

## MEMORANDUM

Agenda Item No. 8(F)(2)

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

**DATE:** November 3, 2015

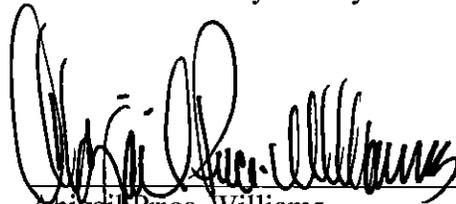
**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution authorizing  
the conveyance of a permanent  
easement to the State of Florida  
Department of Transportation  
over a portion of County-owned  
real property located at 15655  
Biscayne Boulevard, North  
Miami, Florida, for a nominal  
sum of \$1.00 in accordance with  
Florida Statutes Section 125.38;  
authorizing the County Mayor to  
execute the permanent easement  
and exercise any and all other  
rights therein

Resolution No. R-974-15

**This item was amended from the original version as stated in the County Mayor's memorandum.**

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams  
County Attorney

RAC/cp

# Memorandum



**Date:** November 3, 2015

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

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Resolution Authorizing Conveyance of a Permanent Easement to the Florida Department of Transportation on a Portion of County-Owned Real Property for Construction and Maintenance of a Loop Detector Traffic Feature  
A portion of Folio No. 06-2216-000-0020

**This item was amended at the October 14, 2015 Transit & Mobility Services Committee. The item differs from the original in that the permanent easement on pages 10-14 of Attachment 1 were replaced with a permanent easement that provides additional protections for Miami-Dade County.**

## Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution, which authorizes the conveyance of a 2,619 square foot permanent easement (Parcel 800) for a nominal consideration of \$1.00 per the formal request received from the Florida Department of Transportation (Attachment 1 to this transmittal memorandum) pursuant to Florida Statutes 125.38.

## Scope

The property is located at 15655 Biscayne Boulevard, North Miami, Florida, in Commission District 4, which is represented by Commissioner Sally A. Heyman.

## Fiscal Impact/Funding Source

There is no fiscal impact associated with the conveyance of the easement.

## Track Record/Monitor

Shannon Clark of the Real Estate Development Division in the Internal Services Department is managing the conveyance of this permanent easement.

## Delegation of Authority

This resolution authorizes the County Mayor or the County Mayor's designee to convey and execute a permanent easement on Parcel 800.

## Background

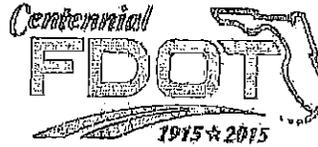
The Florida Department of Transportation has planned improvements on Biscayne Boulevard (State Road 5) from NE 151 Street to NE 196 Street in order to improve vehicular and pedestrian movement in the area. Construction is expected to begin in September 2016 and last approximately one (1) year.

The permanent easement is needed for the construction and maintenance of a Loop Detector traffic feature at the intersection of Biscayne Boulevard and NE 156 Street. A Loop Detector is a mechanism that triggers traffic signals to change based on the weight of cars waiting at a red light. The permanent easement is on a portion of a County-owned property that includes Miami-Dade Fire Rescue Station #22. The Miami-Dade Fire Rescue Department has reviewed the request and has no objection to the permanent easement.

Given the importance of this project, it is in the best interest of the County to convey the permanent easement so that the Florida Department of Transportation is able to finalize this project. Additional property details are shown in Attachment 2 to this transmittal memorandum.

Attachments

  
\_\_\_\_\_  
Russell Benford  
Deputy Mayor



*Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

JIM BOKOLD  
SECRETARY

January 29, 2015

Miami-Dade County Fire Rescue Department  
C/O: Fire Chief Dave Downey  
9300 NW 41 Street  
Doral, FL 33178

Item/Segment No.:	4308081
Managing District:	Six
F.A.P. No.:	N/A
State Road No.:	5 (Biscayne Boulevard)
County:	Miami-Dade
Parcel No.:	800
Folio No.:	N/A
Reference:	Donation Request/ Perpetual Easement

Dear Fire Chief Downey:

The Florida Department of Transportation is planning improvements and is developing the expansion roadway project along SR 5/ Biscayne Boulevard from NE 151<sup>st</sup> Street to NE 196<sup>th</sup> Street. I have attached a fact sheet with specific project details.

The Department has identified the above referenced Parcel 800 to be owned by Miami-Dade County Fire Rescue Department as discovered by our Right of Way Engineering Department. The Department of Transportation requires a permanent easement containing 2,619 square feet, more or less to construct and maintain a "Loop Detector".

