

MEMORANDUM

Agenda Item No. 14(A)(17)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 20, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving execution of an Agreement for Subordination of Utility Interest from Miami-Dade County to the State of Florida Department of Transportation in connection with the construction of roadway improvements along State Road 994 (Quail Roost Drive); and authorizing the County Mayor to execute same and to exercise the provisions contained therein

The accompanying resolution was prepared by the Water and Sewer Department and placed on the agenda at the request of Prime Sponsor Kionne L McGhee.


Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: July 20, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Resolution Authorizing the Approval of Subordination of Utility Interest from Miami-Dade County to the State of Florida Department of Transportation in Connection with a Roadway Improvement Project along State Road 994 (Quail Roost Drive) located between the Homestead Extension of the Florida Turnpike and U.S. 1

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing approval of Subordination of Utility Interest (Agreement) from Miami-Dade County (County) to the State of Florida Department of Transportation (FDOT) in connection with a roadway improvement project along State Road 994 (Quail Roost Drive).

This Agreement will allow FDOT to construct State Road improvements on a County-owned easement located along State Road 994 (Quail Roost Drive) between the Homestead Extension of the Florida Turnpike and U.S. 1. There are currently no County structures within the easement area.

Scope

The easement area to be subordinated to FDOT is limited to approximately 9 square feet located in Commission District 9, which is represented by Commissioner Kionne L. McGhee.

Fiscal Impact/Funding Source

There is no fiscal impact to the County associated with the Subordination Agreement. FDOT will pay for all costs associated with the roadway improvement project.

Track Record/Monitoring

The implementing agency is the Water and Sewer Department, and Liliana Blore, WASD Real Estate Manager, will be responsible for monitoring this Agreement.

Delegation of Authority

This item authorizes the County Mayor or County Mayor’s designee to execute the Subordination of Utility Interest and to exercise any and all rights conferred herein.

Background

During the preparation of plans for a roadway improvement project along State Road 994 (Quail Roost Drive), FDOT determined that one parcel of land, which consists of nine (9) square feet on which the County has a general utility easement with no WASD structures, is needed for roadway purposes. FDOT is requesting that nine (9) square feet of said easement be subordinated in order to facilitate the roadway improvement project.

The Agreement was approved by FDOT on February 17, 2021.

A handwritten signature in blue ink that reads "Jimmy Morales".

Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 20, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 14(A)(17)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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)(17)
7-20-21

RESOLUTION NO. _____

RESOLUTION APPROVING EXECUTION OF AN AGREEMENT FOR SUBORDINATION OF UTILITY INTEREST FROM MIAMI-DADE COUNTY TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ALONG STATE ROAD 994 (QUAIL ROOST DRIVE); AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby incorporates the foregoing recital and approves execution of the Agreement for Subordination of Utility Interests from Miami-Dade County to the State of Florida Department of Transportation in connection with the construction of roadway improvements along State Road 994 (Quail Roost Drive) for a nine (9)square foot area within a County easement located between the Homestead Extension of the Florida Turnpike and U.S. 1, in substantially the form attached hereto as Exhibit 1 and made a part hereof; and authorizes the County Mayor or County Mayor's designee to execute same on behalf of Miami-Dade County and exercise all provisions contained therein.

The foregoing resolution was offered by Commissioner _____ ,
who moved its adoption. The motion was seconded by Commissioner _____
and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman

Oliver G. Gilbert, III, Vice-Chairman

Sen. René García

Keon Hardemon

Sally A. Heyman

Danielle Cohen Higgins

Eileen Higgins

Joe A. Martinez

Kionne L. McGhee

Jean Monestime

Raquel A. Regalado

Rebeca Sosa

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of July, 2021. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis

EXHIBIT 1

23-UTL.01-07/99

This instrument prepared by,
or under the direction of,
Alicia Trujillo, Esq.
District Six Chief Counsel
State of Florida
Department of Transportation
1000 N.W. 111th Avenue
Miami, Florida 33172

Parcel No. : 800.4
Item/Segment No. : 429341-2
Managing District : 6
Parcel Folio : 30-6006-054-0030

SUBORDINATION OF MIAMI-DADE COUNTY UTILITY INTERESTS TO STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

THIS AGREEMENT, (the "Agreement"), entered into this ____ day of ____, 2021 (the "Effective Date"), by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, a component agency of the State of Florida, (hereinafter called the "FDOT"), and MIAMI-DADE COUNTY, THROUGH THE WATER AND SEWER DEPARTMENT, a political subdivision of the State of Florida, (herein called "Utility Agency Organization" or "UAO" and, collectively with FDOT, the "Parties").

