

# MEMORANDUM

Agenda Item No. 8(L) (2)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** June 4, 2013

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

**SUBJECT:** Resolution authorizing the acceptance of a traffic signal easement from KIMCO of Millerode, Inc. in exchange for the release of a traffic signal easement no longer needed by Miami-Dade County

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The accompanying resolution was prepared by the Public Works and Waste Management Department and placed on the agenda at the request of Prime Sponsor Sen. Javier D. Souto.



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R. A. Cuevas, Jr.  
County Attorney

RAC/lmp

# Memorandum



**Date:** June 4, 2013

**To:** Honorable Chairwoman Rebeca Sosa and  
Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

**Subject:** Resolution authorizing the acceptance of a traffic signal easement in exchange for the release of the traffic signal easement recorded in Official Records Book 18491, Pages 4682 through 4686; of the Public Records of Miami-Dade County, Florida

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## **Recommendation**

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing the acceptance of a traffic signal easement from the landowner for existing signalization facilities in exchange for the release, by Miami-Dade County (County), of an existing traffic signal easement which is no longer needed.

## **Scope**

The signal is located within Commissioner Javier Souto's District 10.

## **Fiscal Impact/Funding Source**

This item has no fiscal impact to the County.

## **Track Record/Monitor**

The Public Works and Waste Management Department (PWWM) is the entity overseeing this project and the person responsible for monitoring it is Mr. Leandro Ona, P.E., Chief, Highway & Right-of-Way Division.

## **Background**

On June 16, 1998 Kimco of Millerode, Inc. (Kimco), the owner of a property located at 9420 SW 56 Street, granted a Traffic Signal Easement to the County, recorded in Official Records Book 18491, Pages 4682 through 4686, of the Public Records of Miami-Dade County. The purpose of this easement was for the installation of signalization facilities to be used for controlling ingress and egress to two (2) shopping centers located at 9420 and 9375 SW 56 Street. In early January 2012 it was brought to the attention of PWWM by Kimco, that the signalization facilities were not properly located within the easement area. By mid September 2012 the petitioner (Kimco) provided the County with the necessary documents to correct this error. As such, the existing Traffic Signal Easement is to be replaced by a new Traffic Signal Easement at the actual location of the installed signalization facilities.

A handwritten signature in black ink, appearing to read "Alina T. Hudak", written over a horizontal line.

Alina T. Hudak  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** June 4, 2013

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

**SUBJECT:** Agenda Item No. 8(L)(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 Mayor'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(L)(2)  
6-4-13

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

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A TRAFFIC SIGNAL EASEMENT FROM KIMCO OF MILLERODE, INC. IN EXCHANGE FOR THE RELEASE OF A TRAFFIC SIGNAL EASEMENT NO LONGER NEEDED BY MIAMI-DADE COUNTY AT MILLER ROAD SHOPPING CENTER LOCATED AT 9420 SW 56 STREET, MIAMI-DADE COUNTY, AND AUTHORIZING THE EXECUTION OF SAME BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE

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

**WHEREAS**, this easement for the purpose of traffic signalization as legally described in "Exhibit A" and shown on the location map attached hereto as Exhibit "B" is needed; and

**WHEREAS**, that certain easement recorded in Official Records Book 18491, pages 4682 through 4686, of the Public Records of Miami-Dade County, Florida is no longer needed,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves :

Section 1. The conveyance of the easement shown in Exhibit "A" is hereby approved and accepted.

Section 2. The release of the unneeded easement recorded in Official Records Book 18491, pages 4682 through 4686 of the Public Records of Miami-Dade County is hereby approved.

Section 3. The Board authorizes the County Mayor or the County Mayor's designee to execute the acceptance of said easement and to execute the release of easement to the land owner

with both instruments of conveyance in substantially the form attached hereto and made a part hereof.

