

MEMORANDUM

Agenda Item No. 8(N)(3)

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

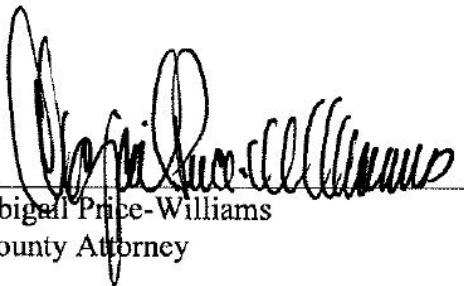
DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution accepting an implied offer of dedication for road improvement at a portion of NW 107 Avenue from 432.53 feet north of the centerline of NW 146 Street to north 329.95 feet thereof, in section 20, township 52 south, range 40 east, Miami-Dade County, Florida; and authorizing the recording of the Deed in the public records Of Miami-Dade County, Florida

Resolution No. R-970-20

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.


Abigail Price-Williams
County Attorney

APW/uw

Memorandum



Date: October 6, 2020

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

From: Carlos A. Gimenez
Mayor

A blue ink signature of Carlos A. Gimenez, Mayor of Miami-Dade County.

Subject: Resolution Accepting an Implied Offer of Dedication for a Portion of NW 107 Avenue From 432.53 Feet North of the Centerline of NW 146 Street to North 329.95 Feet Thereof, in Section 20, Township 52 South, Range 40 East, Miami-Dade County, Florida.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution accepting an implied offer of dedication, for a parcel of land 30 feet wide by 102 feet long abutting NW 107 Avenue north along NW 146 Street in Section 20, Township 52 South, Range 40 East, Miami-Dade County, Florida, and authorizing the recordation thereof in the Public Records of Miami-Dade County, Florida.

Scope

The subject property is located in County Commission District 12, which is represented by Commissioner Jose "Pepe" Diaz.

Fiscal Impact

There is no fiscal impact associated with this item.

Track Record/Monitor

Leandro Oña, P.E., Chief, Roadway Engineering and Right-of-Way Division, Department of Transportation and Public Works (DTPW), will be responsible for overseeing and monitoring this project.

Background

The implied offer was discovered as part of a title search related to planned roadway improvements in the area. The parcel is located within the zoned right-of-way and will be added to DTPW's roadway inventory. This parcel is needed for the roadway project along NW 107 Avenue from NW 138 Street to NW 166 Street, currently advertised as a Design-Build project which requires a continuous 80-foot wide right-of-way along this stretch of roadway. It is in the public's interest that the County accept said offer. This implied offer of dedication was originated by a Special Warranty Deed from Rinker Materials Corp. to Recchi America Inc., recorded in Official Record Book 17149, Page 2323, using the language "less County road Right-of-Ways and other Right-of-Ways of record." Subsequently confirmed by Special Warranty Deed recorded in Official Record Book 20172, Page 1267, which described the property line as running "along the East right of way line of NW 107 Avenue," this is the same property line outlining this parcel of implied offer, as depicted in Exhibit B of this memorandum. There is no information in the public records that would withdraw, revoke or impair the implied offer of dedication.

A blue ink signature of Jennifer Moon, Deputy Mayor of Miami-Dade County.

Jennifer Moon
Deputy Mayor

**LEGAL DESCRIPTION
(IMPLIED OFFER)**

A portion of Tract 19 of CHAMBERS LAND COMPANY SUBDIVISION NO.1 in the NE 1/4 of Section 20, Township 52 South, Range 40 East, in Miami-Dade County, Florida, according to the plat thereof as recorded in Plat Book 2 at Page 68 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the SW corner of the NE 1/4 of said section 20; thence run N02°34'51"W, along the centerline of NW 107 Avenue, and the West line of the NE 1/4 of said section 20, for 329.96 feet; thence run N89°40'00"E, for 10.01 feet to a point on the SW corner of aforementioned Tract 19, said point also being the **POINT OF BEGINNING** of the herein described parcel of land;

thence run N02°34'51"W, along a line parallel with and 10 feet East of the West Line of said Section 20, for 102.58 feet; thence run N89°40'51"E, for 30.02 feet; thence run S02°34'51"E, along a line parallel with and 40 feet East of the West Line of said Section 20, for 102.58 feet; thence run S89°40'00"W, for 30.02 feet to the **POINT OF BEGINNING**.

