

MEMORANDUM

Agenda Item No. 8(M)(2)

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

DATE: November 5, 2013

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

SUBJECT: Resolution authorizing the
release of unneeded canal
reservation lying within the
southwest ¼ of Section 21,
Township 52 South and Range
40 East in Miami-Dade County

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: November 5, 2013

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Release of Unneeded Canal Reservation in the City of Hialeah, Miami-Dade County (WC-885)

Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution authorizing the execution of a Miami-Dade County Disclaimer for the release of unneeded canal reservation in the City of Hialeah in Section 21, Township 52 South and Range 40 East, Miami-Dade County.

Scope

The site is in Commission District 12 (Commissioner Diaz) along the east side of NW 97 Avenue just north of NW 138 Street in the City of Hialeah. A location map is attached.

Fiscal Impact/Funding Source

The item has no fiscal impact for the County and does not require the expenditure of County funds.

Track Record / Monitor

The Water Control Section Manager, Maria D. Molina, P.E., within the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, will be responsible for tasks related to this transaction.

Background

In 1959, the Central and Southern Florida Flood Control District, later known as the South Florida Water Management District, gave to the County a canal reservation in northwestern Miami-Dade County. Under the Florida Flood Control District Deed No. 21, the rights in reservation were to be utilized for canal and levee purposes in connection with the Miami-Dade County Water Control Master Plan over the west 130 feet of Section 21, Township 52 South and Range 40 East. A location map is attached.

The property encumbered by the above-stated canal reservation is owned by Bellagio Lennar, LLC, a Florida limited liability company. This company plans to develop the property and has requested the release of the canal reservation along NW 97 Avenue. There is no existing canal along NW 97 Avenue and the Miami-Dade Water Control Master Plan shows no proposed canal at that location. The Miami-Dade County Public Works and Waste Management Department has confirmed that no canals are planned in this area. In consideration of this, the canal reservation, with total area of 3.94 acres, is no longer needed for the canal and water management purposes.

It is therefore recommended that the Board approve the attached resolution authorizing the execution of the County Disclaimer for the release of the unneeded canal reservation in the City of Hialeah in Section 21, Township 52 South, and Range 40 East in Miami-Dade County.

Jack Osterholt, Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: November 5, 2013

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 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(M)(2)

11-5-13

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE RELEASE OF
UNNEEDED CANAL RESERVATION LYING WITHIN
THE SOUTHWEST ¼ OF SECTION 21, TOWNSHIP 52
SOUTH AND RANGE 40 EAST IN MIAMI-DADE
COUNTY

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

WHEREAS, Bellagio Lennar, LLC is the owner of the property in Section 21, Township 52 South and Range 40 East which is encumbered by those rights in reservation given to Miami-Dade County in 1959 by the Central and Southern Florida Flood Control District, later known as the South Florida Water Management District, to be used for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan; and

WHEREAS, Bellagio Lennar, LLC plans to develop the property and has requested the release of the 130 foot wide canal reservation along the west line of Section 21, Township 52 South and Range 40 East, with a total area of 3.94 acres; and

WHEREAS, there is no existing canal along NW 97 Avenue in the vicinity of NW 138 Street and the Miami-Dade County Water Control Master Plan shows no proposed canal at that location; and

WHEREAS, in consideration of this and on behalf of Miami-Dade County, the Department of Regulatory and Economic Resources has determined that the requested canal reservation is no longer needed by the County for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the Mayor or the Mayor's designee to allow the release of unneeded canal reservation from Miami-Dade County in Section 21, Township 52 South and Range 40 East as indicated in the Mayor's memorandum, a copy of which is attached hereto and incorporated herein by reference; authorizes the Mayor to execute the disclaimer for release of the rights of reservation from Miami-Dade County through the instrument of conveyance in substantially the form attached hereto and made a part hereof. Pursuant to Resolution No. R-974-09, the Board directs the 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:

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 5th day of November, 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.



Abbie Schwaderer-Raurell

ATTACHMENT A

W.C. 885

1

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

That part of the west 130 feet of Section 21, Township 52 South, Range 40 East, which lies within Tracts 43, 44, 45 and 46 of Florida Fruit Lands Company's subdivision, according to the plat thereof recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida.

