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

MEMORANDUM

Agenda Item No. 8(K)(1)

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

DATE: March 4, 2014

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

SUBJECT: Resolution authorizing the conveyance of a permanent construction easement to the State of Florida Department of Transportation for the purpose of constructing and maintaining a mast-arm traffic signal at the intersection of NW 7th Avenue and NW 10th Street

Resolution No. R-221-14

The accompanying resolution was prepared by the Miami-Dade Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

Memorandum

MIAMI-DADE COUNTY

Date: March 4, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Conveyance of a Permanent Easement to the Florida Department of Transportation for Construction and Maintenance of a Signal Mast Arm at Intersection of NW 7th Avenue and NW 10th Street

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Recommendation

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of a permanent construction easement of approximately 30 square feet to the Florida Department of Transportation (Department of Transportation) for the purpose of constructing and maintaining a signal mast arm at the intersection of NW 7th Avenue and NW 10th Street. It is further recommended that the Board authorize the County Mayor or County Mayor's designee to execute the conveyance for and on behalf of Miami-Dade County; and authorize the County Mayor or County Mayor's designee to exercise any and all other rights conferred therein.

Scope

The segment impacting County-owned land is only on Segment No. 425598-1 at the intersection of NW 7th Avenue and NW 10th Street, which impacts Culmer Place, Folio No.01-0101-010-2030, a family public housing development located on the east side of 7th Avenue and administered by Miami-Dade Public Housing and Community Development (Department). This property is located in Commission District 3 represented by Commissioner Audrey M. Edmonson.

Fiscal Impact/Funding Source

There is no fiscal impact associated with the conveyance of the easement.

Track Record/Monitor

The County has given easements to the Department of Transportation in the past. Jorge Cibran, director of Facilities and Development for the Department, will monitor the conveyance of this easement.

Background

On December 30, 2013, Miami-Dade County received a revised request for approximately 30.6 square foot property donation from the Department of Transportation regarding Segment No. 425598-1, Parcel No. 800, and Folio No. 01-0101-010-2030, which is County-owned land. The Department of Transportation-District Six is developing the design for a roadway project along State Road 7/NW 7th Avenue, in Miami–Dade County, specifically from NW 8th Street to NW 36th Street (known as Project ID No. 425598-152-01) and NW 36th Street to north of NW 78th Street (known as Project ID No. 430817-1-52-01).

Improvements will include reconstruction of the roadway, installing new drainage system, installing new sidewalks and pedestrian ramps to comply with American with Disabilities Act standards, installing new

pedestrian traffic signs and signals, and installing new street lighting. Project dates, estimated construction costs and possible effects during construction are provided on the attached Exhibit "A."

Pursuant to Section 337.29 of the Florida Statues and the Department of Transportation's Right of Way Procedures, the Department of Transportation may accept donations for acquiring rights of way from local governmental agencies. In order to make these modifications, the Department of Transportation requires this easement donation from the County to construct and maintain these improvements.

Attachment

Russell Benford, Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: March 4, 2014

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

SUBJECT: Agenda Item No. 8(K)(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(K)(1)
3-4-14

RESOLUTION NO. R-221-14

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PERMANENT CONSTRUCTION EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH FLORIDA STATUTE SECTION 337.29, FOR NO MONETARY CONSIDERATION, IN, OVER, UNDER, UPON AND THROUGH A PORTION OF COUNTY-OWNED PROPERTY FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A MAST-ARM TRAFFIC SIGNAL AT THE INTERSECTION OF NW 7TH AVENUE AND NW 10TH STREET ALSO KNOWN AS PARCEL NO. 800, NOT NEEDED FOR COUNTY PURPOSES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

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

WHEREAS, the State of Florida Department of Transportation (Department of Transportation) proposes to improve State Road 7 (NW 7th Avenue), Roadway Project Identification No. 425598-1-01 in Miami-Dade County; and

