

MEMORANDUM

Agenda Item No. 8(M)(1)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 17, 2013

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

SUBJECT: Resolution authorizing the acceptance of a canal right-of-way deed in exchange for the release of unneeded canal reservation and authorizing the execution of a quit claim deed for the release of a portion of canal right-of-way in Section 31, Township 52 South and Range 40 East in Miami-Dade County
Resolution No. R-1057-13

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



Date: December 17, 2013
To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners
From: Carlos A. Gimenez
Mayor 
Subject: Resolution Authorizing the Acceptance of a Canal Right-of-Way Deed in Exchange for
the Release of Unneeded Canal Reservation and Authorizing the Execution of a Quit
Claim Deed for the Release of a Portion of Canal Right-of-Way in Miami-Dade County

Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution authorizing the acceptance of a canal right-of-way deed and the execution of a Miami-Dade County disclaimer for the release of unneeded canal reservation and the execution of a quit claim deed for the release of a portion of canal right-of-way in Section 31, Township 52 South and Range 40 East, Miami-Dade County.

Scope

The site is in Commission District 12 (Commissioner Diaz) at the northeast corner of NW 106 Street and NW 117 Avenue in unincorporated Miami-Dade County.

Fiscal Impact/Funding Source

The item has no fiscal impact for the County and does not require the expenditure of County funds.

Track Record / Monitor

The Water Control Section Manager, Maria D. Molina, P.E., within the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, 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, granted to the County a canal reservation in northwestern Miami-Dade County to be used for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan, over the west 130 feet of Section 31, Township 52 South and Range 40 East. A location sketch is included in Attachment A.

In January of 1989, Miami-Dade County acquired at no cost a canal right-of-way by deed from the landowner in order to provide the necessary right-of-way for the Snapper Creek Canal to the west and to comply with the requirements of the Water Control Master Plan for flood protection and water management.

Section 31 Holdings, LLC owns the parcels of land which are encumbered by the above-mentioned canal reservation and adjacent to the canal right-of-way in Section 31, Township 52 South and Range 40 East. Section 31 Holdings, LLC plans to construct an industrial warehouse subdivision on their land and has requested from the County the release of the eastern 80 feet of the 130 foot wide canal reservation located along 141 feet of the Snapper Creek Canal. In exchange for the quit claim deed, Section 31 Holdings, LLC has offered a deed to the County for the western 50 feet of canal right-of-way within the same 130 foot wide canal reservation.

Furthermore, Section 31 Holdings, LLC has requested that the County release, via quit claim deed, the eastern 50 feet of an existing 100 foot wide canal right-of-way located adjacent to the canal reservation along 2,285 feet of the Snapper Creek Canal.

In consideration of these requests and because no future widening of the Snapper Creek Canal is planned, the County has determined that only the western 50 feet of canal right-of-way will be needed to secure the existing canal and its future needs. Therefore, the eastern 80 feet of the 130 foot wide canal reservation and the eastern 50 feet of the 100 foot wide canal right-of-way are no longer needed and can be released.

Therefore, the attached resolution authorizes the release of the eastern 80 foot wide canal reservation by County disclaimer to the landowner, accepts the western 50 foot wide right-of-way by deed from the landowner and authorizes the release, via quit claim deed, of the eastern 50 feet of the existing 100 foot wide canal right-of-way. Upon approval of the resolution, the attached instruments of conveyance will be executed.

Following release of the eastern 80 foot wide canal reservation by the County, Section 31 Holdings, LLC would need to pursue further release of the canal reservation from the South Florida Water Management District and/or other agencies, as appropriate.



