

# MEMORANDUM

Agenda Item No. : 8(F)(8)

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

**DATE:** March 4, 2014

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

**SUBJECT:** Resolution declaring surplus  
County-owned property located  
at the northwest corner of the  
intersection of SE 5 Street and  
SE 1 Avenue to the City of  
Miami in accordance with F.S.  
125.38 at no cost

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The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

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

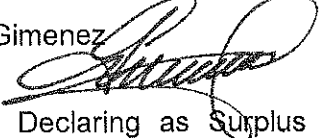
RAC/smm

# Memorandum



**Date:** March 4, 2014

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Declaring as Surplus a Portion of the Fifth Street Metromover Station Located at the Northwest Corner of the Intersection of SE 5 Street and SE 1 Avenue in the City of Miami

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve the attached resolution, which authorizes the following:

- Declares as surplus County-owned property (25 feet wide by 70 feet in length) located at the entrance of the Fifth Street Metromover Station at the northwest corner of the intersection of SE 5 Street and SE 1 Avenue, in the City of Miami (City).
- Authorizes the conveyance of the property to the City per the City's request (attached), which is in accordance with Florida Statute 125.38.
- Waives Administrative Order 8-4 as it relates to review by the County's Planning Advisory Board because the property is located within the City.

## **Scope**

The property is located in County Commission District 5, which is represented by Commissioner Bruno A. Barreiro.

## **Fiscal Impact/Funding Source**

There is no fiscal impact associated with the conveyance of this parcel.

## **Track Record/Monitor**

Carmen O. Gomez of the Real Estate Development Division in the Internal Services Department is managing the conveyance of this parcel.

## **Delegation of Authority**

Authorizes the County Mayor or the Mayor's designee to convey the property to the City of Miami at no cost, take all actions necessary to accomplish the conveyance of the property, and authorizes the Chairwoman or Vice Chair of the Board to execute a County Deed for such purpose.

## **Background**

The County received a formal request from the City of Miami for the conveyance of a 25 foot wide by 70 foot long strip of land located along the frontage of the Fifth Street Metromover Station for the purposes of widening SE 5 Street. Currently, the road right-of-way along this portion of SE 5 Street is only 25 feet in width, which is inadequate for the traffic capacity in the Brickell area. The planned improvements consist of roadway widening, the addition of sidewalks, and other roadway beautification enhancements. This project is part of the Miami River Greenway Initiative and will be constructed by the City of Miami at no cost to the County.

Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners  
Page 2

Florida Statute, Section 125.38, authorizes the Board to convey property to the City, a municipal corporation 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 Internal Services Department circulated this property to all County departments to determine whether the County has a present or future need for the property, in which none was determined.

The County Deed contains a restriction that states that the property is to be used for public and transportation purposes and other specific purposes and when, and if, the public use shall be discontinued, the title to the land described in Exhibit "A," shall immediately revert to the County, its successors and assigns, and it shall have the right to immediately repossess the same. The County will also retain an easement in the County Deed for the right to operate and maintain the Metromover Guideway System that is located over and above the property. Attached is a letter from the U.S. Department of Transportation Federal Transit Administration approving the conveyance.

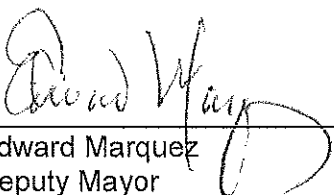
Additional property details are as follows, and shown in the attached property sketch:

LOCATION: Metro-Mover Station- NW Corner of the intersection of SE 5 Street  
and SE 1 Avenue

PROPERTY SIZE: 1,750 Square Feet

ZONING: T6-48B-0 (Miami River Green Regulatory Design Standards)

Attachments

  
\_\_\_\_\_  
Edward Marquez  
Deputy Mayor



**MEMORANDUM**  
(Revised)

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

**DATE:** March 4, 2014

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

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

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(F)(8)  
3-4-14

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

RESOLUTION DECLARING SURPLUS COUNTY-OWNED PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SE 5TH STREET AND SE 1 AVENUE TO THE CITY OF MIAMI IN ACCORDANCE WITH F.S. 125.38 AT NO COST; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE COUNTY MAYOR OR MAYOR DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY; AND AUTHORIZING THE CHAIRWOMAN OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE

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

**WHEREAS**, pursuant to Section 125.38 of the Florida Statutes, the Board has determined that it is in the best interest of the County to convey the County-owned property located at the northwest corner of the intersection of SE 5 Street and SE 1 Avenue in the City of Miami the purpose of road widening, at no cost; 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 purposes; is not needed for County purposes, and will be utilized for the benefit of the public and community interest, and welfare; and

**WHEREAS**, the City of Miami proposes to widen SE 5 Street under its Capital Improvement Project No. B-3063, "Miami River Greenway Streetscape in SE 5 Street from South Miami Bridge Overpass SR-5/Brickell Avenue" in Miami-Dade County; and

**WHEREAS**, in connection with said project, the City of Miami is widening SE 5 Street which will convert the existing road, currently 25 feet wide, to comply with the City code for traffic capacity in the Brickell area; and

**WHEREAS**, in order to improve said right-of-way, the area needs to be constructed to a typical right-of-way section of 50 feet, as defined by the City code, it is necessary that a certain County-owned parcel be acquired as a right-of-way by the City of Miami; and

**WHEREAS**, the City of Miami has requested the granting of such parcel as more particularly described in Exhibit "A", attached hereto, which legal description encompasses approximately 1,750 square feet, located at the entrance of the Fifth Street Metromover Station at the northwest corner of the intersection of SE 5 Street and SE 1 Avenue; and

**WHEREAS**, the City of Miami has determined that this project will provide safety and benefit to the neighborhood and community. The improvements consist of a roadway design, construction, and beautification enhancements,

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

**Section 1.** The foregoing recitals are incorporated in this resolution and are approved.

**Section 2.** Pursuant to Section 125.38 of the Florida Statutes, this Board hereby declares surplus County-owned property located at the northwest corner of the intersection of SE 5 Street and SE 1 Avenue in the City of Miami, approves the conveyance at no cost to the City of Miami subject to the restrictions outlined in the attached County Deed; authorizes the County Mayor or Mayor's designee to take all actions necessary to accomplish the conveyance of said real property, legally described in the aforementioned County Deed; authorizes waiving Administrative Order 8-4 as it pertains to review by the Planning Advisory Board, and authorizes the execution of said County Deed by the Board of County Commissioners acting by the Chairwoman or Vice-Chairperson of the Board.

**Section 3.** Pursuant to Resolution No. R-974-09, the Board directs the County Mayor or the Mayor's designee to record the instruments of conveyance accepted herein in the Public Records of Miami-Dade County, Florida; and to provide recorded copies 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 recorded copies 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 March, 2014. 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.



Bruce Libhaber

Instrument prepared by and returned to:  
Miami-Dade County Internal Services Department  
Real Estate Development Division  
111 N.W. 1 Street, Suite 2460  
Miami, Florida 33128-1907

## COUNTY DEED

THIS DEED, made this            day of            , 2014 A.D. by MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 NW 1 Street Suite 17-202, Miami, Florida 33128-1963, and the City of Miami, a municipality of the State of Florida, party of the second part, whose address is 444 SW 2<sup>nd</sup> Avenue, Miami, Florida 33130.

### WITNESSETH:

That the said party of the first part, for no consideration by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained, and donated to the party of the second part, its successors and assigns forever, the following described land per the attached Exhibit "A".

This conveyance is subject to the property being used for public and transportation purposes and other purposes incidental thereto, and when and if the aforementioned public use shall be discontinued, the title to the land described in Exhibit "A", attached, shall immediately revert to the Grantor, its successors and assigns, and it shall have the right to immediately repossess the same.

The Grantor reserves an easement for the continued use of the Miami-Dade County Metromover Guideway System over and above the land as long as the system occupies the land for the purpose of operation and maintenance. Upon any immediate reversion to Grantor, the easement rights shall diminish.

