

MEMORANDUM

Agenda Item No. 8(F)(17)

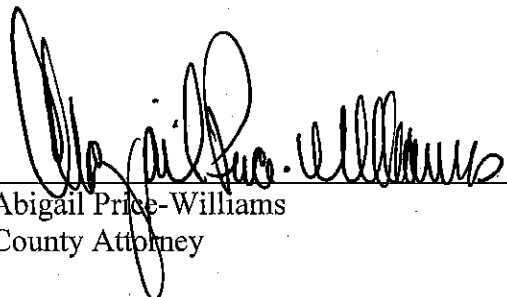
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: March 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declaring surplus County-owned real property located adjacent north of 2401 NW 69th Street, unincorporated Miami-Dade County, Florida (Folio No. 30-3115-044-0040); authorizing the private sale of said property to an adjacent property owner for \$171,000.00 as determined by an independent state certified real estate appraiser in accordance with Florida Statutes section 125.35(2); waiving Administrative Order No. 8-4 as it relates to review by the Planning Advisory Board; authorizing the County Mayor to take all actions necessary to accomplish the sale of said property; and authorizing the Chairperson or Vice Chairperson of the Board to execute a County Deed for such purpose

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.



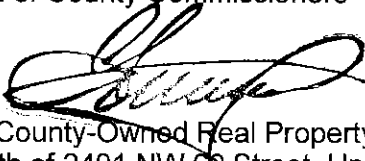
Abigail Price-Williams
County Attorney

APW/smm

Date: March 7, 2017

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

From: Carlos A. Gimenez
Mayor



Subject: Declaring as Surplus County-Owned Real Property
Located Adjacent North of 2401 NW 69 Street, Unincorporated Miami-Dade County
Folio No. 30-3115-044-0040

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution which authorizes the following actions:

- Declares as surplus 32,958 square feet of County-owned property (Folio No. 30-3115-044-0040) located adjacent north of 2401 NW 69 Street, unincorporated Miami-Dade County, Florida as shown in the attached Legal Description and Sketch (Attachment 1);
- Authorizes the private sale of the 32,958 square foot County-owned property to an adjacent property owner for \$171,000.00 in accordance with Florida Statutes 125.35(2); and
- Waives Administrative Order No. 8-4 as it relates to review by the County's Planning Advisory Board.

SCOPE

The property is located in District 2, which is represented by Commissioner Jean Monestime.

FISCAL IMPACT/FUNDING SOURCE

The sale of the property will alleviate the County of any obligation to maintain the property and will place the property back on the tax roll, generating approximately \$6,860.00 in annual ad valorem taxes.

TRACK RECORD/MONITOR

Barry Kent of the Internal Services Department's Real Estate Development Division is managing the sale of this property.

DELEGATION OF AUTHORITY

Authorizes the County Mayor or the County Mayor's designee to sell the property via private sale to the adjacent property owner, take all actions necessary to accomplish the sale of the property, and authorizes the Chairperson or Vice Chairperson of the Board to execute a County Deed (Exhibit 1 to the resolution) for such purpose.

BACKGROUND

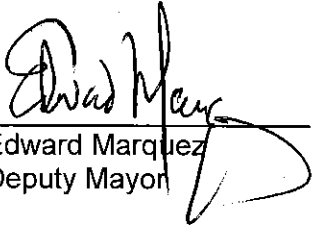
The Internal Services Department circulated the property to all County departments to determine if there is a present or future need for the property. It was determined the County did not have a need for the property. The County acquired this property via a Final Judgment recorded on November 25, 1970 due to a civil action for delinquent taxes. The subject property is a closed rail spur containing approximately 32,958 square feet and is approximately 730 feet long and 46 feet wide. It is not considered functional/sufficient to permit development as an independent parcel. The property is zoned IU-1 (Industrial, Light Manufacturing) and has a land use designation of Office and Industrial.

Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
Page 2

An appraisal was requested by the County because the County Property Appraiser's 2016 market value of the property was greater than \$50,000.00. The property's current market value is \$171,000.00, as determined by an independent state-certified real estate appraiser under the assumption that the property is an undevelopable remnant.

Florida Statutes 125.35(2) states that when the Board finds that a parcel of real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property and when due to the size, shape, location and value of the parcel, it is determined by the Board that the parcel is of use only to one or more adjacent property owners, the Board may effect a private sale of the parcel. If approved for surplus, the property will be offered for sale to all of the adjacent property owners with a minimum sale amount of \$171,000.00, which represents 100 percent of its 2016 appraised value. Therefore, it is recommended that the property be sold via a private sale to an adjacent property owner for \$171,000.00.

Attachments



Edward Marquez
Deputy Mayor

ATTACHMENT 1

SEC 15
TWP 53 S
RGE 41 E

LEGAL DESCRIPTION:

A Portion of N1/2 of the NW1/4 of the NW1/4 of Section 15, Township 53 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of the E1/2 of the NW1/4 of the NW1/4 of the NW1/4 of said Section 15; thence run S2°42'52"E along the West line of the E1/2 of the NW1/4 of the NW1/4 of the NW1/4 of said Section 15, for 270.31 feet more or less to a point that is 405 feet North of the South line of N1/2 of the NW1/4 of the NW1/4 of said Section 15; thence run N87°58'22"E, along a line 405 feet North of and parallel to the South line of the N1/2 of the NW1/4 of the NW1/4 of said Section 15, for 251.45 feet to the **POINT OF BEGINNING** of the tract of land hereinafter to be described; thence continue N87°58'22"E for 534.10 feet to a point of curvature; thence run Easterly and Northeasterly along the arc of a circular curve to the left having for its elements, a radius of 595.69 feet and a central angle of 18°53'18", and an arc distance of 196.38 feet to a point that is 30 feet West of the East line of the W1/2 of the NW1/4 of said Section 15; thence run N2°37'40"W, along a line 30 feet West of and parallel to the East line of the W1/2 of the NW1/4 of Section 15, for a distance of 46.54 feet to an intersection with a circular curve; at said point the radial line bears S22°25'57"E from the center of said curve; thence run Southwesterly and Westerly along the arc of a circular curve to the right having for its elements, a radius of 551.69 feet and a central angle of 20°24'19" for an arc distance of 196.48 feet to the point of tangency; said point of tangency being 449 feet North of the South line of N1/2 of the NW1/4 of the NW1/4 of said Section 15; thence run S87°58'22"W, along a line 449 feet North of and parallel to the South line of the N1/2 of the NW1/4 of the NW1/4 of said Section 15 for 88.44 feet to a Point of Curvature; thence run along the arc of a circular curve to the right having for its elements a radius of 551.69 feet and a central angle of 07°09'02" for an arc distance of 68.85 feet to the point of tangency; thence run N84°52'36"W for 77.93 feet to a point that is 456.98 feet West of the East line of the W1/2 of the NW1/4 of said Section 15; thence run S2°37'40"E, along a line 456.98 feet West of and parallel to the East line of the W1/2 of the NW1/4 of said Section 15, for 13.99 feet to a point that is 449 feet North of the South line of the N1/2 of the NW1/4 of the NW1/4 of said Section 15; thence run S87°58'22"W, along a line 449 feet North of and parallel to the South line of the N1/2 of the NW1/4 of the NW1/4 of said Section 15, for 300.34 feet to a point that is 251.43 feet East of the West line of the E1/2 of the NW1/4 of the NW1/4 of the NW1/4 of said Section 15; thence run S2°42'52"E, along a line 251.43 feet East of and parallel to the West line of E1/2 of the NW1/4 of the NW1/4 of the NW1/4 of said Section 15 for 44 feet to the **POINT OF BEGINNING**.

Containing 32,958 Sq Ft or 0.757 Acres more or less.