WITNESSETH:

WHEREAS, the UAO presently has an interest in certain real property that is needed for a transportation project;
and

WHEREAS, the proposed use of the real property requires subordination of the UAO's interest to the FDOT; and

WHEREAS, the UAO owns a general utility easement with no UAO structures that is needed for the FDOT's proposed transportation project,

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the FDOT and the UAO hereby agree as follows:

1. The UAO hereby subordinates to the interest of FDOT, its successors, or assigns, any and all interest the UAO has in the real property described as follows:

Parcel 800

F.P. No. 429341-2

A portion of Lot 3, Block 1 of MARLIN PLAZA, as recorded in Plat Book 160, Page 22 of the Public Records of Miami-Dade County, Florida, lying in the Northeast one-quarter (NE 1/4) of Section 6, Township 56 South, Range 40 East, Miami-Dade County, Florida and being more particularly described as follows:

COMMENCE at the Northwest corner of said Lot 3, said point lying on the South Right of Way line of State Road 994 (Quail Roost Drive) and being on a curve concave to the Northwest, having a radius of 2,326.83 feet, a chord bearing of N84°57'12"E and a chord distance of 34.78 feet; thence Easterly along the arc of said curve and said South Right of Way line, through a central angle of 00°51'23", for an arc distance of 34.78 feet; thence N84°31'30"E, continuing on said South Right of Way line of State Road 994, for a distance of 51.40 feet to the POINT OF BEGINNING of the hereinafter described parcel:

Thence continue N84°31'30"E, along said South Right of Way line of State Road 994, for a distance of 3.00 feet; thence S05°28'30"E for a distance of 3.00 feet; thence S84°31'30"W for a distance of 3.00 feet; thence N05°28'30"W for a distance of 3.00 feet to the POINT OF BEGINNING.

30-6006-054-0030

Page 1 of 6

Containing 9 square feet, more or less.

The interest of the UAO being subordinated hereby includes, but is not necessarily limited to, the interest created by the following document:

INSTRUMENT	DATE	FROM	TO	Recorded OR Bk/Page
Grant of Easement	8/2/2004	Quail Roost Self Storage, a dissolved corporation	Miami-Dade County	25837-0524

2. The UAO shall continue to have all rights under the UAO'S real property interest document identified above, except that the use of the real property shall be subject to the control of the FDOT pursuant to paragraph 3 hereof.
3. The UAO's easement under the document identified above is still in use and remains in full force and effect, subject only to the rights that do not conflict therewith.
4. The FDOT shall have the right to control the UAO's use of the real property interest created by the document identified above in the following manner:
 - a. The FDOT may require, for any present or future transportation facility project, that any facilities of the UAO be located, protected, adjusted, or removed as the FDOT determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project. The FDOT shall be responsible for all costs of such FDOT directed relocation, protection, adjustment or removal. Such costs shall include any damages to the UAO facilities as a result of the FDOT's directed protective measures. The UAO shall have the right to engage in additional protective measures during the transportation facility project beyond what the FDOT determines is necessary, provided that the cost of any such additional protective measures shall be borne by the UAO.
 - b. The UAO shall operate and maintain the UAO's facilities located on the real property in accordance with FDOT standards as set forth in the FDOT's then current Utility Accommodation Manual.
 - c. Any placement of new facilities or adjustment, upgrading, removal, or relocation of the UAO's facilities proposed by the UAO shall be subject to the prior approval of the FDOT as provided in and under the conditions of the FDOT's then current Utility Accommodation Manual. Approval will be granted through the issuance of a utility permit.
 - d. The UAO shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the property described herein in accordance with the UAO minimum standards for such facilities as of the date of this Agreement. The FDOT shall pay the UAO for costs incurred by the UAO over and above what the UAO would have incurred had this subordination not been executed, now or in the future, including but not limited to, the cost of acquiring replacement easements if the Parties determine that the UAO facilities cannot be relocated within County-owned property.

(SIGNATURES ON THE NEXT PAGE)

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first above written.

Signed, sealed and delivered
in our presence as witnesses:

Cristina Guesta
(Signature of Witness)

CRISTINA GUESTA
(Print/Type name of Witness)

[Signature]
(Signature of Witness)

Cindy Cepdevilh
(Print/Type name of Witness)

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

By: [Signature]
(Signature)

JAMES WOLFE
District Secretary for District VI
1000 N.W. 111th Avenue
Miami, Florida 33172

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of: (check one)

☒ physical presence; or ☐ remote audio-visual means,
17 day of February, 2021, by **JAMES WOLFE**, District Secretary for District VI, who is
personally known to me or who has produced _____ as identification.



Helen Shaheen
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG350748
Expires 7/1/2023

[Signature]
(Signature of person taking acknowledgement)

Helen Shaheen
(Type, print or stamp name under signature)
Title or Rank and Serial No., if any: GG350748

ATTEST: _____

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

Clerk (or Deputy Clerk) of the Circuit Court

(Affix County Seal)

By: _____
County Mayor

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of: (check one)

☐ physical presence; or ☐ remote audio-visual means, this _____ day of _____, 2021,
by _____, as _____, of Miami-Dade County who is duly authorized to execute this
document and is personally known to me or has produced _____ as identification.

