MEMORANDUM Agenda Item No. 11(A)(1)

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

DATE: September 1, 2011

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

SUBJECT: Resolution directing the Mayor to engage in negotiations with the owners of four properties located along the Miami River in connection with the Miami River Greenways Project in order to obtain dedications of portions of such properties necessary to provide a continuous linear construction of the seawall and the riverwalk

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

DATE: September 1, 2011

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

SUBJECT: Agenda Item No. 11(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**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(1)
9-1-11

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO ENGAGE IN NEGOTIATIONS WITH THE OWNERS OF FOUR PROPERTIES LOCATED ALONG THE MIAMI RIVER IN CONNECTION WITH THE MIAMI RIVER GREENWAYS PROJECT IN ORDER TO OBTAIN DEDICATIONS OF PORTIONS OF SUCH PROPERTIES NECESSARY TO PROVIDE A CONTINUOUS LINEAR CONSTRUCTION OF THE SEAWALL AND THE RIVERWALK

WHEREAS, the Miami River Greenways Project (the "Project") is a County project intended to link parks and neighborhoods on both side of the Miami River; and

WHEREAS, as part of the Project, the County is constructing portions of the seawall and the riverwalk in an effort to provide a continuous linear pedestrian and bicycle route along the river; and

WHEREAS, certain properties along the Miami River include areas which can be utilized in connection with the construction of the seawall and the riverwalk, as legally described in Exhibit "A," and in the Parcel Location Map attached as Exhibit "B," and owned by Benzol Properties Corporation (Parcel 5-1), Neo Vertika, LLC (Parcel 5-2), Key Miami River II, LLC (Parcel 4-1), and Key Miami River West, LLC (Parcel 4-2); and

WHEREAS, acquisition of the parcels described in Exhibit "A" would further the intent of the Project, and would be in the best interests of the County; and

WHEREAS, certain of such property owners have expressed an interest in dedicating the necessary portions of their properties to the County, in order for the seawall and riverwalk to be constructed,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the foregoing recitals

are adopted as though fully set forth herein, and further, directs the Mayor or the Mayor's designee to negotiate with the owners of such properties in order to procure dedications of the portions of the properties legally described in Exhibit "A," attached hereto.

The Prime Sponsor of the foregoing resolution is Commissionner Bruno A. Barreiro. It 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 1st day of September, 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.

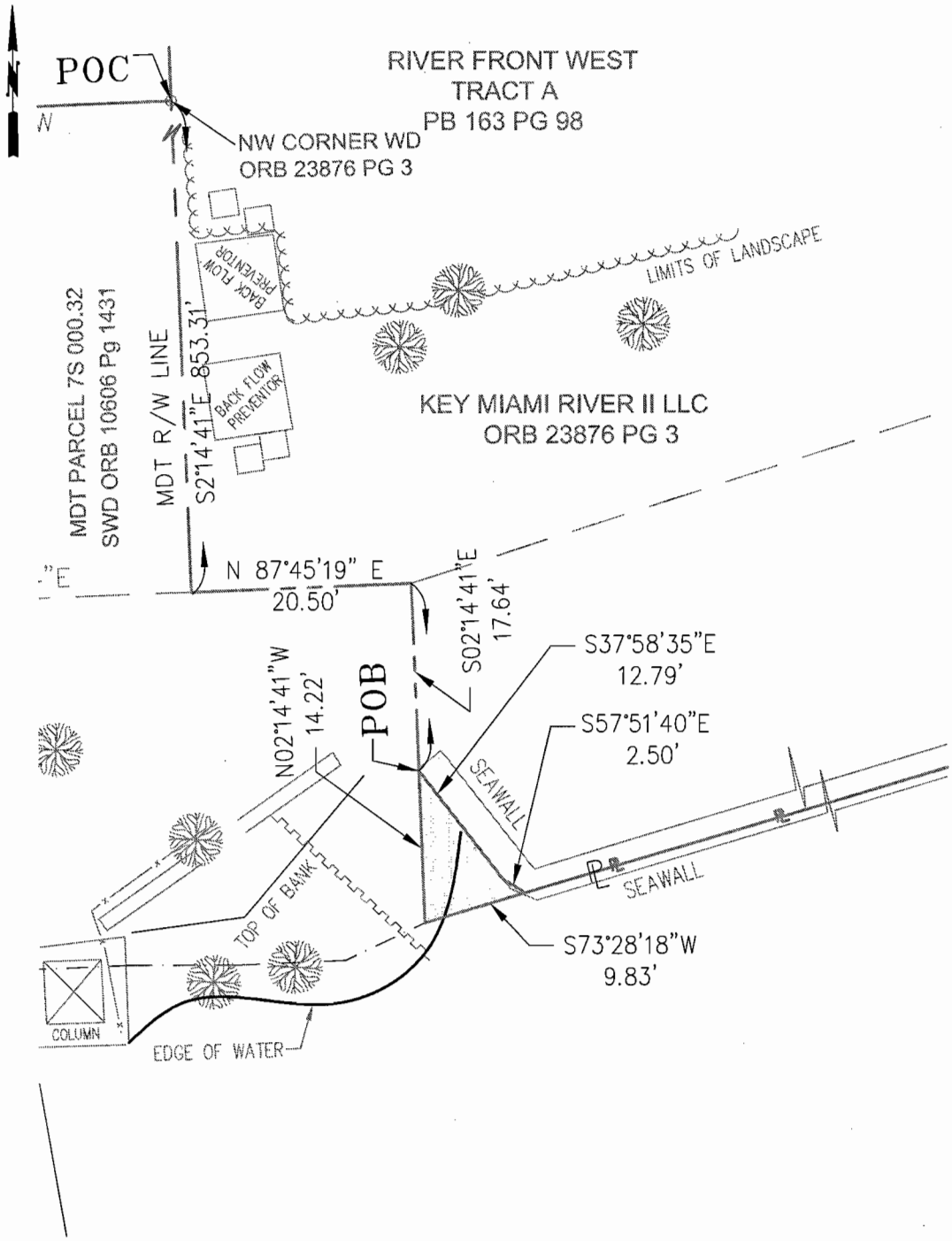
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman



