



MEMORANDUM

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

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

DATE: **October 7, 2003**

FROM: George M. Burgess
County Manager

SUBJECT: Resolution Authorizing the Exchange of Property Rights with Century Partners Group, LTD., in Section 34, Township 53 South, Range 40 East, Miami-Dade County, Florida and Authorizing Execution of a County Quit Claim Deed and Disclaimer

RECOMMENDATION

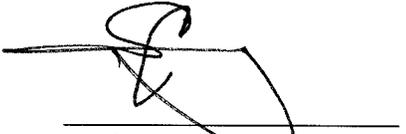
It is recommended that the Board approve the attached resolution authorizing an exchange of property rights between Miami-Dade County and Century Partners Group, LTD, a Florida Limited Partnership, in order to obtain additional right-of-way needed for the construction of the NW 25 Street Viaduct project from NW 67th Avenue to NW 89th Court.

BACKGROUND

Miami-Dade County accepted, at no cost to the public, the dedication of a portion of NW 87th Avenue which is described in Exhibit "A" and illustrated in Exhibit "C" (both attached hereto and made a part hereof) through a Right-of-Way Deed recorded in Official Record Book 13507, Page 1067, of the Public Records of Miami-Dade County. Said dedication, which is adjacent to land now owned by Century Partners Group, LTD, was made to accommodate an additional right turn lane; however, a portion of the land dedicated was not used and is no longer needed as right-of-way for NW 87th Avenue.

The Florida Department of Transportation (FDOT), in cooperation with Miami-Dade County, wishes to improve the intersection of NW 87th Avenue at NW 25th Street as part of the NW 25th Street Viaduct project. These improvements will require an additional dedication of land for right-of-way from Century Partners Group, LTD, as described in Exhibit "B" (attached hereto and made a part hereof) and also illustrated in said Exhibit "C". FDOT has requested that the County exchange the previously mentioned unused portion of NW 87th Avenue right-of-way for the additional right-of-way needed from Century Partners Group, LTD, in order to obtain said additional right-of-way at no cost to the public.

The Public Works Director recommends that this property exchange be approved as being in the best interest of the County. The attached Public Notice (made a part hereof) has been published in compliance with Chapter 125.37 of the Florida Statutes.



Assistant County Manager
Pedro G. Hernandez



MEMORANDUM

(Revised)

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

DATE: October 7, 2003

FROM: Robert A. Ginsburg
County Attorney

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

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)(A)

Veto _____

10-7-03

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE EXCHANGE OF PROPERTY RIGHTS WITH CENTURY PARTNERS GROUP, LTD., IN SECTION 34 TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, AND AUTHORIZING EXECUTION OF A COUNTY QUIT CLAIM DEED AND DISCLAIMER

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 (1) approves the proposed change of property rights between Miami-Dade County and Century Partners Group, LTD., a Florida Limited Partnership; (2) authorizes acceptance of a Right-of-Way Deed for lands described in attached Exhibit "B" road purposes from Century Partners Group, LTD., a Florida Limited Partnership; (3) authorizes the execution and delivery of a Miami-Dade County Quit Claim Deed and a Miami-Dade County Disclaimer for road right-of-way not needed by Miami-Dade County as described in attached Exhibit "A", in substantially the form attached hereto and made a part hereof; (4) authorizes the Mayor or Vice Mayor to execute said Miami-Dade County Quit Claim Deed and said Miami-Dade County Disclaimer for and on behalf of Miami-Dade County; and (5) authorizes the Director of the Department of Public Works to cause said Right-of-Way Deed, said Quit Claim Deed and said Disclaimer to be recorded among the Public Records of Miami-Dade County, Florida.

The foregoing resolution 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 2003. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Thomas Goldstein



EXHIBIT "A"

A portion of NW 87th Avenue Right of Way as shown on BEACON CENTER OFFICE BUILDING, according to the plat thereof as recorded in Plat Book 157, at Page 78, of the Public Records of Miami-Dade County, Florida, lying in the Northwest one-quarter (NW 1/4) of Section 34, Township 53 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of Tract "D" of said BEACON CENTER OFFICE BUILDING; THENCE South 1°48'55" East, along the East Right of Way line of said NW 87th Avenue and also being the West line of said Tract "D", for a distance of 61.08 feet to the POINT OF BEGINNING; THENCE continue South 1°48'55" East, along the East Right of Way line of NW 87th Avenue and along said West line of Tract "D", for a distance of 80.80 feet; THENCE run South 88°11'05" West for a distance of 8.32 feet to a point on said East Right of Way line and said West line of Tract "D"; THENCE run North 0°16'32" West for a distance of 49.01 feet; THENCE run North 10°35'43" East for a distance of 32.57 feet to the POINT OF BEGINNING.

Containing 486 square feet, more or less.

EXHIBIT "B"

A portion of Tract "D", of BEACON CENTER OFFICE BUILDING, according to the Plat thereof as recorded in Plat Book 157, at Page 78, of the Public Records of Miami-Dade County, Florida, lying in the Northwest one-quarter (NW 1/4) of Section 34, Township 53 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of said Tract "D"; THENCE North $89^{\circ}41'00''$ East, along the North line of said Tract "D", for a distance of 4.00 feet; THENCE run South $1^{\circ}48'55''$ East, 4.00 feet East of and parallel with the East Right of Way line of NW 87th Avenue, for a distance of 42.79 feet; THENCE run South $10^{\circ}35'12''$ West for a distance of 18.62 feet to a point on said East Right of Way line, THENCE run North $1^{\circ}48'55''$ West, along said East Right of Way line, for a distance of 61.08 feet to the POINT OF BEGINNING.

Containing 208 square feet, more or less.

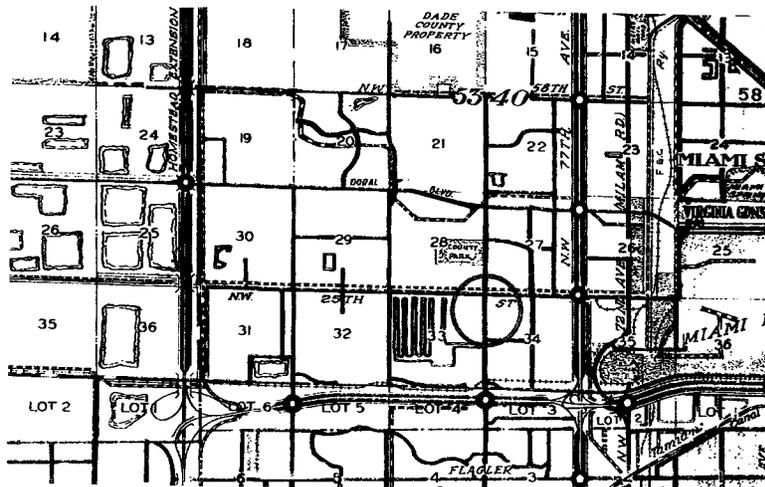
AND

BEGIN at the Northwest corner of said Tract "D"; THENCE South $1^{\circ}48'55''$ East, along the West line of said Tract "D", said line also being the East Right of Way line of N.W. 87th Avenue, for a distance of 141.88 feet; THENCE South $88^{\circ}11'05''$ West, along said East Right of Way line of N.W. 87th Avenue, for a distance of 8.32 feet to the POINT OF BEGINNING; THENCE South $0^{\circ}16'32''$ East for a distance of 137.08 feet to the Southwest corner of said Tract "D" ; THENCE run North $1^{\circ}48'55''$ West, along said West line of Tract "D" and along said East Right of Way line of N.W. 87th Avenue, for a distance of 137.03 feet; THENCE run North $88^{\circ}11'05''$ East, along said West line of said Tract "D" and along said East Right of Way line of N.W. 87th Avenue, for a distance 3.68 feet to the POINT OF BEGINNING.

