MEMORANDUM

Agenda Item No. 8(N)(1)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	June 7, 2016
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution authorizing the transfer of certain portions of rights-of-way to the Florida Department of Transportation designated as Parcels 105 and 112, needed for the I-75 and State Road 826 Express Lanes Project, located in Sections 9 and 4, Township 52, Range 40 south all in Miami-Dade County for no monetary consideration in accordance with Section 335.0415, Florida Statutes; authorizing the Chairperson or Vice-Chairperson of the Board to execute a County Deed for such purpose, authorizing the County Mayor to take all actions necessary to execute same

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

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: June 7, 2016

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Transfer of Certain Portions of Rights-of-Way to the Florida Department of Transportation Designated as Parcels 105 and 112, Needed for the I-75 and SR 826 Express Lane Projects, Located in Sections 9 and 4, Township 52, Range 40 South, all in Miami-Dade County, in Accordance with Section 335.0415 of the Florida Statutes

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Recommendation
It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the transfer of certain portions of rights-of-ways requested by the Florida Department of Transportation (FDOT), authorizing the Chairperson or Vice-Chairperson of the Board to execute a County Deed, as set forth in Exhibit A (attached), in accordance with Section 335.0415 of the Florida Statutes, and authorizing the County Mayor or Mayor's designee to take all actions necessary to effectuate same.

Scope
The impact of this project is countywide, however, this property is located within Commissioner Jose "Pepe" Diaz's District 12.

Fiscal Impact/Funding Source
There is no fiscal impact associated with this action since the subject segments of right-of-way have not yet been improved or maintained by Miami-Dade County.

Track Record/Monitor
The Transportation and Public Works Department is the entity overseeing this project and the person responsible for monitoring it is Leandro Ona, P.E., Chief of the Roadway Engineering and Right-of-Way Division.

Background
FDOT is working to implement Express Lanes along 27 miles of the I-75 and SR 826 corridors from I-595 to just south of SR-836. The purpose of the project is to improve mobility, relieve congestion, provide additional travel options, enhance transit services, and accommodate future growth and development in the area.

FDOT is in the process of acquiring right of way needed for the subject project. FDOT owns the roads in the vicinity but it has identified two adjacent remnant segments of County-owned rights-of-way, designated as Parcels 105 and 112, as shown in attached Exhibits 1 and 2. Pursuant to Section 337.25 of the Florida Statutes, FDOT has requested that these two (2) parcels be donated in fee simple in order to build an interchange and a park-and-ride facility that are an integral part of the above described project, as set forth in attached Exhibit B .

Alina T. Hudak
Deputy Mayor

Exhibit "A"

Return to:
Roadway Engineering & Right-of-Way
Division
Miami-Dade Transportation and
Public Works Department
111 N.W. 1st Street
Miami, FL 33128-1970

Instrument prepared by:
Luis F. Lacau Jr., P.L.S.
Miami-Dade Transportation and
Public Works Department
111 N.W. 1st Street
Miami, FL 33128-1970

Folio No. N/A
Parcels No.: 105 & 112
FDOT I-75 & SR-826 Express Lanes
Project
Managing FDOT District: 6

COUNTY DEED

THIS DEED, Made this _____ day of_____, A.D. 2016, by and between **MIAMI-DADE COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is: Metro-Dade Center, 111 N.W. 1st Street, Miami, Florida 33128-1963, party of the first part, and the **FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)**, whose address is 1000 NW 111th Avenue Miami, Florida 33172, party of the second part,

WITNESSETH:

THAT the said party of the first part, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors, and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

SEE EXHIBITs "1"& "2" ATTACHED HERETO AND MADE A PART HEREOF.

Exhibit "A"

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, including the transfer of all rights, responsibilities, and attendant liability, with respect to the subject property; and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

It is expressly provided that if and whenever the use of the subject parcel for transportation purposes is discontinued, the title to the said above described land shall immediately revert to the party of the first part, its successors and assigns, and it or they shall have the right to immediately re-possess the same.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Chairperson or Vice Chairperson, and attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:

HARVEY RUVIN,
CLERK OF SAID BOARD

By:_____

Deputy Clerk

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

By:_____

Jean Monestine, Chairman
Board of County Commissioners

The foregoing was authorized and approved by Resolution No. _____ Of the Board of County Commissioners of Miami-Dade County, Florida, on the __ day of _____, A.D. 2016.

