OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 14(A)(1)

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

DATE: November 17, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declaring a portion of County-owned properties located on the southeast corner of the intersection of NW 5th Street and NW 6th Avenue, the southwest corner of the intersection of NW 5th Street and NW 5th Avenue, and the northeast corner of the intersection of North River Drive and 6th Avenue as surplus; authorizing the conveyance of such properties to the City of Miami, Pursuant to Section 125.38, Florida Statutes, for $10.00 for the purpose of a right-of-way dedication; waiving Administrative Order 8-4 as it relates to review by the Planning Advisory Board; authorizing the Chairperson or Vice-Chairperson of the Board to execute County Deed for such purpose; and authorizing the County Mayor to take all necessary steps to enforce the provisions set forth in the County Deed

Resolution No. R-1049-15

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: November 17, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Declaring a Portion of County-Owned Properties Located on the Southeast Corner of the Intersection of NW 5 Street and NW 6 Avenue, the Southwest Corner of the Intersection of NW 5 Street and NW 5 Avenue, and the Northeast Corner of the Intersection of North River Drive and 6 Avenue as Surplus and Authorizing the Conveyance of Such Properties to the City of Miami for a Right of Way Dedication

---

Recommendation

It is recommended that the Board of County Commissioners (Board):

1. Declare a portion of County-owned properties located on the southeast corner of the intersection of NW 5 Street and NW 6 Avenue, the southwest corner of the intersection of NW 5 Street and NW 5 Avenue, and the northeast corner of the intersection of North River Drive and 6 Avenue (Properties) as surplus;
2. Authorize the conveyance of the Properties to the City of Miami (City) in the amount of $10.00 for the purpose of a right-of-way dedication in accordance with Section 125.38, Florida Statutes;
3. Waive Administrative Order 8-4, as it relates to review by the Planning Advisory Board;
4. Authorize the Chairperson or the Vice Chairperson of the Board to execute the County Deed; and
5. Authorize the County Mayor or County Mayor's designee to take all actions necessary to enforce the provisions of set forth in the County Deed.

Scope

The Properties are located in County Commission District 5, represented by Commissioner Bruno A. Barreiro.

Fiscal Impact/Funding Source

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

Track Record/Monitor

Jorge R. Cibran, AIA, Director of Facilities and Development Division for the Public Housing and Community Development Department (Department) will monitor this project.

Delegation of Authority

The authority delegated by the resolution includes authorizing the Chairperson or Vice Chairperson of the Board to execute a County Deed and the County Mayor or the County Mayor's designee to take all actions necessary to enforce the provisions set forth in the County Deed, including but not limited the County's reversionary interest.

Background

Pursuant to Resolution No. R-1020-12 adopted on December 2, 2012, the Board granted development rights for the Jack Orr Plaza Public Housing Development to the Related Urban Development Group or its affiliates (Developer). The City submitted a request to the Developer for the conveyance of the Properties for the purpose of achieving right of way standards turning radius for the City's Public Works.

Section 125.38, Florida Statutes, authorizes the Board to convey property to the City when it has been determined by the County that the property is not needed for County purposes and will be utilized for the benefit of the public or community interest and welfare. The sizes of the parcels at Jack Orr Plaza (134.49, 133.88 and 73.0 square feet respectively), are located within the setback requirements; therefore they cannot be developed.

The County Deed contains a restriction that states that the Properties are to be used as a right-of-way by the City and if the public use shall be discontinued, then the Properties shall revert to the County, at its option.

The Department has complied with Resolutions Nos. R-376-11 and R-333-15 as indicated below by providing detailed information on the Property, which includes information concerning the County's investment, future control, and disclosure of market values of the Property. According to the Declaration of Trust with the United States Department of Housing and Urban Development, the County obtained ownership of this property on November 1, 1973. There were no mortgages, fines, liens or other costs paid by the county in acquiring the property. Additional property details are below, and are shown in the property sketch attached to the resolution:

Folio:	01-0107-010-1110
Address:	455 NW 6 Avenue
Commission District:	5
Zoning:	T6-8-L

Southeast corner of the intersection of NW 5 Street and NW 6 Avenue

Property Size:	134.49 Sq.Ft.
Market Land Value:	$134.49

Southwest corner of the intersection of NW 5 Street and NW 5th Avenue

Property Size:	133.88 Sq.Ft.
Market Land Value:	$133.88

Northeast corner of the intersection of North River Drive and 6th Avenue

Property Size:	73.0 Sq.Ft.
Market Land Value:	$73.00

Russell Benford, Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: November 17, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 14(A)(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. 14(A)(1)
11-17-15

