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

MEMORANDUM

Agenda Item No. 8(N)(2)

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 Miami-Dade County to approve and accept a perpetual easement from the State of Florida, Department of Transportation for the construction, operation and maintenance of the pedestrian overpass at the University Metrorail Station
Resolution No. R-618-14

The accompanying resolution was prepared by the Miami-Dade Transit Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.

RAC

R. A. Cuevas, Jr.
County Attorney

RAC/smm

/

Memorandum

MIAMI-DADE COUNTY

Date: July 1, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Miami-Dade County to Approve and Accept a Perpetual Easement from the State of Florida, Department of Transportation, Over a Portion of Certain Roadway Lands located within State Road 5 / U.S. Highway No.1 (South Dixie Highway) at Mariposa Court Needed for the Construction, Operation and Maintenance of the Pedestrian Overpass at the University Metrorail Station

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing Miami-Dade County (County) to approve and accept a Perpetual Easement as a donation from the State of Florida, Department of Transportation (FDOT), for the construction, operation and maintenance of a pedestrian overpass, to be built in accordance with the Pedestrian Overpass at the University Metrorail Station Project, located within State Road (SR) 5 / U.S. Highway No. 1 (South Dixie Highway) at Mariposa Court in Coral Gables, Florida; and authorizing the County Mayor or the Mayor's designee to take all actions necessary to accomplish the acceptance and execution of the Perpetual Aerial Easement.

SCOPE

This project is physically located in Commission District 7 (Suarez). However, the impact benefits the public, and is therefore, Countywide.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact associated with the acceptance of this Perpetual Easement.

TRACK RECORD/MONITOR

The County has accepted easements from FDOT in the past. The person responsible for managing the acceptance and execution of this Perpetual Easement is Froilan Baez, Chief, Miami-Dade Transit (MDT) Right-of-Way, Utilities and Property Management Division.

BACKGROUND

Pursuant to Resolution No. 570-13, the County acquired Mariposa Court, which is approximately 600 feet in length, through a Transfer of Deed from the City of Coral Gables for the University Metrorail Station Pedestrian Overpass Project in January 2014. Once the pedestrian bridge is built, maintenance of the bridge will be funded through MDT's annual operating budget at an estimated annual cost of $90,300.00.

The pedestrian bridge is needed to increase safety at the University Metrorail Station; in particular, a more secure passageway for students, pedestrians and cyclists across South Dixie Highway. Presently, the public must cross South Dixie Highway (one of the most congested local State Roads). The construction of this pedestrian bridge will allow patrons to use either the bridge stairs/elevators to enter or exit the Station. The proposed overpass consists of the bridge span over South Dixie Highway, two towers, elevators, and stairs, all of which will be built within the County-owned portion of Mariposa Court as well as the Metrorail Guideway Corridor.

The donation of an aerial easement to the County from FDOT is required in order to complete the construction and maintenance of the Project, spanning South Dixie Highway from the westerly right-of-way line to the easterly right-of-way line for the air space the bridge is proposed to occupy. The air space forming the Easement is legally described and illustrated on the attached Exhibit "A".

In addition to the bridge construction, other improvements such as improved sidewalks, curbs and gutter, and lighting are also included in the Project's scope and will be constructed under a separate permit application to FDOT, as referenced in the Easement. Similarly, any future maintenance within the FDOT right-of-way (particularly the bridge) will be done through a separate permit application process.

The Project is anticipated to begin construction in March 2015 and to be completed in March 2016.

Alina T. Hudak
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(N)(2)

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(N)(2)

7-1-14

RESOLUTION NO. R-618-14

RESOLUTION AUTHORIZING MIAMI-DADE COUNTY TO APPROVE AND ACCEPT A PERPETUAL EASEMENT FROM THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, OVER A PORTION OF CERTAIN ROADWAY LANDS LOCATED WITHIN STATE ROAD 5/ U.S. HIGHWAY NO. 1 (SOUTH DIXIE HIGHWAY) AT MARIPOSA COURT NEEDED FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE PEDESTRIAN OVERPASS AT THE UNIVERSITY METRORAIL STATION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE EXECUTION OF SAME

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:

Section 1. That this Board authorizes the approval and acceptance of a Perpetual Easement from the State of Florida, Department of Transportation (FDOT), in substantially the form attached hereto and made a part hereof.

