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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 8(N)(2)

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

DATE: October 6, 2015

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

SUBJECT: Resolution approving, pursuant to Florida Statute 125.38, a Perpetual Easement to the City of Florida City for the operation and maintenance of sewer lines on County owned property at SW 344th Street Park and Ride Facility

Resolution No. R-871-15

The accompanying resolution was prepared by the Miami-Dade Transit Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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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 Approving a Perpetual Easement to the City of Florida City for the Operation and Maintenance of Sewer Lines Located on County Owned Property at SW 344 Street Park and Ride Facility and Authorizing the Mayor to Execute Same

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached Resolution authorizing the conveyance of a non-exclusive Perpetual Easement to the City of Florida City (City), on behalf of Miami-Dade Transit (MDT) for the operation and maintenance of its existing and newly acquired sewer utility lines across property owned by Miami-Dade County (County) located at the southern terminus of the Busway Extension to Florida City adjacent to the north side of West Palm Drive (SW 344 Street) between NW 2 Avenue and NW 3 Avenue in Florida City also known as the SW 344 Street Park and Ride Facility. This resolution authorizes the County Mayor or the County's Mayor's designee to execute same.

SCOPE

The easement is physically located within Commissioner Dennis Moss' District 9.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County by the granting of this easement.

TRACK RECORD/MONITOR

The County has previously granted similar easements to other municipalities. The County and the City have also benefit from each other in terms of agreements and conveyances for public uses. The person responsible for monitoring this Easement is Froilan Baez, Chief of the Right of Way, Utilities and Joint Development Division.

BACKGROUND

On September 13, 2011, the City passed and adopted its Resolution 11-44 for the conveyance of a small parcel to the County for the project. This parcel is one (1) of the fourteen (14) parcels mentioned in previous County Resolutions authorizing the acquisition of Parcels 100 though 109 (in whole or in parts) plus the City parcel (110).

Prior to and after the construction of the aforementioned Park and Ride Facility, the City also closed two (2) roadways and an alley in addition to the conveyance of the small parcel in the interest of the County for the project pursuant to City Resolution 13-07. These vacated roadways contain passageways of the City's sewer utilities which are to remain on-site. MDT has constructed the new facility and the construction includes additional sewer lines which were added to service the newly constructed comfort station at the site in addition to the existing utilities.

The construction of this Park and Ride completed in April 2015; however, the opening is pending assurance from the County to the City that an easement will be granted for access to the sewer lines.

Therefore, it is necessary to grant this Easement (Exhibit B) for the City to continue operating and maintaining its own amenities and in order for the Park and Ride Facility to receive the final Certificate of Occupancy from the City.

This Park and Ride Facility is at the end of the line of the Busway and contains 248 parking spaces for transit patrons. It will be a central hub for riders and visitors who desire to travel further North to Downtown Miami via the Metrorail or South to the Keys via the Dade-Monroe Express Bus Service.

The required Perpetual Easement has been drafted and made a part of this Resolution. The description, together with the configuration layout, is described and depicted in Exhibit A.

Alina T. Hudak
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(N)(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(N)(2)
10-6-15

RESOLUTION NO. R-871-15

RESOLUTION APPROVING, PURSUANT TO FLORIDA STATUTE 125.38, A PERPETUAL EASEMENT TO THE CITY OF FLORIDA CITY FOR THE OPERATION AND MAINTENANCE OF SEWER LINES ON COUNTY OWNED PROPERTY AT SW 344TH STREET PARK AND RIDE FACILITY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME

WHEREAS, Florida City is a municipality within the state of Florida; and

WHEREAS, this Board finds that that pursuant to Section 125.38 of the Florida Statutes, Florida City's intended use of its easement rights furthers the public interest and welfare; and

WHEREAS, Florida City has made application to Miami-Dade County for the granting of easement rights; and

WHEREAS, this Board finds that the granting of easement rights to Florida City is required for the use sought by Florida City; and

WHEREAS, this Board finds that the granting of easement rights would not interfere with any County purposes; and

WHEREAS, this Board approves the conveyance for the nominal consideration of $10.00 pursuant to Section 125.38, Florida Statutes, of a Perpetual Easement in substantially the form attached hereto and made a part hereof; and

WHEREAS, the utilities placed on Miami-Dade County property for this easement is in compliance with Resolution R-504-15, specifically, the placement of such utilities has no negative aesthetic impact due to their placement underground; 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:

Section 1. The foregoing recitals are adopted herein by reference.

