

MEMORANDUM

Agenda Item No. 8(L)(1)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving a disclaimer by Miami-Dade County releasing a canal reservation located along NW 97 Avenue and NW 162 Street in Section 17, Township 52 South, Range 40 east in the City of Hialeah, Miami-Dade County; and authorizing the County Mayor to execute and record the disclaimer and to take all actions necessary to effectuate this transaction

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.


Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001

Memorandum



Date: December 12, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor *Daniella Levine Cava*

Subject: Resolution Approving a Disclaimer for the Release of Canal Reservation Located Along NW 97 Avenue at NW 162 Street in City of Hialeah, Miami-Dade County (WC-950)

Executive Summary

The purpose of this item is to gain authorization by the Board of County Commissioners (the “Board”) to release the 130-foot-wide canal reservation currently located at 16300 NW 97 Avenue (the “subject property”) which is west of and along NW 97 Avenue at NW 162 Street in the City of Hialeah, Miami-Dade County. No future canal is proposed within the subject property, and the canal reservation is not needed for canal purposes. The existing canal right-of-way for the NW 97 Avenue Canal has been dedicated on the east side of NW 97 Avenue and is located opposite to the subject property. The owner of the subject property, WGC 97th Property LLC proposes to develop a one-story warehouse building within the property. In the area currently identified as the canal reservation, a storm water retention area and a stormwater swale for stormwater management purposes will be constructed. A portion of the canal reservation is zoned road right-of-way.

Recommendation

It is recommended that the Board approve a disclaimer for the release of the canal reservation located at 16300 NW 97 Avenue which is west of and along NW 97 Avenue at NW 162 Street in the City of Hialeah, Miami-Dade County. The disclaimer is attached to the resolution as Attachment A.

Delegation of Authority

The attached resolution authorizes the County Mayor or the County Mayor’s designee to execute the disclaimer.

Scope

The site is located at 16300 NW 97 Avenue which is west of and along NW 97 Avenue and at NW 162 Street in the City of Hialeah, Miami-Dade County in Commission District 12, which is represented by Commissioner Juan Carlos Bermudez.

Fiscal Impact/Funding Source

This item does not require the expenditure of any Miami-Dade County funds.

Track Record/Monitor

The Senior Professional Engineer within the Department of Regulatory and Economic Resources, Water Control Section, Marsel Fakhrutdinov, P.E., will be responsible for tasks related to this transaction.

Background

In 1959 the Central and Southern Florida Flood Control District, now known as the South Florida Water Management District, gave to the County a canal reservation, Flood Control District Deed No. 21, for canal and water management purposes in connection with the Water Control Master Plan in Section 17, Township 52 South, Range 40 East, in the vicinity of the present-day NW 97 Avenue at NW 162 Street in the City of Hialeah, Miami-Dade County.

The owner of the subject property, WGC 97th Property LLC is encumbered by the above-referenced canal reservation, which is located at 16300 NW 97 Avenue, west of the centerline of NW 97 Avenue and north of NW 162 Street, with a width of 130 feet and a total area of 0.985 acres. The property owner requests that the canal reservation be released. Within the canal reservation, a 0.34-acre stormwater retention area and a 0.02-acre stormwater swale area will be constructed for stormwater management purposes. Additionally, a 0.379-acre portion of the 0.985-acre canal reservation is zoned road right-of-way.

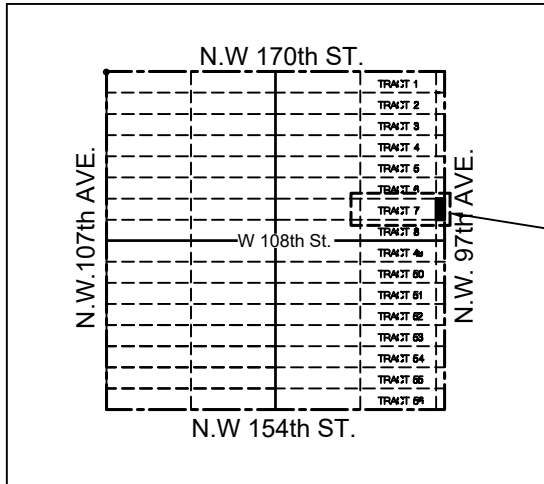
No future expansion of the NW 97 Avenue Canal is proposed within the canal reservation. The County currently has a dedicated 20-foot-wide canal right-of-way for the NW 97 Avenue Canal located east of the centerline of NW 97 Avenue. Therefore, the canal reservation is not needed for canal purposes, and it is recommended that the Board authorize the execution of the disclaimer for the release of this unneeded canal reservation. A general site sketch of the total canal reservation is attached as Exhibit 1 to this memorandum.



