

MEMORANDUM

Agenda Item No. 8(P)(1)(000)

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

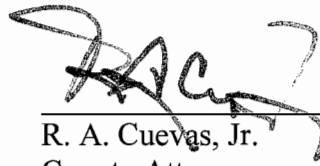
DATE: October 4, 2011

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

SUBJECT: Resolution approving a
Right-of-Way Transfer Map
for a portion of State Road 826
known as the NW 138 Street/
NW 154 Street interchange

Resolution No. R-861-11

The accompanying resolution was prepared by the Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.



R. A. Cuevas, Jr.
County Attorney

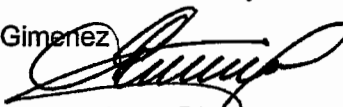
RAC/up

Memorandum



Date: October 4, 2011

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

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Approving a Right-of-Way Transfer Map for a Portion of State Road 826 (Palmetto Expressway), Sections 14, 15, 22, 23, 26 and 27, Township 52 South, Range 40 East

Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the attached resolution approving a Right-of-Way Transfer Map for the NW 138 Street/NW 154 Street interchanges of State Road 826 (Palmetto Expressway). The attached resolution authorizes the County Mayor or the County Mayor's designee and the Clerk of the Board to certify same, and authorizes the recordation among the Public Records of Miami-Dade County, Florida.

Scope

This section of the road is located within County Commission Districts 12 and 13.

Fiscal Impact/Funding Source

Approval of this resolution will not create a fiscal impact to the County. The interchanges were acquired by the County with Florida Department of Transportation (FDOT) funds and have since been maintained by the State. As such, FDOT is responsible for the maintenance costs of this road.

Track Record/Monitor

The Public Works Department (PWD) is the entity overseeing this project and the person responsible for monitoring is Mr. Wayne Sutton, PLS, Section Head, PWD Right-of-Way Division

Background

On September 2, 1970, FDOT requested and authorized the County to acquire the right-of-way in fee simple for highway purposes. On January 19, 1971, the Board adopted R-101-71 (attached) which authorized the acquisition of right-of-way by the County and authorized and directed the County to execute and deliver to FDOT the attached Right-of-Way Contract.

Subsequent to the acquisition of the subject right-of-way, the interchange improvements were constructed and FDOT assumed control and maintenance of the right-of-way. However, no formal transfer of the right-of-way to FDOT occurred. A May 9, 2006 letter from the FDOT Office of Right-of-Way Administration – District Six, addressed to the PWD Director requested the formal transfer. This initialized lengthy negotiations between PWD, FDOT, and the County's Department of Environmental Resources Management to clarify what rights-of-way should be transferred since the County is responsible for certain canal rights-of-way and easements within the interchanges. After the specifics of the transfer were agreed upon, a letter dated May 5, 2011 from Maria A Llanes, FDOT Property Management Agent, renewed the transfer request.

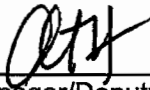
In accordance with Chapter 337.29, Florida Statutes, upon the vesting of title of land for highway purposes in the State, the County shall immediately forward a recorded Road Right-of-

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Way Transfer Map to FDOT covering such lands and that such road shall be transferred from County ownership to FDOT by mutual agreement, pursuant to the provisions of Chapter 335.0415, Florida Statutes.

It is therefore recommended that the attached Road Right-of-Way Transfer Map be approved by the BCC, recorded in the Public Records of Miami-Dade County, Florida, after which it will be deemed transferred to FDOT.

Both the original and the reproducible of the Right-of-Way Transfer Map are to be executed by the County Mayor or the County Mayor's designee and Clerk of the Board, and recorded in the Public Records of Miami-Dade County, Florida.



County Manager/Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: October 4, 2011

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

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

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)(OOO)
10-4-11

RESOLUTION NO. R-861-11

RESOLUTION APPROVING A RIGHT-OF-WAY TRANSFER MAP FOR A PORTION OF STATE ROAD 826 (PALMETTO EXPRESSWAY) KNOWN AS THE NW 138 STREET/ NW 154 STREET INTERCHANGE IN SECTIONS 14, 15, 22, 23, 26 AND 27, TOWNSHIP 52 SOUTH RANGE 40 EAST, AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE AND THE CLERK OF THE BOARD TO CERTIFY THE RIGHT-OF-WAY TRANSFER 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,

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

Section 1. Approves the Road Right-of-Way Transfer Map for a portion of State Road 826 (Palmetto Expressway), known lands acquired for construction of the NW 138 Street / NW 154 Street interchange being legally depicted in Exhibit "A" of this resolution.

Section 2. Authorizes the transfer of said public road, retains canal rights-of-way and flow rights easements as described in Exhibits "B", "C", "D", and "E" herein.

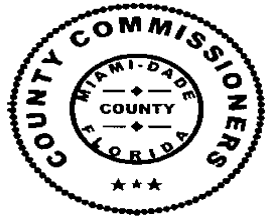
Section 3. Authorizes the Mayor or Mayor's Designee and Deputy Clerk of this Board to sign said Road Right-of-Way Transfer Map and affix thereto the Seal of this Board, for and on behalf of Miami-Dade County; to cause said instrument to be recorded in the Public Records of Miami-Dade County.

Section 4. Authorizes the Director of the Miami-Dade County Public Works Department to cause said instrument to be delivered to the Florida Department of Transportation.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Jean Monestime** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of October, 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

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

LEGAL DESCRIPTION
PALMETTO EXPRESSWAY (S.R. 826)
NW 138 ST.-NW 154 ST. INTERCHANGE

A portion of Sections 14, 15, 22, 23, 26 and 27 Township 52 South, Range 40 East, Miami-Dade County, Florida, being part of the right-of-way of State Road 826 (Palmetto Expressway) and its East and West Frontage Roads as shown on the Florida Department of Transportation Right-of-Way maps for Section 87260-2523 recorded in Plat Book 101, Page 22 and Section 87260-2533 recorded in Plat Book 88, Page 41 of the Public Records of Miami-Dade County, Florida. Said portions being more particularly described as follows:

BEGIN at the Southeast corner of the Northeast 1/4 of said Section 27; thence S 89°41'25" W along the South line of the Northeast 1/4 of said Section 27 for 200.16 feet; thence N 2°37'00" W along a line 200.00 feet, as measured at right angles, West of and parallel to the East line of the Northeast 1/4 of said Section 27 for 446.15 feet; thence N 19°08'01" W for 508.94 feet to the point of curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left having a radius of 1202.40 feet, through a central angle of 53°18'14" for a distance of 1118.63 feet; thence N 72°26'15" W, tangent to the last described curve, for 1216.25 feet to the point of curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left having a radius of 1679.86 feet through a central angle of 16°28'54" for a distance of 483.23 feet; thence N 88°55'09" W for 426.12 feet to the point of curvature of a circular curve concave to the Northeast; thence Northwesterly along said curve to the right having a radius of 117.53 feet through a central angle of 56°53'16" for 116.69 feet to the point of reverse curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left having a radius of 120.00 feet through a central angle of 58°14'57" for 122.00 feet; thence S 89°43'10" W, along a line tangent to the last described curve and 375.00 feet, as measured at right angles, South of and parallel to the North line of the Northwest 1/4 said Section 27, for 311.34 feet; thence N 2°36'20" W for 375.30 feet to the intersection with the South line of the Southwest 1/4 of said Section 22; thence N 89°43'10" E along the South line of the Southwest 1/4 said Section 22 for 801.95 feet; thence N 0°16'50" W, perpendicular to the previously described course, for 140.00 feet to a point on a non-tangent circular curve concave to the Northwest, a radial bearing N 0°16'50" W from said point; thence Northeasterly along said circular curve to the left having a radius of 779.35 feet through a central angle of 42°35'50" for 579.42 feet; thence N 47°07'20" E, tangent to the last described curve, for 2475.11 feet to the point of curvature of a circular curve concave to the Northwest; thence Northeasterly along said curve to the left having a radius of 550.00 feet through a central angle of 49°44'50" for 477.54 feet; thence N 2°37'30" W, along a line 200.00 feet, as measured at right angles, West of and parallel with the East line of said Section 22, for 604.77 feet to the point of curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left having a radius of 2839.79 feet through a central angle of 5°11'02" for 256.93 feet; thence N 7°48'32" W, tangent to the last described curve, for 600.88 feet to the point of curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left having a radius of 500.00 feet through a central angle of 32°43'41" for 285.61 feet; thence N 40°32'13" W, along a line tangent to the last described curve, for 888.70 feet to the point of curvature of a circular curve concave to