Jack Osterholt, Deputy Mayor

Attached instruments of conveyance:

- Attachment A: Right-of-Way Deed to Miami-Dade County
- Attachment B: Miami-Dade County, Florida, Disclaimer
- Attachment C: Quit Claim and Conveyance Deed



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 17, 2013

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)
12-17-13

RESOLUTION NO. R-1057-13

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CANAL RIGHT-OF-WAY DEED IN EXCHANGE FOR THE RELEASE OF UNNEEDED CANAL RESERVATION AND AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED FOR THE RELEASE OF A PORTION OF CANAL RIGHT-OF-WAY IN SECTION 31, TOWNSHIP 52 SOUTH AND RANGE 40 EAST 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, Section 31 Holdings, LLC is the owner of the property in Section 31, 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, Section 31 Holdings, LLC is the owner of the above referenced property which is located east of the Snapper Creek Extension Canal in the vicinity of Northwest 106 Street and Northwest 117 Avenue in Miami-Dade County; and

WHEREAS, Section 31 Holdings, LLC plans to develop the property and has offered a 50 foot wide canal right-of-way with an area of 0.163 acres to the County in exchange for the release of an 80 foot wide canal reservation with an area of 0.257 acres and has requested a quit claim deed from the County for a 50 foot wide portion of an existing canal right-of-way with an area of 2.273 acres along the west line of Section 31, 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 and the portion of the existing canal right-of-way to be quit claimed 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 accept a Right-of-Way Deed from the landowner conveying to Miami-Dade County the western fifty (50) feet within a 130 foot wide canal reservation that runs parallel and adjacent to a 141 foot long portion of the Snapper Creek Extension Canal in Section 31, Township 52 South and Range 40 East; authorizes, in exchange for the above-mentioned conveyance to Miami-Dade County, the Mayor or Mayor's designee to execute a Miami-Dade County Disclaimer for the release to the landowner of unneeded rights in reservation upon the eastern eighty (80) feet within the same 130 foot wide canal reservation that runs parallel and adjacent to the same 141 foot long portion the Snapper Creek Extension Canal; authorizes the Mayor or Mayor's designee to execute a Quit Claim and Conveyance Deed for the release to the landowner of the eastern fifty (50) feet within a 100 foot wide canal right-of-way that runs parallel and adjacent to an adjoining 2,285 foot long portion of the Snapper Creek Extension Canal, all as indicated in the Mayor's memorandum, a copy of which is attached hereto and incorporated herein by reference; and authorizes the Mayor or the Mayor's designee to execute the above-mentioned transactions through the instruments of conveyance in substantially the form attached hereto and made a part hereof. Pursuant to Resolution No. R-974-09, the Board directs the Mayor or the Mayor's designee to record the instruments of conveyance accepted herein in the Public Records of Miami-Dade County, Florida; and to provide recorded copies of the instruments to the Clerk of the Board within thirty (30) days of

execution of said instruments; and directs the Clerk of the Board to attach and permanently store recorded copies together with this resolution.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	aye
	Lynda Bell, Vice Chair	aye
Bruno A. Barreiro	aye	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	aye	Audrey M. Edmonson
Sally A. Heyman	aye	Barbara J. Jordan
Jean Monestime	aye	Dennis C. Moss
Sen. Javier D. Souto	aye	Xavier L. Suarez
Juan C. Zapata	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of December, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this 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.

ASR/RAK

Abbie Schwaderer-Raurell

ATTACHMENT A

W.C. 888

1

RIGHT-OF-WAY DEED TO MIAMI-DADE COUNTY

CONVEYS THE TITLE FOR CANAL PURPOSES

BY LIMITED LIABILITY CORPORATION

STATE OF FLORIDA,)
COUNTY OF MIAMI-DADE)

THIS INDENTURE, made this ____ day of _____, 20__, by and between Section 31 Holdings, LLC., a limited liability company under the laws of the State of Delaware, and having its office and principal place of business in the City of Coral Gables, in the State of Florida, party of the first part, and the County of Miami-Dade, a body Corporate, and a Political Subdivision of the State of Florida, and its successors in interest, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant, bargain and sell to the party of the second part, and its successors in interest, for the purpose of a public canal and all public uses and purposes incidental thereto, including but not limited to the right of the party of the second part to ownership and disposal of all spoil material from said canal, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to-wit:

THE WEST 50 FEET OF THE WEST 130 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND, BEING A PORTION OF THE SW ¼ OF SECTION 31, TOWNSHIP 52 SOUTH, RANGE 40 EAST, IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N02°37'28"W, AS BASIS OF BEARING ALONG THE WEST LINE OF SAID SECTION 31, FOR A DISTANCE OF 2285.66 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE N02°37'28"W ALONG SAID WEST SECTION LINE FOR A DISTANCE OF 143.10 FEET; THENCE N89°30'09"E FOR A DISTANCE OF 50.04 FEET TO A POINT OF INTERSECTION WITH A LINE PARALLEL TO AND 50.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE WEST LINE OF SAID SECTION 31; THENCE S02°37'28"E ALONG THE LAST DESCRIBED LINE FOR A DISTANCE OF 141.24 FEET; THENCE S87°22'32"W FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,109 SQUARE FEET OR 0.163 ACRES, MORE OR LESS.

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

8

If is the intention of the party of the first part by this instrument to convey to the said County, and its successors in interest, the land above described for use as a public canal and for other public uses and purposes.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under him.

IN WITNESS WHEREOF, the said party of the first part, has executed by _____, who has been granted the authority to execute this deed on behalf of Section 31 Holdings, LLC, and has caused the same to be attested by _____, on this, the day and year first above written.

Signed, Sealed, Attested and delivered in our presence:

Witnesses:

Name of Corporation

Sign _____

By _____

Print _____

Print _____

Sign _____

Title _____

Print _____

Address _____

STATE OF)

COUNTY OF)

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 did take an oath.

NOTARY PUBLIC:

Sign _____

Print _____

State of Florida at Large Seal
My Commission Expires:

RIGHT-OF-WAY DEED
TO
MIAMI-DADE COUNTY
CONVEYS THE TITLE FOR
CANAL PURPOSES

FROM

Section 31 Holdings, LLC

TO

MIAMI-DADE COUNTY, FLORIDA

The foregoing dedication was accepted and approved on the ____ day of _____,
20____, by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County,
Florida.

