



MEMORANDUM

Agenda Item No. 8(M)(5)

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

**DATE:** May 1, 2011

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

**SUBJECT:** Resolution authorizing the transfer of  
a portion of County owned right-of-  
way to the Miami-Dade Expressway  
Authority for improvements along  
State Road No. 836 also known as  
Parcel No. 101

Resolution No. R-377-12

The accompanying resolution was prepared by the Public Works & Waste Management 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:** May 1, 2012

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Authorizing the Transfer of a Portion of a County Owned Right-of-Way for NW 14 Street, also Known as Parcel No. 101, to the Miami Dade Expressway Authority for the Improvement of an Off Ramp for State Road No. 836 in Accordance with F.S. 125.38 and Authorizing the Chairman of the Board of County Commissioners to Execute a County Deed Conveying Said Parcel to the Miami Dade Expressway Authority  
Section: 35-53-41 Commission District 3

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## Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the transfer of a portion of the right-of-way for NW 14 Street, also known as Parcel No. 101, to the Miami-Dade Expressway Authority (MDX) for the improvement of State Road No. 836 in accordance with F.S. 125.38 and authorize the Chairman of the BCC to execute a County Deed conveying in fee simple to MDX the subject parcel. The Public Works and Waste Management Department (PWWM) has no objection to this right-of-way being transferred.

## Scope

The property to be conveyed is located in Commission District 3.

## Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent properties to this right-of-way at \$15.12 per square foot. Therefore, the total estimated value of this right-of-way would be approximately \$494.27. Conveying this portion of right-of-way will not result in an increase in revenue from property taxes since land use as right-of-way is exempt from paying taxes. There is a positive fiscal impact since PWWM will not be responsible for the maintenance of the subject parcel.

## Track Record/Monitor

PWWM is the entity overseeing this project and the person responsible for monitoring this acquisition is Mr. Raul A. Pino, Chief, Land Development/Right-of-Way Division.

## Background

MDX has planned improvements to the westbound off ramp of State Road No. 836 to NW 14 Street in order to improve vehicular movement in the area. Parcel 101, which is owned by Miami-Dade County, is located on the north side of NW 14 Street approximately 165 feet east of the intersection with NW 10 Avenue. MDX is requesting that the County convey Parcel 101 in order to build an additional right turn lane. The subject right-of-way was specifically dedicated to Miami-Dade County by the adjacent property owner for the use as a public road.



County Manager/Deputy Mayor



# MEMORANDUM

(Revised)

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

**DATE:** May 1, 2012

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

**SUBJECT:** Agenda Item No. 8(M)(5)

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)(5)  
5-1-12

RESOLUTION NO. R-377-12

RESOLUTION AUTHORIZING THE TRANSFER OF A PORTION OF COUNTY OWNED RIGHT-OF-WAY TO THE MIAMI-DADE EXPRESSWAY AUTHORITY IN ACCORDANCE WITH FLORIDA STATUTE SECTION 125.38, FOR NO MONETARY CONSIDERATION, FOR IMPROVEMENTS ALONG STATE ROAD NO. 836 ALSO KNOWN AS PARCEL NO. 101, NOT NEEDED FOR COUNTY PURPOSES; AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED GRANTING SAID PARCEL, IN SECTION 35, TOWNSHIP 53 SOUTH, RANGE 41 EAST

**WHEREAS**, the Board desires to accomplish the purposes outlined in the accompanying memorandum for the parcel described in the accompanying Deed, a copy of which is incorporated herein by reference as attached; and

**WHEREAS**, the Miami-Dade Expressway Authority (MDX) proposes to improve State Road No. 836 Roadway project No. 83630.010 in Miami-Dade County; and

**WHEREAS**, in connection with said project, MDX is adding a right turn lane to the west bound exit ramp in this location; and

**WHEREAS**, MDX determined that in order to improve pedestrian and vehicular traffic flow and safety it is necessary to build a right turn lane and relocate the existing sidewalk; and

**WHEREAS**, in order to build said improvements it is necessary that certain County owned lands be acquired as right-of-way by MDX; and

