

MEMORANDUM

Agenda Item No. 8(N)(2)

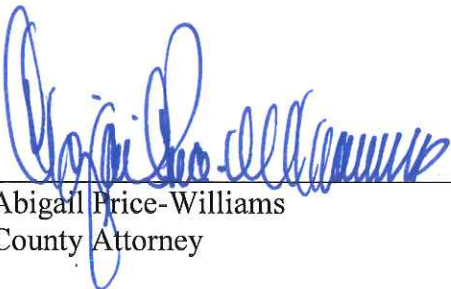
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 4, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution designating two portions of Miami-Dade County-owned canal rights-of-way as road rights-of-way for the NW 107 Avenue road improvement project between NW 138 Street and NW 170 Street, with said portions of land lying in section 19, Township 52 South, Range 40 East; and directing the County Mayor to take all actions necessary to effectuate same

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



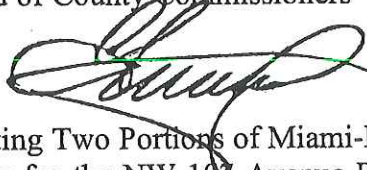
Abigail Price-Williams
County Attorney

APW/uw

Date: February 4, 2020

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 a horizontal line.

Subject: Resolution Designating Two Portions of Miami-Dade County-Owned Canal Rights-of-Way as Road Rights-of-Way for the NW 107 Avenue Road Improvement Project Between NW 138 Street and NW 170 Street

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution designating two portions of canal rights-of-way as road rights-of-way. The two parcels are currently being managed by the Division of Environmental Resources Management (DERM), which is part of the Department of Regulatory and Economic Resources, and are located along NW 107 Avenue intersecting NW 138 Street and NW 140 Street respectively, being identified as DERM Parcel 1 and DERM Parcel 2 in composite Exhibit "A", and composite Exhibit "B" to this memorandum.

SCOPE

The subject property is located within District 12, which is represented by Commissioner Jose "Pepe" Diaz.

FISCAL IMPACT

There is an increase in maintenance cost of approximately \$118 annually associated with this action since the combined two parcels will add 645 linear feet of road to the Miami-Dade County Road System.

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

The Miami-Dade County Department of Transportation and Public Works (DTPW) has programmed the construction of NW 107 Avenue to include new roadway construction and expansion, beautification, safety enhancements and improvements. This project is part of the interlocal agreement between the cities of Hialeah and Hialeah Gardens and the Miami-Dade Expressway Authority, which agreement was approved by resolution R-1246-16 and amended by resolution R-1311-18. The parcels to be designated as road rights-of-way are currently being managed by DERM. The first portion of canal right of way (Parcel

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
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1) is located at the intersection of NW 107 Avenue and NW 138 Street. This portion was acquired by Miami-Dade County via Right of Way Deed as recorded in ORB 17322, Page 1581. The second portion of canal right of way (Parcel 2) is located at the intersection of NW 107 Avenue and NW 140 Street. This portion was acquired by Miami-Dade County via Right of Way Deed as recorded in ORB 5318, Page 739. Both of the subject parcels are located within the limits of the above-mentioned road project. It is therefore recommended that this portion of County-owned property be designated as road right-of-way.



Jennifer Moon
Deputy Mayor

Memorandum



Date: August 6, 2019

To: Jack Osterholt, Deputy Mayor
Director of Regulatory and Economic Resources

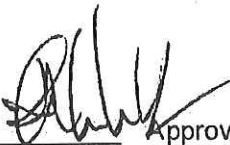
From: Alice N. Bravo, P.E.
Director of Transportation and Public Works


Subject: Requesting the designation of two portions of canal right-of-way currently under the inventory of Miami-Dade Regulatory and Economic Resources Department as road right-of-way, said portions of land being located along NW 107 Avenue intersecting NW 138 Street and NW 140 Street respectively.

The Miami-Dade County Department of Transportation and Public Works (DTPW) has programmed the construction of NW 107 Avenue from NW 138 St. to NW 170 St. which includes new roadway construction and expansion, beautification, safety enhancements and improvements. This project is part of the interlocal agreement between the cities of Hialeah, Hialeah Gardens, and the Miami-Dade Expressway Authority with such agreement having been approved by resolution R-1246-16 and amended by resolution R-1311-18. The parcels to be designated as road right of way are currently being managed by the Division of Environmental Resources Management.

We have attached a sketch and the legal description for each of the parcels of land (totaling 0.393 acres) within your jurisdiction which we are formally requesting to be designated as road right-of-way in order to expedite the above-mentioned roadway project.

Should you have any questions or need additional information, please contact Carlos Socarras, Head Right-of-Way Engineering Section at (305) 375-2095.


