

# MEMORANDUM

Agenda Item No. 8(L)(1)

---

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

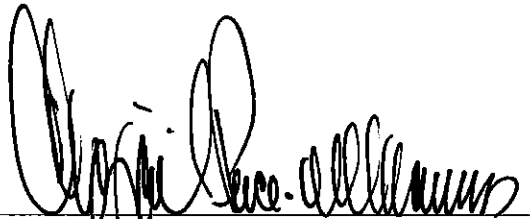
**DATE:** April 10, 2018

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

**SUBJECT:** Resolution approving the release of unneeded canal reservation lying in Section 20, Township 52 South and Range 40 East in Miami-Dade County; approving disclaimer for release of rights of reservation; and authorizing the County Mayor to execute the Disclaimer

---

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

  
Abigail Price-Williams  
County Attorney

APW/smm

# Memorandum



**Date:** April 10, 2018

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

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

**Subject:** Resolution Authorizing the Release of Unneeded Canal Reservation in Section 20, Township 52 South and Range 40 East in Miami-Dade County, Florida

## **Recommendation**

It is recommended that the Board of County Commissioners (Board) authorize the execution of a Miami-Dade County Disclaimer (Attachment A to the resolution) to release unneeded canal reservation in Section 20, Township 52 South and Range 40 East, Miami-Dade County.

## **Scope**

The site is located northeast of the intersection of NW 107 Avenue and NW 138 Street in the City of Hialeah, in Commission District 12, which is represented by Commissioner Jose "Pepe" Diaz.

## **Fiscal Impact/Funding Source**

This item does not require the expenditure of any Miami-Dade County funds.

## **Track Record / Monitor**

The Water Control Section Manager within the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, Maria D. Molina, P.E., will be responsible for tasks related to this transaction.

## **Background**

In 1959, the Central and Southern Florida Flood Control District, now known as the South Florida Water Management District, gave to the County canal reservations for canal and water management purposes in connection with the Miami-Dade County Water Control Master Plan over the western 130 feet and the southern 100 feet of Section 20, Township 52 South and Range 40 East. A general site sketch is attached as Exhibit 1 to this memorandum.

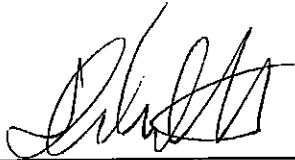
Flightway Fourteen, LLC owns the property encumbered by the above-stated 130-foot-wide and 100-foot-wide canal reservations and plans to construct within the property. Flightway Fourteen, LLC has requested that the areas of canal reservations discussed below be released by the County to be used for their purposes.

Along the north side of NW 138 Street, within the 100-foot-wide canal reservation, a canal right-of-way and canal maintenance easement for the existing Grahams Dairy Canal were dedicated, or transferred to the County, as part of the NW 138 Street roadway improvement by Miami-Dade County Public Works Department in 2008 and recorded with the Miami-Dade County Clerk of Courts. The excess canal reservation area north of the canal maintenance easement is no longer needed by the County for canal purposes.

Along the east side of NW 107 Avenue, the east 90 feet of the west 130-foot-wide canal reservation is no longer needed by the County for canal purposes. In accordance with the Miami-Dade County Water Control Master Plan, no future canal is proposed within the property and the future NW 107 Avenue Canal will be located on the west side of NW 107 Avenue. The remaining west 40 feet will be used for public road right-of-way. Therefore, the excess canal reservation areas along the north side of NW 138 Street and along the east side of NW 107 Avenue, as shown in the attached Exhibit 1 to this memorandum and described in Attachment A to the resolution, with total area of 1.43 acres, are no

longer needed by the County for canal and water management purposes and can be released for use by the owner. It is recommended that the Board authorize the execution of the attached Miami-Dade County Disclaimer (Attachment A to the resolution) for the release of the unneeded canal reservation.

