MEMORANDUM

Agenda Item No. 11(A)(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 authorizing sale and transfer of ownership of Miami-Dade County Sewer facilities valued at $15,000.00 to CP Miami Center LLC pursuant to the provisions of Section 274.06, Florida Statutes; authorizing the County Mayor to execute all documents necessary to sell and transfer said sewer facilities; and authorizing the County Mayor to terminate and release a portion of an easement located on Biscayne Boulevard between S.E. 3 Street and Chopin Plaza

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

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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. 11(A)(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. 11(A)(1)
10-6-15

RESOLUTION NO. _____

RESOLUTION AUTHORIZING SALE AND TRANSFER OF OWNERSHIP OF MIAMI-DADE COUNTY SEWER FACILITIES VALUED AT $15,000.00 TO CP MIAMI CENTER LLC PURSUANT TO THE PROVISIONS OF SECTION 274.06, FLORIDA STATUTES; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO SELL AND TRANSFER SAID SEWER FACILITIES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TERMINATE AND RELEASE A PORTION OF AN EASEMENT LOCATED ON BISCAYNE BOULEVARD BETWEEN S.E. 3 STREET AND CHOPIN PLAZA

WHEREAS, the Miami-Dade Water and Sewer Department provides water and sewer service to an office building and parking garage located at 201 South Biscayne Boulevard, Miami, Florida (hereinafter, the "Miami Center Property"), which property is owned by CP Miami Center LLC; and

WHEREAS, Miami-Dade County owns a gravity sewer main in an easement along the west and northwest sides of the Miami Center Property (hereinafter, the "Subject Infrastructure"); and

WHEREAS, the Subject Infrastructure only serves the Miami Center Property; and

WHEREAS, the Subject Infrastructure consists of: 210 feet of 10-inch CL165 C900 PVC pipe, one 10-inch C900 Sewer Gasket, one C900 90-degree Bend Sewer Gasket, 30 feet of 10-inch Lateral Sewer Pipe, 30 feet of eight-inch Lateral Sewer Pipe, 22 feet of six-inch Lateral Sewer Pipe, and two manholes; and

WHEREAS, the Subject Infrastructure has been appraised at $15,000.00 by an independent County-approved appraiser; and

WHEREAS, CP Miami Center LLC intends to expand the Miami Center Property in order to add additional retail and restaurant space along Biscayne Boulevard; and

WHEREAS, if the expansion occurs, the footprint of the Miami Center Property will extend into a portion of Miami-Dade County's easement and will cover the Subject Infrastructure; and

WHEREAS, if the expansion occurs, it will become uneconomical and inefficient for Miami-Dade County to continue to own and maintain the Subject Infrastructure; and

WHEREAS, pursuant to the requirements of Section 274.06, Florida Statutes, Miami-Dade County advertised the sale of the Subject Infrastructure for one week starting on August 10, 2015; and

WHEREAS, CP Miami Center LLC submitted a bid for $15,000.00 for the Subject Infrastructure, which bid was the highest and only bid received; and

WHEREAS, in the event the Subject Infrastructure is conveyed to CP Miami Center LLC, Miami-Dade County will no longer need the portion of the easement in which the Subject Infrastructure is located, which portion bears the legal description identified on Exhibit 1 attached hereto and depicted on Exhibit 2 attached hereto,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board hereby ratifies and adopts the foregoing recitals and finds that: (1) in light of CP Miami Center LLC's plans for the Miami Center Property, it will be uneconomical and inefficient for Miami-Dade County to continue to own and maintain the Subject Infrastructure and (2) the Subject Infrastructure has no use or value to any person or entity other than CP Miami Center LLC. The Board, therefore, authorizes, pursuant to Section 274.06, Florida Statutes, the sale and transfer of ownership of the Subject Infrastructure to the highest and only bidder, CP Miami Center LLC,

for $15,000.00 and also authorizes the County Mayor or County Mayor's designee to take all actions necessary to effectuate the foregoing, including but not limited to, the preparation of all documents necessary for the sale and transfer of ownership of the Subject Infrastructure and the termination and release of the portion of the easement legally described on Exhibit 1 and depicted on Exhibit 2. All documents related to the sale and transfer of ownership and the release of easement shall be approved by the County Attorney's Office.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. It 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. SED

