

Memorandum



Date: March 6, 2007

To: Honorable Chairman Bruno A. Barreiro and Members,
Board of County Commissioners

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

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the Acceptance by Miami-Dade County of Canal Right-of-Way and Canal Flow Rights Dedication in Exchange for the Release and Quit Claim of Excess County Canal Reservation, Canal Right-of-Way and Canal Maintenance Easement No Longer Needed, in Sections 25/26/35/36, Township 53 S, Range 39 E (WC-819)

Loc: NW 25 Street, between NW 117 Avenue (SR-821/ HEFT) and NW 137 Avenue
(Commission District No. 12)

RECOMMENDATION

It is recommended that the Board approve the attached Resolution authorizing the acceptance by Miami-Dade County of canal right-of-way deeds and a canal flow rights easement dedication in exchange for the release and quit claim of excess canal reservation, a canal right-of-way, and a canal maintenance easement which are no longer needed by the County. This exchange is required as part of the Environmental Quality Control Board (EQCB) Order for the developers of Beacon Lakes and Pan American West (formerly Shoppyland) for the construction of a canal and canal control structure to maintain a hydrologic divide between these developments and the Northwest Wellfield.

BACKGROUND

Miami-Dade County currently holds, by virtue of the following deeds, recorded respectively in Official Records Book (ORB) 2274 at Page 533, ORB 5591 at Page 48, ORB 9067 at Page 1760, ORB 12858 at Page 1378, and ORB 5591 at Page 28 of the Public Records of Miami-Dade County, Florida, certain canal interests described as a canal reservation, a canal right-of-way and a canal maintenance easement. Said canal interests were obtained at no cost to Miami-Dade County as a result of the implementation of the Miami-Dade County Water Control Master Plan. These canal interests are located along the centerline of theoretical NW 25 Street and were acquired for the construction of the NW 25 Street Canal (North Line Canal) between NW 117 Avenue and NW 137 Avenue, in Sections 25/26/35/36, Township 53 South, Range 39 East. The proposed North Line Canal is located south of the Northwest Wellfield and, as constructed, is designed to create a hydrologic divide between the newly developed industrial sites to the south of NW 25 Street and the protected area of the Northwest Wellfield.

The Beacon Lakes Community Development District, together with Florida Rock Properties, Inc. land owners north of said NW 25 Street, have submitted valid deeds to Miami-Dade County for the North Line Canal (NW 25th Street Canal) and are requesting, in exchange, the release of an excess county canal reservation, a right-of-way, and a maintenance easement that are no longer needed for canal purposes. The Department of Environmental Resources Management together with the Public Works Department has reviewed this proposed exchange and recommends its approval.

Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 8(D)(1)(H)

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. 8(D)(1)(H)

Veto _____

03-06-07

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ACCEPTANCE BY MIAMI-DADE COUNTY OF CANAL RIGHT-OF-WAY AND CANAL FLOW RIGHTS DEDICATION IN EXCHANGE FOR THE RELEASE AND QUIT CLAIM OF AN EXCESS COUNTY CANAL RESERVATION, A CANAL RIGHT-OF-WAY, AND A CANAL MAINTENANCE EASEMENT NO LONGER NEEDED IN SECTIONS 25/26/35/36, 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 acceptance by Miami-Dade County of a canal right-of-way and a canal flow rights dedication by Beacon Lakes Community Development District and by Florida Rock Properties, Inc., in exchange for the release and quit claim of an excess County canal reservation, a canal right-of-way, and a canal maintenance easement which are no longer needed for canal purposes, in Sections 25/26/35/36, Township 53 South, Range 39 East; and authorizes execution of County Disclaimers, and other Deeds by the Mayor in substantially the form attached hereto and made a part hereof, and their recording into 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:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of March, 2007. 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.