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 21 dated August 6, 1959 recorded in Official Records Book 1587 at Page 274 of the Public Records of MIAMI-DADE COUNTY, FLORIDA, conveyed, assigned, set over and granted to Miami-Dade County for canal and levee purposes only, the above described lands; and

WHEREAS, the aforesaid rights in reservations upon the said above described lands are not now needed by MIAMI-DADE COUNTY for canal purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the aforementioned lands by virtue of the said Rights in Reservations Deed No. 21 dated August 6, 1959, recorded in Official Records Book 1587 at Page 274 of the Public Records of Miami-Dade County, Florida.

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

IN WITNESS WHEREOF MIAMI-DADE COUNTY FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this the _____ day of _____ 20_____.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR

HARVEY RUVIN
CLERK OF SAID BOARD

By: _____
Deputy Clerk

By: _____
Carlos A. Gimenez, Mayor

Print: _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

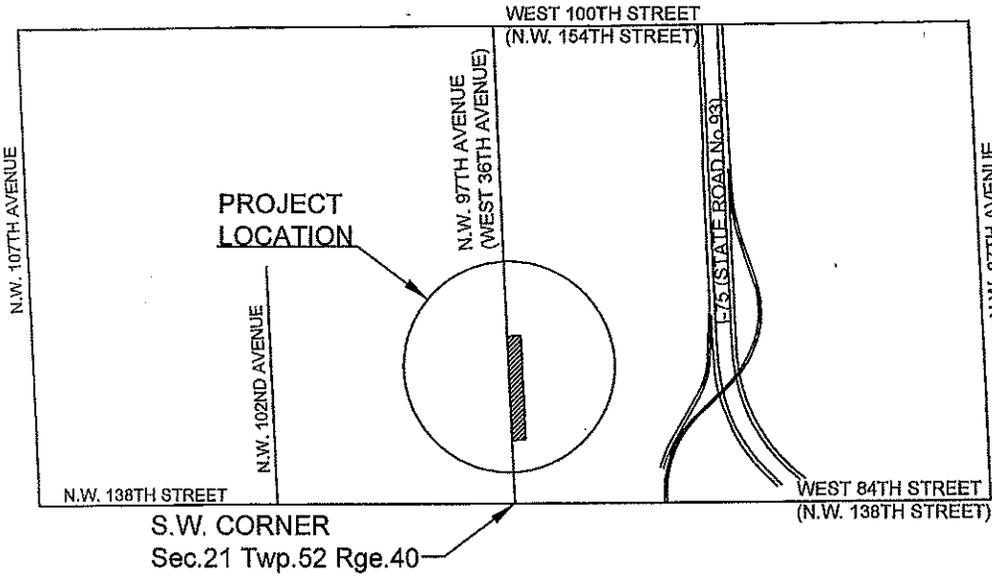
Print _____
STATE OF FLORIDA at large
(Seal)

