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

Memorandum

MIAMI-DADE COUNTY

Date: January 21, 2010

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

From: George M. Burgess, County Manager

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

Resolution No. R-20-10

Subject: Resolution Releasing Canal Reservations in Miami-Dade County

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Recommendation
It is recommended that the Board of County Commissioners approve the attached resolution releasing canal reservations in Sections 21 & 28, Township 52 South, Range 39 East in Miami-Dade County.

Scope
The subject item is limited to a parcel of land privately owned and is located in Commission District 12.

Fiscal Impact/Funding Source
The subject item has no fiscal implications to Miami-Dade County. This item does not require the expenditure of any Miami-Dade County funds.

Track Record/Monitor
N/A

Background
The subject canal reservations were given to Miami-Dade County by the Central and Southern Florida Flood Control District, later known as the South Florida Water Management District, to be used for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan. By virtue of Deed No. 68 recorded in Official Record Book 2916 at Page 674, and Deed No. 69 recorded in Official Record Book 2960 at Page 680, Miami-Dade County acquired rights in reservation through and across Sections 21 & 28, Township 52 South, Range 39 East.

The Water Control Plan shows no proposed canals in the referenced sections. The existing Tower Canal, which runs through Sections 21 & 28, is a ditch that is not incorporated in the Water Control Master Plan since the subject sections have been zoned for rockmining operations. Therefore, the aforesaid reservations are not needed for canal purposes.

Cemex Construction Materials of Florida owns the land in the referenced sections encumbered by those reservations and has requested the release of such interests which are no longer needed by Miami-Dade County.

The Department of Environmental Resources Management has reviewed this request and recommends the release of said rights in reservation.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: January 21, 2010

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

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

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

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Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 8(D)(1)(G)
1-21-10

RESOLUTION NO. R-20-10

RESOLUTION RELEASING CANAL RESERVATIONS IN MIAMI-DADE COUNTY IN SECTIONS 21 & 28, TOWNSHIP 52 SOUTH, RANGE 39 EAST

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, the aforesaid canal reservations are no longer needed by Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby releases canal reservations in Sections 21 & 28, Township 52 South, Range 39 East, in Miami-Dade County, Florida, and authorizes execution of a disclaimer of canal reservations and recording of said disclaimer in the public records of Miami-Dade County in substantially the form attached hereto and made a part hereof, and pursuant to Resolution No. R-974-09, hereby directs the Mayor or the Mayor's designee to provide a recorded copy of the aforementioned disclaimer to the Clerk of the Board within thirty (30) days of execution of the disclaimer by the Mayor and furthermore directs the Clerk of the Board to attach and permanently store a recorded copy of the aforementioned disclaimer together with this Resolution.

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:

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	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 2010. 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.

Peter S. Tell

ATTACHMENT A

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 for canal purposes which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

EXHIBIT "A"

EXHIBIT "B"

WHEREAS, the Central and Southern Florida Flood Control District by rights in reservation Deed No. 68 dated August 30, 1961, recorded in Official Record Book 2916 at Page 674, and Deed No. 69 dated August 30, 1961, recorded in Official Record Book 2960 at Page 680 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, and

WHEREAS, the aforesaid rights in reservation upon the above described land are no longer needed by MIAMI-DADE COUNTY for canal purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the rights in reservation Deed No. 68 dated August 30, 1961, recorded in Official Record Book 2916 at Page 674, and Deed No. 69 dated August 30, 1961, recorded in Official Record Book 2916 at page 680 of the Public Records of Miami-Dade County, Florida.

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen 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 BOARD OF
COUNTY COMMISSIONERS

Sign: _____

Print: _____

Sign: _____

Print: Carlos Alvarez

Title: Mayor

Address: 111 N.W. 1st Street
Metro-Dade Center
Miami, Florida 33128

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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:_____

