

Date: April 6, 2010

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

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

From: George M. Burgess 
County Manager

Subject: Resolution Authorizing Execution of a Miami-Dade County Disclaimer for a Portion of a Temporary Construction Easement Acquired for the Roadway Improvement of SW 312 Street, also known as Campbell Drive, in Section 17-57-39 Commission District 8

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing execution of a Miami-Dade County Disclaimer for a portion of a temporary construction easement acquired for the roadway improvement of SW 312 Street, (Campbell Drive), said easement is located south of the south right-of-way line for SW 312 Street and just east of Canal C-103-1 in Section 17, Township 57 South, Range 39 East, Miami-Dade County, Florida.

Scope

The subject property is located within Commission District 8.

Fiscal Impact/Funding Source

There is no fiscal impact associated with this item.

Track Record/Monitor

Not Applicable.

Background

The subject temporary construction easement was acquired by the Public Works Department (PWD) through eminent domain proceedings as part of a project for the roadway improvement of Campbell Drive. The easement rights were acquired under an Order of Taking dated January 27, 1966 as recorded in Official Records Book 4925, Page 617 of the Public Records of Miami-Dade County. The subject easement was designated as Parcel 15 on the aforementioned Order of Taking. The legal description for this easement can be found on that certain Notice of Lis Pendens recorded in Official Records Book 4874, Page 148 of the Public Records of Miami-Dade County, Florida.

Presently, only a portion of the original temporary construction easement remains in private property since additional right-of-way dedications along Campbell Drive have expanded the right-of-way width in the area.

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and Members, Board of County Commissioners
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The present property owner, Prime Homes at Portofino Plaza Retail, LLC, has requested that Miami-Dade County disclaims any rights that it may have for the subject easement in order to quiet title their property. PWD has no objection to releasing those portions of easement lying within the petitioner's property since the roadway improvements for Campbell Drive were completed in the late 1960's and the construction easement is no longer needed. An easement sketch and a legal description are attached as Exhibit "A" and "B" and incorporated herein.


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(P)(1)(B)

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 _____

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4-6-10

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE EXECUTION OF A MIAMI-DADE COUNTY DISCLAIMER FOR A PORTION OF A TEMPORARY CONSTRUCTION EASEMENT ACQUIRED FOR THE IMPROVEMENT OF SW 312 STREET, ALSO KNOWN AS CAMPBELL DRIVE, IN SECTION 17, TOWNSHIP 57 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,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, THAT: This Board hereby approves and authorizes the execution of the attached Miami-Dade County Disclaimer in substantially the form attached hereto and made a part hereof; authorizes the Mayor to execute same for and on behalf of Miami-Dade County; and pursuant to Resolution No. R-974-09 (a) directs the County Mayor or his designee to record the instruments of conveyances accepted herein in the Public Records of Miami-Dade County and to provide a recorded copy of each instrument to the Clerk of the Board within thirty (30) days of execution of said instruments; (b) directs the Clerk of the Board to attach and permanently store a recorded copy of each of said instruments together with this resolution.

See Exhibits "A", "B" attached hereto and made a part hereof.

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	
José "Pepe" Díaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman 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.



Debra Herman

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Return to:
 Right of Way Division .
 Miami-Dade County Public Works Dept. .
 111 N.W. 1st Street .
 Miami, FL 33128-1970 .
 .
 Instrument prepared by: .
 Luis F. Lacau Jr., P.L.S. .
 Right of Way Division . Section 17-57-39

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

STATE OF FLORIDA)
 COUNTY OF MIAMI-DADE)

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida, whose Post Office address is 111 N.W. 1st Street, Miami, Florida 33128-1970, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, to wit:

See EXHIBIT "A and B" attached hereto and made a part hereof.

WHEREAS, a construction easement was acquired by the Public Works Department by eminent domain proceedings as part of a project for the improvement of SW 312 Street, also known as Campbell Drive. These easement rights were acquired under an Order of Taking dated January 27, 1966 as recorded in Official Records Book 4925, Page 617 of the Public Records of Miami-Dade County; and

WHEREAS, the above described construction easement is not longer needed by MIAMI-DADE COUNTY for construction and access purposes; and

WHEREAS, the present property owner is requesting that Miami-Dade County extinguishes any interest it might have on the subject property:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES HEREBY DISCLAIM any interest it has in the above-described lands by virtue of said Order of Taking dated January 27, 1966 as recorded in Official Records Book 4925, Page 617 of the Public Records of Miami-Dade County, Florida.

