

MEMORANDUM

CIOIC
Agenda Item No. 2(A)

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

DATE: April 9, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring surplus a County-owned property located south of 7450 SW 140 Drive, Palmetto Bay, Florida (“Property”); authorizing the private sale of the Property to an adjacent property owner for no less than a minimum bid of \$14,000.00 pursuant to Florida Statutes section 125.35(2); authorizing the County Mayor to take all actions necessary to accomplish the sale of the Property; and authorizing the Chairperson or Vice-Chairperson of the Board to execute a County Deed for such purpose

A substitute was presented and forwarded to the BCC with a favorable recommendation at the March 12, 2024 County Infrastructure, Operations and Innovations Committee.

This substitute differs from the original item in that it includes additional descriptions of the property in Exhibit A, and includes additional facts in the whereas clauses regarding the property.

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


Geri Bonzon-Keenan
County Attorney

GBK/ks


MDC001



MEMORANDUM
(Revised)

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

DATE: April 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

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. 11(A)(4)
4-2-24

RESOLUTION NO. _____

RESOLUTION DECLARING SURPLUS A COUNTY-OWNED PROPERTY LOCATED SOUTH OF 7450 SW 140 DRIVE, PALMETTO BAY, FLORIDA (“PROPERTY”); AUTHORIZING THE PRIVATE SALE OF THE PROPERTY TO AN ADJACENT PROPERTY OWNER FOR NO LESS THAN A MINIMUM BID OF \$14,000.00 PURSUANT TO FLORIDA STATUTES SECTION 125.35(2); AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE SALE OF THE PROPERTY; AND AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE

WHEREAS, the County owns a parcel of vacant land located south of 7450 SW 140th Drive, Palmetto Bay, Florida, Folio No. 33-5023-009-0120, as depicted in >>Composite<<¹ Exhibit “A” attached hereto (the “Property”); and

>>WHEREAS, as shown in Composite Exhibit A, the Property is encumbered with an FPL easement throughout the Property, and voltage powerlines have been constructed across the Property; and

WHEREAS, FPL, which holds the easement, has the ability to utilize the Property for current and future utility needs and uses; and<<

WHEREAS, pursuant to Implementing Order 8-4, the Property was circulated to all County departments for possible use, and it has been determined that no County departments have a need for the Property, and that it can therefore be declared as surplus; and

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, the property owners adjacent to the Property have expressed an interest in purchasing the Property; and

>>WHEREAS, the property owners in the general area and abutting the Property have expressed opposition to a general public park use; and

WHEREAS, the Property would not be appropriate for park uses open to the general public due to its location and condition, as it: (i) abuts the back yards of the neighbors who oppose park use; (ii) has insufficient parking and access; (iii) is encumbered by extensive powerlines traversing across the Property; and (iv) has the potential for additional utility uses by FPL; and<<

WHEREAS, administration has performed due diligence and has confirmed that ~~[[no]]~~ no obstacles or impediments were found that would prohibit the conveyance of the Property ~~[[to]]~~ >>~~and~~ ~~[[the]]~~ that the Property is non-buildable due to the FPL easement; and

WHEREAS, the value of the Property as set forth in the Miami-Dade County Property Appraiser's website as of 2023 is \$13,920.00; and

WHEREAS, this Board finds that ~~[[notwithstanding the restrictions on developability]]~~ >>(i) the Property is of insufficient size and shape to be issued a building permit due to the lack of buildable square footage because the Property is encumbered by an FPL easement and powerlines, and (ii) the value of the Property is less than \$15,000.00 as determined by the Miami-Dade County Property Appraiser; and

WHEREAS, due to its location, condition, value, lack of developable size and shape, and due to<< the existence of the FPL easement ~~[[and]]~~ >>and powerlines, this Board therefore determines that<< the Property ~~[[may be]]~~ >>is<< of use >>only<< to one or more >>of the<< adjacent property owners; and

WHEREAS, the conveyance of the Property would place the Property back on the tax rolls resulting in the payment of taxes, and additionally, the County would no longer be required to pay for maintenance or upkeep; and

WHEREAS, pursuant to 125.35(2) of the Florida Statutes, the Board has determined that it is in the best interest of the County to sell the Property to an adjacent property owner; and

