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:**	January 20, 2016
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution authorizing the release of unneeded canal reservation lying within the west ½ of Section 20, Township 52 South and Range 40 East in the City of Hialeah in Miami-Dade County; and authorizing the County Mayor to execute disclaimer of interest for release of reservation
			Resolution No. R-47-16

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: January 20, 2016

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 in the vicinity of NW 146 Street as Requested by CAC Real Estate, LLC

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize the County Mayor to execute a Miami-Dade County disclaimer for the release of unneeded canal reservation along NW 107 Avenue near 146 Street in the City of Hialeah, Florida, within Tracts 13, 14, 19 and 20 in the West ½ of Section 20, Township 52 South and Range 40 East, Miami-Dade County (Attachment A).

Scope

The site is located along the east side of NW 107 Avenue in the vicinity of NW 146 Street in the City of Hialeah, Florida in Commission District 12, which is represented by Commissioner Jose "Pepe" Diaz.

Fiscal Impact/Funding Source

This item will not have a fiscal impact on Miami-Dade County as does not require the expenditure of any 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 Miami-Dade County a canal reservation for canal and water management purposes over the west 130 feet of Section 20, Township 52 South and Range 40 East along the present NW 107 Avenue near NW 146 Street. A site diagram is included as part of Attachment A.

The property encumbered by the above-stated canal reservation is owned by CAC Real Estate, LLC, which has requested the release of the 130 foot wide canal reservation within the subject property on the east side of NW 107 Avenue near NW 146 Street. In accordance with the Miami-Dade Water Control Master Plan, no future canal is proposed within the 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. Therefore, the canal reservation on the property on the east side of the west section line, with a total area of 2.98 acres, is not needed for canal and water management purposes. It is 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, CAC Real Estate, LLC, would need to pursue further releases from the South Florida Water Management District and/or other agencies or entities, as appropriate.

Jack Osterholt
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: January 20, 2016

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)
1-20-16

RESOLUTION NO. R-47-16

RESOLUTION AUTHORIZING THE RELEASE OF UNNEEDED CANAL RESERVATION LYING WITHIN THE WEST ½ OF SECTION 20, TOWNSHIP 52 SOUTH AND RANGE 40 EAST IN THE CITY OF HIALEAH IN MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY 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, CAC Real Estate, 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 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, CAC Real Estate, LLC, has requested the release of the west 130 foot wide canal reservation in Tracts 13, 14, 19 and 20 of Section 20, Township 52 South and Range 40 East, with total area of 2.98 acres; and

WHEREAS, no canal is proposed within the subject property on the east side of NW 107 Avenue, 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 County 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 County Mayor or the County 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 **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2016. 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

ATTACHMENT A

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

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.

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:

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR

HARVEY RUVIN
CLERK OF SAID BOARD

By: _____
Deputy Clerk

Print:_____

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"

LEGAL DESCRIPTION:

A parcel of land lying in Section 20, Township 52 South, Range 40 East, Miami–Dade County, Florida and within the Plat of CHAMBERS LAND COMPANY SUBDIVISION, according to the plat thereof, as recorded in Plat Book 2 at Page 68 of the Public Records of Miami–Dade County, Florida, also including a portion of N.W. 107th Avenue and the vacated right of way of N.W. 146 Street, being more particularly described as follows:

Commence at the Southwest corner of said Section 20; thence N 02°34'51" W along the West line of said Section 20, also being the centerline of said N.W. 107 Avenue for 2072.23 feet to the Point of Beginning of the hereinafter described parcel of land; thence continue N 02°34'51" W along said West line of said Section 20, also being the centerline of said N.W. 107 Avenue for 1000.00 feet; thence N 89°40'31" E for 130.10 feet; thence S 02°34'51" E along a line parallel with and 130.00 feet East of said West line of said Section 20, also being the centerline of said N.W. 107 Avenue for 1000.00 feet; thence S 89°40'31" W for 130.10 feet to the Point of Beginning.

SURVEYOR'S NOTES:

- This site lies in Section 20, Township 52 South, Range 40 East, City of Hialeah, Miami–Dade County, Florida.
- Bearings hereon are referred to an assumed value of N 02°34'51" W for the centerline of N.W. 107th Avenue.
- Lands shown hereon were not abstracted for easements and/or rights–of–way of records.
- Lands shown hereon containing 130,000 square feet, or 2.984 acres, more or less.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2005–088.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on June 10, 2015, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

By: _____
Daniel C. Fortin, For The Firm
Surveyor and Mapper, LS2853
State of Florida.

Drawn By MAP	LEGAL DESCRIPTION, NOTES & CERTIFICATION		Date 6/10/15
Cad. No. 150863	FORTIN, LEAVY, SKILES, INC.		Scale NOT TO SCALE
Ref. Dwg. 2005–088	CONSULTING ENGINEERS, SURVEYORS & MAPPERS		Job. No. 150863
	FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653		Dwg. No. 1015–061
Plotted: 6/10/15 11:57a	180 Northeast 168th. Street / North Miami Beach, Florida. 33162		Sheet 1 of 3
	Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com		

EXHIBIT "A"

TRACT 7

TRACT 19

N89°40'31"E
130.10'

15'

10'

CENTERLINE OF
N.W. 107TH AVENUE
(PUBLIC RIGHT OF WAY)

WEST LINE OF
SECTION 20-52-40

1000.00'

TRACT 8

TRACT 20

COMMUNITY ASPHALT PARCEL
FORTIN, LEAVY, SKILES, INC.
DRAWING NO. 2005-088

35'

(35' RIGHT OF WAY CLOSED)

PLAT BOOK 82 PAGE 47

15'

N.W. 146TH STREET
(VACATED PER RESOLUTION #R-856-99)

15'

N02°34'51"W
1000.00'