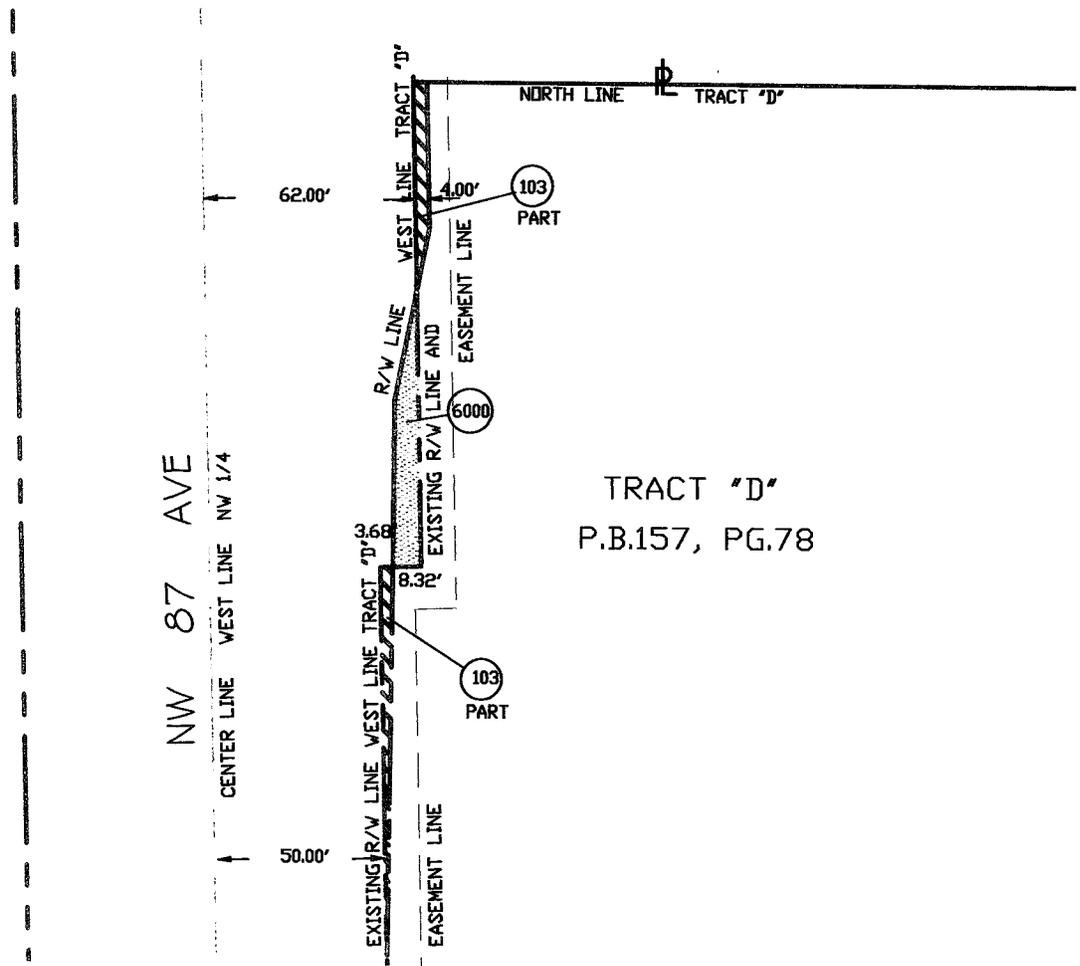
Containing 252 square feet, more or less.

Both containing a total area of 460 square feet.

SEC 34
TWP 53 S
RGE 40 E



LOCATION MAP Not to Scale



TRACT "D"
P.B.157, PG.78

-  Area to be Disclaimed by the County
-  Area to be Dedicated to the County

Not to Scale

EXHIBIT "C"



NOT A SURVEY

MIAMI-DADE COUNTY FLORIDA

NOTICE OF PROPOSED EXCHANGE
OF REAL PROPERTY INTERESTS

Pursuant to Section 125.37, Florida Statutes, the Board of County Commissioners of Miami-Dade County, Florida, hereby gives notice that at its regular meeting on October 7, 2003, in the Commission Chambers at the Stephen P. Clark Center, 111 N.W. 1st Street, Miami, Florida 33130, it will consider a proposed exchange of real property interests whereby Century Partners Group, LTD., a Florida Limited Partnership, will convey to Miami-Dade County a road right-of-way interest in real property located approximately 413 feet South of NW 25th Street and East of N.W. 87th Avenue, being more particularly described as follows, to-wit:

A portion of Tract "D", of BEACON CENTER OFFICE BUILDING, according to the Plat thereof as recorded in Plat Book 157, at Page 78, of the Public Records of Miami-Dade County, Florida, lying in the Northwest one-quarter (NW 1/4) of Section 34, Township 53 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of said Tract "D"; THENCE North 89°41'00" East, along the North line of said Tract "D", for a distance of 4.00 feet; THENCE run South 1°48'55" East, 4.00 feet East of and parallel with the East Right of Way line of NW 87th Avenue, for a distance of 42.79 feet; THENCE run South 10°35'12" West for a distance of 18.62 feet to a point

on said East Right of Way line, THENCE run North 1° 48'55" West, along said East Right of Way line, for a distance of 61.08 feet to the POINT OF BEGINNING.

Containing 208 square feet, more or less.

AND

BEGIN at the Northwest corner of said Tract "D"; THENCE South 1°48'55" East, along the West line of said Tract "D", said line also being the East Right of Way line of N.W. 87th Avenue, for a distance of 141.88 feet; THENCE South 88°11'05" West, along said East Right of Way line of N.W. 87th Avenue, for a distance of 8.32 feet to the POINT OF BEGINNING; THENCE South 0°16'32" East for a distance of 137.08 feet to the Southwest corner of said Tract "D"; THENCE run North 1°48'55" West, along said West line of Tract "D" and along said East Right of Way line of N.W. 87th Avenue, for a distance of 137.03 feet; THENCE run North 88°11'05" East, along said West line of said Tract "D" and along said East Right of Way line of N.W. 87th Avenue, for a distance 3.68 feet to the POINT OF BEGINNING.

Containing 252 square feet, more or less.

Both containing a total area of 460 square feet.

In exchange for Miami-Dade County conveying a portion of their road right-of-way interest in real property recorded in Official Records Book 13507 at Page 1067 of the Public Records of Miami-Dade County, Florida, which is not now needed by Miami-Dade County and being more particularly described as follows:

A portion of NW 87th Avenue Right of Way as shown on BEACON CENTER OFFICE BUILDING, according to the plat thereof as recorded in Plat Book 157, at Page 78, of the Public Records of Miami-Dade County, Florida, lying in the Northwest one-quarter (NW 1/4) of Section 34, Township 53 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of Tract "D" of said BEACON CENTER OFFICE BUILDING; THENCE South 1°48'55" East, along the East Right of Way line of said NW 87th Avenue and also being the West line of said Tract "D", for a distance of 61.08 feet to the POINT OF BEGINNING; THENCE continue South 1°48'55" East, along the East Right of Way line of NW 87th Avenue and along said West line of Tract "D", for a distance of 80.80 feet; THENCE run South 88°11'05" West for a distance of 8.32 feet to a point on said East Right of Way line and said West line of Tract "D",; THENCE run North 0°16'32" West for a distance of 49.01 feet; THENCE run North 10°35'43" East for a distance of 32.57 feet to the POINT OF BEGINNING .

Containing 486 square feet, more or less.

