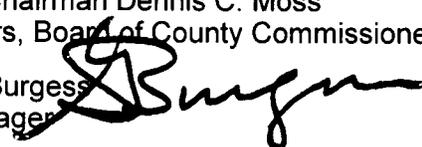


Memorandum



Date: September 10, 2010

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

From: George M. Burgess
County Manager 

Subject: Resolution approving the granting of a permanent easement conveying .1043 acres of property to the Florida Department of Transportation for a right-turn lane along NW 36th Street (SR 948) at Lee Drive for proposed development of air cargo facilities

Agenda Item No. 8(A)(1)(A)

Recommendation

It is recommended that the Board approve the granting of a permanent easement conveying .1043 acres of property located at Miami International Airport (MIA) to the Florida Department of Transportation (FDOT) for FDOT's future maintenance of a right-turn lane along NW 36th Street (State Road 948) at Lee Drive. The lane is to be constructed in connection with the development of air cargo facilities at the Airport by Centurion Air Cargo, Inc. (Centurion), and Aero Miami III, LLC (Aero Miami).

Scope

The property to be conveyed is located on the northeast side of Miami International Airport. The parcel of land is an irregular shape within a portion of the Northwest one-quarter (NW¹/₄) of Section 29, Township 53 South, Range 41 East, lying South of the South right-of-way line of Northwest 36th Street (State Road 948) more fully described in Exhibit "A". The property is located primarily within Commissioner Rebeca Sosa's District Six. However, the impact of this item is countywide as Miami International Airport is a regional asset.

Fiscal Impact/Funding Source

Miami-Dade Aviation Department (MDAD) is a proprietary-fund department. This item involves no payment of funds to either party and requires FDOT to provide maintenance services in the future at FDOT's cost to an improved right-hand turn lane that will be constructed by an Airport tenant at the tenant's expense.

Track Record/Monitor

MDAD Chief of Aviation Planning José A. Ramos will manage the easement conveyance.

Background

Centurion is one of the leading international air cargo carriers in the Americas, and has long been a tenant at MIA. By Resolution No. R-955-07, the Board approved a long-term development agreement among the County, Centurion and Aero Miami under which Aero Miami will construct and then lease back to Centurion air cargo facilities on Airport premises that abut NW 36th Street.

The main access points into the Centurion/Aero Miami development are planned through two signalized intersections on NW 36th Street, located at East Drive and Lee Drive, respectively. The entrance on

Honorable Chairman Dennis C. Moss
And Members, board of County Commissioners
Page No. 2

East Drive will provide access to the office building component of the air cargo project, while Lee Drive will provide the principal access point to Centurion's main cargo-handling facility.

A traffic analysis developed by Centurion and Aero Miami has shown that the existing NW 36th Street eastbound right-turn lane at Lee Drive onto the proposed Centurion development is below standards and does not provide for the necessary cargo truck queuing and storage. The improvements to the right-hand turn lane will be constructed by Centurion Air Cargo, Inc., and Aero Miami. FDOT has agreed to provide maintenance for the right-turn lane but requires that the County convey to FDOT an easement for FDOT's maintenance of the Airport property involved in the project.

The project will significantly improve the vehicle flow through the intersection for vehicles traveling east on NW 36th Street, enable safe and efficient right turns by large trucks, and provide queuing and storage capacity for trucks turning onto Centurion Air Cargo's development.



Assistant County Manager



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** September 10, 2010
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr. **SUBJECT:** Agenda Item No. 8(A)(1)(A)
County Attorney *[Signature]*

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(A)(1)(A)
9-10-10

RESOLUTION NO. _____

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; AUTHORIZING CONVEYANCE BY EASEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) OF A .1043 ACRE PARCEL OF PROPERTY ABUTTING N.W. 36TH STREET AT THE INTERSECTION OF LEE DRIVE FOR THE PURPOSE OF FDOT'S FUTURE MAINTENANCE OF A RIGHT TURN LANE THAT WILL BE INITIALLY CONSTRUCTED ON THE AIRPORT BY CENTURION AIR CARGO, INC. AND AERO MIAMI III, LLC.

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum and documents, copies 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 authorizes and approves the conveyance by easement to the Florida Department of Transportation (FDOT) of a .1043 acre parcel of property abutting N.W. 36th Street at the intersection of Lee Drive, as such parcel is further described in the accompanying memorandum and its exhibit, for the purpose of FDOT's future maintenance of a right turn lane that will be initially be constructed by Centurion Air Cargo, Inc. and Aero Miami III, LLC; authorizing the Mayor to execute such easement and take all steps that may be necessary to place such easement into effect.

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 10th day of September, 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.

