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

MEMORANDUM

Agenda Item No. 8(L)(1)

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

DATE: May 5, 2015

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

SUBJECT: Resolution declaring surplus County-owned right-of-way located in Section 1, township 55 south, range 38 east identified as Parcel No. 112.1; authorizing the conveyance of same to the Florida Department of Transportation in accordance with Florida Statute Section 125.38 at nominal sum of $10.00 for improvements along State Road 997 between SW 136th Street and State Road 94; authorizing the County Mayor to take all actions necessary to accomplish the conveyance of said property; and authorizing the Chairperson or Vice Chairperson of the Board of County Commissioners to execute a County Deed for such purposes
Resolution No. R-406-15

The accompanying resolution was prepared by Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: May 5, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Conveyance of County Owned Right-of-Way to the Florida Department of Transportation in Accordance with F.S. 125.38 for No Monetary Consideration for Improvements Along State Road 997 (SW 177 Avenue/Krome Avenue) Between SW 136 Street and SR 94 (SW 88 Street/Kendall Drive), in Section 1, Township 55 South, Range 38 East

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached Resolution and authorize the Chairman or Vice Chairman of the Board to execute a County Deed conveying the right-of-way identified as Parcel 112.1. The Public Works and Waste Management Department (PWWM) has no objection to this right-of-way being conveyed.

Scope

The right-of-way to be conveyed is located within Commissioner Juan Zapata's District 11.

Fiscal Impact/Funding Source

There is no fiscal impact to Miami-Dade County due to this conveyance. Conveying this right-of-way will not result in an increase in revenue from property taxes since land used as right-of-way is exempt from paying taxes. The funding source for FDOT's eventual project is District 6 Trust fund (MPO Project Num. DT2496147-FY 2014/15-2018/19 TIP-Approved June 19, 2014).

Track Record/Monitor

PWWM is the entity overseeing this project and the person responsible for monitoring this conveyance is Mr. Carlos Socarras, Section Head, Right-of-Way Engineering Section, Roadway Engineering and Right-of-Way Division.

Background

FDOT plans to reconstruct two (2) existing lanes, and add two (2) new lanes along State Road 997 (SW 177 Avenue/Krome Avenue) between SW 136 Street and SR 94 (SW 88 Street/Kendall Drive). The scope of this project (length 3.5 miles) includes: addition of a median to provide road safety, realignment of intersections at Kendall Drive and SW 136 Street to enhance sight distances and lane balance, upgrade of signage, lighting, and traffic signals at those intersections, widening from two (2) lanes to four (4) lanes of this road section, and upgrade of road drainage where necessary. The parcel is legally described in Exhibit "A" of the attached County Deed, and its location is depicted in Exhibit "B" of the attached Resolution. The work is scheduled to commence by June 2016.

Alina T. Hudak
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: May 5, 2015

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

SUBJECT: Agenda Item No. 8(L)(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(L)(1)
5-5-15

RESOLUTION NO. R-406-15

RESOLUTION DECLARING SURPLUS COUNTY-OWNED RIGHT-OF-WAY LOCATED IN SECTION 1, TOWNSHIP 55 SOUTH, RANGE 38 EAST IDENTIFIED AS PARCEL NO. 112.1; AUTHORIZING THE CONVEYANCE OF SAME TO THE FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH FLORIDA STATUTE SECTION 125.38 AT NOMINAL SUM OF $10.00 FOR IMPROVEMENTS ALONG STATE ROAD 997 BETWEEN SW 136th STREET AND STATE ROAD 94; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY; AND AUTHORIZING THE CHAIRPERSON OR VICE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED FOR SUCH PURPOSES

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

WHEREAS, the Florida Department of Transportation (the "FDOT") desires to acquire certain County-owned right-of-way, identified as Parcel No. 112.1, which is located at the intersection of State Road 997 (SW 177th Ave/Krome Avenue) and SW 104th Street as identified in the attached Exhibit "A" and depicted in the attached Exhibit "B" (the "Right-of-Way"), and has applied to the County for the conveyance of same for the proposed widening of State Road 997 from two lanes to four lanes in Miami-Dade County; and

WHEREAS, pursuant to Section 125.38 of the Florida Statutes, the Board has determined that it is in the best interest of the County to convey the Right-of-Way to the FDOT for the purpose of road widening at no cost; and

WHEREAS, the Board finds that pursuant to Section 125.38 of the Florida Statutes, said Right-of-Way is required and can be used by the FDOT for such purposes, is not needed for County purposes, and will be utilized for the benefit of the public and community interest and welfare; and

WHEREAS, the acceptance of the Right-of-Way by FDOT is in accordance with Section 337.25, Florida Statutes, governing FDOT's acceptance of the right-of-way donations for transportation facilities; and

WHEREAS, this conveyance is for the construction of County infrastructure, and therefore is not subject to the provisions of Resolution No. 909-14,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board (a) declares the Right-of-Way as surplus, (b) pursuant to Section 125.38, Florida Statutes, authorizes the conveyance of the Right-of-Way to FDOT for nominal sum of $10.00, by County Deed in substantially the form attached hereto as Exhibit "1", subject to the restrictions that such property be used for public and transportation purposes and other purposes incidental thereto, (c) authorizes the County Mayor or Mayor's designee to take all actions necessary to accomplish the conveyance of the Right-of-Way, and (d) authorizes the execution of said County Deed by the Board of County Commissioners acting by the Chairperson or Vice Chairperson of the Board.