WHEREAS, this Board seeks to offer the Property for sale to all of the adjacent property owners, pursuant to the disposition process set forth in section 125.35(2) of the Florida Statutes, with a minimum bid amount of \$14,000.00, and if more than one adjacent property owner expresses an interest in the Property, to accept sealed bids from such property owners, and to convey the Property to the highest bidder,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. Pursuant to section 125.35(2) of the Florida Statutes, this Board hereby: (i) declares the Property surplus; (ii) authorizes the sale to an adjacent property owner for no less than \$14,000.00; and (iii) directs the County Mayor or County Mayor's designee to take all actions necessary to accomplish the sale of the Property to the highest bidder among the adjacent property owners and to take all actions necessary to accomplish same, and to appoint staff to monitor compliance with the terms set forth herein.

Section 3. This Board authorizes the Chairperson or Vice-Chairperson of the Board to execute a County Deed for the purposes described herein in substantially the form attached as Exhibit "B."

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It 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 2nd day of April, 2024. 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.

Debra Herman





Composite Exhibit "A"

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On: 03/11/2024

PROPERTY INFORMATION	
Folio	33-5023-009-0120
Property Address	0 , FL
Owner	MIAMI-DADE COUNTY , GSA R/E MGMT
Mailing Address	111 NW 1 ST STE 2460 MIAMI, FL 33128-1929
Primary Zone	9000 AGRICULTURE
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
Beds / Baths /Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	101,059.2 Sq.Ft
Year Built	0



ASSESSMENT INFORMATION			
Year	2023	2022	2021
Land Value	\$13,920	\$13,920	\$31,320
Building Value	\$0	\$0	\$0
Extra Feature Value	\$0	\$0	\$0
Market Value	\$13,920	\$13,920	\$31,320
Assessed Value	\$13,920	\$13,920	\$31,320

BENEFITS INFORMATION				
Benefit	Type	2023	2022	2021
County	Exemption	\$13,920	\$13,920	\$31,320

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

SHORT LEGAL DESCRIPTION
23 55 40 2.32 AC M/L
TANGLEWOOD GARDENS PB 68-66
FLORIDA POWER & LIGHT COMPANY
EASEMENT BLK 2
LOT SIZE 101059 SQUARE FEET

TAXABLE VALUE INFORMATION			
Year	2023	2022	2021
COUNTY			
Exemption Value	\$13,920	\$13,920	\$31,320
Taxable Value	\$0	\$0	\$0
SCHOOL BOARD			
Exemption Value	\$13,920	\$13,920	\$31,320
Taxable Value	\$0	\$0	\$0
CITY			
Exemption Value	\$13,920	\$13,920	\$31,320
Taxable Value	\$0	\$0	\$0
REGIONAL			
Exemption Value	\$13,920	\$13,920	\$31,320
Taxable Value	\$0	\$0	\$0

SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

TANGLEWOOD GARDENS

A SUBDIVISION
OF A PORTION OF NW 1/4 SEC. 23 TWP. 55 S. RGE. 40 E
AND A PORTION OF NE 1/4 SEC. 22 TWP. 55 S. RGE. 40 E
DADE COUNTY, FLORIDA

SHEET 1 of 2

KNOW ALL MEN BY THESE PRESENTS:
That Helen D. Claven, owner and holder by assignment dated June 25 1939 and recorded under Clerk's File No. 201-12264 of the Public Records of Dade County, Florida, of a portion of the North 1/4 of the SW 1/4 of the NW 1/4 of the NE 1/4 of the NW 1/4 of Section 23 Township 55 South Range 40 East and the North 1/4 of the NE 1/4 of the NW 1/4 of Section 22 Township 55 South Range 40 East and the SE 1/4 of the NE 1/4 of the NW 1/4 of Section 23 Township 55 South Range 40 East and the SE 1/4 of the NE 1/4 of the NW 1/4 of Section 22 Township 55 South Range 40 East all being and lying in Dade County, Florida.

Witness my hand and Material Seal of Miami Florida this 31st day of July AD 1959.
Helen D. Claven
Notary Public State of Florida.