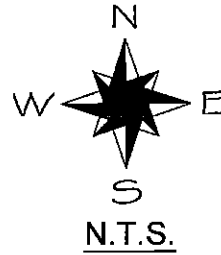
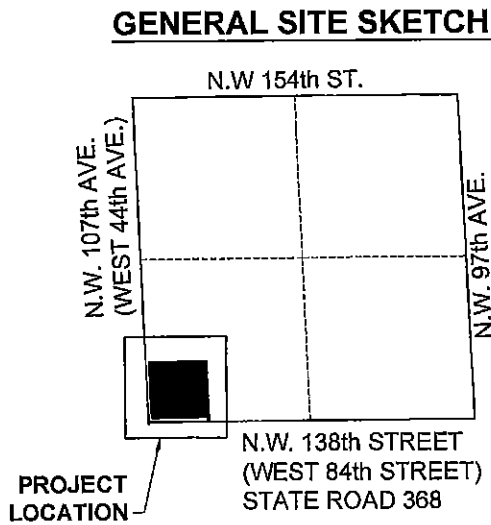
Following the release of the canal reservation by the County, Flightway Fourteen, LLC, would need to pursue further release from the South Florida Water Management District and/or other agencies or entities, as appropriate.

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

Jack Osterholt  
Deputy Mayor

# EXHIBIT 1

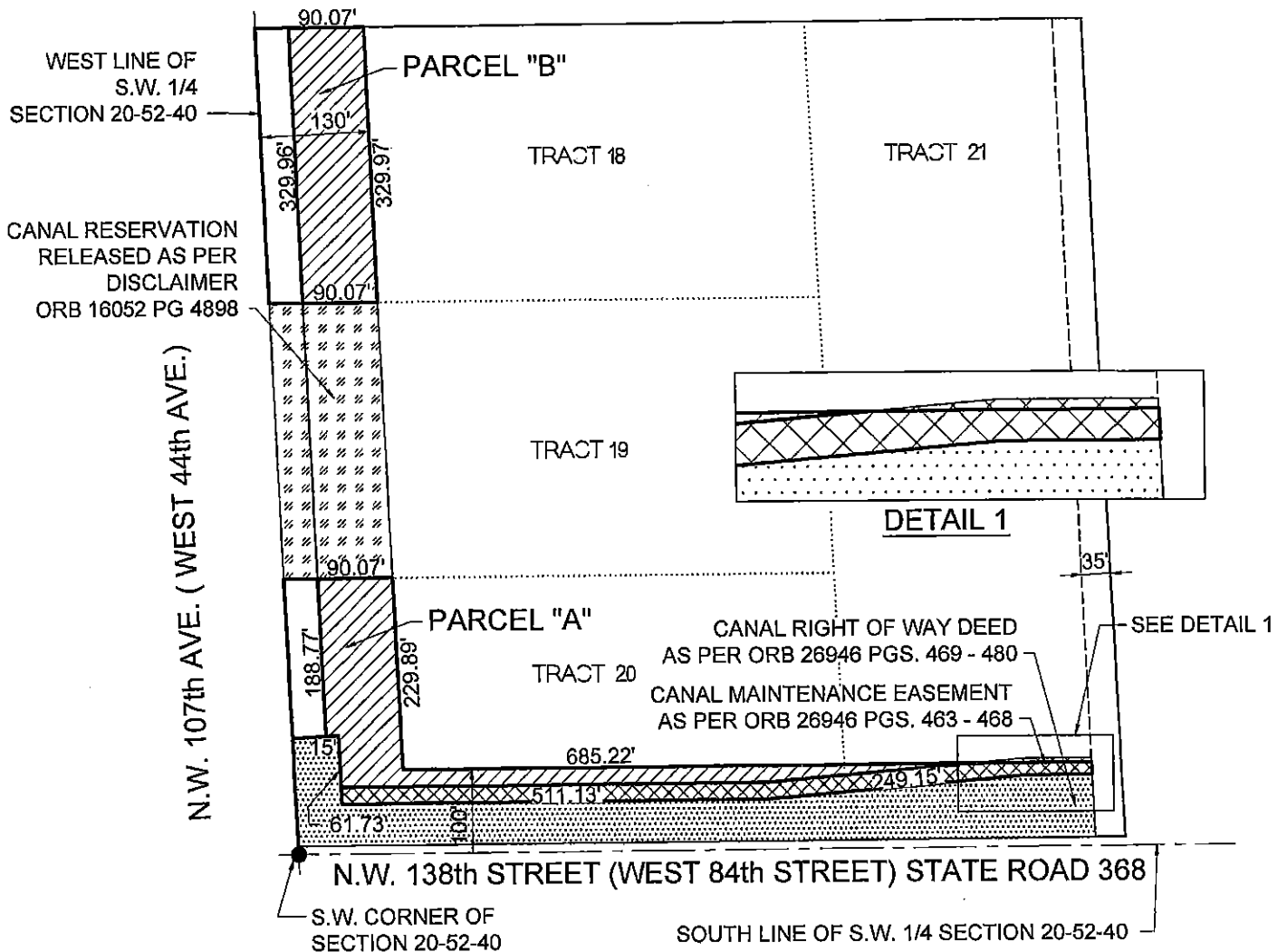
## GENERAL SITE SKETCH



W.C. 922  
SEC. 20  
TWP. 52  
RGE. 40

## LEGEND:

- CANAL RESERVATION TO BE RELEASED
- CANAL RIGHT OF WAY
- CANAL MAINTENANCE EASEMENT
- CANAL RESERVATION DISCLAIMED





# MEMORANDUM

(Revised)

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

**DATE:** April 10, 2018

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

**SUBJECT:** Agenda Item No. 8(L)(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(L)(1)  
4-10-18

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

RESOLUTION APPROVING THE RELEASE OF  
UNNEEDED CANAL RESERVATION LYING IN  
SECTION 20, TOWNSHIP 52 SOUTH AND RANGE 40  
EAST IN MIAMI-DADE COUNTY; APPROVING  
DISCLAIMER FOR RELEASE OF RIGHTS OF  
RESERVATION; AND AUTHORIZING THE COUNTY  
MAYOR TO EXECUTE THE DISCLAIMER

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

**WHEREAS**, Flightway Fourteen, LLC, a Florida Limited Liability Company is the owner of the property in Section 20, Township 52 South and Range 40 East which is encumbered by those rights in reservation given to Miami-Dade County in 1959 by the Central and Southern Florida Flood Control District, later known as the South Florida Water Management District, to be used for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan; and

**WHEREAS**, Flightway Fourteen, LLC, is developing the property and has requested the release of canal reservation with total area of 1.43 acres as shown in