EXHIBIT "B"

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the Northeast; thence Northwesterly along said curve to the right having a radius of 525.00 feet through a central angle of 40°17'21" for 369.17 feet; thence N 0°14'52" W, along a line tangent to the last described curve, for 1.46 feet to the point of curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left having a radius of 50.00 feet through a central angle of 90°00'00" for 78.54 feet; thence S 89°45'08" W, tangent to the last described curve, for 57.54 feet; thence N 0°14'53" W for 50.00 feet to the South line of the Southeast 1/4 of the previously mentioned Section 15; thence continue N 0°14'53" W for 50.00 feet; thence N 89°45'08" E, along a line 50.00 feet, as measured at right angles, North of and parallel with the South line of the Southeast 1/4 of said Section 15, for 57.54 feet to the point of curvature of a circular curve concave to the Northwest; thence Northeasterly along said curve to the left having a radius of 50.00 feet through a central angle of 90°00'00" for 78.54 feet; thence N 0°14'52" W, along a line tangent to the last described curve, for 45.00 feet to the point of curvature of a circular curve concave to the Southeast; thence Northeasterly along said curve to the right having a radius of 125.00 feet through a central angle of 90°00'00" for 196.35 feet; thence N 89°45'08" E, along a line tangent to the last described curve, for 503.65 feet to a point of curvature of a circular curve concave to the Northwest; thence Northeasterly along said curve to the left having a radius of 125.00 feet through a central angle of 91°15'53" for 199.11 feet; thence N 1°30'45" W, along a line tangent to the last described curve, for 344.19 feet to the point of curvature of a circular curve concave to the Southeast; thence Northeasterly along said curve to the right having a radius of 1934.86 feet through a central angle of 7°41'42" for 259.86 feet to the point of reverse curvature of a circular curve concave to the Northwest; thence Northeasterly along said curve to the left having a radius of 1884.86 feet through a central angle of 8°50'27" for 290.84 feet; thence N 87°20'30" E for 200.00 feet to the West line of the Southwest 1/4 of said Section 14; thence continue N 87°20'30" E for 150.00 feet; thence S 2°39'30" E, perpendicular to the last described course and along a line 150.00 feet, as measured at right angles, East of and parallel with the said West line of the Southwest 1/4 of Section 14, for 1232.95 feet to the point of curvature of a circular curve concave to the Northeast; thence Southeasterly along said circular curve to the left having a radius of 25.00 feet through a central angle of 87°45'06" for 38.29 feet; thence N 89°36'00" E along a line tangent to the last described curve and 50.00 feet, as measured at right angles, North of and parallel with the South line of the Southwest 1/4 of said Section 14, said line also being the Northerly right-of-way line of Miami Lakeway Drive for 146.79 feet to the point of curvature of a circular curve concave to the Southwest; thence Southeasterly along said Northerly right-of-way line of Miami Lakeway Drive and along said curve to the right having a radius of 849.95 feet through a central angle of 6°29'12" for 96.23 feet; thence S 5°59'21" W along a line radial to the next described curve for 44.96 feet to the North line of the Northwest 1/4 of said Section 23; thence continue S 5°59'21" W for 55.10 feet to the Southerly right-of-way line of Miami Lakeway Drive and the point of curvature of a circular curve concave to the Southeast; thence Southwesterly along said curve to the left having a radius of 50.00 feet through a central angle of 80°38'30" for 70.37 feet to the point of reverse curvature of a circular curve concave to the

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Northwest; thence Southwesterly along said curve to the right having a radius of 150.49 feet through a central angle of 31°33'56" for 82.91 feet to the point of reverse curvature of a circular curve concave to the East; thence Southwesterly along said curve to the left having a radius of 295.00 feet through a central angle of 47°51'59" for 246.45 feet; thence S 0°57'12" E along a line tangent to the last described curve for 306.00 feet to the point of curvature of a circular curve concave to the West; thence Southerly along said curve to the right having a radius of 5789.58 feet through a central angle of 2°19'42" for 235.27 feet; thence S 1°22'30" W along a line tangent to the last described curve for 114.88 feet to the point of curvature of a circular curve concave to the East; thence Southerly along said curve to the left having a radius of 5699.58 feet through a central angle of 2°56'06" for 291.96 feet; thence S 1°33'36" E along a line tangent to the last described curve for 322.00 feet; thence S 2°37'30" E along a line 150.00 feet, as measured at right angles, East of and parallel with the West line of the Northwest 1/4 of said Section 23 for 990.87 feet to the North line of the Southwest 1/4 of said Section 23; thence continue S 2°37'30" E, along said parallel line, for 240.29 feet; thence N 89°33'35" E for 430.32 feet; thence N 2°37'30" W for 15.25 feet; thence S 39°28'54" E for 528.12 feet; thence S 25°28'15" E for 27.59 feet; thence S 20°27'35" E for 175.62 feet; thence S 89°33'20" W for 31.93 feet; thence S 20°27'35" E for 707.45 feet to the point of curvature of a circular curve concave to the Northeast; thence Southeasterly along said curve to the left having a radius of 1527.89 feet through a central angle of 70°00'02" for 1866.68 feet; thence S 00°27'35" E for 10.00 feet; thence N 89°32'23" E for 96.29 feet to the West line of the Southeast 1/4 of said Section 23; thence continue N 89°32'23" E for 440.04 feet; thence S 2°27'37" E, for 135.00 feet to the North line of the Northeast 1/4 of the previously mentioned Section 26; thence continue thence S 0°27'37" E for 80.00 feet; thence S 89°32'23" W, along a line 80.00 feet, as measured at right angles, South of and parallel with the North line of the Northeast 1/4 of said Section 26, for 431.92 feet to the East line of the Northwest 1/4 of said Section 26; thence S 89°32'25" W, along a line 80.00 feet, as measured at right angles, South of and parallel with the North line of the Northwest 1/4 of said Section 26, for 1320.27 feet; thence N 2°37'10" W for 60.04 feet; thence S 89°32'25" W, along a line 20.00 feet, as measured at right angles, South of and parallel with the North line of the Northwest 1/4 of said Section 26, for 1170.17 feet; thence S 2°37'00" E, along a line 150.00 feet, as measured at right angles, East of and parallel with the West line of the Northwest 1/4 of said Section 26, for 2616.24 feet; thence S 89°35'00" W, along the South line of the Northwest 1/4 of said Section 26, for 150.11 feet to the POINT OF BEGINNING.

LESS (MDC Fire Rescue Parcel – Folio No. 32-2022-009-0040)

A portion of Section 22, Township 52 South, Range 40 East, being a portion of land shown on a State of Florida State Road Department (Florida Department of Transportation) Right of Way Map, State Road 826, Section 87260-2533, dated December 1970, and being more particularly described as follows:

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COMMENCING at the Northeast corner of said Section 22, said corner also being Station 20+00 of the centerline of N.W. 154th Street as depicted on said Right of Way Map; thence S 89°45'08" W, along the North line of said Section 22, along the North line of said Section 22 and along said centerline, 766.30 feet to a point; thence S 0°14'52" E 160.00 feet to the POINT OF BEGINNING, said Point of Beginning being on a Limited Access Right of Way line shown on said Right of Way Map; thence continue S 0°14'52" E along said Westerly Limited Access Right-of-Way line, 44.72 feet to a point of curvature; thence Southerly along a curve to the left having a radius of 730.00 feet, along said Limited Access Right of Way line, through a central angle of 40°17'21", for an arc length of 513.32 feet to a point of intersection with a line radial to said curve; thence S 49°27'47" W along said radial line, 30.00 feet to a point; thence N 40°32'13" W, along a line which is parallel with and 50.00 feet Easterly, as measured at right angles, of the West right of way line of the a frontage road shown on said Right of Way Map, 376.97 feet to the point of curvature; thence Northerly along said curve to the right having a radius of 475.00 feet, through a central angle of 21°27'42", for an arc length of 177.92 feet to a point of intersection with a non-tangent line; thence N 4°44'41" W, along said non-tangent line, 95.04 feet; thence N 89°45'08" E, along a line which is parallel with and 160.00 feet South, as measured at right angles, of the North line of said Section 22 and said centerline of N.W. 154th Street, 188.20 feet to the POINT OF BEGINNING.

