

MEMORANDUM

Agenda Item No. 8(C)(1)

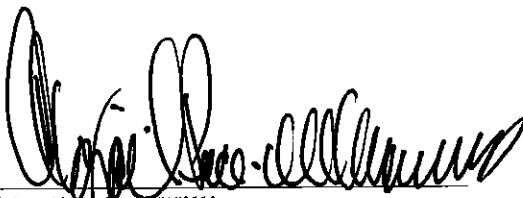
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: January 22, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving, pursuant to Florida Statutes section 125.38, a land conveyance to the Florida Department of Transportation ("FDOT") of approximately 5,058 square feet of County-owned land; declaring County parcel surplus; waiving Administrative Order 8-4 as it relates to review by Planning Advisory Board; accepting conveyance of approximately 13,013 square feet of FDOT-owned land located immediately North of the County-owned parcel; approving a license agreement with FDOT; authorizing the Chairperson or Vice-Chairperson of this Board to execute County deed; directing County Mayor to execute, deliver, accept, and record the associated deeds and execute the License Agreement

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



Abigail Price-Williams
County Attorney


APW/lmp

Memorandum



Date: January 22, 2020

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

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Approving the conveyance of property to and accepting the conveyance of another property from the Florida Department of Transportation (FDOT), Approving a License Agreement with FDOT, and Authorizing Mayor, or the Mayor's Designee, to Execute, Deliver, Accept and Record the Associated Deeds and Execute the License Agreement

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the conveyance of a portion of a County-owned parcel located south of NE 13 Street between NE 2 Avenue and NE 1 Avenue (County Land) to the Florida Department of Transportation (FDOT) pursuant to Section 125.38, Florida Statutes, accept the conveyance from FDOT to the County of a FDOT-owned parcel immediately north of the County Land, approve a License Agreement with FDOT for work to be performed on County property, and delegate authority to the Mayor, or the Mayor's designee, to execute and deliver the County deed and License Agreement, accept the deed from FDOT, and record said deeds in the public records.

Scope

The subject properties are located in District 3, represented by Chairwoman Audrey M. Edmonson, but the proposed exchange will have countywide impact regarding FDOT's redevelopment plans for I-395, including a signature bridge adjacent to the Adrienne Arsht Center for the Performing Arts of Miami-Dade County (Arsht Center).

Fiscal Impact / Funding Source

There is no adverse funding impact regarding the exchange of properties. As a result of the land parcel exchange, the County is receiving approximately 8,000 square feet of additional land from FDOT.

Track Record/Monitoring

Miami-Dade County has a track record of partnering with FDOT on projects that have a county-wide impact. Michael Spring, Senior Advisor to the Mayor and Director of the Miami-Dade County Department of Cultural Affairs, will be responsible for implementing the County's rights and responsibilities for the management and development of the exchanged property in coordination with the Arsht Center through its Operating Management Agreement with the County.

Background

Through resolution No. R-101-16, the County and FDOT exchanged land parcels located south of the Arsht Center in the interest of retaining open view corridors for the Arsht Center and complying with FDOT's request for a portion of the land needed for the construction of the I-395 signature bridge. The land exchange occurred prior to FDOT finalizing the selection and award of contract to a design-build team for the signature bridge project and reconstruction of I-395. As the selected team is

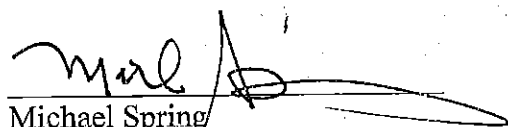
finalizing their design for the signature bridge, FDOT had requested an easement on a portion of the south-east corner of the now County-owned parcel to accommodate the footer and surrounding area needed to maintain one of the signature bridge's main structural columns. Rather than providing an easement that would limit the County's ability to build on a portion of the parcel, it is in the County's best interest to convey the portion of the parcel that FDOT needs for the construction and maintenance of the bridge (Attachment A; approximately 5,000 square feet), as said land is not needed for a County purpose, and accept from FDOT a parcel of land north of and adjacent to the County-owned parcel (FDOT Land) (Attachment B; approximately 13,000 square feet). The additional square footage will be instrumental for accomplishing the intended uses for the parcel: providing parking to primarily serve patrons and users of the Arsht Center, and to provide a park area per the requirements of the Safe Neighborhood Parks program, from which partial funding was obtained to initially acquire the land.

FDOT's work in the area also includes the realignment of NE 13 Street, which will affect the sidewalk area south of the Arsht Center. A License Agreement between FDOT and the County (Attachment C) allows for the work related to sloping, grading, tying in, harmonizing, and reconnecting FDOT's work adjacent to the Arsht Center. This work is scheduled to be completed no later than the end of August 2022.

The Department of Cultural Affairs and the Arsht Center have also been coordinating with the City of Miami which, under an agreement with FDOT, is preparing a proposal to operate the FDOT-controlled parcels under the I-395 corridor, currently being referred to as the 'Underdeck.' The Department continues to emphasize the need for additional parking for patrons and users of the Arsht Center in areas immediately adjacent to the Arsht Center, not only during the construction phase of the project, but also as a long-term solution. In addition, FDOT is conducting a traffic study to develop measures to address the new traffic patterns that will result from the closing of NE 12 Street, affecting the Arsht Center, the Frost Museum of Science, the Pérez Art Museum Miami, and the American Airlines Arena.

The proposed conveyance of the County Land to FDOT, acceptance of the FDOT Land from FDOT, and License Agreement will accomplish the following:

- Provide FDOT the area needed to construct and maintain one of the structural columns for the signature bridge;
- Cooperate with FDOT's needs for realignment of NE 13th Street as part of the scheduled improvements; and
- Provide land to the County to be used for park and parking areas.


Michael Spring
Senior Advisor

Instrument prepared by and returned to:
Internal Services Department
Real Estate Development Division
111 N.W. 1 Street, Suite 2460
Miami, Florida 33128-1907

Folio No. Portion of 01-3136-046-0025

----- (SPACE ABOVE THIS LINE RESERVED FOR RECORDING DATA) -----

COUNTY DEED

THIS COUNTY DEED, made this day of 2019, by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, party of the first part (the "Grantor"), whose address is 111 NW 1 Street Suite 625 Miami, Florida; and STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("Grantee"), party of the second part, whose address is 1000 NW 111 Avenue, Miami, Florida 33172-5800.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00), to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained, and sold as is, to the party of the second part, its successors and assigns forever, the following described lands and being in Miami-Dade County, Florida:

**LEGAL DESCRIPTION
ATTACHED HERETO AS EXHIBIT "A"**

This grant conveys only the interest of the County and its Board of County Commissioners in the Property herein described and shall not be deemed to warrant the title to or to represent any statement of the facts containing the same.