Sign: _____

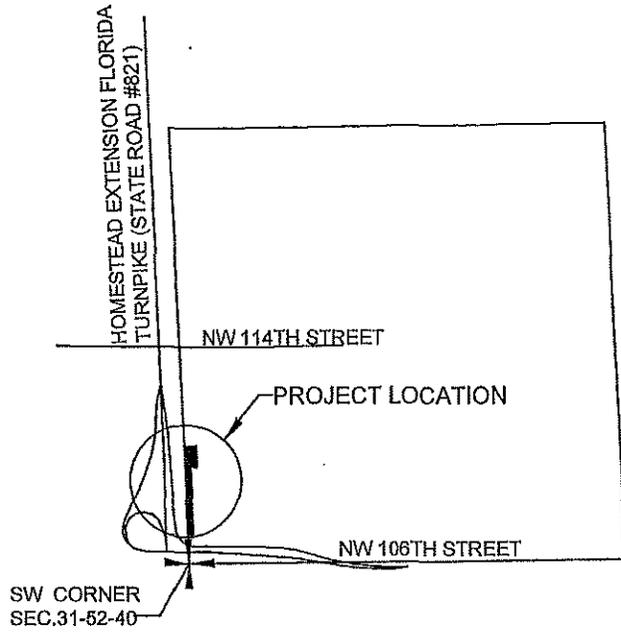
Print: Carlos A. Gimenez

Title: Mayor

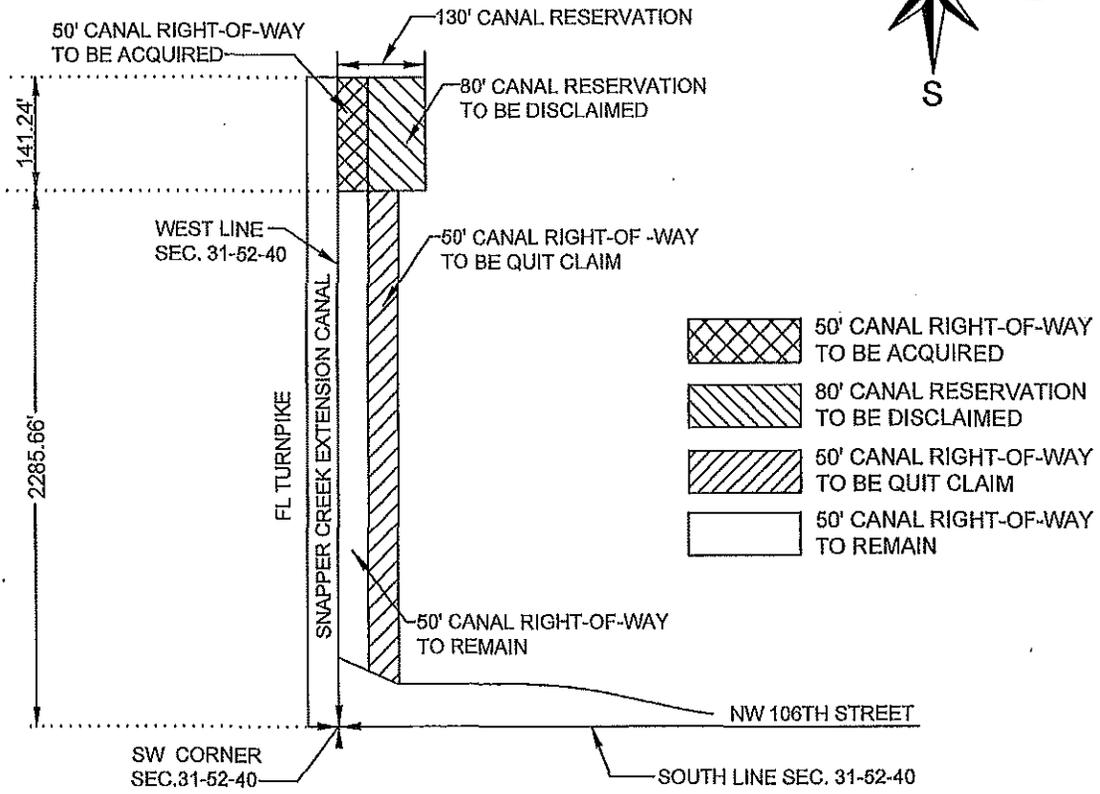
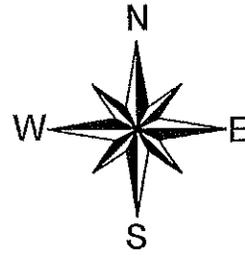
111 N.W. 1st Street
Stephen P. Clark Center
Miami, Florida 33128

ATTEST: HARVEY RUVIN
Clerk of said Board

By: _____
Deputy Clerk



WC - 888
 SEC.31
 TWP.52
 RGE.40



NOT TO SCALE

ATTACHMENT B

W.C. 888

1

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. 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.

