OFFICIAL FILE COPY
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: December 1, 2015

FROM: Abigail Price-Williams County Attorney

SUBJECT: Resolution authorizing the release of unneeded canal reservation lying within the southwest ¼ of Section 20, Township 52 South and Range 40 East in the City of Hialeah in Miami-Dade County as requested by Condotte America Industrial Properties, LLC; and authorizing mayor to execute disclaimer of interest for release of reservation

Resolution No. R-1084-15

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.

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: December 1, 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 107 Avenue and North of NW 146 Street in the City of Hialeah in Miami-Dade County as Requested by Condotte America Industrial Properties, LLC

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 107 Avenue and north of 146 Street in the City of Hialeah, within Tracts 16, 17, 18, 19 in the Southwest ¼ of Section 20, Township 52 South and Range 40 East, Miami-Dade County.

Scope
The site is located along NW 107 Avenue and north 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, 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 Miami-Dade County for canal and water management purposes in connection with the Miami-Dade County Water Control Master Plan over the west 130 feet of Section 20, Township 52 South and Range 40 East, now located along NW 107 Avenue and north of NW 146 Street, as shown in Attachment A.

The property encumbered by the above-stated canal reservation is owned by Condotte America Industrial Properties, LLC, who has requested the release of the canal reservation within the subject property that is along NW 107 Avenue and north of NW 146 Street. In accordance with the Miami-Dade Water Control Master Plan, no future canal is proposed within the subject property and the future NW 107 Avenue Canal will be located on the west side of the west section line of Section 20, Township 52 South, Range 40 East. Therefore, the subject canal reservation on the east side of the west section line, with a total area of 2.61 acres, is not 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 130 foot wide canal reservation by the County, Condotte America Industrial Properties, LLC, would need to pursue further release from the South Florida Water Management District and/or other agencies or entities, as appropriate.

Jack Osterholt, Deputy Mayor

ATTACHMENT A

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:

SEE EXHIBIT "A"

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 24 dated August 6, 1959 recorded in Official Records Book 1587 at Page 279 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. 24 dated August 6, 1959, recorded in Official Records Book 1587 at Page 279 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 _____ 20____.

ATTEST:

HARVEY RUVIN
CLERK OF SAID BOARD

By: _____
Deputy Clerk

Print:_____

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR

By: _____
Carlos A. Gimenez, Mayor

The foregoing instrument was acknowledged before me this ____ day of _____, 20___, 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"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

prepared by:

HADONNE

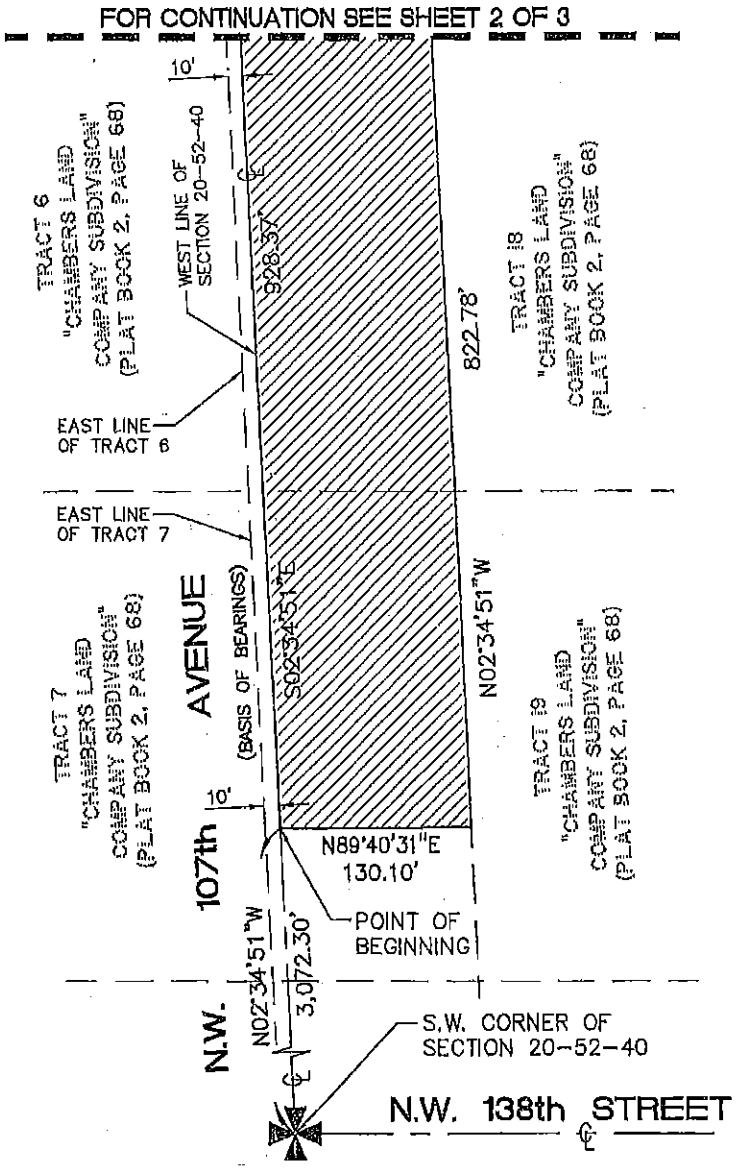
LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

October 2014

N ASSUMED

0 50 100
SCALE
1" = 100'

