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

MEMORANDUM

Agenda Item No. 14(A)(7)

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

DATE: July 15, 2014

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

SUBJECT: Resolution authorizing the conveyance of an aerial easement to the State of Florida Department of Transportation for no monetary consideration for the construction and maintenance of the State Road 836/Interstate 395 signature bridge over a County Road, NE 2 Avenue between NE 11 Terrace and NE 13 Street, also known as Parcel No. 807

Resolution No. R-693-14

The accompanying resolution was prepared by the Public Works and Waste Management 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: July 15, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Conveyance of an Aerial Easement to the Florida Department of Transportation for the construction and maintenance of the State Road 836/Interstate 395 Signature Bridge over NE 2 Avenue between NE 11 Terrace and NE 13 Street, in Section 36, Township 53 South, Range 41 East, Commission District 3

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing the conveyance of an aerial easement over NE 2 Avenue, which is a Miami-Dade County roadway, to the Florida Department of Transportation (FDOT), which proposes to replace the existing bridge, adding new lanes and ramps to the existing corridor of SR 836 between I-95 and the MacArthur Causeway Bridge.

Scope

The impact of this project is countywide; however it is located within Commissioner Audrey M. Edmonson's District 3.

Fiscal Impact/Funding Source

There is no fiscal impact to Miami-Dade County due to this project. The funding source is FDOT, District 6 Trust fund. (MPO Project Num. DT2516881-FY 2013/14-2017/18 TIP-Approved May 23, 2013).

Track Record/Monitor

Public Works and Waste Management is the entity overseeing this project and the person responsible for monitoring this conveyance is Mr. Wayne Sutton, Section Head, Right-of-Way Engineering Section, Roadway Engineering and Right-of-Way Division.

Background

FDOT has scheduled improvements along State Road 836/I-395, between East of I-95 and the MacArthur Causeway Bridge, to be concluded by March 2015. The purpose of this project as envisioned by FDOT in the letter requesting the aerial easement includes: the construction of two (2) additional lanes, the construction of new ramps and the realignment of the existing ramps, an upgrade of the intelligent transportation system, new lighting, and the construction of the new Signature Bridge over NE 2 Avenue, a county road. The granting of this aerial easement will provide relief for traffic congestion in the downtown area.

Alina T. Hudak
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: July 15, 2014

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

SUBJECT: Agenda Item No. 14(A)(7)

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. 14(A)(7)
7-15-14

RESOLUTION NO. R-693-14

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN AERIAL EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR NO MONETARY CONSIDERATION FOR THE CONSTRUCTION AND MAINTENANCE OF THE STATE ROAD 836/INTERSTATE 395 SIGNATURE BRIDGE OVER A COUNTY ROAD, NE 2 AVENUE BETWEEN NE 11 TERRACE AND NE 13 STREET, ALSO KNOWN AS PARCEL NO. 807; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHERS 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 as attached; and

WHEREAS, the State of Florida Department of Transportation (FDOT) proposes to improve State Road 836 / Interstate 395 in connection with FDOT Financial Project 251688-1; and

WHEREAS, in connection with said project, FDOT will replace the existing bridge with a Signature Bridge located at a minimum vertical clearance of 16.5 feet above the crown of County road NE 2 Ave between NE 11 Terrace and NE 13 Street; and

WHEREAS, in order to accomplish this purpose, FDOT will require the conveyance of an Aerial Easement in such area, and has requested the granting of the Easement as more particularly described in Exhibit "A" and illustrated in Exhibits "B" and "C"; and

WHEREAS, the Board finds that the granting of the Easement would be necessary in order to construct such transportation improvements, and would be utilized for the benefit of the public and 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 to FDOT in substantially the form attached hereto and made a part hereof, for no monetary consideration, for the construction and maintenance of the Signature Bridge.

Section 3. Authorizes the County Mayor or County Mayor's designee 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 the 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 said 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; and (c) to deliver a recorded copy of said instrument to the District Secretary.

