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

# MEMORANDUM

Agenda Item No. 8(M)(1)

**TO:** Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

**DATE:** September 4, 2013

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

**SUBJECT:** Resolution authorizing the release of unneeded portion of a canal maintenance easement, in Section 16, Township 52 South and Range 40 East
Resolution No. R-694-13

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo, Jr.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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# Memorandum

MIAMI-DADE COUNTY

**Date:** September 4, 2013

**To:** Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez
Mayor

**Subject:** Resolution Authorizing the Release of Unneeded Portion of a Canal Maintenance Easement in Section 16, Township 52 South and Range 40 East in Miami-Dade County

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**Recommendation**

It is recommended that the Board of County Commissioners approve the attached resolution authorizing the release of unneeded portion of the canal maintenance easement in Section 16, Township 52 South and Range 40 East in Miami-Dade County.

**Scope**

The site is in Commission District 13 (Commissioner Bovo) at 8859 NW 169 Terrace, Miami Lakes.

**Fiscal Impact/Funding Source**

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

**Track Record / Monitor**

Maria D. Molina, P.E., the Water Control Section Manager within the Department of Regulatory and Economic Resources' Division of Environmental Resources Management (RER-DERM), will be responsible for tasks related to this transaction.

**Background**

In July 1998, the subject easement was conveyed to Miami-Dade County by the Plat of Sevilla Estates according to Plat Book 153, Page 38, of the Public Records of Miami-Dade County for the maintenance of the adjacent Golden Glades Canal. The owner of Lot 21, Block 6 is interested in constructing a swimming pool on their property and has requested the release of the southern five (5) feet of the existing 25 foot wide canal maintenance easement. In consideration of this, the canal can be maintained adequately through the remaining 20 foot wide canal maintenance easement. Site diagrams are attached.

It is therefore recommended that the Board authorize the execution of the attached Miami-Dade County Disclaimer for the release of the unneeded portion of canal maintenance easement in Section 16, Township 52 South, and Range 40 East in Miami-Dade County.

Jack Osterholt, Deputy Mayor

# MEMORANDUM

**(Revised)**

**TO:** Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

**DATE:** September 4, 2013

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

**SUBJECT:** Agenda Item No. 8(M)(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 Mayor'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)(1)
9-4-13

RESOLUTION NO. R-694-13

RESOLUTION AUTHORIZING THE RELEASE OF UNNEEDED PORTION OF A CANAL MAINTENANCE EASEMENT, IN SECTION 16, TOWNSHIP 52 SOUTH AND RANGE 40 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,** the subject easement was conveyed to Miami-Dade County in 1998 by the Plat of Sevilla Estates according to Plat Book 153 at Page 38, of the Public Records of Miami-Dade County, Florida for the maintenance of the adjacent Golden Glades Canal; and

**WHEREAS,** the owner of Lot 21, Block 6 is interested in constructing a swimming pool on their property located at 8859 NW 169 Terrace in Miami-Dade County and has requested the release of the southern five (5) feet of the existing 25 foot wide canal maintenance easement; and

**WHEREAS,** in consideration of this, the canal can be maintained adequately through the remaining 20 foot wide canal maintenance easement,

**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 accept the release of unneeded portion of canal maintenance easement from Miami-Dade County in Section 16, Township 52 South, Range 40 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 unneeded portion of the canal maintenance easement from Miami-Dade County to the landowner, with 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 **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

| | | | |
|---|---|---|---|
| Rebeca Sosa, Chairwoman | **aye** | | |
| Lynda Bell, Vice Chair | **aye** | | |
| Bruno A. Barreiro | **aye** | Esteban L. Bovo, Jr. | **aye** |
| Jose "Pepe" Diaz | **absent** | Audrey M. Edmonson | **absent** |
| Sally A. Heyman | **aye** | Barbara J. Jordan | **aye** |
| Jean Monestime | **aye** | Dennis C. Moss | **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 September, 2013. 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.

Eduardo W. Gonzalez

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 the South 5 feet of the South 25 feet of the North 105 feet of the N.E. ¼ of Section 16, Township 52 South, Range 40 East, which lies within Lot 21, Block 6, SEVILLA ESTATES, as recorded in Plat Book 153 at Page 38 of the Public Records of Miami-Dade County, Florida

NOW, THEREFORE, MIAMI-DADE COUNTY DOES issues this disclaimer.

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____.

