

## **MEMORANDUM**

Agenda Item No. 8(F)(3)

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

**DATE:** July 1, 2014

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

**SUBJECT:** Resolution authorizing the conveyance of a permanent Easement to the State of Florida Department of Transportation for the purpose of modifying and maintaining a signal Mast-arm at the crosswalk on SR 944/NW 54 Street west of NW 23 Avenue  
Resolution No. R-590-14

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The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/smm

# Memorandum



**Date:** July 1, 2014

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

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

**Subject:** Authorizing the Conveyance of a Permanent Easement to the Florida Department of Transportation on County-Owned Land Located at 2301 NW 54 Street, Unincorporated Miami-Dade County  
Folio No.: A portion of 30-3115-040-0800

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of a 109 square foot permanent easement to the Florida Department of Transportation (FDOT).

## **Scope**

The property is located in Commission District 3, which is represented by Commissioner Audrey M. Edmonson.

## **Fiscal Impact/Funding Source**

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

## **Track Record/Monitor**

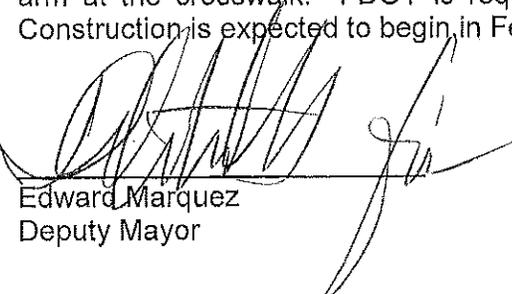
Shannon Clark of the Real Estate Development Division in the Internal Services Department is managing the conveyance of this easement.

## **Delegation of Authority**

This item authorizes the County Mayor or the Mayor's designee to execute same for and on behalf of Miami-Dade County and authorizes the County Mayor or the Mayor's designee to exercise any and all other rights conferred therein.

## **Background**

FDOT has planned improvements on State Road 944 (NW 54 Street) to improve vehicular and pedestrian movement in the area. Improvements will include repaving and restriping the road, upgrading and replacing traffic and pedestrian signals at various locations, and upgrading pedestrian ramps to current standards. Parcel 801, owned by Miami-Dade County, is located on the north side of NW 54 Street west of NW 23 Avenue, and is required for modifying and maintaining a signal Mast-arm at the crosswalk. FDOT is requesting that the County grant an easement over this parcel. Construction is expected to begin in February 2015 and will last approximately four months.

  
Edward Marquez  
Deputy Mayor



**MEMORANDUM**  
(Revised)

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

**DATE:** July 1, 2014

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

**SUBJECT:** Agenda Item No. 8(F)(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 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

Agenda Item No. 8(F)(3)

Veto \_\_\_\_\_

7-1-14

Override \_\_\_\_\_

RESOLUTION NO. R-590-14

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH F.S. 125.38, FOR THE NOMINAL SUM OF ONE DOLLAR (\$1.00), IN, OVER, UNDER, UPON AND THROUGH A PORTION OF COUNTY OWNED PROPERTY FOR THE PURPOSE OF MODIFYING AND MAINTAINING A SIGNAL MAST-ARM AT THE CROSSWALK ON SR 944/NW 54 STREET WEST OF NW 23 AVENUE, ALSO KNOWN AS PARCEL 801, NOT NEEDED FOR COUNTY PURPOSES; AND AUTHORIZING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

**WHEREAS**, the 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 as attached; and

**WHEREAS**, the State of Florida Department of Transportation (FDOT) proposes to improve State Road No. 944 (NW 54 Street) Roadway Project No. 431179-1 in Miami-Dade County; and

**WHEREAS**, in connection with said project, FDOT is upgrading and replacing traffic and pedestrian signals at various locations; and

**WHEREAS**, FDOT determined that in order to complete the improvements it was necessary to modify and maintain a signal Mast-arm at the crosswalk; and

**WHEREAS**, in connection with said project, FDOT is upgrading pedestrian ramps to current standards; and

**WHEREAS**, in order to make said improvements it is necessary that certain County owned land be acquired as an easement by FDOT; and

