

MEMORANDUM

Agenda Item No. 8(F)(3)

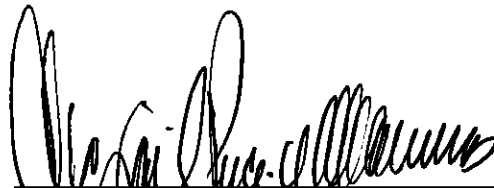
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing the acceptance of a quit claim deed from the Florida Department of Transportation conveying to the County 5,649 square feet of real property, located adjacent to Pelican Harbor Marina Park at 1265 NE 79 Street in Miami-Dade County; directing the County Mayor to take all actions necessary to accomplish same; and directing the County Mayor to record the quit claim deed in the public records of Miami-Dade County in accordance with Resolution No. R-974-09

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.



Abigail Price-Williams
County Attorney

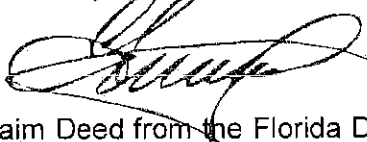
APW/smm

Memorandum



Date: November 7, 2017

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

From: Carlos A. Gimenez
Mayor 

Subject: Acceptance of a Quit Claim Deed from the Florida Department of Transportation (FDOT) Conveying FDOT's Interest in a Parcel of Right-of-Way, Adjacent to Pelican Harbor Marina Park, at 1265 NE 79 Street, Miami, Florida, to the County

Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution, which authorizes the acceptance of a Quit Claim Deed from FDOT, conveying a 5,649-square-foot parcel of right-of-way, adjacent to Pelican Harbor Marina Park at 1265 NE 79 Street, Miami, Florida, (Folio No. 01-3208-031-0010), as shown in the attached aerial exhibit (Attachment 1).

Scope

The property is located in Commission District 3, which is represented by Vice Chairwoman Audrey M. Edmonson.

Fiscal Impact/Funding Source

The right-of-way is being conveyed to the County at no cost.

Track Record/Monitor

Shannon Clark of the Internal Services Department, Real Estate Development Division, is managing the acceptance of the conveyance of the property on behalf of the Parks, Recreation, and Open Spaces Department. Alissa Turteltaub of Parks, Recreation and Open Spaces will manage the planning for the expansion of Pelican Harbor Marina Park.

Delegation of Authority

Authorizes the County Mayor or the County Mayor's designee to take all actions necessary to accept the conveyance of the property.

Background

Parks, Recreation and Open Spaces is redeveloping Pelican Harbor Marina Park to provide enhanced pedestrian and vehicular circulation, along with improved boat and trailer parking. Additional enhancements will be made to alleviate the congestion of marina-related traffic onto the 79 Street Causeway. The park improvement plan includes reconfiguration of the vehicle entrances. The west entrance to the park will be closed to improve vehicular circulation and eliminate the backup of boat trailers on the east-bound lane of the 79 Street Causeway. The east entrance will remain open for vehicle access to the park.

In order to complete the park improvement plan, FDOT has agreed to convey the 5,649 square feet of right-of-way to the County. Once the property is conveyed, it will become part of the overall park design and will improve pedestrian access and vehicular circulation.

GRANTOR: FDOT, its successors and assigns

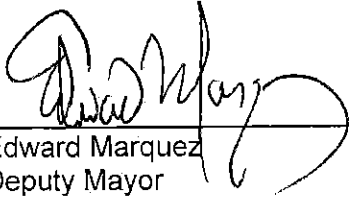
LOCATION: Adjacent to Pelican Harbor Marina Park, located at 1265 NE 79 Street (Attachment 2)