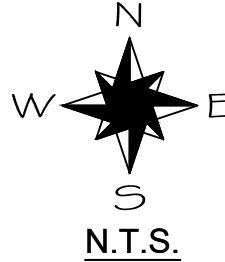
Jimmy Morales
Chief Operations Officer

EXHIBIT 1

GENERAL SITE SKETCH



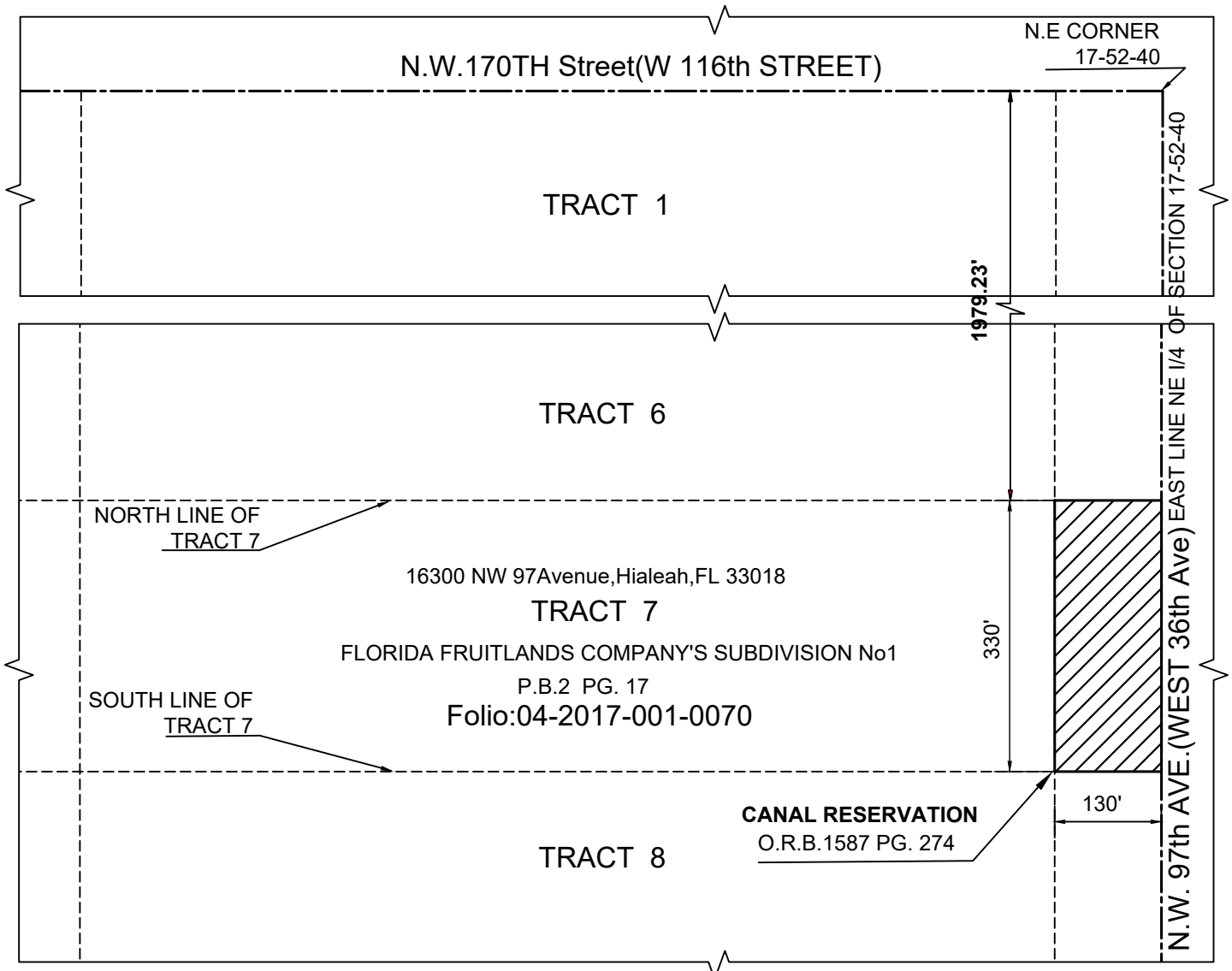
PROJECT
LOCATION



W.C. 950
SEC. 17
TWP. 52
RGE. 40

LEGEND:

 RELEASE OF CANAL RESERVATION



NOT TO SCALE

MDC004



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(L)(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(L)(1)
12-12-23

RESOLUTION NO. _____

RESOLUTION APPROVING A DISCLAIMER BY MIAMI-DADE COUNTY RELEASING A CANAL RESERVATION LOCATED ALONG NW 97 AVENUE AND NW 162 STREET IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST IN THE CITY OF HIALEAH, MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND RECORD THE DISCLAIMER AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS TRANSACTION

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. This Board incorporates the foregoing recital as if fully set forth herein.

Section 2. This Board hereby approves a disclaimer in substantially the form attached hereto as Attachment A and made a part hereof (the "disclaimer"), releasing Miami-Dade County's interest in the canal reservation.

Section 3. This Board directs the County Mayor or County Mayor's designee to: (i) execute the disclaimer; (ii) record the disclaimer in the official records of Miami-Dade County; and (iii) take all actions necessary to effectuate this transaction.

Section 4. This Board (a) directs the County Mayor or County Mayor's designee to provide a recorded copy of the disclaimer to the Clerk of the Board within 30 days of the execution of such instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of such instrument 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:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Cristina M. Rabionet

ATTACHMENT A

Instrument prepared by and return to:

Carlos A. Calvache
Miami-Dade County Department of
