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

MEMORANDUM

Agenda Item No. 8(L)(3)

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

DATE: October 6, 2015

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

SUBJECT: Resolution authorizing the release of an easement created by Resolution No. R-1051-07 located between NE 213 Street and NE 212 Terrace and between NE 26 Avenue and West Dixie Highway in Section 34, Township 51 South, Range 42 East, Miami-Dade County Florida; authorizing the Mayor to execute same and to perform all acts required to effectuate the release

Resolution No. R-856-15

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: October 6, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Terminating and Releasing an Easement created by Resolution No. R-1051-07 no longer needed by Miami-Dade County located Between NE 213 Street and NE 212 Terrace and Between NE 26 Avenue and West Dixie Highway, in Section 34, Township 51 South, Range 42 East, Miami-Dade County, Florida

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RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached resolution authorizing the execution of a release of the easement created by Resolution No. R-1051-07, which is no longer needed by Miami-Dade County. The subject easement is located between NE 213 Street and NE 212 Terrace and between NE 26 Avenue and West Dixie Highway in Section 34 Township 51 South, Range 42 East, Miami-Dade County, Florida, as described in Exhibit A and illustrated in Exhibit B attached and made a part hereof.

Scope

This easement is located within Commissioner Sally A. Heyman's District 4.

Fiscal Impact/Funding Source

There is no fiscal impact associated with this resolution and does not require the expenditure of County funds.

Track Record/Monitor

Public Works and Waste Management Department is the entity overseeing this project and the person responsible for monitoring is Mr. Leandro Oña, P.E., Chief, Roadway Engineering and Right-of-Way Division.

BACKGROUND

The subject easement was created by Resolution No. R-1051-07, which closed an alley at this location. At that time, as a condition for approval, the County's Water and Sewer Department (WSD) requested that an easement be granted by the petitioner with the same footprint as the alley being closed (see Exhibit C). As part of the present owner's development of the property adjacent to the alley, the WSD has stated that the easement is no longer needed by the County (see Exhibit D). Florida Power and Light (FPL) has removed power lines that were within the easement and a new underground easement has been granted to FPL for that service. Additionally, there are no other utilities using the subject easement. The execution of the Release of Easement will enable the landowner to clear all title issues.

Alina T. Hudak
Deputy Mayor

Exhibit "A"

Legal Description

The alley running in an easterly-westerly direction in Block "C" of BILTMORE PARK according to the plat thereof, as recorded in Plat Book 10, Page 69, of the Public Records of Miami-Dade County, Florida, from the east right of way line of NE 26th Avenue East to the east line of the alley running in a northerly-southerly direction in said block "C"

And

That portion of the alley running in a northerly-southerly direction through said block "C" from the easterly extension of the south line of Lot 10 of said Block "C" North to the south right of way line of NE 213th Street, including the 10 foot radius return at the southeast corner of said lot.

Exhibit B

Location Map

SECTION 34 TOWNSHIP 51 S RANGE 42E

N
NTS

This is not a survey

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Sally A. Heyman, 4

P- 832

EASEMENT TO BE RELEASED

Legend

- Easement To be Released
- MDC.PROP_PTX

MIAMI-DADE COUNTY
Public Works & Waste Management Department
Right-of-Way Division
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825