LEGEND

	PROPERTY LINE		RIGHT-OF-WAY LINE		AREA TO BE ACQUIRED	(L)	LENGTH
	EXISTING EDGE OF PAVEMENT	(PT)	POINT OF TANGENCY	(R)	RADIUS	(Δ)	DELTA
	BOUNDARY LINE	(POB)	POINT OF BEGINNING	(PI)	POINT OF INTERSECTION	℄	PROPERTY LINE
	CENTER LINE	(PCU)	POINT OF CUSP	(PC)	POINT OF CURVATURE	R/W	RIGHT OF WAY
(POC)	POINT OF COMMENCEMENT	℄	CENTER LINE	(MDT)	MIAMI-DADE TRANSIT	⋈	MONUMENT LINE

Owner's Name = Key Miami River II, LLC.
Area of Parent Tract = 280,625 square-feet = 6.442 acres
Area of Permanent Easement to be granted = 82 square-feet = 0.001 acres
Area to be permitted = 18 square-feet =0.000 acres
Folio No. = 01 4137 048 0012

THIS IS NOT A SURVEY

MIAMI-DADE

MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT OF WAY DIVISION
ENGINEERING SECTION

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PARCEL SKETCH	MIAMI RIVER GREEN	SCALE: 1" = 10' DATE:06-17-11
		CHECKED BY: C. SOCARRAS
		DRAWN BY: L. ESPINOSA
	PARCEL NO. 4-1	PROJECT: 20070718 SHEET: 1 OF 1

4-1

EXH "A"

Miami-Dade County
Public Works Dept.

EXHIBIT "A"
Miami River Greenways
(FEE SIMPLE)

Parcel No.4-1: That portion of Section 37, Township 54 South, Range 41 East, Miami-Dade County, Florida lying within the property conveyed to Key Miami River II LLC by Warranty Deed dated October 14, 2005 recorded in Official Records Book 23876 at Page 3 of the Public Records of Miami-Dade County, Florida, and being more particularly described as follows:
COMMENCE at the Northwest corner of said property; thence run S02°14'41"E, for a distance of 853.31 feet to a point; thence run N87°45'19"E, for a distance of 20.50 feet to a point; thence run S02°14'41"E, for a distance of 17.64 feet to the POINT OF BEGINNING of the herein described parcel of land; thence run S37°58'35"E for a distance of 12.79 feet to a point; thence run S57°51'40"E, for a distance of 2.50 feet to the low water line of the Miami River; thence run S73°28'18"W, along the low water line of the Miami River, for a distance of 9.83 feet to a point of intersection with the Westerly boundary line of said property; thence run N2°14'41"W, along the Westerly boundary line of said property, for a distance of 14.22 feet to the POINT OF BEGINNING, containing 62 square-feet or 0.001 acres more or less.

