

WALTON LANTAFF SCHROEDER ATKINS CARSON & WAHL

ATTORNEYS AT LAW

919 ALFRED I. DUPONT BUILDING  
MIAMI 32, FLORIDA

MILLER WALTON  
WILLIAM C. LANTAFF  
LAURENCE A. SCHROEDER  
C. CLYDE ATKINS  
SAMUEL O. CARSON  
JOHN H. WAHL, JR.  
ROBERT L. CASEY  
RICHARD J. THORNTON  
JAMES KNIGHT  
EDWARD J. ATKINS  
CHALMERS R. WILSON  
RICHARD A. PETTIGREW  
WILLIAM F. SIMONET  
AUBREY V. KENDALL

August 18, 1959

*file*  
TELEPHONE FRANKLIN 9-6411  
CABLE ADDRESS "WALHUB"

Honorable Darrey A. Davis  
County Attorney  
Metropolitan Dade County  
1626 Courthouse  
Miami 32, Florida

16-54-40  
RE: Reconveyance by Dade County of  
dedication of N 25' of S $\frac{1}{2}$  of SE $\frac{1}{4}$   
of NE $\frac{1}{4}$  and SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of  
Sec. 16-54S-40E.  
Our file 3495-33

Dear Darrey:

So that you will have the full background anent the  
above request, I enclose copy of my letter of July 23  
to the Dade County Building and Zoning Department.

I have reviewed Sections 336.09 and 336.10 Florida  
Statutes 1957. A close reading of the latter section  
would indicate that the publishing of a notice and a  
public hearing are necessary when the right or interest  
of the County in any land is "delineated on any recorded  
map or plat as a road". As I stated at the County  
Commission meeting, no previous effective dedication of  
this strip was made. The only interest of the County or  
the public was acquired through the conveyance by Joseph  
P. Hurley as Bishop of the Diocese of St. Augustine, in  
March, 1954.

We are extremely anxious to obtain a reconveyance of the  
above strip so that proper paving and fencing can be made  
across this 25-foot strip. The paving and fencing must  
be completed before the dedication ceremony scheduled  
September 7.

COPY

Honorable Darrey A. Davis  
August 18, 1959  
Page 2

Bishop Carroll assured me that a 25-foot right of way will be conveyed to the County on the north side of the adjacent thirty acres which are being acquired from Mr. Redfearn.

Sincerely yours,

C. CLYDE ATKINS

CCA/jh  
enc.

cc. Dade County Building and Zoning Department

P. S. I wish to emphasize that this 25' strip in question has never been used for road purposes, which precludes the necessity of treating this as an abandonment or closing of a road.

August 7, 1959

Walton Lentaff Schroeder Atkins Carson & Wahl  
919 Alfred I. DuPont Building  
Miami 32, Florida

ATTENTION: Mr. Clyde Atkins

Gentlemen:

This will acknowledge receipt of your letter of July 23, 1959, in reference to a right of way dedication on the NE $\frac{1}{4}$  of Sec. 16-54-40.

I have attempted to run down the current procedure involved in the processing of a request for the return of right of way dedications, and have been advised that the request should be initiated on forms available at the Public Works Department in the Aviation Building on N. W. 27th Avenue.

I have discussed the matter with Mr. E. A. Anderson, County Engineer, and he has suggested that you contact him directly concerning this matter.

I am forwarding your letter to Mr. Anderson, together with a copy of this letter.

Very truly yours,

METROPOLITAN DADE COUNTY BUILDING AND ZONING DEPARTMENT

Chester C. Czebrinski  
Assistant Director

CCC/mc

cc: Very Reverend Monsignor James F. Nolan  
6301 Biscayne Blvd.

Cook

CCC

File ✓

E. A. Anderson

WALTON, HUBBARD, SCHROEDER, LANTAFF & ATKINS

MILLER WALTON  
EDWIN L. HUBBARD  
LAURENCE A. SCHROEDER  
WILLIAM C. LANTAFF  
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RICHARD J. THORNTON  
WEYMAN HICKEY

ATTORNEYS AT LAW  
916 ALFRED I. DUPONT BUILDING  
MIAMI 32, FLORIDA

TELEPHONE 2-8425  
CABLE ADDRESS "WALHUB"

JAMES KNIGHT  
EDWARD J. ATKINS\*  
THOMAS N. BALIKES  
CHALMERS R. WILSON

May 18, 1954

Mr. Jesse H. Yarborough  
Vice Chairman  
Board of County Commissioners  
Court House  
Miami, Florida

Re: S $\frac{1}{2}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  and SE $\frac{1}{4}$  of  
SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 16, Town-  
ship 54 South, Range 40 East

Dear Jesse:

On March 16, by Resolution 6817, the Board of County Commissioners of Dade County approved the use of the above property by the Diocese of St. Augustine for a high school, subject to the giving of perimeter rights-of-way. The right-of-way deed furnished by the County Engineer was properly executed and returned, so that all conditions of the resolution have been met.

It now develops that the Diocese would like also to use a portion of this property for church purposes, which would include a rectory and, ultimately, a convent and a social center. Since these uses would normally seem to be a higher classification than that of a high school, I assumed that no further use approval was required. However, in writing Chet Czebrinski about it, he sent me the enclosed letter dated May 3.