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	RAIL SPUR.	SCALE: N/A	DATE: 08-18-16
		CHECKED BY: C. Socarras	
		DRAWN BY: L. Espinosa	
		PROJECT: 20160229	SHEET: 1 of 3

AMENDE PLAT OF ELIZABETH PARK
(P.B. 4, PG. 195)

SEC 15
TWP 53 S
RGE 41 E

NW 26 AVE.

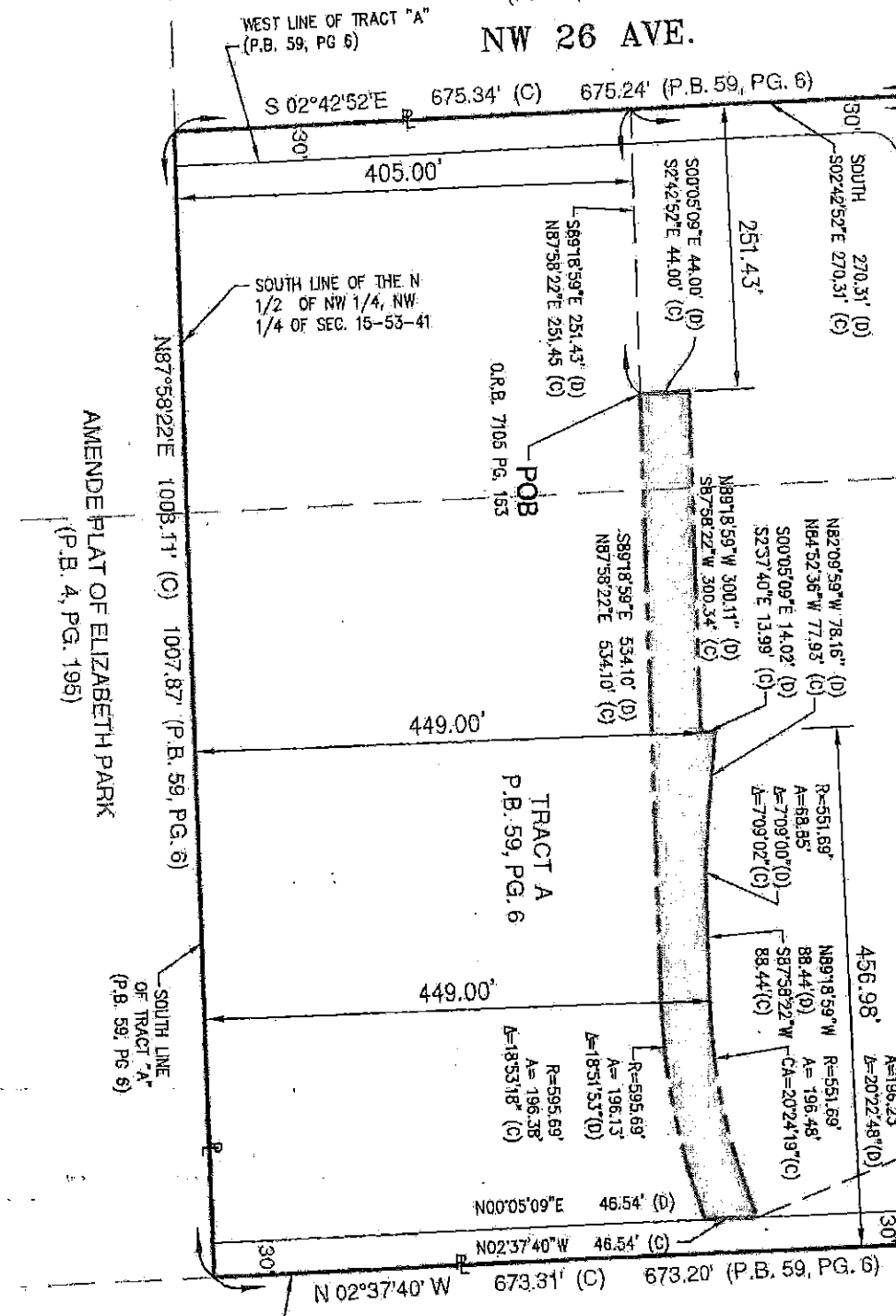
NW 71 ST

MILL'S SUBDIVISION
(P.B. 40, PG. 9)

TRACT A
P.B. 59, PG. 6

MILL'S SUBDIVISION
(P.B. 40, PG. 9)

NW 24 AVE



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.



