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

Memorandum

MIAMI-DADE COUNTY

Date: March 4, 2008

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

From: George M. Burgess
County Manager

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

Resolution No. R-213-08

Subject: Resolution Granting a Perpetual Access Easement to the South Florida Water Management District Across Approximately 2,238 Square Feet of County Property at the Southeast Corner of the Intersection of SW 112 Avenue and the Black Creek Canal

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Recommendation
It is recommended that the BCC approve the attached Resolution granting an easement to allow the South Florida Water Management District access across County property at the intersection of SW 112 Avenue and the Black Creek Canal. This easement affects 2,238 square feet of land and will make official the SFWMD's historical access across this property.

Scope
Commission Districts 8 and 9.

Fiscal Impact/Funding Source
There is no fiscal impact.

Track Record/Monitor
Not Applicable

Background
The subject property is within a 6.9-acre Environmentally Endangered Lands (EEL) site located at the southeast corner of the intersection of SW 112 Avenue/State Road 989/Allapattah Road and the Black Creek Canal at theoretical SW 213 Street. The northern boundary of the EEL site abuts the south side of the SFWMD canal right of way. The northwest corner of the site was disturbed at the time of purchase: an area approximately 60 feet from the property line had been cleared of vegetation and the soil compacted.

Historically, the SFWMD has used the disturbed northwest corner of the EEL property to access the south bank of the Black Creek Canal from SW 112 Avenue without damage to the EEL preserve. In preparing to make improvements on SW 112 Avenue, the Florida Department of Transportation discovered there was no easement on record allowing the SFWMD to cross the EEL property. This grant of easement will assure the SFWMD's access to the canal right-of-way for the purpose of maintaining the canal and performing other functions. This easement is granted across an area totaling approximately 2,238 square feet.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: March 4, 2008

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
Veto _____
Override _____

Agenda Item No. 8(D)(1)(A)
03-04-08

RESOLUTION NO. **R-213-08**

RESOLUTION GRANTING A PERPETUAL ACCESS EASEMENT TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ACROSS APPROXMIATELY 2238 SQUARE FEET OF COUNTY PROPERTY AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SW 112 AVENUE AND THE BLACK CREEK CANAL AND AUTHORIZING THE COUNTY MAYOR TO EXECUTE THE GRANT OF EASEMENT

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 hereby grants a perpetual access easement to the South Florida Water Management District across Miami-Dade County Environmentally Endangered Lands property located in the southeast corner of the intersection of SW 112 Avenue and the Black Creek Canal and more specifically described in Exhibit A of the Grant of Perpetual Access Easement, in substantially the form attached hereto and made a part hereof; and authorizes the County Mayor to execute same for and on behalf of Miami-Dade County, Florida, and to exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner Joe A. Martinez, who moved its adoption. The motion was seconded by Commissioner Sally A. Heyman 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
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of March, 2008. 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.

Robert A. Duvall

GRANT OF PERPETUAL ACCESS EASEMENT
TO
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

THIS PERPETUAL ACCESS EASEMENT is made this _____ day of _____, 20__, by MIAMI-DADE COUNTY, a political subdivision of the State of Florida, through its DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT, ENVIRONMENTAL ENDANGERED LANDS PROGRAM whose mailing address is 701 NW 1st Court, Miami, FL 33136, hereinafter referred to as "Grantor", in favor of the SOUTH FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, with its principal office at 3301 Gun Club Road, West Palm Beach, Florida 33406, and whose mailing address is Post Office Box 24680, West Palm Beach, Florida 33416-4680, Palm Beach County, and its successors and assigns, hereinafter referred to as "Grantee".

W I T N E S S E T H:

That for and in consideration of the sum of TEN DOLLARS ($10.00) and other good, adequate, and valuable consideration in hand paid by the Grantee to the Grantor, the adequacy and receipt of which are hereby acknowledged, the Grantor hereby grants and conveys to the Grantee a perpetual, non-exclusive access road easement ("Access Easement") over, across and through the real property located in Miami-Dade County, Florida described in Exhibit "A" attached hereto and incorporated herein by reference and hereinafter referred to as the "Access Easement Area".

This Access Easement is given for any and all purposes deemed by Grantee to be necessary, or incident to, or in connection with, unrestricted access, ingress and egress over, across and through the Access Easement Area, including, but not limited to the right to move and transport equipment, materials and supplies, for construction, operation, effectuation or maintenance of any project in the interest of flood control, reclamation, conservation, water storage, and allied purposes, now or that may hereafter be conducted by Grantee, or to carry out the purposes and intents of the Statutes of the State of Florida relating to the South Florida Water Management District presently existing or that may be enacted in the future pertaining thereto. This Access Easement shall at no time be obstructed by any object which would prohibit access, ingress or egress to and from any lands owned, controlled or used by Grantee or in any manner, interfere with the purposes of this Access Easement. With the approval of Grantor, Grantee may improve the Access Easement Area in order to insure the full enjoyment of the rights granted and conveyed by this Access Easement. With the approval of Grantor, Grantee may permit use of this Access Easement by the general public.

