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

Memorandum

MIAMI-DADE COUNTY

Date: October 5, 2010

Agenda Item No. 8(P)(1)(M)

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

From: George M. Burgess
County Manager

Resolution No. R-997-10

Subject: Resolution Designating Portions of County Owned Land Located in Section 20, Township 56 South, Range 40 East as Road Rights-of-Way for SW 99 Avenue, SW 236 Street, and SW 97 Court

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Recommendation
It is recommended that the Board of County Commissioners (BCC) approve the attached resolution designating portions of County owned land as road rights-of-way for SW 99 Avenue, SW 236 Avenue, and SW 97 Court.

Scope
The proposed road rights-of-way to be designated are all located within Commission District 8.

Fiscal Impact/Funding Source
There will be no new fiscal impact to the County in connection with this resolution since this resolution does not propose to construct the roadways. Roadways will be constructed in the future as required for the site development of the South District Water Reclamation Plant (SDWRP) upon finalization of Tentative Plat T-23121 (see "Background" explanation below). Maintenance costs for the designated rights-of-way, which have been the responsibility of the Water and Sewer Department, will be transferred to the Public Works Department. The annual maintenance cost is estimated to be less than $850 and will be funded through the Department's General Fund allocation.

Track Record/Monitor
N/A

Background
The purpose of this resolution is to advance the dedication of the subject roadways in order to accommodate the construction schedule of a gas transmission line. These County owned lands are currently in use by the Water and Sewer Department (WASD) which has already made plans to dedicate the subject rights-of-way to the public once Tentative Plat (T-23121) for the SDWRP becomes final. Florida Gas Transmission Company, LLP has filed a condemnation action (Case No. 10-34781-CA-09) seeking conveyance of an easement in and to portions of the subject rights-of-way for their planned construction of a gas transmission line. Once the subject road rights-of-way have been dedicated by this resolution, that easement will not be needed because the Public Works Department will be able to manage the gas utility's use of the rights-of-way through a permit. This will keep the public rights-of-way free from encumbrance by a permanent utility easement.

The Directors of the Public Works Department and the Water and Sewer Department are in agreement that it is in the best interest of the public to advance the dedication of the subject rights-of-way for the reasons set forth above.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: October 5, 2010

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

SUBJECT: Agenda Item No. 8(P)(1)(M)

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(P)(1)(M)
10-5-10

RESOLUTION NO. R-997-10

RESOLUTION DESIGNATING PORTIONS OF COUNTY OWNED LAND LOCATED IN SECTION 20, TOWNSHIP 56 SOUTH, RANGE 40 EAST, AS ROAD RIGHTS-OF-WAY FOR SW 99 AVENUE, SW 236 STREET, AND SW 97 COURT

WHEREAS, the Directors of the Public Works Department and the Water and Sewer Department recommend that a portion of County owned land be designated as public road rights-of-way, and the County Manager concurs with their recommendations; and

WHEREAS, the roadways within the hereby designated rights-of-way will be constructed by the Water and Sewer Department as required by the final approval of Tentative Plat (T-23121) for the site development of the South District Water Reclamation Plant ; and

WHEREAS, it is the intent of this Board to accomplish the purposes set forth 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 does hereby designate as public road rights-of-way the Miami-Dade County owned land as described in Exhibit "A" and depicted in Exhibit "B" which are attached hereto and made a part hereof.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, 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	**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 5th day of October, 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.

Debra Herman

LEGAL DESCRIPTION

The North 35 feet, and the East 35 feet, and the West 35 feet of the West 3/4 of the SE 1/4 of the NE 1/4 of Section 20, Township 56 South, Range 40 East, in Miami-Dade County, Florida, LESS the southerly 35 feet thereof, previously dedicated for road right of way;

AND

The external area formed by a 25 foot radius curve concave to the southeast, tangent to the East line of the West 35 feet and to the South line of the North 35 feet of the West 3/4 of the SE 1/4 of the NE 1/4 of said Section 20;

AND

The external area formed by a 25 foot radius curve concave to the southwest, tangent to the West line of the East 35 feet and to the South line of the North 35 feet of the West 3/4 of the SE 1/4 of the NE 1/4 of said Section 20;

AND

The external area formed by a 25 foot radius curve concave to the northwest, tangent to the West line of the East 35 feet and to the North line of the South 35 feet of the West 3/4 of the SE 1/4 of the NE 1/4 of said Section 20;