Section 3. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or County Mayor's designee (a) to record the instrument of conveyance approved herein in the Public Records of Miami-Dade County, b) to provide a recorded copy of said instrument to the

Clerk of the Board within 30 days of execution of said instrument, c) to attach and permanently store a recorded copy of said instrument together with this resolution, and (d) to deliver a recorded copy of said instrument to the District Secretary of the Florida Department of Transportation.

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:

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	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 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.

Debra Herman

EXHIBIT "1"

Return to:
Right of Way Division
Miami-Dade County Public Works and
Waste Management Dept
111 N.W. 1st Street S-1610
Miami, FL 33128-1970

Instrument prepared by:
Carlos D. Socarras, PLS.,
Miami-Dade County Public Works and
Waste Management Dept
111 N.W. 1st Street
Miami, FL 33128-1970

Folio No. N/A
State Road 997 Parcel No: 112.1
Item/Segment No: 2496143
Managing District: 6

SW 177 Ave (Krome Avenue)
Section 1-55-38,

COUNTY DEED

THIS COUNTY DEED, Made this ___ day of_____, A.D. 2015, by and between **MIAMI-DADE COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is: Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida 33128-1963, Grantor, and the **FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)**, whose address is 1000 NW 111 Avenue, Miami, Florida 33172, Grantee,

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its successors, and assigns forever, the following described land lying and being in Miami-Dade County, Florida, to wit:

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

This conveyance is subject to the property being used for public and transportation purposes and other purposes incidental thereto, and when and if the aforementioned public use shall be discontinued, the title to the land described in Exhibit "A" attached hereto, shall immediately revert to the Grantor, its successors and assigns, and it shall have the right to immediately repossess the same, at no cost or expense to the County.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, including the transfer of all rights, responsibilities, and attendant liability, with respect to the subject property; 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 Chairperson or Vice Chairperson, and attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:
BY ITS BOARD OF
HARVEY RUVIN,
CLERK OF SAID BOARD

MIAMI-DADE COUNTY, FLORIDA

COUNTY COMMISSIONERS

By:_____

Deputy Clerk

By:_____

Jean Monestime, Chairman

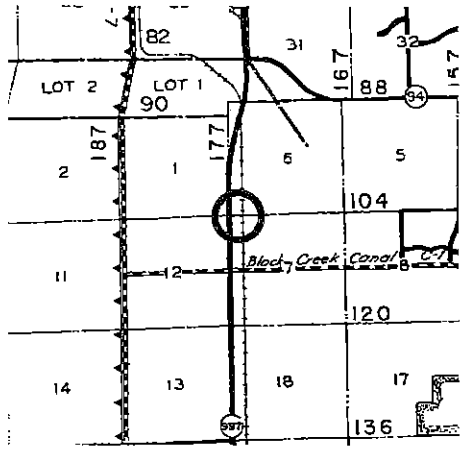
The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the ____ day of _____, A.D. 2015.

EXHIBIT "A"

