Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 8(F)(1)(C)

Date: December 4, 2007

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

From: George M. Burgess
County Manager

Subject: Sale of County-Owned Property
Located at East 25th Street and East 7th Avenue (Hialeah Parcel No.03-46)
Folio: 04-3108-007-2700

This item was previously reviewed and forwarded with a favorable recommendation by the Transit Committee during its July 18, 2007 meeting. The item was deferred during the September 4, 2007 Board meeting in order to respond Commissioner Seijas' questions, add numerous restrictions required by Miami-Dade Transit to the County Deed, and clarify the zoning section of the agenda item.

Recommendation

It is recommended that the Board declare County-owned property located at East 25th Street and East 7TH Avenue, Hialeah, surplus, authorize the private sale of said property to an adjacent property owner pursuant to Florida Statute 125.35-3(2); authorize the County Mayor or his designee to take all actions necessary to accomplish the sale of said property; and authorize execution of a County Deed for such purpose.

Scope

COMMISSION DISTRICT: 6

COMMISSION DISTRICT (S) IMPACTED: County-wide

Fiscal Impact/Funding Source

APPRAISED MARKET VALUE: $46,500.00

MINIMUM SALE AMOUNT: If approved for surplus, the property will be offered to the adjacent property owners for no less than $46,500.00, which represents its fair market value, as established by an independent state-certified appraiser. The property will be sold with restrictions required by Miami-Dade Transit as described in the attached County Deed

FISCAL IMPACT: The parcel was acquired by MDT as part of the Hialeah Corridor. The parcel has been identified for asset disposal as part of MDT's deficit reduction plan.

The sale of this property will reduce the County's annual expense for maintenance ($240.00 per month); eliminate the County's liability, and put the property back on the tax roll [generated taxes per year (Hialeah Millage Rate for 2006) 21.9628 X 46.5 = $1,021.27 per year).

Track Record/Monitor

MONITOR: Mercedes Sanchez, Real Estate Officer

Background

MANAGING DEPARTMENT: Miami-Dade Transit (MDT)

FOLIO NUMBER: 04-3108-007-2700

LOT SIZE: 4,649 Square Feet, or 0.1067 Acres ±

LOCATION: Theoretical East 25th Street and East 7th Avenue, Hialeah

ZONING: RTZ (Rapid Transit Zone)

CURRENT USE: A portion of the property is used for parking.

DESCRIPTION: Vacant, unimproved.

JUSTIFICATION: Florida Statute 125.35(2) provides that when the Board of County Commissioners finds that a parcel of real property is of insufficient size and shape to be issued a building permit, the Board may effect a private sale of the parcel with the adjacent property owners. If there is more than one adjacent property owner, then the property shall be privately bid amongst those owners. The Board may, after sending notice of its intended action to owners of adjacent property by certified mail, effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice; however, if within the 30 working days after receiving such mailed notice, two or more owners of adjacent property notify the Board of their desire to purchase the parcel, the Board shall accept sealed bids for the parcel from such property owners and may convey such parcel to the highest bidder or may reject all offers.

COMMENTS: This parcel does not have public access and can only be accessed through the adjacent properties. Staff has determined by circulation to County departments that this parcel is not needed for any County purpose. The property is located within the City of Hialeah; therefore, it was not presented to the Planning Advisory Board for a recommendation.

Director
General Services Administration

MEMORANDUM

(Revised)

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

DATE: December 4, 2007

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

SUBJECT: Agenda Item No. 8(F)(1)(C)

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. 8(F)(1)(C)
12-04-07

RESOLUTION NO. _____

RESOLUTION DECLARING COUNTY-OWNED PROPERTY LOCATED AT EAST 25th STREET AND EAST 7TH AVENUE HIALEAH SURPLUS; AUTHORIZING THE PRIVATE SALE OF SAID PROPERTY TO AN ADJACENT PROPERTY OWNER PURSUANT TO FLORIDA STATUTE 125.35-3(2); AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE SALE OF SAID PROPERTY; AND AUTHORIZING EXECUTION OF A COUNTY DEED FOR SUCH PURPOSE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, for the property described in the accompanying County Deed, 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 declares County-owned property located at East 25th Street and East 7th Avenue Hialeah surplus; authorizes the private sale of said property to an adjoining property owner pursuant to section 125.35-3(2) Florida Statutes; authorizes the Mayor or his designee to take all actions necessary to accomplish the sale of said property legally described in the aforementioned County Deed; and authorizes the Mayor to execute said County Deed, in substantially the form attached hereto.