**WHEREAS**, MDX has requested the conveyance of said right-of-way more particularly described in Exhibits "A" and "B" and located at NW 14 Street about 165 feet East of NW 10 Avenue in Miami-Dade County, which legal description encompasses a 32.69 square foot irregularly shaped parcel; and

**WHEREAS**, the Board finds that pursuant to Section 125.38 of the Florida Statutes, that said property is required for such use, is not needed for County purposes, and would promote community interest and welfare,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that 1) the foregoing recitals are incorporated as if fully set forth herein, 2) approves the conveyance of the right of way for no monetary consideration pursuant to Section 125.38, Florida Statutes subject to the restriction that said parcel be used by MDX for transportation related improvements to State Road No. 836, 3) authorizes the Chairman of the Board of County Commissioners to take all actions necessary to accomplish the execution of a County Deed conveying said right-of-way in substantially the form attached hereto to MDX, and 4) pursuant to Resolution No. R-974-09, (a) directs the County Mayor or County Mayor's designee to record the instrument of conveyance executed herein in the Public Records of Miami-Dade County and to provide a recorded copy of each instrument 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 each of said instruments together with this resolution.

The foregoing was offered by Commissioner

**Sally A. Heyman**

who moved its adoption. The motion was seconded by Commissioner

**Rebeca Sosa**

and upon being put to a vote, the vote was as follows:

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

The Chairman thereupon declared the resolution duly passed and adopted this 1<sup>st</sup> day of May, 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.

Debra Herman

Return to:  
Right of Way Division .  
Miami-Dade County Public Works and .  
Waste Management Department .  
111 N.W. 1st Street .  
Miami, FL 33128-1970 .  
.  
Instrument prepared by: .  
Luis F. Lacau Jr., P.L.S. .  
Miami-Dade County Public Works and .  
Waste Management Department .  
111 N.W. 1st Street .  
Miami, FL 33128-1970 .  
.  
Folio No. N/A .  
Parcel No.: 101 .  
MDX Work Program No.83630.010 .  
Managing FDOT District: 6 .

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COUNTY DEED

**THIS DEED**, Made this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2012, by and between **MIAMI-DADE COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is: Metro-Dade Center, 111 N.W. 1st Street, Miami, Florida 33128-1963, party of the first part, and the **MIAMI DADE EXPRESSWAY AUTHORITY (MDX)**, whose address is 3790 NW 21 Street Miami, Florida 33142, party of the second part,

**WITNESSETH:**

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

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

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, including the transfer of all rights, responsibilities, and attendant liability, with respect to the subject property; and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

It is expressly provided that if and whenever the use of the subject parcel for transportation purposes is discontinued, the title to the said above described land shall immediately revert to the party of the first part, its successors and assigns, and it or they shall have the right to immediately re-possess the same.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Chairperson or Vice Chairperson, and attested by the Clerk or Deputy Clerk of said Board, The day and year aforesaid.

ATTEST:  
  