IN WITNESS WHEREOF Miami-Dade County 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:
FLORIDA

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Audrey M. Edmonson, Chairwoman

By: _____
Deputy Clerk

Approved as to Form
And Legal Sufficiency: _____
Monica Rizo Perez, Assistant County Attorney

The foregoing was authorized by Resolution No.: _____ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 2019.

EXHIBIT "A"

LEGAL DESCRIPTION - PARCEL 182

A portion of Lots 3, 4, 5 and 6 Block 3, of WINDSOR PARK, according to the plat thereof, as recorded in Plat Book 3, at Page 147, of the Public Records of Miami Dade County, Florida and lying within that certain Parcel 5734 as shown on Quick Claim Deed recorded in Official Records Book 30211, at Page 3481 and more particularly described as follows:

Commence at the point of intersection of the City of Miami Monument Line of NE 12th Street and NE 2nd Avenue as shown on the City of Miami Atlas Sheet 23M; thence N 02°13'57" W along said City of Miami Monument Line of NE 2nd Avenue for a distance of 99.96 feet; thence N 02°14'53" E, for a distance of 23.92 feet; thence N 87°45'07" W at a right angles from the previously described line for a distance of 30.00 feet to a point of intersection of the West Right of Way line of said NE 2nd Avenue with the proposed Limited Access Right of Way Line for SR836/I-395 and the South line of said parcel 5734; thence along the previously described proposed Limited Access Right of Way line for the following two courses; (1) thence S 87°47'15" W for a distance of 62.34 feet to the POINT OF BEGINNING of the hereinafter described parcel; (2) thence continue S 87°47'15" W for a distance of 107.77 feet; thence N 02°25'22" W for a distance of 46.73 feet; thence N 87°34'38" E for a distance of 107.77 feet; thence S 02°25'22" E for a distance of 47.13 feet to the POINT OF BEGINNING.

Containing 5,058 Square Feet more or less.

SURVEYOR'S NOTES:







- Bearings and coordinates are relative to the State Plane Coordinate System, Florida East Zone (901), Transverse Mercator Projection, North American Datum 1983, 2007 adjustment (NAD83/07), where the Monument Line of NE 2nd Avenue bears N 02°13'57" W.
- Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.
- Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- Baseline of Survey and Right of Way Lines shown on this Sketch and Legal are based on a Right of Way file for State Road 836 (Dolphin Expressway) / I-395, Section 87200 for project in FM No. 251688-1 provided by Florida Department of Transportation, District VI.
- All stations and offsets refer to the Baseline of Survey.
- I hereby certify that the Sketch and Legal Description was prepared under my direction and that said Sketch and Legal Description is in compliance with Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
- Manuel G. Vera & Associates, Inc. does carry Professional Liability Insurance for Surveying and Mapping Services.

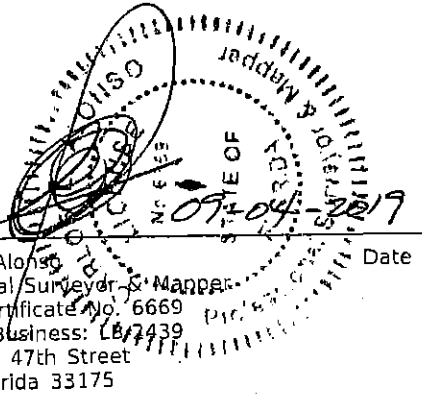
LEGEND:

- PC - Point of Curvature
- PT - Point of Tangency
- FDOT - Florida Department of Transportation
- F.P. NO. - Financial Project Number
- STA. - Station
- SEC. - Section
- TWP. - Township
- RGE. - Range
- EXIST. - Existing
- ORB - Official Record Book
- PB - Plat Book
- PG. - Page
- PI - Point of intersection
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- L.A. - Limited Access
- COR. - Corner
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- R - Radius
- RT - Right
- P.O.C. - Point of Commencement

- P.O.B. - Point of Beginning
- PL - Property Line
- LB. - Licensed Business
- LT - Left
- No. - Number
- SR - State Road
- SQ. FT. - Square Feet
- R/W - Right of Way
- RES - Resolution
- (P) - Plat
- OFF. - Offset

SYMBOLS:

-  - Baseline of Survey
-  - Center Line
-  - Monument Line
-  - Spring Line
-  - Parcel Number
-  - Subdivision Block Number



 Carlos E. Alonso

 Professional Surveyor & Mapper

 Florida Certificate No. 6669

 Licensed Business: LB#2439

 13960 SW 47th Street

 Miami, Florida 33175

NOT A SURVEY

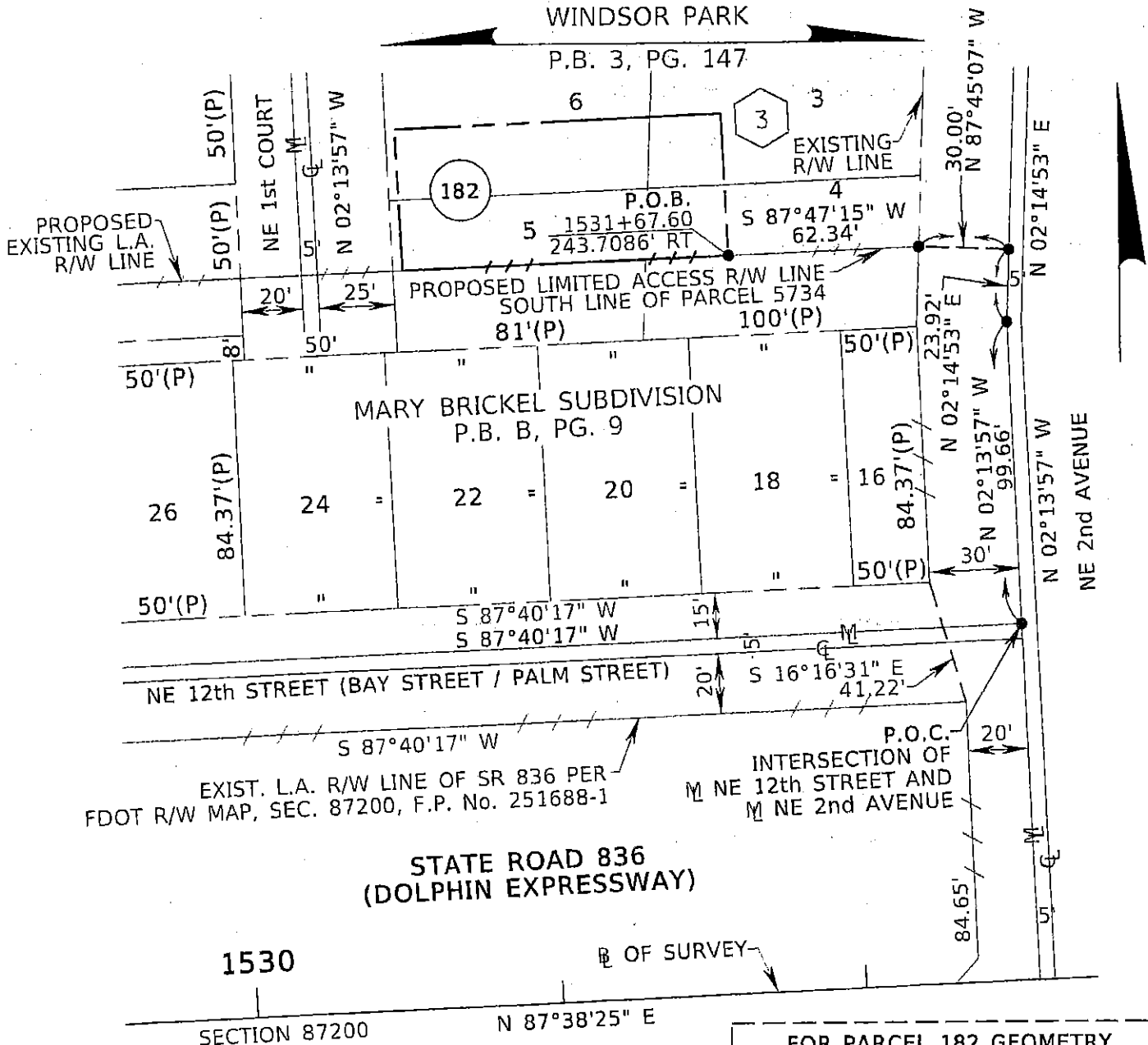
THIS DOCUMENT CONSISTS OF THREE (3) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.

