

MEMORANDUM

Agenda Item No. 8(M)(2)

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

**DATE:** February 7, 2012

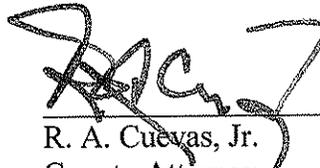
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution accepting an  
implied offer of dedication for  
portions of SW 137 Avenue and  
a portion of SW 192 Street in  
Section 3, Township 56 South,  
Range 39 East

Resolution No. R-139-12

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The accompanying resolution was prepared by the Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

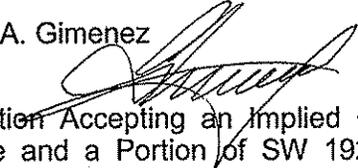
RAC/jls

# Memorandum



**Date:** February 7, 2012

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Accepting an Implied Offer of Dedication for Portions of SW 137 Avenue and a Portion of SW 192 Street, in Section 3, Township 56 South, Range 39 East

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## **Recommendation**

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution accepting an implied offer of dedication for portions of SW 137 Avenue and a portion of SW 192 Street, in Section 3, Township 56 South, Range 39 East.

## **Scope**

The subject property is located within Commission District 8 and within Road Impact Fee District 6.

## **Fiscal Impact/Funding Source**

Back taxes must be paid from District 6 Road Impact Fees for the redemption of outstanding tax certificates held against a portion of the land. The amount owed if paid in February of 2012 is \$4,215.04 or \$4,263.27 if paid in March of 2012. Tax revenues will be reduced by approximately \$640 per year upon removal of the subject right-of-way dedications from the tax roll. There will be no additional maintenance costs associated with the acceptance of this dedication.

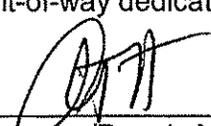
## **Track Record/Monitor**

The person responsible for monitoring is Mr. Raul A. Pino, Chief, Land Development/Right-of-Way Division, Public Works and Waste Management (PWWM) Department.

## **Background**

James W. Keen and Marie Keen, his wife, expressed an implied offer to dedicate these properties when they conveyed adjacent land in a Statutory Warranty Deed, dated June 29, 1994 and recorded in Official Record Book 16433 at Page 2626 of the Public Records of Miami-Dade County, Florida. The deed expressly excludes "for road purposes" the land described in Exhibit "A". A search of the public records has found nothing that would revoke or otherwise impair the implied offer to dedicate the lands described in Exhibit "A" and depicted in Exhibit "B". The lands offered for dedication are located entirely within the planned "zoned" right-of-way pursuant to Section 33-133 Miami-Dade County Code. Acceptance of this dedication has been implied by County maintenance of SW 137 Avenue and SW 192 Street which are built and have been used by the public for more than 30 years.

In order to protect the public's road easements, the PWWM recommends the formal acceptance of this right-of-way dedication.

  
\_\_\_\_\_  
County Manager/Deputy Mayor

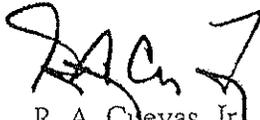


# MEMORANDUM

(Revised)

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

**DATE:** February 7, 2012

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

**SUBJECT:** Agenda Item No. 8(M)(2)

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(M)(2)  
2-7-12

RESOLUTION NO. R-139-12

RESOLUTION ACCEPTING AN IMPLIED OFFER OF DEDICATION FOR PORTIONS OF SW 137 AVENUE AND A PORTION OF SW 192 STREET IN SECTION 3, TOWNSHIP 56 SOUTH, RANGE 39 EAST

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

**WHEREAS**, upon consideration of the recommendation from the Public Works and Waste Management Department the Board of County Commissioners of Miami-Dade County, Florida finds and determines that the acceptance of this implied offer of dedication is in the public interest,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby (1) approves and accepts this implied offer of dedication, as described in Exhibit "A" and depicted in Exhibit "B" hereof, and (2) authorizes the expenditure of \$4,500.00 from Road Impact Fee District 6 funds to redeem outstanding tax certificates now held against a portion of the subject dedication, and (3) pursuant to Resolution No. R-974-09, directs the County Mayor or County Mayor's designee to record a copy of this resolution in the Public Records of Miami-Dade County and to provide a recorded copy to the Clerk of the Board within thirty (30) days; and (4) directs the Clerk of the Board to attach and permanently store said recorded copy with this resolution.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of February, 2012. 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.