RESOLUTION NO. R-1049-15

RESOLUTION DECLARING A PORTION OF COUNTY-OWNED PROPERTIES LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF NW 5TH STREET AND NW 6TH AVENUE, THE SOUTHWEST CORNER OF THE INTERSECTION OF NW 5TH STREET AND NW 5TH AVENUE, AND THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH RIVER DRIVE AND 6TH AVENUE AS SURPLUS; AUTHORIZING THE CONVEYANCE OF SUCH PROPERTIES TO THE CITY OF MIAMI, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, FOR $10.00 FOR THE PURPOSE OF A RIGHT-OF-WAY DEDICATION; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE COUNTY DEED FOR SUCH PURPOSE; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO ENFORCE THE PROVISIONS SET FORTH IN THE COUNTY DEED

WHEREAS, the Related Urban Development Group is undertaking development activities for Jack Orr Plaza public housing site ("Jack Orr Plaza") located in the City of Miami at 455 NW 6 Avenue, Miami, Florida; and

WHEREAS, development activities include the attainment of building permits for the subject site; and

WHEREAS, the City of Miami's building permit review requested right-of-way dedications pursuant to Chapter 54, Article II, Section 54-58 of the Code of the City of Miami, Florida, as a condition to issuance of permit; and

WHEREAS, in order to attain a building permit for Jack Orr Plaza, it is necessary that certain County-owned lands located on the on the southeast corner of the intersection of NW 5 Street and NW 6 Avenue, the southwest corner of the intersection of NW 5 Street and NW 5th Avenue, and the northeast corner of the intersection of North River Drive and 6th Avenue (the "Properties") be conveyed as a right-of-way dedication to the City of Miami; and

WHEREAS, the County-owned lands, specifically portions of land in section 37, Township 54 South, Range 41 East, City of Miami, Miami Dade County, Florida, are more fully described in Exhibits "A" , "B", and "C" to the County Deed attached hereto as Attachment A; and

WHEREAS, the Board finds that pursuant to Section 125.38, Florida Statutes, that the Properties are required for such use, are not needed for County purposes, and would promote community interest and welfare; and

WHEREAS, this Board has reviewed and is satisfied with the information, on the Properties, which is submitted to this Board in accordance with Resolution Nos. R-376-11 and R-333-15, as set forth in the County Mayor's memorandum; 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 incorporated in this resolution and are approved.

Section 2. This Board declares the Properties as surplus and authorizes the conveyance of such Properties to the City of Miami for $10.00 pursuant to Section 125.38, Florida Statutes, subject to the restriction that the Properties be used by the City of Miami as a right-of-way dedication.

Section 3. This Board authorizes the waiver of Administrative Order 8-4 as it relates to review by the Planning Advisory Board.

Section 4. Pursuant to Section 125.411, Florida Statutes, this Board authorizes the Chairperson or the Vice Chairperson of the Board to execute a County Deed, in substantially the form attached hereto and made a part hereof as Attachment A.

Section 5. This Board authorizes the County Mayor or the County Mayor's designee to take all actions necessary to enforce the provisions set forth in the County Deed.

Section 6. This Board directs the County Mayor or the County Mayor's designee, pursuant to Resolution No. R-974-09, to record in the public record all deeds, covenants, reverters and mortgages creating or reserving a real property interest in favor of the County and shall provide a copy of such recorded instruments to the Clerk of the Board within 30 days of execution and final acceptance. The Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

The foregoing resolution was offered by Commissioner **Xavier L. Suarez**, who moved its adoption. The motion was seconded by Commissioner **Bruno A. Barreiro** 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	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th 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.

Terrence A. Smith

ATTACHMENT A

Instrument prepared by and returned to:
Terrence Smith, Esq.
Assistant County Attorney
111 N.W. 1st Street
Suite 2810
Miami, Florida 33128

Folio # 01-0107-010-1110

COUNTY DEED

THIS DEED, made this ___ day of _____, 2015 A.D. by MIAMI-DADE COUNTY (the "County"), FLORIDA, a political subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 NW 1 Street, Miami, Florida 33128-1963, and City of Miami, a body politic, party of the second part, whose address is 444 S.W. 2nd Ave, Miami, Florida 33130 (the "City"),

WITNESSETH:

THAT THE SAID PARTY OF THE FIRST PART, FOR AND IN CONSIDERATION OF THE SUM OF Ten Dollars and 00/100 ($10.00) has granted, bargained and sold to the City, its successors and assigns forever, the following described lands lying and being in Miami-Dade County, Florida:

LEGAL DESCRIPTIONS
SEE EXHIBITS "A", "B", AND "C"

Subject to the following restriction:

That the Properties shall be utilized as a right-of-way dedication. Failure to utilize the Properties for said purpose at any time shall result in the Properties reverting to the County, at its option, upon the County providing the City with written notice of such reversion and the County's recording of a notice in the Public Records of Miami-Dade County Florida.