Section 4. The Board, pursuant to Resolution R-974-09, directs the County Mayor or the County Mayor's designee to record the instruments of conveyance in the Public Records of Miami-Dade County, Florida and to provide a recorded copy of the instruments to the Clerk of the Board within thirty (30) days of execution of said instruments; 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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of June, 2013. 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 "A"**

**EASEMENT TO BE ACCEPTED BY MIAMI-DADE COUNTY**



And the said party of the first part will defend the title to said land against the lawful claims of all persons whomsoever, claiming by, through or under it.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name, and its Corporate Seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, Sealed, Attested and delivered in our presence:  
(2 witnesses for each signature or for all).

Beth Oster  
Witness

Beth Oster  
Printed Name

Jaime Grubard  
Witness

Jaime Grubard  
Printed Name

Wendy Del Piano  
Witness

Wendy Del Piano  
Printed Name

Beverly Sberlati  
Witness

Beverly Sberlati  
Printed Name

Kimco of Millerode, Inc.  
Corporate Name - Printed

[Signature]  
By: Vice President

Scott Gerber  
Printed Name

Address if different

[Signature]  
By: asst Secretary

Susan L. Mason  
Printed Name

Address if different

CORP SEAL

STATE OF New York )  
COUNTY OF Nassau )

I HEREBY CERTIFY, that on this 5th day of September, A.D. 20\_\_\_\_, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Scott Berber and Susan L. Masone, personally known to me, or proven, by producing the following identification: \_\_\_\_\_ to be the Vice President and Asst. Secretary of \_\_\_\_\_ Rmco of Millerode, Inc., a corporation under the laws of the State of \_\_\_\_\_, and in whose name the foregoing instrument is executed and that said officer(s) severally acknowledged before me that he / she / (they) executed said instrument acting under the authority duly vested by said corporation and its Corporate Seal is affixed thereto.

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

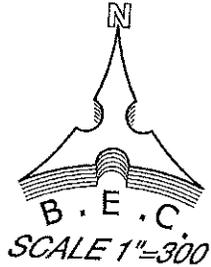
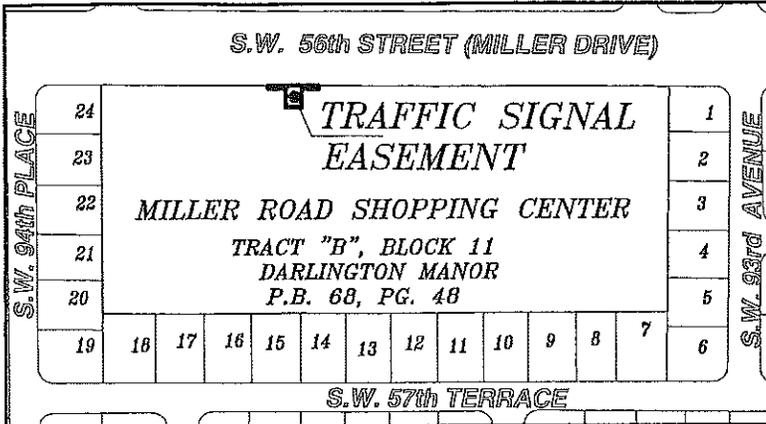
Merrri Chechanover  
Notary Signature

\_\_\_\_\_  
Printed Notary Name

NOTARY SEAL/STAMP      Notary Public, State of \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Commission/Serial No. \_\_\_\_\_

MERRI CHECHANOVER  
Notary Public, State of New York  
No. 01CH5053982  
Qualified in Queens County  
Commission Expires Jan. 2, 2014

**SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION  
TRAFFIC SIGNAL EASEMENT**



**LOCATION SKETCH**

SCALE 1"=300'  
MIAMI-DADE COUNTY, FL.

SURVEYOR'S NOTES:

- This site lies in Section 28, Township 54 South, Range 40 East, Miami-Dade County, Florida.
- Bearings shown hereon are based on record plat and are referenced to the north line of the N.W. 1/4 of Sec. 28-54-40, having a Bearing of S89°12'00"E.
- The location of the hereon described easement is based on existing traffic light poles located in Boundary / Topographic Survey (Miller Road Shopping Center) prepared by B.E.C., Drawing DC-4874, Order no. 03-79722, field book 2712, page 58, bearing a last revision date of 01-14-2011.
- Document is not complete without all 2 pages.

