# Memorandum

MIAMI-DADE COUNTY

**Date:** February 2, 2010

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

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

**From:** George M. Burgess
County Manager

**Subject:** Resolution Accepting Canal Right-of-Way Deed from the Village of Miami Shores

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**Recommendation**
It is recommended that the Board of County Commissioners approve the attached resolution accepting a canal right-of-way deed from the Village of Miami Shores in the vicinity of 1701 NW 103 Street, Miami-Dade County.

**Scope**
The subject item is limited to a parcel of land owned by the Village of Miami Shores and located in Commission District No. 2 (Comm. Rolle).

**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 unincorporated area of Miami-Dade County lying west of NW 17 Avenue between NW 111 Street and NW 107 Street is subject to severe flood conditions due in part to the relatively low land elevation and lack of drainage facilities. To alleviate said conditions in this area, Miami-Dade County has implemented a project to integrate drainage improvements and stormwater discharge to an existing spur of the Little River Canal. The canal spur, which needs major improvements, runs through a property owned by the Village of Miami Shores (see Attachment A).

The acquisition of this canal right-of-way will allow the County to perform the improvements and to operate and maintain this canal. Therefore, the Department of Environmental Resources Management (DERM) contacted the Village of Miami Shores regarding the transfer of the canal right-of-way to Miami-Dade County. In response, the Village submitted, without cost to the County, a resolution by the Miami Shores Village Council that approves the conveyance of said canal right-of-way (Attachment B). The Village of Miami Shores also provided at no cost to the County a valid canal right-of-way deed conveying to the County that portion of the northwesterly 75 feet of their property located at 1701 NW 103 Street (Attachment C). The land to be conveyed has a total area of .89 acres.

In order to implement the proposed drainage improvements, DERM and the Public Works Department, which are contributors to the subject flood protection project, recommend that the Board accept the attached right-of-way deed.

Assistant County Manager

# MEMORANDUM

(Revised)

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

DATE: February 2, 2010

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

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

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(D)(1)(C)
2-2-10

RESOLUTION NO. _____

RESOLUTION ACCEPTING CANAL RIGHT-OF-WAY DEED FROM THE VILLAGE OF MIAMI SHORES, LOCATED IN SECTION 34, TOWNSHIP 52 SOUTH, RANGE 41 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 Village of Miami Shores has submitted a valid canal right-of-way deed in favor of Miami-Dade County for the transfer of title to real property as described in the aforementioned deed; and

**WHEREAS**, the Village of Miami Shores has submitted a resolution by the Miami Shores Village Council that approves the conveyance of a canal right-of-way to Miami-Dade County as described in the aforementioned deed,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board accepts the canal right-of-way deed from the Village of Miami Shores conveying canal right-of-way to Miami-Dade County, in Section 34, Township 52 South, Range 41 East, in Miami-Dade County, Florida, and authorizes execution of the acceptance of said canal right-of-way deed and recording of said canal right-of-way deed 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 deed to the Clerk of the Board within thirty (30) days of execution of the acceptance by the Mayor and furthermore directs the Clerk of the Board to attach and permanently store a recorded copy of the aforementioned deed 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 |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 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

