

# MEMORANDUM

Agenda Item No. 8(N)(3)

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

**DATE:** May 17, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution approving a Maintenance Map for portions of West Dixie Highway between NE 195 Street and NE 193 Street, NE 195 Street between NE 26 Avenue and West Dixie Highway, and NE 26 Avenue between NE 195 Street and West Dixie Highway in Section 3, Township 52 South, Range 42 East, authorizing the Chairman and the Clerk of the Board to certify the Maintenance Map and authorizing the recording thereof among the public records of Miami-Dade County, Florida and to take all actions to effectuate the same

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The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



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Abigail Price-Williams  
County Attorney

APW/cp

# Memorandum



**Date:** May 17, 2016

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

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive style and is positioned to the right of the "From:" field.

**Subject:** Resolution Approving a Maintenance Map for Portions of West Dixie Highway between NE 195 Street and NE 193 Street, NE 195 Street between NE 26 Avenue and West Dixie Highway, and NE 26 Avenue between NE 195 Street and West Dixie Highway in Section 3, Township 52 South, Range 42 East, Authorizing the Chairman and the Clerk of the Board to Certify the Maintenance Map and Authorizing the Recording Thereof Among the Public Records of Miami-Dade County, Florida

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve the attached resolution approving a Maintenance Map for portions of West Dixie Highway between NE 195 Street and NE 193 Street, NE 195 Street between NE 26 Avenue and West Dixie Highway, and NE 26 Avenue between NE 195 Street and West Dixie Highway in Section 3, Township 52 South, Range 42 East, authorizing the Chairman and the Clerk of the Board to certify the same, and authorizing the recordation thereof in the Public Records of Miami-Dade County (County), Florida.

## **Scope**

The subject road is located within Commissioner Sally A. Heyman's District 4.

## **Fiscal Impact/Funding Source**

There is currently no increase in maintenance cost to the County as a result of this action.

## **Track Record/Monitor**

The Department of Transportation and Public Works (DTPW) is the entity overseeing this project and the person responsible for monitoring is Leandro Oña, P.E., Chief of the Roadway Engineering and Right of Way Division.

## **Background**

West Dixie Highway between NE 195 Street and NE 193 Street, NE 195 Street between NE 26 Avenue and West Dixie Highway, and NE 26 Avenue between NE 195 Street and West Dixie Highway have been continuously maintained by the County for a period over seven (7) years. Therefore, in accordance with Section 95.361 of the Florida Statutes, title to the road maintained by the County for over seven (7) years, shall be deemed to be dedicated to the public and vests in the County. Pursuant to such statute, the filing of a maintenance map in the Office of the Clerk of the Court, which has been certified by the Chairman and the Clerk of the Board is deemed prima facie evidence of that ownership by the County.

Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners  
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The subject Maintenance Map has been executed by the Chief of the Road, Bridge and Canal Maintenance Division of DTPW, thereby certifying that the County has maintained this road for over seven (7) years. It is therefore recommended that the attached Maintenance Map be approved by the Board, after which it will be certified by the Chairman and the Clerk of the Board and recorded in the Public Records of Miami-Dade County, Florida, in accordance with Section 95.361 of the Florida Statutes.

Both the original and a reproducible of the Maintenance Maps are to be executed by the Chairman and Clerk the Board and returned to DTPW for recording in the Public Records of Miami-Dade County, Florida.



Alina T. Hudak  
Deputy Mayor

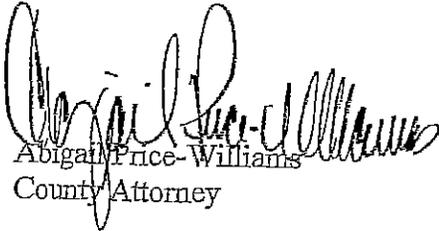


# MEMORANDUM

(Revised)

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

**DATE:** May 17, 2016

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 8(N)(3)