Dr. Forz

Thomas P. Abbott

This instrument prepared by;
Thomas P. Abbott, Esq.
Assistant County Attorney
Miami-Dade County
PO Box 025504
Miami, Florida 33102-5504

PERPETUAL EASEMENT

THIS PERPETUAL EASEMENT, is made this ____ day of _____, 2010, 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 are hereby acknowledged, hereby grants unto the Grantee, its successors and assigns, subject to Grantee's acceptance of and compliance with the Conditions set forth below, a perpetual non-exclusive easement over, across and through the real property located in Miami-Dade County, Florida, legally described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property").

LEGAL IN EXHIBIT A

This Easement is given for the purpose of accessing the Property solely for the purpose of maintaining the Property as set forth herein.

The foregoing easement is subject to the Grantee's acceptance of and compliance with the following conditions:

1. Grantee shall maintain the Property in accordance with Grantee's standard maintenance practices for maintaining roadways used for right-turn vehicle movements;
2. Grantee acknowledges the Grantor's continued right of use of such property by Grantor and any user of Miami International Airport authorized by Miami-Dade County's Aviation Department to make use of such property and to provide directional and other appropriate signage so long as such signage does not conflict with Grantee's requirements;
3. Grantee, for itself and its successors and assigns, shall take no actions that adversely affect the rights and interests of the public in and to Miami International Airport and shall prevent any use of the foregoing property that would materially interfere with airport operations or constitute an airport hazard;
4. Grantee, for itself and its successors and assigns, acknowledge the continued right of the Grantor and users of Miami International Airport to the right of flight for the passage of aircraft in the airspace above the surface of the foregoing property and the right of existing and future aircraft to generate noise in such airspace, and the right of the Grantor for itself and for users of such Airport to use the airspace to land on or take off from such Airport and to make commercial use of such Airport in the manner authorized by the Grantor; and
5. Grantor, at its option, may engage in maintenance activity on the Property through Grantor's maintenance staff or contractors either in the case of emergencies or in the case of Grantee's determination not to provide maintenance of the easement property.

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

ATTEST: _____

Grantor: **MIAMI-DADECOUNTY, FLORIDA,**

Clerk (or Deputy Clerk) of the Circuit Court

(County Seal)

By: _____
Mayor Carlos Alvarez

Printed Name

Approved as to form and
Legal sufficiency:

Assistant County Attorney

Exhibit A

Legal Description

A portion of the Northwest one-quarter (NW¼) of Section 29, Township 53 South, Range 41 East, lying South of the South right-of-way line of Northwest 36th Street (State Road 948) more fully described as follows:

COMMENCING at the Northwest corner of said Section 29; thence South 01°49'13" East on the West line of said Section 29, a distance of 50.00 feet; thence North 88°08'19" East on the South right-of-way line of said NW 36th Street (State Road 948), a distance of 556.24 feet to the POINT OF BEGINNING; thence continue North 88°08'19" East on said South right-of-way line, a distance of 428.29 feet; thence South 01°51'41" East, a distance of 12.00 feet; thence South 88°08'19" West, a distance of 329.01 feet; thence North 84°58'10" West, a distance of 100.00 feet to the POINT OF BEGINNING.

Said land situate, lying and being in the Miami-Dade County, Florida and containing 4,544 square feet or 0.1043 acres more or less.



