

# MEMORANDUM

Agenda Item No. 8(N)(2)

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

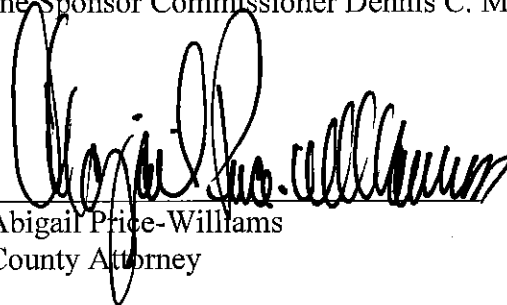
**DATE:** October 2, 2018

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

**SUBJECT:** Resolution accepting an implied offer of dedication for a portion of SW 216 Street from 50 feet east of SW 122 Avenue to 100 feet east thereof, in Section 13, Township 56 South, Range 39 East, Miami-Dade County, Florida and authorizing the County Mayor to take all actions to effectuate same

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The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



Abigail Price-Williams  
County Attorney

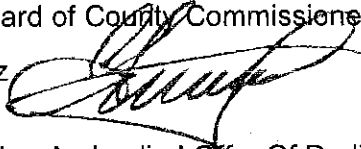
APW/smm

# Memorandum



**Date:** October 2, 2018

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Accepting An Implied Offer Of Dedication for a Portion of SW 216 Street from 50 feet East of SW 122 Avenue, in Section 13, Township 56 South, Range 39 East, Miami-Dade County, Florida.

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## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board) approve the attached Resolution, accepting an implied offer of dedication, legally described in Exhibit "A", and illustrated in Exhibit "B" attached hereto, being a strip of land 10 feet wide by 50 feet long abutting the South right-of-way line of SW 216 Street, beginning 50 feet East of SW 122 Avenue to 100 feet East thereof, in Section 13, Township 56 South, Range 39 East, Miami-Dade County, Florida, and authorizing the recordation thereof in the Public Records of Miami-Dade County, Florida.

## **SCOPE**

The subject property is located within District 9, which is represented by Commissioner Dennis C. Moss.

## **FISCAL IMPACT**

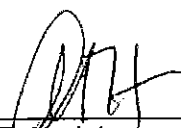
There is no fiscal impact associated with this resolution.

## **TRACK RECORD/MONITOR**

The Department of Transportation and Public Works (DTPW) is the entity overseeing this project and the person responsible for monitoring is Leandro Oña, P.E., Chief, Roadway Engineering and Right-of-Way Division.

## **BACKGROUND**

On October 16, 1952, The First National Bank of Miami, as Administrators C.T.A. of the Estate of W.H. Ownes, deceased, conveyed said property to Myle and Lula Jones, via an Administrative Deed recorded at Deed Book 3676, Page 243, of the Public Records of Miami-Dade County, Florida ("Attachment 1"). Said Warranty Deed expressed an implied offer to dedicate the North 10 feet of the property abutting SW 216 Street for road purposes. As such, successors in title to this property did not have an ownership interest in such 10 feet. There is no information in the public records that would withdraw, revoke, or impair the implied offer of dedication. In order to protect the public right-of-way, DTPW recommends the acceptance of such implied offer as set forth in the attached resolution.

  
\_\_\_\_\_  
Alina T. Hudak  
Deputy Mayor

# ATTACHMENT 1

BOOK 2576 PAGE 243

## ADMINISTRATOR'S DEED

THIS INDENTURE, Made this 16th day of October A. D. 1952, by and between THE FIRST NATIONAL BANK OF MIAMI, Miami, Florida, a National banking corporation, as Administrator CTA of the Estate of W. H. OWENS, Deceased, as first party, and MYLE JONES and LULA MAE JONES, his wife, whose address is:

as second parties; 2173 NW 62 St,

WITNESSETH: That the said first party, for and in consideration of the sum of Ten Dollars and other good and valuable considerations to it in hand paid by said second parties, the receipt whereof is hereby acknowledged, has granted, bargained and sold to said second parties, their heirs and assigns forever, the following described lands, situate, lying and being in the County of Dade and State of Florida, to-wit:

The East 50 feet of the West 103.9 feet of the North One-Half (N 1/2) of Tract Eleven (11), less the North 10 feet thereof for road purposes, of DIXIE PINES, a subdivision according to the plat thereof recorded in Plat Book 31 at page 51 of the Public Records of Dade County, Florida; being the same property sometimes described as Lot Eleven (11) in Block Eleven (11) of DIXIE PINES, according to the plat thereof recorded in Plat Book 20 at page 16 of the Public Records of Dade County, Florida;

Subject to conditions, limitations and restrictions of record, provisions of applicable zoning laws and to public utility and other easements, if any, and to taxes subsequent to the year 1951.

