

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

MEMORANDUM

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

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 7, 2011

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

SUBJECT: Resolution approving a Maintenance map for a portion of SW 57 Avenue (Red Road) between SW 72 Street and SW 80 Street in Section 36 Township 54 South Range 40 East, authorizing the Chairman and the Clerk of the Board to certify the Maintenance Map and authorizing the recording thereof among the Public Records of Miami-Dade County Florida

Resolution No. R-451-11

The accompanying resolution was prepared by the Public Works Department and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: June 7, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager

A handwritten signature in black ink, appearing to read "Alina T. Hudak". The signature is written in a cursive, flowing style.

Subject: Resolution Approving a Maintenance Map for a Portion of SW 57 Avenue (Red Road) Between SW 72 Street and SW 80 Street in Section 36, Township 54 South, Range 40 East, Authorizing the Chairman and the Clerk of the Board to Certify the Maintenance Map, and Authorizing the Recording Thereof Among the Public Records of Miami-Dade County, Florida

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution approving a Maintenance Map for a portion of SW 57 Avenue between SW 72 Street and SW 80 Street, authorizing the Chairman and the Clerk of the BCC to certify same, and authorizing the recordation thereof in the Public Records of Miami-Dade County, Florida.

Scope

The subject road is a County maintained road located in the city of South Miami within County Commission District 7.

Fiscal Impact/Funding Source

There will be no increase in maintenance cost to the County as a result of this action because the County has already been maintaining the property for more than four years. The current maintenance cost for this road is approximately \$565.00 annually and is funded from the Department's General Fund allocation through Index Code PW 338475.

Track Record/Monitor

Not applicable.

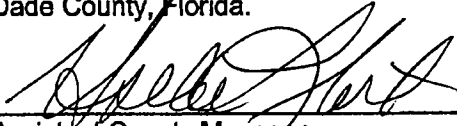
Background

SW 57 Avenue between SW 72 Street and SW 80 Street has been constructed and maintained continuously by Miami-Dade County Public Works Department (PWD) for a period over four (4) years. Therefore, in accordance with Chapter 95.361, Florida Statutes, title to a road maintained by the County for over four (4) years vests in the County. Pursuant to such statute, the filing of a maintenance map in the office of the clerk of the court, which has been certified by the Chair and the Clerk of the BCC is deemed prima facie evidence of that ownership by the County.

The subject Maintenance Map has been executed by the Chief of the Road, Bridge and Canal Maintenance Division of the Miami-Dade County PWD, thereby certifying that the County has maintained this road for over four (4) years (see Exhibit "B"). It is therefore recommended that the attached Maintenance Map be approved by the BCC, after which it will be certified by the Chair and the Clerk of the BCC and recorded in the Public Records of Miami-Dade County, Florida in accordance with Chapter 95.361 of the Florida Statutes.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page 2

Both the original and the reproducible of the Maintenance Map are to be executed by the Chair and Clerk of the BCC and returned to the PWD for recording in the Public Records of Miami-Dade County, Florida.



Assistant County Manager



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 7, 2010

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

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

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)(A)
6-7-11

RESOLUTION NO. R-451-11

RESOLUTION APPROVING A MAINTENANCE MAP FOR A PORTION OF SW 57 AVENUE (RED ROAD) BETWEEN SW 72 STREET AND SW 80 STREET IN SECTION 36 TOWNSHIP 54 SOUTH RANGE 40 EAST, AUTHORIZING THE CHAIRMAN AND THE CLERK OF THE BOARD TO CERTIFY THE MAINTENANCE MAP AND AUTHORIZING THE RECORDING THEREOF AMONG THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA

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 Director of Public Works Department has recommended that an Official Maintenance Map, stating that such road has vested in the County, be filed for record to indicate prima facie evidence of ownership, pursuant to the provisions of Chapter 95.361 of the Florida Statutes and the County Manager has concurred in such recommendation,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby:

Section 1. This Board ratifies and adopts these matters set forth in the foregoing recitals.