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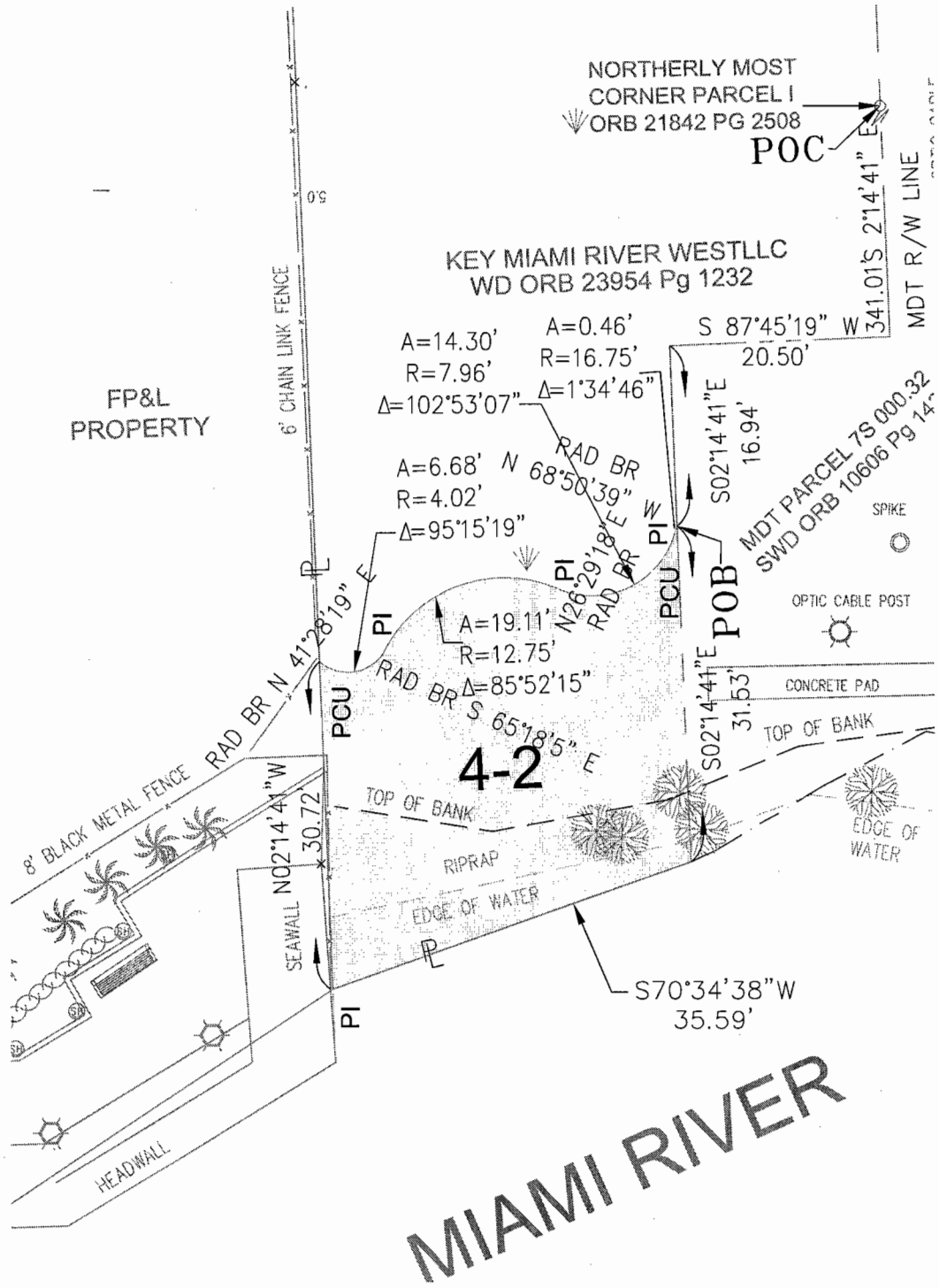

LEGEND

	PROPERTY LINE		RIGHT-OF-WAY LINE		AREA TO BE ACQUIRED	(L)	LENGTH
	EXISTING EDGE OF PAVEMENT	(PT)	POINT OF TANGENCY	(R)	RADIUS	(Δ)	DELTA
	BOUNDARY LINE	(POB)	POINT OF BEGINNING	(PI)	POINT OF INTERSECTION	℄	PROPERTY LINE
	CENTER LINE	(PCU)	POINT OF CUSP	(PC)	POINT OF CURVATURE	R/W	RIGHT OF WAY
(POC)	POINT OF COMMENCEMENT	℄	CENTER LINE	(PCU)	POINT OF CUSP	M	MONUMENT LINE
		(RAD BR)	RADIAL BEARING	(MDT)	MIAMI-DADE TRANSIT		