This grant conveys only the interest of the County and its Board of County commissioners in the Properties herein described and shall not be deemed to warrant the tile or to represent any state of facts concerning the same.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____
Deputy clerk

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

by:_____
Jean Monestime, Chairperson

Approved for legal sufficiency: _____

Terrence A. Smith
Assistant County Attorney

The foregoing was authorized by Resolution No. _____ approved by the Board of County Commissioners of Miami-Dade County, Florida on the ____ day of _____, 2015.

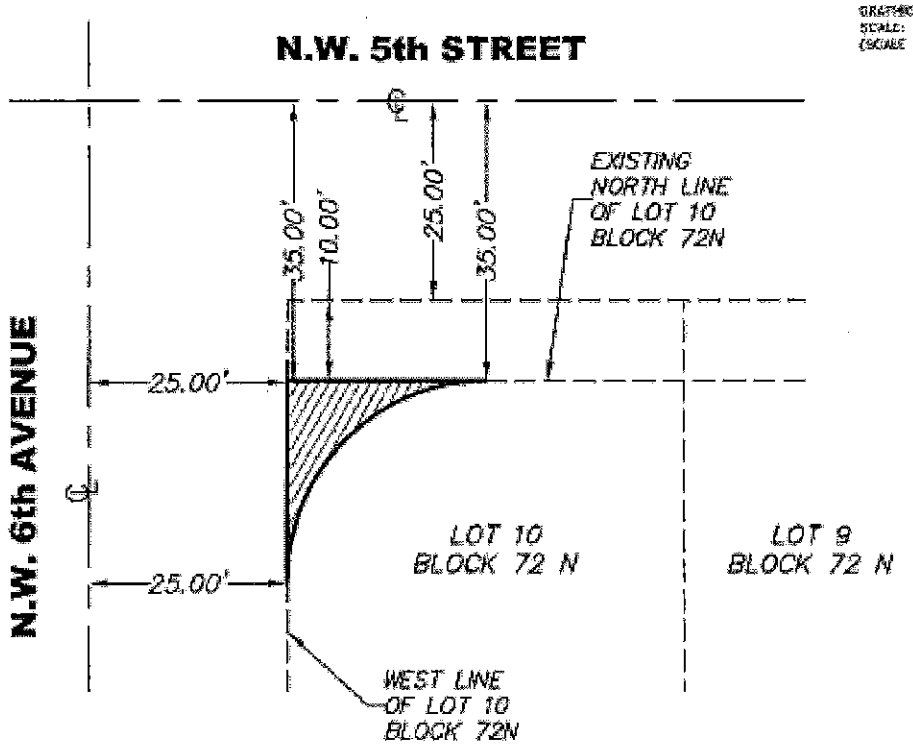
EXHIBIT "A"

FOLIO No. 01-0107-010-1110

SKETCH OF LEGAL DESCRIPTION
RIGHT-OF-WAY DEDICATION

A portion of land in Section 37, Township 54 South, Range 41 East
City of Miami, Miami-Dade County, Florida.
Scale 1" = 20'
For: JACK ORR PLAZA
Address: 455 N.W. 6th Avenue, Miami, FL 33136

A portion of land in Lot 10 less the North 10 feet thereof, Block 72N, MIAMI NORTH, according to the Plat thereof, as recorded in Plat Book 2, Page 99 of the Public Records of Miami-Dade County, Florida, more particularly described as falllows:
The external portion of a 25 foot radius curve concave to the Northwest, tangent to the North and West lines of said Lot 10, as it now exists, Block 72N, containing 134.49 sq.ft. more or less.



PREPARED BY:
Date: 08 / 27 / 2016
This Sketch is not a Boundary Survey.
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

ZONING: T6-8-L

11-15246

RENE AIGUESVIVES
PROFESSIONAL SURVEYOR AND MAPPER No. 4327. State of Florida.

Not valid unless it bears the signature and the original raised seal of Florida licensed Surveyor and Mapper.

Alvarez, Aiguesvives and Associates, Inc.
L.B. No. 6867
Surveyors, Mappers and Land Planners
5701 S.W. 107th Avenue # 204, Miami, FL 33173
Phone 305-220-2424 Fax 305-552-6181

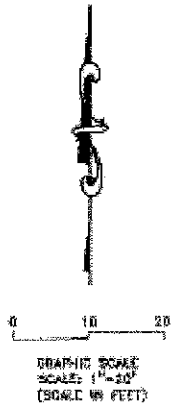
EXHIBIT "B"

FOLIO No. 01-0107-010-1110

SKETCH OF LEGAL DESCRIPTION
RIGHT-OF-WAY DEDICATION

A portion of land in Section 37, Township 54 South, Range 41 East.
City of Miami, Miami-Dade County, Florida.
Scale 1" = 20'
For: JACK ORR PLAZA
Address: 455 N.W. 6th Avenue, Miami, FL 33136

A portion of land in Lot 1 less the North 10 feet thereof, Block 72N, MIAMI NORTH, according to the Plat thereof, as recorded in Plat Book 2, Page 99 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:
The external portion of a 25 foot radius curve concave to the Northeast, tangent to the North and East lines of said Lot 1, as it now exists, Block 72N, containing 133.88 sq.ft. more or less.



