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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 8(L)(5)

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

DATE: September 4, 2012

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

SUBJECT: Resolution authorizing the execution of a Miami-Dade County deed and disclaimer for portions of rights-of-way for SW 168 Street, in Sections 28 and 33, Township 55 South, Range 38 East

Resolution No. R-697-12

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 Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: September 4, 2012

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Execution of a Miami-Dade County Deed and Disclaimer Over Portions of a County Owned Rights-of-Way and Zoned Rights-of-Way for SW 168 Street (Richmond Drive) to the South Florida Water Management District Needed for the L31N Project in Accordance with Florida Statute 125.38 and Authorizing the Chairman of the Board to Execute a County Deed and a Disclaimer to the South Florida Water Management District
Sections: 28,33-55-38 Commission District 9

Recommendation
It is recommended that the Board of County Commissioners (BCC) approve the execution of a Miami-Dade County Deed and a Disclaimer over portions of County owned rights-of-way for SW 168 Street (Richmond Drive) to the South Florida Water Management District (SFWMD) needed for the L31N project in accordance with Florida Statute Section 125.38 and authorize the Chairman of the BCC to execute said instruments. The Public Works and Waste Management Department (PWWM) has no objection to this conveyance and disclaimer.

Scope
The properties being conveyed and disclaimed are both located in Commission District 9.

Fiscal Impact/Funding Source
The Property Appraiser's Office has assessed the adjacent properties to this right-of-way at $0.07 per square foot. Therefore, the estimated value of the right-of-way would be approximately $1,217.94. The estimated value of the land being disclaimed is approximately $3,065.88. Conveying and Disclaiming said 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 parcels.

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

Background
The subject rights-of-way, legally described in Exhibits "A" and illustrated by sketches labeled Exhibits "B", are located within an area being acquired by the SFWMD for the project known as "L31N". SFWMD is the property owner of all the lands abutting the subject rights-of-way. This project has been authorized by the SFWMD for flood control and other purposes as authorized in Section 203 of the Flood Control Act of 1948.

The subject Properties are needed by SFWMD in order to extend the L31N levee from north to south across Richmond Drive. Richmond Drive will remain open throughout the construction process and thereafter but under the jurisdiction of SFWMD. It will remain in use by SFWMD for access to their facilities by staff and visitors accessing the Everglades National Park.

Alina T. Hudak
County Manager/Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: September 4, 2012

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

SUBJECT: Agenda Item No. 8(L)(5)

Resolution No. R-697-12

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(L)(5)
9-4-12

RESOLUTION NO. R-697-12

RESOLUTION AUTHORIZING THE EXECUTION OF A MIAMI-DADE COUNTY DEED AND DISCLAIMER FOR PORTIONS OF RIGHTS-OF-WAY FOR SW 168 STREET, IN SECTIONS 28 AND 33, TOWNSHIP 55 SOUTH, RANGE 38 EAST, NOT NEEDED FOR COUNTY PURPOSES TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE L31N PROJECT IN MIAMI-DADE COUNTY IN ACCORDANCE WITH FLORIDA STATUTE 125.38 FOR NO MONETARY CONSIDERATION AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED AND DISCLAIMER CONVEYING SAID RIGHTS-OF-WAY PARCELS TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT THEREOF

WHEREAS, the South Florida Water Management District has requested the conveyance and disclaimer of certain County-owned rights-of-way, which are identified in the attached Exhibits "A" and "B" and which are located along SW 168 Street east of the intersection with SW 214 Avenue (the rights-of-way); and

WHEREAS, the County's conveyance and disclaimer of the rights-of-way to the South Florida Water Management District is in the public's best interest and welfare by allowing the use of the rights-of-way for the proposed L31N project in Miami-Dade County; and

WHEREAS, the County is satisfied that the South Florida Water Management District requires the rights-of-way for such use, and these rights-of-way are not otherwise needed for County purposes; and

WHEREAS, the conveyance of the rights-of-way and disclaimer to the South Florida Water Management District for said purposes shall be for no monetary consideration; and

