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

Memorandum

MIAMI-DADE COUNTY

Date: September 2, 2008

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

Resolution No. R-899-08

Subject: Resolution Authorizing the Release of Unneeded Drainage Ditch Reservations in Section 13, Township 52 South, Range 41 East, Miami-Dade County, Florida

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Recommendation
It is recommended that the Board approve a resolution authorizing the approval of a County Disclaimer for the release of drainage ditch reservations which are no longer needed by Miami-Dade County.

Scope
The subject item is limited to a tract of land in Biscayne Gardens in Commission District 2.

Fiscal Impact/Funding Source
The subject item has no fiscal implications to Miami-Dade County.

Track Record/Monitor
Not Applicable

Background
On May 27, 1957, Miami-Dade County acquired at no cost by virtue of assignment from Associated Securities Corporation, a Florida Corporation, drainage ditch reservations in Section 13, Township 52 South, Range 41 East, according to Official Records Book 586 at Page 497 of the Public Records of Miami-Dade County, Florida, and located in the vicinity of NW 2 Avenue and 161 Street, Miami-Dade County. Said reservations, a portion of which lies within Tract 410 of Biscayne Gardens, Section B, a subdivision in said Section 13, were used in the construction of a drainage ditch lying and being within the west 15 feet of said Tract 410. The remainder of the reservation encumbering Tract 410 has been found to be no longer needed or required for drainage ditch purposes and can be released.

The current owner of the land encumbered by the above-described drainage ditch reservations, Fraternity Baptist Church, is requesting the release of those portions no longer needed by Miami-Dade County.

The Department of Environmental Resources Management has processed this application 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: September 2, 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)

9-2-08

RESOLUTION NO. R-899-08

RESOLUTION AUTHORIZING THE RELEASE OF UNNEEDED DRAINAGE DITCH RESERVATIONS IN SECTION 13, TOWNSHIP 52 SOUTH, RANGE 41 EAST, 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 drainage ditch reservations across Tract 410, of Biscayne Gardens, Section B, a subdivision according to the plat thereof, recorded in Plat Book 40 at Page 49 of the Public Records of Miami-Dade County, Florida in Section 13, Township 52 South, Range 41 East; 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 **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Dorrin D. Rolle** 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	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of September, 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.

Thomas H. Robertson

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:

> All of Tract 410 of Biscayne Gardens, Section B, a subdivision in Section 13, Township 52 South, Range 41 East, Miami-Dade County, Florida, according to the plat thereof recorded in Plat Book 40 at Page 49 of the Public Records of Miami-Dade County, Florida, EXCEPT the West 15 feet of said Tract 410 for drainage ditch and ditch maintenance easement

WHEREAS, MIAMI-DADE COUNTY, by virtue of assignment from Associated Securities Corporation recorded in Official Records Book 586 at Page 497 of the Public Records of MIAMI-DADE COUNTY, secured certain rights to dig, construct and maintain a drainage ditch upon the above described tract; and

WHEREAS, the rights in reservation upon the above described tract are not now needed or required by MIAMI-DADE COUNTY for drainage ditch 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

NOW, THEREFORE, MIAMI-DADE COUNTY does disclaim any interest it has for drainage ditch purposes in the aforementioned tract by virtue of said assignment of Drainage Ditch Rights recorded in Official Records Book 586 at Page 497 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 land.