Sarah E. Davis

EXHIBIT 1

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

MIAMI CENTER

LEGAL DESCRIPTION:

A portion of Tract D, Block 1, "DU PONT PLAZA" according to the Plat thereof, as recorded in Plat Book 50 at Page 11 of the Public Records of Miami–Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Tract D, Block 1; the following two (2) courses are along the Northerly and Northwesterly line of said Tract D, Block 1: (1) thence North 90°00'00" West for a distance of 645.94 feet to the point of curvature of a circular curve concave to the southeast having as its elements a radius of 25.00 feet and a central angle of 49°39'38"; (2) thence Westerly and Southwesterly along said circular curve, for an arc distance of 21.67 feet to the POINT OF BEGINNING of the hereinafter described parcel of land, a radial line through said point bears North 49°39'38" West; thence South 89°49'49" East, along the easterly prolongation of the north line of the lands described in Warranty Deed recorded in the Official Records Book 17802, Page 423 of the Public Records of Miami–Dade County Florida (hereinafter referred to as "Lift Station"), for a distance of 12.63 feet to the Northwest corner of the "Lift Station"; thence South 00°03'03" East, along the West line of the "Lift Station", for a distance of 31.55 feet; thence South 89°21'07" East, along the South line of the "Lift Station" for a distance of 19.57 feet; the following seven (7) courses are along the lines of the UTILITY EASEMENT described in Official Records Book 15883, Page 2507 of the Public Records of Miami–Dade County Florida: (1) thence South 56°36'14" West, for a distance of 42.82 feet; (2) thence South 03°19'34" West, for a distance of 101.71 feet; (3) thence South 00°00'00" East, for a distance of 284.26 feet; (4) thence North 90°00'00" West, for a distance of 30.00 feet to the Northwest corner of Tract "A" ONE MIAMI PARCEL A, according to the Plat thereof, as recorded in Plat Book 155 at Page 80 of the Public Records of Miami–Dade County, Florida and a point on the East Right of Way line of Biscayne Boulevard (U.S. Highway No. 1 / State Road No. 5); (5) thence North 00°00'00" West, along the East Right of Way of Biscayne Boulevard, for a distance of 293.50 feet to the point of curvature of a circular curve concave to the southeast having as its elements a radius of 300.00 feet and a central angle of 28°33'59"; (6) thence Northerly and Northeasterly along said circular curve, being coincident with the easterly Right of Way of Biscayne Boulevard for an arc distance of 149.57 feet to the point of compound curvature with a circular curve concave to the southeast having as its elements a radius of 25.00 feet and a central angle of 11°46'21"; (7) thence Northeasterly along said circular curve, being coincident with the easterly right of line line of Biscayne Boulevard for an arc distance of 5.14 feet to the POINT OF BEGINNING of the herein described parcel of land.

LESS AND EXCEPT:

That portion of said Tract "D", Block 1, being more particularly described as follows:

Commence at the Northeast corner of said Tract D, Block 1; the following two (2) courses are along the Northerly and Northwesterly line of said Tract D, Block 1: (1) thence North 90°00'00" West for a distance of 645.94 feet to the point of curvature of a circular curve concave to the southeast having as its elements a radius of 25.00 feet and a central angle of 49°39'38"; (2) thence Westerly and Southwesterly along said circular curve, for an arc distance of 21.67 feet to a point, a radial line through said point bears North 49°39'38" West; thence South 89°49'49" East, along the easterly prolongation of the north line of the lands described in Warranty Deed recorded in the Official Records Book 17802, Page 423 of the Public Records of Miami–Dade County Florida (hereinafter referred to as "Lift Station"), for a distance of 12.63 feet to the Northwest corner of the "Lift Station"; thence South 00°03'03" East, along the West line of the "Lift Station", for a distance of 4.44 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence continue along said West line, South 00°03'03" East for a distance of 22.63 feet; thence, South 63°35'11" West, departing said West line for a distance of 16.15 feet; thence South 89°53'28" West for a distance of 11.09 feet; thence North 26°20'09" West for a distance of 5.24 feet to the point of intersection with the Easterly Right of Way of Biscayne Boulevard (U.S. Highway No. 1 / State Road No. 5), said Right of Way line being a circular curve concave to the Southeast, having as its elements a radius of 300.00 feet and a central angle of 03°05'36", a radial line through said point of intersection bears North 66°49'32" West; thence Northeasterly along said circular curve for an arc distance of 16.20 feet; thence North 63°39'51" East, departing said Right of Way line, for a distance of 23.52 feet to the POINT OF BEGINNING.

