

Memorandum



Date: April 6, 2010
To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
From: George M. Burgess
County Manager
Subject: Oak Grove Park-FDOT Easement

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

Recommendation

It is recommended that the Board approve the attached resolution authorizing the execution of an easement document for the Florida Department of Transportation (FDOT) to maintain existing traffic light signal facilities at Oak Grove Park, located at 690 NE 159 Street.

Scope

The park is located in Commission District 2. The easement will allow FDOT to maintain existing traffic signal facilities at the southeast corner of NE 6th Avenue and NE 159th Street.

Fiscal Impact/Funding Source

The easement will not create any financial impact to Miami-Dade County.

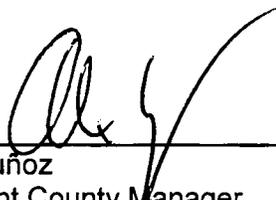
Track Record/Monitor

The County has given easements to FDOT in the past. The Planning and Research Division of the Park and Recreation Department (MDPR) will process the easement document for execution and recording.

Background

Oak Grove Park contains a traffic light signal arm and equipment cabinet facilities. FDOT has requested an easement that will allow them to maintain these facilities and replace them, as needed, in the future. The easement will not have any negative impact on the park operations.

Attachments



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: April 6, 2010

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

SUBJECT: Agenda Item No. 8(M)(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(M)(1)(C)
4-6-10

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE GRANTING OF AN
EASEMENT TO THE FLORIDA DEPARTMENT OF
TRANSPORTATION FOR THE INSTALLATION AND
MAINTENANCE OF TRAFFIC LIGHT FACILITIES AT OAK
GROVE PARK

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 Florida Department of Transportation has constructed traffic signal facilities at Oak Grove Park that benefit the community by enhancing safer vehicular and pedestrian circulation; and

WHEREAS, the Florida Department of Transportation has requested an easement to allow access to maintain the traffic signal facilities, said easement will not adversely impact natural resources, or the park facilities and uses,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the granting of an easement for a portion of Oak Grove Park to the Florida Department of Transportation in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor to take appropriate actions to accomplish same, and authorizes the County Mayor to execute the easement, same for and on behalf of Miami-Dade County, upon approval by the County Attorney's Office.

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 April, 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.



Martin W. Sybblis

07-PE.11-04/93

This instrument prepared by,
or under the direction of,
Alicia Trujillo, Esq.
District Six Chief Counsel
State of Florida
Department of Transportation
1000 N.W. 111th Avenue
Miami, Florida 33172
January 15, 2010 - RT

Parcel No. : 800.1
Item/Segment No. : 4250811
Managing District : 6

PERPETUAL EASEMENT

THIS EASEMENT Made the ____ day of _____, 20 ____, by MIAMI-DADE COUNTY, a political subdivision of the State of Florida, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns, grantee.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a perpetual easement for the purpose of constructing and maintaining the existing signal controller and pull boxes in place and to install a signal mast arm in, over, under, upon and through the following described land in Miami-Dade County, Florida, viz:

See attached Exhibit "A" consisting of two sheets, being a Legal Description and Sketch.

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: _____

Clerk (or Deputy Clerk) of the Circuit Court

(Affix County Seal)

Miami-Dade County, Florida,
By its Board of County Commissioners

By: _____

Its Chair (or Vice-Chair)

(Address)

STATE OF _____

COUNTY OF _____

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The foregoing instrument was acknowledged before me this ____ day of _____, 20 ____, by _____, Chairperson (or Vice-Chairperson), who is personally known to me or who has produced _____ as identification.

EXHIBIT "A"

LEGAL DESCRIPTION-PARCEL 800

Being a portion of R.A. Mooney Tract, according to the Plat of RESUBDIVISION OF A PART OF SECTION "W" OF FULFORD BY THE SEA, as recorded in Plat Book 31, Page 25, lying in the Southeast one quarter of Section 18, Township 52, Range 42 East, all in Miami-Dade County, Florida, and being more particularly described as follows:

Commence at the NE corner of the Southeast one-quarter of said Section 18, being the point of intersection of the centerline of NE 159th Street and the centerline of State Road 915 (N.E. 6th Avenue), as shown on said Plat of RESUBDIVISION OF A PART OF SECTION "W" OF FULFORD BY THE SEA; thence S 02°50'49"E, along said centerline of State Road 915 (N.E. 6th Avenue) a distance of 80.21 feet; thence N 87°09'11"E a distance of 40.00 feet to the East right-of-way line of State Road 915, as shown on the Florida Department of Transportation Right-of-Way Map for State Road 915, recorded in Road Plat Book 101, Page 148, of the Public Records of said Miami-Dade County, Florida, and being the POINT OF BEGINNING of the following described parcel:

Thence N 02°50'49" W, along said East right-of-way line of State Road 915 (N.E. 6th Avenue), a distance of 15.04 feet to the beginning of a curve concave to the Southeast having a radius of 25.00 feet; thence Northwesterly, Northerly and Northeasterly along the arc of said curve a distance of 39.33 feet, through a central angle of 90°08'50" to the North line of aforesaid R.A. Mooney Tract, also being the South right-of-way line of aforesaid N.E. 159th Street; thence N 87°18'01"E along said north line, a distance of 15.04 feet to the point of cusp with a curve concave to the Southeast having a radius of 40.00 feet, the chord of which bears S 42°13'36"W; thence Southwesterly, Southerly and South-easterly along the arc of said curve a distance of 62.94 feet, through a central angle of 90°08'50" to the POINT OF BEGINNING.

Containing 210.5 square feet, more or less.

GENERAL NOTES:

- 1) Reproductions of this map are not valid without the signature and original raised seal of the Florida Licensed Surveyor and Mapper in responsible charge.
- 2) Lands shown hereon were not abstracted by this office for rights-of-way, easements of record, ownership, abandonments, deed restrictions, of Murphy Act Deeds. This information should be obtained through appropriate verification.
- 3) The Bearings shown hereon are referenced to the Baseline of Survey of State Road 915 (N.E. 6 Avenue), having a bearing of N 02°50'49" W, as shown on Project Survey Control completed by Manuel G. Vera & Associates, Inc., Project No. 423520-1-52-01.
- 4) The data used in the calculation and preparation of the legal description are according to the Plat of RESUBDIVISION OF A PART OF SECTION "W" OF FULFORD BY THE SEA, as recorded in Plat Book 31, Page 25 of the public records of Miami-Dade County, Florida.
- 5) Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.
- 6) This document consists of two sheets and shall not be considered full, valid, and complete unless each sheet is attached to the other.

 1/15/10
 RICHARD W. BUSSELL DATE
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATE NO. 3858

				FLORIDA DEPARTMENT OF TRANSPORTATION			
				LEGAL DESCRIPTION - PARCEL 800			
				STATE ROAD NO. 915		MIAMI-DADE COUNTY	
Added Exhibit "A"	RWB	1/15/10	BY	DATE	PREPARED BY:	DATA SOURCE:	
OWNER'S NAME	GARCIA	1/13/10	DRAWN	C. GARCIA	12/31/09	SEE GENERAL NOTES	
REVISION	BY	DATE	CHECKED	BUSSELL	F.P. NO. 425081-1 SECTION 87034		SHEET 1 OF 2