Pursuant to Section 337.25, Florida Statutes, the Florida Department of Transportation (Department) may accept donations of any land. Please accept this request for the donation of the above referenced Perpetual Easement to the Florida Department of Transportation.

January 29, 2015  
Page Two

Attached you will find the following documents for your review and to begin the process for approval:

1. Perpetual Easement 800, Resolution, and Parcel Sketch showing location and size of Easement;
2. Project Plan Sheet
3. Right of Way Acquisition Brochure  
<http://www.dot.state.fl.us/rightofway/documents/AcquisitionHandbookEnglish.pdf>
4. Donation Form (575-030-12);
5. 90-Day Letter of Assurance (575-040-09);
6. Project Fact Sheet

I look forward to working together for the fulfillment of our Public Service mission. If you have a question or need additional information, please contact me at: (305) 470-5157 or via E-mail at [steve.imas@dot.state.fl.us](mailto:steve.imas@dot.state.fl.us)

Sincerely,



Steven C. Imas  
Right of Way Agent

Enclosures  
Cc: File

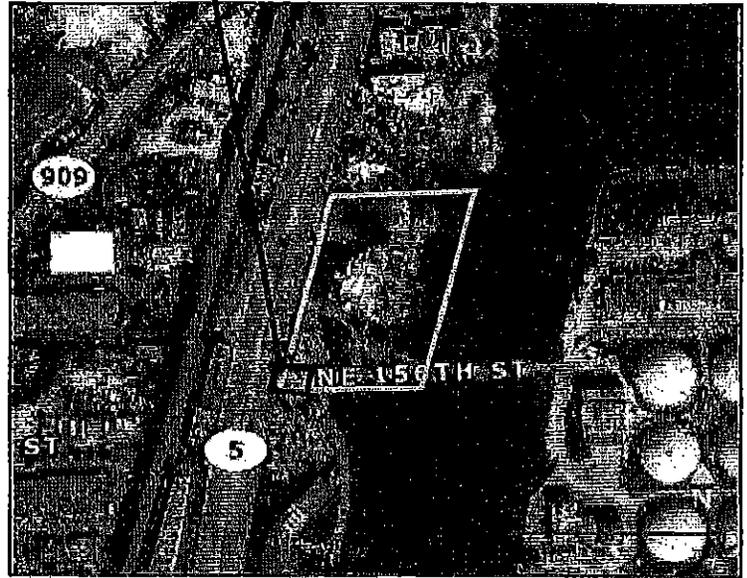


# OFFICE OF THE PROPERTY APPRAISER

## Summary Report *Location of Easement*

Generated On : 2/18/2015

Property Information	
Folio:	06-2216-000-0020
Property Address:	15665 BISCAYNEBLVD
Owner:	MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT
Mailing Address:	9300 NW 41 ST MIAMI, FL 33178-2312
Primary Zone:	9300 PLANNED UNIT DEVELOPMENT
Primary Land Use:	8647 COUNTY : DADE COUNTY
Beds / Baths / Half:	0 / 0 / 0
Floors:	2
Living Units:	0
Actual Area:	Sq.Ft
Living Area:	Sq.Ft
Adjusted Area:	24,832 Sq.Ft
Lot Size:	172,824 Sq.Ft
Year Built:	1976



Assessment Information			
Year	2014	2013	2012
Land Value	\$3,110,832	\$3,110,832	\$3,110,832
Building Value	\$2,541,761	\$2,541,761	\$2,541,761
XF Value	\$0	\$0	\$0
Market Value	\$5,652,593	\$5,652,593	\$5,652,593
Assessed Value	\$5,652,593	\$5,652,593	\$5,652,593

Benefits Information				
Benefit	Type	2014	2013	2012
County	Exemption	\$5,652,593	\$5,652,593	\$5,652,593

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
16 52 42 3.97 AC M/L
BEG 1506.52FT NELY OF X' OF
E/RAWL US 1 & S/L OF SEC 16
CONT NELY ALG RAWL FOR 538.08FT
ELY415FT SWLY539.97FT W415.14FT

Taxable Value Information			
	2014	2013	2012
<b>County</b>			
Exemption Value	\$5,652,593	\$5,652,593	\$5,652,593
Taxable Value	\$0	\$0	\$0
<b>School Board</b>			
Exemption Value	\$5,652,593	\$5,652,593	\$5,652,593
Taxable Value	\$0	\$0	\$0
<b>City</b>			
Exemption Value	\$5,652,593	\$5,652,593	\$5,652,593
Taxable Value	\$0	\$0	\$0
<b>Regional</b>			
Exemption Value	\$5,652,593	\$5,652,593	\$5,652,593
Taxable Value	\$0	\$0	\$0

