MEMORANDUM Agenda Item No. 8(M)(1)

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

DATE: February 7, 2012

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

SUBJECT: Resolution directing the Mayor to engage in negotiations with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the acquisition of Sovereignty Submerged Lands Easements needed for construction of a pedestrian/bicycle shared use riverwalk and seawall beneath the Metrorail Guideway for the Miami River Greenway Project

The accompanying resolution was prepared by the Public Works & Waste Management 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: February 7, 2012

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Requesting Mayor or Mayor's Designee to Engage in Negotiations to Procure Sovereignty Submerged Lands Easements from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to Miami-Dade County for the Construction of a Pedestrian/Bicycle Shared Use Riverwalk and Seawall Beneath the Metrorail Guideway for the Miami River Greenway Project

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RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution which directs the Mayor or Mayor's designee to engage in negotiations to procure Sovereignty Submerged Lands Easements from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees) to Miami-Dade County in connection with the construction of a pedestrian/bicycle shared use riverwalk beneath the Metrorail Guideway. The construction of such project provides a continuous linear route along the river, allows for the construction of portions of seawalls aligning the river in an effort to prevent continuing erosion, stabilizes the shoreline and provides additional scarring protection to the Metrorail support columns under the Metrorail Guideway for the Miami River Greenway Project, and provides compliance with Section 3.11 Waterfront Standards of the Miami 21 Code requirements for waterfront walkways design.

The submerged lands easements would be provided in the areas of the riverwalk that are beneath the Metrorail on the north shore of the Miami River on SW 1 Avenue (Parcel 4) and the south shore of the Miami River on SW 1 Court (Parcel 5), legally described in Parcel 4 Exhibit "A" and Parcel 5 Exhibit "A" and illustrated on the location map in Exhibit "B", attached herewith.

SCOPE

The Miami River Greenway is located within the City of Miami, in Commission District 5, intended to link parks and neighborhoods on both sides of the Miami River and to provide public access to the Miami River for all residents and visitors to Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

The Miami River Greenway Project is funded through the Building Better Communities General Obligation Bond Program (BBC-GOB Program) and the total cost of the project including design and construction is $4,584,596. The ongoing annual maintenance and operation costs, including lighting, landscaping and irrigation expenses, will be approximately $13,496.69 and $15,943.23 respectively, and will be funded through the Public Works and Waste Management Department's (PWWM) General Fund. However, there is no payment required from the County for the submerged land easements, and such easements will be brought before this Board for approval of the acceptance of same. A funding source is not required as there is no payment due to the Board of Trustees.

TRACK RECORD/MONITOR

PWWM is the entity overseeing this item and the person responsible is Raul A. Pino, PLS, Land Development/Right-of-Way Chief.

BACKGROUND

The PWWM has developed plans for the construction of a 25'-0" wide public pedestrian/bicycle shared use riverwalk, as part of the Miami River Greenway project. The proposed project includes seawall design and construction, drainage, lighting, and landscaping and will connect the new riverwalk with the existing seawall and network of on-road and off-road greenways in order to provide a continuous pedestrian and bicycle route and continuity to the Miami River Greenway Network.

County Manager/Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: February 7, 2012

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

SUBJECT: Agenda Item No. 8(M)(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. 8(M)(1)
2-7-12

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO ENGAGE IN NEGOTIATIONS WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR THE ACQUISITION OF SOVEREIGNTY SUBMERGED LANDS EASEMENTS NEEDED FOR CONSTRUCTION OF A PEDESTRIAN/BICYCLE SHARED USE RIVERWALK AND SEAWALL BENEATH THE METRORAIL GUIDEWAY FOR THE MIAMI RIVER GREENWAY PROJECT

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 Miami River Greenway Project (the "Project") is a County project intended to link parks and neighborhoods on both sides of the Miami River; and

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

WHEREAS, certain County owned properties beneath the Metrorail Guideway on the north and south shore of the Miami River are to be utilized in connection with the construction of the seawall; and

WHEREAS, the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees) requires that a Sovereignty Submerged Lands Easement be executed by both the County and the Board of Trustees before commencement of any construction; and

