

Memorandum



Date: February 5, 2008

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

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

From: George M. Burgess
County Manager

Subject: Resolution Approving Perpetual Easement Conveying .09 Acres of Property Located At Miami International Airport to the Florida Department of Transportation for State Road 826/836 Interchange Improvements

Recommendation

It is recommended that the Board approve the attached perpetual easement conveying .09 acres of property located at Miami International Airport to the Florida Department of Transportation (FDOT) for State Road 826/836 interchange improvements.

Scope

The property to be conveyed is located on the southwest side of Miami International Airport and is located primarily within Commission District Six. However, the impact of this item is countywide in nature as this property will be released to FDOT for re-alignment of the west-bound SR 836 to north-bound SR 826 (Palmetto Expressway) roadways and intersection.

Fiscal Impact

There are no fiscal impacts associated with this project.

Project Monitor

José A. Ramos, R.A., Chief of Aviation Planning

Background

FDOT is in the process of improving the Palmetto Expressway (State Road 826) and the Dolphin Expressway (State Road 836), where both come together at the southwest corner of Miami International Airport MIA). FDOT required a conveyance by easement of certain canal right of way property located on MIA in connection with the project. The Aviation Department obtained the approval of the Federal Aviation Administration (FAA) for the release of sixty three hundredths (.63) of an acre to be used in conjunction with the FDOT project. By Resolution R-658-07, the Board approved the conveyance to FDOT of .54 acres of the .63 acres of the released canal right of way then needed by FDOT. Because canal rights of way in the area are under the jurisdiction of the County's Department of Environmental Resources Management (DERM), DERM handled the conveyance of the .54 acres to FDOT for the FDOT project.

FDOT has identified the need at this time for the conveyance of the balance of the acreage released by the FAA in order to complete the S.R. 826/S.R. 836 improvement project. The balance consists of two slivers of parcels amounting to 9 hundredths (.09) of an acre, and, because this property is not under the jurisdiction of DERM, the property will be conveyed by easement to FDOT under the auspices of the County's Aviation Department.

The FAA has concurred that the FDOT will not have to compensate the County for the conveyance of both the initial .54 acres and the additional .09 acres, for the total .63 acre parcel. Accordingly, the perpetual easement states that FDOT is not required to pay the County any compensation for the easement except for the nominal consideration of one dollar and other considerations as reflected in the easement. The FAA has required, however, that the easement contain certain commitments on the part of FDOT, and such commitments are reflected in the attached easement.

The FAA's release was in the form of a Deed of Release that was attached to the FAA's letter dated May 15, 2007, describing the terms of the release. The FAA has requested that the County acknowledge its acceptance of the terms of the release by executing both documents.

For the foregoing reasons, it is recommended that the Board approve the attached resolution that approves the conveyance to FDOT by perpetual easement of .09 acres of property located at MIA, which represents the balance of the .63 acres of land previously released by the FAA for FDOT's use in conjunction with the S.R. 826/S.R. 836 improvement project.



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: February 5, 2008

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

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

02-05-08

RESOLUTION NO. _____

**RESOLUTION RELATING TO MIAMI INTERNATIONAL
AIRPORT; APPROVING PERPETUAL EASEMENT
CONVEYING .09 ACRES OF COUNTY LAND LOCATED
ON THE SOUTHWEST CORNER OF MIAMI
INTERNATIONAL AIRPORT TO THE FLORIDA
DEPARTMENT OF TRANSPORTATION (FDOT) FOR
FDOT'S USE IN CONJUNCTION WITH THE STATE
ROAD 826/STATE ROAD 836 IMPROVEMENT PROJECT**

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum and documents, copies of which are incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board, having determined that Florida Department of Transportation has applied for a conveyance by perpetual easement of .09 acres of County land located on the southwest corner of Miami International Airport for FDOT's use in conjunction with the State Road 826/State Road 836 improvement project and that the property is not needed for County purposes, such .09 acres being the balance of the .63 acres already approved by the Federal Aviation Administration for conveyance to the FDOT for such project, with an easement for .54 acres having been previously approved by this Board in Resolution No. R-658-07, hereby approves the attached perpetual easement for conveyance of such .09 acres to FDOT for the nominal payment by FDOT in the amount set forth in the attached perpetual easement; authorizes the Mayor to execute the attached perpetual easement and to take all steps to place such perpetual easement into effect; and authorizes the

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Mayor or designee to indicate the County's acceptance of the terms of the attached Deed of Release and the FAA's letter dated May 15, 2007.

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 5th day of February, 2008. 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.

TPA

Thomas P. Abbott

This instrument prepared by:
Thomas P. Abbott, Esq.
Assistant County Attorney
PO Box 025 504
Miami, Florida 33102-5504

In cooperation with
Alicia Trujillo, Esq.
District General Counsel
State of Florida
Department of Transportation
1000 N.W. 111th Avenue
Miami, Florida 33172

Parcel No. : 822-A.1
Item/Segment No.: 2495811
Managing District: 6

PERPETUAL EASEMENT

THIS PERPETUAL EASEMENT, made this _____ day of _____, 20____, by **MIAMI-DADE COUNTY**, f/k/a DADE COUNTY, a political subdivision of the State of Florida, "Grantor", to the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, its successors and assigns, "Grantee",

WITNESSETH: That the Grantor, for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which are hereby acknowledged, hereby grants unto the Grantee, its successors and assigns, a perpetual easement for the purpose of widening and improving State Road 826 in Miami-Dade County in the area of the southwest corner of Miami International Airport, in, over, under, upon and through the following described land in Miami-Dade County, Florida, to-wit:

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns forever, and the Grantor will defend the title to said lands against all persons claiming by, through or under said Grantor.

