

MEMORANDUM

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

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

DATE: **January 20, 2004**

SUBJECT: Release of County Canal Interests
in Sec. 35, Twp. 53 S, Rge. 39 E

LOC: N.W. 12 St., between N.W. 127 Ave.
and N.W. 137 Ave.

FROM: George M. Burgess
County Manager



RECOMMENDATION

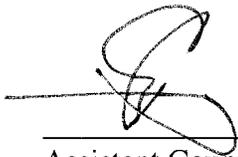
It is recommended that the Board approve a resolution authorizing the release of existing County canal interests, which are no longer needed by Miami-Dade County.

BACKGROUND

The subject canal interests were acquired at no cost to Miami-Dade County by virtue of an easement deed recorded in Official Records Book 9067 at page 1762; a right-of-way deed recorded in Official Records Book 9067 at page 1760; a canal reservation deed No. 47 recorded in Official Records Book 2274 at Page 533, and by agreement with the Seaboard Airline Railway, approved by the Board of County Commissioners Resolution No. 1887. Said interests, which run parallel to N.W. 12 Street and contiguous to a railroad spur track between N.W. 127 Avenue and N.W. 137 Avenue, were granted to Miami-Dade County to be used for canal purposes in accordance with the requirements of the County Water Control Master Plan for flood protection and water management. A review of said Water Control Plan by the Department of Environmental Resources Management and the Public Works Department concluded that the widening and deepening of the existing borrow ditch located along side the aforesaid railroad spur track were no longer required. Therefore, those canal interests as petitioned by the Miami-Dade Expressway Authority for their use in the extension of State Road 836 (S.R. 836) can be released without adverse impact to flood protection and water management. Said project has satisfied the requirements of the South Florida Water Management District and those of the Miami-Dade County in connection with developments in the North Trail Basin.

The Department of Environmental Resources Management has processed this application and recommends its approval by the Board.

The advertising provisions of Florida State Statute, Chapter 125.37 have been complied with regarding this application.



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(D)(1)(D)

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
Veto _____
Override _____

Agenda Item No. 7(D)(1)(D)
1-20-04

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE TRANSFER OF CANAL RIGHT-OF-WAY TO THE MIAMI-DADE EXPRESSWAY AUTHORITY FOR HIGHWAY PURPOSE, AND THE RELEASE OF OTHER CANAL INTERESTS NO LONGER NEEDED BY MIAMI-DADE COUNTY FOR CANAL PURPOSES, IN SECTION 35, TOWNSHIP 53 SOUTH, RANGE 39 EAST

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 approves the transfer of a certain portion of canal right-of-way to the Miami-Dade Expressway Authority for the extension of S.R. 836, and the release of other County canal interests associated with the aforesaid project, in Section 35, Township 53 South, Range 39 East; and authorizes execution and recording of a Quit Claim Deed, Disclaimers and related documents by the Mayor in substantially the form attached hereto and made a part hereof.

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

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 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

Approved by County Attorney as
to form and legal sufficiency 
Peter S. Tell

By: _____
Deputy Clerk

QUIT CLAIM AND CONVEYANCE DEED
BY MIAMI-DADE COUNTY

STATE OF FLORIDA,)
)
COUNTY OF MIAMI-DADE.)

THIS INDENTURE, Made this _____, day of _____, A.D. 20 ____, by and between Miami-Dade County, a political subdivision of the State of Florida, party of the first part, and Miami-Dade Expressway Authority, a body corporate in said State, whose mailing address is: 3790 N.W. 21 Street, Miami, Florida, 33142, 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 receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby convey and quit-claim unto the party of the second part, and its successors in interest, all the right, title, interest, claim or demand of the party of the first part, acquired by right-of-way deed recorded in Official Record Book 9067 at Page 1760 of the Public Records of Miami-Dade County, Florida, in and to the following described lands, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

That portion of the North 30.0 feet of the South 130 feet of the West One-Half of Section 35, Township 53 South, Range 39 East, Miami-Dade County, Florida, which lies East of the Westerly right-of-way line of the Limited Access for State Road 836 Extension

This instrument was prepared by:
Walid Abusad, of
Dade County Environmental
Resources Management
33 S.W. 2nd Avenue
Miami, Florida 33130

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 and the Clerk or Deputy Clerk of said Board on the _____ day of _____ A.D., 20____.

