



**MEMORANDUM**

Agenda Item No. 8(M)(2)

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

**DATE:** June 5, 2012

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

**SUBJECT:** Resolution requesting the Florida Department of Transportation to convey, at no cost, a property abutting the east side of South Miami Avenue between SE 7 Street and SE 8 Street, also known as parcel 100.1, to Miami-Dade County for public purposes and authorizing the Chairman of the Board of County Commissioners to accept said conveyance

The accompanying resolution was prepared by the Public Works & Waste Management Department and placed on the agenda at the request of Commissioner Bruno A. Barreiro.

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

RAC/cp

# Memorandum



**Date:** June 5, 2012

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Requesting a Conveyance of a Property Abutting the East Side of South Miami Avenue Between SE 7 Street and SE 8 Street, Also Known as Parcel 100.1, from the Florida Department of Transportation for Public Purposes and Authorizing the Chairman of the Board of County Commissioners to Accept and Execute Said Conveyance on Behalf of Miami-Dade County

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## Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution requesting a right-of-way conveyance of Parcel 100.1 from the Florida Department of Transportation (FDOT) to be used for public purposes and authorizes the Chairman of the Board of County Commissioners to accept said parcel on behalf of Miami-Dade County.

## Scope

The property to be conveyed is located in Commissioner District 5.

## Fiscal Impact/Funding Source

There is no fiscal impact to the County as all maintenance and improvement costs will be borne by the adjacent property owner as part of development conditions for the approval of a proposed development on adjoining property.

## Track Record/Monitor

PWWM is the entity overseeing this project and the person responsible for monitoring this conveyance is Mr. Raul A. Pino, Chief, Land Development/Right-of-Way Division.

## Background

South Miami Avenue is a County maintained road within the City of Miami. The subject parcel is needed to acquire the full width of the zoned right-of-way. With the additional right-of-way it will be possible to make any necessary or required improvements to such County Right-of-Way at a later date. The acceptance of this conveyance is tied to the BCC's approval of two companion items including: 1) a resolution accepting the dedication of a five foot strip of property along the westernmost portion of South Miami Avenue between SE 7 Street and SE 8 Street, and 2) a resolution approving the conveyance of a Temporary Construction Easement, a Permanent Aerial Easement, and a Permanent Underground and Maintenance Easement in connection with the Brickell CitiCentre Project. As a condition precedent to the recordation and conveyance of the above referenced easements, the conveyances of the properties set forth in such companion items must be approved by the BCC and recorded.



Alina T. Hudak  
County Manager/Deputy Mayor



# MEMORANDUM

(Revised)

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

**DATE:** June 5, 2012

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

**SUBJECT:** Agenda Item No. 8(M)(2)

**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(M)(2)  
6-5-12

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

RESOLUTION REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO CONVEY, AT NO COST, A PROPERTY ABUTTING THE EAST SIDE OF SOUTH MIAMI AVENUE BETWEEN SE 7 STREET AND SE 8 STREET, ALSO KNOWN AS PARCEL 100.1, TO MIAMI-DADE COUNTY FOR PUBLIC PURPOSES AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO ACCEPT SAID CONVEYANCE

**WHEREAS**, the Miami-Dade County Public Works and Waste Management Department (PWWM) has determined that the subject parcel is needed for the public improvements within South Miami Avenue, between SE 7 Street and SE 8 Street, a County maintained road; and

**WHEREAS**, the parcel needed, known as Parcel 100.1 is presently owned by the Florida Department of Transportation (FDOT); and

**WHEREAS**, the intended use of the subject parcel is for a public purpose and for the benefit of the public; and

**WHEREAS**, Miami-Dade County is required to request the conveyance from FDOT through a Board of County Commissioners Resolution; and