EXHIBIT "A"



Page 1 of 3
JOB: 14116

NOTICE: Not full and complete without page 2 and 3 of 3.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

prepared by:

HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

October 2014

N ASSUMED

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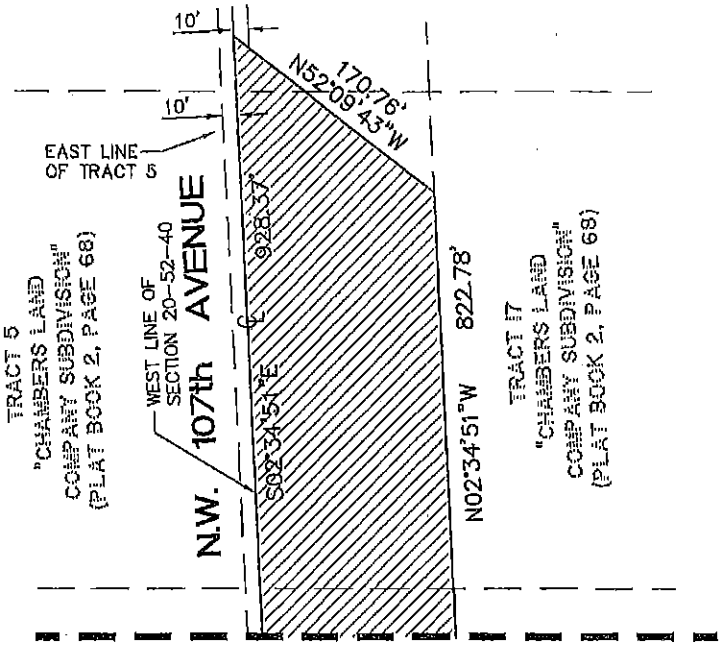
EXHIBIT "A"



FOR CONTINUATION SEE SHEET 1 OF 3

LEGAL DESCRIPTION:

A parcel lying and being in Section 20, Township 52 South, Range 40 East, in Miami-Dade County, Florida, and within the plat of "Chambers Land Company Subdivision" as recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 20; thence North 02'34'51" West, along the West line of said Section 20, said line also being the Centerline of N.W. 107th Avenue for a distance of 3,072.30 feet to the POINT OF BEGINNING of the hereinafter described Parcel; thence North 89'40'31" East for a distance of 130.10 feet; thence North 02'34'51" West for a distance of 822.78 feet; thence North 52'09'43" West for a distance of 170.76 feet to a point on the West line of said Section 20, said line also being the Centerline of N.W. 107th Avenue; thence South 02'34'51" East, along said Centerline of N.W. 107th Avenue for a distance of 928.37 feet to the POINT OF BEGINNING.

Containing 113,824 square feet, or 2.61 acres.

JOB: 14115

NOTICE: Not full and complete without page 1 and 3 of 3.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

prepared by:

HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

October 2014

EXHIBIT "A"

SOURCES OF DATA:

The Legal Description of the Subject Property was generated from Section 20, Township 52 South, Range 40 East, in Miami-Dade County. In addition, the following sources of data were used to the extent required to complete this document in a defensible matter, that is to say:

Bearings as shown hereon are based upon the West Line of Section 20, Township 52 South, Range 40 East, with an assumed bearing of N02°34'51"W, said line to be considered a well established and monumented line.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other that what appears on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.
This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

INTENDED USE/EXPRESS PURPOSES:

It is understood by the Surveyor that the intended use of this document is to vacate the 130' Canal Reservation.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 through 5J-17.052 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

By: _____ Date: 12/10/14
Abraham Hadad P.S.M.
Professional Surveyor and Mapper LS6006
HADONNE corp.
Land Surveyors and Mappers
Certificate of Authorization LB7097
8700 W. Flagler Street, Suite 420
Miami, Florida 33174
305.266.1188 phone
305.207.6845 fax

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.

NOTICE: Not full and complete without page 1 and 2 of 3.

MEMORANDUM

(Revised)

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

DATE: December 1, 2015

FROM: Abigail Price-Williams
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**

_____ **Statement of social equity 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)
12-1-15

RESOLUTION NO. R-1084-15

RESOLUTION AUTHORIZING THE RELEASE OF UNNEEDED CANAL RESERVATION LYING WITHIN THE SOUTHWEST ¼ OF SECTION 20, TOWNSHIP 52 SOUTH AND RANGE 40 EAST IN THE CITY OF HIALEAH IN MIAMI-DADE COUNTY AS REQUESTED BY CONDOTTE AMERICA INDUSTRIAL PROPERTIES, LLC; AND AUTHORIZING MAYOR TO EXECUTE DISCLAIMER OF INTEREST FOR RELEASE OF RESERVATION

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

WHEREAS, Condotte America Industrial Properties, LLC, a Florida limited liability company, is the owner of the property in Section 20, Township 52 South and Range 40 East which is encumbered by the 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, Condotte America Industrial Properties, LLC, has requested the release of the west 130 foot wide canal reservation in Tracts 16, 17, 18 and 19 of Section 20, Township 52 South and Range 40 East, with total area of 2.61 acres; and

WHEREAS, no canal is proposed within the subject property, and the future NW 107 Avenue Canal will be located on the west side of the west section line of Section 20, 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 for release 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 release of the unneeded canal reservation from Miami-Dade County in Section 20, 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 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 **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** 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	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	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 1st day of December, 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