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

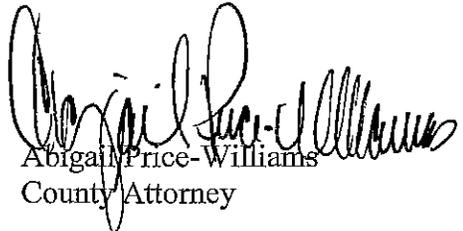


# MEMORANDUM

(Revised)

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

**DATE:** November 3, 2015

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 8(F)(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
- 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(F)(2)  
11-3-15

RESOLUTION NO. R-974-15

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION OVER A PORTION OF COUNTY-OWNED REAL PROPERTY LOCATED AT 15655 BISCAYNE BOULEVARD, NORTH MIAMI, FLORIDA, FOR A NOMINAL SUM OF \$1.00 IN ACCORDANCE WITH FLORIDA STATUTES SECTION 125.38; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE PERMANENT EASEMENT AND EXERCISE ANY AND ALL OTHER RIGHTS THEREIN

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

**WHEREAS**, the State of Florida Department of Transportation (FDOT) has planned roadway improvements on Biscayne Boulevard (State Road 5) from NE 151 Street to NE 196 Street, Roadway Project No. 430808-1-52-01 in Miami-Dade County (the "State Project"); and

**WHEREAS**, the County owns property located at 15655 Biscayne Boulevard in North Miami, Florida (the "Property") a certain portion over which a permanent easement is required by the FDOT in connection with the State Project; and

**WHEREAS**, the FDOT has requested the County to convey to the FDOT a permanent easement over a portion of the Property more particularly described in Exhibit "A" to the Permanent Easement attached hereto (the "Easement Property"), in order to complete the State Project; and

**WHEREAS**, the Board finds that pursuant to Section 125.38 of the Florida Statutes, the Easement Property is required and can be used in order to build the State Project, and will be utilized for the benefit of the public and community interest, and welfare,

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

**Section 1.** The foregoing recitals are incorporated herein and are approved.

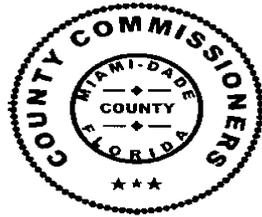
**Section 2.** This Board hereby approves the conveyance of a permanent easement on the Easement Property to the FDOT for the nominal sum of \$1.00, subject to the restriction that the Easement Property be used by the FDOT for the transportation related improvements to State Road No. 5 and for the construction and maintenance of a Loop Detector traffic feature, and authorizes the County Mayor or County Mayor's designee to execute the Permanent Easement on behalf of Miami-Dade County and to exercise any and all rights contained therein.

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

The foregoing resolution was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Xavier L. Suarez** 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	absent	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	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of November, 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.

A handwritten signature in black ink, appearing to be "DH", is written over a horizontal line.

Debra Herman

Return to:  
Real Estate Development Division  
Miami-Dade County  
Internal Services Department  
111 N.W. 1st Street, Suite 2460  
Miami, FL 33128

Instrument prepared by:  
Miami-Dade County  
Internal Services Department  
111 N.W. 1st Street Suite 2460  
Miami, FL 33128

Folio No. a portion of  
#06-2216-000-0020  
User Department: Miami-Dade County  
Fire Rescue

Parcel No. : 800  
Item/Segment No.: 4308081  
Managing District: 6

#### PERPETUAL EASEMENT

THIS EASEMENT made the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by MIAMI-DADE COUNTY, a political subdivision of the State of Florida, Grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns, Grantee.

WITNESSETH: That the Grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the Grantee, its successors and assigns, a perpetual easement for the purpose of constructing and maintaining a Loop Detector mechanism, (collectively, the "Traffic Features") in, over, along, under, upon and through the following described land (the "Easement Area") in Miami-Dade County, Florida:

#### AS SHOWN ON EXHIBIT "A" ATTACHED HERETO AND TO BE MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises unto the Grantee, subject, however, to the following conditions:

THAT Grantee shall be responsible for the maintenance of the Traffic Features.