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

_____ Day of _____, A.D. 2010.

ATTEST:

**MIAMI-DADE COUNTY, FLORIDA
BY IT'S BOARD OF
COUNTY COMMISSIONERS**

By: _____
Deputy Clerk

By: _____
Mayor

Print: _____

Print: Carlos Alvarez

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

The foregoing was authorized and approved on the _____ day of _____, A.D. 2010, by Resolution No. **R-** _____ the Board of County Commissioners of Miami-Dade County, Florida.

The foregoing instrument was acknowledged before me this _____ day of _____, 2010 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
My commission expires: _____

LEGAL DESCRIPTION:

A portion of the Temporary Easement designated as Parcel 15 in Order of Taking recorded in Official Records Book 4925, Page 617 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

The South 65.00 feet of the North 70.00 feet of the West 250.00 feet of the East 844.88 feet of AMENDED PLAT OF SECTION 1 COCOAPALM VILLAGE, according to the plat thereof recorded in Plat Book 35 at Page 4 of the Public Records of Miami-Dade County, Florida; LESS and except right of way for Campbell Drive and Canal C-103-1;

Also described as:

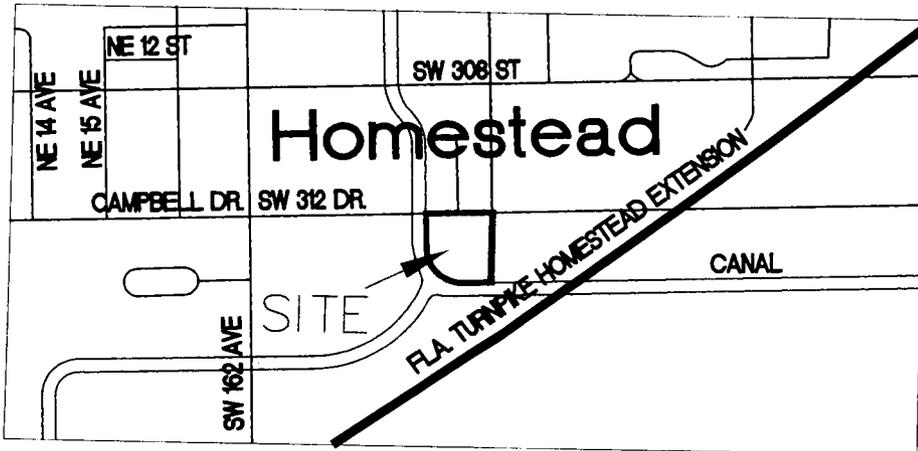
Commence at the Northeast corner of the Northeast 1/4 of Section 17, Township 57 South, Range 39 East in Miami-Dade County, Florida; thence S 02°24'21" E along the East line of said Northeast 1/4 of Section 17 for a distance of 110.00 feet to the southerly right of way line of Campbell Drive (SW 312 Street or NE 8 Street); thence N 87°49'00" W for a distance of 596.79 feet to the **POINT OF BEGINNING**; thence S 02°24'21" E for a distance of 21.04 feet; thence S 89°12'25" W for a distance of 76.87 feet; thence N 01°18'45" W for a distance of 25.01 feet to the intersection with the southerly right of way line of Campbell Drive; thence S 87°49'00" E along said southerly right of way line for a distance of 76.61 feet to the **POINT OF BEGINNING**.



PUBLIC WORKS DEPT.
RIGHT-OF-WAY ENGINEERING DIVISION
111 N.W. 1ST ST. 16TH FLR.
MIAMI, FL. 33128

EXHIBIT "A"