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
Carlos A. Gimenez
Joe A. Martinez
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Dennis C. Moss
Natacha Seijas
Rebeca Sosa

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

Thomas Goldstein

Instrument prepared under the direction of
Thomas Goldstein, Assistant County Attorney:
111 N.W. 1 Street, 28 Floor
Miami, Florida 33128-1907

Folio No.: 04-3108-007-2700 (Parcel 03-46)

COUNTY DEED

THIS DEED, made this day of , 2007 A.D. by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 N.W. 1 Street Suite 17-202, Miami, Florida 33128-1963, and , party of the second part, whose address is , Florida .

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Dollars and no/100 ($) 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, his/her heirs and assigns forever, the following described land lying and being in Dade County, Florida:

----------SEE ATTACHED LEGAL DESCRIPTION----------

This conveyance is made subject to the following restrictions:

1. Any and all construction plans for any improvements to be constructed on this parcel must be submitted to the Miami-Dade Transit Office of Safety and Security Fire/Life/Technical Committee for review, comment, possible revision(s) and approval.
2. Any elevated improvements built on this parcel shall be no closer than thirty (30) feet from the outer edge of the Metrorail guideway (the horizontal concrete track bed atop the Metrorail columns).
3. No balconies shall face Metrorail unless completely enclosed with a "protective device" such that nothing can be thrown onto the tracks or at the Metrorail vehicles, e.g. screening or grille work.
4. Structured garages shall have "closed" openings which face Metrorail, i.e. closed with chain link fencing (whether vinyl covered or not), side to side, top to bottom, in order that no projectiles can be thrown onto the Metrorail guideway or at the Metrorail vehicles; this includes possible fencing along the rooftop edge facing the Metrorail guideway including appropriate corners.
5. The rear yard lot line shall be no less than fifteen (15) feet from the mutual Metrorail boundary line.
6. No use of adjacent Metrorail right-of-way shall be permitted for any reason at any time.
7. No item, structure or debris shall encroach onto said adjacent Metrorail right-of-way at any time.
8. No above- or under-ground storage tanks or containers of flammable materials shall be kept, stored, contained, built or maintained on this parcel at any time.
9. Construction crane locations shall be approved by the Miami-Dade Transit office of Safety and Security prior to any construction or crane(s) being located on this parcel.

The following uses are not permitted on this parcel:

1. gas stations
2. automotive new parts and equipment or accessory stores (salesroom only)
3. automotive tires (sales, service, recapping, installation, storage, discarded, abandoned, new or used, disposal)
4. coin-operated or self-service laundries or dry cleaning
5. copy services or quick printing
6. restaurants, eateries
7. grocery stores and supermarkets
8. manual or mechanical carwashes
9. secondhand merchandise dealers or sale or pawn of secondhand goods

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 of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

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

By: _____
Mayor

Approved for legal sufficiency. _____

The foregoing was authorized by Resolution No. R-_____ passed by the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 2007

CONTRACT: H 400
PARCEL: 03-46

LAND DESCRIPTION
METRORAIL HIALEAH CORRIDOR
CITY OF HIALEAH, DADE COUNTY, FLORIDA

A portion of Lots 6, 7, and 8, in Block 17-B, of "SIXTH ADDITION TO THE TOWN OF HIALEAH", according to the Plat thereof as recorded in Plat Book 8, Page 54, of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 8, Block 17-B, "SIXTH ADDITION TO THE TOWN OF HIALEAH";