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

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:_____

# SEVILLA ESTATES

P.B. 153 PG. 38

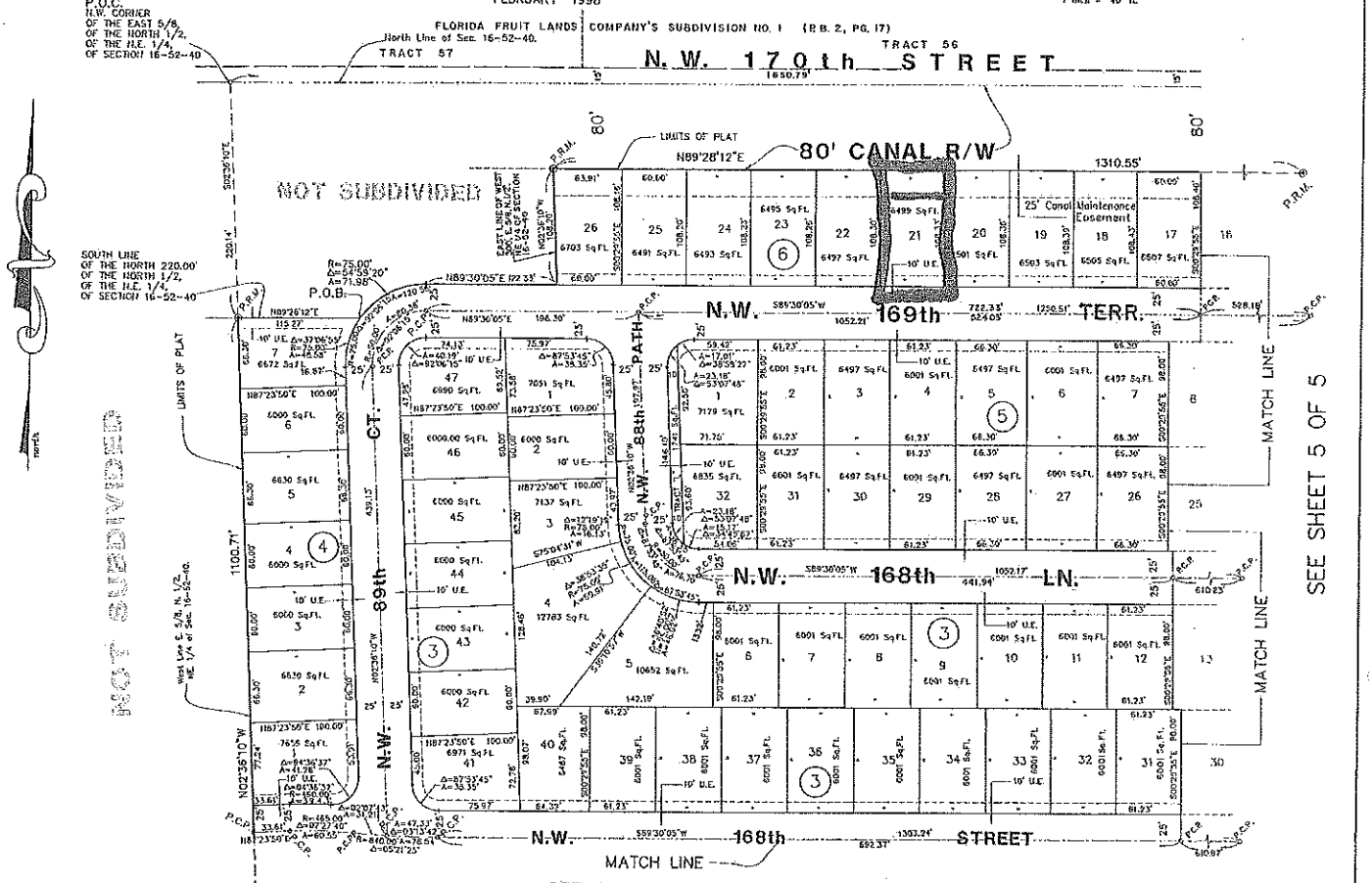
SHEET 4 OF 5

A SUBDIVISION OF A PARCEL OF LAND, LYING IN THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST
MIAMI-DADE COUNTY, FLORIDA.

PREPARED BY:
FORD, ARMENTEROS, & MANUCY, INC.
1950 NW 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PHONE: 477-6472

FEBRUARY 1998

GRAPHIC SCALE ( IN FEET )
1 inch = 40 ft.




**RECORDING STATEMENT:**

Filed for Record this 15th day of July A.D. 1998, at 11:02 P. M. in Book 153 of Plats, at Page 38 of the Public Records of Miami-Dade County, Florida.

This Plat complies with the Laws of the State of Florida and of Metropolitan Miami-Dade County, Florida.

HARVEY RUVIN CLERK OF THE CIRCUIT COURT

By _____ Deputy Clerk

**SURVEYOR'S NOTES:**

- P.R.M.– Denotes Permanent Reference Monument
- P.C.P.– Denotes Permanent Control Point
- Sq.Ft.– Denotes Square Feet.
- P.B. – Denotes Plat Book
- PG. – Denotes Page
- U.E. – Denotes Utility Easement.

Bearings shown are based on an assumed value of S89deg 26min 12secW for the North line of Section 16-52-40.

All corner lots are 25 feet unless otherwise shown.

NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the Public Records of this County.

