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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2007

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

From: George M. Burgess, County Manager

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

R-1298-07

Subject: Resolution Authorizing the Approval of a County Disclaimer for the Release of Certain Portions of Canal Reservation No Longer Needed by Miami-Dade County in Section 21, Township 52 South, Range 40 East (WC-865)

Recommendation

It is recommended that the Board approve a resolution authorizing the approval of a County Disclaimer for the release of certain portions of canal reservation which are no longer needed by Miami-Dade County.

Scope

The subject item is limited to several parcels of land under private ownership in Commission District 12.

Fiscal Impact/Funding Source

The subject item has no fiscal implications to Miami-Dade County.

Track Record/Monitor

N/A

Background

On August 6, 1959, Miami-Dade County acquired at no cost by virtue of Florida Flood Control District Deed No. 21, rights in reservations for canal and levee purposes over the western 130 feet of Section 21, Township 52 South, Range 40 East, a strip of land lying east of the centerline of NW 97 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. There is no existing canal along NW 97 Avenue and the Water Control Plan shows no proposed canal at that location. Therefore, those rights in reservation are not needed by Miami-Dade County for canal purpose and can be released when so requested. 114 Acres Hialeah, LLC, the owner of Tracts 26, 27, 29, 30, 31 and 32 that are encumbered by said reservation, has requested that Miami-Dade County release those portions of canal reservation within their tracts.

The Department of Environmental Resources Management has reviewed this request and recommends its approval by the Board.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: December 4, 2007

FROM: R. A. Cuevas, Jr. County Attorney

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

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)(B)

12-04-07

RESOLUTION NO. **R-1298-07**

RESOLUTION AUTHORIZING THE APPROVAL OF A COUNTY DISCLAIMER FOR THE RELEASE OF CERTAIN PORTIONS OF CANAL RESERVATION NO LONGER NEEDED BY MIAMI-DADE COUNTY IN SECTION 21, TOWNSHIP 52 SOUTH, RANGE 40 EAST

WHEREAS, this Board desires to accomplish the purposes set forth 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 certain portions of canal reservation lying within Tracts 26, 27, 29, 30, 31 and 32, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, a subdivision of Section 21, Township 52 South, Range 40 East, according to Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida; and authorizes execution and recording of said County 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 Barbara J. Jordan 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	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 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:

> Those portions of the West 130 feet of Section 21, Township 52 South, Range 40 East, which lie within Tracts 26, 27, 29, 30, 31 and 32, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, a subdivision according to the Plat thereof, recorded in Plat Book 2, at Page 17 of the Public Records of Miami-Dade County, Florida.

WHEREAS, the Central and Southern Florida Flood Control District by Rights in Reservations Deed No. 21 dated August 6, 1959, recorded in Official Records Book 1587 at Page 274 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:
Elie Mehu, 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. 21 dated August 6, 1959, recorded in Official Records Book 1587 at Page 274 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:_____

