

Memorandum



Date: October 6, 2009

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

From: George M. Burgess
County Manager

Subject: Conveyance of perpetual easement to
The Florida Department of Transportation
On County property located at State road No. 933 (NW 12 Avenue) and NW 12 Street
Portion of Folio No: 01-3135-075-0010

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

Recommendation

It is recommended that the Board approve the attached resolution authorizing the conveyance of a perpetual easement to the Florida Department of Transportation (FDOT) for the purpose of constructing and maintaining two light poles, including foundations and other related improvements, and authorizing the Mayor to execute said easement on behalf of Miami-Dade County.

Scope

COMMISSION DISTRICT: 3

COMMISSION DISTRICT (S) IMPACTED: County-wide

Background:

MANAGING DEPARTMENT: General Service Administration (GSA)

PORTION OF FOLIO NUMBER: 01-3135-075-0010

EASEMENT AREA: 16 square feet of land consisting of two - 2 ft. X 4 ft easement areas
Referred to as Parcel 800 by FDOT

LOCATION: State road No. 933 (NW 12 Avenue) and NW 12 Street

ASSESSED VALUE: No assessed value

CURRENT USE: The requested easement area is situated along the westerly property line of a County-owned property that is partially leased to Kristi House, a not-for-profit organization, and partially used for public parking. The light poles have already been installed and do not interfere with the existing uses on the property

Honorable Chairman Dennis C. Moss, Chairman
And Members, Board of County Commissioners
Page 2

JUSTIFICATION: This perpetual easement is needed in order to maintain two light poles, including the foundation and other related improvements. The installation of the light poles improved the illumination of NW 12 Avenue as well as the surrounding properties. FDOT was responsible for all costs associated with the construction and will be responsible for the maintenance of these light poles.

Track Record/Monitor

MONITOR: Miguel de la Torre,
Asset Management and Development Supervisor

DELEGATED AUTHORITY: Authorizes the County Mayor to execute a perpetual easement.



Director
General Services Administration



MEMORANDUM

(Revised)

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

DATE: October 6, 2009

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

SUBJECT: Agenda Item No. 8(F)(1)(D)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(1)(D)
10-6-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PERPETUAL EASEMENT LOCATED AT STATE ROAD NO. 933 (NW 12 AVENUE) AND NW 12 STREET TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING TWO LIGHT POLES, INCLUDING FOUNDATION AND OTHER IMPROVEMENTS; AND AUTHORIZING THE COUNTY MAYOR TO EXECUTE SAID PERPETUAL EASEMENT ON BEHALF OF MIAMI-DADE COUNTY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, it is necessary that an easement across certain lands now owned by Miami-Dade County be acquired by the State of Florida Department of Transportation for the purpose of constructing and maintaining two light poles, including foundations and other related improvements; benefiting the neighborhood community,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the execution of a perpetual easement to the State of Florida Department of Transportation substantially in the form attached hereto and authorizes the County Mayor to execute said perpetual easement on behalf of Miami-Dade County.

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
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 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

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

PERPETUAL EASEMENT

THIS EASEMENT, Made this _____ day of _____, A.D. 2009, by and between MIAMI-DADE COUNTY, a political subdivision of the of the State of Florida, party of the first part, and STATE OF FLORIDA, DEPARTMENT TRANSPORTATION, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, paid by the party of the second part, the receipt of which is hereby acknowledged, does hereby grant to the party of the second part, and its successors in interest, a PERPETUAL EASEMENT for the purpose of constructing and maintaining two lighting poles, including foundations and other related improvements in, over, under, upon and through the following described land in Miami-Dade County, Florida, to-wit:

See Attached Exhibit "A" (attached hereto and incorporated by reference) (the "Easement Area")

To have and to hold the same unto said grantee, its successors and assigns forever.

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 Board, 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.

Miami-Dade GSA property located at NW12 Ave. and 12 Street.

