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

MEMORANDUM

Agenda Item No. 8(M)(1)

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 unneeded canal reservation lying within the North ½ of Section 21, Township 52 South and Range 40 East in the City of Hialeah in Miami-Dade County

Resolution No. R-865-15

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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 Authorizing the Release of Unneeded Canal Reservation along NW 97 Avenue in the vicinity of NW 146 Street in the City of Hialeah, Miami-Dade County

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the execution of a Miami-Dade County disclaimer for the release of unneeded canal reservation along NW 97 Avenue near NW 146 Street in the City of Hialeah, within Tract 25 of Section 21, Township 52 South and Range 40 East, Miami-Dade County.

Scope

The site is located along NW 97 Avenue in the vicinity of NW 146 Street in the City of Hialeah in Commission District 12, which is represented by Commissioner Jose "Pepe" Diaz.

Fiscal Impact/Funding Source

This item does not require the expenditure of any Miami-Dade County funds.

Track Record / Monitor

The Water Control Section Manager within the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), Maria D. Molina, P.E., will be responsible for tasks related to this transaction.

Background

In 1959, the Central and Southern Florida Flood Control District, later known as the South Florida Water Management District, gave to the County a canal reservation in northwestern Miami-Dade County. Under Florida Flood Control District Deed No. 21, the rights in reservation were for canal and water management purposes in connection with the Miami-Dade County Water Control Master Plan over the west 130 feet of Section 21, Township 52 South and Range 40 East, now located along NW 97 Avenue between NW 138 Street and NW 154 Street. A location map is attached as Exhibit A to the disclaimer.

The property encumbered by the above-stated canal reservation is owned by Bonterra Single Family Real Estate, LLC. The company plans to develop the property and has requested the release of the canal reservation along NW 97 Avenue. No future canal is proposed within the subject property and the future NW 97 Avenue Canal will be located on the west side of the west section line of Section 21, Township 52 South and Range 40 East. Therefore, the canal reservation located on the east side of the west section line in Tract 25, with total area of 0.94 acres, is no longer needed for canal and water management purposes. It is therefore recommended that the Board authorize the execution of the attached Miami-Dade County disclaimer for the release of unneeded canal reservation.

Following the release of the canal reservation by the County, Bonterra Single Family Real Estate, LLC would need to pursue further release from the South Florida Water Management District and other appropriate agencies or entities.

Jack Osterholt, Deputy Mayor

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(M)(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(M)(1)
10-6-15

RESOLUTION NO. R-865-15

RESOLUTION AUTHORIZING THE RELEASE OF UNNEEDED CANAL RESERVATION LYING WITHIN THE NORTH ½ OF SECTION 21, TOWNSHIP 52 SOUTH AND RANGE 40 EAST IN THE CITY OF HIALEAH IN MIAMI-DADE COUNTY

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

WHEREAS, Bonterra Single Family Real Estate, LLC is the owner of the property in Section 21, Township 52 South and Range 40 East which is encumbered by those rights in reservation given to Miami-Dade County in 1959 by the Central and Southern Florida Flood Control District, later known as the South Florida Water Management District, to be used for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan; and

WHEREAS, Bonterra Single Family Real Estate, LLC plans to develop the property and has requested the release of the west 130 foot wide canal reservation in Tract 25 in Section 21, Township 52 South and Range 40 East, located along NW 97 Avenue in the vicinity of NW 146 Street, with total area of 0.94 acres; and

WHEREAS, no future canal is proposed within the subject property and the future NW 97 Avenue Canal will be located on the west side of the west section line of Section 21, Township 52 South and Range 40 East; and

WHEREAS, in consideration of this and on behalf of Miami-Dade County, the Department of Regulatory and Economic Resources has determined that the requested canal

reservation is no longer needed by the County for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the Mayor or the Mayor's designee to allow the release of unneeded canal reservation from Miami-Dade County in Section 21, Township 52 South and Range 40 East as indicated in the Mayor's memorandum, a copy of which is attached hereto and incorporated herein by reference; authorizes the Mayor to execute the disclaimer for release of the rights of reservation from Miami-Dade County through the instrument of conveyance in substantially the form attached hereto and made a part hereof; and, pursuant to Resolution No. R-974-09, (a) directs the Mayor or the Mayor's designee to record the instrument of conveyance accepted herein in the Public Records of Miami-Dade County, Florida 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 (b) directs the Clerk of the Board to attach and permanently store a recorded copy 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.