WHEREAS, the conveyance and disclaimer of the rights-of-way to the South Florida Water Management District is in accordance with Section 125.38, Florida Statutes,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, 1) that the foregoing recitals and manager's memorandum are incorporated and adopted herein, 2) that this Board of County Commissioners, pursuant to Section 125.38, Florida Statutes declares that these rights-of-way are not needed for County purposes, and authorizes the conveyance of said rights-of-way to the South Florida Water Management District , as shown on Exhibit "A," and "B" attached hereto and made a part hereof, for no monetary consideration, (3) that this Board authorizes the Chairman of the Board to execute a County Deed and Disclaimer on behalf of Miami-Dade County, in substantially the form attached hereto, conveying said rights-of-way in fee and disclaiming any interest that Miami-Dade County may have in and to the subject rights-of-ways, to the South Florida Water Management District save and except for its right of reverter if highway use is discontinued; and (4) directs the County Mayor or County Mayor's designee to record the instruments of conveyances accepted 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 resolution was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** 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	**absent**	Dennis C. Moss	**aye**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**aye**
Xavier L. Suarez	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 6 day of September, 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/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

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 111 N.W. 1st Street, Miami, Florida 33128-1970, party of the first part, and the **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**, whose address is 3301 Gun Club Road, West Palm Beach, Florida 33406, 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 EXHIBITS "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 when the said highway shall be lawfully and permanently discontinued, the title to the said above described land shall upon written notice revert to the party of the first part.

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

By: _____

Deputy Clerk

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

By: _____

Joe A. Martinez
Chairman, Board of County Commissioners

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 28
TWP 55 S
RGE 38 E

Legal Description:

The South 40 feet of the West ½ of the East ½ of the SW ¼ of Section 28, Township 55 South, Range 38 East, less the West 225.00 feet thereof, lying and being in Miami-Dade County, Florida.

Containing an area of 17,399 square feet, more or less.