FLORIDA DEPARTMENT OF TRANSPORTATION											
SKETCH TO ACCOMPANY LEGAL DESCRIPTION											
STATE ROAD NO. 836 (DOLPHIN EXPRESSWAY) / I-395						MIAMI-DADE COUNTY					
REVISED	CEA	08-19				PREPARED BY:	MANUEL G. VERA AND ASSOCIATES INC., LB#2439 13960 SW 47th STREET, MIAMI FLORIDA 33175			DATA SOURCE:	SEE SURVEYOR'S NOTES
REVIEW PARCEL NUMBER	DH	07-19	DRAWN	DH	06-19	F.P. No.	429300-1	SECTION	87200	SHEET	01 OF 03
REVIEW PARCEL NUMBER	DH	07-19	CHECKED	CA	06-19		251688-1				
REVISION	BY	DATE									

EXHIBIT "A"

SECTION 36, TOWNSHIP 53 S., RANGE 41 E. MIAMI-DADE COUNTY, FLORIDA

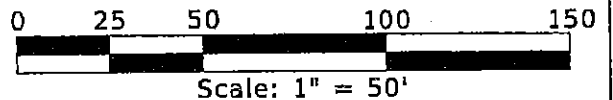
PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
182	MIAMI DADE COUNTY	± 5,058 SQ. FT.	N/A	N/A



NOT A SURVEY

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NOTE: FOR LINE TYPES LEGEND SEE SHEET THREE (3) OF THREE (3)



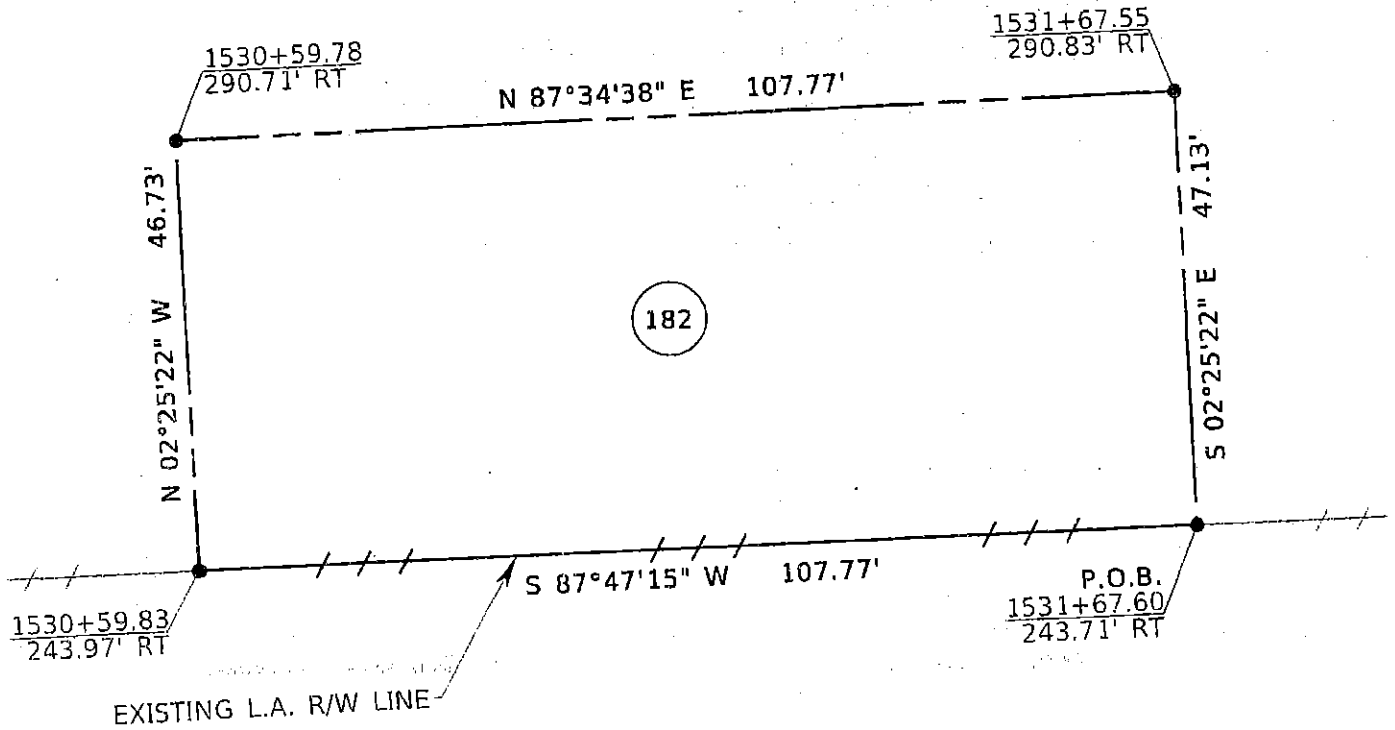
FLORIDA DEPARTMENT OF TRANSPORTATION									
SKETCH TO ACCOMPANY LEGAL DESCRIPTION									
STATE ROAD NO. 836 (DOLPHIN EXPRESSWAY) / I-395					MIAMI-DADE COUNTY				
REVISED	CEA	08-19							
REVIEW PARCEL NUMBER	DH	07-19	BY	DATE	PREPARED BY: MANUEL G. VERA AND ASSOCIATES INC., LB#2439 13960 SW 47th STREET, MIAMI FLORIDA 33175			DATA SOURCE: SEE SURVEYOR'S NOTES	
REVIEW PARCEL NUMBER	DH	07-19	DRAWN	DH					
REVISION	BY	DATE	CHECKED	CA	06-19	F.P. No. 429300-1 251688-1		SECTION 87200	SHEET 02 OF 03