Section 2. That this Board further authorizes the County Mayor or County Mayor's designee, to execute said easement for and on behalf of Miami-Dade County, to take all actions necessary to effectuate same, and to exercise all provisions therein.

Section 3. Pursuant to Resolution R-974-09, this Board directs the County Mayor or County Mayor's designee to record the easement 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 **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			**aye**
Lynda Bell, Vice Chair			**aye**
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**absent**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st 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.

Bruce Libhaber

This instrument prepared by,
or under the direction of,
Alicia Trujillo, Esq._____
District Chief Counsel
Florida Department of Transportation
1000 N.W. 111th Avenue
Miami, Florida 33172

Item/Seg No.:	415230 1
Sec/Job No.	87030
SR No.:	5 (Dixie Hwy.)
County:	Miami-Dade
Parcel No.:	4957

PERPETUAL EASEMENT
Public Purpose

THIS EASEMENT made this _____ day of _____, 2014, by the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, Grantor, to MIAMI-DADE COUNTY, a political subdivision of the State of Florida, Grantee.

WITNESSETH: That the Grantor for and in consideration of the sum of Ten Dollars and other valuable consideration paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the Grantee, its successors and assigns, a perpetual easement purposes of constructing, operating and maintaining a pedestrian overpass (the "Facility") over the following described land (the "Easement Area") in Miami-Dade County, Florida:

See Exhibit "A" attached hereto and made a part hereof

TO HAVE AND TO HOLD the said premises unto the Grantee, subject, however, to the following conditions:

THAT this easement is solely for the purpose of constructing, operating and maintaining a pedestrian overpass and no other uses of the Easement Area are permitted. Grantor's use of the land subject to this easement shall in no way interfere with Grantee's use of such land consistent with the rights set forth herein.

THAT in the event said transportation use is permanently discontinued or abandoned, Grantee's easement shall terminate, and title to the above described property shall immediately revert to the Grantor, and it shall have the right to immediately possess same. In the event Grantee's easement terminates and Grantor deems it necessary to request the removal of the Facility occupying the Easement Area, Grantee shall remove the Facility and restore the Easement Area to a like or similar condition as existed prior to this Easement, at its sole cost and expense.

THAT Grantee shall not obstruct the State right-of-way located immediately underneath the Easement Area, except as may be required temporarily from time to time to effect the construction, inspections, maintenance, repairs, improvements and replacement of the Facility.

Any such work is subject to formal approval and permit by Grantor. Grantee shall promptly repair any damage to the Grantor's right-of-way, resulting from Grantee's exercising its rights hereunder.

Item/Seg No.:	415230 1
Sec/Job No.:	87030
SR No.:	5 (Dixie Hwy.)
County:	Miami-Dade
Parcel No.:	4957

THAT Grantee will indemnify and hold Grantor harmless from any and all damages and/or liability, claims, demand, actions and/or suits of any nature arising out of, relating to, or resulting from any negligent or wrongful act(s) of Grantee's employees, agents, subcontractors and contractors, or instrumentalities, acting within the scope of their office or employment, in connection with the rights granted to or exercised by Grantee hereunder, to the extent and within the limitations of Section 768.28, Florida Statutes;

However, nothing herein shall be deemed to indemnify Grantor from any liability or claim arising out of the negligent performance or failure of performance of Grantor.

During construction, Grantee shall cause its construction contractor(s) to maintain comprehensive general liability insurance providing for a limit of amount of not less than $1,000,000 for all damages arising out of bodily injuries to, or death of, one person and, subject to that limit for each person, a total limit of $5,000,000 for all damages arising out of bodily injuries to, or death of, two or more persons in any one occurrence; and regular Contractors' Property Damage Liability Insurance providing for a limit of not less than $50,000 for all damages arising out of injury to, or destruction of, property in any one occurrence and, subject to that limit per occurrence, a total (or aggregate) limit of $100,000 for all damages arising out of injury to, or destruction of, property during the policy period is carried. Grantor shall be named as Additional Insured in all such policies and Grantee will provide a current copy of such insurance certificate to Grantor.

