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

Memorandum

MIAMI-DADE COUNTY

Date: June 2, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

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

Resolution No. R-664-09

Subject: Conveyance of County-owned property to the City of Miami Gardens
Located in the vicinity of NW 177 Street between NW 27 Court and NW 27 Avenue
Folio Number: 34-2109-001-0246

Recommendation

It is recommended that the Board declare surplus County-owned property located at NW 177 Street between NW 27 Court and NW 27 Avenue, waive Administrative Order 8-4, which requires that this disposition be reviewed by the Planning Advisory Board, and approve the conveyance of same to the City of Miami Gardens (City) in accordance with Florida Statute 197.592 for road right-of-way purposes.

Scope

COMMISSIONER DISTRICT:	1
COMMISSION DISTRICT (S) IMPACTED:	County-wide

Background:

MANAGING DEPARTMENT:	General Service Administration (GSA)
FOLIO NUMBER:	34-2109-001-0246
LOT SIZE:	876 square feet (0.0201 acres)
LOCATION:	NW 177 Street between NW 27 Court and NW 27 Avenue
ZONING:	RU-1
CURRENT USE:	Vacant Land
JUSTIFICATION:	In September of 2004 Miami-Dade County, through its Public Works Department, transferred all road right-of-way within the City of Miami Gardens to the City. However, this small parcel was left out due to the fact that it has not been dedicated for road right-of-way and was under the control of GSA. The City has now requested that this property be conveyed to them to be utilized for road right-of-way.

The parcel is being conveyed under Florida Statute 197.592 (3) which states that lands acquired by the County for delinquent taxes which are located within the boundaries of an incorporated municipality shall be conveyed to the governing board of the municipality in which the land is located once it is determined that the property is not needed for County purposes.

Fiscal Impact/Funding Source

MINIMUM SALE AMOUNT:	The City of Miami Gardens has requested that Miami-Dade County convey this County-owned property for road right-of-way.
2008 ASSESSED VALUE:	$5,650.00
FISCAL IMPACT:	The conveyance of this property will reduce the County's annual expense for maintenance and eliminate the County's liability.
MONITOR:	Mercedes Sanchez, Real Estate Officer
DELEGATED AUTHORITY:	Authorizes the County Mayor or County Mayor's designee to convey this parcel of land to the City of Miami Gardens for no monetary consideration; and authorizes the County Mayor to execute a Right-of Way Deed.
COMMENTS:	Because of its size and shape, the property is not buildable and therefore, not suitable for infill or affordable housing. Additionally, staff has determined, by circulation to County departments, that this parcel is not needed for any County purpose.

Wendi J. Norris, Director
General Services Administration

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: June 2, 2009

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

SUBJECT: Agenda Item No. 8(F)(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 Mayor'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(F)(1)(B)
6-2-09

RESOLUTION NO. R-664-09

RESOLUTION DECLARING MIAMI-DADE COUNTY-OWNED PROPERTY LOCATED IN THE VICINITY OF NW 177 STREET BETWEEN NW 27 COURT AND NW 27 AVENUE SURPLUS, WAIVING THE REVIEW OF THIS ACTION, AS PRESCRIBED BY ADMINISTRATIVE ORDER 8-4, BY THE PLANNING ADVISORY BOARD; APPROVING THE CONVEYANCE OF SAME TO THE CITY OF MIAMI GARDENS, IN ACCORDANCE WITH F.S.197.592 (3); AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY FOR RIGHT-OF-WAY

WHEREAS, Florida Statute 197.592 (3) states that land acquired by any County of the state for delinquent taxes in accordance with the law which has not been previously sold, acquired for Infill housing, affordable housing or dedicated by the Board of County Commissioners; which the Board of County Commissioners has determined are not to be conveyed to the record fee simple owners in accordance with the provisions of subsections (1) and (2); and which are located within the boundaries of an incorporated municipality of the County shall be conveyed to the governing board of the municipality in which the land is located; and

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNT COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes waiving administrative Order 8-4 as it pertains to review by the Planning Advisory Board; authorizes the County Mayor or County Mayor's designee to take all actions necessary to accomplish the conveyance of said property, legally described in the aforementioned Right-of-way deed.