EXHIBIT "A"

SECTION 36, TOWNSHIP 53 S., RANGE 41 E. MIAMI-DADE COUNTY, FLORIDA

WINDSOR PARK

P.B. 3, PG. 147



LINE TYPES:

- SECTION LINE
- CITY LIMIT LINE
- EXISTING RIGHT OF WAY LINE
- BASE OR SURVEY LINE
- EXISTING LIMITED ACCESS R/W LINE
- RIGHT OF WAY LINE
- EXISTING EASEMENT
- VACATED/ORIGINAL LOT LINE
- EXISTING NON-VEHICLE ACCESS LINE
- SUBDIVISION LIMITS

NOT A SURVEY

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Scale: 1" = 20'

**FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

STATE ROAD NO. 836 (DOLPHIN EXPRESSWAY) / I-395

MIAMI-DADE COUNTY

REVISION	BY	DATE	CHECKED	CA	06-19	PREPARED BY: MANUEL G. VERA AND ASSOCIATES INC., LB#2439 13950 SW 47th STREET, MIAMI FLORIDA 33175	DATA SOURCE: SEE SURVEYOR'S NOTES
REVIEW PARCEL NUMBER	DH	07-19	DRAWN	DH	06-19	F.P. No. 429300-1 251688-1	SECTION 87200
REVIEW PARCEL NUMBER	DH	07-19					SHEET 03 OF 03

8

Attachment B

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

Parcel No. : 6711
Item/Seg No.: 251688-1
Sect/Job No.: 87200-000C
SR No. : 836/I-395
FAP No. : 3951-501-1/3951-499-1
Managing District: Six
County : Miami-Dade

QUITCLAIM DEED
(Public Purpose)

THIS INDENTURE, made this _____ day of _____, 201__ by and between the STATE OF FLORIDA by and through the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("the Department"), whose address is 1000 NW 111th Avenue, Miami, Florida 33172-5800, Grantor, and MIAMI-DADE COUNTY ("County"), a political subdivision of the State of Florida, whose address is Miami-Dade Government Center, Stephen P. Clark Building, 111 NW 1st Street, Suite 220, Miami, Florida 33128-1902, Grantee (collectively referred to as the "Parties").

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 July 23, 2019 pursuant to the provisions of Section 337.25 Florida Statutes, has agreed to quitclaim the land hereinafter described to the Grantee.

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That the Grantor for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, does hereby remise, release and quitclaim unto the Grantee, and assigns, forever, all the right, title and interest in all that certain land situate in Miami-Dade County, Florida, viz:

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

The foregoing conveyance was approved pursuant to Resolution No. _____ of the Board of County Commission of Miami-Dade County, Florida, passed and adopted _____ . A copy of said Resolution is attached hereto as Exhibit "B".

Parcel No. : 6711
Item/Seg No.: 251688-1
Sect/Job No.: 87200-000C
SR No. : 836/I-395
FAP No. : 3951-501-1/3951-499-1
Managing District: Six
County : Miami-Dade

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

THIS CONVEYANCE is the subject of an exchange of lands of equal value whereupon the Department hereby conveys the land in Exhibit "A" to County and County, by separate deed executed contemporaneously herewith, conveys to the Department the land described in Exhibit "B".

THIS CONVEYANCE IS further 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.

RESERVING UNTO THE GRANTOR and its successors, an undivided three-fourths interest in all the phosphate, minerals and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same on all lands wherein the grantor holds the requisite interest, provided, however, that in no event shall the exercise of Grantor's rights hereunder interfere with Grantee's use of the Property.

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Parcel No.: 6711
Item/Seg No.: 251688-1
Sect/Job No.: 87200-000C
SR No. : 836/I-395
FAP No. : 3951-501-1/3951-499-1
Managing District: Six
County : Miami-Dade

IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida Department of Transportation by its District Secretary, District Six and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____

Witness: _____

(print name) James Wolfe, P.E.
District Six Secretary

(print name) _____

Witness: _____

ATTEST: _____

(print name) _____

(print name) _____
Executive Secretary

(Affix Department Seal)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, 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
as mentioned above.

(Affix Notary Seal)

My Commission Expires on:

EXHIBIT "A"

LEGAL DESCRIPTION - PARCEL 6711

A portion of Lots 1, 2, 7 and 8, Block 24, of AMENDED MAP OF BLOCK 24, according to the plat thereof, as recorded in Plat Book 3, at Page 101 and a portion of Lots 1 and 8, Block 3, of WINDSOR PARK, according to the plat thereof, as recorded in Plat Book 3, at Page 147, and a portion of the Right of Way of NE 1st Court (Cordova Avenue) of the Public Records of Miami Dade County, Florida and lying North of that certain Parcel 5734 as shown on Quick Claim Deed recorded in Official Records Book 30211, at Page 3481 and more particularly described as follows:

Commence at the point of intersection of the City of Miami Monument Line of NE 13th Street and NE 2nd Avenue as shown on the City of Miami Atlas Sheet 23M; thence S 02°14'53" W along said City of Miami Monument Line of NE 2nd Avenue for a distance of 50.01 feet; thence N 87°45'07" W at a right angles to the previously described line for a distance of 30.00 feet to a point on the West Right of Way line of said NE 2nd Avenue said point also being the POINT OF BEGINNING of the hereinafter described parcel; thence S 02°14'53" W along the previously described Right of Way line for a distance of 30.78 feet to the point of intersection with the North line of said parcel 5734; thence S 87°47'15" W along said North line of parcel 5734 for a distance of 425.38 feet; thence S 73°50'51" W along said North line of parcel 5734 for a distance of 69.86 feet to a point on the East right of way line of NE 1st Avenue; thence N 02°17'34" W along said East right of way line for a distance of 4.12 feet; thence N 73°50'51" E for a distance of 82.32 feet to a point of curvature of a circular curve concave to the South; thence northeasterly, along the arc of said curve to the right, having a radius of 985.00 feet and a central angle of 14°00'22" for a distance of 240.79 feet; thence N 87°51'13" E for a distance of 166.65 feet to a point of curvature of a circular curve concave to the Southwest; thence northeasterly, easterly, and southeasterly along the arc of said curve to the right, having a radius of 13.00 feet and a central angle of 45°07'28" for a distance of 10.24 feet; thence S 47°01'19" E for a distance of 1.98 feet to the POINT OF BEGINNING.

