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

MEMORANDUM Agenda Item No. 8(M)(11)

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 granting of a perpetual easement over a portion of County owned right-of-way to the State of Florida Department of Transportation in accordance with Florida Statute 125.38, for no monetary consideration, for sidewalk improvements along State Road No. 986 (SW 72 Street) at the intersection with SW 98 Court also known as Parcel No. 800

Resolution No. R-380-12

The accompanying resolution was prepared by the Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

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 Granting of a Perpetual Easement Over Portions of a County Owned Right-of-Way for SW 72 Street, also known as Parcel No. 800, to the Florida Department of Transportation for the Improvements of State Road No. 986 (SW 72 Street) in Accordance with Florida Statute 125.38 and Authorizing the County Mayor or County Mayor's Designee to Execute an Instrument Granting Said Easement to the Florida Department of Transportation
Section: 32-54-40 Commission District 10

Recommendation
It is recommended that the Board of County Commissioners (BCC) approve the granting of a perpetual easement over portions of the right-of-way for SW 72 Street, also known as Parcel No. 800, to the Florida Department of Transportation (FDOT) for the improvements of State Road No. 986 (SW 72 Street) in accordance with Florida Statute (F.S.) 125.38 and authorizes the County Mayor or County Mayor's designee to execute said instrument granting a perpetual easement to FDOT over the subject parcel. The Public Works and Waste Management Department (PWWM) has no objection to this easement being granted.

Scope
The easement to be granted falls within Commission 10.

Fiscal Impact/Funding Source
The Property Appraiser's Office has assessed the adjacent properties to this right-of-way as follows: for the east half of the parcel at $12.21 per square foot and for the west half of the parcel at $11.36 per square foot. Therefore, the total estimated value of these rights-of-way would be approximately $1,064.74. Granting said easement over these portions of rights-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
FDOT has planned improvements on State Road 986 in order to improve vehicular and pedestrian movement in the area. Improvements will include milling and resurfacing, median improvements, building a new sidewalk on the north side of the road, replacement of an asphalt sidewalk on the south side for a concrete one, and upgrading signage and pavement markings. Parcel 800, owned by Miami-Dade County, is located on the south side of SW 72 Street at the intersection with SW 98 Court. FDOT is requesting that the County grant an easement over this parcel.

The subject right-of-way was dedicated to Miami-Dade County by the adjacent properties through the Plat of Heftler Homes Sunset Park Section 1, recorded in Plat Book 70, Page 24 of the Public Records of Miami-Dade County.

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)(11)

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)(11)
5-1-12

RESOLUTION NO. R-380-12

RESOLUTION AUTHORIZING THE GRANTING OF A PERPETUAL EASEMENT OVER A PORTION OF COUNTY OWNED RIGHT-OF-WAY TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH FLORIDA STATUTE 125.38, FOR NO MONETARY CONSIDERATION, FOR SIDEWALK IMPROVEMENTS ALONG STATE ROAD NO. 986 (SW 72 STREET) AT THE INTERSECTION WITH SW 98 COURT ALSO KNOWN AS PARCEL NO. 800, NOT NEEDED FOR COUNTY PURPOSES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE GRANTING OF SAID EASEMENT, IN SECTION 32, TOWNSHIP 54 SOUTH, RANGE 40 EAST

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

WHEREAS, the State of Florida Department of Transportation (FDOT) proposes to improve State road No. 986 (SW 72 Street) Roadway project No. 87055 in Miami-Dade County; and

WHEREAS, in connection with said project, FDOT is modifying the existing sidewalks to comply with the Americans with Disabilities Act (ADA); and

WHEREAS, FDOT determined that in order to extend the life of the existing roadway and improve pedestrian and vehicular traffic flow and safety it was necessary to mill and resurface the existing pavement, reconstruct median curb and gutter, upgrade signing and pavement markings, and modify and construct sidewalks; and

WHEREAS, in order to build said sidewalk in compliance with the ADA it is necessary that certain County owned lands be acquired as an easement by FDOT; and

