Memorandum

MIAMI-DADE COUNTY

Date:	October 6, 2009
To:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Resolution Accepting an Implied Offer of Dedication for Portions of an Existing County Road Known as NW 81 Street, Lying West of NW 7 Avenue

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

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution for the acceptance of an implied offer of dedication for a parcel of land comprised of a portion of NW 81 Street, lying west of NW 7 Avenue in Section 11, Township 53 South, Range 41 East, Miami-Dade County, as described in Exhibit "A" and illustrated in "Exhibit C" attached and made a part hereof.

Scope

This parcel is located within Commission District 2 and is in unincorporated Miami-Dade County.

Fiscal Impact/Funding Source

There is no fiscal Impact associated with this item.

Track Record/Monitor

Not applicable.

Background

Ruth Valentin Polinquin and Lavinia Grace Brown Altman, individually and as Co-Trustees for the estate of Flora S. Brown, expressed an implied offer of dedication of the South 35 feet for road purposes in a conveyance dated August 30, 2004 and recorded on September 7, 2004 in Official Records Book 22632, Page 4237 of the Public Records of Miami-Dade County.

Said dedication of 35 feet, was in excess of that certain land taken for the construction of NW 81 Street by Miami-Dade County by Eminent Domain proceedings and described as Parcel 41 in that certain Order of Taking recorded in Book 4974, Page 127 of the Public Records of Miami-Dade County and illustrated in Exhibit "B" attached and made a part hereof. The excess dedication created a gap between the land taken by eminent domain and the parent tract to the north of said parcel. The aforementioned gap is described in Exhibit "A" and Illustrated in Exhibit "C" and it is the subject of the attached resolution. The property to the north of the gap is owned by Miami-Dade County Police Department which has future plans to build a police station on the site, see Exhibit "D".

The subject parcel as illustrated on Exhibit "C" and Detail "A" encompasses portions of the sidewalk of NW 81 Street in use since NW 81 Street was built in the 1960's.

There is no information in the Public Records that would revoke or otherwise impede the implied offer of dedication. In order to protect the public road easement the Public Works Department recommends the acceptance of this right-of-way dedication.

Assistant County Manager

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(P)(1)(F)

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(P)(1)(F)
10-6-09

RESOLUTION NO. _____

RESOLUTION ACCEPTING AN IMPLIED OFFER OF DEDICATION FOR A PORTION OF NW 81 STREET, LYING WEST OF NW 7 AVENUE

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

WHEREAS, Ruth Valentin Polinquin and Lavina Grace Brown Altman individually and as Co-Trustees for the estate of Flora S. Brown, expressed an implied offer of dedication of the South 35 feet for road purposes in conveyance dated August 30, 2004 and recorded on September 7, 2004 in Official Records Book 22632, Page 4237 of the Public Records of Miami-Dade County; and

WHEREAS, portions of said dedication of 35 feet was in excess of that certain land taken for the construction of NW 81 Street by Miami-Dade County by Eminent Domain proceedings and described as Parcel 41 in that certain Order of Taking as recorded in Book 4974, Page 127 of the Public Records of Miami-Dade County and illustrated in Exhibit "B"; and

WHEREAS, there are no stipulations in the Public Records that would revoke or otherwise impede the implied offer or dedication; and

WHEREAS, upon consideration of the recommendation of the Public Works Department, the Board of County Commissioners of Miami-Dade County, Florida finds and determines that the acceptance of this implied offer of dedication would be in the public interest,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds and approves those matters set out in the foregoing recital and hereby:

(1) Approves and accepts the implied offer of that portion of the of 35 foot dedication beyond the limits of that certain land taken by Eminent Domain proceedings and described as Parcel 41 shown in that certain Order of Taking recorded in Book 4974, Page 127 of the Public Records of Miami-Dade County, said implied offer being described in Exhibit "A" and illustrated in Exhibit "B" both attached hereto and made a part hereof; and

(2) Authorizes the Director of Public Works to cause this resolution to be recorded among the Public Records of Miami-Dade County, Florida.