The foregoing resolution was offered by Commissioner **Audrey Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman			**absent**
Lynda Bell, Vice Chair			**aye**
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Jean Monestime	**absent**	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 17th 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.

Debra Herman

Return to:
Road Design/Right of Way Division
Miami-Dade County Public Works and
Waste Management Department
111 N.W. 1st Street
Miami, FL 33128-1970

Instrument prepared by:
Carlos D. Socarras, P.L.S.
For M-DC PWWM
111 NW 1 Street
Miami, FL 33128-1970

Folio No. N/A
User Department: MDC-PWWM

State Roads No. 836/ Interstate 395
Bridge over NE 2 AVE
State Parcel No.807 (251688-1)
State Section No. 87200-2401
Section 36-53-41

AERIAL EASEMENT

THIS EASEMENT, Made this ___ day of _____, A.D. 2014, by and between **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, whose address is 111 N.W. 1st Street, Miami, Florida 33128-1970, "GRANTOR", and the **FLORIDA DEPARTMENT OF TRANSPORTATION,** whose address is 1000 NW 111 Avenue, Miami, Florida 33172-5802, "GRANTEE",

WITNESSETH:

That the said GRANTOR, for and in consideration of benefits to the general public and for further good and valuable considerations, does hereby grant to the GRANTEE, and its successors in interest, a public purpose aerial easement **for the purpose of constructing and maintaining a highway bridge over NE 2 Avenue, a County Road, and for proper public purposes incidental thereto**, within the following described air space, situate, lying and being in the County of Miami-Dade, State of Florida, "the easement," to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said easement unto the GRANTEE, subject, however, to the following conditions:

THAT GRANTEE's construction within the easement will in no way interfere with GRANTOR's use of NE 2 Avenue road right-of-way;

THAT GRANTEE shall at all times keep NE 2 Avenue road right-of-way free from obstruction, except as may be required temporarily from time to time to effect inspections, maintenance, repairs, improvements and replacement of the GRANTEE's highway bridge;

THAT GRANTEE, after construction of the highway bridge is completed, shall obtain necessary right-of-way permits from GRANTOR, or from the MUNICIPALITY, prior to commencement of any repairs resulting in obstruction of NE 2 Avenue road right-of-way, except in the case of an emergency requiring immediate remedial action, such work must comply with procedures regarding lane closure in effect at the time of the closure;

THAT GRANTEE will indemnify and hold GRANTOR harmless from any and all damages, liability, claims, demand, and suits of any nature associated with GRANTEE's use of the easement or with public use of GRANTEE's highway bridge;

It is expressly provided that if and whenever the use of the subject aerial easement is discontinued, the interest to the said described easement shall immediately revert to the GRANTOR, its heirs and assigns, and it shall have the right to immediately repossess the same.

This grant of easement 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 title or to represent any state of facts concerning the same.

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 Mayor, 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: _____
Mayor

Approved by County Attorney as
to form and legal sufficiency.

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.

EXHIBIT "A"

PARCEL 807 (Aerial Easement) F. P. No. 2516881

An aerial easement for highway purposes and all purposes incidental thereto, above an Elevation of 21.20 feet, according to the National American Vertical Datum of 1988 (NAVD88) as established by the United States National Geodetic Survey above NE 2 Avenue as it now exists, in the SE 1/4 of Section 36, Township 53 South, Range 41 East, Miami- Dade County, Florida; within a horizontal boundary more particularly described as follows:

BEGINNING at the point of intersection of the southerly right of way line of NE 13 Street (Rickmers Street) with the westerly right of way line of NE 2 AVENUE, said point also being the Northeast Corner of Lot 1 in Block 3 of "WINDSOR PARK" according to the plat thereof as recorded in Plat Book 3 at Page 147 of the Public Records of Miami-Dade County, Florida; thence run N87^{0}50'52"E, across NE 2 AVENUE, for a distance of 76.79 feet to a point of cusp with a circular curve concave to the southeast on the southerly right of way line of NE 13 Street as shown in "THIRD AMENDED PLAT OF WINDSOR PARK" according to the plat thereof as recorded in Plat Book 4 at Page 145, of the Public Records of Miami-Dade County, Florida; thence run southwesterly and southerly, along said circular curve, having a radius of 10.00 feet with a central angle of 85^{0}35'44" subtending a 13.59 foot chord which bears S45^{0}02'46"W for an arc distance of 14.94 feet to the point of tangency on the easterly right of way line of NE 2 AVENUE; thence run S 02^{0}14'53"W, along the easterly right of way line of NE 2 AVENUE, for a distance of 41.39 feet; thence run S87^{0}46'40"W, along the easterly right of way line of NE 2 AVENUE, for a distance of 7.35 feet; thence run S2^{0}14'53"W, along the easterly right of way line of NE 2 AVENUE, for a distance of 151.82 feet; thence run N87^{0}43'12"E, along the easterly right of way line of NE 2 AVENUE, for a distance of 9.87 feet; thence run S02^{0}13'57"E, along the easterly right of way line of NE 2 AVENUE, for a distance of 85.08 feet to the point of intersection with the northerly right of way line of NE 12 Street as shown in "THE VILLA LA PLAISANCE" according to the plat thereof as recorded in Plat Book 4 at Page 114 of the Public Records of Miami-Dade County, Florida; thence run S10^{0}17'16"W, across NE 12 Street, for a distance of 46.12 feet to the point of intersection with the southerly right of way line of NE 12 Street, coincident with the Existing Limited Access Right of Way line lying northerly of S. R. 836/ I-395 as per F.D.O.T. Right of Way Map for Section 87200-2401; thence run S02^{0}14'13"E, along the last described Limited access Right of Way line, for a distance of 79.30 feet; thence run N87^{0}38'52"E, along the easterly Limited Access right of way line of NE 2 AVENUE, for a distance of 10.00 feet; thence run S02^{0}14'13"E, along the easterly Limited Access right of way line of NE 2 AVENUE, for a distance of 100.64 feet to the point of intersection with the northerly Limited Access right of way line of NE 11 Terrace (DANN STREET) coincident with the Existing Limited Access Right of Way line, lying southerly of S. R. 836/ I-395 as per F.D.O.T. Right of Way Map for Section 87200-2401; thence run S87^{0}42'51"W, along the westerly extension of the northerly right of way line of NE 11 Terrace (DANN STREET) coincident with said Existing Limited Access Right of Way line, lying southerly of S. R. 836/ I-395 and across NE 2 AVENUE, for a distance of 70.00 feet to the point of intersection with the westerly Limited Access right of way line of NE 2 AVENUE; thence run

N02^{0}14'13"W, along the westerly Limited Access right of way line of NE 2 AVENUE, for a distance of 90.22 feet; thence run N42^{0}43'00"E, along the westerly Limited Access right of way line of NE 2 AVENUE,

for a distance of 14.15 feet; thence run N02^{0}14'13"W, along the westerly Limited Access right of way line of NE 2nd AVENUE, for a distance of 84.65 feet to the point of intersection with the southerly right of way line of NE 12 Street, coincident with the Existing Limited Access Right of Way line lying northerly of S. R.