THAT this Easement is subject to all applicable permit requirements and any other required agreements or approvals, and concurrences.

THAT the Easement is granted pursuant to Resolution No. _____ passed by the Miami-Dade Board of County Commissioners of the Miami-Dade County Florida records, a copy of which is attached herewith and forms part thereof;

THAT the provisions of this Easement may be enforced by all appropriate actions at law and in equity by the respective parties.

THAT Grantor makes no representations as to the title or condition of the property within the Easement Area or the suitability of the Easement Area property for the use intended hereunder.

The rights and obligations of the parties shall inure to the benefit of and be binding upon their respective successors and assigns.

Item/Seg No.:	415230 1
Sec/Job No.:	87030
SR No.:	5 (Dixie Hwy.)
County:	Miami-Dade
Parcel No.:	4957

This instrument may be amended or modified only by written instrument, executed and acknowledged by the parties hereto or their successors and assigns, and recorded in the Public Records of Miami-Dade County.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its proper officers thereunto duly authorized, the day and year first above written.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____
Gus Pego, P.E.
District Secretary

Attest: _____
Executive Secretary

Affix Department Seal

Witness: _____

_____
Name/Title

LEGAL REVIEW:

_____
Alicia Trujillo
District Chief Counsel

Item/Seg No.:	415230 1
Sec/Job No.:	87030
SR No.:	5 (Dixie Hwy.)
County:	Miami-Dade
Parcel No.:	4957

State of Florida)
County of Miami –Dade)

The foregoing instrument was acknowledged before me this _____day of _____, **2014**, by Gus Pego, District Secretary for District Six, FDOT, who is personally known to me, or has produced _____as identification.

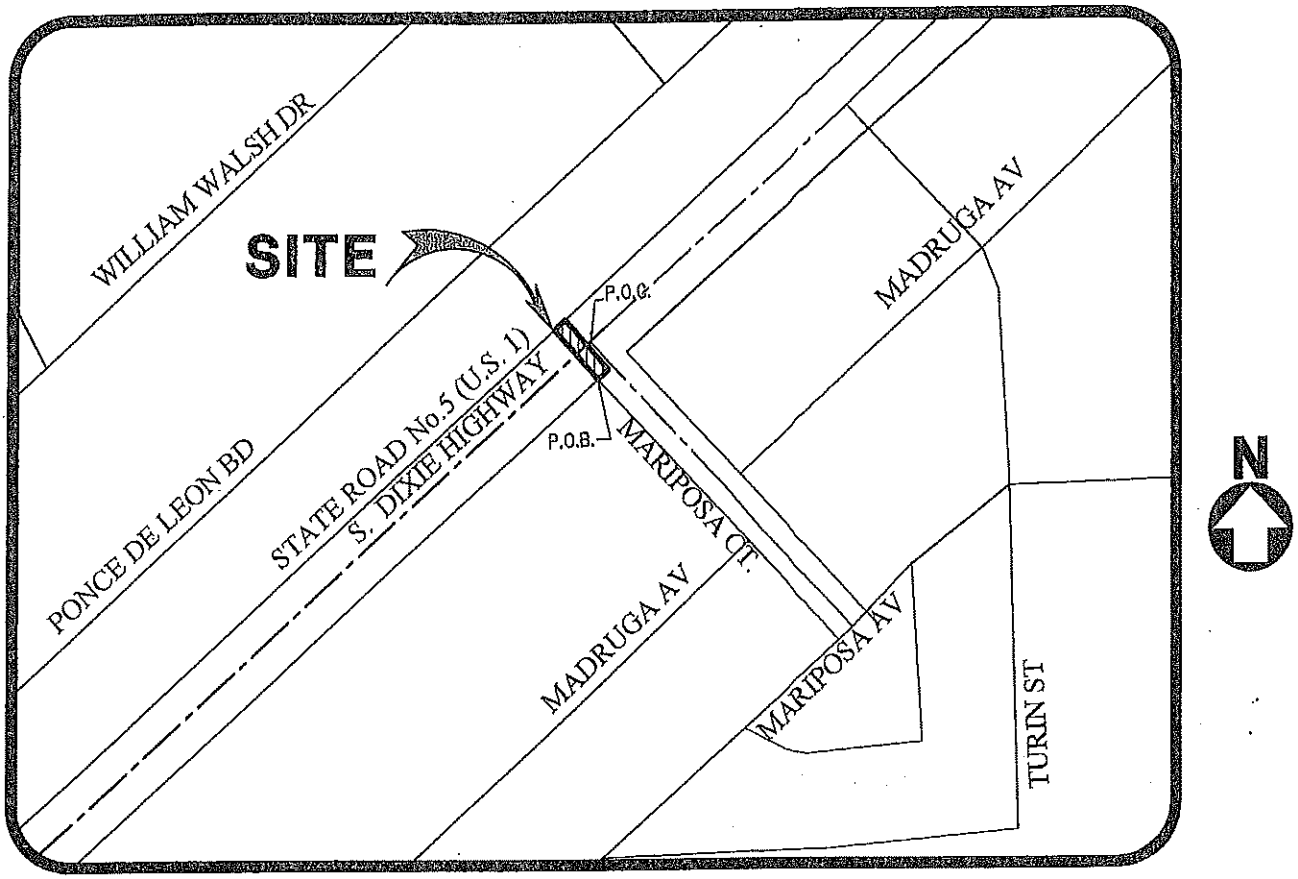
_____
Notary Public in and for the County and State as mentioned above