PARCEL 822

FPN No. 2495811

PROJECT 87260-2579

A parcel of NOT SUBDIVIDED land lying in the Northwest one-quarter (NW ¼) of the Southwest one-quarter (SW ¼) of Section 35, Township 53 South, Range 40 East of Miami-Dade County, Florida, being more particularly described as follows:

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COMMENCE at the Southwest corner of the Southwest one-quarter (SW ¼) of said Section 35, said point being coincident with the point of intersection of the Baseline of Survey of State Road 826 (Palmetto Expressway) as shown on Right of Way Control Survey of State Road 836/826 interchange, State of Florida Department of Transportation Project No. 87260-2579; THENCE North 1°43'06" West along said Baseline for a distance of 1,321.24 feet to the POINT OF BEGINNING of the hereinafter described parcel; THENCE continue North 1°43'06" West along said Baseline of Survey for a distance of 663.33 feet; THENCE North 88°16'54" East a distance of 35.00 feet; THENCE North 1°43'06" West a distance of 147.33 feet; THENCE North 87°31'36" East a distance of 4.04 feet; THENCE South 1°36'27" East a distance of 469.63 feet; THENCE South 3°08'12" East a distance of 342.17 feet; THENCE South 89°46'30" West a distance of 46.62 feet to the POINT OF BEGINNING.

LESS AND EXCEPT all that portion of the "Northline Canal Parcel 3" lying within the above described parcel; also being a portion of exhibit "C" of the right of way deed to Miami-Dade County as accepted and approved on the 5th day of June, 2007, by Resolution No. R-658-07 of the Board of County Commissioners of Miami-Dade County, Florida; being more particularly described as follows:

COMMENCE at the Southwest corner of the Southwest one-quarter (SW ¼) of said Section 35, said point being coincident with the point of intersection of the Baseline of Survey of State Road 826 (Palmetto Expressway) as shown on Right of Way Control Survey of State Road 836/826 interchange, State of Florida Department of Transportation Project No. 87260-2579; THENCE North 1°43'06" West along said Baseline for a distance of 1,321.24 feet; THENCE North 89°46'30" East a distance of 8.44 feet to the POINT OF BEGINNING of the hereinafter described parcel; THENCE North 5°50'45" West along the westerly limits of Canal Parcel 3 for a distance of 40.83 feet to the point of curvature of a circular curve concave to the northeast and having a radius of 10,096 feet and a central angle of 0°27'36"; THENCE northwesterly along the arc of said curve to the right for 81.08 feet; THENCE North 1°43'06" West a distance of 541.95 feet; THENCE North 88°16'54" East for a distance of 33.76 feet to a point on the easterly limits of Canal Parcel 3, THENCE South 1°36'27" East along the easterly limits of Canal Parcel 3 for a distance of 287.68 feet; THENCE South 3°15'57" East continuing along the easterly limits of Canal Parcel 3 for a distance of 376.93 feet; THENCE South 89°46'30" West for a distance of 34.94 feet to the POINT OF BEGINNING.

The resulting "Parcel 822" containing 3910 square feet, more or less.

The foregoing easement and the easement conveying .54 acres of property in parcel 822 are both subject to the Grantee's acceptance of and compliance with the following conditions:

1. Grantee acknowledges the Grantor's continued right to convey stormwater into the Parcel 822 canal if current or future airport construction makes such action necessary;

2. Grantee, for itself and its successors and assigns, shall take no actions that adversely affect the rights and interests of the public in Miami International Airport and shall prevent any use of the foregoing property that would constitute an airport hazard;
3. Grantee, for itself and its successors and assigns, acknowledge the continued right of the Grantor and users of Miami International Airport to the right of flight for the passage of aircraft in the airspace above the surface of the foregoing property and the right of existing and future aircraft to generate noise in such airspace, and the right of the Grantor for itself and for users of such Airport to use the airspace to land on or take off from such Airport; and
4. Grantee, for itself and its successors and assigns, shall take no actions that will permit or afford access by others from the easement property onto Miami International Airport for aeronautical or other purposes.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name by its Mayor, on the day and year aforesaid.

MIAMI-DADE COUNTY, FLORIDA,

By: _____
Mayor

ATTEST:

By: _____
Clerk (or Deputy Clerk)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing Perpetual Easement was acknowledged before me this _____ day of _____, 20 ____, by _____, the Mayor of Miami-Dade County, who is personally known to me or who has produced _____ as identification, and who did (did not) take an oath.

(Signature)

(Print/Type)

Notary Public in and for the County and State last aforesaid.

My Commission Expires: _____
Serial No., if any: _____



U.S. Department
of Transportation
**Federal Aviation
Administration**

Orlando Airports District Office
5950 Hazeltine National Dr., Suite 400
Orlando, FL 32822-5003

Phone: (407) 812-6331

Fax: (407) 812-6978

May 15, 2007

Mr. Jose A. Ramos, R.A.
Chief of Aviation Planning Section
Miami Dade Aviation Department
P.O. Box 025504
Miami, Florida 33102-5504

RECEIVED
MAY 21 2007
AVIATION PLANNING

Dear Mr. Ramos:

RE: Release of Federal Surplus Property Obligations
Release of Parcel 822 and Temporary Use of Parcel 702

This is in response to your request that 0.630 acres of federally obligated land be released from conditions of the Surplus Property Quitclaim Deed dated March 17, 1948. This property was transferred to Dade County under the authority of the Reorganization Plan One of 1947 and the powers and authority contained in the provisions of the Surplus Property Act of 1944.