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:_____

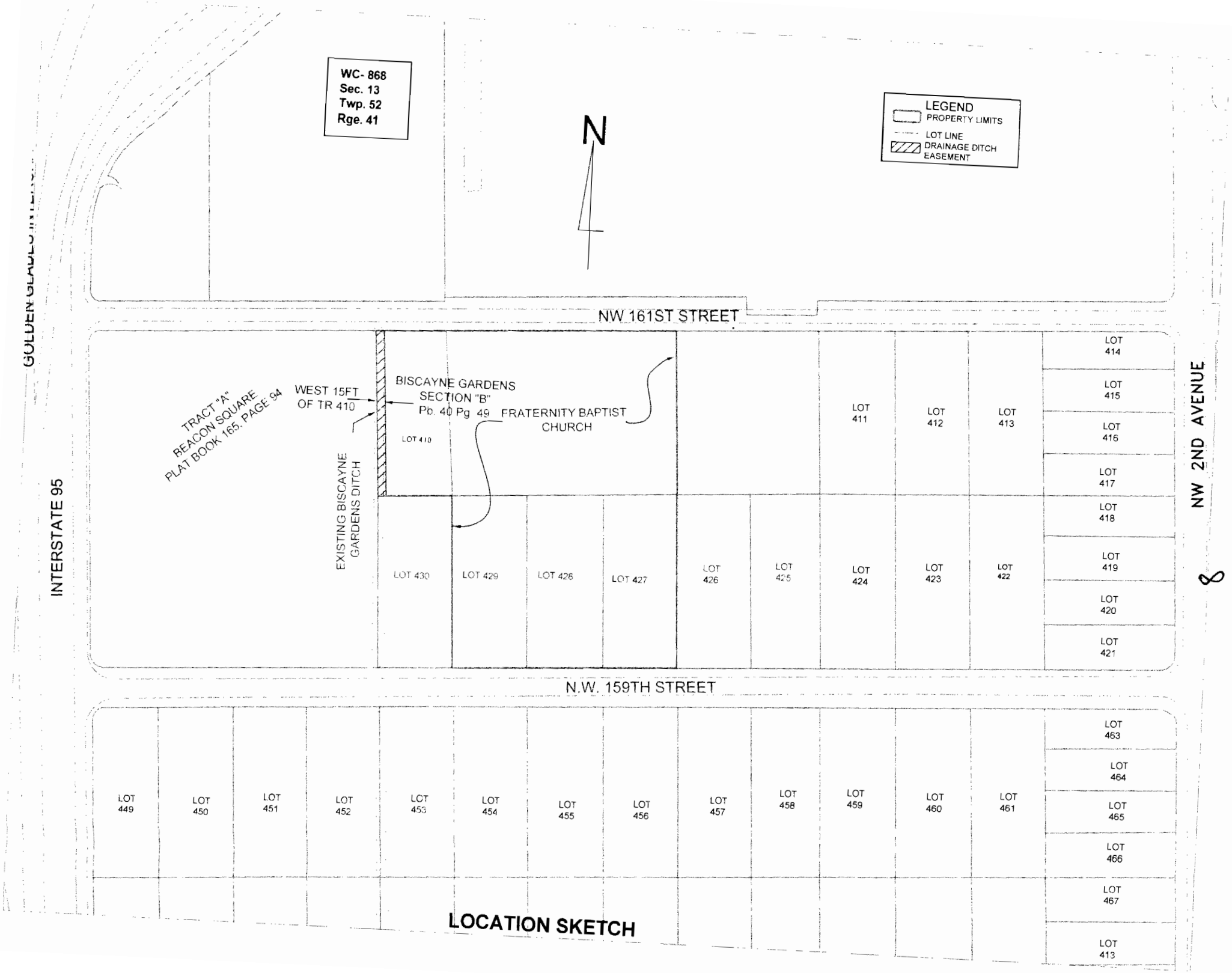
The foregoing instrument was acknowledged before me this ____ day of _____, 20___, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