Approved by County Attorney
As to form and legal sufficiency

_____
Debra Herman
Assistant County Attorney

EXHIBIT "1"

LEGAL DESCRIPTION:

Parcel 112

All that part of the west 15 feet of the N.W. ¼ of Section 9, Township 52 South, Range 40 East, Miami-Dade County, Florida, more particularly described as follows:

Commence at the N.W. corner of the NW ¼ of said Section 9; thence S02°37'05"E along the West line of said Section 9 for a distance of 180.49 feet to the POINT OF BEGINNING of the hereinafter described parcel; thence N47°27'29"E for a distance of 19.56 feet to the point of intersection with a line parallel with and 15 feet Easterly of, as measured at right angle of the West line of said Section 9; thence S02°37'05"E, along said West line, for a distance of 142.21 feet; thence S62°27'31"W for a distance of 3.66 feet to a point of curvature of a circular curve concave to the Southeast; thence Southwesterly along the arc of said curve to the left, having a radius of 1,578.50 feet and a central angle of 00°28'06" for a distance of 12.90 feet to the point of intersection with the West line of said Section 9; thence N02°37'05"W, along the said West line of Section 9 for a distance of 136.69 feet to the POINT OF BEGINNING.

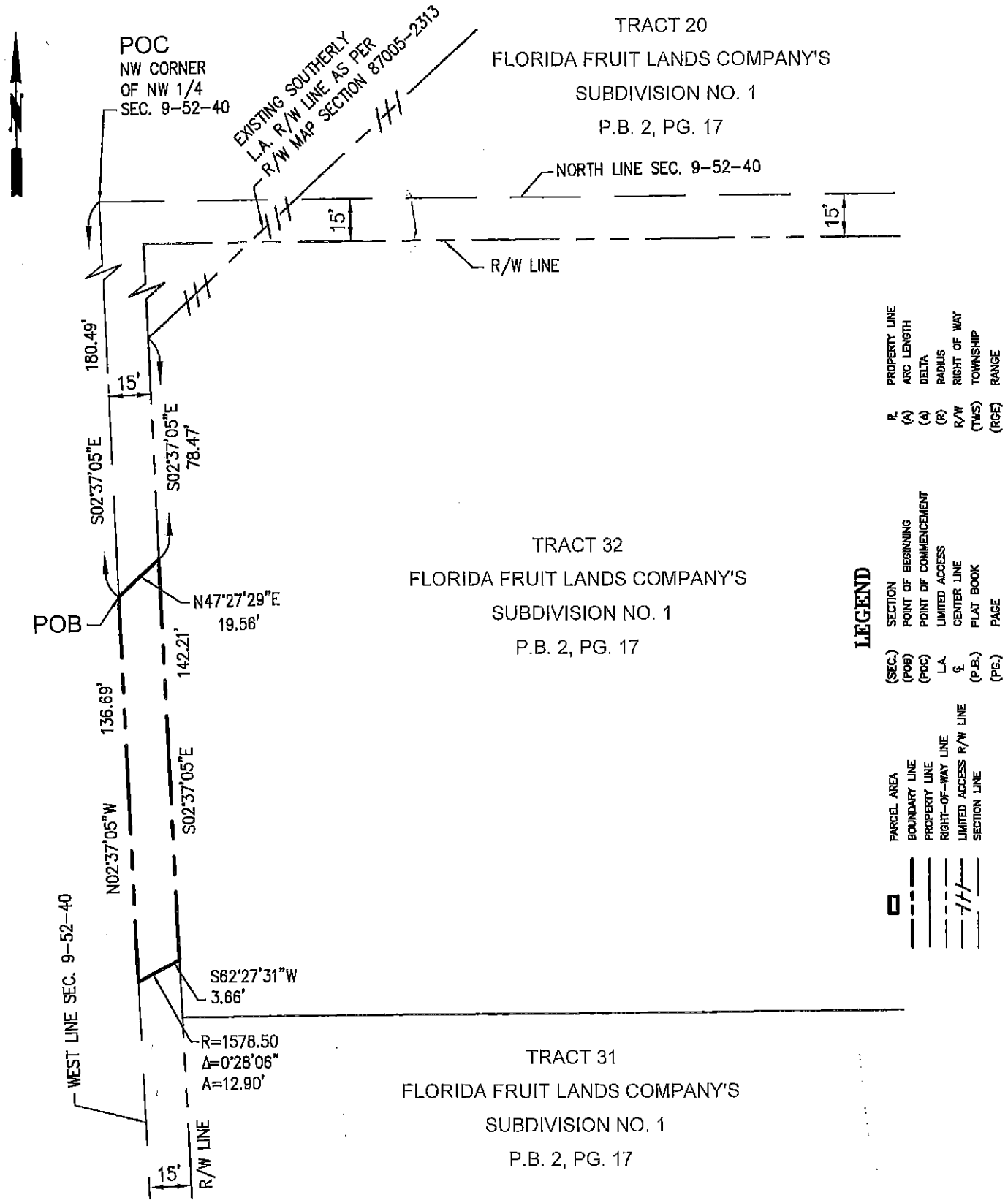
Containing a total of 2,092 square feet more or less.