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WHEREAS, this Board finds and declares the acquisition of a Sovereignty Submerged Lands Easements from the Board of Trustees to be for a public purpose consistent with the use of State lands and in the best interest of Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the foregoing recitals are adopted fully set forth herin, and directs the Mayor or Mayor's designee to engage in negotiations to procure Sovereignty Submerged Lands Easements from the Board of Trustees in connection with the construction of a seawall and pedestrian/bicycle shared use riverwalk, as part of the Project, in Sections 37 and 38 of Township 54 South, Range 41 East, the boundary of said easements being legally described in Exhibit "A" and depicted in Exhibit "B, both attached hereto and made a part hereof.

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 February, 2012. 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

PARCEL 4 (SSL)
LEGAL DESCRIPTION:

EXHIBIT "A"
PARCEL 4

SEC 37
TWP 54 S
RGE 41 E

Parcel No.4: A sovereign submerged land easement in Section 37, Township 54 South, Range 41 East, Miami-Dade County, Florida lying within the property conveyed to Miami-Dade County by Special Warranty Deed dated December 18, 1979 recorded in Official Records Book 10606 at Page 1431 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 20.45 feet to the POINT OF BEGINNING being also a point on the mean high water line of the Miami River; thence meander along said Mean High Water line filed in the Bureau of Surveying and Mapping Public Repository Survey File Number 4772 through the following (7) seven courses: (1) thence run S70°28'31"W for a distance of 9.37 feet to a point; (2) thence run S28°11'17"W for a distance of 14.18 feet to a point; (3) thence run S70°22'33"W for a distance of 9.54 feet to a point; (4) thence run S78°59'00"W for a distance of 30.48 feet to a point; (5) thence run N83°14'22"W for a distance of 10.98 feet; (6) thence run S80°10'56"W for a distance of 10.08 feet to a point; (7) thence run S55°26'08"W for a distance of 4.50 feet to a point of intersection with the Westerly boundary line of said property; thence run S2°14'41"E, along the Westerly boundary line of said property and its southerly extension, for a distance of 9.58 feet to a point on the proposed edge of the concrete pile cap as required in the Minimum Engineering Requirement contract document; thence run along said proposed edge through the following (3) three courses: (1) thence run N69°21'48"E for a distance of 30.40 feet to a point; (2) thence run N88°20'23"E for a distance of 23.42 feet to a point; (3) thence run N66°19'12"E for a distance of 29.79 feet to a point of intersection with the Easterly boundary line of said property; thence run N02°14'41"W, along the Easterly boundary line of said property, for a distance of 13.86 feet to the POINT OF BEGINNING, containing 586 square-feet or 0.013 acres more or less.

By: Carlos D. Socarras
Carlos D. Socarras, PLS
Professional Land Surveyor No. 4953
State of Florida

For: Miami-Dade County Public Works Department
Right of Way Engineering Section
111 NW 1 Street, Suite 1610
Miami, Florida 33128-1970

NOTICE: Unless it bears the signature and the original raised seal of a Florida licensed Surveyor and Mapper, this sketch is for informational purposes only and is not valid.

THIS LEGAL DESCRIPTION IS ILLUSTRATED IN A "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" ON A SEPARATE ATTACHED SHEET. THE ATTACHED SKETCH IS SUBORDINATED TO THIS LEGAL DESCRIPTION AND IS PROVIDED SOLELY AS AN AID TO VISUALIZING THE PROPERTY DESCRIBED HEREIN.

