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

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 authorizing the conveyance of County-owned property located in the northeast quadrant of NW 25th Street and NW 38th Court to the State of Florida Department of Transportation

The accompanying resolution was prepared by the Miami-Dade Transit Department and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: September 1, 2011

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

From: Alina T. Hudak
County Manager

Subject: Resolution Authorizing the Conveyance of County-Owned Property, a Portion of Folio No. 30-3129-011-0060, Located in the Northeast Quadrant of NW 25th Street and NW 38th Court, Miami, Florida, to the State of Florida Department of Transportation in Accordance with Florida Statutes, Section 125.38

RECOMMENDATION

It is recommended that the Board of Commissioners (Board) approve the attached resolution authorizing the conveyance in fee simple title of a County-owned property, a portion of Parcel 197 acquired for the MIC-Earlington Heights Connector Project, located in the northeast quadrant of NW 25th Street and NW 38th Court, Miami, Florida, to the State of Florida Department of Transportation (FDOT) in accordance with Florida Statutes, Section 125.38; and waiving Administrative Order 8-4 which requires that this disposition be reviewed by the Planning Advisory Board.

SCOPE

The property is located in Commissioner Rebeca Sosa's District 6; however, the project has a countywide impact.

FISCAL IMPACT

There is no fiscal impact to the County related to this item. Additionally, there is no associated on-going operations and maintenance cost related to the conveyance of this Parcel to FDOT.

BACKGROUND

MANAGING DEPARTMENT:	Miami-Dade Transit
FOLIO NUMBER:	Portion of 30-3129-011-00640
CONVEYANCE PARCEL SIZE:	925 Square Feet (0.021 Acres)
LOCATION:	Northeast Quadrant of NW 25th Street and NW 38th Court
2010 ASSESSED VALUE:	$17,500

ZONING:	IU-2
CURRENT USE:	Miami-Dade Transit Metrorail Corridor
JUSTIFICATION:	On July 6, 2006, the Board approved R-825-06 authorizing the acquisition of privately owned parcels for the construction of the Airport Link Project linking the Miami Intermodal Center (MIC) to the Earlington Heights Station.

Parcel 197 was one of those privately owned parcels needed for the construction of the Airport Link project and was acquired through eminent domain proceedings. This parcel was acquired with 50% People's Transportation Plan (PTP) funds and 50% FDOT funds by Stipulated Final Judgment, Case Number 07-263303b (CA-32) recorded in Official Record Book 26383 at Page 705, of the Public Records of Miami-Dade County, Florida.

Parcel 197 is located in close proximity to the MIC Metrorail Station which is next to the Tri-Rail/South Florida Regional Transportation Authority (SFRTA) Tri-Rail Station. The CSX Transportation Inc. (CSX) railroad corridor, presently owned by FDOT and operated by SRFTA requires re-alignment to meet the proposed FDOT project needs. FDOT's MIC Plans include re-alignment of the railroad tracks in order for the Tri-Rail train to enter the new MIC Tri-Rail Station. The re-alignment impacts Parcel 197, as depicted by Exhibit 'A'.

The portion of Parcel 197 required by FDOT (designated as Parcel 100 on the attached Exhibit A) is located in the extreme eastern perimeter of the Parcel along NW 25th Street and the CSX Railroad Spur Line B with a depth of only eleven feet and a length of approximately 135 feet. FDOT Parcel 100 is legally described in the accompanying Legal Description and Right of Way Parcel Sketch entitled Exhibit "B".

The Miami-Dade County Property Appraiser's Office has assessed the County Parcel at $18.92 per square foot. Therefore, the estimated value of the Parcel to FDOT (Parcel 100) is approximately $17,500. Since land utilized for government use or right-of-way is exempt from taxes, this conveyance will have no fiscal impact to Miami-Dade County.

Florida Statutes Section 125.38 authorizes the Board to convey property to the State of Florida, a political subdivision of the State of Florida 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 the proposed tracks with the required design criteria. 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.

TRACK RECORD/MONITOR:

MONITOR: Froilan I. Baez, MDT
Acting Chief, Right of Way, Utilities and Property Management Division

DELEGATED AUTHORITY: Authorizes the County Mayor or County Mayor's Designee to take all action necessary to accomplish the conveyance of the parcel.