My commission expires: _____

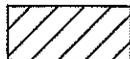
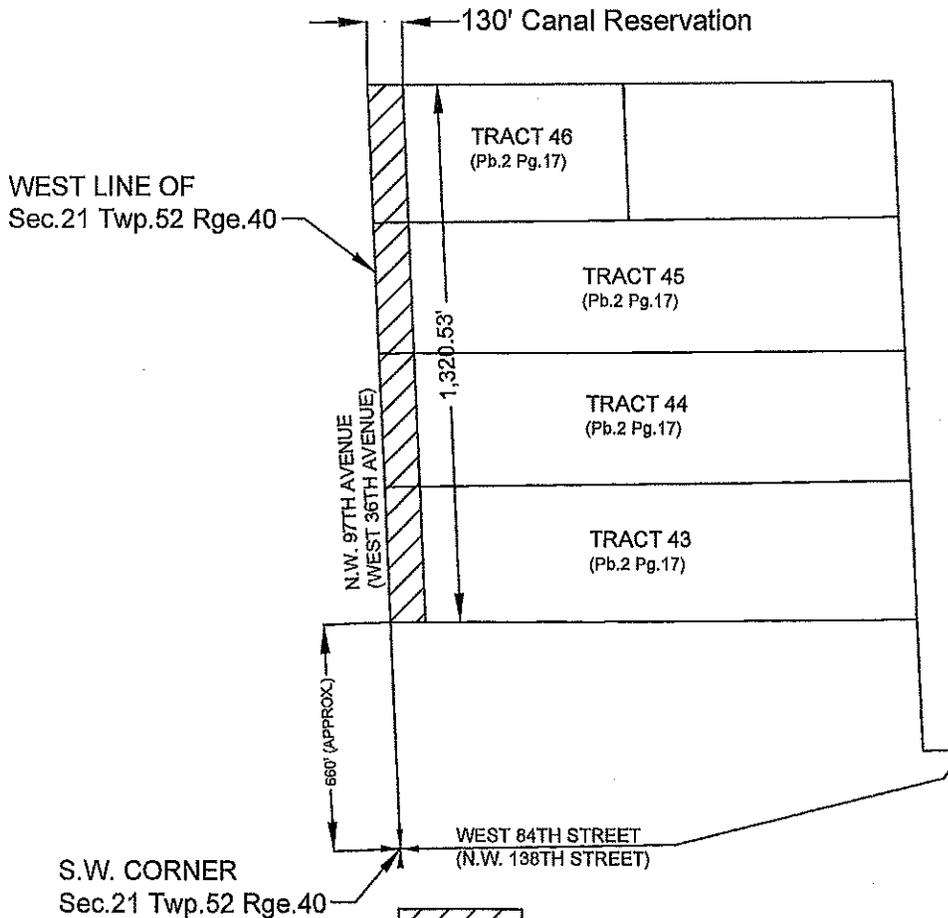
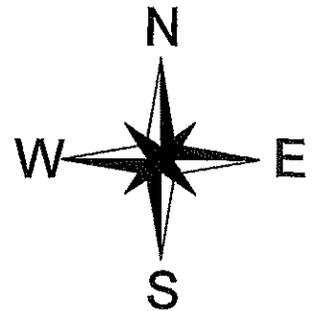
This instrument was prepared by:
Carlos A. Calvache of Miami-Dade County
Department of Regulatory and Economic Resources
701 N.W. 1st Court, 6th Floor
Miami, Florida 33136