This Access Easement shall be appurtenant to and benefit: the Grantee's right-of-way along Black Creek canal.

All terms, conditions and provisions of this Access Easement shall run with the land and shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

Grantor hereby covenants that it is lawfully seized of the Access Easement Area in fee simple; that it has good and lawful authority to convey this Access Easement; and that it hereby fully warrants and defends the title to the easement hereby conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, this Perpetual Access Easement has been executed by Miami-Dade County whose seal is affixed hereto, the day and year first above written.

Grantor:
Miami-Dade County

ATTEST: Harvey Ruvin, Clerk

By: _____
Deputy Clerk

By:_____
Mayor Carlos Avlarez

Print Name:_____

[Clerk's Seal]

Approved as to form
And legal sufficiency:

_____
Assistant County Attorney

The foregoing was accepted and approved on the ___ day of _____ by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida.

Legal Description

That portion of the northwest quarter of the southwest quarter of the southeast quarter of Section 7, Township 56 South, Range 40 East of Miami-Dade County, Florida, described as follows:

COMMENCING at the southwest corner of Tract "C" of "Cutler Ridge Center First Addition", according to the plat thereof, as recorded in Plat Book 115, Page 74 of the Public Records of Miami-Dade County, Florida; thence S1°01'39"E 189.92 feet along the easterly right of way line of State Road 989, also known as SW 112 Avenue, as shown on the Florida Department of Transportation Right of Way Map for Section 87570-2155 to its intersection with the southerly right of way line of Black Creek Canal as shown on said Right of Way Map, said point also being the **POINT OF BEGINNING**; thence N88°58'18"E 1.88 feet along the said southerly canal right of way line; thence S80°57'41"E 53.95'along the said southerly canal right of way line; thence S1°1'39"E 35.70' parallel with the said easterly State Road 989 right of way line; thence S88°43'21"W 55.00' parallel with the said southerly canal right of way line to its intersection with said easterly right of way line of State Road 989; thence N1°1'39"W 45.37' along said easterly right of way line to the **POINT OF BEGINNING.**

Containing 2,238 square feet, more or less.

Florida Department of Transportation (FDOT) Right of Way Map Section 87570-2155
FDOT Parcel 802 FDOT Financial Project No. 4146211

SECTION 7, TOWNSHIP 56 SOUTH, RANGE 40 EAST

EXHIBIT A, PAGE 2

0 25 50 100 150

Scale: 1" = 50'

NOT SUBDIVIDED

CANAL R/W LINE

BLACK CREEK CANAL

CANAL R/W LINE

APPROXIMATE CANAL BANK

190'

R/W LINE

50'

R/W LINE

50'

418 420 421 N1°1'39"W 422 423 424

℄ BASELINE OF SURVEY

STATE ROAD 989 / S.W. 112th AVENUE / ALLAPATTAH ROAD

50'

50'

P.O.C.
422+47.32
50.00'

45.37'

S1°1'39"E 190.00'(P)

R/W LINE

1.88'

190'

R/W LINE

APPROXIMATE EDGE OF VEGETATION

55.00'

802

53.95'

15' UTILITY EASEMENT

EEL PROPERTY

35.70'

TRACT "C"

BLACK CREEK CANAL

CANAL R/W LINE

CANAL R/W LINE

APPROXIMATE CANAL BANK

NOT SUBDIVIDED

CUTLER RIDGE CENTER FIRST ADDITION
P.B. 115, PG. 74

THIS MAP IS NOT A SURVEY

PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
802	MIAMI-DADE COUNTY	2238 S.F.	UNDETERMINED	

FLORIDA DEPARTMENT OF TRANSPORTATION

PARCEL SKETCH - NOT A SURVEY

REVISION	BY	DATE
CHANGE IN PARCEL SHAPE	C. GARCIA	1/08/08

STATE ROAD NO. 989 MIAMI-DADE COUNTY

	BY	DATE
DRAWN	C.GARCIA	4/12/07
CHECKED	C.KINMAN	4/20/07

PREPARED BY: FDOT DISTRICT SIX

DATA SOURCE:

F.P. ID. 4146211 SECTION 87015

SHEET 1 OF 1

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