



# MEMORANDUM

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

107.07-17A MIAMI-DADE/GSA-MAT. MGT.

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

DATE: December 4, 2003

FROM: George M. Burgess  
County Manager

SUBJECT: Partial Release of Easement Not  
Needed by Miami-Dade County  
for Water or Sewer Facilities

## RECOMMENDATION

It is recommended that the Board of County Commissioners adopt the attached resolution authorizing the execution of a Partial Release of Easement for an easement granted to Dade County in 1988. No water and sewer lines currently exist in a portion of this easement and the Miami-Dade Water and Sewer Department (Department) does not desire to maintain an easement at this location.

## BACKGROUND

On June 6, 1988 the owner of a parcel of land located in Miami-Dade County, Florida executed an easement in favor of Dade County, which easement was recorded in Official Records Book 13730 Page 1102 of the Public Records of Miami-Dade County, Florida. Said easement, located along theoretical S.W. 336 Street and theoretical S.W. 162 Avenue, granted Miami-Dade County the right to install and maintain water or sewer mains. The water facilities in a portion of this easement have been relocated. The Department indicated they have no further interest in holding an easement at this location and has agreed to release a portion of said easement. The execution of this Partial Release of Easement will enable the landowner to remove this encumbrance from the title to the property.

Therefore, it is respectfully requested that the attached resolution and Partial Release of Easement be approved.

Assistant County Manager

*RENZO G. HERNANDEZ*



# MEMORANDUM

(Revised)

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

**DATE:** December 4, 2003

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

**SUBJECT:** Agenda Item No. 7(R)(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(R)(1)(A)

Veto \_\_\_\_\_

12-4-03

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING EXECUTION OF A PARTIAL  
RELEASE OF EASEMENT RECORDED IN OFFICIAL  
RECORDS BOOK 13730, PAGE 1102, WHICH IS NOT  
NEEDED BY MIAMI-DADE COUNTY FOR WATER OR SEWER  
FACILITIES

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  
approves execution of a Partial Release of Easement for that  
certain easement granted to the County of Dade on June 6<sup>th</sup>, 1988 and  
recorded in Official Records Book 13730, Page 1102, of the Public  
Records of Miami-Dade County, Florida, which said easement is not  
needed by Miami-Dade County for water or sewer facilities, in  
substantially the form attached hereto and made a part hereof; and  
authorizes the County Manager to execute same for and on behalf of  
Miami-Dade County.

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	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 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

Approved by County Attorney as  
to form and legal sufficiency  
Henry N. Gillman



By: \_\_\_\_\_  
Deputy Clerk

This Instrument Prepared by:  
Robert J. Battillo  
Miami-Dade Water And Sewer Department  
P.O. Box 330316  
Miami, Fl. 33233-0316

Return Recorded Document to Above

This Space Reserved For Recording

### PARTIAL RELEASE OF EASEMENT

MIAMI-DADE COUNTY ("County") hereby releases of record and disclaims any interest it may have in a portion of that certain Utility Right Of Way Deed To Dade County dated June 6, 1988, and recorded in Official Records Book 13730 at Page 1102 of the Public Records of Miami-Dade County, Florida, said easements being more particularly described as follows, to wit:

See Exhibit "A" attached hereto.

Notwithstanding, Miami-Dade County, by this Partial Release of Easement, retains and specifically does not release or disclaim any interest or rights that it may have in the remainder of the real property legally described in the Grant of Easement referred to above.

IN WITNESS WHEREOF, Miami-Dade County has caused this Partial Release of Easement to be executed and delivered on this \_\_\_ day of \_\_\_\_\_, 2003.

