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

Memorandum

MIAMI-DADE COUNTY

Date: November 4, 2010

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

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

Resolution No. R-1091-10

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the Transfer of a Portion of a County Owned Right-of-Way for SW 72 Avenue also known as Parcel No. 100, to the Florida Department of Transportation for Improvements to State Road No. 976 (SW 40 Street)
Section: 14-54-40 Commission District 6

Recommendation
It is recommended that the Board of County Commissioners (Board) approve the transfer of a portion of the right-of-way for SW 72 Avenue, also known as Parcel No. 100, to the Florida Department of Transportation (FDOT) for improvements to State Road No. 976 (SW 40 Street) and authorize the Mayor to execute a County Deed conveying in fee simple to FDOT the subject parcel.

Scope
The property to be conveyed is located within Commission District 6.

Fiscal Impact/Funding Source
The Property Appraiser's Office has assessed the adjacent property to this right-of-way at $65.00 per square foot. Therefore, the estimated value of this right-of-way would be approximately $79,820.00. Conveying this portion of right-of-way will not result in an increase in revenue from property taxes because land used as right-of-way is tax-exempt; however, there is a positive fiscal impact from PWD no longer being responsible for the maintenance of the subject parcel.

Track Record/Monitor
Not Applicable

Background
FDOT is planning improvements at the intersection of State Road 976 (SW 40 Street) and SW 72 Avenue. This project will upgrade existing roadway features to meet safety standards, including reconstruction of the pedestrian ramps to comply with current Americans with Disabilities (ADA) standards.

The subject parcel is located in the northwest quadrant of the intersection of SW 40 Street and SW 72 Avenue. This parcel is needed for the installation of a railroad control shed. Additionally, sidewalks, curbs and gutters will be replaced and pedestrian ramps will be reconstructed. The planned improvements to this intersection will benefit vehicular and pedestrian traffic in the area. The Public Works Department (PWD) has no objection to this right-of-way being transferred.

The subject right-of-way was dedicated in 1925, by the plat of CENTRAL MIAMI PART SIX, as recorded in Plat Book 17, Page 8 of the Public Records of Miami-Dade County, Florida. The subject right-of-way is zoned BU-3 (Business Liberal).

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: November 4, 2010

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

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

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(P)(1)(C)
11-4-10

RESOLUTION NO. R-1091-10

RESOLUTION AUTHORIZING THE TRANSFER OF A PORTION OF COUNTY OWNED RIGHT-OF-WAY FOR SW 72 AVENUE ALSO KNOWN AS PARCEL NO. 100 TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS OF STATE ROAD NO. 976 (SW 40 STREET), AND AUTHORIZING THE MAYOR TO EXECUTE A COUNTY DEED CONVEYING SAID PARCEL TO THE FLORIDA DEPARTMENT OF TRANSPORTATION THEREOF, IN SECTION 14, TOWNSHIP 54 SOUTH, RANGE 40 EAST

WHEREAS, the Board desires to accomplish the purpose outlined in the accompanying memorandum, copies of which are incorporated herein by reference; and

WHEREAS, the Florida Department of Transportation proposes to construct and improve State Road No. 976 (SW 40 Street) in Miami-Dade County; and

WHEREAS, a portion of County owned right-of-way for SW 72 Avenue, also known as Parcel No. 100 is needed for the proposed improvements to said State Road No. 976; and

WHEREAS, the Board is satisfied that Parcel No. 100 is needed for such public interest; and

WHEREAS, the subject Property will revert to the County in the event that use for transportation purposes ever ceases,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, 1) that the foregoing recitals are incorporated and adopted herein, 2) that this Board, pursuant to Section 125.38, Florida Statutes, authorizes the conveyance of Parcel No. 100 to the Florida Department of

Transportation, as shown on Exhibit "A," attached hereto and made a part hereof for no monetary consideration, (3) that this Board authorizes the County Mayor to execute a County Deed on behalf of Miami-Dade County, in substantially the form attached hereto, conveying Parcel No. 100 in fee simple to the Florida Department of Transportation; (4) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (5) the Clerk is hereby directed to publish notice of the adoption of this resolution one (1) time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

The foregoing resolution was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** 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	**absent**	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 4th day of November, 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