I Heretby Certify: That the attached Plat entitled "Tanglewood Gardens" is a true and correct representation of the land as recently surveyed and plotted under my direction. I also certify that the Permanent Reference Monuments shown were set on the 27th day of July 1959 in accordance with Section 7 Chapter 10225 (100-25) laws of the State of Florida.

Harold A. Schuler
Notary Public State of Florida.

This Plat was approved by Dade County, Florida, Planning, Zoning and Building Department, this 22nd day of July 1959.
By: [Signature] Director

This Plat was approved and the foregoing dedication was accepted and approved by Resolution No. 2117 passed and adopted by the Board of Commissioners of Dade County, County Florida this 2nd day of October AD 1959.
Approved: [Signature] County Engineer

Filing for Record this 2nd day of October AD 1959 at 10:00 AM in Book 68 of Plats of Page 66 of the Public Records of Dade County Florida. This Plat complies with the Provisions of the Laws of State of Florida and Ordinance No. 25-30 of Board of County Commissioners of Dade County Florida.

The Change of Ownership of whom is responsible for the installation and maintenance of the Sewerage System as shown on the plat shall be the responsibility of the owner of the land at the time of the change of ownership. The owner of the land at the time of the change of ownership shall be the person who shall be responsible for the installation and maintenance of the Sewerage System as shown on the plat.

KNOW ALL MEN BY THESE PRESENTS:
That Miami Lane Developers, Inc., a Florida Corporation have caused to be made the attached plat of "Tanglewood Gardens" a subdivision of the North 1/4 of the SW 1/4 of the NW 1/4 of the NE 1/4 of the NW 1/4 of Section 23 Township 55 South Range 40 East and the North 1/4 of the NE 1/4 of the NW 1/4 of Section 22 Township 55 South Range 40 East and the SE 1/4 of the NE 1/4 of the NW 1/4 of Section 23 Township 55 South Range 40 East and the SE 1/4 of the NE 1/4 of the NW 1/4 of Section 22 Township 55 South Range 40 East all being and lying in Dade County, Florida.

The Streets, Avenues, Courts, Terraces and Canals shown hereon together with all existing and future planting trees and shrubbery thereon are hereby dedicated to the perpetual use of the Public for proper drainage, reserving to themselves their successions and assigns the reversion or reversions thereof whenever discontinued by law.

No lot as shown on this plat shall be subdivided unless both portions of said lot are used to increase the size of the adjacent lots as plotted. No individual wells will be permitted on any lot within this subdivision except for irrigation, air conditioning and swimming pools. The septic tank and privies in Block 5, Lot 5 and all adjacent septic tanks and privies in this Block 5, Lot 5 shall be the responsibility of the owner of the lot in which they are located. The Florida Power and Light Company is authorized to install and maintain its lines and facilities in this Block 5, Lot 5 and the same may be from time to time changed or amended applicable to the area within which this subdivision is located shall be observed. The easements as indicated by dashed lines on the attached Plat are for the installation and maintenance of Public Utilities.

In Witness Whereof, the Board of Directors of Miami Lane Developers, Inc. has caused this instrument to be signed and sealed by its president, to whom the seal is hereunto attached by its Secretary, this 27th day of July AD 1959.
Witness my hand and official seal of Miami, Florida this 27th day of July AD 1959.
My Commission expires Oct 21 1962.

