

Date: November 6, 2007

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

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

From: George M. Burgess
County Manager



Subject: Resolution Authorizing the Execution of a County Disclaimer for the Release of a Portion of a Canal Reservation No Longer Needed by Miami-Dade County in the Northeast One Quarter (NE ¼) of Section 18, Township 53 South, Range 40 East (WC-862) **R-1215-07**

Recommendation

It is recommended that the Board approve the attached Resolution authorizing the release of unneeded canal reservation.

Scope

The subject property is located southwest of the intersection of NW 74 Street and NW 107 Avenue in Commission District No. 12 (Commissioner Diaz).

Fiscal Impact/Funding Source

N/A

Track Record/Monitor

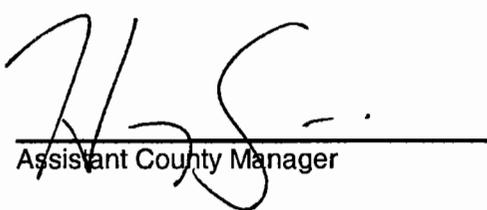
N/A

Background

By virtue of Conveyance Deed No. 63 recorded in Official Record Book 2868 at Page 439 of the Miami-Dade County Public Records, Miami-Dade County acquired at no cost rights in reservation over the north 130 feet of Section 18, Township 53 South, Range 40 East, a strip of land lying along the south side of NW 74 Street and west of NW 107 Avenue. This reservation was dedicated to Miami-Dade County to be used in accordance with the requirements of the Water Control Master Plan, for canal and levee purposes. The County has no plans to build a canal at this location. Therefore, said canal reservation is no longer needed and may be disclaimed.

Corporate Property Services, Inc., the agent representing the property owner, has petitioned the County for vacating said 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)(D)

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
Veto _____
Override _____

Agenda Item No. 8(D)(1)(D)
11-06-07

RESOLUTION NO. R-1215-07

RESOLUTION AUTHORIZING THE EXECUTION OF A COUNTY DISCLAIMER FOR THE RELEASE OF A PORTION OF A CANAL RESERVATION NO LONGER NEEDED BY MIAMI-DADE COUNTY IN THE NORTHEAST ONE QUARTER (NE ¼) OF SECTION 18, TOWNSHIP 53 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 authorizes the approval of a County Disclaimer for the release of a portion of a canal reservation no longer needed by Miami-Dade County, in the Northeast One Quarter (NE ¼) of Section 18, Township 53 South, Range 40 East, in 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 **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
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 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

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 north 130 feet of Section 18, Township 53 South, Range 40 East, which lies within the following described property:

A portion of the Northeast $\frac{1}{4}$ of Section 18, Township 53 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

Being at the Northeast corner of said Section 18, thence S $01^{\circ}43$ min. 10 sec. East along the East line of said Northeast $\frac{1}{4}$ of Section 18 for 579.39 feet to the Northeast corner of the plat of DORAL ISLES ST. CROIX FIRST ADDITION, according to the plat thereof as recorded in Plat Book 155, Page 16, of the Public Records of Miami-Dade County, Florida; thence S $88^{\circ}16$ min. 50 sec. West along the North line of said DORAL ISLES ST. CROIX FIRST ADDITION, for a distance of 440.00 feet to a point on the East line of the plat of DORAL ISLES ST. CROIX, according to the plat thereof as recorded in Plat Book 153, Page 3 of the Public Records of Miami-Dade County, Florida; thence N $01^{\circ}43$ min. 10 sec. West along the East line of said DORAL ISLES ST. CROIX for 589.38 feet to the Northeast corner of said DORAL ISLES ST. CROIX, said point being on the North line of the said Northeast $\frac{1}{4}$ of Section 18; thence N $89^{\circ}34$ min. 54 sec. East along the said North line of the Northeast $\frac{1}{4}$ of Section 18 for 440.11 feet to the POINT OF BEGINNING.

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 63 dated September 8, 1961, recorded in Official Records Book 2868 at Page 439 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; 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

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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. 63 dated September 8, 1961, recorded in Official Records Book 2868 at Page 439 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: _____
Carlos Alvarez, Mayor

Print: _____

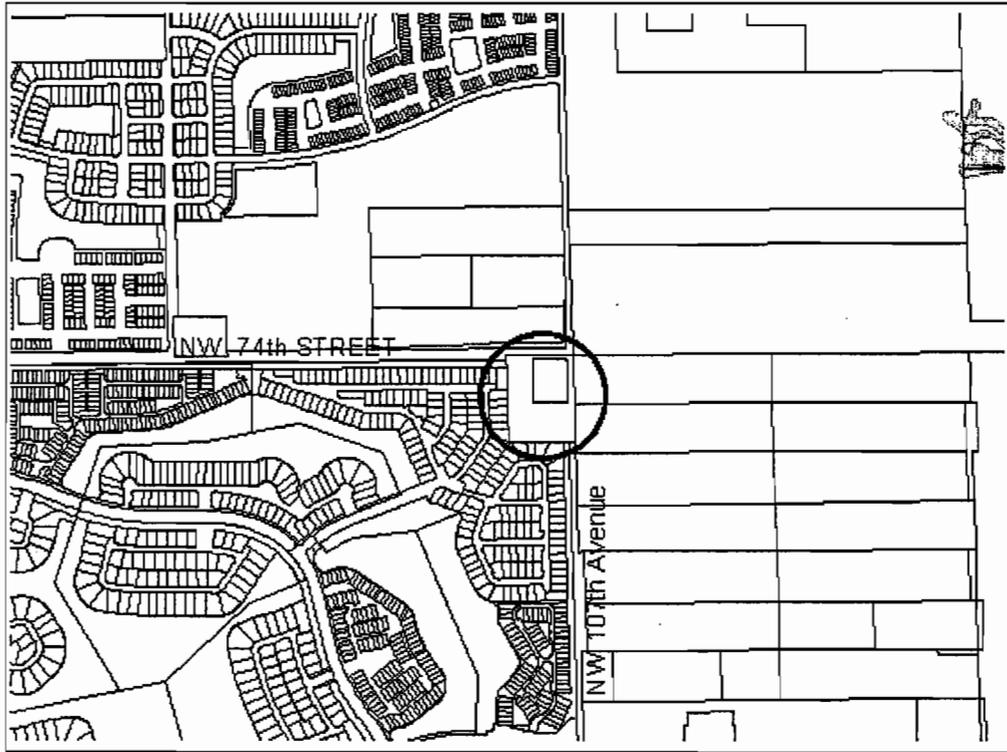
The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by
_____, who is personally known to me or who has produced
_____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

Print _____
STATE OF FLORIDA at large
(Seal)

My commission expires: _____



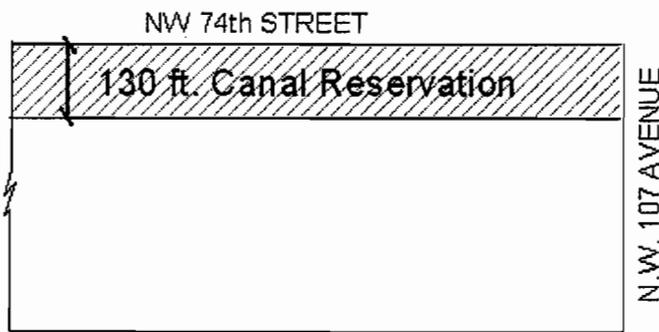
W.C. 862

Sec. 18

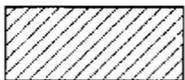
Twp. 53

Rge. 40

Location Map



(Not to Scale)



130 ft. Canal Reservation to be disclaimed