Section 2. This Board authorizes the granting of a non-exclusive perpetual easement to the City of Florida City in substantially the form attached hereto and made a part hereof.

Section 3. This Board further authorizes the County Mayor or the County Mayor's designee, to execute said easement for and on behalf of Miami-Dade County, to take all actions necessary to effectuate same, and to exercise all provisions therein.

Section 4. Pursuant to Resolution R-974-09, this Board directs the County Mayor or the Mayor's Designee to record the easement 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 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

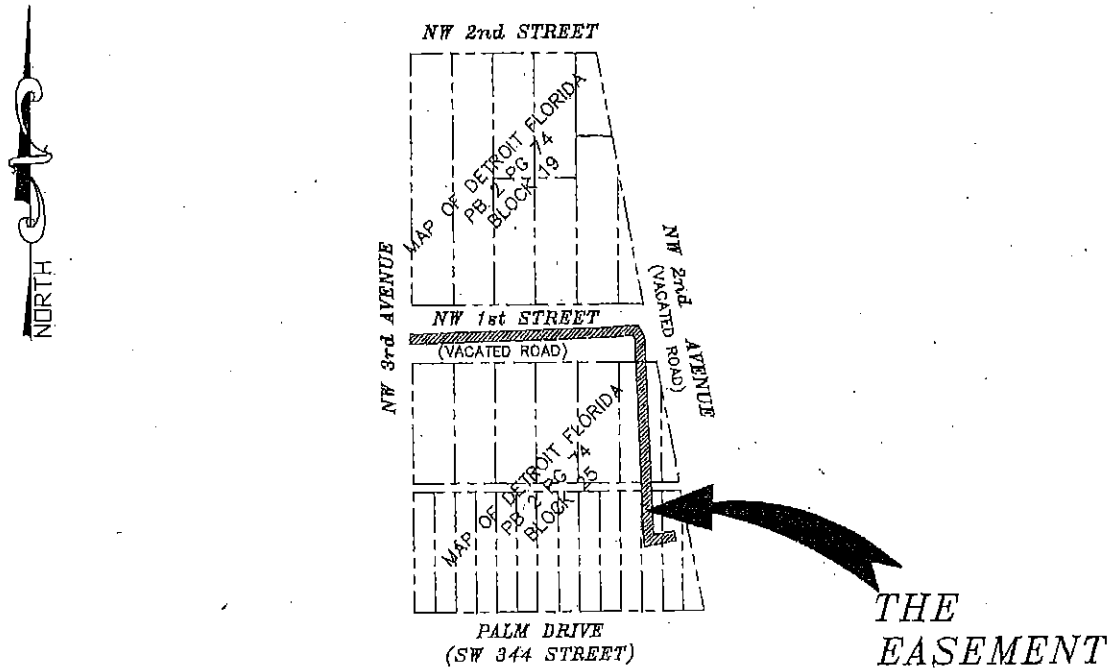
By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. AMB FOR

Bruce Libhaber

SEC. 24, TWP. 57 S, RGE. 38 E

EXHIBIT "A"



LOCATION MAP

SCALE: N.T.S

SURVEYOR S NOTES:

1. THIS SKETCH AND LEGAL DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.
2. SEE SHEET 2 FOR LEGAL DESCRIPTION.
3. SEE SHEET 3 AND 4 FOR GEOMETRIC SKETCH.
4. BEARINGS SHOWN HEREON WAS BASED UPON AN ASSUMED VALUE OF N10°23'20"W FOR THE EAST LINE OF BLOCK 25 OF MAP OF DETROIT FLORIDA (PB 2, PG 74). AS SHOWN ON THIS SKETCH

LEGEND:

PB -------PLAT BOOK
PG -------PAGE
N.T.S ---- NOT TO SCALE
POC ----- POINT OF COMMENCEMENT
POB ----- POINT OF BEGINNING
POT ----- POINT OF TERMINATION
RGE.----- RANGE
SEC. -----SECTION
TWP. -----TOWNSHIP
Env. ----ENVELOPE
M.D.T. ----MIAMI-DADE TRANSIT

FLORIDA INTERNATIONAL LAND SURVEYORS, INC. (LB 2668)

BY: _____

VICENTE A. TOME
Reg. Land Surveyor No. 3103
State of Florida.