WHEREAS, FDOT has requested the granting of such an easement as more particularly described in Exhibits "A" and "B" to the Perpetual Easement attached hereto (the "easement") which legal description encompasses 90.27 square foot irregularly shaped parcels, located at the intersection of SW 72 Street and SW 98 Court; 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 interests, and welfare,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that 1) this Board adopts the foregoing recitals are incorporated as if fully set forth herein; 2) approves the granting of the Easement for no monetary consideration pursuant to Section 125.38, Florida Statutes subject to the restriction that said parcel be used by FDOT for transportation related improvements to State Road No. 986; 3) the County Mayor or County Mayor's designee is authorized to execute said Easement on behalf of Miami-Dade County and to exercise the provisions therein; 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	**aye**		
Audrey M. Edmonson, Vice Chairwoman	**aye**		
Bruno A. Barreiro	**aye**	Lynda Bell	**aye**
Esteban L. Bovo, Jr.	**aye**	Jose "Pepe" Diaz	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**aye**
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:
Land Development and
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, P.L.S.
Miami-Dade County Public Works
And Waste Management Department
111 N.W. 1st Street Suite 1620
Miami, FL 33128-1970

Folio No. N/A
User Department: Miami-Dade County
Public Works and Waste Management

PERMANENT EASEMENT

STATE OF FLORIDA)
)
COUNTY OF Miami-Dade)

THIS EASEMENT, Made this _____ day of _____, A.D. 2012, by and between **Miami-Dade County**, a political subdivision of the State of Florida, having its office and principal place of business at 111 NW 1st Street., Miami Florida 33128, party of the first part, and the **Florida Department of Transportation** an agency of the State of Florida, and its successors in interest, whose Post Office address is 1000 N.W. 111 Avenue, Miami, Florida 33172-5800, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar ($1.00) to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant to the party of the second part, and its successors an interest, easement, license and privilege to enter upon, and to perform any acts required for the installation of and repairs of concrete sidewalks, being in the County of Miami-Dade, State of Florida, to-wit:

See Exhibits "A" and "B" attached

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 heirs and assigns, and it shall have the right to immediately repossess the same.

And the said party of the first part will defend the title to said land against the lawful claims of all persons whomsoever, claiming by, through or under it.

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 County Mayor's or Mayor's Designee, and attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:

HARVEY RUVIN,
CLERK OF SAID BOARD

By: _____
Deputy Clerk

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

By: _____
Carlos A. Gimenez
Mayor

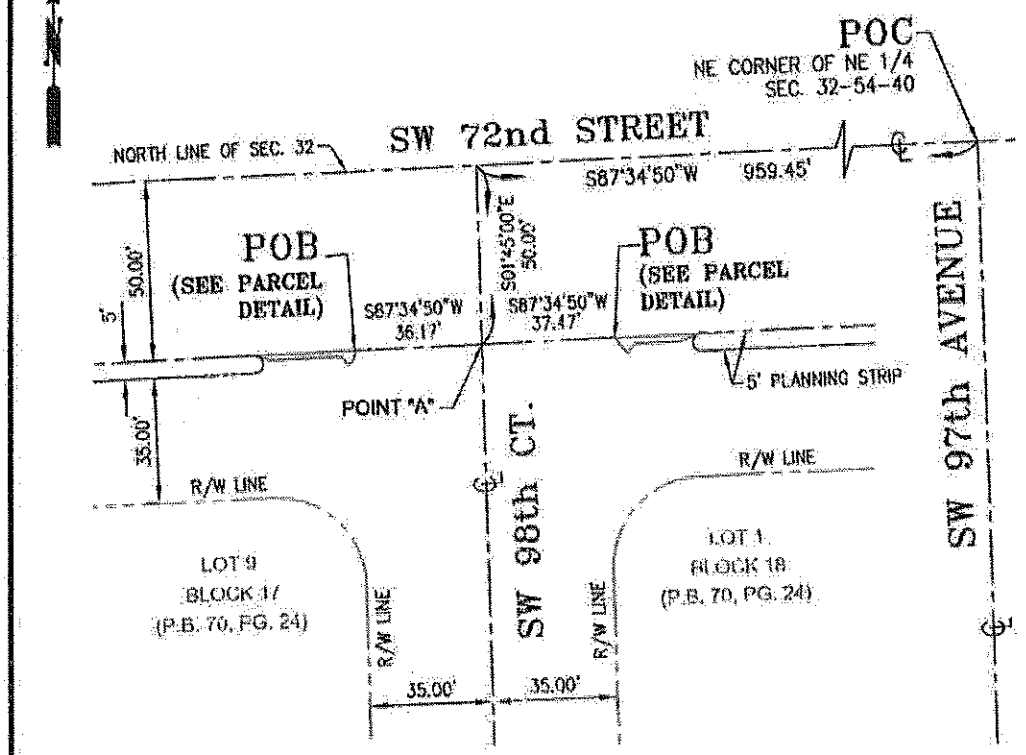
Approved as to form
And Legal Sufficiency.