Peter S. Tell

AUG 21 2005

W.C. 819

1

FLOW RIGHTS
EASEMENT TO MIAMI-DADE COUNTY FOR DRAINAGE
(CORPORATION)

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

THIS INDENTURE, made this ____ day of _____, 20____, between Florida Rock Properties, Inc., a Florida Corporation, as 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 party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and for other good and valuable considerations does hereby grant, to the party of the second part and its successors in interest, a certain flow rights easement across and under an existing railroad spur for the purpose of providing continuity of flow for the N.W. 25th Street Canal, within the following described lands, situated, lying and being in the County of Miami-Dade, State of Florida, to-wit:

The South 36 feet of the South 130 feet of the East 100 feet of the East One Half (E ½) of Section 26, Township 53 South, Range 39 East;

and,

The North 49 feet of the North 130 feet of the East 100 feet of Section 35, Township 53 South, Range 39 East, Miami-Dade County, Florida.

together with the right of the party of the second part to use said real property for purposes incidental to such flow rights easement and in such manner as may be necessary for the operation of equipment utilized in the construction and maintenance of the canal and existing or proposed culvert under said railroad.

This instrument was prepared by:

Walid Abusad, Engineer II,
Miami-Dade County Department of
Environmental Resources Management
33 S.W. 2nd Avenue
Miami, FL 33130

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FLOW RIGHTS

EASEMENT

TO

MIAMI-DADE COUNTY

FOR

DRAINAGE PURPOSES

FROM

Florida Rock Properties, Inc.

TO

MIAMI-DADE COUNTY, FLORIDA

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

Sign: _____

Print: _____

Title: _____

Address: 111 N.W. 1 Street
Stephen P. Clark Center
Miami, Florida 33128

ATTEST: HARVEY RUVIN
Clerk of said Board

By: _____
Deputy Clerk

7

AUG 21 2006

W.C. 819

1

RIGHT-OF-WAY DEED TO MIAMI-DADE COUNTY

CONVEYING THE TITLE FOR CANAL PURPOSES

BY CORPORATION

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

THIS INDENTURE, made this ____ day of _____, 20__, by and between Florida Rock Properties, Inc., a corporation under the laws of the State of Florida, as party of the first part, and the County of Miami-Dade, and a Political Subdivision of the State of Florida, and its successors and assigns, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) 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 grant, bargain and sell to the party of the second part, and its successors and assigns, for the purpose of a public canal and purposes incidental thereto, including the right of the party of the second part to ownership and disposal of all spoil material from said canal, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to-wit:

The South 36 feet of Section 26, Township 53 South, Range 39 East, less the East 100, and less the West 652 feet thereof.

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 as a public canal and for all purposes incidental thereto.

This instrument was prepared by:

Walid Abusad of
Dade County Environmental
Resources Management
33 S.W. 2nd Avenue, 2nd Floor
Miami, Florida 33130

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

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same 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 executed by its President or Vice-President, and has caused the same to be attested by its Secretary or Assistant-Secretary, and its Corporate Seal hereon to be impressed, on this, the day and year first above written.

Signed, Sealed, Attested and delivered in our presence:

Witnesses:

FLORIDA ROCK PROPERTIES, INC.

Name of Corporation

Sign *Lou Anne Benedetta*

By *[Signature]*

Print LOU ANNE BENEDETTO

Print David H. deVilliers, Jr.

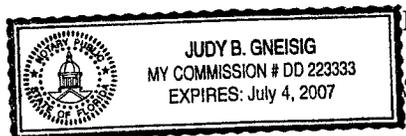
Sign *[Signature]*

Title President

Print Ray M. Van Landingham
Secretary

Address 1801 Art Museum Drive
Jacksonville, FL 32207

The foregoing instrument was acknowledged before me this 29th day of August, 2006, by David H. deVilliers, Jr who is personally known to me or who has produced -- as identification and did take an oath.



NOTARY PUBLIC:

Sign *Judy B. Gneisig*

Print Judy B. Gneisig
STATE OF FLORIDA at large
(Seal)

My Commission Expires: 7/4/2007

RIGHT-OF-WAY DEED
TO
MIAMI-DADE COUNTY
CONVEYING THE TITLE FOR
CANAL PURPOSES

FROM

Florida Rock Properties, Inc.

