

# MEMORANDUM

Agenda Item No. 8(H)(1)

---

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

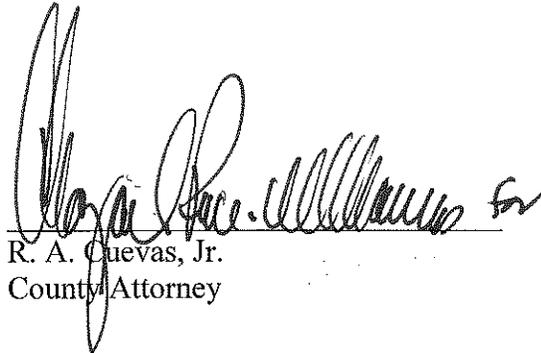
**DATE:** November 5, 2014

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

**SUBJECT:** Resolution authorizing the conveyance of an easement to the State of Florida Department of Transportation to install and maintain traffic light facilities at Pelican Harbor Marina Park

---

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces 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



**Date:** November 5, 2014

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Authorizing the Conveyance of an Easement to the State of Florida Department of Transportation for the Installation and Maintenance of Traffic Light Facilities at Pelican Harbor Marina Park

---

## Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing the conveyance of a 963 square foot easement to the State of Florida Department of Transportation (FDOT) for electrical equipment for the traffic light that controls traffic at the entrance to Pelican Harbor Marina Park.

## Scope

Pelican Harbor Marina Park is located in Commission District 3, Commissioner Audrey M. Edmonson, at 1275 NE 79 Street; however, Pelican Harbor Marina Park is a Countywide asset of regional significance.

## Fiscal Impact/Funding Source

Approval of this resolution will have no fiscal impact to Miami-Dade County because FDOT will pay for the costs of maintaining the equipment within the easement.

## Track Record/Monitor

John Bowers, Supervisor of the Property Management Section of the Parks, Recreation and Open Spaces Department, will ensure completion of the easement document, its recording, and delivery to the Clerk of the Board.

## Background

The traffic light that controls traffic at the entrance to Pelican Harbor Marina Park is owned and operated by FDOT. A portion of the equipment, an electrical wire loop buried in the pavement, is located on park property. FDOT needs an easement (Attachment A) to access and maintain the equipment. The easement is approximately 24-feet wide and 40 feet in length.

  
Michael Spring, Senior Advisor  
Office of the Mayor



# MEMORANDUM

(Revised)

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

**DATE:** November 5, 2014

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

**SUBJECT:** Agenda Item No. 8(H)(1)

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(H)(1)  
11-5-14

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

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO INSTALL AND MAINTAIN TRAFFIC LIGHT FACILITIES AT PELICAN HARBOR MARINA PARK, LOCATED AT 1275 NE 79 STREET, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE EASEMENT

**WHEREAS**, the State of Florida Department of Transportation desires to improve the traffic signal facilities at Pelican Harbor Marina Park, located at 1275 NE 79 Street; and

**WHEREAS**, the safe and efficient control of traffic which leaves or enters the park is a benefit for the County, through its Parks, Recreation and Open Spaces Department; and

**WHEREAS**, the State of Florida Department of Transportation agrees to provide traffic light facilities at the park in exchange for an easement for the installation and the maintenance of an electric line buried in the pavement, and said easement will not adversely impact natural resources, or the park facilities and uses; and

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

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board hereby authorizes the granting of an easement to the State of Florida Department of Transportation for installation and maintenance of electric traffic light facilities at Pelican Harbor Marina Park, in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor or County Mayor's designee to execute the easement for and on behalf of Miami-Dade County, upon approval by the County Attorney's Office, and to exercise all provisions therein.

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

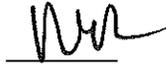
The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of November, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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.



Monica Rizo

# ATTACHMENT A

07-PE.11-04/93

This instrument prepared by,  
or under the direction of,  
Alicia Trujillo, Esq.  
District General Counsel  
State of Florida  
Department of Transportation  
1000 N.W. 111<sup>th</sup> Avenue  
Miami, Florida 33172  
June 17, 2014 - EV

Parcel No. : 800.1  
Item/Segment No. : 431180-1  
Managing District : 6

## PERPETUAL EASEMENT

THIS EASEMENT Made the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, by 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.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a perpetual easement for the purpose of replacing and maintaining a Traffic Loop Detector in, over, under, upon and through the following described land in Miami-Dade County, Florida, viz:

PARCEL 800:

F.P. NO.431180-1

A portion of Tract "B", PELICAN HARBOR PARK, according to the plat thereof, as recorded in Plat Book 134, Page 18 of the public records of Miami-Dade County, Florida, lying in Section 8, Township 53 South, Range 42 East, lying and being in Miami-Dade County, Florida, and being more particularly described as follows:

Commence at the Northwest corner of Tract "A", PELICAN HARBOR NO.1, according to the plat thereof as recorded in Plat Book 105, Page 69 of the public records of Miami-Dade County, Florida; thence South 02°50'14" East, along the West line of said Tract A, a distance of 111.73 feet to the POINT OF BEGINNING; thence continue along said line, South 02°50'14" East, a distance of 24.50 feet to a point on the existing Northerly right of way line of State Road 934 as shown on the Florida Department of Transportation Right of Way Map Section 87080-2505, Sheet 3 of 3, last revised on 09/18/69; thence South 87°50'56" West, a distance of 39.30 feet; thence North 02°50'14" West, a distance of 24.50 feet; thence North 87°50'56" East, a distance of 39.23 feet to the POINT OF BEGINNING.

Lying in North Bay Village, Miami-Dade County, containing 963 square feet more or less.

RT/EW/05/21/2014

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

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever.

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 Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: \_\_\_\_\_

County of Miami-Dade, Florida,  
By its Board of County Commissioners

Clerk (or Deputy Clerk) of the Circuit Court

(Affix County Seal)

By: \_\_\_\_\_

Its Chair (or Vice-Chair)

\_\_\_\_\_  
\_\_\_\_\_

(Address)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

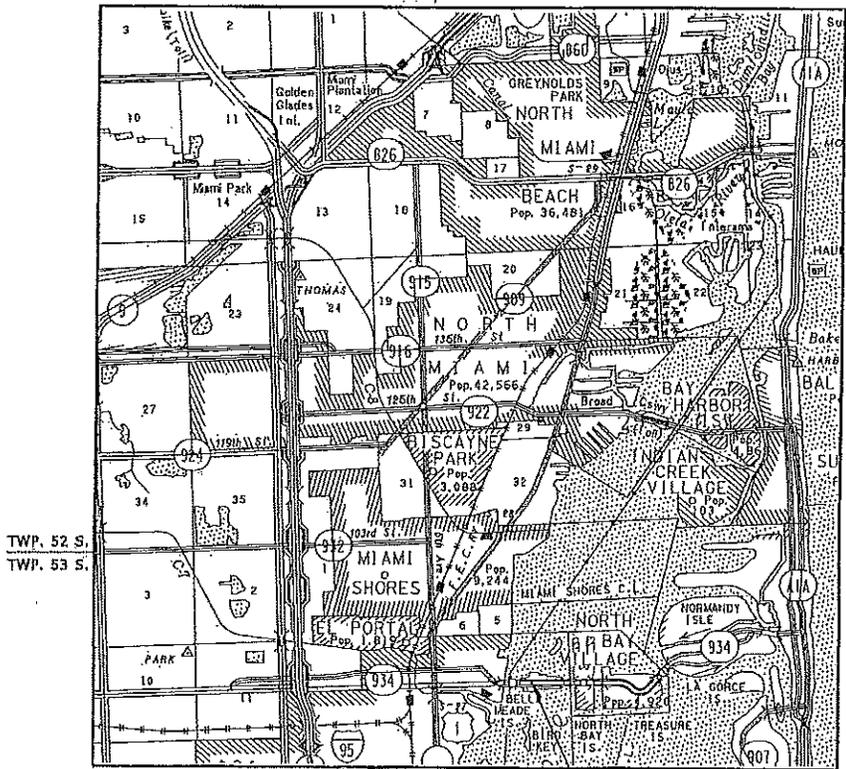
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_, by \_\_\_\_\_, Chairperson (or Vice-Chairperson), who is personally  
known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Signature of person taking acknowledgment)

\_\_\_\_\_  
(Type, print or stamp name under signature)  
Title or rank and serial number, if any: \_\_\_\_\_

EXHIBIT "A"

RGE. 41 E  
RGE. 42 E



LOCATION MAP  
NOT TO SCALE

PARCEL 800  
SR 934

LEGEND

- ALUM = ALUMINUM
- B = BASELINE
- C.B. = CHORD BEARING
- CONC. = CONCRETE
- Δ = DELTA
- EXIST. = EXISTING
- F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
- F.P. = FINANCIAL PROJECT
- L = LENGTH
- LT = LEFT
- N/A = NOT APPLICABLE
- NO. = NUMBER
- (P) = PLAT
- P.B. = PLAT BOOK
- P.C. = POINT OF CURVATURE
- P.N.C. = PROJECT NETWORK CONTROL
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.R.C. = POINT OF REVERSE CURVATURE
- P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
- PG. = PAGE
- R = RADIUS
- R/W = RIGHT OF WAY
- RGE. = RANGE
- RT = RIGHT
- SEC. = SECTION
- SQ.FT. = SQUARE FEET
- S.R. = STATE ROAD
- STA. = STATION
- TWP. = TOWNSHIP

