




MEMORANDUM

Agenda Item No. 8(M)(3)

TO: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners **DATE:** December 4, 2012

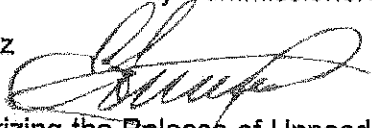
FROM: R. A. Cuevas, Jr.
County Attorney **SUBJECT:** Resolution authorizing the release of unneeded canal reservation lying within the East ½ of the East ½ of Section 22, and lying within the West ½ of the SW ¼ of Section 23, Township 53 South and range 39 East in Miami-Dade County
Resolution No. R-1027-12

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Date: December 4, 2012
To: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
From: Carlos A. Gimenez
County Mayor 
Subject: Resolution Authorizing the Release of Unneeded Canal Reservation in Section 22 & 23,
Township 53 South and Range 39 East in Miami-Dade County

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the release of the unneeded canal reservation in Section 22 & 23, Township 53 South, and Range 39 East in Miami-Dade County.

Scope

This area is located in Commissioner Diaz's District 12, north of NW 41 Street along NW 137 Avenue (theoretical).

Fiscal Impact/Funding Source

This item has no fiscal implications to Miami-Dade County and does not require the expenditure of any County funds.

Track Record/Monitor


The Water Control Section Manager within the Department of Regulatory and Economic Resources, Maria D. Molina, P.E., will be responsible for tasks related to this transaction.

Background

In 1960, the Central and Southern Florida Flood Control District, later known as the South Florida Water Management District, gave to the County a canal reservation in northwestern Dade County along theoretical NW 137 Avenue and north of NW 41 Street. The rights in reservation were for canal and levee purposes in connection with the Miami-Dade County Water Control Master Plan on 12.06 acres located within the east 130 feet of Section 22, Township 53 South and Range 39 East and west 130 feet of Section 23, Township 53 South, Range 39 East. A site diagram is included in Attachment A.

The land encumbered by the above-stated canal reservation is owned by the State of Florida and is currently leased to Florida Rock Industries, Inc., a Florida Corporation. Florida Rock Industries plans to rock mine the property and has requested the release of the canal reservation. The State of Florida Division of State Lands has provided a signed letter of consent to the Department of Regulatory and Economic Resources, allowing the lessee to request the release of the canal reservation. The Miami-Dade Water Control Master Plan shows the property is located within the Northwest Wellfield in an area designated as a Rock Mining Overlay Zoning Area. The Department of Regulatory and Economic Resources, on behalf of Miami-Dade County, has determined that the subject canal reservation is no longer needed for the Miami-Dade Water Control Master Plan.

It is therefore recommended that the Board authorize the execution of the attached County disclaimer for the release of the unneeded canal reservation in Section 22 & 23, Township 53 South, and Range 39 East in Miami-Dade County.



Jack Osterhoff, Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 4, 2012

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

SUBJECT: Agenda Item No. 8(M) (3)

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) (3)
12-4-12

RESOLUTION NO. R-1027-12

RESOLUTION AUTHORIZING THE RELEASE OF UNNEEDED CANAL RESERVATION LYING WITHIN THE EAST ½ OF THE EAST ½ OF SECTION 22, AND LYING WITHIN THE WEST ½ OF THE SW ¼ OF SECTION 23, TOWNSHIP 53 SOUTH AND RANGE 39 EAST IN MIAMI-DADE COUNTY

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

WHEREAS, Florida Rock Industries, Inc. is the lessee of the property in Sections 22 and 23, Township 53 South and Range 39 East which is encumbered by those rights in reservation given to Dade County in 1960 by the Central and Southern Florida Flood Control District, later known as the South Florida Water Management District, to be used for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan; and

WHEREAS, Florida Rock Industries, Inc. is planning to rock mine the property and has requested from Miami-Dade County the release of the canal reservations located within the east 130 feet of Section 22, Township 53 South and Range 39 East and located within the west 130 feet of Section 23, and Township 53 South and Range 39 East; and

WHEREAS, Florida Rock Industries, Inc. has submitted a signed letter of consent by the Division of State Lands of the Florida Department of Environmental Protection, as landowner, allowing the lessee, Florida Rock Industries, Inc. to apply for the release of the two canal reservation; and