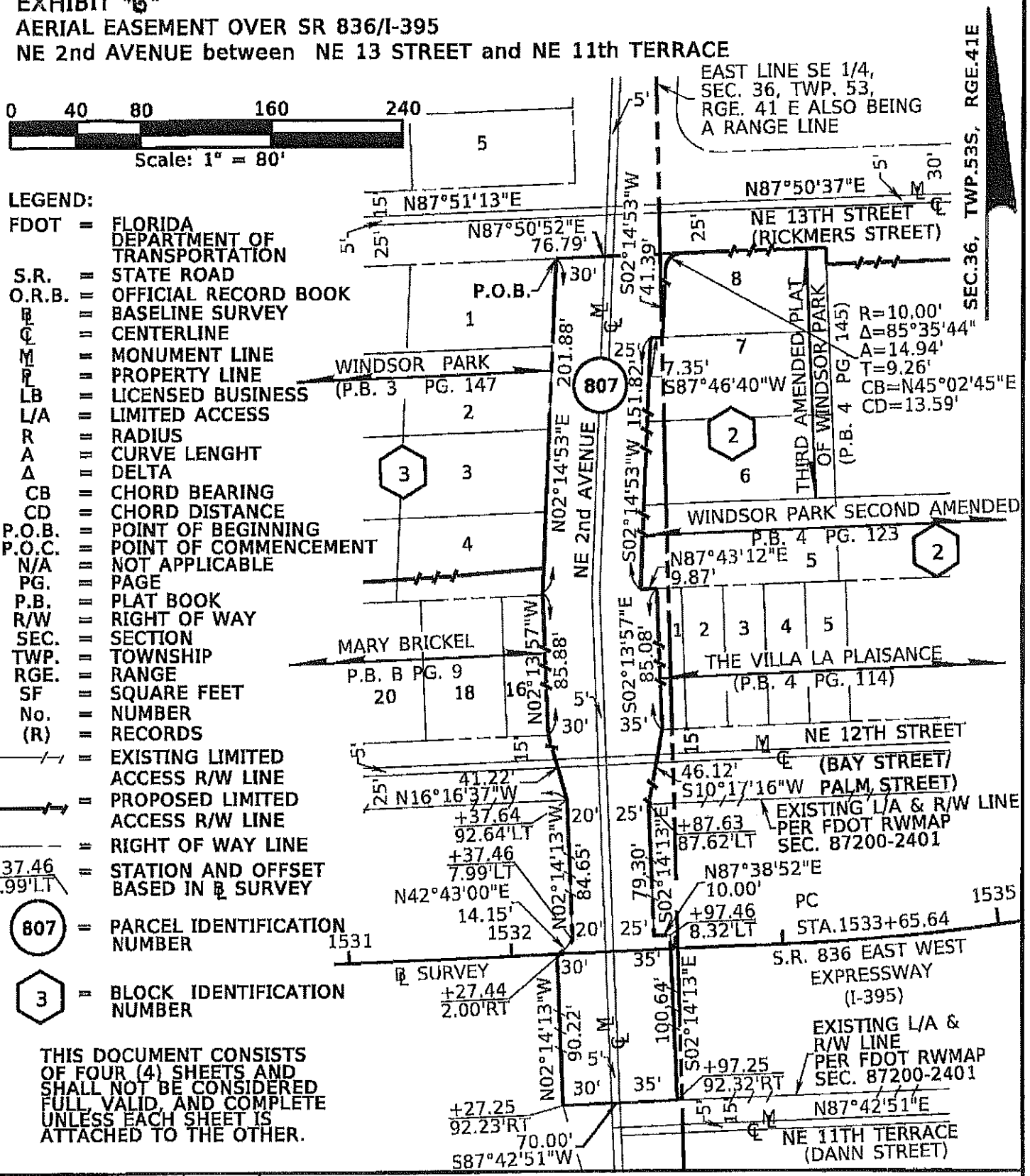
836/ I-395 as per F.D.O.T. Right of Way Map for Section 87200-2401; thence run N16^{0}16'37"W, across NE 12 Street, for a distance of 41.22 feet to the northerly right of way line of NE 12 Street, as shown in "MARY BRICKEL SUBDIVISION" according to the plat thereof as recorded in Plat Book B at Page 9, of the Public Records of Miami-Dade County, Florida; thence run N02^{0}13'57"W, along the westerly right of way line of NE 2 AVENUE, for a distance of 85.88 feet to the point of intersection with the south line of Block 3 in said Plat Book 3 at Page 147; thence run N02^{0}14'53"E, along the east line of said Block 3, coincident with the westerly right of way line of NE 2 AVENUE, for a distance of 201.88 feet to the POINT OF BEGINNING.

Containing an area of 32,129 square feet, more or less, within its horizontal limits.

Any reconstruction of the State Road 836/Interstate 395 bridge above NE 2 Avenue shall provide a minimum vertical clearance of 16.50 feet above the existing crown of road for NE 2 Avenue and upon completion of said reconstruction that portion of the easement granted hereby lying below elevation 23.58 feet (NAVD88) shall self-extinguish and be of no further force and effect.

Arturo R. Toirac, P.S.M. 5/5/14
CH. Perez and Associates, Inc

EXHIBIT "B"
AERIAL EASEMENT OVER SR 836/I-395
NE 2nd AVENUE between NE 13 STREET and NE 11th TERRACE



LEGEND:

FDOT	=	FLORIDA DEPARTMENT OF TRANSPORTATION
S.R.	=	STATE ROAD
O.R.B.	=	OFFICIAL RECORD BOOK
℄	=	BASELINE SURVEY
℄	=	CENTERLINE
M	=	MONUMENT LINE
PL	=	PROPERTY LINE
LB	=	LICENSED BUSINESS
L/A	=	LIMITED ACCESS
R	=	RADIUS
A	=	CURVE LENGHT
Δ	=	DELTA
CB	=	CHORD BEARING
CD	=	CHORD DISTANCE
P.O.B.	=	POINT OF BEGINNING
P.O.C.	=	POINT OF COMMENCEMENT
N/A	=	NOT APPLICABLE
PG.	=	PAGE
P.B.	=	PLAT BOOK
R/W	=	RIGHT OF WAY
SEC.	=	SECTION
TWP.	=	TOWNSHIP
RGE.	=	RANGE
SF	=	SQUARE FEET
No.	=	NUMBER
(R)	=	RECORDS
—/—/—	=	EXISTING LIMITED ACCESS R/W LINE
—/—/—	=	PROPOSED LIMITED ACCESS R/W LINE
— — —	=	RIGHT OF WAY LINE
+37.46 / 7.99'LT	=	STATION AND OFFSET BASED IN ℄ SURVEY
807	=	PARCEL IDENTIFICATION NUMBER
3	=	BLOCK IDENTIFICATION NUMBER

THIS DOCUMENT CONSISTS OF FOUR (4) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.