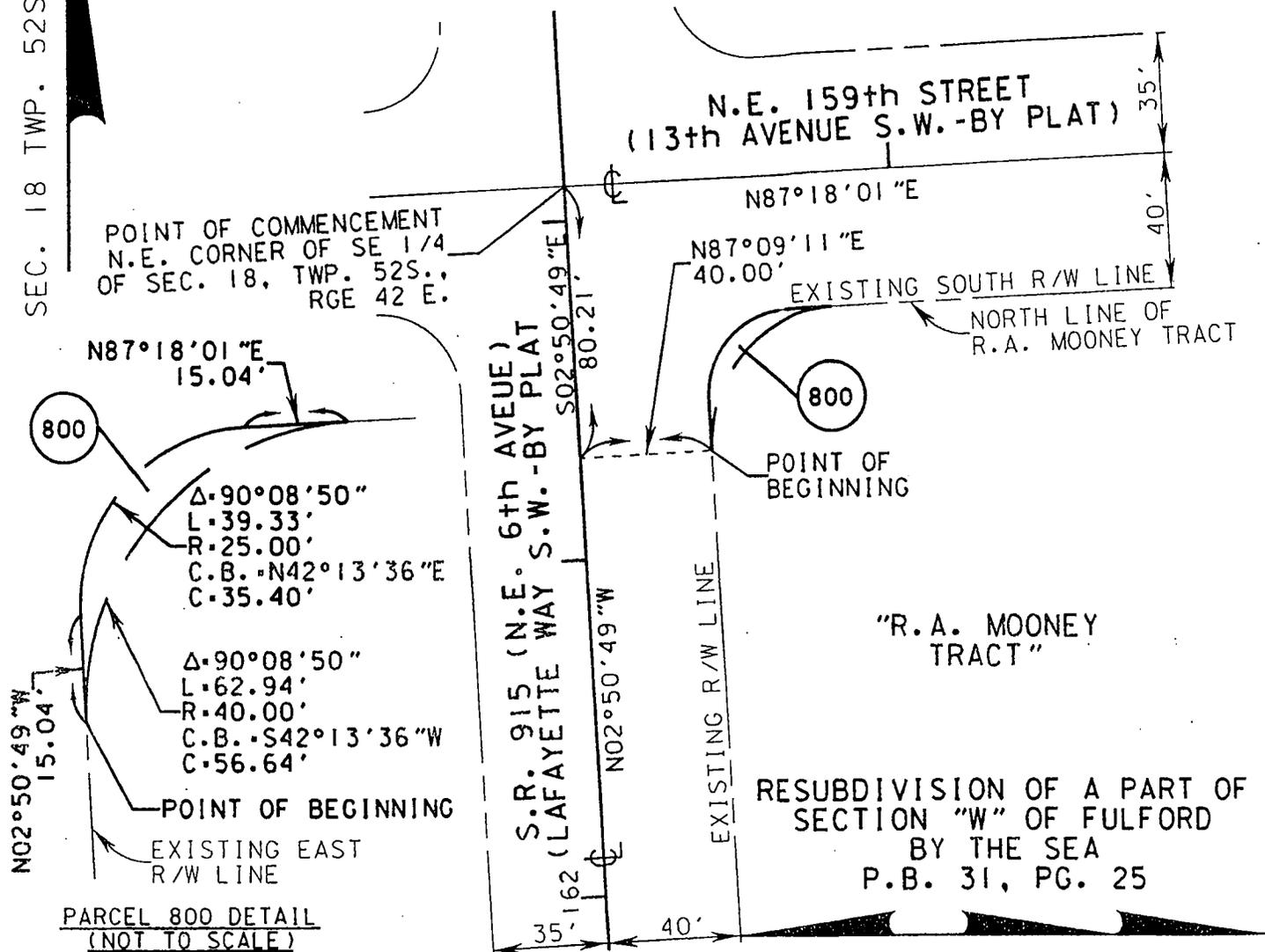
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EXHIBIT "A"

SKETCH TO ACCOMPANY, MADE A PART OF, AND
ATTACHED TO LEGAL DESCRIPTION

THIS IS NOT A SURVEY

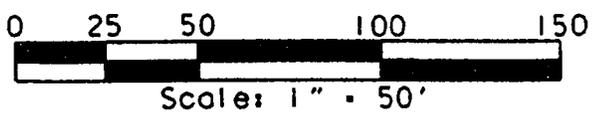
SEC. 18 TWP. 52S RGE. 42E



PARCEL 800 DETAIL
(NOT TO SCALE)

LEGEND:

- ⊕ - Centerline
- ⊙ - Parcel Identification Number
- SEC. - Section
- TWP. - Township
- RGE. - Range
- C.B. - Chord Bearing
- C - Chord
- STA. - Station
- R/W - Right-of-Way
- P.B. - Plot Book
- PG. - Page
- (P) - Plot



PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
800	MIAMI-DADE COUNTY	210.5 SQ. FT.	UNDETERMINED	

FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH TO ACCOMPANY, MADE A PART OF AND ATTACHED TO LEGAL DESCRIPTION				
STATE ROAD NO. 915			MIAMI-DADE COUNTY	
Added Exhibit "A"	RWB	1/15/10	BY	DATE
OWNER'S NAME	GARCIA	1/13/10	DRAWN	C.GARCIA 12/31/09
			PREPARED BY:	DATA SOURCE:
			FOOT DISTRICT VI	SEE GENERAL NOTES
F.P. NO. 425081-1 SECTION 87034				SHEET 2 OF 2

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