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

MEMORANDUM

Agenda Item No. 8(L)(1)

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

DATE: October 2, 2012

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

SUBJECT: Resolution requesting the Florida Department of Transportation to convey at no cost to the County a surplus property along SW 92 Avenue and SW 144 Street
Resolution No. R-788-12

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 Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2012

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Requesting the Florida Department of Transportation to Convey at No Cost to the County, a Surplus Property Known as Parcel 104 (Part), for Public Purposes

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Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution requesting a right-of-way conveyance of the subject Parcel 104 (Part) from the Florida Department of Transportation (FDOT) to be used for public purposes and authorizes the Chairman of the Board of County Commissioners to accept said parcel on behalf of Miami-Dade County.

Scope

The property to be requested and accepted is located in Commission District 8.

Fiscal Impact/Funding Source

The fiscal impact as a result of the acceptance of this property would be approximately $48 annually for maintenance costs associated with the subject right-of-way being included in the Public Works and Waste Management Department (PWWM) inventory. This cost will be funded through the Department's General Fund allocation. This right-of-way is needed for a scheduled Signal and Intersection Improvement Project (PW000709). The total cost of the project including design and construction is $193,677.81 and will be funded through Road Impact Fee District 5. The annual operations and maintenance costs of the project once completed is estimated at $2,920.00 and will also be funded through the Department's General Fund.

Track Record/Monitor

PWWM is the entity overseeing this project and the person responsible for monitoring this conveyance is Mr. Wayne Sutton, Head, Right-of-Way Engineering Section, of the Right-of-Way Division.

Background

The subject parcel is needed to acquire the full width of the zoned right-of-way along SW 92 Avenue and SW 144 Street which are both County roads. With the additional right-of-way it will be possible to widen the intersection and improve vehicular traffic in the area. FDOT previously, conveyed to Miami Dade County the portion of the property without the zoned right-of-way, retaining the portion within the zoned right-of-way for a future conveyance. The surplus property known as Parcel 104 (Part) is necessary for the planned road improvements, and is legally described and depicted in Exhibit A of the Quit Claim Deed, attached herewith.

Alina T. Hudak
County Manager/Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: October 2, 2012

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

SUBJECT: Agenda Item No. 8(L)(1)

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)(1)
10-2-12

RESOLUTION NO. R-788-12

RESOLUTION REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO CONVEY AT NO COST TO THE COUNTY A SURPLUS PROPERTY ALONG SW 92 AVENUE AND SW 144 STREET, ALSO KNOWN AS PARCEL 104 (PART) IN MIAMI-DADE COUNTY FOR PUBLIC PURPOSES AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE ACCEPTANCE OF SAID CONVEYANCE ON BEHALF OF MIAMI-DADE COUNTY

WHEREAS, The Miami-Dade County Public Works and Waste Management Department (PWWM) has determined that the subject parcel is needed for certain improvements to relieve traffic along SW 92 Avenue and SW 144 Street both of which are County roads; and

WHEREAS, the subject parcel is presently owned by the Florida Department of Transportation (FDOT); and

WHEREAS, the intended use of the subject parcel is for a public purpose for the benefit of the public; and

WHEREAS, Miami-Dade County is required to request the conveyance from FDOT through a Board of County Commissioners Resolution; and

WHEREAS, the Board finds that the acceptance of said quit claim deed would be in the public's best interest; and

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

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) that this Board hereby requests FDOT to convey said Parcel 104 (part) to Miami-Dade County for public purposes at no cost; 3) the Chairman of the Board is authorized to accept said deed in substantially the form attached on behalf of Miami-Dade County and to exercise all the provisions therein; 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 accepted herein in the Public Records of Miami-Dade County and to provide a recorded copy of said instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instrument together with this resolution.

The foregoing resolution 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.	**absent**	Jose "Pepe" Diaz	**absent**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**absent**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**absent**
Xavier L. Suarez	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 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

26-SPD.02 06/99 (Public Purpose -
No consideration with mineral rights)

This instrument prepared by,
or under the direction of,
Alicia Trujillo, Esq.
Department of Transportation
Address: 1000 NW 111th Avenue,
Miami, Florida 33172

Parcel No.: 104 (Part) /RWMS
Item/Segment No.:
Managing District: Six

QUITCLAIM DEED
Public Purpose

THIS INDENTURE, Made this ___ day of _____, A.D. 20__, by and between the STATE OF FLORIDA by and through the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, Party of the First Part, whose address is 1000 NW 11 Avenue, Miami, Florida 33172 ,to MIAMI-DADE COUNTY, a political subdivision of the State of Florida Party of the Second Part, whose address is 111 NW First Street, Miami, Florida 33128

WITNESSETH

WHEREAS, said land hereinafter described was heretofore acquired for state highway purposes and,

WHEREAS, said land is currently used for the zoned right of way of the SW 92 Avenue and SW 144 Street which is maintained and operated by Miami-Dade County, and the Party of the First Part, by action of the District Secretary, District Six Florida Department of Transportation on _____ __, 2012, pursuant to the provisions of Section 337.25 Florida Statutes, has agreed to quitclaim the land hereinafter described to the Party of the Second Part without consideration, to be used solely for public purposes.

