OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 8(N)(2)

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

DATE: July 21, 2020

FROM: Abigail Price-Williams County Attorney

SUBJECT: Resolution declaring surplus County-owned Rights-of-Way and providing aerial easements located along Harriet Tubman Highway from NE 199 Street to NE 207 Street, also known as Parcels 106.1, 108.1, 806.1, 807.1, and 808.1; authorizing the conveyances of same to the Florida Department of Transportation in accordance with section 125.38, Florida Statutes, for no monetary consideration, for improvements along such road; authorizing the County Mayor to take all actions necessary to accomplish the conveyances of said properties; and authorizing the Chairwoman or Vice Chairwoman of the Board of County Commissioners to execute County Deeds and aerial easements for such purposes

Resolution No. R-735-20

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

Abigail Price-Williams
County Attorney

APW/uw

Memorandum

MIAMI-DADE COUNTY

Date: July 21, 2020

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Declaring Surplus County-Owned Rights-of-Way Along a Portion of Harriet Tubman Highway Between NE 199 Street and NE 207 Street

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Recommendation

It is recommended that the Board of County Commissioners (Board), pursuant to section 125.38 of the Florida Statutes, approve the attached resolution and authorize the Chairwoman and the Clerk of the Board to execute County Deeds and Aerial Easements also known as Parcels 106.1, 108.1, 806.1, 807.1 and 808.1 which are identified as Attachments 1, 2, 3, 4 and 5 to this memorandum. The properties will be conveyed to the Florida Department of Transportation (FDOT) for no monetary consideration and will revert to the County in the event the use for FDOT's transportation purposes ever ceases.

Scope

The rights-of way being conveyed is located in District 4, represented by Commissioner Sally A. Heyman.

Fiscal Impact/Funding Source

There are maintenance responsibilities to be assumed by the County for the "Local Roadway Improvements" after completion of the project for an estimated annual amount of $2,515.61.

Track Record/Monitor

The Department of Transportation and Public Works (DTPW) is the entity overseeing this project and the person responsible for monitoring this conveyance is Alejandro Barrios, Manager, Stormwater Engineering and Right-of-Way Division.

Background

Harriet Tubman Highway, between NE 199 Street and NE 207 Street, is a Miami-Dade County-owned right-of-way, which will be improved as part of the FDOT Work Program Intersection Improvements. The FDOT project, referred to as the "Local Roadway Improvements", consists of the construction of an overhead Pedestrian Bridge and elevating the westbound NE 203 Street over the Florida East Coast (FEC) railroad and Harriet Tubman Highway, repaving and striping the roadway, widening the roadway along the southbound lanes of US-1 and the eastbound lanes of NE 203 Street, construction of bridge pedestrian ramps at NE 26 Avenue, installation of curb and gutters, pier protection barrier walls, guardrails, sidewalks, pavement markings and pedestrian roadway lighting infrastructure including conduit and fixtures along Harriet Tubman Highway from Northeast 203 Street to Northeast 206 Street, along the pathway on the west side of Ramp C from Northeast 203 Street to Northeast 205 Street, along Northeast 205 Street from Northeast 204 Terrance to Harriet Tubman Highway and Northeast 203 Street from NE 26 Avenue to Harriet

Tubman Highway. The project will also include the installation of drainage infrastructure including inlets, manholes, French drains and pipes along Harriet Tubman Highway from Northeast 203 Street to Northeast 206 Street, Northeast 204 Terrace to Northeast 205 Street, along NE 205 Street just west of Harriet Tubman Highway, and Northeast 203 Street between Northeast 26 Avenue and Harriet Tubman Highway, and installation of fences along the west side of the FEC corridor from Northeast 203 Street to Northeast 206 Street.

DTPW has no objection to the conveyance of these aerial easements and rights-of-way which are in the public's best interest and welfare.

Jennifer Moon
Deputy Mayor

ATTACHMENT 1

Return to:
Right of Way Division
Miami-Dade County Dept. of
Transportation and Public Works.
111 N.W. 1st Street S-1610
Miami, FL 33128-1970

Instrument prepared by:

Carlos D. Socarras, PLS.,
Miami-Dade County DTPW

Same address
Folio: N/A
USER: N/A

State Road(SR)5/Harriet Tubman Hwy. f/k/a West Dixie Hwy.
From: NE 199 ST. to NE 207 St.
Parcel No.: 106.1
Item/Segment: 433511-2
Managing District: 6
Section 34-51-42

COUNTY DEED

THIS COUNTY DEED, Made this ___ day of_____, A.D. 2019, by and between **MIAMI-DADE COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is: Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida 33128-1963, Grantor, and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)**, whose address is 1000 NW 111 Avenue, Miami, Florida 33172, Grantee,(Wherever used herein the terms Grantor and Grantee include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of organizations)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its successors, and assigns forever, the following described land lying and being in Miami-Dade County, Florida, to wit:

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

This conveyance is subject to the property being used for public and transportation purposes and other purposes incidental thereto, and when and if the aforementioned public use shall be discontinued, the title to the land described in Exhibit "A", attached, shall immediately revert to the Grantor, its successors and assigns, and it shall have the right to immediately repossess the same.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, including the transfer of all rights, responsibilities, and attendant liability, with respect to the subject property; and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

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

ATTEST:

HARVEY RUVIN,
CLERK OF SAID BOARD

By:_____
Deputy Clerk

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

By:_____
Audrey M. Edmonson,
Chairwoman

Approved as to Form and
Legal sufficiency by:

_____
Assistant County Attorney

The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, A.D. 2019

Legal Description

PARCEL 106.1

A portion of the Right-of-Way of NE 204th Terrace, as shown on the Plat of NAPOLEON PARK, as recorded in Plat Book 24, at Page 16 of the Public Records of Miami-Dade County, Florida, lying in the Southwest one-quarter (SW 1/4) of Section 34, Township 51 South, Range 42 East, Miami-Dade County, Florida, and being more particularly described as follows:

COMMENCE at the Southwest corner of Lot 43, Block 2 of said Plat of NAPOLEON PARK; thence N87°43'12" E, along the South line of said Lot 43, for a distance of 11.04 feet to the **POINT OF BEGINNING** of the hereinafter described parcel:

Thence continue N87°43'12"E, along said South line of Lot 43, for a distance of 64.60 feet to a point on a tangent curve concave to the Northwest, having a radius of 25.00 feet, a chord bearing of N42°48'08"E and a chord distance of 35.30 feet; thence Northeasterly and Northerly along the arc of said curve, through a central angle of 89°50'08", for an arc distance of 39.20 feet to a point of tangency with the East line of aforesaid Lot 43; thence S02°06'56"E, along the Southerly extension of said East line of Lot 43, for a distance of 100.00 feet to a point of cusp with a tangent curve concave to the Southwest, having a radius of 25.00 feet, a chord bearing of N47°11'52"W and a chord distance of 35.41 feet; thence Northerly and Northwesterly along the arc of said curve, through a central angle of 90°09'52", for an arc distance of 39.34 feet to a point of tangency with the North line of Lot 1, Block 3 of said Plat of NAPOLEON PARK; thence S87°43'12"W, along said North line of Lot 1, Block 3, for a distance of 63.18 feet; thence N03°34'16"W for a distance of 50.01 feet to the **POINT OF BEGINNING**.

