

MEMORANDUM

Agenda Item No. 9(A)(1)

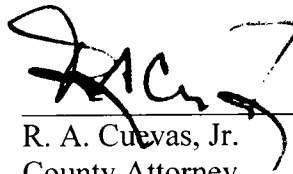
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 7, 2011

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

SUBJECT: Resolution authorizing the conveyance of County-owned property and a temporary construction easement for property located along N.W. 74th Street and N.W. 112th Avenue, City of Doral, to the State of Florida Department of Transportation (FDOT) in accordance with F.S. 125.38; waving Administrative Order 8-4 as it related to review by the Planning Advisory Board

The accompanying resolution was prepared by the Miami-Dade Fire Rescue Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: June 7, 2011

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

From: Alina T. Hudak
County Manager

A handwritten signature in black ink, appearing to read "Alina T. Hudak", written over the printed name and title.

Subject: Resolution authorizing the conveyance of County-owned property to the State of Florida Department of Transportation (FDOT) located along NW 74th Street and NW 112th Avenue, City of Doral, Portion of Folio: 35-3007-015-0010

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing the conveyance of a deed and an easement of County-owned property located along NW 74th Street and NW 112th Avenue, in the City of Doral, to the State of Florida Department of Transportation (FDOT) in accordance with Florida Statutes Section 125.38.

Scope

COMMISSION DISTRICT: 12
COMMISSION DISTRICT(S)
IMPACTED County-wide

Background

MANAGING DEPARTMENT: Miami-Dade Fire Rescue Department
FOLIO NUMBER: Portion of 35-3007-015-0010
LOT SIZE: Conveyance Parcel: 3,009 Sq. ft.
Temporary Easement: 1,630 Sq. ft.
LOCATION: NW 74th Street, east of NW 112th Avenue
2010 ASSESSED VALUE: \$14,800
ZONING: GU (Interim)
CURRENT USE: Miami-Dade County Fire Rescue Station

JUSTIFICATION:

The Florida Department of Transportation (FDOT) and the Miami-Dade County Public Works Department are planning roadway improvements along County Road 934 (NW 74th Street), from NW 107th Avenue to NW 114th Avenue.

Parcels 107 and 700, both owned by the County, are located in the northwest quadrant of the intersection of NW 74th Street and NW 112th Ave. FDOT is requesting that the County convey all of Parcel 107 and grant a temporary construction easement on Parcel 700 in order to add an additional westbound travel lane along NW 74th Street and unite the County-owned property with the roadway elevation.

The project will add a lane and upgrade existing roadway features. The completed project will result in a 6-lane roadway with curbing, gutter and sidewalks. The planned improvements to the roadway will benefit the surrounding community.

The parcels are located along the south property line of the County parcel abutting NW 74th Street. Parcel 107 contains approximately 3,009 square feet and Parcel 700 contains approximately 1,630 square feet. The parcels are legally described on the accompanying Legal Description and Right of Way Parcel Sketches entitled Exhibit "A."

The Property Appraiser's Office has assessed both County parcels at \$3.20 per square foot. Therefore, the estimated value of the combined parcels is approximately \$14,800.00. Miami-Dade County is conveying the parcels without monetary compensation. The conveyance of the parcels will have no fiscal impact to Miami-Dade County and will not impact property taxes since land utilized for government use or right-of-way is exempt from taxes.

Florida Statutes Section 125.38 authorizes the Board of County Commissioners to convey property to the State of Florida, a political subdivision of the State of Florida or one of its agencies when the Board is satisfied that the property is not needed for County purposes and will be utilized for the benefit of the public or community interest and welfare. The County Deed contains a restriction that states that the property shall be utilized solely for the construction of an additional westbound travel lane along NW 74th Street. In the event that the Property is not used for these

purposes within ten (10) years from the execution of the deed, the property shall automatically revert to Miami-Dade County.

The waiver of, is requested as part of this item.

Track Record/Monitor:

MONITOR:


Scott W. Mendelsberg, Assistant Director, Miami-Dade Fire Rescue Department

DELEGATED AUTHORITY:

Authorizes the County Mayor or County Mayor's designee to take all actions necessary to accomplish the conveyance of the property.