Attachment A in Section 20, Township 52 South and Range 40 East; and

**WHEREAS**, in consideration of this and on behalf of Miami-Dade County, the Department of Regulatory and Economic Resources has determined that the requested canal reservation is no longer needed by the County for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan,

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

**Section 1.** Approves a Miami-Dade County Disclaimer, in substantially the form attached hereto and made a part hereof as Attachment A, for the release to the landowner of unneeded rights in reservation for a canal reservation with total area of 1.43 acres in Section 20, Township 52 South and Range 40 East.

**Section 2.** Authorizes the County Mayor to execute the Miami-Dade County Disclaimer referenced in Section 1 above.

**Section 3.** Pursuant to Resolution No. R-974-09, (a) 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 (b) directs the Clerk of the Board to attach and permanently store a recorded copy of the instrument 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 10<sup>th</sup> day of April, 2018. 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.



Abbie N. Schwaderer

# ATTACHMENT A

**Return to:**

Miami-Dade County Department of  
Regulatory and Economic Resources  
Environmental Resources Management  
701 NW 1<sup>st</sup> Court  
Miami, FL 33136-3912

**Instrument prepared by:**

Carlos A. Calvache  
Folio No. 04-2020-001-0071, and -0075  
User Department: RER

WC - 922  
NW 107 Avenue  
Miami-Dade County

---

## MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

**KNOW ALL MEN BY THESE PRESENTS** that **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, does hereby give notice that it disclaims certain rights, title and interests which said **MIAMI-DADE COUNTY** has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