_____
Assistant County Attorney

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.

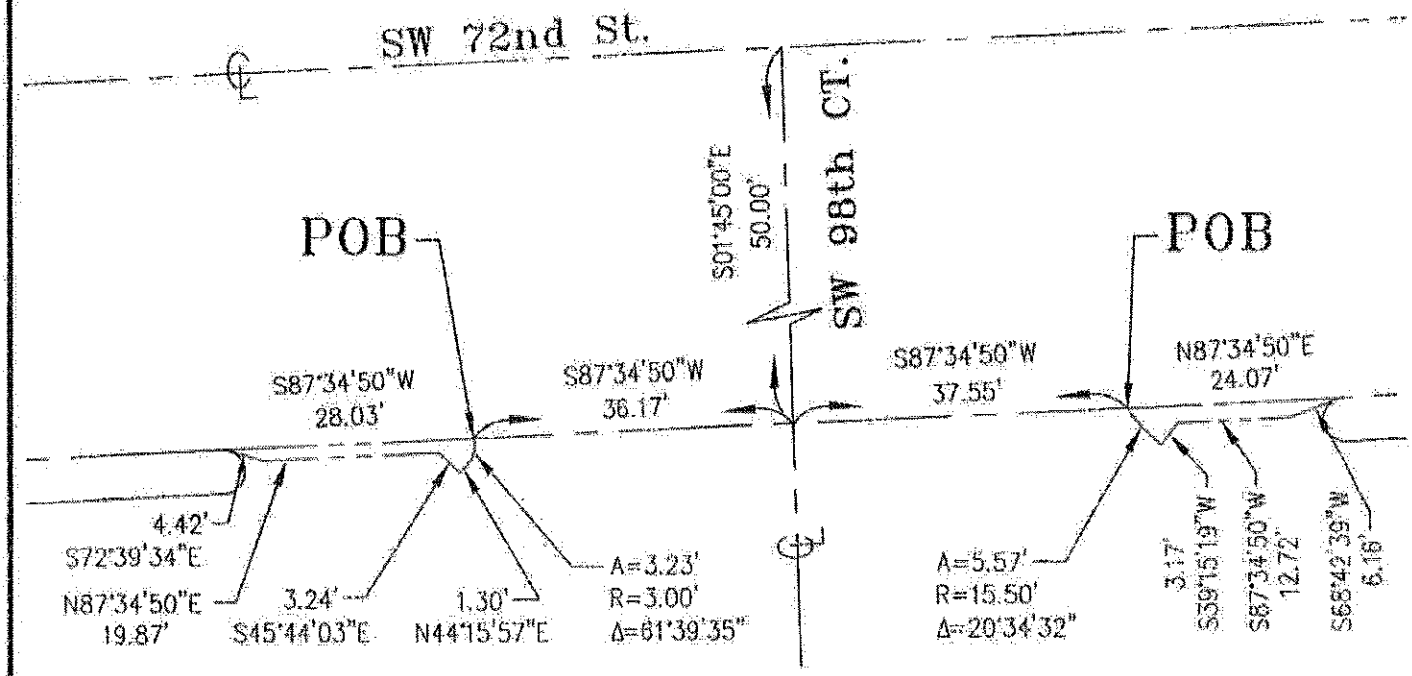
EXHIBIT "A"