MIAMI-DADE PWD

THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY PUBLIC WORKS DEPT. RIGHT OF WAY ENGINEERING SECTION	MIAMI RIVER GREENWAYS SSL EASEMENT SITE 4	SCALE: 1" = 20' DATE:06-10-11 PREPARED BY: C. Socarras CHECKED BY: C. Socarras PROJECT 2004-08761

PARCEL 5 (SSL)
LEGAL DESCRIPTION:

EXHIBIT "A"
PARCEL 5

SEC 38
TWP 54 S
RGE 41 E

Parcel No.5: A sovereign submerged land easement in Section 38, Township 54 South, Range 41 East, Miami-Dade County, Florida lying within that property vested in Miami-Dade County by Final Judgment dated June 1, 1979 recorded in Official Records Book 10411 at Page 380 of the Public Records of Miami-Dade County, Florida, and being more particularly described as follows:

COMMENCE at the Southwest corner of the said property being also a point on the North line of SW 7 Street right-of-way; thence run N02°14'41"W, along the Westerly boundary of said property and its northerly extension, for a distance of 384.46 feet to the POINT OF BEGINNING being also a point on the mean high water line of the Miami River; thence meander along said Mean High Water line filed in the Bureau of Surveying and Mapping Public Repository Survey File Number 4773 through the following (4) four courses: (1) thence run S72°46'46"E for a distance of 2.81 feet to a point; (2) thence run N80°16'27"E for a distance of 7.15 feet to a point; (3) thence run N68°34'52"E for a distance of 2.59 feet to a point; (4) thence run N40°31'30"E for a distance of 6.56 feet to a point on the proposed edge of the concrete pile cap as required in the Minimum Engineering Requirement contract document; thence run S86°43'13"W, along said proposed edge, for a distance of 16.65 feet to a point of intersection with the northerly extension of the Westerly boundary line of said property; thence run S02°14'41"E, along said northerly extension, for a distance of 5.36 feet to the POINT OF BEGINNING,

TOGETHER WITH

COMMENCE at the Southwest corner of the said property being also a point on the North line of SW 7 Street right-of-way; thence run N02°14'41"W, along the Westerly boundary of said property and its northerly extension, for a distance of 389.83 feet to a point on the proposed edge of the concrete pile cap as required in the Minimum Engineering Requirement contract document; thence run along said proposed edge through the following (2) two courses: (1) thence run N86°43'13"E for a distance of 19.33 feet to a point; (2) thence run N88°03'29"E for a distance of 21.29 feet to the POINT OF BEGINNING being also a point on the mean high water line of the Miami River; thence meander along said Mean High Water line filed in the Bureau of Surveying and Mapping Public Repository Survey File Number 4773 through the following (5) five courses: (1) thence run S73°48'20"E for a distance of 1.52 feet to a point; (2) thence run S68°41'51"E for a distance of 6.39 feet to a point; (3) thence run N84°10'07"E for a distance of 11.14 feet to a point; (4) thence run N86°36'20"E for a distance of 11.24 feet to a point; (5) thence run N70°39'21"E for a distance of 10.46 feet to a point; (6) thence run N85°56'29"E, for a distance of 1.05 feet to a point of intersection with the Westerly boundary line and its northerly extension of a property conveyed to Benzol Properties Corp., dated June 20, 2000 recorded in Official Records Book 19165 at Page 3454; thence run N00°47'21"E, along said northerly extension, for a distance of 4.03 feet to a point on the proposed edge of the concrete pile cap as required in the Minimum Engineering Requirement contract document; thence run along said proposed edge through the following (2) two courses: (1) thence run S80°16'10"W, along said proposed edge, for a distance of 38.63 feet to a point; (2) thence run S88°03'29"W for a distance of 2.62 feet the POINT OF BEGINNING,

Containing 246 square-feet or 0.006 acres more or less.

By: Carlos D. Socarras
Carlos D. Socarras, PLS
Professional Land Surveyor No. 4953
State of Florida

For: Miami-Dade County Public Works Department
Right of Way Engineering Section
111 NW 1 Street, Suite 1610
Miami, Florida 33128-1970

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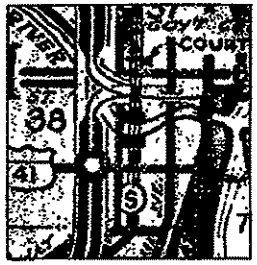
MIAMI-DADE PWD