**THIS IS NOT BOUNDARY SURVEY**

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SYMBOLS AND ABBREVIATIONS:

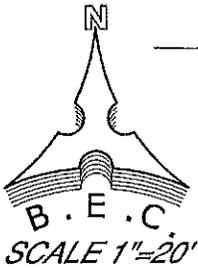
- F.B. = FIELD BOOK
- PG. = PAGE
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- P.B. - PLAT BOOK
- PG. - PAGE
- SEC. - SECTION
- TWP - TOWNSHIP

BISCAYNE ENGINEERING COMPANY, INC.  
529 WEST FLAGLER STREET, MIAMI, FL. 33130  
(305) 324-7671  
STATE OF FLORIDA DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION  
LB-0000129

ANDREW D. CONNER, PSM, FOR THE FIRM, VICE PRESIDENT  
PROFESSIONAL SURVEYOR AND MAPPER NO. 5995  
STATE OF FLORIDA

<b>Drawing No. 2125-SS-08</b>		REF: DC-4874-2, 03-80907
F:\SURVEY\PROJECTS\80000's\80907 BOHLER ENGINEERING\dwg\80907.dwg 3/15/2012 11:48:39 AM EDT		
<b>PROJECT: TRAFFIC SIGNAL EASEMENT</b>		
SURVEY DATE: <b>N/A</b>	CLIENT NAME: <b>BOHLER ENGINEERING</b>	DRAWN BY <b>W.H.</b>
REVISION DATE: <b>03-15-12</b>	BEC ORDER # <b>03-80907</b>	SHEET <b>1 OF 2</b>
<b>BISCAYNE ENGINEERING COMPANY, INC.</b> 529 WEST FLAGLER ST, MIAMI FL 33130		<b>TEL (305) 324-7671, FAX (305) 324-1700</b> <b>WWW.BISCAYNEENGINEERING.COM</b>

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION TRAFFIC SIGNAL EASEMENT



NORTH LINE N.W. 1/4, SEC. 28-54-40

S89°12'00"E  
BEARING BASIS

S.W. 56th STREET (MILLER DRIVE)

S.W. 94th PLACE

P.O.C.  
NW CORNER  
TRACT "B"

105'(P)

WEST LINE OF  
TRACT "B"

S89°12'00"E  
269.77'

P.O.B.

82.00'

SOUTH R/W LINE OF S.W. 56th STREET  
NORTH LINE OF TRACT "B"

S89°12'00"E

N89°12'00"W  
29.00'

TRAFFIC  
SIGNAL  
EASEMENT

S89°12'00"E  
27.00'

TRACT "B"  
BLOCK 11  
DARLINGTON MANOR  
P.B. 68-PG. 48

N00°48'00"E  
30.00'

S00°48'00"W  
30.00'

TRACT "B"  
BLOCK 11  
DARLINGTON MANOR  
P.B. 68-PG. 48

50'  
S00°48'00"W  
5.00'

SYMBOLS AND ABBREVIATIONS:

- F.B. = FIELD BOOK
- PG. = PAGE
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- P.B. - PLAT BOOK
- PG. - PAGE
- SEC. - SECTION
- TWP - TOWNSHIP

A portion of Tract "B", Block 11, DARLINGTON MANOR, according to the Plat thereof, as recorded in Plat Book 68 at page 48, of the Public Records of Miami-Dade County, Florida; and being more particularly described as follows:

COMMENCING at the northwest corner of said TRACT "B"; thence South 89°12'00" East, along the North line of said TRACT "B" being the South line of Miller Drive, 269.77 feet to the POINT OF BEGINNING; thence continue South 89°12'00" East for 82.00 feet; thence South 00°48'00" West for 5.00 feet; thence North 89°12'00" West for 27.00 feet; thence South 00°48'00" West for 30.00 feet; thence North 89°12'00" West for 26.00 feet; thence North 00°48'00" East for 30.00 feet; thence North 89°12'00" West for 29.00 feet; thence North 00°48'00" East for 5.00 feet to the POINT OF BEGINNING.

