

Approved _____ Mayor
Veto _____
Override _____

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

10-02-07

RESOLUTION NO. R-1070-07

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

RESOLUTION AUTHORIZING THE ACCEPTANCE BY MIAMI-DADE COUNTY OF A CANAL RIGHT-OF-WAY DEED AND AN EASEMENT FOR CANAL MAINTENANCE, AND AUTHORIZING THE EXECUTION OF A DISCLAIMER FOR THE RELEASE OF EXCESS CANAL RESERVATION IN SECTION 26, TOWNSHIP 52 SOUTH, RANGE 40 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 acceptance by Miami-Dade County of the South 50 feet of a canal right-of-way and the North 25 feet of the South 75 feet of an easement for canal maintenance, within Tract 20, CHAMBERS LAND COMPANY SUBDIVISION, a subdivision in the Southeast One Quarter (SE ¼) of Section 26, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2 at Page 68 of the Public Records of Miami-Dade County, Florida; and approves the release of the North 80 feet of the South 130 feet of Tract 20, CHAMBERS LAND COMPANY SUBDIVISION, a subdivision in the Southeast One Quarter (SE ¼) of Section 26, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2 at Page 68 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 Jose "Pepe" Diaz, 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	aye	
Carlos A. Gimenez	aye	Sally A. Heyman	aye	
Joe A. Martinez	aye	Dennis C. Moss	aye	
Dorrian 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 2nd day of October, 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. PT

Peter S. Tell

Memorandum



Date: October 2, 2007
To: Honorable Chairman Bruno A. Barreiro and Members,
Board of County Commissioners

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

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the Acceptance by Miami-Dade County of a Canal Right-of-Way Deed and an Easement for Canal Maintenance, and Authorizing the Execution of a Disclaimer for the Release of Excess Canal Reservation in Section 26, Township 52 South, Range 40 East (WC-837)

Recommendation

It is recommended that the Board approve the attached Resolution authorizing the exchange of property rights.

Scope

The release of the subject easement, located at NW 122 Street, East of NW 72 Avenue, Commission District 13, shall have no countywide impact.

Fiscal Impact/Funding Source

N/A

Track Record/Monitor

N/A

Background

On July 29, 1959, Miami-Dade County acquired at no cost by virtue of Central and Southern Florida Flood Control District Deed No. 13 Revised, rights in reservations for a canal and levee, purposes over the West One-Half (W ½) of the Southwest One-Quarter (SW ¼) of the Southeast One-Quarter (SE ¼) of Section 26, Township 52 South, Range 40 East, a strip of land 130 feet wide contiguous to NW 122 Street (Gratigny Road), East of NW 72 Avenue. Said rights in reservations were given to Miami-Dade County to be used as needed in accordance with the County Water Control Master Plan for flood protection and water management. The Water Control Plan shows an existing canal, known as the Gratigny Canal, on the north side of NW 122 Street. Therefore, the canal right-of-way and easement for canal maintenance must be acquired to preserve said canal prior to the release of the subject excess canal reservation.

Florida Power & Light Company (FPL) is the owner of Tract 20 which is encumbered by the above mentioned 130 feet wide canal reservation, and has submitted valid deeds to Miami-Dade County for the dedication of the required 50 feet canal right-of-way and the 25 feet canal maintenance easement. In exchange, FPL is requesting the release of the remaining 80 feet of canal reservation. The Department of Environmental Resources Management has determined that the subject canal reservation is no longer needed for canal purposes.

The Department of Environmental Resources Management has reviewed this request, and recommends acceptance of the canal Right-of-Way Deed and Easement for Canal Maintenance, as well as the approval of the attached County Disclaimer by the Board.