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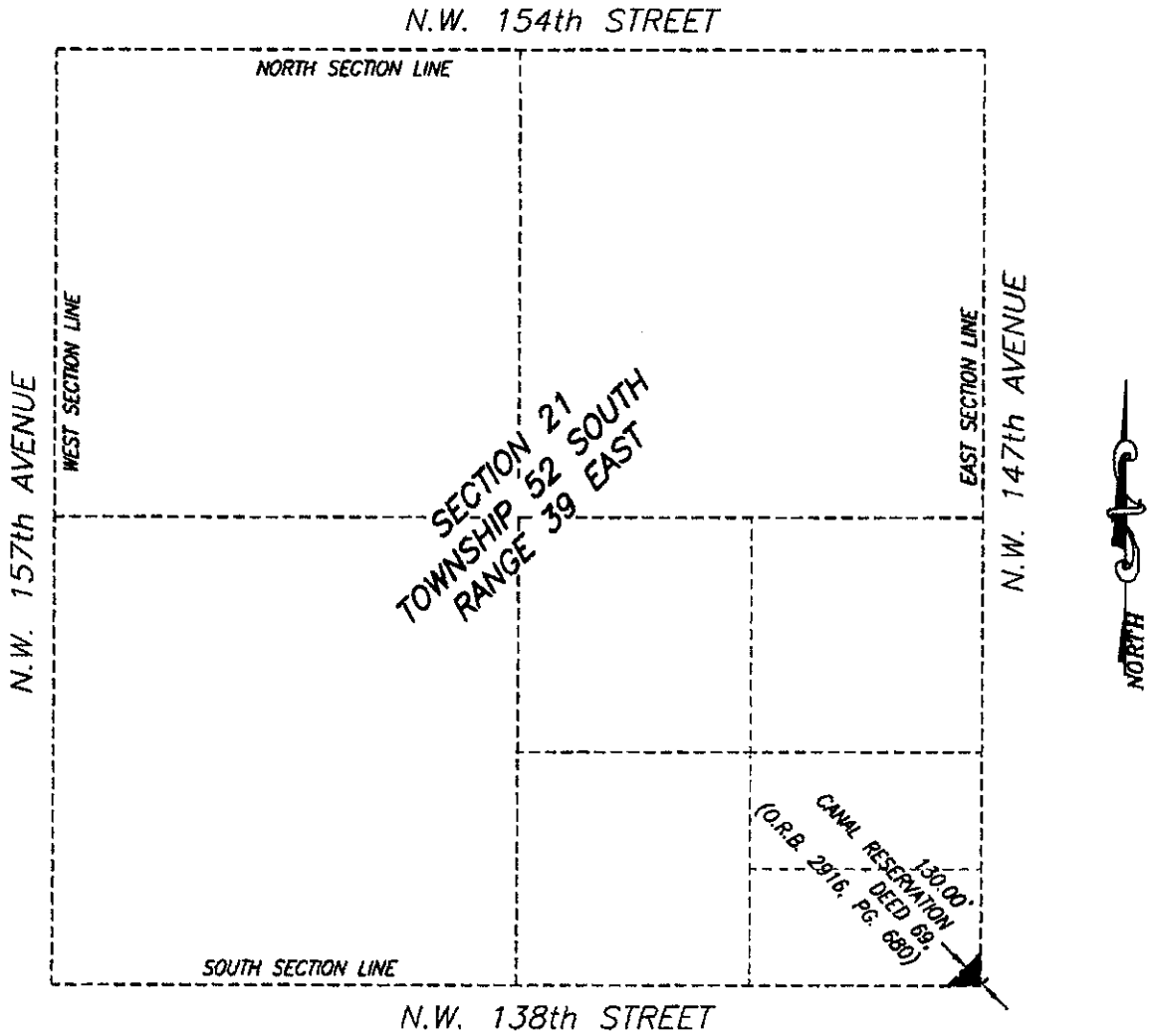
EXHIBIT A

SKETCH AND LEGAL DESCRIPTION

CANAL RESERVATION TO BE RELEASED



ALL THAT PART OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (SE 1/4 OF SE 1/4 OF SE 1/4) OF SECTION 21, TOWNSHIP 52 SOUTH, RANGE 39 EAST, LYING WITHIN 130 FEET OF THE CENTERLINE OF THE EXISTING CHANNEL OF TOWER CANAL, AS DESCRIBED IN DEED 69 AND RECORDED IN OFFICIAL RECORD BOOK 2916 AT PAGE 680 OF PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

LEGEND:	
- - - - - -	DENOTES SECTION LINE
PG.	DENOTES PAGE
O.R.B.	DENOTES OFFICIAL RECORD BOOK

SCALE 1"=1000'

SHEET 1 OF 1 SHEETS

Schwebke-Shiskin & Associates, Inc.
LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025
PHONE No.(954)435-7010 FAX No.(954)438-3288

ORDER NO. 196559

DATE: 06/11/2009

THIS IS NOT A " BOUNDARY SURVEY"

CERTIFICATE OF AUTHORIZATION No. LB-87

PREPARED UNDER MY SUPERVISION:

MARK STEVEN JOHNSON

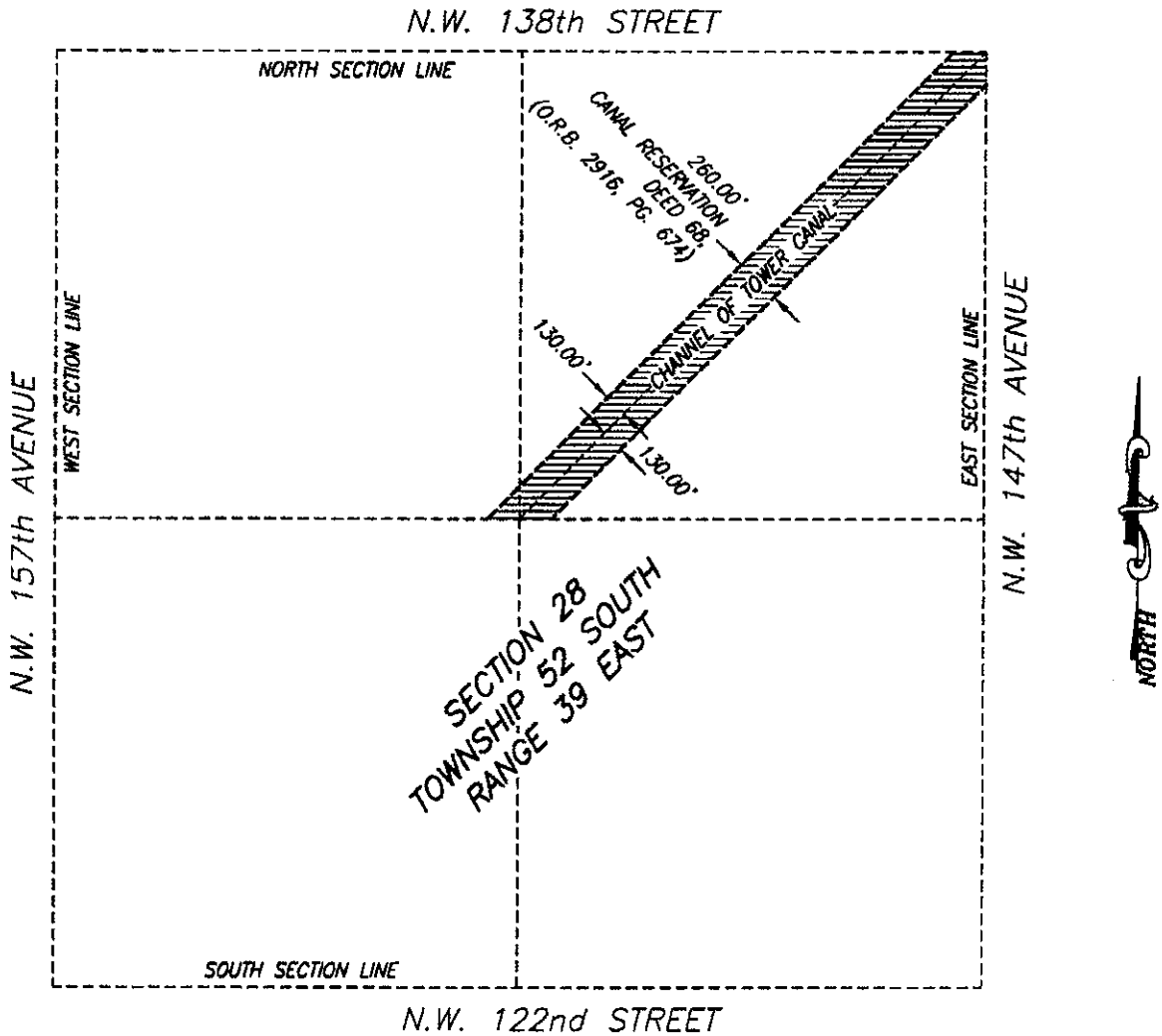
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4775

REVISIONS

EXHIBIT B

SKETCH AND LEGAL DESCRIPTION

CANAL RESERVATION TO BE RELEASED



A STRIP OF LAND 260 FEET IN WIDTH, IN THE NORTH ONE-HALF (N1/2) OF SECTION 28, TOWNSHIP 52 SOUTH, RANGE 39 EAST, BEING 130 FEET NORTHWESTERLY OF AND 130 FEET SOUTHEASTERLY OF THE CENTERLINE OF THE EXISTING CHANNEL OF TOWER CANAL, EXTENDING SOUTHWESTERLY THROUGH THE NORTH ONE-HALF (N 1/2) OF SECTION 28, AS DESCRIBED IN DEED 68 AND RECORDED IN OFFICIAL RECORD BOOK 2916 AT PAGE 674 OF PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

LEGEND:	
------	DENOTES SECTION LINE
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