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That the Party of the First Part does hereby remise, release quitclaim and transfer unto the Party of the Second Part, and assigns, forever, solely for public purposes use, pursuant to the provisions of Section 337.25, Florida Statutes, all the right, title and interest that the State of Florida Department of Transportation has in that certain parcel, over, upon, under and across the following described lands situated in Miami-Dade County, Florida: See Exhibit A attached hereto and made a part hereof

TO HAVE AND TO HOLD, the said premises and the appurtenances thereof unto the Party of the Second Part.

REVERTER The property herein conveyed is to be used for public purposes, by the Party of the Second Part. If the property ceases to be used for the above described purpose all property rights shall revert back to the said Party of the First Part.

IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida Department of Transportation by its District Secretary, District Six and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

Witness: _____ By: _____
(type/print name)_____ GusPego, P.E.
District Six Secretary

Witness: _____ ATTEST: _____
(type/print name)_____ (type/print name)_____
Executive Secretary

(Affix Department Seal)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ __, 2012, by _____District Secretary for District Six who is personally known to me or who has produced _____ as identification.

(type/print name)_____
Notary Public in and for the County and State last aforesaid.
(Affix Notary Seal) My Commission Expires: _____

The foregoing was accepted and approved on the ___ day of _____, A.D. 20__, by Resolution No._____ of the Board of County Commissioners of Miami-Dade County, Florida.

By:_____
Joe A. Martinez, Chairman
Board of County Commissioners

ATTEST: HARVEY RUVIN,
Clerk of said Board

By: _____
Deputy Clerk

Approved as to form
and legal sufficiency

_____
Assistant County Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel No.104(Part): A parcel of land in Section 21, Township 55 South, Range 40 East, Miami-Dade County, Florida lying within that property vested in Florida Department of Transportation by Final Judgment Case No. 94-01043 CA 30 dated March 16, 1984 recorded in Official Records Book 16290 at Page 2747 of the Public Records of Miami-Dade County, Florida, and being more particularly described as follows:

COMMENCE at the Southwest corner of the Southeast 1/4 of said Section 21; thence run N02°24'10"W, along the West line of the SE 1/4 of said Section 21, for a distance of 1171.18 feet to the POINT OF BEGINNING; thence continue N02°24'10"W, along said West line, for a distance of 1493.98 feet to the Center of said Section 21; thence run N88°25'24"E, along the North line of said SE 1/4, for a distance of 1214.10 feet to a point of intersection with a non tangent curve concave to the Northwest from which a radial line bears S67°27'28"E, being also the Northwesterly right of way line of Parcel 203 conveyed to the FDOT by Quit Claim Deed dated June 10, 1988 recorded in Official Records Book 13936 at Page 2071 of the Public Records of Miami-Dade County, Florida; thence run Southwesterly along the arc of said curve to the right, having a radius of 950 feet and a central angle of 2°20'07"E for an arc distance of 38.72 feet to a point of intersection with the South line of the North 35.00 feet of the SE 1/4 of said Section 21; thence run S88°25'24"W, along said South line, for a distance of 1136.70 feet to a point of curvature with a circular concave to the Southeast, having a radius of 25.00 feet and a central angle of 90°49'34" for an arc distance of 39.63 feet to a point of tangency on the East line of the West 35.00 feet of the SE 1/4 of said Section 21; thence run S02°24'10"E, along said East line, for a distance of 1164.27 feet to a point of intersection with a non tangent curve concave to the Southeast from which a radial line bears N77°24'01"W, being also the Northwesterly right of way line of said Parcel 203; thence run Southwesterly along the arc of said curve to the left, having a radius of 1050 feet and a central angle of 14°50'05"E for an arc distance of 271.86 feet to a point of intersection with the West line of the SE 1/4 of said Section 21 and the POINT OF BEGINNING, containing 87,109 square-feet or 2.000 acres.

SURVEYOR'S NOTE:
Bearings as shown hereon refer to a bearing of N02°24'10"W along the West line of the SE 1/4 of Sec. 21-55-40, being the center line of SW 92 Ave as shown on the sketch. This bearing was rotated 2 seconds from FDOT Right-of-Way Map of FEC RR Acquisition Map Segment 2, Section 99006-2565 dated 6-13-91 recorded in Plat Book 124 Page 70 of the Public Records of Miami-Dade County, Florida, to match bearing obtained from the Miami Dade County Survey Section Township Map 55 South, Range 40 East, based on State Plane Coordinate System, Florida East Zone, NAD 1927.

