Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(D)(1)(A)
04-24-07

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

RESOLUTION NO. R-386-07

RESOLUTION AUTHORIZING APPROVAL OF A COUNTY DEED FOR THE CONVEYANCE OF A CANAL RIGHT-OF-WAY BY MIAMI-DADE COUNTY TO 41 STREET DEVELOPMENT CORPORATION, IN THE SOUTHEAST ONE QUARTER (S.E. ¼) OF SECTION 24, TOWNSHIP 53 SOUTH, RANGE 39 EAST

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 this Board approves the execution of a County deed for the conveyance by Miami-Dade County of a canal right of way to 41 Street Development Corporation, in the Southeast One Quarter (S.E. ¼) of Section 24, Township 53 South, Range 39 East, in substantially the form attached hereto and made a part hereof, and authorizes its execution by the Mayor and its recording into the Public Records of Miami-Dade County.

The foregoing resolution was offered by Commissioner Carlos A. Gimenez who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss 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	absent
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of April, 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

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Peter S. Tell

Memorandum

MIAMI-DADE COUNTY

Date: April 24, 2007

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

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

From: George M. Burgess
County Manager

Subject: Resolution Authorizing Approval of a County Deed for the Conveyance of a Canal Right-of-Way by Miami-Dade County to 41 Street Development Corporation (WC-855)

Loc: Commission District 12 – Approximately N.W. 117 Avenue and N.W. 50 Street

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RECOMMENDATION

It is recommended that the Board approve the attached Resolution authorizing execution of a County Deed for the conveyance of a 70 foot canal right-of-way no longer needed by Miami-Dade County to 41 Street Development Corporation.

BACKGROUND

On January 19, 1971, Miami-Dade County acquired at no cost a 70-foot canal right-of-way by virtue of a right-of-way deed executed by How-Doo Rock Company, Inc., recorded in Plat Book 7118 at Page 349 of the Public Records of Miami-Dade County, Florida. Said right-of-way deed was granted to the County for a canal to be located in the Southeast One Quarter (SE1/4) of Section 24, Township 53 South, Range 39 East. However, the Water Control Master Plan shows no existing or proposed canal planned for that location. In addition, the subject property is located within the protected area of the Northwest Wellfield where Miami-Dade County has no current or future plans to construct a canal. Therefore, said canal right-of-way is no longer needed for canal purposes by Miami-Dade County.

41 Street Development Corporation, the current owner of the property contiguous to the aforementioned canal right-of-way, acting as successors in interests to How-Doo Rock Company, Inc., has petitioned the County to vacate this 70-foot canal right-of-way.

The Department of Environmental Resources Management has reviewed this request, and recommends approval of the attached County Deed by the Board.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: April 24, 2007

FROM: Murray A. Greenberg County Attorney

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

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**

Return to:
Water Control Section
Miami-Dade County Department of
Environmental Resources Management
33 S.W. 2nd Avenue, Suite 200
Miami, FL 33130-1540

W.C. 855

Instrument prepared by:
Walid Abusad
Miami-Dade County Department of
Environmental Resources Management
33 S.W. 2nd Avenue, Suite 200
Miami, FL 33130-1540

COUNTY DEED

THIS DEED, made this _____ day of _____, 20___, by and between MIAMI-DADE COUNTY, a political subdivision of the State of Florida, whose address is 111 N.W. 1st Street, Miami, Florida 33128-1970, party of the first part, and 41 Street Development Corporation, whose address is 15500 N.W. Barn Road, Suite 104, Miami Lakes, Florida 33014, 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, has granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described lands, lying and being in the County of Miami-Dade, State of Florida, to-wit:

> That portion of the South 70 feet of the North 335 feet of the Southeast One Quarter (SE ¼) of Section 24, Township 53 South, Range 39 East, which lies within the plat of CARVERVILLE GARDENS, as recorded in Plat Book 47 at Page 71 of the Public Records of Miami-Dade County, less the East 80 feet thereof for canal reservation

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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 or to represent any state of facts concerning the same.

IN WITNESS WHEREOF, the said party of the first part, 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, the day and year aforesaid.

ATTEST:

HARVEY RUVIN
CLERK OF SAID BOARD

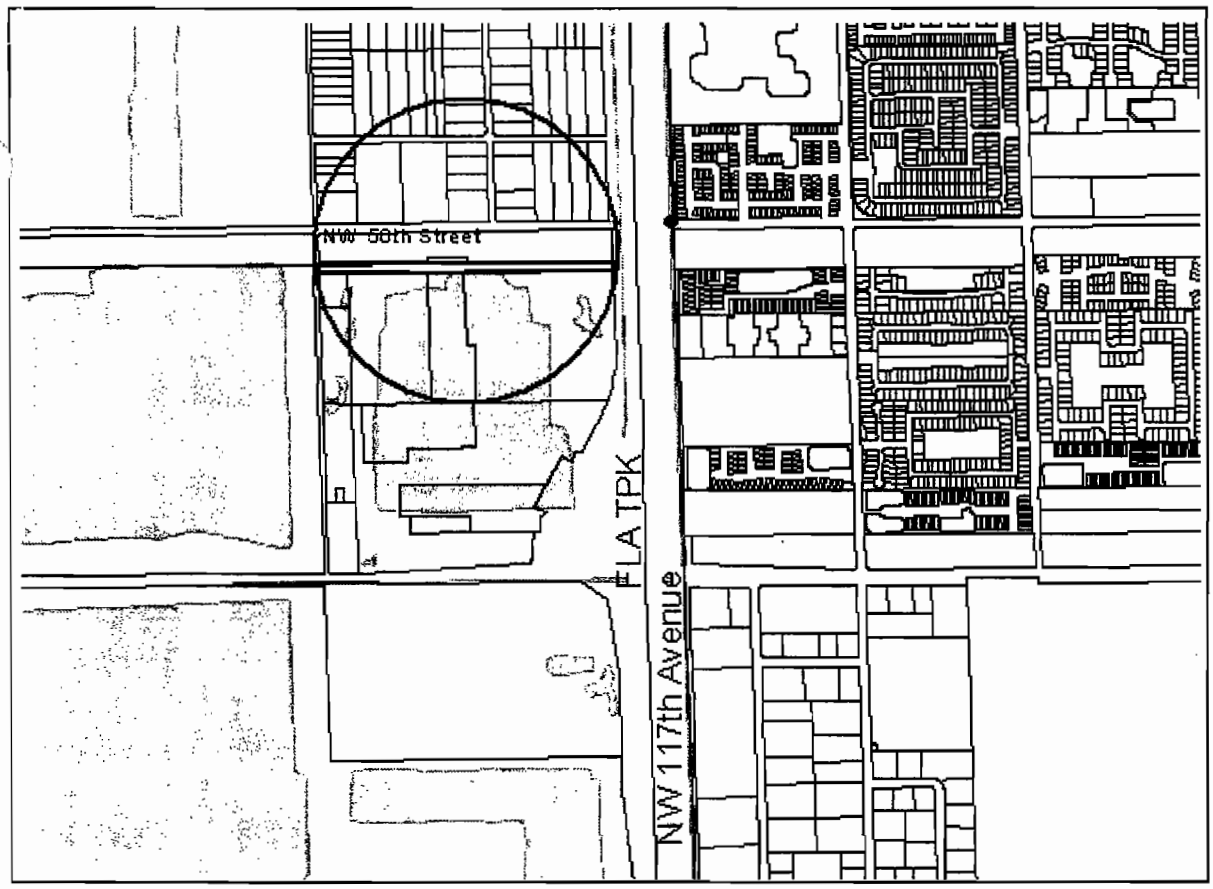
By: _____
Deputy Clerk

Print:_____

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

By: _____
Carlos Alvarez, Mayor

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



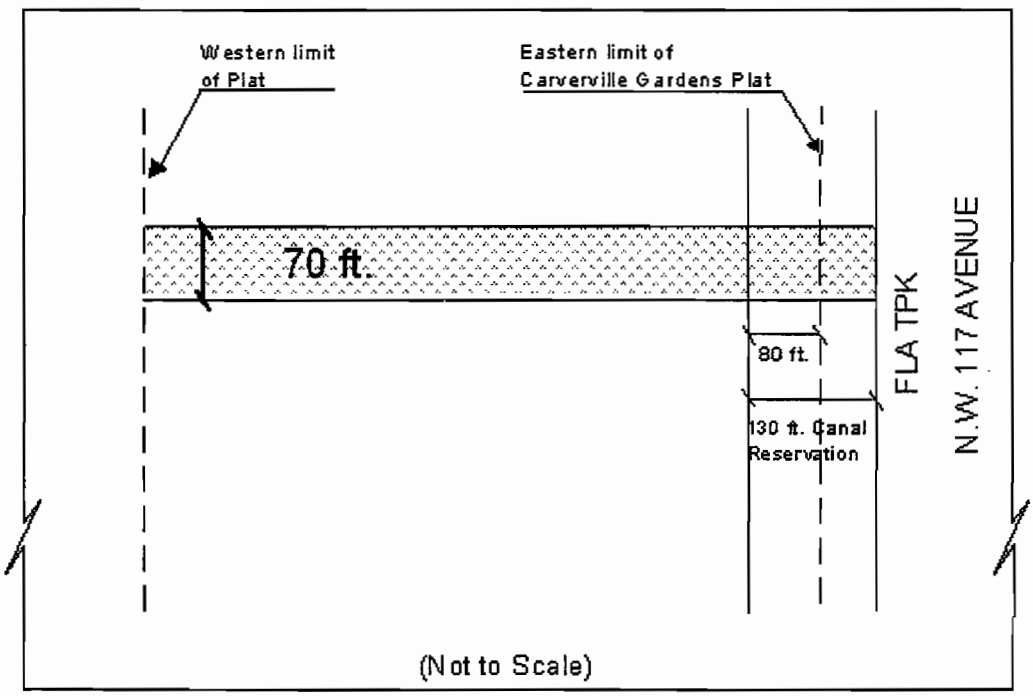
W.C. 855

Sec. 24

Twp. 53

Rge. 39

Location Map



N

70 ft. Canal Right of Way to be Quit Claimed

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