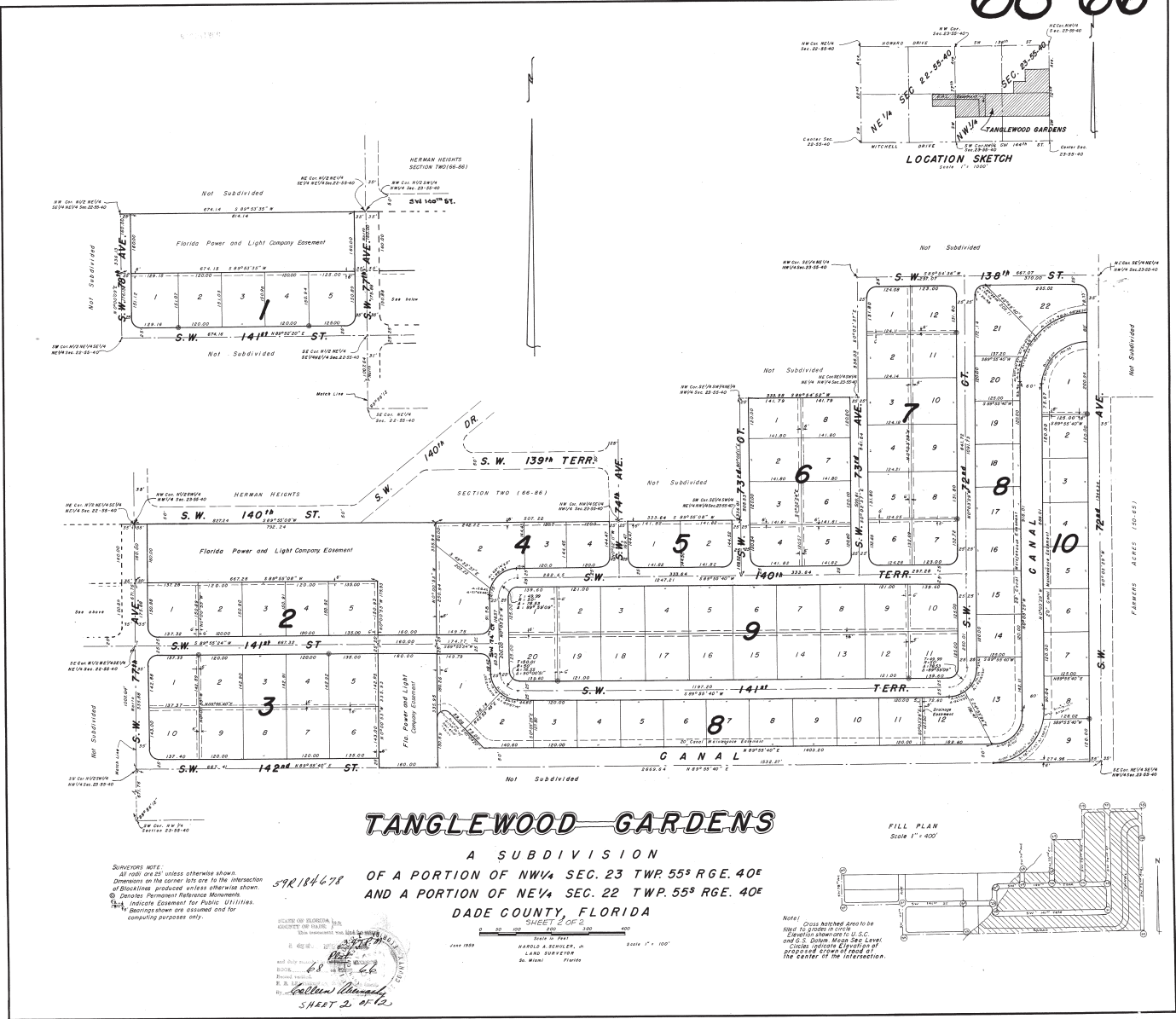
Before me this day personally appeared Phil A. Mann and Leonard O. McWhin President and Secretary respectively of Miami Lane Developers, Inc., a Florida Corporation, to me well known to be the persons described in and who executed the same freely and voluntarily as officers of said corporation that they attired thereto the official seal of said corporation by and with the authority of the Board of Directors of said corporation and that it is the free and voluntary act and deed of said corporation.
Witness my hand and official seal of Miami, Florida this 1st day of July AD 1959.
My Commission expires Oct 21 1962.