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 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

EXHIBIT "A"

Legal Description Implied offer:

A portion of the NE ¼ of the SE ¼ of the NE ¼ of Section 11, Township 53 South, Range 41 East, Miami-Dade County, Florida, described as follows:

Commence at the southeast corner of the NE ¼ of the SE ¼ of the NE ¼ of said Section 11; thence westerly along the south line of the NE ¼ of the SE ¼ of the NE ¼ of said Section 11 to its intersection with a line 50.00 feet westerly of and parallel with the East line of the NE ¼ of said Section 11; thence continue westerly along the south line of the North ½ of the SE ¼ of the NE ¼ of said Section 11 for 667.15 feet to its intersection with a line 50.00 feet west of and parallel with the west line of the NE ¼ of the SE ¼ of the NE ¼ of said Section 11; thence northerly along the last described line to its intersection with a line 35.00 feet northerly of and parallel with the south line of the North ½ of the SE ¼ of the NE ¼ of said Section 11; thence easterly along the last described line for 443.93 feet to the beginning of a curve concave to the south, said point also being the Point of Beginning of the following described land; thence southeasterly along the arc of said curve having a radius of 5759.58 feet through a central angle of 01°40'23" and an arc distance of 168.18 feet to the beginning of a reverse curve concave to the north; thence easterly along the arc of said curve having a radius of 5699.58 feet through a central angle of 0°17'49" for an arc distance of 29.53 feet to the beginning of a compound curve concave to the northwest; thence easterly and northerly along the arc of said curve having a radius of 25.00 feet through a central angle of 30°54'35" for an arc distance of 13.49 feet to the point of cusp, said point being on the north line of the south 35.00 feet of the NE ¼ of the SE ¼ of the NE ¼ of said Section 11; thence west along the last described line for 210.60 feet to the Point of Beginning.

Containing 251 square feet or 0.01 Acres.

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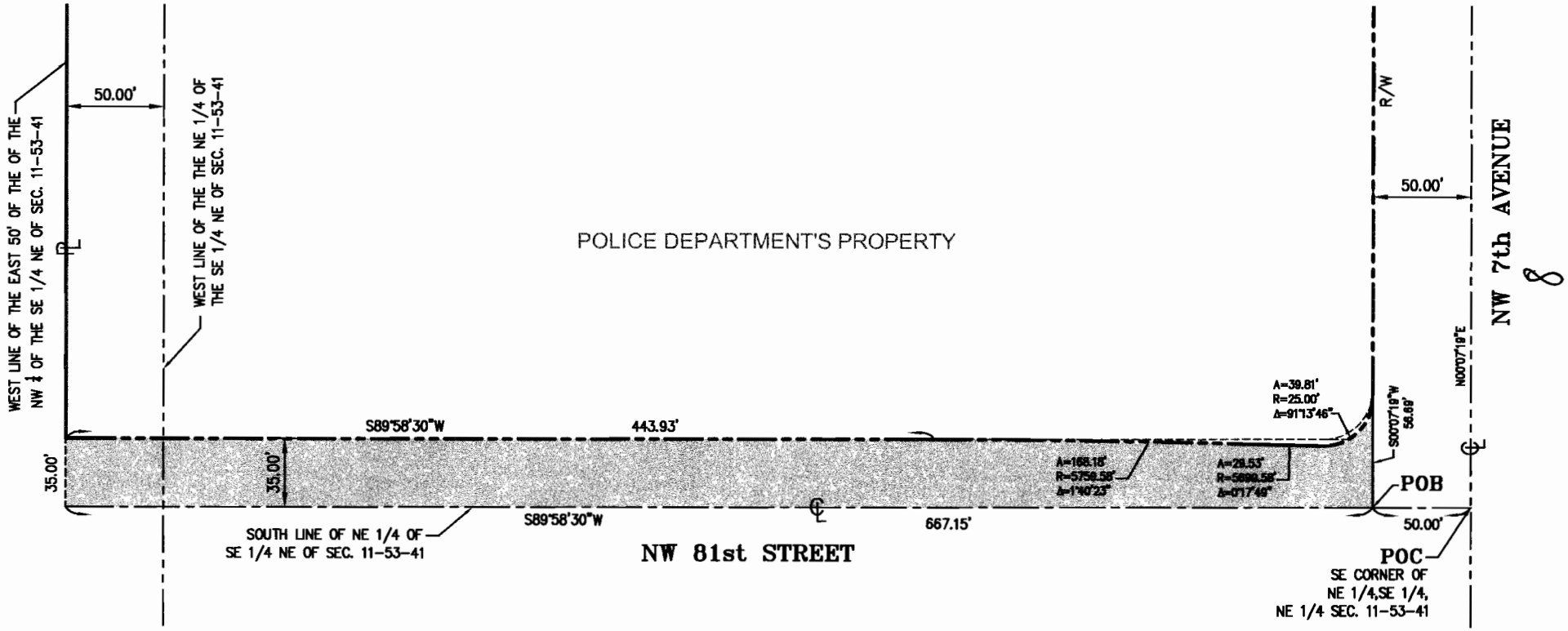
PWD THIS IS NOT A SURVEY	MIAMI–DADE COUNTY PUBLIC WORKS DEPT. RIGHT OF WAY DIVISION ENGINEERING SECTION	NW 81st STREET	SCALE: N/E DATE:08–07–09 DRAWN BY: L. Espinosa CHECKED BY: L. Lacau PROJECT: SHEET:3 of 3

