

# MEMORANDUM

Agenda Item No. 8(N)(2)

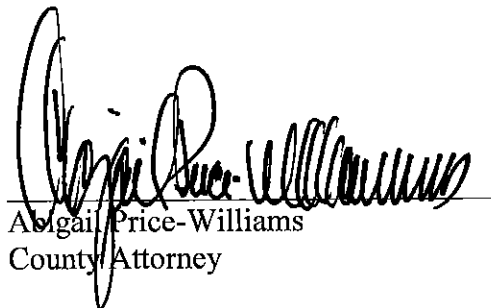
**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** June 4, 2019

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

**SUBJECT:** Resolution approving a  
Maintenance Map for a portion  
of SW 228 Street between 237.26  
feet East of SW 118 Avenue to  
SW 117 Avenue, in section 13,  
Township 56 South, Range 39  
East, authorizing the Chairperson  
and the Clerk of the Board to  
certify the Maintenance Map,  
authorizing the County Mayor to  
take all actions necessary to  
effectuate same and authorizing  
the recording thereof among the  
Public Records of Miami-Dade  
County Florida

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/uw

# Memorandum



**Date:** June 4, 2019

**To:** Honorable Chairwoman Audrey M. Edmonson  
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 printed name of the Mayor.

**Subject:** Resolution Approving a Maintenance Map for a Portion of SW 228 Street between 237.26 feet East of SW 118 Avenue to SW 117 Avenue, in Section 13 Township 56 South, Range 39 East.

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve the attached resolution approving a Maintenance Map for a portion of SW 228 Street between 237.26 feet East of SW 118 Avenue to SW 117 Avenue, authorizing the Chairperson and the Clerk of the Board to certify same, and authorizing the recordation thereof in the Public Records of Miami-Dade County, Florida.

## **Scope**

The subject road is located within County Commissioner District 9, represented by Dennis C. Moss.

## **Fiscal Impact/Funding Source**

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


## **Background**

SW 228 Street between 237.26 feet East of SW 118 Avenue to SW 117 Avenue has been maintained continuously by the DTPW for over four years. Therefore, in accordance with section 95.361, Florida Statutes, title to a road maintained by the County for over four years vests in the County. Pursuant to such statute, the filing of a maintenance map in the Office of the Clerk of the Courts, which has been certified by the Chairperson, 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 the DTPW, thereby certifying that the County has maintained this road for over four years. It is therefore recommended that the attached Maintenance Map be approved by the Board, after which it will be certified by the Chairperson and the Clerk of the Board and recorded in the Public Records of Miami-Dade County, Florida in accordance with section 95.361 of the Florida Statutes.

Honorable Chairwoman Audrey M. Edmonson  
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. Kudak  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** June 4, 2019

**FROM:** Atigail 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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_) 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)(2)  
6-4-19

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

RESOLUTION APPROVING A MAINTENANCE MAP FOR A PORTION OF SW 228 STREET BETWEEN 237.26 FEET EAST OF SW 118 AVENUE TO SW 117 AVENUE, IN SECTION 13, TOWNSHIP 56 SOUTH, RANGE 39 EAST, AUTHORIZING THE CHAIRPERSON AND THE CLERK OF THE BOARD TO CERTIFY THE MAINTENANCE MAP, AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME AND AUTHORIZING THE RECORDING THEREOF AMONG THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA

**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 of record to indicate prima facie evidence of ownership, pursuant to the provisions of section 95.361 of the Florida Statutes and the County Mayor has concurred with 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.** This Board approves the Maintenance Map for a portion of SW 228 Street between 237.26 feet East of SW 118 Avenue and SW 117 Avenue in Section 13, Township 56 South, Range 39 East, attached as Exhibit "A", authorizes the Chairperson and the Clerk of the Board to certify same pursuant to section 95.361 of the Florida Statutes, and authorizes the County Mayor or 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 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:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 4<sup>th</sup> day of June, 2019. 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 228 Street between 237.26 feet East of SW 118 Avenue and SW 117 Avenue, the pavement, signing, drainage, and swales of the road thereof, in Miami-Dade County, Florida, for at least four (4) 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 21<sup>st</sup> day of DECEMBER, 2018 by Manuel O. Garcia, who is personally known to me and who did take and oath.

  
\_\_\_\_\_  
NOTARY PUBLIC STATE OF FLORIDA



**RAUL O. BALLINA**  
Commission # GG 241087  
Expires July 23, 2022  
Bonded Thru Budget Notary Services

MY COMMISSION EXPIRES: 7/23/2022

COMMISSION/SERIAL NO. GG 241087