N.W. 107TH AVENUE

130'

TRACT 49

TRACT 13

CHAMBERS LAND COMPANY SUBDIVISION
PLAT BOOK 2 PAGE 68

CANAL
RESERVATION

S02°34'51"E

TRACT "A"
RINKER LAKE
PLAT BOOK 82 PAGE 47

RINKER LAKE

N.W. 105TH AVENUE

TRACT 50

FLORIDA FRUIT LAND COMPANY'S
SUBDIVISION NO. 1
PLAT BOOK 2 PAGE 17

TRACT 14

10'

S89°40'31"W
130.10'

35'

POINT OF
BEGINNING

15'

POINT OF
COMMENCEMENT
S.W. CORNER OF
SECTION 20-52-40

N02°34'51"W
2072.23'

N.W. 138TH STREET
(PUBLIC RIGHT OF WAY)

NORTH

GRAPHIC SCALE
0 75 150 300
(IN FEET)
1 inch = 150 ft.

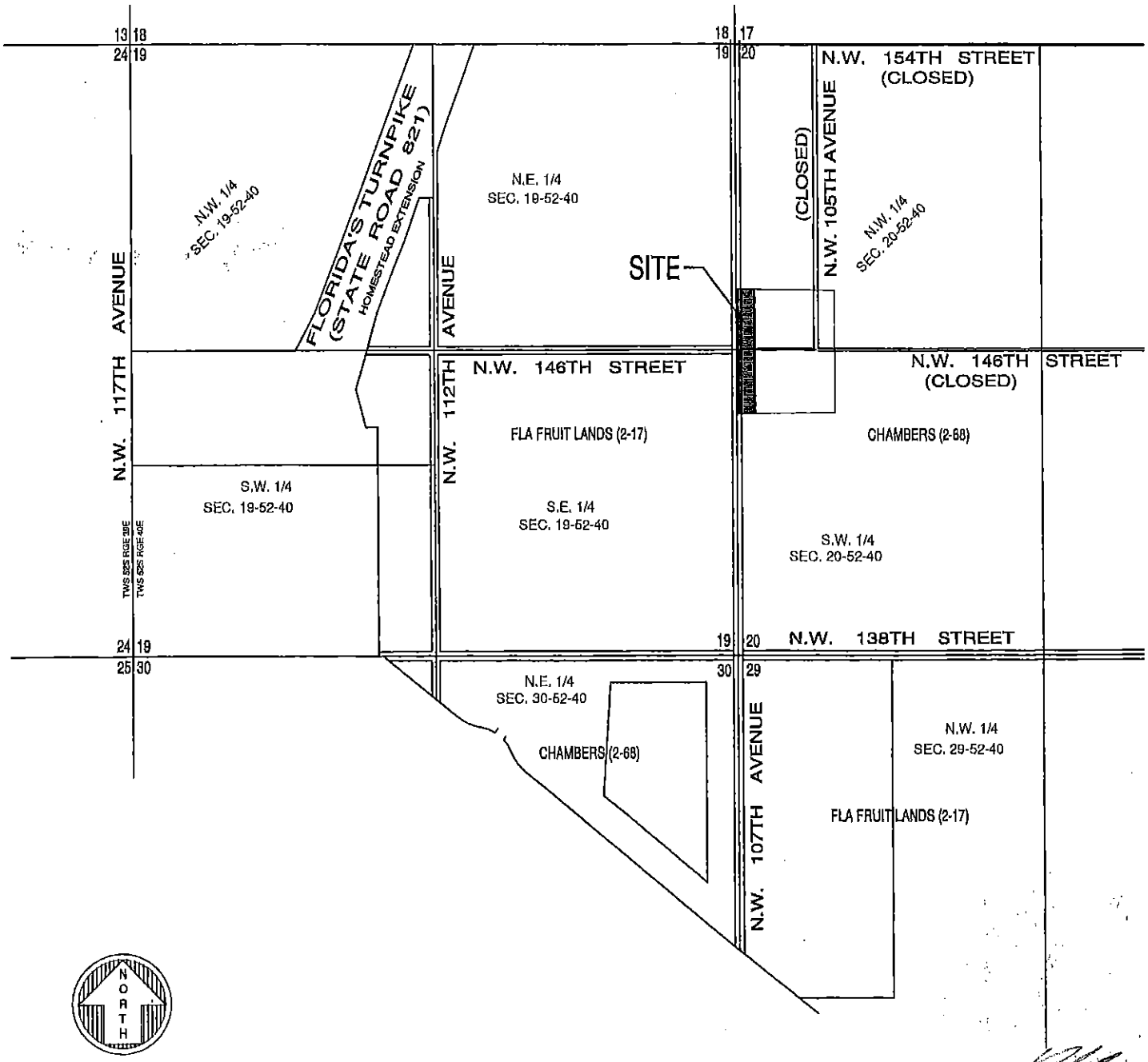
Drawn By	MAP
Cad. No.	150863
Ref. Dwg.	2005-088
Plotted:	6/10/15 11:57a

SKETCH OF DESCRIPTION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th. Street / North Miami Beach, Florida. 33162
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	6/10/15
Scale	1"=150'
Job. No.	150863
Dwg. No.	1015-061
Sheet	2 of 3

EXHIBIT "A"



Drawn By	MAP	LOCATION SKETCH	Date 6/10/15
Cad. No.	150863		Scale NOT TO SCALE
Ref. Dwg.	2005-088	FORTIN, LEAVY, SKILES, INC.	Job. No. 150863
		CONSULTING ENGINEERS, SURVEYORS & MAPPERS	Dwg. No. 1015-061
Plotted:	6/10/15 11:57a	FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653	Sheet 3 of 3

180 Northeast 168th. Street / North Miami Beach, Florida. 33162
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com