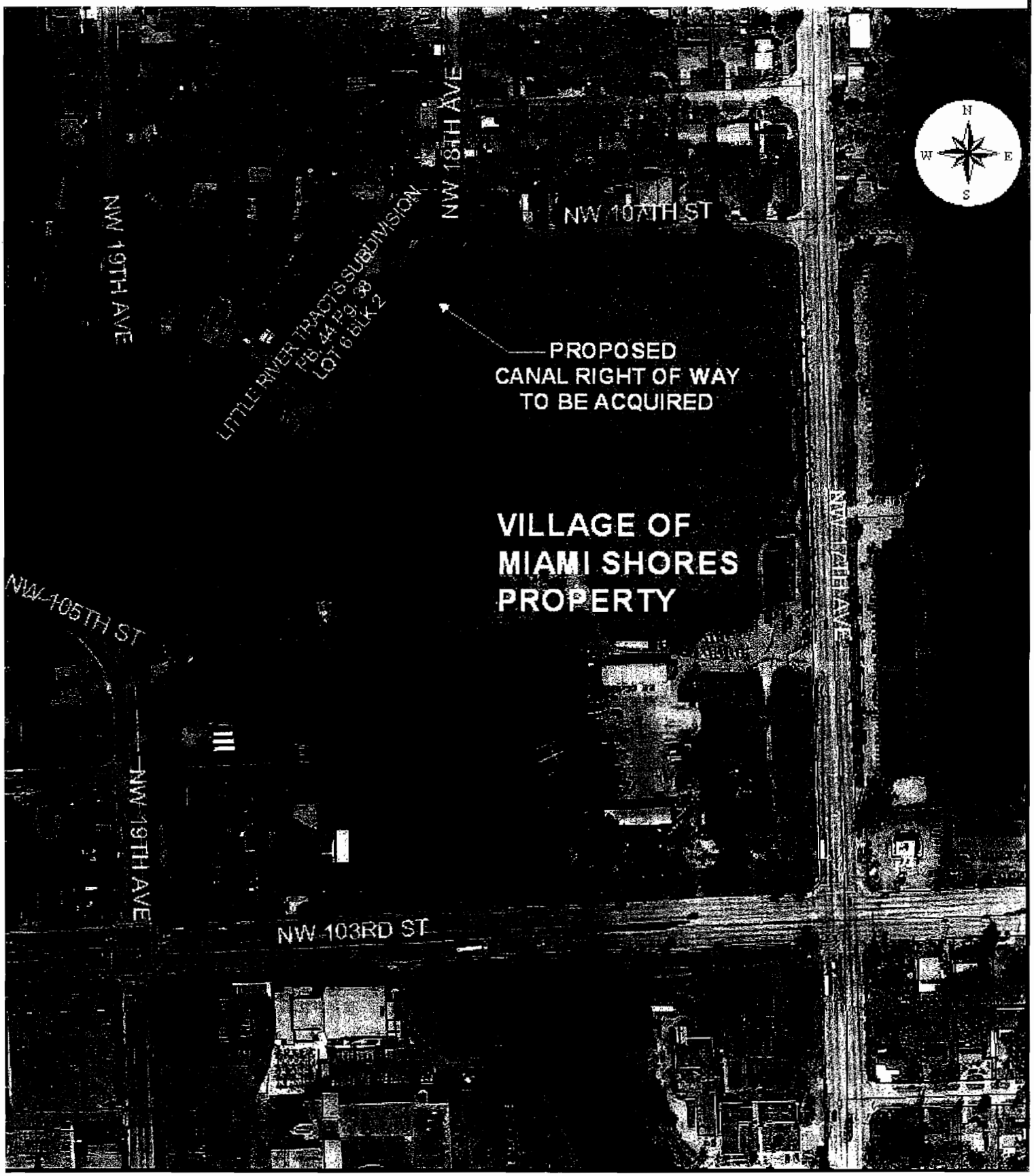
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency

Peter S. Tell

ATTACHMENT A

**WC-854**
SEC. 34
TWP. 52
RGE. 41
CANAL R/W TO BE ACQUIRED
NOTE: SKETCH NOT TO SCALE

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ATTACHMENT B

**RESOLUTION NO. 1170-09**

**A RESOLUTION OF THE MIAMI SHORES VILLAGE COUNCIL, APPROVING THE CONVEYANCE OF A CANAL RIGHT-OF-WAY TO MIAMI-DADE COUNTY, IN SECTION 34, TOWNSHIP 52 SOUTH, RANGE 41 EAST, PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Miami-Dade County has expressed an interest in the Village conveying a canal right-of-way to them for the purpose of maintaining the canal waterway which runs through the Village's Public Works complex; and,