THIS SHEET IS NOT VALID
WITHOUT THE OTHER THREE (3) SHEET

JOB.No.: J105-15-A	Env.: M.D.T	DATE: 04-10-15	Drawn: EG	Sheet 1 of 4 Sheets

EXHIBIT "A"
LEGAL DESCRIPTION

A strip of land 12.00 feet wide, sanitary sewer line easement, being a portion of Northwest 1st Street as per resolution 13-07 of the City of Florida City, recorded in ORB 28536 at Page 3486 and a portion of Block 25 of "MAP OF DETROIT FLORIDA", according to the plat thereof as recorded in Plat Book 2, at Page 74 of the Public Records of Miami-Dade County, Florida, lying 6.00 feet on each side of the centerline of the 12.00 feet wide sanitary sewer line easement more particularly described as follows:

Commence at the Southeast corner of the aforementioned Block 25, thence run N 10°23'20"W along the Easterly Lot line of said Block 25, said line also being the Westerly Right of Way line of NW 2nd Avenue as shown in the aforementioned "MAP OF DETROIT FLORIDA", recorded in Plat Book 2, at Page 74 of the Public Records of Miami-Dade County, Florida, for a distance of 95.06 feet to a point; thence run S79°36'40"W at right angle with the last described course for a distance of 15.00 feet to the Point of Beginning of the centerline of a 12.00 feet sanitary sewer line easement; thence continue S 79°36'40"W for a distance of 32.06 feet to a point on the center of a Sanitary Sewer Manhole; thence run N01°59'41"W along the centerline of a sanitary sewer line for a distance of 243.05 feet; thence run N29°53'26"W for a distance of 12.09 feet to a point, thence run S85°36'40"W for a distance of 40.69 feet to a point; thence run S88°24'30"W for a distance of 231.60 feet to the Point of Termination of the centerline of said 12.00 feet wide sanitary sewer line easement.

The side lines of said 12.00 feet wide sewer line easement are to be extended or shortened at each angular bisector point of intersection and at Point of Termination with east line of NW 3rd Avenue.

Said strip of land situate, being and lying in the City of Florida City, Miami-Dade County, Florida.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: that the attached Sketch and Legal Description of Sewer Lines Easement is correct to the best of my knowledge and belief as recentlysurveyed under my direction, and meets the intent of the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 of Florida Statutes.

FLORIDA INTERNATIONAL LAND SURVEYORS, INC. (LB 2668)

BY: Vicente Tome

VICENTE A. TOME
Reg. Land Surveyor No. 3103
State of Florida.