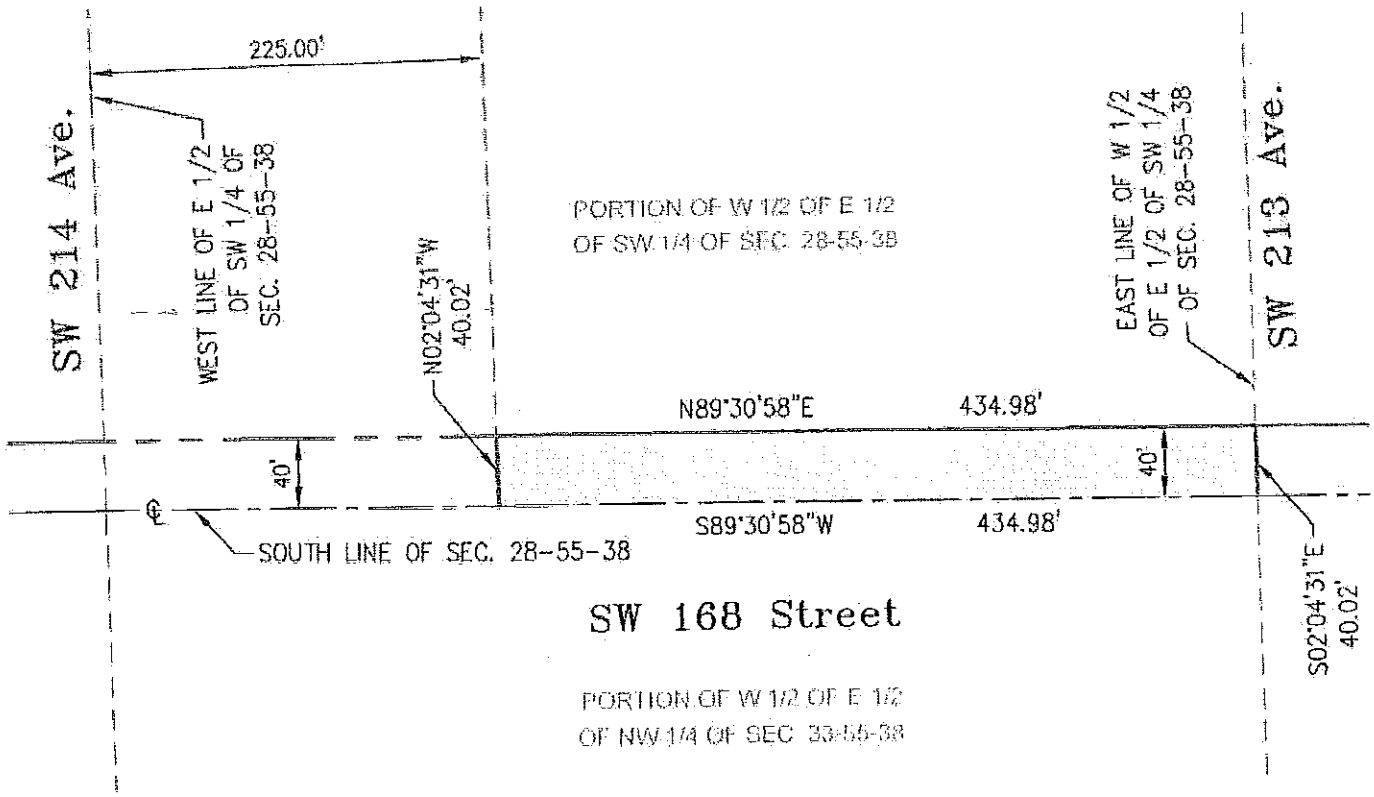
MIAMI-DADE PWWM

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	SW 168th STREET (RICHMOND DR.)	SCALE:	DATE: 03-12-12
		CHECKED BY: L. Lacau	
		DRAWN BY: L. Espinosa	
		PROJECT:	SHEET: 1 of 2

EXHIBIT "A"

SEC 28
TWP 55 S
RGE 38 E



LEGEND

	BOUNDARY LINE		AREA TO BE CONVEYED
	PROPERTY LINE	(POB)	POINT OF BEGINNING
	RIGHT-OF-WAY LINE	(POC)	POINT OF COMMENCEMENT
	CENTER LINE	⊥	MONUMENT LINE
	LOT LINE	℄	CENTER LINE
R/W	RIGHT OF WAY	⊥	PROPERTY LINE
(SEC)	SECTION	(TWS)	TOWNSHIP
		(RGE)	RANGE

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	SW 168th STREET (RICHMOND DR.)	SCALE: 1" = 100' DATE: 03-12-12 CHECKED BY: L. Lacau DRAWN BY: L. Espinosa PROJECT: SHEET:2 of 2

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.
Right of Way Division

Sections 33-55-38

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

KNOW ALL MEN BY THESE PRESENTS that **MIAMI-DADE COUNTY**, a Political Subdivision of the State of Florida, whose Post Office address is 111 N.W. 1st Street, Miami, Florida 33128-1970, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the right-of-ways found in the following described lands lying and being in Miami-Dade County, to wit:

See **EXHIBIT "B"** attached
Hereto and made a part hereof.

WHEREAS, Miami-Dade County has acquired certain interest on the above described lands by virtue of various right-of-way dedications; and

WHEREAS, the above described right of ways are no longer needed by MIAMI-DADE COUNTY for access purposes; and

WHEREAS, the South Florida Water Management District, as the local sponsor for the L31N Project, owns the lands abutting said right-of-way: and

WHEREAS, the South Florida Water Management District is requesting that the Public Works and Waste Management Department disclaim any interest it might have on said rights-of-way to consolidate ownership of the area.

NOW, THEREFORE, MIAMI-DADE COUNTY DOES HEREBY DISCLAIM any interest it has in the above-described right-of-way by virtue of said dedication as recorded in the Public Records of Miami-Dade County, Florida, save and except for its reverter if highway use is discontinued.

IN WITNESS WHEREOF MIAMI-DADE COUNTY, FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this

_____ Day of _____, A.D. 2012.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA BY IT'S BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman of the Board

Print: _____

Print:

Address: 111 N.W. 1st Street
Miami-Dade Center
Miami, Florida 33128

The foregoing was authorized and approved on the_____day of_____, A.D. 2012, by Resolution No._____ the Board of County Commissioners of Miami-Dade County, Florida.

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC

Sign:_____

Print: _____
STATE OF FLORIDA at large

My commission expires:_____

EXHIBIT "B"

SEC 33
TWP 55 S
RGE 38 E

Legal Description:

The North 35 feet of the East 1/2 of the NW 1/4 of Section 33, Township 55 South, Range 38 East, lying and being in Miami-Dade County, Florida.

Containing an area of 46,205 square feet, more or less.