All of the foregoing containing an area of 12,394 square feet (0.285) acres, more or less.

– Document is not complete without all 4 pages.

BEC REF. CG–1148–1, 03–84365	DATE: Jul 23, 2015 – 11:53am EST	FILE: F:\SURVEY\PROJECTS\84000's\84884 MIAMI CENTER\DWG\84884 LEGAL.dwg	
DRAWING: 2207-SS-05	CLIENT NAME: CROCKER PARTNERS LLC		
REVISION DATE: 07–20–15	BEC ORDER # 03-84884	DRAWN BY W.H.	

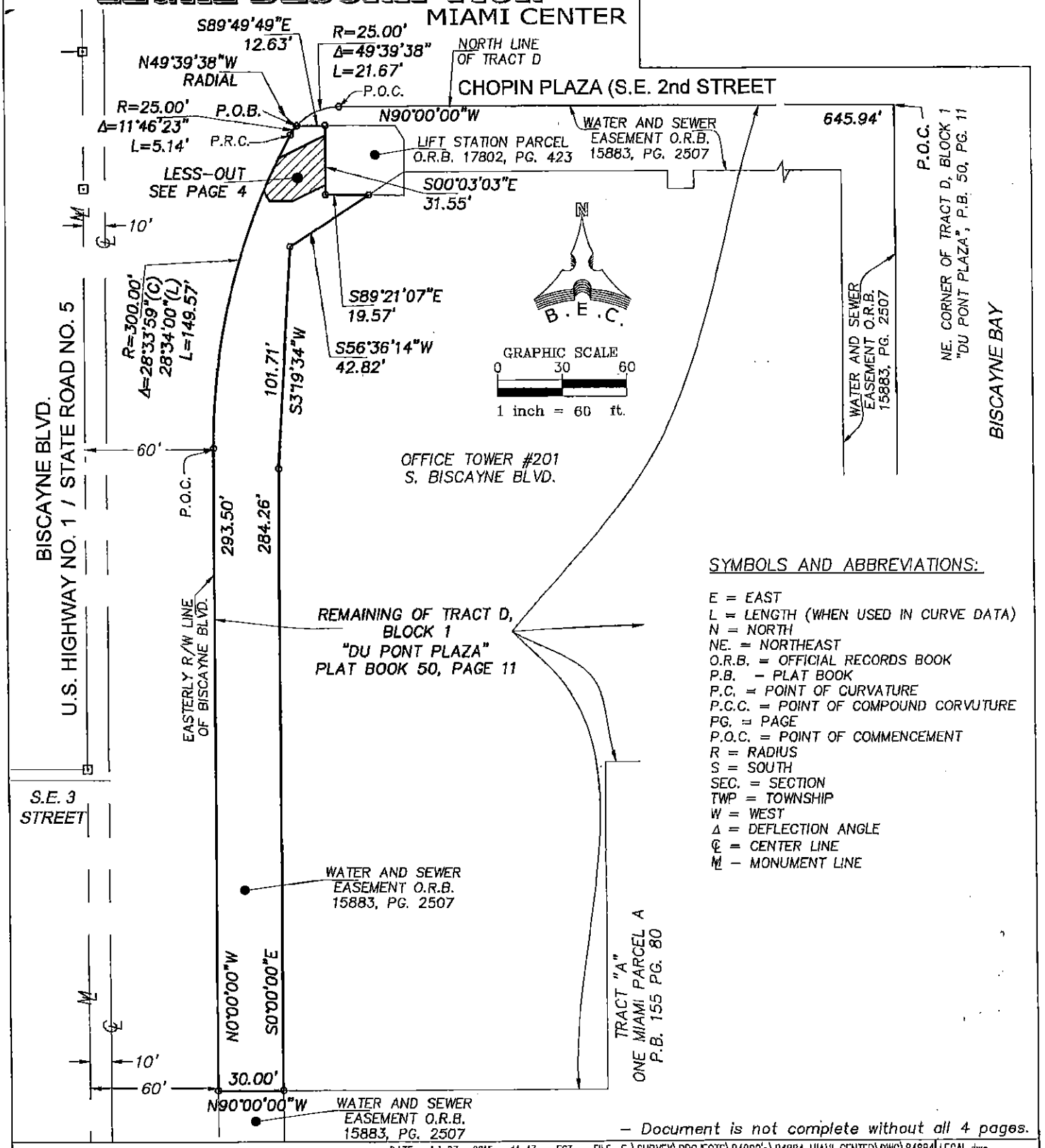
BISCAYNE ENGINEERING COMPANY, INC. TEL (305) 324–7671, FAX
Since 1898 529 WEST FLAGLER ST, MIAMI FL 33130 WWW.BISCAYNEENGI