 _____ Approved Date 10/10/19
 _____ Disapproved Date _____



 Jack Osterholt, Deputy Mayor
 Director of Regulatory and Economic Resources

Cc: Leandro Ona
Carlos Socarras
Omar Suarez

**LEGAL DESCRIPTION
(DERM Parcel 1)**

That portion of Tract 56 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1 of Section 19, Township 52 South, Range 40 East, in Miami-Dade County, Florida, according to the plat thereof as recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida, which lies within the East 40 feet of the SE 1/4 of the SE 1/4 of said Section 19;

AND

The external area formed by a 25.00 feet radius arc, concave to the Northwest, tangent to the West line of the East 40.00 feet of said Section 19, and tangent to the North line of the South 15.00 feet of the SE 1/4 of the SE 1/4 of said Section 19.

Subject to certain Florida Power and Light Permanent Easement described on Right of Way Deed dated July 16, 1994, and recorded in Official Record Book 17322 at Page 1581 of the Public Records of Miami-Dade Florida, for ingress and egress encumbering the North 120 feet of the above described property.

EXHIBIT A

PROJECT NO. 20160077
Designation from DERM Parcel 1
Page 1 of 1

**LEGAL DESCRIPTION
(DERM Parcel 2)**

A portion of Tract 54 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1 of Section 19, Township 52 South, Range 40 East, in Miami-Dade County, Florida, according to the plat thereof as recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

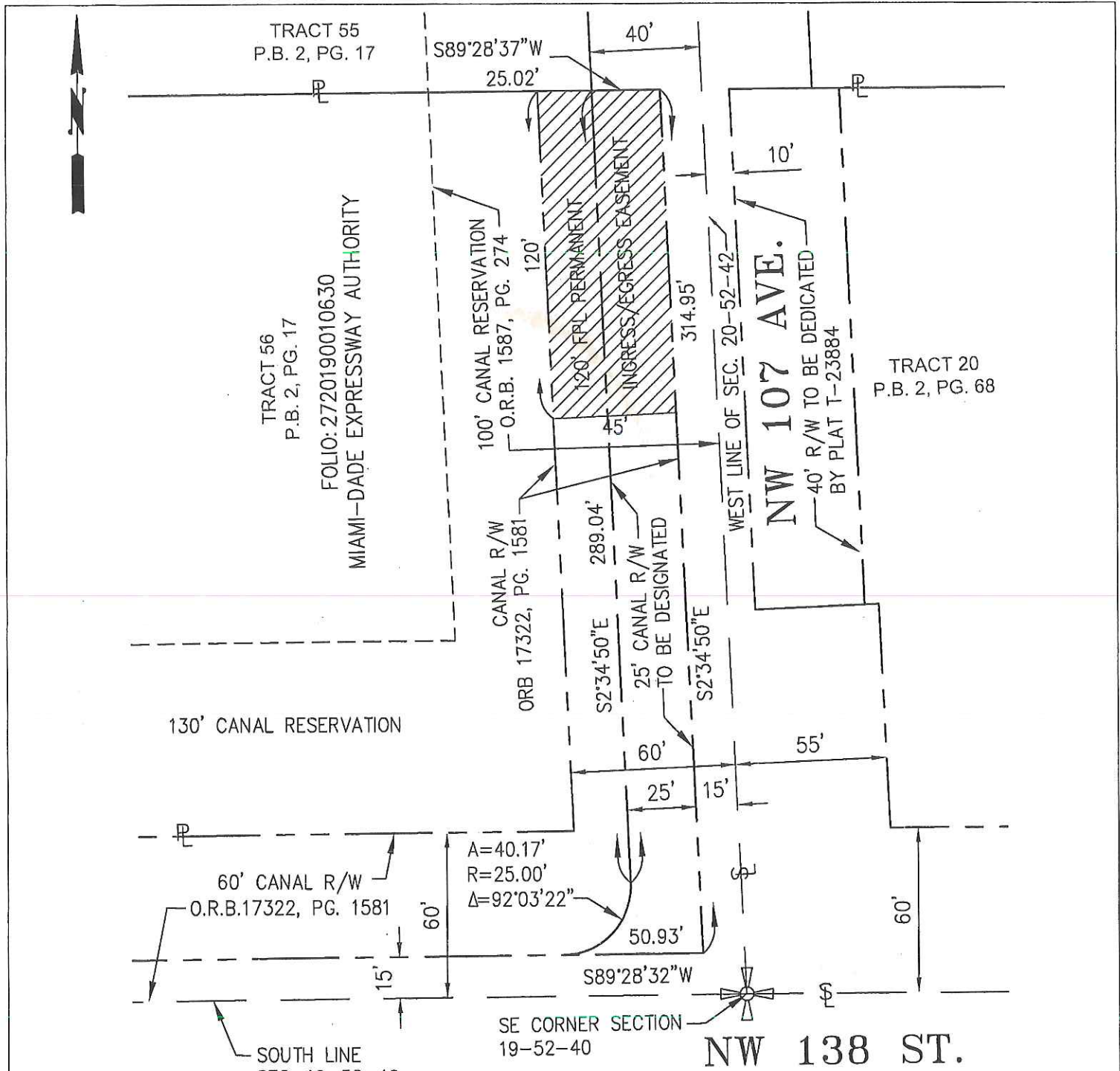
COMMENCE at the Southeast corner of said Section 19; thence run $N02^{\circ}34'50''W$, along the East line of said Section 19, for a distance of 659.93 feet to a point of intersection with the Easterly prolongation of the South line of said Tract 54, said intersecting line also being the centerline of NW 140 Street; thence run $S89^{\circ}28'42''W$, for a distance of 15.01 feet to the **POINT OF BEGINNING** of the herein described parcel of land; thence continue $S89^{\circ}28'42''W$, along said South line of Tract 54, for a distance of 45.03; thence run $N02^{\circ}34'50''W$, for a distance of 35.72 to the point of intersection with a circular curve concave to the Northwest, the center of which bears $N14^{\circ}07'03''W$ from said point of intersection; thence run Northeasterly along the arc of said circular curve, having a Radius of 25.00 feet, through a Central Angle of $78^{\circ}27'47''$, for a distance of 34.24 feet to the point of tangency; thence run $N02^{\circ}34'50''W$, along a line 40 feet West of and parallel to the East line of said section 19, for a distance of 269.03 feet; thence run $N89^{\circ}28'47''E$, for a distance of 25.02 feet; thence run $S02^{\circ}34'50''E$ along a line 15 feet West of and parallel to the East line of said section 19, for a distance of 329.96 feet to the **POINT OF BEGINNING**.