MIAMI-DADE DTPW

THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS ROADWAY ENGINEERING AND RIGHT-OF-WAY DIVISION	S.R. 93 NW 1/4 SEC. 9-52-40	SCALE: 1" = 50'	DATE:10-22-15	Florida Department of Transportation,District VI Seat/Job No.: 87075 F.P. No.: 421707-2 SR No.: 93 County: Miami-Dade Parcel No.:112 Sheet__of__
		DRAWN BY: L. Espinosa		
		CHECKED BY: L. Lacau		
	PARCEL No. 112	PROJECT:	SHEET: 1 of 2	

5



THIS SKETCH IS A GRAPHIC REPRESENTATION OF THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED AND WITHOUT WHICH THIS SKETCH IS TO BE CONSIDERED VOID AND INCOMPLETE.

MIAMI-DADE DTPW

THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS ROADWAY ENGINEERING AND RIGHT-OF-WAY DIVISION	S.R. 93 NW 1/4 SEC. 9-52-40	SCALE: 1" = 50'	DATE:10-22-15	Florida Department of Transportation,District VI Sect/Job No.: 87075 F.P. No.: 421707-2 SR No.: 93 County: Miami-Dade Parcel No.:112 Sheet___of___
		DRAWN BY: L. Espinosa		
		CHECKED BY: L. Lacau		
	PARCEL No. 112	PROJECT:	SHEET: 2 of 2	

6

EXHIBIT "2"

LEGAL DESCRIPTION:

Parcel 105

All that part of the North 15 feet of the N.W. ¼ of Section 9, Township 52 South, Range 40 East, Miami-Dade County, Florida, and all that part of the South 10 feet of the S.W. ¼ of Section 4, Township 52 South, Range 40 East Miami Dade County, Florida, bounded as follows:

On the east, by the West Limited Access Right-of-Way line of State Road 93 (Interstate 75) as shown on the Right-of-Way Corridor Map for State Road 93 (Interstate 75) Section 87075, dated 06-10-2010 and bounded on the West by the East Right-of-Way line of the Homestead Extension of Florida's Turnpike as shown on the Florida Department of Transportation Right-of-Way Map Section 87005-2313 (last revised 1 November 1971, Sheets Nos. 1 through 5)