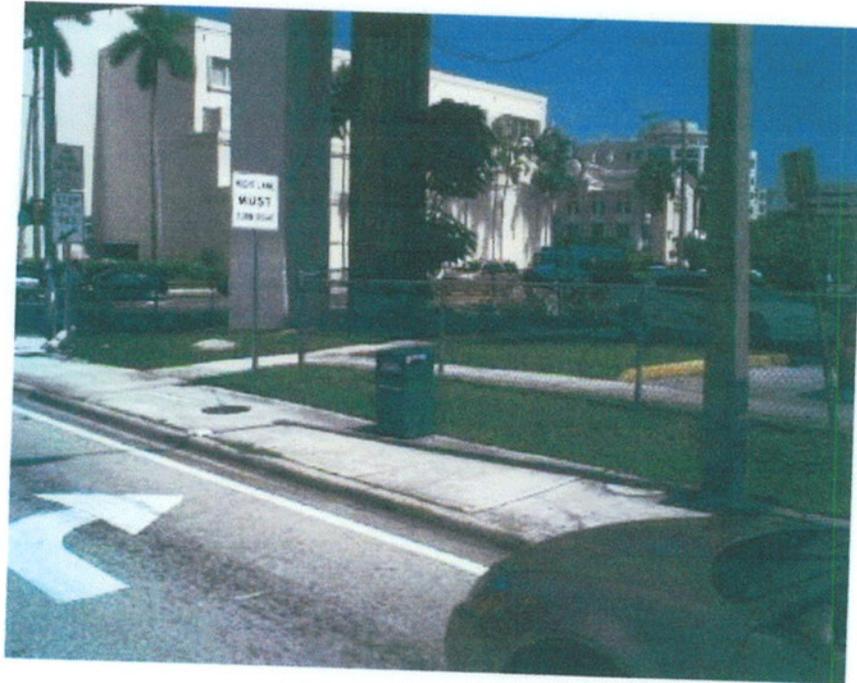


EXHIBIT "A"

**LEGAL DESCRIPTION
FOR
PERPETUAL EASEMENT**

BEING A PORTION OF LAND LYING AND BEING IN TRACT "A" OF "KRISTI HOUSE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 151, AT PAGE 88, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 53 SOUTH, RANGE 41 EAST, MIAMI DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE BASELINE/CENTERLINE OF STATE ROAD 933 (NW. 12TH AVENUE) AND THE CENTERLINE OF NW. 14TH STREET AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION 8760-152; THENCE S 02°30'22" E ALONG SAID AFOREMENTIONED BASELINE/CENTERLINE OF STATE ROAD 933 A DISTANCE OF 104.50 FEET; THENCE N 87°29'38" E A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID STATE ROAD 933, SAID POINT BEING ALSO THE POINT OF BEGINNING (A) OF THE FOLLOWING DESCRIBED PARCEL:

THENCE CONTINUE N 87°29'38" E A DISTANCE OF 2.00 FEET; THENCE S 02°30'22" E A DISTANCE OF 4.00 FEET; THENCE S 87°29'38" W A DISTANCE OF 2.00 FEET TO A HEREINAFTER DESCRIBED AS POINT "A", SAID POINT "A", ALSO BEING A POINT ON THE EAST RIGHT OF WAY LINE OF SAID STATE ROAD 933, THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE OF STATE ROAD 933 N 02°30'22" W A DISTANCE OF 4.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL :

COMMENCE AT THE AFOREDESCRIBED POINT "A"; THENCE S 02°30'22" E, ALONG THE EAST RIGHT OF WAY LINE OF STATE ROAD 933, A DISTANCE OF 178.49 FEET TO THE POINT OF BEGINNING (B) OF THE FOLLOWING DESCRIBED PARCEL; THENCE N 87°29'38" E FOR 2.00 FEET; THENCE S 02°30'22" E A DISTANCE OF 4.00 FEET; THENCE S 87°29'38" W A DISTANCE 2.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF STATE ROAD 933; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE OF STATE ROAD 933 N 02°30'22" W FOR 4.00 FEET TO THE POINT OF BEGINNING.

BOTH PARCELS CONTAINING TOGETHER 16 SQUARE FEET, MORE OR LESS.

GENERAL NOTES:

- BEARINGS SHOWN ARE REFERENCED TO THE BASELINE/CENTERLINE OF STATE ROAD 933, AS SHOWN ON RIGHT OF WAY MAP OF STATE ROAD 933, SECTION 8760-152, HAVING A BEARING OF N 02°30'22" W.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

 5/11/09.

 FERNANDO Z. GATELL P.S.M. DATE
 CERTIFICATE NO. 2821
 STATE OF FLORIDA

FLORIDA DEPARTMENT OF TRANSPORTATION
LEGAL DESCRIPTION

STATE ROAD NO. 933		MIAMI-DADE COUNTY	
BY	DATE	PREPARED BY:	DATA SOURCE:
DRAWN ANA P.	04/24/09	E.C. DRIVER & ASSOCIATES	
CHECKED F. PARUAS	04/24/09	SECTION: 87085	SHEET 1 OF 2

EXHIBIT "A" CONT'

PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
800	MIAMI-DADE COUNTY	16 SQ FT	UNDETER.	

POINT OF COMMENCEMENT
CENTER OF SEC. 35,
TWP. 53S, RGE. 41E

N.W. 14TH STREET

STA. 189+21.43

SW. 1/4 SEC. 35,
TWP. 53S, RGE. 41E

SE. 1/4 SEC. 35,
TWP. 53S, RGE. 41E

89°01'50"

90°54'20"

35.00'

35.00'

STA. 189+00

STA. 188+00

STA. 187+00

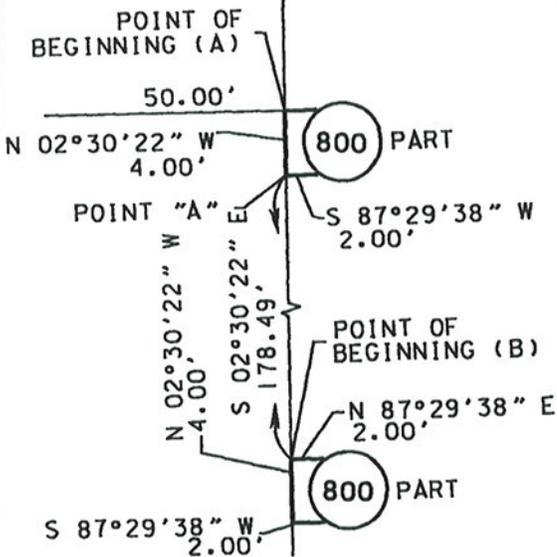
SR. 933 / N.W. 12TH AVENUE

EXISTING. WEST R/W LINE

Ⓟ SURVEY

EXISTING EAST R/W LINE

TRACT "A"
KRISTI HOUSE
P.B. 151, PG. 88
MIAMI-DADE COUNTY,
FLORIDA

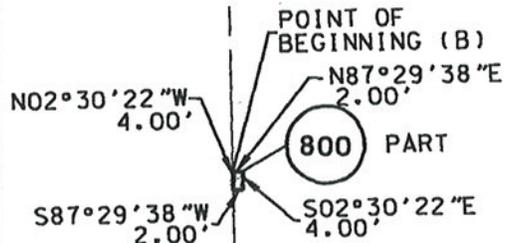


DETAIL
NOT TO SCALE



LEGEND:

- Ⓟ - Baseline.
- Ⓞ - Centerline
- PG. - Page.
- P.B. - Plat Book.
- R/W - Right of Way.
- Ⓞ - Parcel Identification Number
- TWP. - Township.
- RGE. - Range.
- SEC. - Section.
- STA. - Station.
- SR - State Road



FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH TO ACCOMPANY LEGAL DESCRIPTION - NOT A SURVEY

STATE ROAD NO. 933

2496401

MIAMI-DADE COUNTY

BY	DATE	PREPARED BY:
DRAWN ANA P.	04/24/09	E.C. DRIVER & ASSOCIATES
CHECKED F.PARUAS	04/24/09	

SECTION: 87085

DATA SOURCE:

REVISION

BY

DATE

CHECKED

F.PARUAS

04/24/09

SECTION: 87085

eMaps Online
Miami-Dade County, Florida

miamidade.gov



Folio: 01-3135-075-0010



Legend

Print

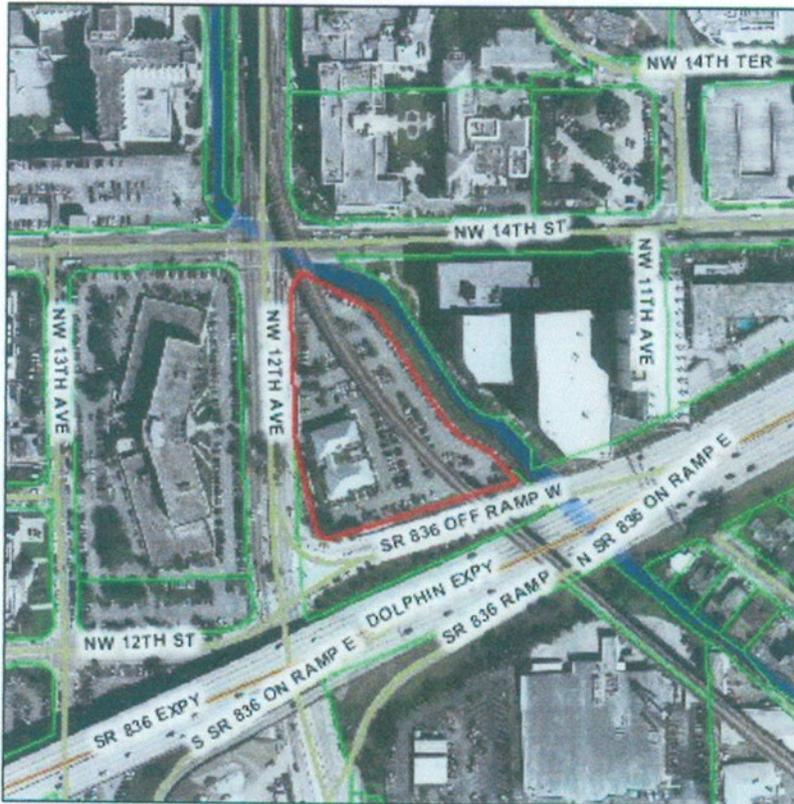
Close

My Home
Miami-Dade County, Florida

miamidade.gov



Property Information Map



Digital Orthophotography - 2007

0 150 ft

This map was created on 6/11/2009 9:56:17 AM for reference purposes only.

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Close

Summary Details:

Folio No.:	01-3135-075-0010
Property:	1265 NW 12 AVE
Mailing Address:	MIAMI-DADE COUNTY GENERAL SERVICES ADMINISTRATION 111 NW 1 ST STE 2460 MIAMI FL 33128-1929

Property Information:

Primary Zone:	8000 GOVERNMENT & INSTITUTIONS
CLUC:	0047 DADE COUNTY
Beds/Baths:	0/0
Floors:	1
Living Units:	0
Adj Sq Footage:	18,650
Lot Size:	3 ACRES
Year Built:	1999
Legal Description:	KRISTI HOUSE PB 151-88 T-20073 TR A LOT SIZE 113338 SQ FT FAU 01-3135-000-0160

Sale Information:

Sale O/R:	
Sale Date:	0/0
Sale Amount:	\$0

Assessment Information:

Year:	2008	2007
Land Value:	\$1,416,725	\$1,416,725
Building Value:	\$1,875,405	\$1,875,405
Market Value:	\$3,292,130	\$3,292,130
Assessed Value:	\$3,292,130	\$3,292,130

Taxable Value Information:

Year:	2008	2007
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$3,292,130/ \$0	\$3,292,130/ \$0
County:	\$3,292,130/ \$0	\$3,292,130/ \$0
City:	\$3,292,130/ \$0	\$3,292,130/ \$0
School Board:	\$3,292,130/ \$0	\$3,292,130/ \$0

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