**WHEREAS**, the Board finds that the acceptance of said right-of-way deed would be in the public's best interest; and

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that 1) the foregoing recitals are incorporated as if fully set forth herein; 2) that this Board hereby requests FDOT to convey said parcel 100.1 to Miami-Dade County for public purposes at no cost; 3) the Chairman of the Board is authorized to accept said deed in substantially the form attached on behalf of Miami-Dade County and to exercise all the provisions therein and to execute same; and 4) pursuant to Resolution No. R-974-09, (a) directs the County Mayor or County Mayor's designee to record the instrument of conveyance accepted herein in the Public Records of Miami-Dade County and to provide a recorded copy of said instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instrument 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 5<sup>th</sup> day of June, 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

27-SPD.03 06/99 (Valuable consideration - reserving mineral rights)

This instrument prepared by,  
or under the direction of,  
Alicia Trujillo, Esq., \_\_\_\_\_  
District Chief Counsel  
Florida Department of Transportation  
1000 NW 111<sup>th</sup> Avenue,  
Miami, Florida 33172

Parcel No.:  
Item/Segment No.:  
Managing District:

**QUITCLAIM DEED**

THIS INDENTURE, Made this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by and between the STATE OF FLORIDA by and through the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, Party of the First Part, whose address is 1000 NW 111<sup>th</sup> Avenue, Miami, Florida 33172, to \_\_\_\_\_, Party of the second part, whose Post Office address is \_\_\_\_\_

**WITNESSETH**

WHEREAS, said land hereinafter described was heretofore acquired for state highway purposes; and

WHEREAS, said land is no longer required for such purposes, and the Party of the First Part, by action of the District Secretary, District Six, Florida Department of Transportation on \_\_\_\_\_ Pursuant to the provisions of Section 337.25 Florida Statutes, has agreed to quitclaim the land hereinafter described to the Party of the Second Part.

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That the Party of the First Part for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, does hereby remise, release and quitclaim unto the Party of the Second Part, and assigns, forever, all the right, title and interest in all that certain land situate in \_\_\_\_\_ County, Florida, viz:

(See Exhibit "□" attached hereto and made a part hereof)

TO HAVE AND TO HOLD, the said premises and the appurtenances thereof unto the Party of the Second Part.

RESERVING UNTO THE PARTY OF THE FIRST PART and its successors, an undivided three-fourths interest in, and title in and to, an undivided three-fourths interest in all the phosphate, minerals and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same on all lands wherein the Party of the First Part holds the requisite interest.

Parcel No.:  
Item/Segment No.:  
Managing District:

THIS CONVEYANCE IS made subject to access control requirements, any unpaid taxes, assessments, liens, reservations, or easements of any kind which may be in place, or encumbrances of any nature whatsoever which the Grantee hereunder and herein assumes.

IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida Department of Transportation by its District Secretary, District Six and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Gus Pego, P.E.  
District Six Secretary

Witness: \_\_\_\_\_

Print Name: \_\_\_\_\_

Attest: \_\_\_\_\_  
Margaret Higgins  
Executive Secretary

Witness: \_\_\_\_\_

Print Name: \_\_\_\_\_

(Affix Department Seal)

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this \_\_\_\_\_, by \_\_\_\_\_, by \_\_\_\_\_ District Secretary for District Six, who is personally known to me, or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public in and for the County and State last aforesaid.

(Affix Notary Seal) My Commission Expires: \_\_\_\_\_

# EXHIBIT "A"

**Legal Description:**

Parcel 100.1(part)

