

MEMORANDUM

Agenda Item No. 8(N)(1)

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

DATE: October 5, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving a maintenance map for a portion of SW 184 Street in Sections 4 and 5, Township 56 South, Range 39 East; authorizing the Chairperson and the Clerk of the Board to certify the maintenance map; authorizing the County Mayor to take all actions necessary to effectuate the same

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/jp

Date: October 5, 2021

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

From: Daniella Levine Cava
Mayor *Daniella Levine Cava*

Subject: Resolution Approving a Maintenance Map for a Portion of SW 184 Street in Sections 4 and 5, Township 56 South, Range 39 East, Miami-Dade County, Florida

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution approving a Maintenance Map, authorizing the Chairperson and the Clerk of the Board to certify same, and authorizing the recordation thereof in the Public Records of Miami-Dade County, Florida.

Scope

The subject property is located within District 8, which is represented by Commissioner Danielle Cohen Higgins

Delegated Authority

This item delegates authority to the County Mayor or the County Mayor’s designee to record the Maintenance Map in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board.

Fiscal Impact/Funding Source

There is no fiscal impact associated with this resolution. Miami-Dade County already maintains this portion of right of way.

Track Record/Monitor

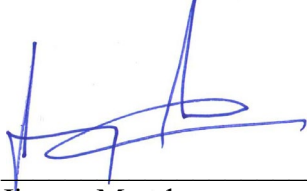
The Department of Transportation and Public Works (DTPW) is the entity overseeing this item and the person responsible is Mr. Leandro Oña, P.E., Chief, Roadway Engineering and Right-of-Way Division

Background

There are three undedicated properties which extend up to the section/center line of road along the southern portion of SW 184 Street. The northernmost 35 feet of these properties have been utilized as part of SW 184 Street and contain a fully operational traffic lane and other utilities in conjunction with the rest of the improved road. The portions of road have been maintained for more than four years. According to Section 95.361 of the Florida Statutes, the filing of a Maintenance Map in the Office of the Clerk of the Court, which has been certified by the Chairperson and the Clerk of the Board, is deemed prima facie evidence of ownership by the County. The areas depicted by the Maintenance Map attached to the Resolution as Attachment 1 are under the jurisdiction, operation, and maintenance of Miami-Dade County. An affidavit from DTPW’s Chief of the Road, Bridge and Canal Maintenance Division certifying the County’s historic maintenance of the area is attached as Attachment 2 of the Resolution. It is

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
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recommended that the Maintenance Map be approved by the Board, after which it will be certified by the Chairperson and the Clerk of the Board and recorded in the Public Records of Miami-Dade, County, Florida.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

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

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(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 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. 8(N)(1)
10-5-21

RESOLUTION NO. _____

RESOLUTION APPROVING A MAINTENANCE MAP FOR A PORTION OF SW 184 STREET IN SECTIONS 4 AND 5, TOWNSHIP 56 SOUTH, RANGE 39 EAST; AUTHORIZING THE CHAIRPERSON AND THE CLERK OF THE BOARD TO CERTIFY THE MAINTENANCE MAP; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE SAME

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 Director of the Department of Transportation and Public Works has recommended that an official maintenance map, stating that such road has vested in the County, be filed of record to indicate prima facie evidence of ownership, pursuant to the provisions of Section 95.361 of the Florida Statutes and the County Mayor has concurred with such recommendation,

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

Section 1. This Board incorporates and adopts the foregoing recitals.

Section 2. This Board approves the Maintenance Map for those portions of SW 184 Street between 210 feet west of SW 157 Avenue and 70 feet west of SW 152 Court, in Sections 4 and 5, Township 56 South, Range 39 East, Miami-Dade County, Florida, as depicted in Attachment 1 to this Resolution. This Board authorizes the Chairperson and the Clerk of the Board to certify the same pursuant to Section 95.361 of the Florida Statutes and authorizes the County Mayor or Mayor's designee to take all actions necessary to effectuate the same.

Section 3. Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or Mayor’s designee to record any instruments executed in connection herewith which create or reserve a property interest in favor of the County, in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of instruments to the Clerk of the Board within thirty (30) days of execution of said instruments; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instruments together with this resolution.