Containing 4,713 square feet, more or less.

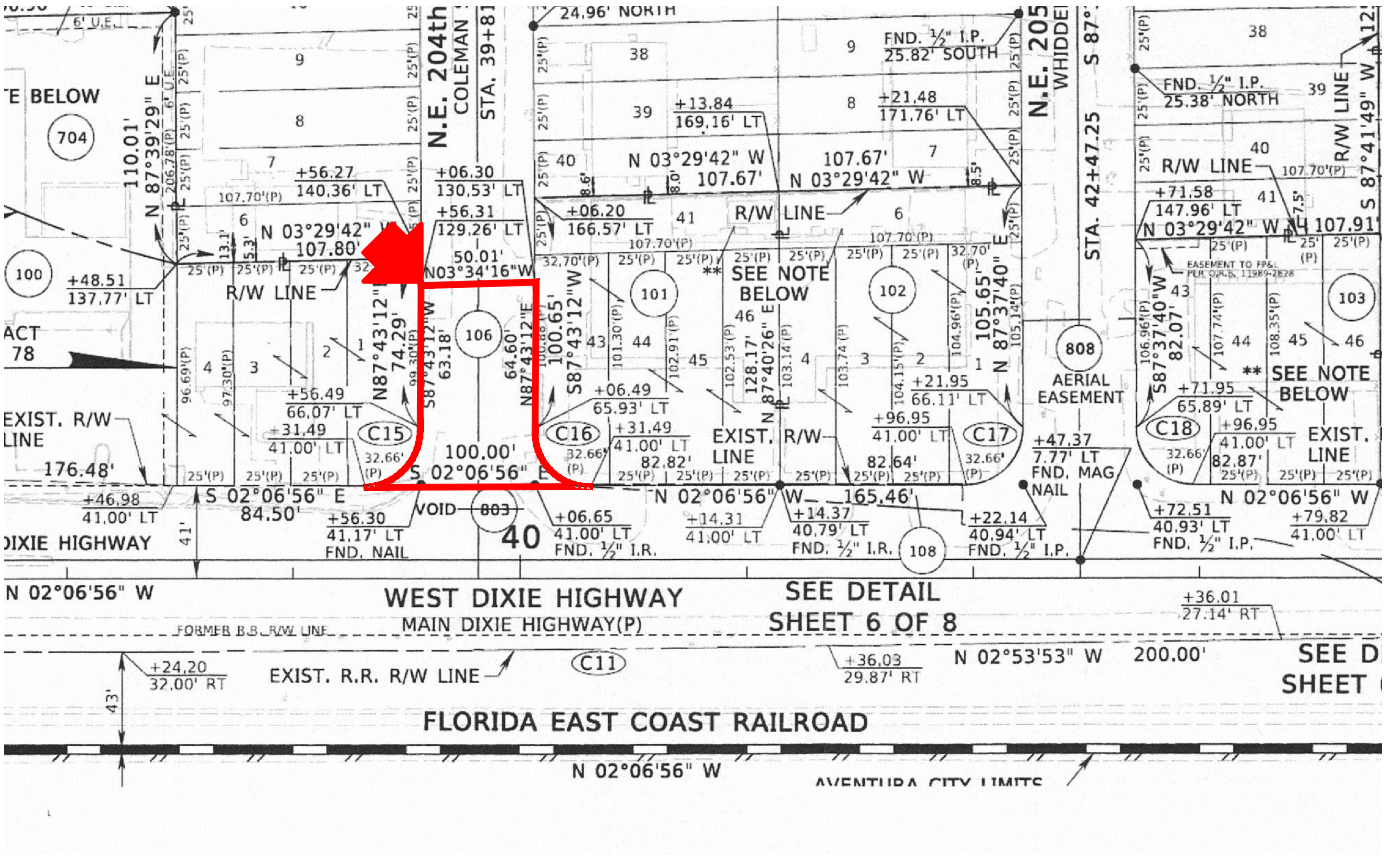
EXHIBIT "A"

Project: Segment 433511-2
SR 5 / West Dixie Hwy
From NE 199 St to NE 207 St.

EXHIBIT "A"

SEC 34
TWP 51 S
RGE 42 E

NOT TO SCALE



THIS IS NOT A SURVEY

MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS RIGHT-OF-WAY DIVISION ENGINEERING SECTION	PARCEL 106.1 SR 5 / West Dixie Hwy From NE 199 St. to NE 207 St.	SCALE: N/A | DATE: 5-21-19 CHECKED BY: J. Tirado DRAWN BY: L. Espinosa PROJECT: | SHEET:2 of 2

ATTACHMENT 2

Return to:
Right of Way Division
Miami-Dade County Dept. of
Transportation and Public Works.
111 N.W. 1st Street S-1610
Miami, FL 33128-1970

Instrument prepared by:

Carlos D. Socarras, PLS.,
Miami-Dade County DTPW

Same address
Folio: N/A
USER: N/A

State Road(SR)5 / Harriet Tubman Hwy. f/k/a West Dixie Hwy.
From: NE 199 ST. to NE 207 St.
Parcel No.: 108.1
Item/Segment: 433511-2
Managing District: 6
Section 34-51-42

COUNTY DEED

THIS COUNTY DEED, Made this ___ day of_____, A.D. 2019, by and between **MIAMI-DADE COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is: Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida 33128-1963, Grantor, and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)**, whose address is 1000 NW 111 Avenue, Miami, Florida 33172, Grantee,(Wherever used herein the terms Grantor and Grantee include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of organizations)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its successors, and assigns forever, the following described land lying and being in Miami-Dade County, Florida, to wit:

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

This conveyance is subject to the property being used for public and transportation purposes and other purposes incidental thereto, and when and if the aforementioned public use shall be discontinued, the title to the land described in Exhibit "A", attached, shall immediately revert to the Grantor, its successors and assigns, and it shall have the right to immediately repossess the same.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, including the transfer of all rights, responsibilities, and attendant liability, with respect to the subject property; and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

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

ATTEST:

HARVEY RUVIN,
CLERK OF SAID BOARD

By:_____
Deputy Clerk

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

By:_____
Audrey M. Edmonson,
Chairwoman

Approved as to Form and
Legal sufficiency by:

_____
Assistant County Attorney

The foregoing was authorized and approved by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, A.D. 2019