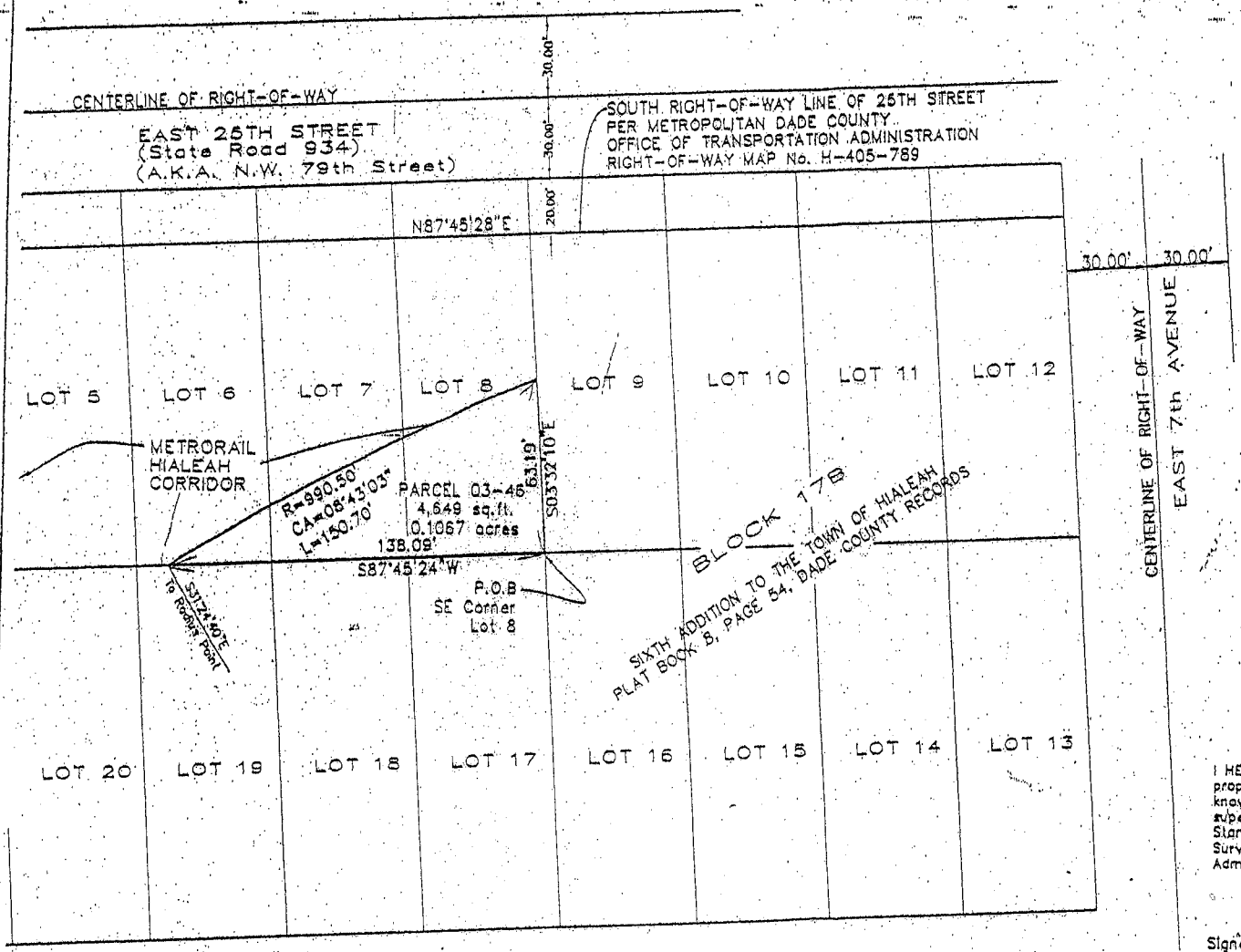
THENCE South 87°45'24" West on the South line of said Lots 6, 7 and 8, a distance of 138.09 feet to the intersection with the Southeasterly right-of-way line of Miami-Dade County Metrorail, Hialeah Corridor, as shown on Miami Dade County Office of Transportation Administration Right-of-Way Map for the Hialeah Corridor, Line Section H-405, said point located on the arc of a non-tangent curve concave to the Southeast whose radius point bears South 31°24'40" East;

THENCE Northeasterly on said Southeasterly right-of-way line and on the arc of said curve having a radius of 990.50 feet, through a central angle of 08°43'03", and an arc distance of 150.70 feet to the intersection with the East line of said Lot 8;

THENCE South 03°32'10" East on said East line of Lot 8, a distance of 63.19 feet to the POINT OF BEGINNING;

Said lands lying in the City of Hialeah, Miami-Dade County, Florida, and containing 4,649 square feet (0.1067 acres), more or less.

Prepared by:
CALVIN, GIORDANO & ASSOCIATES
1800 Eller Drive, Suite 600
Fort Lauderdale, Florida 33316
September 13, 2006
Revised September 25, 2006
Revised October 11, 2006
P:\Projects\2006\065691 Metro Rail Parcels\SURVEY\Legal Descriptions\065691-V-SD-south-03-46.doc



SURVEYOR'S NOTES:

1. Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
2. Lands shown hereon were not abstracted for Rights-of-Way, Easements, Ownership, or other instruments of record by the Surveyor.
3. Bearings shown hereon are relative to the South right-of-way of East 25th Street as shown on Miami-Dade County Office of Transportation Right-of-Way Maps for Hialeah Corridor Line, Section H-405. Said line bears North 87°45'28" East.
4. Information shown hereon does not represent a Boundary Survey.
5. Description was prepared from information shown on Miami-Dade Transit Right-of-Way Maps, and information contained in the Public Records of Miami-Dade County, Florida.

