

MEMORANDUM

Agenda Item No. 8(F)(7)

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

DATE: July 1, 2014

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

SUBJECT: Resolution authorizing the conveyance of a permanent Easement to the State of Florida Department of Transportation for the purpose of constructing and maintaining curb inlets and a French drain along the described land on SR 985/SW 107 Avenue and the intersection of SW 20 Street

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

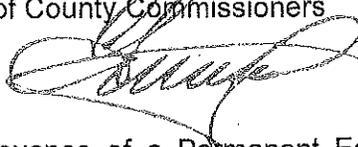
RAC/smm

Memorandum



Date: July 1, 2014

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

From: Carlos A. Gimenez
Mayor 

Subject: Authorizing the Conveyance of a Permanent Easement to the Florida Department of Transportation (FDOT) on County-Owned Land Located at the Intersection of SW 107 Avenue and SW 20 Street in Unincorporated Miami-Dade County

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of a 1,919 square foot permanent easement to the Florida Department of Transportation (FDOT) for improvements on State Road 985/SW 107 Avenue.

Scope

The property is located in Commission District 11, which is represented by Commissioner Juan C. Zapata.

Fiscal Impact/Funding Source

There is no fiscal impact associated with the conveyance of the easement.

Track Record/Monitor

Shannon Clark of the Real Estate Development Division in the Internal Services Department is managing the conveyance of this easement.

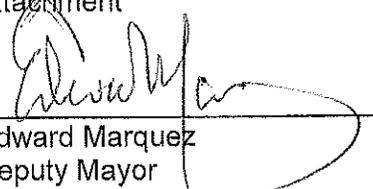
Delegation of Authority

This item authorizes the County Mayor or the Mayor's designee to execute same for and on behalf of Miami-Dade County and authorizes the County Mayor or the Mayor's designee to exercise any and all other rights conferred therein.

Background

The Florida Department of Transportation (FDOT) has planned improvements on State Road 985/SW 107 Avenue in order to improve vehicular and pedestrian movement in the area. Improvements will include repaving and restriping the road, reconstruction of pedestrian ramps to comply with the current Americans with Disabilities Act (ADA) standards, and installation of pedestrian signalization upgrades. Parcel 800, owned by Miami-Dade County, is located on the west side of SW 107 Avenue at the intersection of SW 20 Street, and is required for constructing and maintaining curb inlets and a French drain. FDOT is requesting that the County grant an easement over this parcel. Construction is expected to begin June 2015 and last approximately eight months.

Attachment


Edward Marquez
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: July 1, 2014

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

SUBJECT: Agenda Item No. 8(F)(7)

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)(7)
7-1-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH F.S. 125.38, FOR NO MONETARY CONSIDERATION, IN, OVER, UNDER, UPON AND THROUGH A PORTION OF COUNTY OWNED PROPERTY FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING CURB INLETS AND A FRENCH DRAIN ALONG THE DESCRIBED LAND ON SR 985/SW 107 AVENUE AND THE INTERSECTION OF SW 20 STREET, ALSO KNOWN AS PARCEL 800, NOT NEEDED FOR COUNTY PURPOSES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying memorandum for the parcel described in the accompanying Easement, a copy of which is incorporated herein by reference as attached; and

WHEREAS, the State of Florida Department of Transportation (FDOT) proposes to improve State Road No. 985 (SW 107 Avenue) Roadway Project No. 431177-1 in Miami-Dade County; and

WHEREAS, in connection with said project, FDOT is constructing curb inlets and a French drain; and

WHEREAS, FDOT determined that in order to complete the improvements it was necessary to mill and resurface the existing pavement and restripe the lanes to provide 2 - 11' thru lanes and 1 - 14' undesignated shared lane in each direction; and

WHEREAS, in connection with said project, FDOT is reconstructing pedestrian ramps to comply with the Americans with Disabilities Act (ADA) and installing pedestrian signalization upgrades; and

WHEREAS, in order to make said improvements it is necessary that certain County owned land be acquired as an easement by FDOT; and

WHEREAS, FDOT has requested the granting of such an easement as more particularly described in Exhibit "A" to the Permanent Easement attached hereto (the "easement") which legal description encompasses approximately 1,919 square feet of land located at the intersection of SR 985/SW 107 Avenue and SW 20 Street; and

WHEREAS, the Board finds that pursuant to Section 125.38 of the Florida Statutes, that said property is required for such use, is not needed for County purposes, and would promote community interest, and welfare,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that 1) this Board adopts the foregoing recitals incorporated as if fully set forth herein; 2) approves the granting of the Easement for no monetary consideration pursuant to Section 125.38, Florida Statutes subject to the restriction that said parcel be used by FDOT for transportation related improvements to State Road No. 985; 3) the County Mayor or Mayor's designee is authorized to execute said Easement on behalf of Miami-Dade County and to exercise the provisions therein; 4) pursuant to Resolution No. R-974-09, (a) directs the County Mayor or Mayor's designee to record the instrument of conveyance executed herein in the Public Records of Miami-Dade County 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 (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instrument together with this resolution.