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:

Dennis C. Moss, Chairman aye
Jose "Pepe" Diaz, Vice-Chairman aye

Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	absent
Dorrin D. Rolle	aye	Natacha Seijas	absent
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 June, 2009. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Return to:
Right of Way Division
Miami-Dade County Public Works Dept.
111 N.W. 1st Street
Miami, FL 33128-1970
Instrument prepared by:
Luis F. Lacau, Jr.,P.L.S.
Folio No. 30-2109-001-0246
User Department:General Services Administration

RIGHT-OF-WAY DEED
CONVEYS THE TITLE FOR HIGHWAY PURPOSES
Limited Liability Company

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

THIS INDENTURE, Made this ____ day of ____, A.D. 2009, by and between **Miami-Dade County**, a political subdivision of the state of Florida, whose address is ***111 NW 1st Street, Miami, Florida 33128*** party of the first part, and **THE CITY OF MIAMI GARDENS**, a political subdivision of the State of Florida, and its successors in interest, whose Post Office Address is ***1515 NW 167 Street, Suite 200, Miami, Florida 33169***, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar ($1.00) to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant, bargain and sell to the party of the second part, and its successors in interest, for the purpose of a public highway and purposes incidental thereto, all the right, title, interest, claim or demand of the party of the first part, in and to the following described land, situate, lying and being in Miami-Dade County, State of Florida, to-wit:

See Exhibit "A" attached.

It is the intention of the party of the first part, by this instrument, to convey to the said party of the second part, and its successors in interest, the land above described for use as a public highway and for all purposes incidental thereto.

It is expressly provided that if and when the said highway shall be lawfully and permanently discontinued, the title to the said above described land shall immediately revert to the party of the first part, its heirs and assigns, and it shall have the right to immediately repossess the same.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under it.

The foregoing was accepted and approved on the ____ day of _____, A.D. 2008, by Resolution No._____ of the Board of County Commissioners of Miami-Dade County, Florida.

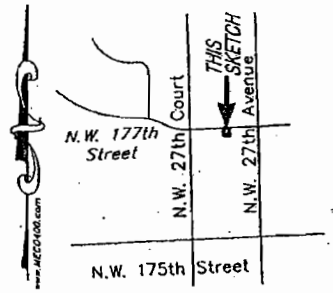
_____
Carlos Alvarez
Mayor

ATTEST: HARVEY RUVIN,
Clerk of said Board
By: _____
Deputy Clerk

McLAUGHLIN ENGINEERING COMPANY
400 NORTHEAST 3rd AVENUE
FORT LAUDERDALE, FLORIDA, 33301
ENGINEERS – SURVEYORS
(LB# 286)
PHONE: (954) 763-7611 FAX: (954) 763-7615

Scale 1" = 30'

SKETCH & DESCRIPTION
ROADWAY EASEMENT 1



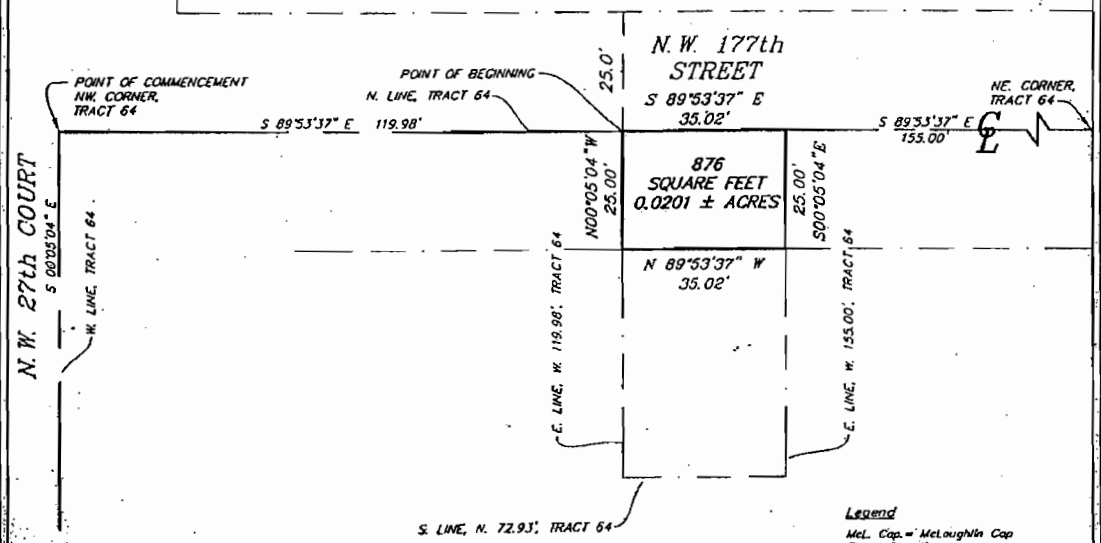
Block Plan
Not To Scale

LEGAL DESCRIPTION:

A portion of the North 72.93 feet of the West 155.00 feet of the North one-fifth (N/5) of Tract 64, Section 9, Township 52 South, Range 41 East, MIAMI GARDENS, according to the plat thereof as recorded in Plat Book 2, Page 96 of the public records of Dade County, Florida and being more fully described as follows:

Commencing at the Northwest corner of said Tract 64; thence South 89°53'37" East on the North line line of said Tract 64, said North line also being the centerline of Northwest 177th Street as shown on the plat of MYRTLE GROVE, according to the plat thereof as recorded in Plat Book 53, Page 90, of the public records of Dade County, Florida, a distance of 119.98 feet to the Point of Beginning; thence continuing South 89°53'37" East, on said North line and centerline, a distance of 35.02 feet; thence South 00°05'04" East, on a line 155.00 feet East of and parallel with the West line of said Tract 64, a distance of 25.00 feet; thence North 89°53'37" West, on a line 25.00 feet South of and parallel with the said North line of Tract 64, a distance of 35.02 feet; thence North 00°05'04" West, on a line 119.98 feet East of and parallel with the said West line of Tract 64, a distance of 25.00 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Miami Gardens, Miami-Dade County, Florida and containing 876 square feet or 0.0201 acres more or less.



Legend
Mcl. Cap.= McLaughlin Cap
Elev.= Elevation
W/= With
O/S= Offset
Conc.= Concrete
M.= Measured
P.= Plat
C.B.S.= Concrete, Block, Stucco

NOTES:

1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.

2) Legal description prepared by McLaughlin Engineering Co.

3) This drawing is not valid unless sealed with an embossed surveyors seal.

4) THIS IS NOT A BOUNDARY SURVEY.

5) Bearings shown are assumed datum and refer to the North line of Tract 64 as North 89°53'37" West.

CERTIFICATION:

CERTIFIED CORRECT. Dated at Fort Lauderdale, Florida, this 24th day of April, 2008.

McLAUGHLIN ENGINEERING CO.

JERALD A. McLAUGHLIN
Registered Land Surveyor No. 5269
State of Florida

"NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL"

FIELD BOOK NO.
JOB ORDER NO. U-4394
C:\JMMjr\2008\U4394\dwg\U4394.dwg 4/25/2008 9:37:35 AM. EDT

DRAWN BY: JMMjr
CHECKED BY: CA

EXHIBIT "A"

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De La Torre, Miguel (GSA)

From: Ricardo A. Castillo [rcastillo@miamigardens-fl.gov]
Sent: Friday, May 30, 2008 9:12 AM
To: De La Torre, Miguel (GSA)
Subject: FW: Please Forward to Mr. Eddy Crew City Manager

Mr. De La Torre, this is the response from Dr. Crew.

From: Danny O. Crew
Sent: Friday, May 30, 2008 8:51 AM
To: Ricardo A. Castillo
Subject: RE: Please Forward to Mr. Eddy Crew City Manager

In accordance our interlocal agreement with Miami-Dade County, M-D transferred all road rights-of-way to the City of Miami Gardens (dated 1 Sept. 2004). The right-of-way below was not included in this transfer and we would like to request that the portion of this parcel that is north of the south edge of public sidewalk on NW 177th Street, be transferred to the City. I have previously supplied you with a sealed survey the delineates this area.

Thank you for your help on this problem.

Danny Crew

Dr. Danny O. Crew
dcrew@miamigardens-fl.gov
City Manager

My Home
Miami-Dade County, Florida

miamidade.gov MIAMI-DADE

Property Information Map

Digital Orthophotography - 2007 0 103 ft

This map was created on 2/11/2009 12:13:44 PM for reference purposes only.

Web Site © 2002 Miami-Dade County. All rights reserved.

Close

Summary Details:

Folio No.:	34-2109-001-0246
Property:	
Mailing Address:	MIAMI DADE COUNTY GSA R/E MGMT 111 NW 1 ST STE 2460 MIAMI FL 33128-

Property Information:

Primary Zone:	0100 SINGLE FAMILY RESIDENCE
CLUC:	0080 VACANT LAND-GOVERNMENTAL
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	876 SQ FT
Year Built:	0
Legal Description:	9 52 41 .0201 AC M/L BEG 119.98FTE OF NW COR OF TR 64 CONT S 89 DE E 35.02FT S OO DEG E 25 FT N 89 DEG W 35.02F N 00 DEG W 25FT TO POB F/A/U34 2109 001 0240

Sale Information:

Sale O/R:	
Sale Date:	0/0
Sale Amount:	$0

Assessment Information:

Year:	2008
Land Value:	$5,650
Building Value:	$0
Market Value:	$5,650
Assessed Value:	$5,650

Taxable Value Information:

Year:	2008	
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$5,650/$0	
County:	$5,650/$0	
City:	$5,650/$0	
School Board:	$5,650/$0	