**WHEREAS**, FDOT has requested the granting of such an easement as more particularly described in Exhibit "A" to the Permanent Easement attached hereto (the "easement") which legal description encompasses approximately 109 square feet of land located west of the intersection of SR 944/NW 54 Street and NW 23 Avenue; 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 1) adopts the foregoing recitals incorporated as if fully set forth herein; 2) approves the granting of the Easement for the nominal sum of one dollar (\$1.00) pursuant to Section 125.38, Florida Statutes subject to the restriction that said parcel be used by FDOT for transportation related improvements to State Road No. 944; 3) the County Mayor or Mayor's designee is authorized to execute said Easement on behalf of Miami-Dade County and to exercise the provisions therein; 4) pursuant to Resolution No. R-974-09, (a) directs the County Mayor or 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 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 **Dennis C. Moss**

and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 1<sup>st</sup> day of July, 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.

JRA

Juliette R. Antoine

Return to:  
Real Estate Development Division  
Miami-Dade County  
Internal Services Department  
111 N.W. 1st Street, Suite 2460  
Miami, FL 33128

Instrument prepared by:  
Miami-Dade County  
Internal Services Department  
111 N.W. 1st Street Suite 2460  
Miami, FL 33128

Folio No. a portion of  
#30-3115-040-0800  
User Department: Miami-Dade County  
Community Action and Human Services

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**PERMANENT EASEMENT**

STATE OF FLORIDA            )  
  )  
COUNTY OF Miami-Dade        )

**THIS EASEMENT**, Made this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2014, by and between **Miami-Dade County**, a political subdivision of the State of Florida, having its office and principal place of business at 111 NW 1<sup>st</sup> Street, Miami, Florida 33128, party of the first part, and the **Florida Department of Transportation** an agency of the State of Florida, and its successors in interest, whose Post Office address is 1000 N.W. 111 Avenue, Miami, Florida 33172-5800, party of the second part,

**WITNESSETH:**

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant to the party of the second part, and its successors and assigns, a perpetual easement for the purpose of modifying and maintaining a signal Mast-arm in, over, along, under, and across the Easement Area, being in the County of Miami-Dade, State of Florida, to-wit:

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

It is expressly provided that if and whenever the use of the subject parcel for transportation purposes is discontinued, the title to the said above described land shall immediately revert to the party of the first part, its heirs and assigns, and it shall have the right to immediately repossess the same.

And the said party of the first part will defend the title to said land against the lawful claims of all persons whomsoever, claiming by, through or under it.

**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 County Mayor's or County Mayor's Designee, and attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

**ATTEST:**

**HARVEY RUVIN,  
CLERK OF SAID BOARD**

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

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Carlos A. Gimenez  
Mayor

Approved as to form  
And Legal Sufficiency.

\_\_\_\_\_  
Assistant County Attorney

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. 2014.



PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
801	MIAMI-DADE COUNTY HUMAN SERVICES.	±109 SQ. FT.	UNDETERMINED	

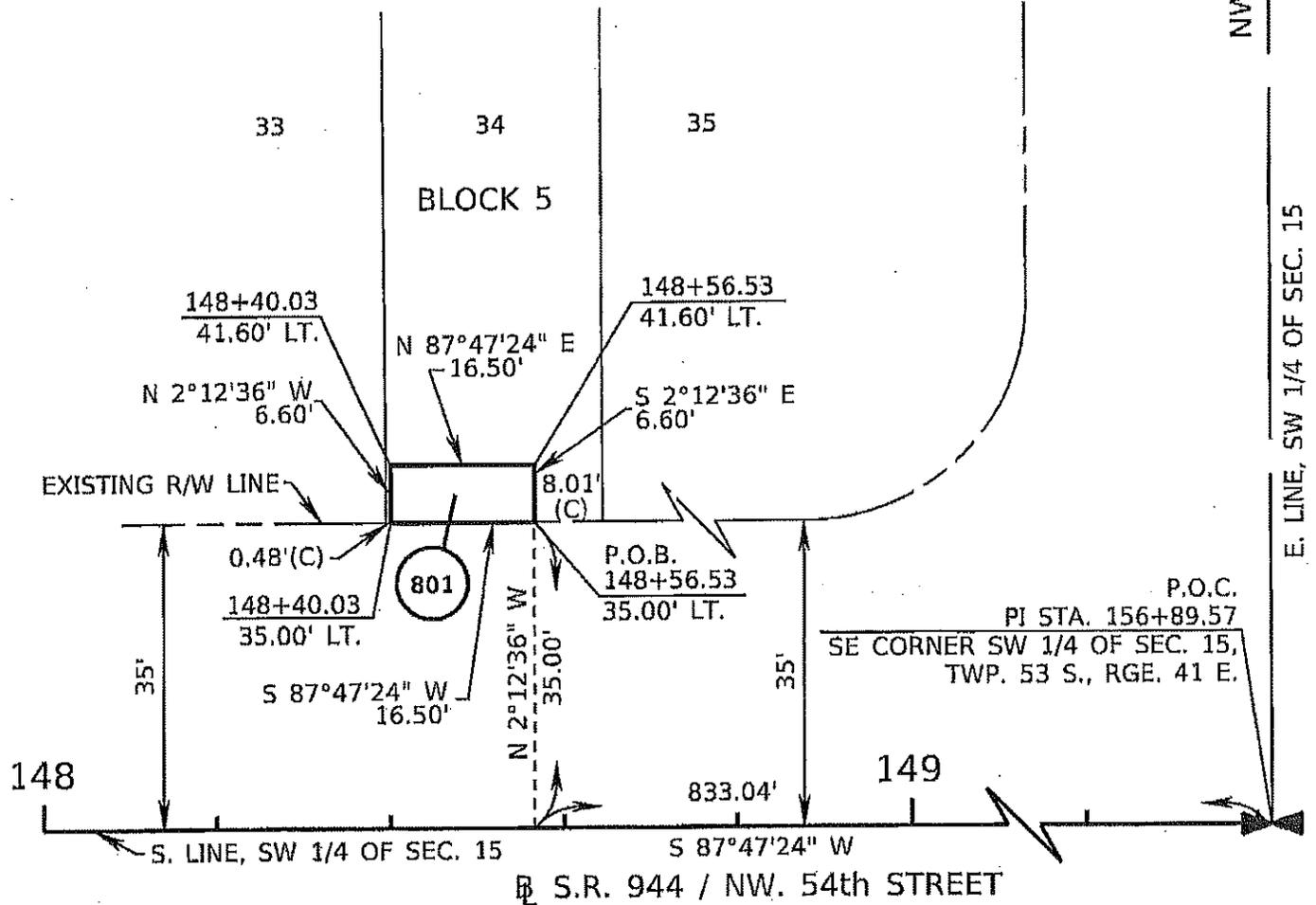
EXHIBIT "A"

HIGHRIDGE PARK  
(P.B. 17, PG. 5)

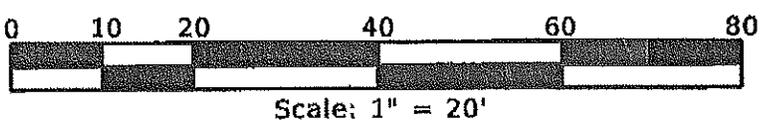
SEC. 15 TWP. 53 S., RGE. 41 E.

NW. 22nd AVENUE  
N 02°25'56" W

E. LINE, SW 1/4 OF SEC. 15



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



NOT A SURVEY

				FLORIDA DEPARTMENT OF TRANSPORTATION			
				SKETCH TO ACCOMPANY LEGAL DESCRIPTION			
		STATE ROAD NO. 944		MIAMI-DADE COUNTY			
		BY	DATE	PREPARED BY:	DATA SOURCE:		
		U.M.B.	03/05/14	M. G. VERA AND ASSOCIATES	LB#2439	SEE GENERAL NOTES	
		CHECKED	DATE	F.P. NO. 431179-1	SECTION 87250	SHEET 2 OF 2	
REVISION	BY	DATE		M. McK	03/05/14		

