

MEMORANDUM

Agenda Item No. 8(O)(1)

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

DATE: December 2, 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 in accordance with Section 125.38 of the Florida Statutes, for the nominal sum of one dollar through a portion of County owned property for a project on State Road No. 94/Kendall Drive and the intersection of SW 127th Avenue to widen the right turn lane to enhance vehicle capacity within the area
Resolution No. R-1059-14

The accompanying resolution was prepared by the Water & Sewer Department and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: December 2, 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 through a portion of County-owned land to the State of Florida Department of Transportation pursuant to Section 125.38 of the Florida Statutes and to execute said easement

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of a permanent easement through a portion of County-owned land to the State of Florida Department of Transportation pursuant to Section 125.38 of the Florida Statutes and to execute said easement. The conveyance is for a project being undertaken by the Florida Department of Transportation on State Road No. 94/Kendall Drive and the intersection of SW 127 Avenue.

Scope

The County-owned property being conveyed is located in District 10, Senator Javier D. Souto.

Fiscal Impact/Funding Source

The State of Florida Department of Transportation will make a one-time payment to the County of \$1.00 for the 5,451 square feet of land being conveyed.

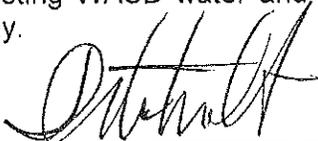
Track Record/Monitor

Miami-Dade Water and Sewer Department's (WASD) Deputy Director of Operations, Douglas Yoder, will oversee the conveyance of this permanent easement.

Background

WASD owns 5,451 square feet of land designated as Parcel 800 (which is a portion of Folio 30-4935-000-0023) located on State Road No. 94/Kendall Drive and the intersection of SW 127 Avenue. The Florida Department of Transportation, District Six, is developing the design for a roadway project to improve vehicular movement along State Road No. 94 and has requested the conveyance of Parcel 800 to be used as a permanent easement. Conveyance is needed for widening the right turn lane on SW 127 Avenue.

The Florida Department of Transportation's roadway project scope of work involves surface and subsurface work (milling, resurfacing, roadway widening and drainage), it does not conflict with any existing WASD water and sewer utilities. The parcel being conveyed will become a public right-of-way.



Jack Osterholt
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: December 2, 2014

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

SUBJECT: Agenda Item No. 8(O)(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(0)(1)
12-2-14

RESOLUTION NO. R-1059-14

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH SECTION 125.38 OF THE FLORIDA STATUTES, FOR THE NOMINAL SUM OF ONE DOLLAR THROUGH A PORTION OF COUNTY OWNED PROPERTY FOR A PROJECT ON STATE ROAD NO. 94/KENDALL DRIVE AND THE INTERSECTION OF SW 127TH AVENUE TO WIDEN THE RIGHT TURN LANE TO ENHANCE VEHICLE CAPACITY WITHIN THE AREA; AND AUTHORIZING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO EXECUTE SAID EASEMENT AND TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is attached and incorporated herein by reference; and

WHEREAS, the State of Florida Department of Transportation (FDOT) proposes to improve State Road No. 94 (Kendall Drive) Roadway Project No. 433264-1-52-01 in Miami-Dade County; and

WHEREAS, FDOT determined that in order to complete the improvements it was necessary to widen the right turn lane to enhance vehicle capacity within the area; 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 5,451 square feet of land; 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 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. 94.

Section 3. Authorizes the County Mayor or Mayor's designee to execute said Easement on behalf of Miami-Dade County and to exercise any and all other rights conferred therein.

Section 4. Directs the County Mayor or Mayor's designee pursuant to Resolution Number R-974-09 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 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 **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of December, 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.

Henry N. Gillman

Return to:
Liliana M. Rainey-Lacau
Miami-Dade County
Water and Sewer
3071 S.W 38th Ave (LeJeune Rd. 2nd Floor)
Miami Fl 33146

Folio No. a portion of
#30-4935-000-0023

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 CO: WASD 3071 SW 38th Ave, Miami, Florida 33146, 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 constructing and maintaining a right turn lane in, over, under and through the following land 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 right, title and interest 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 right, title and interest 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:

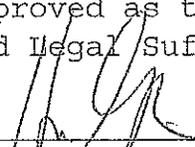
HARVEY RUVIN,
CLERK OF SAID BOARD

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.

EXHIBIT "A"

PARCEL 800:

That strip of land being in the SE ¼ of the SE ¼ of Section 35, Township 54 South, Range 39 East, in Miami-Dade County, Florida; more particularly described as follows:

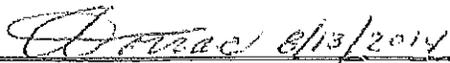
Commence at the Northwest corner of the NW ¼ of Section 1, Township 55 South, Range 39 East; thence run N87°43'33"E, along the north line of the NW ¼ of said section 1 in Township 55 South, coincident with the south line of the SE ¼ of the SE ¼ of said section 35 in Township 54 South, for a distance of 438.19 feet; thence run N02°16'27"W, perpendicular to the last described line, for a distance 79.25 feet to the **Point of Beginning**, also being the point of intersection with the northerly right of way line of SR 94/SW 88 STREET (N KENDALL DRIVE) as shown in FDOT Right of Way Map for Section 87001-2516; thence run S87°43'33"W, along said northerly right of way line, for a distance of 356.73 feet to the point of curvature of a circular curve concave to the northeast, thence run N47°17'08"W, along the chord of said circular curve, for a distance of 37.47 feet to the point of tangency of said circular curve on the easterly right of way line of SW 127 AVENUE; thence run N02°17'49"W, along said easterly right of way line, for a distance of 0.47 feet to the point of cusp of a circular concave to the northeast; thence run southeasterly, along said circular curve having a radius of 32.00 feet with a central angle of 02°27'42" subtending a 1.37 foot chord which bears S34°27'19"E, for an arc distance of 1.37 feet; thence run S68°51'03"E for a distance of 27.79 feet; thence run N87°43'33"E, along a line extending 14.75 feet northerly of and parallel to said northerly right of way line of SR 94, for a distance of 357.00 feet; thence run S02°16'27"E, perpendicular to the last described line, for a distance of 14.75 feet to the **Point of Beginning**.

Containing an area of 5,451 square feet, more or less.

GENERAL NOTES:

1. This Sketch Is Not a Survey.
2. Reproductions of this map are not valid without the signature and original raised seal of the Florida Licensed Surveyor and Mapper in responsible charge.
3. Bearings and coordinates are relative to the State Plane Coordinates System, Florida East Zone, Traverse Mercator Projection, North American Datum (NAD83) 1983 adjustment 1990 and are based on a PNC Project Baseline bearing of N 83°56'44" W being established between FDOT monuments:
PNC01 stamped GPS BM SR 94 87 13 PNC01 (N 492012.701, E 853058.814) and
PNC02 stamped GPS BM SR 94 87 13 PNC02 (N 491908.201, E 854044.071)
and therefrom a bearing of N 87°43'33" E along the SW 88th Street.
4. Addition 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.
5. Prepared for Florida Department of Transportation.
6. Date Prepared: JUNE 20th, 2014.

THIS DOCUMENT CONSISTS OF TWO (2) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.


 ARTURO R. TOIRAC, DATE
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 3102

**FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

STATE ROAD NO. 94

MIAMI DADE COUNTY

COMMENTS FOR FDOT		T.MOREJON	07-01-14	DRAWN	T.MOREJON	06-19-2014	PREPARED BY: C.J. PENEZ & ASSOCIATES CONSULTING ENGINEERS, INC. 2294 NW 41st STREET SUITE 201 DORAL FL 33174 TEL: 305-592-1079 / FAX: 305-592-1078 LG 7388	DATA SOURCE:	SEE GENERAL NOTES
REVISION	BY	DATE	CHECKED	A.TOIRAC	06-19-2014	F.P. NO. 433264-1		SECTION 87001-2516	SHEET 1 OF 2

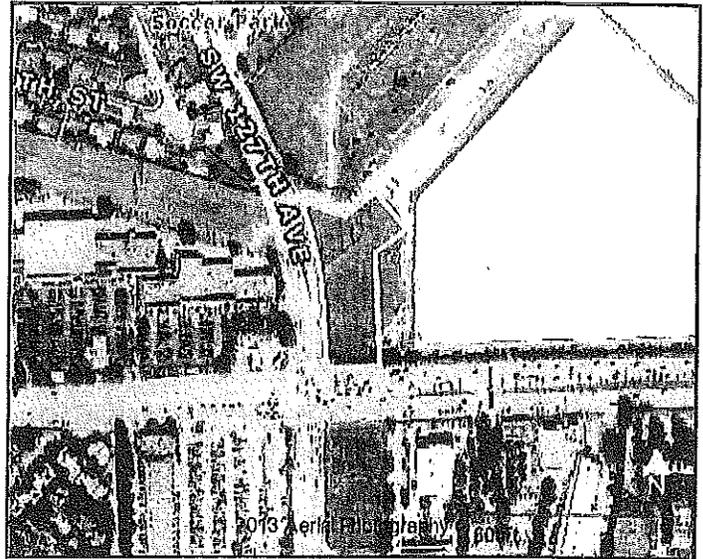


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 7/17/2014

Property Information	
Folio:	30-4935-000-0023
Property Address:	
Owner	MIAMI-DADE COUNTY WATER AND SEWER-F P L LESSEE
Mailing Address	PO BOX 14000 RE TAX DEPT JUNO BEACH, FL 33408
Primary Zone	8900 INTERIM-AWAIT SPECIFIC ZO
Primary Land Use	9981 ACREAGE NOT CLASSIFIED AG : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	138,956.4 Sq.Ft
Year Built	0



Assessment Information			
Year	2014	2013	2012
Land Value	\$223,300	\$223,300	\$223,300
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$223,300	\$223,300	\$223,300
Assessed Value	\$223,300	\$223,300	\$223,300

Benefits Information				
Benefit	Type	2014	2013	2012
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description
35 54 39 3.19 AC/M/L
BEG 555FT N OF SW COR OF SE1/4 O
SE1/4 E519FT NELY70FT E50FT SELY
70FT S50FT SWLY70FT S341FT W(170
FT N270FT E50FT M/L N35.11FT NWL

Taxable Value Information			
	2014	2013	2012
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$223,300	\$223,300	\$223,300
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$223,300	\$223,300	\$223,300
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$223,300	\$223,300	\$223,300

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/Info/disclaimer.asp> (<http://www.miamidade.gov/Info/disclaimer.asp>)

Version: