Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(D)(1)(G)
3-6-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-275-07

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CANAL RIGHT-OF-WAY AND CANAL MAINTENANCE EASEMENT DEDICATION IN EXCHANGE FOR THE RELEASE OF EXCESS CANAL RESERVATION IN BLOCK 20 OF SECTION 29, TOWNSHIP 53 SOUTH, RANGE 40 EAST (WC-853)

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 that this Board approves the acceptance of a canal right-of-way and canal maintenance easement dedication in exchange for the release of excess canal reservation in Block 20, INDUSTRIAL WAREHOUSE ASSOCIATES, LLC, a subdivision according to the Plat thereof, recorded in Plat Book 8 at Page 104 of the Public Records of Miami-Dade County, Florida, and authorizes execution and recording of a Disclaimer by the Mayor in substantially the form attached hereto and made a part hereof.

The foregoing resolution was offered by Commissioner Katy Sorenson, who moved its adoption. The motion was seconded by Commissioner Sally A. Heyman and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of March, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

COUNTY COMMISSIONERS DADE COUNTY FLORIDA

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Peter S. Tell

Memorandum

MIAMI-DADE COUNTY

Date: March 6, 2007

Agenda Item No. 8(D)(1)(E)

To: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the Release of Excess Canal Reservation in Block 20 of Section 29, Township 53 South, Range 40 East (WC-853)

RECOMMENDATION

It is recommended that the Board approve the attached Resolution authorizing the release of 100 feet of excess canal reservation no longer needed by Miami-Dade County.

BACKGROUND

On October 22, 1958, Miami-Dade County acquired at no cost, by virtue of Flood Control District Deed No. 1, rights in reservations for canal and levee purposes over the south 100 feet of the southeast one quarter (S.E. ¼) of Section 29, Township 53 South, Range 40 East, a strip of land lying alongside the N.W. 25 Street Canal. Said rights in reservations were given to Miami-Dade County to be used as needed in connection with the County Water Control Master Plan for flood protection and water management. Since there is an existing canal along N.W. 25 Street, the described lands are no longer needed for Water Control Plan purposes.

The owner of Block 20, Industrial Warehouse Associates, LLC, has requested that the County release the excess canal reservation. In exchange, the owner has agreed to grant the County a 25 foot canal right-of-way and 15 foot canal maintenance easement.

The Department of Environmental Resources Management has reviewed this request and recommends its approval by the Board.

Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: March 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 8(D)(1)(G)

Please note any items checked.

_____ **"4-Day Rule" ("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**

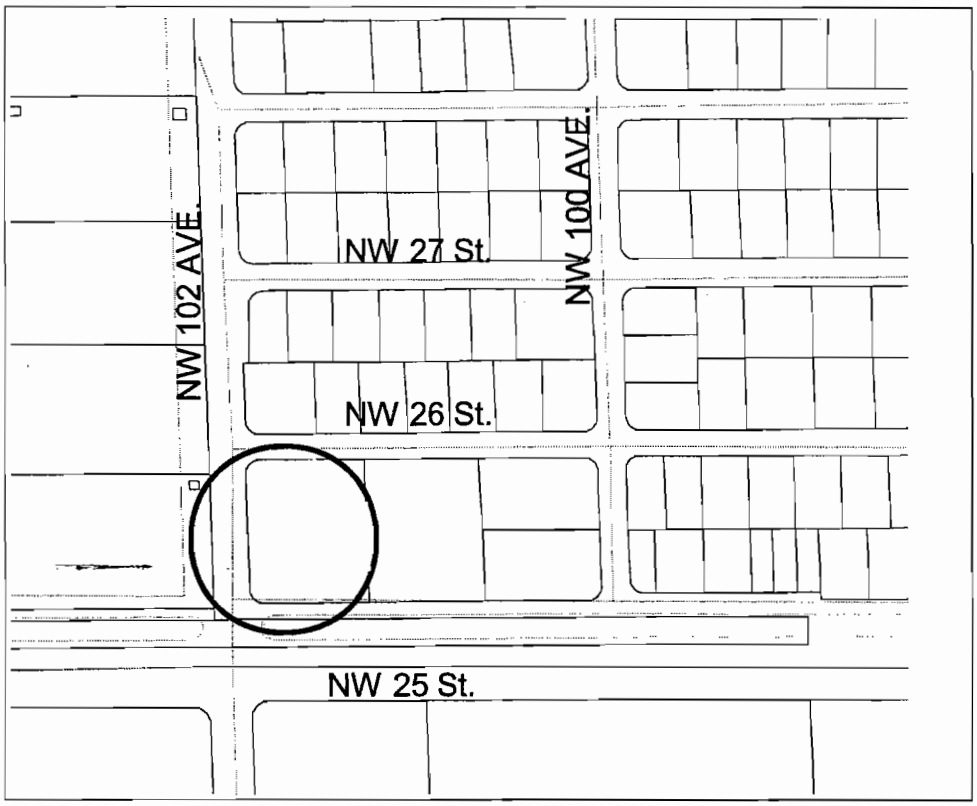
_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**