(Affix Notary Seal)

My Commission Expires _____

EXHIBIT "A"

SKETCH AND LEGAL DESCRIPTION



LOCATION SKETCH
NOT TO SCALE

NOTICE:
Not complete without all Pages. Page 1 of 4

LOCATION SKETCH

-THIS IS NOT A SURVEY-

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PEDESTRIAN OVERPASS AT THE UNIVERSITY METRORAIL STATION,
STATE ROAD No. 5 (US-1) S. DIXIE HIGHWAY & MARIPOSA COURT,
CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA
Section 30, Township 54 South, Range 41 East

Date: March 17th , 2014

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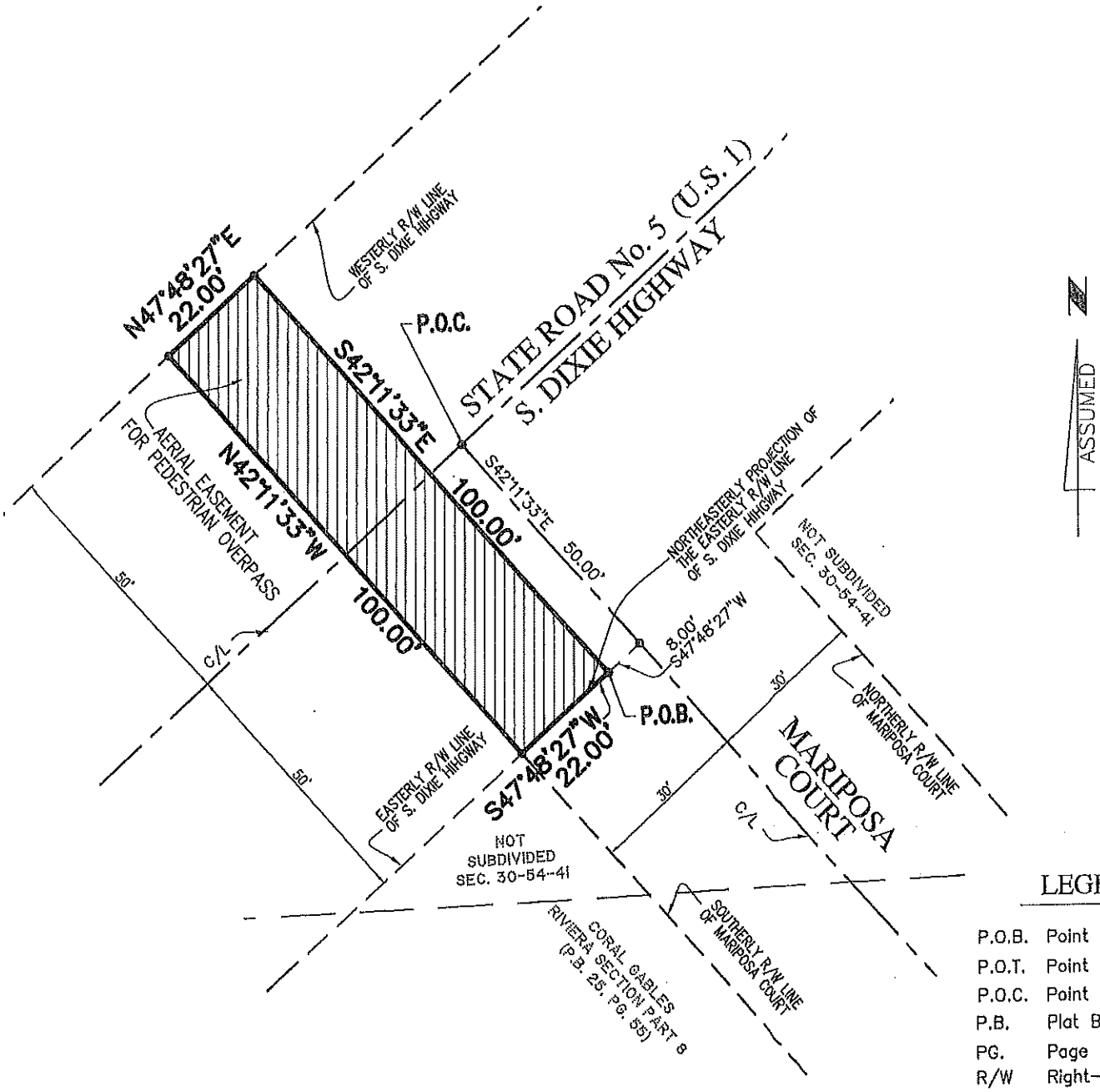
SKETCH AND LEGAL DESCRIPTION