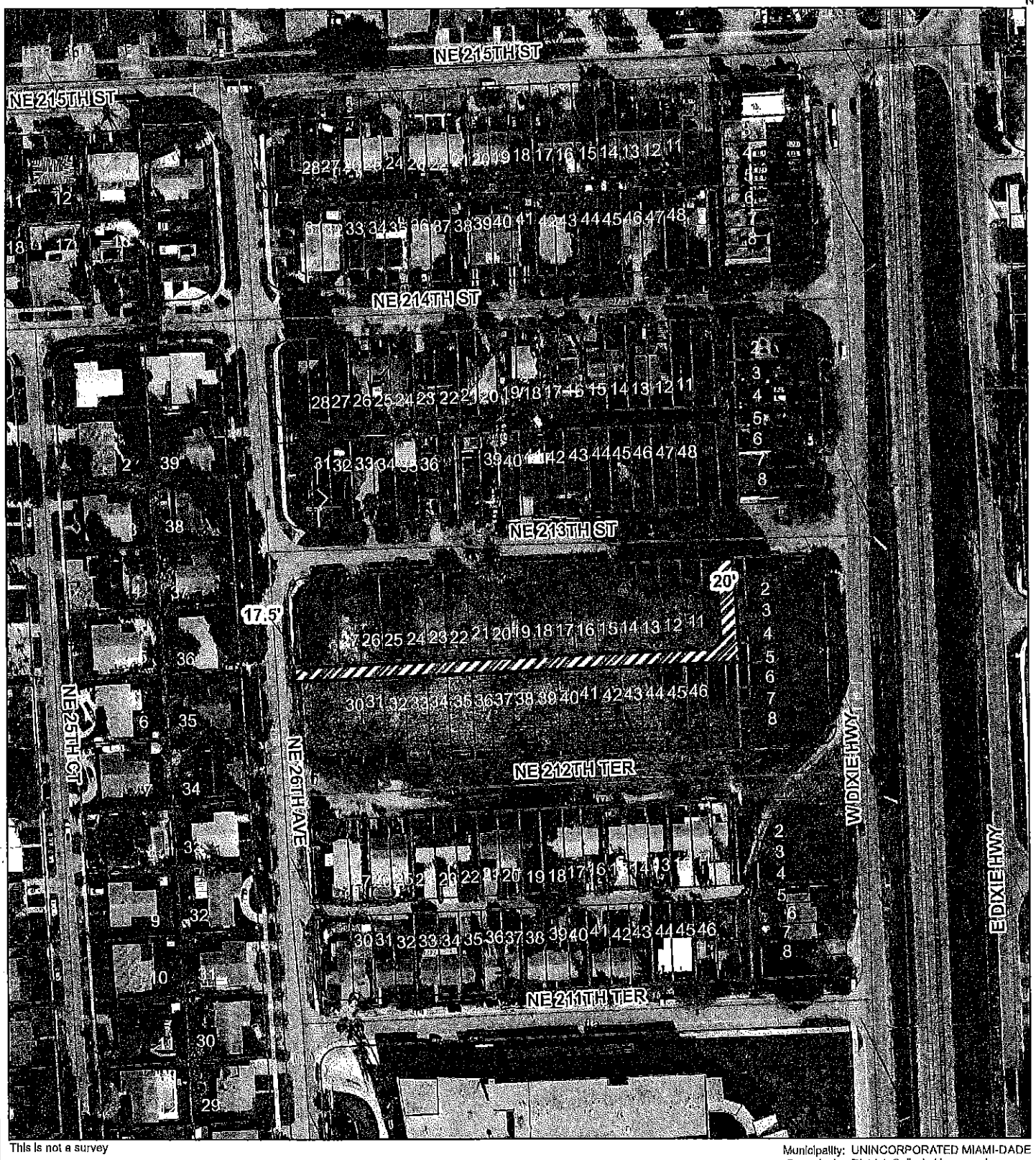
Date: REV. May 13, 2015
Prepared by : ym

Location Map

SECTION 34 TOWNSHIP 51 S RANGE 42E

N

NTS



This is not a survey

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Sally A. Heyman, 4

P- 832

EASEMENT TO BE RELEASED

Legend

- Easement To be Released
- MDC.PROP_PTX

MIAMI-DADE COUNTY
Public Works & Waste Management Department
Right-of-Way Division
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825

Date: REV. May 13, 2015
Prepared by : ym

MIAMI-DADE COUNTY

Exhibit "C"

Miami-Dade Water and Sewer Department
P. O. Box 330316 • 3071 SW 38th Avenue
Miami, Florida 33233-0316
T 305-665-7471

miamidade.gov

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements Construction Coordination
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

NOVEMBER 06, 2006

VIA INTEROFFICE MAIL

Luis Lacau P.L.S.
Right-Of-Way Division
Public Works Department

RE: Road Closing Petition P-832
Section :34-51-42
Alley South of NE 213 St.from NE
26 Ave. East for 517 feet and portion
of the alley west of West Dixie Highway...
Commission District: 7

Dear Mr. Lacau:

The Miami-Dade Water and Sewer Department (MDWASD) has existing water facilities located within the boundaries of the referenced right-of-way (ALLEY) MDWASD does not object to the road closure with the condition that the full width of the existing right-of-way be reserved as a Permanent Utility Easement with the right and privilege to construct, reconstruct, lay, install, operate, maintain, relocate, repair, replace, improve, remove and inspect water transmission and distribution facilities and all appurtenances thereto, with full right of ingress thereto and egress therefrom on the right-of-way that is to be closed. No structure will be allowed within the easement. MDWASD will not be held responsible for the restoration of pavers, ornamental brick and others except of asphalt in case of a main repaired.

In order to update and maintain our records, MDWASD requests that we be notified once the Board of County Commissioners has approved the petition.

Should you have any questions regarding this matter, please contact William Herryman, P. E., P. L. S., at 305-668-3633 or at wherry@miamidade.gov.