Legal Description

PARCEL 108.1

A portion of the Right-of-Way of West Dixie Highway, as shown on the Plat of NAPOLEON PARK, as recorded in Plat Book 24, at Page 16 of the Public Records of Miami-Dade County, Florida, lying in the Southwest one-quarter (SW 1/4) of Section 34, Township 51 South, Range 42 East, Miami-Dade County, Florida, and being more particularly described as follows:

COMMENCE at the intersection of the Baseline of Survey of West Dixie Highway and the Centerline of NE 205th Street; thence S02°06'56"E, along said Baseline of Survey of West Dixie Highway, for a distance of 52.03 feet; thence S87°53'04"W, departing and perpendicular to said last course, for a distance of 29.59 feet to the **POINT OF BEGINNING** of the hereinafter described parcel:

Thence S00°36'49"W for a distance of 12.06 feet; thence S01°40'50"W for a distance of 163.64 feet to a point on the Southerly extension of the Westerly Right-of-Way line of said West Dixie Highway, said point also being on the Southerly extension of the Easterly line of Block 2 of aforesaid Plat of NAPOLEON PARK; thence N02°06'56"W, along said Southerly extension and the Easterly line of Block 2, for a distance of 175.48 feet; thence N88°40'22"E for a distance of 11.41 feet to the **POINT OF BEGINNING**.

Containing 1,019 square feet, more or less.

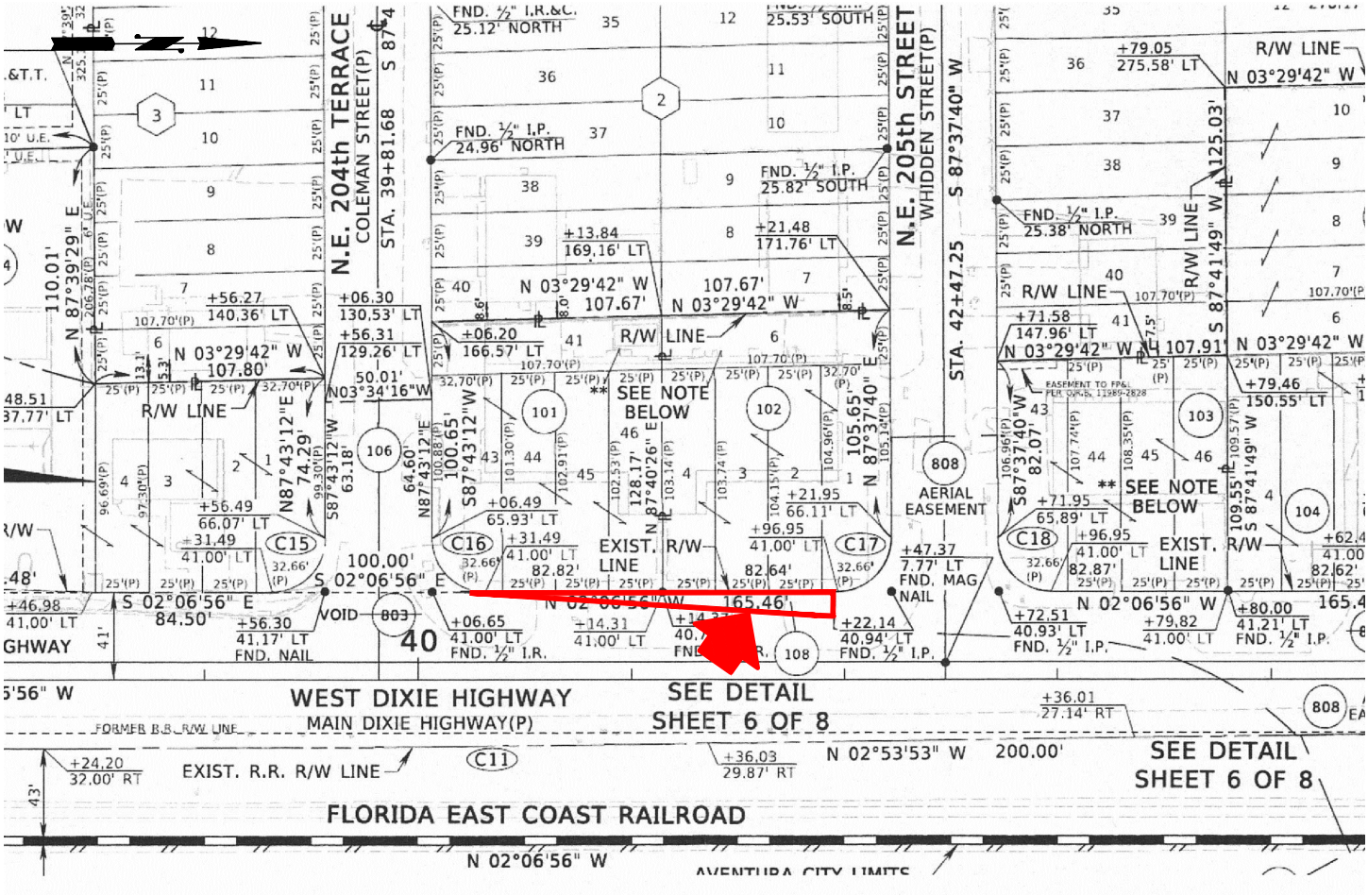
EXHIBIT "A"

Project: Segment 433511-2
SR 5 / West Dixie Hwy
From NE 199 St to NE 207 St.

EXHIBIT "A"

SEC 34
TWP 51 S
RGE 42 E

NOT TO SCALE



MIAMI-DADE DTPW

THIS IS NOT A SURVEY

MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS RIGHT-OF-WAY DIVISION ENGINEERING SECTION	PARCELS 108.1	SCALE: N/A DATE: 5-21-19
		CHECKED BY: J. Tirado
	SR 5 / West Dixie Hwy From NE 199 St. to NE 207 St.	DRAWN BY: L. Espinosa
		PROJECT: SHEET:2 of 2

ATTACHMENT 3

Return to:
Right of Way Division
Miami-Dade County Dept. of
Transportation and Public Works.
111 N.W. 1st Street S-1610
Miami, FL 33128-1970

Instrument prepared by:

Carlos D. Socarras, PLS.,
Miami-Dade County DTPW

Same address
Folio: N/A
USER: N/A

State Road(SR)5 / Harriet Tubman Hwy. f/k/a West Dixie Hwy.
From: NE 199 ST. to NE 207 St.
Parcel No.: 806.1
Item/Segment: 433511-2
Managing District: 6
Section 34-51-42

Aerial Easement

THIS COUNTY DEED, Made this ___ day of_____, A.D. 2020, by and between **MIAMI-DADE COUNTY, FLORIDA,** a political subdivision of the State of Florida, whose address is: Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida 33128-1963, Grantor, and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT),** whose address is 1000 NW 111 Avenue, Miami, Florida 33172, Grantee,(Wherever used herein the terms Grantor and Grantee include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of organizations)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its successors, and assigns forever, an aerial easement within the following described air space situate lying and being in Miami-Dade County, Florida, to wit:

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

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

This conveyance is subject to the property being used for public and transportation purposes and other purposes incidental thereto, and when and if the aforementioned public use shall be discontinued or extinguished, the aerial easement described in Exhibit "A", attached, shall immediately revert to the Grantor, its successors and assigns, and it shall have the right to immediately repossess the same.

