MEMORANDUM

Agenda Item No. 8(L)(2)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	October 7, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution authorizing the conveyances of three aerial Easements to the State of Florida Department of Transportation for no monetary consideration for the construction and maintenance of Parcel No. 817, Parcel No. 805, Parcel No. 806

The accompanying resolution was prepared by the Public Works and Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: October 7, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Conveyances of three Aerial Easements to the Florida Department of Transportation for the construction and maintenance of the State Road 836/Interstate 395 Signature Bridge over NW 1 Place between NW 13 Street and NW 14 Street, North Miami Avenue between 11 Terrace and 13 Street, and NE 1 Avenue between NE 11 Street and NE 13 Street, in Section 36, Township 53 South, Range 41 East, Commission District 3

Recommendation
It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing the conveyances of three (3) aerial easements to Florida Department of Transportation (FDOT) which proposes to replace the existing bridges, and add new lanes and ramps to the existing corridor of SR 836 between I-95 and the MacArthur Causeway Bridge.

Scope
The impact of this project is localized within Commissioner Audrey M. Edmonson's District 3.

Fiscal Impact/Funding Source
There is no fiscal impact to Miami-Dade County due to this project. The funding source is FDOT's District 6 Trust fund. (MPO Project Num. DT2516881-FY 2013/14-2017/18 TIP-Approved May 23, 2013).

Track Record/Monitor
Public Works and Waste Management is the entity overseeing this project and the person responsible for monitoring these conveyances is Mr. Wayne Sutton, Section Head, Right-of-Way Engineering Section, Roadway Engineering and Right-of-Way Division.

Background
FDOT scheduled improvements along State Road 836/I-395, between East of I-95 and the MacArthur Causeway Bridge, to be concluded by March 2015. The purpose of this project as envisioned by FDOT in the letter requesting the aerial easements includes: the construction of two (2) additional lanes, the construction of new ramps, and the realignment of the existing ramps, an upgrade of the intelligent transportation system, new lighting, and the construction of the new Signature Bridge over NW 1 Place, North Miami Avenue and NE 1 Avenue, all county roads. The granting of these aerial easements will provide relief for traffic congestion in the downtown area.

Alina T. Hudak
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: October 7, 2014

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)
10-7-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCES OF THREE AERIAL EASEMENTS TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR NO MONETARY CONSIDERATION FOR THE CONSTRUCTION AND MAINTENANCE OF THE STATE ROAD 836/INTERSTATE 395 SIGNATURE BRIDGE OVER COUNTY ROADS NW 1 PLACE BETWEEN NW 13 STREET AND NW 14 STREET ALSO KNOWN AS PARCEL NO. 817, NORTH MIAMI AVENUE BETWEEN NORTH 11 TERRACE AND NORTH 13 STREET ALSO KNOWN AS PARCEL NO. 805, NE 1 AVENUE BETWEEN NE 11 STREET AND NE 13 STREET ALSO KNOWN AS PARCEL NO. 806, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHERS RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum for the parcels described in the accompanying Easements, a copy of which are incorporated herein by references as attached; and

WHEREAS, the State of Florida Department of Transportation (FDOT) proposes to improve State Road 836 / Interstate 395 in connection with FDOT Financial Project 251688-1; and

WHEREAS, in connection with said project, FDOT will replace the existing bridge with a Signature Bridge located at a minimum vertical clearance of 16.5 feet above the crown of a County road, NW 1 Place between NW 13 Street and NW 14 Street; and

WHEREAS, in connection with said project, FDOT will replace the existing bridge with a Signature Bridge located at a minimum vertical clearance of 16.5 feet above the crown of a County road, North Miami Avenue between North 11 Terrace and North 13 Street; and

WHEREAS, in connection with said project, FDOT will replace the existing bridge with a Signature Bridge located at a minimum vertical clearance of 16.5 feet above the crown of a County road, NE 1 Avenue between NE 11 Street and NE 13 Street; and

WHEREAS, in order to accomplish this purpose, FDOT will require the conveyances of the Aerial Easements in such areas, and has requested the granting of the Easements as more particularly described in Exhibits "A" and illustrated in Exhibits "B" and Exhibits "C"; and

WHEREAS, the Board finds that the granting of the Easements would be necessary in order to construct such transportation improvements, and would be utilized for the benefit of the public and community interest and welfare,

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

Section 1. Adopts the foregoing recitals are incorporated as if fully set forth herein.

Section 2. Approves the granting of the Easements to FDOT in substantially the form attached hereto and made a part hereof, for no monetary consideration, for the construction and maintenance of the Signature Bridge.

Section 3. Authorizes the County Mayor or County Mayor's designee to execute said Easements on behalf of Miami-Dade County and to exercise the provisions therein.

Section 4. Pursuant to Resolution No. R-974-09, (a) directs the County Mayor or County Mayor's designee to record the instruments of conveyance executed herein in the Public Records of Miami-Dade County and to provide a recorded copy of said instruments to the Clerk of the Board within thirty (30) days of execution of said instruments; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instruments together with this resolution; and (c) to deliver a recorded copy of said instruments to the District Secretary.

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	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 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.

Debra Herman

Return to:
Road Design/Right of Way Division
Miami-Dade County Public Works and
Waste Management Department
111 N.W. 1st Street
Miami, FL 33128-1970

Instrument prepared by:
Carlos D. Socarras, P.L.S.
For M-DC PWWM
111 NW 1 Street
Miami, FL 33128-1970

Folio No. N/A
User Department: MDC-PWWM

State Roads No. 836/ Interstate 395
Bridge over NE 1 AVE between NE 11 St and NE 13 St
State Parcel No. 806 (251688-1)
State Section No. 87200-2401
Section 36-53-41

AERIAL EASEMENT

THIS EASEMENT, Made this ___ day of _____, A.D. 2014, by and between **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, whose address is 111 N.W. 1st Street, Miami, Florida 33128-1970, **"GRANTOR"**, and the **FLORIDA DEPARTMENT OF TRANSPORTATION,** whose address is 1000 NW 111 Avenue, Miami, Florida 33172-5802, **"GRANTEE"**,

WITNESSETH:

That the said **GRANTOR**, for and in consideration of benefits to the general public and for further good and valuable considerations, does hereby grant to the **GRANTEE**, and its successors in interest, a public purpose aerial easement **for the purpose of constructing and maintaining a highway bridge over NE 1 Avenue, a County Road, and for proper public purposes incidental thereto**, within the following described air space, situate, lying and being in the County of Miami-Dade, State of Florida, "the easement," to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said easement unto the **GRANTEE**, subject, however, to the following conditions:

THAT GRANTEE's construction within the easement will in no way interfere with **GRANTOR's** use of NE 1 Avenue road right-of-way;

THAT GRANTEE shall at all times keep NE 1 Avenue road right-of-way free from obstruction, except as may be required temporarily from time to time to effect inspections, maintenance, repairs, improvements and replacement of the **GRANTEE's** highway bridge;

THAT GRANTEE, after construction of the highway bridge is completed, shall obtain necessary right-of-way permits from **GRANTOR**, or from the **MUNICIPALITY**, prior to commencement of any repairs resulting in obstruction of NE 1 Avenue road right-of-way, except in the case of an emergency requiring immediate remedial action, such work must comply with procedures regarding lane closure in effect at the time of the closure;

THAT GRANTEE will indemnify and hold **GRANTOR** harmless from any and all damages, liability, claims, demand, and suits of any nature associated with **GRANTEE's** use of the easement or with public use of GRANTEE's highway bridge;

It is expressly provided that if and whenever the use of the subject aerial easement is discontinued, the interest to the said described easement shall immediately revert to the **GRANTOR**, its heirs and assigns, and it shall have the right to immediately repossess the same.