W.C. 853

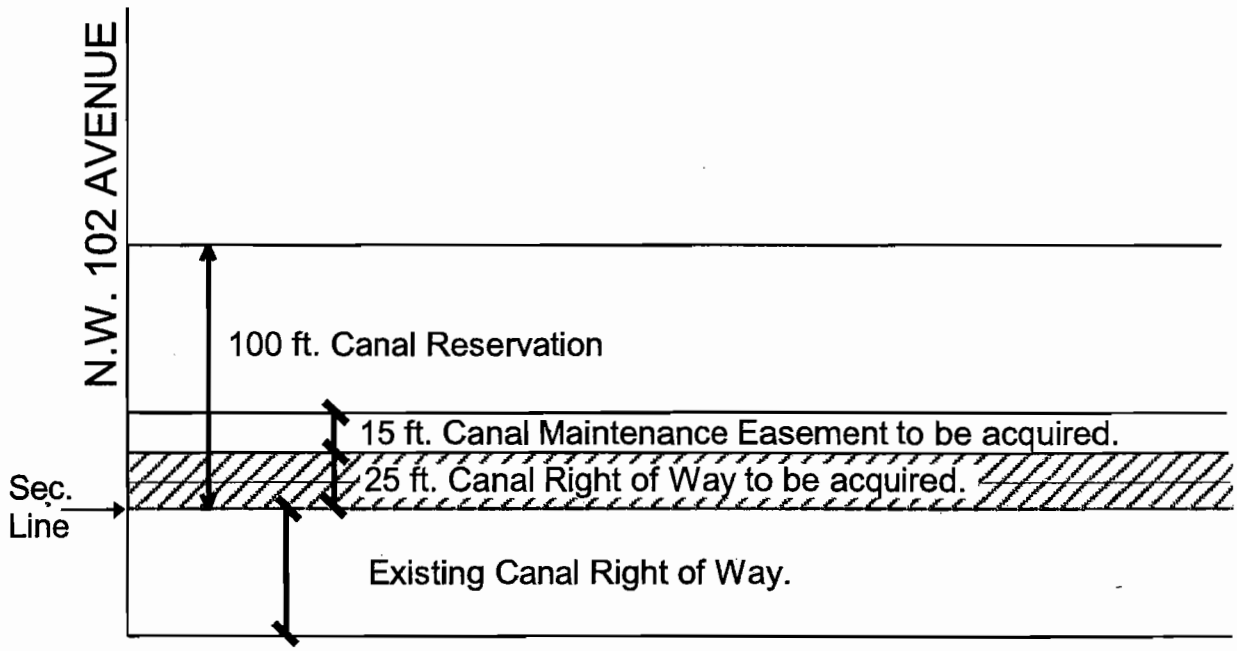
Sec. 29

Twp. 53

Rge. 40

N

Location Map



(Not to Scale)

25 ft. Canal Right of Way to be acquired

Existing Canal

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

> That portion of the North 75 feet of the South 100 feet of the Southeast One Quarter (S.E. ¼) of Section 29, Township 53 South, Range 40 East, which lies within Block 20, INDUSTRIAL WAREHOUSE ASSOCIATES, LLC, a subdivision according to the Plat thereof recorded in Plat Book 8 at Page 104 of the Public Records of Miami-Dade County, Florida.