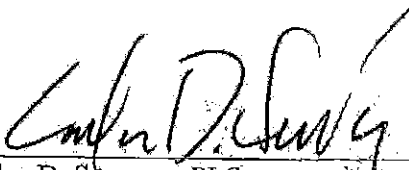
THIS IS NOT A SURVEY.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS ROADWAY ENGINEERING AND RIGHT-OF-WAY DIVISION	RAIL SPUR	SCALE: 1" = 150'	DATE: 08-18-16
		CHECKED BY: C. Socarras	
		DRAWN BY: L. Espinosa	
		PROJECT: 20160229	SHEET: 2 of 3

SEC 15
TWP 53 S
RGE 41 E

Surveyor's Notes:






- 1) The bearings on the legal description are based on State Plane Coordinates, East Zone, Transverse Mercator System, North American Datum of 1983, 1990 Adjustment.
- 2) The bearings on the legal description refer to the North line of the NW 1/4 of Section 15-53-41, having a bearing of N 88°05'13"E calculated between the following section corners:
NE Corner of NW 1/4-15-53-41: N547851.00, E908334.93
NW Corner of NW 1/4-15-53-41: N547761.17, E905645.34
- 3) The sectional data and survey data were derived from field survey work prepared by Miami-Dade County Department of Transportation and Public Works Surveying Section, being compiled in Field Book 2680 page 20.
- 4) The recorded data were obtained from a Title Search prepared by Miami-Dade County Department of Transportation and Public Works Right-of-Way Engineering Section's staff Analyst. Unrecorded FEC-Miami Belt Line Track Map, V-3b/5 dated 8-16-1949; Plat Book 4 at Page 195 and Plat Book 59 at Page 6, the Final Judgement dated 11-25-1970 recorded in Circuit Court Minute Book 1189 at Page 920, and the County Deed dated 12-22-1980 recorded in ORB 10971 at Page 452, all of the Public Records of Miami-Dade County, Florida.

By: 
 Carlos D. Socarras, PLS.
 Professional Land Surveyor No. 4953.
 State of Florida.

For: Miami-Dade County Department
 of Transportation and Public Works.
 Roadway Engineering and Right-of-Way Division
 Right of Way Engineering Section
 111 NW 1 Street, Suite 1610 Miami, Florida
 33128-1970

NOTICE: Unless it bears the signature and the original raised seal of a Florida licensed Surveyor and Mapper, this sketch is for informational purposes only and is not valid.

LEGEND

	AREA TO BE QUITCLAIMED	R/W	RIGHT OF WAY	(SEC.)	SECTION	(A)	ARC LENGTH
	PROPERTY LINE	(TWS)	TOWNSHIP	(P.B.)	PLAT BOOK	(Δ)	DELTA
	RIGHT-OF-WAY LINE	(RGE)	RANGE	(PG.)	PAGE	(R)	RADIUS
	CENTER LINE	R	PROPERTY LINE	(O.R.B.)	OFFICIAL RECORDS BOOK	(DB)	DEED BOOK
	BOUNDARY LINE						



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

RAIL SPUR

SCALE: N/A	DATE: 08-18-16
CHECKED BY: C. Socarras	
DRAWN BY: L. Espinosa	
PROJECT: 20160229	SHEET: 3 of 3

6



MEMORANDUM

(Revised)

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

DATE: March 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(F)(17)