REVISION	BY	DATE
REVISED AS PER FDOT	T.MOREJON	04-02-2014
REVISED AS PER FDOT	T.MOREJON	03-13-2014

FLORIDA DEPARTMENT OF TRANSPORTATION

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

STATE ROAD NO. 836/I-395 — MIAMI DADE COUNTY

	BY	DATE
DRAWN	T.MOREJON	02-27-2014
CHECKED	A.TOIRAC	02-27-2014

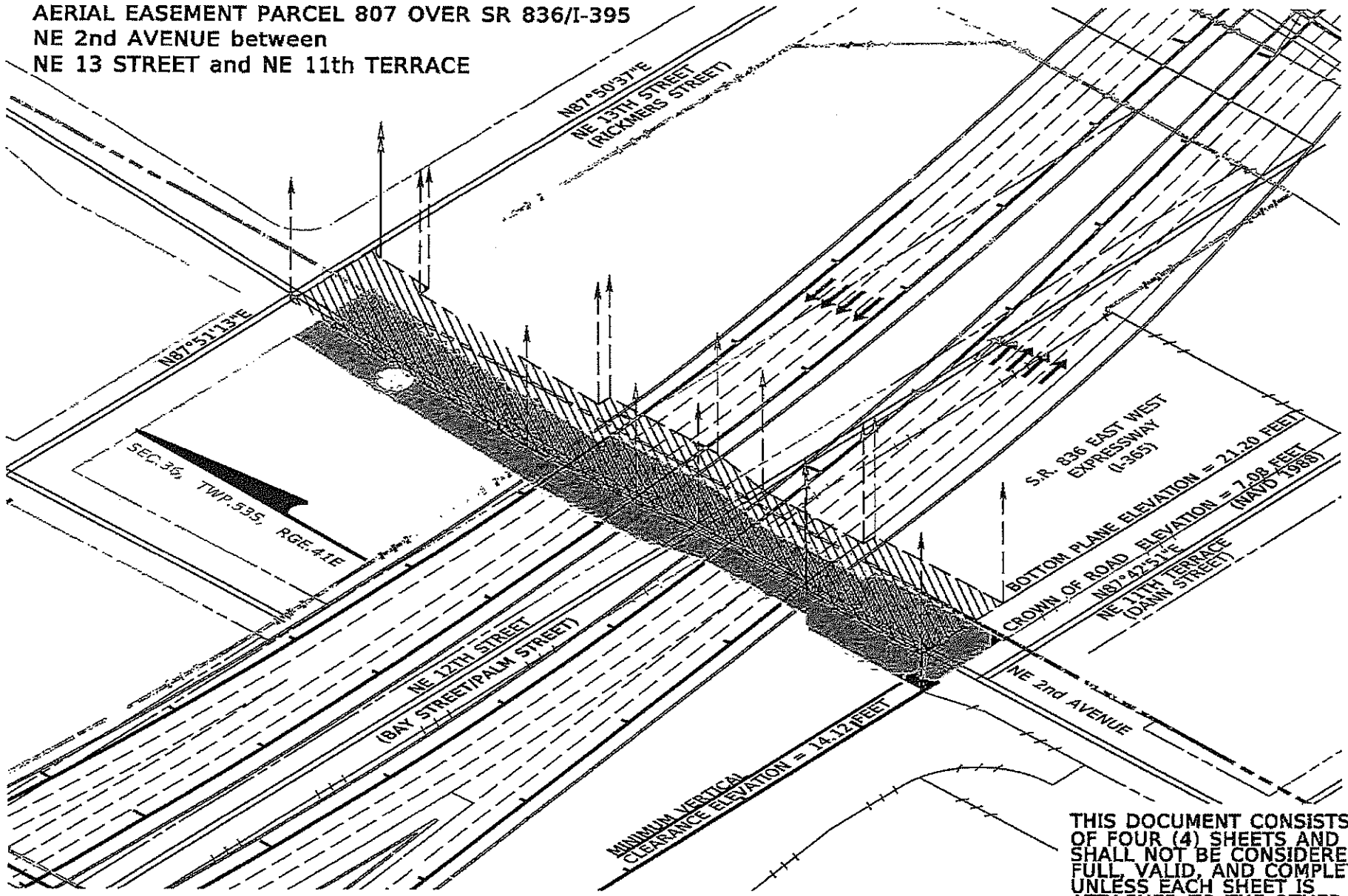
PREPARED BY: CH PEREZ & ASSOCIATES CONSULTING ENGINEERS, INC. 9504 NW 41st STREET, SUITE 201, DORAL FL 33178 TEL: 305-592-1070 / FAX: 305-592-1070 LB 7360

DATA SOURCE: SEE GENERAL NOTES

F.P. NO. 251688-1 — SECTION 87200 — SHEET 3 OF 4

EXHIBIT "C"

AERIAL EASEMENT PARCEL 807 OVER SR 836/I-395
NE 2nd AVENUE between
NE 13 STREET and NE 11th TERRACE



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FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

REVISION	BY	DATE
REVISED AS PER FDOT	T.MOREJON	04-02-2014
REVISED AS PER FDOT	T.MOREJON	03-13-2014

STATE ROAD NO. NO. 836/I-395 — MIAMI DADE COUNTY

	BY	DATE
DRAWN	T.MOREJON	02-27-2014
CHECKED	A.TOIRAC	02-27-2014

PREPARED BY: CH PEREZ & ASSOCIATES CONSULTING ENGINEERS, INC. 9594 NW 41st STREET, SUITE 201, DORAL, FL 33178 TEL: 305-592-1070 / FAX: 305-592-1078 LB 7580

DATA SOURCE: SEE GENERAL NOTES

F.P. NO. 251688-1 — SECTION 87200 — SHEET 4 OF 4