The foregoing 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 Chairman thereupon declared the resolution duly passed and adopted this 1st day of July, 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. *MR*

Monica Rizo

Return to:
Real Estate Development Division
Miami-Dade County
Internal Services Department
111 N.W. 1st Street, Suite 2460
Miami, FL 33128

Instrument prepared by:
Miami-Dade County
Internal Services Department
111 N.W. 1st Street Suite 2460
Miami, FL 33128

Folio No. a portion of
#30-4007-000-0010
User Department: Miami-Dade County
Community Action and Human Services

PERMANENT EASEMENT

STATE OF FLORIDA)
)
COUNTY OF Miami-Dade)

THIS EASEMENT, Made this _____ day of _____, A.D. 2014, by and between **Miami-Dade County**, a political subdivision of the State of Florida, having its office and principal place of business at 111 NW 1st Street, Miami, Florida 33128, party of the first part, and the **Florida Department of Transportation** an agency of the State of Florida, and its successors in interest, whose Post Office address is 1000 N.W. 111 Avenue, Miami, Florida 33172-5800, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant to the party of the second part, and its successors and assigns, a perpetual easement for the purpose of milling and resurfacing the entrance to SW 20 Street and for constructing and maintaining curb inlets and a French drain in, over, along, under, and across the Easement Area, being in the County of Miami-Dade, State of Florida, to-wit:

AS SHOWN ON EXHIBIT "A", ATTACHED HERETO AND TO BE MADE A PART HEREOF

It is expressly provided that if and whenever the use of the subject parcel for transportation purposes is discontinued, the title to the said above described land shall immediately revert to the party of the first part, its heirs and assigns, and it shall have the right to immediately repossess the same.

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 by its Board of County Commissioners, acting by the County Mayor's or County Mayor's Designee, and attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:

**HARVEY RUVIN,
CLERK OF SAID BOARD**

**MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS**

By: _____
Deputy Clerk

By: _____
Carlos A. Gimenez
Mayor

Approved as to form
And Legal Sufficiency.

Assistant County Attorney

The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the ____ day of _____, A.D. 2014.

EXHIBIT "A"

LEGAL DESCRIPTION - PARCEL 800:

Being a portion of NOT SUBDIVIDED land, lying in the Southeast one-quarter (¼) of Section 7, Township 54 South, Range 40 East, and being more particularly described as follows:

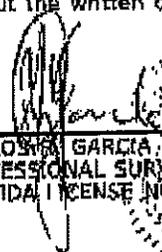
COMMENCE at the intersection of the baseline of survey of State Road 985 (SW 107th Avenue) with the centerline of SW 20th Street, said point being the Northwest corner of the Southwest one-quarter (¼) of the Southwest one-quarter (¼) of Section 8, Township 54 South, Range 40 East, as shown on "LES CHALETS", according to the Plat thereof, as recorded in Plat Book 111, Page 42 in the public records of Miami-Dade County, Florida; thence S 86°51'16" W 55.00 feet to the intersection with the westerly right-of-way line of said State Road 985, as shown on the Florida Department of Transportation Right of Way Map for said State Road 985, Section 87502-2625, recorded in Road Map Book 112, Page 82, in the public records of Miami-Dade County, Florida, said point being the POINT OF BEGINNING of the following described parcel:

Thence N 03°08'44" W, along said westerly right-of-way line of State Road 985, a distance of 55.54 feet to the beginning of a curve concave to the Southwest, having a radius of 2,838.29 feet; thence northwesterly along the arc of said curve and said westerly right-of-way line 25.26 feet, through a central angle of 00°30'38"; thence S 86°51'16" W 11.89 feet; thence S 03°08'44" E 160.00 feet; thence N 06°51'16" E 12.00 feet to the intersection with aforesaid westerly right-of-way line of State Road 985; thence N 03°08'44" W, along said westerly right-of-way line, 79.10 feet to the POINT OF BEGINNING.

Containing 1,919 Square Feet of land, more or less.

GENERAL NOTES:

- THIS IS NOT A SURVEY
- Reproductions of this map are not valid without the signature and original raised seal of the Florida Licensed Surveyor and Mapper in responsible charge.
- The Bearings shown hereon are referenced to the Baseline of Survey of State Road 985 (SW 107th Avenue), having a bearing of N 03°08'44" W, as shown on the Florida Department of Transportation Project Network Control for said State Road 985, completed on 10/26/2012 by F.R. Aleman & Associates, Inc., for Project No. 431177-1.
- The data used in the calculation and preparation of the legal description was provided by the FDOT Project Manager for said Project No. 431177-1.
- Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.



 CARLOS GARCIA,

 PROFESSIONAL SURVEYOR AND MAPPER

 FLORIDA LICENSE NO. 6790

 DATE 12/16/2013

This document consists of two (2) sheets and shall not be considered full, valid, and complete unless each sheet is attached to the other.