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(F)(17)
3-7-17

RESOLUTION NO. _____

RESOLUTION DECLARING SURPLUS COUNTY-OWNED REAL PROPERTY LOCATED ADJACENT NORTH OF 2401 NW 69TH STREET, UNINCORPORATED MIAMI-DADE COUNTY, FLORIDA (FOLIO NO. 30-3115-044-0040); AUTHORIZING THE PRIVATE SALE OF SAID PROPERTY TO AN ADJACENT PROPERTY OWNER FOR \$171,000.00 AS DETERMINED BY AN INDEPENDENT STATE CERTIFIED REAL ESTATE APPRAISER IN ACCORDANCE WITH FLORIDA STATUTES SECTION 125.35(2); WAIVING ADMINISTRATIVE ORDER NO. 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE SALE OF SAID PROPERTY; AND AUTHORIZING THE CHAIRPERSON OR VICE CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE

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

WHEREAS, the County owns a 32,958 square foot parcel of land, legally described in the County Deed attached hereto as Exhibit 1 (the "Property"); and

WHEREAS, pursuant to Section 125.35(2) of the Florida Statutes, the Board finds that the Property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the Property; and

WHEREAS, due to the size, shape, location and value of the property, this Board finds that it is of use only to an adjacent property owner; and

WHEREAS, the Property has been circulated to all County departments for possible use, and it has been determined that the County does not have a need for the Property, which is therefore declared surplus property; and

WHEREAS, pursuant to Section 125.35(2) of the Florida Statutes, this Board has determined that it is in the best interests of the County to sell the Property to one of the adjacent property owners; and

WHEREAS, pursuant to Resolution No. R-333-15, requiring disclosure of market value, the 2016 appraised market value of the property is \$171,000.00, as determined by an independent state-certified real estate appraiser,

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. Pursuant to Section 125.35(2) of the Florida Statutes, this Board hereby declares the Property surplus; authorizes the sale of the property for \$171,000.00 by private sale to an adjacent property owner, or through a competitive bidding process, if two or more owners of the adjacent property give notice of their desire to purchase the property; and authorizes the County Mayor or the County Mayor's designee to take all actions necessary to accomplish the sale of the Property.

Section 3. The Board waives Administrative Order No. 8-4 as it relates to review by the Planning Advisory Board.

Section 4. The Board authorizes the Chairperson or Vice-Chairperson of the Board to execute a County Deed for the purpose described herein, in substantially the form attached hereto, and authorizes the County Mayor or the County Mayor's designee to take all actions necessary to accomplish the conveyance of the property.

Section 5. Pursuant to Resolution No. R-974-09, the Board, (a) directs the County Mayor or County Mayor's designee to record said instruments of conveyance executed herein in

the public records of Miami-Dade County, including the County Deed, and to provide a recorded copy of said instruments 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 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 March, 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



EXHIBIT "1"

Instrument prepared by William L. Pupo
return to: Miami-Dade County Internal Services Department
Real Estate Development Division
111 N.W. 1 Street, Suite 2460
Miami, Florida 33128-1907

Folio No.: 30-3115-044-0040

COUNTY DEED

THIS DEED, made this day of , 2016 A.D. by MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 NW 1 Street Suite 17-202, Miami, Florida 33128-1963, and , party of the second part, whose address

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Hundred Seventy One Thousand and 00/100 Dollars (\$171,000.00) to it in hand paid by the parties of the second part, receipt whereof is hereby acknowledged has granted, bargained and sold to the party of the second part, his or her heirs and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

See Exhibit "A"

This grant conveys only the interest of Miami-Dade County and its Board of County Commissioners in the property herein described and shall not be deemed to warrant the title or to represent any state of facts concerning 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 of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:
HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Jean Monestime, Chairman

Approved for legal sufficiency. _____

The foregoing was authorized by Resolution No. R- approved by the Board of County Commissioners of Miami-Dade County, Florida, on the day of 201

EXHIBIT "A"

