

# Memorandum



**Date:** September 2, 2008

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

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

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

**Subject:** Resolution Authorizing the Release of Unneeded Drainage Ditch Reservations in Section 13, Township 52 South, Range 41 East, Miami-Dade County, Florida

## Recommendation

It is recommended that the Board approve a resolution authorizing the approval of a County Disclaimer for the release of drainage ditch reservations which are no longer needed by Miami-Dade County.

## Scope

The subject item is limited to a tract of land in Biscayne Gardens in Commission District 2.

## Fiscal Impact/Funding Source

The subject item has no fiscal implications to Miami-Dade County.

## Track Record/Monitor

Not Applicable

## Background

On May 27, 1957, Miami-Dade County acquired at no cost by virtue of assignment from Associated Securities Corporation, a Florida Corporation, drainage ditch reservations in Section 13, Township 52 South, Range 41 East, according to Official Records Book 586 at Page 497 of the Public Records of Miami-Dade County, Florida, and located in the vicinity of NW 2 Avenue and 161 Street, Miami-Dade County. Said reservations, a portion of which lies within Tract 410 of Biscayne Gardens, Section B, a subdivision in said Section 13, were used in the construction of a drainage ditch lying and being within the west 15 feet of said Tract 410. The remainder of the reservation encumbering Tract 410 has been found to be no longer needed or required for drainage ditch purposes and can be released.

The current owner of the land encumbered by the above-described drainage ditch reservations, Fraternity Baptist Church, is requesting the release of those portions no longer needed by Miami-Dade County.

The Department of Environmental Resources Management has processed this application and recommends its approval by the Board.

  
\_\_\_\_\_  
Assistant County Manager



**MEMORANDUM**  
(Revised)

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

**DATE:** September 2, 2008

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

**SUBJECT:** Agenda Item No. 8(D)(1)(A)

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)(A)

Veto \_\_\_\_\_

9-2-08

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE RELEASE OF  
UNNEEDED DRAINAGE DITCH RESERVATIONS IN  
SECTION 13, TOWNSHIP 52 SOUTH, RANGE 41  
EAST, MIAMI-DADE COUNTY, FLORIDA

**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 release of drainage ditch reservations across Tract 410, of Biscayne Gardens, Section B, a subdivision according to the plat thereof, recorded in Plat Book 40 at Page 49 of the Public Records of Miami-Dade County, Florida in Section 13, Township 52 South, Range 41 East; and authorizes execution and recording of a Disclaimer 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	

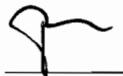
The Chairperson thereupon declared the resolution duly passed and adopted this  
2<sup>nd</sup> day of September, 2008. This resolution shall become effective ten (10) days after  
the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become  
effective only upon an override by this 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 H. Robertson

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:

All of Tract 410 of Biscayne Gardens, Section B, a subdivision in Section 13, Township 52 South, Range 41 East, Miami-Dade County, Florida, according to the plat thereof recorded in Plat Book 40 at Page 49 of the Public Records of Miami-Dade County, Florida, EXCEPT the West 15 feet of said Tract 410 for drainage ditch and ditch maintenance easement

WHEREAS, MIAMI-DADE COUNTY, by virtue of assignment from Associated Securities Corporation recorded in Official Records Book 586 at Page 497 of the Public Records of MIAMI-DADE COUNTY, secured certain rights to dig, construct and maintain a drainage ditch upon the above described tract; and

WHEREAS, the rights in reservation upon the above described tract are not now needed or required by MIAMI-DADE COUNTY for drainage ditch purposes:

This instrument was prepared by:  
Elie Mehu, of Miami-Dade County  
Department of Environmental  
Resources Management  
701 N.W. 1<sup>st</sup> Court, 6th Floor  
Miami, Florida 33136

NOW, THEREFORE, MIAMI-DADE COUNTY does disclaim any interest it has for drainage ditch purposes in the aforementioned tract by virtue of said assignment of Drainage Ditch Rights recorded in Official Records Book 586 at Page 497 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 and to the aforementioned land.

