

MEMORANDUM

Agenda Item No. 8(L)(1)

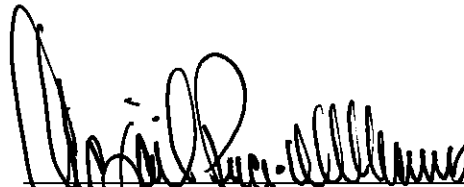
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 2, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution accepting an implied offer of dedication for a portion of SW 92 Court from SW 170 Street to approximately 136 feet North of SW 170 Lane, in Section 33, Township 55 South, Range 40 East, Miami-Dade County, Florida

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 Daniella Levine Cava.



Abigail Price-Williams
County Attorney


APW/smm

Memorandum



Date: February 2, 2016

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

From: Carlos A. Gimenez, Mayor 

Subject: Resolution Accepting an Implied Offer of Dedication for a Portion of SW 92 Court from SW 170 Street to Approximately 136 feet North of SW 170 Lane, in Section 33, Township 55 South, Range 40 East, Miami-Dade County, Florida

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached Resolution approving the acceptance of an implied offer of dedication for a portion of SW 92 Court from SW 170 Street to approximately 136 feet North of SW 170 Lane, in Section 33 Township 55 South, Range 40 East, Miami-Dade County (County), Florida, as legally described in Exhibit A and illustrated in Exhibit B attached hereto, and authorizing the recordation thereof in the Public Records of Miami-Dade County, Florida.

Scope

This property is located within Commissioner Daniella Levine Cava's District 8.

Fiscal Impact/Funding Source

There is no fiscal impact associated with this resolution.

Track Record/Monitor

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

BACKGROUND

On May 6, 1950, Hazelle R. Chafer, who owned the north 1/5 of the east 1/2 of the southeast 1/4, of the northeast 1/4 of the northwest 1/4 of Section 33, Township 55 South, Range 40 East in Miami Dade County, Florida, conveyed a portion of her property to Willis A. Lloyd and Doris Castle Lloyd, his wife, in a Warranty Deed recorded at OR Book 3279, Page 277 of County Public Records. Said Warranty Deed expressed an implied offer to dedicate a parcel of land for road right-of-way, using the language "less the West 25 feet thereof to be used for Public Road purposes." As such, successors in title to this property did not have an ownership interest in such property. There is no information in the public records that would withdraw, revoke or impair the implied offer of dedication. In order to protect the public's road easement, PWWM recommends the acceptance of such implied offer as set form in the attached resolution.



Alina T. Hudak
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: February 2, 2016

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
- Statement of social equity 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)
2-2-16

RESOLUTION NO. _____

RESOLUTION ACCEPTING AN IMPLIED OFFER OF DEDICATION FOR A PORTION OF SW 92 COURT FROM SW 170 STREET TO APPROXIMATELY 136 FEET NORTH OF SW 170 LANE, IN SECTION 33, TOWNSHIP 55 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 this implied offer 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 the implied offer 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 this acceptance 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 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 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 2nd day of February, 2016. 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 West 25 feet of the North 1/5 of the East 1/2 of the SE 1/4 of the NE 1/4 of the NW 1/4 of Section 33, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida.

This Indenture, Made this 6th day of MAY, A. D. 1950, BETWEEN Hazelle R. Chafer, Widow and Sole Heir-at-law of John W. Chafer, Deceased,

of the County of Dade, in the State of Florida, part Y of the first part, and Willis A. Lloyd and Doris Castle Lloyd, his wife, 3437 N. W. 5th St Miami 34 - Florida of the County of Dade, in the State of Florida, part ies of the second part.

WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of Ten Dollars and other valuable considerations, to her in hand paid by the part ios of the second part, the receipt whereof is heraby acknowledged, has granted, bargained and sold to the said part ies of the second part, their heirs and assigns, forever, the following described land, situate, lying and being in the County of Dade and State of Florida, to-wit:

The North One-fifth (1/5) of East Half (E 1/2) of Southeast Quarter (SE 1/4) of Northeast Quarter (NE 1/4) of Northwest Quarter (NW 1/4) of Section Thirty-three (33), Township Fifty-five (55) South, Range Forty (40) East, containing One (1) acre, more or less (Less the West Twenty-five (25) feet thereof to be used for Public Road purposes).

Subject to all restrictions, conditions and limitations of record, including the Zoning Ordinances of Dade County, Florida.

Subject, also, to 1950 County and Drainage District taxes, which the Grantees herein assume and agree to pay.