WHEREAS, the property is located within an area designated as a Rock Mining Overlay Zoning Area and is so zoned to allow rock mining; and

WHEREAS, in consideration of and on behalf of Miami-Dade County, the Department of Regulatory and Economic Resources has determined that the requested canal reservation is no longer needed by the County for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the Mayor or the Mayor's designee to allow the release of unneeded canal reservation from Miami-Dade County in Sections 22 and 23, Township 53 South and Range 39 East as indicated in the Mayor's memorandum, a copy of which is attached hereto and incorporated herein by reference; authorizes the Mayor to execute the disclaimer for release of the rights of reservation from Miami-Dade County through the instrument of conveyance in substantially the form attached hereto and made a part hereof. Pursuant to Resolution No. R-974-09, the Board directs the Mayor or the Mayor's designee to record the instrument 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 resolution was offered by Commissioner **José "Pepe" Diaz** who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Vice Chairwoman			aye
Bruno A. Barreiro	aye	Lynda Bell	absent
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz	aye
Sally A. Heyman	aye	Barbara J. Jordan	absent
Jean Monestime	aye	Dennis C. Moss	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	absent
Xavier L. Suarez	absent	Juan C. Zapata	aye

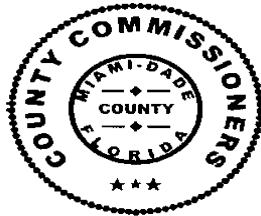
The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

Christopher Agrippa

By: _____
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell

ATTACHMENT A

W.C. 881

1

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

THAT PORTION OF SECTIONS 22 AND 23, TOWNSHIP 53 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 22; THENCE N 01°38'09" W ALONG THE EAST LINE OF SAID SECTION 22 FOR 660.84 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 23 BEING THE POINT OF BEGINNING; THENCE N 89°50'30" E ALONG SAID NORTH LINE OF THE SOUTH ¼ OF THE SOUTHWEST ¼ FOR 130.04 FEET; THENCE N 01°38'09" W ALONG A LINE 130.00 FEET EAST OF AND PARALLEL WITH SAID EAST LINE OF SECTION 22 FOR 1,599.92 FEET; THENCE S 89°50'13" W ALONG THE NORTH LINE OF THE SOUTH 2,260 FEET OF SAID SECTION 23, FOR 130.04 FEET; THENCE N 01°38'09" W ALONG SAID EAST LINE OF SECTION 22 FOR 827.77 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHEAST AND WHOSE RADIUS POINT BEARS N 05°10'31" E; THENCE NORTHWESTERLY ALONG A 2,500.00 FOOT RADIUS CURVE LEADING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 03°00'41" FOR AN ARC DISTANCE OF 131.40 FEET TO A POINT ON A NON-TANGENT LINE; THENCE S 01°38'09" E ALONG SAID LINE BEING 130.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF SAID SECTION 22 FOR 2,443.29 FEET; THENCE N 89°51'31" E ALONG THE NORTH LINE OF THE SOUTH ¼ OF THE SOUTHEAST ¼ OF SECTION 22 FOR 130.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 524,525 SQUARE FEET, 12.041 ACRES, MORE OR LESS.

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 45 dated June 9, 1960, recorded in Official Records Book 2274 at Page 529 of the Public Records of MIAMI-DADE COUNTY, FLORIDA, conveyed, assigned, set over and granted to Miami-Dade County for canal and levee purposes only, the above described lands; and

WHEREAS, the aforesaid rights in reservations upon the said above described lands are not now needed by MIAMI-DADE COUNTY for canal purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the aforementioned lands by virtue of the said Rights in Reservations Deed No. 45 dated June 9, 1960, recorded in Official Records Book 2274 at Page 529 of the Public Records of Miami-Dade County, Florida.