ATTEST: HARVEY RUVIN,
Clerk of said Board

By: _____
Deputy Clerk

Return to: .
Right of Way Division .
Miami-Dade County Public Works Dept. .
111 N.W. 1st Street .
Miami, FL 33128-1970 .

Instrument prepared by: .
Carlos D. Socarras .
Miami-Dade County Public Works Dept. .
111 N.W. 1st Street .
Miami, FL 33128-1970 .

Folio No. 30-3034-044-0040 . NW 87 Avenue
User Department Public Works . Parcel No. 103 (FDOT 87000-2591)
Section 34-53-40

**RIGHT-OF-WAY DEED TO MIAMI-DADE COUNTY
CONVEYS THE TITLE FOR HIGHWAY PURPOSES
BY CORPORATION**

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

THIS INDENTURE, Made this _____ day of _____, A.D. 20____, by and between CENTURY PARTNERS GROUP LTD., a Florida Limited Partnership under the laws of the State of **FLORIDA**, and having its office and principal place of business at 7270 NW 12 Street Miami, Florida, 33126-1941, party of the first part, and the **COUNTY OF MIAMI-DADE**, a Political Subdivision of the State of Florida, and its successors in interest, whose Post Office address is 111 N.W. 1st Street, Miami, Florida 33128-1970, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant, bargain and sell to the party of the second part, and its successors in interest, for the purpose of a public highway and purposes incidental thereto, all right, title, interest, claim or demand of the party of the first part, in and to the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to-wit:

LEGAL DESCRIPTION.

A portion of Tract "D", of BEACON CENTER OFFICE BUILDING, according to the Plat thereof as recorded in Plat Book 157, at Page 78, of the Public Records of Miami-Dade County, Florida, lying in the Northwest one-quarter (NW 1/4) of Section 34, Township 53 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of said Tract "D"; THENCE North $89^{\circ}41'00''$ East, along the North line of said Tract "D", for a distance of 4.00 feet; THENCE run South $1^{\circ}48'55''$ East, 4.00 feet East of and parallel with the East Right of Way line of NW 87th Avenue, for a distance of 42.79 feet; THENCE run South $10^{\circ}35'12''$ West for a distance of 18.62 feet to a point on said East Right of Way line, THENCE run North $1^{\circ}48'55''$ West, along said East Right of Way line, for a distance of 61.08 feet to the POINT OF BEGINNING.

Containing 208 square feet, more or less.

AND

BEGIN at the Northwest corner of said Tract "D"; THENCE South $1^{\circ}48'55''$ East, along the West line of said Tract "D", said line also being the East Right of Way line of N.W. 87th Avenue, for a distance of 141.88 feet; THENCE South $88^{\circ}11'05''$ West, along said East Right of Way line of N.W. 87th Avenue, for a distance of 8.32 feet to the POINT OF BEGINNING; THENCE South $0^{\circ}16'32''$ East for a distance of 137.08 feet to the Southwest corner of said Tract "D" ; THENCE run North $1^{\circ}48'55''$ West, along said West line of Tract "D" and along said East Right of Way line of N.W. 87th Avenue, for a distance of 137.03 feet; THENCE run North $88^{\circ}11'05''$ East, along said West line of said Tract "D" and along said East Right of Way line of N.W. 87th Avenue, for a distance 3.68 feet to the POINT OF BEGINNING.

Containing 252 square feet, more or less.

Both containing a total area of 460 square feet.

It is the intention of the party of the first part, by this instrument, to convey to the said party of the second part, and its successors in interest, the land above described for use as a public highway and for all purposes incidental thereto.

It is expressly provided that if and when said highway shall be lawfully and permanently discontinued, the title to the said above described land shall immediately revert to the party of the first part, its successors and assigns, and it or they shall have the right to immediately re-possess the same.

And the said party of the first part will defend the title to said land against the lawful claims of all persons whomsoever, claiming by, through or under it.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name, and its Corporate Seal to be hereunto affixed, by its proper officer thereunto duly authorized, the day and year first above written.