(Signature of person taking acknowledgment)

(Type, print or stamp name under signature)
Title or rank and serial number, if any: _____

Approved by Assistant County Attorney
To form and legal sufficiency:

By: _____
Sarah E. Davis

SKETCH 3000-155.01

EXHIBIT "A"

LEGAL DESCRIPTION - PARCEL 800:

A portion of Lot 3, Block 1 of MARLIN PLAZA, as recorded in Plat Book 160, Page 22 of the Public Records of Miami-Dade County, Florida, lying in the Northeast one-quarter (NE 1/4) of Section 6, Township 56 South, Range 40 East, Miami-Dade County, Florida and being more particularly described as follows:

COMMENCE at the Northwest corner of said Lot 3, said point lying on the South Right of Way line of State Road 994 (Quail Roost Drive) and being on a curve concave to the Northwest, having a radius of 2,326.83 feet, a chord bearing of N84°57'12"E and a chord distance of 34.78 feet; thence Easterly along the arc of said curve and said South Right of Way line, through a central angle of 00°51'23", for an arc distance of 34.78 feet; thence N84°31'30"E, continuing on said South Right of Way line of State Road 994, for a distance of 51.40 feet to the POINT OF BEGINNING of the hereinafter described parcel:

Thence continue N84°31'30"E, along said South Right of Way line of State Road 994, for a distance of 3.00 feet; thence S05°28'30"E for a distance of 3.00 feet; thence S84°31'30"W for a distance of 3.00 feet; thence N05°28'30"W for a distance of 3.00 feet to the POINT OF BEGINNING.

Containing 9 square feet, more or less.

LEGEND:

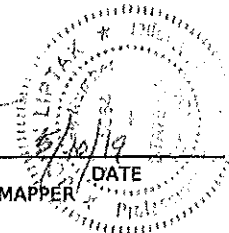
- 800 - Parcel Number
- B - Baseline
- C - Centerline
- A - Curve Delta Angle
- (C) - Calculated
- C.B. - Chord Bearing
- C.D. - Chord Distance
- EXIST. - Existing
- F.P. - Financial Project
- L - Arc Length
- LB - Licensed Business
- LT - Left
- MDWASD - Miami-Dade Water & Sewer Department
- O.R.B. - Official Records Book
- (P) - Per Plat
- P.B. - Plat Book
- PG. - Page
- P.O.B. - Point of Beginning
- P.O.C. - Point of Commencement
- R - Radius
- RGE. - Range
- RT - Right
- R/W - Right of Way
- SEC. - Section
- S.F. - Square Feet
- S.R. - State Road
- STA. - Station
- TWP. - Township
- U.E. - Utility Easement

GENERAL NOTES:

- Reproductions of this map are not valid without the signature and the original raised seal of the Florida Licensed Surveyor and Mapper in responsible charge.
- Lands shown hereon were abstracted for right-of-way, easement of record, ownership, abandonments, deed restrictions, or Murphy Act Deeds. Title search performed by National Title and Abstract Company, Search Number 19-74001, certified through April 8, 2019 at 2:30 p.m.
- Bearings are based on the Baseline of Survey of State Road 994 (QUAIL ROOST DRIVE), having a bearing of N84°31'30"E, as shown in Florida Department of Transportation (FDOT) RIGHT OF WAY MAP for said State Road 994, F.P. 429341-2, prepared by Maser Consulting P.A., dated May 2018.
- Existing Right-of-Way lines, dimensions and areas are based on survey prepared by Maser Consulting P.A. for this project and CADD files provided by FDOT, Project No. 429341-2.
- Station and offsets shown hereon are relative to the State Road 994 Baseline of Survey.
- Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.
- This Sketch to Accompany Legal Description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Land Surveyors and Mappers, referenced in Rule 5J-17 Florida Administrative code pursuant to Section 472.027, Florida Statutes.

This document consists of two (2) sheets and neither shall be considered full, valid, and complete without the other.

JOHN LPTAK
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NO. 5664



THIS IS NOT A SURVEY

			FLORIDA DEPARTMENT OF TRANSPORTATION					
			SKETCH TO ACCOMPANY LEGAL DESCRIPTION					
			STATE ROAD NO. 994		MIAMI-DADE COUNTY			
			BY	DATE	PREPARED BY:	DATA SOURCE:		
					MASER CONSULTING P.A. 8790 NW 64 STREET MIAMI, FL 33166 (L17338)	SEE GENERAL NOTES		
Review Title Search	JDM	05/10/2019	DRAWN	DD	02/28/2019	F.P. NO. 429341-2	SECTION 87091	SHEET 1 OF 2
REVISION	BY	DATE	CHECKED	JL	03/28/2019			

5/12/2019 3:43:14 PM jmorales

