

MEMORANDUM

Agenda Item No. 8(N)(2)

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

DATE: September 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution designating a portion of Miami-Dade County-owned property identified as the Ludlam Trail as public road right-of-way for SW 12 Street, in Section 11, Township 54 South, Range 40 East; and directing the County Mayor to perform all acts 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 Rebeca Sosa.



Geri Bonzon-Keenan
County Attorney


GBK/gh

Memorandum



Date: September 1, 2022

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Designating A Portion of Miami Dade County-Owned Property Identified as Ludlam Trail as Public Road Right-of-Way for SW 12 Street, in Section 11, Township 54 South, Range 40 East

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant the attached resolution designating a portion of Miami-Dade County owned property as public road right-of-way which has been improved as part of SW 12 Street. However, this portion of land has not been dedicated or designated as public right-of-way. The estimated annual maintenance costs associated with this item are \$40.

Recommendation

It is recommended that the Board approve the attached resolution designating a Miami-Dade County-owned property as public right-of-way for SW 12 Street. The subject property is located at the intersection of SW 12 Street and the Ludlam Trail and is more fully described in Exhibit “A” attached to this memorandum. The land is actively being used as part of SW 12 Street.

Scope

The impact of this project is localized within District 6, which is represented by Commissioner Rebeca Sosa.

Delegated Authority

There is no delegation of authority associated with this item.

Fiscal Impact/Funding Source

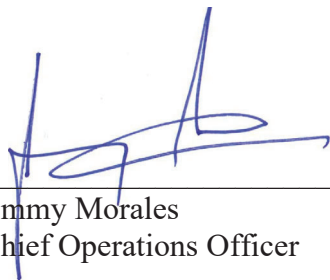
The total fiscal impact of approving this designation is approximately \$40 annually for maintenance costs associated with the subject rights-of-way being included in the Department of Transportation and Public Works (DTPW) inventory. These costs will be funded through DTPW’s General Fund allocation.

Track Record/Monitor

The Department of Transportation and Public Works (DTPW) is the entity overseeing this project and the person responsible for monitoring it is Ms. Maria D. Molina, P.E., Chief, Right-of-Way Division.

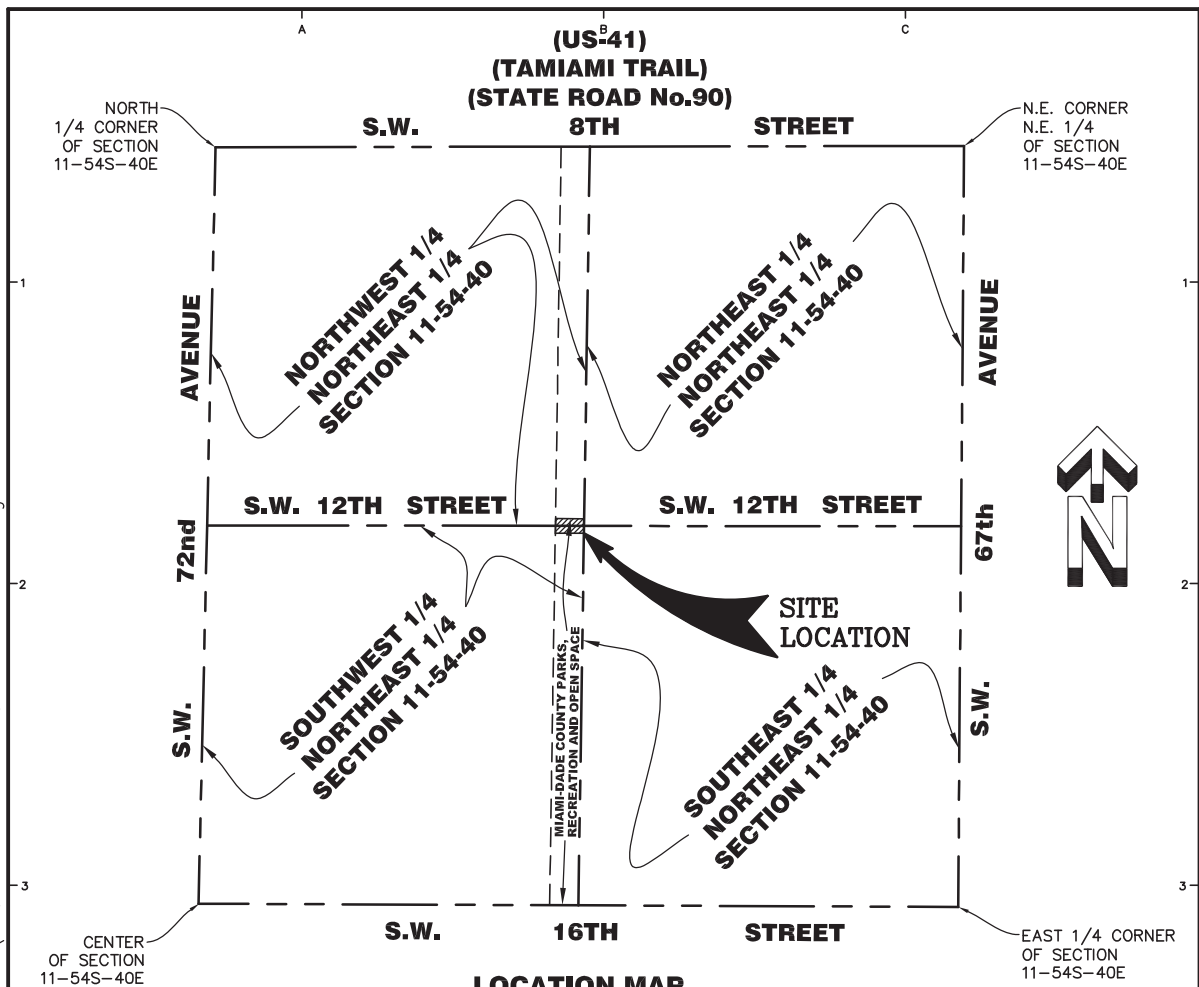
Background

This resolution designates as public road right-of-way a portion of Miami-Dade County owned property identified as the Ludlam Trail for SW 12 Street, as described and depicted in Exhibit “A” (the “County Property”). The subject portion of land has been improved as part of SW 12 Street. It includes portions of concrete sidewalks, asphalt pavement, and utilities, and is currently in use by vehicular and pedestrian traffic. However, this portion of land has not been dedicated or designated as public right-of-way. This resolution will accomplish the designation of this land as part of the public right-of-way for SW 12 Street. This County Property is under the jurisdiction of the Parks, Recreation, and Open Spaces Department. The director of the Department of Parks, Recreation and Open Spaces concurs with this action.



Jimmy Morales
Chief Operations Officer

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LOCATION MAP
 NORTHEAST 1/4 SECTION 11,
 TOWNSHIP 54 SOUTH, RANGE 40 EAST
 MIAMI-DADE COUNTY, FLORIDA
 (NOT TO SCALE)

SURVEYOR'S NOTES:

- 1) This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
- 2) Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- 3) There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of TITLE COMMITMENT will have to be made to determine recorded instruments, if any affecting this property.
- 4) North arrow direction and Bearing shown hereon is based on assumed value of N89°55'49"W, along the South line of the Northwest 1/4 of the Northeast 1/4 of Section 11, Township 54 South, Range 40 East, Miami-Dade County, Florida.
- 5) The Sketch and Legal Description shown herein is based on the information provided by the Client.
- 6) No title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right of Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilized for.

SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon. I further certify that this sketch was prepared in accordance with the applicable provisions of Chapter 5J-17.052 (Formerly 61G17-6), Florida Administrative Code.

Ford, Armenteros & Fernandez, Inc., LB #6557

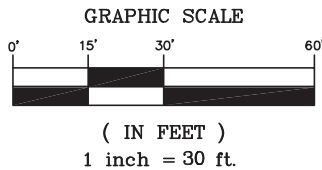
Date: DECEMBER 29th, 2020

**RICARDO RODRIGUEZ P.S.M., FOR THE FIRM
 PROFESSIONAL SURVEYOR & MAPPER
 STATE OF FLORIDA REG. No. 5936**

MDC PARKS DEPT. DEDICATION FOR R/W

FORD, ARMENTEROS & FERNANDEZ, INC.
 1950 N.W. 94th AVENUE, 2nd FLOOR
 DORAL, FLORIDA 33172
 PH. (305) 477-6472
 FAX (305) 470-2805

TYPE OF PROJECT:		SKETCH AND LEGAL DESCRIPTION	
SHEET NAME:		LOCATION MAP AND SURVEYOR'S NOTES	
PREPARED FOR:		LION MIAMI TERRACE, LLC.	
DRAWN BY:	R.R.	DATE:	12-29-2020
DWG. CHECKED BY:		SCALE:	AS SHOWN
CHECKED BY:		PROJECT No:	19-024-1000
			SHEET: 1 OF 2 SHEETS



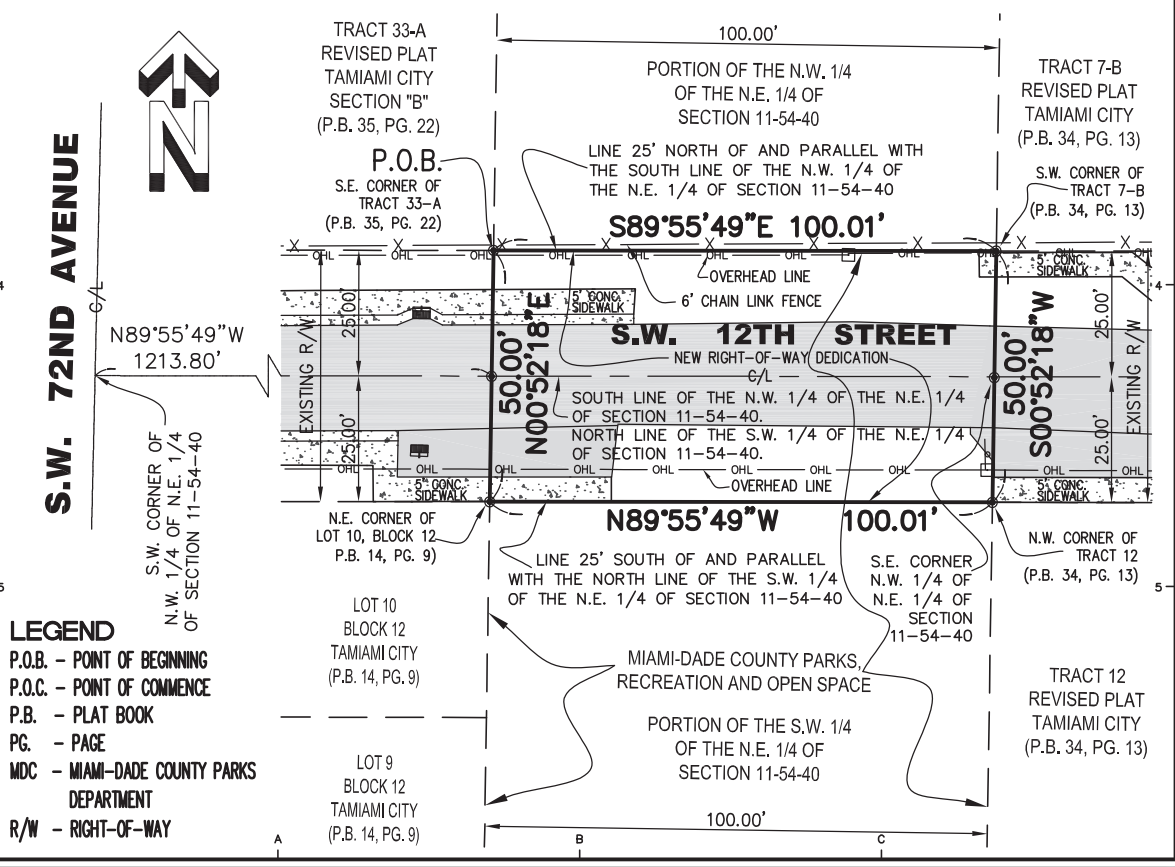
LEGAL DESCRIPTION:

A PORTION OF THE NORTHWEST 1/4 AND OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF TRACT 33-A, OF "REVISED PLAT OF TAMIAMI CITY SECTION B", AS RECORDED IN PLAT BOOK 35, AT PAGE 22 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE S89°55'49"E, ALONG A LINE 25.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11 FOR A DISTANCE OF 100.01 FEET TO THE SOUTHWEST CORNER OF TRACT 7-B, OF "REVISED PLAT OF TAMIAMI CITY", AS RECORDED IN PLAT BOOK 34, AT PAGE 13 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE S00°52'18"W FOR A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF TRACT 12, OF SAID PLAT OF "REVISED PLAT OF TAMIAMI CITY"; THENCE N89°55'49"W, ALONG A LINE 25.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11 FOR A DISTANCE OF 100.01 FEET TO THE NORTHEAST CORNER OF LOT 10, BLOCK 12, OF "TAMIAMI CITY", AS RECORDED IN PLAT BOOK 14, AT PAGE 9 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE N00°52'18"E FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,000 SQUARE FEET OR 0.115 ACRES MORE OR LESS.

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- LEGEND**
- P.O.B. - POINT OF BEGINNING
 - P.O.C. - POINT OF COMMENCE
 - P.B. - PLAT BOOK
 - PG. - PAGE
 - MDC - MIAMI-DADE COUNTY PARKS DEPARTMENT
 - R/W - RIGHT-OF-WAY

MDC PARKS DEPT. DEDICATION FOR R/W

FORD, ARMENTEROS & FERNANDEZ, INC.
 1950 N.W. 94th AVENUE, 2nd FLOOR
 DORAL, FLORIDA 33172
 PH. (305) 477-6472
 FAX (305) 470-2805

TYPE OF PROJECT:		SKETCH AND LEGAL DESCRIPTION	
SHEET NAME:		SKETCH AND LEGAL DESCRIPTION	
PREPARED FOR:		LION MIAMI TERRACE, LLC.	
DRAWN BY:	R.R.	DATE:	12-29-2020
DWG. CHECKED BY:		SCALE:	AS SHOWN
CHECKED BY:		PROJECT No:	19-024-1000
		SHEET:	2
		OF 2 SHEETS	



MEMORANDUM
(Revised)

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

DATE: September 1, 2022

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)
9-1-22

RESOLUTION NO. _____

RESOLUTION DESIGNATING A PORTION OF MIAMI-DADE COUNTY-OWNED PROPERTY IDENTIFIED AS THE LUDLAM TRAIL AS PUBLIC ROAD RIGHT-OF-WAY FOR SW 12 STREET, IN SECTION 11, TOWNSHIP 54 SOUTH, RANGE 40 EAST; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE THE SAME

WHEREAS, the Directors of the Department of Transportation and Public Works (DTPW) and the Department of Parks, Recreation and Open Spaces (PROS) recommend that a portion of the County-owned property in Section 11, Township 54 South, Range 40 East, as described and depicted in Exhibit A to the County Mayor's Memorandum, be designated as public road right-of-way for SW 12 Street; and

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

WHEREAS, granting this designation will formalize the use of the existing road on SW 12 Street as a public road,

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

Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals.

Section 2. This Board hereby declares and designates the County Property as described and depicted in Exhibit A to the County Mayor's Memorandum as public road right-of-way.

Section 3. This Board directs the County Mayor or County Mayor's designee to perform all acts necessary to effectuate same.

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 1st day of September, 2022. 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