This grant of easement conveys only the interest of the 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 **GRANTOR** has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Mayor, 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: _____
Mayor

Approved by County Attorney as
to form and legal sufficiency. _____

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"

PARCEL 806 F.P.No.2516881

An aerial easement for highway purposes and all purposes thereto, above an Elevation of 25.02 feet, according to the North American Vertical Datum of 1988 (NAVD88) as established by the United States National Geodetic Survey above NE 1 AVENUE as it now exists, in Section 36, Township 53 South, Range 41 East, Miami- Dade County, Florida.

The easement is lying above that portion of NE 1 AVENUE, bounded on the north by a easterly extension of the north line of lot 1 in Block 15 of "CHARLES E OXAR SUBDIVISION BLOCK 15 CORRECTED", according to the plat thereof recorded in Plat Book 3 at Page 58 of the Public Records of Miami-Dade County, Florida, coincident with the southerly right of way line of NE 13 Street extended; and bounded on the south by the easterly extension of the north line of Lot 2 of in Block C of "J.A. DANN'S SUBDIVISION", according to the plat thereof recorded in Plat Book 1 at Page 36 of the Public Records of Miami-Dade County, Florida; having a horizontal boundary more particularly described as follows:

BEGINNING at the Northeast corner of Lot 2 in Block C of said Plat Book 1 at Page 36; thence run N02°13'44"W, along the westerly right of way line of NE 1 AVENUE, for a distance of 139.67 feet to a point on said westerly right of way line; thence run N87°40'15"E for a distance of 9.22 feet to a point on said westerly right of way line; thence run N02°08'58"W for a distance of 84.65 feet to a point on said westerly right of way line; thence run N06°11'41"W for a distance of 40.09 feet to a point on said westerly right of way line; thence run N02°17'34"W for a distance of 34.25 feet to a point on said westerly right of way line; thence run N87°40'23"E for a distance of 2.33 feet to a point on said westerly right of way line; thence run N02°17'34"W for a distance of 258.38 feet to the point of intersection with the southerly right of way line of NE 13 Street coincident with the north line of Block 15 in said Plat Book 3 at Page 58; thence run N87°38'07"E, along the easterly extension of the north line of said Block 15, for a distance of 50.00 feet to the point of intersection with the easterly right of way of way line of NE 1 AVENUE, as said street is shown in AMENDED PLAT OF BLOCK 24 as recorded in Plat Book 3 at Page 101 of the Public Records of Miami-Dade County, Florida; thence run S02°17'34"E, along said easterly right of way line coincident with the west line of Block 24 of said Plat Book 3 at Page 101, for a distance of 292.66 feet to the point of intersection with the northerly right of way line of NE 12 Street (Palm Street) as said street is shown in MARY BRICKEL SUBDIVISION as recorded in Plat Book B at Page 9 of the public records of Miami-Dade county, Florida; thence run S02°56'40"E, across NE 12 Street (Palm Street) for a distance of 40.00 feet to the point of intersection with the southerly right of way line of said NE 12 Street; thence run S02°13"44"E, along said easterly right of way line of NE 1 AVENUE, for a distance of 84.65 feet to a point on said easterly right of way line; thence run S40°56'56"W for a distance of 13.74 feet to a point on said easterly right of way line; thence run S02°13'44"E for a distance of 129.85 feet to a point on said easterly right of way line; thence run S87°52'30"W, across NE 1 AVENUE, for a distance of 50.00 feet to the POINT OF BEGINNING.

Containing an area of 28,037 square feet, more or less.

Any reconstruction of the State Road 836 bridge above NE 1 AVENUE shall provide a minimum vertical clearance of 16.50 feet above the existing crown of road for NE 1 AVENUE and upon completion of said reconstruction that portion of the easement granted hereby lying below elevation 26.70 feet (NAVD88) shall self-extinguish and be of no further force and effect.

Arturo R. Toirac 06/30/2014
CH. Perez and Associates, Inc.