PREPARED BY:
Date: 08 / 27 / 2015
This Sketch is not a Boundary Survey.
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

ZONING: T6-8-L

11-15246

RENE AIGUESVIVES
PROFESSIONAL SURVEYOR AND MAPPER No. 4327. State of Florida.

Not valid unless it bears the signature and the original raised seal of Florida licensed Surveyor and Mapper.

Alvarez, Aiguesvives and Associates, Inc.
L.B. No. 6867
Surveyors, Mappers and Land Planners
5701 S.W. 107th Avenue # 204, Miami, FL 33173
Phone 305-220-2424 Fax 305-552-8161

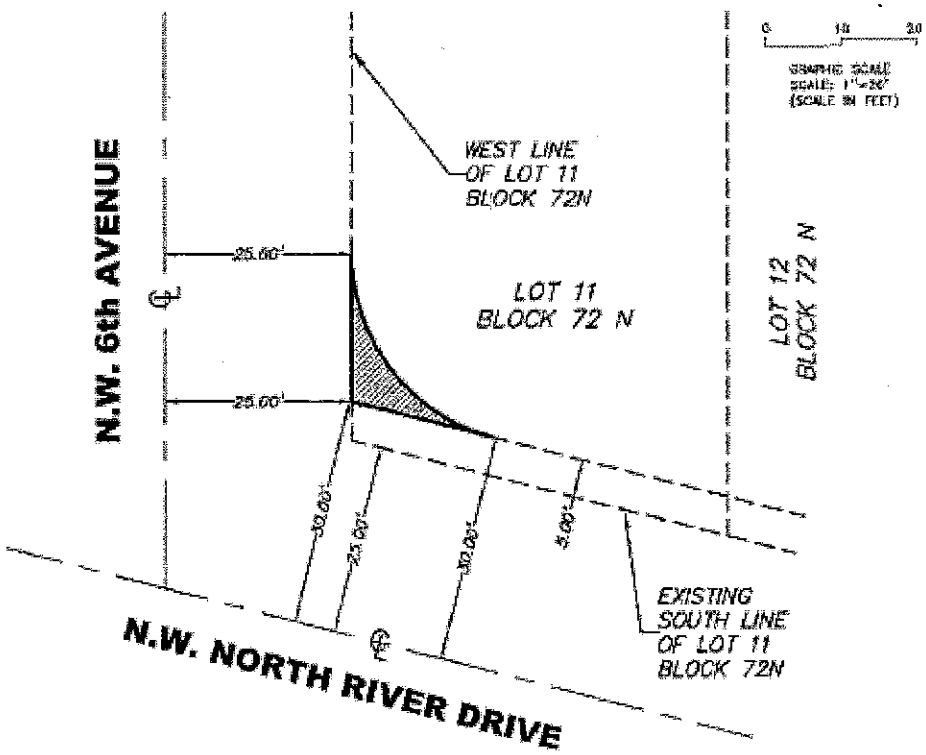
EXHIBIT "C"

FOLIO No. 01-0107-010-1110

SKETCH OF LEGAL DESCRIPTION
RIGHT-OF-WAY DEDICATION

A portion of land in Section 37, Township 54 South, Range 41 East
City of Miami, Miami-Dade County, Florida.
Scale 1" = 20'
For: JACK ORR PLAZA
Address: 455 N.W. 6th Avenue, Miami, FL 33136

A portion of land in Lot 11 less the South 5 feet thereof, Block 72N, MIAMI NORTH, according to the Plat thereof, as recorded in Plat Book 2, Page 99 of the Public Records of Miami-Dade County, Florida, more particularly described as fallows:
The external portion of a 25 foot radius curve concave to the Southwest, tangent to the South and West lines of said Lot 11, as it now exists, Block 72N, containing 73.0 sq.ft. more or less.



PREPARED BY:
Date: 06 / 27 / 2015
This Sketch is not a Boundary Survey.
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

ZONING: T6-8-L

11-15246

RENE AIGUESVIVES
PROFESSIONAL SURVEYOR AND MAPPER No. 4327, State of Florida.

Not valid unless it bears the signature and the original raised seal of Florida licensed Surveyor and Mapper.

Alvarez, Aiguesvives and Associates, Inc.
L.B. No. 6867
Surveyors, Mappers and Land Planners
5701 S.W. 107th Avenue # 204, Miami, FL 33173
Phone 305-220-2424 Fax 305-552-6181