SEC 32
TWP 54 S
RGE 40 E



LEGEND

EASEMENT AREA	
POINT OF BEGINNING	(POB)
POINT OF COMMENCEMENT	(POC)
MONUMENT LINE	℄
CENTER LINE	℄
PROPERTY LINE	℄
LENGTH	(L)
DELTA	(Δ)
RADIUS	(R)
TOWNSHIP	(TWS)
RANGE	(RGE)
BOUNDARY LINE	
PROPERTY LINE	
RIGHT-OF-WAY LINE	
CENTER LINE	
EASEMENT	
LOT LINE	
POINT OF TANGENCY	(PT)
POINT OF CURVATURE	(PC)
POINT OF CUSP	(PCU)
POINT OF INTERSECTION	(PI)
RIGHT OF WAY	R/W
SECTION	(SEC)



DETAIL PARCEL 800

SCALE: 1" = 20'

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

MIAMI-DADE PWWM

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. 986 PARCEL No. 800	SCALE: 1" = 50' | DATE:02-08-12 DRAWN BY: L. Espinosa CHECKED BY: L. Lacau PROJECT:20070694 | SHEET: 1 of 2	Florida Department of Transportation,District VI Item/Segment No.: Sect/Job No.: 87055 F.P. No.: 427691-1 SR No.: 986 County: Miami-Dade Parcel No.:800 Sheet__of__

EXHIBIT "B"

SEC 32
TWP 54 S
RGE 40 E

Legal Description Parcel 800:

Being a parcel of land within the right-of-way of Sunset Drive (SW 72nd Street), as shown on the Dade County Public Works Department Right-of-Way Map for said Sunset Drive, recorded in the public records of Miami-Dade County, Florida, in Road Plat Book 101, Page 68, on 01-26-1978, and lying in Section 32, Township 54 South, Range 40 East, and being more particularly described as follows:

Commence at the northeast corner of aforesaid Section 32, said point lying at the intersection of the north line of said Section 32 with the Centerline of SW 97 Ave, as shown on aforesaid Right-of-Way Map; thence S87°34'50"W, along said north line of Section 32, a distance of 959.45 feet to the intersection with the Centerline of SW 98th Court; thence S01°45'00"E, along said Centerline of SW 98th Court, 50.00 feet to a point hereinafter referred to as Point "A"; thence S87°34'50"W 36.17 feet to the POINT OF BEGINNING of the following described parcel:

Thence continue S87°34'50"W 28.03 feet; thence S72°39'34"E 4.42 feet; thence N87°34'50"E 19.87 feet; thence S45°44'03"E 3.24 feet; thence N44°15'57"E 1.30 feet to the beginning of a curve concave to the northwest; having a radius of 3.00 feet; thence northerly along the arc of said curve, 3.23 feet, through a central angle of 61°39'35" to a POINT OF BEGINNING.

Containing 44.06 Square Feet more or less.

TOGETHER WITH:

Commence at aforesaid Point "A"; thence N87°34'50"E 37.55 feet to the POINT OF BEGINNING of the following described parcel:

Thence continue N87°34'50"E 24.07 feet; thence S68°42'39"W 6.16 feet; thence S87°34'50"W 12.72 feet; thence along a radial line of a curve S39°15'19"W 3.17 feet to the beginning of said curve, concave to the northeast, having a radius of 15.50 feet; thence northwesterly along the arc of said curve 5.57 feet, through a central angle of 20°34'32" to the POINT OF BEGINNING.

Containing 46.21 Square Feet, more or less.

Containing a total of 90.27 Square Feet more or less.

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.

MIAMI-DADE PWWM

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. 986 PARCEL No. 800	SCALE: 1" = 50' | DATE:02-08-12 DRAWN BY: L. Espinosa CHECKED BY: L. Lacau PROJECT:20070694 | SHEET: 2 of 2	Florida Department of Transportation,District VI Item/Segment No.: Sect/Job No.: 87035 F.P. No.: 427651-1 SR No.: 986 County: Miami-Dade Parcel No.:800 Sheet__of__