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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: June 17, 2014

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

SUBJECT: Resolution authorizing the conveyance of County-owned property located on the northwest corner of the intersection of SW 10 Street and SW 2 Avenue and northwest corner of the intersection of Day Avenue and Mundy Street to the City of Miami for the purpose of a right-of-way dedication

Resolution No. R-561-14

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Co-Prime Sponsors Commissioner Bruno A. Barreiro and Commissioner Xavier L. Suarez.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: June 17, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Conveyance of County-owned Property Located on the Northwest Corner of the Intersection of SW 10 Street and SW 2 Avenue and Northwest Corner of the Intersection of Day Avenue and Mundy Street to the City of Miami for Right of Way

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution, which authorizes the conveyance of County-owned property located on the northwest corner of the intersection of SW 10 Street and SW 2 Avenue and northwest corner of the intersection of Day Avenue and Mundy Street to the City of Miami, in accordance with Section 125.38 of the Florida Statues and Chapter 54, Article II, Section 54-58 of the Code of the City of Miami, Florida, for ten dollars ($10.00), for the purpose of a right-of-way dedication, and waiving Administrative Order 8-4 as it relates to review by the Planning Advisory Board. It is also recommended that the Board authorize the Chairperson or the Vice Chairperson of the Board to execute the County Deeds and to further authorize the County Mayor or County Mayor's designee to take all actions necessary to enforce the provisions of set forth in the County Deeds.

Scope

The northwest corner of the intersection of SW 10 Street and SW 2 Avenue is located in County Commission District 5, represented by Commissioner Bruno A. Barreiro, and the northwest corner of the intersection of Day Avenue and Mundy Street is located in County Commission District 7, represented by Commissioner Xavier L. Suarez.

Fiscal Impact/Funding Source

There is no fiscal impact associated with the conveyance of these parcels.

Track Record/Monitor

Jorge Cibran, Director of Facilities and Development Division, Public Housing and Community Development Department will monitor this project.

Delegation of Authority

Authorizes the County Mayor or the County Mayor's designee to convey the properties to the City of Miami as noted above; authorizes the County Mayor or the County Mayor's designee to take all actions necessary to accomplish the conveyance of the properties; and authorizes the Chairperson or Vice Chairperson of the Board to execute a County Deed for such purpose.

Background

Pursuant to Resolution No. R-1026-11, the Board granted development rights to the Related Urban Development Group (Developer) for the Joe Moretti Public Housing Development and the Stirrup Plaza Public Housing Development (Developer). The City of Miami submitted a request to the Developer for the conveyance of a small corner of the sites located at the northwest corner of the intersection of SW 10 Street and SW 2 Avenue and the northwest corner of the intersection of Day Avenue and Mundy Street for the purpose of achieving right of way standards turning radius for the City of Miami Public Works.

Florida Statute, Section 125.38, authorizes the Board to convey property to the City of Miami, a municipal corporation of the State of Florida, when it has been determined by the County that the property is not needed for County purposes and will be utilized for the benefit of the public or community interest and welfare. The sizes of the parcels at Joe Moretti and Stirrup Plaza (134 and 138.85 square feet respectively), are located within the setback requirements; therefore they cannot be developed.

The County Deeds (Attachment 1-Joe Moretti) (Attachment 2-Stirrup Plaza) contain a restriction that states that the property is to be used for public and transportation purposes and other specific purposes and when, and if, the public use shall be discontinued, the title to the land described in Exhibit "A" for each deed shall immediately revert to the County, its successors and assigns, and it shall have the right to immediately repossess the same.

Additional property details are as follows, and shown in the attached property sketch:

Northwest corner of the intersection of SW 10 Street and SW 2 Avenue

PROPERTY SIZE: 134 S.F.

ZONING: T6-24-O

Northwest corner of the intersection of Day Avenue and Mundy Street

PROPERTY SIZE: 138.85 S.F.