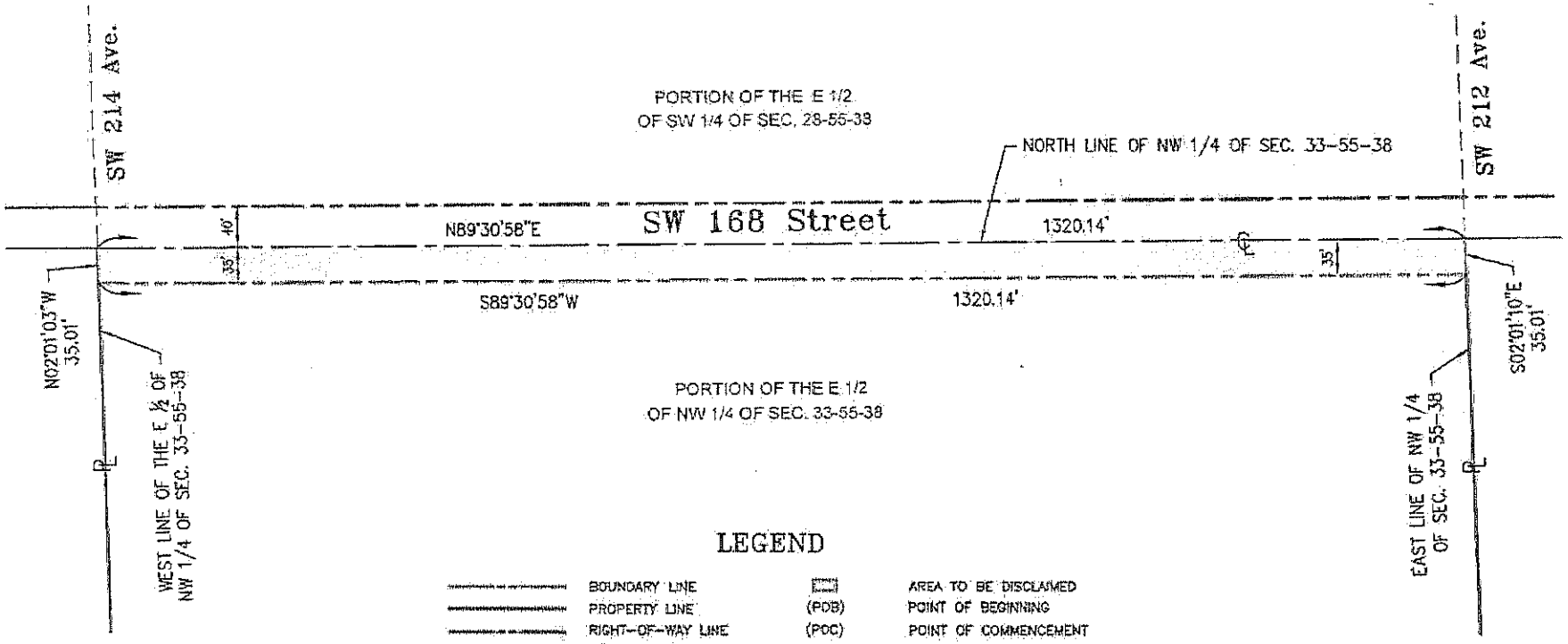
THIS IS NOT A SURVEY

MIAMI-DADE PWWM

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY PUBLIC WORKS AND WASTE MANAGEMENT DEPT. LAND DEVELOPMENT/RIGHT-OF-WAY DIVISION ENGINEERING SECTION	SW 168th STREET (RICHMOND DR.)	SCALE: 1" = 80' DATE: 03-23-12 DRAWN BY: L. Espinosa CHECKED BY: L. Lacau PROJECT: SHEET: 1 of 2

EXHIBIT "B"

SEC 33
TWP 55 S
RGE 38 E



LEGEND

	BOUNDARY LINE		AREA TO BE DISCLAIMED
	PROPERTY LINE	(POB)	POINT OF BEGINNING
	RIGHT-OF-WAY LINE	(POC)	POINT OF COMMENCEMENT
	CENTER LINE	ℳ	MONUMENT LINE
	LOT LINE	℄	CENTER LINE
R/W	RIGHT OF WAY	℞	PROPERTY LINE
(SEC)	SECTION	(TWS)	TOWNSHIP
		(RGE)	RANGE

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MIAMI-DADE PWWM

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
MIAMI-DADE COUNTY PUBLIC WORKS
AND WASTE MANAGEMENT DEPT.
LAND DEVELOPMENT/RIGHT-OF-WAY DIVISION
ENGINEERING SECTION

SW 168th STREET
(RICHMOND DR.)

SCALE: 1" = 150'	DATE: 03-23-12
DRAWN BY: L. Espinosa	
CHECKED BY: L. Lacau	
PROJECT:	SHEET: 2 of 2