Signed, Sealed, Attested
and Delivered in our presence

CENTURY PARTNERS GROUP, LTD.
a Florida Limited Partnership

By: Sergio Pino (SEAL)
President

Witness

Witness Printed Name

Witness

Witness Printed Name

CORP SEAL

Witness

Witness Printed Name

Witness

Witness Printed Name

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF, the said party of the first part, has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Mayor or Vice Mayor, and attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:

HARVEY RUVIN,
CLERK OF SAID BOARD

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Mayor

The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the ____ day of _____, A.D. 20__.

EXHIBIT "A"

A portion of NW 87th Avenue Right of Way as shown on BEACON CENTER OFFICE BUILDING, according to the plat thereof as recorded in Plat Book 157, at Page 78, of the Public Records of Miami-Dade County, Florida, lying in the Northwest one-quarter (NW 1/4) of Section 34, Township 53 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

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Containing 486 square feet, more or less.

Return to:
 Right of Way Division .
 Miami-Dade County Public Works Dept. .
 111 N.W. 1st Street .
 Miami, FL 33128-1970 .
 .
 Instrument prepared by: .
 Carlos D. Socarras .
 Miami-Dade County Public Works Dept. .
 111 N.W. 1st Street .
 Miami, FL 33128-1970 .
 . NW 87 Avenue
 Folio No. 30-3034-044-0440 . Parcel No.103(FDOT 87000-2591)
 User Department: Public Works . Section 34-53-40

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

STATE OF FLORIDA)
 COUNTY OF MIAMI-DADE)

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida, whose Post Office address is 111 N.W. 1st Street, Miami, Florida 33128-1970, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

WHEREAS, the Benenson Capital Company, a New York general partnership, Charles B. Benenson, Laurence A. Tisch and Preston R. Tisch, dedicated the above described lands in a Right-of-Way Deed to Dade County, Florida dated September 18, 1987, recorded in Official Record Book 13507, at Page 1067 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, the above described lands lie entirely outside the planned right-of-way for NW 87 Avenue and are not needed by MIAMI-DADE COUNTY for road purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES HEREBY DISCLAIM any interest it has in the above described lands by virtue of said Right-of-Way Deed dated September 18, 1987, and recorded in Official Record Book 13507, at Page 1067 of the Public Records of Miami-Dade County, Florida.

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IN WITNESS WHEREOF MIAMI-DADE COUNTY, FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor or Vice Mayor, and attested by the Clerk or Deputy Clerk of said Board on this

_____ day of _____, A.D. 2003.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Mayor

ATTEST: HARVEY RUVIN,
Clerk of said Board

By: _____
Deputy Clerk

The foregoing was authorized and approved on the 20th day of May, A.D. 2003, by Resolution No. _____ the Board of County Commissioners of Miami-Dade County, Florida.

EXHIBIT "A"

A portion of NW 87th Avenue Right of Way as shown on BEACON CENTER OFFICE BUILDING, according to the plat thereof as recorded in Plat Book 157, at Page 78, of the Public Records of Miami-Dade County, Florida, lying in the Northwest one-quarter (NW 1/4) of Section 34, Township 53 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of Tract "D" of said BEACON CENTER OFFICE BUILDING; THENCE South 1°48'55" East, along the East Right of Way line of said NW 87th Avenue and also being the West line of said Tract "D", for a distance of 61.08 feet to the POINT OF BEGINNING; THENCE continue South 1°48'55' East, along the East Right of Way line of NW 87th Avenue and along said West line of Tract "D", for a distance of 80.80 feet; THENCE run South 88°11'05" West for a distance of 8.32 feet to a point on said East Right of Way line and said West line of Tract "D",; THENCE run North 0°16'32" West for a distance of 49.01 feet; THENCE run North 10°35'43" East for a distance of 32.57 feet to the POINT OF BEGINNING.

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