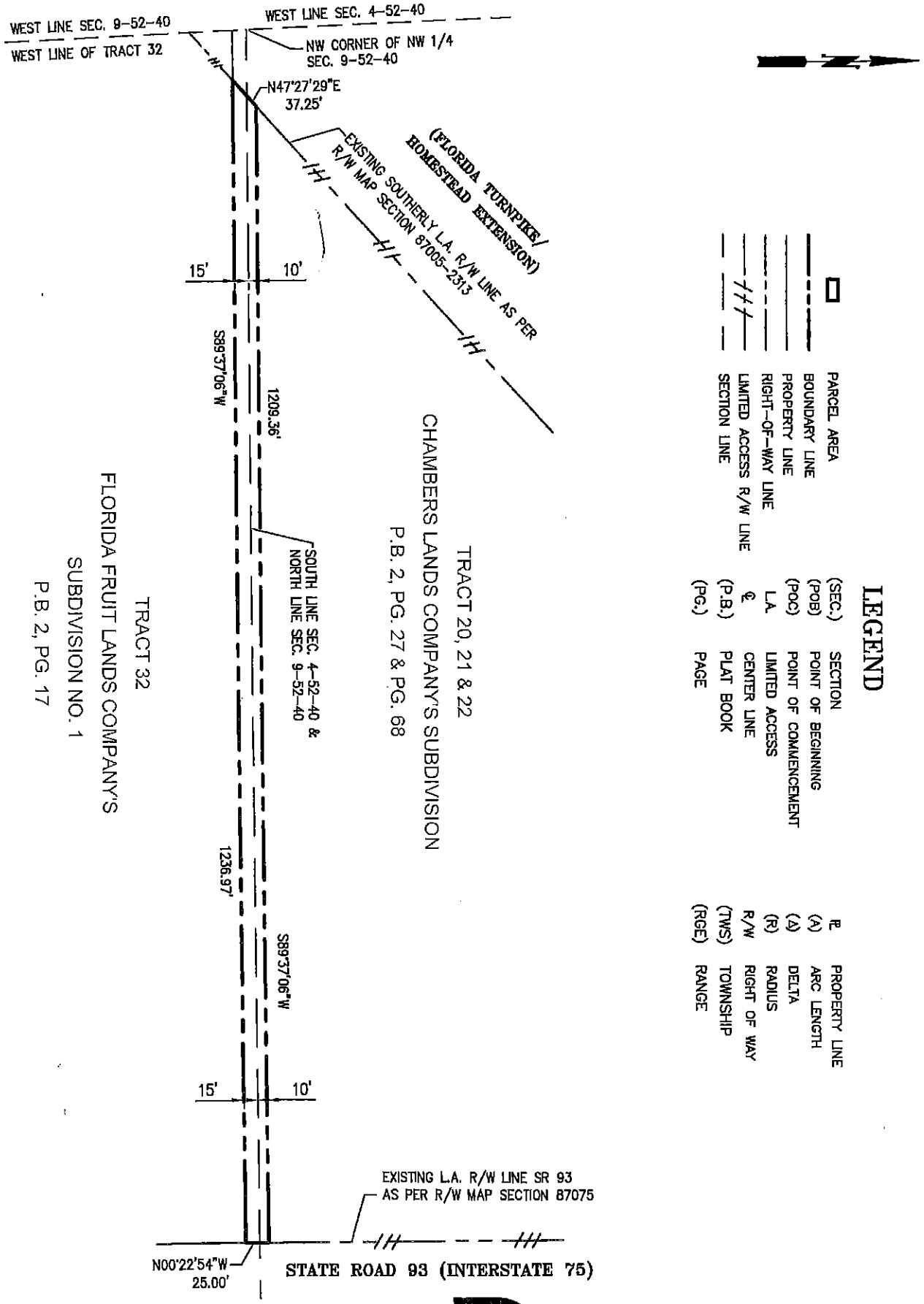
Containing 0.70 acres more or less.

MIAMI-DADE DTPW

THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS ROADWAY ENGINEERING AND RIGHT-OF-WAY DIVISION	S.R. 93 NW 1/4 SEC. 9-52-40	SCALE: 1" = N/A	DATE:11-20-15	Florida Department of Transportation,District VI Sect/Job No.: 87075 F.P. No.: 421707-2 SR No.: 93 County: Miami-Dade Parcel No.:105 Sheet___of___
		DRAWN BY: L. Espinosa		
		CHECKED BY: L. Lacau		
	PARCEL No. 105	PROJECT:	SHEET: 1 of 2	

7



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MIAMI-DADE DTPW

THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS ROADWAY ENGINEERING AND RIGHT-OF-WAY DIVISION	S.R. 93 SEC. 9 & 4-52-40	SCALE: 1" = 50'	DATE:10-22-15	Florida Department of Transportation,District VI Sect/Job No.: 87075 F.P. No.: 421707-2 SR No.: 93 County: Miami-Dade Parcel No.:112
		DRAWN BY: L. Espinosa		
		CHECKED BY: L. Lacau		
	PARCEL No. 105	PROJECT:	SHEET: 2 of 2	Sheet___of___

Exhibit "B"

Centennial FDOT 1915★2015

Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JIM BOXOLD
SECRETARY

August 26, 2015

Miami-Dade County Public Works Department
C/O: Alina Hudak - Deputy Mayor/Director
111 NW 1st Street, 16th Floor
Miami, FL 33128

Item/Segment No.:	4217072
Managing District:	Six
F.A.P. No.:	N/A
State Road No.:	93 (Interstate 75)
County:	Miami-Dade
Parcel No.:	105 & 112
Folio No.:	N/A
Reference:	Donation Request/ Fee Simple

Dear Mrs. Hudak:

The Florida Department of Transportation is planning improvements and is developing the expansion roadway project along SR 93/ Interstate 75 from I-595 in Broward County line to the Palmetto Expressway. I have attached the project fact sheet that provides specific project details.