Grantee agrees that Grantee's construction will in no way interfere with Grantor's use of Harriet Tubman Highway or impair or impede vehicular or pedestrian traffic on the right-of-way in any manner, unless prior agreement has been made in writing between the parties which agreement may be withheld or granted in Grantor's sole and absolute discretion. No signage shall be permitted in the Easement area unless first approved in writing by Grantor, and only then, if such sign conforms to all applicable law.

Grantee agrees that it shall at all times keep Harriet Tubman Highway free from obstruction, except as may be required temporarily from time to time to effect inspections, maintenance, repairs, and improvements.

Grantee agrees that it shall obtain necessary right-of-way permits from Grantor prior to commencement of any repairs resulting in obstruction of Harriet Tubman Highway right-of-way, except in case of an emergency requiring immediate remedial action and that such work must comply with procedures regarding lane closure in effect at the time of closure.

Grantee shall be responsible for all maintenance of the improvements and any construction within the Easement area, including all repairs or damage to the right-of-way as a result of the use of the Easement. Grantor shall not be responsible for any cost or claim resulting from the use of the Easement.

Grantee agrees that it will indemnify and hold Grantor harmless from any and all damages, liability, claims, demand, and suits of any nature associated with Grantee's use of the aerial rights or with public use of Grantee's pedestrian bridges, within the limits provided by Section 768.28, Florida Statutes.

This Easement may not be assigned, transferred, or conveyed, in whole or in part, by Grantee without the prior written consent of Grantor which may be withheld in its sole and absolute discretion.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, including the transfer of all rights, responsibilities, and attendant liability, with respect to the subject property; and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

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

ATTEST:

HARVEY RUVIN,
CLERK OF SAID BOARD

By:_____
Deputy Clerk

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

By:_____
Audrey M. Edmonson,
Chairwoman

Approved as to Form and
Legal sufficiency by:

_____
Assistant County Attorney

The foregoing was authorized and approved by Resolution No. _____of the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, A.D. 2020

Legal Description

PARCEL 806.1

A portion of airspace within the Right-of-Way of NE 203rd Street and West Dixie Highway, lying in the Southwest one-quarter (SW 1/4) of Section 34, Township 51 South, Range 42 East, Miami-Dade County, Florida, and being more particularly described as follows:

COMMENCE at the intersection of the Baseline of Survey of West Dixie Highway and the Centerline of NE 205th Street; thence S02°06'56" E, along said Baseline of Survey of West Dixie Highway, for a distance of 647.22 feet to the **POINT OF BEGINNING** of the hereinafter described parcel:

Thence N87°36'31"E for a distance of 32.00 feet to a point on the Easterly Right-of-Way line of West Dixie Highway, as shown on the Florida Department of Transportation ("FDOT") Right of Way Map for State Road 5 (U.S. 1), Section 87030-2534, approved on 02/17/1997, last revised on 02/13/1998; thence S02°06'56"E, along said Easterly Right-of-Way line, for a distance of 100.19 feet; thence S87°45'22"W for a distance of 80.85 feet; thence N01°18'15"W for a distance of 100.00 feet; thence N87°36'31"E for a distance of 47.43 feet to the **POINT OF BEGINNING**.

The above described parcel shall be contained within the following vertical space: the bottom plane of the vertical space shall be at an elevation of 25.14 feet, and the top plane of the vertical space shall be at an elevation of 55.64 feet, resulting in a parcel height of 30.50 feet. This vertical space, as defined, is based on the North American Vertical Datum of 1988 (NAVD88), as shown on the FDOT Project Network Control for State Road 5, Financial Project Number 434726-1-52-01.

Containing 8,021 square feet and a gross volume of 244,641 cubic feet, more or less.

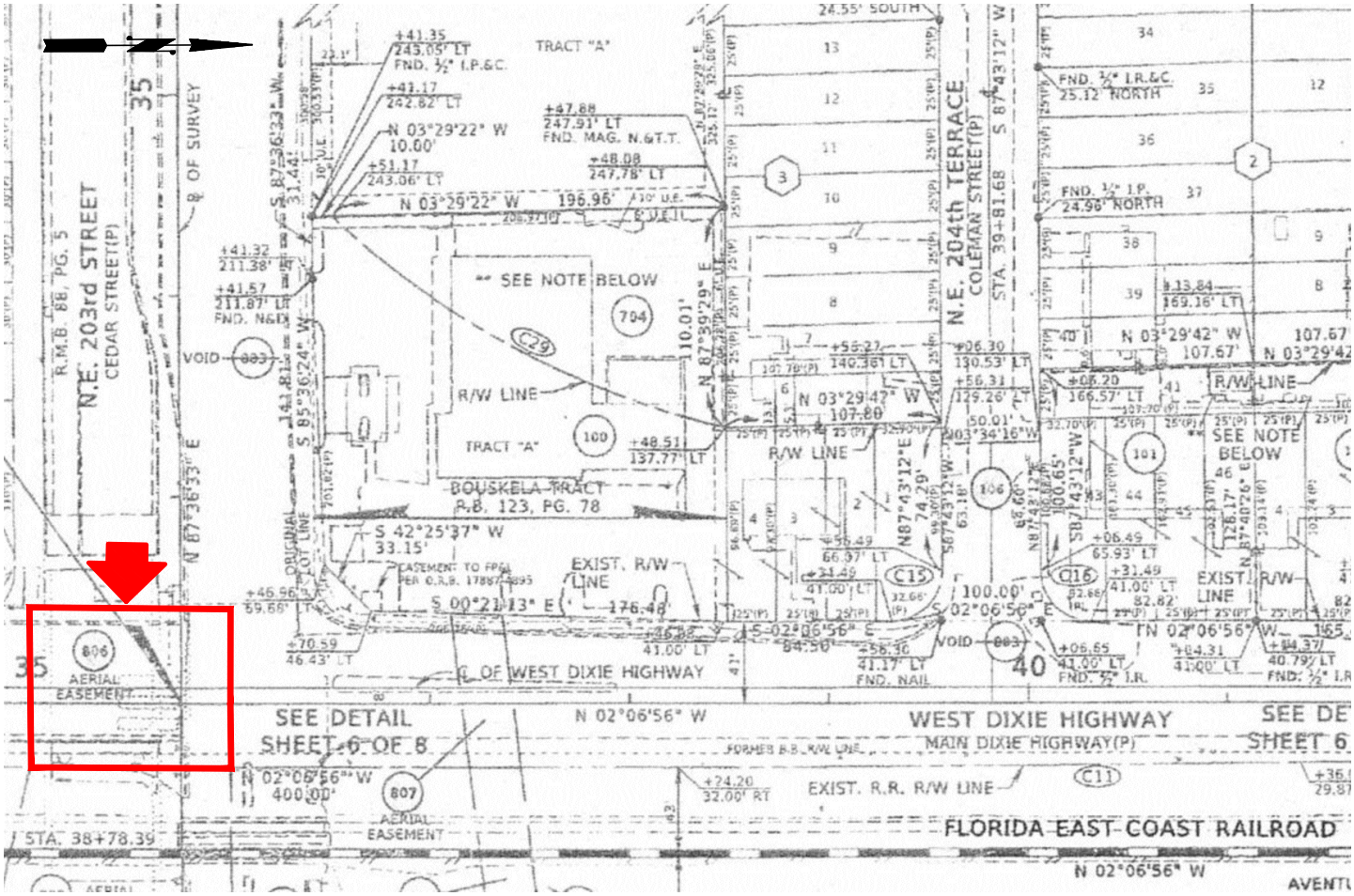
EXHIBIT "A"