- Document is not complete without all 2 pages.

**Drawing No. 2125-SS-08**

REF: DC-4874-2, 03-80907

F:\SURVEY\PROJECTS\80000's\80907 BOHLER ENGINEERING\dwg\80907.dwg 3/15/2012 11:48:39 AM EDT

**PROJECT: TRAFFIC SIGNAL EASEMENT**

SURVEY DATE:	N/A	CLIENT NAME:	BOHLER ENGINEERING	DRAWN BY	W.H.
REVISION DATE:	03-15-12	BEC ORDER #	03-80907	SHEET	2 OF 2



BISCAYNE ENGINEERING COMPANY, INC.  
529 WEST FLAGLER ST, MIAMI FL 33130

TEL (305) 324-7671, FAX (305) 324-1700  
WWW.BISCAYNEENGINEERING.COM

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**EASEMENT TO BE RELEASED**

**Return to:**

Right of Way Division  
Miami-Dade County Public Works & Waste Management Dept.  
111 N.W. 1st Street  
Miami, FL 33128-1970

**Instrument prepared by:**

Miami-Dade County, Public Works & Waste Management Dept.,  
Right-of-Way Division

**User:** Public Works & Waste Management

**Folio No.** 30-4028-006-2640

RELEASE OF SIGNAL EASEMENT

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

MIAMI-DADE COUNTY hereby releases of record and disclaims any rights and interest it may have in the attached easement granted by the grant of Traffic Signal Easement dated June 11, 1998 and recorded in Official Record Book 18491, pages 4682 thru 4686 of the Public Records of Miami-Dade County, Florida, a copy of which is attached hereto and made a part hereof.

Notwithstanding, Miami-Dade County, by this Release of Easement retains and specifically does not release or disclaim any interest or right which it may have in the real property encumbered by the Grant of Easement referred to above, exclusive to those interests released herein.

Miami-Dade County, by its County Mayor, has caused this Release of Easement Rights to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA

BY: \_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
Carlos Gimenez, County Mayor

Approved by Assistant County Attorney  
As to form and legal sufficiency:

This Release of Easement is  
authorized by Resolution number  
R-\_\_\_\_-\_\_\_\_



And the said party of the first part will defend the title to said land against the lawful claims of all persons whomsoever, claiming by, through or under it.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name, and its Corporate Seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, Sealed, Attested  
and Delivered in our presence  
(2 witnesses for each signature  
or for all)

KIMCO OF MILLERODE, INC.  
a Florida corporation

Michael V. Pappagallo (SEAL)  
By: VICE President

Michael V. Pappagallo  
Printed Name

Address (if different)

Susan L. Mason (SEAL)  
Attest: ~~1000~~ Secretary

SUSAN L. MASON  
Printed Name

CORP SEAL

Michele Ammenwerth  
Witness  
Michele Ammenwerth  
Witness Printed Name

Sondra S. Mickle  
Witness  
Sondra S. Mickle  
Witness Printed Name

Sondra S. Mickle  
Witness  
Sondra S. Mickle  
Witness Printed Name

Wendy Gerzog  
Witness  
Wendy Gerzog  
Witness Printed Name

STATE OF NEW YORK )  
 )  
COUNTY OF NASSAU )

I HEREBY CERTIFY, that on this 16<sup>th</sup> day of June, A.D. 1997, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Michael V. Pappageorgis, personally known to me, or proven, by producing the following identification: and Susan L. Moore to be the VIC President and Secretary of Kimco of Millerode, Inc., formerly known as Kimco Development of Millerode, Inc. a Florida corporation, under the laws of the State of Florida, and in whose name the foregoing instrument is executed and that said officer(s) severally acknowledged before me that he executed said instrument acting under the authority duly vested by said corporation and its Corporate Seal is affixed thereto.