The Department has identified the above referenced Parcels 105 & 112 to be owned by **Miami-Dade County Public Works Department** as discovered by our Right of Way Engineering Department. The Department of Transportation requires two (2) fee simple parcels, to construct and maintain an interchange and a park and ride facility. Parcel 105 measures approximately .70 acres and parcel 112 measures 2,092 square feet.

Pursuant to Section 337.25, Florida Statutes, the Florida Department of Transportation (Department) may accept donations of any land. Please accept this request for the donation of the above referenced Perpetual Easement to the Florida Department of Transportation.

Exhibit "B"

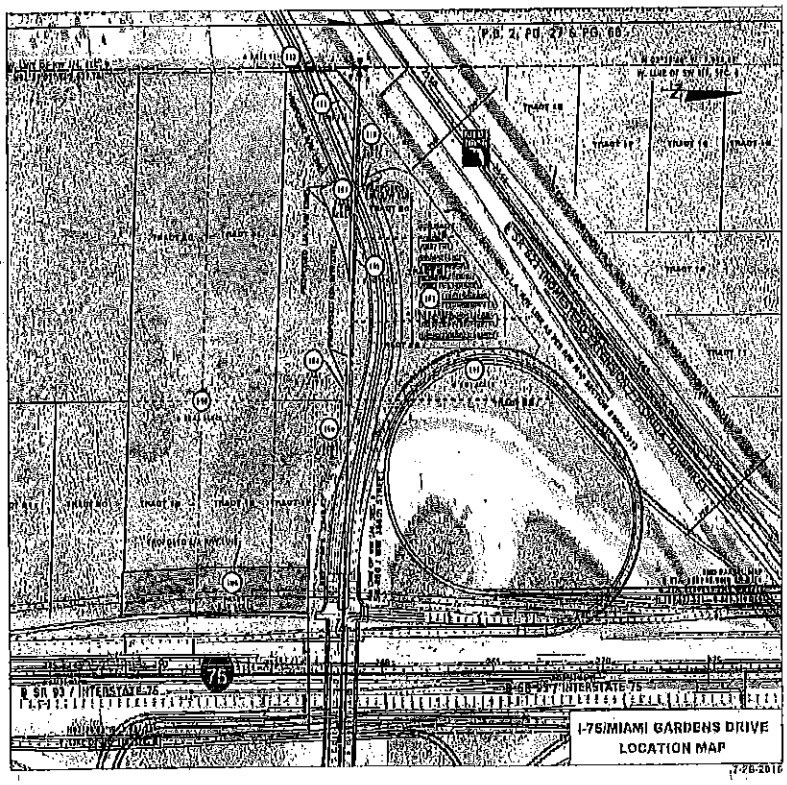


Exhibit "B"