PARCEL 800

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT SIX  
1000 NW 111th AVE  
MIAMI, FL 33172

FLORIDA DEPARTMENT OF TRANSPORTATION					
SKETCH TO ACCOMPANY LEGAL DESCRIPTION					
STATE ROAD NO. 934 (NE 79th STREET)				MIAMI-DADE COUNTY	
		BY	DATE	PREPARED BY:	DATA SOURCE:
		DRAWN	TIMMENS	03/31/2014	KEITH & SCHNARS P.A.
REVISION	BY	DATE	CHECKED	WILHELM	04/01/2014
				F.P. NO. 431180-152-01 SECTION 87080	
					SHEET 1 OF 3

## EXHIBIT "A"

**SURVEY NOTES:**

1. NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS AND COORDINATES ARE RELATIVE TO NATIONAL OCEAN SURVEY, TRAVERSE MERCATOR COORDINATES, FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT (N.A.D. 83/90). A GRID BEARING OF SOUTH 86°11'51" EAST AS ESTABLISHED BETWEEN MONUMENTS PN3 AND PN4 AS SHOWN ON THE PROJECT NETWORK CONTROL (P.N.C.) SHEETS ON FILE WITH THE DISTRICT SIX LOCATION OFFICE IN MIAMI, FLORIDA FILED UNDER FINANCIAL PROJECT 431180-1-52-01.

POINT NORTHING	EASTING	MONUMENT:	STAMPED:
PN3 551,515.764	931,623.389	F.D.O.T. ALUM DISK IN CONC. SIDEWALK	"934-87-13-PN03"
PN4 551,449.418	932,621.629	F.D.O.T. ALUM DISK IN CONC. SIDEWALK	"934-87-13-PN04"

4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. THIS SKETCH IS NOT A BOUNDARY SURVEY AS SUCH.
6. ALL DIMENSIONS ARE CALCULATED UNLESS OTHERWISE SPECIFIED.

**DESCRIPTION**

A PORTION OF TRACT "B" PELICAN HARBOR PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 134, PAGE 18 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN SECTION 8, TOWNSHIP 53 SOUTH, RANGE 42 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT "A" PELICAN HARBOR NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 105, PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 02°50'14" EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 111.73 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID LINE, SOUTH 02°50'14" EAST, A DISTANCE OF 24.50 FEET TO A POINT ON THE EXISTING NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 934 AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 87080-2505, SHEET 3 OF 3, LAST REVISED ON 09/18/69; THENCE SOUTH 87°50'56" WEST, A DISTANCE OF 39.30 FEET; THENCE NORTH 02°50'14" WEST, A DISTANCE OF 24.50 FEET; THENCE NORTH 87°50'56" EAST, A DISTANCE OF 39.30 FEET TO THE POINT OF BEGINNING.

LYING IN THE CITY OF MIAMI, MIAMI-DADE COUNTY, CONTAINING 963 SQUARE FEET MORE OR LESS.

**CERTIFICATE:**

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION AS DELINEATED UNDER MY DIRECTION ON MAY 21, 2014.  
 I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH & SCHNARS, P.A.  
 ENGINEERS-PLANNERS-SURVEYORS

KEITH & SCHNARS, P.A.  
 6500 NORTH ANDREWS AVENUE  
 FORT LAUDERDALE, FL 33309  
 (954) 776-1616  
 CERTIFICATE OF AUTHORIZATION NO. 1337

BY: *[Signature]* 5/21/14  
 ERIC E. WILHELME, P.S.M.  
 FLORIDA REGISTRATION NO. 5872

**PARCEL 800**

		<b>FLORIDA DEPARTMENT OF TRANSPORTATION</b>	
		<b>SKETCH TO ACCOMPANY LEGAL DESCRIPTION</b>	
		STATE ROAD NO. 934 (79TH STREET CAUSEWAY)	MIAMI-DADE COUNTY
		BY	DATE
REVISE PARCEL	EEW	TIMMENS	03/31/14
REVISION	BY	DATE	CHECKED
			WILHELME
			04/01/14
		PREPARED BY: KEITH AND SCHNARS, P.A.	
		DATA SOURCE: N/A	
		F.P. NO. 431180-1-52-01 SECTION 87080	
		SHEET 2 OF 3	

