

Date: **October 6, 2009**

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

Agenda Item No. 8(P)(1)(H)

From: George M. Burgess  
County Manager



Resolution No. R-1163-09

Subject: Amendment of Legal Description for Resolution R-1279-04,  
Section 21-53-41

**Recommendation**

On October 19, 2004 the Board of County Commissioners (BCC) approved Resolution No. R-1279-04 (attached) which designated a portion of Miami-Dade County owned property as road right-of-way for SW 47 Street and SW 162 Avenue in Section 21, Township 53 South, Range 41 East, Miami-Dade County, Florida. It was later determined that the legal description for the subject resolution was incorrect. It is therefore recommended that the Resolution be amended to reflect the correct legal description.

**Scope**

The property on the subject resolution is located within Commission District 11.

**Fiscal Impact/Funding Source**

There is no fiscal impact associated with this item.

**Track Record/Monitor**

Not Applicable.

**Background**

The Park and Recreation Department (PRD), in an effort to improve the Eden Lakes Park, applied for a permit. Through the permitting process it was revealed that the legal description was incorrect. As such the legal description, which is part of the subject resolution approved by the BCC, requires an amendment in order to properly locate the right-of-way designation within the zoned right-of-way adjacent to the PRD property. The corrected legal description should read as stipulated in Exhibit "A" (attached).

The planned improvements include landscaping, a playground, five (5) rain shelters and a parking lot with capacity for 15 cars. The correction of the legal description has not affected the development schedule for the park, and the project is planned to go out for bidding in September 2009. Award would ensue thereafter within approximately 90 to 120 days, with construction scheduled to begin in January 2010.

The Directors of the Park and Recreation and Public Works Department agree upon the need to correct the aforementioned legal description.



Assistant County Manager



# MEMORANDUM

(Revised)

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

**DATE:** October 6, 2009

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

**SUBJECT:** Agenda Item No. 8(P)(1)(H)

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

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(P)(1)(H)  
10-6-09-

RESOLUTION NO. R-1163-09

RESOLUTION AMENDING A LEGAL DESCRIPTION FOR RESOLUTION NO. R-1279-04 TO REFLECT THE CORRECT LOCATION FOR A DESIGNATION OF A PORTION OF MIAMI-DADE COUNTY OWNED PROPERTY FOR ROAD RIGHT-OF-WAY AT SW 162 AVENUE AND SW 47 STREET, IN SECTION 21, TOWNSHIP 53 SOUTH, RANGE 41 EAST

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, on October 19, 2004 the Board of County Commissioners (Board) approved Resolution No. R-1279-04 designating as right-of-way a portion of a County owned property located at SW 162 Avenue and SW 47 Street; and

**WHEREAS**, the legal description made part of said resolution was incorrect,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, THAT:**

This Board hereby amends Resolution No. R-1279-04 to reflect the correct legal description for the aforementioned designation to read as follows:

See Exhibit "A" attached.

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	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of October, 2009. 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.

Thomas Goldstein

## **Exhibit "A"**

### **Legal Description**

A portion of Tract 36, in Section 20, Township 54 South, Range 39 East according to the Plat of "The Subdivision of Miami Everglades Land Company Ltd" as recorded in Plat Book 2, Page 3 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

The West 25 feet of the South 1/2 of said Tract 36

And

The West 25 feet and the North 25 feet of the North 1/2 of said Tract 36, and the external area of the 25 foot radius return at the intersection of the east line of the West 25 feet and the south line of the North 25 feet of said North 1/2 of Tract 36 .

STATE OF FLORIDA            )  
  )  
COUNTY OF MIAMI-DADE    )        SS:

**I, HARVEY RUVIN**, Clerk of the Circuit Court in and for Miami-Dade County, Florida and Ex-Officio Clerk of the Board of County Commissioners of Said County, **Do Hereby Certify** that the above and foregoing is a true and correct copy of Resolution No. R-1279-04 adopted by said Board of County Commissioners at its meeting held on October 19, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on  
This 2nd day of July 2009.

