

MEMORANDUM

Agenda Item No. 8(N)(3)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

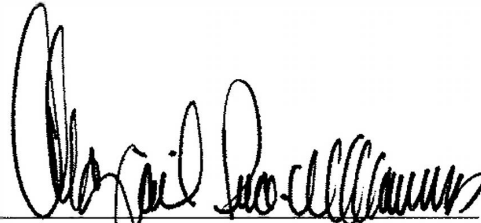
DATE: May 5, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution accepting an implied offer of dedication for a portion of SW 216 Street from 150 feet east of the centerline of SW 139 Avenue to 1012.1 west of the centerline of SW 137 Avenue, in section 15, Township 56 South, Range 39 East, Miami-Dade County, Florida; authorizing the County Mayor to take all actions necessary to effectuate same; and authorizing the recording thereof in the public records of Miami-Dade County, Florida

Resolution No. R-403-20

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



Abigail Price-Williams
County Attorney

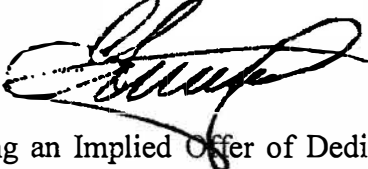
APW/uw

Memorandum



Date: May 5, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Resolution Accepting an Implied Offer of Dedication for a Portion of SW 216 Street
East of SW 139 Avenue to Protect the Public's Road Rights-of-Way, and Subsequently
the County Road System

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution accepting an implied offer of dedication for a portion of SW 216 Street from 150 feet east of the centerline of SW 139 Avenue to 1012.1 feet west of the centerline of SW 137 Avenue, in Section 15, Township 56 South, Range 39 East in Miami-Dade County, Florida and authorizing the recordation thereof in the Public Records of Miami-Dade County.

SCOPE

The subject property is located within District 9, which is represented by Commissioner Dennis C. Moss.

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 project and the person responsible for monitoring is Leandro Oña, P.E., Chief, Roadway Engineering and Right-of-Way Division.


BACKGROUND

On October 9, 1968, Mr. Carrol L. Price and Mrs. Sylvia N. Price, his wife, owned a portion of the W 1/2 of the NW 1/4 of the NE 1/4 of the NE 1/4 of Section 15, Township 56 South, Range 39 East, in Miami-Dade County, Florida. The area is described in Exhibit "A" and a location map is attached as Exhibit "B". On June 12, 1973, Mr. and Mrs. Price conveyed that portion of the W 1/2 of the NW 1/4 of the NE 1/4 of the NE 1/4 (the "property") to Mr. Eugene Haight and Mrs. Dorothy E. Haight, his wife, in a Warranty Deed recorded in Official Record Book 8330, Page 401, of the Public Records of Miami-Dade County, expressing an implied offer to dedicate a portion of the land for road right-of-way by using the language "excluding 40 feet for road right-of-way." Thereafter, Mr. and Mrs. Haight, conveyed the same property to Mr. Lawrence Antonucci and Mrs. Linda G. Antonucci, his wife, by a Warranty Deed dated August 29, 1979, recorded in Official Record Book 10500, Page 1941 confirming the Prices' intention to dedicate 40 feet for road right-of-way defined as the N 40.00 feet of the E 187.32 feet of the W 1/2 of the

NW 1/4 of the NE 1/4 of the NE 1/4 of said Section 15. Copies of the 1973 and 1979 Warranty Deeds are attached as Exhibit "C."

Following a request for a building permit, the current owners of the property discovered the less out of the 40 feet for road right-of-way, as evidenced by the publicly recorded documents provided as Exhibit "C." To secure their building permit, the property owners need to abut SW 216 Street, which the less out prevents. Accepting this Implied Offer of Dedication will protect the County Road System and allow the property owners to obtain their building permit. Additionally, improvements to SW 216 Street, east of this property, are ongoing and it is possible that the project would continue west.

Based on Exhibit "C", successors in title to this property do not have an ownership interest in the road. There is no information in the public records that would withdraw, revoke or impair the implied offer of dedication.



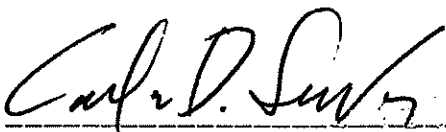
Jennifer Moon
Deputy Mayor

EXHIBIT "A"

Legal Description:

The North 40.00 feet of the East 187.32 feet of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 15, Township 56 South, Range 39 East, Miami-Dade County, Florida.