Section 2. The Board approves the Maintenance Map for a portion of SW 57 Avenue (Red Road) between SW 72 Street and SW 80 Street in Section 36, Township 54 South, Range 40 East, attached as Exhibit "A", and authorizes the Chairman and the Clerk of the Board to certify same pursuant to Chapter 95.361 of the Florida Statutes.

Section 3. Pursuant to Resolution R-974-09, this Board (a) directs the County Mayor or Mayor's designee to record any instruments executed in connection herewith which create or

reserve a property interest in favor of the County, in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of instruments to the Clerk of the Board within thirty (30) days of execution of said instruments; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instruments together with this resolution.

The foregoing resolution was offered by Commissioner **Jose "Pepe" Diaz**, 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:

	Joe A. Martinez, Chairman	aye
	Audrey M. Edmonson, Vice Chairwoman	aye
Bruno A. Barreiro	absent	Lynda Bell aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz aye
Sally A. Heyman	aye	Barbara J. Jordan aye
Jean Monestime	aye	Dennis C. Moss aye
Rebeca Sosa	aye	Sen. Javier D. Souto absent
Xavier L. Suarez	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of June, 2011. 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

DIANE COLLINS
By: _____
Deputy Clerk

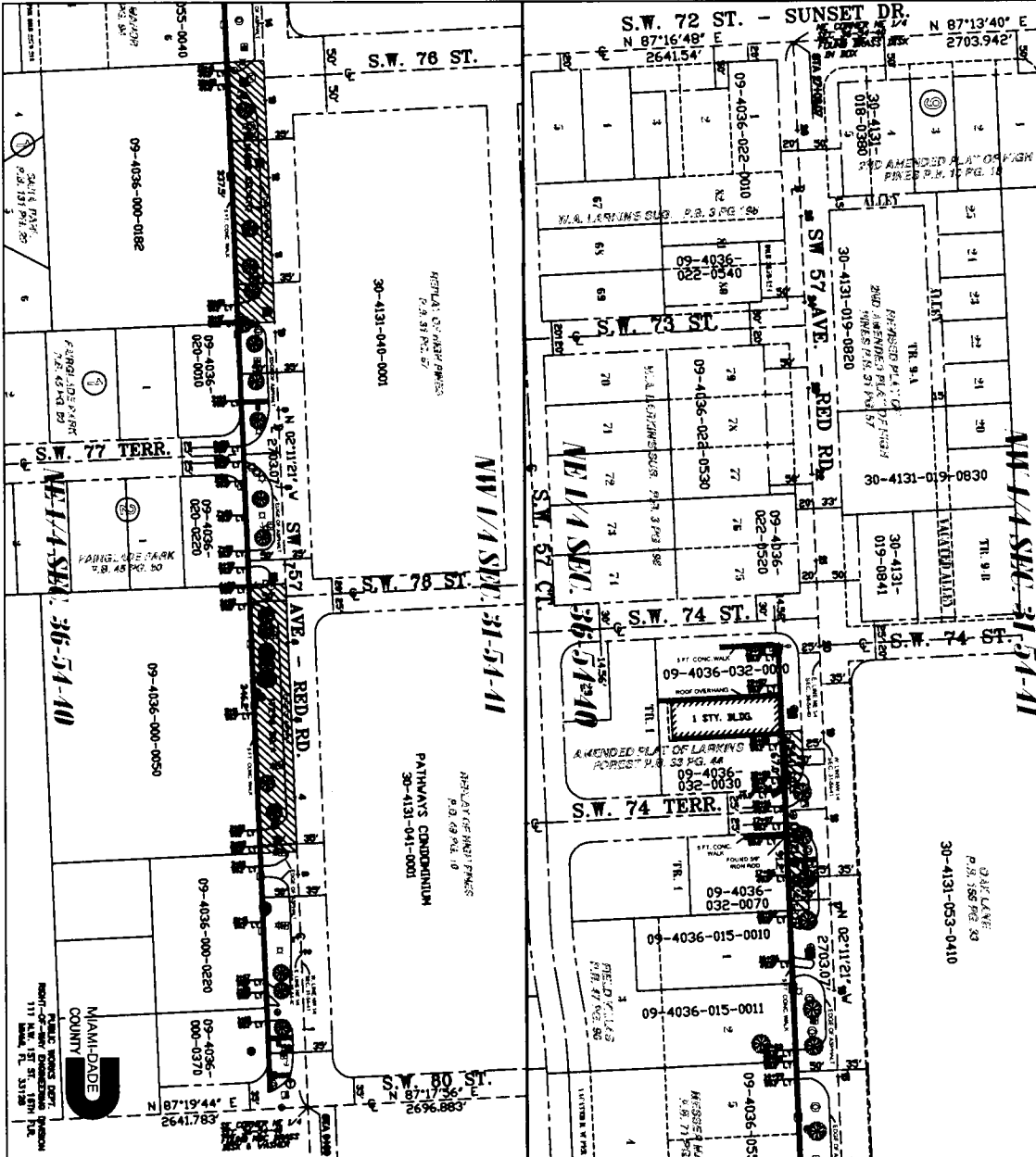
Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "Debra Herman", is written over a horizontal line.