### SEE EXHIBIT "A"

**WHEREAS**, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 24 dated August 6, 1959 recorded in Official Records Book 1587 at Page 279 of the Public Records of **MIAMI-DADE COUNTY, FLORIDA**, conveyed, assigned, set over and granted to Miami-Dade County for canal and levee purposes only, the above described lands; and

**WHEREAS**, the aforesaid rights in reservations upon the said above described lands are not now needed by **MIAMI-DADE COUNTY** for canal purposes:

**NOW, THEREFORE, MIAMI-DADE COUNTY DOES** disclaim any interest it has in the aforementioned lands by virtue of the said Rights in Reservations Deed No. 24 dated August 6, 1959 recorded in Official Records Book 1587 at Page 279 of the Public Records of Miami-Dade County, Florida.

**BY THE ISSUANCE** of this instrument **MIAMI-DADE COUNTY** does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

**IN WITNESS WHEREOF MIAMI-DADE COUNTY FLORIDA**, has caused these presents to be executed in its name by its Board of County

Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA  
BY ITS MAYOR

HARVEY RUVIN  
CLERK OF SAID BOARD

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Carlos A. Gimenez, Mayor

Print: \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

NOTARY PUBLIC:

Sign \_\_\_\_\_

Print \_\_\_\_\_

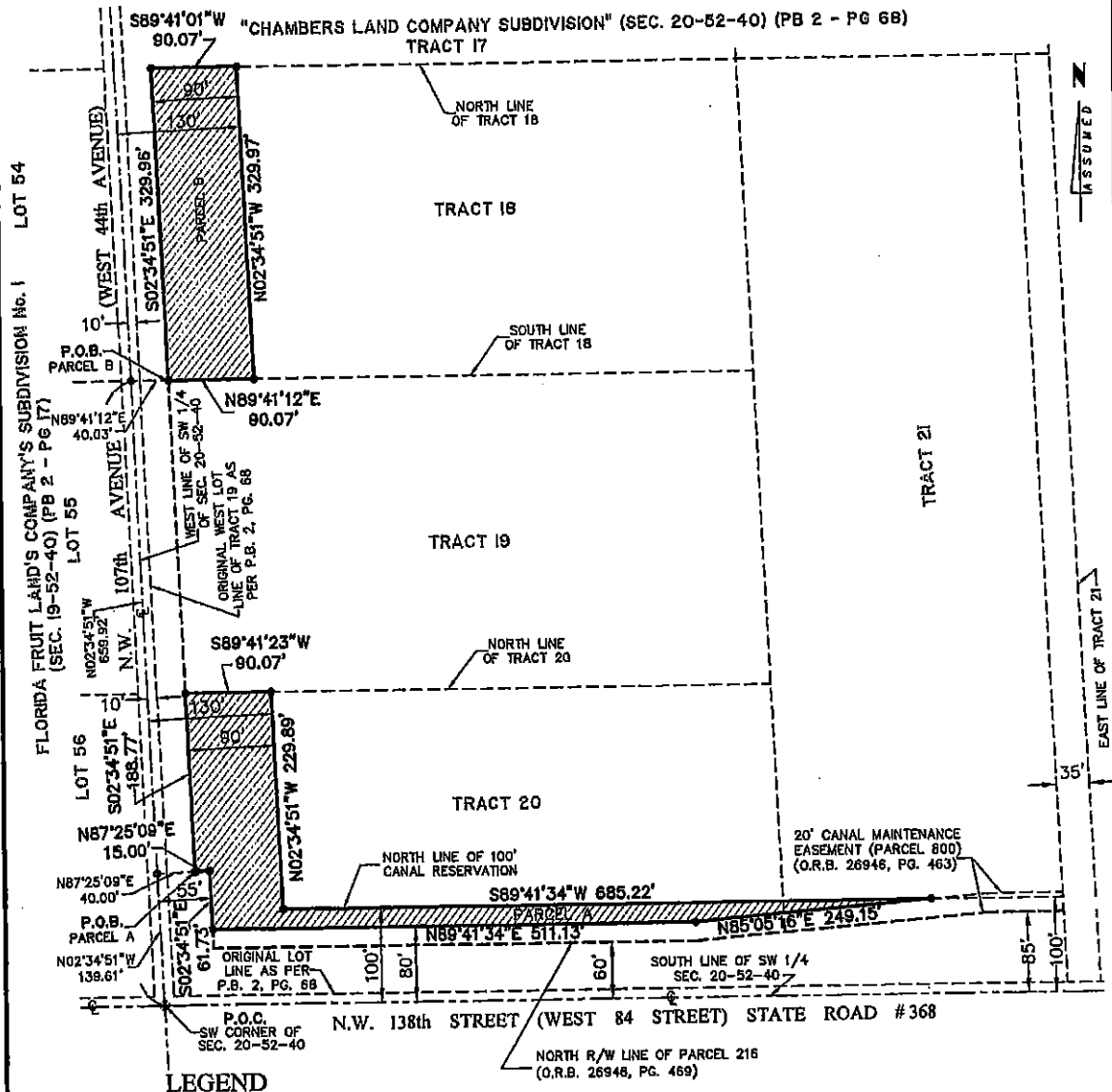
STATE OF FLORIDA at large

(Seal)

My commission expires: \_\_\_\_\_

EXHIBIT A

SKETCH  
AND  
LEGAL DESCRIPTION



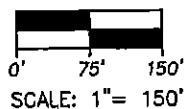
C Centerline  
 P.O.B. Point of Beginning P.B. Plat Book  
 P.O.C. Point of Commence PG. Page

NOTICE:  
 Not complete without all Pages.  
 Page 1 of 3

SKETCH & LEGAL  
DESCRIPTION

-THIS IS NOT A  
BOUNDARY SURVEY-

GRAPHIC SCALE



SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
 "RELEASE OF CANAL RESERVATION",  
