachment in good condition, repair, clean, and free of rubbish and other hazards. All expenses incurred with respect to the maintenance, repair and or replacement of the SWCC Encroachment or any component thereof shall be borne solely by SWCC.

(d) 1977 Easement Agreement. It is agreed and understood by SWCC that the SWCC Encroachment can remain on the FCS Property until FCS deems it necessary, in its sole discretion, to have the SWCC Encroachment removed. SWCC also agrees that the presence of the SWCC Encroachment on the FCS Property does not change or imply any change in FCS's the title or ownership of the FCS Property, which title is held in the name of FCS.

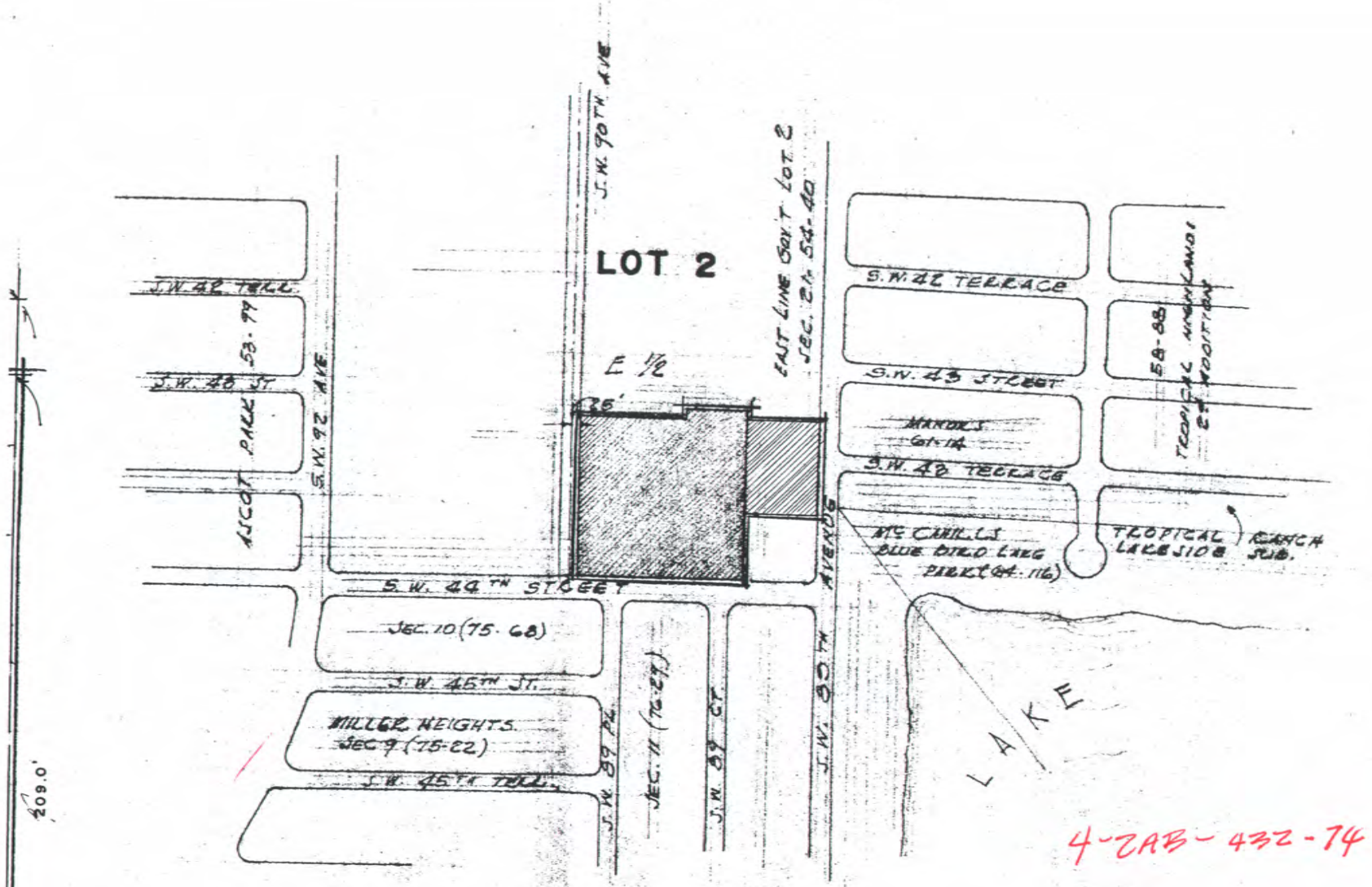
3. TERMINATION.