Containing 13,013 Square Feet more or less.

SURVEYOR'S NOTES:







- Bearings and coordinates are relative to the State Plane Coordinate System, Florida East Zone (901), Transverse Mercator Projection, North American Datum 1983, 2007 adjustment (NAD83/07), where the Monument Line of NE 2nd Avenue bears S 02°14'53" W.
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- Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- Baseline of Survey and Right of Way Lines shown on this Sketch and Legal are based on a Right of Way DGN file of State Road 836 (Dolphin Expressway) / I-395, Section 87200 for project in FM No. 251688-1 provided by Florida Department of Transportation, District VI.
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- I hereby certify that the Sketch and Legal Description was prepared under my direction and that said Sketch and Legal Description is in compliance with Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
- Manuel G. Vera & Associates, Inc. does carry Professional Liability Insurance for Surveying and Mapping Services.

LEGEND:

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- PT - Point of Tangency
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- STA. - Station
- SEC. - Section
- TWP. - Township
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- P.O.B. - Point of Beginning
- PL - Property Line
- LB. - Licensed Business
- LT - Left
- No. - Number
- SR - State Road
- SQ. FT. - Square Feet
- R/W - Right of Way
- RES - Resolution
- (P) - Plat
- OFF. - Offset

SYMBOLS:

-  - Baseline of Survey
-  - Center Line
-  - Monument Line
-  - Spring Line
-  - Parcel Number
-  - Subdivision Block Number

Carlos E. Alonso Date
 Professional Surveyor & Mapper
 Florida Certificate No. 6669
 Licensed Business: LB-2439
 13960 SW 47th Street
 Miami, Florida 33175

NOT A SURVEY

THIS DOCUMENT CONSISTS OF THREE (3) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.

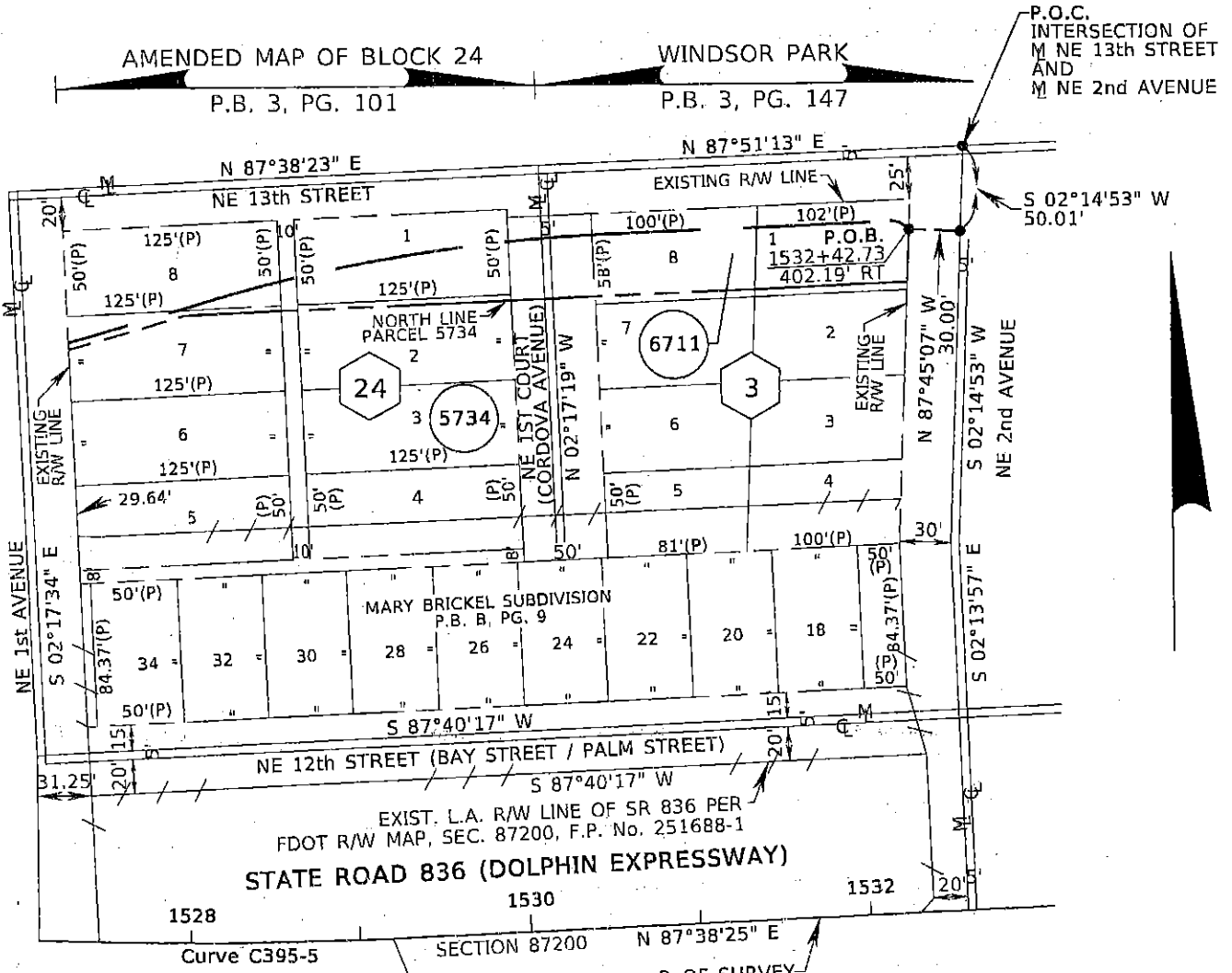
		FLORIDA DEPARTMENT OF TRANSPORTATION													
		SKETCH TO ACCOMPANY LEGAL DESCRIPTION													
		STATE ROAD NO. 836 (DOLPHIN EXPRESSWAY) / I-395	MIAMI-DADE COUNTY												
REVISED	CEA	08-19													
REVIEW PARCEL NUMBER	DH	07-19	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">BY</td> <td style="width: 15%;">DATE</td> <td style="width: 40%;">PREPARED BY: MANUEL G. VERA AND ASSOCIATES INC., LB#2439 13960 SW 47th STREET, MIAMI FLORIDA 33175</td> <td style="width: 30%;">DATA SOURCE: SEE SURVEYOR'S NOTES</td> </tr> <tr> <td>DRAWN</td> <td>DH</td> <td>06-19</td> <td></td> </tr> <tr> <td>CHECKED</td> <td>CA</td> <td>06-19</td> <td></td> </tr> </table>	BY	DATE	PREPARED BY: MANUEL G. VERA AND ASSOCIATES INC., LB#2439 13960 SW 47th STREET, MIAMI FLORIDA 33175	DATA SOURCE: SEE SURVEYOR'S NOTES	DRAWN	DH	06-19		CHECKED	CA	06-19	
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DRAWN	DH	06-19													
CHECKED	CA	06-19													
REVISION	BY	DATE	F.P. No. 429300-1 251688-1 SECTION 87200 SHEET 01 OF 03												

