

Memorandum



Date: January 21, 2010

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

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

From: George M. Burgess
County Manager

Subject: Resolution Releasing a Drainage Easement in Miami-Dade County

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution releasing a drainage easement at 9191 SW 137 Avenue, Miami-Dade County.

Scope

The subject item is limited to a privately owned parcel of land in Commission District 10 (Comm. Souto).

Fiscal Impact/Funding Source

The subject item has no fiscal implications to Miami-Dade County. This item does not require the expenditure of any Miami-Dade County funds.

Track Record/Monitor

N/A

Background

The subject 15-foot wide, 570-foot long drainage easement was conveyed to Miami-Dade County in 1967 to be used as part of the SW 137 Avenue drainage system (Attachment A). It was conveyed by North Kendall Investments, Limited, on May 12, 1967, recorded in Official Records Book 5591 at Page 34, and by Arvida Corporation on October 2, 1967, recorded in Official Records Book 5758 at Page 337 of the Public Records of Miami-Dade County, in Section 2, Township 55 South, Range 39 East.

However, the SW 137 Avenue drainage system was designed for full onsite retention and did not need the use of this drainage easement. Therefore, the drainage easement is no longer needed by Miami-Dade County and may be released.

Lowe's Home Center, Inc. owns the property at 9191 SW 137 Avenue that includes this drainage easement and has petitioned Miami-Dade County to release said drainage easement which lies within their property (Attachment B).

The Department of Environmental Resources Management and Miami-Dade County Public Works Department recommend that the Board approve the attached disclaimer.

Assistant County Manager



MEMORANDUM
(Revised)

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

DATE: January 21, 2010

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

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

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

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

Veto _____

1-21-10

Override _____

RESOLUTION NO. _____

**RESOLUTION RELEASING A DRAINAGE EASEMENT
IN MIAMI-DADE COUNTY IN SECTION 2, TOWNSHIP
55 SOUTH, RANGE 39 EAST**

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

WHEREAS, the aforesaid drainage easement is no longer needed by Miami-Dade County for drainage purposes,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board releases a drainage easement in Section 2, Township 55 South, Range 39 East, in Miami-Dade County, Florida, and authorizes execution of a disclaimer of a drainage easement and recording of said disclaimer in the public records of Miami-Dade County in substantially the form attached hereto and made a part hereof, and pursuant to Resolution No. R-974-09, hereby directs the Mayor or the Mayor's designee to provide a recorded copy of the aforementioned disclaimer to the Clerk of the Board within thirty (30) days of execution of the disclaimer by the Mayor or the Mayor's designee and furthermore directs the Clerk of the Board to attach and permanently store a recorded copy of the aforementioned disclaimer together with this Resolution.

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
21st day of January, 2010. 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