Attested to:  
Harvey Ruvin, Clerk

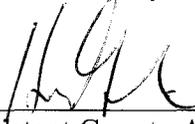
MIAMI-DADE COUNTY

By: \_\_\_\_\_  
Deputy Clerk

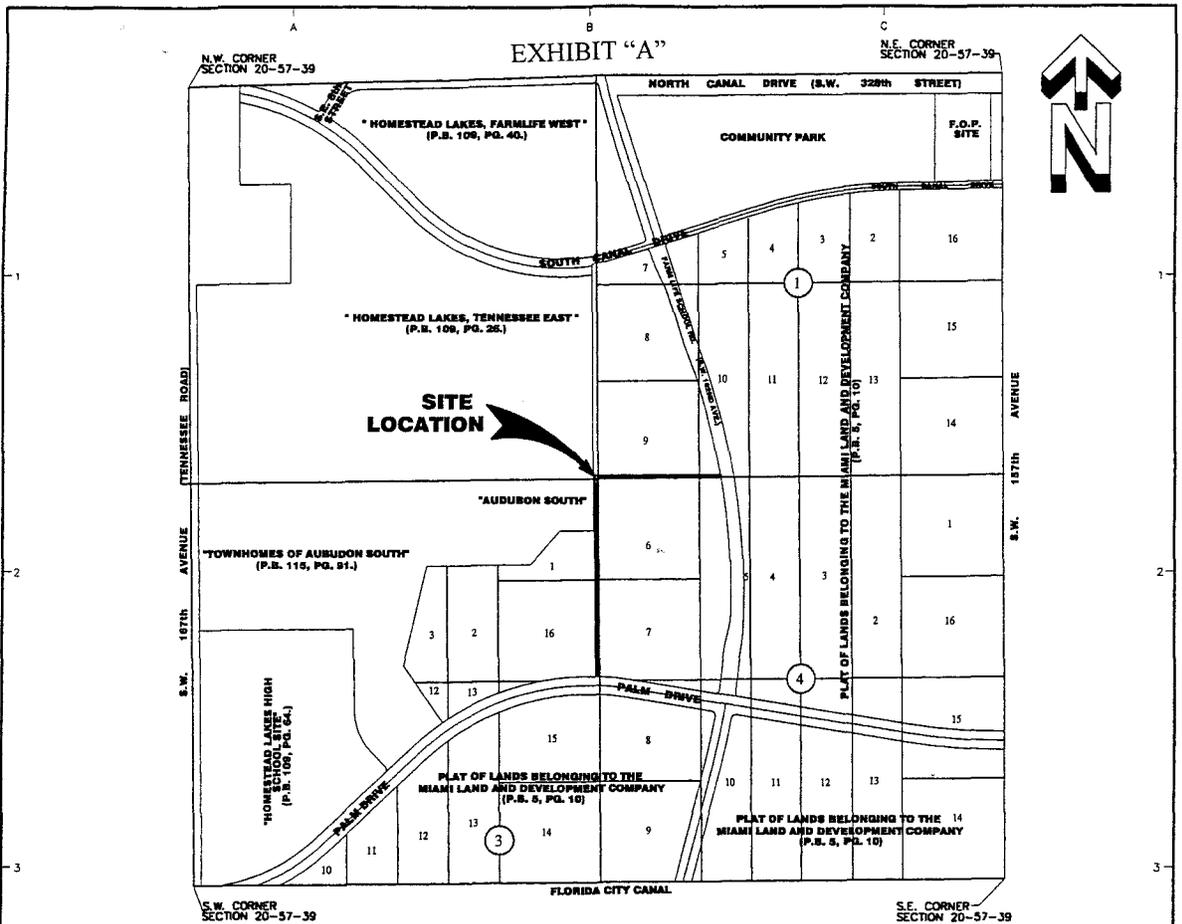
By: \_\_\_\_\_  
County Manager

Approved as to form and  
legal sufficiency:

Accuracy of legal description verified by:

  
\_\_\_\_\_  
Assistant County Attorney

  
\_\_\_\_\_  
Robert J. Battillo, P.S.M.  
Right of Way Surveyor



LOCATION MAP  
SECTION 20-57-39  
CITY OF HOMESTEAD  
MIAMI-DADE COUNTY, FLORIDA  
(NOT TO SCALE)

**SURVEYOR'S NOTES:**

- 1) -This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
- 2) -Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- 3) -There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of ABSTRACT OF TITLE will be made to determine recorded instruments, if any affecting this property.
- 4) -North arrow direction and Bearings shown hereon are based on an assumed value N89°26'43"E, along the South Line of the Northeast 1/4 of Section 20-57-39.
- 5) -The Sketch and Legal Description shown herein is based on the information provided by the Client.
- 6) -No title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right of Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilizes for.