EXHIBIT 1

LOCATION MAP



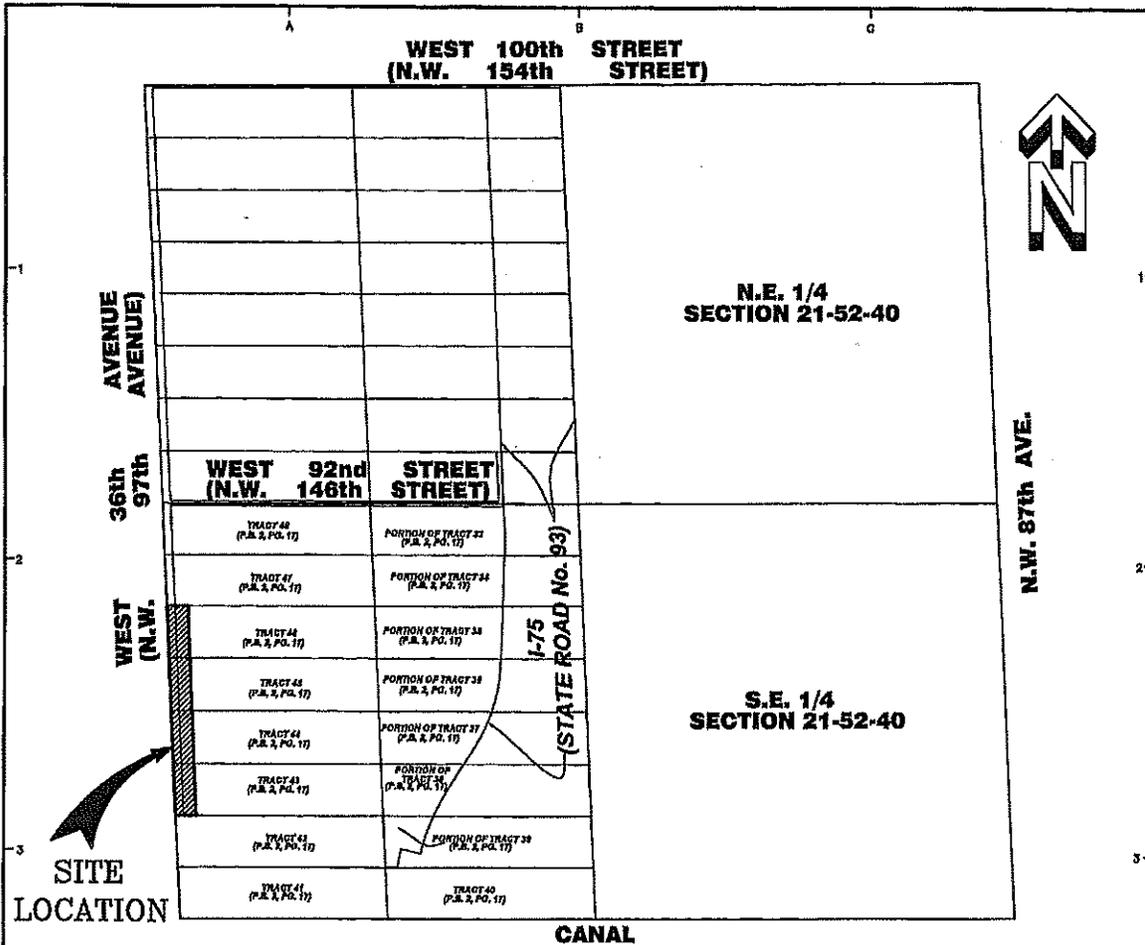
WC. 885
SEC. 21
TWP. 52
RGE. 40



CANAL RESERVATION TO BE DISCLAIMED

(NOT TO SCALE)

EXHIBIT 2



LOCATION MAP
SECTION 21, TOWNSHIP 52 SOUTH, RANGE 40 EAST
CITY OF HIALEAH, MIAMI-DADE COUNTY, FLORIDA.
(NOT TO SCALE)

SURVEYOR'S NOTES:

- 1) -This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
- 2) -Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- 3) -There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of ABSTRACT OF TITLE will be made to determine recorded instruments, if any affecting this property.
- 4) -North Arrow direction and Bearings shown hereon are based on Township 52 South, assumed value of N02°37'55"W along the West Line of Southwest 1/4 of Section 21, Township 52 South, Range 40 East, as shown hereon.
- 5) -The Sketch and Legal Description shown herein is based on the Information provided by the Client.
- 6) -No title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right of Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilized for.

SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon. I further certify that this sketch was prepared in accordance with the applicable provisions of Chapter 5J-17, Florida Administrative Code.

Ford, Armenteros & Manucy, Inc. L.B. 6557
Date: AUGUST 28, 2013

Ricardo Rodriguez, P.S.M.
Professional Surveyor and Mapper
State of Florida, Registration No.5936

G:\FORD COMPANIES\ENGINEERING AND SURVEYING\SURVEY\SKETCH AND LEGAL\12-091-1000 BELLAGIO SKETCH AND LEGAL\12-091-051-1000-0002.DWG

BELLAGIO - 130' CANAL RESERVATION RELEASE



FORD, ARMENTEROS & MANUCY, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
DORAL, FLORIDA 33172
PH. (305) 477-8472
FAX (305) 470-2805

TYPE OF PROJECT: SKETCH AND LEGAL DESCRIPTION		
SHEET NAME: LOCATION MAP AND SURVEYOR'S NOTES.		
PREPARED FOR: BELLAGIO LENNAR LLC		
DRAWN BY: R.RODRIGUEZ	DATE: AUGUST 28, 2013	SHEET 1 OF 2 SHEETS
CHK. CHECKED BY:	SCALE: AS SHOWN	
CHECKED BY:	PROJECT No: 12-091-1002	