KNOW ALL MEN BY THESE PRESENTS:
That R.T. Mitchell and Lillian L. Mitchell, his wife, Charles E. Mitchell and Mary Mitchell, his wife, owners and holders of a portion of that certain mortgage dated June 15 1958 and recorded under Clerk's File No. 201-12747 of the Public Records of Dade County, Florida, and encumbering a portion of the above described lands do hereby consent to and join in the aforementioned dedication.
In Witness Whereof, we have hereunto set our hands and seals this 21st day of July AD 1959.
Witnessed by: [Signatures]

STATE OF NORTH CAROLINA
County of Orange
Before me this day personally appeared R.T. Mitchell and Lillian L. Mitchell his wife, to me well known to be the persons described in and who executed the foregoing instrument and who upon being duly sworn acknowledged that they executed the same freely and voluntarily for the purpose therein expressed.
Witness my hand and Material Seal of this 21st day of July AD 1959.
My Commission expires [Signature] Notary Public State of North Carolina

STATE OF FLORIDA
County of Dade
Before me this day personally appeared Charles E. Mitchell and Mary Mitchell, his wife, to me well known to be the persons described in and who executed the foregoing instrument and who upon being duly sworn acknowledged that they executed the same freely and voluntarily for the purpose therein expressed.
Witness my hand and Material Seal of St. Miami Florida, this 27th day of July AD 1959.
My Commission expires [Signature] Notary Public State of Florida





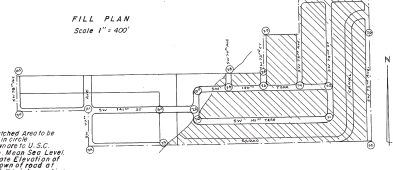
TANGLEWOOD GARDENS

A SUBDIVISION
 OF A PORTION OF NW 1/4 SEC. 23 TWP. 55^S RGE. 40^E
 AND A PORTION OF NE 1/4 SEC. 22 TWP. 55^S RGE. 40^E
 DADE COUNTY, FLORIDA

59184678
 SECTION OF FLORIDA
 COUNTY OF DADE
 MAP NO. 68-66
 SHEET 2 OF 2

DATE: 1988
 MAP NO. 68-66
 LAND SURVEYOR
 St. Michaels, Florida

SURVEYOR'S NOTE:
 All notations are as shown unless otherwise shown.
 Dimensions on the corner lots are to the intersection of blocklines produced unless otherwise shown.
 (C) Denotes Permanent Reference Monuments.
 (U) Indicate Equipment for Public Utilities.
 All bearings shown are assumed and for computing purposes only.



NOTE: Cross Section Area to be used for grading. Elevation shown is to U.S.C. and G.S. datum. Mean Sea Level. Center of canal is 10 feet from the center of the intersection.



MDC010

Exhibit "B"

Instrument prepared by:
Miami-Dade County Internal Services Department
Real Estate Development Division
111 NW 1 Street, 23rd Floor
Miami, Florida 33128-1907

Folio No.: 33-5023-009-0120

COUNTY DEED

THIS COUNTY DEED, made this _____ day of _____, 20____ by **MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida**, (hereinafter "County"), whose address is: Stephen P. Clark Center, 111 NW 1 Street, Suite 17-202, Miami, Florida 33128-1963, and the _____, (hereinafter "Grantee"), whose address is _____.

WITNESSETH that the County, for and in consideration of the sum of _____ (\$1 _____) to it in hand paid by Grantee, receipt whereof is hereby acknowledged has granted, bargained and sold to _____, its successors and assigns forever, the following legally described land lying and being in Miami-Dade County, Florida (hereinafter the "Property"):

TANGLEWOOD GARDENS FLORIDA POWER AND LIGHT COMPANY EASEMENT BLOCK 2, according to the Plat thereof, as recorded in Plat Book 68, at Page 66, of the Public Records of Miami-Dade County, Florida.

THIS CONVEYANCE IS SUBJECT TO all zoning, rules, regulations and ordinances and other prohibitions imposed by any governmental authority with jurisdiction over the Property; existing public purpose utility and government easements and rights of way and all other matters of record, and taxes for the year of closing and subsequent years.

This grant conveys only the interest of Miami-Dade County and its Board of County Commissioners in the Property herein described and shall not be deemed to warrant the title or to represent any state of fact concerning the same.

Exhibit "B"

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice Chairperson of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

JUAN FERNANDEZ-BARQUIN,
CLERK OF THE COURT

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

By: _____
Deputy Clerk

By: _____
Oliver G. Gilbert III, Chairman

Approved for legal sufficiency.

Assistant County Attorney

The foregoing was authorized by Resolution No. R-_____ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the ____ day of _____, 20____.