# Memorandum

MIAMI-DADE COUNTY

**Date:** December 4, 2007

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

**From:** George M. Burgess
County Manager

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

**Subject:** Resolution Authorizing the Approval of a County Deed to Vacate Certain Portions of County Canal Right-of-Way and Canal Maintenance Easement Which Are No Longer Needed by Miami-Dade County in the South One-Half (S½) of Section 26 & Section 35, Township 52 South, Range 39 East (WC-864)

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**Recommendation**
It is recommended that the Board approve the attached Resolution authorizing the approval of a County Deed to vacate certain portions of canal right-of-way and maintenance easement which are no longer needed.

**Scope**
The subject properties are located in Commission District No. 12 (Comm. Diaz).

**Fiscal Impact/Funding Source**
N/A

**Track Record/Monitor**
N/A

**Background**
On September 29, 1970 and on May 9, 1973, Miami-Dade County acquired, at no cost, canal right-of-way and canal maintenance easement by virtue of deeds from Maule Industries, Inc., recorded respectively in the Official Records Book 7196 at Page 67 and Official Records Book 8618 at Page 2135 of Miami-Dade County, Florida. Said canal interests located east of, and parallel to, NW 137 Avenue were acquired by Miami-Dade County in compliance with the requirements of the Water Control Master Plan for flood protection and water management.

In 1989, the Department of Environmental Resources Management (DERM), in a cooperative project with the South Florida Water Management District and the Miami-Dade Water and Sewer Department, implemented the Northwest Wellfield Protection Plan. Under this plan, a canal with adequate capacity to resupply the wellfield was constructed to connect the Levee L-30 Canal to the Snapper Creek Extension Canal. The location selected for the final alignment of the Northwest Wellfield Protective Canal was through the center of the aforesaid Section 26, in an east-west direction. Consequently, those canal interests running parallel to NW 137 Avenue were no longer needed. The necessary canal right-of-way and maintenance easements for the aforesaid Northwest Wellfield Protective Canal were acquired following the final alignment described above.

Tarmac America LLC is the owner of the land described as the South One-Half (S½) of Section 26 & Section 35, Township 52 South, Range 39 East, where those canal interests are located. An application for the vacation by Miami-Dade County of said interests had been submitted by the aforementioned owner as successor in interest to Maule Industries, Inc., pursuant to the reversionary provision of the conveyance deed to Miami-Dade County.

DERM has reviewed this request and recommends approval of the attached County Deed.

Assistant County Manager

# 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(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. 8(D)(1)(D)

12-04-07

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE APPROVAL OF A COUNTY DEED TO VACATE CERTAIN PORTIONS OF COUNTY CANAL RIGHT-OF-WAY AND CANAL MAINTENANCE EASEMENT WHICH ARE NO LONGER NEEDED BY MIAMI-DADE COUNTY IN THE SOUTH ONE-HALF (S½) OF SECTION 26 & SECTION 35, TOWNSHIP 52 SOUTH, RANGE 39 EAST

**WHEREAS,** this Board desires to accomplish the purposes set forth 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 authorizes the approval of a County Deed to vacate certain portions of an existing 70-foot canal right-of-way and 25-foot canal maintenance easement no longer needed by Miami-Dade County and located in the South One-Half (S½) of Section 26 & Section 35, Township 52 South, Range 39 East, in Miami-Dade County, Florida; and authorizes execution of said County Deed 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:

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 |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

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

Approved by County Attorney as
to form and legal sufficiency. PST

Peter S. Tell

By:_____
Deputy Clerk

Return to:
Water Control Section
Miami-Dade County Department of
Environmental Resources Management
701 N.W. 1st Court, 6th Floor
Miami, FL 33136



Instrument prepared by:
Elie Mehu
Miami-Dade County Department of
Environmental Resources Management
701 N.W. 1st Court, 6th Floor
Miami, FL 33136

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**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 Tarmac America, LLC, a Delaware Limited Liability Company, whose principal address is 455 Fairway Drive, Deerfield Beach, Florida 33441, 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, the 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, acquired by Deed, Easement, Reservation, or otherwise as shown in Exhibit "A", for a secondary canal system, in Sections 26 & 35, Township 52 South, Range 39 East, all situate, lying and being in the County of Miami-Dade, and more specifically described as follows:

**EXHIBIT "A"**

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:

HARVEY RUVIN
CLERK OF SAID BOARD

By: _____
Deputy Clerk

Print:_____

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

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 _____, 20_____.