A release permitting the sale and disposal of real property transferred to the airport owner under the Surplus Property Act or 49 U.S.C. §47151 is only granted when it is clearly shown such property is no longer needed to directly support an airport purpose or activity and sale of such property will benefit civil aviation by producing an equal or greater benefit to the airport than continued retention of the land. Conversion of a real property asset into another form of asset, such as cash or physical improvements, can better serve the airport. This objective is not met unless an amount equal to the net sale proceeds based on the current fair market value (FMV) of the property is realized as a consequence of the release and such amount is committed to airport purposes.

Parcel 822 is a canal, which is maintained by the Department of Environmental Resources (DERM), and your request is to release the property to DERM who will in turn provide the necessary perpetual easements to the Florida Department of Transportation (FDOT) for the State Road 826/836 Interchange Roadway Improvements project. In addition to the release of Parcel 822, your request includes allowing the FDOT temporary use of adjoining property Parcel 702 for staging during the project (approximately two years). Because Parcel 822 is a canal, it carries a negligible market value. The benefits of releasing Parcel 822 to DERM and allowing FDOT temporary use of Parcel 702 include increasing capacity and improving traffic flow on State Roads 826 and 836, which are two major roads providing access to Miami International Airport (MIA). Additionally, FDOT will reconstruct and widen the airport perimeter road. It is our opinion that the benefits to MIA exceed the negligible market value of the Parcel 822 canal.

We have concluded that this property, as legally described in the enclosed Deed of Release, meets the conditions mentioned previously for release. We have also concluded that the release and use of such land for the aforementioned purposes will not interfere with the operation, maintenance or future development of the airport.

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By accepting this release, the Airport Owner agrees to:

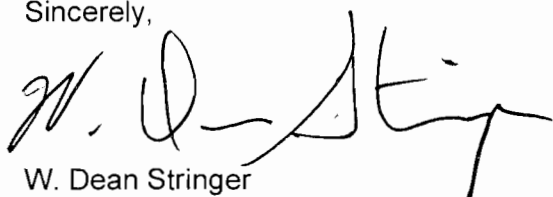
1. Maintain the right to convey stormwater into the Parcel 822 canal if current or future airport construction deems it necessary
2. Insure that whoever the land is initially and subsequently conveyed to including the airport owner, they and their successors and assigns protect the rights and interests of the public in Miami International Airport and prevent any use of subject property that would constitute an airport hazard.
3. Update the Airport Layout Plan and Exhibit "A" Property Map upon acceptance of the release to reflect the new airport boundaries.
4. Insure that they and their successors and assigns retain, for the use and benefit of the public, the right of flight for the passage of aircraft in the airspace above the surface of the subject property, the right for existing and future aircraft to generate noise in that airspace, and the right to use the airspace to land on or take off from the airport.
5. Insure that they and their successors and assigns shall not permit/afford access from the subject property onto Miami International Airport property for aeronautical purposes.

In consideration of these premises, the FAA agrees to release the Airport Owner from the obligations, terms, and conditions of the existing grant agreements as of the date of this agreement as they may relate to the Parcel 822 property:

Please indicate your acceptance of these conditions by signing and completing the bottom portion of this letter and its enclosed duplicate and returning one copy to our office.

In addition, please have the original and two copies of the Deed of Release (enclosed) executed on behalf of the Airport Owner and return one copy to us.

Sincerely,



W. Dean Stringer
Manager

4 Enclosures

Accepted for Airport Owner

By: _____

Title: _____

Date: _____

RECEIVED
MAY 21 2007
AVIATION PLANNING

DEED OF RELEASE

This instrument, a Deed of Release, made by the United States of America, Acting by and through the Administrator of the Federal Aviation Administration, Department of Transportation, under and pursuant to the powers and authority contained in the provisions of 49 U.S.C. §47153, to Miami-Dade County, a body politic, created, operating, and doing business under the laws of the State of Florida, WITNESSETH:

WHEREAS, the United States of America, acting by and through the Federal Aviation Administration under and pursuant to authority contained in the provisions of 49 U.S.C. §47153, and applicable rules, regulations, and orders by an instrument of transfer entitled "Quitclaim Deed" dated March 17, 1948 did remise, release and forever quitclaim to Dade County, its successors and assigns, all rights, title and interest in and to that certain property located and situated in Miami, Florida, subject to certain terms, conditions, reservations and restrictions, said Quitclaim Deed being recorded in the public records of Dade County, Florida, Deed Book No. 2987, Page 271 reference being hereto made as if fully set out herein; and

WHEREAS, the Airport Owner has requested the United States of America to release the hereinafter described real property from all of those terms, conditions, reservations and restrictions of the said instrument(s) of transfer; and

WHEREAS, the Administrator of the Federal Aviation Administration is authorized to grant releases pursuant to the powers and authority contained in 49 U.S.C. §47153; and

WHEREAS, by virtue of delegation of authority, the Manager, Orlando Airports District Office, Airports Division, Southern Region, Federal Aviation Administration, under and pursuant to the powers and authority contained in 49 U.S.C. §47153 is authorized to make determinations on requests for Deed of Release and to execute said Deeds of Release to convey, quitclaim or release any right or interest reserved to the United States of America by an instrument of disposal; and

WHEREAS, the Manager, Orlando Airports District Office, Airports Division, Southern Region, Federal Aviation Administration, has determined that the release of such real property as is hereinafter described, from all of the said terms, conditions, reservations and restrictions set forth in the above identified instrument of transfer will not prevent accomplishment of the purpose for which the property was made subject to such terms, conditions, reservations and restrictions and is necessary to protect or advance the interests of the United States of America in civil aviation.