(a) Termination Notice. Notwithstanding any other provision contained in this Agreement and without being limited by any other provision of this Agreement, either Party may terminate this Agreement requiring the removal of the SWCC Encroachment, by providing the other Party with written notice of the termination date of this Agreement (Termination Notice"). The Termination Notice shall allow a reasonable time in order for SWCC to remove the SWCC Encroachment.

(b) Responsibilities. Each Party will cooperate and coordinate with the other Party regarding the demolition and removal of the SWCC Encroachment. SWCC shall be solely responsible for the expenses to demolish and remove the SWCC Encroachment. Each Party



PLOT PLAN SCALE 1"=30'-0"



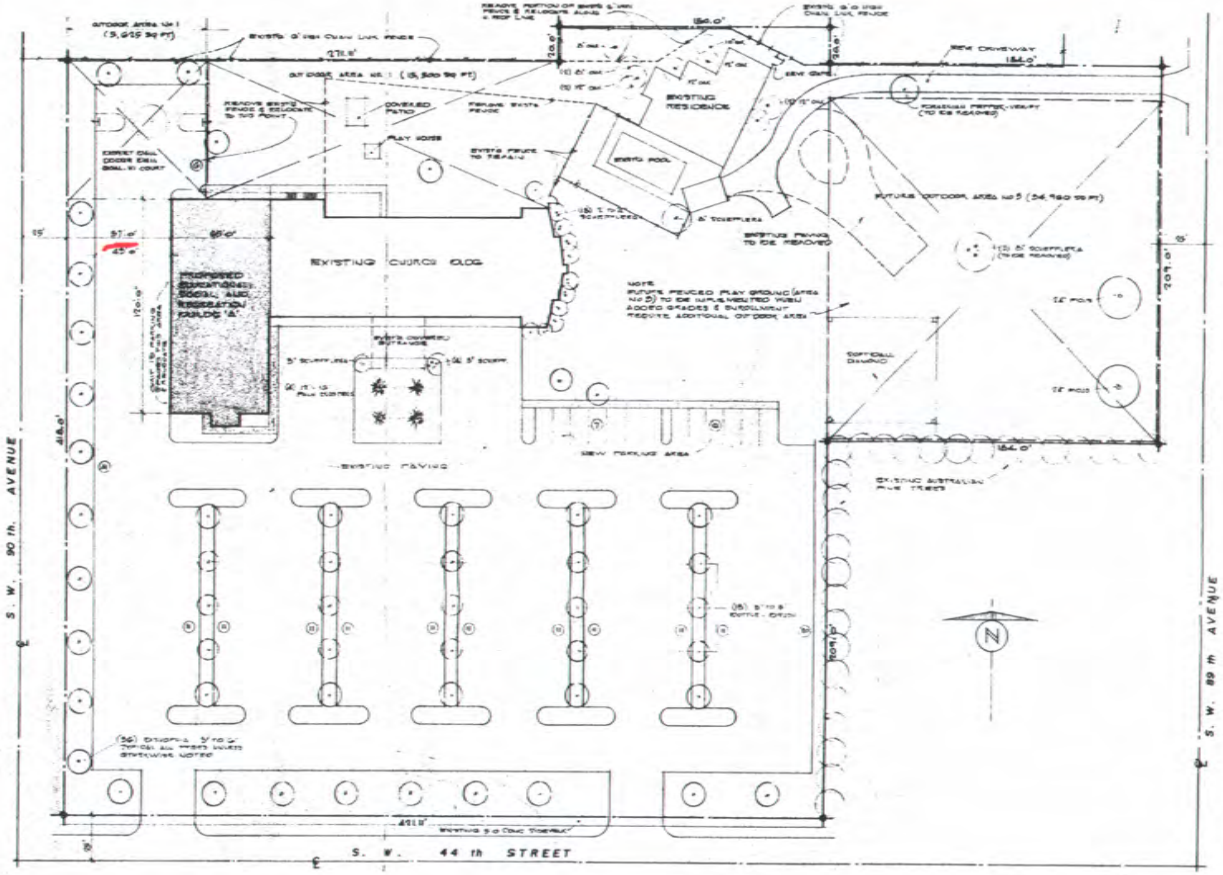
LOCATION SKETCH SCALE 1" = 300'