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EXHIBIT "A"

SECTION 36, TOWNSHIP 53 S., RANGE 41 E. MIAMI-DADE COUNTY, FLORIDA

PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
6711	FLORIDA DEPARTMENT OF TRANSPORTATION (F.D.O.T.)	± 13,013 SQ. FT.	N/A	N/A



P.O.C. INTERSECTION OF
M NE 13th STREET
AND
M NE 2nd AVENUE

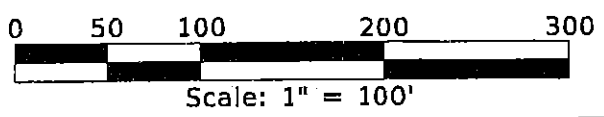
Curve C395-5
 PI STA. 1523+64.90
 $\Delta = 28^{\circ}16'34''$ (LT)
 $D = 02^{\circ}30'00''$
 $T = 577.29'$
 $L = 1,131.04'$
 $R = 2,291.83'$
 PC STA. 1517+87.62
 PT STA. 1529+18.66

PI STA. 1529+18.65
 $N 528,632.964$
 $E 922,129.898$

FOR PARCEL 6711 GEOMETRY
SEE SHEET THREE (3) OF THREE (3)

NOT A SURVEY

THIS DOCUMENT CONSISTS OF THREE (3) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.
 NOTE: FOR LINE TYPES LEGEND SEE SHEET THREE (3) OF THREE (3)



FLORIDA DEPARTMENT OF TRANSPORTATION					
SKETCH TO ACCOMPANY LEGAL DESCRIPTION					
STATE ROAD NO. 836 (DOLPHIN EXPRESSWAY) / I-395				MIAMI-DADE COUNTY	
REVISED	CEA	08-19	BY	DATE	PREPARED BY: MANUEL G. VERA AND ASSOCIATES INC., LB#2439 13960 SW 47th STREET, MIAMI FLORIDA 33175
REVIEW PARCEL NUMBER	DH	07-19	DRAWN	DH	06-19
REVISION	BY	DATE	CHECKED	CA	06-19
				F.P. No. 429300-1 251688-1	
				SECTION 87200 SHEET 02 OF 03	

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EXHIBIT "A"

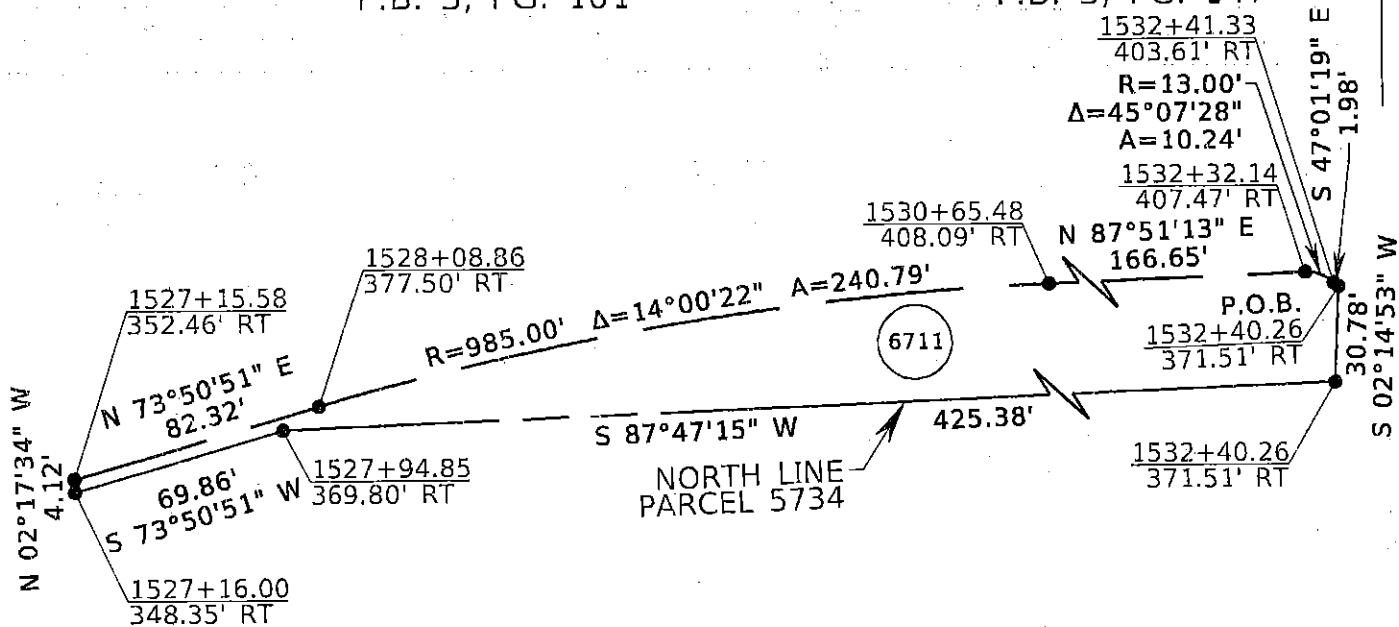
SECTION 36, TOWNSHIP 53 S., RANGE 41 E, MIAMI-DADE COUNTY, FLORIDA

AMENDED MAP OF BLOCK 24

WINDSOR PARK

P.B. 3, PG. 101

P.B. 3, PG. 147

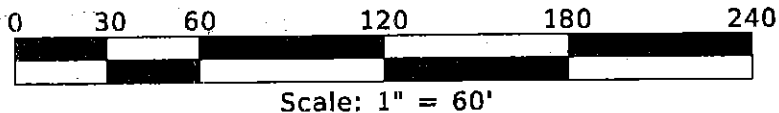


LINE TYPES:

SECTION LINE	
CITY LIMIT LINE	
EXISTING RIGHT OF WAY LINE	
BASE OR SURVEY LINE	
EXISTING LIMITED ACCESS R/W LINE	
RIGHT OF WAY LINE	
EXISTING EASEMENT	
VACATED/ORIGINAL LOT LINE	
EXISTING NON-VEHICLE ACCESS LINE	
SUBDIVISION LIMITS	

NOT A SURVEY

THIS DOCUMENT CONSISTS OF THREE (3) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.



