

MEMORANDUM

Agenda Item No. 8(N)(9)

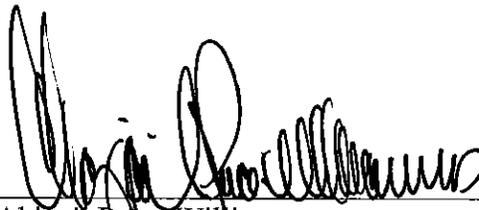
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving a Maintenance Map for a portion of SW 57 Avenue (Red Road) between SW 72 Street and SW 74 Street in Section 36 Township 54 South Range 40 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 necessary to effectuate 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 Xavier L. Suarez.



Abigail Price-Williams
County Attorney

APW/lmp

Memorandum



Date: February 7, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Approving a Maintenance Map for a Portion of SW 57 Avenue (Red Road) Between SW 72 Street and SW 74 Street in Section 36, Township 54 South, Range 40 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

Recommendation

It is recommended that the Board of County Commissioners Board approve the attached resolution approving a Maintenance Map for a portion of SW 57 Avenue between SW 72 Street and SW 74 Street, authorizing the Chairman and the Clerk of the Board to certify same, and authorizing the recordation thereof in the Public Records of Miami-Dade County (County), Florida.

Scope

The subject road is located within Commission District 7, which is represented by Commissioner Xavier L. Suarez.

Fiscal Impact/Funding Source

There is 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 this conveyance is Leandro Oña, P.E., Chief of Roadway Engineering and Right-of-Way Division.

Background

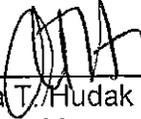
Southwest 57 Avenue between SW 72 Street and SW 74 Street has been constructed and maintained continuously by DTPW for a period over seven (7) years. Therefore, in accordance with Chapter 95.361 of the Florida Statutes, title to a road maintained by the County for over seven (7) years, shall be deemed 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.

The subject Maintenance Map has been executed by the Assistant Director of Construction and Maintenance 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 Chapter 95.361 of the Florida Statutes.

Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

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



Alina T. Hudak
Deputy Mayor

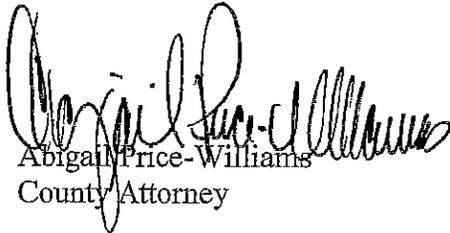


MEMORANDUM

(Revised)

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

DATE: February 7, 2017

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(N)(9)

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)(9)
2-7-17

RESOLUTION NO. _____

RESOLUTION APPROVING A MAINTENANCE MAP FOR A PORTION OF SW 57 AVENUE (RED ROAD) BETWEEN SW 72 STREET AND SW 74 STREET IN SECTION 36 TOWNSHIP 54 SOUTH RANGE 40 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 NECESSARY TO EFFECTUATE 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 has recommended that an Official Maintenance Map, stating that such road has vested in the County, be filed for record to indicate prima facie evidence of ownership, pursuant to the provisions of Chapter 95.361 of the Florida Statutes and the County Manager 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. The Board approves the Maintenance Map for a portion of SW 57 Avenue (Red Road) between SW 72 Street and SW 74 Street in Section 36, Township 54 South, Range 40 East, attached as Exhibit "A", authorizes the Chairman and the Clerk of the Board to certify

same pursuant to Chapter 95.361 of the Florida Statutes, and directs the County Mayor or County Mayor's designee to take all actions necessary to effectuate same including the filing of same with the Clerk of the Circuit Court of Miami-Dade County.

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 instruments 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 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of February, 2017. 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

AFFIDAVIT

THIS IS TO CERTIFY THAT I, Manuel O. Garcia, Assistant Director of Construction and Maintenance 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 along SW 57 Avenue (Red Road) between SW 72 Street and SW 74 Street, the pavement, signing, concrete sidewalks, drainage and parking spaces of the road thereof, in Miami-Dade County, Florida, for at least seven (7) years.



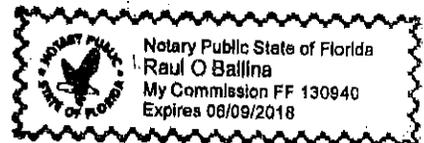
Manuel O. Garcia,
Assistant Director of
Construction and Maintenance
Department of Transportation and Public Works
Miami-Dade County

STATE OF FLORIDA
COUNTY OF DADE

The foregoing instrument was acknowledged before me this 7th day of SEPTEMBER, 2016 by Manuel O. Garcia, who is personally known to me and who did take and oath.



NOTARY PUBLIC STATE OF FLORIDA



MY COMMISSION EXPIRES: 6/9/2018
COMMISSION/SERIAL NO. FF 130940