ZONING: T5-L

Attachments

Russell Benford, Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: June 17, 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)
6-17-14

RESOLUTION NO. R-561-14

RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PROPERTY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF SW 10 STREET AND SW 2 AVENUE AND NORTHWEST CORNER OF THE INTERSECTION OF DAY AVENUE AND MUNDY STREET TO THE CITY OF MIAMI IN ACCORDANCE WITH SECTION 125.38 OF THE FLORIDA STATUES AND CHAPTER 54, ARTICLE II, SECTION 54-58 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, FOR TEN DOLLARS ($10.00), FOR THE PURPOSE OF A RIGHT-OF-WAY DEDICATION; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE COUNTY DEEDS FOR SUCH PURPOSE; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO ENFORCE THE PROVISIONS SET FORTH IN THE COUNTY DEEDS

WHEREAS, the Related Urban Development Group is undertaking development activities for the Joe Moretti public housing site ("Joe Moretti") located in the City of Miami at the corner of SW 10 Street and SW 2 Avenue, and the Stirrup Plaza public housing site ("Stirrup Plaza") located in the City of Miami at the corner of Day Avenue and Mundy Street; and

WHEREAS, development activities include the attainment of building permits for the subject sites; and

WHEREAS, the City of Miami's building permit review requested right-of-way dedications pursuant to Chapter 54, Article II, Section 54-58 of the Code of the City of Miami, Florida, as a condition to issuance of permit; and

WHEREAS, in order to attain a demolition permit for Joe Moretti and building permit for Stirrup Plaza, it is necessary that certain County-owned lands be conveyed as a right-of-way dedication to the City of Miami; and

WHEREAS, the conveyance of such County-owned property is described more particularly in Exhibit "A" to the County Deeds attached hereto (the "Properties"), which legal description encompasses a 134 square feet irregularly shaped parcel of land for Joe Moretti and 138.85 square feet irregularly shaped parcel of land for Stirrup Plaza; and

WHEREAS, the Board finds that pursuant to Section 125.38 of the Florida Statutes that said properties are required for such use, is not needed for County purposes, and would promote community interest and welfare; and

WHEREAS, a disposition application to Housing and Urban Development is not required; 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:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. The Board approves the conveyance of the Properties for ten dollars ($10.00) pursuant to Section 125.38 of the Florida Statues and Chapter 54, Article II, Section 54-58 of the Code of the City of Miami, Florida, subject to the restriction that said parcels be used by the City of Miami as a right-of-way dedication.

Section 3. The Board authorizes the waiver of Administrative Order 8-4 as it relates to review by the Planning Advisory Board.

Section 4. This Board directs the County Mayor or the County Mayor's designee to ensure that proper signage is placed on properties identifying the County's name and the name of the district commissioner.

Section 5. Pursuant to Section 125.411, Florida Statutes, this Board authorizes the Chairperson or the Vice Chairperson of the Board to execute County Deeds, in substantially the forms attached hereto and made a part hereof as Attachments 1 and 2.

Section 6. The Board authorizes the County Mayor or the County Mayor's designee to take all actions necessary to enforce the provisions set forth in the County Deeds.

Section 7. The Board directs the County Mayor or the County Mayor's designee, pursuant to Resolution No. R-974-09, shall record in the public record all deeds, covenants, reverters and mortgages creating or reserving a real property interest in favor of the County and shall provide a copy of such recorded instruments to the Clerk of the Board within thirty (30) days of execution and final acceptance. The Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith 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	**aye**	Audrey M. Edmonson	**absent**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**absent**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of June, 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 1

Instrument prepared by and returned to:
Terrence Smith, Esq.
Assistant County Attorney
111 N.W. 1st Street
Suite 2810
Miami, Florida 33128

Folio #01-0206-090-1120

COUNTY DEED

THIS DEED, made this ___ day of _____, 2014 A.D. by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 NW 1 Street Suite 17-202, Miami, Florida 33128-1963, and City of Miami, a body politic, party of the second part, whose address is 444 S.W. 2nd Ave, Miami, FL 33130,

WITNESSETH:

THAT THE SAID PARTY OF THE FIRST PART, FOR AND IN CONSIDERATION OF THE SUM OF Ten Dollars and 00/100 ($10.00) has granted, bargained and sold to the party of the second part, his or her heirs and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

LEGAL DESCRIPTION
SEE EXHIBIT "A"

Subject to the following restriction:

That the Property shall be utilized as a right-of-way dedication. Failure to utilize the property for said purpose at any time shall result in the property automatically reverting to the party of the first part.

