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

MEMORANDUM

Agenda Item No. 8(A)(1)

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

DATE: March 3, 2015

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

SUBJECT: Resolution relating to Miami International Airport; authorizing conveyance of a Perpetual Easement to the State of Florida Department of Transportation in accordance with Section 125.38, Florida Statutes, for nominal consideration of $1.00, on a portion of County-owned property for construction and maintenance of a road intersection mast arm traffic signal at the northeast corner of Milam Dairy Road and N.W. 12th Street, also known as Parcel 839, such property not being needed for County purposes

Resolution No. R-200-15

The accompanying resolution was prepared by the Aviation Department and placed on the agenda at the request of Prime Sponsor Transportation & Aviation Committee.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: March 3, 2015

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

From: Carlos A. Gimenez
County Mayor

Subject: Resolution Authorizing Conveyance to the Florida Department of Transportation of a Perpetual Easement of Approximately 70 square feet of land at Miami International Airport for FDOT's Construction and Maintenance of a Mast Arm Traffic Signal

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the conveyance for a nominal consideration of $1.00 to the Florida Department of Transportation (FDOT) of a perpetual easement of approximately seventy square feet of land at Miami International Airport (MIA) to allow FDOT to construct and maintain a mast arm traffic signal on the right-of-way at the Northeast corner of Milam Dairy Road and N.W. 12 Street.

SCOPE

MIA is located within Commissioner Rebeca Sosa's District 6, but the impact of this item is countywide as MIA is a regional asset.

FISCAL IMPACT/FUNDING SOURCE

There are no fiscal impacts associated with the easement.

TRACK RECORD/MONITOR

The easement will be managed by José A. Ramos, Miami-Dade Aviation Department (MDAD) Division Director of Aviation Planning, Land-Use & Grants.

BACKGROUND

The installation and maintenance of the road intersection mast arm traffic signal is part of FDOT's 826/836 Interchange Project (Palmetto Section 5). The easement is part of the right-of-way that is located at the Northeast corner of Milam Dairy Road and N.W. 12 Street on the Southwest side of MIA as described in the attached perpetual easement and as depicted in attached Exhibit "A." A "mast arm" is a traffic signal device that consists of a base that is placed into the ground, a vertical pole that rises from the base, a cross-arm or "mast arm" at the top of the pole that hangs over the road intersection, and the traffic signal itself that hangs from the cross-arm at a point over the intersection where vehicle drivers are able to see the traffic light signals. The easement covers only the portion of the sidewalk on MIA property (consisting of approximately 70 square feet) upon which the base and vertical pole sit.

As is traditional with this type of easement document, FDOT pays the County a nominal consideration of $1.00 for the conveyance itself, but agrees to construct and maintain the mast arm traffic signal for the duration of the easement.

Jack Osterholt, Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: March 3, 2015

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

SUBJECT: Agenda Item No. 8(A)(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(A)(1)
3-3-15

RESOLUTION NO. R-200-15

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; AUTHORIZING CONVEYANCE OF A PERPETUAL EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES, FOR NOMINAL CONSIDERATION OF $1.00, ON A PORTION OF COUNTY-OWNED PROPERTY FOR CONSTRUCTION AND MAINTENANCE OF A ROAD INTERSECTION MAST ARM TRAFFIC SIGNAL AT THE NORTHEAST CORNER OF MILAM DAIRY ROAD AND N.W. 12TH STREET, ALSO KNOWN AS PARCEL 839, SUCH PROPERTY NOT BEING NEEDED FOR COUNTY PURPOSES; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAID EASEMENT AND EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN

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

WHEREAS, the State of Florida Department of Transportation ("FDOT") proposes to construct and maintain a mast arm traffic signal of the right-of-way at the northeast corner of Milam Dairy Road and N.W. 12th Street as part of FDOT's 826/836 Interchange Project (Palmetto Section 5) in Miami-Dade County, Florida (the "County"); and

WHEREAS, in order to construct and maintain said traffic signal it is necessary that an easement across certain lands now owned by the County be acquired by FDOT; and

WHEREAS, FDOT has made application to the County to execute and deliver to FDOT a perpetual easement of approximately 70 square feet of property on Parcel 839 located on the right-of-way at the northeast corner of Milam Dairy Road and N.W. 12th Street in favor of FDOT for the purpose of constructing and maintaining a mast arm; and