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 1 dated October 22, 1958, recorded in Official Records Book 1122 at Page 547 of the Public Records of MIAMI-DADE COUNTY, FLORIDA, conveyed, assigned, set over and granted to Miami-Dade County for canal and levee purposes only, the above described lands (with other lands); and

WHEREAS, the aforesaid rights in reservations upon the said above described lands are not now needed by MIAMI-DADE COUNTY for canal purposes;

This instrument was prepared by:

Walid Abusad of
Miami-Dade County Department of
Environmental Resources Management
33 S.W. 2nd Avenue, 2nd Floor
Miami, Florida 33130-1540

NOW, THEREFORE, MIAMI-DADE COUNTY DOES issue this disclaimer.

IN WITNESS WHEREOF MIAMI-DADE COUNTY FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this the _____ day of _____, 20____.

ATTEST:

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

Sign: _____

Print: _____

Sign: _____

Print: _____

Title: _____

Address: 111 N.W. 1st Street
Metro-Dade Center
Miami, Florida 33128

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 20___, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

Print _____
STATE OF FLORIDA at large
(Seal)
My commission expires:_____

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EASEMENT FOR CANAL MAINTENANCE
(CORPORATION)

STATE OF FLORIDA,)
)
COUNTY OF MIAMI-DADE.)

THIS INDENTURE, made this 12TH day of December, 2000, by and between Industrial Warehouse Associates, LLC a corporation under the laws of the State of Florida, and having in its office and principal place of business in the City of Doral, in said State, party of the first part and the County of Miami-Dade, a political subdivision of the State of Florida, and its successors in interest, party of the second part.

KNOW ALL MEN BY THESE PRESENTS that whereas the said party of the first part is the owner of the hereinafter described real property in Miami-Dade County, Florida and

WHEREAS, the parties hereto desire that the drainage canal which lies adjacent to said real property be maintained and kept free and clear of all obstruction, debris, silt, hyacinths, and other vegetable matter, and the party of the first part, to accomplish said purpose, is willing to convey to the party of the second part an easement hereinafter described to be used by the party of the second part for the construction, cleaning and maintenance of said canal.

NOW, THEREFORE, in consideration of the premises, and of the sum of Ten Dollars ($10.00) in hand paid by the party of the second part, the receipt of which is hereby acknowledged, the party of the first part has granted, bargained and sold, and by these presents does hereby grant, bargain, sell and convey to the party of the second part and its successors in interest an easement over, along and across the following described real property lying and being in Miami-Dade County, Florida:

> That portion of the North 15 feet of the South 40 feet of the Southeast Quarter (S.E. ¼) of Section 29, Township 53 South, Range 40 East, which lies within Parcel 1 and Parcel 2, more specifically described as Block 20, VANDERBILT PARK, a subdivision according to the plat thereof recorded in Plat Book 8 at Page 104 of the Public Records of Miami-Dade County, Florida.

This instrument was prepared by:

Walid Abusad, of
Miami-Dade County Environmental
Resources Management
33 S.W. 2nd Avenue
Miami, Florida 33130

together with the right to remove all trees, growth and shrubbery therefrom and to temporarily deposit such spoil, silt, hyacinths, and other vegetable matter which the party of the second part shall remove from the canal from time to time in the construction, cleaning and maintenance of said canal, and together also with the right to the party of the second part to use said strip of land in such manner as may be necessary in the operation of the equipment used by the party of the second part in the construction and cleaning of said canal.

All of the provisions hereof shall inure to the benefit of the heirs, executors administrators, grantees, assigns and the successors in interest of the respective parties.

IN WITNESS WHEREOF, the said party of the first part, has executed this instrument, and has caused the same to be executed by its President or Vice-President, and has caused the same to be attested by its Secretary or Assistant-Secretary, and its Corporate Seal hereon to be impressed, on this, the day and year first above written.

Bernardo L. Kopel, Managing Member
Industrial Warehouse Associates, LLC

Signed, Sealed, and delivered
in our presence:

Sign _____ By _____

Print Mayra Cuellar Print _____

Sign _____ Title _____

Print Jose Kuruc Address _____

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 14th day of December, 2006, by Bernardo Kopel, who is personally known to me or who has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

Sign _____

Print Maribel V Sarote

State of Florida at Large Seal
My Commission Expires:

MARIBEL V. SAROTE
MY COMMISSION # DD 337439
EXPIRES: July 25, 2008
Bonded Thru Notary Public Underwriters

EASEMENT TO MIAMI-DADE COUNTY

FOR CANAL MAINTENANCE

(CORPORATION)

FROM

_____

_____

TO

MIAMI-DADE COUNTY, FLORIDA

The foregoing dedication was accepted and approved on the _____ day of _____, 20___, by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida.

