MEMORANDUM Agenda Item No. 13(A)(1)

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

DATE: April 7, 2009

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

SUBJECT: Resolution accepting conveyance of property located on Card Sound Road, Folio Number 30-9913-000-0014, in Miami-Dade County, Florida

The accompanying resolution was prepared and placed on the agenda by the County Attorney.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

DATE: April 7, 2009

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

SUBJECT: Agenda Item No. 13(A)(1)

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. 13(A)(1)
4-7-09

RESOLUTION NO. _____

RESOLUTION ACCEPTING CONVEYANCE OF PROPERTY LOCATED ON CARD SOUND ROAD, FOLIO NUMBER 30-9913-000-0014, IN MIAMI-DADE COUNTY, FLORIDA, FOR PUBLIC PURPOSES AND IN CONNECTION WITH THE SETTLEMENT OF A LAWSUIT WHERE MIAMI-DADE COUNTY SOUGHT TO QUIET TITLE

WHEREAS, on July 8, 2008, Key's Gateway Investment Corporation filed against Miami-Dade County in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Case No. 08-38984 (CA-09), a Complaint to Quiet Title and for Declaratory Relief in connection with property located on Card Sound Round, referenced as folio number 30-9913-000-0014 and further identified in the property sketch attached as Exhibit "A," including a portion of Miami-Dade County right-of-way; and

WHEREAS, on September 15, 2008, Miami-Dade County filed a counterclaim against Key's Gateway Investment Corporation to quiet title in Miami-Dade County, and for injunctive relief based upon code violations; and

WHEREAS, on December 15, 2008, the Eleventh Judicial Circuit entered a ruling favorable to the County quieting title in the County's name to a portion of the property, including the roadway and a two-foot shoulder, and additionally, granting injunctive relief to require the removal of an illegal dock; and

WHEREAS, after such ruling, Key's Gateway Investment Corporation dismissed its case against Miami-Dade County, removed the illegal structure, and has tendered a quit claim deed,

which is attached hereto as Exhibit "B" and made a part hereof, conveying to Miami-Dade County all of its property interests in the entire property; and

WHEREAS, upon consideration of the foregoing, this Board finds and determines that the acceptance of such conveyance would be in the public's best interest,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies and adopts those matters set forth in the foregoing recitals, that the conveyance of the above-described property be and the same is hereby approved and accepted, and the Director of the Public Works Department is authorized and directed to cause said instruments to be filed for record among the Public Records of Miami-Dade County, Florida; provided, however, that it is specifically understood that neither this Board nor Miami-Dade County is obligated to construct any improvements within the above described property or right-of-way.

The foregoing 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
José "Pepe" Díaz, 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 Chairman thereupon declared the resolution duly passed and adopted this 7th day of April, 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

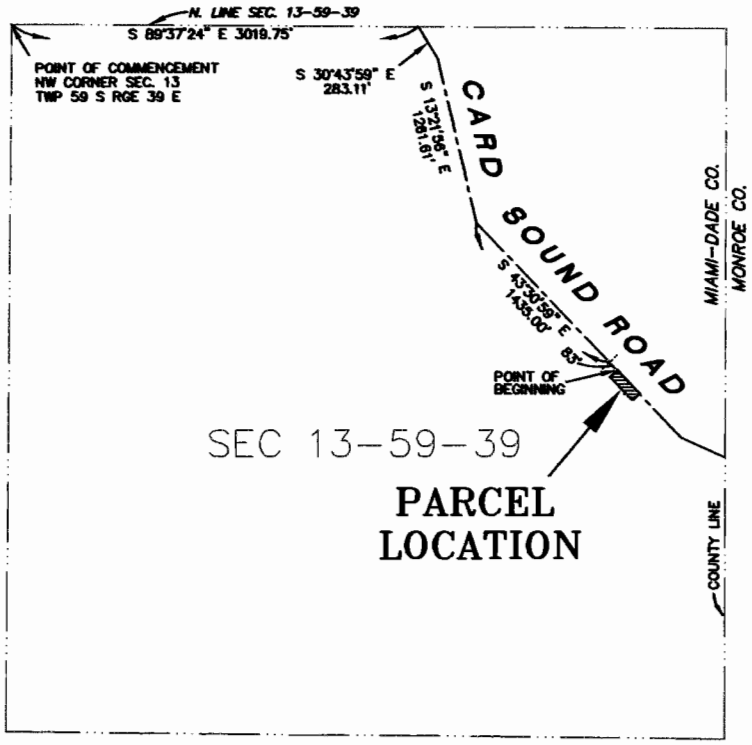
HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

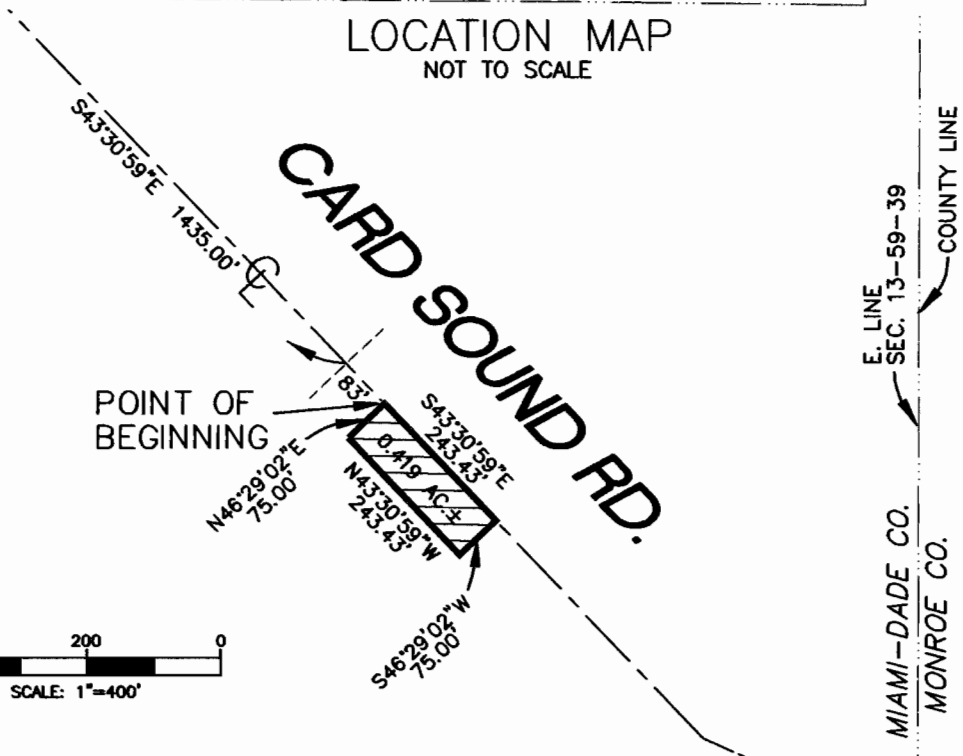
Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



LOCATION MAP
NOT TO SCALE



NOTE:
Bearings and aliquot parts of sections are based upon December 1970, Map of TOWNSHIP 59 S RANGE 39 E prep by: METROPOLITAN DADE COUNTY PUBLIC WORKS DEPARTMENT

ABBREVIATIONS:
SEC. = SECTION TWP. = TOWNSHIP
RGE. = RANGE ROW = RIGHT OF WAY
℄ = CENTERLINE

THIS IS NOT A SURVEY

MIAMI-DADE

PUBLIC WORKS DEPT.
RIGHT-OF-WAY ENGINEERING DIVISION
111 N.W. 1ST ST. 18TH FLR.
MIAMI, FL. 33128

	BY	DATE
PRELIM	SB	3/20/09
FINAL	SB	3/23/09
CHECKED		

CARD SOUND ROAD
SECTION 13 T 59 S R 39 E
PROJECT NO. 629579

EXHIBIT A

Prepared By and Return To:
Richard Bennett, Esq.
Bennett & Bennett
1200 Anastasia Avenue, Office 360
Coral Gables FL 33134
Parcel ID Number: 30-9913-000-0014

QUIT CLAIM DEED

This QUIT CLAIM DEED, made this 26 day of January, 2009, by Key's Gateway Investment Corporation, a Florida Corporation, whose address is 82661 Overseas Hwy., Islamorada FL 33036, hereinafter called "Grantor", to: Miami-Dade County, a political subdivision of the State of Florida, whose post office address is 111 NW 1st Street, Miami, Florida 33128-1970, hereinafter called "Grantee":

WITNESSETH: That Grantor, for and in consideration of the sum of Ten dollars ($10.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant, convey, remise, release and quit-claim unto Grantee, all right, title, interest, claim or demand of the Grantor in and to the following described land, situate, lying and being in Miami-Dade County, Florida, to wit:

See "Exhibit A" attached hereto and made a part hereof.

GRANTOR IS HEREBY MAKING A CHARITABLE DONATION OF THE ABOVE PARCEL TO GRANTEE. NOTHING OF VALUE HAS BEEN EXCHANGED BY THE PARTIES FOR THIS CONVEYANCE.

TO HAVE AND TO HOLD, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, for the use, benefit and profit of the Grantees forever. Subject to conditions, restrictions, easements of record, and reservations and taxes for the year 2009 and subsequent years.

IN WITNESS WHEREOF, said Grantor has signed and sealed these presents on the date set forth above.

Signed, sealed and delivered in our presence:

THOMAS G. ISAKY
Printed Name:
Witness

PENNY D. SMITH
Printed Name:
Witness

KEY'S GATEWAY INVESTMENT CORP.
A Florida Corporation

By:
Darold L. Lerch
It's President

(Corporate Seal)

EXHIBIT B

7

County of Harris
State of Texas

I HEREBY CERTIFY, that on this 26TH day of JAN., 2009, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Darold L. Lerch, personally known to me, or proven, by producing the following identification: FL L620172521440 to be the President of Key's Gateway Investment Corporation, a Florida Corporation, and in whose name the foregoing instrument is executed and that he acknowledged before me that he executed said instrument acting under the autority duly vested by said corporation.

Notary Public

LINDA SPRUILL
Notary Public, State of Texas
My Commission Expires
JULY 26, 2011

The foregoing was accepted and approved on the _____ day of _____, 2009, by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida.

_____
Deputy County Manager
ATTEST: HARVEY RUVIN,
Clerk of said Board
By:_____
Deputy Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

Commence at the Northwest corner of Section 13, Township 59 South, Range 39 East in Miami-Dade County, Florida; thence S 89°37'24" E along the North line of said Section for 3019.75 feet to the intersection of said North line of Section 13, Township 59 South, Range 39 East with the centerline of Card Sound Road as shown on Township Survey Map of Township 59 South, Range 39 East, as prepared by Metropolitan Dade County Public Works Department dated December, 1970; thence S 30°43'59" E along said centerline for 283.11 feet; thence S 13°21'56" E continuing along said centerline for 1261.61 feet; thence S 43°30'59" E for 1435 feet; thence S 43°30'59" E continuing along said centerline for 83 feet to the Point of Beginning; thence S 43°30'59" E continuing along said centerline for 243.43 feet; thence S 46°29'02" W for 75.00 feet; thence N43°30'59"W for 243.43 feet; thence N 46°29'02" E for 75.00 feet to the Point of Beginning.