Abbie Schwaderer-Raurell

W.C. 900

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

> THAT PART OF THE WEST 130 FEET OF SECTION 21, TOWNSHIP 52 SOUTH, RANGE 40 EAST, WHICH LIES WITHIN TRACT 25 OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, IN MIAMI-DADE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 21 dated August 6, 1959 recorded in Official Records Book 1587 at Page 274 of the Public Records of MIAMI-DADE COUNTY, FLORIDA, conveyed, assigned, set over and granted to Miami-Dade County for canal and levee purposes only, the above described lands; and

WHEREAS, the aforesaid rights in reservations upon the said above described lands are not now needed by MIAMI-DADE COUNTY for canal purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the aforementioned lands by virtue of the said Rights in Reservations Deed No. 21 dated August 6, 1959, recorded in Official Records Book 1587 at Page 274 of the Public Records of Miami-Dade County, Florida.

This instrument was prepared by:
Carlos A. Calvache of Miami-Dade County
Department of Regulatory and Economic Resources
701 N.W. 1st Court, 6th Floor
Miami, Florida 33136

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

IN WITNESS WHEREOF MIAMI-DADE COUNTY FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this the _____ day of _____ 2015.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR

HARVEY RUVIN
CLERK OF SAID BOARD

By: _____
Deputy Clerk

By: _____
Carlos A. Gimenez, Mayor

Print:_____

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

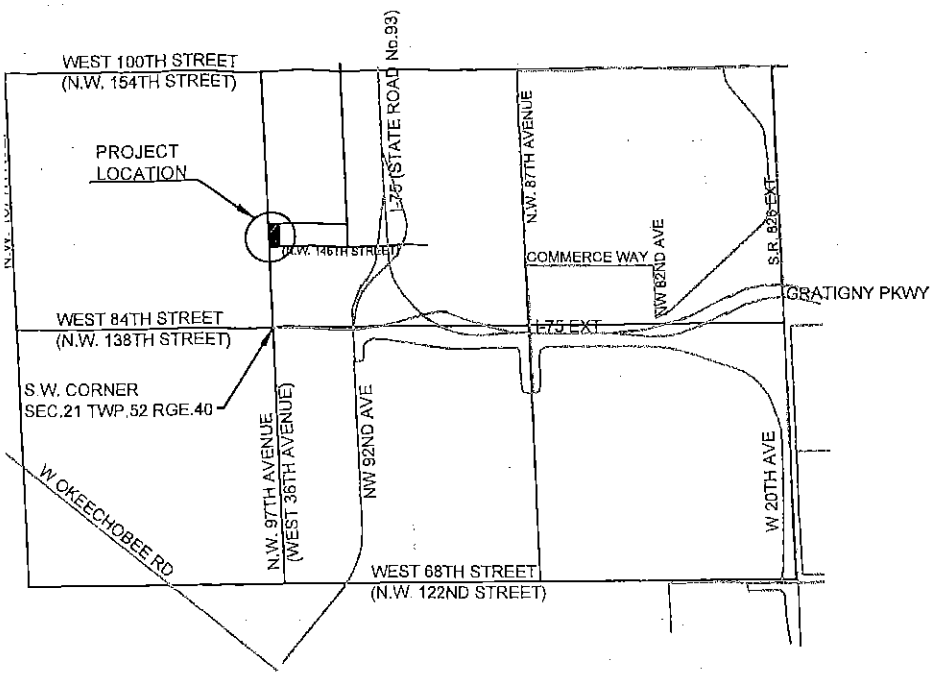
NOTARY PUBLIC:

Sign _____

Print _____
STATE OF FLORIDA at large
(Seal)