 8565 WEST 44th AVENUE, HIALEAH,  
 MIAMI-DADE COUNTY, FLORIDA 33018  
 Folio No. 04-2020-001-0071 and 04-2020-001-0075  
 Section 20, Township 52 South, Range 40 East  
 Date: December 22nd, 2016/ Revision: October 31st, 2017

# SKETCH AND LEGAL DESCRIPTION

## Parcel A

A portion of Tracts 20 and 21, of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida, lying and being in Section 20, Township 52 South, Range 40 East; more particularly described as follows:

Commence at the S.W. corner of Section 20, Township 52 South, Range 40 East; thence N02°34'51"W along the West line of S.W. 1/4 of said Section 20, a distance of 139.61 feet; thence N87°25'09"E, a distance of 40.00 feet to the Point of Beginning of the hereinafter described Parcel A; thence continue N87°25'09"E, a distance of 15.00 feet; thence S02°34'51"E along a line 55 feet East of and parallel with the West line of the SW 1/4 of said Section 20, a distance of 61.73 feet; thence N89°41'34"E along a line 80 feet North of and parallel with the South line of the SW 1/4 of said Section 20, a distance of 511.13 feet; thence N85°05'16"E, a distance of 249.15 feet; thence S89°41'34"W along a line 100 feet North of and parallel with the South line of the SW 1/4 of said Section 20, a distance of 685.22 feet; thence N02°34'51"W along a line 130 feet East of and parallel with the West line of the SW 1/4 of said Section 20, a distance of 229.89 feet; thence S89°41'23"W along the North line of Tract 20, of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida, lying and being in Section 20, Township 52 South, Range 40 East, a distance of 90.07 feet; thence S02°34'51"E along a line 40 feet East of and parallel with the West line of the SW 1/4 of said Section 20, a distance of 188.77 feet to the Point of Beginning.

Containing 32,785 Square feet or 0.75 Acres, more or less, by calculation.