The grantor herein is the duly appointed and qualified Administrator CTA of the Estate of W. H. Owens, Deceased, now being probated in the County Judge's Court of Dade County, Florida, Probate No. 25,701.

And the said first party hereby warrants the title to said premises solely as such Administrator CTA and will defend the same against the lawful claims of all persons whomsoever claiming by, through or under it as such Administrator CTA.

IN WITNESS WHEREOF, the said first party has caused this instrument to be executed in its name by its duly authorized and constituted officers the day and year first above written and its corporate seal to be hereunto affixed.

(Corporate Seal)

THE FIRST NATIONAL BANK OF MIAMI

Attest:

*J. J. Grant*

By *H. K. [Signature]*

Trust Officer

As Administrator CTA of the Estate of W. H. Owens, Deceased.

Signed, Sealed and Delivered in the presence of:

*Robt. C. Braddy*  
*Melen E. Clifton*

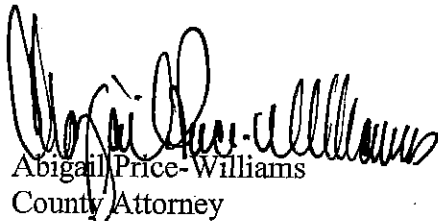


# MEMORANDUM

(Revised)

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

**DATE:** October 2, 2018

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

**SUBJECT:** Agenda Item No. 8(N)(2)

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(N)(2)

Veto \_\_\_\_\_

10-2-18

Override \_\_\_\_\_

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

RESOLUTION ACCEPTING AN IMPLIED OFFER OF DEDICATION FOR A PORTION OF SW 216 STREET FROM 50 FEET EAST OF SW 122 AVENUE TO 100 FEET EAST THEREOF, IN SECTION 13, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS 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**, upon consideration of the Department of Transportation and Public Works' recommendation, the Board of County Commissioners of Miami-Dade County, Florida, finds and determines that the acceptance of this implied offer of dedication is in the public's best interest; and

**WHEREAS**, such implied offer is officially described by a less-out of the north 10 feet of the property abutting SW 216 Street for road purposes, as conveyed in an Administrative Deed recorded in Official Deed Book 3676, Page 243, of the Miami-Dade County public records,

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

**Section 1.** This Board incorporates and adopts the foregoing recitals.

**Section 2.** This Board hereby approves and accepts the implied offer of dedication, as described in Exhibit "A" and illustrated in the location map in Exhibit "B", and authorizes the County Mayor or County Mayor's designee to take all actions necessary to effectuate same.

**Section 3.** Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or County Mayor's designee to record this acceptance 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 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 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:

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

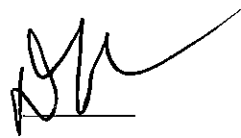
The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of October, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon 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.



Debra Herman

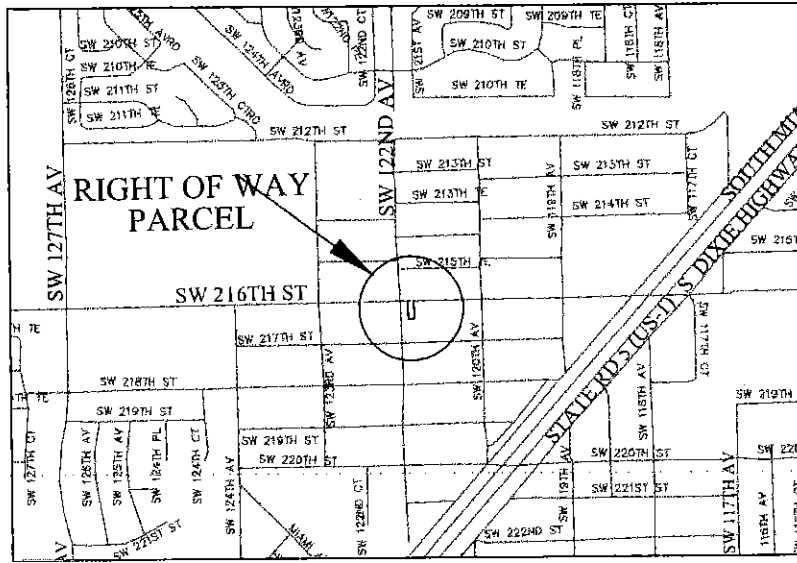
**LEGAL DESCRIPTION**  
**(Implied Offer)**

The North 10 feet of the East 50 feet of the West 103.9 feet of the North 1/2 of Tract 11 of 2<sup>nd</sup> Revised Plat Dixie Pines, according to the plat thereof recorded in Plat Book 31 at Page 51 of the Public Records of Miami-Dade County, Florida.