I have since discussed this matter with Chet and he has suggested that I review it with you, since it is my opinion that the interpretation given is quite technical. It would seem to me that because church use would involve primarily a Sunday operation, while a high school would be operated five days a week, there would be less objection ordinarily to a church than to

Mr. Jesse H. Yarbrough  
May 18, 1954  
Page Two

a school use. Certainly, if a high school could be constructed on this property, there would be no basis for restricting the construction of a grammar and junior high school.

Sincerely yours,

CCA:dc  
Enclosure

A handwritten signature in cursive script, appearing to read "Hyde". The signature is written in dark ink and is positioned to the right of the typed name "Hyde".

c  
o  
p  
y

*Amelia Reed,*  
*to include was*  
*requested*  
*of y*  
*cook*

DADE COUNTY

Office of  
Planning, Zoning & Building Department  
1403 Court House  
Miami 32, Florida

May 3, 1954

C. Clyde Atkins, Attorney at Law  
916 Alfred I. duPont Building  
Miami, Florida

Re: S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  and SE $\frac{1}{4}$  NE $\frac{1}{4}$   
of Section 16, Township 54  
South, Range 40 East

Dear Clyde:

Resolution No. 6817, adopted by the Board of County Commissioners of Dade County, Florida, approved the aforescribed property for high school purpose only, and I do not believe that it is broad enough to permit the church rectory, convent and social center uses.

I would suggest that an application be filed requesting approval for the use. Incidentally, I have checked our records and cannot find that any building permit has been issued for the construction of the church auditorium.

Very truly yours,

DADE COUNTY PLANNING, ZONING AND BLDG. DEPT.

/s/ Chester C. Czebrinski  
C. C. Czebrinski

CCC:m

*Hubbard*

WALTON, HUBBARD, SCHROEDER, LANTAFF & ATKINS

MILLER WALTON  
EDWIN L. HUBBARD  
LAURENCE A. SCHROEDER  
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MIAMI 32, FLORIDA

TELEPHONE 2-8425  
CABLE ADDRESS "WALHUB"

JAMES KNIGHT  
EDWARD J. ATKINS\*  
THOMAS N. BALIKES  
CHALMERS R. WILSON

April 29, 1954

Mr. C. C. Czebrinski  
Dade County Planning, Zoning & Building Dept.  
1403 Court House  
Miami 32, Florida

Re: S $\frac{1}{2}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  and SE $\frac{1}{4}$  of NE $\frac{1}{4}$   
of S16, T54S, R40E

Dear Chet:

Under Resolution 6817 adopted by the Board of County Commissioners on March 16, 1954, use of the above property for a high school was approved, subject to dedication of such rights-of-way as may be required.

Confidentially, it has now been determined that a portion of this property will also be used as a parish site. Actually, I believe that construction may have already begun of a church auditorium. Since use for church, rectory, convent and social center purposes may well be a higher classification than that of a high school, I assume that no further use approval is required.

However, if there is any question about this, please let me know immediately, as I would like to avoid any complication with respect to this matter.

Sincerely yours,

*Clyde Atkins*

CCA:dc

RECEIVED  
APR 30 1954  
CO. PLANNING, ZONING  
& BLDG. DEPT.

March 23, 1954

Joseph P. Hurley, as Bishop of the Diocese  
of St. Augustine  
c/o C. Clyde Atkins, Esquire  
913 Alfred I. duPont Building  
Miami, Florida

Your Excellency:

Enclosed herewith are two certified copies of Resolution  
No. 6817, adopted by the Board of County Commissioners of Dade County,  
Florida, approving the use of a portion of the NE $\frac{1}{4}$  of Section 16,  
Township 5 $\frac{1}{2}$  South, Range 40 East for high school purposes.

Very truly yours,

DADE COUNTY PLANNING, ZONING AND BLDG. DEPT.

C. C. Czebrinski

GCC:M  
Enc. 2  
CC L. O. Rogers

SW 32 St., bet. SW 87 and 90 Aves.

I-14



WALTON, HUBBARD, SCHROEDER, LANTAFF & ATKINS

MILLER WALTON  
EDWIN L. HUBBARD  
LAURENCE A. SCHROEDER  
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ATTORNEYS AT LAW  
916 ALFRED I. DUPONT BUILDING  
MIAMI 32, FLORIDA

TELEPHONE 2-8425  
CABLE ADDRESS "WALHUB"

March 12, 1954

DELIVERED

Mr. Chester Czebrinski  
Dade County Planning, Zoning & Building Dept.  
Dade County Court House  
Miami, Florida

Re: The N 25 feet and the S 35 feet and  
the E 35 feet of the S $\frac{1}{2}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$   
and  
The N 25 feet and the W 25 feet and  
the S 35 feet of the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$   
  
all in Section 16, Township 54 South,  
Range 40 East, Dade County, Florida.

*sent to Co  
Enger 3/16/54*

Dear Chet:

I enclose Right-of-Way Deed from Joseph P. Hurley,  
as Bishop of the Diocese of St. Augustine, effecting  
conveyance to Dade County of the rights-of-way re-  
quested as to the above property.

This deed is being delivered to you upon the condi-  
tion that the requested rezoning will be granted.  
The County Engineering Department drafted the deed.

I should appreciate your delivering the deed to the  
proper person in the Engineering Department and  
sending me two executed or conformed copies of the  
resolution making the zoning change.

I very much appreciate your patience and coopera-  
tion.

Sincerely yours,

CCA:lb  
Enclosure

*Clyde Atkins*

**RECEIVED**  
MAR 12 1954  
DADE CO. PLANNING & ZONING  
& BLDG. DEPT.