William Herryman P. E.,P.L.S.
Utility Liaison Section
Right Of Way Unit Supevisor
Miami-Dade Water and Sewer Department

RECEIVED
NOV 14 2006
PUBLIC WORKS DEPT.
RIGHT-OF-WAY DIVISION

C: Phillip Torres, P. E., M-DWASD Plans Review Section
Patricia Hernandez, Director's Office M-DWASD
file

Exhibit "D"

Water and Sewer
P. O. Box 330316 • 3071 SW 38th Avenue
Miami, Florida 33233-0316
T 305-665-7471

miamidade.gov

April 27, 2015

Harry Weitzer
Weitzer Aventura LLC
2627 Ives Dairy Road
Aventura, Florida 33180
Miami, Florida 33128

Re: Aventura Place

Alley South of NE 213 Street, from NE 26 Avenue, East for 517 Feet and the Alley West of West Dixie Highway,

from NE 213 Street, South for 100 feet 213 Street, South for 100 feet.

Section 34-51-42

The Miami-Dade Water and Sewer Department (WASD) does not own and/or operate any existing or proposed water/sewer facilities within the boundaries of the above referenced strip of Land, therefore, as a utility agency, WASD has **no objections** to release of the property from the utility easement reservation contained in BCC Resolution R-1051-07."

Should you have any questions regarding this matter, do not hesitate to contact me.

Very truly yours,

Sergio Garcia, P. E.,
WASD Plans Review Section Manager
3575 S. LeJeune Rd. 1rd Floor
Miami, Florida 33146-2221
garserg@miamidade.gov

cc: file

MEMORANDUM

(Revised)

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

DATE: October 6, 2015

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

SUBJECT: Agenda Item No. 8(L)(3)

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)(3)
10-6-15

RESOLUTION NO. R-856-15

RESOLUTION AUTHORIZING THE RELEASE OF AN EASEMENT CREATED BY RESOLUTION NO. R-1051-07 LOCATED BETWEEN NE 213 STREET AND NE 212 TERRACE AND BETWEEN NE 26 AVENUE AND WEST DIXIE HIGHWAY IN SECTION 34, TOWNSHIP 51 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY FLORIDA; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND TO PERFORM ALL ACTS REQUIRED TO EFFECTUATE THE RELEASE; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RECORD INSTRUMENTS OF CONVEYANCE AUTHORIZED HEREIN AND PROVIDE COPIES TO THE CLERK OF THE BOARD

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

WHEREAS, Weitzer Aventura LLC is the owner of the land adjacent to subject easement; and

WHEREAS, Weitzer Aventura LLC plans to develop the property and has requested that the County release an easement encumbering its property; and

WHEREAS, in consideration of this and on behalf of Miami-Dade County, the Public Works and Waste Management Department and the Water and Sewer Department have determined that that said easement is no longer needed by the County and can be released,

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

Section 1. This Board hereby incorporates the foregoing recitals.

Section 2. This Board authorizes the Mayor or the Mayor's designee to execute the attached Miami-Dade County Release of Easement, in substantially the form attached hereto, on or after the effective date of this Resolution.

Section 3. Pursuant to Resolution No. R-974-09, the Board directs the Mayor or the Mayor's designee to record the instruments of conveyance accepted herein in the Public Records of Miami-Dade County, Florida and to provide recorded copies of the instruments to the Clerk of the Board to attach and permanently store recorded copies together with this resolution.

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, 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	**absent**	Barbara J. Jordan	**aye**
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 6th day of October, 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.

Alex S. Bokor

Return to:
Right of Way Division
Miami-Dade County Public Works Dept.
111 N.W. 1st Street Suite 1620
Miami, FL 33128-1970

Instrument prepared by:
Luis F. Lacau Jr., P.L.S.
Miami-Dade County Public Works Dept.
111 N.W. 1st Street
Miami, FL 33128-1970

Folio No. N/A
User Department WASD

RELEASE OF EASEMENT

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

MIAMI-DADE COUNTY hereby releases of record and disclaims any interest it may have in that certain easement to Miami-Dade County created by Resolution R-1051-07 as approved by the Board of County Commissioners on October 2, 2007, said EASEMENT more particularly described as follows, to wit:

The alley running in an easterly-westerly direction in Block "C" of BILTMORE PARK according to the plat thereof, as recorded in Plat Book 10, Page 69, of the Public Records of Miami-Dade County, Florida, from the east right of way line of NE 26th Avenue East to the east line of the alley running in a northerly-southerly direction in said block "C"
And
That portion of the alley running in a northerly-southerly direction through said block "C" from the easterly extension of the south line of Lot 10 of said Block "C" North to the south right of way line of NE 213th Street, including the 10 foot radius return at the southeast corner of said lot.

IN WITNESS WHEREOF, Miami Dade County has caused this **RELEASE OF EASEMENT** to be executed and delivered on this day of _____, 2015

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

By:_____
County Mayor

ATTEST: HARVEY RUVIN,
Clerk of said Board

By:_____
Deputy Clerk

Approved as to form and
Legal Sufficiency:

_____
Assistant County Attorney