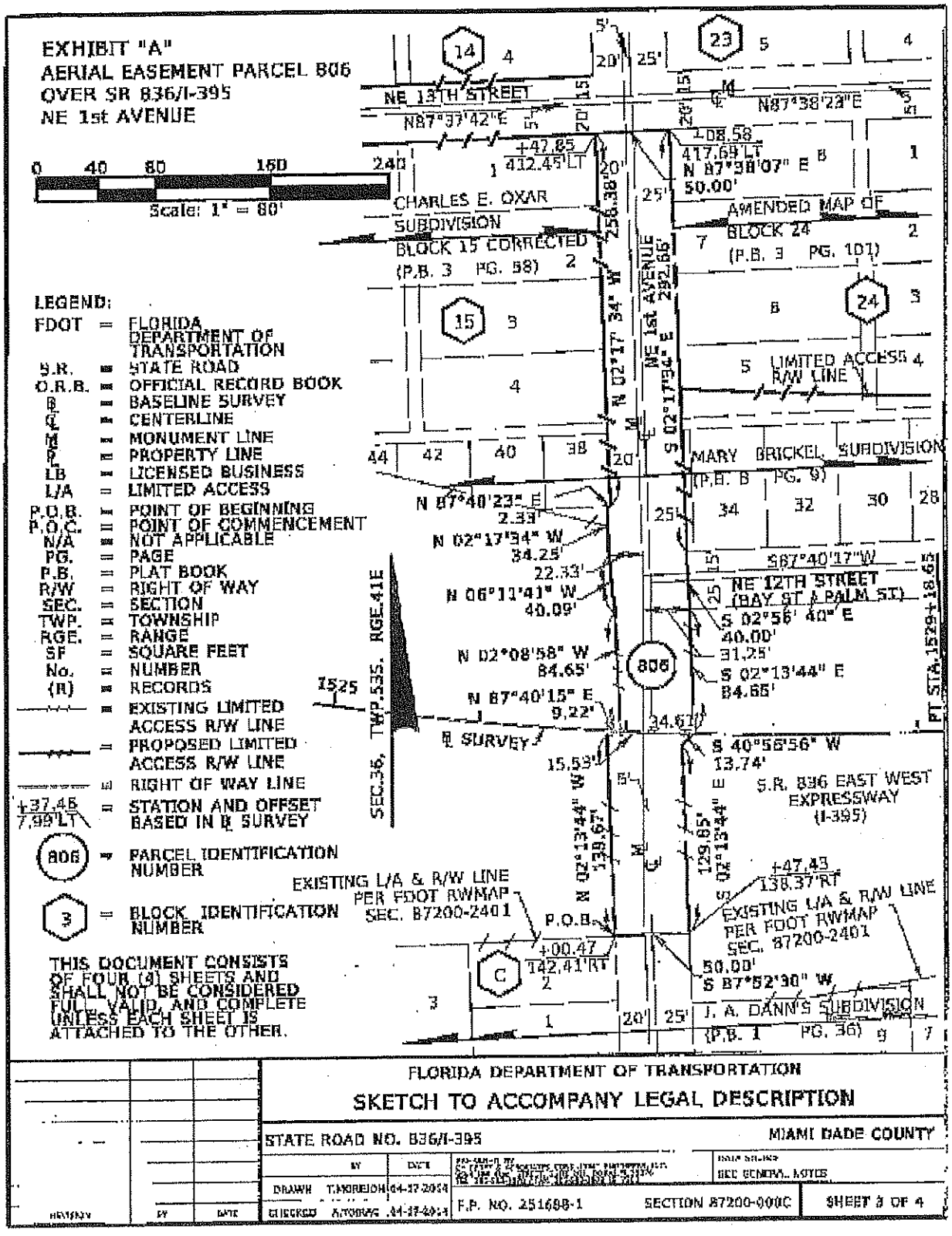


EXHIBIT "A"
AERIAL EASEMENT PARCEL 806
OVER SR 836/I-395
NE 1st AVENUE
0 40 80 160 240
Scale: 1" = 80'
LEGEND:
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
S.R. = STATE ROAD
O.R.B. = OFFICIAL RECORD BOOK
℄ = BASELINE SURVEY
℄ = CENTERLINE
℄ = MONUMENT LINE
P.L. = PROPERTY LINE
LB = LICENSED BUSINESS
L/A = LIMITED ACCESS
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
N/A = NOT APPLICABLE
PG. = PAGE
P.B. = PLAT BOOK
R/W = RIGHT OF WAY
SEC. = SECTION
TWP. = TOWNSHIP
RGE. = RANGE
SF = SQUARE FEET
No. = NUMBER
(R) = RECORDS
EXISTING LIMITED ACCESS R/W LINE
PROPOSED LIMITED ACCESS R/W LINE
RIGHT OF WAY LINE
+37.46 7.99'LT = STATION AND OFFSET BASED IN ℄ SURVEY
806 = PARCEL IDENTIFICATION NUMBER
3 = BLOCK IDENTIFICATION NUMBER
THIS DOCUMENT CONSISTS OF FOUR (4) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.
NE 13TH STREET
N87°37'42"E
N87°38'28"E
CHARLES E. OXAR SUBDIVISION
BLOCK 15 CORRECTED
(P.B. 3 PG. 58)
AMENDED MAP OF BLOCK 24
(P.B. 3 PG. 101)
MARY BRICKEL SUBDIVISION
(P.B. B PG. 9)
LIMITED ACCESS R/W LINE
NE 1st AVENUE
N 02°17'34" W 258.38'
S 02°17'34" E 292.66'
N 87°40'23" E 2.33'
N 02°17'34" W 34.25'
22.33'
N 06°11'41" W 40.09'
N 02°08'58" W 84.65'
N 87°40'15" E 9.22'
℄ SURVEY
S87°40'17"W
NE 12TH STREET (BAY ST & PALM ST)
S 02°56' 40" E 40.00'
31.25'
S 02°13'44" E 84.65'
S 40°56'56" W 13.74'
S.R. 836 EAST WEST EXPRESSWAY (I-395)
N 02°13'44" W 138.67'
S 02°13'44" E 129.85'
SEC.36, TWP.535, RGE.41E
PT STA.1529+18.65
EXISTING L/A & R/W LINE PER FDOT RWMAP SEC. 87200-2401
P.O.B.
+00.47 142.41'RT
+47.43 138.37'RT
EXISTING L/A & R/W LINE PER FDOT RWMAP SEC. 87200-2401
S 87°52'30" W
J. A. DANN'S SUBDIVISION
(P.B. 1 PG. 36)
FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
STATE ROAD NO. 836/I-395
MIAMI DADE COUNTY
DRAWN T.MOREJON 04-27-2004
CHECKED ATTORNEY 04-27-2004
F.P. NO. 251688-1
SECTION 87200-000C
SHEET 3 OF 4

EXHIBIT "B"

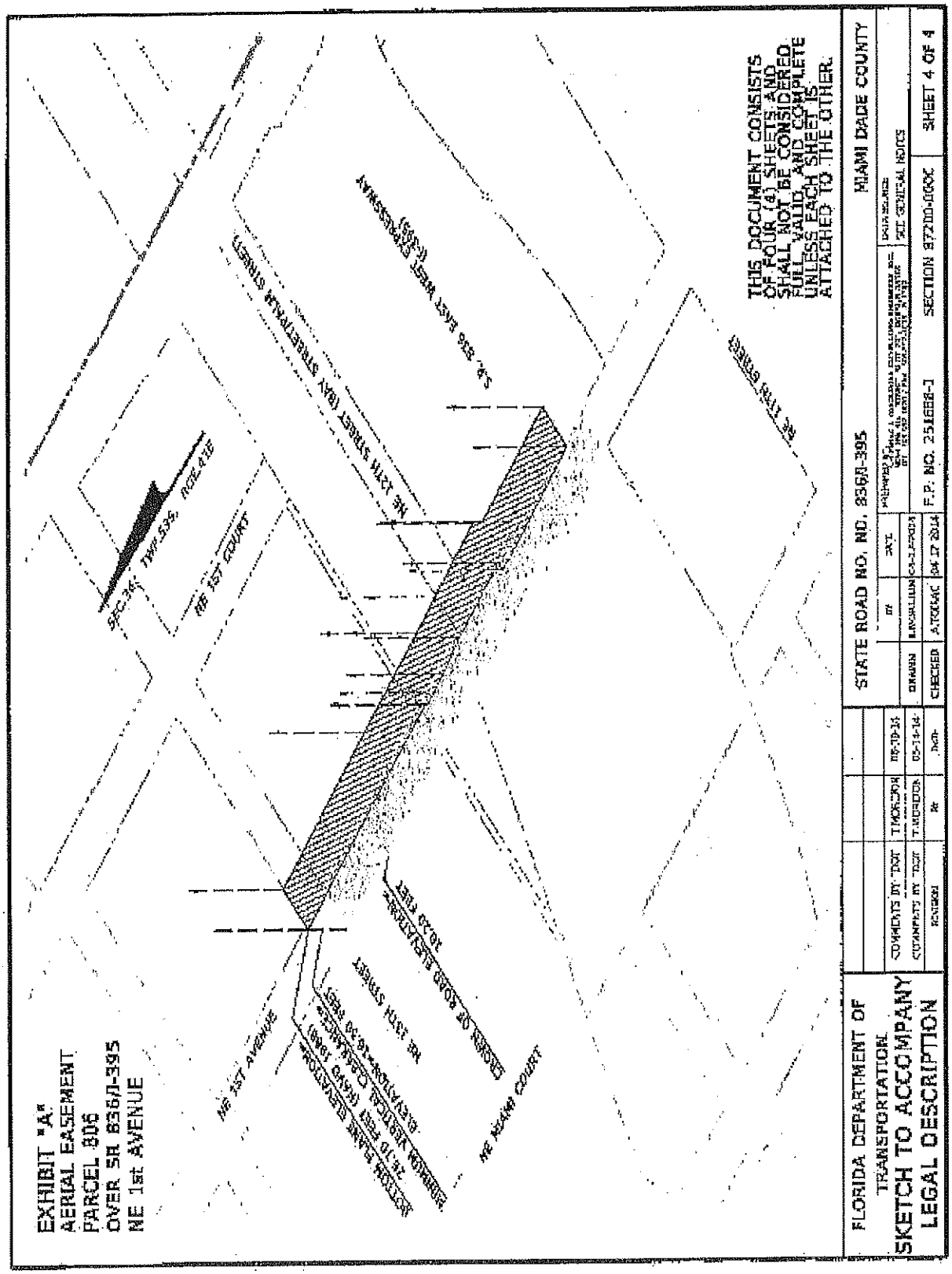


EXHIBIT "A"
AERIAL EASEMENT
PARCEL 806
OVER SR 836/I-395
NE 1st AVENUE
NE 1ST AVENUE
NE 1ST COURT
NE 12TH STREET (BAY STREET/PALM STREET)
S.R. 836 EAST WEST EXPRESSWAY
NE 11TH STREET
NE 13TH STREET
NE MIAMI COURT
THIS DOCUMENT CONSISTS OF FOUR (4) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.
FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
STATE ROAD NO. NO. 836/I-395
MIAMI DADE COUNTY
F.P. NO. 251688-1
SECTION 87200-0000
SHEET 4 OF 4