My commission expires:_____

EXHIBIT A



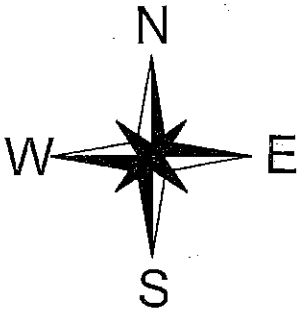
WC. 900

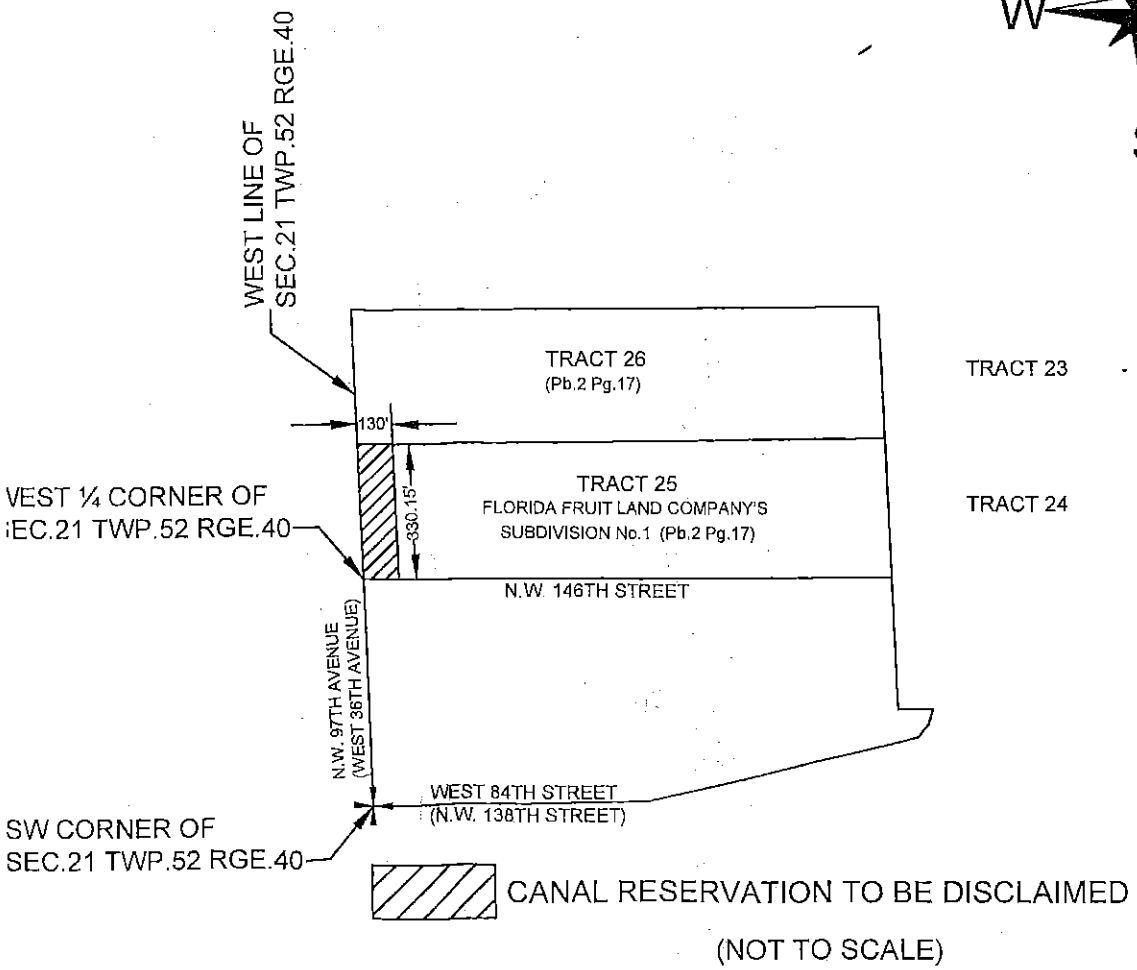
SEC. 21

TWP. 52

RGE. 40

LOCATION MAP





(NOT TO SCALE)