MEMORANDUM

Agenda Item No. 11(A)(5)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	May 5, 2009
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution authorizing conveyance of a portion of County-owned property to City of Miami as road right-of-way located at 1398 SW 1st Street

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: May 5, 2009

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

SUBJECT: Agenda Item No. 11(A)(5)

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 Mayor'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)(5)
5-5-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CONVEYANCE OF A PORTION OF COUNTY-OWNED PROPERTY TO CITY OF MIAMI AS ROAD RIGHT-OF-WAY, AND AUTHORIZING THE EXECUTION OF A COUNTY DEED FOR SUCH PURPOSES

WHEREAS, the Miami-Dade Homeless Trust is leasing property located at 1398 S.W. 1st Street, on which an affordable housing development and branch library have been built; and

WHEREAS, as a condition to issuing a Certificate of Occupancy to the development and library, the City of Miami requires that Miami-Dade County convey a portion of the County-owned property as right-of-way for a radius return on the corner of S.W. 1st Street and 14th Avenue; and

WHEREAS, that portion of the County-owned property is not needed for any County purpose,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Authorizes the conveyance to the City of Miami of a portion of county-owned property for use as City right-of-way, located at 1398 SW 1st Street, and legally described in Exhibit "A" of the County Deed and shown in Exhibit "B', both of which are attached hereto and incorporated herein by reference.

Section 2. Authorizes the Mayor to execute said County Deed in substantially the form attached hereto.

Section 3. Directs the Mayor or the Mayor's Designee to cause said County Deed to be delivered to the City of Miami.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

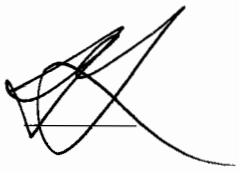
The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

Return to:
Right of Way Division
Miami-Dade County Public Works Dept
111 N.W. 1st Street
Miami, FL 33128-1970

Instrument prepared by:

Carlos D. Socarras
Miami-Dade County Public Works Dept
111 N.W. 1st Street
Miami, FL 33128-1970

SW 14 Ave and SW 1 St

Folio No. 01-4102-006-1680 Section 02-54-41

COUNTY DEED

THIS DEED, Made this _____ day of_____, A.D. 20____, by and between **MIAMI-DADE COUNTY, FLORIDA**, 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 the **CITY OF MIAMI,** a municipal corporation of the State of Florida, whose mailing address is P.O. Box 330708, Coconut Grove Station, Miami, Florida 33233-0708, 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, 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 land lying and being in Miami-Dade County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THIS conveyance is subject to the property being used for public

road and other purposes incidental thereto, and if no longer used for said purposes shall revert to the County.

This deed 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 attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:

HARVEY RUVIN,
CLERK OF SAID BOARD

By:_____

Deputy Clerk

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 _____, A.D. 20____.

EXHIBIT "A"

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA BEING A PORTION OF LOT 10 IN BLOCK 79 OF LAWRENCE ESTATE LAND CO'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 46 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EXTERNAL PORTION OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A 25.00 FOOT RADIUS AND BEING SUBTENDED BY THE FOLLOWING TANGENTS: THE SOUTH LINE OF THE NORTH 10.00 FEET OF AFOREMENTIONED LOT 10 IN BLOCK 79 AND THE WEST LINE OF AFOREMENTIONED LOT 10.

William O. High, P.L.S.
6/25/07
High Surveying and Mapping

THIS IS NOT A SURVEY

Commission District: Bruno A. Barreiro, 5

Municipality: Miami

01-4102-006-1680

"EXHIBIT B "

Legal:

544102
LAWRENCE EST LAND
COS SUB PB 2-46 LOTS
7 THRU 10 LESS ST BLK 79
LOT SIZE 200.000 X 140
OR 18570-3877 0499 3

TO BE DEDICATED FOR ROAD RIGHT -OF-WAY

N

NTS

MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT
RIGHT-OF-WAY DIVISION
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825

MIAMI-DADE COUNTY

MIAMI-DADE PWD

Prepared by: Yazmin Moreno
August 9, 2007