LESS

The East 200.00 feet of the Northeast 1/4 of Section 27, Township 52 South, Range 40 East, Miami-Dade County, Florida, within the limits of the previously mentioned right of way of State Road 826 (Palmetto Expressway) and its East and West Frontage Roads.

LESS

The North 50.00 feet and the East 200.00 feet of Section 22, Township 52 South, Range 40 East, Miami-Dade County, Florida, within the limits of the previously mentioned right of way of State Road 826 (Palmetto Expressway) and its East and West Frontage Roads.

LESS

The South 50.00 feet and the East 200.00 feet of the Southeast 1/4 of Section 15, Township 52 South, Range 40 East, Miami-Dade County, Florida, within the limits of the previously mentioned right of way of State Road 826 (Palmetto Expressway) and its East and West Frontage Roads.

LESS

The South 50.00 feet and the West 150.00 feet of the Southwest 1/4 of Section 14, Township 52 South, Range 40 East, Miami-Dade County, Florida, within the limits of the previously mentioned right of way of State Road 826 (Palmetto Expressway) and its East and West Frontage Roads.

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The North 50.00 feet and the West 150.00 feet of Section 23, Township 52 South, Range 40 East, Miami-Dade County, Florida, within the limits of the previously mentioned right of way of State Road 826 (Palmetto Expressway) and its East and West Frontage Roads.

LESS

The West 150.00 feet of the Northwest 1/4 of Section 26, Township 52 South, Range 40 East, Miami-Dade County, Florida, within the limits of the previously mentioned right-of-way of State Road 826 (Palmetto Expressway) and its East and West Frontage Roads.

LESS

Portions of the right-of-way of Miami Lakeway Drive as shown on the plat entitled **PLAT OF RIGHTS OF WAY OF PORTIONS OF MIAMI LAKEWAY, FAIRWAY DRIVE AND TURNBERRY DRIVE** according to the plat thereof as recorded in Plat Book 78, Page 40 of the Public Records of Miami-Dade County, Florida and those portions dedicated to Miami-Dade County in the Right-of-Way Deed recorded in Official Record Book 7804, Pages 572 thru 573 of the Public Records of Miami-Dade County, Florida. Said portions of Miami Lakeway Drive being in the Southwest 1/4 of Section 14 and the Northwest 1/4 of Section 23, Township 52 South, Range 40 East, Miami-Dade County, Florida and within the limits of the previously mentioned right-of-way of State Road 826 (Palmetto Expressway) and its East and West Frontage Roads.

LESS

A portion of Section 15, Township 52 South, Range 40 East, Miami-Dade County, Florida, being canal right-of-way adjacent to State Road 826 (Palmetto Expressway) and being a portion of lands shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2533 recorded in Plat Book 88, Page 41 of the Public Records of Miami-Dade County, Florida. Said canal right-of-way being more particularly described as follows:

COMMENCE at the Southeast corner of the Southeast 1/4 of said Section 15; thence N 02°39'30" W along the East line of the Southeast 1/4 of said Section 15 for 1301.20 feet; thence S 87°20'30" W for 100.00 feet to the **POINT OF BEGINNING** of the herein described canal right-of-way; thence S 02°39'30" E along a line 100.00 feet, as measured at right angles, West of and parallel to the East line of the Southeast 1/4 of said Section 15 for 380.86 feet; thence S 02°20'06" W for 171.78 feet; thence S 03°37'46" E for 340.49 feet to a point of curvature of a circular curve concave the Northwest; thence Southwesterly along said curve to the right having a radius of 268.00 feet through a central angle of 93°22'54" for 436.79 feet; thence S 89°45'08" W, tangent to the last described curve, for 272.49 feet to a point of curvature of a circular curve concave to the Southeast; thence Southwesterly along said curve to the left having a radius of 25.00 feet through a central angle of 90°00'00" for 39.27 feet; thence S 00°14'52" E, tangent to the last described curve, for 40.00 feet; thence S 89°45'08" W along a line 50.00 feet, as measured at right angles, North of the South line of the Southeast 1 / 4 of said Section 15

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for 70.00 feet; thence N 00°14'52" W for 40.00 feet to the point of curvature of a circular curve concave to the Southeast; thence Northeasterly along said curve to the right having a radius of 95.00 feet through a central angle of 90°00'00" for 149.23 feet; thence N 89°45'08" E, tangent to the last described curve, for 272.49 feet to a point of curvature of a circular curve concave to the Northwest; thence Northeasterly along said curve to the left having a radius of 198.00 feet through a central angle of 93°22'54" for 322.70 feet; thence N 03°37'46" W, tangent to the last described curve, for 344.14 feet; thence N 02°20'06" E for 402.19 feet; thence N 02°39'30" W for 148.87 feet; thence N 87°20'30" E for 50.00 feet to the POINT OF BEGINNING.

LESS

A portion of Section 22, Township 52 South, Range 40 East, Miami-Dade County, Florida, being canal right-of-way adjacent to State Road 826 (Palmetto Expressway) and being a portion of lands shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2523 recorded in Plat Book 101, Page 22 and Section 87260-2533 recorded in Plat Book 88, Page 41 of the Public Records of Miami-Dade County, Florida. Said canal right-of-way being more particularly described as follows: COMMENCE at the Southeast corner of the Southwest 1/4 of said Section 22; thence S 89°43'10" W along the South line of the Southwest 1/4 of said Section 22 for 187.81 feet to the POINT OF BEGINNING of the herein described canal right-of-way; thence N 0°16'50" W for 90.00 feet to a point lying on a non-tangent curve concave to the Northwest, a radial bearing N 0°16'50" W from said point; thence Northeasterly along said curve to the left having a radius of 1399.47 feet through a central angle of 28°40'31" for 700.40 feet; thence N 61°02'39" E, tangent to the last described curve, for 1365.90 feet to the point of curvature of a circular curve concave to the Northwest; thence Northeasterly along said curve to the left having a radius of 1158.14 feet through a central angle of 45°16'30" for 915.16 feet; thence N 15°46'09" E, tangent to the last described curve, for 582.11 feet; thence N 02°37'30" W along a line 150.00 feet, as measured at right angles, West of and parallel to the East line of the Southeast 1/4 of said Section 22 for 1185.20 feet; thence N 06°18'26" W for 545.92 feet to a point of curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left having a radius of 580.00 feet through a central angle of 34°13'48" for 346.51 feet; thence N 40°32'13" W, tangent to the last described curve, for 511.73 feet to a point of curvature of a circular curve concave to the Northeast; thence Northwesterly along said curve to the right having a radius of 730.00 feet through a central angle of 40°17'21" for 513.32 feet; thence N 00°14'52" W, tangent to the last described curve, for 154.72 feet; thence N 89°45'08" E along a line 50.00 feet, as measured at right angles, South of and parallel to the North line of the Northeast 1/4 of said Section 22 for 70.00 feet; thence S 00°14'52" E for 154.72 feet to a point of curvature of a circular curve concave to the Northeast; thence Southeasterly along said curve to the left having a radius of 660.00 feet through a central angle of 40°17'21" for 464.10 feet; thence S 40°32'13" E, tangent to the last described curve, for 511.73 feet to a point of curvature of a circular curve concave to the Southwest; thence Southeasterly along said curve to the right having a radius of

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650.00 feet through a central angle of 34°13'48" for 388.33 feet; thence S 06°18'26" E, tangent to the last described curve, for 236.78 feet; thence S 02°37'30" E along a line 100.00 feet, as measured at right angles, West of and parallel to the East line of said Section 22, for 1633.05 feet; thence S 15°46'09" W for 469.93 feet to a point of curvature of a circular curve concave to the Northwest; thence Southwesterly along said curve to the right having a radius of 1248.14 feet through a central angle of 45°16'30" for 986.28 feet; thence S 61°02'39" W, tangent to the last described curve, for 1195.15 feet to the point of curvature of a circular curve concave to the Northwest; thence Southwesterly along said curve to the right having a radius of 1489.47 feet through a central angle of 28°40'31" for 745.45 feet to the POINT OF BEGINNING.