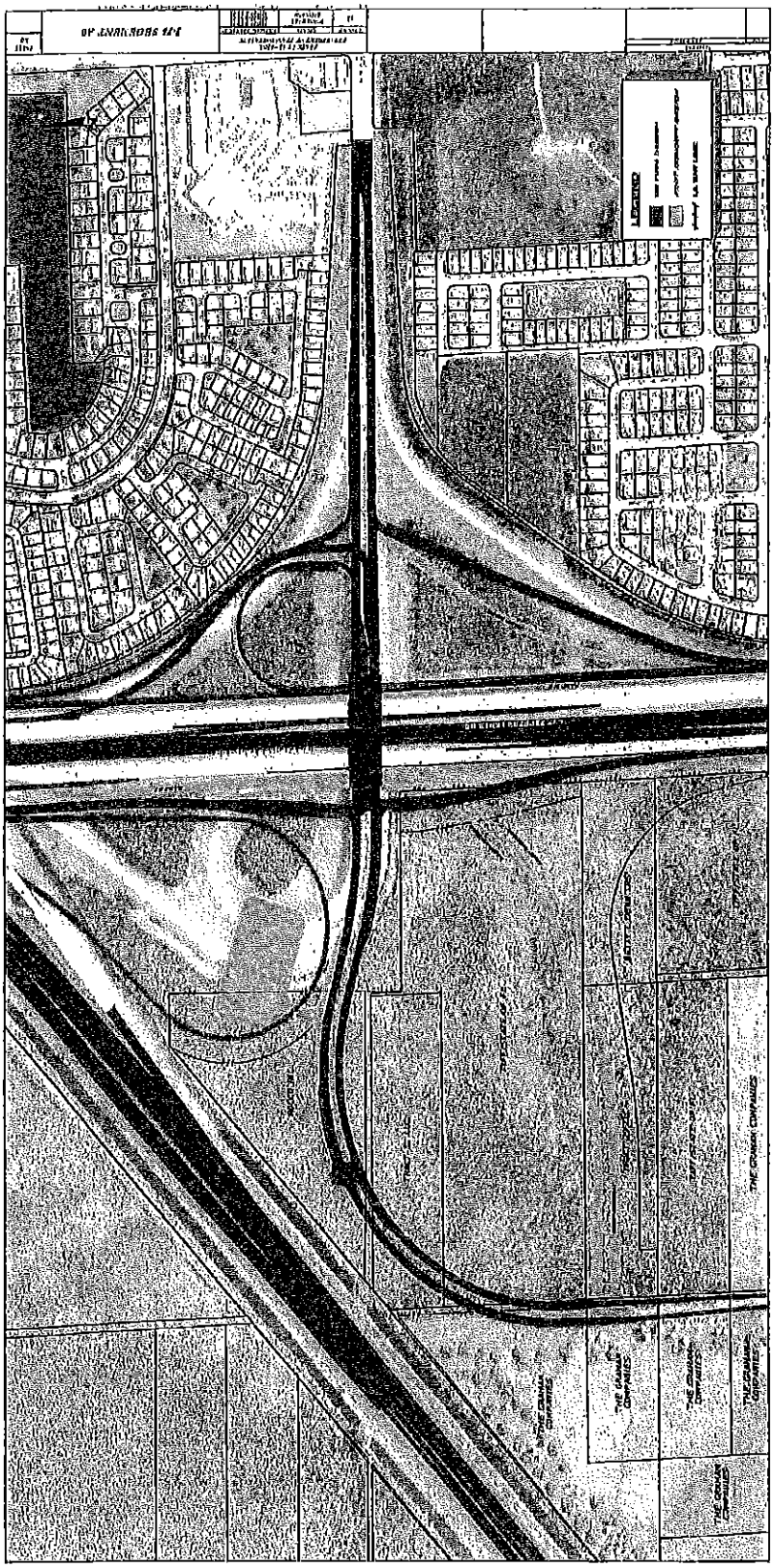
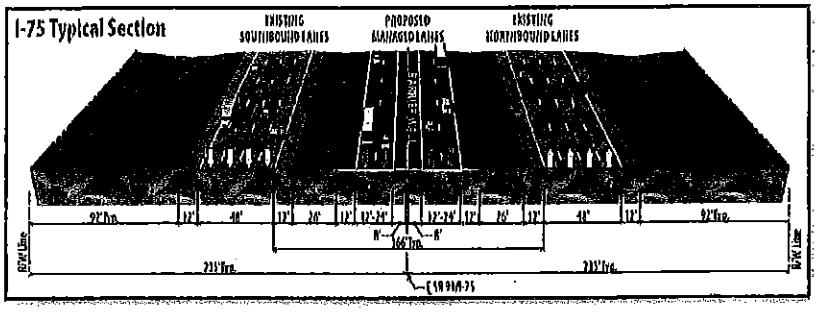


Exhibit "B"

826

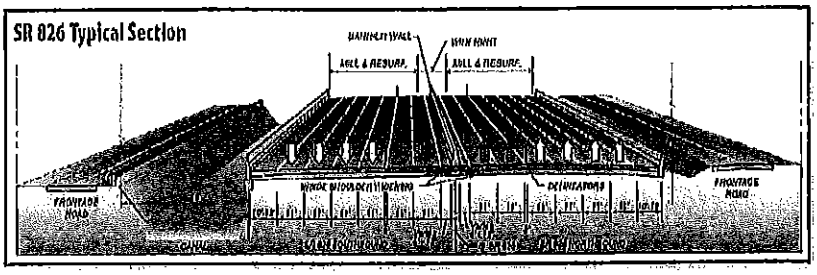
I-75 Express Lanes Project

The I-75 Express Lanes Project includes the express lanes component of the overall I-75 corridor improvements that were developed during the FDOT District 4 PD&E Study. These I-75 improvements extend approximately 18 miles from I-595 in Broward County to SR 826 in Miami-Dade County. Ingress/egress connections between the proposed EL's and the General Purpose Lanes, and direct connections to SR 826, HEFT and the I-595 reversible lanes are shown on the project location map on the preceding page.