COMMENTS: The Airport Link project was partially funded through $100,000,000 from FDOT. Staff has determined that this parcel will not affect the operations of the Airport Link Metrorail System and the conveyance of this parcel to FDOT is a vital component to the integration of the Metrorail and Tri-Rail for the MIC project. It is also 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: September 1, 2011

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

SUBJECT: Agenda Item No. 8(J)(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**

5

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(J)(1)(A)
9-1-11

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PROPERTY LOCATED IN THE NORTHEAST QUADRANT OF NW 25TH STREET AND NW 38TH COURT, MIAMI, FLORIDA, TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH FLORIDA STATUTES, SECTION 125.38 FOR NO MONETARY CONSIDERATION; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL NECESSARY ACTIONS TO ACCOMPLISH SAID CONVEYANCE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum for the property described in the accompanying County Deed, a copy of which is incorporated herein by reference and attached as Exhibit "1"; and

WHEREAS, the State of Florida Department of Transportation (FDOT) proposes to improve the CSX Railroad spur tracks under Financial Project ID No. 406800-2-52-01 as part of the Miami Intermodal Center (MIC) Tri-Rail Station project, located in Miami, Florida in order to enhance the train movements into the new MIC Tri-Rail Station; and

WHEREAS, in order to accomplish this purpose FDOT will require additional right of way along the CSX Spur Line B corridor to meet the design criteria for the project and has requested the conveyance of same; 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 of the County-owned property located in the northeast quadrant of NW 25th Street and NW 38th Court, Miami, Florida for no monetary consideration pursuant to Section 125.38 of the Florida Statutes to the State of Florida Department of Transportation subject to the restriction that said property 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 Mayor's designee to take all actions necessary to accomplish the conveyance; and authorizes the execution of the attached County Deed 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 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 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

EXHIBIT "1"

Instrument prepared by and returned to:
Debra Herman, Esq.
Assistant County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-0230

Folio No. Portion of 30-3129-011-0060

COUNTY DEED

THIS DEED, made this day of , 2011 A. D. by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, party of the first part, whose mailing address is: Stephen P. Clark Center, 111 NW 1 Street, Miami, Florida 33128-1963 and the State of Florida Department of Transportation, party of the second part, whose mailing address is 1000 N.W. 111 Avenue, Miami, Florida.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars and 00/100 ($10.00) has granted, bargained and sold to the party of the second part, successors and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

FOR LEGAL DESCRIPTION
SEE EXHIBIT "B"

Subject to the following restriction:

That the Property shall be utilized for transportation related improvements along the CSX Spur Line B corridor. 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 "1" Cont.

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.

(OFFICIAL SEAL)

ATTEST:
HARVEY RUVIN
CLERK OF SAID BOARD

By:_____
Deputy Clerk

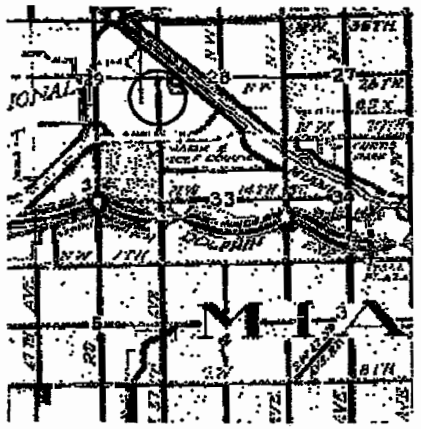
MIAMI-DADE COUTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By:_____
Chair (or Vice Chair)

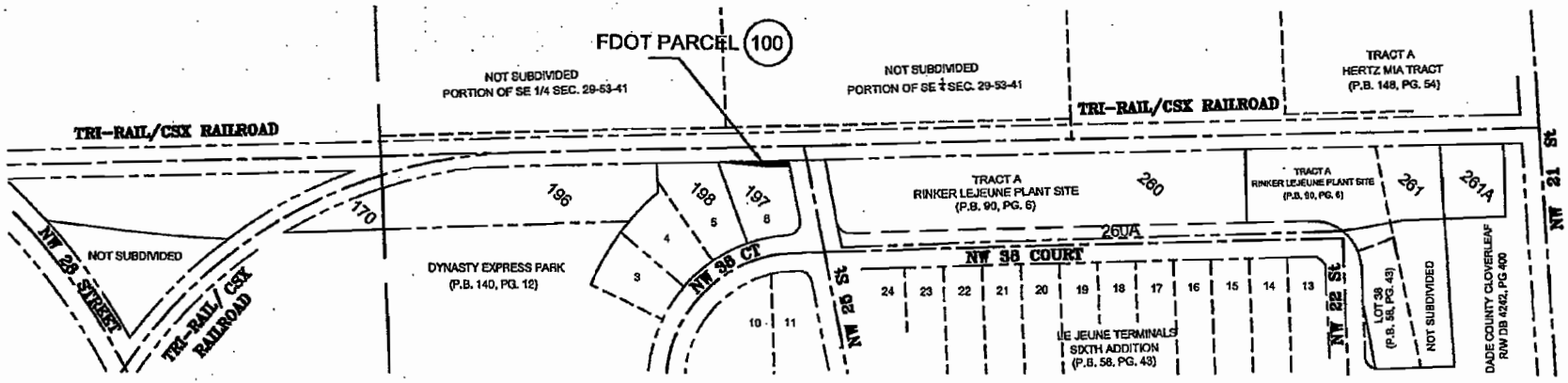
The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the day of _____, 2011 A.D.