AND

## Parcel B

That portion of the East 90 feet of the West 130 feet of Section 20, Township 52 South, Range 40 East, which lies within Tract 18, of CHAMBERS LAND COMPANY SUBDIVISION, a subdivision in the Southwest 1/4 (SW 1/4) of said Section, as recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida, more particularly described as:

Commence at the S.W. corner of Section 20, Township 52 South, Range 40 East; thence N02°34'51"W along the West line of S.W. 1/4 of said Section 20, a distance of 659.92 feet; thence N89°41'12"E, a distance of 40.03 feet to the Point of Beginning of the hereinafter described Parcel B; thence continue N89°41'12"E along the South line of Tract 18, a distance of 90.07 feet; thence N02°34'51"W along a line 130 feet East of and parallel the West line of the SW 1/4 of said Section 20, a distance of 329.97 feet; thence S89°41'01"W along the north line of said Tract 18, a distance of 90.07 feet; thence S02°34'51"E along a line 40 feet East of and parallel with the West line of the SW 1/4 of said Section 20, a distance of 329.96 feet to the Point of Beginning.

Containing 29,697 Square feet or 0.68 Acres, more or less, by calculation

NOTICE:

Not complete without all Pages.

Page 2 of 3

**SKETCH & LEGAL  
DESCRIPTION**

-THIS IS NOT A  
BOUNDARY SURVEY-

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
"RELEASE OF CANAL RESERVATION",  
8565 WEST 44th AVENUE, HIALEAH,  
MIAMI-DADE COUNTY, FLORIDA 33018  
Folio No. 04-2020-001-0071 and 04-2020-001-0075  
Section 20, Township 52 South, Range 40 East  
Date: December 22nd, 2016/ Revision: October 31st, 2017

# SKETCH AND LEGAL DESCRIPTION

## SOURCES OF DATA:

The Legal Description of the Subject Parcels of Land was generated from information provided by the client. In addition, the following sources of data were used to the extent required to complete this document in a defensible manner. That is to say:

North Arrow and Bearings refer to an assumed value of S02°34'51"E along the West line of Section 20, Township 52 South, Range 40 East. Said line is considered well-established and monumented.

## CLIENT INFORMATION:

This Sketch and Legal Description was prepared at the insistence of: "FLIGHTWAY FOURTEEN, LLC"

## LIMITATIONS:

Since no other information other than what is cited in the Sources of Data was furnished, the Client is hereby advised that there may legal restrictions on the subject property that are not shown on the Sketch that may be found in the Public Records of Miami-Dade County, or any other public and private entities as their jurisdictions may appear. The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear in public records.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

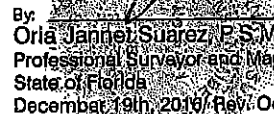
This sketch is an accurate graphic depiction of the legal description to which it is attached as per client's request.

## SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch and Legal Description" was prepared under my direction and is true and correct to the best of my knowledge and belief. Further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17 of the Florida Administrative Code and its Implementing Rule, Chapter 472.027 of the Florida Statutes.

## J. BONFILL & ASSOCIATES, INC.

Florida Certificate of Authorization Number LB3398  
7100 Southwest 99th Avenue, Suite 104  
Miami, Florida 33173 Phone: 305.598.8383

By:   
Orla Janner Suarez, P.S.M.  
Professional Surveyor and Mapper No. 6781  
State of Florida  
December 19th, 2016/ Rev: October 31st, 2017

Project: 16-0307 Job: 16-0346 Sketch & Legal 5

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps and Reports by other than the signing party are prohibited without the written consent of the signing party. This document consists of multiple Exhibits and Sheets. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17 of the Florida Administrative Code.

## NOTICE:

Not complete without all Pages.  
Page 3 of 3

## SURVEYOR'S NOTES

-THIS IS NOT A BOUNDARY SURVEY-

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
"RELEASE OF CANAL RESERVATION",  
8565 WEST 44th AVENUE, HIALEAH,  
MIAMI-DADE COUNTY, FLORIDA 33018  
Folio No. 04-2020-001-0071 and 04-2020-001-0075  
Section 20, Township 52 South, Range 40 East  
Date: December 22nd, 2016/ Revision: October 31st, 2017