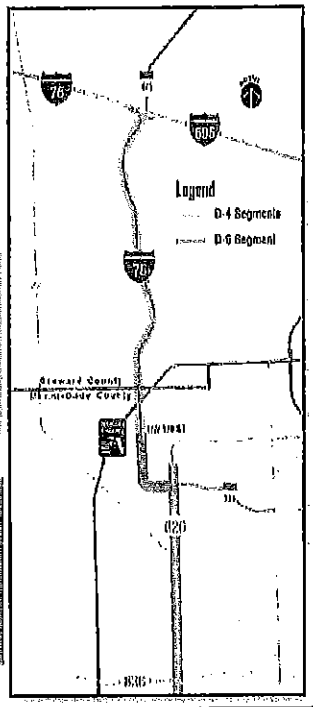
SR 826 Express Lanes Project

The SR 826 (Palmetto Expressway) Express Lanes Project includes the implementation of EL's along the SR 826 Corridor from NW 154th St. to SR 836 (Dolphin Expressway) in Miami-Dade County. The SR 826 improvements extend approximately 9 miles and provide continuity with the I-75 Express Lanes improvements. It is anticipated that the project will be contained within the existing public right-of-way.



Project Delivery

In a collaborative effort, FDOT Districts 4 and 6 will jointly manage the procurement, design, and construction of the 6 project segments. District 4 will be responsible for the 5 project segments from I-595 south to NW 170th St. (15 miles), and District 6 will be responsible for the project segment from NW 170th St. south to SR 836 (12 miles).



For more information on the D-4 Project Segments, please call or email:

Florida Department of Transportation - District 4
3400 West Commercial Blvd.
Fort Lauderdale, FL 33309

Robert E. Bostian, Jr.
Phone: 954-777-4427
Robert.Bostian@dot.state.fl.us

Nadir Rodrigues
Phone: 954-777-4385
Nadir.Rodrigues@dot.state.fl.us

For more information on the D-6 Project Segments, please call or email:

Florida Department of Transportation - District 6
1000 NW 111th Ave., Room 6247
Miami, FL 33172

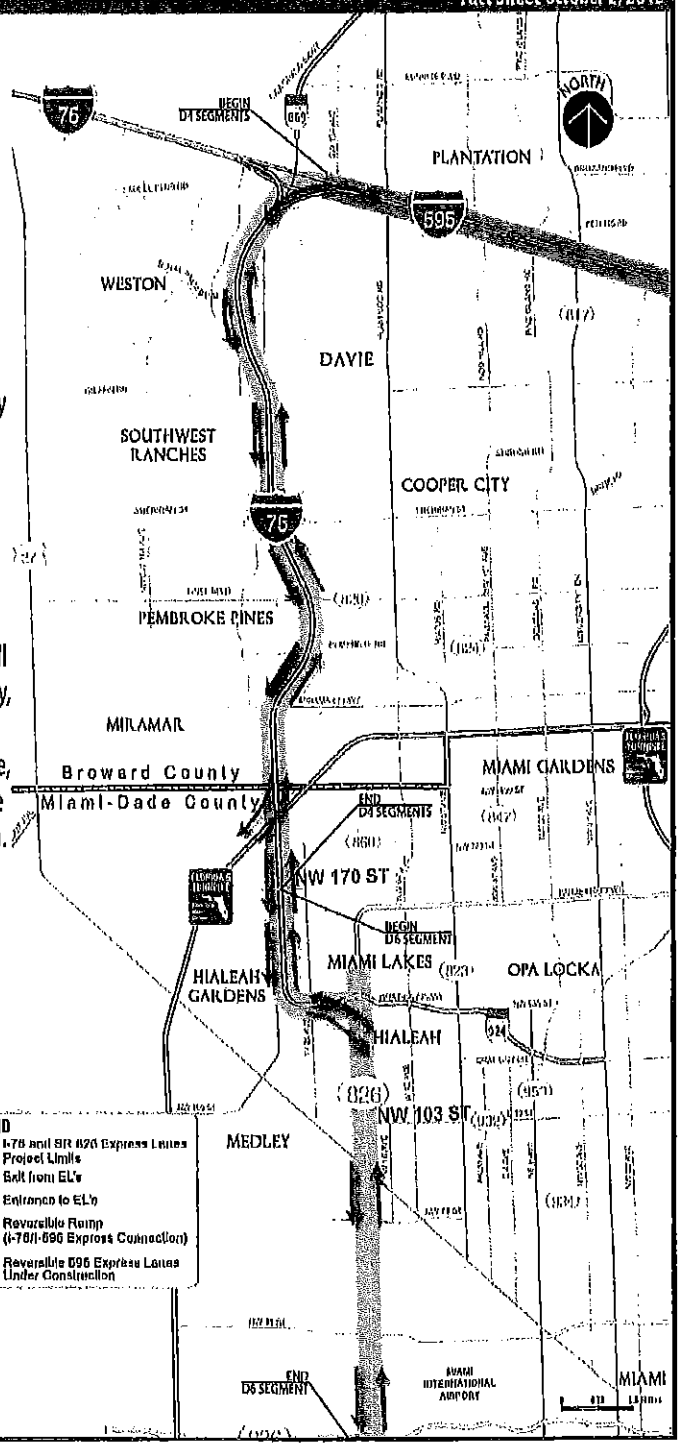
Judy Solaun Gonzalez, PE
Phone: 305-470-5207
Judy.Solaun@dot.state.fl.us

