

Date: November 6, 2007

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

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

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, Which Lies Within Tract 64, 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-863) **R-1212-07**

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 northwest of the intersection of SW 72 Street and SW 157 Avenue in Commission District No. 11 (Commissioner Martinez).

Fiscal Impact/Funding Source

Not applicable

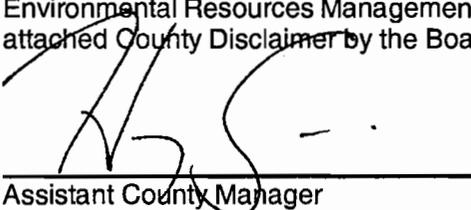
Track Record/Monitor

Not applicable

Background

By virtue of Deed No. 40 recorded in Official Records Book 1972 at Page 511 of the Miami-Dade County Public Records, Miami-Dade County acquired at no cost rights in reservation over the east 50 feet of Section 29, Township 54 South, Range 39 East, a strip of land lying west of SW 157 Avenue and north of SW 72 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, 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.

Sunset & South Dade Limited, 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: November 6, 2007

FROM: 
R. A. Cuevas, Jr.
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

Approved _____ Mayor

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

Veto _____

11-06-07

Override _____

RESOLUTION NO. R-1212-07

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, WHICH LIES WITHIN TRACT 64, 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 64, 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, 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 Jose "Pepe" Diaz , who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	absent		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorin 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 6th day of November, 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

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 64, 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 Department of
Environmental Resources Management
701 N.W. 1st Court, 6th Floor
Miami, Florida 33136

5

W.C. 863

2

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 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:

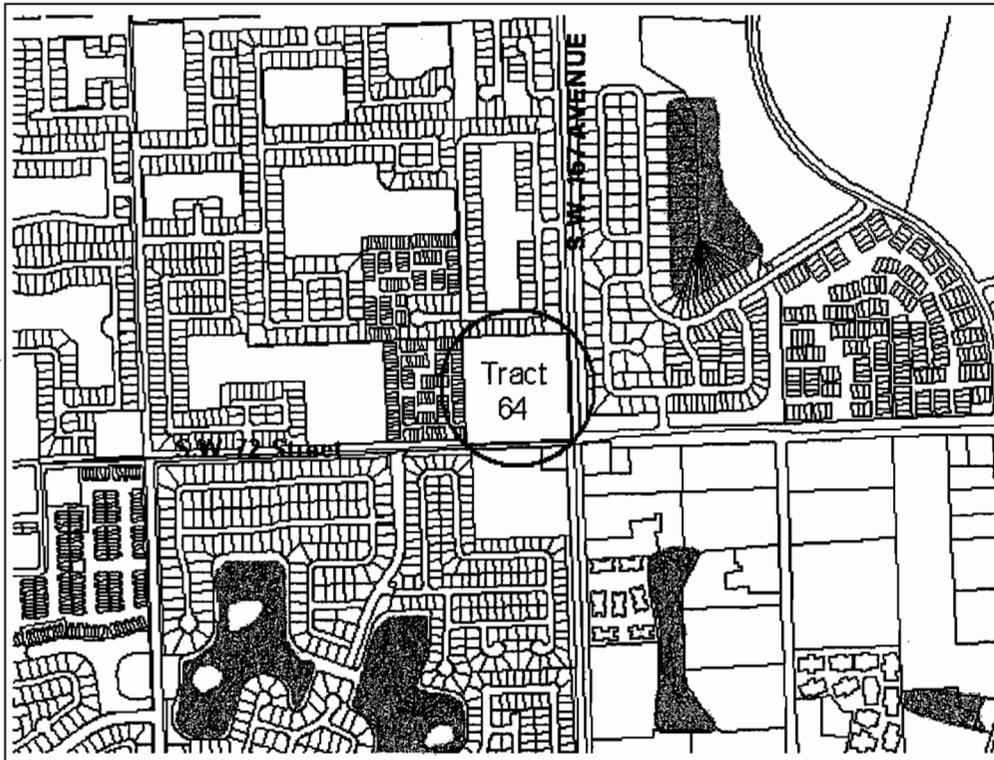
Sign _____

Print _____

STATE OF FLORIDA at large
(Seal)

My commission expires: _____

7



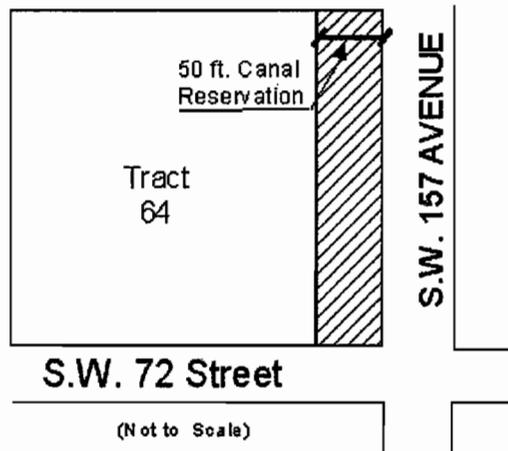
W.C. 863

Sec. 29

Twp. 54

Rge. 39

Location Map



8