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

MEMORANDUM

Agenda Item No. 11(A)(2)

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

DATE: July 21, 2009

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

SUBJECT: Resolution authorizing the conveyance of County-owned property located along State Road 5 at Bird Road to the State of Florida Department of Transportation

Resolution No. R-963-09

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM
(Revised)

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

DATE: July 21, 2009

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

SUBJECT: Agenda Item No. 11(A)(2)

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. 11(A)(2)

7-21-09

RESOLUTION NO. **R-963-09**

RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PROPERTY LOCATED ALONG STATE ROAD 5 AT BIRD ROAD TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH F.S. 125.38, FOR NO MONETARY CONSIDERATION, FOR THE PURPOSE OF EXTENDING A RIGHT TURN LANE; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY; AND AUTHORIZING THE EXECUTION OF A COUNTY DEED FOR SUCH PURPOSE

WHEREAS, the State of Florida Department of Transportation (FDOT) proposes to improve State Road 5 (U.S. Highway 1) Roadway Project F.M. No. 250629-2-32-03, in Miami-Dade County; and

WHEREAS, in connection with said project, FDOT determined that heavy traffic congestion exists at the intersection of south bound State Road 5 (U.S. Highway 1 – South Dixie Highway) and westbound SW 40th Street (Bird Road); and

WHEREAS, FDOT determined that in order to alleviate congestion, it was necessary to improve the capacity of such intersection by increasing vehicle storage of the south bound turn lane, as depicted in FDOT's construction plans attached hereto and incorporated herein by reference; and

WHEREAS, in order to accomplish such purpose, it is necessary that certain County-owned lands be acquired by FDOT; and

WHEREAS, FDOT has requested the conveyance of such County-owned property as more particularly described in Exhibit "A" to the County Deed attached hereto (the "Property"),

which legal description encompasses a 3,332 square foot irregularly shaped parcel of land, extending no more than ten (10) feet into the 70-foot Metrorail Right of Way corridor; and

WHEREAS, the Board finds that pursuant to Section 125.38 of the Florida Statutes that said property is required for such use, is not needed for County purposes, and would promote community interest and welfare,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board adopts the foregoing recitals, approves the conveyance of the Property for no monetary consideration pursuant to Section 125.38 of the Florida Statutes subject to the restriction that said parcel be used by FDOT for transportation related improvements to State Road 5, authorizes the waiver of Administrative Order 8-4 as it relates to review by the Planning Advisory Board, authorizes the County Mayor or the County Mayor's designee to take all actions necessary to accomplish the conveyance, and authorizes the County Mayor to execute the County Deed in substantially the form attached hereto.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Katy Sorenson** 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	**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 21st day of July, 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.

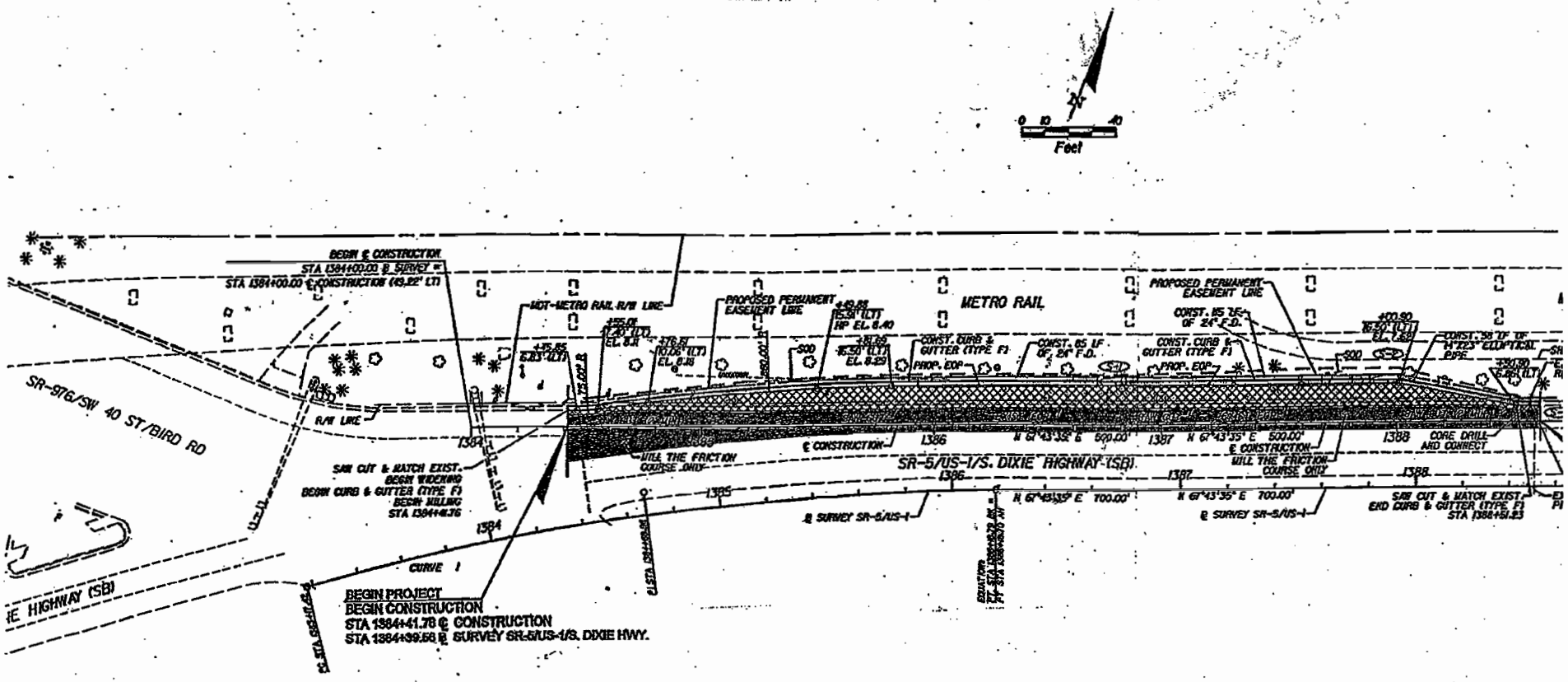
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman



LOCATION MAP

NOT TO SCALE

Instrument prepared by and returned to:
Debra Herman, Esq.
Assistant County Attorney
111 N.W. 1st Street
Suite 2810
Miami, Florida 33128

Folio No. 01-4116-000-0230

COUNTY DEED

THIS DEED, made this day of , 2009 A.D. by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 NW 1 Street Suite 17-202, Miami, Florida 33128-1963, and State of Florida Department of Transportation, party of the second part, whose address is 1000 N.W. 111 Avenue, Miami, Florida.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars and 00/100 ($10.00) has granted, bargained and sold to the party of the second part, his or her heirs and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

LEGAL DESCRIPTION
SEE EXHIBIT "A"

Subject to the following restriction:

That the Property shall be utilized for transportation related improvements to State Road 5. Failure to utilize the property for said purpose at any time shall result in the property automatically reverting to the party of the first part.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Mayor

Approved for legal sufficiency: _____

The foregoing was authorized by Resolution No. approved by the Board of County Commissioners of Miami-Dade County, Florida on the day of , 2009

EXHIBIT "A"

Parcel 100.1

FIN. No: 250629-2-32-03

Being a portion of land lying within the 70-foot right-of-way of Miami-Dade Metro Rail South Corridor and lying in the Southwest one-quarter (¼) of Section 16, Township 54 South, Range 41 East, and being more particularly described as follows:

Commence at the point of intersection of the South line of said Section 16 and the Baseline of Survey for State Road 5 (U.S. Hwy. No. 1 – South Dixie Hwy.), as shown on the Florida Department of Transportation Right-of-Way Corridor Map, Section 87030, dated December 2006, said point being S 87°50'53" W a distance of 270.56 feet, from the Southwest corner of the Southeast one-quarter (¼) of the Southwest one-quarter (¼) of said Section 16, as measured along said aforementioned South section line, said point being on a circular curve concave to the Southeast, having a radius of 1,146.28 feet, the chord of which bears N 61°50'30" E; thence Northeasterly along the arc of said curve and said Baseline of Survey of State Road 5 (U.S. Hwy. No. 1 – South Dixie Hwy.) a distance of 235.40 feet, through a central angle of 11°45'59"; thence N 67°43'35" E along said Baseline of Survey of State Road 5 (U.S. Hwy. No. 1 – South Dixie Hwy.), a distance of 226.32 feet; thence N 22°16'25" W a distance of 37.5 feet to the intersection with the Northwesterly Right-of-Way line of State Road 5 (U.S. Hwy. No. 1 – South Dixie Hwy.) and the Southeasterly Right-of-Way line of Miami-Dade Metro Rail South Corridor, and the POINT OF BEGINNING of the following described parcel;

Thence S 78°38'07" W a distance of 52.83 feet; thence S 67°43'35" W a distance of 219.54 feet; to the beginning of a curve concave to the Southeast, having a radius of 863.50 feet, the chord of which bears S 64°13'03" W; thence Southwesterly along the arc of said curve a distance of 105.77 feet, through a central angle of 07°01'04"; thence S 60°42'31" W a distance of 28.88 feet to the intersection with aforementioned Northwesterly Right-of-Way line of State Road 5 (U.S. Hwy. No. 1 – South Corridor) and Southeasterly Right-of-Way line of Miami-Dade Metro Rail South Corridor; thence N 67°43'35" E along said Southerly Right-of-Way a distance of 405.58 feet to the POINT OF BEGINNING.

Containing 3,332 square feet, more or less.