ATTEST:

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

HARVEY RUVIN
CLERK OF SAID BOARD

By: _____
Deputy Clerk

By: _____
Alex Penelas, Mayor

Print: _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____ as _____ and _____, respectively of Miami-Dade County, Florida, a body Corporate and Political Subdivision of the State of Florida, on behalf of the County. They are personally known to me or who have produced _____ as identification.

NOTARY PUBLIC:

Sign: _____

Print: _____

State of Florida at Large (Seal)
My Commission expires:

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

CANAL MAINTENANCE EASEMENT

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, 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, Florida, to wit:

That portion of the North 20.0 feet of the South 150.0 feet of the West One-Half (W ½) of Section 35, Township 53 South, Range 39 East, Miami-Dade County, Florida, which lies East of the Westerly right-of-way line of the Limited Access for State Road 836 Extension

This instrument was prepared by:
Walid Abusad, of
Miami-Dade County Environmental
Resources Management
33 S.W. 2nd Avenue, 2nd Floor
Miami, Florida 33130-1540

NOW, THEREFORE, MIAMI-DADE COUNTY DOES issue this disclaimer.

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 and the Clerk of Deputy Clerk of said Board on this _____ day of _____ A.D., 20_____.

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

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 and the Clerk or Deputy Clerk of said Board on this the _____ day of _____ A.D., 20_____.

W.C. 824

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ATTEST:

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

Sign: _____

By: _____

Print: _____

Print: _____

Title: _____

Address: 111 N.W. 1st Street
Metro-Dade Center
Miami, Florida 33128

The foregoing instrument was acknowledged before me this ____ day of _____,
20__, by _____, who is personally known to me or who has produced
_____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

Print _____

STATE OF FLORIDA at large
(Seal)

My commission expires: _____

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

CANAL EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, 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, Florida, to wit:

That portion of the North 30.0 feet of the South 100.0 feet of Section 35, Township 53 South, Range 39 East, Miami-Dade County, Florida, which lies between the Westerly and Easterly right-of-way lines of the Limited Access for State Road 836 Extension.

Whereas, said rights, title, and interests in the above described lands were conveyed, assigned, set over and granted for canal purposes to Miami-Dade County by virtue of an Agreement dated August 5th, 1958 between Seaboard Airline Railroad Company and Miami-Dade County, as approved by County Resolution No. 1887; and

This instrument was prepared by:
Walid Abusad, of
Miami-Dade County Environmental
Resources Management
33 S.W. 2nd Avenue, 2nd Floor
Miami, Florida 33130-1540

WHEREAS, the aforesaid interests upon the said above described lands are not now needed by MIAMI-DADE COUNTY for canal purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the aforementioned lands by virtue of the said Agreement dated August 5th, 1958, approved by County Resolution No. 1887.

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

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 and the Clerk or Deputy Clerk of said Board on this the _____ day of _____ A.D., 20____.

ATTEST:

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

Sign: _____

By: _____

Print: _____

Print: _____

Title: _____

Address: 111 N.W. 1st Street
Metro-Dade Center
Miami, Florida 33128

The foregoing instrument was acknowledged before me this ____ day of _____,
20____, by _____, who is personally known to me or who has produced
_____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

Print _____

STATE OF FLORIDA at large
(Seal)

My commission expires: _____

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

CANAL RESERVATION

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, 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, Florida, to wit:

The North 130.0 feet of the South 200.0 feet of the East One-Half (E ½) of Section 35, Township 53 South, Range 39 East, Miami-Dade County, Florida; and

That portion of the South 30.0 feet of the North 130.0 feet of the South 200.0 feet of the West One-Half (W ½) of said Section 35, which lies within the right-of-way lines of the Limited Access for S.R. 836 Extension; and

The South 70.0 feet of the South 100.0 feet of the West 130.0 feet of said Section 35.