LESS (O.R. Book 9849 Pg. 557)

That part of the Canal R/W in Section 23, Township 52 South, Range 40 East being more particularly described as follows:

COMMENCE at the Southeast corner of the Southwest 1/4 of said Section 23; thence run N 89°32'23" E along the South line of said Section 23 a distance of 434.93 feet; thence N 00°27'37" W a distance of 90 feet to the POINT OF BEGINNING of said canal; thence S 89°32'23" W a distance of 536.35 feet to a point; thence continue S 89°32'23" W a distance of 282.44 feet to a point on a curve concave Northeasterly; thence from a tangent bearing of N 80°38'04" W run Westerly and Northerly along said curve having a radius of 1607.89 feet, through an angle of 60°10'29", an arc distance of 1688.69 feet to the end of said curve; thence N 20°27'35" W a distance of 874.21 feet; thence N 39°28'54" W a distance of 397.82 feet; thence S 87°22'45" W a distance of 413.52 feet; thence N 02°37'30" W a distance of 60 feet; thence N 87°22'45" E a distance of 443.51 feet; thence S 39°28'54" E a distance of 398.32 feet; thence S 48°01'42" E a distance of 33.86 feet; thence S 20°27'35" E a distance of 175.62 feet; thence N 89°33'20" E a distance of 21.29 feet; thence S 20°27'35" E a distance of 707.45 feet to a point on a curve concave Northeasterly; thence run Southerly and Easterly along said curve having a radius of 1527.89 feet, through an angle of 70°00'02", an arc distance of 1866.68 feet to the end of said curve; thence S 00°27'35" E a distance of 10 feet; thence N 89°32'23" E a distance of 536.34 feet; thence S 00°27'37" E a distance of 45.00 feet to the POINT OF BEGINNING.

LESS

A portion of Section 27, Township 52 South, Range 40 East, Miami-Dade County, Florida, being canal right-of-way adjacent to State Road 826 (Palmetto Expressway) and being a portion of lands shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2523 recorded in Plat Book 101, Page 22 of the Public Records of Miami-Dade County, Florida. Said canal right-of-way being more particularly described as follows:

COMMENCE at the Southeast corner of the Northeast 1/4 of said Section 27; thence S 89°41'25" W along the South line of the Northeast 1/4 of said Section 27 for 100.08 feet to the POINT OF BEGINNING of the herein described canal right-of-way; thence

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continue S 89°41'25" W, along said South line of the Northeast 1/4 of Section 27, a distance of 50.04 feet; thence N 2°37'00" W along a line 150.00 feet, as measured at right angles, West of and parallel to the East line of the Northeast 1/4 of said Section 27 for 490.60 feet; thence N 19°08'01" W for 482.48 feet to the point of curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left having a radius of 1262.40 feet, through a central angle of 53°18'14" for 1174.45 feet; thence N 72°26'15" W, tangent to the last described curve, for 1216.25 feet to the point of curvature of a circular curve concave to the Southwest; thence Northwesterly along

said curve to the left having a radius of 1739.86 feet through a central angle of 16°28'54" for 500.49 feet; thence N 88°55'09" W, tangent to the last described curve, for 426.12 feet to the point of curvature of a circular curve concave to the Northeast; thence Northwesterly along said curve to the right having a radius of 57.53 feet through a central angle of 88°38'19" for 89.00 feet; thence N 00°16'50" W, tangent to the last described curve, for 55.00 feet; thence N 89°43'10" E along a line 315.00 feet, as measured at right angles, South of and parallel to the North line of the Northwest 1/4 of said Section 27 for 70.00 feet; thence S 00°16'50" E for 18.42 feet to the point of curvature of a circular curve to the Northeast; thence Southeasterly along said curve to the left having a radius of 25.00 feet, through a central angle of 88°38'19" for a distance of 38.68 feet; thence S 88°55'09" E, tangent to the last described curve, for 389.53 feet to the point of curvature of a circular curve concave to the Southwest; thence Southeasterly along said curve to the right having a radius of 1809.86 feet through a central angle of 16°28'54" for 520.62 feet; thence S 72°26'15" E, tangent to the last described curve, for 1216.25 feet to the point of curvature of a circular curve concave to the Southwest, thence Southeasterly along said curve to the right having a radius of 1332.40 feet, through a central angle of 53°18'14" for 1239.57 feet; thence S 19°08'01" E, tangent to the last described curve, for 422.29 feet; thence S 2°37'00" E along a line 100.00 feet, as measured at right angles, West of and parallel to the East line of the Northeast 1/4 of said Section 27 for 570.23 feet to the POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING:

A portion of Section 27, Township 52 South, Range 40 East, Miami-Dade County, Florida, being a canal maintenance easement adjacent to State Road 826 (Palmetto Expressway) and being a portion of lands shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2523 recorded in Plat Book 101, Page 22 of the Public Records of Miami-Dade County, Florida being more particularly described as follows:

COMMENCE at the Northwest corner of the Northeast 1/4 of said Section 27; thence S 02°37'01" E along the West line of the Northeast 1/4 of said Section 27 for 369.83 feet to a non-tangent point lying on a circular curve concave to the southwest, also being the limited access right of way line of State Road 826; a radial bearing S 02° 39' 54" W to the center of said curve; thence southeasterly along the said curve to the right having a radius of 1809.86 feet through a central angle of 14° 53' 51" for a distance of 470.58 feet

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to a point of tangency; thence S 72° 26' 15" E along said limited access right of way line for a distance of 367.96 feet to the POINT OF BEGINNING of the herein described parcel; thence continue S 72° 26' 15" E for a distance of 70.00 feet; thence S 17° 33' 45" W for a distance of 70.00 feet; thence N 72° 26' 15" W for a distance of 70.00 feet; thence N 17° 33' 45" E for a distance of 70.00 feet to the POINT OF BEGINNING.

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Project No. 20070116

Date: 2/09/11

**LEGAL DESCRIPTION
CANAL RIGHT OF WAY
SECTION 15-52-40**

A portion of Section 15, Township 52 South, Range 40 East, Miami-Dade County, Florida, being canal right-of-way adjacent to State Road 826 (Palmetto Expressway) and being a portion of lands shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2533 recorded in Plat Book 88, Page 41 of the Public Records of Miami-Dade County, Florida. Said canal right-of-way being more particularly described as follows:

COMMENCE at the Southeast corner of the Southeast 1/4 of said Section 15; thence N 02°39'30" W along the East line of the Southeast 1/4 of said Section 15 for 1301.20 feet; thence S 87°20'30" W for 100.00 feet to the POINT OF BEGINNING of the herein described canal right-of-way; thence S 02°39'30" E along a line 100.00 feet, as measured at right angles, West of and parallel to the East line of the Southeast 1/4 of said Section 15 for 380.86 feet; thence S 02°20'06" W for 171.78 feet; thence S 03°37'46" E for 340.49 feet to a point of curvature of a circular curve concave the Northwest; thence Southwesterly along said curve to the right having a radius of 268.00 feet through a central angle of 93°22'54" for 436.79 feet; thence S 89°45'08" W, tangent to the last described curve, for 272.49 feet to a point of curvature of a circular curve concave to the Southeast; thence Southwesterly along said curve to the left having a radius of 25.00 feet through a central angle of 90°00'00" for 39.27 feet; thence S 00°14'52" E, tangent to the last described curve, for 40.00 feet; thence S 89°45'08" W along a line 50.00 feet, as measured at right angles, North of the South line of the Southeast 1/4 of said Section 15 for 70.00 feet; thence N 00°14'52" W for 40.00 feet to the point of curvature of a circular curve concave to the Southeast; thence Northeasterly along said curve to the right having a radius of 95.00 feet through a central angle of 90°00'00" for 149.23 feet; thence N 89°45'08" E, tangent to the last described curve, for 272.49 feet to a point of curvature of a circular curve concave to the Northwest; thence Northeasterly along said curve to the left having a radius of 198.00 feet through a central angle of 93°22'54" for 322.70 feet; thence N 03°37'46" W, tangent to the last described curve, for 344.14 feet; thence N 02°20'06" E for 402.19 feet; thence N 02°39'30" W for 148.87 feet; thence N 87°20'30" E for 50.00 feet to the POINT OF BEGINNING.