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(N)(3)  
5-17-16

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

RESOLUTION APPROVING A MAINTENANCE MAP FOR PORTIONS OF WEST DIXIE HIGHWAY BETWEEN NE 195 STREET AND NE 193 STREET, NE 195 STREET BETWEEN NE 26 AVENUE AND WEST DIXIE HIGHWAY, AND NE 26 AVENUE BETWEEN NE 195 STREET AND WEST DIXIE HIGHWAY IN SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, AUTHORIZING THE CHAIRMAN AND THE CLERK OF THE BOARD TO CERTIFY THE MAINTENANCE MAP AND AUTHORIZING THE RECORDING THEREOF AMONG THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND TO TAKE ALL ACTIONS TO EFFECTUATE THE SAME

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

**WHEREAS**, the Director of the Department of Transportation and Public Works (DTPW) has recommended that an Official Maintenance Map be filed of record to indicate prima facie evidence of ownership, pursuant to the provisions of Section 95.361 of the Florida Statutes, and the County Mayor has concurred in such recommendation,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

**Section 1.** This Board ratifies and adopts these matters set forth in the foregoing recitals.

**Section 2.** This Board approves the Maintenance Map for a portion of West Dixie Highway between NE 195 Street and NE 193 Street, NE 195 Street between NE 26 Avenue and West Dixie Highway, and NE 26 Avenue between NE 195 Street and West Dixie Highway in Section 3, Township 52 South, Range 42 East, Miami-Dade County, attached as Exhibit "A",

authorizes the Chairman and the Clerk of the Board to certify same pursuant to Section 95.361 of the Florida Statutes, and directs the County Mayor or Mayor's designee to file same with the Clerk of the Circuit Court of Miami-Dade County, and to take all actions necessary to effectuate the same.

**Section 3.** Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or Mayor's designee to record any instruments executed in connection herewith which create or reserve a property interest in favor of the County, in the Public Records of Miami-Dade County Florida, 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	

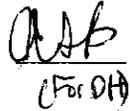
The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of May, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an 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

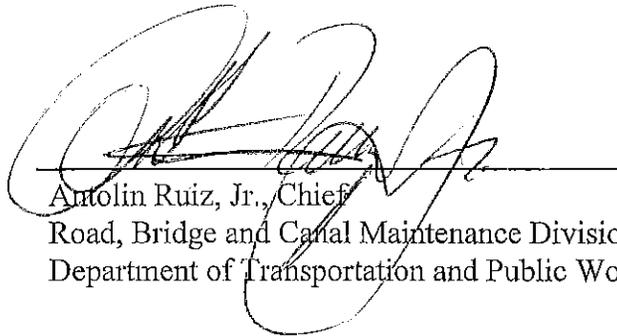
Approved by County Attorney as  
to form and legal sufficiency.

  
(For DH)

Debra Herman

**AFFIDAVIT**

THIS IS TO CERTIFY THAT I, Antolin Ruiz, Jr., Chief, of Road, Bridge and Canal Maintenance Division of the Miami-Dade County Department of Transportation and Public Works have determined, to the best of my knowledge, that Miami-Dade County road forces have maintained the pavement, and the six (6) foot road shoulder along the swales of West Dixie Highway between NE 195<sup>th</sup> Street and NE 193<sup>rd</sup> Street, NE 195<sup>th</sup> Street between NE 26<sup>th</sup> Avenue and West Dixie Highway, and NE 26<sup>th</sup> Avenue between NE 195<sup>th</sup> Street and West Dixie Highway, in unincorporated Miami-Dade County, for at least seven (7) years.

  
\_\_\_\_\_  
Antolin Ruiz, Jr., Chief  
Road, Bridge and Canal Maintenance Division Miami-Dade County  
Department of Transportation and Public Works

STATE OF FLORIDA

COUNTY OF DADE

The foregoing instrument was acknowledged before me this 21 day of october, 2016 by Antolin Ruiz, Jr., who is personally known to me and who did take and oath.

  
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NOTARY PUBLIC STATE OF FLORIDA

MY COMMISSION EXPIRES: 4/20/2016

COMMISSION/SERIAL NO. EE189037

