Memorandum

MIAMI-DADE COUNTY

Date: April 8, 2008

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

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

From: George M. Burgess
County Manager

Subject: Resolution Accepting an Implied Offer of Dedication for Portions of Existing County Roads known as SW 328 Street Lying East of SW 172 Avenue and SW 172 Avenue lying North of SW 328 Street

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Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution for the acceptance of an implied offer of dedication for a parcel of land comprised of a portion of SW 328 Street lying east of SW 172 Avenue and a portion of SW 172 Avenue lying north of SW 328 Street, in Section 18, Township 57 South, Range 39 East, Miami-Dade County, as described in Exhibit "A" and illustrated in "Exhibit B" attached and made a part hereof.

Scope

This parcel is located within Commission District 9 and in the municipality of Homestead.

Fiscal Impact/Funding Source

There is no fiscal impact associated with this item.

Track Record/Monitor

Not applicable.

Background

Walenty Pienkowski and Justyna Pienkowski, his wife, expressed an implied offer of dedication of 30 feet for road purposes in a conveyance dated June 9, 1970 and recorded on June 15, 1970 in Official Record Book 6887, Page 682, of the Public Records of this County.

Said dedication of 30 feet, as described in Exhibit "A" and illustrated in "Exhibit B," encompasses portions of County Roads in existence for more than 40 years, known as SW 328 Street (Lucy Street) lying east of SW 172 Avenue (McMinn Road), and SW 172 Avenue lying north of SW 328 Street.

There is no information in the Public Records that would revoke or otherwise impede the implied offer of dedication. In order to protect the public's road easement, the Public Works Department recommends the acceptance of this right-of-way dedication.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: April 8, 2008

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

SUBJECT: Agenda Item No. 8(P)(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(P)(1)(D)
4-8-08

RESOLUTION NO. _____

RESOLUTION ACCEPTING AN IMPLIED OFFER OF DEDICATION FOR A PORTION OF SW 328 STREET LYING EAST OF SW 172 AVENUE AND SW 172 AVENUE LYING NORTH OF SW 328 STREET

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, Walenty Pienkowski and Justyna Pienkowski, his wife, expressed an implied offer of dedication of 30 feet for road purposes in a conveyance dated June 9, 1970 and recorded on June 15, 1970 in Official Record Book 6887, Page 682 of the Public Records of Miami-Dade County; and

WHEREAS, said dedication of 30 feet encompasses a portion of existing county roads known as SW 328 Street and SW 172 Avenue and explicitly defined in said conveyance; and

WHEREAS, there are no stipulations in the public records that would revoke or otherwise impede the implied offer of dedication; and

WHEREAS, upon consideration of the recommendation of the Public Works Department, the Board of County Commissioners of Miami-Dade County, Florida finds and determines that the acceptance of this implied offer of dedication would be in the public interest,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds and approves those matters set out in the foregoing recital and hereby:

(1) approves and accepts the implied offer of dedication of 30 feet, as described in Exhibit "A" and illustrated in the location map in Exhibit "B," both attached hereto and made a part hereof; and,

(2) authorizes the Director of Public Works to cause this resolution to be recorded among 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
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of April, 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.

