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

Memorandum

MIAMI-DADE COUNTY

Date: September 10, 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)(F)

Resolution No. R-880-10

Subject: Resolution Accepting a Deed in Donation of Approximately 31.45 Acres of Real Property within the South Dade Wetlands Acquisition Project from Jack B. Levy, Ruth Campbell and Shirley Ghezzi, Trustees, to the Miami-Dade County Environmentally Endangered Lands Program

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution accepting a deed in donation of approximately 31.45 acres of wetlands (see Attachment A) to the Miami-Dade County Environmentally Endangered Lands (EEL) Program. The resolution also authorizes the expenditure of up to $90,000 in transaction costs and thanks Trustees Jack B. Levy, Ruth Campbell and Shirley Ghezzi for their generous donation and transfer of the deed (see Attachment B) of real property with a 2009 tax assessed value of $1,258,000. The subject property lies within the Keyhole Wetlands Addition to the South Dade Wetlands EEL Acquisition Project which was placed on the EEL Priority A Acquisition List by Resolution No. R-102-10, as approved by the Board on February 2, 2010.

Scope

The EEL Program is countywide in nature. This acquisition is located in Commission District 9. The County Commission placed the South Dade Wetlands Project on the EEL Priority A Acquisition List in 1993 and the Keyhole Wetlands Addition to the South Dade Wetlands Project on the EEL Priority A Acquisition List in 2010. To date, the County, in partnership with the South Florida Water Management District, the State of Florida, and other funding partners, has acquired approximately 21,097 acres of land throughout Miami-Dade County since inception of the EEL Program.

Fiscal Impact/Funding Source

This action will reduce the EEL Acquisition Trust Fund by an amount up to $90,000 but would have a positive fiscal impact by avoiding the cost of purchasing land that has a 2009 tax assessed value of $1,258,000. As of May 31, 2010, the balance of the EEL Trust Fund (Subfund 081, Project Numbers 081005/-6/-7/-8) is $58,940,189, of which $26,549,596 is reserved for acquisition and $32,390,593 is reserved for management.

Track Record/Monitor

Not Applicable.

Background

The Keyhole Wetlands were added to the South Dade Wetlands Project on the EEL Priority A Acquisition List in 2010. The natural areas consist of seasonally flooded freshwater and marl prairie wetlands, including sawgrass, native shrubs and some exotic species. There are over 100 plant species that have been identified within the Keyhole Wetlands, including two listed by the State of Florida as endangered. Over 85% of the identified vegetative species are native. The South Dade Wetlands Project area contains an important wetland system in the southern part of the County and this area is targeted for acquisition because of its strategic location between two national parks (Everglades National Park and Biscayne National Park) within the watersheds of Florida Bay, Biscayne Bay, Card Sound and Barnes Sound. Preserving and maintaining these wetlands is important for protecting against saltwater intrusion of the Biscayne Aquifer and because of the importance of the region to endangered and threatened species. Jack B. Levy, Ruth Campbell and Shirley Ghezzi, Trustees, are willing to donate their 31.45 acre parcel within the Keyhole Wetlands which is directly adjacent to EEL land within the South Dade Wetlands. The parcel is located at US-1 just south of SW 360 Street and has a 2009 Property Appraised value of $1,258,000.

The attached Assignment of Option to Purchase is for the following parcels:

TAX FOLIO NUMBER:	30-7931-001-0160
OWNER:	Jack B Levy, Ruth Campbell and Shirley Ghezzi, Trustees
SIZE:	Approximately 31.45 acres
LOCATION:	South of theoretical SW 360 Street, west of US-1, no access, within Section 31, Township 57 South, Range 39 East in the South Dade Wetlands Project (See Attachment A)
PURCHASE PRICE:	$0
TAX ASSESSED VALUE:	$1,258,000 (2009 Property Appraised Value)

The above listed owners are not a partnership or corporation.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: September 10, 2010

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

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

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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(D)(1)(F)
9-10-10