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Project No. 20060117

Date: 2/09/11

**LEGAL DESCRIPTION
CANAL RIGHT OF WAY
SECTIONS 22 & 23-52-40**

A portion of the Southeast 1/4 of Section 22 and the Southwest 1/4 of Section 23, Township 52 South, Range 40 East, Miami-Dade County, Florida, being adjacent to State Road 826 (Palmetto Expressway) as shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2523 recorded in Plat Book 101, Page 22 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of the Southeast 1/4 of said Section 22; thence S 89°33'55" W along the North line of the Southeast 1/4 said Section 22 for 100.08 feet; thence S 02°37'00" E along a line 100.00 feet west of, as measured at right angles, to the East line of the Southeast 1/4 of said Section 22, for 345.93 feet to the **POINT OF BEGINNING** of the herein described canal right-of-way; thence N 87°22'45" E for a distance of 242.00 feet; thence S 02°37'30" E along a line 142.00 feet East of, as measured at right angles, to the West line of the Southwest 1/4 of said Section 23, for 70.00 feet; thence S 87°22'45" W for 242.00 feet; thence N 02°37'30" W along a line 100.00 feet West of, as measured at right angles, to the East line of the Southeast 1/4 of said Section 22, for 70.00 feet to the **POINT OF BEGINNING**.

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Project No. 20060117

Date: 2/09/11

**LEGAL DESCRIPTION
CANAL RIGHT OF WAY
SECTION 22-52-40**

A portion of Section 22, Township 52 South, Range 40 East, Miami-Dade County, Florida, being canal right-of-way adjacent to State Road 826 (Palmetto Expressway) and being a portion of lands shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2523 recorded in Plat Book 101, Page 22 and Section 87260-2533 recorded in Plat Book 88, Page 41 of the Public Records of Miami-Dade County, Florida. Said canal right-of-way being more particularly described as follows:

COMMENCE at the Southeast corner of the Southwest 1/4 of said Section 22; thence S 89°43'10" W along the South line of the Southwest 1/4 of said Section 22 for 187.81 feet to the POINT OF BEGINNING of the herein described canal right-of-way; thence N 0°16'50" W for 90.00 feet to a point lying on a non-tangent curve concave to the Northwest, a radial bearing N 0°16'50" W from said point; thence Northeasterly along said curve to the left having a radius of 1399.47 feet through a central angle of 28°40'31" for 700.40 feet; thence N 61°02'39" E, tangent to the last described curve, for 1365.90 feet to the point of curvature of a circular curve concave to the Northwest; thence Northeasterly along said curve to the left having a radius of 1158.14 feet through a central angle of 45°16'30" for 915.16 feet; thence N 15°46'09" E, tangent to the last described curve, for 582.11 feet; thence N 02°37'30" W along a line 150.00 feet, as measured at right angles, West of and parallel to the East line of the Southeast 1/4 of said Section 22 for 1185.20 feet; thence N 06°18'26" W for 545.92 feet to a point of curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left having a radius of 580.00 feet through a central angle of 34°13'48" for 346.51 feet; thence N 40°32'13" W, tangent to the last described curve, for 511.73 feet to a point of curvature of a circular curve concave to the Northeast; thence Northwesterly along said curve to the right having a radius of 730.00 feet through a central angle of 40°17'21" for 513.32 feet; thence N 00°14'52" W, tangent to the last described curve, for 154.72 feet; thence N 89°45'08" E along a line 50.00 feet, as measured at right angles, South of and parallel to the North line of the Northeast 1/4 of said Section 22 for 70.00 feet; thence S 00°14'52" E for 154.72 feet to a point of curvature of a circular curve concave to the Northeast; thence Southeasterly along said curve to the left having a radius of 660.00 feet through a central angle of 40°17'21" for 464.10 feet; thence S 40°32'13" E, tangent to the last described curve, for 511.73 feet to a point of curvature of a circular curve concave to the Southwest; thence Southeasterly along said curve to the right having a radius of 650.00 feet through a central angle of 34°13'48" for 388.33 feet; thence S 06°18'26" E, tangent to the last described curve, for 236.78 feet; thence S 02°37'30" E along a line 100.00 feet, as measured at right angles, West of and parallel to the East line of said Section 22, for 1633.05 feet; thence S 15°46'09" W for 469.93 feet to a point of curvature of a circular curve concave to the Northwest; thence Southwesterly along said curve to the right having a radius of 1248.14 feet through a central angle of 45°16'30" for 986.28 feet; thence S 61°02'39" W, tangent to the last described curve, for 1195.15 feet to the point of curvature of a circular curve concave to the Northwest; thence Southwesterly along said curve to the right having a radius of 1489.47 feet through a central angle of 28°40'31" for 745.45 feet to the POINT OF BEGINNING.

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**LEGAL DESCRIPTION
CANAL RIGHT-OF-WAY
SECTION 27-52-40**

A portion of Section 27, Township 52 South, Range 40 East, Miami-Dade County, Florida, being canal right-of-way adjacent to State Road 826 (Palmetto Expressway) and being a portion of lands shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2523 recorded in Plat Book 101, Page 22 of the Public Records of Miami-Dade County, Florida. Said canal right-of-way being more particularly described as follows:

COMMENCE at the Southeast corner of the Northeast 1/4 of said Section 27; thence S 89°41'25" W along the South line of the Northeast 1/4 of said Section 27 for 100.08 feet to the POINT OF BEGINNING of the herein described canal right-of-way; thence continue S 89°41'25" W, along said South line of the Northeast 1/4 of Section 27, a distance of 50.04 feet; thence N 2°37'00" W along a line 150.00 feet, as measured at right angles, West of and parallel to the East line of the Northeast 1/4 of said Section 27 for 490.60 feet; thence N 19°08'01" W for 482.48 feet to the point of curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left having a radius of 1262.40 feet, through a central angle of 53°18'14" for 1174.45 feet; thence N 72°26'15" W, tangent to the last described curve, for 1216.25 feet to the point of curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left having a radius of 1739.86 feet through a central angle of 16°28'54" for 500.49 feet; thence N 88°55'09" W, tangent to the last described curve, for 426.12 feet to the point of curvature of a circular curve concave to the Northeast; thence Northwesterly along said curve to the right having a radius of 57.53 feet through a central angle of 88°38'19" for 89.00 feet; thence N 00°16'50" W, tangent to the last described curve, for 55.00 feet; thence N 89°43'10" E along a line 315.00 feet, as measured at right angles, South of and parallel to the North line of the Northwest 1/4 of said Section 27 for 70.00 feet; thence S 00°16'50" E for 18.42 feet to the point of curvature of a circular curve to the Northeast; thence Southeasterly along said curve to the left having a radius of 25.00 feet, through a central angle of 88°38'19" for a distance of 38.68 feet; thence S 88°55'09" E, tangent to the last described curve, for 389.53 feet to the point of curvature of a circular curve concave to the Southwest; thence Southeasterly along said curve to the right having a radius of 1809.86 feet through a central angle of 16°28'54" for 520.62 feet; thence S 72°26'15" E, tangent to the last described curve, for 1216.25 feet to the point of curvature of a circular curve concave to the Southwest, thence Southeasterly along said curve to the right having a radius of 1332.40 feet, through a central angle of 53°18'14" for 1239.57 feet; thence S 19°08'01" E, tangent to the last described curve, for 422.29 feet; thence S 2°37'00" E along a line 100.00 feet, as measured at right angles, West of and parallel to the East line of the Northeast 1/4 of said Section 27 for 570.23 feet to the POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING:

A portion of Section 27, Township 52 South, Range 40 East, Miami-Dade County, Florida, being canal right-of-way adjacent to State Road 826 (Palmetto Expressway) as

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**LEGAL DESCRIPTION
CANAL RIGHT-OF-WAY
SECTION 27-52-40**

shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2523 recorded in Plat Book 101, Page 22 of the Public Records of Miami-Dade County, Florida, said canal right-of-way being more particularly described as follows:

COMMENCE at the Northeast corner of the Northwest 1/4 of said Section 27; thence S 89°43'10" W along the North line of the Northwest 1/4 said Section 27 for 345.86 feet to the POINT OF BEGINNING of the herein described canal right-of-way; thence S 00°16'50" E for a distance of 360.26 feet; thence N 88°55'09" W for a distance of 70.00 feet; thence N 00°16'50" W for 359.42 feet to a point lying on the North line of the Northwest 1/4 of said Section 27; thence N 89°43'10" E along said North line of the Northwest 1/4 for 70.00 feet to the POINT OF BEGINNING.