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

Linda Protitch  
Notary Signature

LINDA PROTITCH  
Printed Notary Signature



NOTARY SEAL/STAMP

Notary Public, State of NEW YORK LINDA PROTITCH  
Notary Public, State of New York  
No. 30-4678021  
My commission expires: Qualified in Nassau County  
Commission Expires May 31, 1998  
Commission/Serial No. \_\_\_\_\_

The foregoing was accepted and approved on the 15<sup>th</sup> day of December, A.D. 1997, by Resolution No. R-1450-98 of the Board of County Commissioners of Miami-Dade County, Florida.

Joe R. [Signature]  
Special Assistant to the  
County Manager

ATTEST: HARVEY RUVIN  
Clerk of said Board

By: [Signature]  
Deputy Clerk



EXHIBIT "A"  
(1 of 2)

A parcel of land lying in TRACK B, Block 11, DARLINGTON MANOR, according to the plat thereof, as recorded in Plat Book 68, Page 48, of the Public Records of Miami-Dade County, Florida, and being more particularly described as follows:

COMMENCING a the Northwest corner of said TRACT B;

THENCE South 89° 12' 00" East, along the North line of said TRACT B being the South line of Miller Drive, 158.80 feet to the POINT OF BEGINNING;

THENCE Continue South 89° 12' 00" East, 82.00 feet;

THENCE South 00° 48' 00" West, 5.00 feet;

THENCE North 89° 12' 00" West, 27.00 feet;

THENCE South 00° 48' 00" West, 30.00 feet;

THENCE North 89° 12' 00" West, 26.00 feet;

THENCE North 00° 48' 00" East, 30.00 feet;

THENCE North 89° 12' 00" West, 29.00 feet;

THENCE North 00° 48' 00" East, 5.00 feet to the POINT OF BEGINNING.

Approved as to description  
Date August 6, 1998  
William J. Vallidum

OFF REC 18491 PG 4686

EXHIBIT A

(2 of 2)

NOT A SURVEY

SW 94 CT

EAST LINE OF THE WEST 50 FEET

TRACT B  
MILLER HEIGHTS SECTION FOUR  
PLAT BOOK 65, PAGE 62

SCALE: 1"=40'

889°12'00"E 10.00'  
N00°49'00"E 8.00'

SOUTH LINE TRACT B

NORTH LINE MILLER DRIVE

SECTION LINE

SOUTH LINE MILLER DRIVE

P. O. B.

NORTHWEST CORNER

P. O. C.

NORTH LINE TRACT B

TRACT B  
BLOCK 11  
DARLINGTON MANOR  
PLAT BOOK 68, PAGE 48

WEST LINE TRACT B

RECORDED IN OFFICIAL RECORDS BOOK  
OF DALLAS COUNTY, FLORIDA  
RECORD VERIFIED  
HARVEY RUVIN  
CLERK

NOTE

BEARINGS SHOWN HEREON A BASE ON THE NORTH LINE OF TRACT B, BLOCK 11, DARLINGTON MANOR, BEING 889°12'00"E.

LEGEND

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
-  = TRAFFIC SIGNAL EASEMENT

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MILLER ROAD SHOPPING CENTER  
 9420 SW 56 STREET  
 FOLIO NO. 30-4028-006-2640  
 SECTION 54-40-28

**EXHIBIT "B"**  
 THIS IS NOT A SURVEY

Municipality: UNINCORPORATED MIAMI-DADE COUNTY  
 Commission District 10, Sen. Javier D. Souto



MIAMI-DADE COUNTY  
 Public Works & Waste Management Department  
 Right-of-Way Division  
 111 NW 1st Street, Suite 1610, Miami, Florida 33128  
 (305) 375-2344 FAX (305) 375-2225

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NOT TO SCALE  
 Date: Sept. 27, 2012  
 Prepared by: RB