COMMENTS:

Staff has determined by circulation to County Departments that said parcels are not needed for any other County purpose. Due to the fact that the properties are located within the boundaries of the City of Doral, it is recommended that Administrative Order 8-4, which requires that this disposition be reviewed by the Planning Advisory Board, be waived.


Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: June 7, 2011

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

SUBJECT: Agenda Item No. 9(A)(1)

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. 9(A)(1)
6-7-11

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PROPERTY AND A TEMPORARY CONSTRUCTION EASEMENT FOR PROPERTY LOCATED ALONG NW 74 STREET AND NW 112 AVENUE, CITY OF DORAL, TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH F.S. 125.38; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AND AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO TAKE ALL NECESSARY ACTIONS TO ACCOMPLISH SAID CONVEYANCE

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying memorandum for the parcels described in the accompanying County Deed and Temporary Construction Easement, copies of which are incorporated herein by reference and attached as Exhibits B-1 and B-2; and

WHEREAS, the State of Florida Department of Transportation (FDOT) proposes to improve County Road 934 (NW 74 Street) Item/Segment No. 4147313, in the City of Doral in order to enhance vehicular and pedestrian circulation by improving the capacity of the subject County road; and

WHEREAS, in order to accomplish this purpose FDOT will add a lane and upgrade existing roadway features resulting in a six (6) lane roadway with curbing, gutter and sidewalks; and

WHEREAS, in order to accomplish such improvements, it is necessary that certain County-owned land be conveyed to FDOT; and

WHEREAS, the Board finds that pursuant to Section 125.38 of the Florida Statutes said property is required and can be used for such purpose, is not needed for County purposes, and will be utilized for the benefit of the public and community interest and welfare,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board adopts the foregoing recitals, approves the conveyance and a temporary construction easement of the County-owned property located along NW 74th Street and NW 112th Avenue in the City of Doral for no monetary consideration pursuant to Section 125.38 of the Florida Statutes to the State of Florida Department of Transportation (FDOT) subject to the restriction that said parcels be used by FDOT for transportation related improvements as described in the accompanying memorandum, authorizes the waiver of Administrative Order 8-4 as it relates to review by the Planning Advisory Board, authorizes the County Mayor or designee to take all actions necessary to accomplish the conveyance, and authorizes the execution of the attached County Deed and temporary construction easement by the Board of County Commissioners acting by the Chairperson or Vice Chairperson of the Board in substantially the form attached hereto. Furthermore, pursuant to Resolution No. R-974-09, the Board directs the County Mayor or the County Mayor's designee to record the instrument of conveyance accepted herein in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy 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 7th 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.

D.F.

Daniel Frastai

Exhibit "B-1"

Folio No. Portion of 35-3007-015-0010

COUNTY DEED

THIS DEED, made this _____ day of _____, A.D. 2011, by and between MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is: Metro-Dade Center, 111 N.W. 1st Street, Miami, Florida 33128-1963, party of the first part, and the FLORIDA DEPARTMENT OF TRANSPORTATION, whose address is 1000 NW 111th Avenue, Miami, Florida 33172, 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, has granted, bargained and conveyed to the said party of the second part, its successors, and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

SEE EXHIBIT "A" PARCEL 107 ATTACHED HERETO AND MADE A PART HEREOF.

Containing 3,009 square feet, more or less

Subject to the following restriction:

That the Property shall be utilized for roadway related improvements to County Road No. 934 (NW 74 Street). Failure to utilize the Property for said purpose within ten (10) years of the execution of this deed, shall result in the Property automatically reverting to the party of the first part.

Exhibit "B-1"

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF, the said party of the first part, has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Chairperson or Vice Chairperson, and attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:
HARVEY RUVIN
CLERK OF SAID BOARD

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chair (or Vice Chair)

The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the ____ day of _____, A.D. 2011.

Exhibit "B-2"

Folio No. Portion of 35-3007-015-0010

TEMPORARY EASEMENT

THIS EASEMENT, made this _____ day of _____, A.D. 2011, by and between MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is: Metro-Dade Center, 111 N.W. 1st Street, Miami, Florida 33128-1963, party of the first part, and the FLORIDA DEPARTMENT OF TRANSPORTATION, whose address is 1000 NW 111th Avenue, Miami, Florida 33172, 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, has granted, bargained and conveyed to the said party of the second part, its successors, and assigns forever, the following described easement lying and being in Miami-Dade County, Florida:

SEE EXHIBIT "A" PARCEL 700 ATTACHED HERETO AND MADE A PART HEREOF.