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

By: _____
Carlos A. Gimenez, Mayor

Print: _____

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: _____

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

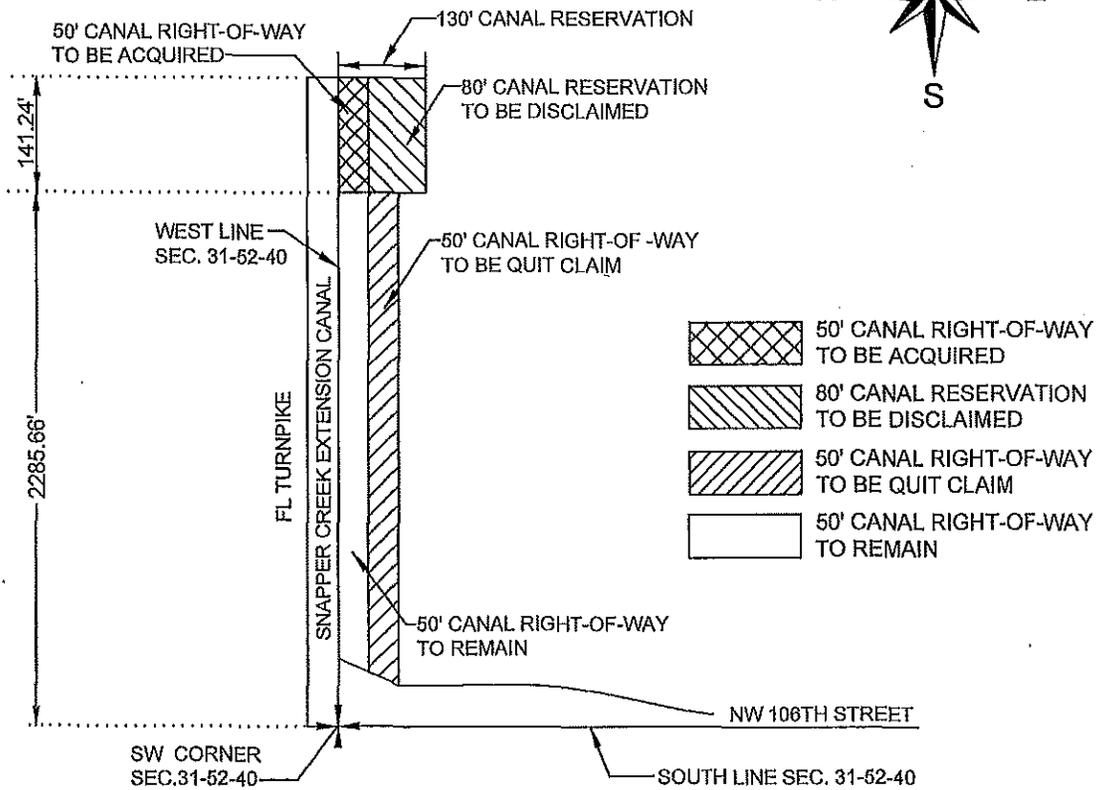
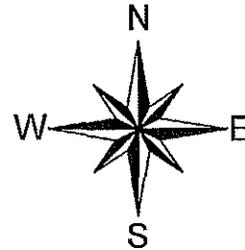
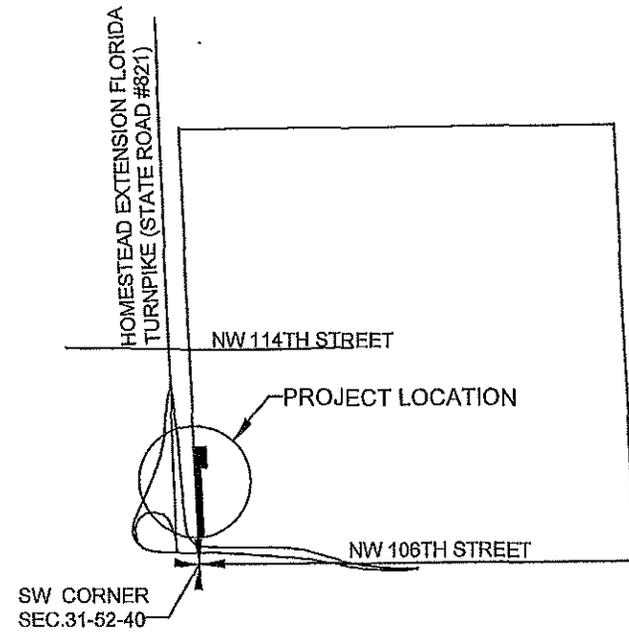
EXHIBIT A