**SURVEYOR'S CERTIFICATE:**

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon. I further certify that this sketch was prepared in accordance with the applicable provisions of Chapter 61G17-6, Florida Administrative Code.

*Ford, Armenteros & Manucy, Inc.*

L.B.6557

Date: Apr 26, 2003

Revision:

*Ricardo Rodriguez*  
Ricardo Rodriguez, P.S.M., For the Firm  
Professional Surveyor and Mapper  
State of Florida, Registration No.5936

**KEYS LANDING - WASA EASEMENT RELEASE**



FORD, ARMENTEROS & MANUCY, INC.  
1950 N.W. 94th AVENUE, 2nd FLOOR  
MIAMI, FLORIDA 33172  
PH. (305) 477-6472  
FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION		
SHEET NAME:	LOCATION MAP, SURVEYOR'S NOTES		
PREPARED FOR:	SHORES DEVELOPMENT, INC.		
DRAWN BY:	R. RODRIGUEZ	DATE:	MARCH 7, 2003
CHK. CHECKED BY:		SCALE:	N/A
CHECKED BY:		PROJECT No:	00-232-1011
			1 OF 4 SHEETS

EXHIBIT "A"

LEGAL DESCRIPTION:

A portion of a strip of land 15.00 feet wide Utility Easement, lying 7.50 feet on each side of a centerline as described in Official Records Book 13730, at Page 1102 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Southwest Corner of Section 20, Township 57 South, Range 39 East; thence N00deg37min33secW, along the West Line of the Southwest 1/4 of said Section 20, for 60.87 feet; thence N89deg30min31secE for 2666.97 feet; thence N00deg32min40secW for 1316.21 feet to its intersection with the Northerly Right-of-way Line of PALM DRIVE (S.E. 24th STREET), as described in Official Records Book 13410, Pages 154 through 157 of the Public Records of Miami-Dade County, Florida, said point being the POINT OF BEGINNING of that certain portion of the aforementioned 15.00 feet wide Utility Easement, lying 7.50 feet on each side of the following described centerline (shortening or extending the side lines thereof, so as to create a continuous strip of land and the side lines of said easement to be shortened or prolonged to meet at angle points with the said North Right-of-way Line of PALM DRIVE (S.E. 24th STREET) and with the Proposed West Right-of-way Line of FARM LIFE SCHOOL ROAD (S.W. 162nd AVENUE) as shown on that certain Tentative Plat for "KEYS LANDING", Miami-Dade County Approved Tentative Plat No.21234); thence continue N00deg32min40secW for 1334.86 feet; thence N89deg25min58secE for 838.29 feet to a point on the said West Right-of-way Line of FARM LIFE SCHOOL ROAD (S.W. 162nd AVENUE), said point also being the POINT OF TERMINATION.

All of the above described land situated, being and lying in The City of Homestead, Miami-Dade County, Florida, and containing 32,597.33 Square Feet and/or 0.75 Acres more or less.

KEYS LANDING - WASA EASEMENT RELEASE



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 1950 N.W. 94th AVENUE, 2nd FLOOR  
 MIAMI, FLORIDA 33172  
 PH. (305) 477-6472  
 FAX (305) 470-2805

7

TYPE OF PROJECT: SKETCH AND LEGAL DESCRIPTION		SHEET:	
SHEET NAME: LEGAL DESCRIPTION TO ACCOMPANY SKETCH		2	
PREPARED FOR: SHORES DEVELOPMENT, INC.		OF 4 SHEETS	
DRAWN BY: R. RODRIGUEZ	DATE: MARCH 7, 2003		
DWG. CHECKED BY:	SCALE: N/A		
CHECKED BY:	PROJECT No: 00-232-1011		

