MEMORANDUM

Agenda Item No. 8(L)(1)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	October 6, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution accepting three three implied offers of dedication for a portion of NW 109th Avenue beginning 125 feet north of the center line of NW 1st Lane, North for 1,320 feet in Section 6, Township 54 South, Range 40 East, Miami-Dade County, Florida

The accompanying resolution was prepared by Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: October 6, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Accepting Three (3) Implied Offers of Dedication for a Portion of NW 109 Avenue Beginning 125 feet North of the Center Line of NW 1 Lane, North for 1320 Feet in NE 1/4 of Section 6, Township 54 South, Range 40 East, Miami-Dade County, Florida

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RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached resolution for the acceptance of three (3) implied offers of dedication for a portion of NW 109 Avenue, starting 125 feet north of the center line of NW 1 Lane North for 1,320 feet in Section 6 Township 54 South, Range 40 East, Miami-Dade County (County), Florida, as legally described in Exhibit "A" and illustrated in Exhibit "B" attached and made a part hereof.

Scope

These implied offers are located within Commissioner Jose "Pepe" Diaz's District 12.

Fiscal Impact/Funding Source

The total fiscal impact as a result of these implied offers being accepted is approximately $240.13 annually for maintenance costs associated with the subject right of way being included in the Public Works and Waste Management Department (PWWM) inventory. These costs will be funded through PWWM's General Fund allocation under Index Code PW 338475.

Track Record/Monitor

PWWM is the entity overseeing this project and the person responsible for monitoring is Mr. Leandro Oña, P.E., Chief, Roadway Engineering and Right-of-Way Division.

BACKGROUND

At the time that the prior owners of the subject properties, Wesley E. Garrison, Inc., Samson S. Pederson and Mae Pederson, his wife, and Miami Cristian School, conveyed their properties, they expressed an implied offer to dedicate the east ten (10) feet of their respective properties for road purposes in their deeds of conveyance. The areas which are the subject of the implied offers are delineated in Exhibit "B". The implied offers were expressed as follows: Mr. Wesley E. Garrison in Warranty Deed dated May 11, 1953 and recorded in Official Records Book 4202 Page 232, Mr. Samson S. Pederson and Mae Pederson, his wife, in a Warranty Deed dated June 28, 1955, and recorded in Official Record Book 4115, Page 268, and Miami Christian School in Warranty Deed dated December 25, 1960 and recorded in Official Records Book 2438, Page 318. All of the above instruments were recorded in the Public Records of the County, Florida. There is no information in the Public Records that would withdraw, revoke or otherwise impair the implied offer of dedications. In order to protect the public's road easement, PWWM recommends the acceptance of these right-of-way dedications.

Alina T. Hudak
Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

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

SUBJECT: Agenda Item No. 8(L)(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(L)(1)
10-6-15

RESOLUTION NO. _____

RESOLUTION ACCEPTING THREE IMPLIED OFFERS OF DEDICATION FOR A PORTION OF NW 109th AVENUE BEGINNING 125 FEET NORTH OF THE CENTER LINE OF NW 1st LANE, NORTH FOR 1,320 FEET IN SECTION 6, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA

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

WHEREAS, upon consideration of the Public Works and Waste Management Department's recommendation, the Board of County Commissioners of Miami-Dade County, Florida, finds and determines that the acceptance of these implied offers of dedication is in the public's best interest,

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. This Board hereby approves and accepts these implied offers of dedication, as described in Exhibit "A" and illustrated in the location map in Exhibit "B".