LEGEND

P.O.B.	Point of Beginning
P.O.T.	Point of Termination
P.O.C.	Point of Commence
P.B.	Plat Book
PG.	Page
R/W	Right-of-Way
SEC.	Section
TWP.	Township
RGE.	Range
℄	Centerline
COR	Corner

NOTICE:
Not complete without all Pages.

SKETCH
-THIS IS NOT A BOUNDARYSURVEY-

GRAPHIC SCALE
0' 15' 30'
SCALE: 1"= 30'

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PEDESTRIAN OVERPASS AT THE UNIVERSITY METRORAIL STATION,
STATE ROAD No. 5 (US-1) S. DIXIE HIGHWAY & MARIPOSA COURT,
CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA
Section 30, Township 54 South, Range 41 East

Date: March 17th, 2014

12

SKETCH AND LEGAL DESCRIPTION

LEGAL DESCRIPTION:

An aerial easement within that airspace vertically enclosed above Elevation 30.2 feet and 51.13 feet. according to the National Geodetic Vertical Datum 1929 (N.G.V.D. 1929) as established by the United States National Geodetic Survey, more particularly described within the following horizontal limits:

Commence at the intersection of the centerline of State Road No. 5 (U.S. 1) South Dixie Highway with the centerline of Mariposa Court; thence S42°11'33"E along the centerline of said Mariposa Court, for 50.00 feet; thence S47°48'27"W along the Northeasterly projection of the Easterly Right of Way line of said State Road No. 5 (U.S. 1) South Dixie Highway; for 8.00 feet to the Point of Beginning; thence continue S47°48'27"W along said Northeasterly projection of the Easterly Right of Way line of said State Road No. 5 (U.S. 1) South Dixie Highway to a point of intersection of the Easterly Right of Way line of State Road No. 5 (U.S. 1) South Dixie Highway and the Southerly Right of Way line of Mariposa Court for 22.00 feet; thence N42°11'33"W for 100.00 feet to a point on the westerly Right of Way line of said State Road No. 5 (U.S. 1) South Dixie Highway; thence N47°48'27"E along said westerly Right of Way line of State Road No. 5 (U.S. 1) South Dixie Highway, for 22.00 feet; thence S42°11'33"E for 100.00 feet to the Point of Beginning.