McLAUGHLIN ENGINEERING COMPANY

400 NORTHEAST 3rd AVENUE
FORT LAUDERDALE, FLORIDA, 33301
ENGINEERS - SURVEYORS

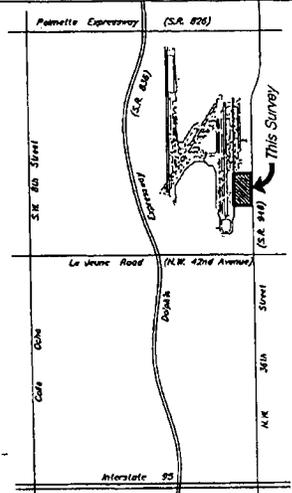
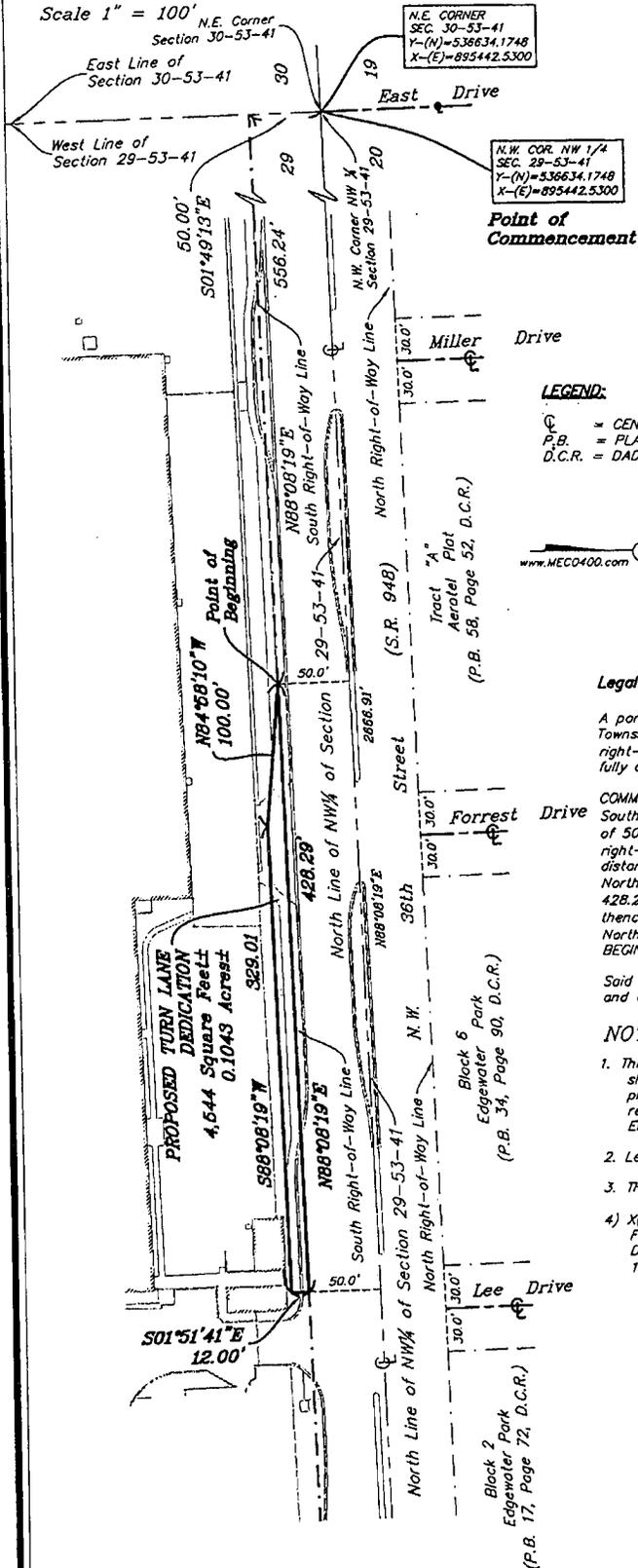
(LB# 285)

PHONE: (954) 763-7611

FAX: (954) 763-7615

o Indicates Marker

Scale 1" = 100'



Location Plan
Not To Scale

LEGEND:
 C = CENTERLINE
 P.B. = PLAT BOOK
 D.C.R. = DADE COUNTY RECORDS



SKETCH AND DESCRIPTION PROPOSED TURN LANE DEDICATION

Legal Description

A portion of the Northwest one-quarter (NW $\frac{1}{4}$) of Section 29, Township 53 South, Range 41 East, lying South of the South right-of-way line of Northwest 36th Street (State Road 948) more fully described as follows:

COMMENCING at the Northwest corner of said Section 29; thence South 01'49'13" East on the West line of said Section 29, a distance of 50.00 feet; thence North 88'08'19" East on the South right-of-way line of said NW 36th Street (State Road 948), a distance of 556.24 feet to the POINT OF BEGINNING; thence continue North 88'08'19" East on said South right-of-way line, a distance of 428.29 feet; thence South 01'51'41" East, a distance of 12.00 feet; thence South 88'08'19" West, a distance of 329.01 feet; thence North 84'58'10" West, a distance of 100.00 feet to the POINT OF BEGINNING.

Said land situate, lying and being in the Miami-Dade County, Florida and containing 4,544 square feet or 0.1043 acres more or less.

NOTES:

1. This sketch reflects all easements and rights-of-way, as shown on above referenced record plat. The subject property was not abstracted for other easements, road reservations or rights-of-way of record by McLaughlin Engineering Company.
2. Legal Description prepared by McLaughlin Engineering Co.
3. THIS IS NOT A BOUNDARY SURVEY.
- 4) X(E) - Y(N) coordinates shown hereon are as recorded in the Florida Department of Natural Resources, Certified Corner Records, Document No. 057158 and listed in the North American Datum of 1983(1990) adjustment.

N.W. Corner. NW $\frac{1}{4}$, Section 29-53-41
 Meters U.S.A. Feet
 Y-(N)=163566.4236 Y-(N)=536634.1748

CERTIFICATION:

Certified Correct. Dated at Fort Lauderdale, Florida, this 27th day of July, 2009.
Revised this 7th day of January, 2010.

McLAUGHLIN ENGINEERING CO.

 Carl E. Albrektson
 Registered Land Surveyor No. 4185
 State of Florida

"NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL"

FIELD BOOK NO. PRINT _____
 JOB ORDER NO. U-5312 _____
 C:\David2009\2009\U5312\dwg\U5312.dwg 7/30/2009 9:29:08 AM EDT

DRAWN BY: DRP _____
 CHECKED BY: SAM _____