Containing 1,630 square feet, more or less

Subject to the following restrictions:

THIS EASEMENT, shall be utilized for roadway related improvements to County Road No. 934 (NW 74 Street).

THIS EASEMENT, shall be granted upon the condition that any work performed upon the above described land shall conform to all existing structural improvements within the limits designated, and all work will be performed in such a manner that the existing structural improvements

Exhibit "B-2"

will not be damaged.

THIS EASEMENT, shall be for a period of 57 months commencing on the date this easement is conveyed to the State of Florida, Department of Transportation.

Nothing in this Easement shall restrict the County's right to utilize said property for any use which is not inconsistent with the rights conveyed hereunder.

FDOT agrees to indemnify and save harmless forever, Miami-Dade County, its officers, agents and employees from all claims, actions, judgments, liability, loss, cost and expense, including attorney's fees which may be sustained by the County, its officers, agents and employees in connection with the use of said Easement.

This Easement shall be subordinate to the rights of the County.

This grant conveys only an interest of the County and its Board of County Commissioners in the property herein described, and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF, the said party of the first part, has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Chairperson or Vice Chairperson, and attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

Exhibit "B-2"

ATTEST:
HARVEY RUVIN
CLERK OF SAID BOARD

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chair (or Vice Chair)

The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the ____ day of _____, A.D. 2011.

EXHIBIT "A"

LEGAL DESCRIPTION PARCEL 107

Being a portion of Tract "A", according to the Plat of DORAL NORTH FIRE RESCUE STATION, as recorded in Plat Book 165, Page 83, and lying in the Southeast one-quarter (1/4) of Section 7, Township 53 South, Range 40 East, all in Miami-Dade County, Florida, and being more particularly described as follows:

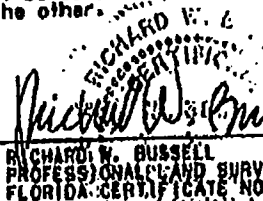
Commence at the Southwest corner of the Southeast one-quarter (1/4) of said Section 7, lying on the Centerline of Northwest 112th Avenue, as shown on said Plat of DORAL NORTH FIRE RESCUE STATION, thence N 01°44'11" W, along said Centerline of Northwest 112th Avenue and the West line of the Southeast one-quarter (1/4) of said Section 7, a distance of 75.09 feet; thence N 88°15'49" E a distance of 35.00 feet to the intersection with the Easterly Right-of-Way line of said Northwest 112th Avenue, being a point on a non-tangent curve concave to the Northeast having a radius of 27.00 feet, the chord of which bears S 46°04'38" E, and also being the POINT OF BEGINNING of the following described parcel:

Thence Southeasterly and Easterly along the arc of said curve a distance of 41.79 feet, through a central angle of 88°40'55"; thence N 89°34'54" E, along a line parallel with and 49.50 feet Northerly of, as measured at right angles, the South line of aforesaid Section 7, a distance of 288.19 feet to the intersection with the Easterly line of aforesaid Tract "A"; thence S 00°25'06" E, along said line, a distance of 9.50 feet to the intersection with the Northerly Right-of-Way line of Northwest 74th Street; thence S 89°34'54" W, along said Northerly Right-of-Way line, a distance of 288.93 feet to the beginning of a curve concave to the Northeast having a radius of 25.00 feet; thence Northwesterly and Northerly along the arc of said curve a distance of 38.70 feet, through a central angle of 88°40'55", to the aforesaid Easterly Right-of-Way line of Northwest 112th Avenue; thence N 01°44'11" E, along said Easterly Right-of-Way line, a distance of 11.45 feet to the POINT OF BEGINNING.

Containing 3,009 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, or Murphy Act Deeds. This information should be obtained through appropriate verification.
- 3) The Bearings shown hereon are referenced to the South line of the Southeast one-quarter (1/4) of Section 7, Township 53 South, Range 40 East, having a bearing of N 89°34'54" E, as shown on the Plat of DORAL NORTH FIRE RESCUE STATION, as recorded in Plat Book 165, Page 83 of the public records of Miami-Dade County, Florida.
- 4) 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.
- 5) This document consists of two (2) sheets and shall not be considered full, valid and complete unless each sheet is attached to the other.