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

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 the _____ day of _____, 20____.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR

HARVEY RUVIN
CLERK OF SAID BOARD

By: _____
Deputy Clerk

By: _____
Carlos A. Gimenez, Mayor

Print: _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

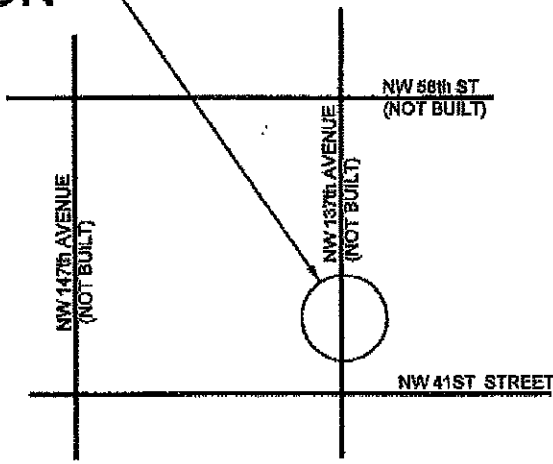
Print _____

STATE OF FLORIDA at large
(Seal)

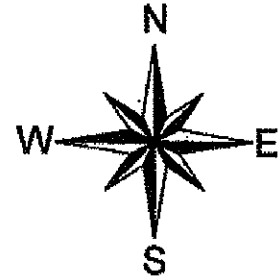
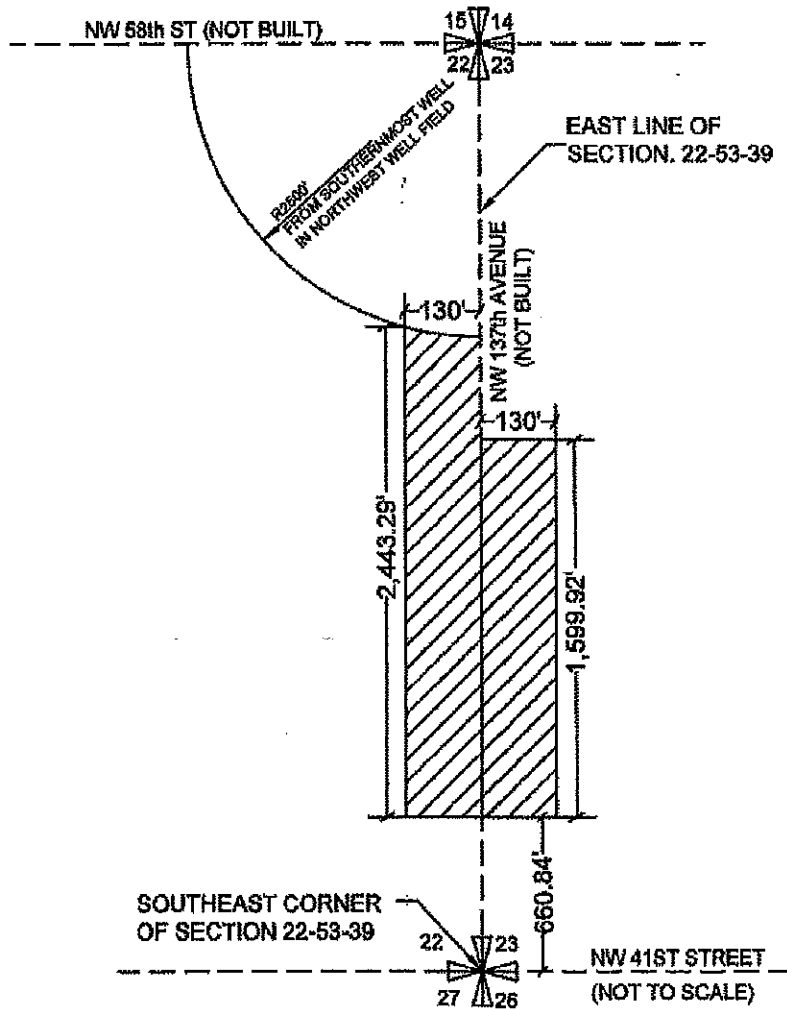
My commission expires: _____

This instrument was prepared by:
Carlos A. Calvache of Miami-Dade County
Department of Regulatory and Economic Resources
Environmental Resources Management
701 N.W. 1st Court, 6th Floor
Miami, Florida 33136

**LOCATION
MAP**



WC. 881
 SEC. 22,23
 TWP. 53
 RGE. 39



 CANAL RESERVATION TO BE DISCLAIMED