By: Carlos D. Socarras
Carlos D. Socarras, PLS
Professional Land Surveyor No. 4953
State of Florida

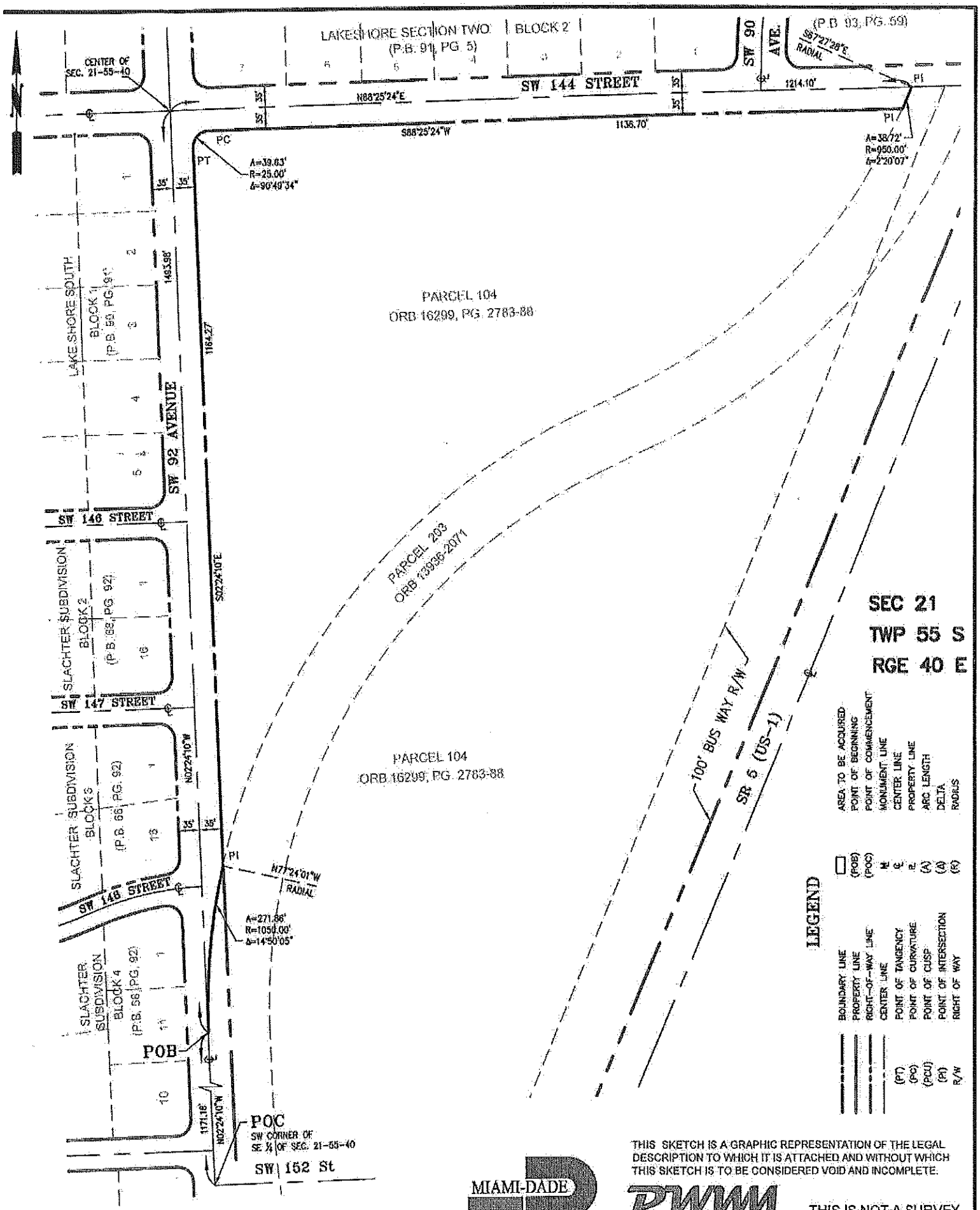
For: Miami-Dade County Public Works
and Waste Management Dept.
Land Development/Right-of-Way Division
Engineering Section
111 NW 1 Street, Suite 1610
Miami, Florida 33128-1970

NOTICE: Unless it bears the signature and the original raised seal of a Florida licensed Surveyor and Mapper, this sketch is for informational purposes only and is not valid.

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 92 Ave & SW 144 St. ROCKDALE TRACT 10 PARCEL 104 (Part)	SCALE:	DATE:06-18-12	Florida Department of Transportation, District VI FM No.: 2497621 Sect/Job No.: 87100-2516 FAP No.: SR No.: N/A County: Miami-Dade Parcel No.:104
		DRAWN BY: L. Espinosa		
		CHECKED BY: C. Socarras		
		PROJECT:20030032	SHEET: 1 of 2	Sheet of



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 92 Ave & SW 144 St ROCKDALE TRACT 11 PARCEL 104 (Part)	SCALE: 1" = 200' DATE:06-18-12 DRAWN BY: L. Espinosa CHECKED BY: C. Socarras PROJECT:20030032 SHEET: 2 of 2	Florida Department of Transportation,District VI FM No.: 2497821 Sect/Job No.: 87100-2516 FAP No.: SR No.: N/A County: Miami-Dade Parcel No.:104 Sheet of