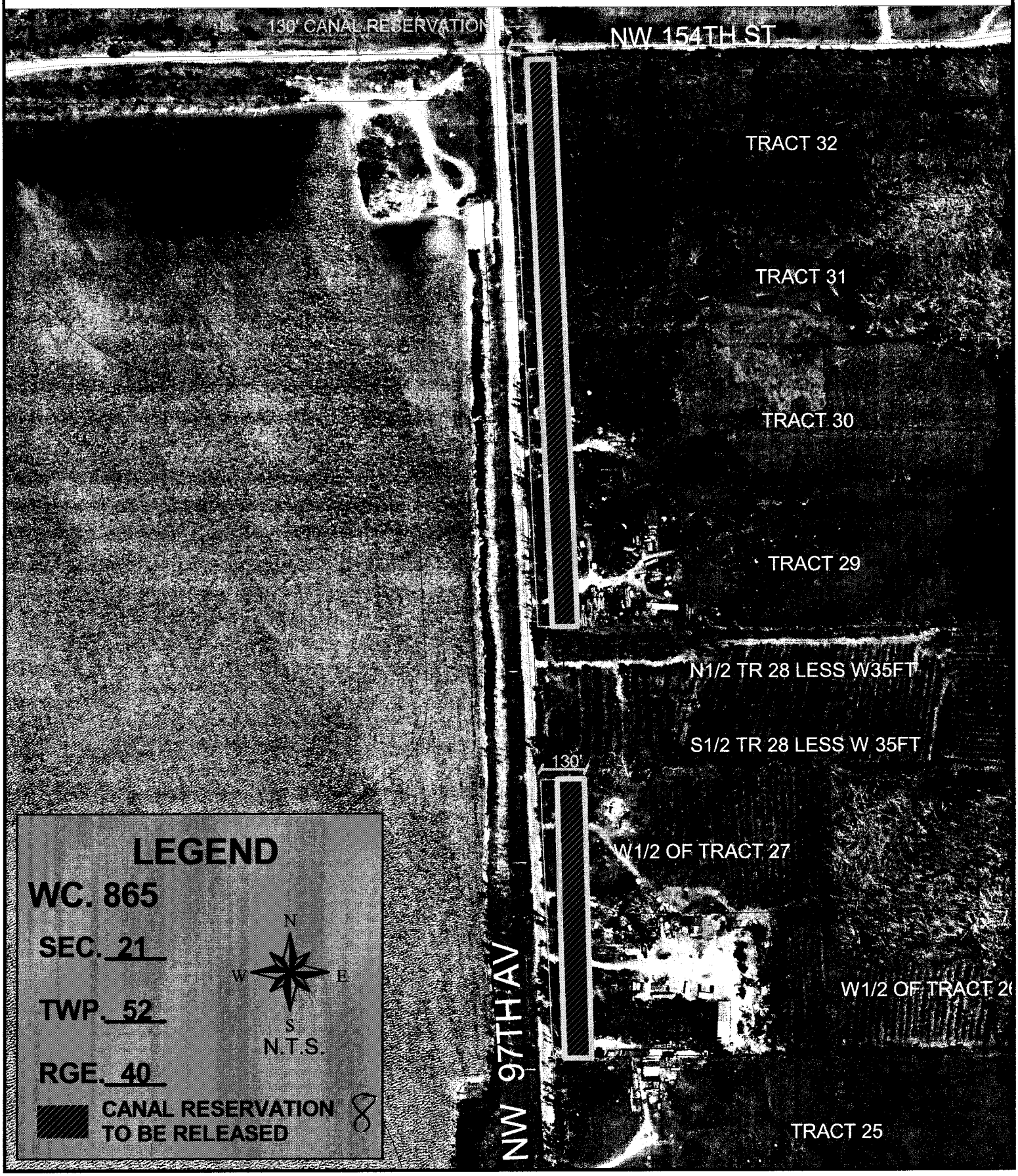
The foregoing instrument was acknowledged before me this ____ day of _____, 20___, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

Print _____
STATE OF FLORIDA at large
(Seal)