Section 3. Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or County Mayor's designee to record the instruments of conveyances accepted herein in the Public Records of Miami-Dade County and to provide a recorded copy of each instrument to the Clerk of the Board within 30 days of execution of said instruments; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of each of said instruments 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK

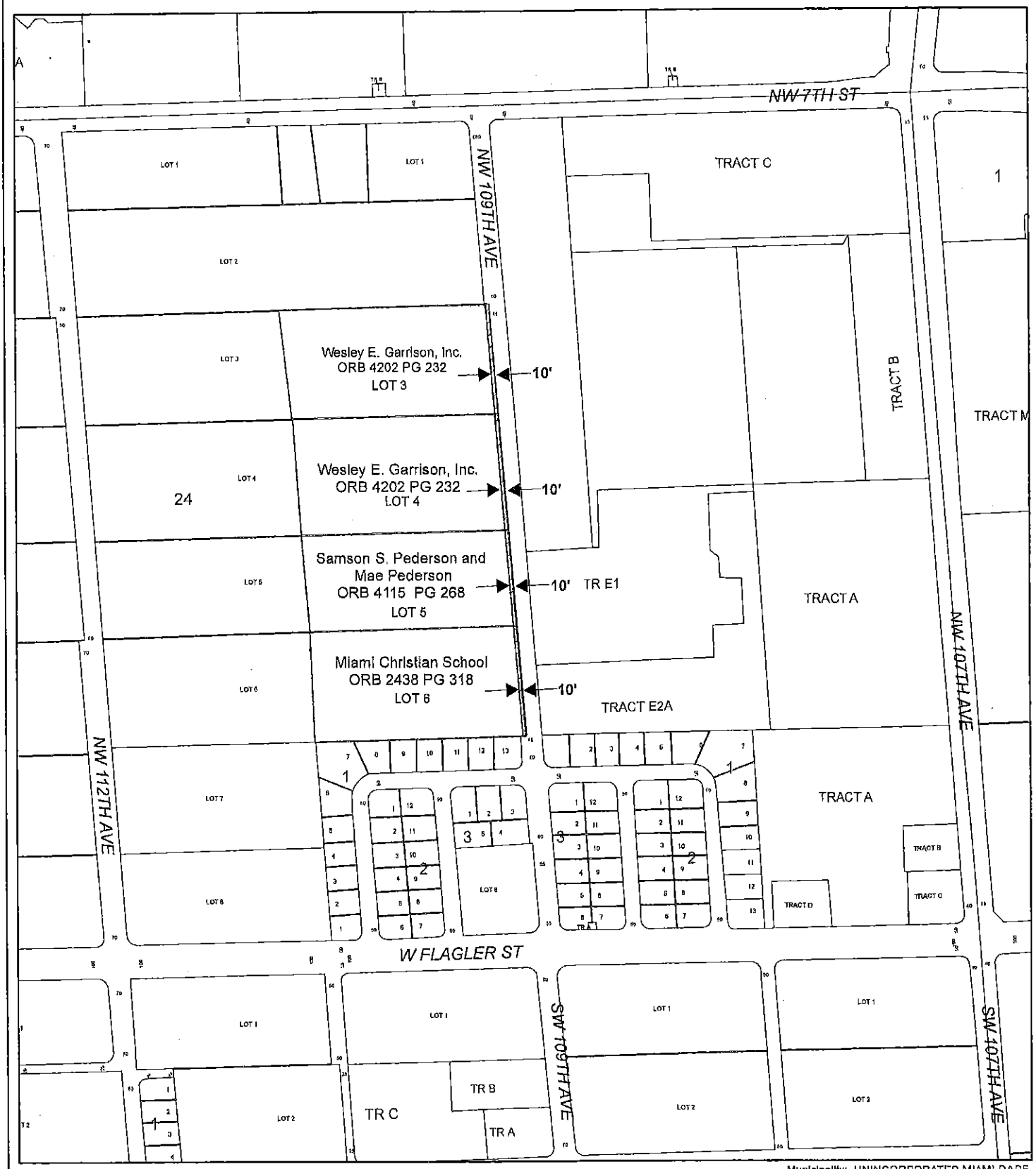
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

Exhibit "A"

The East 10 feet of Lots 3, 4, 5 and 6 Block 24 of the Plat of "SWEETWATER GROVES" as recorded in Plat Book 8, Page 50 of the Public Records of Miami Dade County, Florida.



THIS IS NOT A SURVEY

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Jose " Pepe" Diaz 12

IMPLIED OFFER

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W E
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NTS

MIAMI-DADE COUNTY
Public Works & Waste Management Department
Right-of-Way Division
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825

Date: March 27, 2015
Prepared by: ym