THIS SHEET IS NOT VALID
WITHOUT THE OTHER THREE (3) SHEET

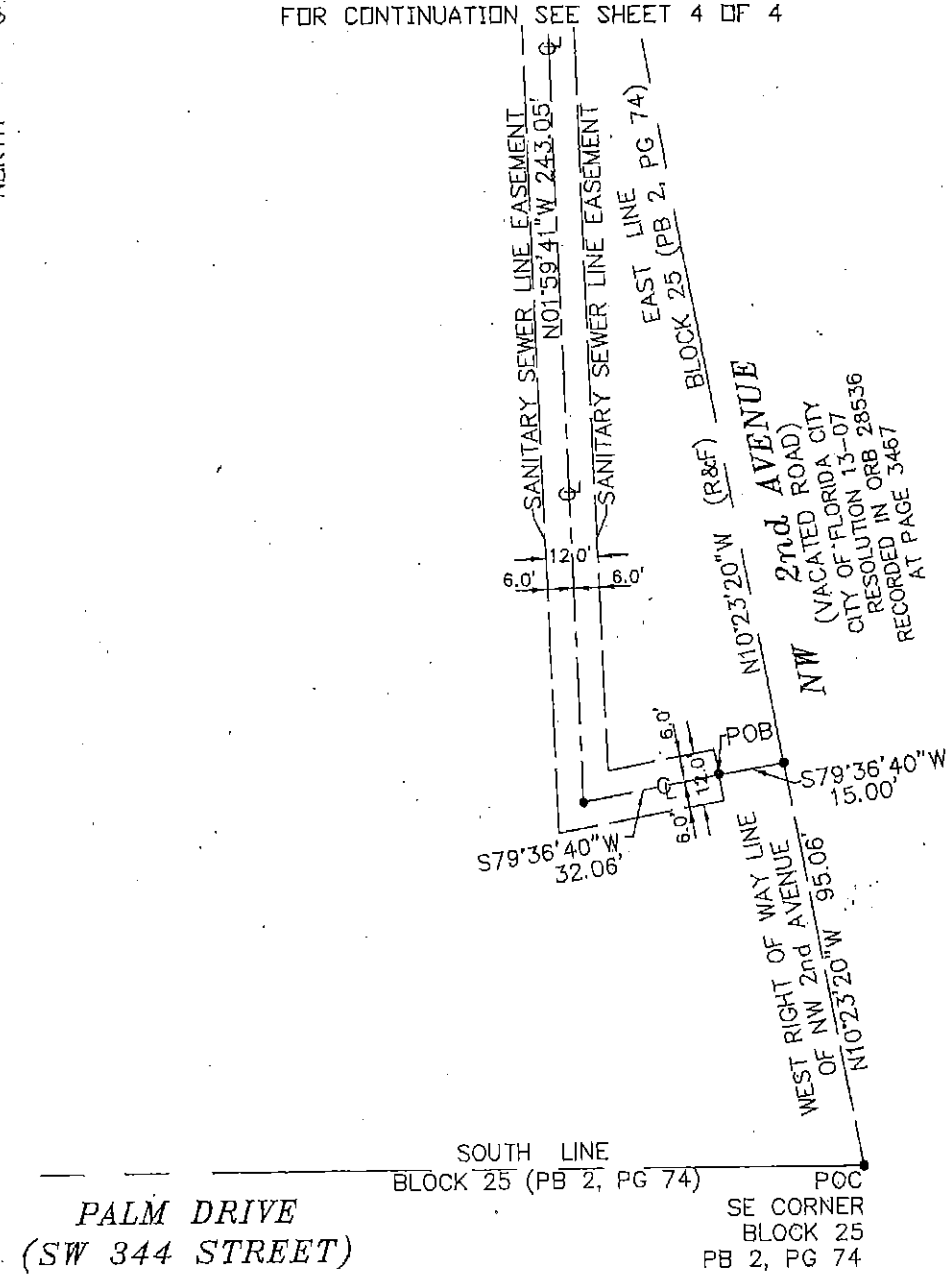
JOB.No.: J105-15-A	Env.: M.D.T	DATE: 04-10-15	Drawn: EG	Sheet 2 of 4 Sheets

EXHIBIT "A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SCALE: 1" = 40'

SEC. 24, TWP. 57 S, RGE. 38 E

FOR CONTINUATION SEE SHEET 4 OF 4



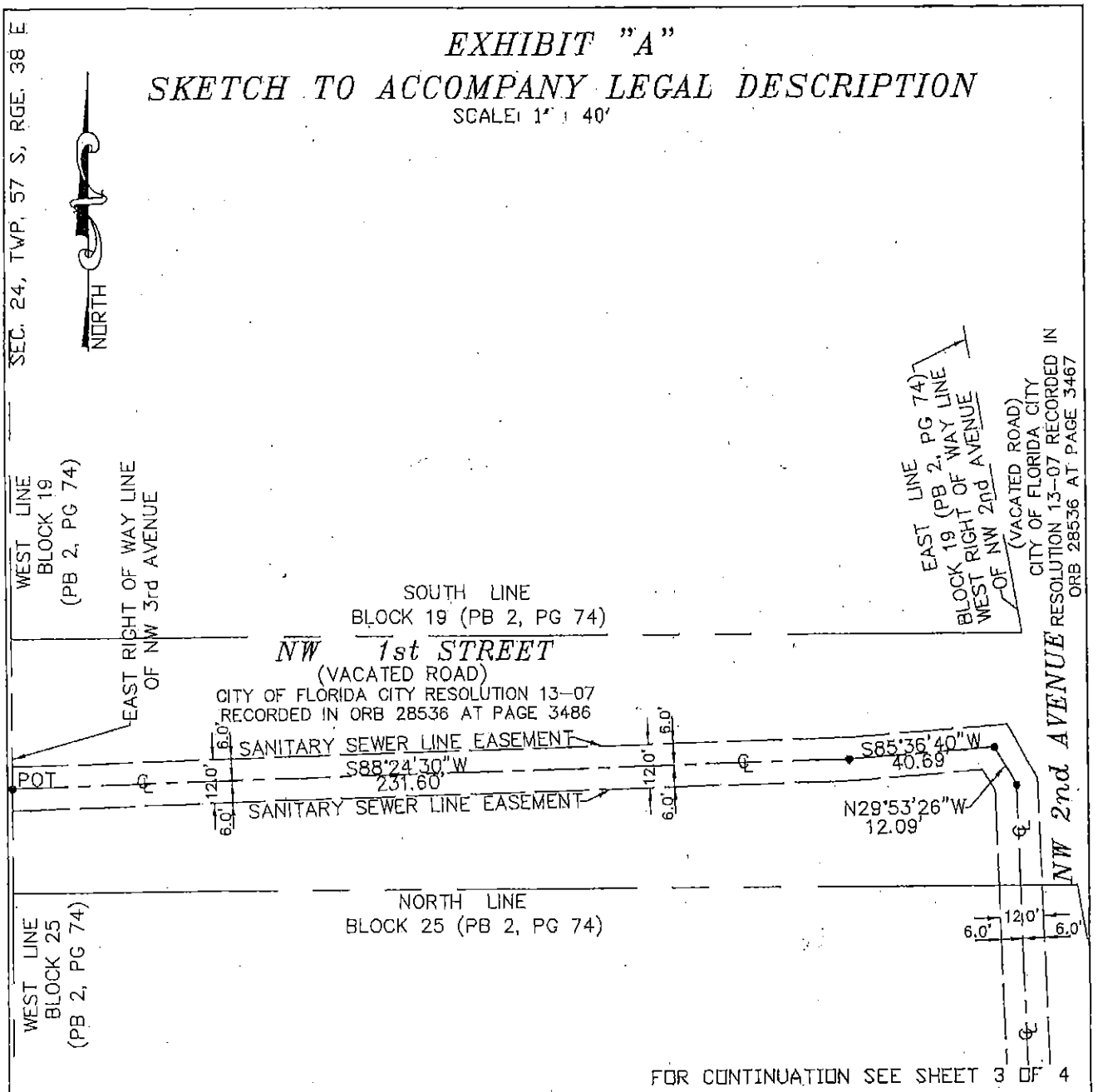
NOTE:
Sewer Line Easement to
CITY OF FLORIDA CITY