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Date: 2/09/11

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**LEGAL DESCRIPTION
CANAL MAINTENANCE EASEMENT
SECTION 22-52-40**

A portion of Section 22, Township 52 South, Range 40 East, Miami-Dade County, Florida, being a canal maintenance easement adjacent to State Road 826 (Palmetto Expressway) and being a portion of lands shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2523 recorded in Plat Book 101, Page 22 of the Public Records of Miami-Dade County, Florida. Said canal maintenance easement being more particularly described as follows:

COMMENCE at the Southeast corner of the Southwest 1/4 of said Section 22; thence S 89°43'10" W along the South line of the Southwest 1/4 of said Section 22 for 187.81 feet; thence N 0°16'50" W for 90.00 feet to the POINT OF BEGINNING of the herein described canal maintenance easement; thence continue N 0°16'50" W for 25.00 feet to a point lying on a non-tangent curve concave to the Northwest, a radial bearing N 0°16'50" W from said point; thence Northeasterly along said curve to the left having a radius of 1374.47 feet through a central angle of 13°06'33" for 314.48 feet to a point of cusp of a circular curve concave to the Northwest; a radial bearing N 22°21'34" W from said point; thence Northeasterly along said curve to the left having a radius of 779.35 feet through a central angle of 20°31'06" for 579.42 feet; thence N 47°07'20" E, tangent to the last described curve; for 349.29 feet; thence S 40°52'40" E for 183.72 feet; thence S 61°02'39" W for 309.21 feet to a point of curvature of a circular curve concave to the Northwest; thence Southwesterly along said curve to the right having a radius of 1399.47 feet through a central angle of 28°40'31" for 700.40 feet to the POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING:

A portion of Section 22, Township 52 South, Range 40 East, Miami-Dade County, Florida, being a canal maintenance easement adjacent to State Road 826 (Palmetto Expressway) and being a portion of lands shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2533 recorded in Plat Book 88, Page 41 of the Public Records of Miami-Dade County, Florida. Said canal maintenance easement being more particularly described as follows:

COMMENCE at the Northeast corner of the Northeast 1/4 of said Section 22; thence S 89°45'08" W along the North line of the Northeast 1/4 of said Section 22 for 696.30 feet; thence S 0°14'52" E for 50.00 feet to the POINT OF BEGINNING of the herein described canal maintenance easement; being 25.00 feet in width and its Southwesterly boundary line being described as follows: thence S 00°14'52" E for 154.72 feet to a point of curvature of a circular curve concave to the Northeast; thence Southeasterly along said curve to the left having a radius of 660.00 feet through a central angle of 40°17'22" for 464.10 feet; thence S 40°32'13" E, tangent to the last described curve, for 511.73 feet to the point of terminus of the herein described Southwesterly boundary line.

TOGETHER WITH THE FOLLOWING:

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Date: 2/09/11

**LEGAL DESCRIPTION
CANAL MAINTENANCE EASEMENT
SECTION 22-52-40**

A portion of Section 22, Township 52 South, Range 40 East, Miami-Dade County, Florida, being a canal maintenance easement adjacent to State Road 826 (Palmetto Expressway) and being a portion of lands shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2523 recorded in Plat Book 101, Page 22 and Section 87260-2533 recorded in Plat Book 88, Page 41 of the Public Records of Miami-Dade County, Florida. Said canal maintenance easement being more particularly described as follows:

COMMENCE at the Northeast corner of the Northeast 1/4 of said Section 22; thence S 89°45'08" W along the North line of the Northeast 1/4 of said Section 22 for 766.30 feet; thence S 0°14'52" E for 50.00 feet to the POINT OF BEGINNING of the herein described canal maintenance easement; a portion of which being 25.00 feet in width and its Easterly boundary line being described as follows: Thence S 0°14'52" E for 154.72 feet to a point of curvature of a circular curve concave to the Northeast; thence Southeasterly along said curve to the left having a radius of 730.00 feet through a central angle of 40°17'22" for 513.32 feet; thence S 40°32'13" E, tangent to the last described curve, for 511.73 feet to a point of curvature of a circular curve concave to the Southwest; thence Southeasterly along said curve to the right, having a radius of 580.00 feet through a central angle of 34°13'48" for 346.51 feet; thence S 06°18'26" E, tangent to the last described curve, for 545.92 feet; thence S 02°37'30" E for 1078.42 feet to the point terminus of the 25 foot wide portion of the herein described canal maintenance easement; thence continue S 02°37'30" E for 106.78 feet; thence S 15°46'09" W for 231.27 feet; thence N 66°30'56" W for 132.04 feet to a point on a non-tangent circular curve concave to the Northwest, a radial bearing N 45°31'42" W from said point; thence Northeasterly along said curve to the left having a radius of 600.00 feet through a central angle of 30°30'01" for a distance of 319.40 feet; thence N 87°22'30" E for 25.00 feet to the said point of terminus.

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Date: 2/09/11

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**LEGAL DESCRIPTION
CANAL MAINTENANCE EASEMENT
SECTION 23-52-40**

A portion of Section 23, Township 52 South, Range 40 East, Miami-Dade County, Florida, being a canal maintenance easement adjacent to State Road 826 (Palmetto Expressway) and being a portion of lands shown on the Florida Department of Transportation Right-of-Way maps for Section 87260-2523 recorded in Plat Book 101, Page 22 of the Public Records of Miami-Dade County, Florida. Said canal maintenance easement being more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4 of said Section 23; thence N 89°32'23" E along the South line of said Section 23 for 434.93 feet; thence N 00°27'37" W a distance of 90.00 feet to the POINT OF BEGINNING of the herein described canal maintenance easement; being 25.00 feet in width and its Easterly boundary line described as follows: Thence S 89°32'23" W a distance of 818.79 feet to a point on a circular curve concave Northeasterly; thence from a tangent bearing of N 80°38'04" W run Westerly and Northerly along said curve having a radius of 1607.89 feet, through a central angle of 60°10'29", an arc distance of 1688.69 feet; thence N 20°27'35" W, tangent to the last described curve; a distance of 874.21 feet; thence N 39°28'54" W a distance of 397.82 feet; thence S 87°22'45" W a distance of 405.52 feet to the point of terminus of the herein described Easterly boundary line.

