Approved _____ Mayor

Veto _____

Override _____

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

06-05-07

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

RESOLUTION NO. R-657-07

RESOLUTION AUTHORIZING THE EXECUTION OF A COUNTY DISCLAIMER FOR THE RELEASE OF THE EAST 50 FEET OF CANAL RESERVATION WITHIN SECTION 29, TOWNSHIP 54 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, WHICH LIES WITHIN TRACT 1, MIAMI EVERGLADE LAND CO., LIMITED, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 3 OF 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,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the release of a canal reservation encumbering that portion of the East 50 feet of Section 29, Township 54 South, Range 39 East, Miami-Dade County, Florida, which lies within Tract 1, MIAMI EVERGLADE LAND CO., LIMITED, a subdivision according to the Plat thereof, as recorded in Plat book 2 at Page 3 of the Public Records of Miami-Dade County, Florida, and authorizes execution of a Disclaimer by the County Mayor in substantially the form attached hereto and made a part hereof.

The foregoing resolution was offered by Commissioner Sally A. Heyman, who moved its adoption. The motion was seconded by Commissioner Bruno A. Barreiro 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 | absent | 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 | absent | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of June, 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:** June 5, 2007

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

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

**From:** George M. Burgess
County Manager

**Subject:** Resolution Authorizing the Execution of a County Disclaimer for the Release of the East 50 Feet of Canal Reservation Within Section 29, Township 54 South, Range 39 East, Miami-Dade County, Florida, Which Lies Within Tract 1, Miami Everglade Land Co., Limited, a Subdivision According to the Plat Thereof, as Recorded in Plat Book 2 at Page 3 of the Public Records of Miami-Dade County, Florida (WC-857)

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**Recommendation**
It is recommended that the Board approve the attached Resolution authorizing execution of a Disclaimer for the release of 50 feet of canal reservation no longer needed for canal purposes.

**Scope**
The subject property is located southwest of the intersection of S.W. 56 St. and S.W. 157 Ave., within Commission District No. 11.

**Fiscal Impact/Funding Source**
Not applicable

**Track Record/Monitor**
Not applicable

**Background**
On March 9, 1960, Miami-Dade County acquired at no cost, by virtue of a Deed No. 40 recorded in Official Records Book 1972 at Page 511 of the Public Records of Miami-Dade County, Florida, rights in reservation over the East 50 feet of Section 29, Township 54 South, Range 39 East, a strip of land lying west of S.W. 157 Avenue and south of S.W. 56 Street and within the subdivision named Miami Everglade Land Co., Limited. Said rights in reservation were obtained from the Central and Southern Florida Flood Control District, presently known as the South Florida Water Management District, and were to be used in accordance with the requirements of the County Water Control Master Plan for flood protection and water management. However, the Water Control Plan shows no existing or proposed County canal at this location. Therefore, said canal reservation is no longer needed for canal purposes.

Deville Family Limited Partnership, owner of the land encumbered by the above-described reservation, has petitioned the County for the release of this 50-foot canal reservation. The Department of Environmental Resources Management has reviewed this request, and recommends approval of the attached County Disclaimer by the Board.

Assistant County Manager

# MEMORANDUM
(Revised)

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

**DATE:** June 5, 2007

**FROM:** Murray A. Greenberg County Attorney

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

**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**

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 East 50 feet of Section 29, Township 54 South, Range 39 East, Miami-Dade County, Florida, which lies within Tract 1, MIAMI EVERGLADE LAND CO., LIMITED, a subdivision according to the Plat thereof, as recorded in Plat book 2 at Page 3 of the Public Records of Miami-Dade County, Florida.

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 40 dated March 9, 1960, recorded in Official Records Book 1972 at Page 511 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

This instrument was prepared by:
Walid Abusad, of
Miami-Dade County Environmental
Resources Management
33 S.W. 2nd Avenue, 2nd Floor
Miami, Florida 33130-1540

WHEREAS, the aforesaid rights in reservations upon the said above described lands are no longer needed by MIAMI-DADE COUNTY for canal purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES hereby disclaim any interest it has in the aforementioned lands by virtue of the said Rights in Reservations Deed No. 40 dated March 9, 1960, recorded in Official Records Book 1972 at Page 511 of the Public Records of Miami-Dade County, Florida.

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen the rights of any other agency or governmental body in and to the aforementioned lands.