Project: Segment 433511-2
SR 5 / West Dixie Hwy
From NE 199 St to NE 207 St.

EXHIBIT "A"

SEC 34
TWP 51 S
RGE 42 E

NOT TO SCALE



MIAMI-DADE DTPW

THIS IS NOT A SURVEY

MIAMI–DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS RIGHT–OF–WAY DIVISION ENGINEERING SECTION	PARCELS 806.1	SCALE: N/A DATE: 5–21–19
		CHECKED BY: J. Tirado
	SR 5 / West Dixie Hwy From NE 199 St. to NE 207 St.	DRAWN BY: L. Espinosa
		PROJECT: SHEET:2 of 2

ATTACHMENT 4

Return to:
Right of Way Division
Miami-Dade County Dept. of
Transportation and Public Works.
111 N.W. 1st Street S-1610
Miami, FL 33128-1970

Instrument prepared by:

Carlos D. Socarras, PLS.,
Miami-Dade County DTPW

Same address
Folio: N/A
USER: N/A

State Road(SR)5 / Harriet Tubman Hwy. f/k/a West Dixie Hwy.
From: NE 199 ST. to NE 207 St.
Parcel No.: 807.1
Item/Segment: 433511-2
Managing District: 6
Section 34-51-42

Aerial Easement

THIS COUNTY DEED, Made this ___ day of_____, A.D. 2020, by and between **MIAMI-DADE COUNTY**, **FLORIDA**, a political subdivision of the State of Florida, whose address is: Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida 33128-1963, Grantor, and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)**, whose address is 1000 NW 111 Avenue, Miami, Florida 33172, Grantee,(Wherever used herein the terms Grantor and Grantee include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of organizations)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its successors, and assigns forever, an aerial easement within the following described air space situate lying and being in Miami-Dade County, Florida, to wit:

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

This conveyance is subject to the property being used for public and transportation purposes and other purposes incidental thereto, and when and if the aforementioned public use shall be discontinued or extinguished, the aerial easement described in Exhibit "A", attached, shall immediately revert to the Grantor, its successors and assigns, and it shall have the right to immediately repossess the same.

Grantee agrees that Grantee's construction will in no way interfere with Grantor's use of Harriet Tubman Highway or impair or impede vehicular or pedestrian traffic on the right-of-way in any manner, unless prior agreement has been made in writing between the parties which agreement may be withheld or granted in Grantor's sole and absolute discretion. No signage shall be permitted in the Easement area unless first approved in writing by Grantor, and only then, if such sign conforms to all applicable law.

Grantee agrees that it shall at all times keep Harriet Tubman Highway free from obstruction, except as may be required temporarily from time to time to effect inspections, maintenance, repairs, and improvements.

Grantee agrees that it shall obtain necessary right-of-way permits from Grantor prior to commencement of any repairs resulting in obstruction of Harriet Tubman Highway right-of-way, except in case of an emergency requiring immediate remedial action and that such work must comply with procedures regarding lane closure in effect at the time of closure.

Grantee shall be responsible for all maintenance of the improvements and any construction within the Easement area, including all repairs or damage to the right-of-way as a result of the use of the Easement. Grantor shall not be responsible for any cost or claim resulting from the use of the Easement.

Grantee agrees that it will indemnify and hold Grantor harmless from any and all damages, liability, claims, demand, and suits of any nature associated with Grantee's use of the aerial rights or with public use of Grantee's pedestrian bridges, within the limits provided by Section 768.28, Florida Statutes.

This Easement may not be assigned, transferred, or conveyed, in whole or in part, by Grantee without the prior written consent of Grantor which may be withheld in its sole and absolute discretion.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, including the transfer of all rights, responsibilities, and attendant liability, with respect to the subject property; and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

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

ATTEST:

HARVEY RUVIN,
CLERK OF SAID BOARD

By:_____
Deputy Clerk

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

By:_____
Audrey M. Edmonson,
Chairwoman

Approved as to Form and
Legal sufficiency by:

_____
Assistant County Attorney

The foregoing was authorized and approved by Resolution No. _____of the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, A.D. 2020

Legal Description

PARCEL 807.1

A portion of airspace within the Right-of-Way of West Dixie Highway, lying in the Southwest one-quarter (SW 1/4) of Section 34, Township 51 South, Range 42 East, Miami-Dade County, Florida, and being more particularly described as follows:

COMMENCE at the intersection of the Baseline of Survey of West Dixie Highway and the Centerline of NE 205th Street; thence S02°06'56" E, along said Baseline of Survey of West Dixie Highway, for a distance of 505.64 feet to the **POINT OF BEGINNING** of the hereinafter described parcel:

Thence N81°02'24"E for a distance of 32.23 feet to a point on the Easterly Right-of-Way line of West Dixie Highway, as shown on the Florida Department of Transportation ("FDOT") Right of Way Map for State Road 5 (U.S. 1), Section 87030-2534, approved on 02/17/1997, last revised on 02/13/1998; thence S02°06'56"E, along said Easterly Right-of-Way line, for a distance of 25.68 feet; thence S81°02'24"W for a distance of 77.75 feet to a point on the Westerly Right-of-Way line of West Dixie Highway; thence N00°21'13"W, along said Westerly Right-of-Way line, for a distance of 25.79 feet; thence N81°02'24"E for a distance of 44.72 feet to the **POINT OF BEGINNING**.

The above described parcel shall be contained within the following vertical space: the bottom plane of the vertical space shall be at an elevation of 28.00 feet, and the top plane of the vertical space shall be at an elevation of 56.30 feet, resulting in a parcel height of 28.30 feet. This vertical space, as defined, is based on the North American Vertical Datum of 1988 (NAVD88), as shown on the FDOT Project Network Control for State Road 5, Financial Project Number 434726-1-52-01.