Containing 3,077 square feet

EXHIBIT A

PROJECT NO. 20160077
Implied Offer
Page 1 of 1

SEC 20
TWP 52 S
RGE 40 E

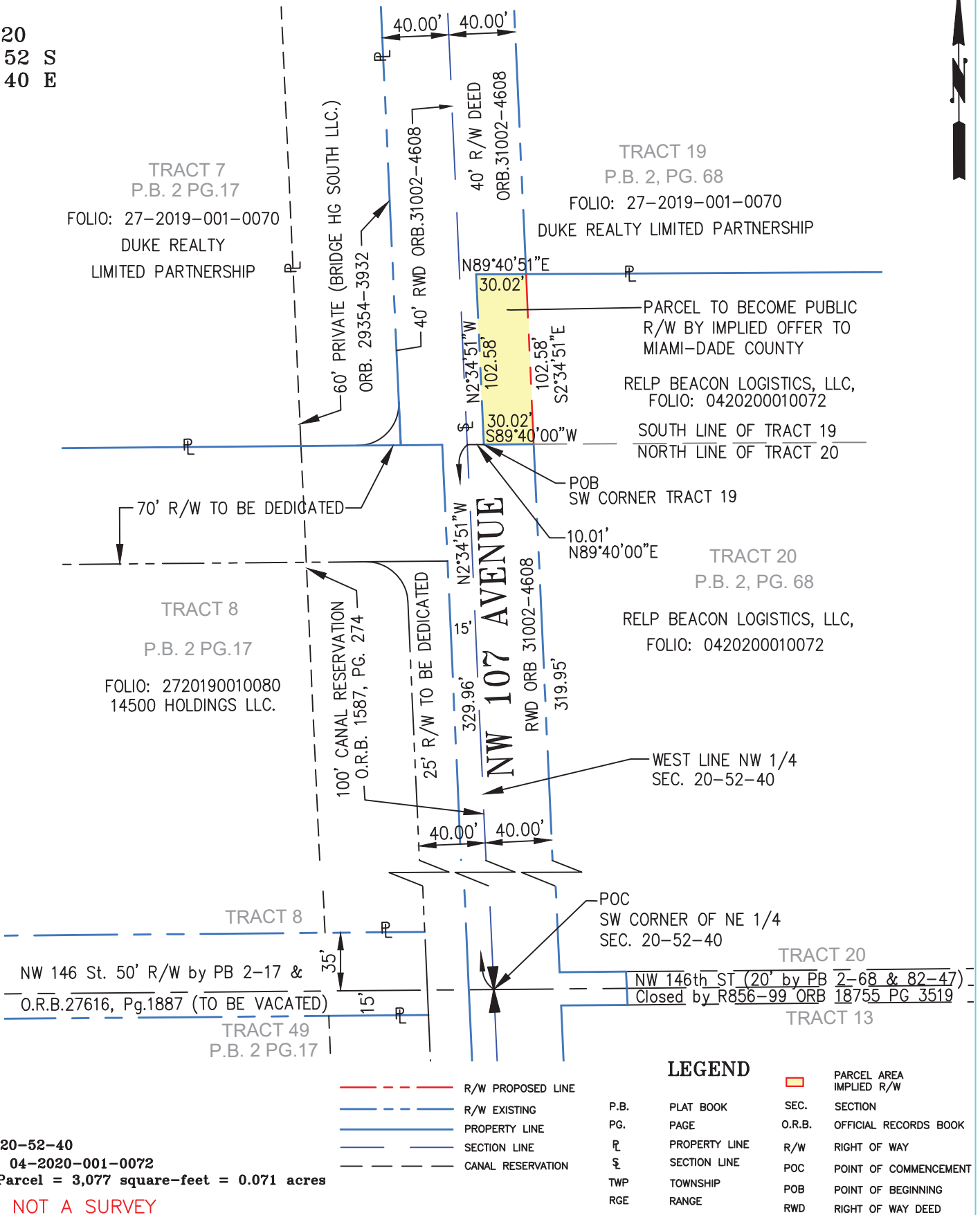


EXHIBIT "B"



DEPARTMENT OF TRANSPORTATION
AND PUBLIC WORKS
RIGHT OF WAY DIVISION
ENGINEERING SECTION

PARCEL SKETCH

NW 107 AVE
From NW 138 St. to NW 170 St.
IMPLIED OFFER

SCALE: 1" = 80' | DATE: 10-30-19
CHECKED BY: A. FRAGA
DRAWN BY: O. SUAREZ
PROJECT 20160077 | SHEET: 1 OF 1



MEMORANDUM (Revised)

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

DATE: October 6, 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)
10-6-20

RESOLUTION NO. _____ R-970-20

RESOLUTION ACCEPTING AN IMPLIED OFFER OF DEDICATION FOR ROAD IMPROVEMENT AT A PORTION OF NW 107 AVENUE FROM 432.53 FEET NORTH OF THE CENTERLINE OF NW 146 STREET TO NORTH 329.95 FEET THEREOF, IN SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA; AND AUTHORIZING THE RECORDING OF THE DEED 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, upon consideration of the Department of Transportation and Public Works' recommendation, the Board of County Commissioners finds and determines that the acceptance of this implied offer of dedication is in the public's best interest,

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 hereby approves and accepts the implied offer of dedication, as described in Exhibit "A" and illustrated by the parcel sketch 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 3. 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 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 **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

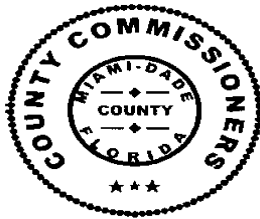
	Audrey M. Edmonson., Chairwoman	aye
	Rebeca Sosa, Vice Chairwoman	aye
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava
Jose "Pepe" Diaz	aye	Sally A. Heyman
Eileen Higgins	aye	Barbara J. Jordan
Joe A. Martinez	aye	Jean Monestime
Dennis C. Moss	absent	Sen. Javier D. Souto
Xavier L. Suarez	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 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.

A handwritten signature in dark ink, appearing to be "LEM", written over a horizontal line.

Lauren E. Morse