Containing approximately 2,200 Square Feet or 0.05 Acres, more or less within its horizontal limits.

NOTICE:
Not complete without all Pages.

LEGAL DESCRIPTION
-THIS IS NOT A SURVEY-

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PEDESTRIAN OVERPASS AT THE UNIVERSITY METRORAIL STATION,
STATE ROAD No. 5 (US-1) S. DIXIE HIGHWAY & MARIPOSA COURT,
CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA
Section 30, Township 54 South, Range 41 East

Date: March 17th , 2014

SKETCH AND LEGAL DESCRIPTION

SOURCES OF DATA:

The Legal Description of the Subject Parcel of Land was generated from information provided by the client. In addition, the following sources of data were used to the extent required to complete this document in a defensible manner. That is to say:

–North arrow and Bearings refer to an assumed value of N42°11'33"W along the centerline (baseline) of Mariposa Court, based on the North American Datum (NAD) 1983/1990 adjustment for the State Plane Coordinate System of the Florida East Zone.

–Pedestrian Overpass at the University Metrorail Station–Aerial Easement–Drawing C6–01, dated 3–19–2013, from TY LIN International.

CLIENT INFORMATION:

This Sketch and Legal Description was prepared at the request of:

TY LIN INTERNATIONAL
FOR MIAMI-DADE TRANSIT

LIMITATIONS:

Since no other information other than what is cited in the Sources of Data was furnished, the Client is hereby advised that there may legal restrictions on the subject property that are not shown on the Sketch that may be found in the Public Records of Miami–Dade County, or any other public and private entities as their jurisdictions may appear. The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear in public records.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.
No field work performed by JBA. This sketch is an accurate graphic depiction of the legal description to which it is attached as per client's request.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch and Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief. Further, that said Sketch meets the intent of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J–17 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

J. BONFILL & ASSOCIATES, INC.
Florida Certificate of Authorization Number LB3398
7100 Southwest 99th Avenue, Suite 104
Miami, Florida 33173 Phone: 305.598.8383

By: _____
Juan J. Bonfill, P.L.S.
Professional Land Surveyor No. 3179
State of Florida
March 17th, 2014 Project: 13-0270 Job: 14-0103 Aerial Sketch & Legal

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps and Reports by other than the signing party are prohibited without the written consent of the signing party. This document consists of multiple Exhibits and Sheets. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J–17 of the Florida Administrative Code.

NOTICE:
Not complete without all Pages.

SURVEYOR'S NOTES

-THIS IS NOT A SURVEY-

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PEDESTRIAN OVERPASS AT THE UNIVERSITY METRORAIL STATION,
STATE ROAD No. 5 (US-1) S. DIXIE HIGHWAY & MARIPOSA COURT,
CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA
Section 30, Township 54 South, Range 41 East

Date: March 17th , 2014

Memorandum

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

From: Charles Scurr, Executive Director

Date: June 19, 2014

Re: **CITT AGENDA ITEM 5I:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC) AUTHORIZE MIAMI-DADE COUNTY TO APPROVE AND ACCEPT A PERPETUAL EASEMENT FROM THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, OVER A PORTION OF CERTAIN ROADWAY LANDS LOCATED WITHIN STATE ROAD 5/ U.S. HIGHWAY NO. 1 (SOUTH DIXIE HIGHWAY) AT MARIPOSA COURT NEEDED FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE PEDESTRIAN OVERPASS AT THE UNIVERSITY METRORAIL STATION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE EXECUTION OF SAME **(MDT – Legislative File No.141222)**

On June 19, 2014, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 14-047. The vote was as follows:

Paul J. Schwiep, Esq., Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 1st Vice Chairperson – Aye
Glenn J. Downing, CFP®, 2nd Vice Chairperson – Aye

Joseph Curbelo – Aye
Alfred J. Holzman – Absent
Jonathan Martinez – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Absent
Peter L. Forrest – Aye
Prakash Kumar – Aye
Alicia Menardy, Esq. – Absent
Hon. James A. Reeder – Aye
Hon. Linda Zilber – Absent

cc: Alina Hudak, Deputy Mayor/Interim Director Public Works & Waste Management Department
Bruce Libhaber, Assistant County Attorney