Owner's Name= Key Miami River West LLC. a Florida limited liability company
Area of Parent Tract = 15,395 square-feet or 0.353 acres
Area of Permanent Easement to be granted = 1,029 square-feet or 0.024 acres
Area to be permitted = 220 square-feet or 0.005 acres
Folio No. = 01-0100-000-0320

THIS IS NOT A SURVEY

MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT OF WAY DIVISION
ENGINEERING SECTION

PARCEL SKETCH

MIAMI RIVER GREEN

PARCEL NO. 4-2

SCALE: 1" = 10' | DATE: 06-17-11
CHECKED BY: C. SOCARRAS
DRAWN BY: L. ESPINOSA
PROJECT: 20070718 | SHEET: 1 OF 1

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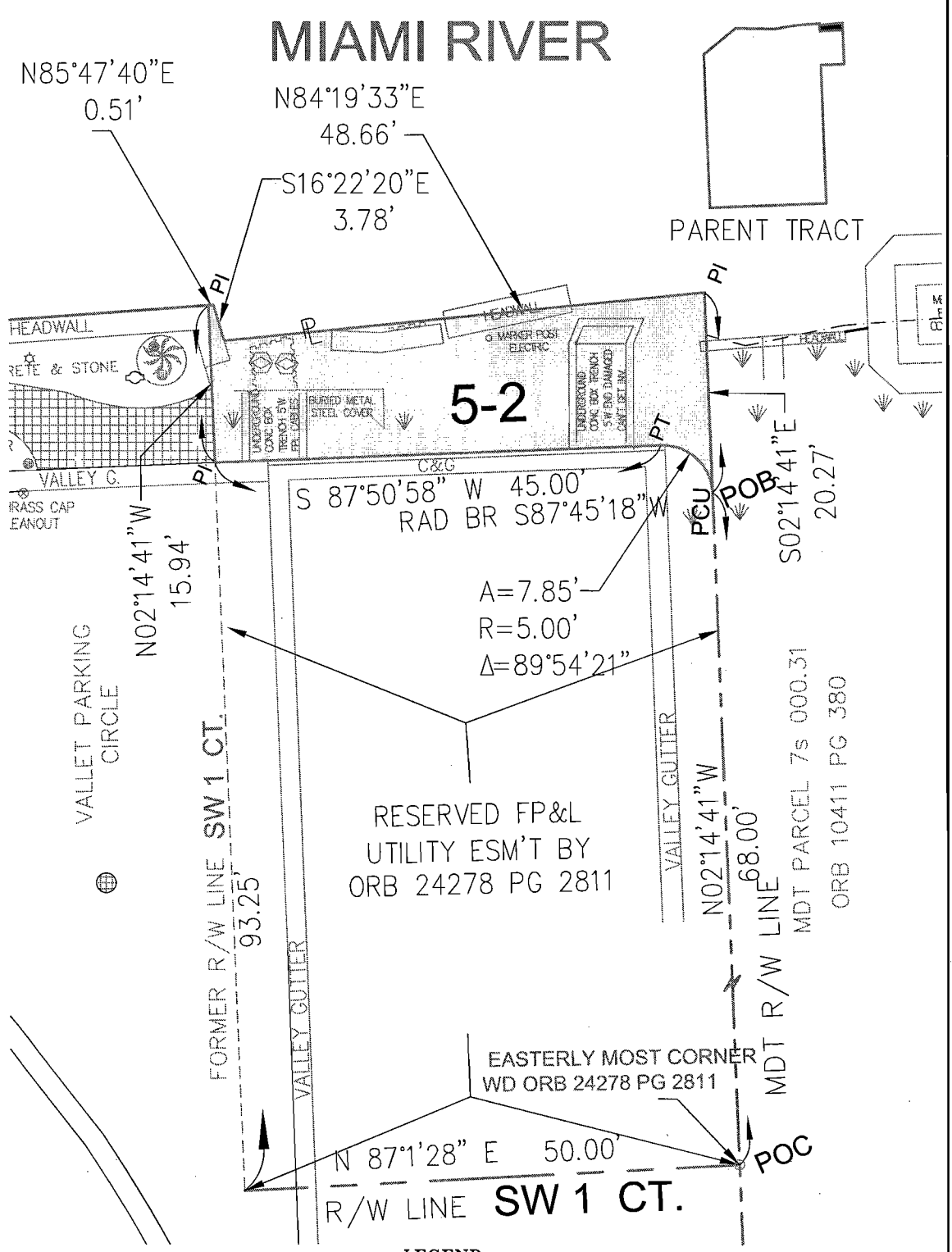
Miami-Dade County
Public Works Dept.