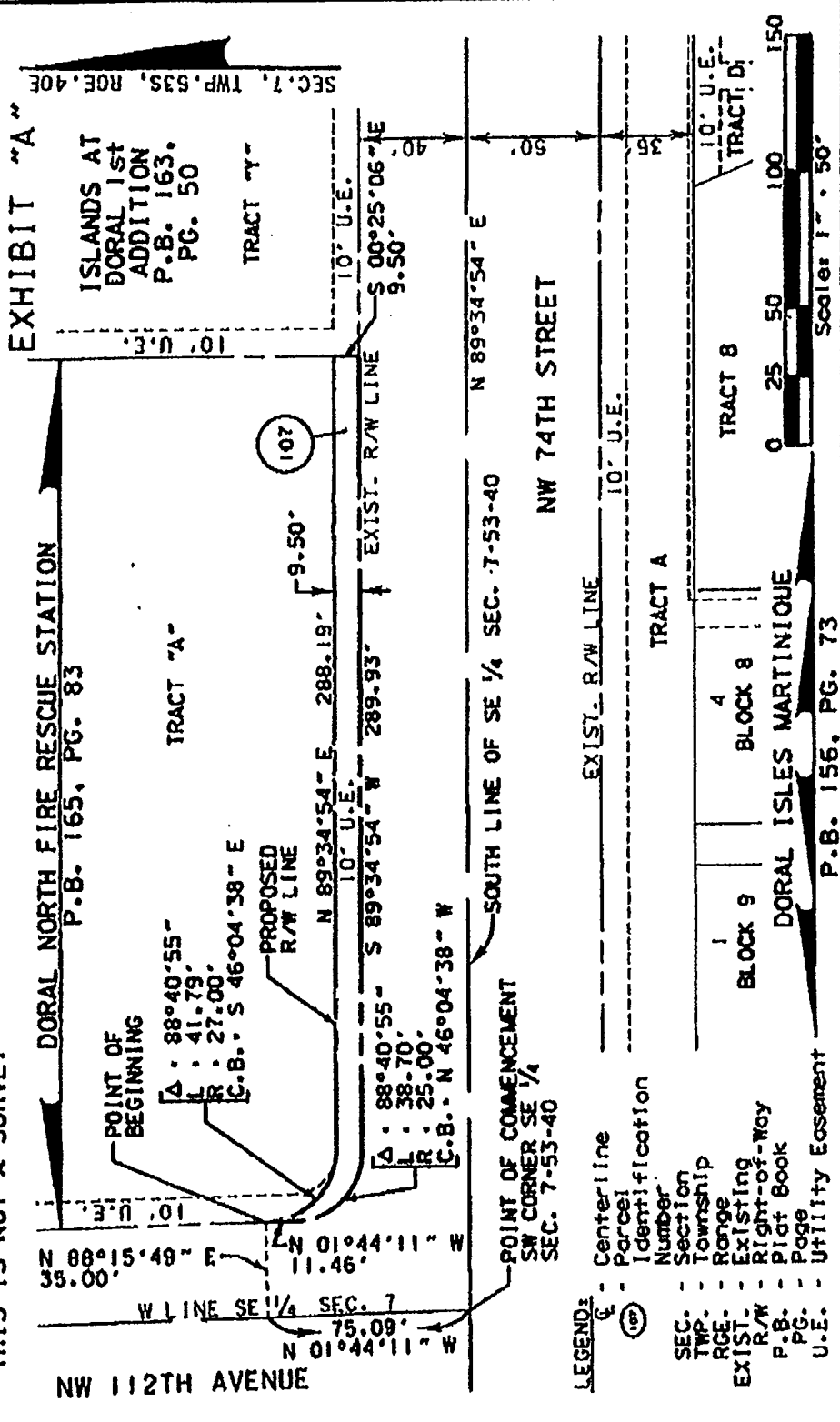

 RICHARD W. BUSSELL
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATE NO. 3688

12/28/10
DATE

FLORIDA DEPARTMENT OF TRANSPORTATION			
LEGAL DESCRIPTION			
STATE ROAD NO. 934		MIAMI-DADE COUNTY	
	BY	DATE	PREPARED BY FOOT DISTRICT VI
DRAWN	O. OCHS	08/28/10	DATA SOURCE: SEE GENERAL NOTES
CHECKED	BUSSELL	08/26/10	F.P. NO. 414731-3 SECTION N/A
REVISION	BY	DATE	SHEET 1 OF 2

**SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
THIS IS NOT A SURVEY**

PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
107	MIAMI-DADE COUNTY FIRE RESCUE DEPT.	3,009 SO. FT.	1.565 ACRES	



FLORIDA DEPARTMENT OF TRANSPORTATION	STATE ROAD NO. N/A	MIAMI-DADE COUNTY
SKETCH TO ACCOMPANY	PROPOSED BY: DATE: 08/25/10	DATA SOURCE: SEE GENERAL NOTES ON SHEET 1
LEGAL DESCRIPTION	DRAWN BY: DATE: 08/25/10	FOOT DISTRICT VI
	CHECKED BY: DATE: 08/25/10	F.P. NO. 414731-3 SECTION N/A
	DATE: 08/25/10	SHEET 2 OF 2

EXHIBIT "A"

LEGAL DESCRIPTION PARCEL 700

Being a portion of Tract "A", according to the Plat of DORAL NORTH FIRE RESCUE STATION, as recorded in Plat Book 165, Page 83, and lying in the Southeast one-quarter (1/4) of Section 7, Township 53 South, Range 40 East, all in Miami-Dade County, Florida, and being more particularly described as follows:

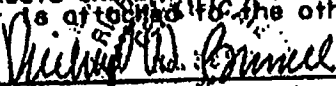
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Thence continue N 88°15'49" E a distance of 5.00 feet to the intersection with a non-tangent curve concave to the Northeast having a radius of 22.00 feet, the chord of which bears S 46°04'38" E; thence Southeasterly and Easterly along the arc of said curve a distance of 34.05 feet, through a central angle of 88°40'55"; thence N 89°34'54" E, along a line parallel with and 54.50 feet Northerly of, as measured at right angles, the South line of aforesaid Section 7, a distance of 288.19 feet to the intersection with the Easterly line of aforesaid Tract "A"; thence S 00°25'06" E, along said line, a distance of 5.00 feet; thence S 89°34'54" W a distance of 288.19 feet to the beginning of a curve concave to the Northeast having a radius of 27.00 feet; thence Northwesterly and Northerly along the arc of said curve a distance of 41.79 feet, through a central angle of 88°40'55", to the POINT OF BEGINNING.

Containing 1,630.6 square feet, more or less.

GENERAL NOTES:

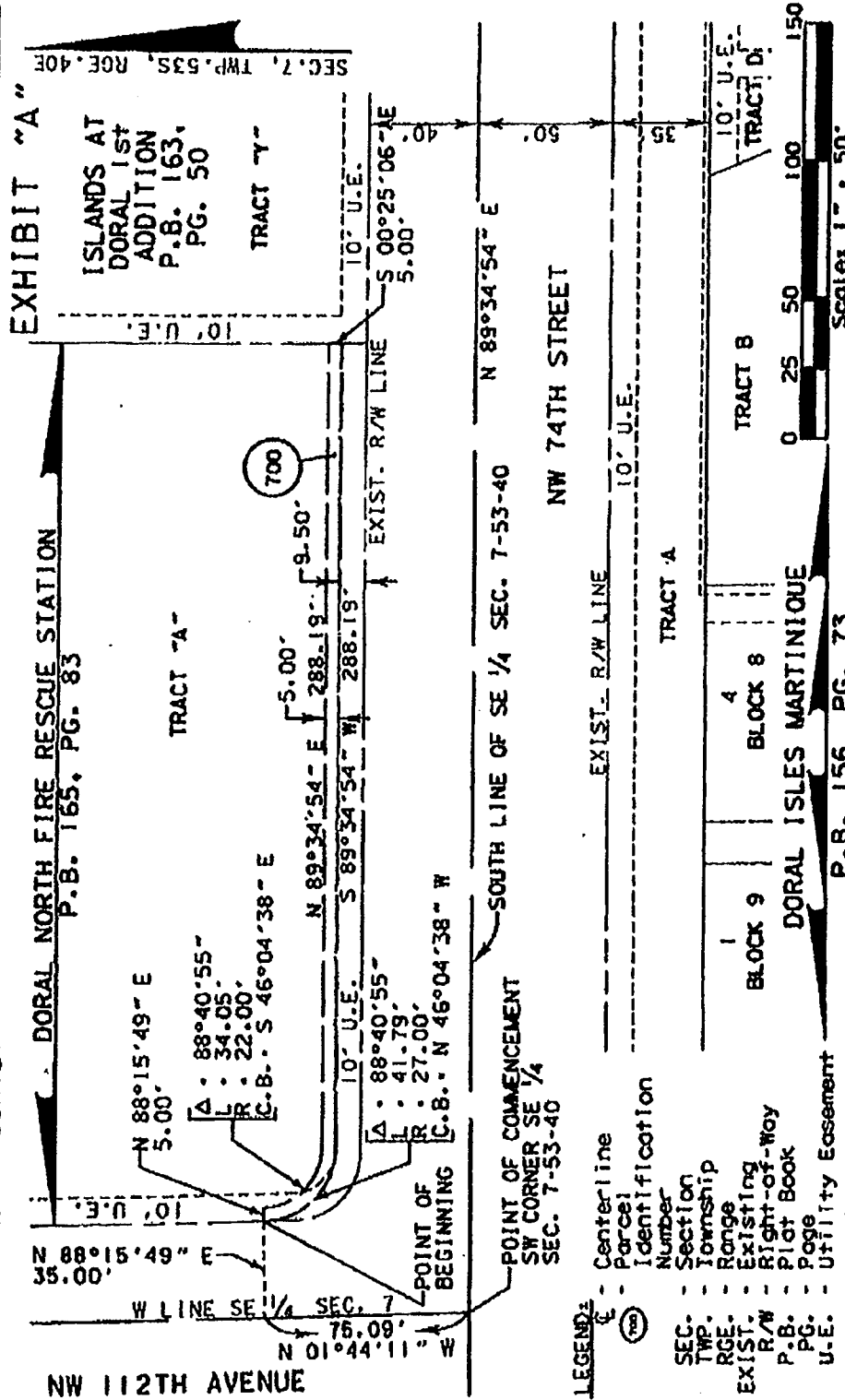
- 1) Reproductions of this map are not valid without the signature and original raised seal of the Florida Licensed Surveyor and Mapper in responsible charge.
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- 3) The Bearings shown hereon are referenced to the South line of the Southeast one-quarter (1/4) of Section 7, Township 53 South, Range 40 East, having a bearing of N 89°34'54" E, as shown on the Plat of DORAL NORTH FIRE RESCUE STATION, as recorded in Plat Book 165, Page 83 of the public records of Miami-Dade County, Florida.
- 4) 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.
- 5) This document consists of two (2) sheets and shall not be considered full, void and complete unless each sheet is attached to the other.


 RICHARD W. BUSWELL
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATE NO. 3858
 12/23/10
 DATE

		FLORIDA DEPARTMENT OF TRANSPORTATION	
		LEGAL DESCRIPTION	
		STATE ROAD NO. 934	MIAMI-DADE COUNTY
	BY	DATE	PREPARED BY: FOOT DISTRICT VI
DRAWN	D. DENIS	12/07/10	DATA SOURCE: SEC GENERAL NOTES
CHECKED	BUSWELL	12/07/10	F.P. NO. 414731-3 SECTION N/A
REVISION	BY	DATE	SHEET 1 OF 2

**SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
THIS IS NOT A SURVEY**

PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
700	MIAMI-DADE COUNTY FIRE RESCUE DEPT.	1,630.6 SQ. FT.	1.60 ACRES	



FLORIDA DEPARTMENT OF TRANSPORTATION		STATE ROAD NO. N/A		MIAMI-DADE COUNTY	
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		BY	DATE	FOOT DISTRICT VI	DATA SOURCE
		DUBOIS	12/07/10		SEE GENERAL NOTES ON SHEET 1
		RUSSELL	12/07/10		
				F.P. NO. 414731-3 SECTION M/A	SHEET 2 OF 2

- LEGEND:**
- Centerline
 - Parcel Identification Number
 - SEC. - Section
 - TWP. - Township
 - RGE. - Range
 - EXIST. - Existing
 - P.B. - Right-of-Way
 - PG. - Page
 - U.E. - Utility Easement