THE EAST 80 FEET OF THE WEST 130 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND, BEING A PORTION OF THE SW ¼ OF SECTION 31, TOWNSHIP 52 SOUTH, RANGE 40 EAST, IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N02°37'28"W, AS BASIS OF BEARING ALONG THE WEST LINE OF SAID SECTION 31, FOR A DISTANCE OF 2285.66 FEET; THENCE N87°22'32"E FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE N02°37'28"W ALONG A LINE 50.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE WEST LINE OF SAID SECTION 31 FOR A DISTANCE OF 141.24 FEET; THENCE N89°30'09"E FOR A DISTANCE OF 80.06 FEET TO A POINT OF INTERSECTION WITH A LINE PARALLEL TO AND 130.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE WEST LINE OF SAID SECTION 31; THENCE S02°37'28"E ALONG THE LAST DESCRIBED LINE FOR A DISTANCE OF 138.27 FEET; THENCE S87°22'32"W FOR A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,180 SQUARE FEET OR 0.257 ACRES, MORE OR LESS.

WC - 888
 SEC.31
 TWP.52
 RGE.40



NOT TO SCALE

ATTACHMENT C

W.C. 888

1

QUIT CLAIM AND CONVEYANCE DEED BY MIAMI-DADE COUNTY

STATE OF FLORIDA,))
COUNTY OF MIAMI-DADE.)

THIS INDENTURE, Made this _____, day of _____, 20 _____, by and between Miami-Dade County, a political subdivision of the State of Florida, whose post office address is 111 N.W. 1st Street, Miami, Florida 33128-1940, party of the first part, and Section 31 Holdings, LLC, a Delaware limited liability company whose principal address is 2855 Le June Road, Coral Gables, Florida 33134, party of the second part;

WITNESSETH:-

That the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and for other and further good and valuable considerations, to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the party of the second part, and its successors and assigns, forever, the following described lands, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

THE EAST 50 FEET OF THE WEST 100 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND, BEING A PORTION OF THE SW ¼ SECTION 31, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N02°37'28"W, AS BASIS OF BEARING ALONG THE WEST LINE OF SAID SECTION 31 FOR A DISTANCE OF 283.91 FEET; THENCE S89°42'27"E FOR A DISTANCE OF 50.06 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE N02°37'28"W ALONG A LINE 50.00 EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 31 FOR A DISTANCE OF 2002.44 FEET; THENCE N89°30'09"E FOR A DISTANCE 50.03 FEET; THENCE S02°37'28"E ALONG A LINE 100.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 31 FOR A DISTANCE OF 2003.14 FEET; THENCE N89°42'27"W FOR A DISTANCE OF 50.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 100,140 SQUARE FEET OR 2.30 ACRES, MORE OR LESS.

This instrument was prepared by:
Carlos A. Calvache
Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1 Court, 6th Floor
Miami, Florida 33136

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 the _____ day of _____ 20____.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

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 _____, 20__ by _____ as _____ and _____, respectively of Miami-Dade County, Florida, a body Corporate and Political Subdivision of the State of Florida, on behalf of the County. They are personally known to me or who have produced _____ as identification.

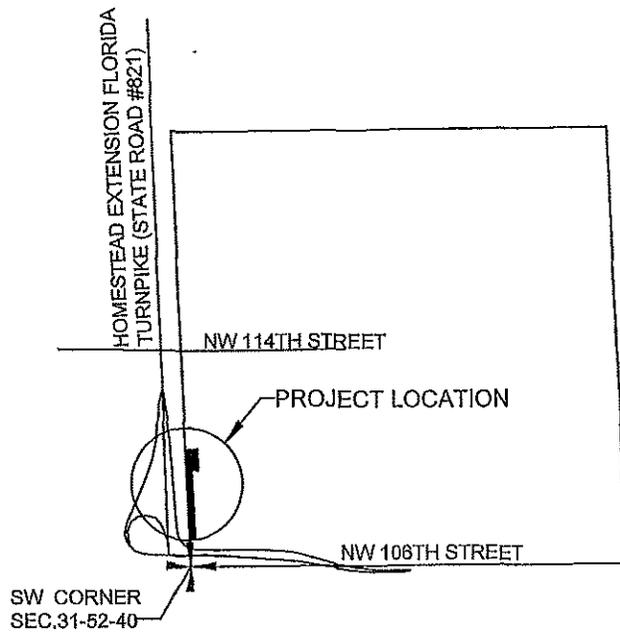
NOTARY PUBLIC:

Sign: _____

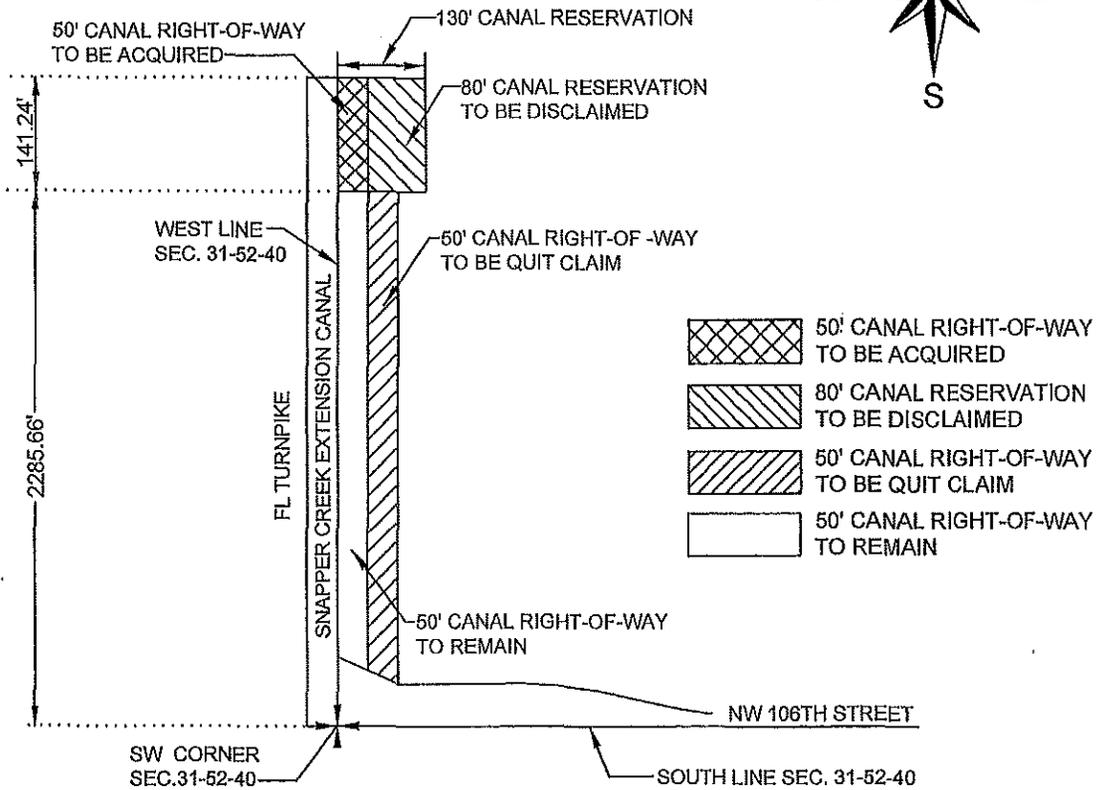
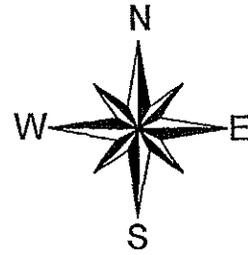
Print: _____

STATE OF FLORIDA at Large
(Seal)

My Commission expires: _____



WC - 888
 SEC. 31
 TWP. 52
 RGE. 40



- 50' CANAL RIGHT-OF-WAY TO BE ACQUIRED
- 80' CANAL RESERVATION TO BE DISCLAIMED
- 50' CANAL RIGHT-OF-WAY TO BE QUIT CLAIM
- 50' CANAL RIGHT-OF-WAY TO REMAIN

NOT TO SCALE