NOW THEREFORE, for and in consideration of the above expressed recitals and of the benefits to accrue to the United States and to civil aviation, the United States of America, upon inclusion by the Miami-Dade County Board of County Board of County Commissioners in the Instrument of Transfer conveying title to the hereinafter described real property of provisions as follows:

- (1) That the Miami-Dade County Board of County Commissioners reserves unto itself, its successors and assigns, for the use and benefit of the public a right of flight for the passage of aircraft in the airspace above the surface of the real property hereinafter described, together with the right to cause in said airspace such noise as may be inherent in the operations of aircraft, now known or hereafter used, for navigation of or flight in the said airspace, for use of said airspace for landing on, or taking off from or operating on Miami International Airport.

- (2) That the Miami-Dade County Board of County Commissioners expressly agrees for itself, its successors and assigns, to restrict the height of structures, objects of natural growth and other obstructions on the hereinafter described real property to such a height so as to comply with Federal Aviation Regulations, Part 77.
- (3) That the Miami-Dade County Board of County Commissioners expressly agrees for itself, its successors and assigns, to prevent any use of the hereinafter described real property which would interfere with the landing or takeoff of aircraft at Miami International Airport or interfere with air navigation and or communication facilities serving Miami International Airport, or otherwise constitute an airport hazard.
- (4) Insure that the Miami-Dade County Board of County Commissioners and their successors and assigns shall not permit/afford access from the subject property onto Miami International Airport property for aeronautical purposes.

HEREBY, releases the said real property from the terms, conditions, reservations, and restrictions as contained in the above-mentioned Instrument of Transfer from the United States of America to the Miami-Dade County Board of County Commissioners dated March 17, 1948 which real property is described as follows:

Parcel 822- A Parcel of not subdivided land lying in the Northwest one-quarter of the southwest one-quarter of Section 35, Township 53 South, Range 40 East of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the Southwest one-quarter of said Section 35, said point being coincident with the point of intersection of the Baseline of Survey of State Road 826 (Palmetto Expressway) as shown on Right of Way Control Survey of State Road 836/826 interchange, State of Florida Department of Transportation Project No. 87260-2579; Thence run North 1°43'06" West along said Baseline for a distance of 1,321.54 feet to the Point of Beginning of the hereinafter described parcel; Thence continue North 1°43'06" West along said Baseline of Survey for a distance of 663.06 feet; Thence North 88°16'51" East a distance of 35.00 feet; Thence North 1°43'06" West a distance of 147.33 feet; Thence North 87°31'36" East a distance of 4.04 feet; Thence South 1°36'27" East a distance of 469.63 feet; Thence South 3°08'12" East a distance of 342.17 feet; Thence South 89°48'43" West a distance of 46.62 feet to the Point of Beginning.

Containing 0.630 acres, more or less.

This release is for the specific purpose of permitting the Miami-Dade County Board of County Commissioners to sell and convey title to the above described property for the purpose of increasing capacity and improving traffic flow on State Roads 826 and 836, which are two major roads providing access to Miami International Airport (MIA).

By its acceptance of this Deed of Release the Miami-Dade County Board of County Commissioners also covenants and agrees for itself, its successors and assigns, to comply with and observe all of the conditions and limitations hereof, which are expressly limited to the above described real property.

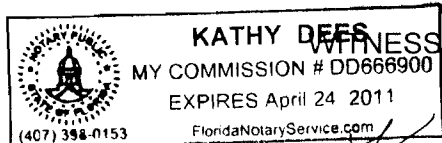
IN WITNESS WHEREOF, the United States of America has caused these presents to be executed in its name and on its behalf by the Manager, Orlando Airports District Office, Airports Division, Southern Region, Federal Aviation Administration, all as of the 16th day of May, 2007

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION

By W. Dean Stringer
Manager, Orlando Airports District Office
Airports Division, Southern Region
Federal Aviation Administration

STATE OF FLORIDA)
)ss
COUNTY OF ORANGE)

On this 16th day of May, 2007, before me a Notary Public in and for the County of Orange, State of Florida, personally appeared W. Dean Stringer, known to me to be the Manager, Orlando Airports District Office, Airports Division, Southern Region, Federal Aviation Administration, and known to me to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same on behalf of the Administrator of the Federal Aviation Administration and the United States of America.



WITNESS my hand and official seal.

Kathy x Dees
Notary Public in and for said County and State

(SEAL)

My commission expires April 24, 2011

Accepted:

Miami-Dade County Board of County Commissioners

By: _____

Title: _____

Date: _____

al improvements have been added without Federal financing, the value of such improvements need not be included for purposes of determining the financial commitment of a release granted under the guidance in this paragraph.

(3) Appraisals. With the exceptions noted in this subparagraph, a release authorizing the sale and disposal of airport land shall not be granted unless the FMV has been supported by at least one independent appraisal report determined to be acceptable by the FAA. Appraisals shall be made by noninterested and qualified real estate appraiser. If any appraiser is involved in negotiations for the purchase or sale of the property or if there is evidence of collaboration between appraisers, such appraisal reports are invalid and shall not be considered by FAA in determining the FMV of the land. The cost of obtaining appraisals shall be borne by the airport owner but may be considered as an offset in determining net proceeds (Appendix 5) realized from the sale. The requirement for an appraisal may be waived if the FAA determines that:

(a) The approximate fair market or salvage value of the property released is less than \$25,000, or

(b) The property released is a utility system to be sold to a utility company and will accommodate the continued airport use and operational requirements, or

(c) It would be in the public interest to require public advertising and sale to the highest responsible bidder in lieu of appraisals.

(4) FAA employees must be sensitive to local economic conditions in the airport's geographical area when they are reviewing FMV issues. The fluctuation in economic conditions can cause considerable variation in FMV at a given time and in a given location.

e. Consent to Divert Excess Revenue from Surplus Property. See discussion of Income Accountability under paragraph 4-20c and d.