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 MAYOR

HARVEY RUVIN
CLERK OF SAID BOARD

By: _____
Deputy Clerk

By: _____
Carlos Alvarez, Mayor

Print:_____

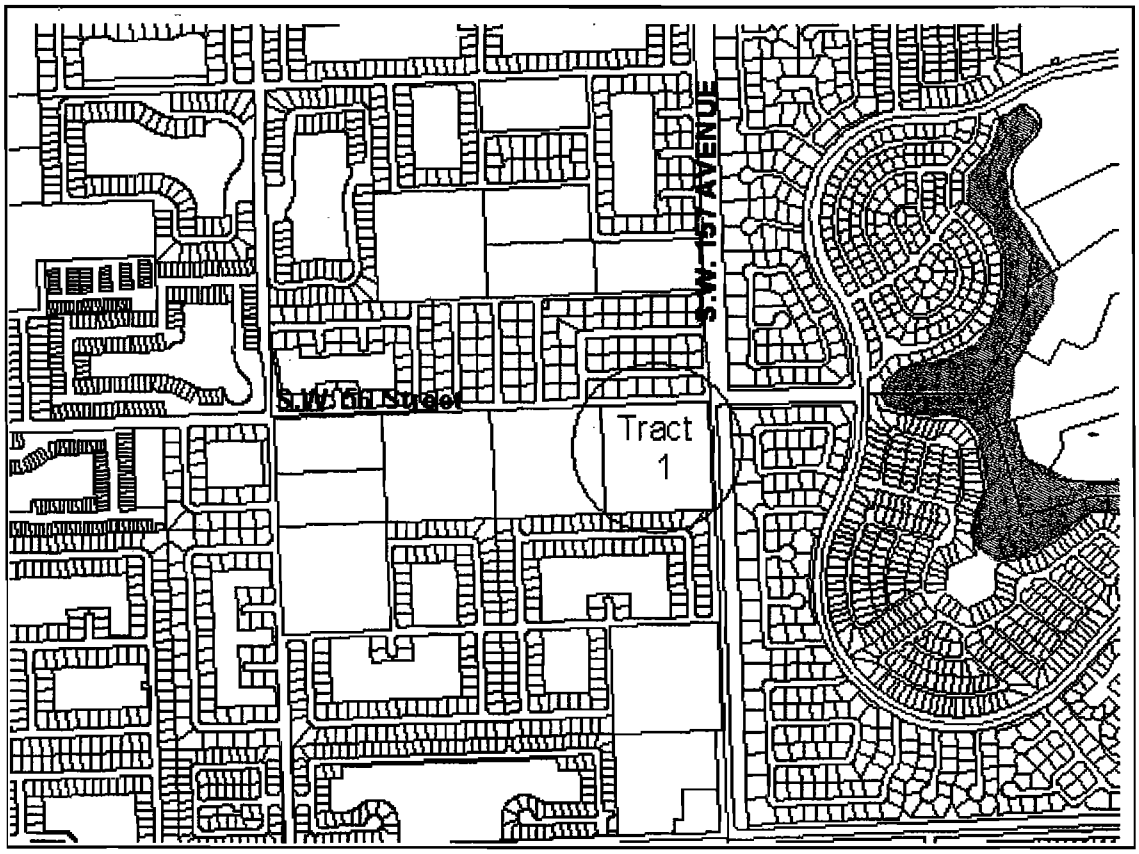
The foregoing instrument was acknowledged before me this ____ day of _____, 20___, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

Print _____
STATE OF FLORIDA at large
(Seal)

My commission expires:_____



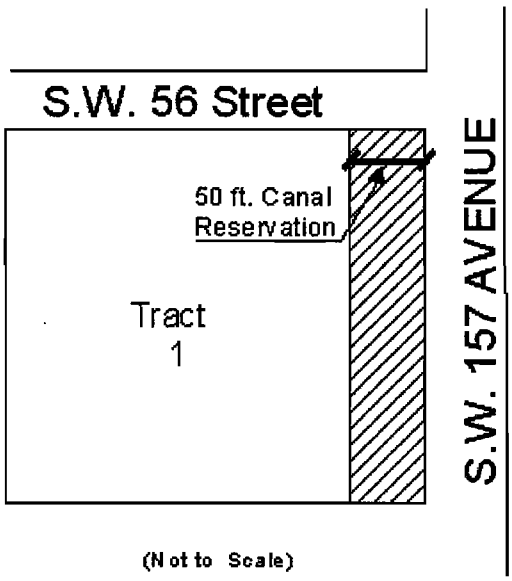

W.C. 857

Sec. 29

Twp. 54

Rge. 39

# Location Map



50 ft. Canal Reservation to be Released