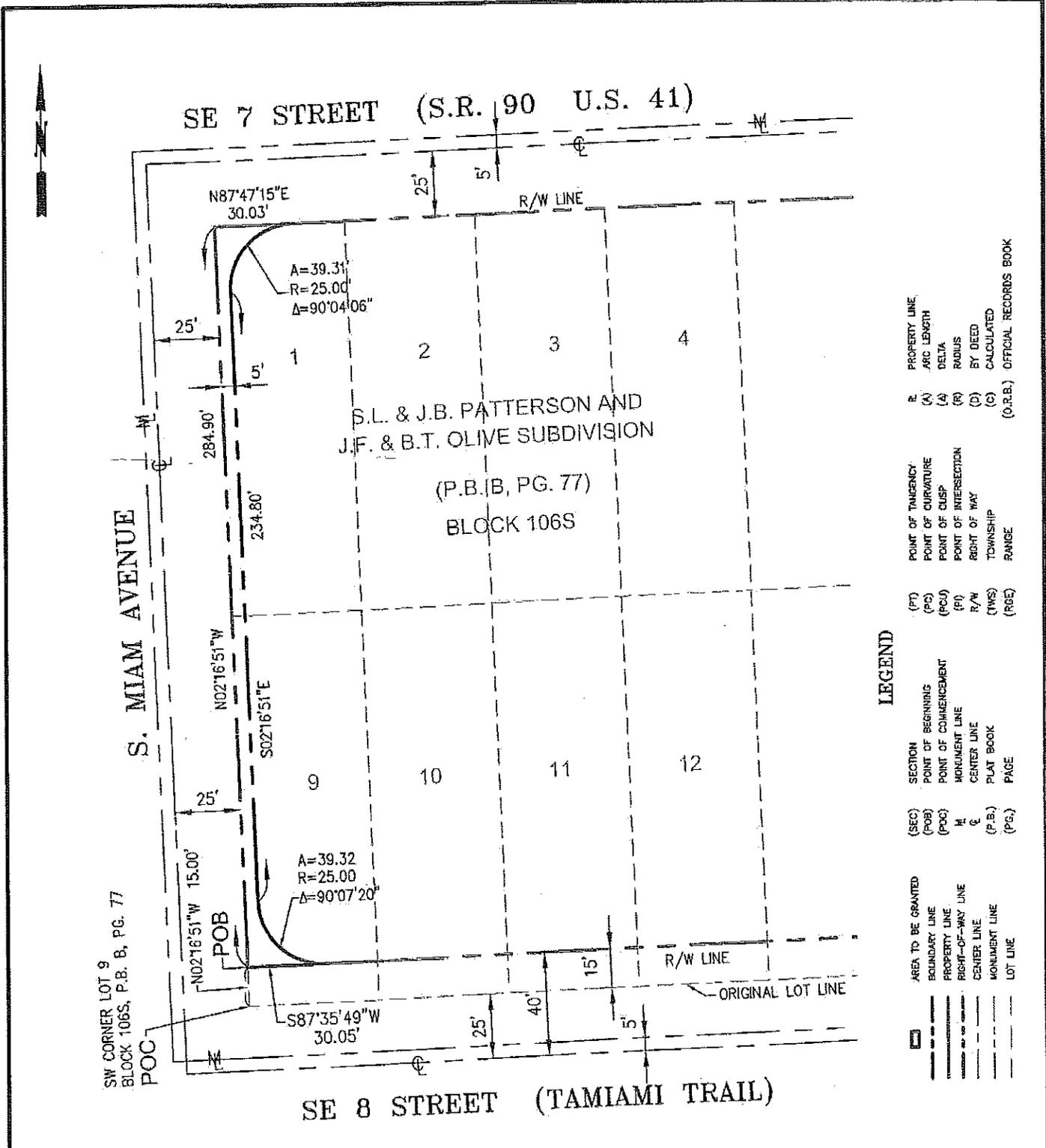
That portion lots 1 and 9, Block 106S of the S.L. & J.B. PATTERSON AND J.F. & B.T. OLIVE SUBDIVISION, as recorded in Plat Book B at Page 77 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Commencing at the S.W. corner of said Lot 9 run N 02°16'51" W, along the Westerly boundary of Lot 9, a distance of 15.00 feet to the POINT OF BEGINNING; thence continue N 02°16'51" W, along the Westerly Boundaries of said Lots 9 and 1, for a distance of 284.90 feet to the point of intersection with the Northerly boundary of said Lot 1; thence run N 87°47'15" E along said Northerly boundary of said Lot 1 for a distance of 30.03 feet to a point of cusp and curvature of a circular curve concave to the Southeast, having a radius of 25.00 feet, and a tangent bearing of S 87°47'15" W; thence, reversing direction, run Westerly, South Westerly and Southerly along said curve to the left through a central angle of 90°04'06" for an arc length of 39.31 feet to a point of tangency on a line that is 5.00 feet Easterly and parallel with the Westerly boundaries of said Lots 1 and 9; thence run S 02°16'51" E along said line that is 5.00 feet Easterly and parallel to said Westerly boundaries of Lots 1 and 9, for a distance of 234.80 feet to the point of curvature of a circular curve concave to the Northeast, having a radius of 25.00 feet; thence Southerly, Southeasterly and Easterly, along the arc of said circular curve to the left, through a central angle of 90°07'20" for an arc distance of 39.32 feet to the point of tangency at a point 15.00 feet North of the South line of Lot 9; thence run S 87°35'49" W along said line parallel with and 15 feet Northerly of said Southerly boundary of Lot 9 for a distance of 30.05 to the POINT OF BEGINNING



THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY PUBLIC WORKS AND WASTE MANAGEMENT DEPT. LAND DEVELOPMENT/RIGHT-OF-WAY DIVISION ENGINEERING SECTION	SOUTH MIAMI AVENUE/ S.R. 90 (S.E. 7 ST.)/ S.E. 8 ST. (TAMIAMI TRAIL) PARCEL No. 100.1(Pa)	SCALE: 1" = 50' DRAWN BY: L. Espinosa CHECKED BY: J. Tirado PROJECT:	DATE: 04-26-12 SHEET: 1 of 2	Florida Department of Transportation, District VI Item/Segment No.: 4132301 Sect./Job No.: 871202513 F.P. No.: 4132301 SR No.: 80 County: Miami-Dade Parcel No.: 100.1	Sheet ___ of ___
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**LEGEND**

(PT)	POINT OF TANGENCY	(R)	PROPERTY LINE
(PC)	POINT OF CURVATURE	(A)	ARC LENGTH
(PI)	POINT OF INTERSECTION	(Δ)	DELTA
(R/W)	RIGHT-OF-WAY	(R)	RADIUS
(TWS)	TOWNSHIP	(C)	BY DEED
(PGE)	PAGE	(CAL)	CALCULATED
		(O.R.B.)	OFFICIAL RECORDS BOOK

(SEC)	SECTION	(A)	AREA TO BE GRANTED
(POB)	POINT OF BEGINNING	(BL)	BOUNDARY LINE
(POC)	POINT OF COMMENCEMENT	(R/W)	RIGHT-OF-WAY LINE
(M)	MONUMENT LINE	(CL)	CENTER LINE
(P.B.)	PLAT BOOK	(ML)	MONUMENT LINE
(PG.)	PAGE	(L)	LOT LINE

REFERENCES: WARRANTY DEED RECORDED IN O.R.B. 23265, PAGE 4304  
 ORDER OF TAKING O.R.B. 12159, PAGE 482

THIS SKETCH IS A GRAPHIC REPRESENTATION OF THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED AND WITHOUT WHICH THIS SKETCH IS TO BE CONSIDERED VOID AND INCOMPLETE.



THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY PUBLIC WORKS AND WASTE MANAGEMENT DEPT. LAND DEVELOPMENT/RIGHT-OF-WAY DIVISION ENGINEERING SECTION	SOUTH MIAMI AVENUE/ S.R. 90 (S.E. 7 ST.)/ S.E. 8 ST. (TAMIAMI TRAIL)	SCALE: 1" = 50'    DATE: 04-26-12 DRAWN BY: L. Espinosa CHECKED BY: J. Tirado	Florida Department of Transportation, District VI Item/Segment No.: 4132301 Sect./Job No.: 071202513 F.P. No.: 4132301 SR No.: 00 County: Miami-Dade Parcel No.: 100.1
	PARCEL No. 100.1(Pa	PROJECT:	SHEET: 2 of 2