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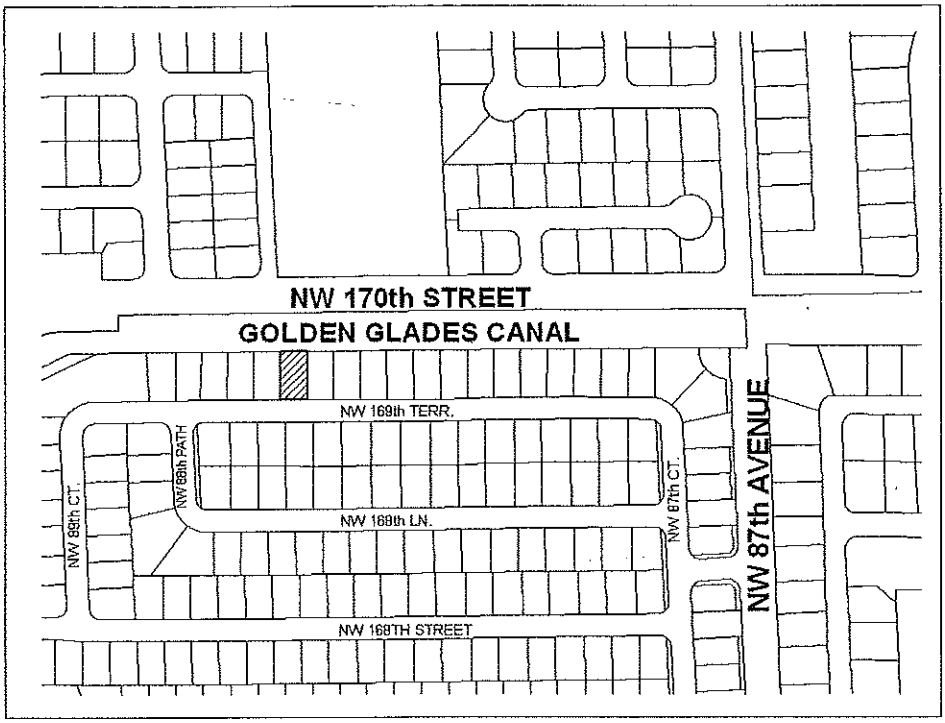
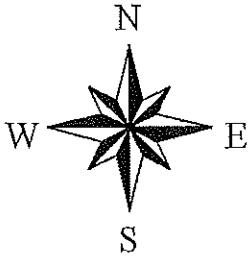
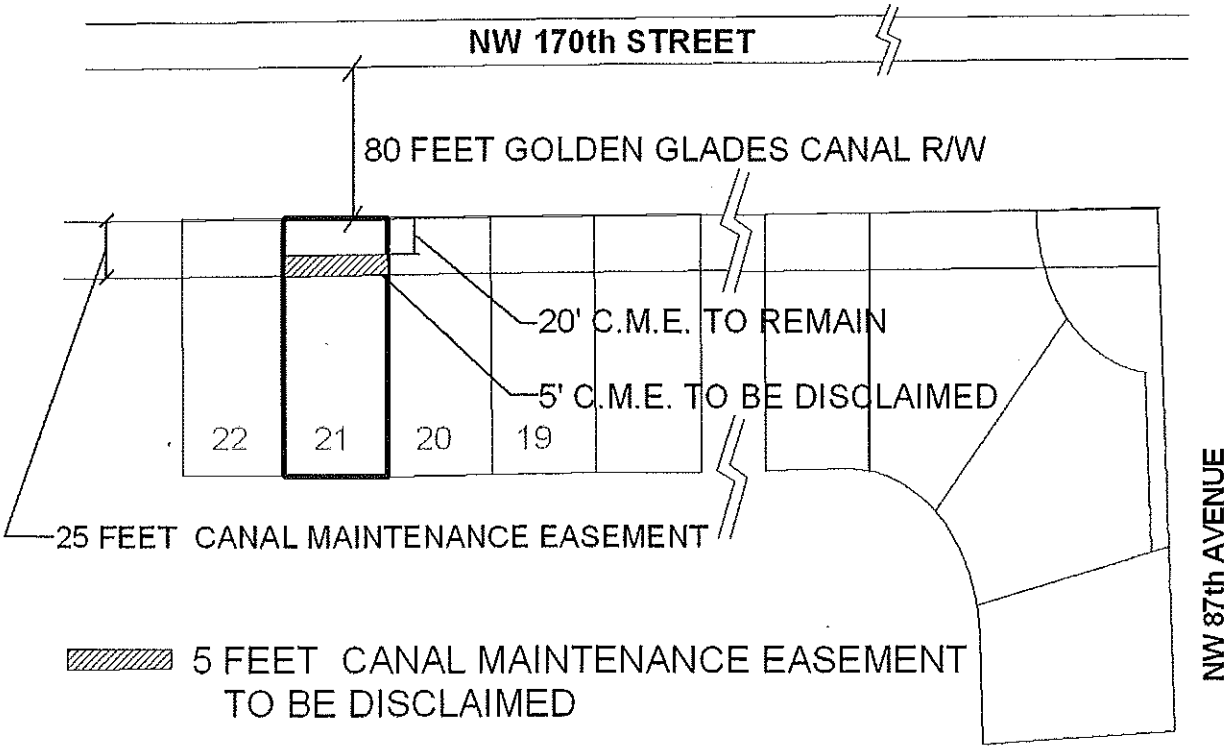



**Location Map**

**WC. 887**

**SEC. 16**

**TWP. 52**

**RGE. 40**