RESOLUTION NO. R-880-10

RESOLUTION ACCEPTING A DEED IN DONATION OF APPROXIMATELY 31.45 ACRES OF REAL PROPERTY WITHIN THE SOUTH DADE WETLANDS ACQUISITION PROJECT FROM JACK B. LEVY, RUTH CAMPBELL AND SHIRLEY GHEZZI, TRUSTEES, TO THE MIAMI-DADE COUNTY ENVIRONMENTALLY ENDANGERED LANDS PROGRAM; AUTHORIZING THE PAYMENT OF TRANSACTION FEES NOT TO EXCEED $90,000; AND THANKING TRUSTEES JACK B. LEVY, RUTH CAMPBELL AND SHIRLEY GHEZZI FOR SAID DONATION

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

WHEREAS, this Board desires to accomplish the purposes of Section 24-50 of the Code of Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby authorizes acceptance of a deed in donation of approximately 31.45 acres of wetlands within the Keyhole Wetlands Addition to the South Dade Wetlands Project from Jack B. Levy, Ruth Campbell and Shirley Ghezzi, Trustees, to the Miami-Dade County Environmentally Endangered Lands Program in substantially the form attached hereto and made a part hereof; authorizes the payment of transaction fees not to exceed $90,000; extends thanks to Trustees Jack B. Levy, Ruth Campbell and Shirley Ghezzi for their generous donation of land; and pursuant to Resolution No. R-974-09, (a) direct the County Mayor or Mayor's designee to provide a recorded copy of any instrument prepared in accordance herewith to the Clerk of the Board within Thirty days of execution and final acceptance; and (b) direct the Clerk of the Board to

attach and permanently store a recorded copy of any instrument provided in accordance herewith together with the authorizing resolution.

The foregoing resolution was offered by Commissioner Dorrin D. Rolle, 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:

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 10th day of September, 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

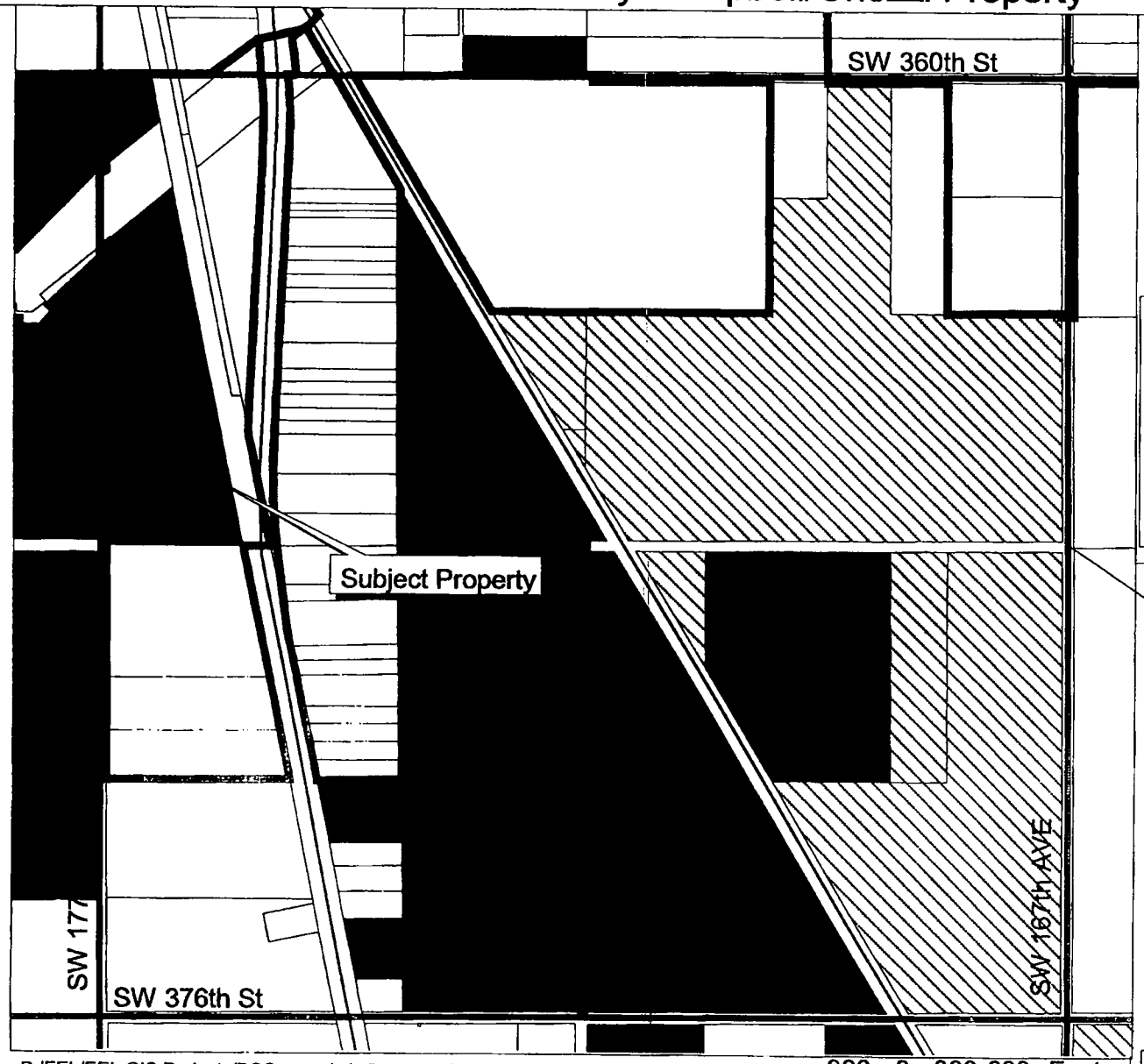
By: DIANE COLLINS
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Robert A. Duvall