LEGEND

PROPERTY LINE	RIGHT–OF–WAY LINE
BOUNDARY LINE	(PT) POINT OF TANGENCY
CENTER LINE	(POB) POINT OF BEGINNING
(POC) POINT OF COMMENCEMENT	℄ CENTER LINE
IMPLIED OFFER	(L) LENGTH
(R) RADIUS	(Δ) DELTA
(PC) POINT OF CUSP	R/W RIGHT OF WAY
	ℙ PROPERTY LINE

EXHIBIT "B"



PWD

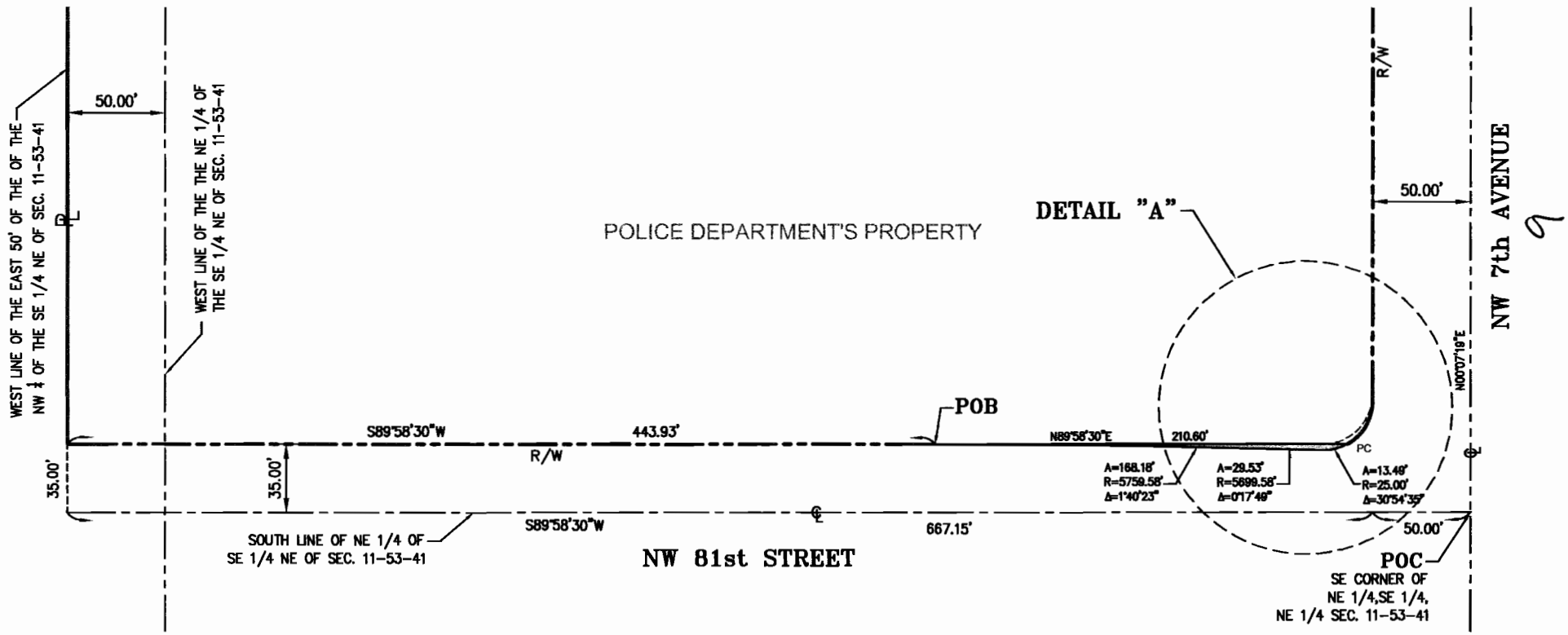
THIS IS NOT A SURVEY

SKETCH OF RIGHT OF WAY TAKING MIAMI–DADE COUNTY PUBLIC WORKS DEPT. RIGHT OF WAY DIVISION ENGINEERING SECTION	NW 81st STREET	SCALE: 1" = 80' DATE:08–07–09 DRAWN BY: L. Espinosa CHECKED BY: L. Lacau PROJECT: SHEET:1 of 1

LEGEND

PROPERTY LINE	
BOUNDARY LINE	
CENTER LINE	
(POC)	POINT OF COMMENCEMENT
	IMPLIED OFFER
(R)	RADIUS
(PC)	POINT OF CUSP
	RIGHT-OF-WAY LINE
(PT)	POINT OF TANGENCY
(POB)	POINT OF BEGINNING
℄	CENTER LINE
(L)	LENGTH
(Δ)	DELTA
R/W	RIGHT OF WAY
⅊	PROPERTY LINE

EXHIBIT "C"