COUNTY DEED

EXHIBIT "A"

SEC. 26-52-39

The Canal Right-of-ways and Canal Maintenance Easements acquired by Miami-Dade County in the South One-Half (S ½) of Section 26-52-39, by Deed recorded in Official Records Book of Miami-Dade County, Florida, to wit:

Canal Right-of-Way

The Canal right-of-way acquired by Deed dated September 29, 1970, from MAULE INDUSTRIES, INC., recorded in Official Records Book 7196 at Page 67 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

> The East 70 feet of the West 352 feet of the South One-Half (S ½) of Section 26, Township 52 South, Range 39 East, in Miami-Dade County, Florida, less the North 130 feet thereof, and less road rights-of-way.

Canal Maintenance Easements

The canal maintenance easements acquired by deed dated May 9, 1973 from MAULE INDUSTRIES, INC., recorded in Official Records Book 8618 at Page 2135 of Miami-Dade County, Florida, more particularly described as follows:

> The East 25 feet of the West 282 feet and the East 25 feet of the West 377 feet of Section 26, Township 52 South, Range 39 East, Miami-Dade County, Florida, less the North 130 feet thereof.

COUNTY DEED

EXHIBIT "A"

SEC. 35-52-39

The Canal Right-of-ways and Canal Maintenance Easements acquired by Miami-Dade County in Section 35, Township 52 South, Range 39 East, by Deed recorded in Official Records Book of Miami-Dade County, Florida, to wit:

Canal Right-of-Way

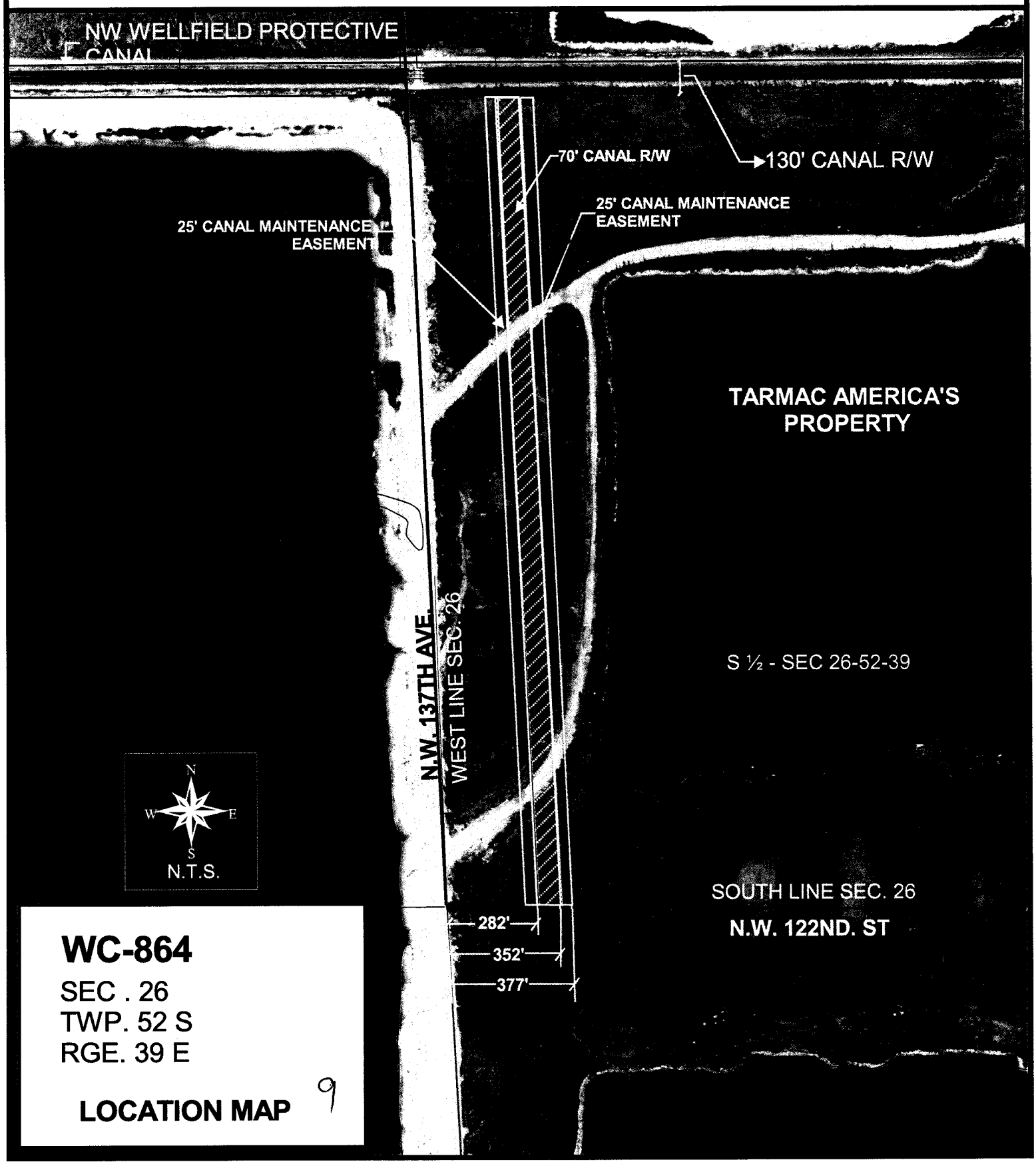
The Canal Right-of-Way acquired by Deed dated September 29, 1970, from MAULE INDUSTRIES, INC., recorded in Official Records Book 7196 at Page 67 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

> The East 70 feet of the West 352 feet of Section 35, Township 52 South, Range 39 East, in Miami-Dade County, Florida, less road right-of-ways thereof.

Canal Maintenance Easement

The canal maintenance easements acquired by deed dated May 9, 1973 from MAULE INDUSTRIES, INC., recorded in Official Records Book 8618 at Page 2135 of Miami-Dade County, Florida, more particularly described as follows:

> The East 25 feet of the West 282 feet and the East 25 feet of the West 377 feet of Section 35, Township 52 South, Range 39 East, Miami-Dade County, Florida, less road right-of-ways thereof.




