

Memorandum

MIAMI-DADE
COUNTY

Date: June 19, 2009

Special Item No. 3

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

From: George M. Burgess
County Manager

Subject: Resolution Superseding Resolution No. R-320-09 Authoring Conveyance of Lots 3 and 4, Block 34, Lawrence Estate Land CO's Subdivision to the City of Miami

Recommendation

It is recommended that the Board approve a Resolution superseding Resolution No. R-320-09, and authorizing conveyance of Lots 3 and 4, Block 34, Lawrence Estate Land CO's Subdivision to the City of Miami correcting three items as follows: the legal description, subtracting the North 10 feet of the two lots dedicated for road right of way; releasing certain restriction contained in Resolution No. 2124, recorded in Deed Book 4306, Page 126, under Clerks File No. FF-112607 of the Public Records of Miami-Dade County, Florida, and deleting reversionary clause. These technical corrections became apparent and necessary once the final review of title was completed by the County and the City subsequent to the approval of Resolution No. R-320-09.

Background

The parcel of land, legally described in Exhibit "A," is approximately 0.3 acres (13,000 square feet) in size and consists of two lots (3 and 4). They are part of what was formerly the grass parking areas located on the north side of the Orange Bowl. The Baseball Stadium Agreement approved on February 21, 2008, via Resolution No. R-188-00, states that the City of Miami is to provide title evidence and opinions of title for the Baseball Stadium Site. During the examination of the title search it was discovered that this parcel is under the ownership of Miami-Dade County. This ownership was the result of a Circuit Court of Dade County decree in Chancery Causes No.'s 82360 and 90957 that granted title to Dade County for numerous properties for various public uses and purposes. Resolution No. 2201, passed by the Board of County Commissioners in 1946, specified these properties and their respective uses. Included within this Resolution were Lots 3 and 4 that were set aside by the County Commission "for Public Parking Purposes in Connection with the Stadium."

Subsequent to the Board's approval of Resolution Number R-320-09 on March 23, 2009, authorizing conveyance of Lots 3 and 4 to the City of Miami, it was determined through title examination and the City's response to the County regarding certain title exceptions that the legal description of the property required correction to less out the north 10 feet for existing road right-of-way; that the property should not be subject to the restrictions of County Commission Resolution Number 2124 concerning any potential future sale of certain County-owned lands, including this parcel; and, that the property should not be subject to a reversionary clause since it had already been set aside by the County Commission for public parking purposes.

MANAGING DEPARTMENT: General Services Administration

FOLIO NUMBER: Part of 01-4102-004-0010

2008 ASSESSED VALUE: N/A

LOT SIZE: 0.3 Acres ± (13,000 square feet)

LOCATION: Fronts N.W. 7th Street, between N.W. 16th Avenue and theoretical N.W. 15th Avenue.

Scope

COMMISSION DISTRICT: 5

COMMISSION DISTRICT (S)
IMPACTED County-wide

ZONING: Government and Institution

CURRENT USE: Vacant

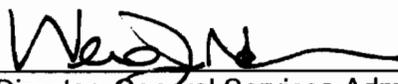
JUSTIFICATION: This parcel of land is situated where certain of the baseball stadium parking structures are programmed to be built (see Exhibit "B"). The baseball stadium will be owned by Miami-Dade County and the parking structures will be owned and operated by the City of Miami. In order to facilitate the construction of the stadium and the parking structures, it is recommended that the parcels be conveyed to the City of Miami. This item provides for three technical corrections to the original Resolution and County Deed approved by the Board of County Commissioners. Florida statutes 125.38 authorizes the Board of County Commissioners to convey property to a municipality of the State for a nominal value when the Board is satisfied that the property is not needed for County purposes and will be utilized for the benefit of the public or community interest and welfare.

Fiscal Impact/Funding Source The conveyance of this parcel to the City of Miami will not have a fiscal impact on the County.

Track Record/Monitor

MONITOR: Elva Marin, General Services Administration

DELEGATED AUTHORITY: Authorizes the County Mayor or County Mayor's designee to convey property to the City of Miami and execute a County Deed for such purpose.



Director, General Services Administration

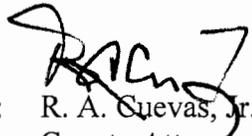


MEMORANDUM

(Revised)

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

DATE: June 19, 2009

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

SUBJECT: Special Item No. 3

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 _____

Special Item No. 3
6-19-09

RESOLUTION NO. _____

RESOLUTION SUPERSEDING RESOLUTION NUMBER R-320-09 AND DECLARING SURPLUS COUNTY-OWNED PROPERTY LOCATED AT N.W. 7 STREET BETWEEN THEORETICAL NW 15 AVENUE AND NW 16 AVENUE; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; APPROVING THE CONVEYANCE OF SAME TO THE CITY OF MIAMI IN ACCORDANCE WITH F.S.125.38; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY; AND AUTHORIZING EXECUTION OF A COUNTY DEED FOR SUCH PURPOSE

WHEREAS, Florida Statute 125.38 states that if any municipality of this state should desire any real or personal property that may be owned by any county of this state or by its Board of County Commissioners, then the municipality may apply to the Board for a conveyance or lease of such property, and, the Board, if satisfied that such property is required for such use and is not needed for County purposes, may thereupon convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, as such Board may fix, regardless of the property's actual value; and

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, 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, pursuant to Section 125.38 Florida Statutes, declares surplus County-owned property located at NW 7 Street between theoretical NW 15 Avenue and NW 16 Avenue and legally described in the attached County Deed; authorizes the conveyance of said property to the City of Miami for a nominal value of \$10.00 via a County Deed substantially in the form attached hereto without retaining

any reversionary interest in the property; amends the legal description to less out the north ten feet for road right of way purposes; releases the property from the restrictions of County Commission Resolution No. 2124; authorized the Mayor to take all actions necessary to accomplish the conveyance of said property; and authorizes the Mayor to execute said County Deed.

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:

- | | |
|---------------------------------|--------------------|
| 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 19th day of June, 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 the County Attorney as
To form and legal sufficiency. 

Thomas Goldstein

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EXHIBIT A

Instrument prepared by and returned to:
Miami-Dade County General Services Administration
Real Estate Development Division
111 N.W. 1 Street, Suite 2460
Miami, Florida 33128-1907

COUNTY DEED

THIS DEED, made this day of , 2009 A.D. by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 N.W. 1 Street Suite 17-202, Miami, Florida 33128-1963, and the CITY OF MIAMI, a Municipal Corporation of the State of Florida, party of the second part, whose address is 444 SW 2 Avenue, Miami, Florida 33130.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars and no/100 (\$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 or assigns forever, the following described land lying and being in Miami-Dade County, Florida:

LOTS 3 & 4 BLOCK 34, LAWRENCE ESTATE LAND CO'S SUBDIVISION less the North 10 feet thereof for road right of way purposes, according to the Plat thereof recorded in Plat Book 2 at Page 46 of the Public Records of Miami-Dade County, Florida.

Hereinafter referred to as the "Property,"

The County hereby releases the Property from the restrictions contained in Resolution No. 2124, recorded in Deed Book 4306, Page 126, under Clerks File No. FF-112607 of the Public Records of Miami-Dade County, Florida.

EXHIBIT A

This grant 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 of said County, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:
HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Mayor

Approved for legal sufficiency. _____

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

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