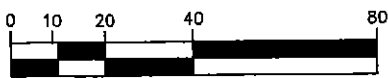
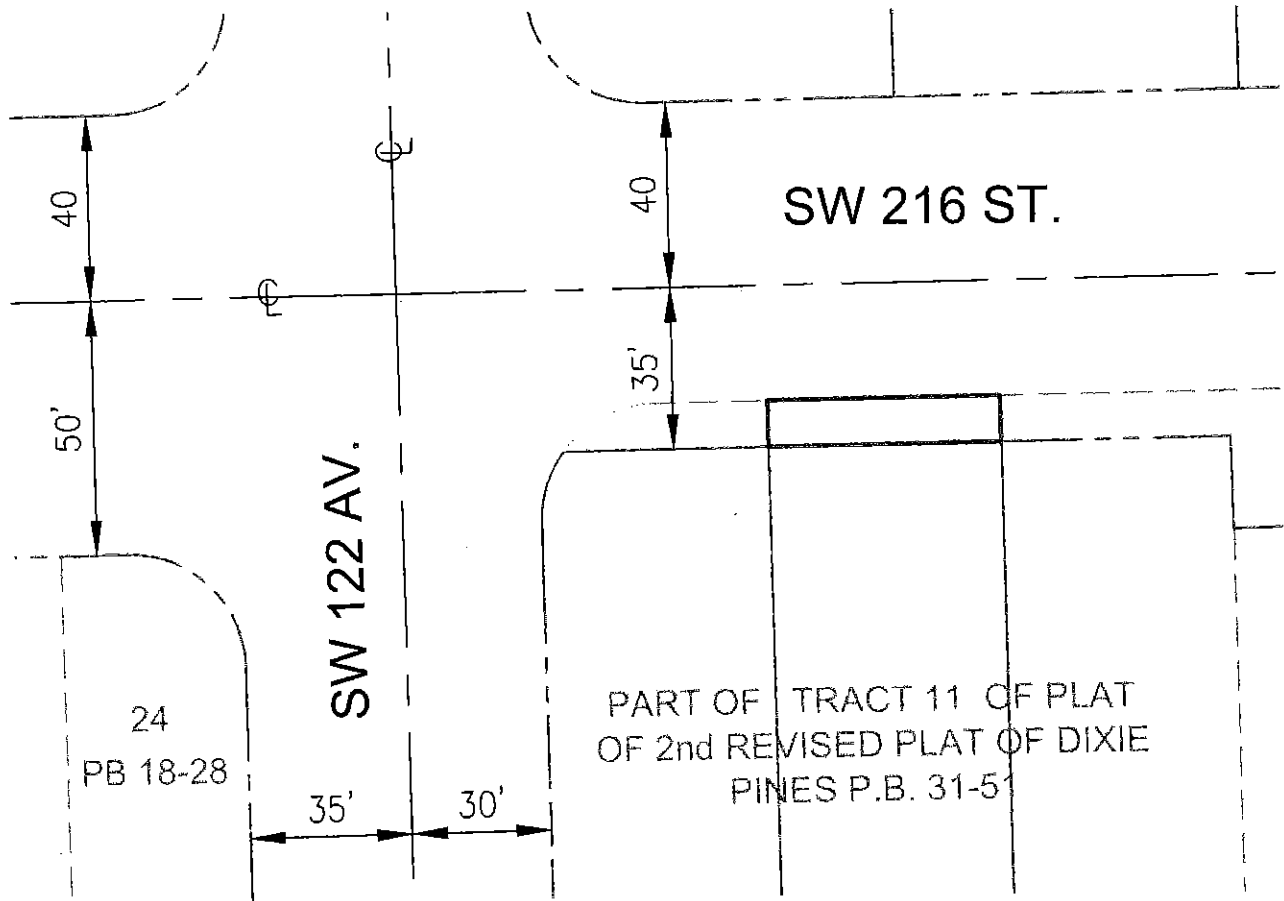
**EXHIBIT A**



SEC 13  
TWP 56 S  
RGE 39 E



LOCATION MAP  
NOT TO SCALE



SCALE 1" = 40'

EXHIBIT "B"



AREA TO BE DEDICATED BY IMPLIED OFFER  
TO MIAMI-DADE COUNTY

MIAMI-DADE COUNTY PUBLIC DEPARTMENT  
OF TRANSPORTATION AND PUBLIC WORKS  
RIGHT OF WAY DIVISION  
ENGINEERING SECTION

SW 216 Street  
From SW 127 Ave. to HEFT



SCALE 1" = 40'  
PREPARED BY: L.E.  
DATED: 06-07-18