**WC-864**

SEC . 26
TWP. 52 S
RGE. 39 E

**LOCATION MAP**

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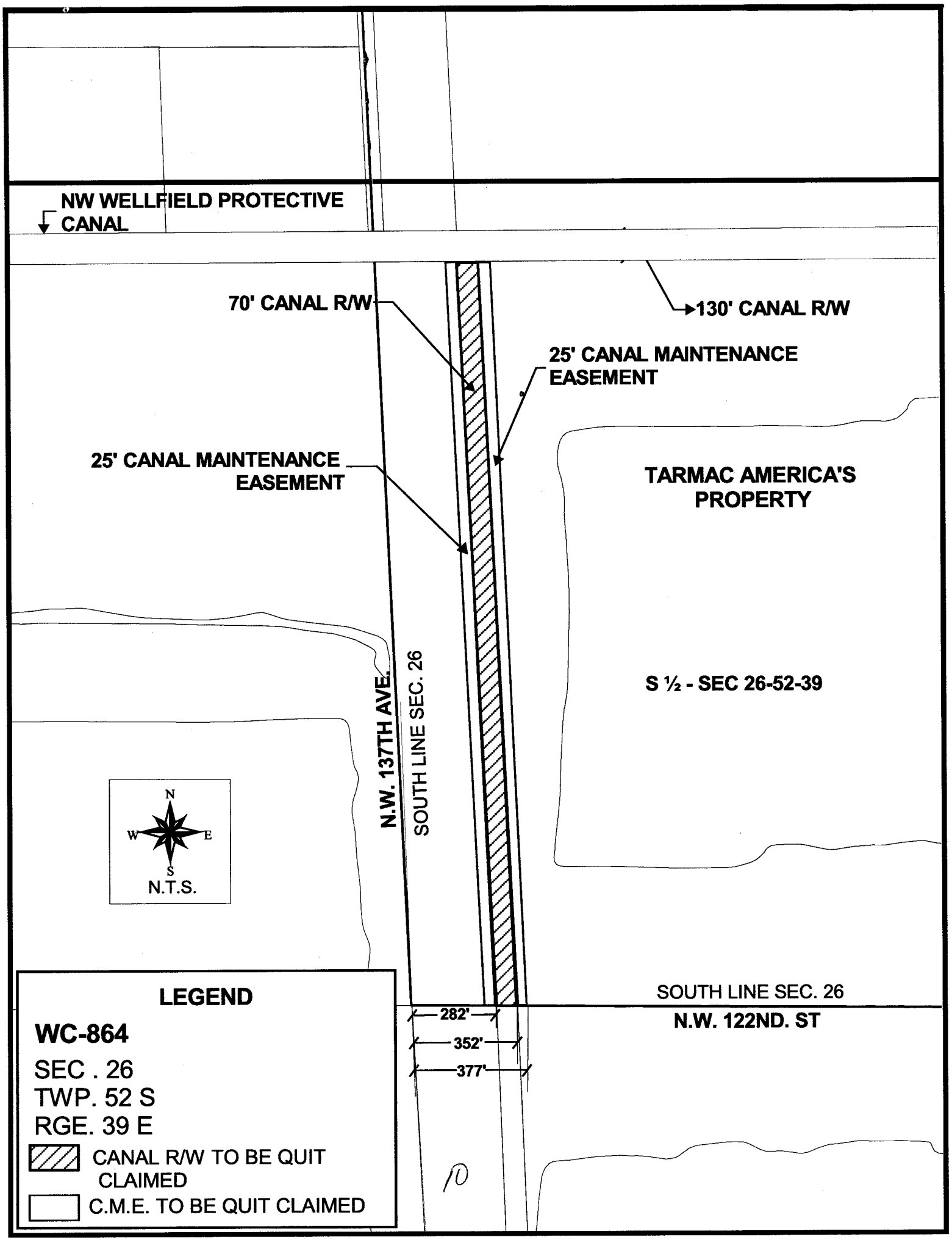
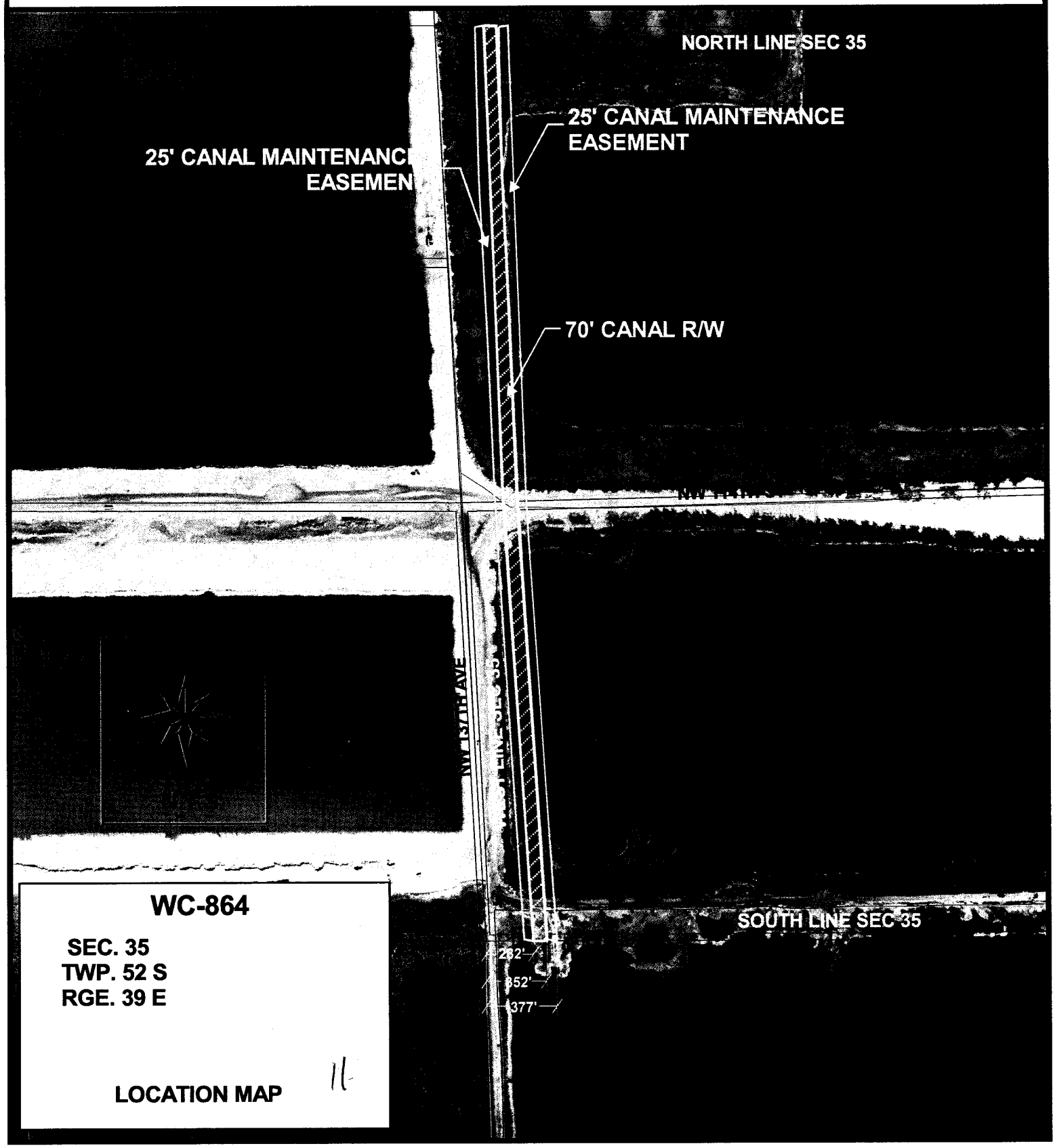