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

SIZE: Approximately 5,649 square feet of right-of-way, more or less

ZONING: Public Area/Government Use

Attachments

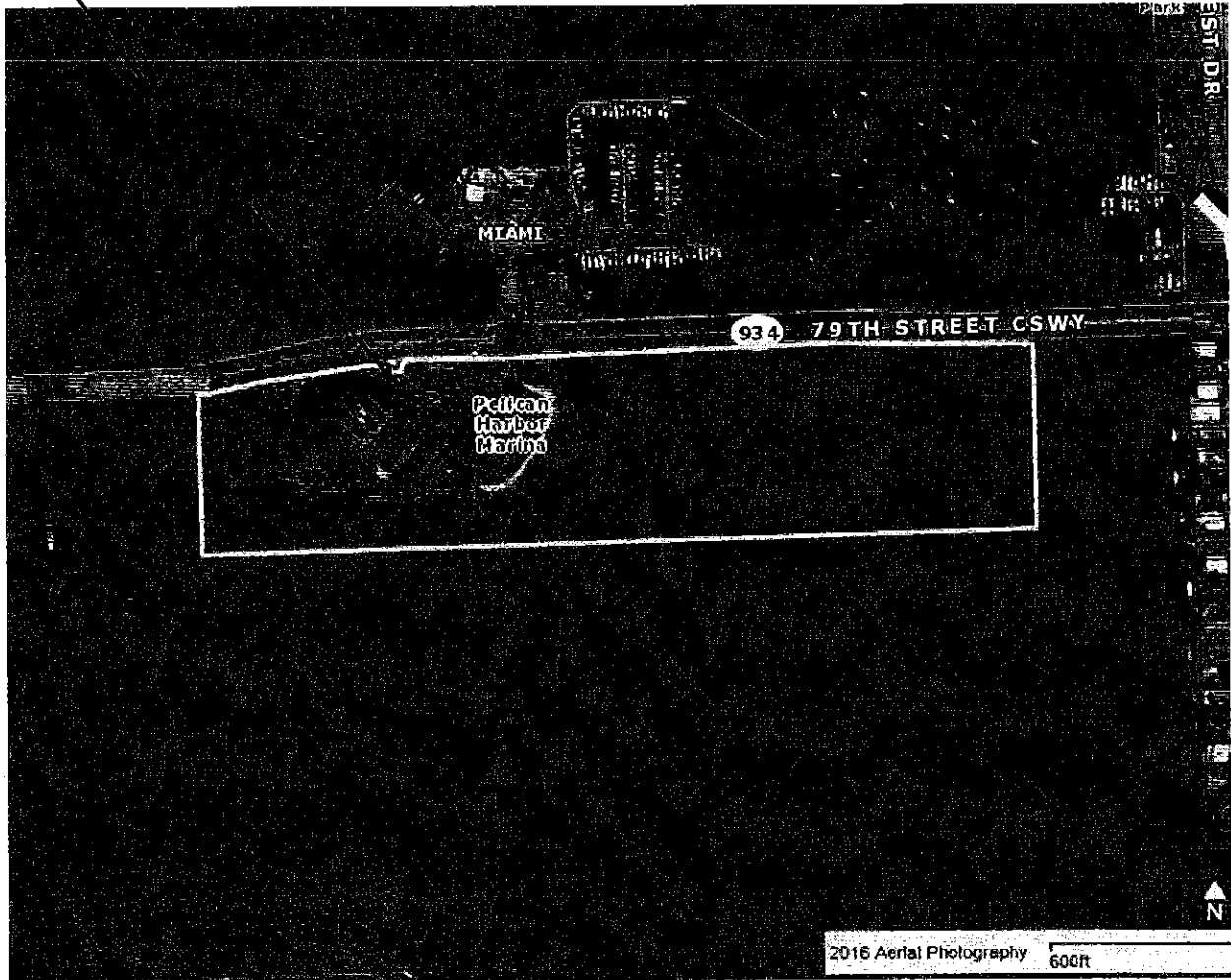
A handwritten signature in black ink, appearing to read "Edward Marquez", written over a horizontal line.