HARVEY RUVIN,  
CLERK OF SAID BOARD

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

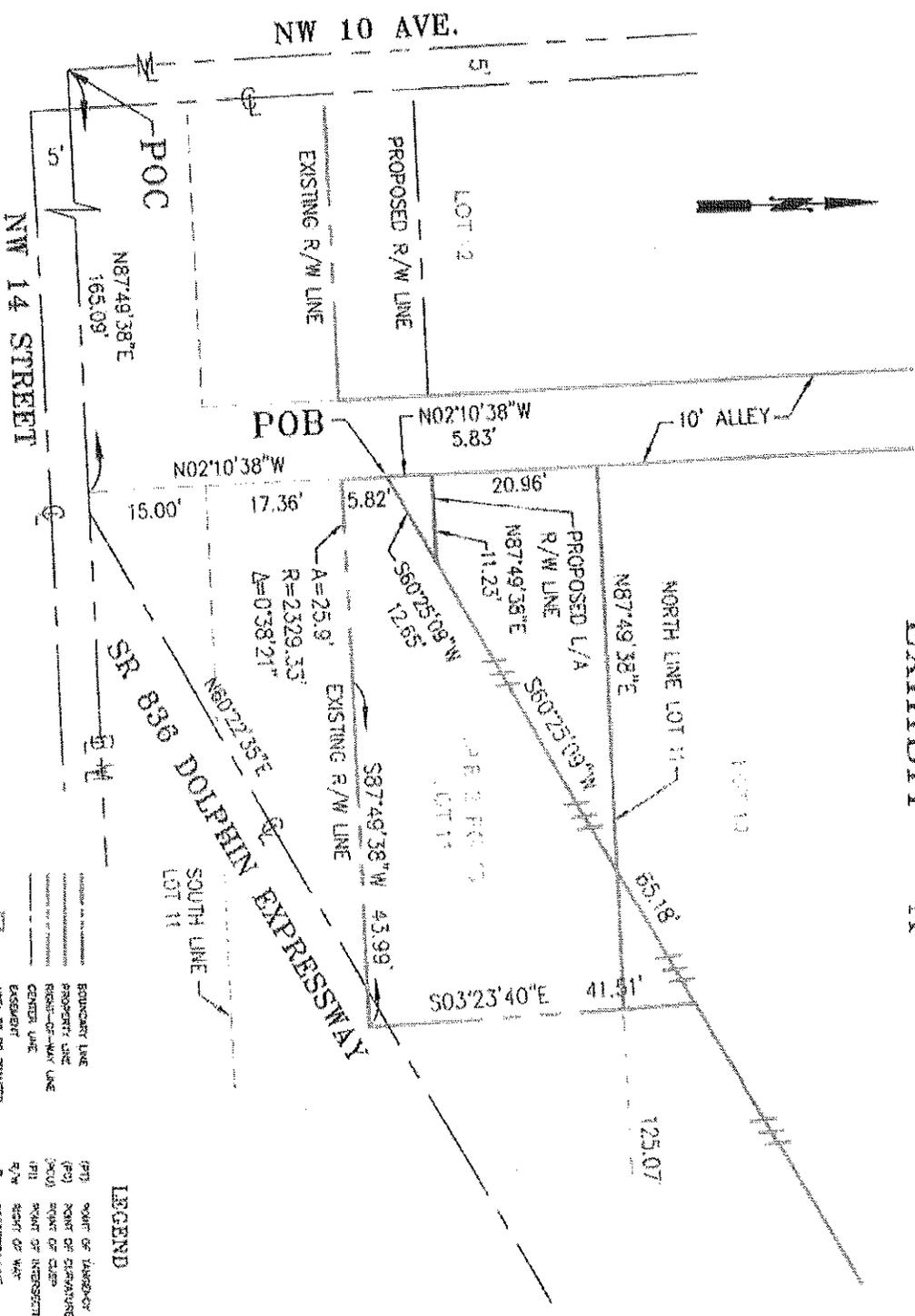
By: \_\_\_\_\_  
  
Deputy Clerk

By: \_\_\_\_\_  
  
Joe A. Martinez, Chairman  
Board of County Commission

The foregoing was authorized and approved by Resolution No. \_\_\_\_\_ Of the Board of County Commissioners of Miami-Dade County, Florida, on the \_\_\_\_ day of \_\_\_\_\_, A.D. 2012.

EXHIBIT "A"

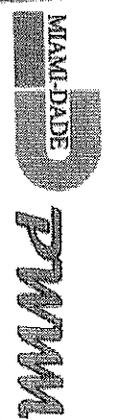
SEC 35  
TWP 53 S  
RGE 41 E



- LEGEND**
- (PT) POINT OF BEGINNING
  - (PC) POINT OF CURVATURE
  - (PCU) POINT OF CURVE
  - (PI) POINT OF INTERSECTION
  - S/W RIGHT OF WAY
  - R PROPERTY LINE
  - (L) LINDER
  - (C) CENTER
  - (S) RADIIUS
  - (O) BY BEED
  - (P) BOUNDARY LINE
  - (R) PROPERTY LINE
  - (C/W) RIGHT-OF-WAY LINE
  - (G) CENTER LINE
  - (E) EXCEPT
  - (A) AREA TO BE SKETCHED
  - (P) POINT OF BEGINNING
  - (POC) POINT OF COMMENCEMENT
  - (M) MONUMENT LINE
  - (C) CENTER LINE

THIS SKETCH IS A GRAPHIC REPRESENTATION OF THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED AND WITHOUT WHICH THIS SKETCH IS TO BE CONSIDERED VOID AND INCOMPLETE.