4-ZAB-432-74

LEGAL DESCRIPTION:

THE SOUTH 443.0' OF E.½ OF GOV'T. LOT 2 IN SEC. 21, TOWNSHIP 54 S., RANGE 40 E., DADE COUNTY, FLORIDA, LESS THE EAST 209.00 FEET THEREOF & THE SOUTH 25 FEET THEREOF FOR THE

4-2AB-418-77 PLANS



SITE , LANDSCAPING & RECREATION AREA PLAN
SCALE 1" = 30.0'

LEGAL DESCRIPTION

THE SOUTH 445 FT. OF THE WEST 1/2 OF GOVERNMENT LOT 2, IN SECTION 21, TWP. 54 S., RANGE 40 E., DADE COUNTY, FLORIDA, LESS & EXCEPT THE WEST 50.0 FT. THEREOF, AND ALSO THE SOUTH 10 FT. & THE WEST 50 FT. OF LOT 1 OF SAID SECTION 21, TWP. & RANGE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WEST PROPERTY LINE OF SAID PARCEL WITH A POINT 10.0 FT. NORTH OF THE SOUTH PROPERTY LINE OF SAID PARCEL; THENCE RUN EASTERLY 50 FT. PARALLEL TO THE SOUTH PROPERTY LINE OF SAID PARCEL TO A POINT; THENCE RUN SOUTHERLY PARALLEL TO THE EAST PROPERTY LINE OF SAID PARCEL A DISTANCE OF 10 FT. TO A POINT ON THE NORTH PROPERTY LINE OF SAID PARCEL; THENCE RUN EASTERLY A DISTANCE OF 180 FT. TO THE POINT OF BEGINNING.
ALSO THE EAST 134.0 FT. OF THE NORTH 209.1 FT. OF THE SOUTH 445 FT. OF THE EAST 1/2 OF GOVERNMENT LOT 2, IN SECTION 21, TWP. 54S., RANGE 40 E., DADE COUNTY, FLORIDA. LESS & EXCEPT THE WEST 15 FT. THEREOF DEDICATED FOR ROADWAY PURPOSES.

PROJECT ANALISIS

LAND AREA 217,480 SQ FT. = 4.992Q ACRES
4.99 ACRES X 37 = 184 STUDENTS (MAX. 37 STUDENTS PER ACRE)

PROJECTED ENROLLMENT = 200 STUDENTS < 40 STUDENT PER ACRE

PRE-SCHOOL & KINDERGARTEN
NURSERY 2 YEAR OLDS = 20 } 1 CLASS ROOM, 1,200 SQ FT AREA
NURSERY 3 YEAR OLDS = 20
KINDERGARTEN 4 YEAR OLDS = 30 } 1 CLASS ROOM
KINDERGARTEN 5 YEAR OLDS = 30