SURVEYOR'S NOTE: Bearings based on SPC East Zone, NAD 1927, having a bearing of S89°09'28"W along the center line of SW 216 Street, which is also the North line of the NE 1/4 of Section 15, Township 56 South, Range 39 East, Miami-Dade County, Florida.

By: 
Carlos D. Secarras, 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.



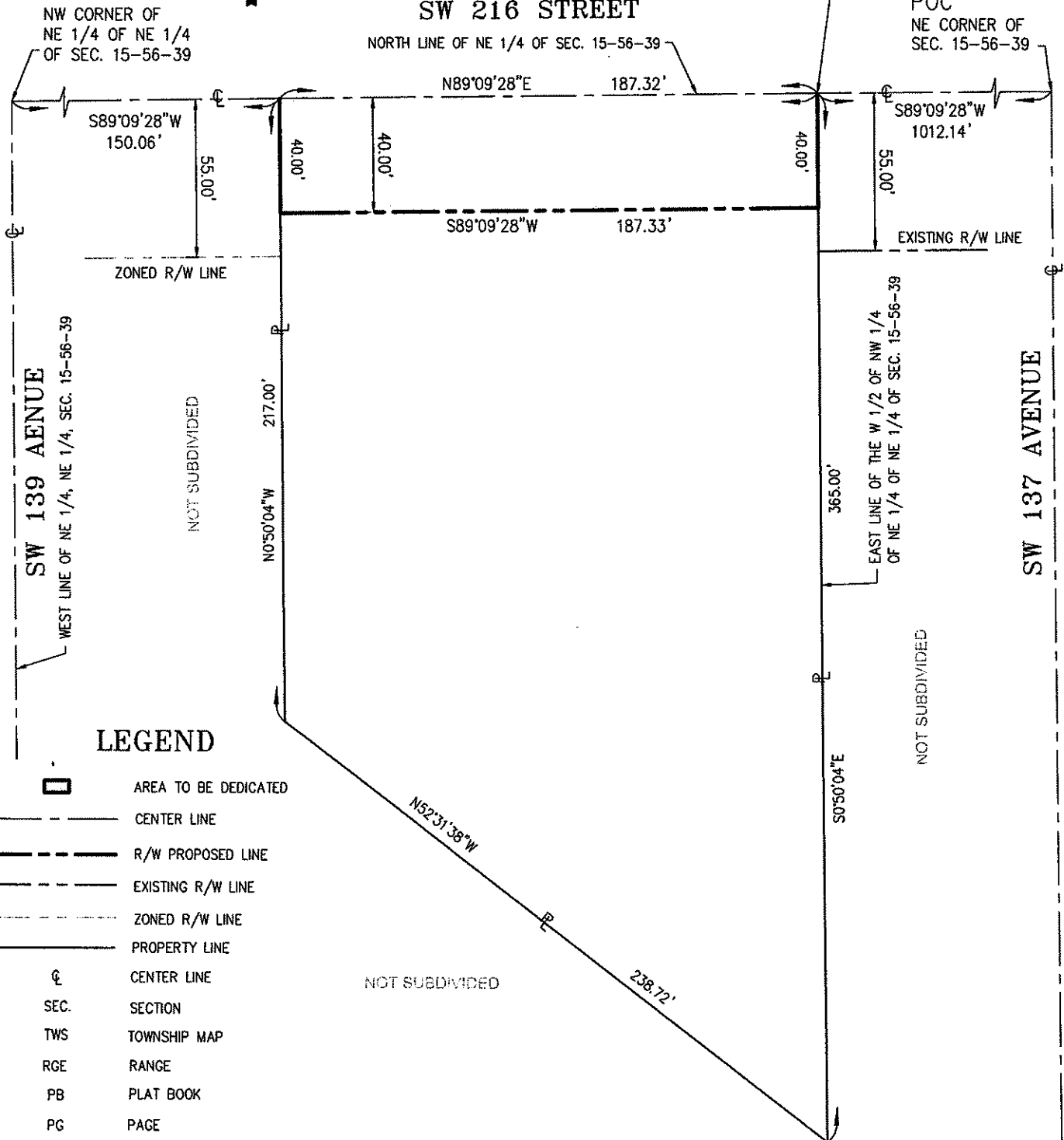
THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS RIGHT OF WAY DIVISION ENGINEERING SECTION	SW 216 ST	SCALE: N/A	DATE: 06-20-19
	IMPLIED OFFER	CHECKED BY: C. Secarras	DRAWN BY: L. Espinosa
		PROJECT: 20100424	SHEET: 1 of 2