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deeds No. 47 and 48 dated June 9, 1960, and respectively recorded in Official Records Book 2274 at Page 533 and Official Records Book 2274 at page 536 of the Public Records of MIAMI-DADE COUNTY, FLORIDA, conveyed, assigned, set over and granted to Miami-Dade County for canal and levee purposes only, the above described lands (with other lands); and

This instrument was prepared by:
Walid Abusad, of
Miami-Dade County Environmental
Resources Management
33 S.W. 2nd Avenue, 2nd Floor
Miami, Florida 33130-1540

W.C. 824

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WHEREAS, the aforesaid rights in reservations upon the said above described lands are not now needed by MIAMI-DADE COUNTY for canal purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the aforementioned lands by virtue of the said Rights in Reservations Deed No. 47 and 48 dated June 9, 1960, and respectively recorded in Official Records Book 2274 at Page 533 and Official Records Book 2274 at page 536, of the Public Records of Miami-Dade County, Florida.

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

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 and the Clerk or Deputy Clerk of said Board on this _____ day of _____ A.D., 20_____.

ATTEST:

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

Sign: _____ By: _____

Print: _____ Print: _____

Title: _____

Address: 111 N.W. 1st Street
Metro-Dade Center
Miami, Florida 33128

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by
_____, who is personally known to me or who has produced
_____ as identification and who did take an oath.

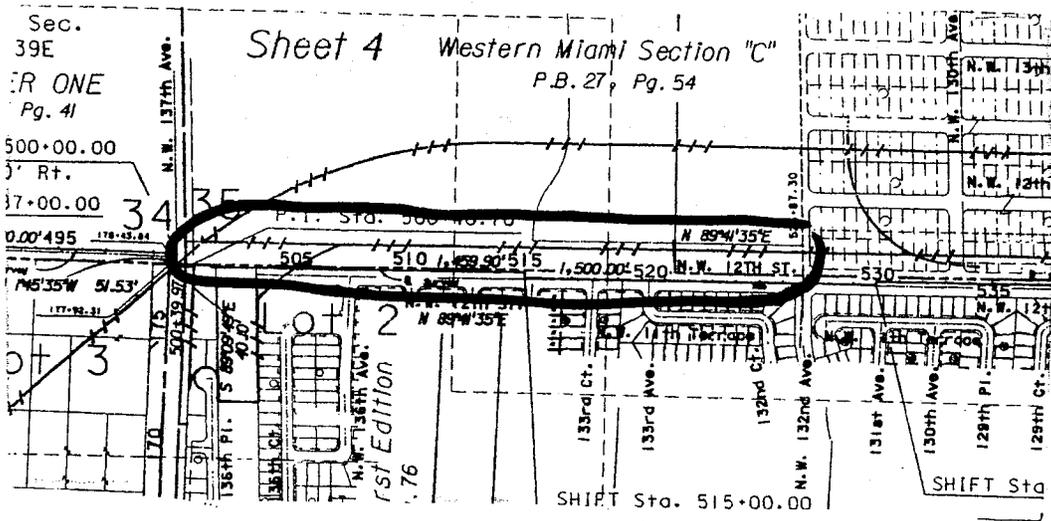
NOTARY PUBLIC:

Sign _____

Print _____

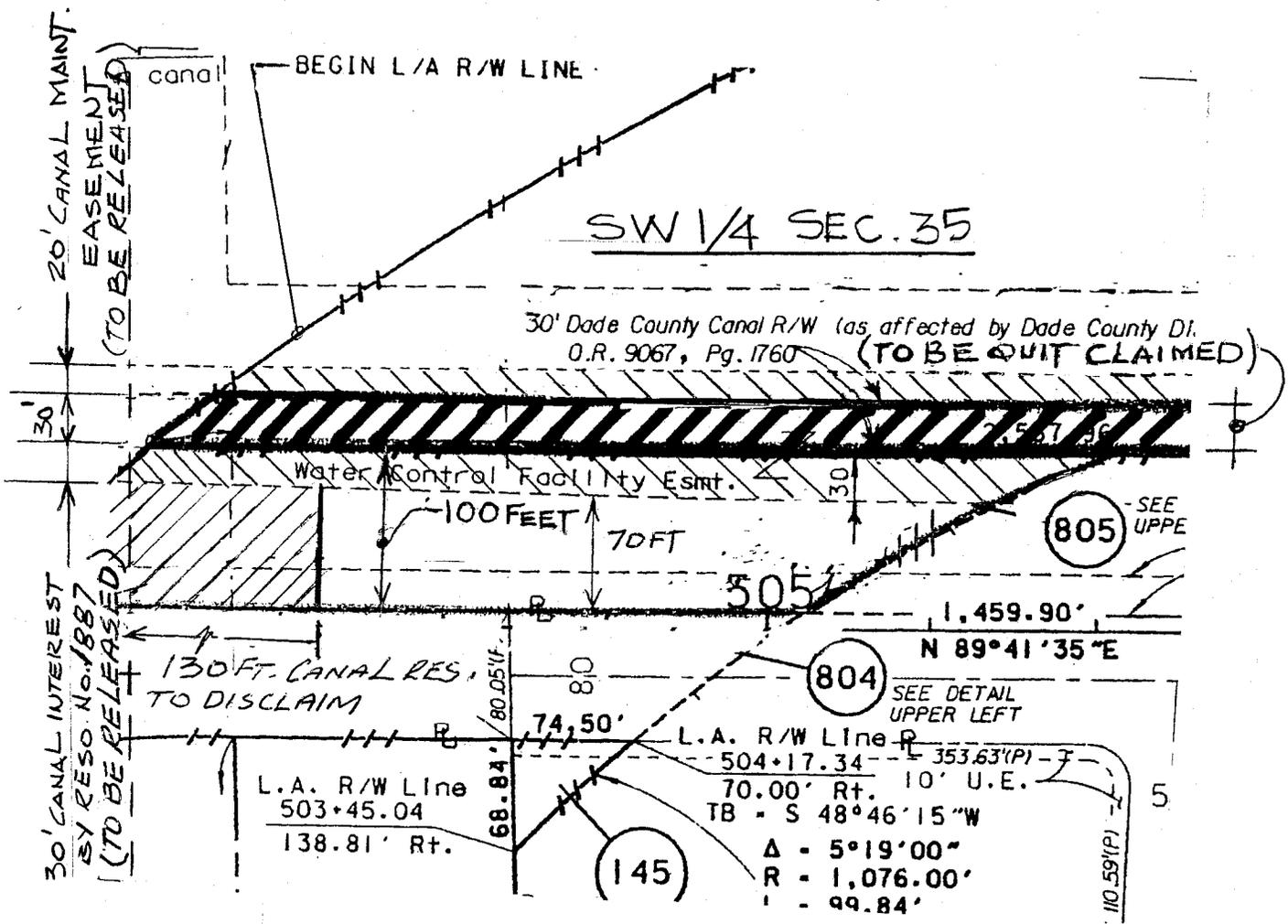
STATE OF FLORIDA at large
(Seal)

My commission expires: _____



WC. 824
 SEC. 35
 TWP. 53
 RGE. 39

LOCATION SKETCH



DETAIL SKETCH
 (NOT TO SCALE)

-  30' CANAL R.O.W TO BE QUIT CLAIMED
-  20' C.M.E TO BE DISCLAIMED
-  30' EASEMENT PER RESO #1887 (TO BE DISCLAIMED)