PRIMARY
GRADE 1 - 6 YEAR OLDS = 30 1 CLASS ROOM
GRADE 2 - 7 YEAR OLDS = 30 1 CLASS ROOM

ELEMENTARY
GRADE 3 - 8 YEAR OLDS = 15 1 CLASS ROOM
GRADE 4 9 YEAR OLDS = 15 1 CLASS ROOM
GRADE 5 10 YEAR OLDS = 15 1 CLASS ROOM
GRADE 6 11 YEAR OLDS = 15 1 CLASS ROOM
TOTAL 200 STUDENTS (MIN AREA NEED 5.05 ACRES)

OUTDOOR AREA REQUIRED (RECREATION / PLAY)
LESS THAN 5 YEARS OLD
75 SQ FT PER CHILD 20 X 75 = 1,500
5 TO 7 YEARS OLD
240 SQ FT PER CHILD FIRST 50 50 X 240 = 12,000
180 SQ FT PER CHILD THEREAFTER 90 X 180 = 15,900
27,000 (6 STRUCTURES)
8 TO 7 YEARS OLD
300 SQ FT PER CHILD FIRST 50 50 X 300 = 15,000
300 SQ FT PER CHILD THEREAFTER 50 X 300 = 9,000
TOTAL STUDENTS = 200 TOTAL = 45,000 SQ FT NEED

OUTDOOR AREA PROVIDED (RECREATION / PLAY)
AREA NO 1 8,695 SQ FT
AREA NO 2 19,500 SQ FT
TOTAL 21,195 SQ FT
AREA NO 3 (FUTURE) 34,960 SQ FT
55,085 SQ FT

TREES REQUIRED
10 TREES FIRST 3 ACRES = 30
15 TREES NEXT 2 ACRES = 30
TOTAL 60 TREES NEED

TREES PROVIDED (EXISTING)
CHINOPIA 26
SCHEFFLERA 27 (9 TO BE REMOVED)
BOTTLE BRUSH 13
OAK 10
CLUSTER PALM 4
PINE 5
BRAZILIAN PEPPER 1 (TO BE REMOVED)
TOTAL 93 EXISTING TREES
TO BE REMOVED -6
TOTAL 87 TREES PROVIDED

CLASS ROOM SIZES

	REQUIRED	PROVIDED
NURSERY - 50 SQ FT PER CHILD	40 X 35 = 1,400 SQ FT	5,292
KINDERGARTEN 35 SQ FT PER CHILD	60 X 35 = 2,100 SQ FT	2,808
GRADES 1ST 21 SQ FT PER CHILD	40 X 27 = 1,080 SQ FT	(21 X 644) = 1,365
GRADES 2 THRU 8 20 S.F. PER CHILD	60 X 30 = 1,800 SQ FT	(24 X 378) = 9,360
	TOTAL 6,980 SQ FT	TOTAL 9,068 SQ FT

EXIST. # CLASS ROOM AREAS

EXISTING BUILDING

		CLASS ROOM SPACE
FIRST FLOOR	1,890 SQ FT	464 SQ FT
SECOND FLOOR	3,780 SQ FT	2,320 SQ FT
	4,670 SQ FT	2,784

BUILDING 'A'