This grant conveys only the interest of the County and its Board of County commissioners in the property herein described and shall not be deemed to warrant the tile or to represent any state of facts concerning the same.

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 Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____
Deputy clerk

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

By:_____
Rebeca Sosa, Chairperson

Approved for legal sufficiency: _____

The foregoing was authorized by Resolution No. _____ approved by the Board of County Commissioners of Miami-Dade County, Florida on the ____ day of _____, 2014.

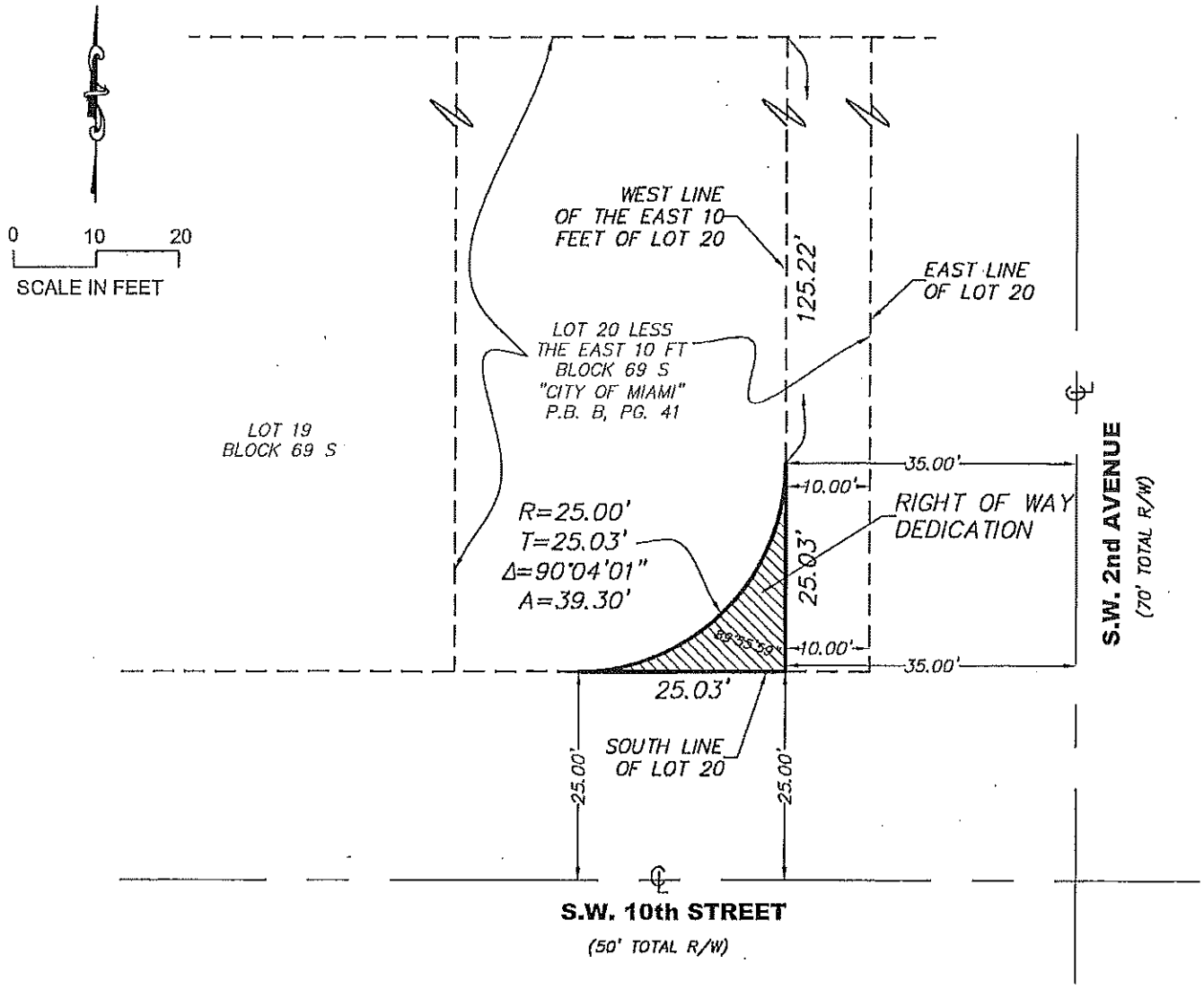
EXHIBIT A

Folio: 01-0206-090-1120

SKETCH AND LEGAL DESCRIPTION

Located in Section 38, Township 54 South, Range 41 East
City of Miami, Miami-Dade County, Florida.
Scale 1" = 20'

The external area of a circular curve lying within Lot 20 less the East 10 feet, Block 69 South, CITY OF MIAMI, according to the Plat thereof as recorded in Plat Book B, Page 41, of the Public Records of Miami-Dade County, Florida. Said circular curve being concave to the Northwest, having a radius of 25.00 feet, a central angle of 90°04'01", an arc length of 39.30 feet, and being tangent to the South line of said Lot 20, and tangent to the West line of the East 10 feet of said Lot 20, and containing approximately 134 square feet.



Date: 11 / 14 / 2012
This Sketch is not a Boundary Survey.
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

ZONING: T6-24-0

PREPARED BY:

RENE AIGUESVIVES 11/14/12
PROFESSIONAL SURVEYOR AND MAPPER No. 4327. State of Florida.

11-15240

Not valid unless it bears the signature and the original raised seal of Florida licensed Surveyor and Mapper.

Alvarez, Aiguesvives and Associates, Inc.