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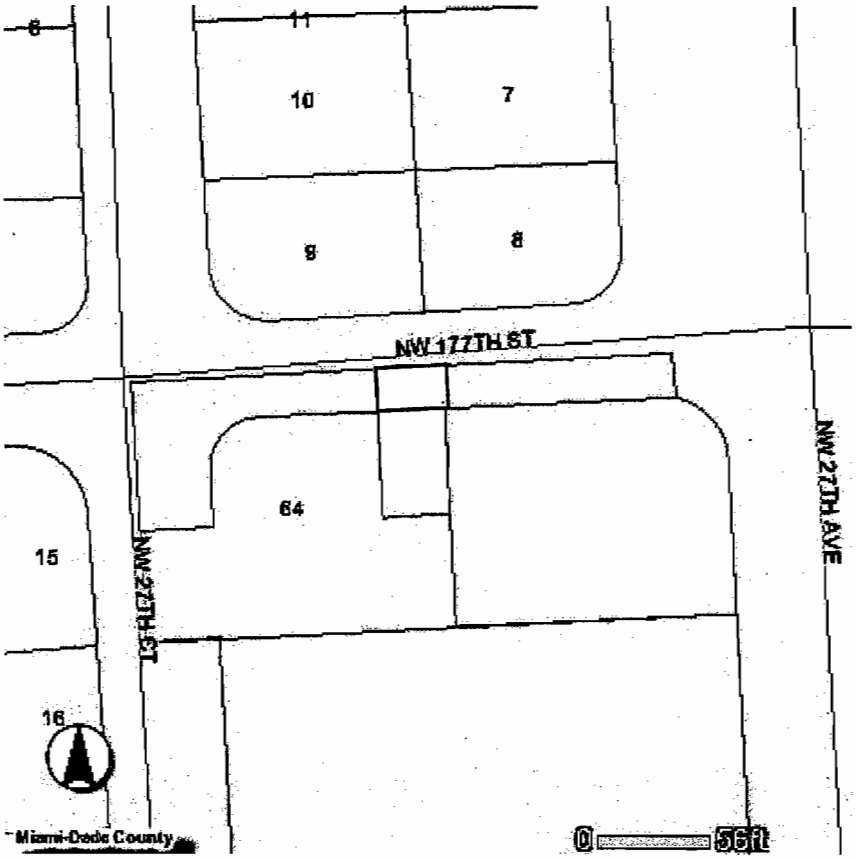
eMaps Online
Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

FOLIO: 34-2109-001-0246 (9-52-41 .0201 AC M/L BEG 119.98FTE OF NW COR OF TR 64 CONT S 89 DEG E35.02FT S 00 DEG E25FT N 89 DEG W35.02FT N 00 DEG W25FT TO POB) LOT SIZE 876 SQUARE FEET



Legend

Print Close

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MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item:	**8(F)1(B)**
File Number:	**090794**
Committee(s) of Reference:	Board of County Commissioners
Date of Analysis:	May 18, 2009
Type of Item:	Declaring Surplus Property
Commission District:	District 1

Summary

If approved, this resolution:

(1) would declare as surplus property, County-owned property located at NW 177 Street between NW 27 Court and NW 27 Avenue,
(2) would waive Administrative Order 8-4, requiring land dispositions to be reviewed by the Planning Advisory Board, and
(3) would approve the conveyance of the County-owned property to the City of Miami Gardens for a nominal amount of $1 for road right-of-way purposes.

Background and Relevant Legislation

In 2004, the Board of County Commissioners (BCC) adopted resolution R-983-04 which transferred jurisdiction, ownership and control of certain County-owned public roads located within the corporate limits of the City of Miami Gardens to the City. The transfer provided Miami Gardens with the responsibility and liability of maintaining the right-of-ways and infrastructure of all transferred roads. A small parcel located at NW 177 Street between NW 27 Court and NW 27 Avenue was not included in the conveyance. The Administration notes that this particular right-of-way had been excluded because it had not been dedicated as a road right-of-way.

A review of R-983-04 and the transfer agreement, which list certain roads as exempt roads which were not to be included in the 2004 conveyance, do not list this right-of-way among the exempt roads. The City Manager of Miami Gardens has requested this parcel be transferred to the City. In addition, the Administration reports that due to its size and shape, the property is not suitable for infill or affordable housing.

Pursuant §197.592 (3), Fla. Stat. the County has the authority to convey land dedicated by the Board of County Commissioners to the governing board of the municipality in which the land is located.

Based on these factors, the Administration recommends that the BCC adopt the pending resolution which grants authorization to declare the parcel as surplus County property not needed for any County

purpose; and grants authorization to convey title, rights and interests to the City of Miami Gardens via a right-of-way deed.

Budgetary Impact

The property's 2008 assessed value is $5,650. The County' will be paid a nominal amount of $1 for the conveyance of the surplus property to the City of Miami Gardens.

The Administration reports that relinquishing the surplus property will reduce the County's annual expense for maintenance and exposure to premise liability.

Prepared by: Lauren Young-Allen