SEC 15
TWP 53 S
RGE 41 E

LEGAL DESCRIPTION:

A Portion of N1/2 of the NW1/4 of the NW1/4 of Section 15, Township 53 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of the E1/2 of the NW1/4 of the NW1/4 of the NW1/4 of said Section 15; thence run S2°42'52"E along the West line of the E1/2 of the NW1/4 of the NW1/4 of the NW1/4 of said Section 15, for 270.31 feet more or less to a point that is 405 feet North of the South line of N1/2 of the NW1/4 of the NW1/4 of said Section 15; thence run N87°58'22"E, along a line 405 feet North of and parallel to the South line of the N1/2 of the NW1/4 of the NW1/4 of said Section 15, for 251.45 feet to the **POINT OF BEGINNING** of the tract of land hereinafter to be described; thence continue N87°58'22"E for 534.10 feet to a point of curvature; thence run Easterly and Northeasterly along the arc of a circular curve to the left having for its elements, a radius of 595.69 feet and a central angle of 18°53'18", and an arc distance of 196.38 feet to a point that is 30 feet West of the East line of the W1/2 of the NW1/4 of said Section 15; thence run N2°37'40"W, along a line 30 feet West of and parallel to the East line of the W1/2 of the NW1/4 of Section 15, for a distance of 46.54 feet to an intersection with a circular curve; at said point the radial line bears S22°25'57"E from the center of said curve; thence run Southwesterly and Westerly along the arc of a circular curve to the right having for its elements, a radius of 551.69 feet and a central angle of 20°24'19" for an arc distance of 196.48 feet to the point of tangency; said point of tangency being 449 feet North of the South line of N1/2 of the NW1/4 of the NW1/4 of said Section 15; thence run S87°58'22"W, along a line 449 feet North of and parallel to the South line of the N1/2 of the NW1/4 of the NW1/4 of said Section 15 for 88.44 feet to a Point of Curvature; thence run along the arc of a circular curve to the right having for its elements a radius of 551.69 feet and a central angle of 07°09'02" for an arc distance of 68.85 feet to the point of tangency; thence run N84°52'36"W for 77.93 feet to a point that is 456.98 feet West of the East line of the W1/2 of the NW1/4 of said Section 15; thence run S2°37'40"E, along a line 456.98 feet West of and parallel to the East line of the W1/2 of the NW1/4 of said Section 15, for 13.99 feet to a point that is 449 feet North of the South line of the N1/2 of the NW1/4 of the NW1/4 of said Section 15; thence run S87°58'22"W, along a line 449 feet North of and parallel to the South line of the N1/2 of the NW1/4 of the NW1/4 of said Section 15, for 300.34 feet to a point that is 251.43 feet East of the West line of the E1/2 of the NW1/4 of the NW1/4 of the NW1/4 of said Section 15; thence run S2°42'52"E, along a line 251.43 feet East of and parallel to the West line of E1/2 of the NW1/4 of the NW1/4 of the NW1/4 of said Section 15 for 44 feet to the **POINT OF BEGINNING**.

Containing 32,958 Sq Ft or 0.757 Acres more or less.



THIS IS NOT A SURVEY

<p>SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS ROADWAY ENGINEERING AND RIGHT-OF-WAY DIVISION</p>	<p>RAIL SPUR.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: small;">SCALE: N/A</td> <td style="font-size: small;">DATE: 08-18-16</td> </tr> <tr> <td colspan="2" style="font-size: small;">CHECKED BY: C. Socarras</td> </tr> <tr> <td colspan="2" style="font-size: small;">DRAWN BY: L. Espinosa</td> </tr> <tr> <td style="font-size: small;">PROJECT: 20160229</td> <td style="font-size: small;">SHEET: 1 of 3</td> </tr> </table>	SCALE: N/A	DATE: 08-18-16	CHECKED BY: C. Socarras		DRAWN BY: L. Espinosa		PROJECT: 20160229	SHEET: 1 of 3
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