7-9. APPLICATION OF PROCEEDS.

a. FAR Part 155.7(d) requires that any release of airport land to permit its sale or disposal shall be subject to a written commitment obligating the airport owner with respect to an amount equal to the net proceeds of a sale of the property at its current FMV. FAA shall not issue a release without this commitment.

Following a release by FAA based on such a commitment, the airport owner may discount the selling price or give the land away as a subsidy or inducement to attract industrial development or other purposes, provided they are compatible with the airport operations.

b. The net proceeds realized for the sale of surplus property, or the equivalent amount, must be placed in an identifiable interest bearing account to be used for the purposes listed in c. below. The interest and dividends can be used for the operation and maintenance of the aeronautical portion of the airport or, with the concurrence of FAA, the revenue producing property, if it can be clearly shown to enhance the revenue production capability of that property.

c. The obligated amount itself must be used for one or more of the following purposes as agreed to by FAA and reflected in the supporting documentation for the deed of release:

(1) Eligible items of airport development set forth in the current Airport Grant Program and reflected in the airport's Capital Improvement Program (CIP).

(2) Any aeronautical items of airport development ineligible under the grant program.

(3) Retirement of airport bonds which are secured by pledges of airport revenue, including repayment of loans from other Federal agencies for such development

(4) Development of common use facilities, utilities, and other improvements on dedicated revenue production property that clearly enhance the revenue production capabilities of the property.

d. All aeronautical improvements funded by proceeds from such sale will be accomplished in accordance with current applicable FAA design criteria or such State standards that have been approved by the FAA.

7-10. RELEASES INVOLVING PERSONAL PROPERTY, STRUCTURES OR FACILITIES.

a. General Requirements. Surplus airport property in these categories may be released from all inventory accountability (whether or not the airport at which it is located is included in Chapter 13 of the current edition of Order 5190.2) when it has been determined that such property:

(1) has outlived its useful life.

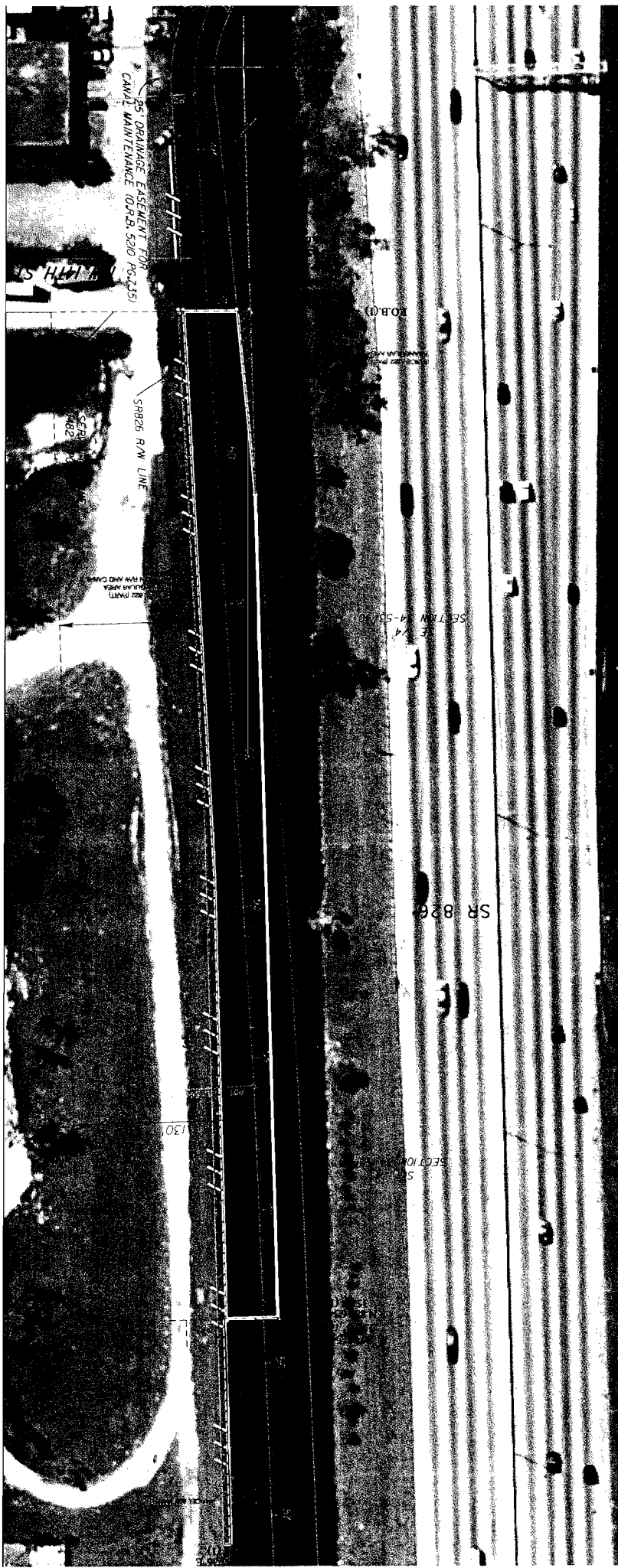
(2) has deteriorated beyond economical repair or rehabilitation.

(3) is no longer needed.

(4) has been replaced.

