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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 8(H)(2)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: January 21, 2015

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

SUBJECT: Resolution requesting lease of Collins Avenue right of way from the State of Florida for public use at Haulover Park

Resolution No. R-20-15

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

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Memorandum

MIAMI-DADE COUNTY

Date: January 21, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Requesting Lease of State Right of Way of Collins Avenue in Haulover Park

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Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution requesting the lease of a 39,300 square foot area of State Road A-1-A right of way at Haulover Park (Exhibit A).

Scope

Haulover Park is located at 10801 Collins Avenue in Commission District 4, which is represented by Commissioner Sally Heyman; however, Haulover Park is a countywide asset of regional significance.

Fiscal Impact/Funding Source

Approval of this resolution will have no fiscal impact to Miami-Dade County.

Track Record/Monitor

The Property Management Supervisor of the Parks, Recreation and Open Spaces Department (PROS), John Bowers, will ensure completion of documents needed.

Background

The right of way area of State Road A-1-A (Collins Avenue) under the bridge over Haulover Cut in Haulover Park is used by park users for parking and access. The Florida Department of Transportation (FDOT) has no records of any formal agreement for this use, which has been in effect since the bridge was first constructed and the road was moved from the east to its current location; therefore, FDOT would like to formalize the park use through a lease. In order to enter into a lease, the Board must first request the lease. Once this resolution is passed, PROS will apply for the lease. Once FDOT approves the application, PROS will prepare a resolution for the Board authorizing the County to enter into the lease.

Michael Spring, Senior Advisor
Office of the Mayor

Attachments

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: January 21, 2015

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

SUBJECT: Agenda Item No. 8(H)(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(H)(2)
1-21-15

RESOLUTION NO. R-20-15

RESOLUTION REQUESTING LEASE OF COLLINS AVENUE RIGHT OF WAY FROM THE STATE OF FLORIDA FOR PUBLIC USE AT HAULOVER PARK

WHEREAS, the County, through its Parks, Recreation and Open Spaces Department (PROS), maintains Haulover Park, located at 10801 Collins Avenue; and

WHEREAS, the State of Florida controls the right of way of Collins Avenue (State Road A-1-A) as it traverses Haulover Park; and

WHEREAS, the portion of right of way under the bridge over Haulover Cut (Exhibit A) is utilized by the public for parking and travel between the beachside and the bayside of the park; and

WHEREAS, the State of Florida requires that the County first request a lease for this right of way area before applying for a lease of the area; and

WHEREAS, the County desires to apply for a lease with the State for this area; 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 this Board requests from the State of Florida a lease for the State-owned right of way area of Collins Avenue (State Road A-1-A) within Haulover Park.

The foregoing resolution was offered by Commissioner **Esteban L. Bovo, Jr.** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman			**aye**
Esteban L. Bovo, Jr., Vice Chairman			**aye**
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**absent**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**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 21st day of January, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Monica Rizo

EXHIBIT "A".

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A portion of land lying in the North ½ of Section 26, Township 52 South, Range 42 East, Miami-Dade County, Florida, more particularly described as follows:

Commence at the Survey Base line Station 24+29.27 according to the Florida Department of Transportation Right of Way Map, Section 87060, State Road No. A-1-A, Sheet 23 of 39, revision dated January 31 of 2008, State Road A-1-A and the Point of Commencement; said point being the Point of Curvature of a circular curve called C-21 on said Right of Way Map; thence South 03°35'24" East, along the said Survey Base line to the point of intersection with the South Line of Lot 4 of Tatum's Ocean Beach Park, according to the Plat thereof as recorded in Plat Book 5 at Page 35 of the Public Record of Miami-Dade County, Florida, for a distance of 68.68 feet to the Point of Beginning of the herein described parcel of land; thence North 86°52'55" East along said South Line of Lot 4 and to the the point of intersection with the East Right of Way of State Road A-1-A, for a distance of 75.00 feet; thence South 03°35'24" East along said East Right of Way of State Road A-1-A and to the point of intersection with the south edge of the sea wall on the north side of the Haulover Bear Cut, for a distance of 262.99 feet; thence South 86°54'15" West along the south edge of the sea wall to the point of intersection of the West Right of Way of State Road A-1-A , for a distance of 150.01 feet; thence North 03°35'24" West along said West Right of Way of State Road A-1-A to the point of intersection with said South Line of Lot 4, for a distance of 262.93 feet; thence North 86°52'55" East along said South Line of Lot 4, for a distance of 75.00 feet the Point of Beginning, Lying and being in Miami-Dade County, Florida and containing 39,443.74 square feet more or less.