PENGAD 800-631-6989

EXHIBIT 1

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

MIAMI CENTER



SYMBOLS AND ABBREVIATIONS:

E = EAST
L = LENGTH (WHEN USED IN CURVE DATA)
N = NORTH
NE. = NORTHEAST
O.R.B. = OFFICIAL RECORDS BOOK
P.B. – PLAT BOOK
P.C. = POINT OF CURVATURE
P.C.C. = POINT OF COMPOUND CORVUTURE
PG. = PAGE
P.O.C. = POINT OF COMMENCEMENT
R = RADIUS
S = SOUTH
SEC. = SECTION
TWP = TOWNSHIP
W = WEST
Δ = DEFLECTION ANGLE
℄ = CENTER LINE
M – MONUMENT LINE

– Document is not complete without all 4 pages.

BEC REF. CG-1148-1, 03-84365 DATE: Jul 23, 2015 – 11:43am EST FILE: F:\SURVEY\PROJECTS\84000's\84884 MIAMI CENTER\DWG\84884 LEGAL.dwg

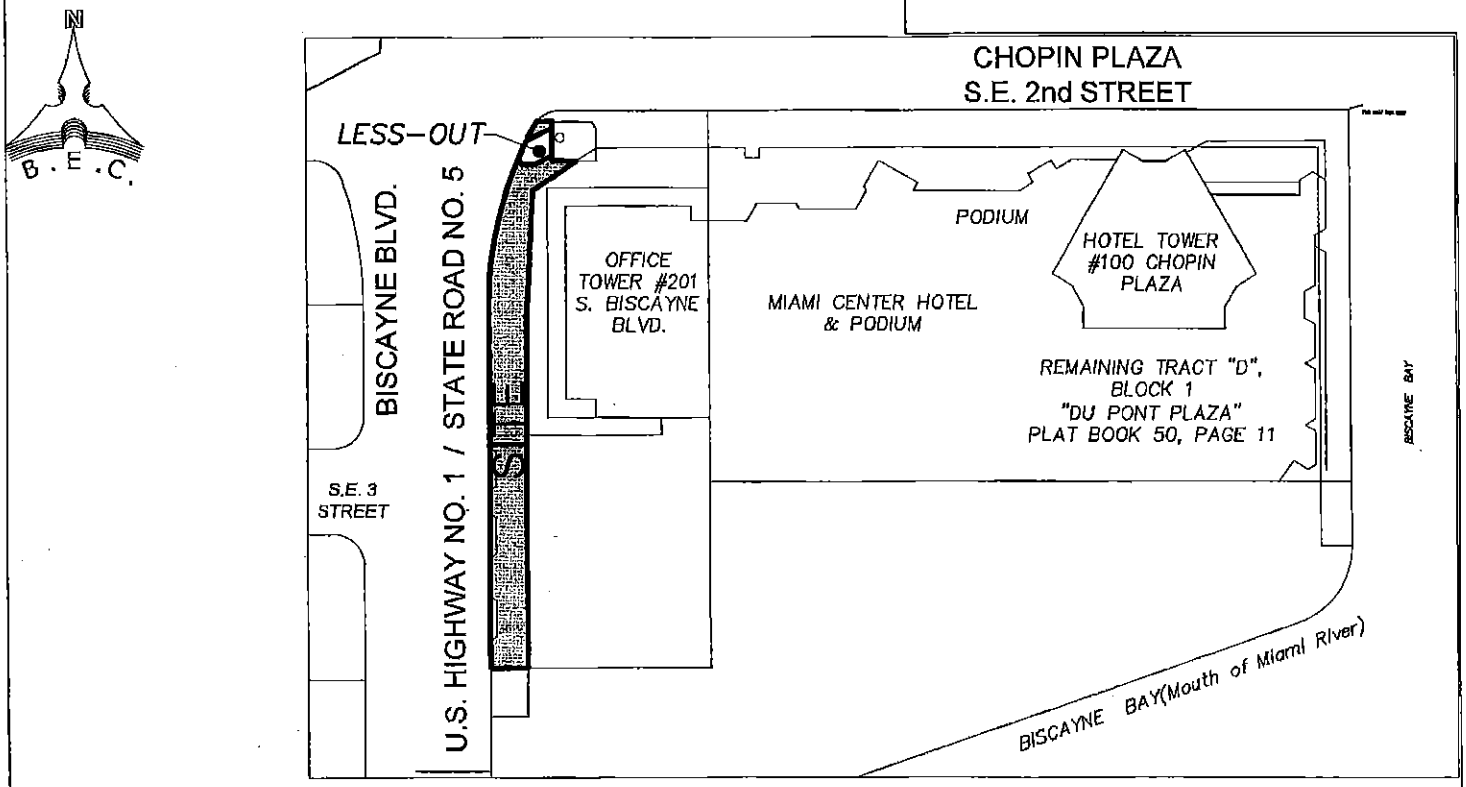
DRAWING: 2207-SS-05	CLIENT NAME: CROCKER PARTNERS LLC		
REVISION DATE: 07-20-15	BEC ORDER # 03-84884	DRAWN BY W.H.	

EXHIBIT 2

BISCAYNE ENGINEERING COMPANY, INC. TEL (305) 324-7671, FAX
Since 1898 529 WEST FLAGLER ST, MIAMI FL 33130 WWW.BISCAYNEENGIN

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

MIAMI CENTER



LOCATION SKETCH
CITY OF MIAMI, MIAMI-DADE COUNTY FLORIDA
SCALE: 1"=150'

SURVEYOR'S CERTIFICATE:

I hereby certify that the attached "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" was prepared in accordance with the Minimum Technical Standards for Surveying and Mapping, set forth in Chapter 5J-17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

THIS IS NOT A SURVEY
Biscayne Engineering Company, Inc.
529 West Flagler Street, Miami, FL. 33130
Tel. (305) 324-7671, Fax (305) 324-0809
State of Florida Department of Agriculture
LB-0000129
Date: 07-20-2015

Wolfgang S. Hueck
Professional Surveyor and Mapper No. 6519
State of Florida

SURVEYOR'S NOTES:

- This is not a Survey.

- This site lies easterly and adjacent to Section 37, James Hagan Donation, Township 54 South, Range 42 East, City of Miami, Miami-Dade County, Florida.

- Bearing shown hereon are assumed and are referenced to the east right of way line of Biscayne Boulevard, having a bearing of N00°00'00"W.

- Legal description is based on information provided by client.

- Document is not complete without all 4 pages.

BEC REF. CG-1148-1, 03-84365	DATE: Jul 23, 2015 - 11:30am EST	FILE: F:\SURVEY\PROJECTS\84000's\84884 MIAMI CENTER\DWG\84884 LEGAL.dwg	
DRAWING: 2207-SS-05	CLIENT NAME: CROCKER PARTNERS LLC		
REVISION DATE: 07-20-15	BEC ORDER # 03-84884	DRAWN BY W.H.	SHEET 1 OF 4

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