



MEMORANDUM

Agenda Item No. 8(M) (4)

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

DATE: May 1, 2012

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

SUBJECT: Resolution authorizing the transfer
of a portion of County owned
Right-of-Way for NW 74th Street
also known as Parcel No. 106

Resolution No. R-376-12

The accompanying resolution was prepared by the Public Works and Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

A handwritten signature in black ink, appearing to read "RAC, Jr.", written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

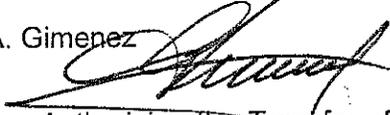
RAC/up

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 County Owned Right-of-Way for NW 74 Street, also Known as Parcel No. 106, for no monetary consideration to the Florida Department of Transportation for the Improvements of State Road No. 934 (NW 74 Street) in Accordance with Florida Statute 125.38 and Authorizing the Chairman of the Board of County Commissioners to Execute a County Deed Conveying Said Parcel to the Florida Department of Transportation Section: 7-53-40 Commission District 12

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the transfer of portions of right-of-way for NW 74 Street, also known as Parcel No. 106, for no monetary consideration to the Florida Department of Transportation (FDOT) for the improvements of State Road No. 934 (NW 74 Street) in accordance with Florida Statute 125.38 and authorize the Chairman of the BCC to execute County Deeds conveying in fee simple to FDOT 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 within Commission District 12.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent properties to this right-of-way at \$21.75 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$42,654. 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 tax exempt. There is a positive fiscal impact since PWWM will not be responsible for the maintenance of the subject parcel.

Track Record/Monitor

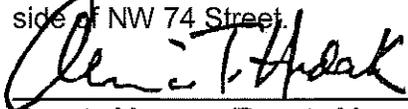
PWWM is the entity overseeing this project and the person responsible for monitoring this acquisition is Mr. Raul A. Pino, Chief, Land Development/Right-of-Way Division.

Background

FDOT has planned improvements on State Road 934 from NW 107 Avenue to NW 114 Avenue in order to improve vehicular movement in the area. Parcel 106, which is owned by Miami-Dade County, is located on the north side of NW 74 Street at the intersection of NW 113 Court. FDOT is requesting that the County convey Parcel 106 in order to build a sound barrier wall along the north side of NW 74 Street. Additionally, sidewalks and curb and gutters will be replaced, and pedestrian ramps will be reconstructed.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
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The subject right-of-way was specifically dedicated to Miami-Dade County by the adjacent home owners association to allow for the completion of the proposed sound barrier wall along the north side of NW 74 Street.



County Manager/Deputy Mayor

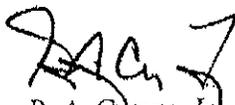


MEMORANDUM

(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) (4)

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)(4)
5-1-12

RESOLUTION NO. R-376-12

RESOLUTION AUTHORIZING THE TRANSFER OF A PORTION OF COUNTY OWNED RIGHT-OF-WAY FOR NW 74 STREET ALSO KNOWN AS PARCEL NO. 106 NOT NEEDED FOR COUNTY PURPOSES FOR NO MONETARY CONSIDERATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS OF COUNTY ROAD NO. 934 (NW 74 STREET) IN ACCORDANCE WITH FLORIDA STATUTE 125.38 AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED CONVEYING SAID PARCEL TO THE FLORIDA DEPARTMENT OF TRANSPORTATION THEREOF, IN SECTION 7, TOWNSHIP 53 SOUTH, RANGE 40 EAST

WHEREAS, the Florida Department of Transportation desires to acquire certain County-owned right-of-way, which is identified in the attached Exhibit "A" as Parcel No. 106 and which is located along NW 74 Street at the intersection with NW 113 Court (the right-of-way); and

WHEREAS, the County's conveyance of the right-of-way to the Florida Department of Transportation is in the public's best interest and welfare by allowing the use of the right-of-way for the proposed improvements to County Road No. 934 (NW 74 Street) in Miami-Dade County; and

WHEREAS, the County is satisfied that the Florida Department of Transportation requires the right-of-way for such use, and the right-of-way is not otherwise needed for County purposes; and

WHEREAS, the conveyance of the right-of-way to the Florida Department of Transportation for said purposes shall be for no monetary consideration; and