TO

MIAMI-DADE COUNTY, FLORIDA

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

Sign: _____

Print: _____

Title: _____

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

ATTEST: HARVEY RUVIN
Clerk of said Board

By: _____
Deputy Clerk

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

WC. 819

1

RIGHT-OF-WAY DEED TO MIAMI-DADE COUNTY

CONVEYS THE TITLE FOR CANAL PURPOSES

BY CORPORATION

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

THIS INDENTURE, made this ____ day of _____, 20____, by and between Beacon Lakes Community Development District, 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 Ten Dollars 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 grant, bargain and sell to the party of the second part, and its successors in interest, for the purpose of a public canal and purposes incidental thereto, all rights, title, interest, claim or demand of the party of the first part, including the right of the party of the second part to ownership and disposal of all spoil material from said canal, in and to the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to-wit:

The North 49 feet of the North 130 feet of Section 36, Township 53 South, Range 39 East, Miami-Dade County, Florida, less the East 520.12 feet thereof; and the North 49 feet of the North 130 feet of the West ½ of the East ½ of Section 35, Township 53 South, Range 39 East, Miami-Dade County, Florida.

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 canal and for all purposes incidental thereto.

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

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under him.

IN WITNESS WHEREOF, the said party of the first part, has executed by its Chair or Vice-Chair, and has caused the same to be attested by its Secretary or Assistant-Secretary, and its Corporate Seal hereon to be impressed, on this, the day and year first above written.

Signed, Sealed, Attested and delivered in our presence:

Witnesses:

BEACON LAKES COMMUNITY DEVELOPMENT DISTRICT

Sign: [Signature]

By: [Signature]

Print: Richard Hans - Secretary

Title: JOHN GLISEN
Chairman

Sign: [Signature]

Address: 10300 N.W. 11th Manor
Coral Springs, Florida 33071

Print: DENNIS E. GYLES

SEAL:

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

ATTEST: HARVEY RUVIN
Clerk of said Board

Sign: _____

Print: _____

By: _____
Deputy Clerk

Title: _____

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

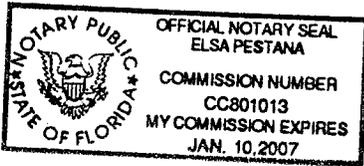
STATE OF FLORIDA }

COUNTY OF MIAMI-DADE }

The foregoing instrument was acknowledged before me this 4 day of October, 2004, by _____, as _____ of the Board of Supervisors for BEACON LAKES COMMUNITY DEVELOPMENT DISTRICT, who is personally known and/or produced _____ as identification who being duly sworn, deposes and says that the aforementioned is true and correct to the best of his or her knowledge.

Sealed & Commission Expires:

Elsa Pestana
Notary Public



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

FROM
Beacon Lakes Community Development District

TO
MIAMI-DADE COUNTY, FLORIDA

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

Sign: _____

Print: _____

Title: _____

Address: 111 N.W. 1 Street
Stephen P. Clark Center
Miami, Florida 33128

ATTEST: HARVEY RUVIN
Clerk of said Board

By: _____
Deputy Clerk

Return to:
Water Management Division
Miami-Dade County Department of
Environmental Resources Management
33 S.W. 2nd Avenue, Suite 200
Miami, FL 33130-1540

W.C. 819
1

Instrument prepared by:
Walid Abusad, of
Miami-Dade County Department of
Environmental Resources Management
33 S.W. 2nd Avenue, Suite 200
Miami, FL 33130-1540

COUNTY DEED

THIS DEED, Made this _____ day of _____, 20____, by and between
MIAMI-DADE COUNTY, a political subdivision of the State of Florida, whose address is 111
N.W. 1st Street, Miami, Florida 33128-1970, party of the first part, and Beacon Lakes
Community Development District, whose address is 355 Alhambra Circle, 9th Floor, Coral
Gables, FL 33134., party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars
(\$10.00) to it in hand paid by the party of the second part, receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said party of the second part, its successors
and assigns forever, the following described lands, lying and being in the County of Miami-Dade,
State of Florida, to-wit:

The South One-Foot (S 1.0') of the North 50 feet
of the East ½ of the Northeast ¼ of Section 35,
Township 53 South, Range 39 East, less the East
100 feet thereof.