Edward Marquez
Deputy Mayor

ATTACHMENT 1

FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)

RIGHT-OF-WAY CONVEYANCE 5,649 SQUARE FEET



Folio: 01-3208-031-0010

Sub-Division:

PELICAN HARBOR PARK

Lot Size

1,560,014 Square Feet

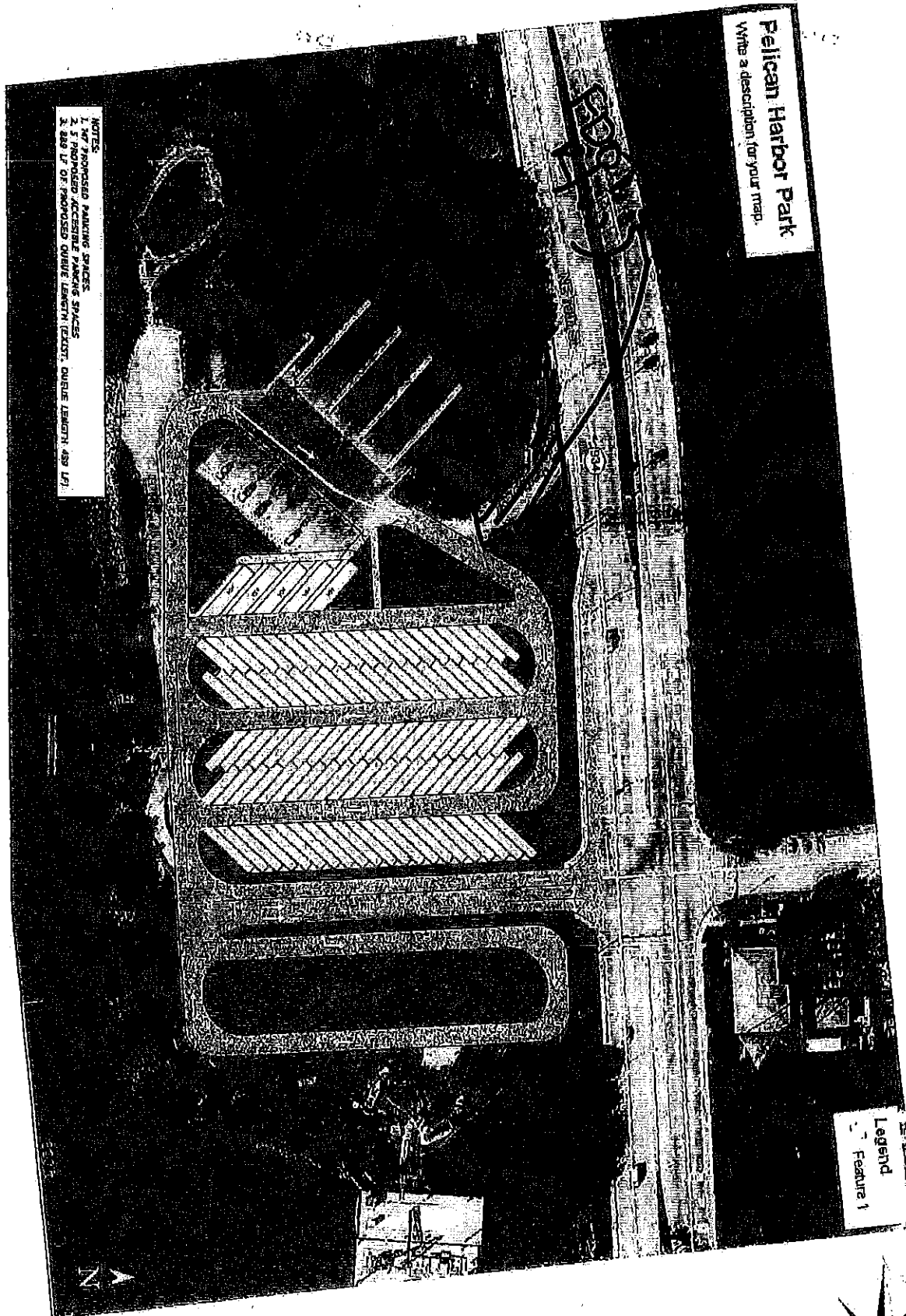
PELICAN HARBOR PARK

PB 134-18T

TR A

LOT SIZE 35.813 AC M/L

ATTACHMENT 2





MEMORANDUM

(Revised)