EXHIBIT "D"

3 of 4

Project No. 20060117

Date: 2/09/11

25

**LEGAL DESCRIPTION
CANAL MAINTENANCE EASEMENT
SECTION 27-52-40**

A portion of Section 27, Township 52 South, Range 40 East, Miami-Dade County, Florida, being a canal maintenance easement adjacent to State Road 826 (Palmetto Expressway) and being a portion of lands shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2523 recorded in Plat Book 101, Page 22 of the Public Records of Miami-Dade County, Florida being more particularly described as follows:

COMMENCE at the Southeast corner of the Northeast 1/4 of said Section 27; thence S 89°41'25" W along the South line of the Northeast 1/4 of said Section 27 for 100.08 feet to the POINT OF BEGINNING of the herein described canal maintenance easement; being 25.00 feet in width and its Westerly boundary line described as follows: Thence N 2°37'00" W along a line 100.00 feet, as measured at right angles, West of and parallel to the East line of the Northeast 1/4 of said Section 27 for 570.23 feet; thence N 19°08'01" W for 422.29 feet to the point of curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left having a radius of 1332.40 feet, through a central angle of 53°18'14" for 1239.57 feet; thence N 72°26'15" W, tangent to the last described curve, for 1216.25 feet to the point of curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left having a radius of 1809.86 feet through a central angle of 16°28'54" for 520.62 feet; thence N 88°55'09" W, tangent to the last described curve, for 389.53 feet to the point of curvature of a circular curve concave to the Northeast; thence Northwesterly along said curve to the right having a radius of 25.00 feet through a central angle of 88°38'19" for 38.68 feet; thence N 00°16'50" W, tangent to the last described curve, for 18.42 feet to the point of terminus of the herein described Westerly boundary line.

EXHIBIT "D"

Project No. 20060117

4 of 4

Date: 2/09/11

**LEGAL DESCRIPTION
FLOW RIGHTS EASEMENT
SECTIONS 22 & 23-52-40.**

A portion of the Southeast 1/4 of Section 22 and the Southwest 1/4 of Section 23, Township 52 South, Range 40 East, Miami-Dade County, Florida, being an easement for road purposes adjacent to State Road 826 (Palmetto Expressway) as shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2523 recorded in Plat Book 101, Page 22 of the Public Records of Miami-Dade County, Florida. Said easement for road purposes being more particularly described as follows:

COMMENCE at the Northeast corner of the Southeast 1/4 of said Section 22; thence S 89°33'55" W along the North line of the Southeast 1/4 said Section 22 for 100.08 feet; thence S 02°37'00" E along a line 100.00 feet west of, as measured at right angles, to the East line of the Southeast 1/4 of said Section 22, for 345.93 feet to the POINT OF BEGINNING of the herein described easement; thence N 87°22'45" E for a distance of 242.00 feet; thence S 02°37'30" E along a line 142.00 feet East of, as measured at right angles, to the West line of the Southwest 1/4 of said Section 23, for 70.00 feet; thence S 87°22'45" W for 242.00 feet; thence N 02°37'30" W along a line 100.00 feet West of, as measured at right angles, to the East line of the Southeast 1/4 of said Section 22, for 70.00 feet to the POINT OF BEGINNING.

EXHIBIT "E"

1 of 3

Project No. 20060117

Date: 2/09/11

**LEGAL DESCRIPTION
FLOW RIGHTS EASEMENT PART 1
SECTION 27-52-40**

A portion of Section 27, Township 52 South, Range 40 East, Miami-Dade County, Florida, being a canal maintenance easement adjacent to State Road 826 (Palmetto Expressway) and being a portion of lands shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2523 recorded in Plat Book 101, Page 22 of the Public Records of Miami-Dade County, Florida being more particularly described as follows:

COMMENCE at the Northwest corner of the Northeast 1/4 of said Section 27; thence S 02°37'01" E along the West line of the Northeast 1/4 of said Section 27 for 369.83 feet to a non-tangent point lying on a circular curve concave to the southwest, also being the limited access right of way line of State Road 826; a radial bearing S 02° 39' 54" W to the center of said curve; thence southeasterly along the said curve to the right having a radius of 1809.86 feet through a central angle of 14° 53' 51" for a distance of 470.58 feet to a point of tangency; thence S 72° 26' 15" E along said limited access right of way line for a distance of 367.96 feet to the POINT OF BEGINNING of the herein described parcel; thence continue S 72° 26' 15" E for a distance of 70.00 feet; thence S 17° 33' 45" W for a distance of 70.00 feet; thence N 72° 26' 15" W for a distance of 70.00 feet; thence N 17° 33' 45" E for a distance of 70.00 feet to the POINT OF BEGINNING.

EXHIBIT "E"

Project No. 20060117

2 of 3

Date: 2/09/11

**LEGAL DESCRIPTION
FLOW RIGHTS EASEMENT PART 2
SECTION 27-52-40**

A portion of the Northwest 1/4 of Section 27, Township 52 South, Range 40 East, Miami-Dade County, Florida, being an easement for road purposes adjacent to State Road 826 (Palmetto Expressway) as shown on the Florida Department of Transportation Right-of-Way map for Section 87260-2523 recorded in Plat Book 101, Page 22 of the Public Records of Miami-Dade County, Florida. Said easement for road purposes being more particularly described as follows:

COMMENCE at the Northeast corner of the Northwest 1/4 of said Section 27; thence S 89°43'10" W along the North line of the Northwest 1/4 said Section 27 for 345.86 feet to the POINT OF BEGINNING of the herein described easement; thence S 00°16'50" E for a distance of 360.26 feet; thence N 88°55'09" W for a distance of 70.00 feet; thence N 00°16'50" W for 359.42 feet to a point lying on the North line of the Northwest 1/4 of said Section 27; thence N 89°43'10" E along said North line of the Northwest 1/4 for 70.00 feet to the POINT OF BEGINNING.

EXHIBIT "E"

3 of 3

Project No. 20060117

Date: 2/09/11

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CS

87260-2523

Agenda Item No. 7 (a) (2)
1-19-71.

RESOLUTION NO. R-101-71

RIP SUMMARY	
CHECKED	FILED

RESOLUTION DECLARING ACQUISITION OF LAND FOR RIGHT OF WAY FOR CONSTRUCTION OF THE PALMETTO INTERCHANGE AT N. W. 138TH STREET, A LIMITED ACCESS FACILITY TO BE A PUBLIC NECESSITY; AUTHORIZING EXECUTION OF RIGHT OF WAY CONTRACT WITH STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING EMPLOYMENT OF APPRAISERS; AND AUTHORIZING ACQUISITION

WHEREAS, the County Manager has recommended the acquisition of right of way needed for the construction of the Palmetto Interchange at N. W. 138th Street, a Limited Access Facility, in fee simple, and funds are available for this acquisition in the secondary gas tax funds; and

WHEREAS, the specific right of way required for said highway purposes is shown upon the Right of Way Map which was recorded on December 22, 1970 in Road Plat Book 88 at Page 21 of the Public Records of Dade County, Florida; and

WHEREAS, the Board finds that the location of such improvements and the acquisition of the specific property as shown on the said Right of Way Map are necessary, practical and to the best interests of Dade County and that it is necessary to acquire the said right of way in fee simple for such highway purposes,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

constitute a certificate that the appraisal has been made and reviewed in accordance with the Department's processes, and that the appraisal meets the County's minimum appraisal requirements as set forth in Exhibit "B".

Section 6. Upon receipt of invoices approved by the County, the Department shall prepare requisitions for payment out of said funds directly to the proper persons for the items set forth in Section 7 below.

Section 7. The purchase or condemnation of the land or interest required for right of way, borrow pits and easements for said portion of said Sections as aforesaid shall be paid for in the following manner:

- (1) Payment of the amount of said appraisals for the parcels of land or easements acquired by purchase or settlement, or the amount of the award in eminent domain proceedings.
- (2) Those attorneys' fee and costs awarded by the Court in eminent domain proceedings, or in the event of settlement before or after the filing of said proceedings, in lieu of attorneys' fees and costs and as an inducement to settlement, a sum not to exceed two hundred dollars for parcels appraised at less than \$2,000, not to exceed ten per cent of the appraised value of parcels appraised at more than \$2,000, but less than \$10,000, and not to exceed the sum of \$1,000, plus five per cent of the appraised value in excess of \$10,000 as to parcels appraised at more than \$10,000.
- (3) The costs of said appraisals up to such amount as set forth in the Right of Way appraisal agreements.
- (4) Those fees of guardians ad litem, and attorneys representing defendants in the military service as may be awarded by the Court, and also Clerk's fees, Court Reporter's fees, and other actual Court costs incurred by the County.
- (5) Payment into the Registry of the Court of amount set out in Order of Taking, if proceedings are instituted under Chapter 74, Florida Statutes. The County agrees not to stipulate for or agree to expenditure of funds from this deposit without approval of same by the Department, unless the expenditure be in accordance with sub-paragraphs 1, 2, or 4 above, and the County further agrees to reimburse the Department for any money expended from said deposit for any other purpose.