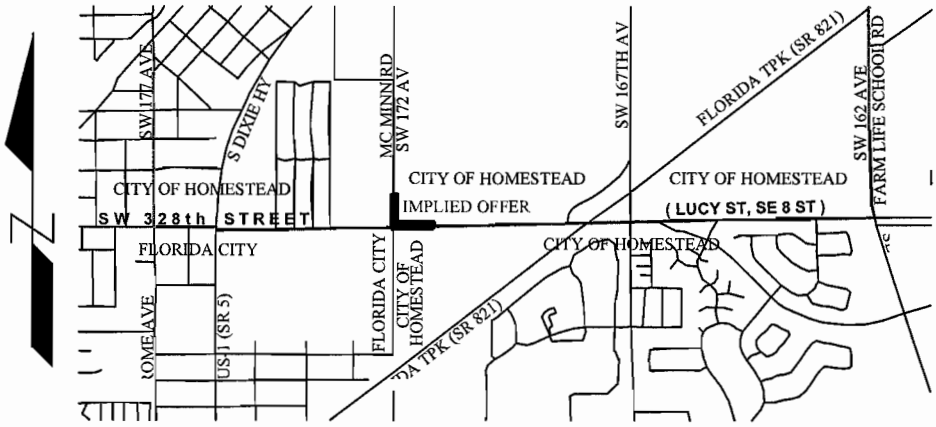
Thomas Goldstein

LEGAL DESCRIPTION

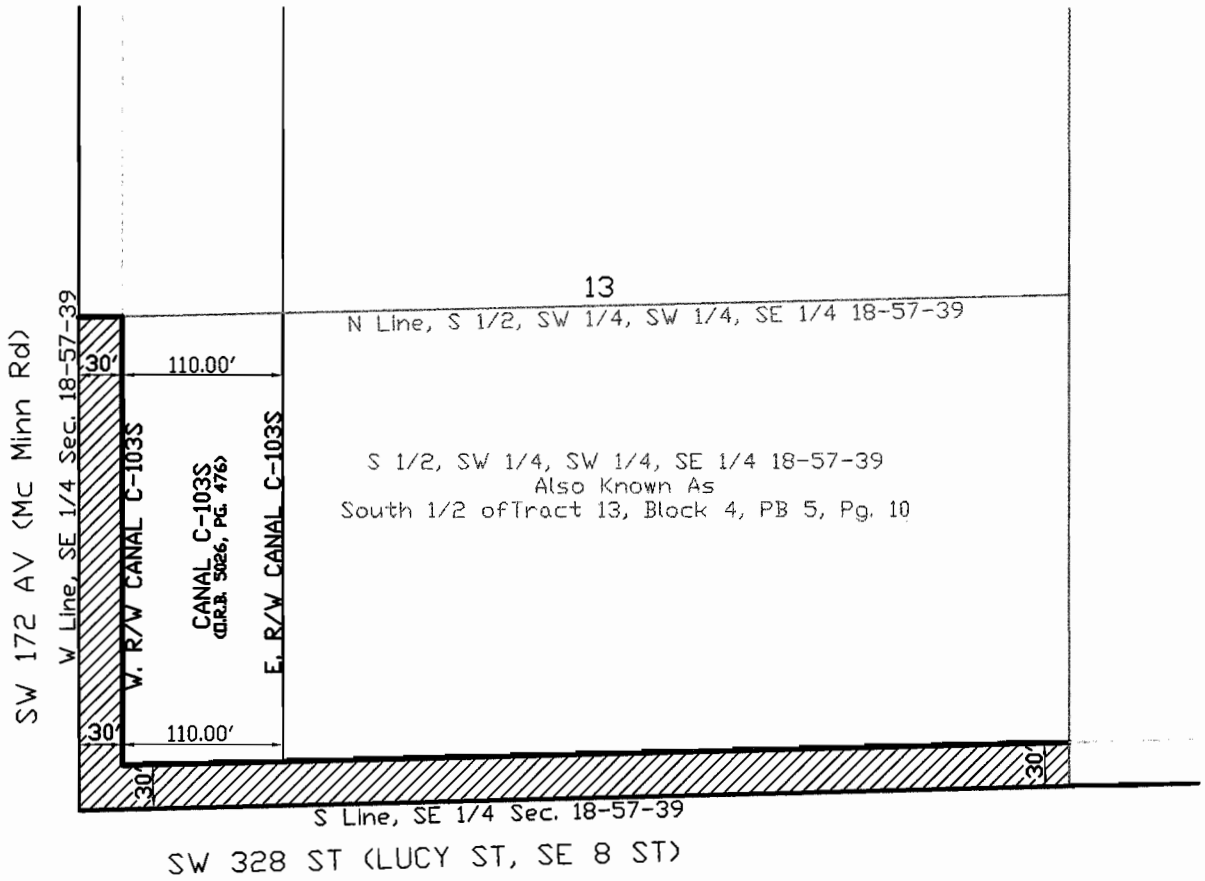
The South 30.00 feet and the West 30.00 feet of the South half (S. 1/2) of the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) of the Southeast quarter (SE 1/4) of Section 18, Township 57 South, Range 39 East, Miami-Dade County, Florida.

EXHIBIT "A"

SEC 18
TWP 57 S
RGE 39 E



LOCATION MAP Not to Scale



IMPLIED OFFER OF RIGHT-OF-WAY DEDICATION

NOT A SURVEY
SCALE Not To Scale

SW 328 STREET & SW 172 AVENUE

EXHIBIT "B"

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Documents\SW 328 St 20040558\PARCEL SKETCHES 11 07.dwg, 12/28/2007 8:42:10 AM