Containing 1,973 square feet and a gross volume of 55,836 cubic feet, more or less.

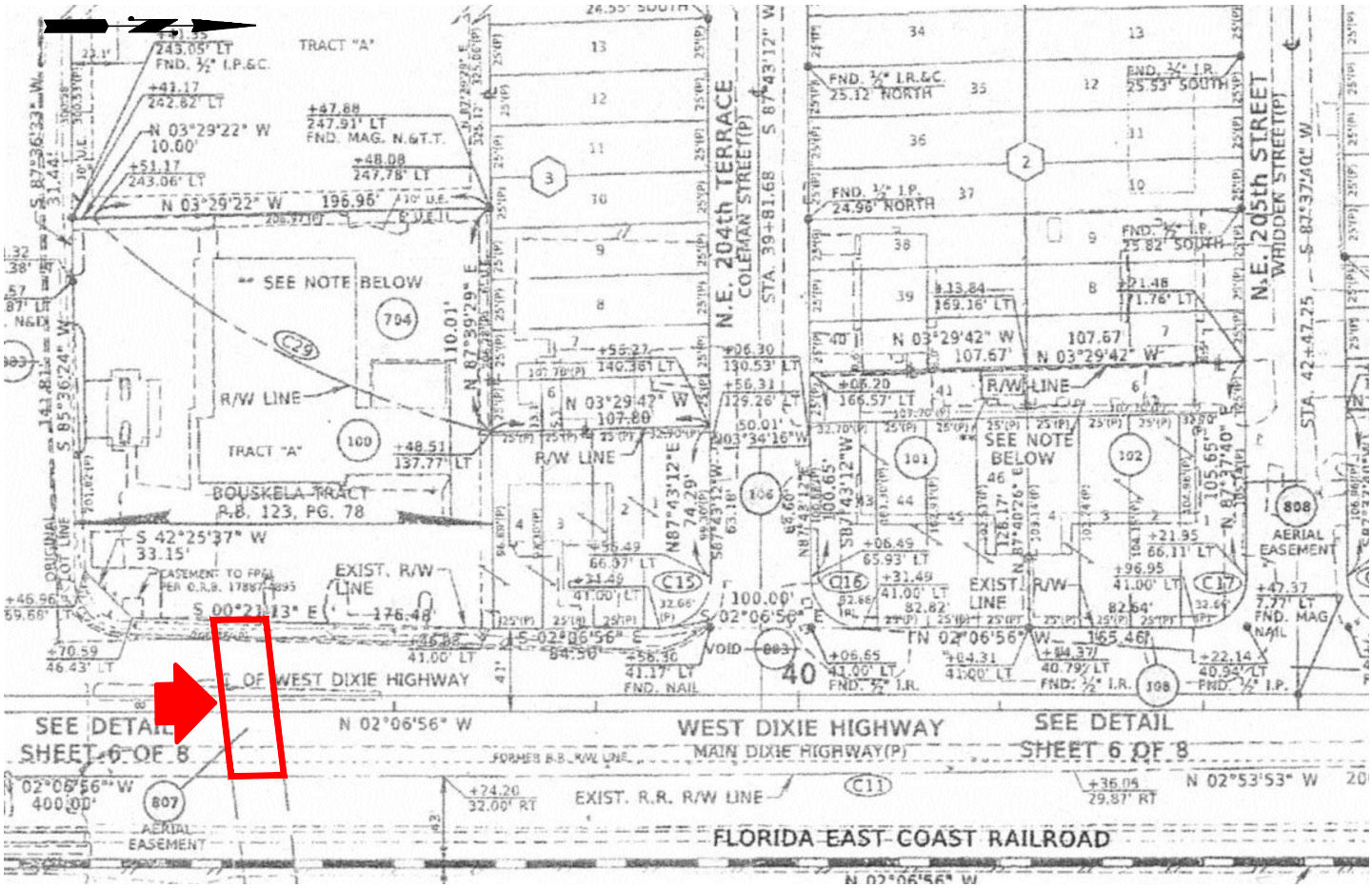
EXHIBIT "A"

Project: Segment 433511-2
SR 5 / West Dixie Hwy
From NE 199 St to NE 207 St.

EXHIBIT "A"

SEC 34
TWP 51 S
RGE 42 E

NOT TO SCALE



MIAMI-DADE DTPW

THIS IS NOT A SURVEY

MIAMI–DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS RIGHT–OF–WAY DIVISION ENGINEERING SECTION	PARCELS 807.1	SCALE: N/A DATE: 5–21–19
		CHECKED BY: J. Tirado
	SR 5 / West Dixie Hwy From NE 199 St. to NE 207 St.	DRAWN BY: L. Espinosa
		PROJECT: SHEET:2 of 2

ATTACHMENT 5

Return to:
Right of Way Division
Miami-Dade County Dept. of
Transportation and Public Works.
111 N.W. 1st Street S-1610
Miami, FL 33128-1970

Instrument prepared by:

Carlos D. Socarras, PLS.,
Miami-Dade County DTPW

Same address
Folio: N/A
USER: N/A

State Road(SR)5 / Harriet Tubman Hwy. f/k/a West Dixie Hwy.
From: NE 199 ST. to NE 207 St.
Parcel No.: 808.1
Item/Segment: 433511-2
Managing District: 6
Section 34-51-42

Aerial Easement

THIS COUNTY DEED, Made this ___ day of_____, A.D. 2020, by and between **MIAMI-DADE COUNTY**, **FLORIDA**, a political subdivision of the State of Florida, whose address is: Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida 33128-1963, Grantor, and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)**, whose address is 1000 NW 111 Avenue, Miami, Florida 33172, Grantee,(Wherever used herein the terms Grantor and Grantee include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of organizations)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its successors, and assigns forever, an aerial easement within the following described air space situate lying and being in Miami-Dade County, Florida, to wit:

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

This conveyance is subject to the property being used for public and transportation purposes and other purposes incidental thereto, and when and if the aforementioned public use shall be discontinued or extinguished, the aerial easement described in Exhibit "A", attached, shall immediately revert to the Grantor, its successors and assigns, and it shall have the right to immediately repossess the same.

Grantee agrees that Grantee's construction will in no way interfere with Grantor's use of Harriet Tubman Highway or impair or impede vehicular or pedestrian traffic on the right-of-way in any manner, unless prior agreement has been made in writing between the parties which agreement may be withheld or granted in Grantor's sole and absolute discretion. No signage shall be permitted in the Easement area unless first approved in writing by Grantor, and only then, if such sign conforms to all applicable law.

Grantee agrees that it shall at all times keep Harriet Tubman Highway free from obstruction, except as may be required temporarily from time to time to effect inspections, maintenance, repairs, and improvements.