My commission expires:_____


130' CANAL RESERVATION
NW 154TH ST
TRACT 32
TRACT 31
TRACT 30
TRACT 29
N1/2 TR 28 LESS W35FT
S1/2 TR 28 LESS W 35FT
130'
W1/2 OF TRACT 27
W1/2 OF TRACT 2
NW 97TH AV
TRACT 25
LEGEND
WC. 865
SEC. 21
TWP. 52
RGE. 40
N
W
E
S
N.T.S.
CANAL RESERVATION
TO BE RELEASED
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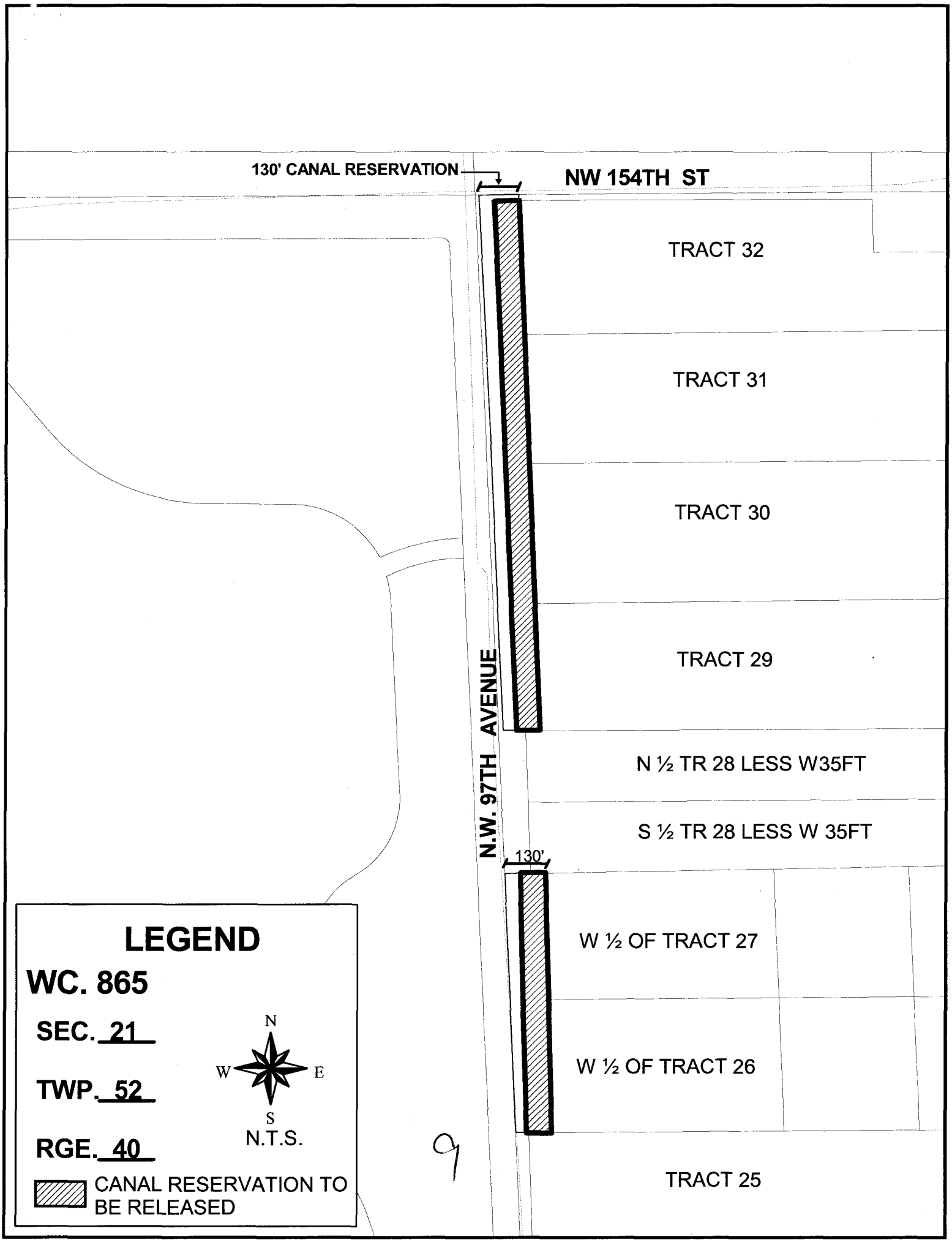
130' CANAL RESERVATION
NW 154TH ST
TRACT 32
TRACT 31
TRACT 30
TRACT 29
N.W. 97TH AVENUE
N ½ TR 28 LESS W35FT
S ½ TR 28 LESS W 35FT
130'
W ½ OF TRACT 27
W ½ OF TRACT 26
TRACT 25
LEGEND
WC. 865
SEC. 21
TWP. 52
RGE. 40
N
W
E
S
N.T.S.
CANAL RESERVATION TO BE RELEASED

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