L.B. No. 6867
Surveyors, Mappers and Land Planners
5701 S.W. 107th Avenue # 204, Miami, FL 33173
Phone 305-220-2424 Fax 305-552-8181

ATTACHMENT 2

Instrument prepared by and returned to:
Terrence Smith, Esq.
Assistant County Attorney
111 N.W. 1st Street
Suite 2810
Miami, Florida 33128

Folio #01-4121-006-0330

COUNTY DEED

THIS DEED, made this ___ day of _____, 2014 A.D. by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 NW 1 Street Suite 17-202, Miami, Florida 33128-1963, and City of Miami, a body politic, party of the second part, whose address is 444 S.W. 2nd Ave, Miami, FL 33130,

WITNESSETH:

THAT THE SAID PARTY OF THE FIRST PART, FOR AND IN CONSIDERATION OF THE SUM OF Ten Dollars and 00/100 ($10.00) has granted, bargained and sold to the party of the second part, his or her heirs and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

LEGAL DESCRIPTION
SEE EXHIBIT "A"

Subject to the following restriction:

That the Property shall be utilized as a right-of-way dedication. Failure to utilize the property for said purpose at any time shall result in the property automatically reverting to the party of the first part.

This grant conveys only the interest of the County and its Board of County commissioners in the property herein described and shall not be deemed to warrant the tile or to represent any state of facts concerning the same.

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 Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____
Deputy clerk

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

By:_____
Rebeca Sosa, Chairperson

Approved for legal sufficiency: _____

The foregoing was authorized by Resolution No. _____ approved by the Board of County Commissioners of Miami-Dade County, Florida on the ____ day of _____, 2014.