This grant conveys only the interest of Miami-Dade 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 Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

MIAMI-DADE COUNTY  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Rebeca Sosa, Chairperson

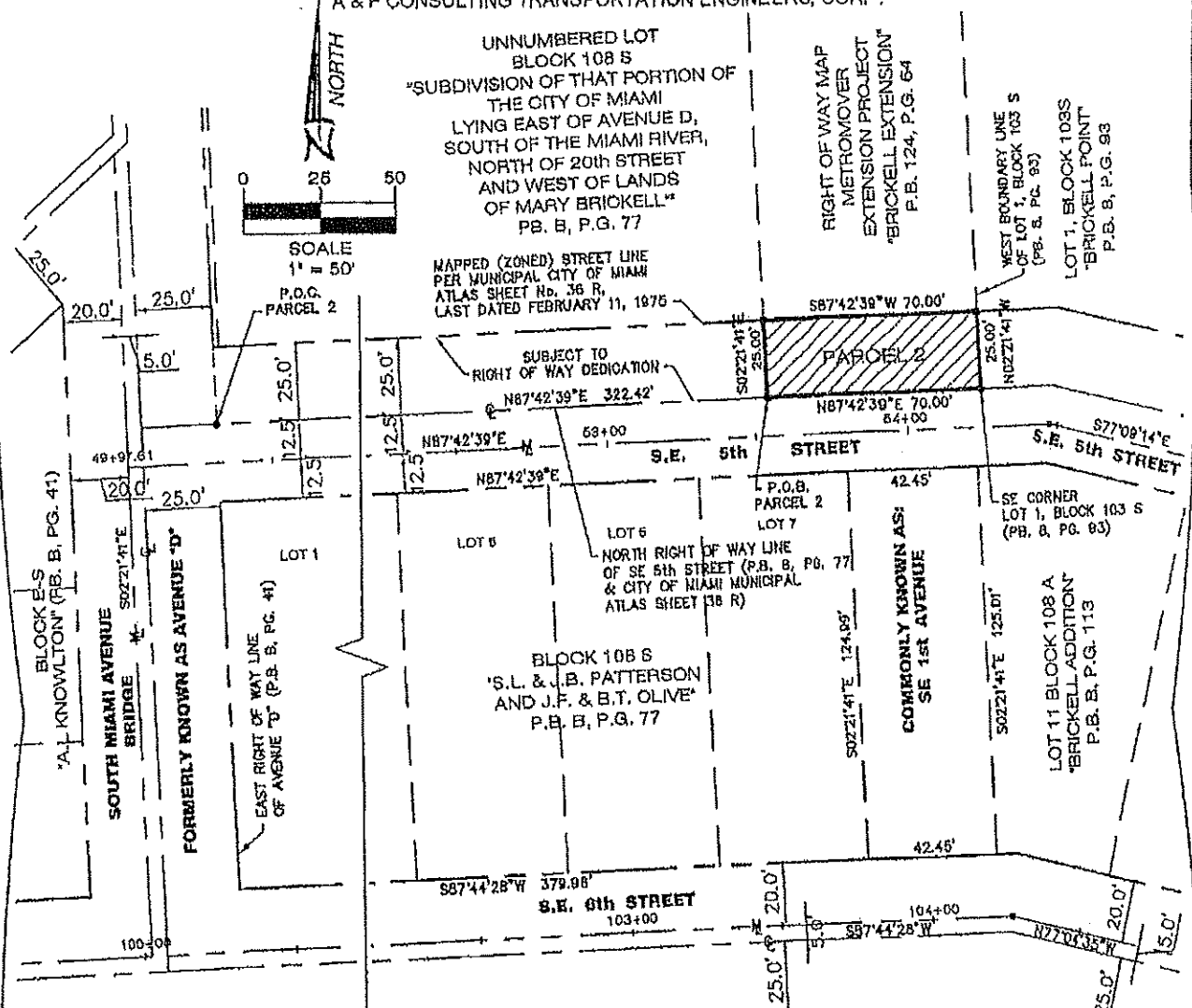
Approved for legal sufficiency. \_\_\_\_\_

The foregoing was authorized by Resolution \_\_\_\_\_ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**  
**S.E. 5th STREET RIGHT OF WAY DEDICATION (PARCEL 2)**

for  
**A & P CONSULTING TRANSPORTATION ENGINEERS, CORP.**

**EXHIBIT "A"**



**LEGEND**

- |                                |  |                                 |                   |
|--------------------------------|--|---------------------------------|-------------------|
| P.O.B. = POINT OF BEGINNING    | P.C. = POINT OF CURVATURE                  | P.R.C. = POINT OF REVERSE CURVE | ⊕ = CENTERLINE    |
| P.O.C. = POINT OF COMMENCEMENT | P.T. = POINT OF TANGENCY                   | P.B. = PLAT BOOK                | M = MONUMENT LINE |
| P.O.T. = POINT OF TERMINATION  | P.N.T. = POINT OF NON-TANGENT INTERSECTION | PG. = PAGE                      |                   |