GRAPHIC SCALE

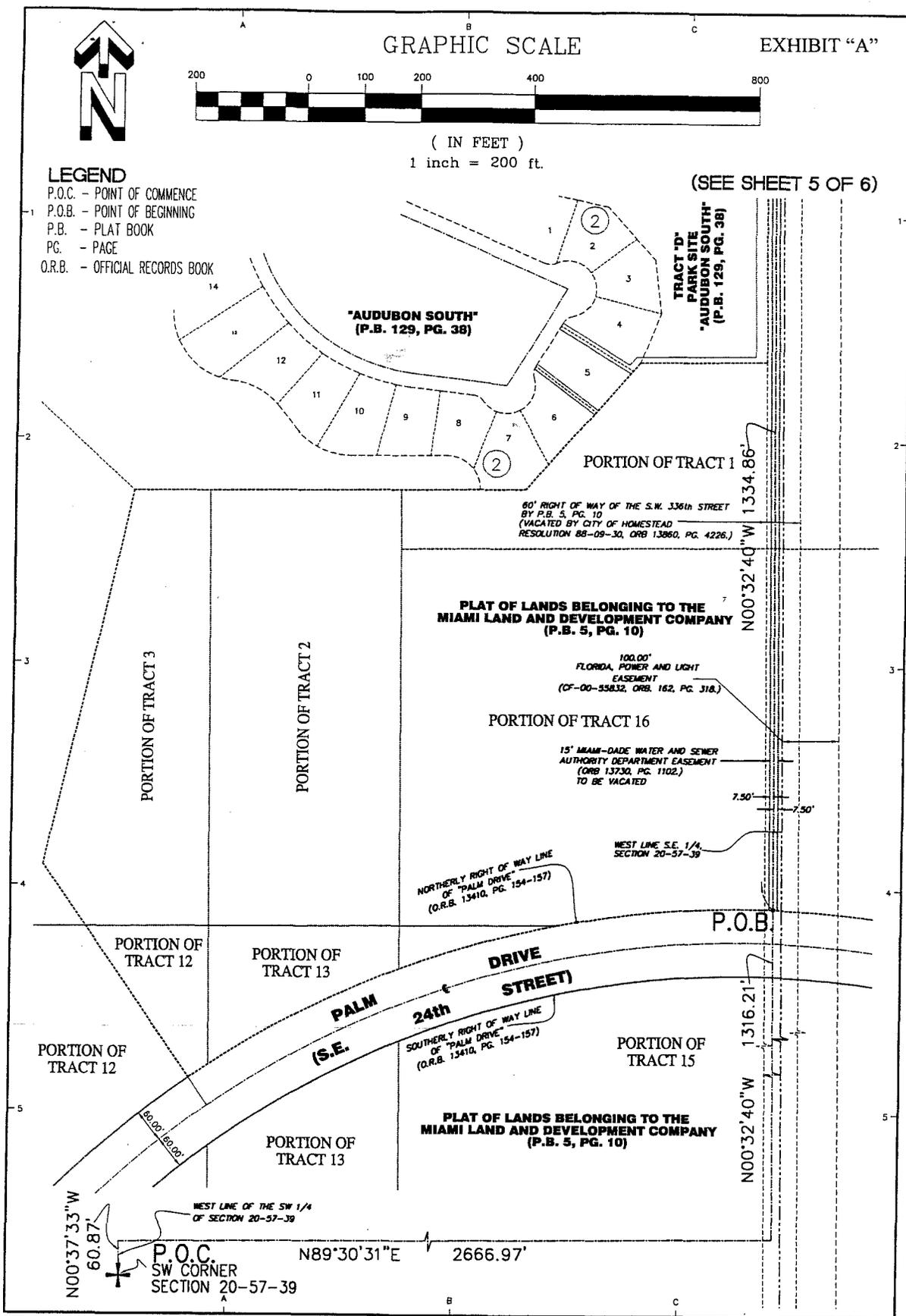


( IN FEET )  
1 inch = 200 ft.