WHEREAS, the conveyance of the right-of-way to the Florida Department of Transportation is in accordance with Section 125.38, Florida Statutes, governing the conveyance of County right-of-way to the Florida Department of Transportation,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, 1) that the foregoing recitals are incorporated and adopted herein, 2) that this Board, pursuant to Section 125.38, Florida Statutes declares that the right-of-way is not needed for County purposes; authorizes the conveyance of Parcel No. 106 to the Florida Department of Transportation, as shown on Exhibit "A," attached hereto and made a part hereof for no monetary consideration, (3) that this Board authorizes the Chairman of the Board of County Commissioners to execute a County Deed on behalf of Miami-Dade County, in substantially the form attached hereto, conveying Parcel No. 106 in fee simple to the Florida Department of Transportation; (4) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (5) pursuant to Resolution No. R-974-09, this Board directs the County Mayor or County Mayor's designee to record the instruments of conveyance accepted herein in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy 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	aye
	Audrey M. Edmonson, Vice Chairwoman	aye
Bruno A. Barreiro	aye	Lynda Bell
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz
Sally A. Heyman	aye	Barbara J. Jordan
Jean Monestime	aye	Dennis C. Moss
Rebeca Sosa	aye	Sen. Javier D. Souto
Xavier L. Suarez	aye	

The Chairman thereupon declared the resolution duly passed and adopted this 1st 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 Dept. .
 111 N.W. 1st Street .
 Miami, FL 33128-1970 .
 .
 Instrument prepared by: .
Luis F. Lacau Jr., P.L.S. .
 Miami-Dade County Public Works .
 and Waste Management Dept. .
 111 N.W. 1st Street .
 Miami, FL 33128-1970 .
 .
 Folio No. N/A .
 Parcel No.: 116 .
 Item/Segment No.: .
 Managing District: 6 .

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 **FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)**, whose address is 1000 NW 111 Avenue, Miami, Florida 33172, party of the second part,

WITNESSETH:

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

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

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

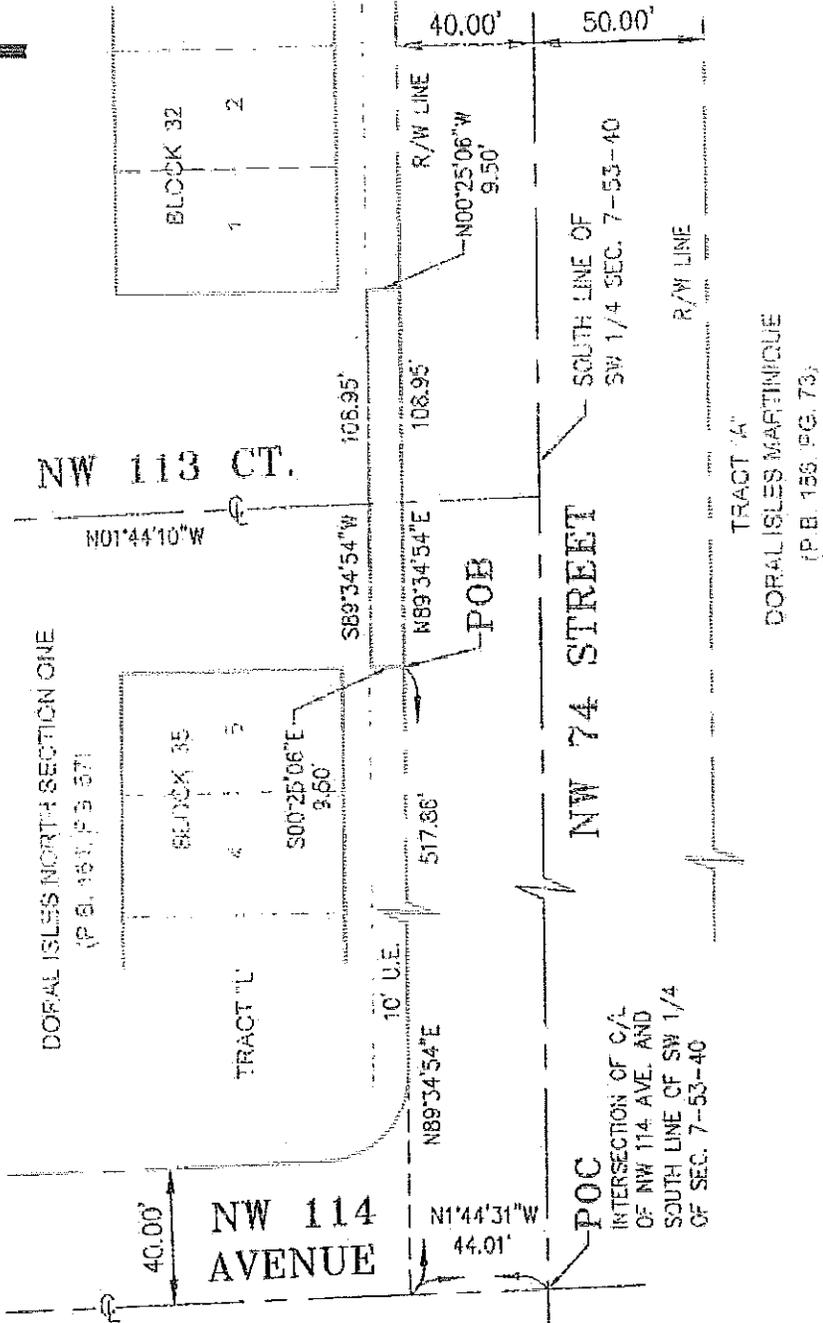
By: _____

Chairman of the Board

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 7
TWP 53 S
RGE 40 E



LEGEND

- | | | | | | | | |
|-----|-------------------|-------|-----------------------|-------|-----------------------|-----|---------------|
| --- | BOUNDARY LINE | □ | AREA TO BE ACQUIRED | (PT) | POINT OF TANGENCY | R | PROPERTY LINE |
| --- | PROPERTY LINE | (POB) | POINT OF BEGINNING | (PC) | POINT OF CURVATURE | (L) | LENGTH |
| --- | RIGHT-OF-WAY LINE | (POC) | POINT OF COMMENCEMENT | (PCU) | POINT OF CUSP | (a) | DELTA |
| --- | CENTER LINE | ⊕ | MONUMENT LINE | (PI) | POINT OF INTERSECTION | (R) | RADIUS |
| --- | EASEMENT | ⊕ | CENTER LINE | R/W | RIGHT OF WAY | | |
| --- | LOT 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

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY PUBLIC WORKS AND WASTE MANAGEMENT DEPT. LAND DEVELOPMENT/RIGHT-OF-WAY DIVISION ENGINEERING SECTION	STATE ROAD No. 934	SCALE: 1" = 50'	DATE: 08-25-11	Florida Department of Transportation, District VI Item/Segment No.: Sect/Job No.: F.P. No.: 414731-3 SR No.: 934 County: Miami-Dade Parcel No.: 106
	PARCEL No. 106 7	DRAWN BY: L. Espinosa	CHECKED BY: L. Lacou	

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EXHIBIT "A"

SEC 7
TWP 53 S
RGE 40 E

Legal Description Parcel 106:

Being a portion of Tract "L", according to the Plat of DORAL ISLES NORTH SECTION ONE, as recorded in Plat Book 161, Page 57, and lying in the Southwest ¼ of Section 7, Township 53 South, Range 40 East, all in Miami-Dade County, Florida, and being more particularly described as follows:

Commence at the point of intersection of the centerline of Northwest 114th Avenue and the South line of said Section 7, also being the Southwest corner of the Southeast ¼ of the Southwest ¼ of said Section 7, as shown on said Plat of DORAL ISLES NORTH SECTION ONE; thence N01°44'31"W, along said centerline of NW 114th Avenue and the West line of the East ½ of the Southwest ¼ of said prolongation of the North Right-of-Way line of NW 74th Street; thence N89°34'54"E, along lastly said line, a distance of 517.86 feet to the POINT OF BEGINNING of the following described parcel:

Thence continue N89°34'54"E, along said North Right-of-Way line of NW 74th Street, a distance of 108.95 feet; thence N00°25'06"W a distance of 9.50 feet; thence S89°34'54"W a distance of 108.95 feet; thence S00°25'06"E a distance of 9.50 feet to the POINT OF BEGINNING.

Containing 1,035 square feet or 0.024 acres more or less.

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SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY PUBLIC WORKS AND WASTE MANAGEMENT DEPT. LAND DEVELOPMENT/RIGHT-OF-WAY DIVISION ENGINEERING SECTION	STATE ROAD No. 934	NOT TO SCALE	DATE: 08-25-11	Florida Department of Transportation, District VI Item/Segment No.: Sect./Job No.: F.P. No.: 414731-3 SR No.: 934 County: Miami-Dade Parcel No.: 106
	PARCEL No. 106 8	DRAWN BY: L. Espinosa CHECKED BY: L. Lacou	PROJECT: 20070694	SHEET: 2 of 2

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