**HARVEY RUVIN**, Clerk  
Board of County Commissioners  
Dade County, Florida



By *Clifford Adams*  
Deputy Clerk

Board of County Commissioners  
Miami-Dade County, Florida

**Memorandum**

Date: October 19, 2004

Agenda Item No. 7(P)(1)(P)

To: Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

From: George M. Burgess  
County Manager

Subject: Resolution Designating a Portion of Miami-Dade County Owned Property as Road  
Right-of-Way for SW 47 Street and SW 162 Avenue in Section 20-54-39

**RECOMMENDATION**

It is recommended that the Board approve the attached resolution designating a portion of Miami-Dade County owned property as road right-of-way for SW 47 Street and SW 162 Avenue, in Section 20, Township 54 South, Range 39 East, Miami-Dade County, Florida.

**BACKGROUND**

The subject property, owned by Miami-Dade County's Park and Recreation Department (PRD) is located at SW 47 Street and SW 162 Avenue. The site was previously acquired for the construction of a park. Portions of this property, as illustrated in Exhibit "A", lie within the zoned right-of-way for SW 47 Street and SW 162 Avenue and needs to be dedicated to satisfy zoning requirements. PRD remains responsible for the construction of all necessary improvements such as pavement, sidewalks, etc, on the subject property, upon request by the Public Works Department or at such time as the adjacent park is developed.

The Directors of PRD and Public Works Department agree upon the public benefits to be derived from the dedication of this parcel for road right-of-way purposes.

  
Assistant County Manager

7



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** October 19, 2004

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 7(P)(1)(P)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 7(P)(1)(P)

Veto \_\_\_\_\_

10-19-04

Override \_\_\_\_\_

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

RESOLUTION NO. R-179-04

RESOLUTION DESIGNATING A PORTION OF MIAMI-DADE COUNTY OWNED PROPERTY AS ROAD RIGHT-OF-WAY FOR SW 47 STREET AND SW 162 AVENUE, IN SECTION 20, TOWNSHIP 54 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA

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 this Board hereby designates and declares the following described lands, owned by Miami-Dade County, as public road right-of-way, to wit:

The East 25 feet of the West 35 feet of the South 1/2 of Tract 36, in Section 20, Township 54 South, Range 39 East according to the Plat of The Subdivision of Miami Everglades Land Company LTD as recorded in Plat Book 2, Page 3 of the Public Records of Miami-Dade County, Florida.

AND

The East 25 feet of the West 35 feet and the South 25 feet of the North 35 feet, and the external area of the 25 radius return at the intersection of the East line of the East 25 feet of the West 35 feet with the South line of the South 25 feet of the North 35 feet at the Northwest corner of the North 12 of Tract 36, in Section 20, Township 54 South, Range 39 East according to the Plat of the "Subdivision of the Miami Everglades Land Company LTD" as recorded in Plat Book 2, Page 3 of the Public Records of Miami-Dade County, Florida.

3 9

THE FOREGOING  
RESOLUTION TO  
The foregoing resolution was offered by Commissioners  
Sen. Javier D Souto who moved its adoption. The motion was seconded by

Commissioner Joe A Martinez and upon being put to a  
vote, the vote was as follows:

	Dr. Barbara Carey-Shuler, Chairperson	aye
	Katy Sorenson, Vice-Chairperson	aye
Bruno A. Barreiro	absent	
Betty T. Ferguson	absent	
Joe A. Martinez	aye	
Dennis C. Moss	aye	
Natacha Seijas	absent	
Sen. Javier D. Souto	aye	
	Jose "Pepe" Diaz	aye
	Sally A. Heyman	aye
	Jimmy L. Morales	absent
	Dorrian D. Rolle	aye
	Rebeca Sosa	aye

The Chairperson thereupon declared the resolution duly passed and adopted this 19<sup>th</sup> day of October, 2004. 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: KAY SULLIVAN  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Thomas Goldstein

10