SEC 15
TWP 56 S
RGE 39 E

EXHIBIT "B"

POB
NE CORNER OF WEST 1/2 OF
NW 1/4 OF NE 1/4 OF NE 1/4
OF SEC. 15-56-39



LEGEND

- AREA TO BE DEDICATED
- CENTER LINE
- R/W PROPOSED LINE
- EXISTING R/W LINE
- ZONED R/W LINE
- PROPERTY LINE
- CENTER LINE
- SEC. SECTION
- TWS TOWNSHIP MAP
- RGE RANGE
- PB PLAT BOOK
- PG PAGE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT



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 216 ST

IMPLIED OFFER

SCALE: 1"=50'	DATE: 06-20-19
CHECKED BY: C. Socarras	
DRAWN BY: L. Espinosa	
PROJECT: 20100424	SHEET: 2 of 2

EXHIBIT "C"

73 JUN 13 PM 12:30

NE 8330 PG 401

73R135730

State Stamps \$159.00

State Surtax \$58.30

This instrument was prepared by:
Sylvan Holtzman
Attorney at Law
8585 Sunset Drive
Miami, Fla. 33143

Warranty Deed

STATUTORY FORM - SECTION 689.02 F.S.

This instrument, Made this 12th day of June 1973, Between
CAROLL L. PRICE and SYLVIA N. PRICE, his wife
of the County of Dade, State of Florida, grantor, and
EUGENE HAIGHT and DOROTHY E. HAIGHT, his wife
whose post office address is 13850 S.W. 216 Street, Miami
of the County of Dade, State of Florida, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of TEN AND 00/100
(\$10.00) Dollars,
and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the fol-
lowing described land, situate, lying and being in Dade County, Florida, to-wit:

See Legal Description attached
hereto and made a part hereof.

STATE OF FLORIDA
JUN 13 1973
159.00

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims
of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in my presence:

Sylvan Holtzman (Seal)
Caroll L. Price CAROLL L. PRICE (Seal)
Robert P. McClemonds (Seal)
Sylvia N. Price SYLVIA N. PRICE (Seal)

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally
appeared CAROLL L. PRICE and SYLVIA N. PRICE, his wife

to me known to be the person so described to and who executed the foregoing instrument and acknowledged before
me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 12th day of
1973.

My commission expires:

ROBERT P. MCCLEMONDS, STATE OF FLORIDA CLERK
BY DEPARTMENT OF REVENUE APR. 11, 1973

Robert P. McClemonds
Notary Public
STATE OF FLORIDA
600

6

8330 402

LEGAL DESCRIPTION

A portion of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 15, Township 56 South, Range 39 East, lying and being in Dade County, Florida and described as follows:

Begin at the Northeast corner of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 15; thence run West along the North line of said Section 15; a distance of 187.32 feet; thence run Southerly, parallel with the East line of said West 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4, a distance of 257 feet; thence run Southeasterly, a distance of 238.5 feet, more or less, to the East line of said West 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4; thence run Northerly along the Easterly line of aforesaid West 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 a distance of 405 feet to the Point of Beginning, containing 1.25 acres excluding 40 feet for road right-of-way, for Hainlin Mill Drive.

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
PAGE 402
RICHARD F. BINKER
CLERK CIRCUIT COURT

260.40

WARRANTY DEED
STANDARD
7.1 019.01

OFF REC 10500 PG 1941
NAMED FORM 8 (REV. 10/10)

79R246419
879 AUG 30 PM 1:18

97.50

This Indenture,

Made this 29th day of August, A. D. 1979, Between
 EUGENE HAIGHT and DOROTHY E. HAIGHT, his wife
 of the County of Dade, in the State of Florida, parties of the first part, and
 LAWRENCE ANTONUCCI and LINDA G. ANTONUCCI, his wife
 of the County of Dade, in the State of Florida, whose post office address is
 13850 SW 216 St., Miami, Florida
 parties of the second part.

