

MEMORANDUM

Agenda Item No. 8(N)(2)

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

DATE: October 5, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution accepting an implied offer of dedication for a portion of SW 152 Court from 224 feet South of the Centerline of SW 256 Street to 896 feet North of the Centerline of SW 260 Street, in Section 28, Township 56 South, Range 39 East, Miami-Dade County, Florida; authorizing the Mayor to take all actions necessary to effectuate same; and authorizing the recording thereof in the Public Records of Miami-Dade County, Florida

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

Memorandum



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 Accepting Implied Offer of Dedication to the County for a Portion of SW 152 Court

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the resolution accepting an implied offer of dedication for a portion of SW 152 Court from 224 feet South of the centerline of SW 256 Street to 896 feet North of the centerline of SW 260 Street in Section 28, Township 56 South, Range, 39 East, Miami-Dade County, Florida. It is in the public's best interest that the County accept this implied offer to protect the public rights-of-way and subsequently the County Road System.

Scope

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

Delegated Authority

This item delegates the authority to the County Mayor or the County Mayor's designee to record the implied offer of dedication resolution 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.

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, Highway Division.

Background

On March 22, 1962, Palo Alto Corporation, a Florida corporation now inactive, expressed an intention to dedicate a parcel of land for road purposes. This implied offer was expressly stated when Palo Alto Corporation conveyed a portion of its property by Warranty Deed recorded in Official Records Book 3074 at Page 596 of the Public Records of Miami-Dade County, Florida, a copy of which is attached as Exhibit C to this Memorandum. The deed contains the words "Less the East 25 feet for road purposes". Such language was also cited in all the following deeds in the chain of title, which validates Palo Alto's intention to dedicate the less out defined as the East 25 feet of the West 197 feet of the East 664 feet of the South 224 feet North 1/2 of the NE 1/4 of the SW 1/4 of said Section 28, Township 56 South, Range 38 East. Common law dedication of property to public use may be made by the

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
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express declaration of the party or by his acts. The intent to offer was reviewed and confirmed based upon a title search that concludes with the last Warranty Deed of the chain of title dated November 4, 2020, recorded in Official Record Book 32205, Page 4663 of the Public Records of Miami-Dade County, Florida. As such, successors in title to the defined property did not have an ownership interest in such property. There is no information in the public records that would withdraw, revoke, or impair this implied offer of dedication.. The area is described in Exhibit A to this Memorandum. A parcel sketch is attached as Exhibit B to this Memorandum.



Jimmy Morales
Chief Operations Officer

EXHIBIT "A"

LEGAL DESCRIPTION:

The East 25 feet of the West 197 feet of the East 664 feet of the South 224 feet of the North 448 feet of the North one Half (N 1/2) of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 28, Township 56 South, Range 39 East, in Miami-Dade County, Florida.

SURVEYOR'S NOTE: Bearings based on a bearing of N00°53'03"W along the center line of SW 152 Street, being also the East line of the West 197' of the East 664' of the South 224' of the North 448' of the North 1/2 of the NE 1/4 of the SW 1/4 of Section 28, TWP 56 S, RGE 39 E, referred to a Bdry Survey dated 11/25/2020 by Bello&Bello LS, LB 7262, Job 21152.

By: _____
Carlos D. Socarras, PLS
Professional Land Surveyor No. 4953
State of Florida

For: Miami-Dade County Department
of Transportation and Public Works
Right-of-Way Division Engineering Section
111 NW 1 Street, Suite 1610 Miami, Florida
33128-1970

NOTICE: Unless it bears the signature and the original raised seal of a Florida licensed Surveyor and Mapper, this sketch is for informational purposes only and is not valid.

THIS SKETCH IS A GRAPHIC REPRESENTATION OF THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED AND WITHOUT WHICH THIS SKETCH IS TO BE CONSIDERED VOID AND INCOMPLETE.



THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
MIAMI-DADE COUNTY DEPARTMENT
OF TRANSPORTATION AND PUBLIC WORKS
RIGHT OF WAY DIVISION
ENGINEERING SECTION

SW 152 Ct

4 IMPLIED OFFER

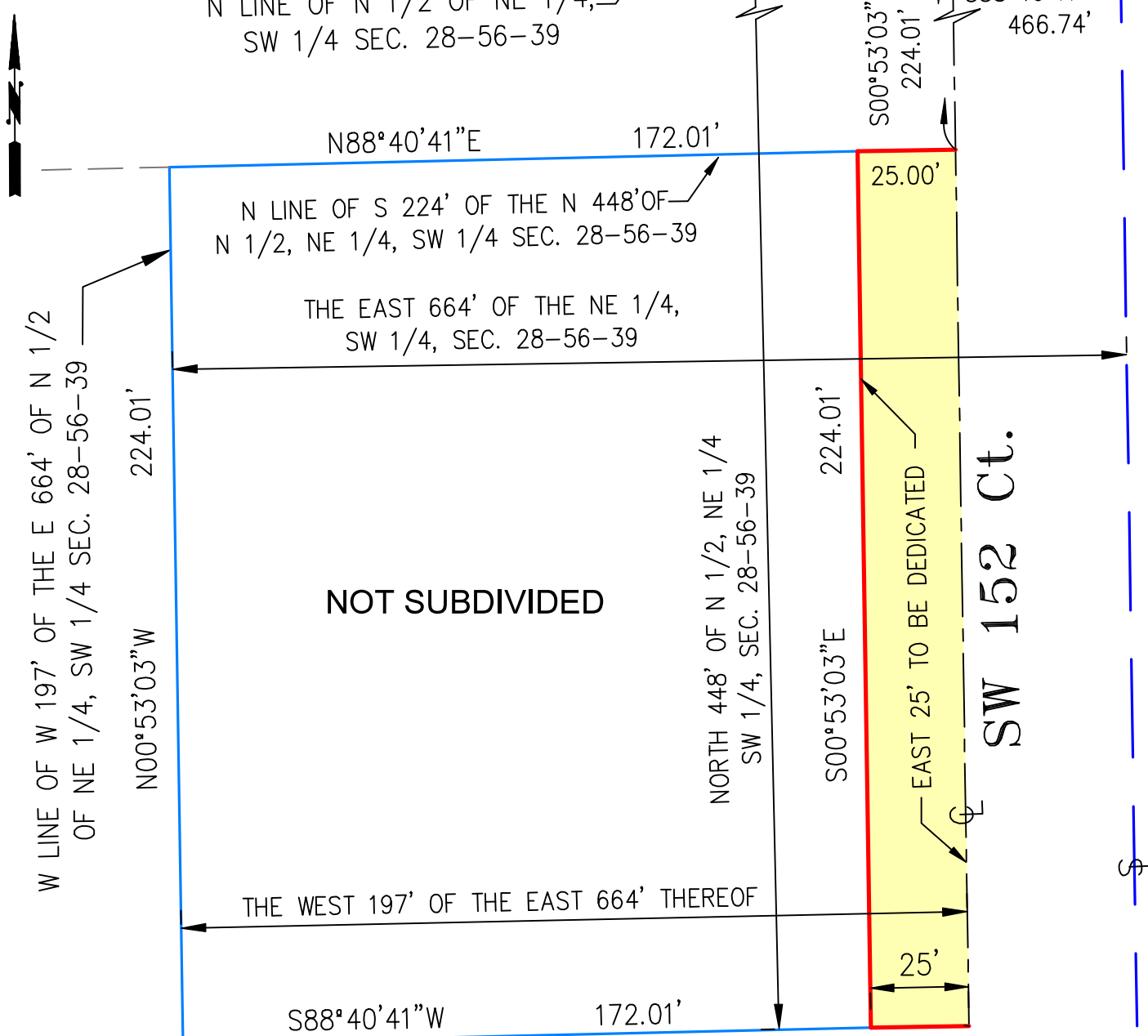
SCALE: N/A	DATE: 05-18-21
CHECKED BY: C. Socarras	
DRAWN BY: L. Espinosa	
PROJECT:	SHEET: 1 of 2

SEC 28
TWP 56 S
RGE 39 E

EXHIBIT "B"

SW 256 St.

NE CORNER NE 1/4
SEC. 28-56-39



LEGEND

- LOT LINE
- AREA TO BE DEDICATED
- PARCEL LINE
- ⊕ CENTER LINE
- SECTION LINE
- ⊔ SECTION LINE
- PROPERTY LINE
- RGE RANGE
- TWS TOWNSHIP MAP
- SEC SECTION

THIS SKETCH IS A GRAPHIC REPRESENTATION OF THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED AND WITHOUT WHICH THIS SKETCH IS TO BE CONSIDERED VOID AND INCOMPLETE.



THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
MIAMI-DADE COUNTY DEPARTMENT
OF TRANSPORTATION AND PUBLIC WORKS
RIGHT OF WAY DIVISION
ENGINEERING SECTION

SW 152 Ct
5 IMPLIED OFFER

SCALE: 1"=50'	DATE: 05-18-21
CHECKED BY: C. Socarras	
DRAWN BY: L. Espinosa	
PROJECT:	SHEET: 2 of 2

WARRANTY DEED FROM CORPORATION

OFFICIAL FORM A 3

OFFICIAL LEGAL FORMS HALEAM, FLORIDA

Warranty Deed

This Indenture, Made this 15th day of March, A. D. 1962
Between PALO ALTO CORPORATION, a corporation
 existing under the laws of the State of Florida, having its principal place of
 business in the County of Dade and State of Florida
 and lawfully authorized to transact business in the State of Florida, party of the first part, and
 ROBERT and MARGUERITE BRYANT, HUSBAND AND WIFE,
 of the County of Polk and State of Florida
 part of the second part. **Witnesseth:**

That the said party of the first part, for and in consideration of the sum of 1000.00
 Dollars, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, heirs and assigns forever, the following described land situate, lying and being in the County of Dade and State of Florida, to-wit:

That certain lot or lots of land, to-wit: the North One Half (N1/2) of the Northeast Quarter (NE1/4) of Section 10, Township 21 North, Range 20 West, 1st Meridian, Dade County, Florida, and containing approximately 1.00 acre, including road.

- subject To: Taxes for the year 1962 and all subsequent years.
- subject To: Conditions, Limitations, restrictions and covenants of record, and to all applicable zoning ordinances.



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.

In Witness Whereof,
 the said party of the first part has caused these presents to be signed in its name by its proper officers, and its corporate seal to be affixed, attested by its secretary, the day and year above written.

Attest: [Signature]
 Secretary

Signed, sealed and delivered in presence of us:
[Signature]
[Signature]

PALO ALTO CORPORATION
[Signature]
 President

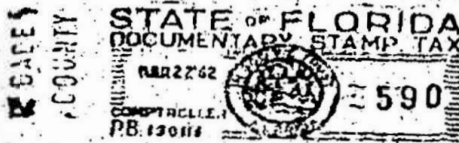
State of Florida,

County of DADE

I hereby Certify that on this 21st day of March, A. D. 1962, before me personally appeared FRANCIS P. SHERRY and WILLIAM R. RYAN, President and Secretary respectively of WALD ALTO CORPORATION, a corporation under the laws of the State of Florida, to me known to be the persons who signed the foregoing instrument as such officers and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

In Witness Whereof, I hereunto set my hand and official seal at said County and State, this 21st day of March, A. D. 1962. My Commission expires:

NOTARY PUBLIC



Warranty Deed

(FROM CORPORATION)

TO

ABSTRACT OF DESCRIPTION

Between

Filed for Record the day of

19 and recorded

in the Public Records of

County, Florida, in Official Records Book

Page

Clerk

D.C.

590 330

62R 40163

STATE OF FLORIDA COUNTY OF DADE

This instrument was filed for record

MAR 22 1962

and duly recorded in OFFICIAL RECORDS

BOOK 524 on PAGE 522

Record verified.

F. B. LEATHERMAN, Clerk Circuit Court

By D.S.

200



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)(2)

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)(2)
10-5-21

RESOLUTION NO. _____

RESOLUTION ACCEPTING AN IMPLIED OFFER OF DEDICATION FOR A PORTION OF SW 152 COURT FROM 224 FEET SOUTH OF THE CENTERLINE OF SW 256 STREET TO 896 FEET NORTH OF THE CENTERLINE OF SW 260 STREET, IN SECTION 28, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME; AND AUTHORIZING THE RECORDING THEREOF IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

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

WHEREAS, such implied offer is officially described by a less-out of the north 40 feet of the property abutting SW 152 Court South of the SW 256 Street for road purposes, as conveyed in a Warranty Deed dated March 22, 1962, recorded in Official Records Book 3074, Page 596, of the Miami-Dade County Public Records,

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, upon consideration of the Department of Transportation and Public Works' recommendation, finds and determines that the acceptance of this implied offer of dedication is in the public's best interest.

Section 3. This Board hereby approves and accepts the implied offer of dedication, as expressed in the Exhibit "C" to the Mayor's Memorandum, described in Exhibit "A" to the Mayor's Memorandum, and illustrated in the parcel sketch in Exhibit "B" to the Mayor's

Memorandum, and authorizes the County Mayor or County Mayor’s designee to take all actions necessary to effectuate same.

Section 4. Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or County Mayor’s designee to record the acceptance herein in the Public Records of Miami-Dade County and to provide a recorded copy of each instrument 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 each 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