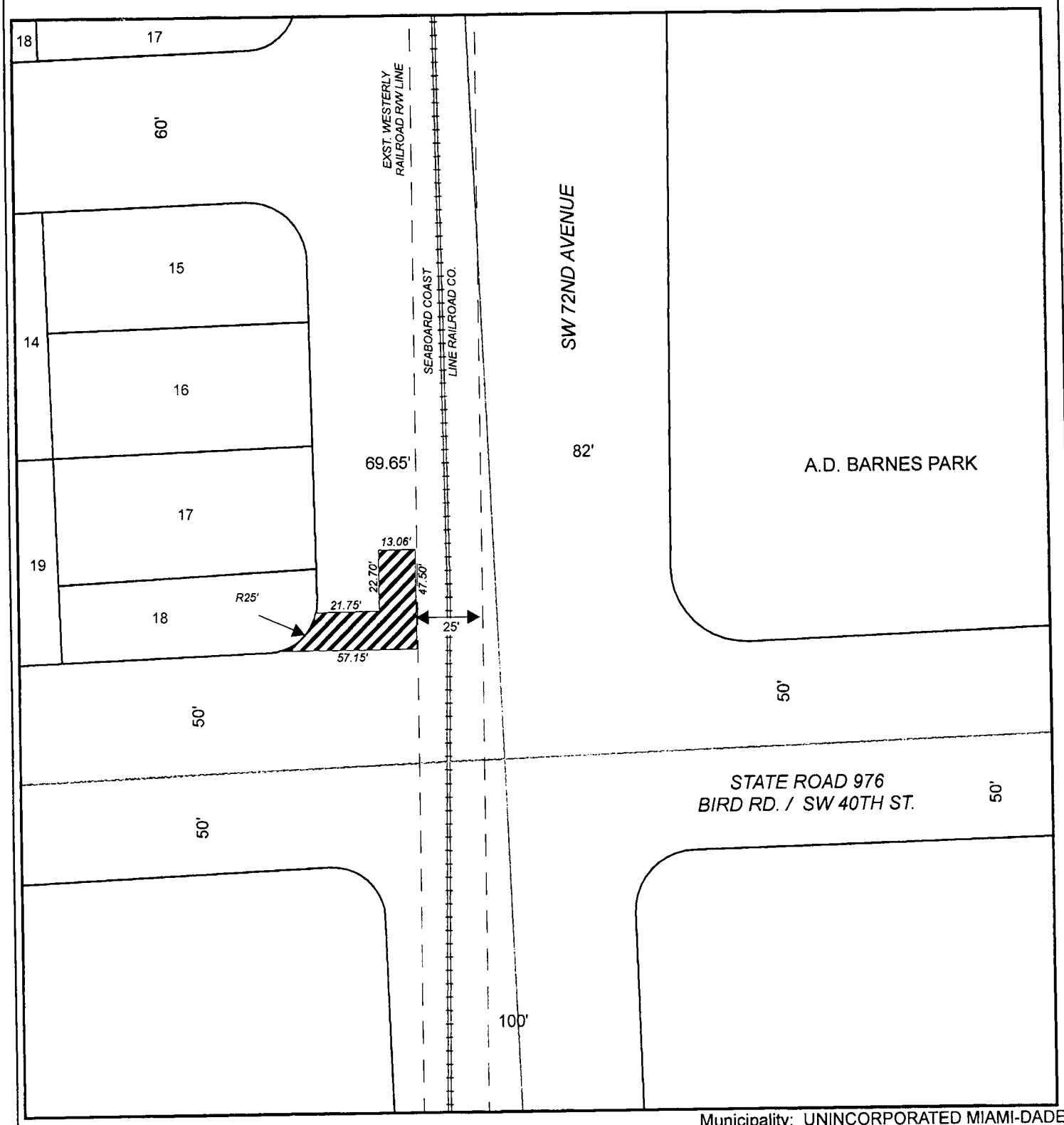
HARVEY RUVIN, CLERK

By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

S



THIS IS NOT A SURVEY

SEC. 14-54-40

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Rebeca Sosa, 6
Miami-Dade County Mayor Carlos Alvarez

RIGHT OF WAY BEING TRANSFERRED TO FDOT

LOCATION MAP

N
W E
S
NTS

MIAMI-DADE COUNTY

MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT
RIGHT-OF-WAY
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825

Date: August 9th, 2010
Prepared by: Yazmin Moreno

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.
Miami-Dade County Public Works Dept
111 N.W. 1st Street
Miami, FL 33128-1970

Folio No. N/A

COUNTY DEED

THIS DEED, Made this _____ day of_____, A.D. 2010, by and between **MIAMI-DADE COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is: Metro-Dade Center, 111 N.W. 1st Street, Miami, Florida 33128-1963, party of the first part, and the **FLORIDA DEPARTMENT OF TRANSPORTATION,** whose address is 1000 NW 111th Avenue, Miami, Florida 33172, party of the second part,

WITNESSETH:

THAT the said party of the first part, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors, and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

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

Subject to the following restriction:

That the Property shall be utilized for transportation related improvements to State Road No. 976 (SW 40 Street). Failure to utilize the Property for said purpose 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 Chairperson or Vice Chairperson, and attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:

HARVEY RUVIN,
CLERK OF SAID BOARD

By:_____

Deputy Clerk

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

By:_____

Mayor

The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the ____ day of _____, A.D. 2010___.