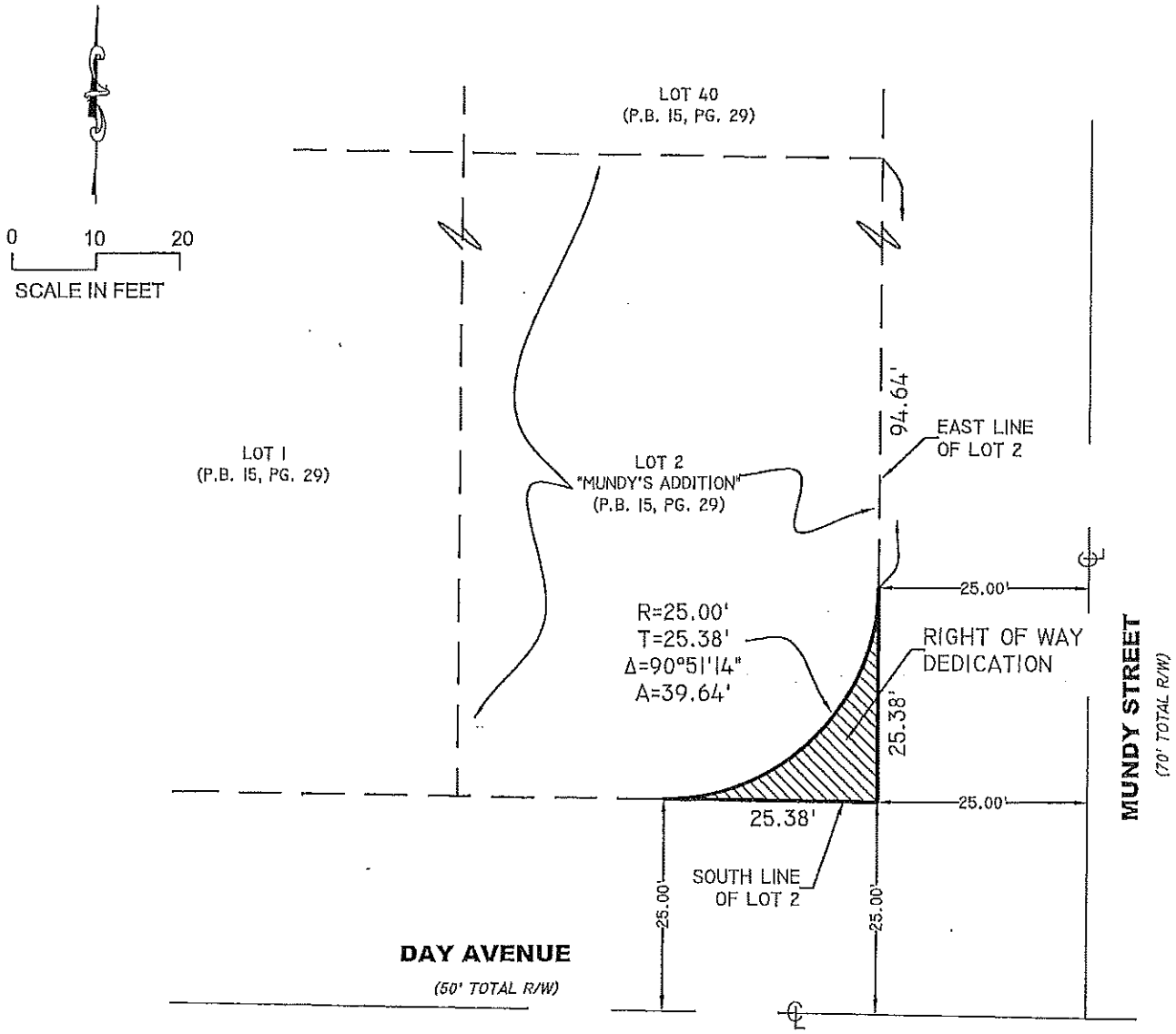
Folio: 01-4121-006-0330

EXHIBIT A

SKETCH AND LEGAL DESCRIPTION

Located in Section 21, Township 54 South, Range 41 East
City of Miami, Miami-Dade County, Florida.
Scale 1" = 20'

The external area of a circular curve lying within Lot 2, MUNDY'S ADDITION, according to the Plat thereof as recorded in Plat Book 15, Page 29, of the Public Records of Miami-Dade County, Florida. Said circular curve being concave to the Northwest, having a radius of 25.00 feet, a central angle of 90°51'14", an arc length of 39.64 feet, and being tangent to the South line and the West line of said Lot 2, and containing approximately 138.85 square feet.



Date: 12 / 10 / 2012
This Sketch is not a Boundary Survey.
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

ZONING: T5-L

PREPARED BY:

RENE ALGUESVIVES 12/10/12
PROFESSIONAL SURVEYOR AND MAPPER No. 4327. State of Florida.

11-15240

Not valid unless it bears the signature and the original raised seal of Florida licensed Surveyor and Mapper.

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