SOUTH DADE WETLANDS PROJECT

Levy/Campbell/Ghezzi Property



P:/EEL/EEL GIS Projects/BCC maps/sdw/levycampbellghezzi7931.apr

300 0 300 600 Feet

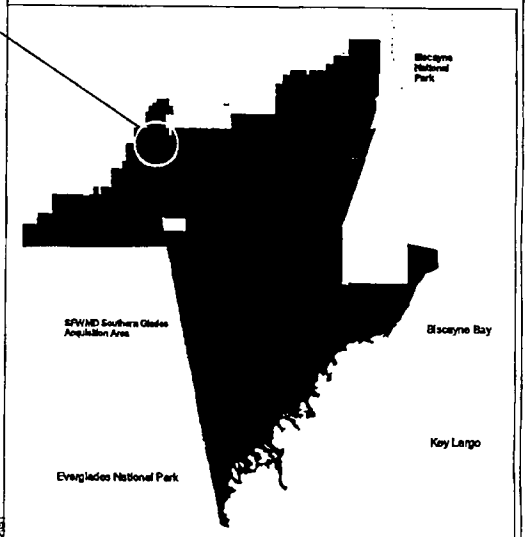
Environmentally Endangered Lands Program

Parcel Information:
Folio # 30-7931-001-0160

Legend

- Project Parcel
- County Owned
- SFWMD Owned
- Mitigation Land
- South Dade Wetlands Boundary
- Keyhole Wetlands Addition to SDW
- Section Boundary

N



South Dade Wetlands Acquisition Project Area approved by Miami-Dade Board of County Commissioners 4/27/1993, 7/6/2000, & 2/2/2010.

ATTACHMENT A

9

Attachment B - Deed in Donation

Prepared by:
Return to:
S. Sandler
Miami-Dade County
Public Works Department
111 NW 1 Street, Ste 1610
Miami, FL 33128-1970

Folio No. 30-7931-001-0160

User Dept. : EEL/DERM

EEL Program
Section 31-57-39

WARRANTY DEED

THIS INDENTURE, made this 3rd day of June, 2010, between JACK B. LEVY, RUTH E. CAMPBELL and SHIRLEY GHEZZI, Individually and as Trustees under a certain Agreement dated December 10, 1974, whose post office address is 7915 SW 128th Street, Pinecrest, Florida, 33156, ("Grantors"), in consideration of the sum of TEN DOLLARS ($10.00) and other valuable consideration, received from MIAMI-DADE COUNTY, a political subdivision of the State of Florida, by and through its Environmentally Endangered Lands Program (EEL), and its successors in interest, ("Grantee") whose post office address is ATTN: EEL PROGRAM, 701 NW First Court, 4th Floor, Miami, Florida 33136, of the County of Miami-Dade, State of Florida, the receipt whereof is hereby acknowledged, have granted, bargained, and sold to the said Grantee, and Grantee's successors and assigns forever, the following described lands, situate, lying and being in Miami-Dade County, Florida, to-wit (the "Premises"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS CONVEYANCE includes, without limitation, all of the following rights owned by the Grantor(s), if any, all timber rights and water rights; all mineral rights and gas rights except those previously reserved, transferred or severed by third parties; all Grantors's rights, title and interest in roads, streams, canals, ditches and other water bodies located on the Premises or which may provide access to the Premises; all riparian rights; and all Grantors's rights, title and interest in alleys, roads, streets and easements included within the Premises, or which may provide access to the Premises.