Debra Herman

A small, handwritten mark or signature in black ink, possibly a stylized "e" or "4", is located at the bottom center of the page.

MATCH LINE - SEE ABOVE



MATCH LINE - SEE BELOW

PROJECT NO. 20090273

S.W. 57th Avenue
(i.e., Red Road)
from S.W. 72nd St. to S.W. 50th St.

NOT A SURVEY

MDC MAINTAINED R/W

MDC MAINTAINED RIGHT-OF-WAY

SYMBOL LEGEND		
	Survey/Reference	...
	Easement	...
	Encumbrance	...
	Utility	...
	Structure	...
	Boundary	...
	Other	...

NOT A SURVEY

THIS IS NOT A SURVEY. IT IS A PLANNING AND DESIGN DOCUMENT. THE INFORMATION HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.

THE INFORMATION HEREIN IS THE PROPERTY OF THE DESIGNER AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.

THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT. THE USER OF THIS DOCUMENT SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY AND COMPLETENESS OF THE INFORMATION HEREIN.

DATE: 12/15/11

DESIGNER: [Name]

SCALE: [Scale]

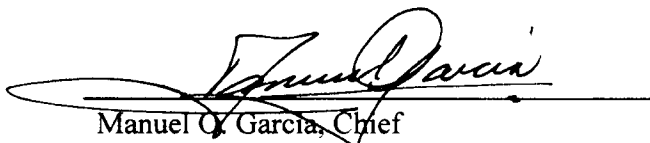
PROJECT NO.: 20090273

EXHIBIT "A"

Handwritten mark

AFFIDAVIT

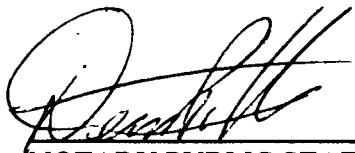
THIS IS TO CERTIFY THAT I, Manuel O. Garcia, Chief of Road, Bridge and Canal Maintenance Division of the Miami-Dade County Public Works Department have determined, to the best of my knowledge, that Miami-Dade County road forces have maintained along SW 57 Avenue (Red Road) between SW 72 Street to SW 80 Street, the pavement, the concrete sidewalk and the swales of the road thereof, in unincorporated Miami-Dade County, for at least four (4) years.



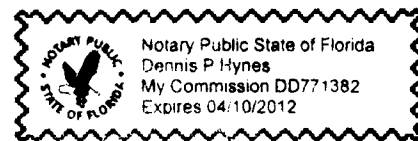
Manuel O. Garcia, Chief
Road, Bridge and Canal
Maintenance Division
Miami-Dade County
Public Works Department

STATE OF FLORIDA
COUNTY OF DADE

The foregoing instrument was acknowledged before me this 17 day of March, 2011 by Manuel O. Garcia, who is personally known to me and who did take and oath.



NOTARY PUBLIC STATE OF FLORIDA



MY COMMISSION EXPIRES: 04/10/2012
COMMISSION/SERIAL NO. DD 771382

EXHIBIT "B"

8