MEMORANDUM

Agenda Item No. 8(L)(1)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	November 3, 2015
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution redesignating a portion of the Traffic Circle at the intersection of Coral Way and Segovia Street from right-of-way to Miami-Dade County property, requiring execution of covenant in connection with any improvements permitted thereon, and directing the County Mayor to take all actions necessary to effectuate same

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

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: November 3, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Designating Portions of County-Owned Right-of-Way for a Traffic Circle at the Intersection of Coral Way and Segovia Street as County Property, located within Section 8 of Township 54 South, Range 41 East

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution designating a portion of County-owned right-of-way of a Traffic Circle at the intersection of Coral Way and Segovia Street as County property, located in Section 8, Township 54 South, Range 41 East and requiring the execution of a covenant in the event of any improvements constructed therein.

Scope

The subject property is located within Commissioner Rebecca Sosa's District 6.

Fiscal Impact/Funding Source

There is no fiscal impact associated with this item as the County will no longer be responsible for the maintenance of the property being designated.

Track Record/Monitor

The person responsible for monitoring this transaction is Mr. Leandro Ona, PE, Division Chief of the Highway Engineering and Right-of-Way Division for the Public Works and Waste Management Department.

Background

Coral Way is a County-maintained road in the City of Coral Gables (City). The City has constructed a traffic circle at the intersection of Coral Way and Segovia Street, as depicted in Exhibit A to the attached resolution (Circle Property). The Circle Property includes a large area of green space in the center that is not needed for County road purposes. The County, as well as the City, have an interest in the beautification of their roads, and the City has expressed an interest in improving the Circle Property. Any improvements made to the Circle Property by the City would need to be approved by PWWM, and would necessitate obligations of the City to maintain the area at its own cost and to indemnify the County in the event of any damages arising from improvements constructed therein. These obligations would be secured by the execution of the Covenant prior to any construction, as set forth in Exhibit B to the resolution.

Alina T. Hudak
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: November 3, 2015

FROM: Abigail Price-Williams
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)
11-3-15

RESOLUTION NO. _____

RESOLUTION REDESIGNATING A PORTION OF THE TRAFFIC CIRCLE AT THE INTERSECTION OF CORAL WAY AND SEGOVIA STREET FROM RIGHT-OF-WAY TO MIAMI-DADE COUNTY PROPERTY, REQUIRING EXECUTION OF COVENANT IN CONNECTION WITH ANY IMPROVEMENTS PERMITTED THEREON, AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

WHEREAS, the City of Coral Gables constructed a traffic circle at the location of the intersection of Coral Way and Segovia Street in order to promote efficient and safer traffic movement at such location, as more particularly described in the legal description and sketch of the traffic circle set forth in Exhibit "A"; and

WHEREAS, due to the large size of the traffic calming circle, the construction of the traffic circle resulted in excess green space in the center of the circle which is no longer needed to be designated as Miami-Dade County right-of-way; and

WHEREAS, the redesignation of a portion of the traffic circle set forth in Exhibit "A," encompassing approximately 4,329 square feet, (such portion referred to herein as the "Circle Property") as Miami-Dade County property rather than Miami-Dade County right-of-way will enable certain improvements to be implemented within the circle to beautify the County and the City, consistent with traffic safety; and

WHEREAS, the Director of the County Public Works and Waste Management Department has recommended the redesignation of the Circle Property from County right-of-way to County property; and

WHEREAS, to the extent that the City implements any improvements to the Circle Property, it would be in the County's best interests to require the City to maintain the area and to indemnify the County regarding any damages arising therefrom, in substantially the form of the Covenant attached as Exhibit "B"; 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:

Section 1. That this Board adopts and incorporates the foregoing resolutions.

Section 2. That this Board hereby redesignates the Circle Property from Miami-Dade County right-of-way to Miami-Dade County property, and authorizes the County Mayor or the County Mayor's designee to take all actions necessary in order to effectuate same.

Section 3. That prior to the construction or installation of any improvements, structures, art, landscaping, or any other articles in the Circle Property, the County Mayor or the County Mayor's designee shall, in addition to all applicable County permitting requirements and documentation, require such permitee to execute a Covenant in accordance with the form attached hereto as Exhibit "B," requiring prior approval by appropriate County and/or City departments as set forth therein, as well as the assumption of maintenance responsibilities and indemnification obligations.