(5) is to be traded to obtain similar or other property needed for the airport; or

KH



PARCEL 822

FPN No. 2495811

PROJECT 87260-2579

A parcel of NOT SUBDIVIDED land lying in the Northwest one-quarter (NW ¼) of the Southwest one-quarter (SW ¼) of Section 35, Township 53 South, Range 40 East of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of the Southwest one-quarter (SW ¼) of said Section 35, said point being coincident with the point of intersection of the Baseline of Survey of State Road 826 (Palmetto Expressway) as shown on Right of Way Control Survey of State Road 836/826 interchange, State of Florida Department of Transportation Project No. 87260-2579; THENCE North 1°43'06" West along said Baseline for a distance of 1,321.24 feet to the POINT OF BEGINNING of the hereinafter described parcel; THENCE continue North 1°43'06" West along said Baseline of Survey for a distance of 663.33 feet; THENCE North 88°16'54" East a distance of 35.00 feet; THENCE North 1°43'06" West a distance of 147.33 feet; THENCE North 87°31'36" East a distance of 4.04 feet; THENCE South 1°36'27" East a distance of 469.63 feet; THENCE South 3°08'12" East a distance of 342.17 feet; THENCE South 89°46'30" West a distance of 46.62 feet to the POINT OF BEGINNING.

LESS AND EXCEPT all that portion of the "Northline Canal Parcel 3" lying within the above described parcel; also being a portion of exhibit "C" of the right of way deed to Miami-Dade County as accepted and approved on the 5th day of June, 2007, by Resolution No. R-658-07 of the Board of County Commissioners of Miami-Dade County, Florida; being more particularly described as follows:

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The resulting "Parcel 822" containing 3910 square feet, more or less.

Manuel Vera Jr., P.S.M.

8/31/07

Manuel Vera and Associates

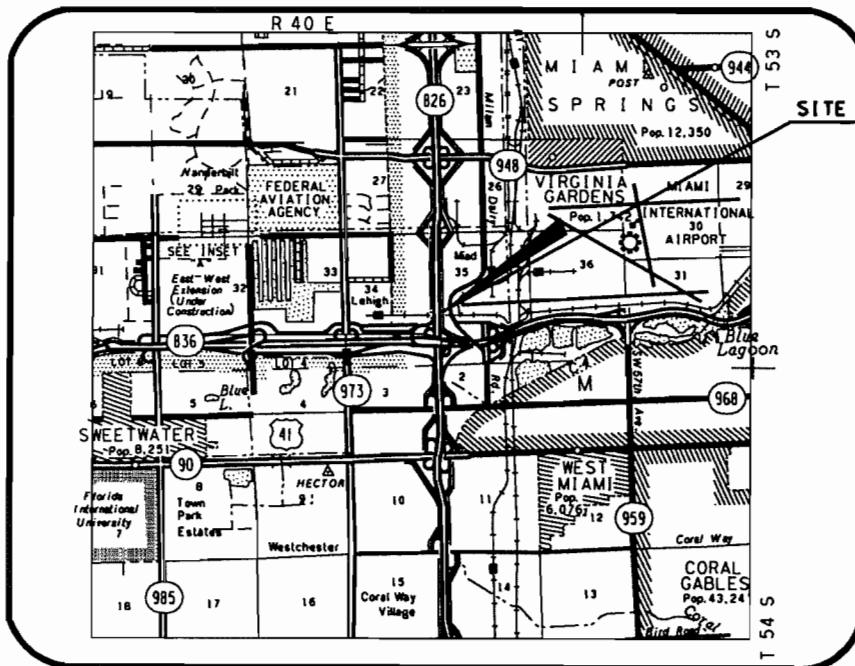
16

SKETCH TO ACCOMPANY LEGAL DESCRIPTION PARCEL 822

THE FLORIDA DEPARTMENT OF TRANSPORTATION
MIAMI-DADE COUNTY, FLORIDA.

PREPARED BY:

MANUEL G. VERA & ASSOCIATES, INC.
ENGINEERS LAND SURVEYORS MAPPERS
13960 S.W. 47th STREET MIAMI, FLORIDA 33175



LOCATION MAP
NOT TO SCALE

ABBREVIATIONS:

- (R) = DENOTES RADIUS
(A) = DENOTES CENTRAL ANGLE OR DEFLECTION ANGLE
A = DENOTES ARC LENGTH
P.O.C. = DENOTES POINT OF COMMENCEMENT
P.O.B. = DENOTES POINT OF BEGINNING
L.L.T. = DENOTES LEFT
R.R.T. = DENOTES RIGHT
C.L. = DENOTES CENTER LINE
R/W = DENOTES RIGHT-OF-WAY
M.L. = DENOTES MONUMENT LINE
SW = DENOTES SOUTHWEST
S = DENOTES SOUTH
P.B. = DENOTES PLAT BOOK
PG. = DENOTES PAGE
N.T.S. = DENOTES NOT TO SCALE
O.R.B. = DENOTES OFFICIAL RECORDS BOOK
SR = DENOTES STATE ROAD
L.A. = DENOTES LIMITED ACCESS
(P) = DENOTES PLAT
SEC. = DENOTES SECTION
D = DENOTES DELTA ANGLE
L = DENOTES ARC LENGTH
F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION

LINE TYPES:

- / — / — = L.A. R/W
- - - - - = EXISTING EASEMENT

FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPPING

SKETCH TO ACCOMPANY LEGAL DESCRIPTION PARCEL 822

STATE ROAD 826-836

MIAMI DADE COUNTY

BY:	DATE:	APPROVED BY:	DATE:
PRELIMINARY:		M.G. VERA	8-31-07
MAPS PREPARED BY: MANUEL G. VERA AND ASSOC., INC.	FIELD BOOK:		
W.P.I. No.: N/A	SCALE: N.T.S.		
F.P. No.:	SHEET 1 OF 5		