Exhibit "B"

I-75 and SR 826 Express Lanes Projects Under Development

Fact Sheet October 2, 2012

The Florida Department of Transportation (FDOT) Districts Four and Six are working together to implement Express Lanes (EL's) along 27 miles of the I-75 and SR 826 corridors from I-595 to just south of SR 836. The purpose of the projects as envisioned in the emerging South Florida Express Lanes Network is to improve mobility, relieve congestion, provide additional travel options, enhance transit services, accommodate future growth and development in the region, enhance emergency evacuation, and improve system connectivity between key limited access facilities in South Florida. In order to expedite construction, the improvements will be segmented into six projects that will begin construction in early 2014 and open to the public concurrently by early 2018. By late 2014, it is anticipated that all segments will be under construction. Ultimately, the projects will be integrated into a regional network of express lanes that will provide a safe, efficient, and reliable transportation alternative to motorists traveling throughout South Florida.



PROJECT LIMITS

- I-75 from I-595 to SR 826
- Palmetto Expressway (SR 826) from NW 154th St. to SR 836

I-75 AND SR 826 EXPRESS LANES KEY PROJECT COMPONENTS

- Express Lanes direct connections to SR 826, HEFT, and I-595
- Intermediate EL Ingress/Egress locations
  - Royal Palm Blvd. — Miami Gardens Dr.
  - Griffin Rd. — NW 154 St.
  - Sheridan St — NW 74th St.
  - Miramar Pkwy. — NW 25th St.
- Accommodation of BRT
  - Includes access to the MetroRail Station at NW 74th St.
- Integrated ITS/Tolling systems
- Noise barrier walls (where warranted per PD&E Noise Study)
- Emergency Response provisions

MEMORANDUM

(Revised)

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

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(N)(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(N)(1)
6-7-16

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN PORTIONS OF RIGHTS-OF-WAY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION DESIGNATED AS PARCELS 105 AND 112, NEEDED FOR THE I-75 AND STATE ROAD 826 EXPRESS LANES PROJECT, LOCATED IN SECTIONS 9 AND 4, TOWNSHIP 52, RANGE 40 SOUTH ALL IN MIAMI-DADE COUNTY FOR NO MONETARY CONSIDERATION IN ACCORDANCE WITH SECTION 335.0415, FLORIDA STATUTES; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE, AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EXECUTE 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 County owns two parcels of land designated as Parcels 105 and 112 which lie adjacent to Florida Department of Transportation (FDOT) rights-of-way in Sections 9 and 4, Township 52, Range 40 South, in Miami-Dade County; and

WHEREAS, the FDOT has requested that the County transfer Parcels 105 and 112 from County jurisdiction to the FDOT; and

WHEREAS, pursuant to Section 335.0415, Florida Statutes, public road rights-of-way may be transferred by mutual agreement of the affected governmental entities, upon approval by the secretary of the Department of Transportation; and

WHEREAS, pursuant to Section 337.29, Florida Statutes, title to public roads transferred in this manner shall be effective upon the recording of a deed or a right-of-way map in the public records of Miami-Dade County,

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

Section 1. The foregoing recitals are incorporated and adopted herein.

Section 2. This Board approves the transfers of Parcels 105 and 112 to FDOT, and approves the conveyance of said rights-of way to FDOT as set forth therein, for no monetary consideration and authorizes the Chairperson or Vice-Chairperson of the Board to execute a County Deed in substantially the form attached to the Mayor's memorandum as Exhibit "A".

Section 3. This Board authorizes the County Mayor or Mayor's designee to take all actions necessary to accomplish the conveyance of the rights-of-way, and to obtain the written approval of such transfers by the secretary of the Department of Transportation.

Section 4. Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or Mayor's designee to record the instruments of conveyance executed 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 7th day of June, 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