LEGEND

- P.O.C. - POINT OF COMMENCE
- P.O.B. - POINT OF BEGINNING
- P.B. - PLAT BOOK
- PG. - PAGE
- O.R.B. - OFFICIAL RECORDS BOOK

(SEE SHEET 5 OF 6)



KEYS LANDING - WASA EASEMENT RELEASE



FORD, ARMENTEROS & MANUCY, INC.  
1950 N.W. 94th AVENUE, 2nd FLOOR  
MIAMI, FLORIDA 33172  
PH. (305) 477-6472  
FAX (305) 470-2805

8

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION	
SHEET NAME:	SKETCH TO ACCOMPANY LEGAL DESCRIPTION	
PREPARED FOR:	SHORES DEVELOPMENT, INC.	
DRAWN BY:	R. RODRIGUEZ	DATE: MARCH 7, 2003
DWG. CHECKED BY:		SCALE: 1" = 200'
CHECKED BY:		PROJECT No: 00-232-1011

3

of 4 SHEETS



ESQ JUN 27 PM 4:26

88R229731

RE 1373061102

UTILITY RIGHT-OF-WAY DEED TO DADE COUNTY  
CONVEYS THE TITLE FOR UTILITY PURPOSES

STATE OF FLORIDA )  
COUNTY OF DADE ) SS:

THIS INDENTURE, made this 6<sup>th</sup> day of June,  
19 77, by and between HOMESTEAD PROPERTIES, a Florida general  
partnership under the laws of the State of Florida, and having  
its office and principal place of business in the City of  
Homestead, in said State, party of the first part, and the County  
of Dade, a body Corporate, and a Political Subdivision of the  
State of Florida, and its successors in interest, party of the  
second part,

W I T N E S S E T H:

That the said party of the first part, for and in considera-  
tion of the sum of One Dollar to it in hand paid by the party of  
the second part, receipt whereof is hereby acknowledged, and for  
other and further good and valuable considerations, including the  
continuing agreement by Dade County to allow vacation of existing  
platted rights-of-way where there presently exists water mains  
owned by Dade County, does hereby grant, bargain and sell to the  
party of the second part, and its successors in interest, for  
utility purposes and purposes incidental thereto as more fully  
set forth as follows: the right, privilege and easement to con-  
struct, reconstruct, lay, install, operate, maintain, relocate,  
repair, replace, improve, remove and inspect water transmission  
and distribution facilities and all appurtenances thereto, and/or  
sewage transmission and collection facilities and all appurtenant  
equipment, with full right of ingress thereto and egress there-  
from on the property of the Party of the First Part described as  
follows, to wit:

It is the intention of the party of the first part by this  
instrument to convey to the said County, and its successors in  
interest, the land above described for use for public utility

This Instrument Prepared By:  
CLIFFORD A. SCHULMAN, ESQ.  
Greenberg, Traurig, Hoffman,  
Lipoff, Rosen & Quentel  
1221 Brickell Avenue  
Miami, Florida 33131

2050

RE: 13730M1103

purposes and for all purposes incidental thereto as set forth herein reserving to the party of the first part only the right to plant sod or grasses over said property, or to install and maintain street paving, parking areas or any and all utilities thereover. It is the expressed intention of the party of the first part that the property conveyed hereby shall be at least a fifteen (15) foot wide strip with half of said strip or at least seven and one half (7-1/2) feet of property on either side of the center line of the existing pipes. Further, party of the first part agrees to maintain the existing soil cover over the existing pipes and at such time as said party does improve the property surrounding or adjoining the pipes or plants sod or grasses on top of the property or construct street paving, parking areas or any and all utilities thereover, the party of the first part will install and maintain at least four (4) feet of cover over said pipe (except for that portion of the property along the existing 344th Street Canal which will only be required to maintain its existing cover, for as long as the canal remains as such).

It is expressly provided that if and when said utility purposes 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 repossess the same.