LEGAL DESCRIPTION
PARCEL 100

EXHIBIT "A"

Being a parcel of land lying within the right-of-way of Southwest 72nd Avenue (Avenue P), according to the Plat of CENTRAL MIAMI PART SIX, as recorded in Plat Book 17, Page 8, and lying in the Southeast one-quarter (1/4) of the Southwest one-quarter (1/4) of Section 14, Township 54 South, Range 40 East, all in Miami-Dade County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of the Southwest one-quarter (1/4) of said Section 14, lying at the intersection of the baseline of survey of State Road 976 (Bird Road / Southwest 40th Street) and the baseline of Southwest 72nd Avenue, as shown on the Florida Department of Transportation Project Survey Control, Project No. 424544-1-52-01, Dated 04/21/2008; thence N 02°24'27" W, along said baseline of Southwest 72nd Avenue and the East line of the Southwest one-quarter (1/4) of aforementioned Section 14, a distance of 50.00 feet to the intersection with the Easterly prolongation of the Northerly Right-of-Way line of State Road 976 (Southwest 40th street / Bird Road) as shown on the Florida Department of Transportation Right-of-Way Map, Section 87520-2601 (87044), last revised September 1971; thence S 87°54'13" W, along lastly said line, a distance of 36.40 feet to the intersection with the Westerly Right-of-Way line of the Seaboard Coast Line Railroad, and the POINT OF BEGINNING of the following described parcel:

Thence continue S 87°54'13" W along lastly said line, a distance of 57.15 feet to the point of cusp with a curve concave to the northwest having a radius of 25.00 feet, the chord of which bears N 43°13'19" E; thence Northeasterly and Northerly along the arc of said curve a distance of 38.99 feet through a central angle of 89°21'46"; thence N 87°54'13" E, non-tangent to last described curve, a distance of 21.75 feet; thence N 02°05'47" W a distance of 22.70 feet; thence N 87°54'13" E a distance of 13.06 feet to the intersection with the aforesaid Westerly Right-of-Way line of the Seaboard Coast Line Railroad; thence S 01°07'03" W, along said Westerly Right-of-Way line, a distance of 47.50 feet to the POINT OF BEGINNING.

Containing 1,228 square feet, more or less.

GENERAL NOTES:

1) Reproductions of this map are not valid without the signature and original raised seal of the Florida Licensed Surveyor and Mapper in responsible charge.
2) Lands shown hereon were not abstracted by this office for rights-of-way, easements of record, ownership, abandonments, deed restrictions, of Murphy Act Deeds. This information should be obtained through appropriate verification.
3) The Bearings shown hereon are referenced to the Baseline of Survey of State Road 976 (Bird Road / SW 40th St.), having a bearing of N 87°54'13" E, as shown on Project Survey Control completed by Marlin Engineering, Inc., Project No. 424544-1-52-01.
4) The data used in the calculation and preparation of the legal description are according to the Florida Department of Transportation Right-of-Way Map, Section 87520-2601 (87044), last revised September 1971.
5) Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.
6) This document consists of two sheets and shall not be considered full, valid and complete unless each sheet is attached to the other.

