

**MEMORANDUM**

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

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

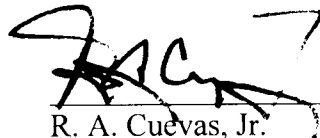
**DATE:** June 7, 2011

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

**SUBJECT:** Resolution approving a Maintenance map for a portion of SW 57 Avenue (Red Road) between SW 72 Street and SW 80 Street in Section 36 Township 54 South Range 40 East, authorizing the Chairman and the Clerk of the Board to certify the Maintenance Map and authorizing the recording thereof among the Public Records of Miami-Dade County Florida

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The accompanying resolution was prepared by the Public Works Department and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.



\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** June 7, 2011

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Alina T. Hudak  
County Manager 

**Subject:** Resolution Approving a Maintenance Map for a Portion of SW 57 Avenue (Red Road) Between SW 72 Street and SW 80 Street in Section 36, Township 54 South, Range 40 East, Authorizing the Chairman and the Clerk of the Board to Certify the Maintenance Map, and Authorizing the Recording Thereof Among the Public Records of Miami-Dade County, Florida

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## **Recommendation**

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution approving a Maintenance Map for a portion of SW 57 Avenue between SW 72 Street and SW 80 Street, authorizing the Chairman and the Clerk of the BCC to certify same, and authorizing the recordation thereof in the Public Records of Miami-Dade County, Florida.

## **Scope**

The subject road is a County maintained road located in the city of South Miami within County Commission District 7.

## **Fiscal Impact/Funding Source**

There will be no increase in maintenance cost to the County as a result of this action because the County has already been maintaining the property for more than four years. The current maintenance cost for this road is approximately \$565.00 annually and is funded from the Department's General Fund allocation through Index Code PW 338475.

## **Track Record/Monitor**

Not applicable.

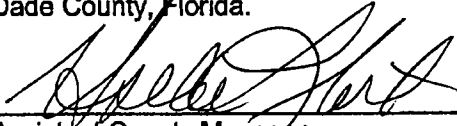
## **Background**

SW 57 Avenue between SW 72 Street and SW 80 Street has been constructed and maintained continuously by Miami-Dade County Public Works Department (PWD) for a period over four (4) years. Therefore, in accordance with Chapter 95.361, Florida Statutes, title to a road maintained by the County for over four (4) years vests in the County. Pursuant to such statute, the filing of a maintenance map in the office of the clerk of the court, which has been certified by the Chair and the Clerk of the BCC is deemed prima facie evidence of that ownership by the County.

The subject Maintenance Map has been executed by the Chief of the Road, Bridge and Canal Maintenance Division of the Miami-Dade County PWD, thereby certifying that the County has maintained this road for over four (4) years (see Exhibit "B"). It is therefore recommended that the attached Maintenance Map be approved by the BCC, after which it will be certified by the Chair and the Clerk of the BCC and recorded in the Public Records of Miami-Dade County, Florida in accordance with Chapter 95.361 of the Florida Statutes.

Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners  
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Both the original and the reproducible of the Maintenance Map are to be executed by the Chair and Clerk of the BCC and returned to the PWD for recording in the Public Records of Miami-Dade County, Florida.



Assistant County Manager



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** June 7, 2010

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

**SUBJECT:** Agenda Item No. 8(P)(1)(A)

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(P)(1)(A)  
6-7-11

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING A MAINTENANCE MAP FOR A PORTION OF SW 57 AVENUE (RED ROAD) BETWEEN SW 72 STREET AND SW 80 STREET IN SECTION 36 TOWNSHIP 54 SOUTH RANGE 40 EAST, AUTHORIZING THE CHAIRMAN AND THE CLERK OF THE BOARD TO CERTIFY THE MAINTENANCE MAP AND AUTHORIZING THE RECORDING THEREOF AMONG THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA

**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 Director of Public Works Department has recommended that an Official Maintenance Map, stating that such road has vested in the County, be filed for record to indicate prima facie evidence of ownership, pursuant to the provisions of Chapter 95.361 of the Florida Statutes and the County Manager has concurred in such recommendation,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby:

Section 1. This Board ratifies and adopts these matters set forth in the foregoing recitals.

Section 2. The Board approves the Maintenance Map for a portion of SW 57 Avenue (Red Road) between SW 72 Street and SW 80 Street in Section 36, Township 54 South, Range 40 East, attached as Exhibit "A", and authorizes the Chairman and the Clerk of the Board to certify same pursuant to Chapter 95.361 of the Florida Statutes.

Section 3. Pursuant to Resolution R-974-09, this Board (a) directs the County Mayor or Mayor's designee to record any instruments executed in connection herewith which create or

reserve a property interest in favor of the County, in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of instruments to the Clerk of the Board within thirty (30) days of execution of said instruments; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instruments 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of June, 2011. 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.



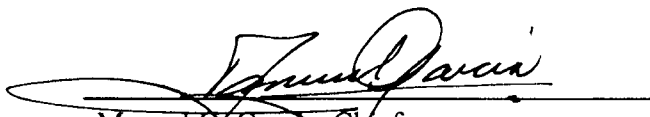
Debra Herman

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**AFFIDAVIT**

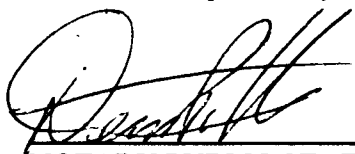
THIS IS TO CERTIFY THAT I, Manuel O. Garcia, Chief of Road, Bridge and Canal Maintenance Division of the Miami-Dade County Public Works Department have determined, to the best of my knowledge, that Miami-Dade County road forces have maintained along SW 57 Avenue (Red Road) between SW 72 Street to SW 80 Street, the pavement, the concrete sidewalk and the swales of the road thereof, in unincorporated Miami-Dade County, for at least four (4) years.



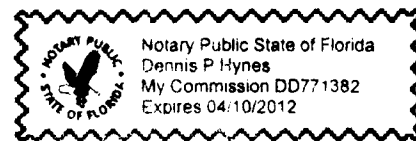
Manuel O. Garcia, Chief  
Road, Bridge and Canal  
Maintenance Division  
Miami-Dade County  
Public Works Department

STATE OF FLORIDA  
COUNTY OF DADE

The foregoing instrument was acknowledged before me this 17 day of March, 2011 by Manuel O. Garcia, who is personally known to me and who did take and oath.



NOTARY PUBLIC STATE OF FLORIDA



MY COMMISSION EXPIRES: 04/10/2012  
COMMISSION/SERIAL NO. DD 771382

EXHIBIT "B"

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