Jorge Martinez-Esteve

Miami-Dade County  
Public Works and Waste Management Department

## LEGAL DESCRIPTION

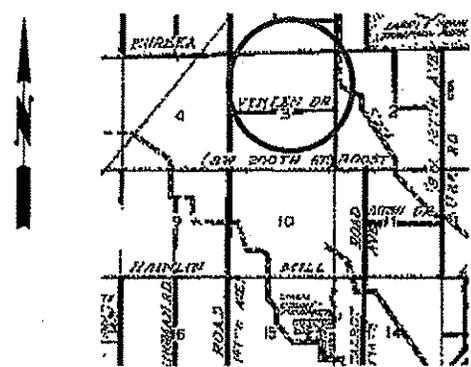
The East 40 of Lot 5 AND the East 40 feet of the North 75.5 feet of Lot 9 AND the East 40 of the South Half (1/2) of the North Half (1/2) of Lot 9 AND the South 20 feet of Lot 7, all in Section 3, Township 56 South, Range 39 East of "PORTION OF TROPICO" according to the plat thereof recorded in Plat Book 2, Page 57 of the public records of Miami-Dade County, Florida, for road purposes.

## EXHIBIT "A"

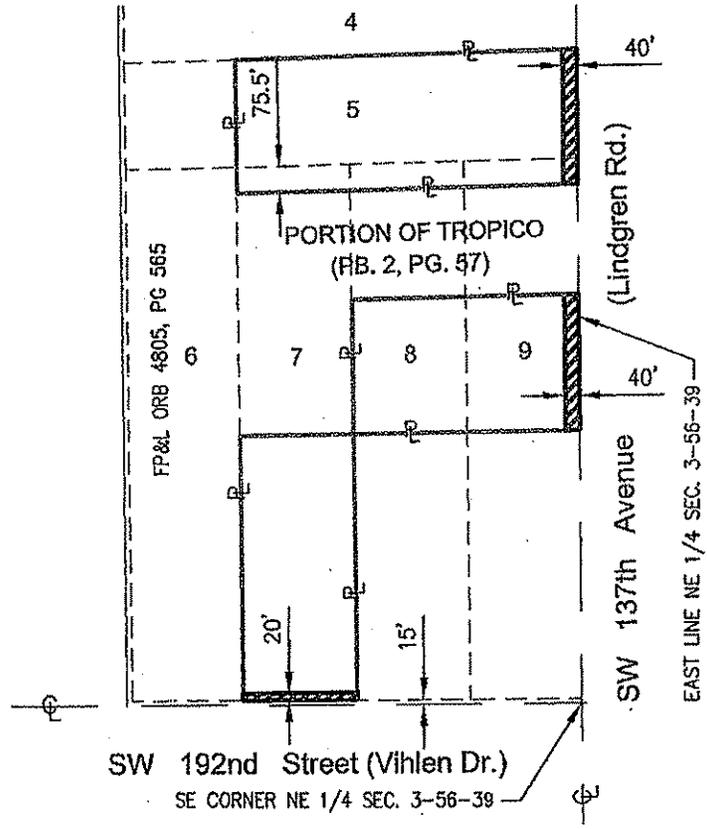
Right-of-Way  
SW 137<sup>th</sup> Ave and SW 192<sup>nd</sup> Street

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SEC 3  
TWP 56 S  
RGE 39 E



LOCATION MAP  
NOT TO SCALE



REFERENCES:

- P.B. 2, PG. 57
- OR 12301, PG. 1401
- OR 16433, PG. 2626
- OR 4805, PG. 565

LEGEND

- SECTION LINE
- - - LOT LINE
- P — PROPERTY LINE
- ⊕ CENTER LINE

EXHIBIT "B"



SCALE 1" = 500'

MIAMI-DADE COUNTY PUBLIC WORKS  
WASTE MANAGEMENT DEPT.  
LAND DEVELOPMENT/RIGHT OF WAY DIVISION  
RIGHT OF WAY ENGINEERING SECTION

MIAMI-DADE COUNTY  
SCALE 1" = 500'  
PREPARED BY: L.E.  
DATED: 11-10-11

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