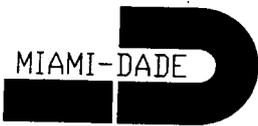
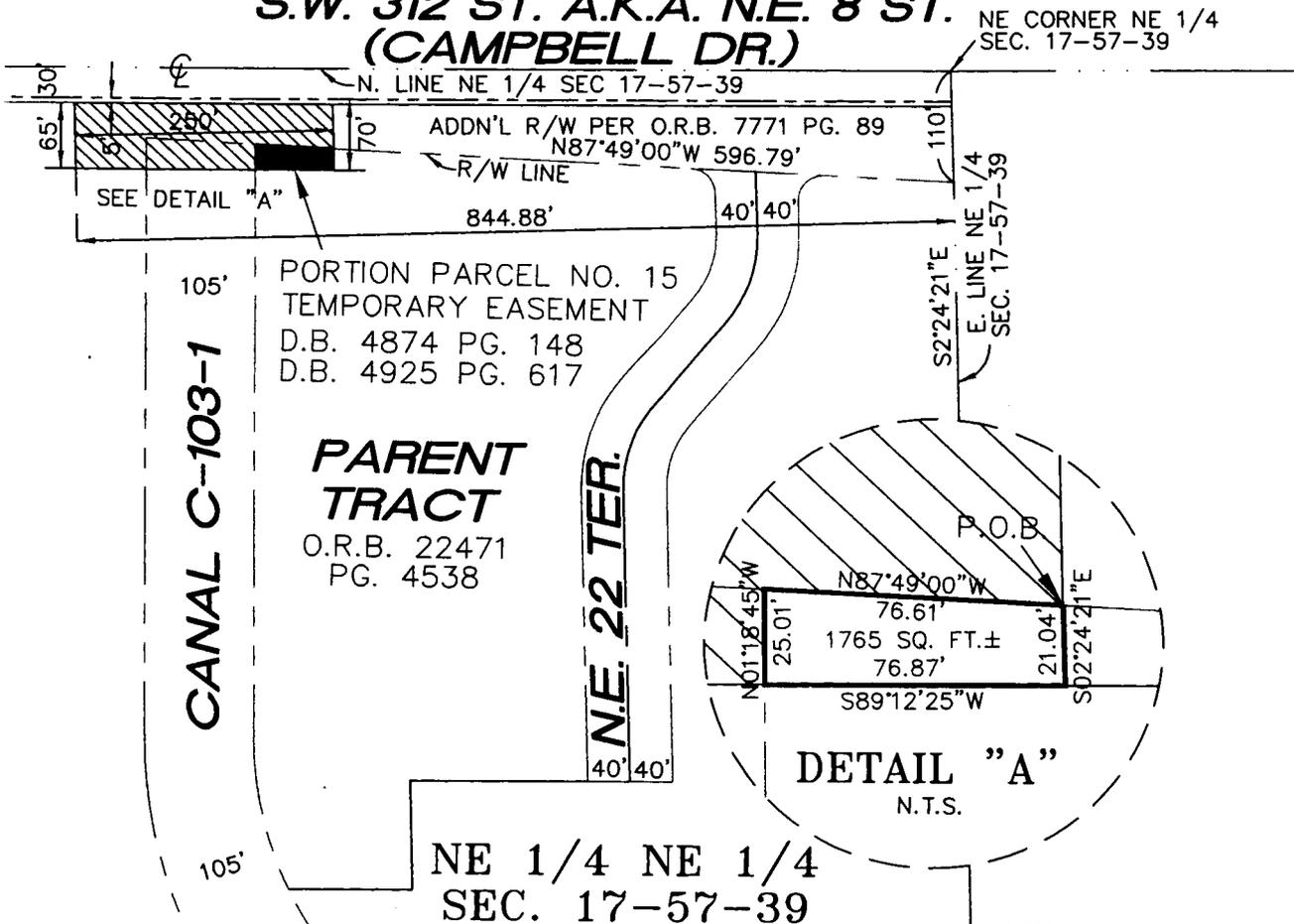
PREPARED BY: STEVEN B. BURTON, PSM
DATE: 1/26/10
REV. DATE: 1/29/10



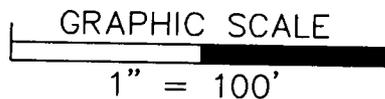
SEC 17
TWP 57 S
RGE 39 E

LOCATION MAP Not to Scale

**S.W. 312 ST. A.K.A. N.E. 8 ST.
(CAMPBELL DR.)**



PUBLIC WORKS DEPT.
RIGHT-OF-WAY ENGINEERING DIVISION
111 N.W. 1ST ST. 16TH FLR.
MIAMI, FL. 33128



ABBREVIATIONS:
DB = DEED BOOK
PG = PAGE
O.R.B. = OFFICIAL RECORDS BOOK
SEC. = SECTION
N.T.S. = NOT TO SCALE
R/W = RIGHT-OF-WAY
SEC. = SECTION
CL = CENTERLINE

NOT A SURVEY

PREPARED BY: STEVEN B. BURTON, PSM
DATE: 1/26/10
REV. DATE: 1/29/10

EXHIBIT "B"