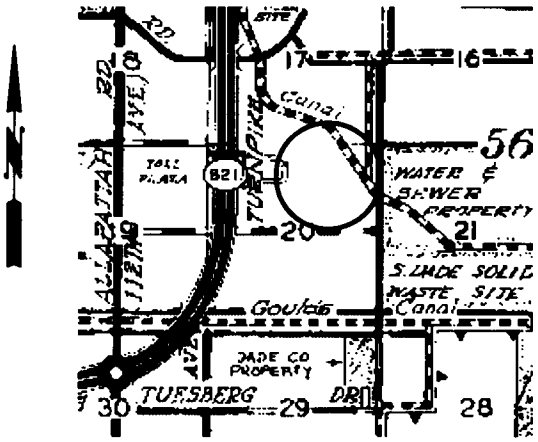
AND

The external area formed by a 25 foot radius curve concave to the northeast, tangent to the East line of the West 35 feet and to the North line of the South 35 feet of the West 3/4 of the SE 1/4 of the NE 1/4 of said Section 20.

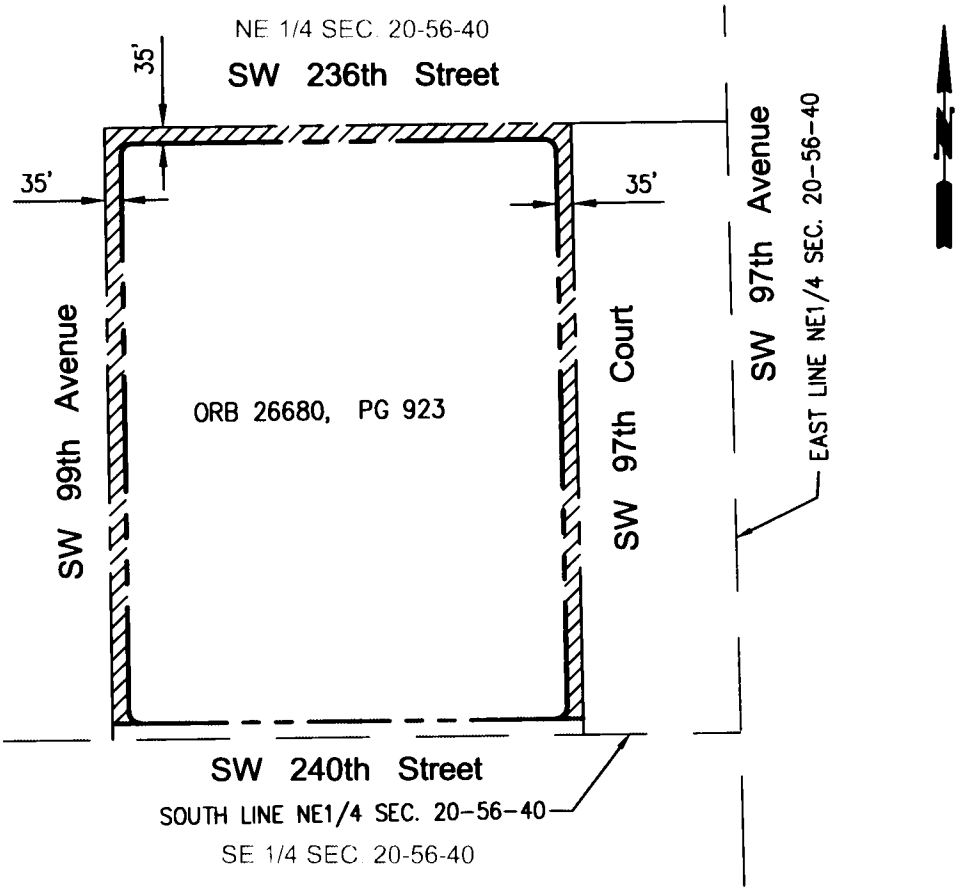
EXHIBIT "A" 5

SW 236 Street
SW 97 Court
SW 99 Avenue

SEC 20
TWP 56 S
RGE 40 E



LOCATION MAP
NOT TO SCALE



LEGEND

COUNTY OWNED LAND TO BE DESIGNATED AS RIGHT OF WAY

SECTION LINE
CENTER LINE
EXISTING RIGHT OF WAY LINE
PROPOSED RIGHT OF WAY LINE

MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT OF WAY DIVISION
RIGHT OF WAY ENGINEERING SECTION

EXHIBIT "B"

6

SCALE 1" = 400'
PREPARED BY: L.E.
DATED: 08-05-10