MANUEL G. VERA & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER LB 2439

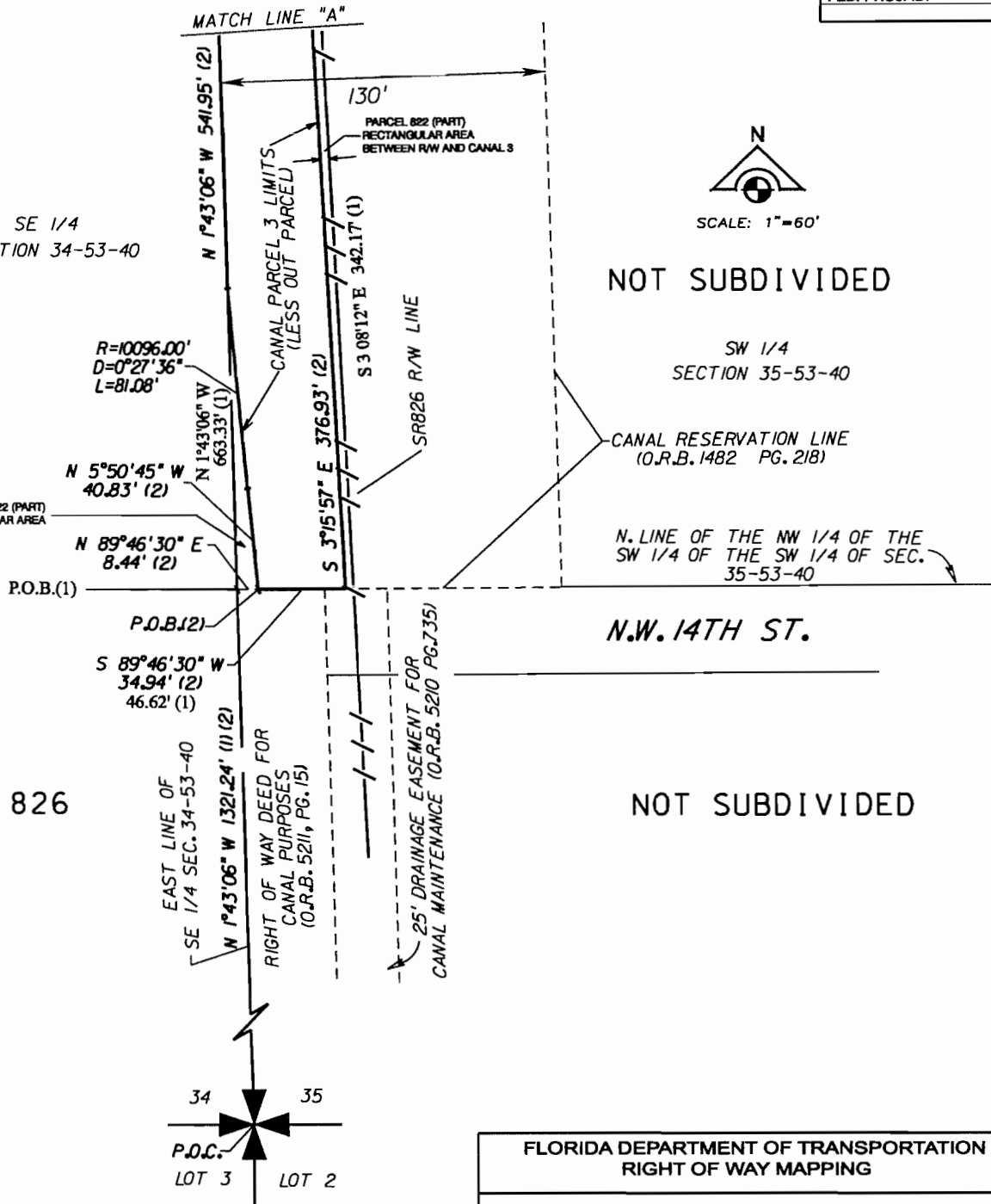
THIS IS NOT A SURVEY

REVISIONS:	BY:	DATE:

17

SE 1/4
SECTION 34-53-40

PARCEL 822 (PART)
TRIANGULAR AREA



MANUEL G. VERA & ASSOCIATES, INC.
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FLORIDA CERTIFICATE OF AUTORIZATION NUMBER LB 2439

THIS IS NOT A SURVEY

REVISIONS:	BY:	DATE:

FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPPING

SKETCH TO ACCOMPANY LEGAL DESCRIPTION PARCEL 822

STATE ROAD 826-836

MIAMI DADE COUNTY

BY:	DATE:	PREPARED BY:	DATE:
PRELIMINARY:		M.G. VERA	8-31-07

MAPS PREPARED BY: MANUEL G. VERA AND ASSOC., INC.	FIELD BOOK:
	SCALE: N.T.S.