Richard W. Bussell 6/10/10

RICHARD W. BUSSELL
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 3858

DATE

REVISION	BY	DATE

FLORIDA DEPARTMENT OF TRANSPORTATION

LEGAL DESCRIPTION

STATE ROAD NO. 976 — MIAMI-DADE COUNTY

	BY	DATE
DRAWN	D.DENIS	06/04/10
CHECKED	BUSSELL	06/04/10

PREPARED BY: FDOT DISTRICT VI

DATA SOURCE: SEE GENERAL NOTES

F.P. NO. 409496-1 SECTION 87044

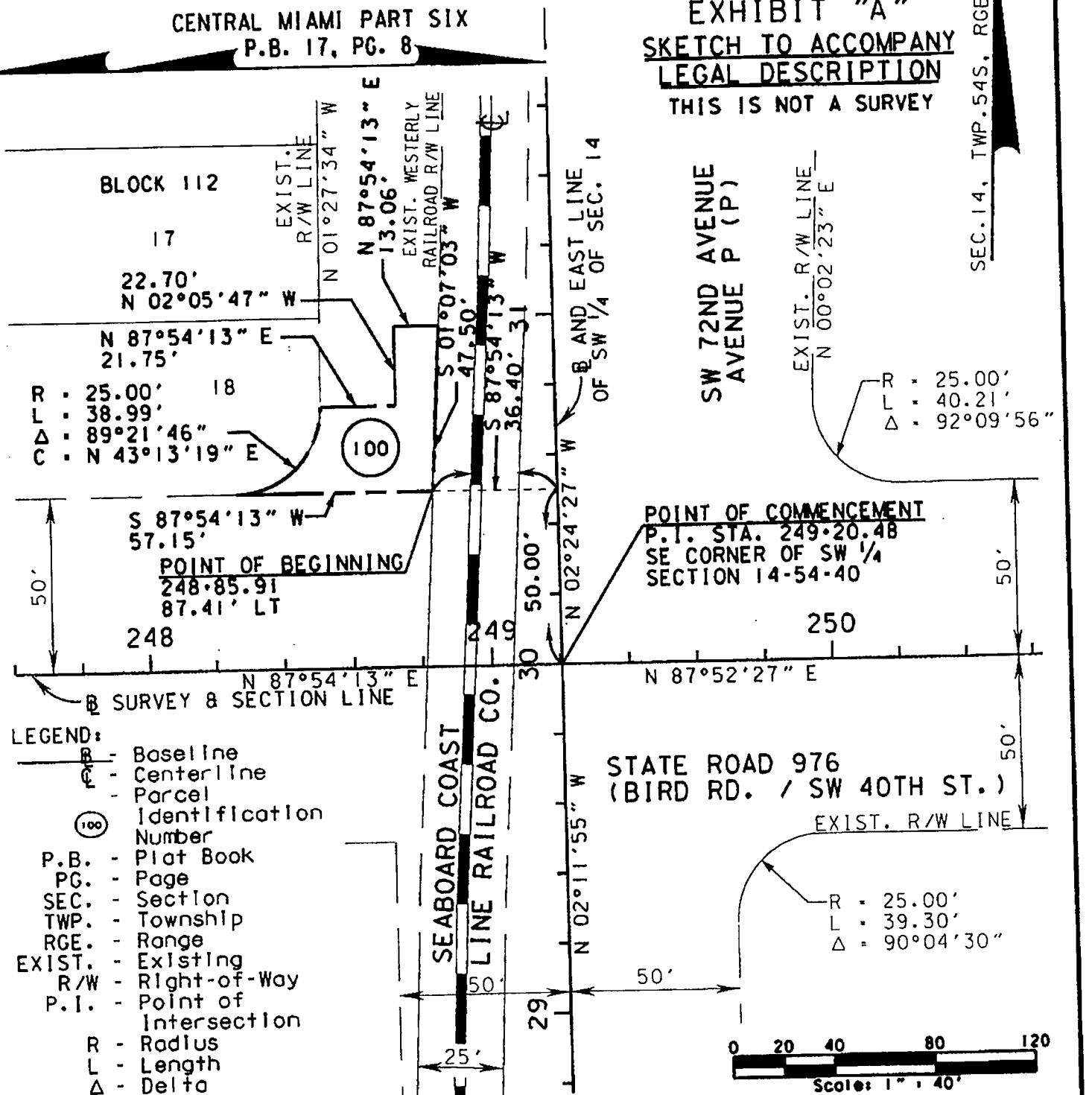
SHEET 1 OF 2

PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
100	MIAMI-DADE COUNTY	1,228 SQ. FT.	UNDETERMINED	

EXHIBIT "A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

THIS IS NOT A SURVEY



LEGEND:

- ℄ - Baseline
- ℄ - Centerline
- (100) - Parcel Identification Number
- P.B. - Plat Book
- PG. - Page
- SEC. - Section
- TWP. - Township
- RGE. - Range
- EXIST. - Existing
- R/W - Right-of-Way
- P.I. - Point of Intersection
- R - Radius
- L - Length
- Δ - Delta
- C - Chord
- LT - Left
- CO. - Company
- (P) - Plat

THIS DOCUMENT CONSISTS OF 2 SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS ATTACHED TO THE OTHER.

REVISION	BY	DATE

FLORIDA DEPARTMENT OF TRANSPORTATION

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

STATE ROAD NO. 976 — MIAMI-DADE COUNTY

	BY	DATE
DRAWN	D.DENIS	06/04/10
CHECKED	BUSSELL	06/04/10

PREPARED BY: FDOT DISTRICT VI

DATA SOURCE: SEE GENERAL NOTES ON SHEET 1

F.P. NO. 409496-1 SECTION 87044

SHEET 2 OF 2

10