GRAPHIC SCALE
40 20 0 20 40 80 160
(IN FEET)
1 inch = 40 ft.

I HEREBY CERTIFY: that this "SKETCH OF SURVEY" of the property described hereon is true and correct to the best of my knowledge and belief as recently surveyed and drawn under my supervision. This sketch complies with the Minimum Technical Standards set forth by the Florida State Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code pursuant to 472.027 Florida Statutes.

CALVIN, GIORDANO & ASSOCIATES, INC.

Signed: Gregory J. Clements Dated: 10-11-06

Gregory J. Clements
Professional Surveyor and Mapper No. 4479
State of Florida

Calvin, Giordano & Associates, Inc.
Engineers Surveyors Planners
1800 Eller Drive, Suite 600
Fort Lauderdale, Florida 33316
Phone: 954.987.7781 Fax: 954.987.6507
Certificate of Authorization 814

HIALEAH METRORAIL
MIAMI-DADE TRANSIT
City of Hialeah, Miami-Dade County, Florida

SKETCH OF DESCRIPTION
PARCEL 03-46
Contract H-400

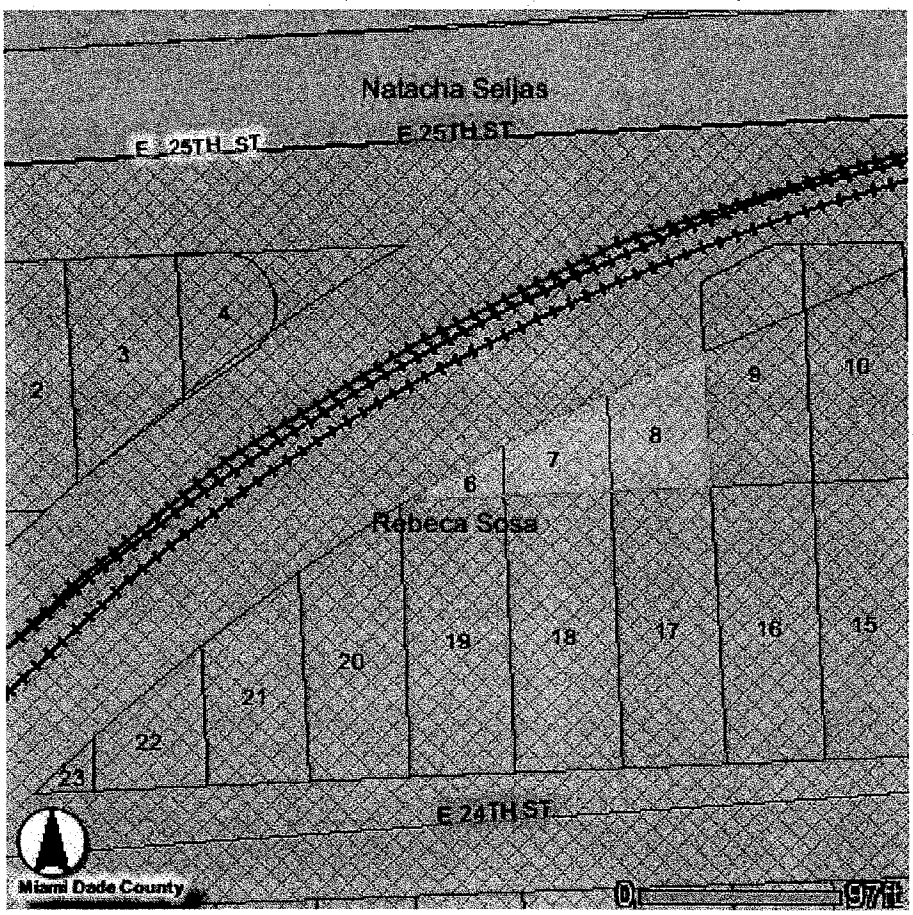
SCALE	PROJECT NO	SHEET
1"=40'	06-5691	2
DATE	DWG FILE	OF 2

P:\Projects\2006\065691 Metro Rail Parcels\SURVEY\SKETCH\065691-1-SD-METRO-03-46.dwg Oct 11, 2006 - 10:05am

eMaps Online
Miami-Dade County, Florida

miamidade.gov MIAMI-DADE

Folio: 04-3108-007-2700 (A portion of Lots 6, 7, & 8 Block 17-B)