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 5th day of October, 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

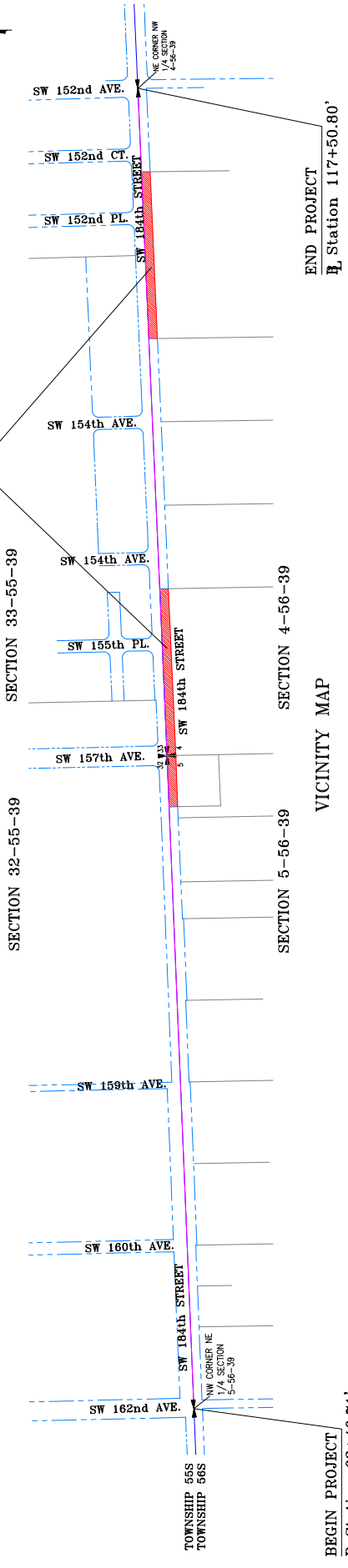
By : _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Lauren E. Morse

ATTACHMENT 1



LEGEND

- AREA BEING MAINTAINED BY MIAMI-DADE COUNTY
- R/W EXISTING
- PROPERTY LINE
- SECTION LINE
- LOT LINE
- CENTER LINE
- MAINTENANCE LINE
- OFFICIAL RECORD BOOK
- RADIUS
- DELTA
- ARC LENGTH
- BASE LINE
- CENTER LINE
- SECTION LINE
- RIGHT OF WAY
- SECTION
- PLAT BOOK
- P.C. PAGE
- R.I.T. RIGHT
- P.T. POINT
- PI. POINT OF INTERSECTION

SURVEYOR'S NOTES:

-BEARINGS ARE BASED ON STATE PLANE COORDINATES, EAST ZONE, TRANS-MERIDIAN SYSTEM, NORTH AMERICAN DATUM OF 1983, 1990 AND 2011. MONUMENTS ARE REFERENCED TO A LINE BETWEEN THE FOLLOWING POINT 1, N 45°01'2.2660" E 839'33.7600" DISTANCE TO POINT 2, S 89°03'2.1316" W 849'64.8472" DISTANCE TO POINT 3. THE TRAVERSE LINE HAVING A BEARING OF N 87°29'58" E.

-ALLEYWAYS, STREETS, BLOSSOMS, AND LOTS, WERE CALCULATED FROM RECOVERED NEIGHBORING SECTION CORNERS USING PLATS OF RECORD AND OTHER RECORD TITLES. NO OCCUPATION LINES OR PERMANENT REFERENCE MONUMENTS WERE RECOVERED BY THE AVAILABLE SURVEY.

-THIS MAINTENANCE MAP IS COMPILED FROM SECTIONAL DATA AND TOPOGRAPHIC SURVEY AS PER ELECTRONIC FILES:

SW184ST_SECTION_CORNERS.RAW
 SW 184 ST 152-162 ST MAINTENANCE MAP(AA).dwg.
 SW152AVE_SW184ST.RAW,

UNDER PROJECT NUMBER 20200291, AND THE RESPONSIBLE CHARGE OF SCOTT RIGGS, PSM., FOR MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, SURVEY SECTION 111 NW 1ST STREET, 375-2655, WORK IN MIAMI-DADE COUNTY, FLORIDA 33128.

-ALL DISTANCES ARE BASED UPON THE U.S. SURVEY FOOT (1 FOOT=1200/3937IN).