Grantee agrees that it shall obtain necessary right-of-way permits from Grantor prior to commencement of any repairs resulting in obstruction of Harriet Tubman Highway right-of-way, except in case of an emergency requiring immediate remedial action and that such work must comply with procedures regarding lane closure in effect at the time of closure.

Grantee shall be responsible for all maintenance of the improvements and any construction within the Easement area, including all repairs or damage to the right-of-way as a result of the use of the Easement. Grantor shall not be responsible for any cost or claim resulting from the use of the Easement.

Grantee agrees that it will indemnify and hold Grantor harmless from any and all damages, liability, claims, demand, and suits of any nature associated with Grantee's use of the aerial rights or with public use of Grantee's pedestrian bridges, within the limits provided by Section 768.28, Florida Statutes.

This Easement may not be assigned, transferred, or conveyed, in whole or in part, by Grantee without the prior written consent of Grantor which may be withheld in its sole and absolute discretion.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, including the transfer of all rights, responsibilities, and attendant liability, with respect to the subject property; and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

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

ATTEST:

HARVEY RUVIN,
CLERK OF SAID BOARD

By:_____
Deputy Clerk

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

By:_____
Audrey M. Edmonson,
Chairwoman

Approved as to Form and
Legal sufficiency by:

_____
Assistant County Attorney

The foregoing was authorized and approved by Resolution No. _____of the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, A.D. 2020

Legal Description

PARCEL 808.1

A portion of airspace within the Right-of-Way of West Dixie Highway and NE 205th Street, lying in the Southwest one-quarter (SW 1/4) of Section 34, Township 51 South, Range 42 East, Miami-Dade County, Florida, and being more particularly described as follows:

COMMENCE at the Southwest corner of Lot 43, Block 1 of NAPOLEON PARK, as recorded in Plat Book 24, Page 16 of the Public Records of Miami-Dade County, Florida; thence N87°37'40" E, along the South line of said Lot 43, for a distance of 34.54 feet to **the POINT OF BEGINNING** of the hereinafter described parcel:

Thence continue N87°37'40"E, along said South line of Lot 43, for a distance of 47.53 feet to the beginning of a curve concave to the Northwest, having a radius of 25.00 feet, a chord bearing of N42°45'22"E, and a chord distance of 35.28 feet; thence Northeasterly along the arc of said curve, through a central angle of 89°44'37", for an arc distance of 39.16 feet to a point of tangency with the East line of said Lot 43; thence N02°06'56"W, along the East line of Lots 43 through 46 and Lots 1 through 4, inclusive, of aforesaid Block 1 of NAPOLEON PARK, for a distance of 165.49 feet to the beginning of a curve concave to the Southwest, having a radius of 25.00 feet, a chord bearing of N17°31'08"W, and a chord distance of 13.28 feet; thence Northwesterly along the arc of said curve, through a central angle of 30°48'23", for a distance of 13.44 feet to a point on a non-tangent curve concave to the Southeast, having a radius of 247.50 feet, a chord bearing of N51°45'06"E, and a chord distance of 86.49 feet; thence Northeasterly along the arc of said curve, through a central angle of 20°07'35", for an arc distance of 86.94 feet to a point on a non-tangent curve concave to the Northeast, having a radius of 22,931.22 feet, a chord bearing of S02°33'57"E, and a chord distance of 114.52 feet, said point lying on the Easterly Right-of-Way line of West Dixie Highway and Westerly Right-of-Way line of the Florida East Coast Railroad ("FEC"); thence Southerly along the arc of said curve and said Right-of-Way line, through a central angle of 00°17'10", for an arc distance of 114.52 feet to a point on a non-tangent curve concave to the Southeast, having a radius of 152.57 feet, a chord bearing of S20°43'39"W, and a chord distance of 114.98 feet; thence Southwesterly along the arc of said curve, through a central angle of 44°16'23", for an arc distance of 117.89 feet to a non-tangent point; thence S00°34'01"W for a distance of 110.94 feet; thence N89°23'11"W for a distance of 6.00 feet; thence S88°40'22"W for a distance of 11.41 feet to a point on the East line of Lot 1, Block 2 of aforesaid Plat of NAPOLEON PARK; thence N02°06'56"W, along said East line of Lot 1, Block 2, for a distance of 1.57 feet to the beginning of a curve concave to the Southwest, having a radius of 25.00 feet, a chord bearing of N47°14'38"W, and a chord distance of 35.43 feet; thence Northwesterly along the arc of said curve, through a central angle of 90°15'23", for an arc distance of 39.38 feet to a point of tangency with the North line of said Lot

EXHIBIT "A"

Project: Segment 433511-2
SR 5 / West Dixie Hwy
From NE 199 St to NE 207 St.

Legal Description

PARCEL 808.1

1, Block 2; thence S87°37’40”W, along said North line of Lot 1, for a distance of 46.35 feet; thence N03°12'07"W for a distance of 50.01 feet to the **POINT OF BEGINNING**.

The above described parcel shall be contained within the following vertical space: the bottom plane of the vertical space shall be at an elevation of 23.80 feet, and the top plane of the vertical space shall be at an elevation of 62.47 feet, resulting in a parcel height of 38.67 feet. This vertical space, as defined, is based on the North American Vertical Datum of 1988 (NAVD88), as shown on the FDOT Project Network Control for State Road 5, Financial Project Number 434726-1-52-01.

Containing 16,242 square feet and a gross volume of 628,078 cubic feet, more or less.

.