EXHIBIT "C"

Return to:
Road Design/Right of Way Division
Miami-Dade County Public Works and
Waste Management Department
111 N.W. 1st Street
Miami, FL 33128-1970

Instrument prepared by:
Carlos D. Socarras, P.L.S.
For M-DC PWWM
111 NW 1 Street
Miami, FL 33128-1970

Folio No. N/A
User Department: MDC-PWWM

State Roads No. 836/ Interstate 395
Bridge over N Miami Ave between N 11 Ter and N 13 St
State Parcel No.805 (251688-1)
State Section No. 87200-2401
Section 36-53-41

AERIAL EASEMENT

THIS EASEMENT, Made this ___ day of _____, A.D. 2014, by and between **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, whose address is 111 N.W. 1st Street, Miami, Florida 33128-1970, **"GRANTOR"**, and the **FLORIDA DEPARTMENT OF TRANSPORTATION,** whose address is 1000 NW 111 Avenue, Miami, Florida 33172-5802, **"GRANTEE"**,

WITNESSETH:

That the said **GRANTOR**, for and in consideration of benefits to the general public and for further good and valuable considerations, does hereby grant to the **GRANTEE**, and its successors in interest, a public purpose aerial easement **for the purpose of constructing and maintaining a highway bridge over North Miami Avenue, a County Road, and for proper public purposes incidental thereto,** within the following described air space, situate, lying and being in the County of Miami-Dade, State of Florida, "the easement," to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said easement unto the **GRANTEE**, subject, however, to the following conditions:

THAT GRANTEE's construction within the easement will in no way interfere with **GRANTOR's** use of North Miami Avenue road right-of-way;

THAT GRANTEE shall at all times keep North Miami Avenue road right-of-way free from obstruction, except as may be required temporarily from time to time to effect inspections, maintenance, repairs, improvements and replacement of the **GRANTEE's** highway bridge;

THAT GRANTEE, after construction of the highway bridge is completed, shall obtain necessary right-of-way permits from **GRANTOR,** or from the **MUNICIPALITY,** prior to commencement of any repairs resulting in obstruction of North Miami Avenue road right-of-way, except in the case of an emergency requiring immediate remedial action, such work must comply with procedures regarding lane closure in effect at the time of the closure;

THAT GRANTEE will indemnify and hold **GRANTOR** harmless from any and all damages, liability, claims, demand, and suits of any nature associated with **GRANTEE's** use of the easement or with public use of **GRANTEE's** highway bridge;

It is expressly provided that if and whenever the use of the subject aerial easement is discontinued, the interest to the said described easement shall immediately revert to the **GRANTOR,** its heirs and assigns, and it shall have the right to immediately repossess the same.

This grant of easement conveys only the interest of the 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 **GRANTOR** has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Mayor, 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: _____
Mayor

Approved by County Attorney as
to form and legal sufficiency. _____

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"

PARCEL 805 F. P. No. 2516881

An aerial easement for highway purposes and all purposes thereto, above an Elevation of 24.55 feet, according to the North American Vertical Datum of 1988 (NAVD88) as established by the United States National Geodetic Survey, above NORTH MIAMI AVENUE as it now exists, in Section 36, Township 53 South, Range 41 East, Miami- Dade County, Florida.

The easement is lying above that portion of NORTH MIAMI AVENUE, as shown between Blocks 12 and 13 to the north and between Blocks 16 and 17 to the south, of "AMENDED PLAT ALICE BALDWIN, JENNY M. & CHARLES E. OXAR SUBDIVISION", according to the plat thereof recorded in Plat Book B at Page 87 of the Public Records of Miami-Dade County, Florida; having a horizontal boundary more particularly described as follows:

BEGINNING at the Northwest corner of Lot 8 in Block 16 of said Plat Book B at Page 87; thence run S87°55'51"W, across NORTH MIAMI AVENUE and along the westerly extension of the north line of Lot 8 in said Block 16, for a distance of 50.00 feet to the point of intersection with the east line of Block 17 in said Plat Book B at Page 87; thence run N02°17'24"W, along the east line of said Block 17, coincident with the westerly right of way line of NORTH MIAMI AVENUE, for a distance of 199.93 feet to the point of intersection with the southerly right of way line of NW 12 Street, coincident with the north line of said Block 17; thence run N02°17'14"W, across NW 12 Street, for a distance of 40.00 feet to the point of intersection with the northerly right of way line of NW 12 Street, coincident with the south line of Block 12 in said Plat Book B at Page 87; thence run N02°16'58"W, along the east line of said Block 12, coincident with the westerly right of way line of NORTH MIAMI AVENUE, for a distance of 300.30 feet to the point of intersection with the southerly right of way line of NW 13 Street, coincident with north line of said Block 12; thence run S87°27'38"E, across NORTH MIAMI AVENUE, for a distance of 60.21 feet to the point of intersection with the easterly right of way of way line of NORTH MIAMI AVENUE, coincident with a line 10.00 feet easterly and parallel with the west line of Block 13 of said Plat Book B at Page 87; thence run S02°16'58"E, along said easterly right of way line, for a distance of 186.30 feet to the point of intersection with the existing Limited Access Right of Way Line as per FDOT Right of way Map Section 87200-2401; thence run S66°29'53"W, along the last described Limited Access Right of Way Line, for a distance of 10.73 feet to a point on the easterly right of way line of NORTH MIAMI AVENUE; thence run S02°16'58"E, along the easterly Limited access right of way line of NORTH MIAMI AVENUE, for a distance of 105.14 feet to the point of intersection with the northerly right of way line of NW 12 Street, coincident with the south line of said Block 13; thence run S02°17'14"E, across NW 12 Street, for a distance of 40.00 feet to the point of intersection with the southerly right of way line of NW 12 Street, coincident with the north line of Block 16 in said Plat Book B at Page 87; thence run S02°17'24"E, along the easterly Limited access right of way line of NORTH MIAMI AVENUE, for a distance of 200.04 feet to the POINT OF BEGINNING. Containing an area of 28,797 square feet, more or less.

Any reconstruction of the State Road 836 bridge above NORTH MIAMI AVENUE shall provide a minimum vertical clearance of 16.50 feet above the existing crown of road for NORTH MIAMI AVENUE and upon completion of said reconstruction that portion of the easement granted hereby lying below elevation 26.55 feet (NAVD88) shall self-extinguish and be of no further force and effect.