EXHIBIT "A"
Miami River Greenways
(FEE SIMPLE)

Parcel No.4-2: That portion of Section 37, Township 54 South, Range 41 East, Miami-Dade County, Florida, lying within that property conveyed to Key Miami River West LLC by Warranty Deed dated November 11, 2005 recorded in Official Records Book 23954 at Page 1232 of the Public Records of Miami-Dade County, Florida and being more particularly described as follows:
COMMENCE at the most Northerly corner of said property; thence run S02°14'41"E, along the Easterly boundary line of said property, for a distance of 341.01 feet to a point; thence run S87°45'19"W, for a distance of 20.50 feet to a point; thence run S02°14'41"E, for a distance of 16.94 feet to the POINT OF BEGINNING of the herein described parcel of land; thence continue S02°14'41"E, along the Easterly boundary line of said property, for a distance of 31.53 feet to a point on the low water line of the Miami River; thence run S70°34'38"W, along said low water line of the Miami River, for a distance of 35.59 feet to a point of intersection with the Westerly boundary line of aforesaid property; thence run N02°14'41"W, along the Westerly boundary line of aforesaid property, for a distance of 30.72 feet to a point of cusp with a circular curve concave to the Northwest from which its radius point bear N41°28'19"E; thence run Southeasterly, Easterly and Northeasterly along said circular curve to the left, having a radius of 4.02 feet, through a central angle of 95°15'19", for an arc distance of 6.68 feet to the point of intersection with a non-tangent circular curve concave to the Southeast from which its radius point bear S65°18'05"E; thence run Northeasterly, Easterly and Southeasterly along said circular curve to the right, having a radius of 12.75 feet, through a central angle of 85°52'15", for an arc distance of 19.11 feet to the point of intersection with a non-tangent circular curve concave to the Northwest from which the radius point bear N26°29'18"E; thence run Southeasterly, Easterly and Northeasterly along said circular curve to the left, having a radius of 7.96 feet, through a central angle of 102°53'07", for an arc distance of 14.30 feet to the point of intersection with a non-tangent circular curve concave to the Northwest from which the radius point bear N68°50'39"W; thence run Northeasterly along said circular curve to the left, having a radius of 16.75 feet, through a central angle of 1°34'46", for an arc distance of 0.46 feet to a point of cusp with the Westerly boundary line of the aforesaid property and being also the POINT OF BEGINNING, containing 1029 square-feet or 0.024 acres more or less.



LEGEND

	PROPERTY LINE		RIGHT-OF-WAY LINE		AREA TO BE ACQUIRED	(L)	LENGTH
	EXISTING EDGE OF PAVEMENT	(PT)	POINT OF TANGENCY	(RAD BR)	RADIAL BEARING	(Δ)	DELTA
	BOUNDARY LINE	(POB)	POINT OF BEGINNING	(R)	RADIUS	℄	PROPERTY LINE
	CENTER LINE	(PCU)	POINT OF CUSP	(PI)	POINT OF INTERSECTION	R/W	RIGHT OF WAY
(POC)	POINT OF COMMENCEMENT	℄	CENTER LINE	(PC)	POINT OF CURVATURE	⌖	MONUMENT LINE
				(MDT)	MIAMI-DADE TRANSIT		

Owner's Name = Neo Vertika, LLC, a Florida limited liability company
Folio No. = 01 4138 122 0001
Area of Parent Tract = 98,907 square-feet = 2.271 acres

THIS IS NOT A SURVEY

Area of Parcel = 698 square-feet = 0.016 acres
Area of Permit = 131 square-feet = 0.003 acres

MIAMI-DADE

MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT OF WAY DIVISION
ENGINEERING SECTION

PARCEL SKETCH	MIAMI RIVER GREEN	SCALE: 1" = 10' DATE:03-25-10
		CHECKED BY: C. SOCARRAS
		DRAWN BY: L. ESPINOSA
	PARCEL NO. 5-2	PROJECT: 20070718 SHEET: 1 OF 1

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Miami-Dade County
Public Works Dept.