Containing 9,094 Square Feet/ 0.209 acres more or less.

EXHIBIT A

PROJECT NO. 20160077
Designation from DERM Parcel 2
Page 1 of 1

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Folio No: 27-2019-001-0630
 Section: 19-52-40
 Area of Parcel = 8,020 square-feet = 0.184 acres
 Area of Parent Tract = 70,876 square-feet = 1.627 acres

LEGEND

---	R/W EXISTING	P.B.	PLAT BOOK	SEC.	SECTION
---	PROPERTY LINE	PG.	PAGE	O.R.B.	OFFICIAL RECORDS BOOK
---	SECTION LINE	ℙ	PROPERTY LINE	FPL	FLORIDA POWER & LIGHT
---	CANAL LIMIT LINE	§	SECTION LINE	R	RADIUS
---	R/W PROPOSED LINE	⊞	RIGHT OF WAY	L	LENGTH OF CURVE
		□	PARCEL AREA 25' CANAL R/W TO BE DESIGNATED	Δ	CENTRAL ANGLE
		▨	EASEMENT AREA		

THIS IS NOT A SURVEY

EXHIBIT "B"		DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS RIGHT OF WAY DIVISION ENGINEERING SECTION
PARCEL SKETCH	NW 107 AVE From NW 138 St. to NW 170 St. DERM PARCEL 1	SCALE: 1" = 50' DATE: 7-11-19 CHECKED BY: A. FRAGA DRAWN BY: O. SUAREZ PROJECT 20160077 SHEET: 1 OF 1

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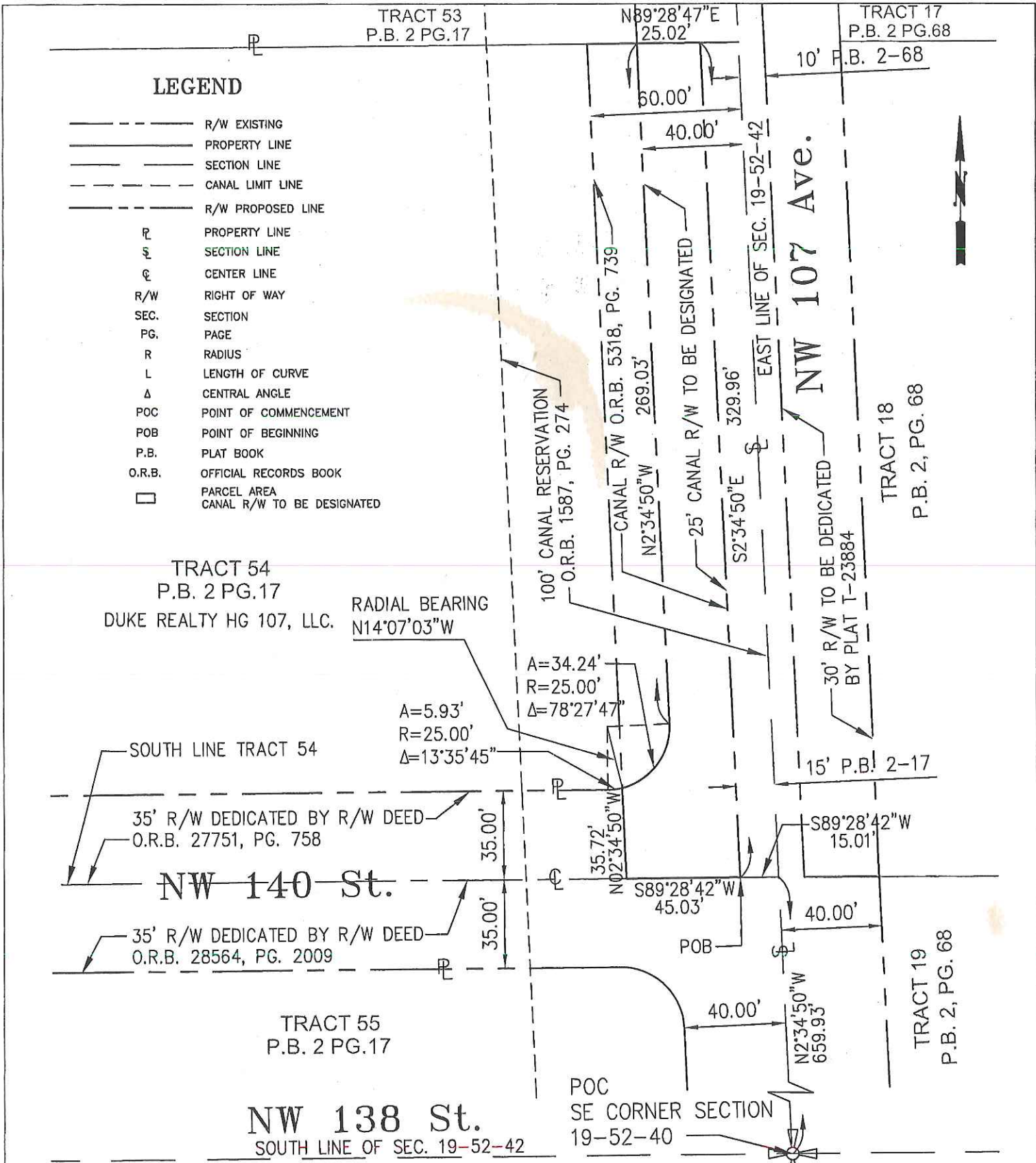


EXHIBIT "B"



DEPARTMENT OF TRANSPORTATION
AND PUBLIC WORKS
RIGHT OF WAY DIVISION
ENGINEERING SECTION

PARCEL SKETCH

NW 107 AVE
From NW 138 St. to NW 170 St.
DERM PARCEL 2

SCALE: 1" = 50'	DATE: 7-31-19
CHECKED BY: A. FRAGA	
DRAWN BY: O. SUAREZ	
PROJECT 20160077	SHEET: 1 OF 1



MEMORANDUM
(Revised)

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

DATE: February 4, 2020

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 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)
2-4-20

RESOLUTION NO. _____

RESOLUTION DESIGNATING TWO PORTIONS OF MIAMI-DADE COUNTY-OWNED CANAL RIGHTS-OF-WAY AS ROAD RIGHTS-OF-WAY FOR THE NW 107 AVENUE ROAD IMPROVEMENT PROJECT BETWEEN NW 138 STREET AND NW 170 STREET, WITH SAID PORTIONS OF LAND LYING IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY 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, the Directors of the Department of Transportation and Public Works ("DTPW") and the Department of Regulatory and Economic Resources ("RER") have recommended that the County-owned canal rights-of-way identified as DERM Parcels 1 and 2 (the "County Property") located along NW 107 Avenue, intersecting NW 138 Street and NW 140 respectively, as described in composite Exhibit "A" and illustrated in composite Exhibit "B" to the Mayor's Memorandum, be designated as road rights-of-way to be used as part of the road improvement project for NW 107 Avenue between NW 138 Street and NW 170 Street; and

WHEREAS, DTPW has requested from RER that the County Property be designated as road right-of-way for the completion of the above-mentioned roadway project,

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 designates said County Property as road right-of-way and authorizes the County Mayor or County Mayor's designee to take all actions necessary to effectuate same.

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 4th day of February, 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.



Lauren E. Morse