NW WELLFIELD PROTECTIVE CANAL
70' CANAL R/W
130' CANAL R/W
25' CANAL MAINTENANCE EASEMENT
25' CANAL MAINTENANCE EASEMENT
TARMAC AMERICA'S PROPERTY
S ½ - SEC 26-52-39
N.W. 137TH AVE.
SOUTH LINE SEC. 26
N
W
E
S
N.T.S.
SOUTH LINE SEC. 26
N.W. 122ND. ST
282'
352'
377'
LEGEND
WC-864
SEC . 26
TWP. 52 S
RGE. 39 E
CANAL R/W TO BE QUIT CLAIMED
C.M.E. TO BE QUIT CLAIMED
10




**WC-864**

**SEC. 35**
**TWP. 52 S**
**RGE. 39 E**

**LOCATION MAP**

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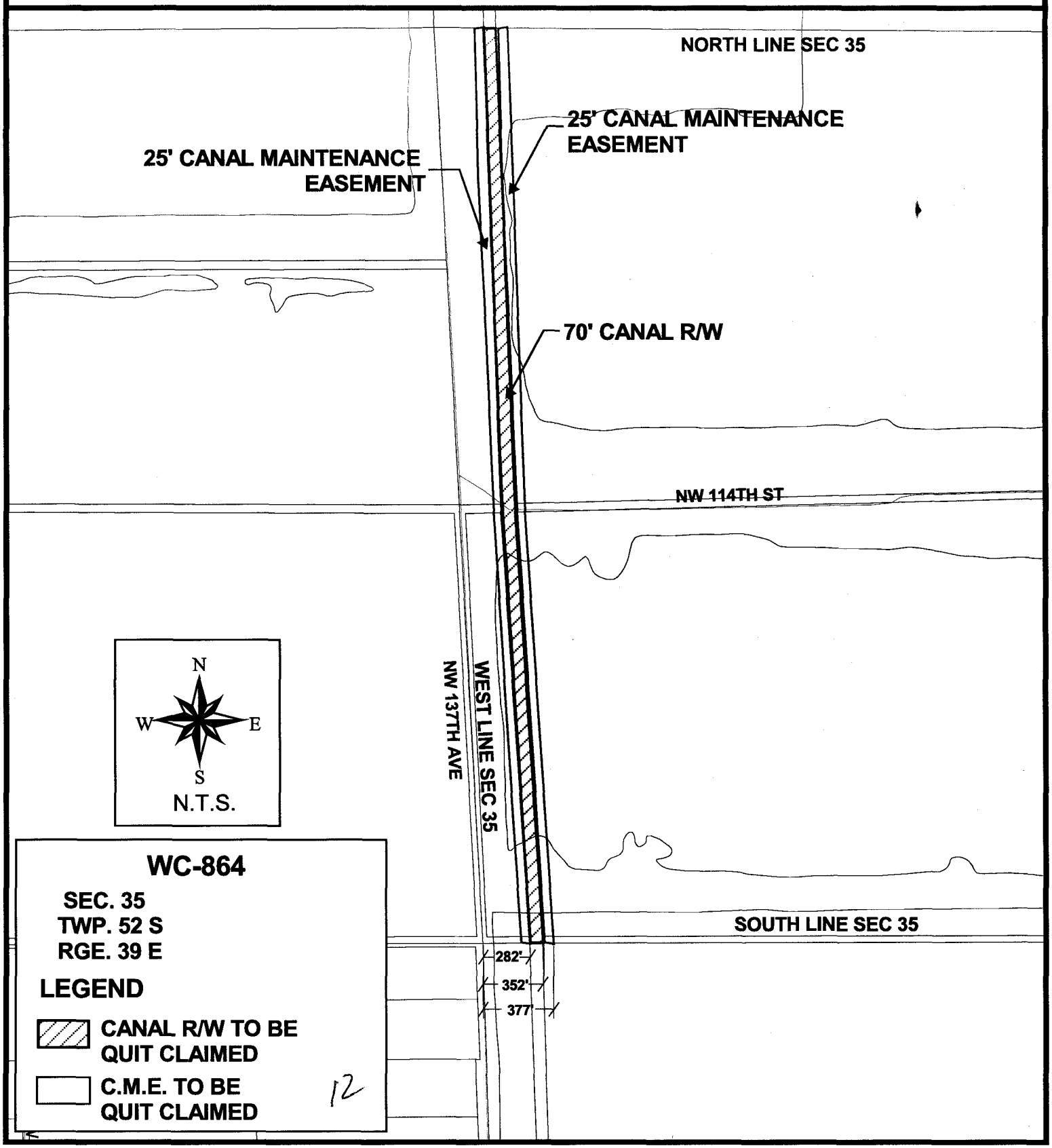
NORTH LINE SEC 35
25' CANAL MAINTENANCE EASEMENT
25' CANAL MAINTENANCE EASEMENT
70' CANAL R/W
NW 114TH ST
NW 137TH AVE
WEST LINE SEC 35
N
W
E
S
N.T.S.
SOUTH LINE SEC 35
282'
352'
377'
WC-864
SEC. 35
TWP. 52 S
RGE. 39 E
LEGEND
CANAL R/W TO BE QUIT CLAIMED
C.M.E. TO BE QUIT CLAIMED
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