Sign: _____

Print: Carlos Alvarez

Title: Mayor

Address: 111 N.W. 1 Street
Miami, Florida 33128-1970

ATTEST: HARVEY RUVIN
Clerk of said Board

By: _____
Deputy Clerk

AFFIDAVIT OF MEMBERS, MANAGING MEMBERS, AND MANAGERS OF FLORIDA LIMITED LIABILITY COMPANY

WE, (Print full name(s) and all title(s) of person(s) or entity(s) in the following spaces; if more space needed print additional names and title(s) on separate paper marked as Exhibit A and attach Exhibit A to this Affidavit; the list of names and titles shall include all names on the list required by Section 608.4101(1)(a),Fla. Stat. (2004), as same may be amended from time to time)

Full name	Title(s)
Bernardo Kopel	Manager Member

hereby swear or affirm that :

1. **The foregoing persons or entities set forth above and on Exhibit A, if applicable, which Exhibit A is attached hereto and incorporated herein by reference hereto, constitute and are all of the Members, Managing Members, and Managers, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, of the Florida Limited Liability Company known as Industrial Warehouse Associates, LLC;**
2. **There are no Members, Managing Members or Managers of the aforesaid Florida Limited Liability Company other than the persons or entities set forth above and on Exhibit A, if applicable.**
3. **There are no provisions in any Articles of Organization of the aforesaid Florida Limited Liability Company or in any operating agreement, written or oral, of the aforesaid Florida Limited Liability Company, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, which prohibit, restrict or limit in any way or in any manner the execution of the instrument or document attached hereto and incorporated herein by reference hereto, to wit, Canal Maintenance Easement by any of the foregoing persons or entities set forth above and on Exhibit A, if applicable, for and on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability as set forth in the foregoing instrument or document.**
4. **All of the foregoing persons or entities set forth above and on Exhibit A, if applicable, are authorized by the foregoing Florida Limited Liability Company, to execute the instrument or document attached hereto and incorporated herein by reference hereto, to wit, Canal Maintenance**

Easement for and on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability Company as set forth in the foregoing instrument or document.

5. All of the provisions of this Affidavit shall be construed in accordance with the laws of the State of Florida.

_____
Bernardo Kopel, Managing Member

Sworn to and subscribed before me this 5th day of October, 2006 (year) by BERNARDO Kopel (print name legibly), who is personally known to me or who has produced _____ (type of identification).

Maribel Sarote (Signature of Notary Public)

Maribel V Sarote. (Print, type or stamp name of notary public)

MARIBEL V. SAROTE
EXPIRES: July 25, 2008
Bonded Thru Notary Public Underwriters

(Add additional Signature, Title(s), and Notary Public areas for all other LLC Members, Managing Members, and Managers, as needed)

4092426_v1

RIGHT-OF-WAY DEED TO MIAMI-DADE COUNTY

CONVEYS THE TITLE FOR CANAL PURPOSES

BY CORPORATION

STATE OF FLORIDA,)
COUNTY OF MIAMI-DADE.)

THIS INDENTURE, made this 12th day of December, 2000, by and between Industrial Warehouse Associates, LLC, a corporation under the laws of the State of Florida, and having its office and principal place of business in the City of Miami, in said State, party of the first part, and the County of Miami-Dade, a political subdivision of the State of Florida, and its successors in interest, party of the second part,

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, and for other and further good and valuable considerations, does hereby grant, bargain and sell to the party of the second part, and its successors in interest, for the purpose of a public canal and purposes incidental thereto, including the right of the party of the second part to ownership and disposal of all spoil material from said canal, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to-wit:

> That portion of the South 25 feet of the South 100 feet of the Southeast Quarter (S.E. ¼) of Section 29, Township 53 South, Range 40 East, which lies within Parcel 1 and Parcel 2, more specifically described as Block 20, VANDERBILT PARK, a subdivision according to the plat thereof recorded in Plat Book 8 at Page 104 of the Public Records of Miami-Dade County, Florida.

It is the intention of the party of the first part by this instrument to convey to the said County, and its successors in interest, the land above described for use as a public canal and for all purposes incidental thereto.