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PWD

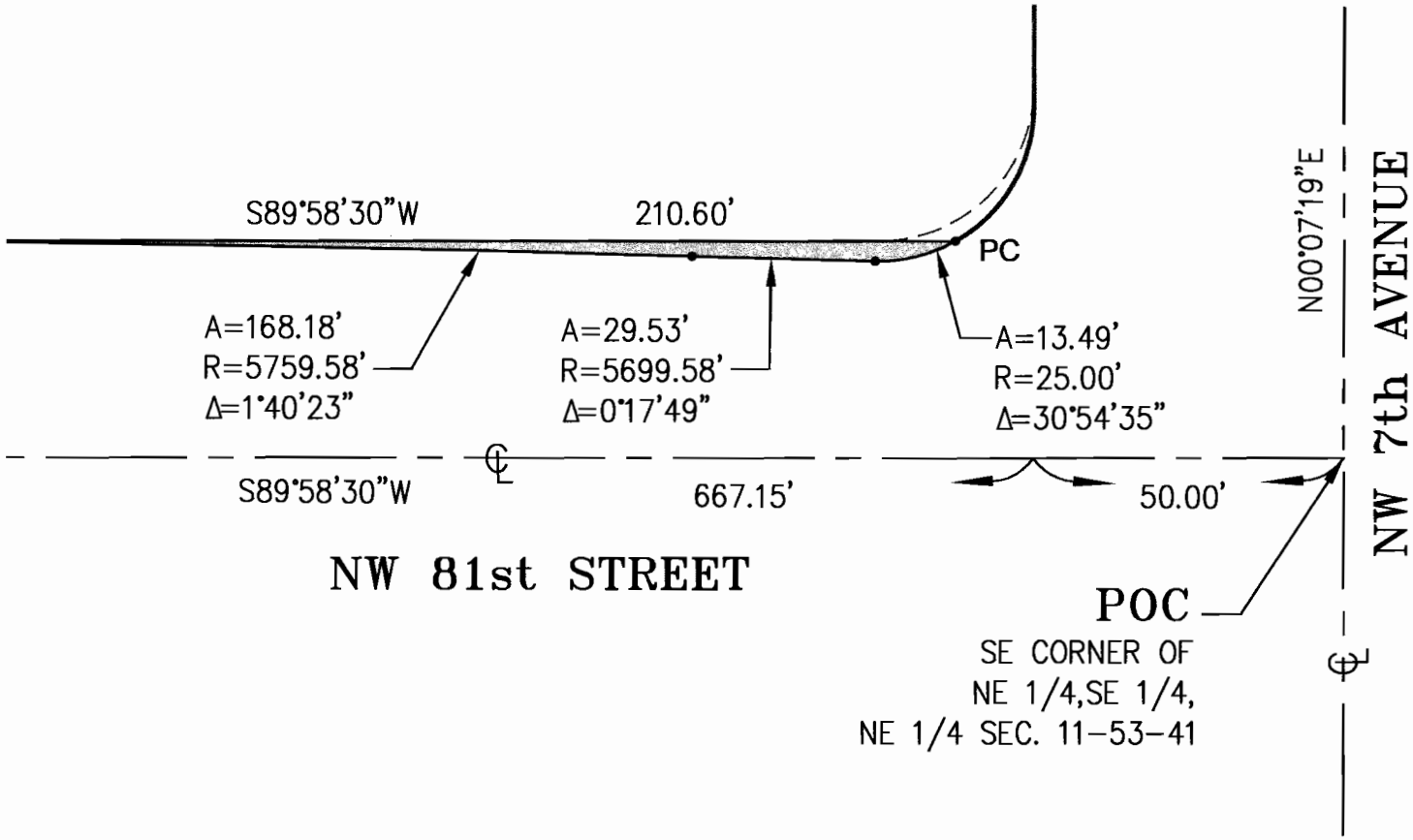
THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY PUBLIC WORKS DEPT. RIGHT OF WAY DIVISION ENGINEERING SECTION	NW 81st STREET	SCALE: 1" = 80' DATE:08-07-09 DRAWN BY: L. Espinosa CHECKED BY: L. Lacau PROJECT: SHEET:1 of 3

LEGEND

PROPERTY LINE	RIGHT-OF-WAY LINE
BOUNDARY LINE	(PT) POINT OF TANGENCY
CENTER LINE	(POB) POINT OF BEGINNING
(POC) POINT OF COMMENCEMENT	℄ CENTER LINE
IMPLIED OFFER	(L) LENGTH
(R) RADIUS	(Δ) DELTA
(PC) POINT OF CUSP	R/W RIGHT OF WAY
	℞ PROPERTY LINE

DETAIL "A"