To the extent provided by law, Grantee shall indemnify, defend and hold harmless Grantor against any actions, claims, or damages arising out of, relating to, or resulting from negligent or wrongful act(s) of Grantee's, or any of its officers, agents or employees, acting within the scope of their office or employment, in connection with the rights granted to or exercised by Grantee hereunder, to the extent and within the limitations of Section 768.28, Florida Statutes. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Florida Statutes, Section 768.28, nor shall the same be construed to constitute agreement by Grantee to indemnify Grantor for the negligent acts or omissions of Grantor, its officers, agents or employees, or for the acts of third parties. Nothing herein shall be construed as consent by Grantee to be sued by third parties in any manner arising out of this agreement.

THAT this easement is solely for the purpose of constructing and maintaining a Loop Detector mechanism and no other uses of the Easement Area are permitted.

THAT in the event said use is permanently discontinued or abandoned as determined in Grantor's sole discretion, then upon written notice by Grantor to Grantee this easement shall terminate, and title to the above described property shall revert to the Grantor, its successors and assigns, and it shall have the right to immediately possess same. In the event Grantee's easement terminates and Grantor deems it necessary to request the removal of the Traffic Features or any of its components occupying the Easement Area, Grantee shall remove the Traffic Features or its components, as requested, and restore the Easement Area to a like or similar condition as existed prior to this Easement, at Grantee's sole cost and expense.

THAT Grantee shall not obstruct the County right-of-way, except as may be required temporarily from time to time to effect construction, inspections, maintenance, repairs, improvements and replacement of the Traffic Features.

Any construction, improvement, or hazards to the public resulting from the project construction that requires major repair and/or replacement work is subject to formal approval and permit as may be required by Grantor. Grantee shall promptly repair any damage to the Grantor's right-of-way, resulting from Grantee's exercising its rights hereunder. In the event that Grantee fails to do so, Grantor may repair such damage and Grantee shall pay all costs and expenses of such repair upon ten (10) days notice, or receipt of an invoice from Grantor.

Grantee shall require its construction Contractor to maintain, at all times during the construction to carry Commercial General Liability insurance providing continuous coverage for all work or operations performed under the Construction Contract. Such insurance shall be no more restrictive than that provided by the latest occurrence form edition of the standard Commercial General Liability Coverage Form (ISO Form CG 00 01) as filed for use in the State of Florida. The limits of coverage shall not be less than \$1,000,000 for each occurrence and not less than a \$5,000,000 annual general aggregate, inclusive of amounts provided by an umbrella or excess policy, or such other minimum insurance coverage that may be required by the Department for the construction of the Project, in accordance with the Department's Standards and Specifications for Road and Bridge Construction. Grantor shall be named as Additional Insured in such policies and Grantee will provide a current copy of such insurance certificate to Grantor.

THAT this Easement is subject to all applicable permit requirements and any other required agreements or approvals, and concurrences.

THAT the provisions of this Easement may be enforced by all appropriate actions at law and in equity by the respective parties.

THAT Grantor makes no representations as to the title or condition of the property within the Easement Area or the suitability of the Easement Area property for the use intended hereunder.

The rights and obligations of the parties shall inure to the benefit of and be binding upon their respective successors and assigns.

Nothing in this Easement shall restrict the Grantor's right to utilize said property for any use which is not inconsistent with the rights conveyed hereunder.

This grant conveys only an interest of the County and its Board of County Commissioners in the property herein described, and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

**SIGNATURES APPEAR ON NEXT PAGE**

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 County Mayor or the County Mayor's designee, the day and year aforesaid.

ATTEST: \_\_\_\_\_

Clerk (or Deputy Clerk) of the Circuit Court

(Affix County Seal)

County of Miami-Dade, Florida,  
By its Board of County Commissioners

By: \_\_\_\_\_

Carlos A. Gimenez  
Mayor

\_\_\_\_\_  
(Address)

Approved as to form  
and legal sufficiency.

\_\_\_\_\_  
Assistant County Attorney

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. 20\_\_.