THIS IS TO CERTIFY THAT THIS MAP NUMBERED SHEET ONE (1) OF TWO (2) WITHIN THE OFFICIAL MAINTENANCE MAP FOR SW 184 STREET PUBLIC WORKS FOR THE REPRESENTED PORTION OF SW 184 STREET BETWEEN SW 162 AVENUE AND SW 152 AVENUE IN MIAMI-DADE COUNTY, FLORIDA.

THIS MAINTENANCE MAP WAS APPROVED BY RESOLUTION No. _____, PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, ON THIS _____ DAY OF _____, A.D. 2021.

ACCETED FOR FILES AND RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA THIS _____ DAY OF _____, A.D. 2021, AT _____ M. IN ROAD MAP BOOK _____ AT PAGE _____.

Clerk of the Circuit Court
 Miami-Dade County, Florida

By: _____
 Deputy Clerk
 Harvey Ruvin

THE PROPERTY shown crosshatched on said Map has been visited by Miami-Dade County Public Works on _____ at _____, 1991 in addition to any other formal conveyance, statute, or other instruments.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the Board of County Commissioners of Miami-Dade County, Florida, on this _____ day of _____, A.D. 2021.

Attest:
 HARVEY RUVIN, Clerk
 MIAMI, DADE-COUNTY, FLORIDA.
 By: _____
 Deputy Clerk

 CHAIRMAN

THIS IS TO CERTIFY THAT I, Dennis J. Fernandez, Division Chief of the Department of Transportation and Public Works, have determined, to the best of my knowledge, that Miami-Dade County road forces have maintained the correct cross-section of the project on the project area between SW 184 Street, in Miami-Dade County, Florida, for at least four (4) years.

Dennis J. Fernandez, Division Chief
 Road, Bridge and Canal Maintenance Division
 Department of Transportation and Public Works
 Miami-Dade County

MAINTENANCE MAP

MIAMI-DADE COUNTY DEPARTMENT
 OF TRANSPORTATION AND PUBLIC WORKS
 RIGHT-OF-WAY DIVISION
 ENGINEERING SECTION



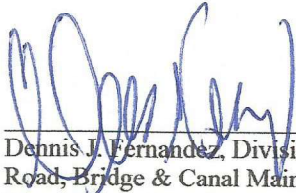
REASON	BY	DATE	CHECKED	FOR	DATE

SUBMITTED BY: DATE:	DATE:
APPROVED BY: DATE:	DATE:
FROM SW 162 AVE. TO SW 162 AVE. SW 184 STREET	
PROJECT: 20200291 SHEET: 1 OF 2	

FILES USED: SW184ST_MAINTENANCE_MAP.RAW
 SW152AVE_SW184ST_MAINTENANCE_MAP.RAW
 SCALE: 1" = 200'

AFFIDAVIT

THIS IS TO CERTIFY THAT I, Dennis J. Fernandez, Chief of the Road, Bridge and Canal Maintenance Division of the Miami-Dade County Department of Transportation and Public Works have determined, to the best of my knowledge, that Miami-Dade County road forces have maintained along SW 184 Street between 210 feet West of SW 157 Avenue and 70 feet West of SW 152 Court, the pavement, signing, drainage, swale, and trees of the road thereof, in Miami-Dade County, Florida, for at least four (4) years.



Dennis J. Fernandez, Division Chief
Road, Bridge & Canal Maintenance Division
Department of Transportation and Public Works
Miami-Dade County

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

I HEREBY CERTIFY, that on this 26 day of MARCH, A.D. 2021, before me, an officer duly authorized to administer oaths and take acknowledgments personally appeared by means of physical or online notarization DENNIS J. FERNANDEZ, personally known to me, or proven, by producing the following identification: FL DRIVERS LICENSE, to be the person who executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

WITNESS my signature and official seal in the County and State aforesaid, the day and the year last aforesaid.



Notary Signature

RAUL O. BALLINA

Printed Name

Notary Public, State of FLORIDA

My Commission expires: 7/23/2022

Commission No.: GG 241087



RAUL O. BALLINA
Commission # GG 241087
Expires July 23, 2022
Bonded Thru Budget Notary Services®

SEAL/ NOTARY SEAL / STAMP

EXHIBIT 2