And the said party of the first part hereby covenants to said party of the second part that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell said land; that it hereby fully warrants the title to said land; and will defend the title to said land against the lawful claims of all persons whatsoever, claiming by, through or under it.

IN WITNESS WHEREOF, the said party of the first part, has executed this instrument, and has caused the same to be executed by its Attorney-In-Fact, and has caused the same to be attested

RE: 1373041104

by its Attorney-In Fact hereon to be impressed, on this, the day and year first above written.

Signed, sealed, attested and delivered in our presence:

HOMESTEAD PROPERTIES, a Florida general partnership

Timothy J. Jodice

By: Anikam Tanel  
Anikam Tanel  
Attorney-In-Fact

Edith A. Nowville

By: Robert A. Black  
Robert A. Black,  
Attorney-In-Fact

STATE OF Florida )  
COUNTY OF Dade ) SS:

The foregoing instrument was acknowledged before me this 6th day of June, 1988, by Anikam Tanel and Robert A. Black, as Attorneys-In-Fact for Homestead Properties, a Florida general partnership, on behalf of the Partnership.

Susan E. Waidlitz  
Notary Public  
State of Florida at Large



Commission Expires:

Notary Public, State of Florida at Large  
My Commission Expires Sept. 30, 1990

REF: 13730M1105

LEGAL DESCRIPTION

A        FOOT WIDE STRIP OF LAND LYING IN SECTIONS 20, 21, 22 AND 23 TOWNSHIP 57 SOUTH, RANGE 39 EAST, DADE COUNTY, FLORIDA, BEING PORTIONS OF AND/OR ADJOINING THE FOLLOWING DESCRIBED TRACTS AS SHOWN ON THE "PLAT OF LANDS BELONGING TO THE MIAMI LAND AND DEVELOPMENT COMPANY" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5 AT PAGE 10 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA: TRACTS 1, 9 THROUGH 16 INCLUSIVE, BLOCK 3, TRACT 14, BLOCK 2 AND TRACTS 9 THROUGH 14 INCLUSIVE, BLOCK 1, OF SAID SECTION 20; AND TRACTS 1, 9 THROUGH 16 INCLUSIVE, BLOCK 2; TRACTS 1, 14 THROUGH 16 INCLUSIVE, BLOCK 3, TRACTS 13 THROUGH 26 INCLUSIVE, OF SAID SECTION 21; TRACTS 15 THROUGH 26 INCLUSIVE, OF BOTH BLOCKS 3 AND 4, OF SAID SECTION 22, AND THE SOUTHWEST ONE-QUARTER OF SAID SECTION 23. THE INTENT OF THE BEARINGS AND DISTANCES OF THE FOLLOWING LEGAL DESCRIPTION ARE TO BE THE CENTERLINE OF THE EXISTING 12" WATER MAIN "AS CONSTRUCTED" AND LYING 7.5 FEET ON EACH SIDE OF SAID CENTERLINE AND THAT THE SIDE LINES OF SAID EASEMENT MAY BE LENGTHENED AND/OR SHORTENED SO AS TO FORM A CONTINUOUS 15 FOOT WIDE STRIP OF LAND. SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