This instrument was prepared by:

Walid Abusad of
Miami-Dade County Environmental
Resources Management
33 S.W. 2nd Avenue, 2nd Floor
Miami, Florida 33130

It is expressly provided that if and when said canal shall be lawfully and permanently discontinued, the title to the above described land shall immediately revert to the party of the first part, its successors and assigns, and he shall have the right to immediately re-possess the same.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under him.

IN WITNESS WHEREOF, the said party of the first part, has executed by its President or Vice-President, and has caused the same to be attested by its Secretary or Assistant-Secretary, and its Corporate Seal hereon to be impressed, on this, the day and year first above written.

Signed, Sealed, Attested and
delivered in our presence:

Witnesses:

Print Mayra Quellar

Sign

Print Jose Kuruc

Signature:

Name: B. Kopel,
As Member/Manager of Industrial
Warehouse Associates, LLC

STATE OF FLORIDA)
)
COUNTY OF Hillsborough)

The foregoing instrument was acknowledged before me this 13th day of December, 2006 by Bernardo Lopez, who is personally known to me or who has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

Sign _____

Print Maribel V. Sarote

State of Florida at Large Seal
My Commission Expires:

MARIBEL V. SAROTE
MY COMMISSION # DD 337439
EXPIRES: July 25, 2008
Bonded Thru Notary Public Underwriters

W.C. 853
4

RIGHT-OF-WAY DEED

TO

MIAMI-DADE COUNTY

CONVEYS THE TITLE FOR

CANAL PURPOSES

FROM

_____

_____

TO

MIAMI-DADE COUNTY, FLORIDA

The foregoing dedication was accepted and approved on the _____ day of _____, 20___, by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida.

Sign: _____

Print: Carlos Alvarez

Title: Mayor

Address: 111 N.W. 1 Street
Metro-Dade Center
Miami, Florida 33128

ATTEST: HARVEY RUVIN
Clerk of said Board

By: _____
Deputy Clerk

17

AFFIDAVIT OF MEMBERS, MANAGING MEMBERS, AND MANAGERS OF FLORIDA LIMITED LIABILITY COMPANY

WE, (Print full name(s) and all title(s) of person(s) or entity(s) in the following spaces; if more space needed print additional names and title(s) on separate paper marked as Exhibit A and attach Exhibit A to this Affidavit; the list of names and titles shall include all names on the list required by Section 608.4101(1)(a),Fla. Stat. (2004), as same may be amended from time to time)

Full name	Title(s)
Bernardo Kopel	Manager Member

hereby swear or affirm that :

1. **The foregoing persons or entities set forth above and on Exhibit A, if applicable, which Exhibit A is attached hereto and incorporated herein by reference hereto, constitute and are all of the Members, Managing Members, and Managers, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, of the Florida Limited Liability Company known as Industrial Warehouse Associates, LLC;**
2. **There are no Members, Managing Members or Managers of the aforesaid Florida Limited Liability Company other than the persons or entities set forth above and on Exhibit A, if applicable.**
3. **There are no provisions in any Articles of Organization of the aforesaid Florida Limited Liability Company or in any operating agreement, written or oral, of the aforesaid Florida Limited Liability Company, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, which prohibit, restrict or limit in any way or in any manner the execution of the instrument or document attached hereto and incorporated herein by reference hereto, to wit, Right-of-Way Deed by any of the foregoing persons or entities set forth above and on Exhibit A, if applicable, for and on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability as set forth in the foregoing instrument or document.**
4. **All of the foregoing persons or entities set forth above and on Exhibit A, if applicable, are authorized by the foregoing Florida Limited Liability Company, to execute the instrument or document attached hereto and incorporated herein by reference hereto, to wit, Right-of-Way Deed for and**

on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability Company as set forth in the foregoing instrument or document.

5. All of the provisions of this Affidavit shall be construed in accordance with the laws of the State of Florida.

Bernardo Kopel, Managing Member

Sworn to and subscribed before me this 5th day of October, 2006 (year) by Bernardo Kopel (print name legibly), who is personally known to me or who has produced _____ (type of identification).

Maribel Sarote (Signature of Notary Public)

Maribel V Sarote (Print, type or stamp name of notary public)

MARIBEL V. SAROTE
MY COMMISSION # DD 337439
EXPIRES: July 25, 2008
Bonded Thru Notary Public Underwriters

(Add additional Signature, Title(s), and Notary Public areas for all other LLC Members, Managing Members, and Managers, as needed)