Assistant County Manager

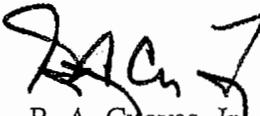


MEMORANDUM

(Revised)

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

DATE: October 2, 2007

FROM: 
R. A. Cuevas, Jr.
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

EASEMENT FOR CANAL MAINTENANCE
(CORPORATION)

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

THIS INDENTURE, Made this 19th day of June,
A.D. 20 07, by and between Florida Power & Light Company

a corporation under the laws of the State of Florida, and having in its office and principal place of business in the City of Juno Beach, in said State, party of the first part and the County of Miami-Dade, a body Corporate and 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 land in Miami-Dade County, Florida and

WHEREAS, the parties hereto desire that the drainage canal which lies adjacent to said land 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 One Dollar (\$1.00) 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 an easement over, along and across the following described land lying and being in Miami-Dade County, Florida:

The North 25 feet of the South 75 feet of Tract 20,
CHAMBERS LAND COMPANY SUBDIVISION, a
subdivision of the Southeast One Quarter (S.E. ¼) of
Section 26, Township 52 South, Range 40 East, according
of the Plat thereof, recorded in Plat Book 2 at Page 68 of
the Public Records of Miami-Dade County, Florida.

This instrument was prepared by:

Walid Abusad, of
Miami-Dade County Environmental
Resources Management
701 N.W. 1st Court, 6th Floor
Miami, Florida 33136

5

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 enure to the benefit of the heirs, executors administrators and 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.

Signed, Sealed, and delivered
in our presence:

Florida Power & Light Company
Name of Corporation

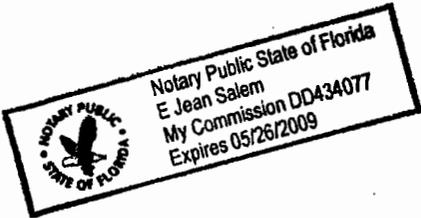
Sign *Daniel Hronec* By *James A. Keener*
Print DANIEL HRONEC Print JAMES A. KEENER

Sign *J. G. Hochheimer III* Title V.P. Transmission and Substation
Print J. G. HOCHHEIMER III Address 700 Universe Blvd., Juno Beach, FL
33408

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 19th day of June, 2007, by James A. Keener, who is personally known to me or who has produced _____ as identification and did take an oath.



NOTARY PUBLIC:

Sign E. Jean Salem

Print E. Jean Salem

State of Florida at Large Seal
My Commission Expires:

EASEMENT TO MIAMI-DADE COUNTY
FOR CANAL MAINTENANCE
(CORPORATION)

FROM

Florida Power & Light Company

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: _____

Title: Mayor

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

ATTEST: HARVEY RUVIN
Clerk of said Board

By: _____
Deputy Clerk

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 19th day of June, A.D. 2007, by and between Florida Power & Light Company, a corporation under the laws of the State of Florida, and having its office and principal place of business in the City of Juno Beach, in said State, party of the first part, and the County of Miami-Dade, a body Corporate, and 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 One Dollar 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:

The South 50 feet of Tract 20, CHAMBERS LAND COMPANY SUBDIVISION, a subdivision of the Southeast One Quarter (S.E. ¼) of Section 26, Township 52 South, Range 40 East, according to the plat thereof, recorded in Plat Book 2, at page 68 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
Dade County Environmental
Resources Management
701 N.W. 1st Court, 6th Floor
Miami, Florida 33136

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:

Florida Power & Light Company
Name of Corporation

Sign *Daniel Hrovec*

Print DANIEL HROVEC

Sign *J. G. Hochheimer III*

Print J. G. Hochheimer III

By *James A. Keener*

Print JAMES A. KEENER

Title V.P. Transmission and Substation

Address 700 Universe Blvd., Juno Beach, FL
33408

STATE OF Florida
COUNTY OF Palm Beach

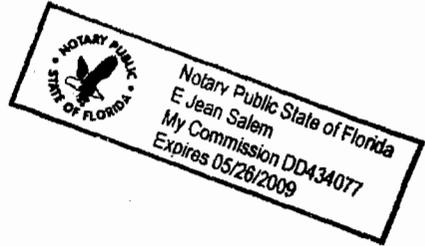
The foregoing instrument was acknowledged before me this 19th day of June, 2007, by James A. Keener, who is personally known to me or who has produced _____ as identification and did take an oath.