PWD

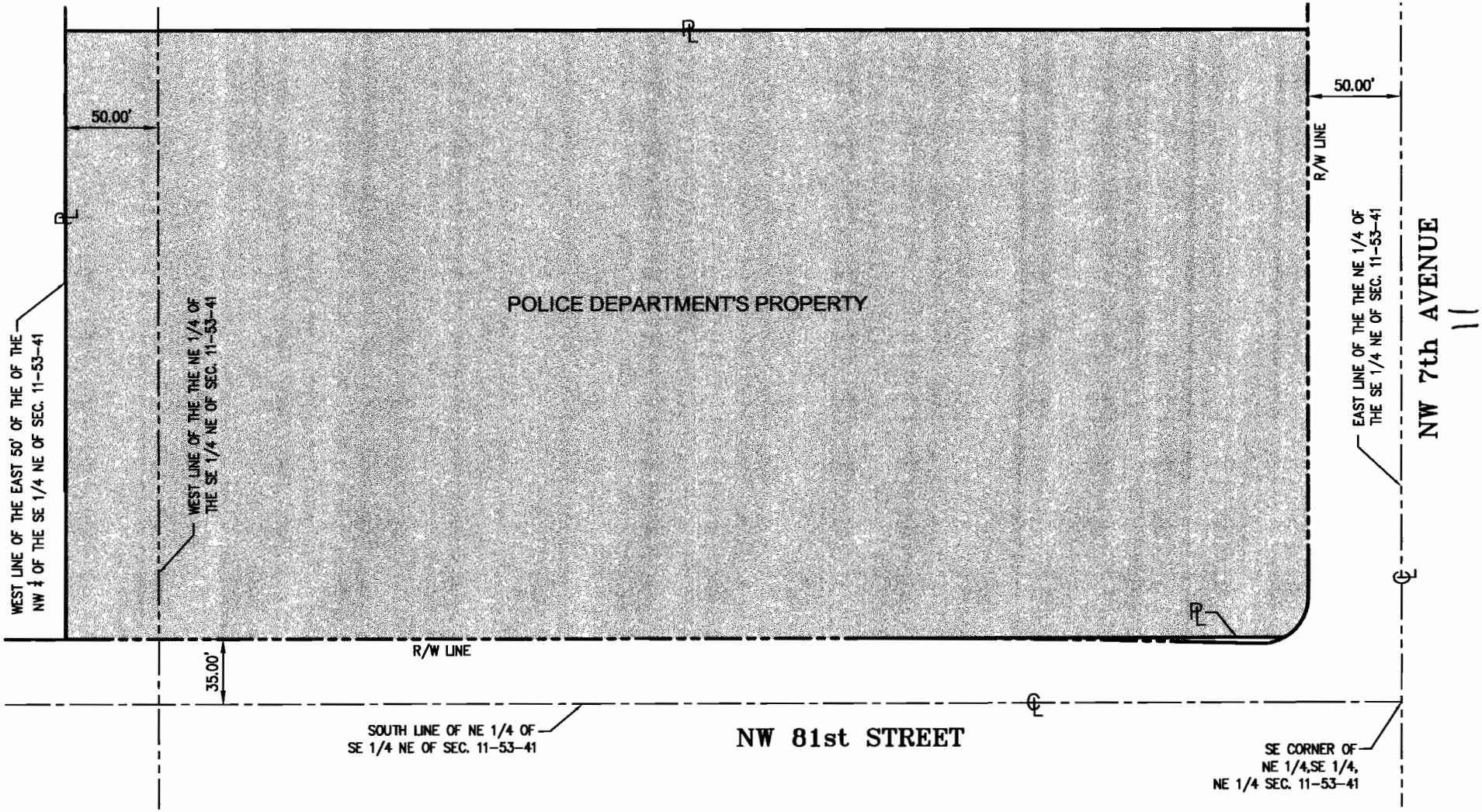
THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY PUBLIC WORKS DEPT. RIGHT OF WAY DIVISION ENGINEERING SECTION	NW 81st STREET	SCALE: 1" = 30' DATE:08-05-09 DRAWN BY: L. Espinosa CHECKED BY: L. Lacau PROJECT: SHEET:2 of 3

LEGEND

PROPERTY LINE	RIGHT-OF-WAY LINE
BOUNDARY LINE	(PT) POINT OF TANGENCY
CENTER LINE	(POB) POINT OF BEGINNING
(POC) POINT OF COMMENCEMENT	℄ CENTER LINE
IMPLIED OFFER	(L) LENGTH
(R) RADIUS	(Δ) DELTA
(PC) POINT OF CUSP	R/W RIGHT OF WAY
	ℙ PROPERTY LINE

EXHIBIT "D"



PWD

THIS IS NOT A SURVEY

SKETCH OF POLICE DEPARTMENT'S PROPERTY MIAMI-DADE COUNTY PUBLIC WORKS DEPT. RIGHT OF WAY DIVISION ENGINEERING SECTION	NW 81st STREET	SCALE: 1" = 80' DATE:08-05-09 DRAWN BY: L. Espinosa CHECKED BY: L. Lacau PROJECT: SHEET:1 of 1