Regulatory and Economic Resources
Division of Environmental Resources Management
701 NW 1st Court, 6 Floor
Miami, FL 33136-3912
Folio No. 04-2017-001-0070
WC - 950

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

KNOW ALL MEN BY THESE PRESENTS that **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, does hereby give notice that it disclaims certain rights, title and interests which said **MIAMI-DADE COUNTY** has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF.

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 21 dated August 6, 1959 recorded in Official Records Book 1587 at Page 274 of the Public Records of **MIAMI-DADE COUNTY, FLORIDA**, conveyed, assigned, set over and granted to Miami-Dade County for canal and levee purposes only, the above-described land depicted in Exhibit "A"; and

WHEREAS, the aforesaid rights in reservations upon the said above-described land depicted in Exhibit "A" is not now needed by **MIAMI-DADE COUNTY** for canal purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the aforementioned land depicted in Exhibit "A" said Rights in Reservations Deed No. 21 dated August 6, 1959 recorded in Official Records Book 1587 at Page 274 of the Public Records of Miami-Dade County, Florida.

BY THE ISSUANCE of this instrument **MIAMI-DADE COUNTY** does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

IN WITNESS WHEREOF MIAMI-DADE COUNTY FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this the _____ day of _____ 2023.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR OR MAYOR'S DESIGNEE

JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT AND
COMPTROLLER

By: _____
Deputy Clerk

By: _____
Jimmy Morales, Chief Operations Officer

Print: _____

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this ____ day of _____, 20__, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

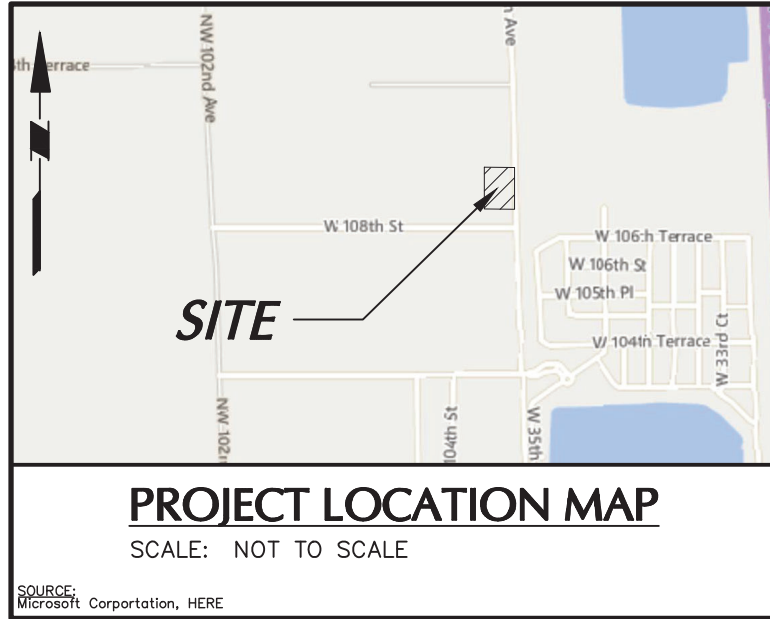
Sign _____

Print _____

STATE OF FLORIDA at large
(Seal)

My commission expires: _____

EXHIBIT "A"



LEGEND AND ABBREVIATIONS (NOT SHOWN TO SCALE)

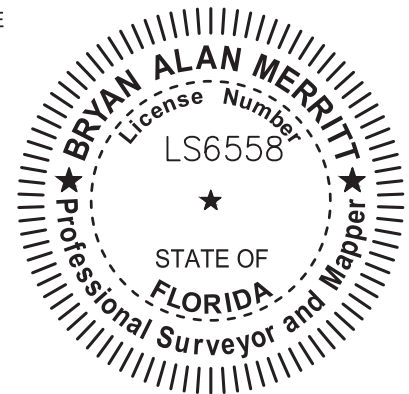
- R/W — RIGHT-OF-WAY
- S.F. — SQUARE FEET
- ⊗ — SECTION CORNER
- P.O.B. — POINT OF BEGINNING
- P.O.C. — POINT OF COMMENCEMENT
- P.B. — PLAT BOOK
- PG. — PAGE

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. ALSO, THIS SURVEY MAP COMPLIES WITH THE STANDARDS OF PRACTICE, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

Bryan A Merritt
 Digitally signed by Bryan A Merritt
 Reason: I am approving this document
 Date: 2023.08.15 09:29:04-04'00'

BRYAN A. MERRITT
 PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE NUMBER LS6558
 LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC.
 LICENSED BUSINESS NUMBER LB8172, STATE OF FLORIDA.



THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY THE ABOVE NAMED PROFESSIONAL SURVEYOR AND MAPPER USING A CRYPTOAPI PRIVATE KEY IGC DIGITAL CERTIFICATE.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED. THE AUTHENTICATION CODE MUST BE VERIFIED ON ALL ELECTRONIC COPIES.

THIS IS NOT A SURVEY.

 Langan Engineering and Environmental Services, Inc. 1221 Brickell Avenue, Suite 1800 Miami, FL 33131 T: 786.264.7200 F: 786.264.7201 www.langan.com <small>FL CERTIFICATE OF AUTHORIZATION NO. 00006601/LB8172/LB8198</small>	Project	Drawing Title	Project No.	Drawing No.
	16300 NW 97TH AVENUE	130' CANAL RESERVATION RELEASE	300295901	VB101
	HIALEAH FLORIDA		Date	
	MIAMI-DADE COUNTY		04/13/203	
			Drawn By	
			DA	
			Checked By	
			BAM	
				Sheet 1 of 4

LEGAL DESCRIPTION

A ALL THAT PIECE AND PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF MIAMI-DADE COUNTY, FLORIDA, AND ALSO BEING THE EAST 130 FEET OF TRACT 7 OF THE PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1 AS DESCRIBED IN PLAT BOOK 2 PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA;

THENCE ALONG THE EAST LINE OF SAID SECTION, SOUTH 02°40'20" EAST A DISTANCE OF 1,979.23 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE ALONG THE EAST LINE OF SAID SECTION, SOUTH 02°40'20" EAST A DISTANCE OF 329.87 FEET TO A POINT OF INTERSECTION WITH THE SOUTH PROPERTY LINE OF TRACT 7;


B THENCE ALONG SAID SOUTH PROPERTY LINE SOUTH 89°40'09" WEST A DISTANCE OF 130.15 FEET;

THENCE LEAVING SAID SOUTH PROPERTY LINE NORTH 02°40'20" WEST A DISTANCE OF 329.88 FEET TO A POINT OF INTERSECTION WITH THE NORTH PROPERTY LINE OF TRACT 7;

THENCE ALONG SAID NORTH PROPERTY LINE OF TRACT 7 NORTH 89°40'19" EAST A DISTANCE OF 130.15 FEET TO THE POINT OF BEGINNING.

C SAID PARCEL ENCOMPASSING AN AREA OF 42,897 SQUARE FEET OR 0.985 ACRES, MORE OR LESS.


THIS IS NOT A SURVEY.

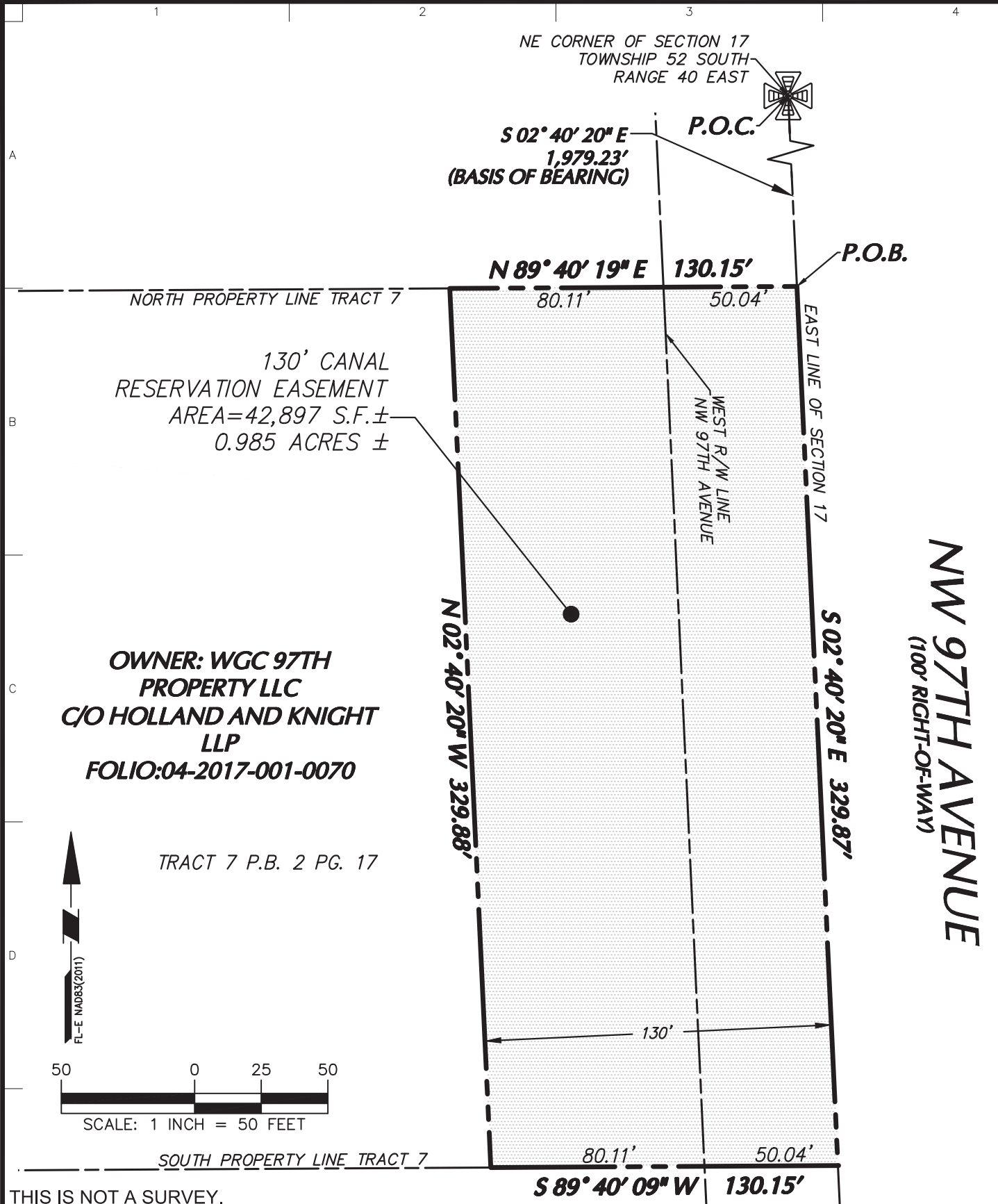
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	MIAMI-DADE COUNTY FLORIDA		04/13/203	
			Drawn By	
			DA	
			Checked By	
			BAM	Sheet 2 of 4

SURVEYOR'S NOTES

1. THIS SKETCH AND DESCRIPTION IS NOT A SURVEY.
2. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1"=50' OR SMALLER, UNLESS OTHERWISE NOTED. LINEAR UNITS SHOWN ARE U.S. SURVEY FEET.
3. TYPE OF SURVEY: SKETCH OF SURVEY AND DESCRIPTION USE OF THIS SURVEY FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
4. ALL ADJOINING RIGHTS-OF-WAY, SUBDIVISIONS AND INFORMATION ON ADJOINING PROPERTIES SHOWN HEREON ARE FROM INFORMATION SHOWN ON COUNTY PROPERTY APPRAISER'S WEBSITE. USERS OF THIS SURVEY ARE PLACED ON NOTICE THAT RELIANCE ON SUCH INFORMATION IS AT THEIR OWN PERIL, IN THIS REGARD.
5. THE WORD "CERTIFY" OR "CERTIFICATION" AS SHOWN AND USED HEREON, MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
6. THIS SKETCH OF SURVEY AND DESCRIPTION IS NEITHER FULL NOR COMPLETE WITHOUT ALL SHEETS OF THIS SET.
7. THE BEARINGS SHOWN HEREON ARE REFERENCED TO GRID NORTH BASED UPON THE STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) REFERENCED TO THE FLORIDA PERMANENT REFERENCE NETWORK AND BASED UPON THE EAST LINE OF SECTION 17, HAVING A BEARING OF SOUTH 02°40'20" EAST AND ALL BEARINGS ARE RELATIVE TO SAID LINE.
8. THIS SKETCH OF SURVEY MAP AND DESCRIPTION OR COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER OR A CRYPTOAPI PRIVATE KEY IGC DIGITAL CERTIFICATE.

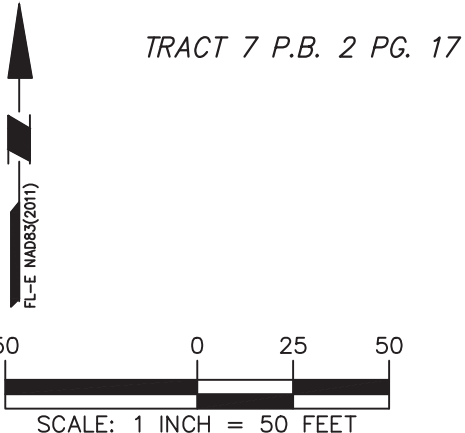
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	HIALEAH		Date	
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			Drawn By	
			DA	
			Checked By	
			BAM	Sheet 3 of 4



130' CANAL
RESERVATION EASEMENT
AREA=42,897 S.F.±
0.985 ACRES ±

**OWNER: WGC 97TH
PROPERTY LLC
C/O HOLLAND AND KNIGHT
LLP
FOLIO:04-2017-001-0070**



NW 97TH AVENUE
(100' RIGHT-OF-WAY)

THIS IS NOT A SURVEY.

<p>LANGAN</p> <p>Langan Engineering and Environmental Services, Inc. 1221 Brickell Avenue, Suite 1800 Miami, FL 33131</p> <p>T: 786.264.7200 F: 786.264.7201 www.langan.com FL CERTIFICATE OF AUTHORIZATION NO. 00006601/LB8172/LB8198</p>	Project	Drawing Title	Project No.	Drawing No.
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			DA	
			Checked By	
			BAM	
				Sheet 4 of 4