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 3rd day of November, 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

LEGAL DESCRIPTION:

THAT TRAFFIC CIRCLE LOCATED AT THE INTERSECTION OF SEGOVIA STREET AND CORAL WAY, OF THE CITY OF CORAL GABLES, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER LINES INTERSECTION OF SEGOVIA STREET AND BILTMORE WAY AS SHOWN ON THE PLAT OF "CORAL GABLES BILTMORE SECTION", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 20, AT PAGE 28, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA;

THENCE IN AN ASSUMED BEARING OF NORTH ALONG THE CENTER LINE OF SEGOVIA STREET FOR A DISTANCE OF 396.50 FEET, AS SHOWN ON THE ABOVE MENTIONED PLAT BOOK (20–28), TO THE CENTER LINE OF CORAL WAY;

THENCE NORTH 72° 29' 20" WEST FOR A DISTANCE OF 47.04 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, AND TO WHICH POINT A RADIAL LINE BEARS SOUTH 52° 48' 00" WEST;

THENCE NORTHERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 38.67 FEET, AND A CENTRAL ANGLE OF 88° 36' 49", TO A POINT OF COMPUND CURVATURE;

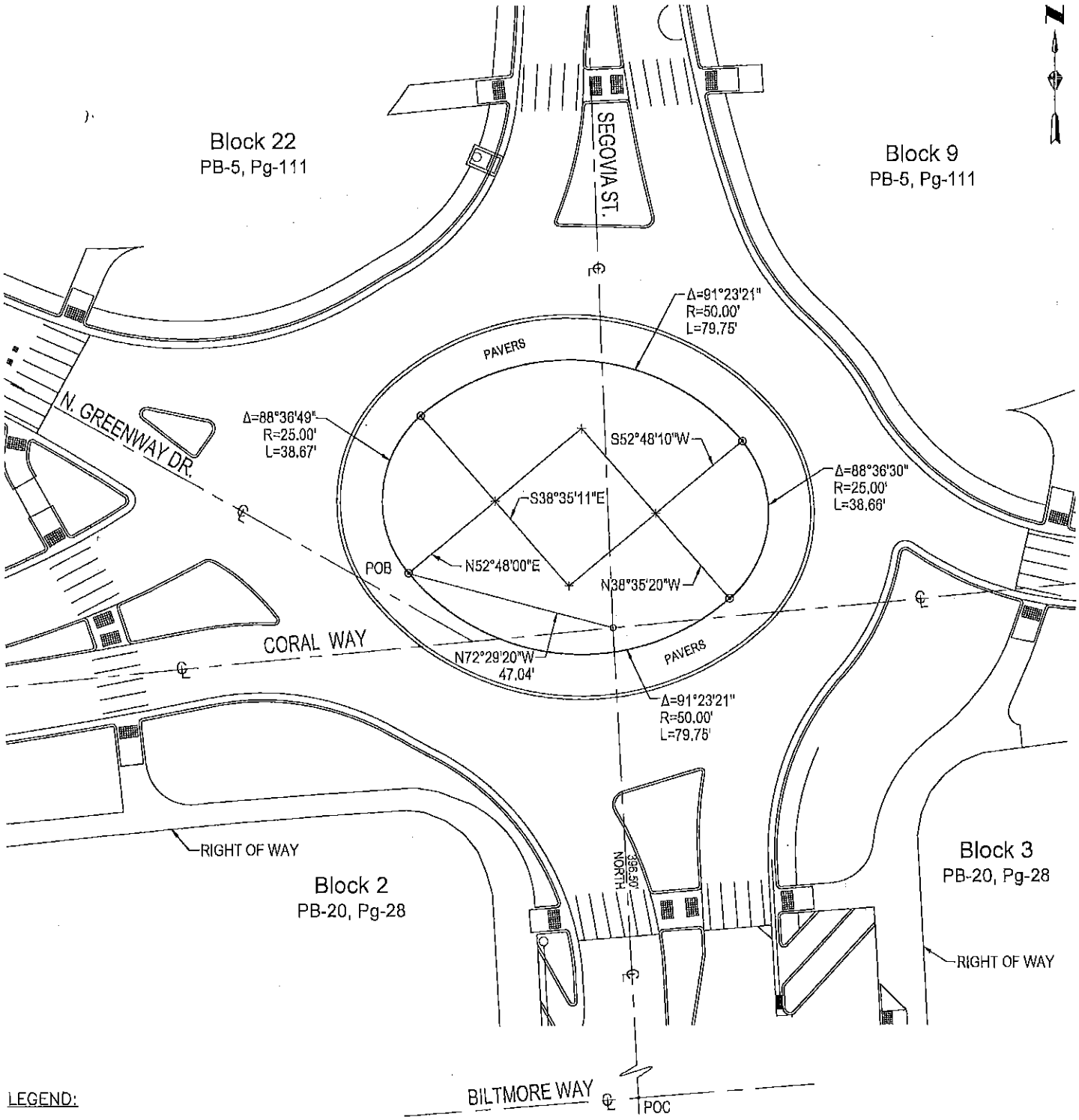
THENCE EASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, AN ARC DISTANCE OF 79.75 FEET, AND A CENTRAL ANGLE OF 91° 23' 21", TO A POINT OF COMPOUND CURVATURE;