THIS SHEET IS NOT VALID
WITHOUT THE OTHER THREE (3) SHEET

JOB.No.: J105-15-A	Env.: M.D.T	DATE: 04-10-15	Drawn: EG	Sheet 3 of 4 Sheets

EXHIBIT "A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SCALE: 1" = 40'



FOR CONTINUATION SEE SHEET 3 OF 4

THIS SHEET IS NOT VALID
WITHOUT THE OTHER THREE (3) SHEET

NOTE:
Sewer Line Easement to
CITY OF FLORIDA CITY

JOB.No.: J105-15-A	Env.: M.D.T	DATE: 04-10-15	Drawn: EG	Sheet 4 of 4 Sheets

EXHIBIT B

Instrument prepared by:
Carol A. Wilson
Miami-Dade County Transit Department
111 NW 1st Court, 15th Floor
Miami, FL 33136

Affected Folio No. 16-7824-007-2140

EASEMENT

THIS EASEMENT, made this _____ day of _____ 2015, A.D., by and between **Miami-Dade County**, a political subdivision of the State of Florida, **GRANTOR**, whose post office address is 111 NW 1st Street, Miami, Florida 33128 and the City of Florida City, a municipality of the State of Florida, and its successors in interest, **GRANTEE**, whose post office address is 404 West Palm Drive, Florida City, Florida 33034.

WITNESSETH:

That the said **GRANTOR**, for and in consideration of the sum of Ten Dollars **($10.00)** to it in hand paid by **GRANTEE**, the receipt whereof is hereby acknowledged and for other and further good and valuable considerations, does hereby grant to the **GRANTEE**, and its successors in interest, a non-exclusive perpetual easement to enter upon, and to perform any acts required for the operation, maintenance, alteration, or replacement of sewer lines and appurtenances thereto, for the purpose of the **GRANTEE's** utility operation through the following described land, situate, lying and being in Miami-Dade County, Florida, to-wit:

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

And the said **GRANTOR** does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whosoever, claiming by, through or under it.

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

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

IN WITNESS WHEREOF, the said **GRANTOR** has caused these presents to be executed in its name, and its Board of county commissioners acting by the mayor or his designee, the day and year first aforesaid.

Miami-Dade County,
a political Subdivision of the state of Florida
Grantor

Witnesses:

_____

_____

By: _____
Alina T. Hudak
Deputy Mayor

ATTEST: **HARVEY RUVIN,**
Clerk of said Board

By: _____
Deputy Clerk

(Affix county Seal)

As to form/
and Legal sufficiency:

_____
Bruce Libhaber
Assistant County Attorney