

MEMORANDUM

Agenda Item No. 11(A)(18)

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

DATE: December 2, 2008

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

SUBJECT: Resolution requesting that the
FDOT issue a corrective
Quitclaim Deed for property
located at Bird Road and SW
89th Avenue

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

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

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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. 11(A)(18)
12-2-08

RESOLUTION NO. _____

RESOLUTION REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) ISSUE A CORRECTIVE QUITCLAIM DEED FOR PROPERTY LOCATED AT BIRD ROAD AND SW 89TH AVENUE IN ORDER TO PROVIDE FOR THE REQUESTED MODIFICATION OF USE

WHEREAS, several years ago the FDOT acquired certain property, comprised of folio no. 30-4016-002-0010, in conjunction with the widening of Bird Road; and

WHEREAS, in 1996, the Florida Legislature amended the statutes to give local governments the right of first refusal before the State declares property surplus; and

WHEREAS, it was determined that Miami-Dade Transit had a need for such a property to be used as a park/ride facility; and

WHEREAS, on July 29, 1997, the FDOT issued a Public Purpose Quitclaim Deed to Miami-Dade County the for the sole public purpose of parking by Miami-Dade Transit riders; and

WHEREAS, on September 29, 1997, the FDOT issued a Corrective Public Purpose Quitclaim Deed to Miami-Dade County for the same sole purpose; and

WHEREAS, In 2001, the FDOT issued a Corrective Public Purpose Quitclaim Deed to Miami-Dade County for the purpose of low-income elderly housing and a park/ride facility; and

WHEREAS, in 2004 the Community Council Zoning Appeals Board 10 passed Resolution No. CZAB10-5-04 rezoning the site to RU-4M and restricting the site to the development of low-income elderly housing with a maximum of 14 residential units and a park /ride facility; and

WHEREAS, this Board desires that the Public Purpose Quitclaim Deed be modified to allow for residential development for low-income elderly housing and related facilities,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby requests that the FDOT issue a corrective public purpose quitclaim deed for the above-described property located at Bird Road and SW 89th Avenue to provide for elderly housing and related facilities.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. It 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 Chairman thereupon declared the resolution duly passed and adopted this 2nd day of December, 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.



Joni Armstrong Coffey