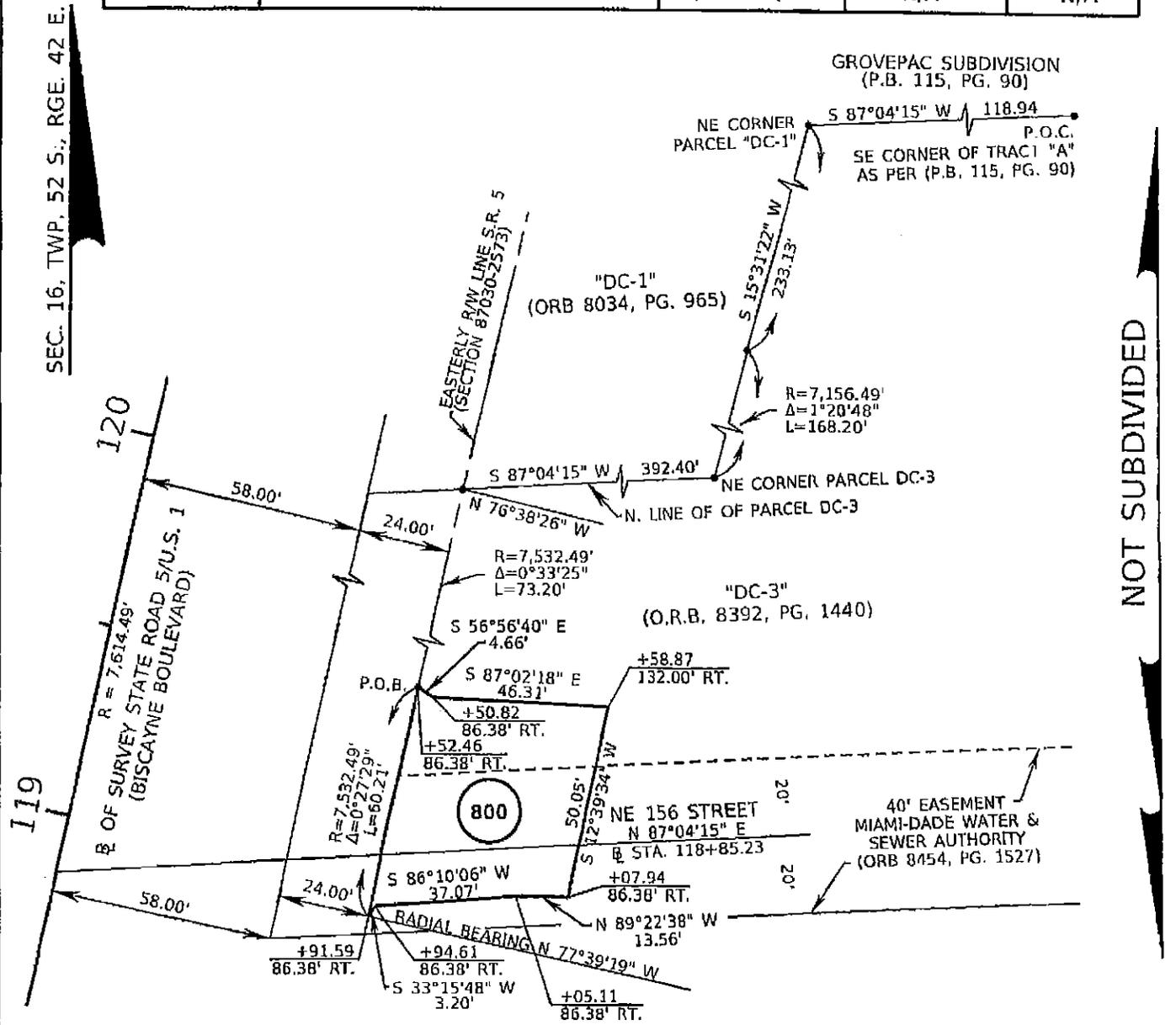


# EXHIBIT "A"

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR PARCEL 800

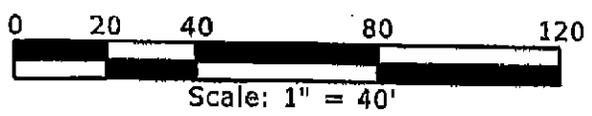
SE 1/4 SECTION 16, TOWNSHIP 52 S., RANGE 42 E.  
CITY OF AVENTURA, MIAMI-DADE COUNTY

PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
800	MIAMI-DADE COUNTY	2,619 SQ.FT.	N/A	N/A



NOT SUBDIVIDED

THIS DOCUMENT CONSISTS OF TWO (2) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.



**NOT A SURVEY**

		FLORIDA DEPARTMENT OF TRANSPORTATION			
		SKETCH TO ACCOMPANY LEGAL DESCRIPTION			
		STATE ROAD NO. 5		MIAMI-DADE COUNTY	
		BY	DATE	PREPARED BY: MANUEL G. VERA AND ASSOCIATES INC., LB#243D 13960 SW 47th STREET, MIAMI FLORIDA 33175	DATA SOURCE: SEE SURVEYOR'S NOTES
DRAWN	J.P.	06/14	F.P. NO. 430808-1		SECTION 87030-2569
REVISION	BY	DATE	CHECKED	M. McKay	06/14
			SHEET 02 OF 02		

14