NOTARY PUBLIC:

Sign E. JS

Print E. Jean Salem

State of Florida at Large Seal
My Commission Expires:



RIGHT-OF-WAY DEED
TO
MIAMI-DADE COUNTY
CONVEYS THE TITLE FOR
CANAL PURPOSES

FROM

Florida Power & Light Company

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: _____

Title: Mayor

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

ATTEST: HARVEY RUVIN
Clerk of said Board

By: _____
Deputy Clerk

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:

The North 80 feet of the South 130 feet of Tract 20, CHAMBERS LAND COMPANY SUBDIVISION, a subdivision of the Southeast One Quarter (S.E. ¼) of Section 26, Township 52 South, Range 40 East, according to the plat thereof, recorded in Plat Book 2, at Page 68 of the Public Records of Miami-Dade County, Florida.

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 13 Revised dated July 29, 1959, recorded in Official Records Book 1582 at Page 651 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
701 N.W. 1st Court, 6th Floor
Miami, Florida 33136

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the
aforementioned lands by virtue of the said Rights in Reservations Deed No. 13 Revised dated July 29,
1959, recorded in Official Records Book 1582 at Page 651 of the Public Records of Miami-Dade County,
Florida.

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen or
diminish any existing canal right of way or canal maintenance easement, nor 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: _____
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: _____

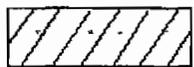
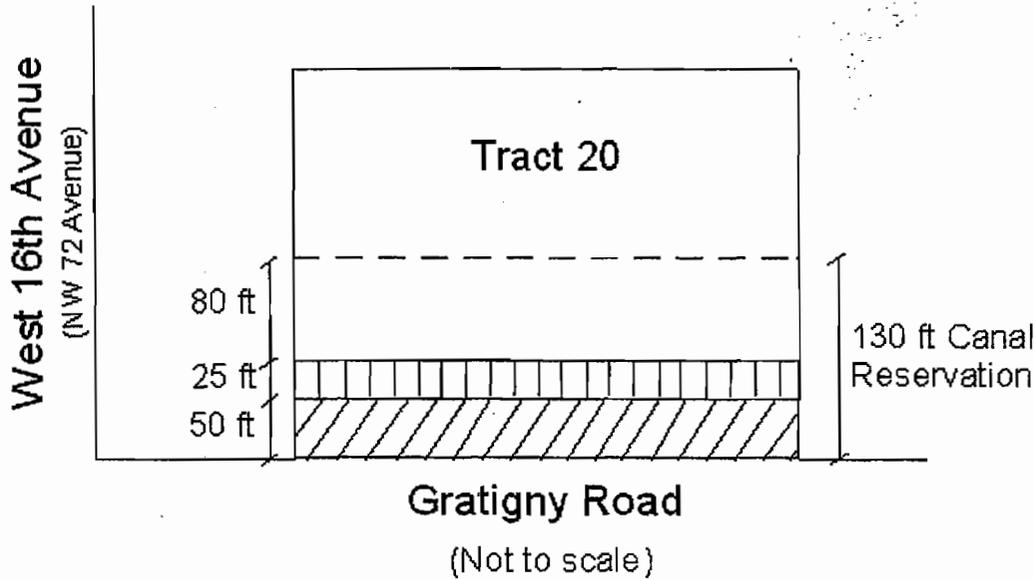
W.C. 837

Sec. 26

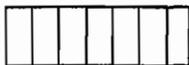
Twp. 52

Rge. 40

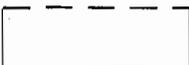
Location Map



50 ft. Canal Right of Way to be aquired by Miami-Dade County



25 ft. Canal Maintenance Easement to be aquired by Miami-Dade County



80 ft. Canal Reservation to be Disclaimed by Miami-Dade County