Witnesseth, That the said parties of the first part, for and in consideration of the sum of
 TEN and 00/100 Dollars,
 to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowl-
 edged, have granted, bargained, and sold to the said parties of the second part, their heirs
 and assigns forever, the following described land, situate, and being in the County of Dade
 State of Florida, to wit:

A portion of the West 1/2 of the NW 1/4 of the NE 1/4 of the NE 1/4 of Section
 15, Township 56 South, Range 39 East, Dade County, Florida, described as follows:
 Begin at the Northeast corner of the West 1/2 of the NW 1/4 of the NE 1/4 of the
 NE 1/4 of said Section 15; thence run West along the North line of said SECTION
 15, a distance of 107.32'; thence run Southerly parallel with the East line of
 said West 1/2 of the NW 1/4 of the NE 1/4 of the NE 1/4, a distance of 257';
 thence run Southeasterly a distance of 238.5', more or less, to the East line
 of said West 1/2 of the NW 1/4 of the NE 1/4 of the NE 1/4 thence run Northerly
 along the Easterly line of aforesaid West 1/2 of the NW 1/4 of the NE 1/4 of the
 NE 1/4, a distance of 405' to the Point of Beginning, containing 1.25 acres
 excluding 40' for road right-of-way.

STATE OF FLORIDA
 DOCUMENTARY STAMP TAX
 260.40

DOCUMENTARY
 SUP. TAX
 97.50

And the said parties of the first part do 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 parties of the first part have hereunto set their
 hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:
 Rita Bousat
 (witness)

Eugene Haight
 EUGENE HAIGHT

Jim Powell
 (witness)

Dorothy E. Haight
 DOROTHY E. HAIGHT

STATE OF FLORIDA,
 COUNTY OF DADE

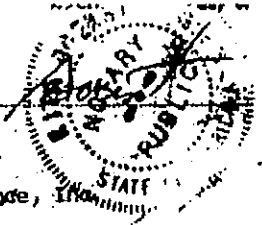
I HEREBY CERTIFY that on this day, before me, an
 officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

EUGENE HAIGHT and DOROTHY E. HAIGHT, his wife,
 to me known to be the persons described in and who executed the foregoing instrument and they acknowledged
 before me that they executed the same.

VALIDATED BY NAME AND OFFICIAL SEAL IN THE COUNTY AND STATE LAST MENTIONED IN THE
August A. D. 1979.

My Commission Expires: 2-9-80

Notary Public



This instrument prepared by:

Rita Boerst, Caribbean Title Insurance, Inc.
10871 Caribbean Blvd, Ste. 204
Miami, Florida, 33189
Incident to the issuance of a title insurance contract

Address RECORDS IN OFFICE STORED FROM
OF DIST COURT, FLORIDA.
FILED 10/11/79

RICHARD P. BRINKER,
CLERK CIRCUIT COURT

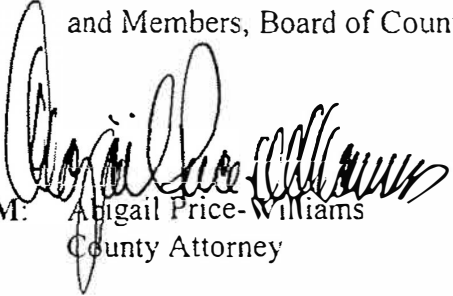
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MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 5, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(N)(3)

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)(3)
5-5-20

RESOLUTION NO. _____ R-403-20

RESOLUTION ACCEPTING AN IMPLIED OFFER OF DEDICATION FOR A PORTION OF SW 216 STREET FROM 150 FEET EAST OF THE CENTERLINE OF SW 139 AVENUE TO 1012.1 WEST OF THE CENTERLINE OF SW 137 AVENUE, IN SECTION 15, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY 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 216 Street east of SW 139 Avenue for road purposes, as conveyed in a Warranty Deed dated June 12, 1973, recorded in Official Records Book 8330, Page 401, 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.

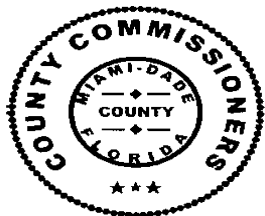
Section 3. This Board hereby approves and accepts the implied offer of dedication, as described in Exhibit "A" to the Mayor's Memorandum, and illustrated in the location map in Exhibit "B" to the Mayor's Memorandum, and authorizes the County Mayor or County Mayor's designee to take all actions necessary 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 this 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 **Audrey M. Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Audrey M. Edmonson, Chairwoman	aye	
	Rebeca Sosa, Vice Chairwoman	aye	
Esteban L. Bovo, Jr.	absent	Daniella Levine Cava	aye
Jose “Pepe” Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 2020. 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: Melissa Adames
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Lauren E. Morse