WHEREAS, this Board finds that pursuant to Section 125.38, 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 (a) approves the conveyance to FDOT, for the nominal consideration of $1.00 pursuant to Section 125.38, Florida Statutes, a Perpetual Easement in substantially the form attached hereto of approximately 70 square feet of property on Parcel 839 located on the right-of-way at the northeast corner of Milam Dairy Road and N.W. 12th Street, for FDOT's construction and maintenance of a road intersection mast arm traffic signal at such location, (b) finds that, pursuant to Section 125.38 of the Florida Statutes, FDOT has applied to this Board for conveyance of the property by perpetual easement, said property is required for such use by FDOT and is not needed for County purposes, and the conveyance would promote community interest and welfare, (c) authorizes the County Mayor or Mayor's designee to execute the attached Perpetual Easement on behalf of Miami-Dade County and to exercise any and all rights conferred therein, and (d) directs the County Mayor or Mayor's designee, pursuant to Resolution No. R-974-09, to cause the recording of the instrument of conveyance 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 its execution, and directs the Clerk of the Board to attach and permanently store a recorded copy of the conveyance instrument together with a copy of this resolution.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 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.

GBK
for

Thomas P. Abbott

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

Parcel No. : 839
Item/Segment No. :
Managing District : 6

PERPETUAL EASEMENT

THIS EASEMENT Made the _____ day of _____, 20 _____, by MIAMI-DADE COUNTY, a political subdivision of the State of Florida, the Grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns, the Grantee.

WITNESSETH: That the Grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which are hereby acknowledged, hereby grants unto the Grantee, its successors and assigns, a perpetual easement for the purpose of constructing and maintaining a Mast Arm in, over, under, upon and through the following described land in Miami-Dade County, Florida, viz:

PARCEL 839: F.P. No. _____

Being a parcel of land lying in the Southwest one-quarter (¼) of Section 35, Township 53 South, Range 40 East, in Miami-Dade County, Florida, and being more particularly described as follows:

COMMENCE at the Southeast corner of the Southwest ¼ of Section 35, Township 53 South, Range 40 East; thence S89°50'59"W along the South line of said SW ¼ of Section 35 for a distance of 1720.10 feet; thence N00°09'01"W for a distance of 77.03 feet to a point on the Northeasterly Right of Way line of SR-969 (NW 72nd Avenue / Milam Dairy Road), said point also being on a circular curve concave to the NE and to which point a radial bearing line bears S44°10'01" W and said point also being the POINT OF BEGINNING of the following described parcel; thence N44°10'01"E for a distance of 5.91 feet; thence N43°57'37"W for a distance of 11.62 feet; thence S51°37'26"W for a distance of 5.53 feet to a point on the Right of Way line SR-969 (NW 72nd Avenue / Milam Dairy Road) and said point being a circular curve concave to the Northeast, and said point bears S51°37'26"W from the center of said curve; thence Southeasterly along the previously described Right of Way line along the arc of said curve to the left, having a radius of 95.00 feet a central angle of 07°27'25" for an arc distance of 12.36 feet to POINT OF BEGINNING.

Containing 70 Square Feet of land, more or less.
DD/CG/

AS SHOWN ON EXHIBIT "A", ATTACHED HERETO AND TO BE MADE A PART HEREOF

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns forever; provided, however, that (i) Grantor makes no representation as to the title or condition of the property or the suitability of the property for Grantee's intended use, and (ii) if the Grantee no longer makes use of the land conveyed by this easement for the purpose of maintaining the Mast Arm thereon, the land shall revert to the Grantor and Grantee shall cause the property to be returned to Grantee in its current condition.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name by the Mayor or his designee under the authorization of its Board of County Commissioners, the day, month, and year aforesaid.

ATTEST: _____

Clerk (or Deputy Clerk) of the Circuit Court

(Affix County Seal)