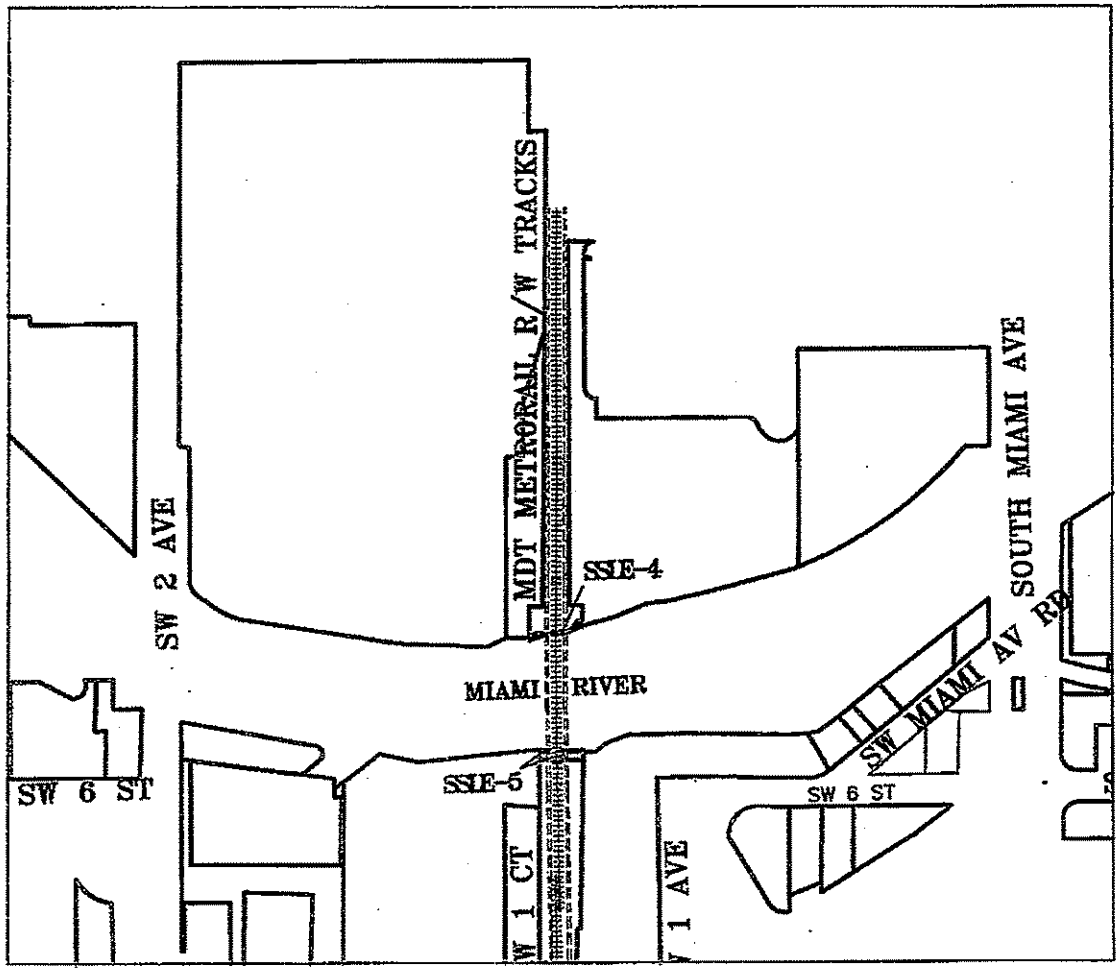
THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY PUBLIC WORKS DEPT. RIGHT OF WAY ENGINEERING SECTION	MIAMI RIVER GREENWAYS SSL EASEMENT SITE 5	SCALE: 1" = 20' DATE:06-10-11 PREPARED BY: C. Socarras CHECKED BY: C. Socarras PROJECT 2004-0676.F

SEC 37&38
TWP 54 S
RGE 41 E



LOCATION MAP
Not to Scale



Sovereign Submerged Land Easement (SSLE) to be granted

EXHIBIT "B"

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

MIAMI RIVER GREENWAYS
SSLE SITE 4 AND SSLE SITE 5

SCALE 1" = 400'
PROJECT 20070718
PREPARED BY: CDS
DATED: 06-23-11

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