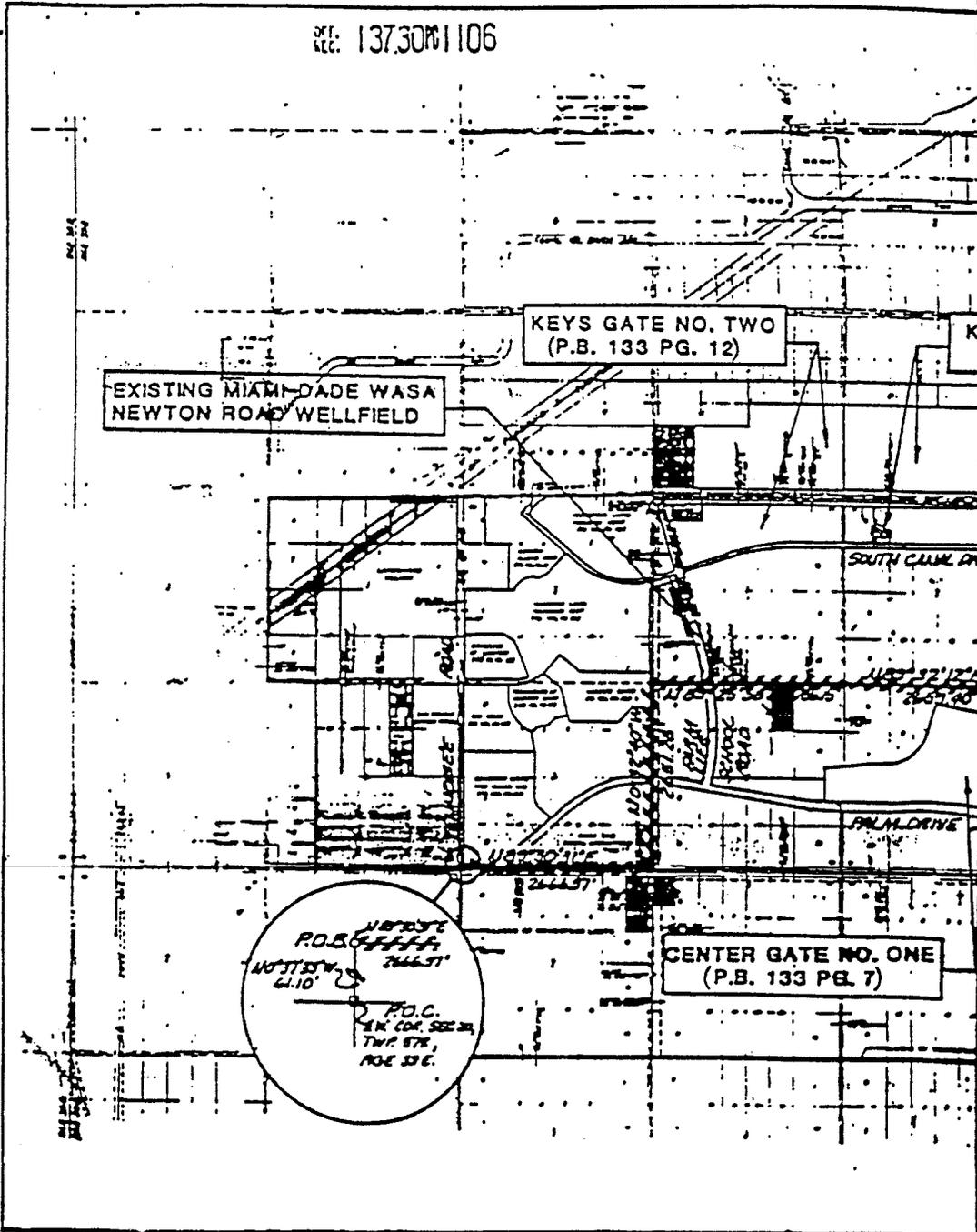
COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE N0°37'33"W ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 20 FOR 61.10 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE N89°30'31"E FOR 2666.97 FEET; THENCE N0°32'40"W FOR 2651.28 FEET; THENCE N89°25'58"E FOR 2756.15 FEET; THENCE N89°32'12"E FOR 2659.40 FEET TO POINT "A"; THENCE S0°32'40"E FOR 2669.72 FEET; THENCE N89°22'40"E FOR 2678.22 FEET; THENCE N89°39'37"E FOR 2669.66 FEET; THENCE N89°36'06"E FOR 2669.52 FEET; THENCE N89°43'09"E FOR 2677.55 FEET TO THE POINT OF TERMINATION ALONG SAID CENTERLINE.

TOGETHER WITH:

A STRIP OF LAND 15 FEET WIDE LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; BEGIN AT THE PREVIOUSLY DESCRIBED POINT "A"; THENCE N0°27'42"W FOR 2062.24 FEET TO THE POINT OF TERMINATION ALONG SAID CENTERLINE.