EXHIBIT "A"
Miami River Greenways
(FEE SIMPLE)

Parcel No.5-2: That portion of Section 38, Township 54 South, Range 41 East, Miami-Dade County, Florida lying within the property conveyed to Neo Vertika, LLC, by Special Warranty Deed dated January 19, 2006 recorded in Official Records Book 24278 at Page 2811 of the Public Records of Miami-Dade County, Florida, and being more particularly described as follows:
COMMENCE at the most Easterly corner of that property conveyed by said Special Warranty Deed; thence run N02°14'41"W, along the Easterly boundary line of said deed, for a distance of 68.00 feet to the POINT OF BEGINNING being also a point of cusp with a non tangent circular curve concave to the Southwest from which its radius point bears S87°45'18"W; thence run Northwesterly and Westerly, along said circular curve to the left, having a radius of 5.00 feet, through a central angle of 89°54'21", for an arc distance of 7.85 feet to a point of tangency; thence run S87°50'58"W for a distance of 45.00 feet to a point of intersection with the former Westerly right of way line of SW 1 Ct; thence run N2°14'41"W, along said former right of way line, for a distance of 15.94 feet to a point of intersection with the property line as shown on the sketch of survey attached to the Declaration of Condominium recorded June 6, 2006 in Official Records Book 24605 at Page 3349 of the Public Records of Miami-Dade County, Florida; thence run N85°47'40"E, along the said property line, for a distance of 0.51 feet to a point; thence run S16°22'20"E, along the said property line, for a distance of 3.78 feet to a point; thence run N84°19'33"E, along the said property line, for a distance of 48.66 feet to the point of intersection the Easterly boundary line of the aforesaid Special Warranty Deed; thence run S02°14'41"E, along said Easterly boundary line, for a distance of 20.27 feet to the POINT OF BEGINNING, containing 696 square-feet or 0.016 acres more or less.

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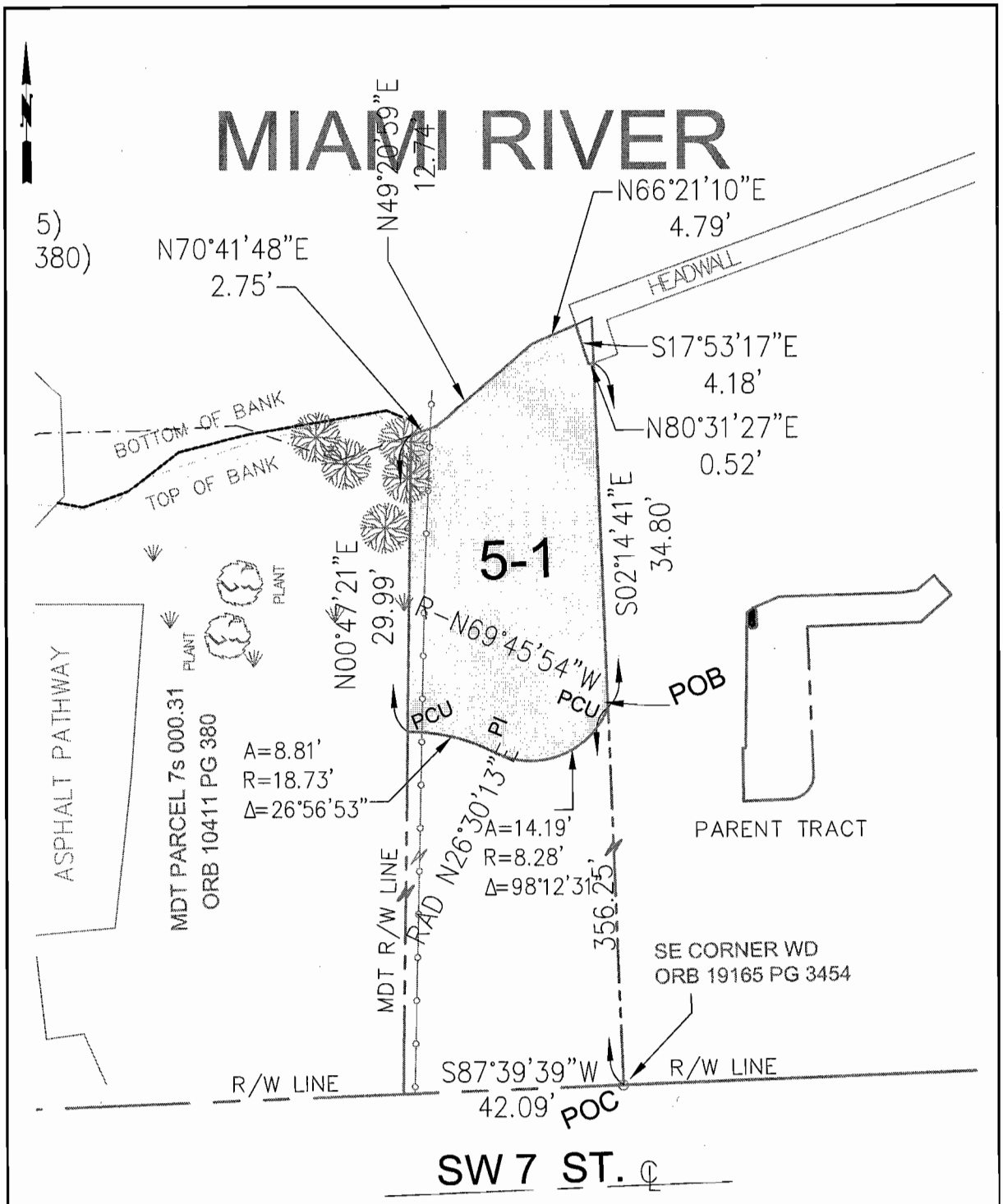