Arturo R. Toirac
10/25/2012
Rev/AT/ 04/22/2014, 6/23/14, 6/30/14, 06/30/2014
CH. Perez and Associates, Inc

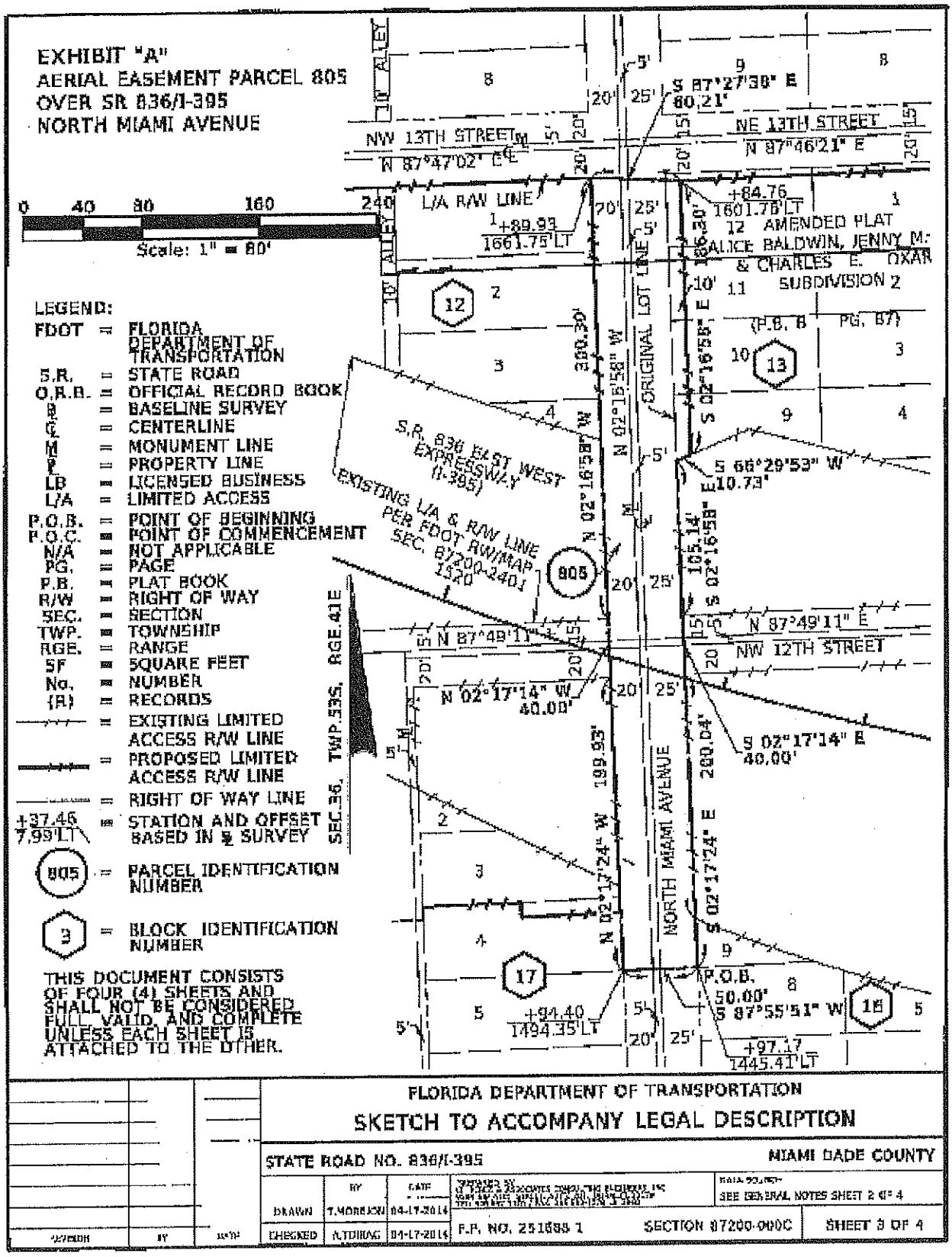
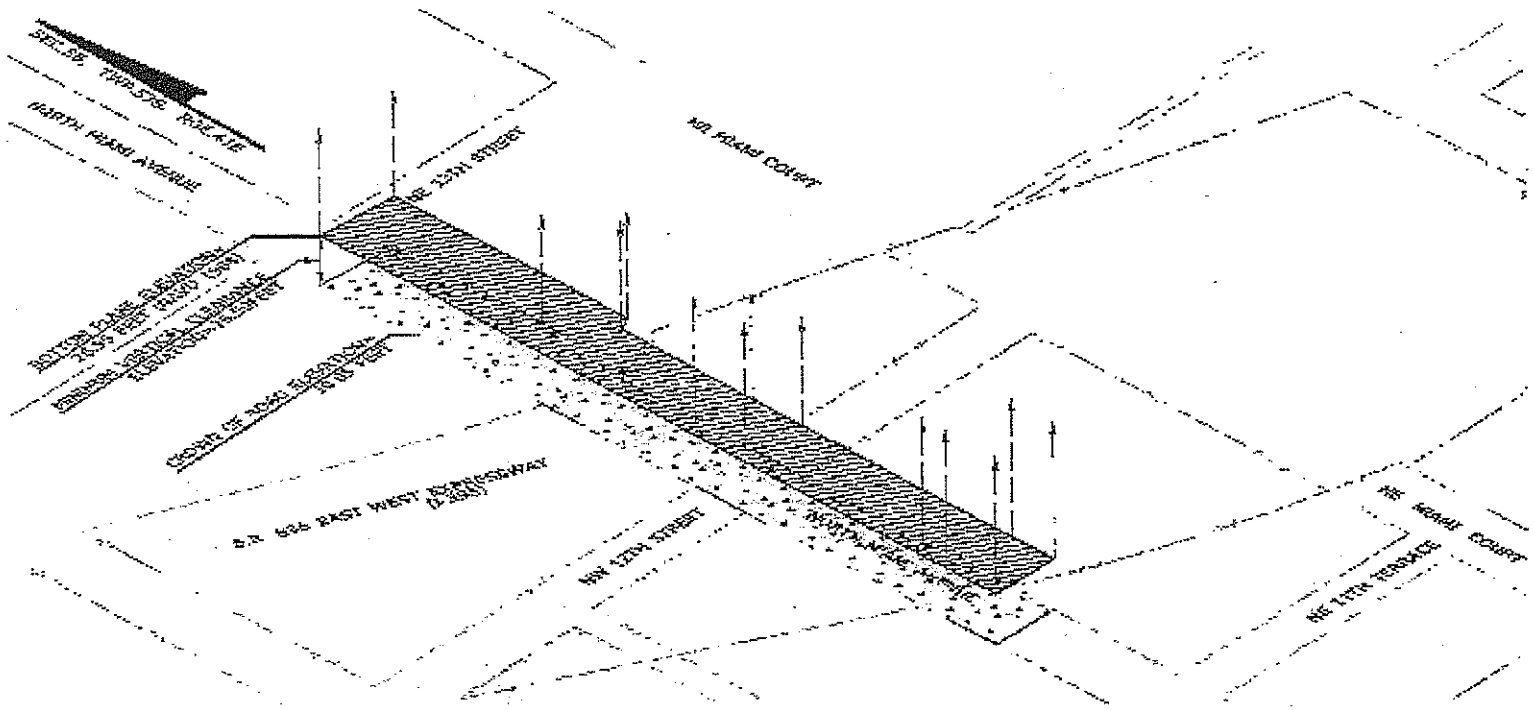