WHEREAS, Pursuant to this interest and to memorialize the action taken by the Miami Shores Village Council on June 5, 2007, Miami Shores Village is submitting a valid canal right-of-way deed in favor of Miami –Dade County for the transfer of title to real property as described in Exhibit A, attached herein and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI SHORES VILLAGE COUNCIL,

Section 1. That the Village Council approves a canal right-of-way deed from Miami Shores Village conveying canal right-of-way to Miami-Dade County, in Section 34, Township 52 South, Range 41 East, in Miami-Dade County, Florida, a copy of which is attached hereto and made a part hereof, and hereby authorizes execution of said canal right-of-way deed by the Village Manager.

Section 2. That this Resolution shall become effective immediately upon its passage.

Passed and Adopted this 17th day of November, 2009.

ATTEST:

Barbara A. Estep, MMC

Barbara A. Estep, MMC
Village Clerk

Al Davis, Mayor

APPROVED AS TO FORM:

Richard Sarafan, Village Attorney

# ATTACHMENT C

W.C. 854
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RIGHT-OF-WAY DEED TO MIAMI-DADE COUNTY

CONVEYS THE TITLE FOR CANAL PURPOSES

BY CORPORATION

STATE OF FLORIDA, )
COUNTY OF MIAMI-DADE. )

THIS INDENTURE, made this 18 day of November, 2009, by and between Miami Shores Village, a body corporate in the State of Florida, and whose principal address is 10050 N.E. 2 Avenue, Miami Shores, Florida 33138-2304, party of the first part, and the County of Miami-Dade, a Political Subdivision of the State of Florida, whose address is 111 N.W. 1 Street, Miami, Florida 33128-1970, party of the second part;

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant, bargain and sell to the party of the second part, and its successors in interest, for the purpose of a public canal and purposes incidental thereto, including the right of the party of the second part to ownership and disposal of all spoil material from said canal, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to-wit:

EXHIBIT "A"

It is the intention of the party of the first part by this instrument to convey to the said County, and its successors in interest, the land above described for use as a public canal and for all purposes incidental thereto.

This instrument was prepared by:

Elie Mehu of
Dade County Environmental
Resources Management
33 S.W. 2nd Avenue, 2nd Floor
Miami, Florida 33130

It is expressly provided that if and when said canal shall be lawfully and permanently discontinued, the title to the above described land shall immediately revert to the party of the first part, its successors and assigns, and they shall have the right to immediately re-possess the same.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under it.

IN WITNESS WHEREOF, the said party of the first part, has executed by its President or Vice-President, and has caused the same to be attested by its Secretary or Assistant-Secretary, and its Corporate Seal hereon to be impressed, on this, the day and year first above written.

Signed, Sealed, Attested and
delivered in our presence:

Witnesses:

Sign _____

Print Anthony Flores

Sign _____

Print Elizabeth A. Kecky

Miami Shores Village
Corporate Name

Sign _____

Print Tom Benton

Title Village Manager

Address 10050 N.E. 2nd Avenue
Miami Shores, FL 33138

STATE OF Florida)
)
COUNTY OF Miami-Dade)

The foregoing instrument was acknowledged before me this 18th day of November, 2009, by Tom Benton, who is personally known to me or who has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

Sign Barbara A. Estep

Print Barbara A. Estep

State of Florida at Large Seal

My Commission Expires:

Notary Public State of Florida
Barbara A Estep
My Commission DD516564
Expires 03/25/2010

## EXHIBIT "A"

## LEGAL DESCRIPTION OF PROPOSED CANAL RIGHT-OF-WAY

The northwesterly 75.00 feet of the following described parcel of land being a Village of Miami Shores property, lying and located in Miami-Dade County, Florida:

Commencing at the southeast corner of Section 34, Township 52 South, Range 41 East; thence South 87 degrees 15 minutes 55 seconds West, along the south line of said Section 34, for a distance of 63.88 feet; thence North 02 degrees 44 minutes 05 seconds West for 50.00 feet to the point of intersection with the north right-of-way line of N.W. 103 Street and the point of beginning of the herein described parcel of land; thence South 87 degrees 15 minutes 55 seconds West for 408.85 feet to the easterly line of a perpetual easement according to Deed Book 4366, at page 52 (FF-176114) of the Public Records of Miami-Dade County, Florida; thence North 28 degrees 07 minutes 01 seconds West along the easterly line of said perpetual easement, for 755.38 feet; thence North 40 degrees 20 minutes 59 seconds West along the northeasterly line of the aforesaid perpetual easement, for 283.38 feet to the point of intersection with the easterly line of Lot 6, Block 2 of LITTLE RIVER TRACTS according to the plat thereof recorded in Plat Book 44 at Page 38 of the Public Records Book of Miami-Dade County, Florida; thence North 38 degrees 40 minutes 20 seconds East, for 479.98 feet along said easterly line of Lot 6, Block 2 to the northwest corner of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of said Section 34, Township 52 South, Range 41 East; thence North 87 degrees 44 minutes 20 seconds East along the north line of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of said Section 34, for a distance of 581.76 feet to the point of intersection with a line parallel with and 90.00 feet west of, as measured at right angle to the east line of Section 34; thence South 01 degrees 52 minutes 25 seconds East along the aforementioned line for a distance of 25.00 feet to the point of intersection with the south right-of-way of N.W. 107 Street; thence North 87 degrees 44 minutes 20 seconds East along said south right-of-way, for 24.83 feet to the point of curvature of a curve concave to the southwest, having a radius of 25.00 feet, a central angle of 90 degrees 23 minutes 15 seconds and an arc length of 39.44 feet to a point of tangency being the intersection point with a line parallel with and 40.00 feet west of, as measured a right angle to the east line of Section 34, said line being the west right-of-way of N.W. 17 Avenue; thence South 01 degrees 52 minutes 25 seconds East along said west right-of-way line, for 1187.06 feet to the point of curvature of a curve concave to the northwest, having a radius of 25.00 feet, a central angle of 89 degrees 08 minutes 20 seconds and an arc length of 38.89 feet to a point of tangency with the northerly right-of-way line of N.W. 103 Street, also being the point of beginning of the herewith described parcel of land.