SUBJECT TO: Easements, dedications and restrictions of record, if any, but any such interests that may have been terminated are not hereby reimposed and subject to applicable zoning ordinances, taxes and assessments for the year 2008 and subsequent years.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantors hereby covenant with the Grantee that the Grantors are lawfully seized of said lands in fee simple; that the Grantors have good right and lawful authority to sell and convey said lands; that the Grantors hereby fully warrant the title to said lands and will defend the same against the lawful claims of all persons whomsoever; and that said lands are free of all encumbrances.

GRANTORS warrant that the Premises or subject property is not the Constitutional Homestead of the Grantors, as the Grantors do not reside on the Premises or subject property or any property contiguous therewith as their permanent residence or homestead, but in fact the property is vacant land.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered
in the presence of:

Witness
Print Name: GEN HWA LIN

Witness
Print Name: Charles A. Brittingham

Witness
Print Name: Patricia L. Nugent

Witness
Print Name: Sheryl Sandler

Witness
Print Name: Patricia L. Nugent

Witness
Print Name: Sheryl Sandler

JACK B. LEVY, Individually and as Trustee under a certain Agreement dated December 10, 1974

RUTH E. CAMPBELL, Individually and as Trustee under a certain Agreement dated December 10, 1974

SHIRLEY GHEZZI, Individually and as Trustee under a certain Agreement dated December 10, 1974

STATE OF Florida
COUNTY OF Marion

I HEREBY CERTIFY, that on this 28 day of MAY, 2010, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared JACK B. LEVY, Trustee under a certain Agreement dated December 10, 1974 personally known to me, or proven by producing the following identification: Florida drivers License to be the person(s) who executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

NAI LIN
MY COMMISSION # DD 923360
EXPIRES: January 8, 2014
Bonded Thru Notary Public Underwriters

NOTARY SEAL/STAMP

Notary Signature

STATE OF Florida

COUNTY OF Miami-Dade

I HEREBY CERTIFY, that on this 3rd day of June, 2010, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared RUTH E. CAMPBELL, Trustee under a certain Agreement dated December 10, 1974 personally known to me, or proven by producing the following identification: drivers license to be the person(s) who executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

NOTARY SEAL/STAMP

Notary Signature

Notary Public State of Florida
Sheryl Sandler
My Commission DD771414
Expires 04/22/2012

STATE OF Florida

COUNTY OF Miami-Dade

I HEREBY CERTIFY, that on this 3rd day of June, 2010, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared SHIRLEY GHEZZI, Trustee under a certain Agreement dated December 10, 1974 personally known to me, or proven by producing the following identification: drivers License to be the person(s) who executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

NOTARY SEAL/STAMP

Notary Signature

Notary Public State of Florida
Sheryl Sandler
My Commission DD771414
Expires 04/22/2012

THE FOREGOING was approved pursuant to Resolution No. R- by the Board of County Commissioners of Miami-Dade County, Florida, on the day of , 2010, for the purchase and management of the property by the Environmentally Endangered Lands Program (EEL) and its successors and assigns.

Exhibit 'A'
Legal Description

Lots 6, 7, 8, 9, and 10, Block 2, Miami Land and Development Company's Subdivision, in Section 31, Township 57 South, Range 39 East, lying West of FEC right of way and 30 feet of a parcel lying south and adjacent to Lots 9 and 10, and 30 feet of a parcel lying North and adjacent to Lot 6, LESS: Begin 536.35 feet South of the Northwest corner of Section 31, thence North 50 degrees 42'37" East for 448.6 feet, thence Southeasterly along the West Right of Way line of FEC for 373.6 feet, thence South 50 degrees 42'07" West for 540.95 feet, thence North along the West line of Section 31, to the Point of Beginning.