EXHIBIT "A"
AERIAL EASEMENT PARCEL 805
OVER SR 836/I-395
NORTH MIAMI AVENUE
0 40 80 160 240
Scale: 1" = 80'
LEGEND:
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
S.R. = STATE ROAD
O.R.B. = OFFICIAL RECORD BOOK
℄ = BASELINE SURVEY
℄ = CENTERLINE
M = MONUMENT LINE
P = PROPERTY LINE
LB = LICENSED BUSINESS
L/A = LIMITED ACCESS
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
N/A = NOT APPLICABLE
PG. = PAGE
P.B. = PLAT BOOK
R/W = RIGHT OF WAY
SEC. = SECTION
TWP. = TOWNSHIP
RGE. = RANGE
SF = SQUARE FEET
No. = NUMBER
(R) = RECORDS
EXISTING LIMITED ACCESS R/W LINE
PROPOSED LIMITED ACCESS R/W LINE
RIGHT OF WAY LINE
+37.46 7.99'LT = STATION AND OFFSET BASED IN ℄ SURVEY
805 = PARCEL IDENTIFICATION NUMBER
3 = BLOCK IDENTIFICATION NUMBER
THIS DOCUMENT CONSISTS OF FOUR (4) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.
NW 13TH STREET
N 87°47'02" E
L/A R/W LINE
+89.93
1661.75'LT
ALLEY
S 87°27'38" E
80.21'
NE 13TH STREET
N 87°46'21" E
+84.76
1601.75'LT
12 AMENDED PLAT
ALICE BALDWIN, JENNY M. & CHARLES E. OXAR
SUBDIVISION 2
(P.B. B PG. 87)
ORIGINAL LOT LINE
S.R. 836 EAST WEST EXPRESSWAY (I-395)
EXISTING L/A & R/W LINE PER FDOT R/W MAP SEC. 87200-2401 1520
N 02°16'58" W 380.30'
S 02°16'58" E 186.30'
S 66°29'53" W 10.73'
S 02°16'58" E 185.14'
N 87°49'11" E
NW 12TH STREET
N 87°49'11" W
N 02°17'14" W 40.00'
S 02°17'14" E 40.00'
N 02°17'24" W 199.93'
S 02°17'24" E 280.04'
NORTH MIAMI AVENUE
P.O.B.
50.00'
S 87°55'51" W
+94.40
1494.35'LT
+97.17
1445.41'LT
SEC.36, TWP.53S, RGE.41E
FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
STATE ROAD NO. 836/I-395
MIAMI DADE COUNTY
DRAWN T.MORELOS 04-17-2014
CHECKED A.TORRES 04-17-2014
SEE GENERAL NOTES SHEET 2 & 4
F.P. NO. 251688 1
SECTION 87200-000C
SHEET 3 OF 4

EXHIBIT "B"

EXHIBIT "A"

AERIAL EASEMENT PARCEL 805
OVER SR 836/I-395
NORTH MIAMI AVENUE



THIS DOCUMENT CONSISTS OF FOUR (4) 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. NO. 836/I-395				MIAMI DADE COUNTY
	COMMENTS BY FDOT	T MOREJON	06-30-14		BY	DATE	PREPARED BY:	DATE SURVEY: SEE GENERAL NOTES
	COMMENTS BY FDOT	T MOREJON	05 04 12	DRAWN	T.MOREJON	04-17-2014		
	REVISION	BY	DATE	CHECKED	A.TOIRAC	04-17-2014	F.P. NO. 251686-1 SECTION 87200	SHEET 4 OF 4

EXHIBIT "C"

Return to:
Road Design/Right of Way Division
Miami-Dade County Public Works and
Waste Management Department
111 N.W. 1st Street
Miami, FL 33128-1970

Instrument prepared by:
Carlos D. Socarras, P.L.S.
For M-DC PWWM
111 NW 1 Street
Miami, FL 33128-1970

Folio No. N/A
User Department: MDC-PWWM

State Roads No. 836/ Interstate 395
Bridge over NW 1 Pl between NW 13 St and NW 14 St
State Parcel No. 817 (251688-1)
State Section No. 87200-2401
Section 36-53-41

AERIAL EASEMENT

THIS EASEMENT, Made this ___ day of _____, A.D. 2014, by and between **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, whose address is 111 N.W. 1st Street, Miami, Florida 33128-1970, **"GRANTOR"**, and the **FLORIDA DEPARTMENT OF TRANSPORTATION,** whose address is 1000 NW 111 Avenue, Miami, Florida 33172-5802, **"GRANTEE"**,

WITNESSETH:

That the said **GRANTOR**, for and in consideration of benefits to the general public and for further good and valuable considerations, does hereby grant to the **GRANTEE**, and its successors in interest, a public purpose aerial easement **for the purpose of constructing and maintaining a highway bridge over NW 1 Place, a County Road, and for proper public purposes incidental thereto**, within the following described air space, situate, lying and being in the County of Miami-Dade, State of Florida, "the easement," to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said easement unto the **GRANTEE**, subject, however, to the following conditions:

THAT GRANTEE's construction within the easement will in no way interfere with **GRANTOR's** use of NW 1 Place road right-of-way

THAT GRANTEE shall at all times keep NW 1 Place road right-of-way free from obstruction, except as may be required temporarily from time to time to effect inspections, maintenance, repairs, improvements and replacement of the **GRANTEE's** highway bridge;

THAT GRANTEE, after construction of the highway bridge is completed, shall obtain necessary right-of-way permits from **GRANTOR**, or from the **MUNICIPALITY**, prior to commencement of any repairs resulting in obstruction of NW 1 Place road right-of-way, except in the case of an emergency requiring immediate remedial action, such work must comply with procedures regarding lane closure in effect at the time of the closure;

THAT GRANTEE will indemnify and hold **GRANTOR** harmless from any and all damages, liability, claims, demand, and suits of any nature associated with **GRANTEE's** use of the easement or with public use of GRANTEE's highway bridge; It is expressly provided that if and whenever the use of the subject aerial easement is discontinued, the interest to the said described easement shall immediately revert to the GRANTOR, its heirs and assigns, and it shall have the right to immediately repossess the same.

This grant of easement conveys only the interest of the 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 **GRANTOR** has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Mayor, and attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:
BY ITS BOARD OF COUNTY
HARVEY RUVIN,
CLERK OF SAID BOARD

MIAMI-DADE COUNTY, FLORIDA

COMMISSIONERS

By:_____ By:_____
Deputy Clerk Mayor

Approved by County Attorney as
to form and legal sufficiency. _____

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"

PARCEL 817 F. P. No. 2516881

An aerial easement for highway purposes and all purposes thereto, above an Elevation of 28.22 feet, according to the North American Vertical Datum of 1988 (NAVD88) as established by the United States National Geodetic Survey, above NW 1 Place as it now exists, in the E1/2 of Section 36, Township 53 South, Range 41 East, Miami- Dade County, Florida.

The easement is lying above that portion of NW 1 Place, bounded on the North by the easterly extension of the north line of Lot 5 in Block 45 of "MAP OF WADDELL'S ADDITION TO THE TOWN OF MIAMI" according to the plat thereof recorded in Plat Book B at Page 53; and bounded on the south by the westerly extension of the south line of Lot 9 in Block 6 of "AMENDED PLAT ALICE BALDWIN, JENNY M. & CHARLES E. OXAR SUBDIVISION", according to the plat thereof recorded in Plat Book B at Page 87, both plats recorded in the Public Records of Miami-Dade County, Florida; having a horizontal boundary more particularly described as follows:

BEGINNING at the Northeast corner of Lot 5 in Block 45 of the above mentioned Plat Book B at Page 53; thence run N87°36'17"E, across NW 1 Place, for a distance of 40.00 feet to the southwest corner of Lot 11 in Block 44 of "WADDELL'S RESUBDIVISION" according to the plat thereof recorded in Plat Book 1 at Page 169, of the Public Records of Miami-Dade County, Florida; thence continue N87°36'17"E, along the south line of said Lot 11, for a distance of 5.00 feet; thence run S 01°43'38"E, along the easterly right of way line of NW 1 PLACE, for a distance of 34.23 feet to a point of curvature of a circular curve concave to the northeast connecting the easterly right of way line of NW 1 Place with the northerly right of way line of NW 14 STREET; thence run southeasterly, along said circular curve, having a radius of 84.50 feet through a central angle of 90°40'06" subtending a 120.20 foot chord which bears S47°03'41"E, for an arc distance of 133.72 feet to the point of tangency on the northerly right of way line of NW 14 STREET; thence run N87°36'16"E, along the northerly right of way line of NW 14 STREET, for a distance of 8.77 feet; thence run S2°20'00"E, across NW 14 STREET and then continuing along the easterly right of way line of NW 1 Place, for a distance of 320.03 feet; thence run N87°40'56"E, on the easterly right of way line of NW 1 Place, for a distance of 5.00 feet; thence run S02°20'00"E, along the easterly right of way line of NW 1 Place, for a distance of 49.68 feet; thence run S87°41'48"W, on the easterly right of way line of NW 1 Place, for a distance of 5.00 feet; thence run S02°20'00"E, along the easterly right of way line of NW 1 Place, coincident with the west line of Block 6 in the above mentioned Plat Book B at Page 87, for a distance of 99.35 feet; to the point of intersection with the northerly right of way line of NW 13 STREET, coincident with the south line of Lot 9 in Block 6 of the above mentioned Plat Book B at Page 87; thence run S87°37'34"W, across NW 1 Place, for a distance of 45.01 feet to the point of intersection with the westerly right of way line of NW 1 Place coincident with the east line of Block 7 in the above mentioned Plat Book B at Page 87; thence run N02°20'00"W, along the westerly Limited Access right of way line of NW 1 Place, for a distance of 334.81 feet to a point on a non tangent circular curve concave to the southwest; thence run northwesterly, along said non tangent circular curve to the left, having a radius of 84.50 feet through a central angle of 72°57'25" subtending a 100.47 foot chord which bears N39°02'02"W for an arc distance of 107.60 feet to a point of cusp on the southerly right of way line of NW 14 STREET; thence run S02°20'17"E for a distance of 6.28 feet, thence run S87°24'10"W, along the southerly right of way line of NW 14 STREET, for a distance of 35.00 feet; thence run N02°20'17"W for a distance of 10.00 feet to a point on the southerly right of way line of NW 14 STREET; thence run N01°25'49"W, across NW 14 STREET, for a distance of 50.01 feet to the southeast corner of Block 45 in the above mentioned Plat Book B at Page 53; thence run N01°43'38"W, along the east line of said Block 45, coincident with the westerly right of way line of NW 1 PLACE, for a distance of 119.73 feet to the POINT OF BEGINNING.

Containing an area of 34,906 square feet, more or less.

Any reconstruction of the State Road 836 bridge above NW 1 Place shall provide a minimum vertical clearance of 16.50 feet above the existing crown of road for NW 1 Place and upon completion of said reconstruction that portion of the easement granted hereby lying below elevation 28.17 feet (NAVD88) shall self-extinguish and be of no further force and effect.

Arturo R. Toirac 10/25/2012
Revisions: AT/ 04/04/2013, 4/22/2014, 6/23/14, 6/30/14
CH. Perez and Associates, Inc

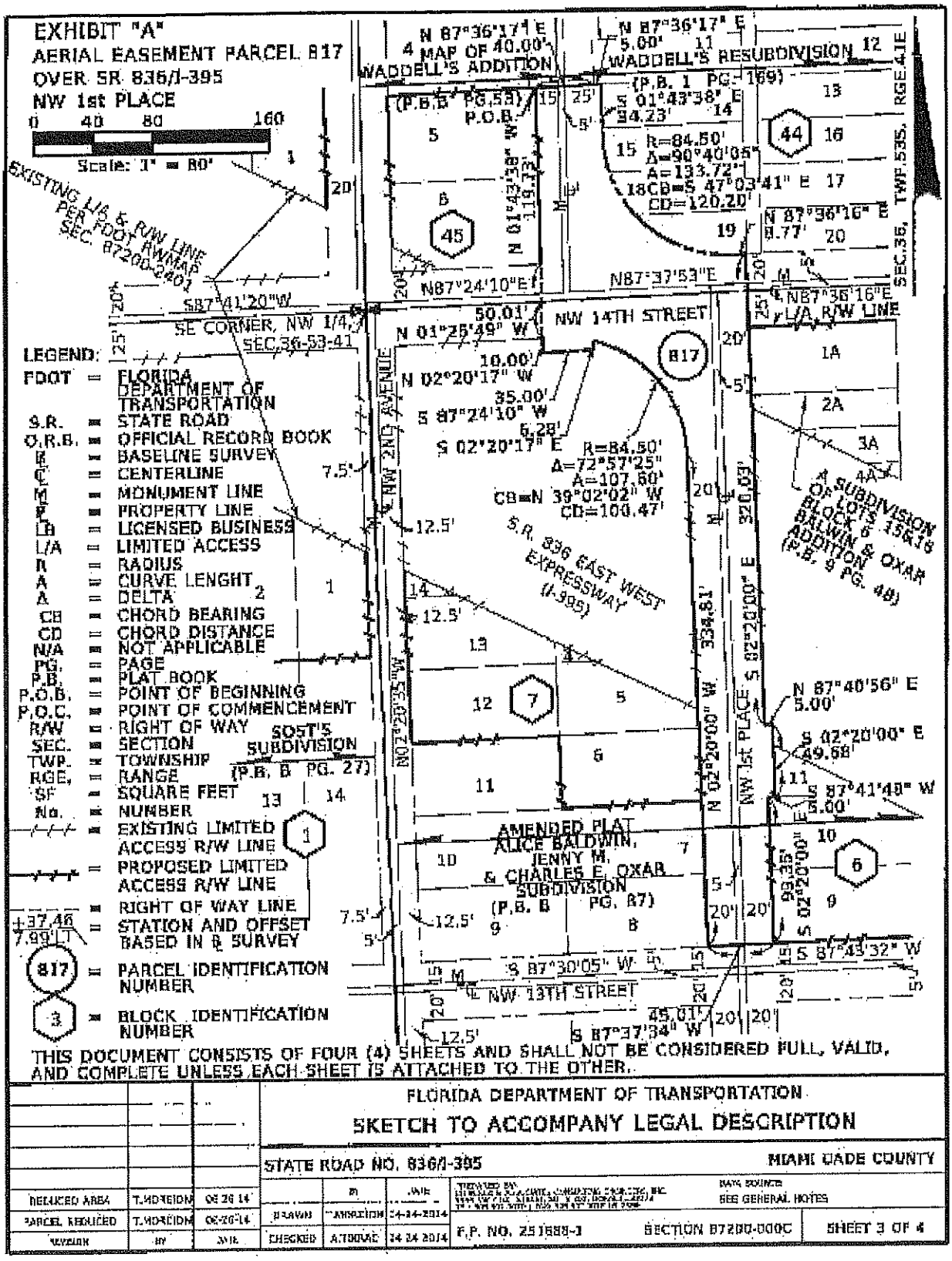
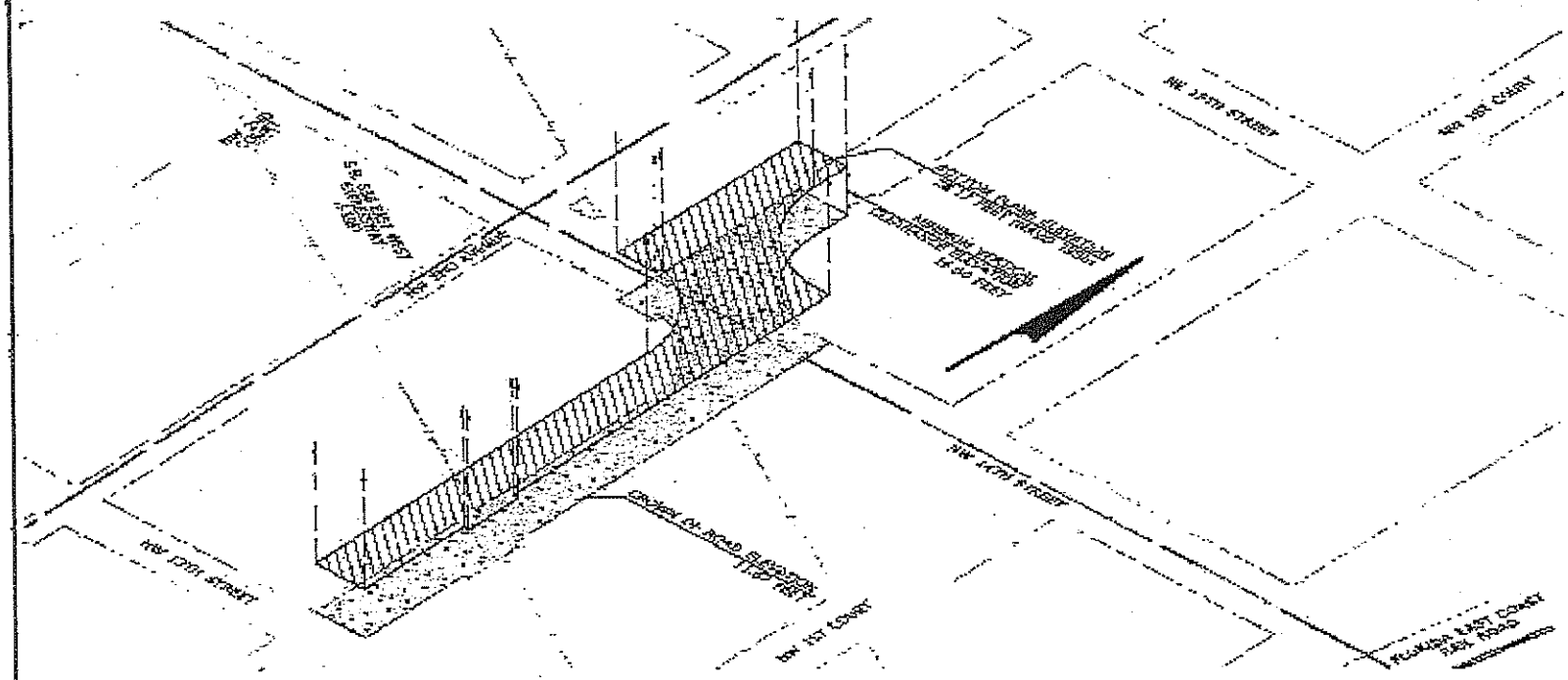