FLORIDA DEPARTMENT OF TRANSPORTATION			
SKETCH TO ACCOMPANY LEGAL DESCRIPTION			
STATE ROAD NO. 985		MIAMI-DADE COUNTY	
DRAWN BY	DATE	DRAWN BY	DATE
LHC RPH	12/11/13	LHC RPH	12/11/13
PROJECT NO. 431177-1		SECTION 87072	
SHEET 1 OF 2			

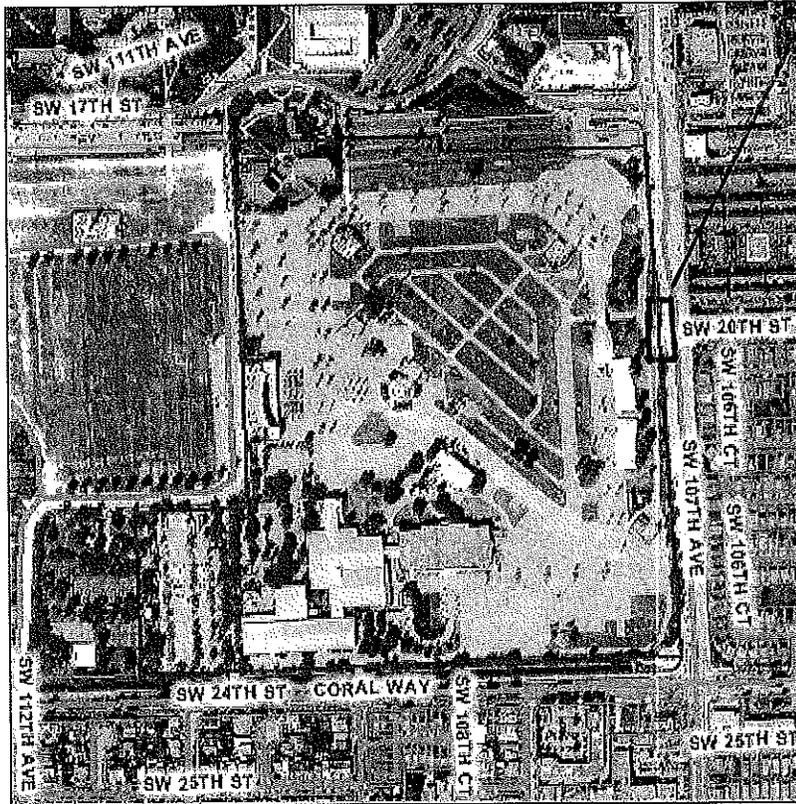
My Home
Miami-Dade County, Florida

Location of Easement

MIAMI-DADE

miamidade.gov

Property Information Map



Summary Details:

Folio No.:	30-4007-000-0010
Property:	10901 CORAL WAY
Mailing Address:	MIAMI-DADE COUNTY PARKS AND RECREATION 275 NW 2 ST 4FL MIAMI FL 33128-1794

Property Information:

Primary Zone:	8900 INTERIM-AWAIT SPECIFIC ZO
CLUC:	0047 DADE COUNTY
Beds/Baths:	0/0
Floors:	3
Living Units:	0
Adj Sq Footage:	301,435
Lot Size:	86.80 ACRES
Year Built:	1950
Legal Description:	7 54 40 86.808 AC M/L BEG 115.04FTN & 55.02FTW OF SE COR OF SEC CONT W2158.71FT N650FT E450.59FT N1476.99FT E830.35FT S64FT E830FT SLY2067.73FT TO POB A/K/A PARCELS A-B-C-D-E

Assessment Information:

Year:	2013
Land Value:	\$3,781,356
Building Value:	\$13,211,111
Market Value:	\$16,992,467
Assessed Value:	\$16,992,467

Taxable Value Information:

Year:	2013
Taxing Authority:	Applied Exemption/ Taxable Value:
Regional:	\$16,992,467/\$0
County:	\$16,992,467/\$0
School Board:	\$16,992,467/\$0

Aerial Photography - 2012

0 ——— 318 ft

This map was created on 3/3/2014 9:01:13 AM for reference purposes only.

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Close



10901 Coral Way (SW 24 Street) • Miami, FL • 33165-2398

April 8, 2014

Mr. Jon Seaman
Miami-Dade County
Parks, Recreation and Open Spaces Department
275 NW 2nd St, Suite 511
Miami, FL 33128

Re: FDOT Project – FM 431171-1
Letter of Acceptance

Dear Mr. Seaman:

Please accept this letter as our acceptance of the proposed Easement as described in the State of Florida, Department of Transportation Project FM 431171-1 between Miami-Dade County, a political subdivision of the State of Florida, grantor, to the State of Florida Department of Transportation, its successors and assigns, grantee.

Thank you for your attention to this matter.

Respectfully submitted,

Robert Hohenstein
President/C.E.O.
Miami-Dade County Fair & Exposition, Inc.