County of Miami-Dade, Florida,
By its Board of County Commissioners

By: _____
Mayor or Designee

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

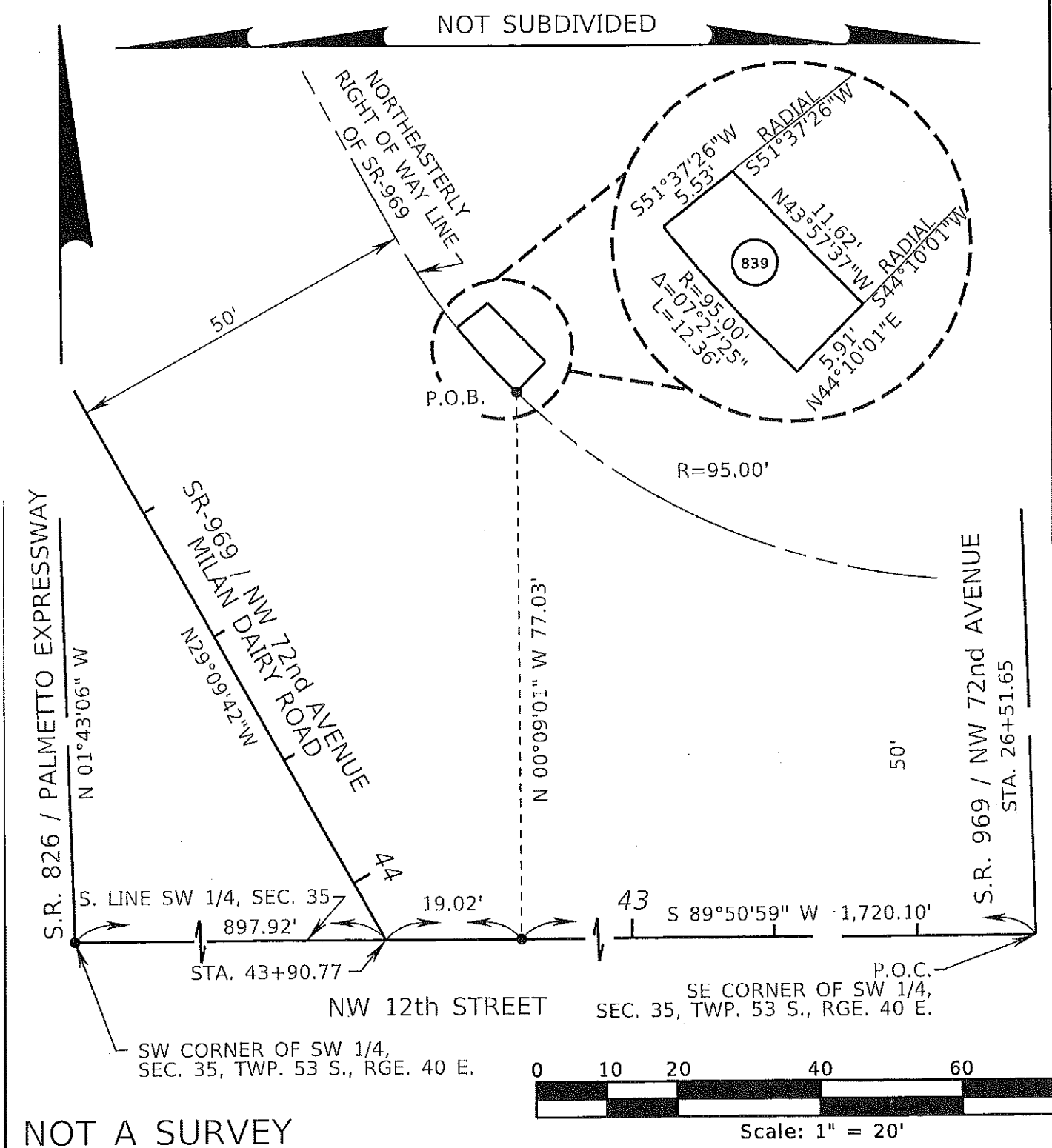
The foregoing instrument was acknowledged before me this _____ day of _____ 20____, by _____, the Mayor or Designee for and on behalf of the Grantor, who is personally known to me or who has produced _____ as identification.

_____
(Signature of person taking acknowledgment)

_____
(Type, print or stamp name under signature)
Title or rank and serial number, if any: _____

SEC. 35,
TWP. 53 S.,
RGE. 40 E.

EXHIBIT "A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
839	MIAMI-DADE COUNTY AVIATION DEPARTMENT	70 SQ.FT.	N/A	N/A