**LEGAL DESCRIPTION**

S.E. 5th STREET RIGHT OF WAY DEDICATION (PARCEL 2):

A portion of Section 38, Township 54 South, Range 41 East, Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the point of intersection of the east right-of-way line of Avenue "D" (now known as South Miami Avenue) as shown on the Plat of "MIAMI", according to the plat thereof, as recorded in Plat Book B, of Page 41 of the Public Records of Miami-Dade County, Florida with the north right-of-way line of that certain 25 foot wide Alley (now known as Southeast 5th Street) as shown on the plat of "PATTERSON AND OLIVE SUBDIVISION", according to the plat thereof as recorded in Plat Book B, at Page 77 of the public records of Miami-Dade County, Florida; thence run N87°42'39"E along the north right-of-way line of said Southeast 5th Street for 322.42 feet to the POINT OF BEGINNING of the parcel of land, labeled as "Parcel 2" hereinafter described; thence continue N87°42'39"E along said north right-of-way line of Southeast 5th Street for 70.00 feet to the southeast corner of Lot 1, Block 103 S of the plat of "BRICKELL POINT", according to the plat thereof, as recorded in Plat Book B, of Page 93 of the public records of Miami-Dade County, Florida; thence N02°21'41"W along the west line of said Lot 1, Block 103 S, for 25.00 feet; thence S87°42'39"W for 70.00 feet; thence S02°21'41"E for 25.00 feet to the Point of Beginning.

Containing 1,750 Square Feet, more or less, by calculations.

**NOTICE:** Not full and complete without all pages. Total of Two (2) Pages

Job No. 11373

Page 1 of 2

D:\11373 DE & DL & DE 1 Am\Draw\Sketch and Legend\11373 R-L Parcel 2.dwg 10/9/2012 4:16:48 PM EPT

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

S.E. 5th STREET RIGHT OF WAY DEDICATION (PARCEL 2)

for

A & P CONSULTING TRANSPORTATION ENGINEERS, CORP.

EXHIBIT "A"

**SOURCES OF DATA:**

The Legal Description of the Subject Property was generated from the following Record and Municipal Documents:

City of Miami Municipal Atlas, Sheet No. 36 R, prepared by the City of Miami, Department of Engineering, last dated February 11, 1975.

Plot of "AMENDED MAP OF BRICKELL ADDITION TO THE MAP OF MIAMI A/K/A MARY BRICKELL'S ADDITION", recorded in Plat Book B, Page 113, Miami-Dade County Records.

Plot of "S.L. & J.B. PATTERSON AND J.F. & B.T. OLIVE SUBDIVISION" also known as "SUBDIVISION OF THAT PORTION OF THE CITY OF MIAMI LYING EAST OF AVENUE D, SOUTH OF THE MIAMI RIVER, NORTH OF 20th STREET AND WEST OF LANDS OF MARY BRICKELL", recorded in Plat Book B, Page 77, Miami-Dade County Records.

Plot of "BRICKELL POINT", recorded in Plat Book B, Page 93, Miami-Dade County Records.

In addition, the following sources were used to the extent required to complete this document in a defensible matter, that is to say:

- a) Sketch furnished by the Client depicting the location of the Subject Parcel.

Bearings as shown hereon are based upon the City of Miami Monument line of SE 5th Street with an assumed bearing of N87°42'39"E.

**EASEMENTS AND ENCUMBRANCES:**

No information was provided as to the existence of any easements other than what appears on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

**LIMITATIONS:**

Since no other information were furnished other than that is cited in the Sources of Data, the Client is hereby advised that there may legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

**INTENDED USE / EXPRESS PURPOSES:**

It is understood by the Surveyor that the Intended use of this document is to dedicate the Subject Parcel for Right of Way purposes.

**SURVEYOR'S CERTIFICATE:**

I hereby certify that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17.050 through 5J-17.052 of the Florida Administrative Code and its Implementing Rule, Chapter 472.027 of the Florida Statutes.