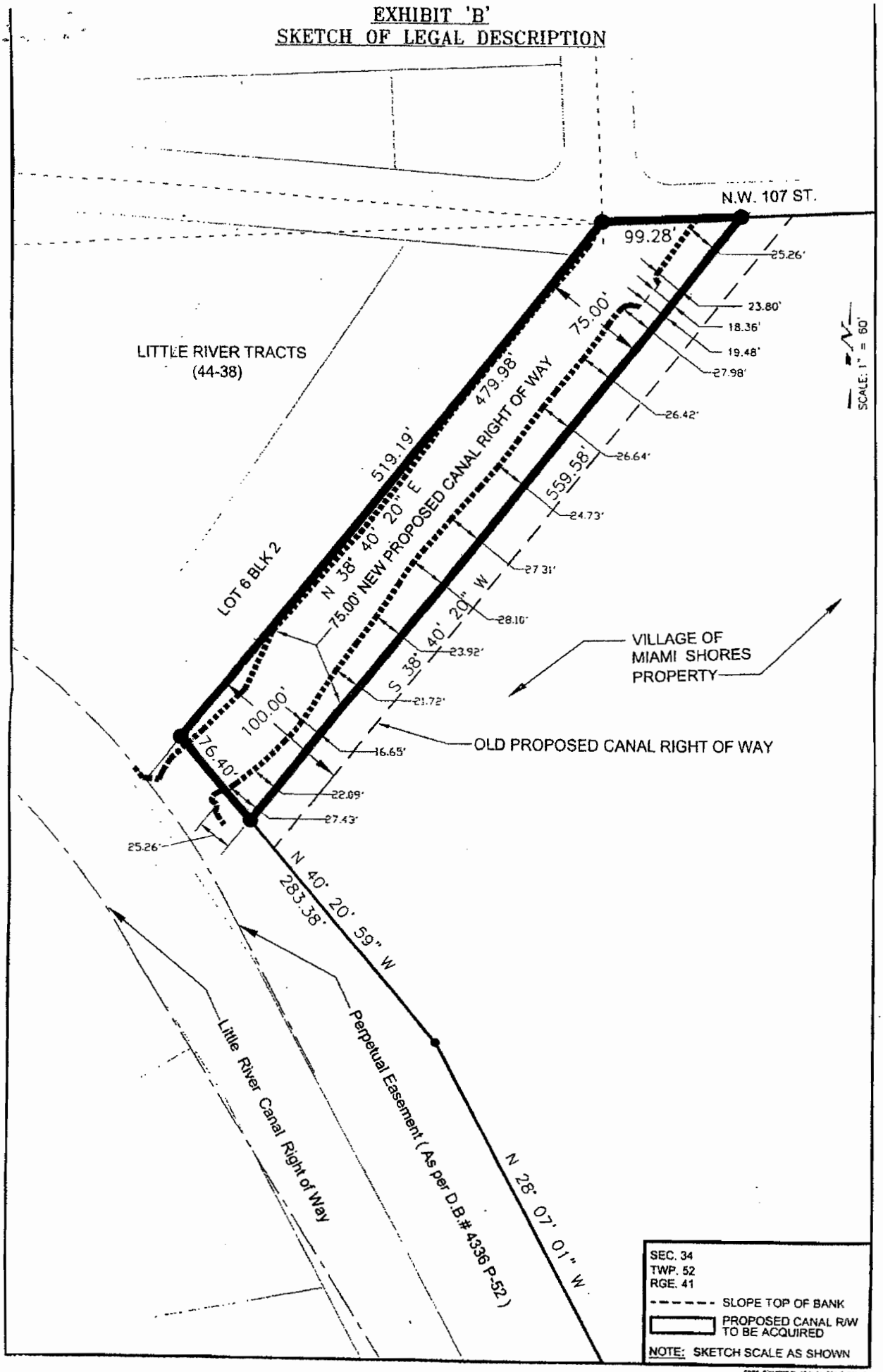
Said portion of land to be used by Miami-Dade County as canal right-of-way, can also be described as follows:

Beginning at the northwest corner of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 34, Township 52 South, Range 41 East; thence North 87 degrees 44 minutes 20 seconds East, along the north line of said Northeast Quarter of the Southeast Quarter of the Southeast Quarter of said Section 34 for 99.28 feet; thence South 38 degrees 40 minutes 20 seconds West for 559.58 feet to a point of intersection with the northeasterly line of a perpetual canal easement according to Deed Book 4366 at Page 52 (FF-176114) of the Public Records of Miami-Dade County, Florida; thence North 40 degrees 20 minutes 59 seconds West along said northeasterly line of that perpetual easement for 76.40 feet to a point on the easterly line of Lot 6, Block 2 of LITTLE RIVER TRACT, according to a plat recorded in Plat Book 44 at Page 38 of the Public Records of Miami-Dade County, Florida; thence North 38 degrees 40 minutes 20 seconds East for 479.98 feet along the easterly line of said Lot 6 to the point of beginning.

Containing 0.895 acres or 38,984 square feet, more or less.

All bearings are based on the south line of the Southeast Quarter of said Section 34, Township 52 South, Range 41 East, being South 87 degrees 15 minutes 55 seconds West, assumed.

# EXHIBIT 'B'
## SKETCH OF LEGAL DESCRIPTION

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