NOT A SURVEY

REVISION	BY	DATE

FLORIDA DEPARTMENT OF TRANSPORTATION

SKETCH TO ACOMPANY LEGAL DESCRIPTION

STATE ROAD NO. 826-836 — MIAMI-DADE COUNTY

	BY	DATE
DRAWN	J.P.	01/14
CHECKED	C.E.A.	01/14

PREPARED BY: MANUEL G. VERA & ASSOC. LB-2439

DATA SOURCE: SEE SURVEYOR'S NOTES

F. NO. 2495811 — SECTION 87260-1579 — SHEET 02 OF 02

EXHIBIT "A"
LEGAL DESCRIPTION

A PORTION OF THE SW 1/4 OF SECTION 35, , TOWNSHIP 53 SOUTH, RANGE 40 EAST OF MIAMI-DADE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SE CORNER OF THE SW 1/4 OF SECTION 35, TOWNSHIP 53 SOUTH, RANGE 40 EAST; THENCE S89°50'59"W ALONG THE SOUTH LINE OF SAID SW 1/4 OF SECTION 35 FOR A DISTANCE OF 1720.10 FEET; THENCE N00°09'01"W FOR A DISTANCE OF 77.03 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF SR-969 (NW 72nd AVENUE / MILAN DAIRY ROAD), SAID POINT ALSO BEING ON A CIRCULAR CURVE CONCAVE TO THE NE AND TO WHICH POINT A RADIAL BEARING LINE BEARS S44°10'01"W AND SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE N44°10'01"E FOR A DISTANCE OF 5.91 FEET; THENCE N43°57'37"W FOR A DISTANCE OF 11.62 FEET; THENCE S51°37'26"W FOR A DISTANCE OF 5.53 FEET TO A POINT ON THE RIGHT OF WAY LINE SR-969 (NW 72nd AVENUE / MILAN DAIRY ROAD) AND SAID POINT BEING ON A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, AND SAID POINT BEARS S51°37'26"W FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY ALONG THE PREVIOUSLY DESCRIBED RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 95.00 FEET AND A CENTRAL ANGLE OF 07°27'25" FOR AN ARC DISTANCE OF 12.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 70 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

- LEGAL DESCRIPTION FOR PARCEL 801 WAS PREPARED BY MANUEL G. VERA & ASSOC. PARCEL GEOMETRY WAS PROVIDED BY BCC ENGINEERING CORP.
- FIELD CONDITIONS WERE NOT VERIFIED AT TIME OF SKETCH.
- LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS OFFICE FOR RIGHTS-OF-WAY, EASEMENTS OF RECORD, OWNERSHIP, ABANDONMENTS, DEED RESTRICTIONS, OR MURPHY ACT DEEDS. THIS INFORMATION SHOULD BE OBTAINED THROUGH APPROPRIATE VERIFICATION.
- THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983. A BEARING OF N89°50'59"E WAS ESTABLISHED ALONG SOUTH LINE OF THE SW 1/4 OF SECTION 35, TOWNSHIP 53 SOUTH, RANGE 40 EASt AS SHOWN ON PRIMARY NETWORK CONTROL SHEET FOR SR969 DATED 04-21-2004.
- ADDITIONS 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.
- THIS DOCUMENT CONSISTS OF TWO (2) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.
- NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- THIS SKETCH TO ACCOMPANY LEGAL DESCRIPTION IS IN COMPLIANCE WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, REFERENCED IN RULE 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTIONS 472.027, FLORIDA STATUES.

LEGEND:

039	- PARCEL IDENTIFICATION NUMBER	R	- RADIUS
E.	- EAST	Δ	- DELTA
S.	- SOUTH	L	- LENGTH
SEC.	- SECTION	S.R.	- STATE ROAD
TWP.	- TOWNSHIP		
RGE.	- RANGE		
EXIST.	- EXISTING		
L.A.	- LIMITED ACCESS		
R/W	- RIGHT OF WAY		
P.B.	- PLAT BOOK		
O.R.B.	- OFFICIAL RECORD BOOK		
PG.	- PAGE		
POC	- POINT OF COMMENCEMENT		
POB	- POINT OF BEGINNING		
C	- CALCULATED		
FDOT	- FLORIDA DEPARTMENT OF TRANPORTATION		

NOT A SURVEY

MANUEL G. VERA JR. DATE
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 5291
LICENSED BUSINESS: LB-2439
13960 SW 47th STREET
MIAMI, FL 33175

REVISION	BY	DATE

FLORIDA DEPARTMENT OF TRANSPORTATION

SKETCH TO ACOMPANY LEGAL DESCRIPTION

STATE ROAD NO. 826-836 — MIAMI-DADE COUNTY

	BY	DATE
DRAWN	J.P.	01/14
CHECKED	C.E.A.	01/14

PREPARED BY: MANUEL G. VERA & ASSOC. LB-2439

DATA SOURCE: SEE SURVEYOR'S NOTES

F. NO. 2495811 — SECTION 87260-1579 — SHEET 01 OF 02