The foregoing resolution was offered by Commissioner

R. Hardy Matheson, who moved its adoption. The motion was seconded by Commissioner Ben Shepard, and upon being put to a vote, the vote was as follows:

Earl J. Carroli	Aye
S. A. Dansyear	Aye
Mrs. Stanley (Joyce) Goldberg	Aye
Alexander S. Gordon	Aye
Harold A. Greene	Aye
R. Hardy Matheson	Aye
Harvey I. Reisman	Aye
Ben Shepard	Aye
Stephen P. Clark	Aye

The Mayor thereupon declared the resolution duly passed and adopted this 19th day of January, 1971.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

E. B. LEATHERMAN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

By: EDWARD D. PHELAN
Deputy Clerk.

**RIGHT OF WAY CONTRACT PROVIDING FOR
USE OF SECONDARY GASOLINE TAX FUNDS**

THIS AGREEMENT, made and entered into this 9th day of
March A.D., 1971, by and between the Department of
Transportation, an agency of the State of Florida, hereinafter called
the "Department," and the COUNTY OF DADE, a political subdivision
of the State of Florida hereinafter called the "County."

WITNESSETH:

WHEREAS, the Department of Transportation authorized the
acquisition of property for the construction of the Palmetto Interchange
at N. W. 138th Street, a Limited Access Facility and has requested
Dade County to secure the necessary right of way, as more fully appears
in the attached copy of said resolution, which is by this reference
incorporated herein; and

WHEREAS, the Department has requested and authorized said
County to acquire by donation, purchase, or condemnation, the lands
and property necessary for such right of way, borrow pits and drainage
easement for said portion of said Sections and such as may hereafter be
found necessary by the Department of said portion of said Sections; and

WHEREAS, the County desires to expend for said acquisition a
portion of the secondary gasoline tax funds which have been remitted to

the Department for expenditure within Dade County; and

WHEREAS, the Board of County Commissioners of said County, at a meeting duly called and held on the 19th day of January, A. D., 1971, adopted a Resolution (copy being hereto attached as a part hereof), signifying its agreement to comply with the Department's said requests, requesting the Department to pay for acquiring said lands for right of way, borrow pits and drainage easements from funds which have been or may be remitted to the Department under provisions of Article XII, Section 9 (c) (5) of the 1969 Florida Constitution, and Section 208.44 (3), Florida Statutes, for expenditure solely within the County, and authorizing its Mayor and its Clerk, on its behalf, to execute this Contract,

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings hereinafter set forth, the parties mutually covenant and agree as follows:

Section 1. The County shall proceed, out of the funds specified below, to acquire by donation, purchase or condemnation, free, clear and unencumbered title, in the name of the State, designated by said Right of Way Map, except such portions thereof as may already be vested in or legally usable by the public for right of way purposes, which lands are required as aforesaid for said portion of said Sections by the Department for said right of way, borrow pits and easements and deliver to the Department of Transportation said land physically clear of all occupants, tenants, fences,

buildings and other structures and improvements situate upon or encroaching within the limits of the lands required for said portion of said Sections and shall have adjusted or secured arrangements for the adjustment of all sanitary and storm sewers, gas mains, meters, water mains, fire hydrants, pipes, poles, wires, cables, conduits, and other utilities and facilities situate or encroaching upon said land. Any land to which the County has heretofore acquired free, clear, and unencumbered title, which may be necessary for said right of way, borrow pits and easements, shall at the option of the Department of Transportation be conveyed by the County to the State for the said use under the provisions of this section.

Upon completion, the County shall make a certificate to the Department certifying the removal of all occupants, tenants, fences, buildings, and other structures and improvements and adjustment of all facilities, and certifying that the free, clear and unencumbered title thereto is vested in the State, and that all physical encumbrances are removed and that said right of way is ready for construction of said portion of said Sections.

Section 2. Commencing with the date when the Department shall begin construction operations on said portion of said Sections and at all times thereafter for so long as said portion of said Sections shall continue to be a part of the State System of Roads, the County, solely at its own expense, shall save, defend and keep the State of Florida, the Department of Transportation, its officers, employees and contractors harmless from any and all damages, claims or injuries, actions at law or suits in equity arising from or growing out of any defect or alleged defect affecting the title or right of possession of the State of Florida for the use of said road, to any

portions of the land, borrow pits and easements, required by the Department for said portion of said Sections as aforesaid, or because of the lack of title or right of possession thereto or by reason of encumbrances thereon, or failure to have removed occupants, tenants, fences, buildings and/or other structures and improvements or made or caused to be made adjustments of utilities and facilities thereon, and the County agrees to pay and discharge all lawful claims, damages, judgments, decrees and any other expenses arising from or growing out of such claims, injuries, actions or suits.

Section 3. It is the desire and intention of both parties that the land acquisition program for this project be conducted by the County.

The County may employ two appraisers to determine the compensation to be paid for the acquisition of the properties or property interests taken for this project. The appraisers shall be chosen by the County from a list approved by the Department. Only those persons so approved are eligible for employment as appraisers on this project.

The County and the Department shall enter into a right of way appraisal agreement with each appraiser to be employed to perform appraisal services on this project. The appraisal agreement shall be in the form attached to this agreement and made a part hereof as Exhibit "A". All appraisals are to comply with the Dade County Minimum Appraisal Requirements, a copy of which is attached hereto and made a part hereof as Exhibit "B". The County may enter into an appraisal agreement in the form set out in Exhibit "A" prior to the execution of the agreement by the Department. Within 45 days from receipt of said appraisal agreement signed by Dade County and by the appraiser, the Department shall execute the agreement or advise

the County that it refuses to so execute it. The Department may not unreasonably withhold execution of the agreement. In the event the Department notifies the County within said time limit that it refuses to execute said agreement, the County shall bear all costs incurred under said agreement. The Department's failure to advise the County within forty-five (45) days of its refusal to execute the contract shall be deemed an acceptance of the contract by the Department. Until such time as the County has employed a qualified review appraiser, the Department shall review the appraisals according to the aforesaid Dade County Minimum Appraisal Requirements.

By the term "qualified review appraiser" is meant that the review appraiser has taken and passed Courses I, II, and IV of the American Institute of Real Estate Appraisers and has a minimum of five years' experience in appraising or review of appraisals.

Section 4. The Department agrees to pay for the items set forth in Section 7 below from funds which are remitted to the Department under provisions of Article XII, Section 9 (c) of the 1969 Florida Constitution and Section 208.44 (3), Florida Statutes, for expenditure solely within the County. All such sums so remitted to the Department shall be applied as provided by this Contract.

Section 5. After employment of a qualified review appraiser by the County, the County shall review the appraisals to the same extent as if they were being reviewed by the Department. The Department shall from time to time audit the review processes of the County to assure that they meet the Department's requirements. Invoices for appraisals shall be submitted to the County for approval, and forwarded to the Department for payment. Submittals of appraisals by the County to the Department shall

IN WITNESS WHEREOF, the Department has caused this Agreement to be executed, in quadruplicate, by its Executive Director and its Secretary, and its official seal to be affixed; and the County has caused it to be executed by its Mayor and its Clerk, and its official seal to be affixed, the day and year first above written.

(OFFICIAL SEAL)

Signed, Sealed and Delivered
in the Presence of:

STATE DEPARTMENT
OF TRANSPORTATION

Marie Lopez
Allison McDaniel

By: *Tom Webb*
Director of Administration
By: *Caryl Scardin*
Executive Secretary

(OFFICIAL SEAL)

ATTEST:

E. B. LEATHERMAN, CLERK

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: *Edward J. [unclear]*
Deputy Clerk.

By: *[unclear]*
Mayor

APPROVED BY SECRETARY
DEPT. OF TRANSPORTATION

9-2-70

APPROVED AS TO FORM, LEGALITY AND EXECUTION
BY THE STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION.

[unclear]
ASSISTANT ATTORNEY

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