MOR/mmc  
01-314.00  
JUNE 13, 1988  
HM/CC#116

REF: 137.3001106

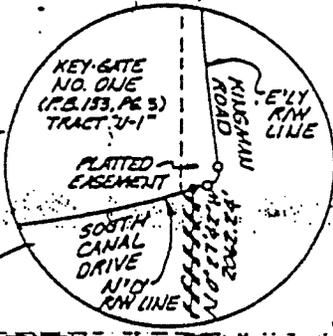


REF: 13730M1107.

REVIEWED BY SURVEYOR RECORDS DIVISION  
TO INSURE CORRECT RECORDING  
PLEASE VERIFY  
RICHARD P. BRINCKER  
COUNTY CLERK



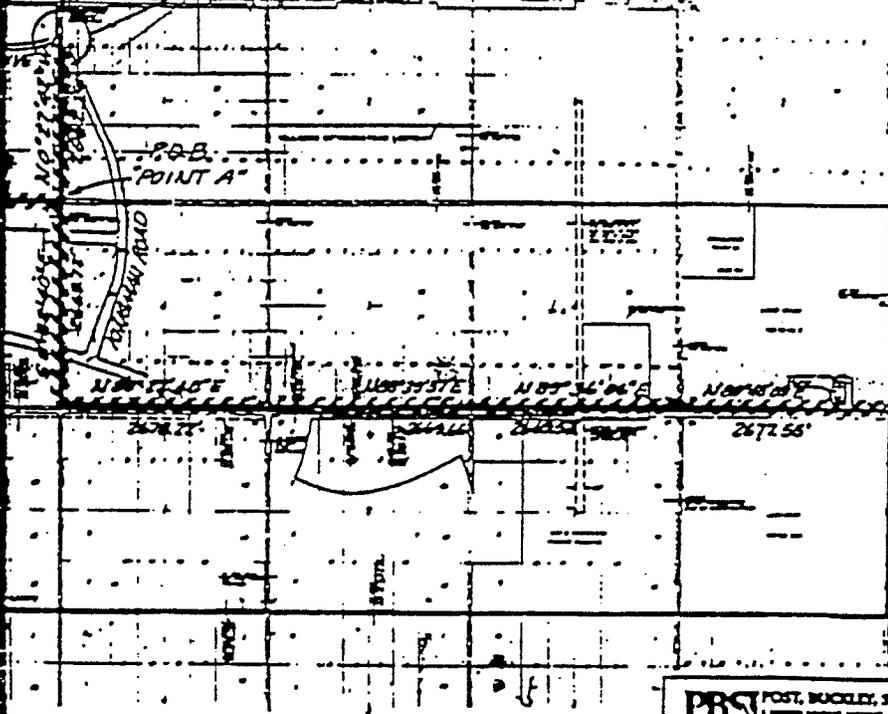
KEYS GATE NO. ONE  
(P.B. 133 PG. 3)



- 1. All dimensions are in feet and inches.
- 2. All bearings are true bearings.
- 3. All distances are in feet and inches.
- 4. All areas are in square feet.
- 5. All volumes are in cubic feet.
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- 7. All distances are in feet and inches.
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- 10. All bearings are true bearings.
- 11. All distances are in feet and inches.
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- 13. All volumes are in cubic feet.
- 14. All bearings are true bearings.
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- 18. All bearings are true bearings.
- 19. All distances are in feet and inches.
- 20. All areas are in square feet.
- 21. All volumes are in cubic feet.
- 22. All bearings are true bearings.
- 23. All distances are in feet and inches.
- 24. All areas are in square feet.
- 25. All volumes are in cubic feet.

LEGEND

++++ 12" A.C. WATER MAIN WITH EASEMENT



**PBS** POST, BUCKLEY, SCHUM & JOHNSON, INC.  
 SURVEYORS  
 1000 W. 10th St., Suite 100  
 Lincoln, Nebraska 68502  
 (402) 441-1100

VILLAGES OF HOMESTEAD	
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	
12" A.C. WATER MAIN	