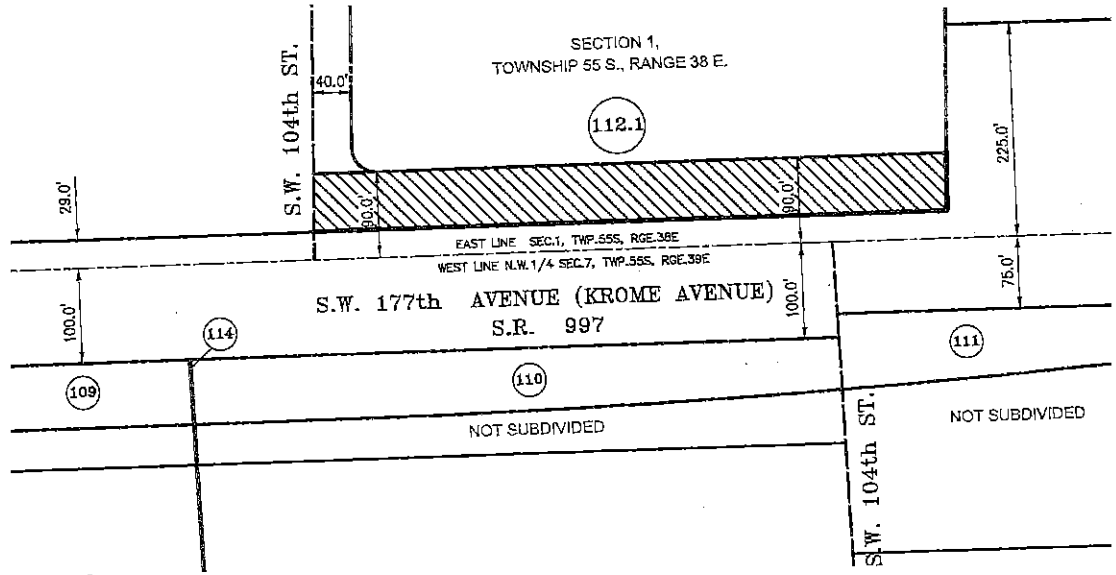
Parcel 112.1

A parcel of land lying in the Southeast 1/4 (SE 1/4) of Section 1, Township 55 South, Range 38 East, Miami-Dade County, Florida, being more particularly described as follows:
Commence at the Southwest Corner of said Section 1, being a 1/2 inch diameter iron pipe; thence N 89°29′56″ E, along the South line of said Section 1, for a distance of 5,163.91 feet to the **POINT OF BEGINNING** of the hereinafter described parcel of land; thence N 02°06′16″ W, along a line parallel with and 115.70 feet West of the East line of said Section 1, for a distance of 40.02 feet to the point of intersection with a circular curve concave to the Northwest, the center of which bears N 00°30'04" W from said point of intersection; thence Easterly and Northeasterly along the arc of said circular curve concave to the Northwest, having a radius of 25.00 feet, through a central angle of 91°36'12", for an arc distance of 39.97 feet; thence N 02°06′16″ W, along a line parallel with and 90.00 feet West of the East line of said Section 1, for a distance of 472.27 feet; thence N 02°06′11″ W, along said line parallel with and 90.00 feet West of the East line of said Section 1, for a distance of 122.27 feet to a point on the westerly existing Right-of-Way line of State Road No. 997 (Krome Avenue (S.W. 177th Avenue) as shown on Florida Department of Transportation Maintenance Map for State Road No. 997 (Krome Avenue), Section 87150, recorded in Right-of-Way Road Plat Book 124, at Page 17, of the Public Records of Miami-Dade County, Florida; thence along the Right-of-Way line of State Road No. 997 (Krome Avenue (S.W. 177th Avenue) as shown on said Florida Department of Transportation Maintenance Map for the following three (3) courses: (1) N 89°29′56″ E for a distance of 61.02 feet; (2) thence S 02°06′11″ E for a distance of 120.56 feet; (3) thence S 02°06′16″ E for a distance of 539.70 feet; thence S 89°29′56″ W, along the South line of said Section 1, for a distance of 86.73 feet to the **POINT OF BEGINNING.**
Containing 41,447 square feet, 0.951 acres, more or less.

SEC 1
TWP 55 S
RGE 38 E



LOCATION MAP
NOT TO SCALE



0 50 100 200 400

SCALE 1" = 200'

EXHIBIT "B"

AREA TO BE CONVEYED

MIAMI-DADE COUNTY PUBLIC WORKS AND
WASTE MANAGEMENT DEPT.
ROADWAY ENGINEERING/RIGHT OF WAY DIVISION
RIGHT OF WAY ENGINEERING SECTION

KROME AVENUE
PARCEL 112.1

SCALE 1" = 200'
PREPARED BY: L.E.
DATED: 01-09-15

1D

Notes

PROJECT NOTIFICATION

FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT SIX

State Road (SR) 997/Krome Avenue
From SW 136 Street to SR 94/SW 88 Street/Kendall Drive
Project Identification Number: 249614-7-52-01

The Florida Department of Transportation (FDOT) District Six is developing the design for a roadway project along SR 997/Krome Avenue, in Miami-Dade County.

PROJECT DETAILS - UPDATE

- Constructing a new roadway along SR 997/Krome Avenue from south of SW 136 Street to SR 94/SW 88 Street/Kendall Drive. The new roadway will be four lanes divided with paved shoulders on both sides and will be constructed using concrete pavement
- Constructing two new bridges (one for northbound and one for southbound traffic) across the Black Creek Canal
- Installing new drainage structures
- Installing new traffic signs
- Upgrading street lighting at the intersection of SR 94/Krome Avenue and SW 136 Street, and around the railroad tracks
- Installing traffic signals at the intersections of SR 94/Krome Avenue and SW 136 Street

PROJECT DATES - UPDATE

Construction is expected to begin in June 2016 and last about 2 years.

ESTIMATED CONSTRUCTION COST - UPDATE

$38.6 million

POSSIBLE EFFECTS DURING CONSTRUCTION

Work will be done in phases to reduce the effects of construction on the community.

MAINTENANCE OF TRAFFIC

Travel lanes will be closed at times for safety reasons and lane closures will take place during non-peak hours. One lane in each direction will be maintained open at all times

FOR MORE INFORMATION

If you have any questions or comments, please contact FDOT Public Information Specialist Sandra Bello by telephone at (305) 470-5349 or by email at Sandra.Bello@dot.state.fl.us.

Please let us know how you prefer to receive information about future projects (mail, email, or other). Your comments are important to us. Please visit our website: www.fdotmonroe.com. Thank you for your participation.

Follow us on Twitter **@MyFDOT_Miami**

FLORIDA DEPARTMENT OF TRANSPORTATION
DISTRICT SIX DESIGN
1000 NW 111 Avenue, Miami, FL 33172

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