THIS IS NOT A SURVEY



MIAMI-DADE COUNTY PUBLIC WORKS DEPT.  
ENGINEERING SECTION

STATE ROAD No. 836  
PARCEL No. 101

SCALE: 1" = 20'	DATE: 02-23-12	Florida Department of Transportation/Divided 11
DRAWN BY: L. Espinosa	Rev./Segment No.:	
CHECKED BY: L. Lecos	Proj. No.:	
PROJECT:	County: Miami-Dade	
SHEET: 1 of 2	Parcel No. 101	

# EXHIBIT "A"

SEC 35  
TWP 53 S  
RGE 41 E

Legal Description Parcel 101:

That portion of Lot 11 in Block 19 of HIGHLAND PARK, according to the plat thereof, recorded in Plat Book 2 at page 13, of the Public Records of Miami-Dade County, Florida, lying Northerly of the North line of NW 14<sup>th</sup> Street as shown on Florida Department of Transportation Right of Way Map for Section 87200-2505 as recorded in Road Plat Book 101 at Page 14 of the Public Records of Miami-Dade County, Florida, and lying in the NE 1/4 of Section 35, Township 53 South, Range 41 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the point of intersection of the Monument Line and Base Line of NW 14<sup>th</sup> Street with the Monument Line and Base Line of NW 10<sup>th</sup> Ave. as shown in the above described right of way map 87260-2505 and occupied by the baseline of survey for MDX Project No. 83630; thence run N87°49'38"E, along said Monument Line and Base Line of NW 14<sup>th</sup> Street for a distance of 165.09 feet to the point of intersection with the southerly extension of the West line of said Lot 11, Block 19; thence run N02°10'38"W, along the East described line, for a distance of 15.00 feet to the Southwest corner of said Lot 11 in Block 19; thence continue N02°10'38"W, along the West line of said Lot 11, for a distance of 17.36 feet to the point of intersection with the Northerly right of way line of NW 14<sup>th</sup> Street as shown in the above mentioned Florida Department of Transportation Right of Way Map; thence continue N02°10'38"W, along the West line of said Lot 11, for a distance of 5.82 feet (5.77' (R) ) to the point of intersection with the Limited Access right of way line of Florida State Road 836 and SR9 (1-95), as shown in Florida Department of Transportation Right of Way Map 87270-2508, said point also being the POINT OF BEGINNING of the parcel of land hereinafter to be described; thence continue N02°10'38"W, along the West line of said Lot 11, for a distance of 5.82 feet to the point of intersection with a line 44.00 feet Northerly and parallel with the above described Monument Line and Base Line of NW 14<sup>th</sup> Street, also being a proposed Limited Access Right of Way line for the adjoining dedication Parcel 101; thence run N87°49'38"E, along the East described parallel line and Proposed Limited Access right of way line, for a distance of 11.23 feet to the point of intersection with the Limited Access right of way line as shown in said Right of Way Map 87270-2508; thence run S60°25'09"W, along the East described Limited Access line, for a distance of 12.65 feet to the Point of Beginning.

Containing an area of 33square feet, more or less.

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THIS IS NOT A SURVEY



SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY PUBLIC WORKS DEPT. RIGHT OF WAY DIVISION ENGINEERING SECTION		STATE ROAD No. 836 PARCEL No. 101	SCALE 1" = 20' DATE: 02-23-12 DRAWN BY: L. Estrozes CHECKED BY: L. Jasso	THIS IS NOT A SURVEY
			Florida Department of Transportation District V Project No. N/A Sheet No. 101 /	