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

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(F)(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

Agenda Item No. 8(F)(3)
11-7-17

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A QUIT CLAIM DEED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION CONVEYING TO THE COUNTY 5,649 SQUARE FEET OF REAL PROPERTY, LOCATED ADJACENT TO PELICAN HARBOR MARINA PARK AT 1265 NE 79 STREET IN MIAMI-DADE COUNTY; DIRECTING THE COUNTY MAYOR OR DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH SAME; AND DIRECTING THE COUNTY MAYOR OR DESIGNEE TO RECORD THE QUIT CLAIM DEED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY IN ACCORDANCE WITH RESOLUTION NO. R-974-09

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

WHEREAS, the Florida Department of Transportation (FDOT) has agreed to convey to the County the real property more particularly described in Exhibit A to the quit claim deed attached hereto as Exhibit 1,

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. The Board authorizes the acceptance of a quit claim deed from FDOT conveying to the County 5,649 square feet of real property, located adjacent to Pelican Harbor Marina Park at 1265 NE 79 Street and directs the County Mayor or designee to take all actions necessary to accomplish same.

Section 3. Pursuant to Resolution No. R-974-09, the Board directs the County Mayor or the County Mayor's designee to record the instrument of conveyance accepted herein in the public records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy 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 November, 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.

MAG

Miguel A. Gonzalez

Exhibit "1"

26-SPD.01 06/99 (Public Purpose - No consideration)

User Department: "Parks, Recreation and Open Spaces"

This instrument prepared by,
or under the direction of,
Alicia Trujillo, Esq., _____
District Chief Counsel
Florida Department of Transportation
1000 NW 111th Avenue, Miami, Florida 33172

Item/Seg No. : 2486341
Section/Job No. : 87080-2505
Managing District : Six
Parcel No. : 5966

QUITCLAIM DEED
(Public Purpose)

THIS INDENTURE, _____, 2017 by and between the STATE OF FLORIDA by and through the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns (Grantor), whose address is 1000 NW 111th Avenue, Miami, Florida 33172, to MIAMI-DADE COUNTY, Florida, a political subdivision of the State of Florida, whose address is Stephen P. Clark Center, 111 N.W. 1st Street, Miami, Florida 33128 (Grantee).

WITNESSETH

WHEREAS, said land hereinafter described was heretofore acquired for state highway purposes; and

WHEREAS, said land is no longer required for such purposes, and the Grantor, by action of the District Secretary, District Six Florida Department of Transportation on February 16, 2017 pursuant to the provisions of Section 337.25 Florida Statutes, has agreed to quitclaim the land hereinafter described to the Grantee without consideration, to be used solely for public purposes.

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That the Grantor does hereby remise, release and quitclaim unto the Grantee, and assigns, forever, all the right, title and public purposes, pursuant to the provisions of Section 337.25, Florida Statutes, all that certain land situate in Miami-Dade County, Florida, viz:

(See Exhibit "A" hereto and made a part hereof)

The foregoing conveyance was approved by the Miami-Dade County Board of County Commissioners pursuant to Resolution No. R-_____ passed and adopted on _____, a copy of which is attached hereto as Exhibit "B".

User Department: "Parks, Recreation and Open Spaces"

Item/Seg No. : 2486341
Section/Job No. : 87080-2505
Managing District : Six
Parcel No. : 5966

TO HAVE AND TO HOLD, the said premises and the appurtenances thereof unto the Grantee.

THIS CONVEYANCE IS made subject to access control requirements, any unpaid taxes, assessments, liens, reservations, or easements of any kind which may be in place, or encumbrances of any nature whatsoever which the Grantee hereunder and herein assumes.

REVERTER – The Property herein described is to be used in perpetuity as public purpose. If the property ceases to be used for the above described purpose, all property rights shall revert back to the said Grantor.

GRANTOR SIGNATURE PAGE FOLLOWS

User Department: "Parks, Recreation and Open Spaces"

Item/Seg No. : 2486341
Section/Job No. : 87080-2505
Managing District : Six
Parcel No. : 5966

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name by its proper officers thereunto duly authorized, the day and year first above written.

STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION

By: _____
James Wolfe, P.E.
District Secretary

Witness: _____

Name/Title

Attest: _____
Margaret Higgins
Executive Secretary

Witness: _____

Affix Department Seal

Name/Title

State of Florida

County of Miami -Dade

The foregoing instrument was acknowledged before me this _____ day of _____
2017, by James Wolfe, P.E., District Secretary for District Six, FDOT, who is personally known to
me, or has produced _____ as identification.

Notary Public in and for the County and State
mentioned above

(Affix Notary Seal)

My Commission Expires _____

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EXHIBIT "A".

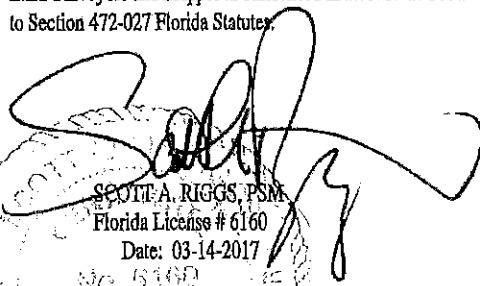
LEGAL DESCRIPTION

A portion of State Road 934/N.E. 79th Street Causeway as shown on the Right of Way Map for section 87080, Sheet 4 of 12, dated May 2016 lying in the South ½ of Section 8, Township 53 South, Range 42 East, Miami-Dade County, Florida, abutting Tract "A" of Pelican Harbor Park, according to the plat thereof, as recorded in Plat Book 134 at Page 18 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Tract "A", which is a point on the South right of way line of said State Road No. 934, said point being on a circular curve concave to the Northwest, the center of said curve bearing N07°10'04"W from said point; thence Easterly, along the arc of said curve to the left, having for its elements a central angle of 4°43'58", a radius of 2021.73 feet, for an arc distance of 167.00 feet to a point; thence N71°13'59"E (non-tangential to the last described course) for 224.79 feet to a point on a circular curve concave to the Southeast, the center of said curve bearing S11°54'02"E from said point, thence Easterly, along said curve to the right, having for its elements a central angle of 6°07'53", a radius of 1824.86 feet, for an arc distance of 195.28 feet to a point of compound curvature, said point of compound curvature being the Point of Beginning; thence Southeasterly, along the arc of a circular curve to the right, having for its elements a central angle of 93°37'45", a radius of 75.00 feet, for an arc distance of 122.56 feet to a point; thence N87°51'36"E, radial to the last described curve, for a distance of 50.00 feet; thence N02°08'24"W for 38.50 feet to a point of curvature; thence Northeasterly, along a circular curve to the right, having for its elements a central angle of 36°52'12", a radius of 75.00 feet, for an arc distance of 48.26 feet to a point; the center of said curve bearing S55°16'12"E from said point (the last 7 courses being along the said Southerly right of way line of said State Road No. 934); thence run S84°26'24"W for 145.01 feet to the Point of Beginning.

Containing 5,649 square feet, more or less.

I hereby certify that this SKETCH TO ACCOMPANY LEGAL DESCRIPTION is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Land Surveyors and Mapper as referenced in Rule 5J-17 Florida Administrative Code pursuant to Section 472-027 Florida Statutes.


SCOTT A. RIGGS, PSM
Florida License # 6160
Date: 03-14-2017
No. 5160

THIS IS NOT A SURVEY.

This document consists of 2 sheets and neither shall be considered full, valid and complete without the other.