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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 and the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:

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

HARVEY RUVIN
CLERK OF SAID BOARD

By: _____
Deputy Clerk

By: _____
Carlos Alvarez, Mayor

Print: _____

The foregoing was authorized and approved by Resolution No. _____ of the Board of County

Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 20_____.

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

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, Florida, to wit:

The South 81 feet of the North 130 feet of Section 36, Township 53 South, Range 39 East, Miami-Dade County, Florida, less the East 520.12 feet thereof,

and,

The South 81 feet of the North 130 feet of the West ½ of the Northeast ¼ of Section 35, Township 53 South, Range 39 East, Miami-Dade County, Florida,

and,

The North 94 feet of the South 130 feet of the East ½ of Section 26, Township 53 South, Range 39 East, Miami-Dade County, Florida, less the East of 100 feet thereof.

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 47 dated June 9, 1960, recorded in Official Records Book 2274 at Page 533 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 and,

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

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

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NOW, THEREFORE, MIAMI-DADE COUNTY DOES hereby disclaim any interest it has in the above described lands by virtue of the said Rights in Reservations Deed No. 47 dated June 9, 1960, recorded in Official Records Book 2274 at Page 533 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 the above described 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 _____, 20_____.

ATTEST:

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

Sign: _____ By: _____

Print: _____ Print: _____

Title: _____

Address: 111 N.W. 1st Street
Stephen P. Clark Center
Miami, Florida 33128

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

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

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: _____

W.C. 819

1

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

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 South 25 feet of the North 75 feet of the East ½ of the Northeast ¼ of Section 35, Township 53 South, Range 39 East, less the East 100 feet thereof.

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

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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 or Deputy Clerk of said Board on this the _____ day of _____ 20__ .

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

Sign: _____ Sign: _____

Print: _____ Print: _____

Title: _____

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

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

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STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

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:

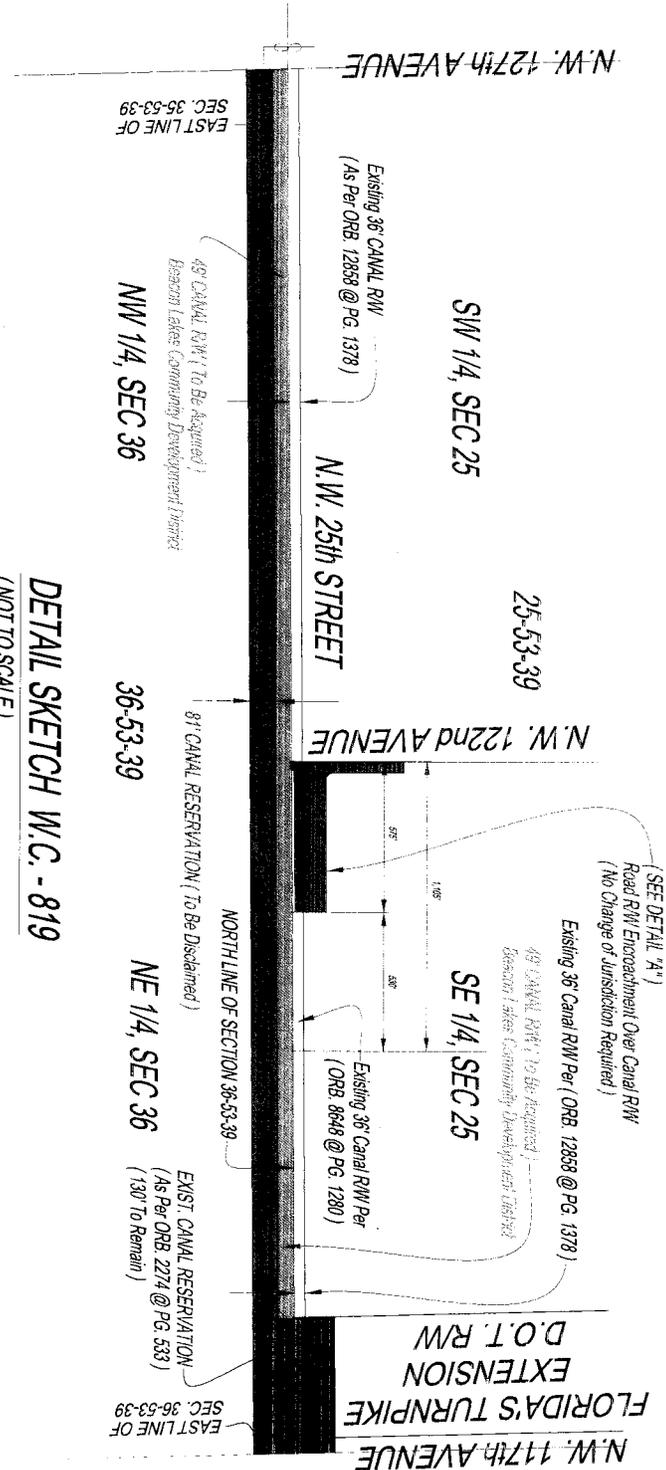
Sign _____

Print _____

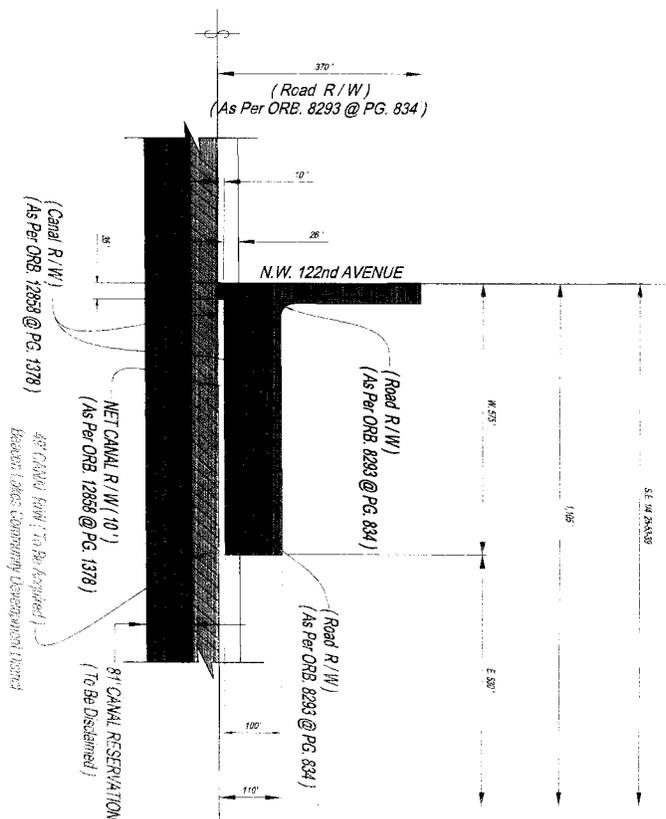
STATE OF FLORIDA at large
(Seal)

My commission expires: _____

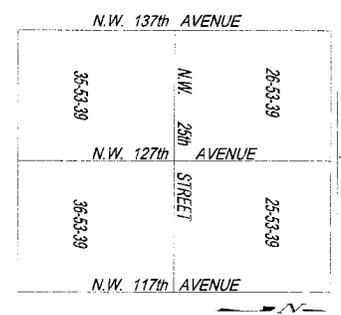
22



DETAIL SKETCH W.C. - 819
(NOT TO SCALE)