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 MAYOR

HARVEY RUVIN  
CLERK OF SAID BOARD

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Carlos Alvarez, Mayor

Print: \_\_\_\_\_

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: \_\_\_\_\_

INTERSTATE 95

WC-868  
Sec. 13  
Twp. 52  
Rge. 41



**LEGEND**

-  PROPERTY LIMITS
-  LOT LINE
-  DRAINAGE DITCH EASEMENT

NW 161ST STREET

TRACT "A"  
BEACON SQUARE  
PLAT BOOK 165, PAGE 94

WEST 15FT  
OF TR 410

EXISTING BISCAVNE  
GARDENS DITCH

BISCAVNE GARDENS  
SECTION "B"

Pd. 40 Pg. 49

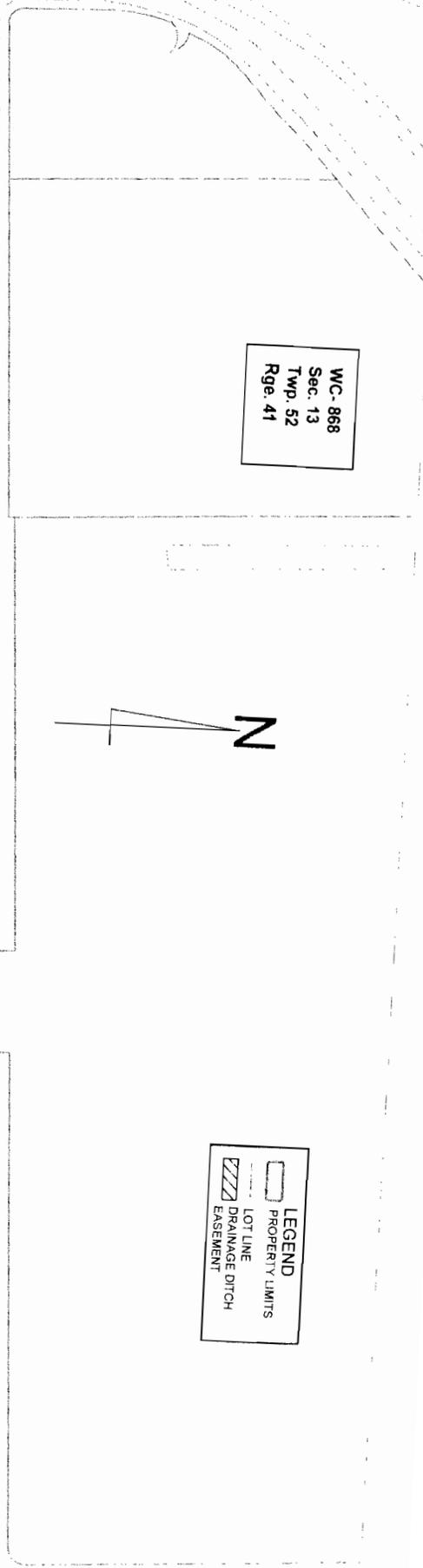
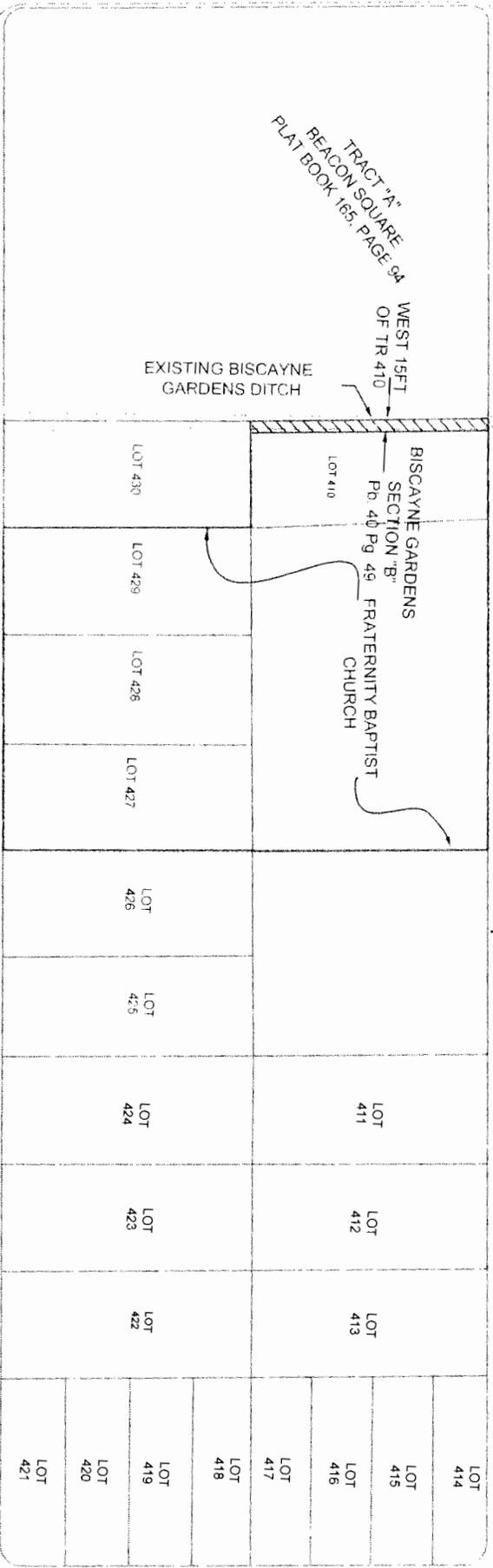
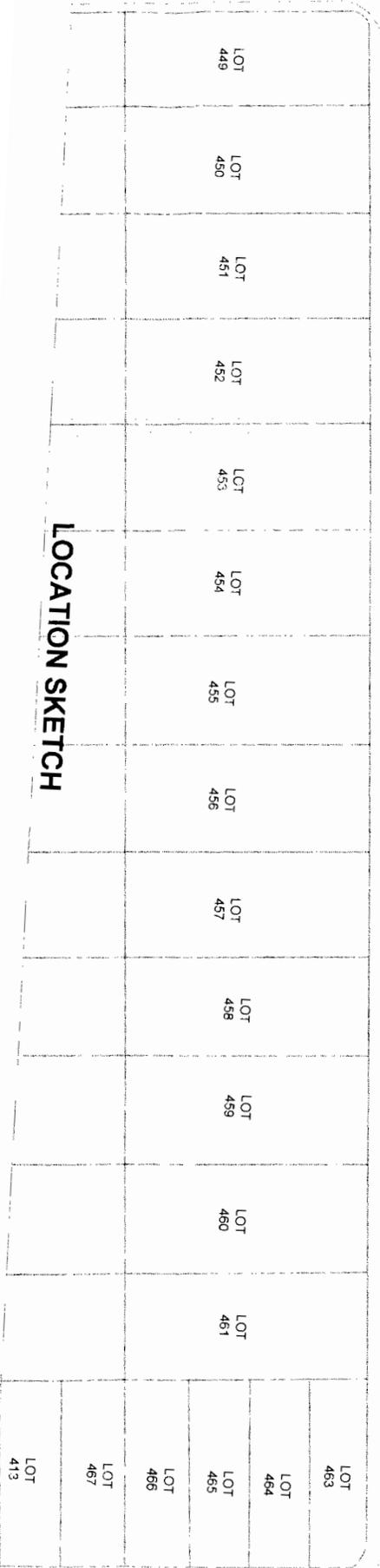
FRATERNITY BAPTIST  
CHURCH

N.W. 159TH STREET

NW 2ND AVENUE

8

LOCATION SKETCH



WC- 868  
Sec. 13  
Twp. 52  
Rge. 41

**LEGEND**

- PROPERTY LIMITS
- LOT LINES
- DRAINAGE DITCH
- EASEMENT

"A"  
SQUARE  
185, PAGE 94

WEST 15FT  
OF TR 410

EXISTING BISCAYNE  
GARDENS DITCH

BISCAYNE GARDENS  
SECTION "B"  
Pb. 40 Pg. 49 FRATERNITY BAPTIST  
CHURCH

LOT 410

LOT 429

LOT 428

LOT 427

LOT 426

LOT 425

NW 159TH STREET

NW 161ST STREET