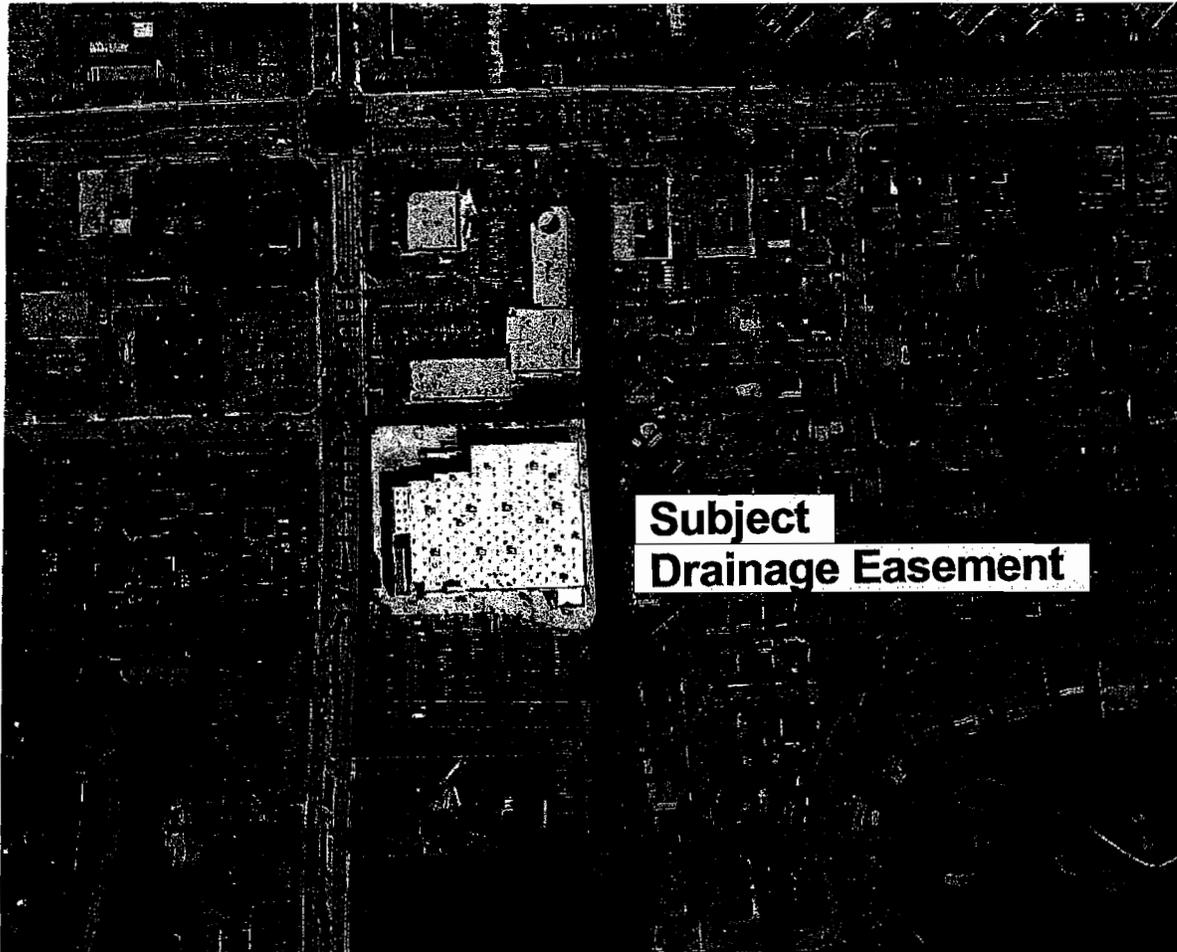
HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Peter S. Tell



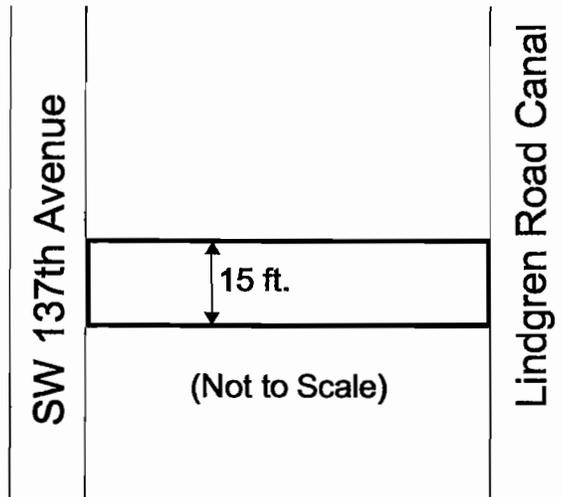
W.C. 874

SEC. 02

TWP. 55

RGE. 39

(Location Map)



 15 ft. Drainage Easement to be Disclaimed

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ATTACHMENT B

W.C. 874

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MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, does hereby give notice that it disclaims certain rights, title and interests for drainage purposes which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

That part of the South 15.00 feet of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 2, Township 55 South, Range 39 East, which lies East of the Easterly right-of-way line of S.W. 137 Avenue and West of the Westerly right-of-way line of Lindgren Road Canal in Miami-Dade County, Florida

WHEREAS, Miami-Dade County secured a certain easement for drainage purposes upon the above described lands by conveyance by North Kendall Investments, Limited dated May 12, 1967, recorded in Official Records Book 5591 at Page 34, and by conveyance by Arvida Corporation dated October 2, 1967, recorded in Official Records Book 5758 at Page 337 of the Public Records of Miami-Dade County, Florida, and

WHEREAS, the aforesaid conveyance upon the above described lands is no longer needed by MIAMI-DADE COUNTY for drainage purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the aforementioned lands.

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BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen the rights of any other agency or governmental body in and to the aforementioned lands.

IN WITNESS WHEREOF MIAMI-DADE COUNTY FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this the _____ day of 20____.

ATTEST:

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

Sign: _____

Sign: _____

Print: _____

Print: Carlos Alvarez

Title: Mayor

Address: 111 N.W. 1st Street
Metro-Dade Center
Miami, Florida 33128

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____,
by _____, who is personally known to me or who has produced
_____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

Print _____
STATE OF FLORIDA at large
(Seal)

My commission expires: _____

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