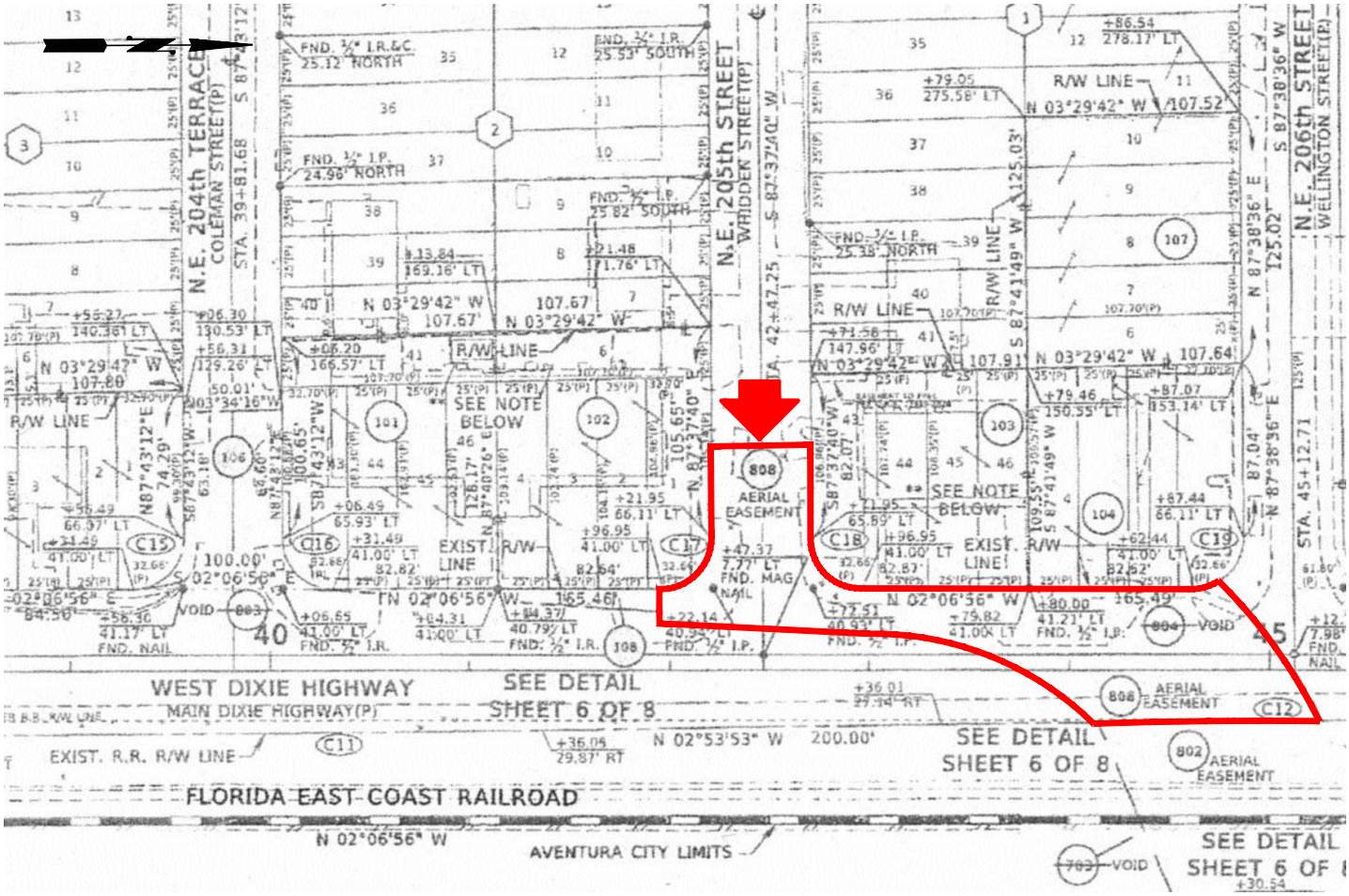
EXHIBIT “A”

Project: Segment 433511-2
SR 5 / West Dixie Hwy
From NE 199 St to NE 207 St.

EXHIBIT "A"

SEC 34
TWP 51 S
RGE 42 E

NOT TO SCALE



MIAMI-DADE DTPW

THIS IS NOT A SURVEY

MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS RIGHT-OF-WAY DIVISION ENGINEERING SECTION	PARCELS 808.1	SCALE: N/A DATE: 5-21-19
		CHECKED BY: J. Tirado
	SR 5 / West Dixie Hwy From NE 199 St. to NE 207 St.	DRAWN BY: L. Espinosa
		PROJECT: SHEET:3 of 3

MEMORANDUM

(Revised)

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

DATE: July 21, 2020

FROM: Abigail Price-Williams 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)
7-21-20

RESOLUTION NO. R-735-20

RESOLUTION DECLARING SURPLUS COUNTY-OWNED RIGHTS-OF-WAY AND PROVIDING AERIAL EASEMENTS LOCATED ALONG HARRIET TUBMAN HIGHWAY FROM NE 199 STREET TO NE 207 STREET, ALSO KNOWN AS PARCELS 106.1, 108.1, 806.1, 807.1, AND 808.1; AUTHORIZING THE CONVEYANCES OF SAME TO THE FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES, FOR NO MONETARY CONSIDERATION, FOR IMPROVEMENTS ALONG SUCH ROAD; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCES OF SAID PROPERTIES; AND AUTHORIZING THE CHAIRWOMAN OR VICE CHAIRWOMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE COUNTY DEEDS AND AERIAL EASEMENTS FOR SUCH PURPOSES

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

WHEREAS, the Florida Department of Transportation (FDOT) desires to acquire certain County-owned rights-of-way and aerial easements which are located on County roads (the Rights-of-Way) abutting SR-5, identified and described in Exhibit A to each of the attachments to the Mayor's Memorandum, and has applied to the County for conveyances of same for the purpose of constructing roadway improvements; and

WHEREAS, the County's conveyances of the Rights-of-Way and aerial easements to the FDOT is in the public's best interest and welfare by allowing the use of the Rights-of-Way and aerial easements for the proposed improvements; and

WHEREAS, this Board has determined that the FDOT requires the Rights-of-Way and aerial easements for such use, and the Rights-of-Way are not otherwise needed for County purposes inconsistent with said use; and

WHEREAS, the conveyances of the Rights-of-Way and aerial easements to the FDOT for said purpose shall be for no monetary consideration; and

WHEREAS, the conveyances of the Rights-of-Way and aerial easements to the FDOT are in accordance with section 125.38, Florida Statutes, governing the County's conveyances of Rights-of-Way; and

WHEREAS, the Rights-of-Way and aerial easements will revert to the County in the event that use for FDOT transportation purposes ever ceases,

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

Section 1. The foregoing recitals are incorporated as if fully herein.

Section 2. This Board (a) declares the Rights-of-Way as surplus; (b) pursuant to section 125.38, Florida Statutes, authorizes the conveyances of the Rights-of-Way, Parcels No. 106.1, 108.1, to the FDOT, as described in Attachments 1 and 2 to the Mayor's Memorandum, for no monetary consideration, subject to the restriction that the Rights-of-Way shall be used for public transportation purposes; (c) approves providing the aerial easements Parcels 806.1, 807.1 808.1, to the FDOT, as described in Attachments 3, 4, and 5 to the Mayor's Memorandum, for no monetary consideration, subject to the restriction that the aerial easements shall be used for public transportation purposes; (d) authorizes the County Mayor or County Mayor's designee to take all actions necessary to accomplish the conveyances of the Rights-of-Way and aerial easements; and (e) authorizes the execution of the County Deeds and aerial easement instruments in substantially

the form attached to the Mayor's Memorandum as Attachments 1, 2, 3, 4, and 5 by the Board of County Commissioners acting by the Chairwoman or Vice Chairwoman of the Board.

Section 3. Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or County Mayor's designee to record the instruments of conveyance approved herein in the Public Records of Miami-Dade County, and to provide a recorded copy of said instruments to the Clerk of the Board within 30 days of execution of said instruments, and to deliver a recorded copy of said instrument to the District Secretary, and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instruments together with this resolution.

The foregoing resolution was offered by Commissioner **Jean Monestime**, who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** 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.	**aye**	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	**absent**		

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of July, 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