WHEREAS, in connection with said project, the Department of Transportation improvements will include reconstruction of the roadway, installing new drainage system, installing new sidewalks and pedestrian ramps to comply with the American with Disabilities Act standards, installing new pedestrian traffic signs and signals, and installing new street lighting; and

WHEREAS, in order for the Department of Transportation to make these modifications, certain County-owned land must be acquired as an easement by the Department of Transportation; and

WHEREAS, the Department of Transportation has requested the granting of such easement as more particularly described in Exhibit "A" to the Perpetual Easement attached hereto (Easement) which legal description encompasses a 30.6 square foot parcel, located at the intersection of NW 7th Avenue and NW 10th Street; 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 interest, and welfare,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Adopts the foregoing recitals incorporated as if fully set forth herein.

Section 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 the Department of Transportation for transportation-related improvements to State Road 7.

Section 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.

Section 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 the instrument to the Clerk of the Board within (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 **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of March, 2014. 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.

Terrence A. Smith

Attachment A

Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 N.W. 111th Avenue
Miami, Florida 33172

ANANTH PRASAD, P.E.
SECRETARY

December 30, 2013

Miami-Dade County
Internal Services Department – ATTN: Elva Marin
111 NW 1st Street, Suite 2460
Miami, FL 33128

Subject: FDOT Request for Property Donation (Revised)

Item/Segment No.:	425598-1
Managing District:	Six
State Road No.:	7/ NW 7th Ave
County:	Miami-Dade
Parcel No.:	800
Folio No.:	01-0101-010-2030
Reference:	Donation Request

Dear Elva Marin:

The Florida Department of Transportation (FDOT) is planning roadway improvements on State Road 7 (NW 7th Avenue). The Department has identified the above referenced Parcel #800 to be owed by Miami Dade County. The Department requires a permanent construction easement of 30.6 square feet, more or less. The purpose of the project is to construct and maintain a signal mast arm at the intersection while meeting American with Disabilities Act standards. I have attached a fact sheet with specific project details.

Pursuant to *Section 337.29, of the Florida Statutes* and the FDOT Right of Way Procedures, the department may accept donations for acquiring rights of way from local governmental agencies. Please accept this request for donation of the above referenced permanent construction easement to the Florida Department of Transportation. Attached you will find the following documents for your review and use as you carry this item forward through the process for approval:

1. Legal Description and Parcel Sketch showing location and size of Parcel 800
2. Proposed Perpetual Easement
3. Resolution Instruments prepared by the Department
4. Project Fact Sheet

We look forward to working together for the fulfillment of our Public Service mission. If you have a question, or need additional information please contact me (Quivenia Lee) at 305-470-5160 or via e-mail at QuiveniaShai.Lee@dot.state.fl.us.

Sincerely,

Quivenia Shai Lee
Sr. Right of Way Agent-Consultant

CC: File

07-PE.11-04/93

This instrument prepared by,
or under the direction of,
Alicia Trujillo, Esq.
District General Counsel
State of Florida
Department of Transportation
1000 N.W. 111th Avenue
Miami, Florida 33172
July 31, 2013 - NE

Parcel No. : 800.1R(12-26-2013)
Item/Segment No. : 425598-1
Managing District : 6

PERPETUAL EASEMENT

THIS EASEMENT Made the _____ day of _____, 20 _____, by MIAMI-DADE COUNTY, a political subdivision of the State of Florida, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns, grantee.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a perpetual easement for the purpose of constructing and maintaining a signal mast arm at the intersection while meeting American with Disabilities Act standards, in, over, under, upon and through the following described land in Miami-Dade County, Florida, viz:

PARCEL 800: F.P. No. 425598-1

Being a portion of Tract "C" of CULMER PARK SUBDIVISION NO. 1, according to the plat thereof, as recorded in Plat Book 98, Page 12 in the public records of Miami-Dade County, Florida, lying in the Southwest one-quarter (¼) of Section 36, Township 53 South, Range 41 East, and being more particularly described as follows:

COMMENCE at a City of Miami monument located at the intersection of the monument line along NW 10th Street with the monument line along State Road 7 (NW 7th Avenue), said line also being the Baseline of survey of said State Road 7; thence N 87°46'05" E, along said monument line of NW 10th Street, a distance of 57.55 feet; thence, departing said monument line at right angles, S 02°13'55" E 31.08 feet to the intersection with the South right-of-way line of said NW 10th Street, as it is shown on the Florida Department of Transportation Maintenance Map for said State Road 7 (NW 7th Avenue), Section 87140-2535, recorded in Road Plat Book 152, Page 9 on 08/18/1999 in the public records of Miami-Dade County, Florida, said point being the POINT OF BEGINNING of the following described parcel:

Thence S 24°31'31" E 4.74 feet; thence S 65°28'29" W 6.41 feet; thence N 24°31'31" W 4.52 feet to the intersection with the aforesaid East right-of-way line of NW 10th Street and the beginning of a non-tangent curve concave to the Southwest, having a radius of 25.00 feet, to which point a radial line bears N 33°52'54" W; thence northeasterly along the arc of said curve and said South right-of-way line of NW 10th Street a distance of 6.43 feet, through a central angle of 14°44'44" to the POINT OF BEGINNING.

Containing 30.6 Square Feet of land, more or less.
DD/CG/04/30/2013
Rev. DD/CG/12/18/2013

AS SHOWN ON EXHIBIT "A", ATTACHED HERETO AND TO BE MADE A PART HER

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: _____

Clerk (or Deputy Clerk) of the Circuit Court

(Affix County Seal)

County of Miami-Dade, Florida,
By its Board of County Commissioners

By: _____

Its Chair (or Vice-Chair)

_____
_____
_____
(Address)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of _____ 20____, by _____, Chairperson (or Vice-Chairperson), who is personally known to me or who has produced _____ as identification.

_____
(Signature of person taking acknowledgment)

_____
(Type, print or stamp name under signature)
Title or rank and serial number, if any: _____

EXHIBIT "A"

LEGAL DESCRIPTION - PARCEL 800:

Being a portion of Tract "C" of CULMER PARK SUBDIVISION NO. 1, according to the plat thereof, as recorded in Plat Book 98, Page 12 in the public records of Miami-Dade County, Florida, lying in the Southwest one-quarter (¼) of Section 36, Township 53 South, Range 41 East, and being more particularly described as follows:

COMMENCE at a City of Miami monument located at the intersection of the monument line along NW 10th Street with the monument line along State Road 7 (NW 7th Avenue), said line also being the Baseline of survey of said State Road 7; thence N 87°46'05" E, along said monument line of NW 10th Street, a distance of 57.55 feet; thence, departing said monument line at right angles, S 02°13'55" E 31.08 feet to the intersection with the South right-of-way line of said NW 10th Street, as it is shown on the Florida Department of Transportation Maintenance Map for said State Road 7 (NW 7th Avenue), Section 87140-2535, recorded in Road Plat Book 152, Page 9 on 08/18/1999 in the public records of Miami-Dade County, Florida, said point being the POINT OF BEGINNING of the following described parcel:

Thence S 24°31'31" E 4.74 feet; thence S 65°28'29" W 6.41 feet; thence N 24°31'31" W 4.52 feet to the intersection with the aforesaid East right-of-way line of NW 10th Street and the beginning of a non-tangent curve concave to the Southwest, having a radius of 25.00 feet, to which point a radial line bears N 33°52'54" W; thence northeasterly along the arc of said curve and said South right-of-way line of NW 10th Street a distance of 6.43 feet, through a central angle of 14°44'44" to the POINT OF BEGINNING.

Containing 30.6 Square Feet of land, more or less.