Approved for legal sufficiency: _____

SEC 29
TWP 53 S
RGE 41 E



LOCATION MAP
NOT TO SCALE



0 75 150 300 600

SCALE 1" = 300'

R/W TO BE CONVEYED BY THE COUNTY

EXHIBIT "A"

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

PARCEL 197 PART (FDOT PARCEL 100)

MIAMI INTERMODAL CENTER

FP No. 406800-2

MIAMI-DADE

SCALE 1" = 300'
PREPARED BY: L.E.
DATED: 06-03-11

EXHIBIT "B"
LEGAL DESCRIPTION FOR
FDOT PARCEL 100

Being a portion of Lot 6, according to the Plat of LE JEUNE TERMINALS SEVENTH ADDITION, as recorded in Plat Book 59, Page 14, and lying in Section 29, Township 53 South, Range 41 East, all in Miami-Dade County, Florida, and being more particularly described as follows:

COMMENCE at the Intersection of the Baselines for C.S.X. Rail Road Spur Line B (Station 74+40.162), and NW 25th Street (Station 321+03.157), all as shown on FDOT Right of Way Control Survey for Area 5 of the MIC project, Section 87000-2595, Sheet 4 of 16; thence S79°06'04"W, along said Baseline of Survey for NW 25th Street, a distance of 28.88 feet; thence N01°37'40" W a distance of 35.46 feet to a point on the Existing North Right-of Line of said NW 25th Street, also being the South line of Lot 6 of said Plat Book 59, Page 14, same point being the POINT OF BEGINNING of the following described parcel by the following courses and distances:

-thence continue N01°37'40" W along the Existing Western Right of Way Line of said C.S.X. Rail Road Spur Line B, also being the East line of said Lot 6, a distance of 133.23 feet;
-thence S04°38'58"W, a distance of 100.60 feet;
-thence S01°37'40" E, a distance of 35.02 feet to a point lying on the South line of said Lot 6;
-thence N79°06'04"E along said Lot 6 South line, the same being the Existing North Right-of-Way Line of said NW 25th Street, a distance of 11.15 feet to the POINT OF BEGINNING.
-Containing 925 Square Feet, or 0.021 Acres more or less.

GENERAL NOTES:
- Reproductions of this map are not valid without the signature and original raised seal of the Florida Licensed Surveyor and Mapper in responsible charge.
- Lands shown hereon were not abstracted by this office for rights-of-way, easements of record, ownership, abandonments, deed restrictions, of Murphy Act Deeds. This information should be obtained through appropriate verification.
- The Bearings shown hereon are referenced to the Baseline of C.S.X. Rail Road Spur Line B as shown in FDOT Right of Way Control Survey done for Area 5 of the MIC, Section 87000-2595, sheet 4 of 16, approved on September 11, 2000.
  Parcel geometry was obtained from engineering consultant URS (Alan Hedberg) recived on 01/26/11.
- 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.
- Coordinates for the POC were taken from the same Control Survey, Section 8700-2595, and converted into feet as per Carol Wilson of Miami-Dade Transit.

06/14/11

CRISTINA K. ALBURY — DATE
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NO. 6554

COORDINATES	O.S.	06/14/11
ADDED TO POC.		
DOUBLE QUALIFIERS	O.S.	06/14/11
FOR LOT LINES		
EXHIBIT "B"	O.S.	06/14/11
PARENT TRACT AREA	O.S.	06/10/11
ADJUST OWNER NAME	O.S.	04/04/11
REVISION	BY	DATE

FLORIDA DEPARTMENT OF TRANSPORTATION
LEGAL DESCRIPTION

STATE ROAD NO. M.I.C. — MIAMI-DADE COUNTY

	BY	DATE
DRAWN	O.S.	03/18/11
CHECKED	C.K.A.	03/18/11

PREPARED BY: FDOT DISTRICT VI
DATA SOURCE: SEE GENERAL NOTES ON SHEET ONE
F.P. NO. 406800-2 — SECTION N/A — SHEET 1 OF 2

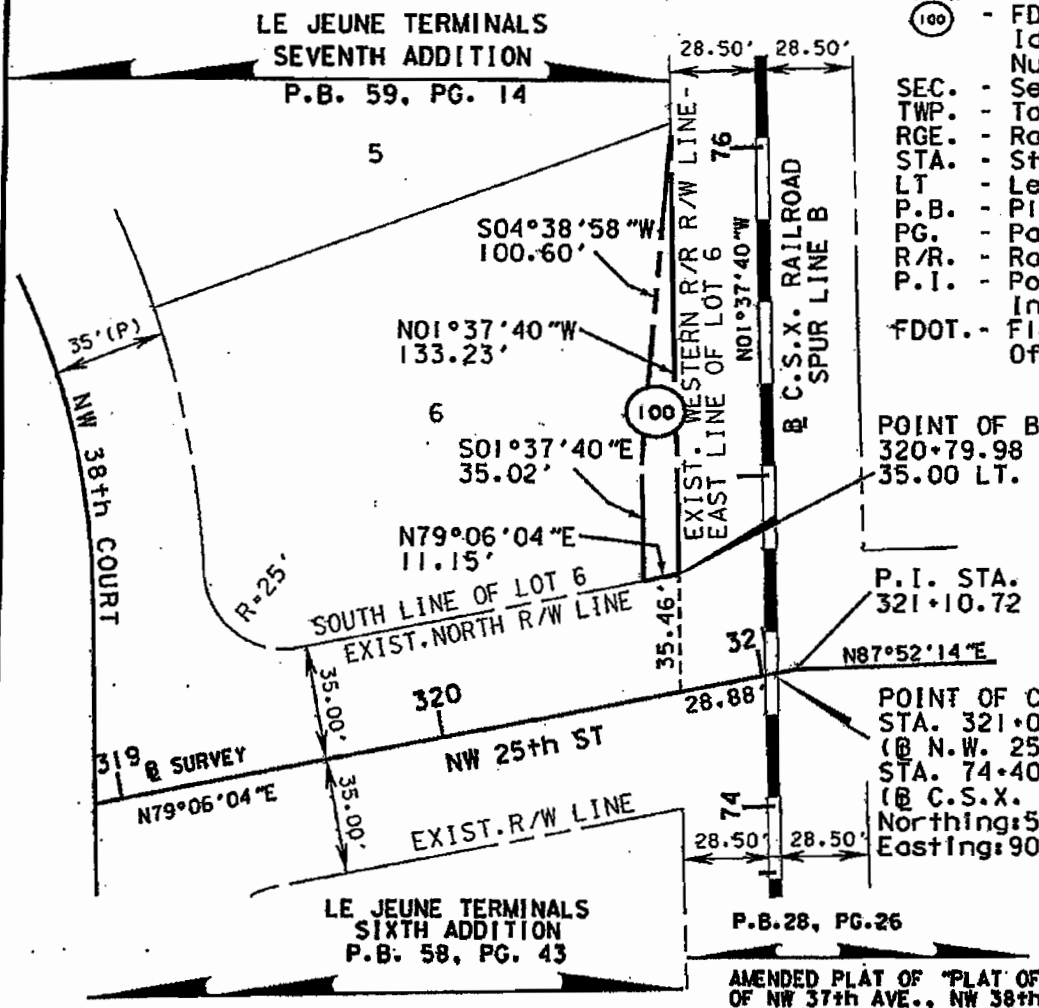
EXHIBIT "B"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
THIS IS NOT A SURVEY

SEC. 29
TWP. 53 SOUTH
RNG. 41 EAST

PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER
100	MIAMI-DADE COUNTY	925 SQ. FT.	17,575 SQ. FT.

LEGEND:

- R - Radius
- ℄ - Baseline
- EXIST. - Existing
- R/W - Right-of-Way
- (100) - FDOT Parcel Identification Number
- SEC. - Section
- TWP. - Township
- RGE. - Range
- STA. - Station
- LT - Left
- P.B. - Plat Book
- PG. - Page
- R/R. - Rail Road
- P.I. - Point of Intersection
- FDOT. - Florida Department Of Transportation



AMENDED PLAT OF "PLAT OF PORTIONS OF NW 37th AVE., NW 38th AVE, NW 11th STREET, NW 14th STREET, NW 17th STREET, NW 20th STREET, NW 21st STREET, AND NW 26th STREET, LYING IN SECTIONS 29 AND 32, T53S-R41E.

