

# MEMORANDUM

Agenda Item No. 8(N)(2)

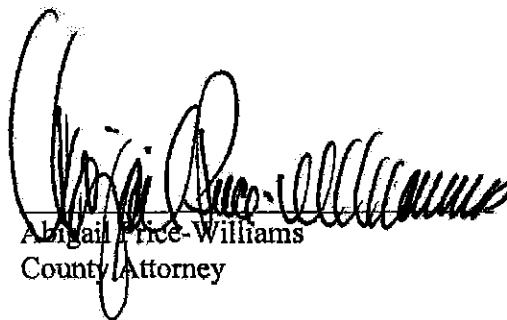
**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** May 5, 2020

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

**SUBJECT:** Resolution approving a  
Maintenance Map for a portion  
of SW 168 Street between SW 97  
Avenue and South Dade Transit  
Way, in sections 28 and 33  
Township 55 South Range  
40 East, authorizing the  
Chairwoman and the Clerk of the  
Board to certify the Maintenance  
Map, and 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

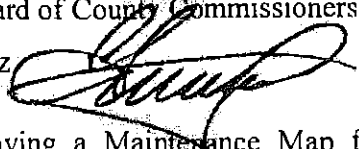
APW/uw

# Memorandum



**Date:** May 5, 2020

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

**From:** Carlos A. Gimenez   
Mayor

**Subject:** Resolution Approving a Maintenance Map for a Portion of SW 168 Street  
between SW 97 Avenue and South Dade Transit Way

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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 168 Street between SW 97 Avenue and South Dade Transit Way, authorizing the Chairwoman 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 District 9, represented by County Commissioner Dennis Moss.

## Fiscal Impact/Funding Source

There is currently no increase in maintenance costs to the County as a result of this action.

## Track Record/Monitor

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

## Background

The subject road has been maintained continuously by DTPW for over four years. In accordance with Section 95.361, Florida Statutes, title to a road maintained by the County for over four years vests in the County. The filing of a Maintenance Map in the Office of the Clerk of the Court, which has been certified by the Chairwoman and the Clerk of the Board, is deemed prima facie evidence of ownership by the County. The subject Maintenance Map has been executed by the Assistant Director of Construction and Maintenance of the DTPW, certifying that the County has maintained this road for over four years. It is recommended the Maintenance Map, provided as Attachment 1 to the Resolution, be approved by the Board after which it will be certified by the Chairwoman and the Clerk of the Board and recorded in the Public Records of Miami-Dade County, Florida. An affidavit from the Assistant Director of Construction and Maintenance, describing the County's maintenance is attached as Attachment 2.

  
Jennifer Moon  
Deputy Mayor

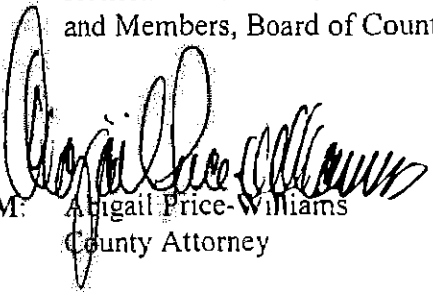


# MEMORANDUM

(Revised)

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

DATE: May 5, 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)  
5-5-20

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

RESOLUTION APPROVING A MAINTENANCE MAP FOR A PORTION OF SW 168 STREET BETWEEN SW 97 AVENUE AND SOUTH DADE TRANSIT WAY, IN SECTIONS 28 AND 33 TOWNSHIP 55 SOUTH RANGE 40 EAST, AUTHORIZING THE CHAIRWOMAN AND THE CLERK OF THE BOARD TO CERTIFY THE MAINTENANCE MAP, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY 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 Department of Transportation and Public Works has recommended that an Official Maintenance Map 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 in 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 168 Street between SW 97 Avenue and South Dade Transit Way in Sections 28 and 33, Township 55 South Range 40 East, attached as Attachment 1, authorizes the Chairwoman 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.

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**Section 3.** Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or County 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  
Rebecca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.  
Jose "Pepe" Diaz  
Eileen Higgins  
Joe A. Martinez  
Dennis C. Moss  
Xavier L. Suarez

Daniella Levine Cava  
Sally A. Heyman  
Barbara J. Jordan  
Jean Monestime  
Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of May, 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.

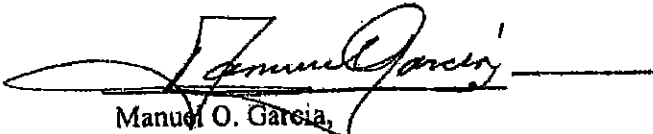


Lauren E. Morse



**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 has determined, to the best of my knowledge, that Miami-Dade County road forces have maintained the pavement, a concrete sidewalk, and a swale along SW 168 Street from SW 97 Avenue and South Dade Transit Way in unincorporated Miami-Dade County, 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 19<sup>th</sup> day of November, 2019 by Manuel O. Garcia, who is personally known to me and who did take and oath.



RAUL O. BALLINA  
Commission # GG 241087  
Expires July 23, 2022  
Banded thru Budget History Services

NOTARY PUBLIC STATE OF FLORIDA

MY COMMISSION EXPIRES: 7/23/22

COMMISSION/SERIAL NO. GG 241087

ATTACHMENT 2