EXHIBIT "A"
AERIAL EASEMENT PARCEL 817
OVER SR 836/I-395
NW 1st PLACE
0 40 80 160
Scale: 1" = 80'
EXISTING L/A & R/W LINE PER FDOT RWMAP SEC. 87200-2401
N 87°36'17" E
4 MAP OF 40.00'
WADDELL'S ADDITION
(P.B.B PG.53)
P.O.B.
N 87°36'17" E
5.00'
WADDELL'S RESUBDIVISION
(P.B. 1 PG. 169)
S 01°43'38" E
34.23'
R=84.50'
Δ=90°40'05"
A=133.72'
18CB=S 47°03'41" E
CD=120.20'
N 87°36'16" E
8.77'
N 01°43'38" W
119.73'
N87°24'10"E
N87°37'53"E
N87°36'16"E
L/A R/W LINE
S87°41'20"W
SE CORNER, NW 1/4, SEC.36-53-41
50.01'
N 01°25'49" W
NW 14TH STREET
817
N 02°20'17" W
10.00'
35.00'
S 87°24'10" W
6.28'
S 02°20'17" E
R=84.50'
Δ=72°57'25"
A=107.60'
CB=N 39°02'02" W
CD=100.47'
NW 2ND AVENUE
S.R. 836 EAST WEST EXPRESSWAY (I-395)
A SUBDIVISION OF LOTS 15&16 BLOCK 6 BALWIN & OXAR ADDITION (P.B. 9 PG. 48)
N 02°20'00" W 334.81'
S 02°20'00" E 320.03'
NW 1st PLACE
N 87°40'56" E
5.00'
S 02°20'00" E
49.68'
S 87°41'48" W
5.00'
N02°20'35"W
SOST'S SUBDIVISION
(P.B. B PG. 27)
AMENDED PLAT ALICE BALDWIN, JENNY M. & CHARLES E. OXAR SUBDIVISION
(P.B. B PG. 87)
S 02°20'00" E
99.35'
S 87°43'32" W
S 87°30'05" W
NW 13TH STREET
S 87°37'34" W
45.01'
LEGEND:
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
S.R. = STATE ROAD
O.R.B. = OFFICIAL RECORD BOOK
℄ = BASELINE SURVEY
℄ = CENTERLINE
M = MONUMENT LINE
P = PROPERTY LINE
LB = LICENSED BUSINESS
L/A = LIMITED ACCESS
R = RADIUS
A = CURVE LENGHT
Δ = DELTA
CB = CHORD BEARING
CD = CHORD DISTANCE
N/A = NOT APPLICABLE
PG. = PAGE
P.B. = PLAT BOOK
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT OF WAY
SEC. = SECTION
TWP. = TOWNSHIP
RGE. = RANGE
SF = SQUARE FEET
No. = NUMBER
= EXISTING LIMITED ACCESS R/W LINE
= PROPOSED LIMITED ACCESS R/W LINE
= RIGHT OF WAY LINE
+37.46 / 7.99' LT = STATION AND OFFSET BASED IN ℄ SURVEY
817 = PARCEL IDENTIFICATION NUMBER
3 = BLOCK IDENTIFICATION NUMBER
THIS DOCUMENT CONSISTS OF FOUR (4) 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. 836/I-395
MIAMI DADE COUNTY
REDUCED AREA
PARCEL REDUCED
DRAWN
CHECKED
DATA SOURCE
SEE GENERAL NOTES
F.P. NO. 251688-1
SECTION 87200-000C
SHEET 3 OF 4

EXHIBIT "B"

EXHIBIT "A"
AERIAL EASEMENT PARCEL 817
OVER SR 836/I-395
NW 1st PLACE



THIS DOCUMENT CONSISTS OF FOUR (4) 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. NO. 836/I-395			MIAMI DADE COUNTY
	COMMENTS FOR NOC	T.MOREJON	07-01-14	BY	DATE	PREPARED BY:	DATA SOURCES: SEE GENERAL NOTES
	REDUCED AREA	T.MOREJON	05-28-14	DRAWN T.MOREJON	04-24-2014		
	COMMENTS BY FDOT	T.MOREJON	05-15-14	CHECKED A.TORRAC	04-24-2014	F.P. NO. 251688-1	SECTION 87200-000C
	REMARKS	BY	DATE				SHEET 4 OF 4

EXHIBIT "C"