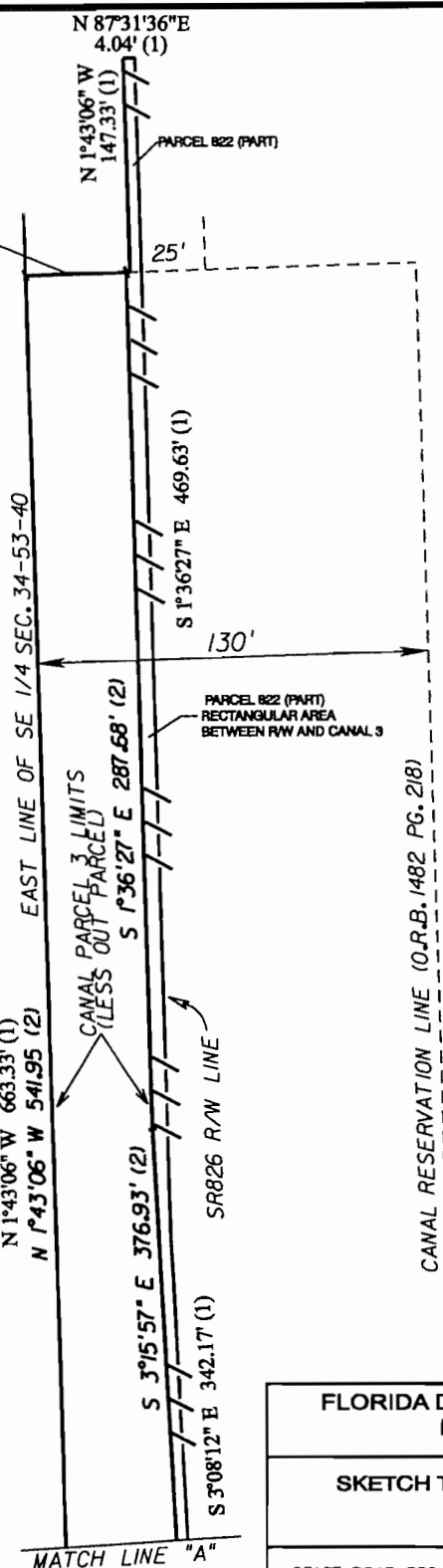
SHEET 2 OF 5

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SCALE: 1"=60'

SR 826

SE 1/4
SECTION 34-53-40NOT
SUBDIVIDEDSW 1/4
SECTION 35-53-40**MANUEL G. VERA & ASSOCIATES, INC.**ENGINEERS • SURVEYORS • MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER LB 2439FLORIDA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAPPINGSKETCH TO ACCOMPANY LEGAL DESCRIPTION
PARCEL 822

STATE ROAD 826-836

MIAMI DADE COUNTY

PRELIMINARY:	BY:	DATE:	PREPARED BY:	DATE:
			M.G. VERA	8-31-07

MAPS PREPARED BY:
MANUEL G. VERA AND ASSOC., INC.

FIELD BOOK:

SCALE: 1"=60'

SHEET 3 OF 5

THIS IS NOT A SURVEY

REVISIONS: BY DATE:

19

**LEGAL DESCRIPTION
FOR PARCEL 822**

A parcel of NOT SUBDIVIDED land lying in the Northwest one-quarter (NW $\frac{1}{4}$) of the Southwest one-quarter (SW $\frac{1}{4}$) of Section 35, Township 53 South, Range 40 East of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of the Southwest one-quarter (SW $\frac{1}{4}$) of said Section 35, said point being coincident with the point of intersection of the Baseline of Survey of State Road 826 (Palmetto Expressway) as shown on Right of Way Control Survey of State Road 836/826 interchange, State of Florida Department of Transportation Project No. 87260-2579; THENCE North 1°43'06" West along said Baseline for a distance of 1,321.24 feet to the POINT OF BEGINNING of the hereinafter described parcel; THENCE continue North 1°43'06" West along said Baseline of Survey for a distance of 663.33 feet; THENCE North 88°16'54" East a distance of 35.00 feet; THENCE North 1°43'06" West a distance of 147.33 feet; THENCE North 87°31'36" East a distance of 4.04 feet; THENCE South 1°36'27" East a distance of 469.63 feet; THENCE South 3°08'12" East a distance of 342.17 feet; THENCE South 89°46'30" West a distance of 46.62 feet to the POINT OF BEGINNING.

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The resulting "Parcel 822" containing 3910 square feet, more or less.



MANUEL G. VERA & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER LB 2439

THIS IS NOT A SURVEY

REVISIONS:	BY:	DATE:

**FLORIDA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAPPING**

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PARCEL 822**

STATE ROAD 826-836

MIAMI DADE COUNTY

BY:	DATE:	APPROVED BY:	DATE:
PRELIMINARY:		M.G. VERA	8-31-07
MAPS PREPARED BY:	FIELD BOOK:		
MANUEL G. VERA AND ASSOC., INC.			
W.P.I. No.: N/A	SCALE: N.T.S.		
			SHEET 4 OF 5

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SURVEYOR'S NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE SYSTEM AS SHOWN ON F.D.O.T. R/W MAPS FOR STATE ROADS 826 & 836, SECTION No.87260-1579.
2. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SKETCH TO ACCOMPANY LEGAL DESCRIPTION.
3. PARCEL GEOMETRY PROVIDED BY URS CORP. ALL OTHER DATA TAKEN FROM F.D.O.T. R/W MAP AS STATED ABOVE AND WAS NOT FIELD VERIFIED.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS SKETCH TO ACCOMPANY LEGAL DESCRIPTION WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

 MANUEL G. VERA, JR.
 PROFESSIONAL SURVEYOR AND MAPPER #5291
 STATE OF FLORIDA
 NOT VALID UNLESS SEALED WITH THE EMBOSSED SURVEYOR'S SEAL.

 **MANUEL G. VERA & ASSOCIATES, INC.**
 ENGINEERS • SURVEYORS • MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER LB 2439

THIS IS NOT A SURVEY

REVISIONS:	BY:	DATE:

**FLORIDA DEPARTMENT OF TRANSPORTATION
 RIGHT OF WAY MAPPING**
**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 PARCEL 822**

STATE ROAD 826-836

MIAMI DADE COUNTY

	BY:	DATE:	APPROVED BY:	DATE:
PRELIMINARY:			M.G. VERA	8-31-07
MAPS PREPARED BY: MANUEL G. VERA AND ASSOC., INC.			FIELD BOOK:	
W.P.I. No.: N/A			SCALE: N.T.S.	
				SHEET 5 OF 5

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