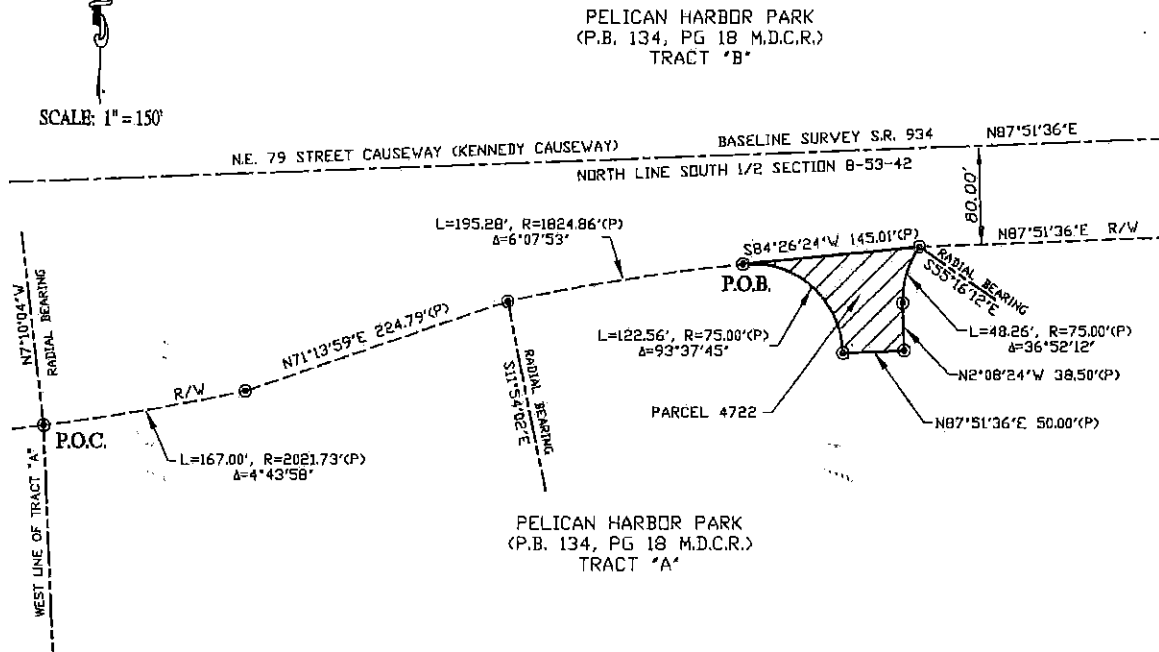
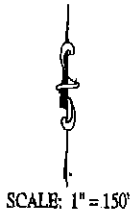
111 N.W. First Street, Suite #1610
Miami, Florida 33128 (305) 375-2657
MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT
RIGHT-OF-WAY AND SURVEY DIVISION

Florida Department of Transportation
District Six
Item/Seg No.:
Sect/Job No.: 87080
F.A.P. No.: N/A
S.R. No.: 934
County: Miami-Dade County
Parcel No.: 4722

SHEET 1 OF 2

EXHIBIT "A".

SKETCH OF LEGAL DESCRIPTION Section 8, Township 53 South, Range 42 East



NOTES.

1. References:
 - a. Florida Department of Transportation (FDOT) Right of Way Map, Section 87080, State Road No. 934, Sheet 4 of 12, dated May of 2016, State Road 934.
 - b. Pelican Harbor Park Plat Book 134, Page 18.
2. The Bearings shown hereon are based on and are as shown on the Pelican Harbor Park plat.
3. P.O.B. denotes Point of Beginning.
4. P.O.C. denotes Point of Commencement.

Legend:

- P.O.B. denotes Point of Beginning.
- P.O.C. denotes Point of Commencement.
- M.D.C.R. denotes Miami Dade County Records.
- R/W denotes Right of Way.
- S.R. denotes State Road.
- P.B. denotes Plat Book
- PG denotes Page
- (P) denotes measured by Plat.
- Δ denotes delta angle of curve
- R denotes radius of curve
- L denotes arc length of curve

THIS IS NOT A SURVEY.

This document consists of 2 sheets and neither shall be considered full, valid and complete without the other.

111 N.W. First Street, Suite #1610 Miami, Florida 33128 (305) 375-2657 MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT RIGHT-OF-WAY AND SURVEY DIVISION	Florida Department of Transportation District Six Item/Seg No.: Sect/Job No.: 87080 F.A.P. No.: N/A S.R. No.: 934 County: Miami-Dade County Parcel No.: 4722
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