GENERAL NOTES:

- THIS IS NOT A SURVEY
- Reproductions of this map are not valid without the signature and original raised seal of the Florida Licensed Surveyor and Mapper in responsible charge.
- The Bearings shown hereon are referenced to the Baseline of Survey of State Road 7 (NW 7th Avenue), having a bearing of N 02°02'25" W, as shown on the Florida Department of Transportation Project Network Control for said State Road 7, completed on 10/09/2008 by Manuel G. Vera and Associates, Inc., for Project No. 425598-2.
- Right-of-Way lines shown are per the Florida Department of Transportation Maintenance Map for said State Road 7, Section 87140-2535, recorded in Road Map Book 152, Page 9, on 08/18/1999, in the public records of Miami-Dade County, Florida.
- The data used in the calculation and preparation of the legal description was provided by the FDOT Project Manager for Project No. 425598-1.
- Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.

12/18/2013

CARLOS R. GARCIA — DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NO. 6790

This document consists of two (2) sheets and shall not be considered full, valid, and complete unless each sheet is attached to the other.

PURCHASE PAR. AREA	D. DENIS	12/18/13
REVISION	BY	DATE

FLORIDA DEPARTMENT OF TRANSPORTATION

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

STATE ROAD NO. 7 — MIAMI-DADE COUNTY

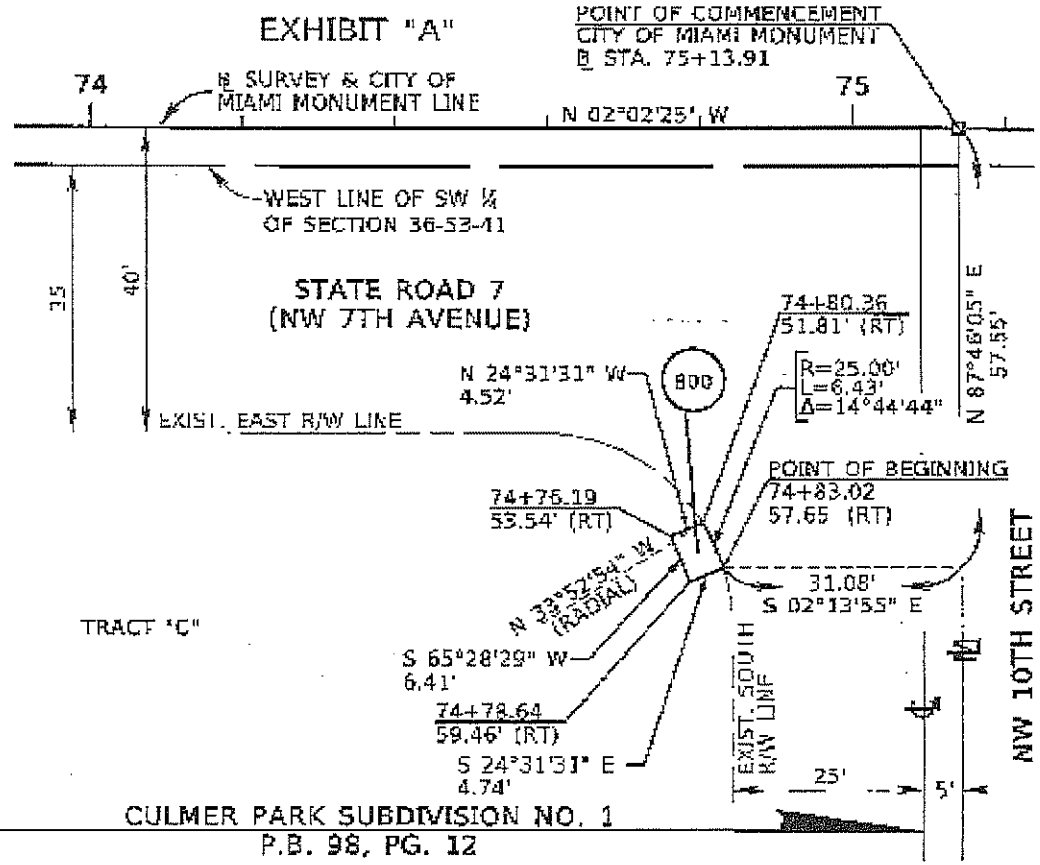
	BY	DATE	REVIEWED BY	DATA SOURCE
DRAWN	D.DENIS	04/30/13	FDOT DISTRICT 6	SEE GENERAL NOTES
CHECKED	C.GARCIA	09/01/13	F.P. NO. 425598-1	SECTION 87140 — SHEET 1 OF 2

PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
800	MIAMI-DADE COUNTY	30.6 SQ. FT.	UNDETERMINED	

SEC.36, TWP.53S, RGE.41E

EXHIBIT "A"

LEGEND:
- ℄ - Baseline
- ℄ - Centerline
- M - Monument Line per City of Miami Municipal Atlas Sheet No. 23N
- Δ - Curve Central Angle
- ◻ - City of Miami Monument
- (800) - Parcel Identification Number
- EXIST. - Existing
- FDOT - Florida Department of Transportation
- F.P. - Financial Project
- L - Length
- NO. - Number
- P.B. - Plat Book
- PG. - Page
- R - Radius
- RGE. - Range
- RT - Right
- R/W - Right-of-Way
- SEC. - Section
- STA. - Station
- TWP. - Township



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FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

STATE ROAD NO. 7 — MIAMI-DADE COUNTY

F.P. NO. 425598-1 — SECTION 87040 — SHEET 2 OF 2

13

Attachment A

Attachment A

PROJECT NOTIFICATION

FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT SIX

State Road (SR) 7/NW 7 Avenue from NW 8 Street to NW 36 Street
And NW 36 Street to North of NW 78 Street
Project Identification Number: 425598-1-52-01 and 430817-1-52-01

The Florida Department of Transportation (FDOT) District Six is developing the design for a roadway project along SR 7/NW 7 Avenue, in Miami-Dade County.

PROJECT DETAILS

SR 7/NW 7 Avenue from NW 8 Street to NW 36 Street
Project Identification Number: 425598-1-52-01

- Reconstructing the roadway
- Installing a new drainage system
- Installing new sidewalks and pedestrian ramps
- Installing new pedestrian traffic signs and signals
- Installing new street lighting

SR 7/NW 7 Avenue from NW 36 Street to North of NW 78 Street
Project Identification Number: 430817-1-52-01

- Repaving and restriping the road
- Removing the concrete slab below the pavement on the inside lanes and the left turn lane that are causing pavement cracks
- Installing drainage inlets at locations where flooding exists
- Installing new roadway signs
- Installing new sidewalk pedestrian ramps.

PROJECT DATES

Construction is expected to begin in May 2015 and last about 20 months.

ESTIMATED CONSTRUCTION COST

$20.7 million

POSSIBLE EFFECTS DURING CONSTRUCTION

Work will be done in phases to reduce the effects of construction on the community. Driveways and entrances to homes and businesses will stay open. During construction, on street parking will not available on the outside lanes.

MAINTENANCE OF TRAFFIC

There will be one side of the road closed for various months due to construction. Detours will be established to guide drivers throughout the work zone. Two traffic lanes will remain open at all times during construction.

FOR MORE INFORMATION

If you have any questions or comments, please contact FDOT Public Information Specialist Sandra Bello by telephone (305) 470-5349 or by email at Sandra.bello@dot.state.fl.us Please let us know how you prefer to receive information about future projects (mail, email, or other). Your comments are important to us. Please visit our website: www.fdotmiamidade.com. Thank you for your participation.

Follow us on Twitter **@MyFDOT_Miami**

FLORIDA DEPARTMENT OF TRANSPORTATION
DISTRICT SIX DESIGN
1000 NW 111 Avenue, Miami, FL 33172