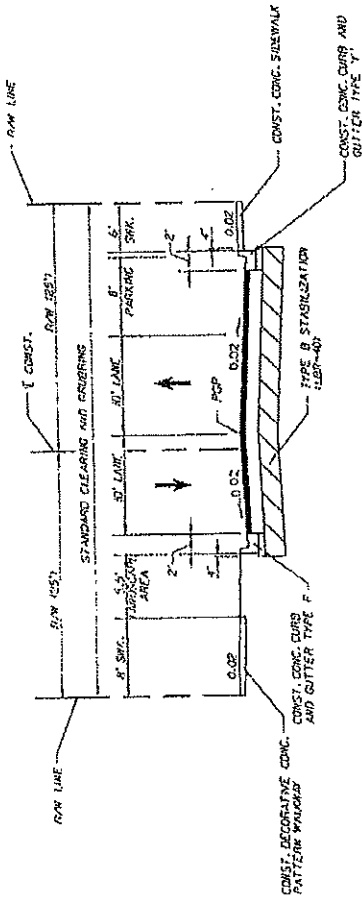
By: *Eduardo M. Suarez* Date: 10/10/12  
 Eduardo M. Suarez, PSM  
 Professional Surveyor and Mapper LS6313  
 HADONNE CORP.  
 Land Surveyors and Mappers  
 Certificate of Authorization LB 7097  
 1985 NW 88th Court, Suite 202  
 Doral, Florida 33172  
 305.266.1188 phone  
 305.207.6845 fax

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17.051 of the Florida Administrative Code.

TYPICAL SECTION  
 S.E. 5th STREET  
 STA. 49+23.05 TO STA. 54+03.50  
 DESIGN SPEED : 30 MPH

RECONSTRUCTION

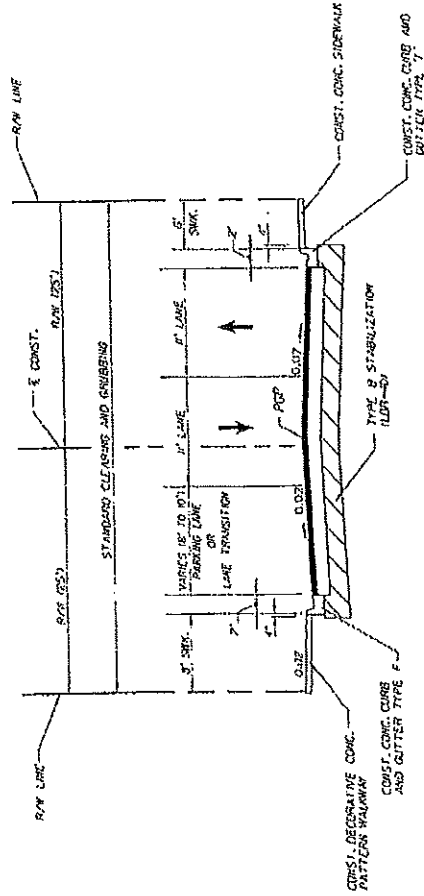
OPTIONAL BASE GRADUP 6 IN. MINOR BASE SYSTEMS  
 WITH TYPE "SM" STRUCTURAL COURSE (TRAFFIC 11.17" ANG.)



TYPICAL SECTION  
 S.E. 5th STREET  
 STA. 54+03.50 TO STA. 56+00.00  
 DESIGN SPEED : 30 MPH

RECONSTRUCTION

OPTIONAL BASE GRADUP 6 IN. MINOR BASE  
 WITH TYPE "SM" STRUCTURAL COURSE (TRAFFIC 11.17" ANG.)



TYPICAL SECTIONS

SHEET NO. ?

CITY OF MIAMI - DEPARTMENT OF CAPITAL IMPROVEMENTS AND TRANSPORTATION	
PROJECT NO.	MIAMI-DADF 17-30071
DATE	7-2007

ENGINEER OF RECORD:  
**AIP**  
 ENGINEERS  
 1000 Biscayne Blvd., Suite 110  
 Miami, FL 33132  
 Phone: 305.375.1100  
 Fax: 305.375.1101  
 www.aip-engineers.com

DATE	DESCRIPTION	BY	CHKD

# City of Miami



October 15, 2012

JOHNNY MARTINEZ, P.E.  
City Manager

Ysela Llort, Director  
Miami-Dade County Transit Department  
701 NW 1<sup>st</sup> Court, Suite 1700  
Miami, Florida 33136

CERTIFIED MAIL

RE: CITY OF MIAMI REQUEST FOR PARCEL ACQUISITION AT SE 5<sup>TH</sup> STREET  
METROMOVER STATION.  
Project No. B-30631 "Miami River Greenway Streetscape in SE 5<sup>th</sup> Street from South  
Miami Bridge Overpass to SR-5 / Brickell Avenue"

Dear Mrs. Llort:

The City of Miami is planning improvements to SE 5<sup>th</sup> Street as part of the Miami River Greenway initiative. The improvements consist of roadway design, construction and beautification enhancements. The City of Miami has identified an existing area 25 feet wide by 70 feet in length at the entrance of the Fifth Street Metro-Mover Station located at the northwest corner of the intersection of SE 5<sup>th</sup> Street and SE 1<sup>st</sup> Avenue. This area needs to be constructed to a typical right-of-way section of 50 feet, as defined by the City code. This project will be constructed by the City of Miami at no cost to the adjacent property owners and will provide safety and benefit to the neighborhood and community. The donation consists of approximately 1,750 S.F. and is described in the attached Legal Description and Right-of-Way parcel sketch.

Please accept the request for the donation of the above referenced property to the City of Miami. Attached you will find the legal description, parcel sketch showing the location, size of the area and propose typical sections for your review and to begin the process for this item to be added to the Board of County Commissioners agenda for approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Spanioli".

Mark Spanioli, P. E.  
Director  
City of Miami  
444 S.W. 2nd Avenue, 8th Floor  
Miami, Florida 33130  
Office: 305-679-6827  
Fax: 305-679-6835  
Email: [mspanioli@miamigov.com](mailto:mspanioli@miamigov.com)

Enclosures:

Cc: Alice Bravo, P.E., Assistant City Manager, via email  
Jeovanny Rodriguez, P.E., Assistant Director CIP, via email  
Jose Lago, P.E., Professional Engineer III, via email  
Orlando Misas, Project Manager, via email



U.S. Department  
of Transportation  
Federal Transit  
Administration

REGION IV  
Alabama, Florida, Georgia,  
Kentucky, Mississippi,  
North Carolina, Puerto  
Rico, South Carolina,  
Tennessee

230 Peachtree Street, NW  
Suite 800  
Atlanta, GA 30303-8917  
404-865-5600  
404-865-5605 (fax)

SEP 08 2013

Mr. Albert Hernandez, Assistant Director  
Miami-Dade Transit (MDT)  
701 NW 1<sup>st</sup> Court, 17<sup>th</sup> Floor  
Miami, FL 33136

Re: MPS082 – Fifth Street Metromover Station

Dear Mr. Hernandez:

The Federal Transit Administration (FTA) has received your January 7, 2013 letter, in which you ask for FTA concurrence for Miami Dade Transit (MDT)'s to convey a portion of the Fifth Street Metromover Station property to the City of Miami to implement additional lane improvements along SE 5<sup>th</sup> Street. The FTA understands the station property was acquired for the Brickell Metromover Station with FTA funds under grant FL-03-0085, the value of the parcel is estimated to be \$45,000. There are no revenues resulting from this conveyance, but the improvements will include new sidewalks and landscaping adjacent to the Metromover station, and widening the street will also provide the potential to add bus service in the future. MDT will undergo the County's public notice procedures for surplus property.

FTA concurs with MDT's proposal conveyance to the City of Miami, and considers its use compatible and will not interfere with intended mass transportation uses. Per Circular 5010.1D, the county of Miami-Dade/MDT is required to maintain satisfactory continuing control over the entire parcel and all improvements. MDT is reminded that transfer of real property to a public agency for non-transit use is a competitive process per 49 U.S.C., 5334(h)(1)-(h)(3). If you have any questions, please contact Ms. Margarita Sandberg by email, at margarita.sandberg@dot.gov, or by phone at (404) 865-5612.

Sincerely,

Yvette G. Taylor, Ph.D.  
Regional Administrator