REVISION	BY	DATE
COORDINATES	O.S.	06/14/11
ADDED TO POC.		
DOUBLE QUALIFIERS	O.S.	06/14/11
FOR LOT LINES		
EXHIBIT "B"	O.S.	06/14/11
PARENT TRACT AREA	O.S.	06/10/11
ADJUST OWNER NAME	O.S.	04/04/11

FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

STATE ROAD NO. M.I.C. — MIAMI-DADE COUNTY

	BY	DATE
DRAWN	O.S.	03/18/11
CHECKED	C.K.A.	03/18/11

PREPARED BY: FDOT DISTRICT VI
DATA SOURCE: SEE GENERAL NOTES ON SHEET ONE
F.P. NO. 406800-2 — SECTION N/A — SHEET 2 OF 2

Miami / Dade

226038

4034

Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 N.W. 111th Avenue
Miami, Florida 33172

ANANTH PRASAD
SECRETARY

May 12, 2011

Ysela Llort
Assistant County Manager
Miami-Dade County
701 NW 1st Court, 17th Floor
Miami, Florida 33136

Subject: **FDOT Request for Property Donation**

Item/Segment No.:	**406800-2**
Managing District:	**Six**
State Road No.:	**Miami Intermodal Center (MIC)**
County:	**Miami-Dade**
Parcel No.:	**100**

Dear Ms. Llort,

As you may already know, the Florida Department of Transportation (Department) is planning track improvements to the Miami Intermodal Center (MIC) Central Station. It has been determined that there is a need for some additional right-of-way on the west side, just north of NW 25th Street and west of the South Florida Rail Corridor. This additional right-of-way is located on property owned by Miami Dade Transit (MDT) that was purchased for the MIC-EH Connector. The area of land is needed to provide for the construction of the proposed railroad tracks into the MIC. During final design it was determined that, due to the geometric constraints of the site, this sliver of land was required to construct the proposed tracks with the required design criteria. The construction of the track improvements is planned to occur in early 2012. The proposed improvements will complete the rail system for the MIC Central Station.

Pursuant to *Section 337.29, of the Florida Statutes* and the Florida Department of Transportation Right of Way Procedures for acquiring rights of way from local governmental agencies, attached you will find the following documents for your review and use as you carry this item forward through the Board of County Commissioners process for approval:

1. Legal Description and Parcel Sketch showing location and size of Parcel 100;
2. Proposed County Deed and BCC Resolution Instruments prepared by the Department;
3. The Real Estate Acquisition Process Brochure;
4. Donation of Property to Florida Department of Transportation Letter.

We look forward to working together for the fulfillment of our Public Service mission. If you have a question, or need additional information please contact me at (305) 470-5470 or via e-mail at Javier.Bustamante@dot.state.fl.us .

Sincerely,

Javier M. Bustamante
District Assistant Right of Way Manager

Cc: Froilan I. Baez. via email
Albert A. Hernandez, P.E., via email
Lillian Valdespino

575-030-12
RIGHT OF WAY
06/99

Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111 Avenue
Miami, Florida 33172-5800

ANANTH PRASAD
SECRETARY

Donation of Property to the Florida Department of Transportation

Ysela Llort
Assistant County Manager
Miami-Dade County
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2910
Miami, Florida 33128

ITEM/SEGMENT NO.: 406800-2
MANAGING DISTRICT: Six
F.A.P. NO.: N/A
STATE ROAD NO.: MIC
COUNTY: MIAMI-DADE
PARCEL NO.: 100
INTEREST CONVEYED: Fee Simple

This is to advise that the undersigned, as owner of the property or property interest referenced above and as shown on Right of Way maps for referenced project, desires to make a voluntary donation of said property or property interest to the State of Florida for the use and benefit of the Florida Department of Transportation.

The undersigned hereby acknowledges that he/she has been fully advised by a Department representative of his/her right to have the referenced property or property interest appraised, to accompany the appraiser during the appraisal inspection of the property, to receive full compensation for the above referenced property, and to receive reimbursement for reasonable fees and costs incurred, if any. Having been fully informed of the above rights, I hereby waive those rights unless otherwise noted below.

Owner's Signature

Type or Print Property Owner's Name

Street Address

City, State, Zip Code

Date