110 900
50 1100

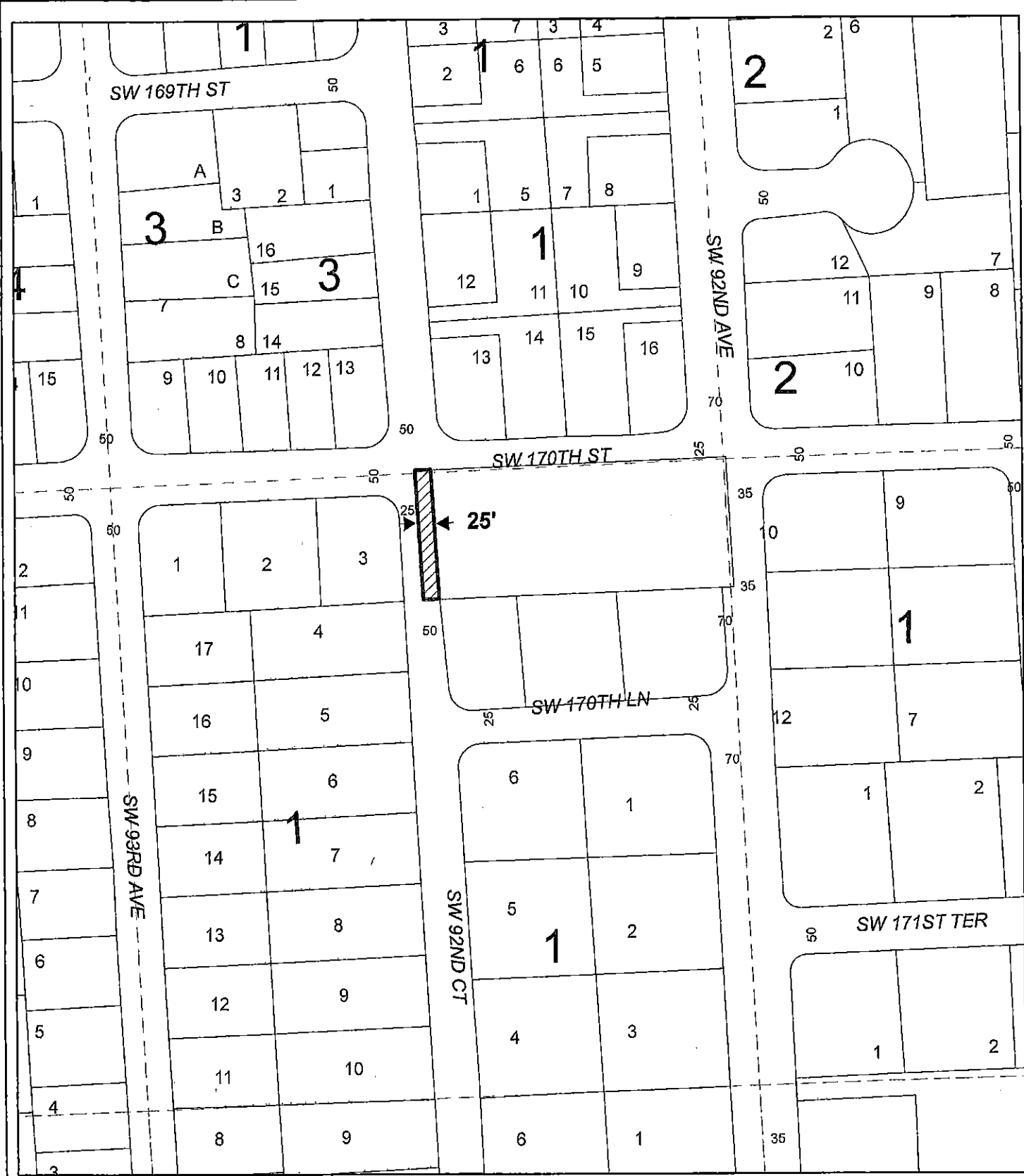
And the said part Y of the first part do es hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set her hand and seal the day and year above written.

Signed, sealed and delivered in presence of us:

[Signatures of witnesses]

Hazelle R. Chafer (Seal) Widow, and Sole Heir-at-Law of John W. Chafer, Deceased. (Seal)



THIS IS NOT A SURVEY
 SEC.: 33-55-40
 N 1/5 , E 1/2 , SE1/4 , NE1/4 , NW1/4

EXHIBIT 'B'

Municipality: PALMETTO BAY
 Commission District: Daniella Leyne Cava, 8

 AREA TO BE DEDICATED



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: June 9, 2015
 Prepared by: ym