Legend

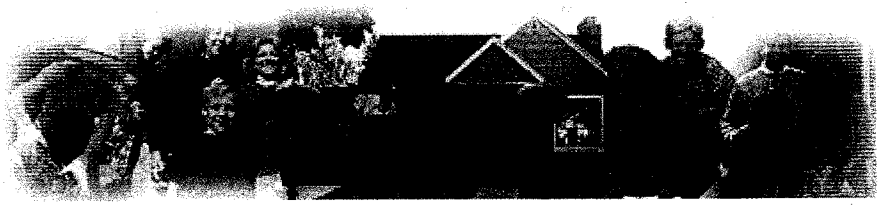
Print Close

SEE ATTACHED LEGAL DESCRIPTION

PARCEL 03-46

10

My Home



miamidade.gov

ACTIVE TOOL: SELECT

Show Me:

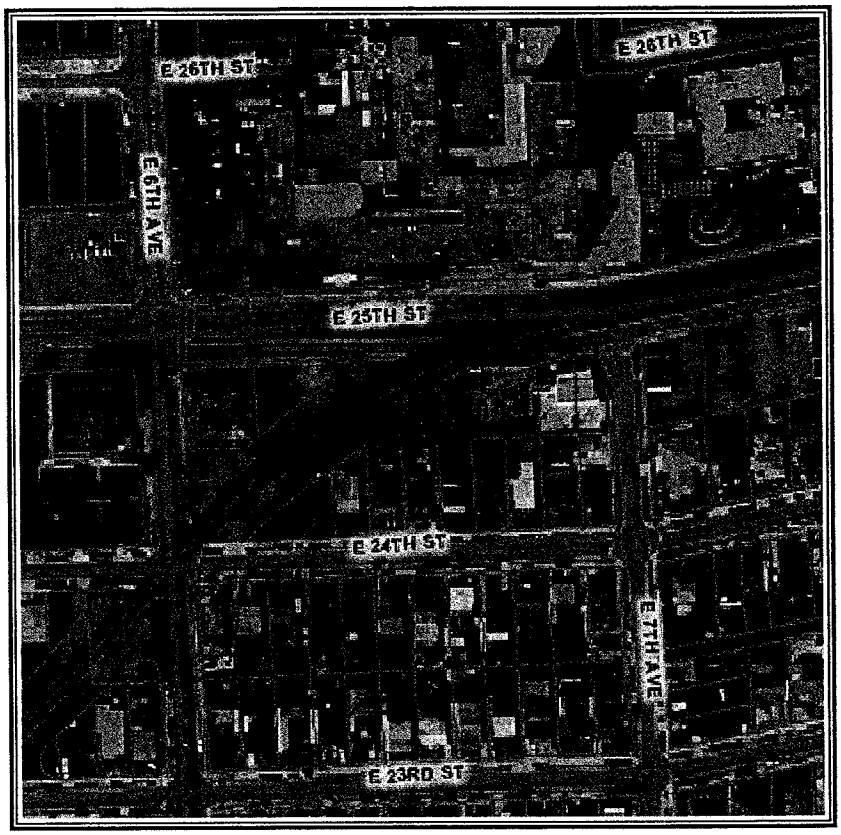
Property Information

Search By:

Select Item

Text only

Property Appraiser Tax Estimator



Digital Orthophotography - 2006 0 114 ft

We appreciate your feedback, please take a minute to complete our survey.

Summary Details:

Folio No.:	04-3108-007-2700
Property:	
Mailing Address:	MIAMI DADE COUNTY GSA R/E MGMT 111 NW 1 ST STE 2460 MIAMI FL 33128-1929

Property Information:

Primary Zone:	7200 INDUSTRIAL-MEDIUM
CLUC:	0080 VACANT LAND-GOVERNMENTAL
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	4,649 SQ FT
Year Built:	0
Legal Description:	HIALEAH 6TH ADD PB 8-54 PORT OF LOTS 6 THRU 8 BLK 17B DESC BEG SE COR LOT 8 BLK 17B TH S 87 DEG W 138.09FT NELY AD 990.50FT S 03 DEG E 63.19FT TO

Sale Information:

Sale O/R:	
Sale Date:	0/0
Sale Amount:	$0

Assessment Information:

Year:	2007
Land Value:	$78,103
Building Value:	$0
Market Value:	$78,103
Assessed Value:	$78,103
Total Exemptions:	$78,103
Taxable Value:	$0

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If you experience technical difficulties with the Property Information application, please click here to let us know.

E-mail your comments, questions and suggestions to Webmaster

Web Site
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11