FLORIDA DEPARTMENT OF TRANSPORTATION					
SKETCH TO ACCOMPANY LEGAL DESCRIPTION					
STATE ROAD NO. 836 (DOLPHIN EXPRESSWAY) / I-395				MIAMI-DADE COUNTY	
REVISED	CEA	08-19	BY	DATE	PREPARED BY: MANUEL G. VERA AND ASSOCIATES INC., LD#2439 13960 SW 47th STREET, MIAMI FLORIDA 33175
REVIEW PARCEL NUMBER	DH	07-19	DRAWN	DH	06-19
REVISION	BY	DATE	CHECKED	CA	06-19
			F.P. No. 429300-1 251688-1		DATA SOURCE: SEE SURVEYOR'S NOTES
				SECTION 87200	SHEET 03 OF 03

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09-LA.02-05/2000

This instrument prepared by, or under the direction of,

Alicia Trujillo, Esq., District Six Chief Counsel State of Florida Department of Transportation

1000 N.W. 111th Avenue, Miami, Florida 33172

August 16, 2019 – MF

Parcel No. : 903

Item/Segment No. : 251688-1

Managing District : 6

LICENSE AGREEMENT

THIS AGREEMENT, Made the _____ day of _____, 2019, by and between MIAMI-DADE COUNTY, a political subdivision of the State of Florida, herein called Licensor, and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), herein called Licensee.

Whereas, FDOT is making improvements to I-395, including the relocation of on-ramps and off-ramps, and related improvements affecting surrounding roads, and

Whereas, Miami-Dade County desires to cooperate with FDOT's efforts in the re-alignment of streets needed for the I-395 improvements.

In consideration of the benefits accruing unto the Licensor, the parties agree as follows:

Subject to Licensor's approval of Licensee's engineering plan, which approval shall not be unreasonably withheld, Licensor hereby grants to Licensee a License to occupy and use, subject to all of the terms and conditions hereof, the following described premises:

Parcel 903

Fin No. 251688-1

The Southern 5.00 feet of the property located at: 1301 Biscayne Boulevard, Miami, FL 33122 Folio Number: 01-3231-056-0021, containing 1,007 square feet along with an additional 15 square feet of said property located along the western right of way of Bayshore Drive totaling 1,022 square feet (the "Licensed Property"). Refer to attached diagram for areas (in red shape) required solely for the uses set forth herein.

The Licensed Property may be used and improved by Licensee solely for sloping, grading, tying in, harmonizing and reconnecting existing features of the Licensor's property (collectively, the "Work") with the highway improvements which are to be constructed together with incidental purposes related thereto during the period beginning with the date first above written and continuing until completion of the transportation project, but not later than the last day of August 2022. Licensee shall make best efforts to only perform the Work during the months of July and August of any given calendar year prior to August 1, 2022.

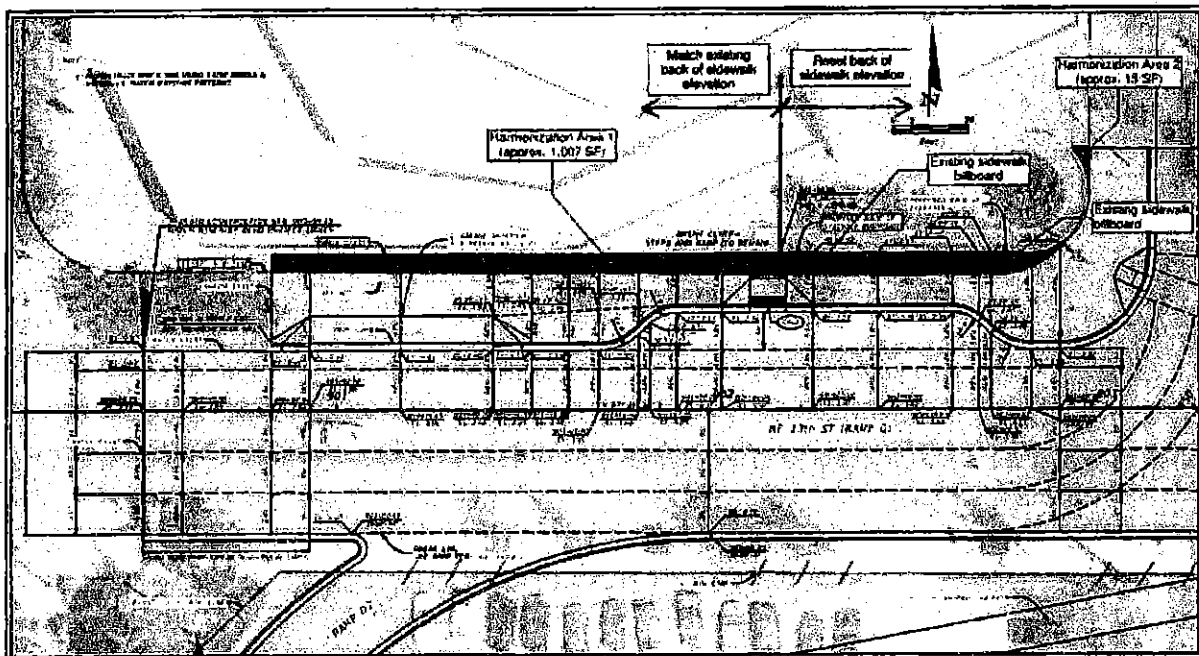
Licensee shall provide a schedule prior to commencement of the Work, and notice of the date the transportation project is completed within ten (10) business days of such completion. No other uses of the Licensed property, including but not limited to staging, are permitted. Licensee's use of the Licensed property shall in no way interfere with Licensor's use of such land consistent with the rights granted to Licensee as set forth herein, and Licensor retains the right to use the Licensed property in any manner not inconsistent with the rights herein granted to Licensee. During Licensee's use of the Licensed property, Licensee shall ensure access to the remainder property at all times, including but not limited to Licensor's loading docks. In the event that Licensee's performance of the Work requires Licensee to limit Licensor's access to its loading docks, Licensee shall submit a written request for such limitation to Licensor no fewer than fifteen (15) business days in advance of Licensee's desired date of such limitation. Licensor, subject to the requirements of Licensor's pick-up and delivery schedule, shall not unreasonably deny Licensee's request.

The Department shall require its construction Contractor to provide a Payment and Performance Bond per State Statute 255.05 and to maintain, at all times during the construction, Commercial General Liability insurance providing continuous coverage for all work or operations performed under the Contract. Such insurance shall be no more restrictive than that provided by the latest occurrence form edition of the standard Commercial General Liability Coverage Form (ISO Form CG 00 01) as filed for use in the State of Florida. The limits of coverage shall not be less than \$1,000,000 for each occurrence and not less than a \$5,000,000 annual general aggregate, inclusive of amounts provided by an umbrella or excess policy, or such other minimum insurance coverage that may be required by the Department for the construction of the Project, in accordance with the Department's Standards and Specifications for Road and Bridge Construction. The Contractor shall also maintain Commercial Auto Liability with limits of coverage in an amount no less than \$1,000,000 per combined single limit. The Department shall further cause its Contractor to name the County and the Department as additional insured Parties on the afore-stated policies, and to provide evidence of Workers' Compensation Insurance in accordance with the laws of the State of Florida and in amounts sufficient to secure the benefit of the Florida Workers' Compensation law for all employees.

Licensor makes no representations as to the condition of the Licensed Property or the suitability of the Licensed property for the use intended hereunder.

Licensee agrees that any and all Work performed within the Licensed property shall be done in a good, safe, workmanlike manner and in accordance with applicable federal, state, and local statutes, rules, regulations and ordinances. All Work that Licensee performs shall match the aesthetic conditions then-existing prior to the performance of any such Work, and Licensee shall restore to their original conditions, excepting elevation changes as per the plans, any areas of the Licensed Premises and/or the property impacted by Licensee's performance of the Work.

The making, execution and delivery of this agreement by Licensor has been induced by no representations, statements, warranties, or agreements other than those contained herein. This agreement embodies the entire understanding of the parties and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof.



IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida Department of Transportation by its District Secretary, District Six and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

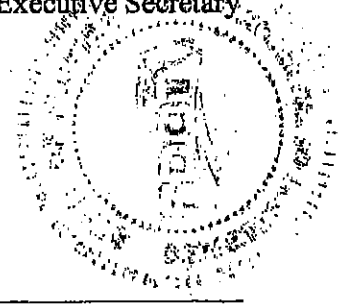
Witness: [Signature]
(print name) Maria L. Evara

Witness: [Signature]
(print name) CRISTINA CUESTA

By: [Signature]
(print name) James Wolfe, P.E.
District Six Secretary

ATTEST: [Signature]
(print name) Helen Shabeen
Executive Secretary

(Affix Department Seal)



STATE OF FLORIDA
COUNTY OF MIAMI-DADE _____

The foregoing instrument was acknowledged before me this 28 day of October, 2019, by James Wolfe, P.E., District Secretary for District Six, FDOT, who is personally known to me, or has produced KA as identification.



[Signature]
Notary Public in and for the County and State
as mentioned above.

(Affix Notary Seal)

My Commission Expires on:
8/12/2020

MIAMI-DADE COUNTY

By: _____

Witness: _____

(print name) _____

(print name) _____

Witness: _____

ATTEST: _____

(print name) _____

(print name) _____

(Affix Department Seal)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by _____ who is personally known to me, or has produced _____ as identification.

Notary Public in and for the County and State as mentioned above.

(Affix Notary Seal)

My Commission Expires on: _____



MEMORANDUM
(Revised)

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

DATE: January 22, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(C)(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 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(C)(1)

1-22-20

RESOLUTION NO. _____

RESOLUTION APPROVING, PURSUANT TO FLORIDA STATUTES SECTION 125.38, A LAND CONVEYANCE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”) OF APPROXIMATELY 5,058 SQUARE FEET OF COUNTY-OWNED LAND; DECLARING COUNTY PARCEL SURPLUS; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY PLANNING ADVISORY BOARD; ACCEPTING CONVEYANCE OF APPROXIMATELY 13,013 SQUARE FEET OF FDOT-OWNED LAND LOCATED IMMEDIATELY NORTH OF THE COUNTY-OWNED PARCEL; APPROVING A LICENSE AGREEMENT WITH FDOT; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THIS BOARD TO EXECUTE COUNTY DEED; DIRECTING COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE, DELIVER, ACCEPT, AND RECORD THE ASSOCIATED DEEDS AND EXECUTE THE LICENSE AGREEMENT

WHEREAS, the County owns a parcel of land that is approximately 61,904 square feet and is located south of NE 13th Street between NE 1st Avenue and NE 2nd Avenue (“Parcel 5734”), south of the Adrienne Arsht Center for the Performing Arts of Miami-Dade County (“Arsht Center”); and

WHEREAS, the Florida Department of Transportation (“FDOT”) has requested the conveyance of a 5,058 square-foot portion of Parcel 5734 (“Parcel 182”) to accommodate the erection and maintenance of one of the structural elements of the I-395 signature bridge; and

WHEREAS, Parcel 182 is not needed for a County purpose, and the County desires to cooperate with FDOT; and

WHEREAS, in exchange for the Parcel 182, FDOT will convey an approximately 13,013 square foot parcel of land located north of and adjacent to the County-owned land (“Parcel 6711”); and

WHEREAS, it is in the best interest of the County to convey a parcel and accept the conveyance of another property from FDOT pursuant to Section 125.38, Florida Statutes for a net gain of approximately 8,000 square feet; and

WHEREAS, FDOT’s work related to the realignment of NE 13th Street will affect the sidewalk area south of the Arsht Center and the County desires to enter into a License Agreement with FDOT for work related to sloping, grading, tying in, harmonizing, and reconnecting the new work with the existing conditions; and

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

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. This Board hereby approves, pursuant to Section 125.38, Florida Statutes, the conveyance of the County Parcel 182 to FDOT in exchange for the FDOT Parcel 6711 to the County, in substantially the form of the deeds attached to the Mayor’s Memorandum as Attachments “A” and “B,” respectively, and made a part hereof.

Section 3. This Board hereby declares the County Parcel 182 of approximately 5,013 square feet as surplus property and waives Administrative Order 8-4 as it pertains to review by the Planning Advisory Board.

Section 4. This Board authorizes the Chairperson or the Vice-Chairperson of this Board to execute the County Deed and directs the County Mayor or County Mayor’s designee to execute, deliver, accept, and record the Associated Deeds and execute the License Agreement in substantially the form attached as Attachment “C” to the Mayor’s Memorandum.

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 | |

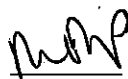
The Chairperson thereupon declared this resolution duly passed and adopted this 22nd day of January, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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.



Monica Rizo Perez