FIRST FLOOR	6,000 SQ FT	5,616 SQ FT
SECOND FLOOR	6,000 SQ FT	1,288 SQ FT
	12,000 SQ FT	6,904 SQ FT
	16,670	2,784

TOTAL BLDG AREA 28,670 TOTAL CLASS RM. AREA 9,688 SQ FT
TOTAL CLASS ROOM AREA = 9,688
NON CLASS RM AREA = 18,982 SQ FT

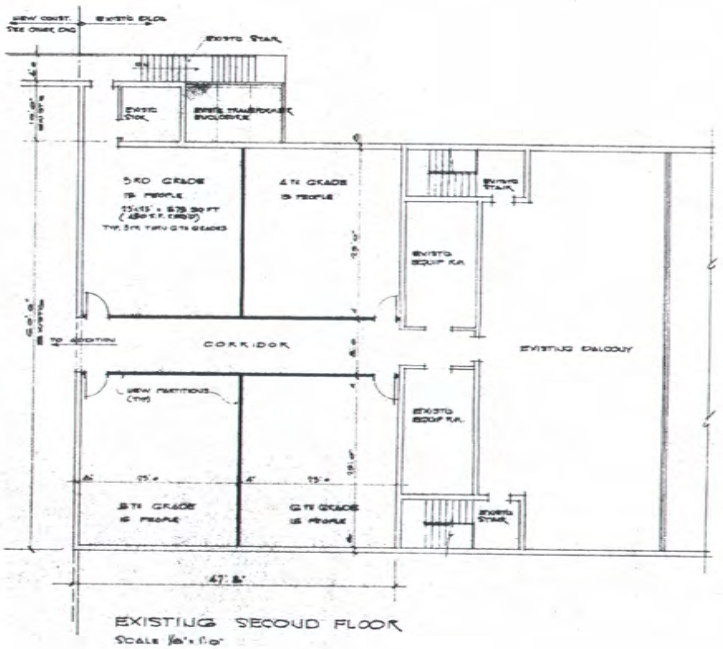
PARKING
TOTAL CARS NEED (CHURCH) 665 SEATS ÷ 4 = 167
TOTAL CARS PROVIDED EXISTING (VARIES TO RELOCATED SPACES) 190 SPACES

RECEIVED 77-20 OCT 04 1977 DADE CO. BLDG. & ZONING DEPT. BY:

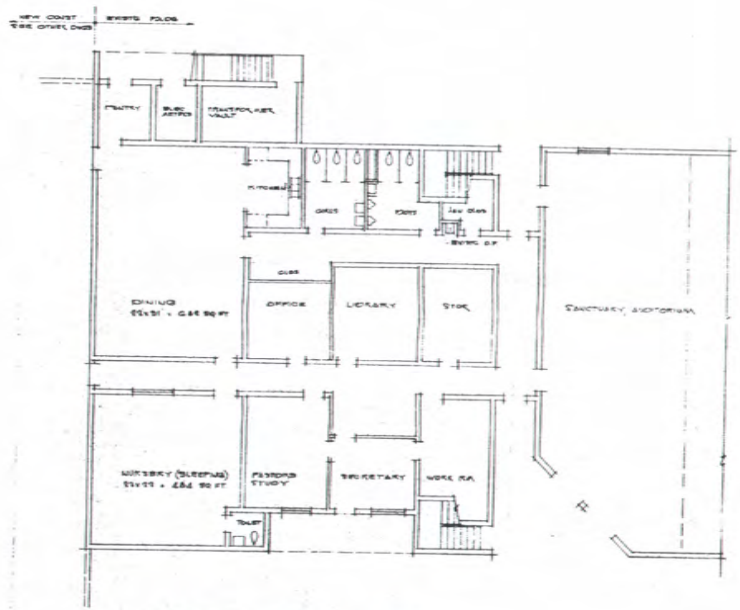
ADDITION & ALTERATIONS FOR SOUTHWEST COMMUNITY CHURCH
AT: S.W. 44 TH. STREET MIAMI, FLORIDA

JACKSON & NUNN ARCHITECTS AIA

JOB NO. 7720
DATE 10-18-77
DRAWING SP-1



EXISTING SECOND FLOOR
SCALE 1/8"=1'-0"



EXISTING FIRST FLOOR
SCALE 1/8"=1'-0"

RECEIVED
77-60
OCT 24 1977
DADE ... & ZONING
BY: ...

ADDITION & ALTERATIONS FOR
SOUTHWEST COMMUNITY CHURCH
8981 S.W. 44TH STREET
MIAMI, FLORIDA

AIA

JACKSON & NUNN
ARCHITECTS
MIAMI, FLORIDA

COMM. NO. 7720
DATE 10-18-77
CHECKED
DRAWING A-1