LEGEND

	PROPERTY LINE		RIGHT-OF-WAY LINE		AREA TO BE ACQUIRED	(L)	LENGTH
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	BOUNDARY LINE	(POB)	POINT OF BEGINNING	(PI)	POINT OF INTERSECTION	ℙ	PROPERTY LINE
	CENTER LINE	(PCU)	POINT OF CUSP	(PC)	POINT OF CURVATURE	R/W	RIGHT OF WAY
(POC)	POINT OF COMMENCEMENT	℄	CENTER LINE	(PCU)	POINT OF CUSP	ℳ	MONUMENT LINE
		(RAD BR)	RADIAL BEARING	(MDT)	MIAMI-DADE TRANSIT		

Owner's Name = Benzol Properties Corporation
Area of Parent Tract = 70,545 square-feet = 1.620 acres
Area of Parcel = 734 square-feet = 0.017 acres
Folios No. = 01 0205 030 1080, 1090, & 1200
Folios No. = 01 0200 000 0030, 0040, & 0050

THIS IS NOT A SURVEY

MIAMI-DADE

MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT OF WAY DIVISION
ENGINEERING SECTION

PARCEL SKETCH	MIAMI RIVER GREEN	SCALE: 1" = 10' DATE:06-17-11
		CHECKED BY: C. SOCARRAS
		DRAWN BY: L. ESPINOSA
	PARCEL NO. 5-1	PROJECT: 20070718 SHEET: 1 OF 1

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Miami-Dade County
Public Works Dept.

EXHIBIT "A"
Miami River Greenways
(FEE SIMPLE)

Parcel No.5-1: That portion of Section 38, Township 54 South, Range 41 East, Miami-Dade County, Florida lying Southerly of the mean high water line of the Miami River within the property conveyed by County Deed dated June 20, 2000 recorded in Official Records Book 19165 at Page 3454 to Benzol Properties Corporation between Block 39S and 38A of KNOWLTON'S PLAT OF MIAMI, according to the plat thereof recorded in Plat Book B, Page 41 of the Public Records of Miami-Dade County, Florida, and being more particularly described as follows:
COMMENCE at the Southeast corner of that property conveyed by the said County Deed; thence run N02°14'41"W, along the Easterly boundary line of said County Deed, for a distance of 356.25 feet to the POINT OF BEGINNING being also a point of cusp with a non tangent circular curve concave to the Northwest from which its radius point bears N69°45'54"W; thence run Southwesterly Westerly and Northwesterly, along said circular curve to the right, having a radius of 8.28 feet, through a central angle of 98°12'31", for an arc distance of 14.19 feet to a point of intersection with a non tangent circular curve concave to the Southwest whose radius point bears N26°30'13"E; thence run Northwesterly along said circular curve to the left, having a radius of 18.73 feet, through a central angle of 26°56'53", for an arc distance of 18.73 feet to a point of cusp with the Westerly boundary line of the aforesaid County Deed; thence run N00°47'21"E, along the Westerly boundary line, for a distance of 29.99 feet to a point on the mean high water line as described on said County Deed; thence run N70°41'48"E, along the said mean high water line, for a distance of 2.75 feet to a point; thence run N49°20'59"E, along the said mean high water line, for a distance of 12.74 feet to a point; thence run N66°21'10"E, along the said mean high water line, for a distance of 4.79 feet to a point; thence run S17°53'17"E, for a distance of 4.18 feet to a point; thence run N80°31'27"E, for a distance of 0.52 feet to the point of intersection with the Easterly boundary line of the aforesaid County Deed; thence run S02°14'41"E, along said Easterly boundary line, for a distance of 34.80 feet to the POINT OF BEGINNING, containing 724 square-feet or 0.017 acres more or less.