THENCE SOUTHERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 38.66 FEET, AND A CENTRAL ANGLE OF 88° 36' 30", TO A POINT OF COMPOUND CURVATURE;

THENCE WESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, AN ARC DISTANCE OF 79.75 FEET, AND A CENTRAL ANGLE OF 91° 23' 21", TO THE POINT OF BEGINNING.

CONTAINING 4,329 SQUARE FEET MORE OR LESS.

CORAL WAY - SEGOVIA STREET TRAFFIC CIRCLE Legal Description	DRAW C.M.	CHECK J.M./P.R.	APPR Y.S.	DEPARTMENT OF PUBLIC WORKS DIVISION OF ENGINEERING
	SCALE N.T.S.	DATE 09–17–2015		



LEGEND:

POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
⊙ POINT OF CURVATURE
+ POINT OF RADIUS

CORAL WAY - SEGOVIA STREET TRAFFIC CIRCLE Sketch	DRAW C.M.	CHECK J.M.	APPR Y.S.	DEPARTMENT OF PUBLIC WORKS DIVISION OF ENGINEERING
	SCALE N.T.S.	DATE 09-17-2015		

Exhibit "B"

COVENANT

THIS COVENANT, made and entered this _____ day of _____, A.D. 2015, by and between _____ hereinafter referred to as "City", and **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, and its successors in interest, whose Post Office address is 111 N.W. 1st Street, Miami, Florida 33128-1970, hereinafter referred to as "County",

WITNESSETH:

WHEREAS, the City has requested via a permit application to install _____ (the "improvements"), as further depicted in Exhibit "A," in the County-owned area legally described as follows:

INSERT LEGAL DESCRIPTION

(the "Property")

NOW THEREFORE, in consideration of $1.00 and other good and valuable consideration, paid in hand by the City unto the County, and in further consideration of the mutual terms, covenants and conditions contained herein the parties hereto agree as follows:

1. The above recital is true and correct, and incorporated herein.
2. The Improvements, if constructed on the Property as shown on Exhibit "__" will remain perpetually open for the benefit of the public.
3. The City agrees to indemnify, defend and save harmless the County and the County's officials, employees and agents from and against any and all claims, actions, proceedings, damages, losses, liabilities, costs and expenses (including without limitation reasonable attorney's fees and costs of suit incurred in connection with such claims), arising out of, or resulting from, the injury to or the death of any person, or damage to the property of any person, occurring in or upon the Property.
4. The City does hereby agree it is responsible, at its sole cost and expense, for the maintenance of the Property. The City shall maintain the Property in a safe and clean manner.
5. The City agrees that no improvement or article shall be constructed within the Property without written approval by the Public Works and Waste Management Department (or its successor Department) ("PWWM"). No improvement or structure shall be permitted which is inconsistent with or impedes the appropriate movement of traffic, the safe and convenient transportation of people, or that causes any distraction to drivers or is otherwise hazardous to pedestrians or traffic flow, to be determined in the sole discretion of PWWM. Additionally, any such structure or improvement which includes art shall be approved by the Miami-Dade County Art in Public Places Program and/or the City of Coral Gables Art in Public Places Program prior to such installation.
6. The undersigned further agrees that these conditions shall be deemed a covenant and shall remain in full force and effect and be binding on the undersigned, until such time as this obligation has been cancelled by an affidavit filed in the Public Records of Miami-Dade County, Florida by the Director of PWWM (or his/her fully authorized representative).

City of Coral Gables

City Attorney

Deputy City Attorney

Miami-Dade County
Public Works and Waste Management
Department Director

Assistant County Attorney