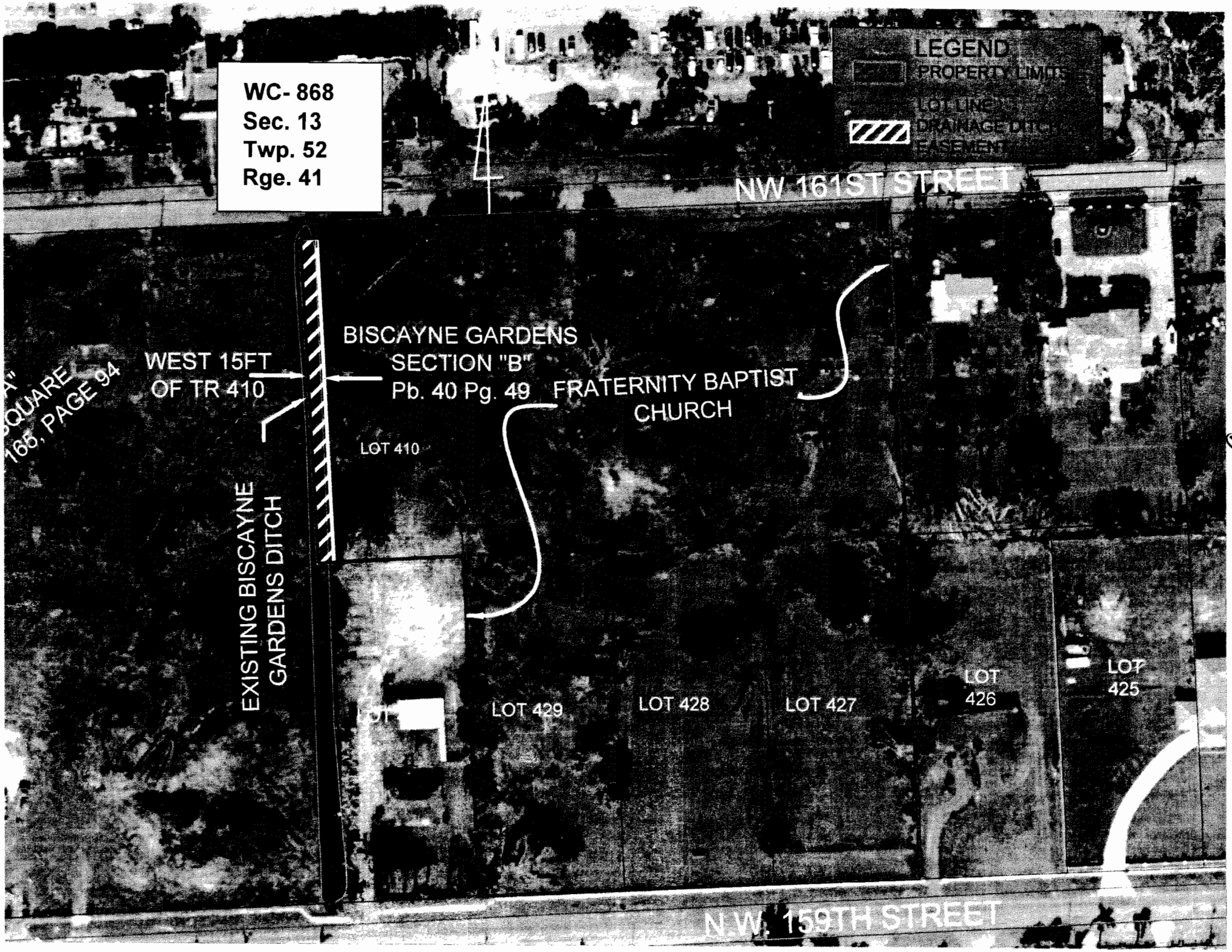
Print _____
STATE OF FLORIDA at large
(Seal)

My commission expires:_____



LOCATION SKETCH

8


WC- 868
Sec. 13
Twp. 52
Rge. 41
LEGEND
PROPERTY LIMITS
LOT LINE
DRAINAGE DITCH EASEMENT
NW 161ST STREET
BISCAYNE GARDENS
SECTION "B"
Pb. 40 Pg. 49
WEST 15FT
OF TR 410
FRATERNITY BAPTIST
CHURCH
LOT 410
EXISTING BISCAYNE
GARDENS DITCH
LOT 429
LOT 428
LOT 427
LOT
426
LOT
425
N.W. 159TH STREET