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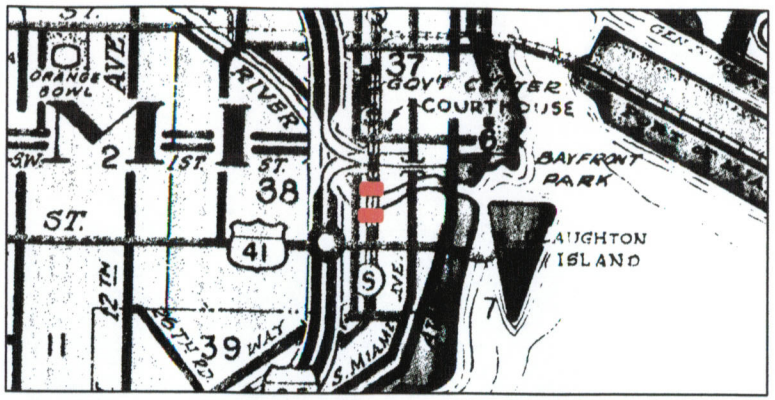
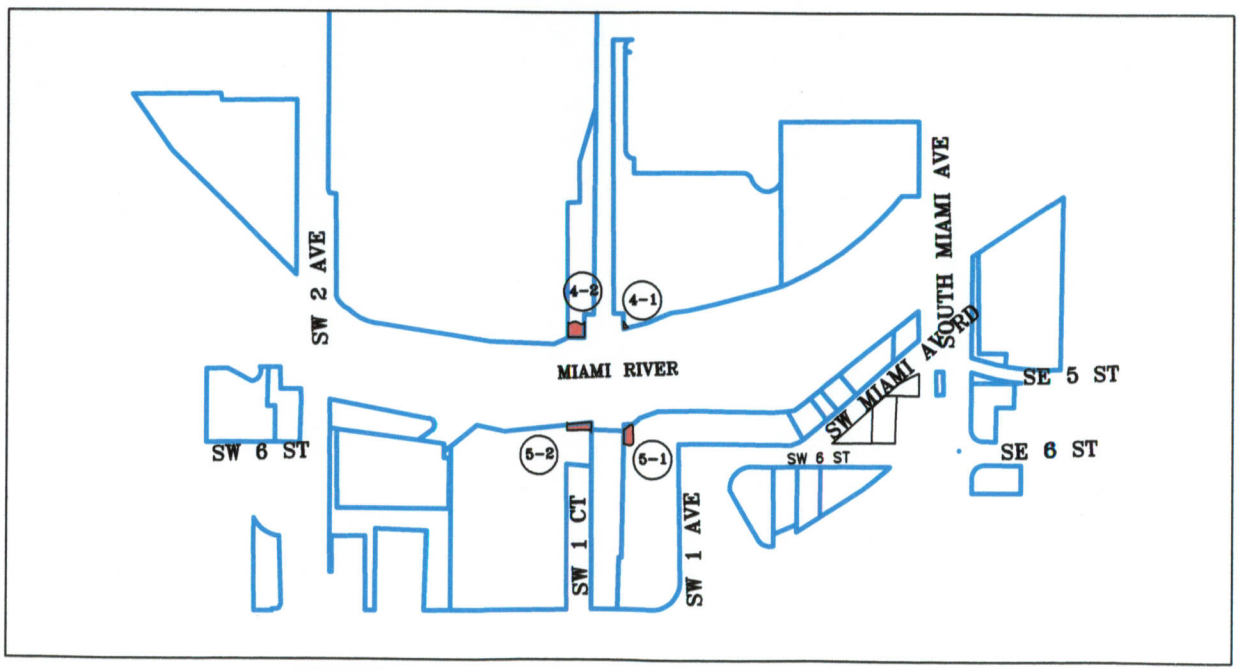
SEC 37&38
TWP 54 S
RGE 41 E



LOCATION MAP Not to Scale



R/W to be acquired by the County

EXHIBIT "B"

MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT OF WAY DIVISION
RIGHT OF WAY ENGINEERING SECTION

MIAMI RIVER GREENWAYS
SITE 4 AND SITE 5

MIAMI-DADE

SCALE 1" = 400'
PROJECT 20070718
PREPARED BY: CDS
DATED: 06-20-11

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