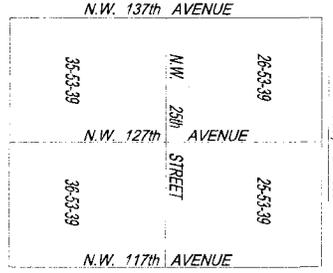
DETAIL "A"
(N.T.S)



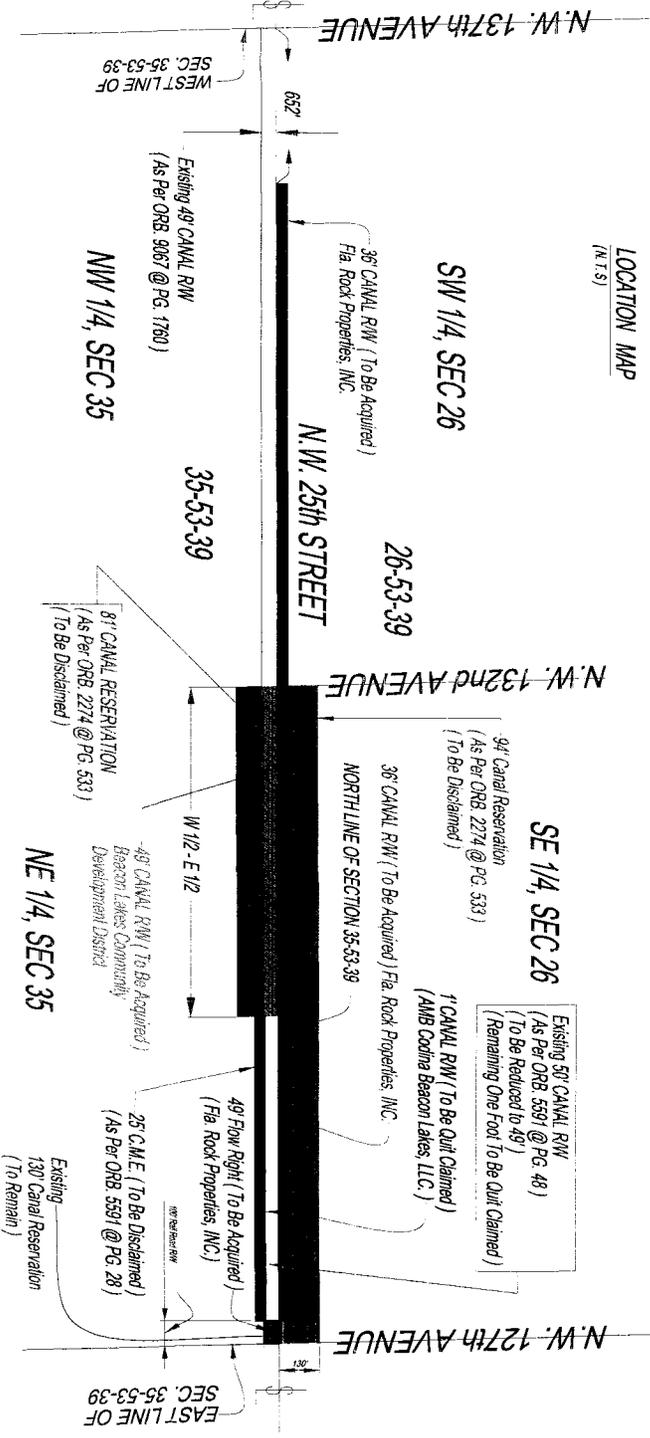
LEGEND

-  Existing Canal R/W
-  Canal R/W To Be Acquired
-  Canal Reservation To Be Disclaimed
-  Existing Canal Reservation To Remain
-  Road R/W and Road R/W Encroachment Over Canal R/W

TMP 53S, RGE 39E



LOCATION MAP
(N.T.S.)



DETAIL SKETCH W.C. - 819
(NOT TO SCALE)

LEGEND

- Existing Canal RW
- Canal RW To Be Acquired
- Canal RW To Be Acquired
- Canal Reservation To Be Disclaimed
- Existing C.M.E. To Be Disclaimed
- Existing Canal Reservation To Remain

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