SCOTT A. RIGGS, PSM
Florida License # 6180
Date: 01-22-2014

111 N.W. first Street, Suite #1610
Miami, Florida 33130 (305) 375-2657
MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT
RIGHT-OF-WAY AND SURVEY DIVISION

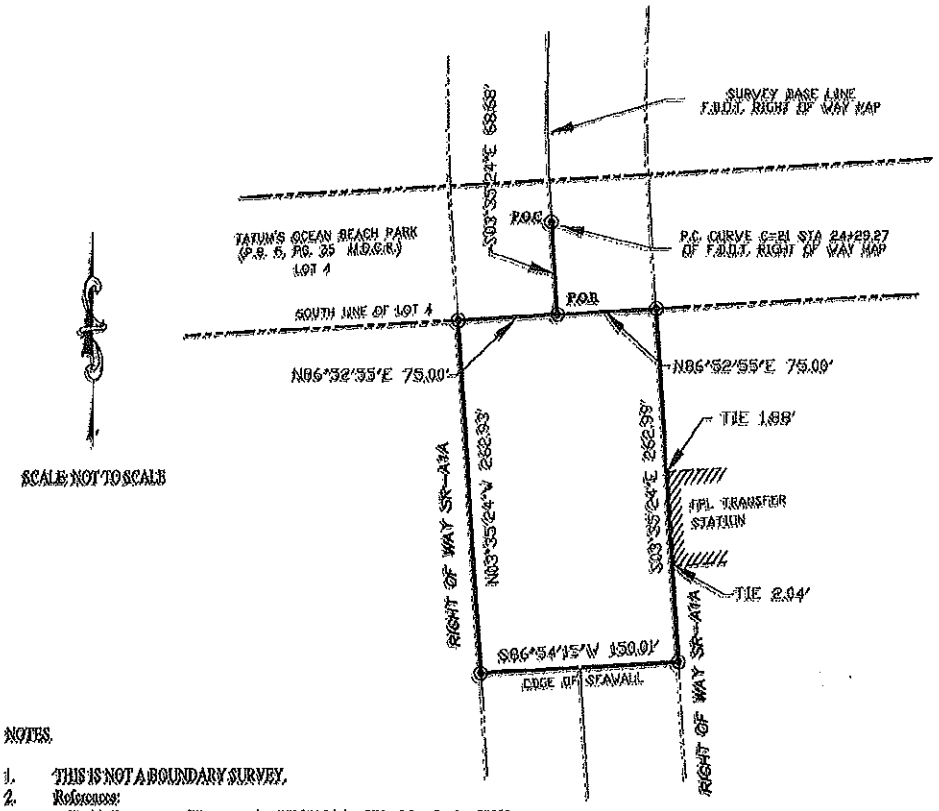
Florida Department of Transportation
District Six

Item/Seg No.:
Sect/Job No.:
F.A.P. No.:
S.R. No.:
County:
Parcel No.:

SHEET 1 OF 2

EXHIBIT "A".

SKETCH OF LEGAL DESCRIPTION



SCALE: NOT TO SCALE

NOTES.

1. THIS IS NOT A BOUNDARY SURVEY.
2. References:
   a. Florida Department of Transportation (FDOT) Right of Way Map, Section 87060, State Road No. A-1-A, Sheet 23 of 39, revision dated January 31 of 2008, State Road A-1-A.
   b. Plat showing the Establishment of the Erosion Control Line for Haulover Beach Park, approved by the Department of Natural Resources of the State of Florida on June 15, 1976.
3. P.O.C. denotes Point of Commence.
4. P.O.B. denotes Point of Beginning.
5. The Bearings shown hereon are based on The Florida State Plane Coordinate System, East Zone, North American Datum of 1983 (1990 adjusted) and are as shown on the FDOT Right of Way Map.
6. All points for legal description were calculated and determined from found control points HA-020 and HA-018 as shown on said Plat showing the Establishment of the Erosion Control Line for Haulover Beach Park.

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SHEET 2 OF 2