

MEMORANDUM

Agenda Item No. 8(O)(1)

TO: Honorable Vice Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 19, 2020

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution approving execution
of agreement for subordinations
of Utility Interests from Miami-
Dade County to the State of
Florida Department of
Transportation in connection
with the construction of roadway
improvements along State Road
933 (N.W. 12 Avenue) from
N.W. 16 Street to N.W. 20
Street; and authorizing the
County Mayor to execute same
and to exercise the provisions
contained therein

Resolution No. R-1203-20

The accompanying resolution was prepared by the Water and Sewer Department and placed on the agenda at the request of Prime Sponsor Chairwoman Audrey M. Edmonson.



Geri Bonzon-Keenan
Successor County Attorney

GBK/uw

Memorandum



Date: November 12, 2020

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Approval of Subordinations of Utility Interests from Miami-Dade County to the State of Florida Department of Transportation in Connection with a Roadway Improvement Project along State Road 933 (N.W. 12 Avenue) from N.W. 16 Street to N.W. 20 Street

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing approval of Subordinations of Utility Interests (Agreements) from Miami-Dade County (County) to the State of Florida Department of Transportation (FDOT) in connection with a roadway improvement project along State Road 933 (N.W. 12 Avenue) from N.W. 16 Street to N.W. 20 Street.

These Agreements will allow FDOT to construct state road improvements on a County-owned easement in which there are County-owned, operated, and maintained water and sewer facilities.

Scope

The subject item is limited to two parcels of land that consist of approximately 1,965 square feet under County easement, located in Commission District 3, which is represented by Commissioner Audrey M. Edmonson.

Fiscal Impact/Funding Source

There is no fiscal impact to the County associated with the Subordination Agreements. All expenses related to the upgrade, relocation, removal or replacement of any County owned water and sewer facilities installed in the easement areas will be performed at no cost to the County, if the action is initiated by the FDOT.

Track Record/Monitoring

The implementing agency is the Water and Sewer Department, and the Assistant Director of Planning and Regulatory Compliance, Josenrique Cueto, P.E., will be responsible for monitoring these Agreements.

Background

During the preparation of plans for a roadway improvement project along State Road 933 (N.W. 12 Avenue) from N.W. 16 Street to N.W. 20 Street, FDOT determined that two parcels of land which consist of 1,965 square feet on which the County has a utility easement are needed for highway purposes. FDOT is requesting a total of that said easement be subordinated in both areas in order to facilitate the roadway improvement project.

The Agreements will allow the County the right to construct, operate, maintain, improve, upgrade, remove and/or relocate facilities. In consideration, FDOT shall pay all costs to have the County's facilities relocated if necessary, to prevent conflict between the County's facilities and the roadway improvement.

The Agreements were approved by FDOT on July 28, 2020.

A handwritten signature in blue ink, appearing to read "J. Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor

23-UTL.01-07/99

This instrument prepared by,
or under the direction of,
Alicia Trujillo, Esq.
District Six Chief Counsel
State of Florida
Department of Transportation
1000 N.W. 111th Avenue
Miami, Florida 33172
January 13, 2020 - MF

Parcel No. : 802.3R(7/20/2020)MF
Item/Segment No. : 442538-1
Managing District : 6
Parcel Folio : 01-3135-003-0010

SUBORDINATION OF UTILITY INTERESTS

THIS AGREEMENT (the "Agreement"), is entered into this ____ day of _____, 2020 (the "Effective Date"), by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, a component agency of the State of Florida, (hereinafter called the "FDOT"), and MIAMI-DADE COUNTY, THROUGH THE WATER AND SEWER DEPARTMENT, a political subdivision of the State of Florida, (herein called "Utility Agency Organization or "UAO" and collectively the "Parties").

WITNESSETH:

WHEREAS, the UAO presently has an interest in certain real property that is needed for a transportation facility; and

WHEREAS, the proposed use of the real property requires subordination of the UAO's interest to the FDOT; and

WHEREAS, the UAO owns a 30-inch force main that may be in conflict with FDOT's proposed transportation facility; and

WHEREAS, the FDOT shall be responsible for the cost of locating, protecting, adjusting or removing the UAO'S facilities if necessary to prevent conflict between the UAO's facilities and the transportation facility,

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the FDOT and the UAO hereby agree as follows:

1. The UAO hereby subordinates to the interest of FDOT, its successors, or assigns, any and all interest the UAO has in the real property described as follows:

Parcel 802

F.P. No. 442538-1

A portion of Tract "A", JACKSON MEMORIAL MEDICAL CENTER, according to the plat thereof, as recorded in Plat Book 174, Page 58 of the Public Records of Miami-Dade County, Florida, said lands situate, lying and being in Section 35, Township 53 South, Range 41 East, being more particularly described as follows:

COMMENCE at the Northwest Corner of the Northeast One-Quarter (NE 1/4) of said Section 35; thence South 01° 24' 27" East, along the West line of said Northeast One-Quarter for a distance of 628.63 feet; thence North 88° 35' 33" East at a right angle to the last described course for a distance of 59.50 feet to the Northwest corner of said Tract "A" and the POINT OF BEGINNING of the hereinafter described Parcel; thence North 87° 47' 33" East along the North line of said Tract "A" for a distance of 13.14 feet; thence South 01° 24' 27" East for a distance of 74.31 feet; thence South 43° 35' 33" West for a distance of 18.58 feet to a point on the Easterly Existing Right of Way Line of State Road 933 (N.W. 12th Avenue) as per Florida Department of Transportation

Right of Way Monumentation Map for State Road 933 (N.W. 12th Avenue), Section 87085, as recorded in Road Plat Book 153, Page 68 of the Public Records of Miami-Dade County, Florida; thence North 01° 24' 27" West along said Easterly Existing Right of Way Line for a distance of 87.26 feet to the POINT OF BEGINNING.

Said lands lying in City of Miami, Miami-Dade County, Florida and containing 1,061 square feet, more or less.

The interest of the UAO being subordinated hereby includes, but is not necessarily limited to, the interest created by the following document:

INSTRUMENT	DATE	FROM	TO	Recorded OR Bk/Pg
Grant of Easement	10/24/1979	City of Miami	Miami-Dade Water and Sewer Department	10551-1021

2. The UAO shall continue to have all rights under the UAO'S real property interest document identified above, except that the use of the real property shall be subject to the control of the FDOT pursuant to paragraph 3 hereof.
3. The UAO's easement under the document identified above is still in use and remains in full force and effect, subject only to any rights that do not conflict therewith.
4. The FDOT shall have the right to control the UAO's use of the real property interest created by the document identified above in the following manner:
 - a. The FDOT may require, for any present or future transportation facility project, that any facilities of the UAO be located, protected, adjusted, or removed as the FDOT determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project. FDOT shall be responsible for all costs of such FDOT directed relocation, protection, adjustment or removal. Such costs shall include any damages to the UAO facilities as a result of FDOT's directed protective measures. The UAO shall have the right to engage in additional protective measures during the transportation facility project beyond what the FDOT determines is necessary, provided that the cost of any such additional protective measures shall be borne by the UAO.
 - b. The UAO shall operate and maintain the UAO's facilities located on the real property in accordance with FDOT standards as set forth in the FDOT's then current Utility Accommodation Manual.
 - c. Any placement of new facilities or adjustment, upgrading, removal, or relocation of the UAO's facilities proposed by the UAO shall be subject to the prior approval of the FDOT as provided in and under the conditions of the FDOT's then current Utility Accommodation Manual. Approval will be granted through the issuance of a utility permit.
 - d. The UAO shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the property described herein in accordance with the UAO minimum standards for such facilities as of the date of this Agreement. FDOT shall pay UAO for costs incurred by the UAO over and above what the UAO would have incurred had this subordination not been executed, now or in the future, including but not limited to, the cost of acquiring replacement easements if the Parties determine that the UAO facilities cannot be relocated within County-owned property.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

Signed, sealed and delivered
in our presence as witnesses:

[Signature]

(Signature of Witness)

Helen Shaheen

(Print/Type name of Witness)

[Signature]

(Signature of Witness)

Sabina Borges.

(Print/Type name of Witness)

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

By: [Signature]
(Signature)

JAMES WOLFE
District Secretary for District VI
1000 N.W. 111th Avenue
Miami, Florida 33172

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of: (check one)

☒ physical presence; or ☐ remote audio-visual means, this 28 day of JULY, 2020 by
JAMES WOLFE, District Secretary for District VI, who is personally known to me or who has produced
_____ as identification.



Helen Shaheen
NOTARY PUBLIC
STATE OF FLORIDA
Commission # GG350748
Expires 7/1/2023

[Signature]

(Signature of person taking acknowledgement)

Helen Shaheen

(Type, print or stamp name under signature)

Title or Rank and Serial No., if any: GG350748

ATTEST: _____

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

Clerk (or Deputy Clerk) of the Circuit Court

(Affix County Seal)

By: _____
County Mayor

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of: (check one)

☐ physical presence; or ☐ remote audio-visual means, this _____ day of _____, 2020,
by _____, as _____, of Miami-Dade County who is duly authorized to execute
this document and is personally known to me or has produced _____ as identification.

(Signature of person taking acknowledgment)

(Type, print or stamp name under signature)
Title or rank and serial number, if any:

Approved by Assistant County Attorney
To form and legal sufficiency.

By: _____

Henry N. Gillman

8/12/2020

EXHIBIT "A"

LEGEND:

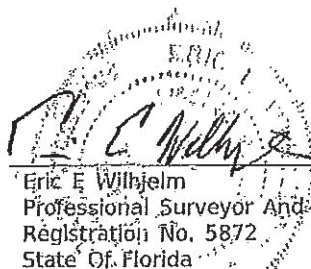
AC	= Acre	P	= Property Line
B	= Baseline	P.O.B.	= Point of Beginning
(P)	= Plat	P.O.C.	= Point of Commencement
COR.	= Corner	R.P.B.	= Road Plat Book
ESMT.	= Easement	R/W	= Right of Way
EXIST.	= Existing	SEC.	= Section
F.D.O.T.	= Florida Department of Transportation	S.R.	= State Road
F.P.	= Financial Project	STA.	= Station
LB	= Licensed Business	SQ FT	= Square Feet
LT	= Left		
O.R.B.	= Official Record Book		
P.B.	= Plat Book		
PG.	= Page		
			= Quarter Section Corner Not Found
			= Parcel Identification Number

LEGAL DESCRIPTION PARCEL 802

A portion of Tract "A", JACKSON MEMORIAL MEDICAL CENTER, according to the plat thereof, as recorded in Plat Book 174, Page 58 of the Public Records of Miami-Dade County, Florida, said lands situate, lying and being in Section 35, Township 53 South, Range 41 East, being more particularly described as follows:

COMMENCE at the Northwest Corner of the Northeast One-Quarter (NE 1/4) of said Section 35; thence South 01°24'27" East, along the West line of said Northeast One-Quarter for a distance of 628.63 feet; thence North 88°35'33" East at a right angle to the last described course for a distance of 59.50 feet to the Northwest corner of said Tract "A" and the POINT OF BEGINNING of the hereinafter described Parcel; thence North 87°47'33" East along the North line of said Tract "A" for a distance of 13.14 feet; thence South 01°24'27" East for a distance of 74.31 feet; thence South 43°35'33" West for a distance of 18.58 feet to a point on the Easterly Existing Right of Way Line of State Road 933 (N.W. 12th Avenue) as per Florida Department of Transportation Right of Way Monumentation Map for State Road 933 (N.W. 12th Avenue), Section 87085, as recorded in Road Plat Book 153, Page 68 of the Public Records of Miami-Dade County, Florida; thence North 01°24'27" West along said Easterly Existing Right of Way Line for a distance of 87.26 feet to the POINT OF BEGINNING.

Said lands lying in City of Miami, Miami-Dade County, Florida and containing 1,061 square feet, more or less.

 *Eric E. Wilhelm* 3/20/2020
 Eric E. Wilhelm Date
 Professional Surveyor And Mapper
 Registration No. 5872
 State Of Florida

This document consists of three (3) sheets and neither shall be considered full, valid, and complete without the other.

THIS IS NOT A SURVEY

FLORIDA DEPARTMENT OF TRANSPORTATION									
SKETCH TO ACCOMPANY LEGAL DESCRIPTION									
STATE ROAD NO. 933 (N.W. 12th AVENUE)					MIAMI-DADE COUNTY				
REVISE PARCEL	MJR	03/12/20	BY	DATE	PREPARED BY:	KEITH & ASSOCIATES, INC.	DATA SOURCE:		
& ADD PLAT			DRAWN	MJR	10/31/19	LB #6860	301 EAST ATLANTIC BLVD.	SEE GENERAL NOTES ON SHEET 2	
REVISION	BY	DATE	CHECKED	EEW	12/31/19	F.P. NO. 442538-1-52-01	SECTION 87085	SHEET 1 OF 3	

EXHIBIT "A"

GENERAL NOTES:

1. The legal description shown hereon was prepared by the surveyor.
2. The Bearings and coordinates shown here on are referenced to the West Line of the Northeast 1/4 of Section 35, Township 53 South, Range 41 East also being the Baseline of Survey of State Road 933 (N.W. 12th Avenue) having a bearing of N 01°24'27" W as shown on Project Control Sheet for State Road 933 (N.W. 12th Avenue), prepared by PBS&J, with Financial Project ID 428480-1-52-01, dated March 10, 2010 and provided by The Florida Department of Transportation, District VI.
3. Right of Way lines shown here on are based on Florida Department of Transportation Right of Way Monumentation Map for State Road 933 (N.W. 12th Avenue), Section 87085 and recorded in Road Plat Book 153, Page 68 of the Public Records of Miami-Dade.
4. Baseline of Survey and Coordinates shown here on are based on Project Control Sheet for State Road 933 (N.W. 12th Avenue) having a bearing of N 01°24'27" W as shown on Project Control Sheet for State Road 933 (N.W. 12th Avenue), prepared by PBS&J, with Financial Project ID 428480-1-52-01, dated March 10, 2010 and provided by The Florida Department of Transportation, District VI.
5. Keith And Associates, Inc. License Business Number is LB #6860.
6. This Sketch to Accompany Legal Description or copies thereof are not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper.
7. It is a violation of Rule 5J-17 Of the Florida Administrative Code to alter this Sketch To Accompany Legal Description without the express prior written consent of the surveyor. Additions and deletions made to the face of this sketch to accompany legal description will make this document invalid.
8. Station and offsets shown hereon are to the Baseline of Survey of State Road 933.
9. The parcel geometry and location shown hereon were provided by the F.D.O.T. on March 3, 2020.
10. All dimensions are calculated unless otherwise noted.
11. Title Search No. 19-74924 was provided by F.D.O.T and was reviewed in the preparation of this Sketch to Accompany Legal Description.
12. All documents referenced hereon are recorded in the Public Records of Miami-Dade County, Florida unless noted otherwise.
13. This Sketch to Accompany Legal Description does not constitute a boundary survey.
14. The intended display scale for this Sketch to Accompany Legal Description is 1"=40' or smaller.
15. This Sketch to Accompany Legal Description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers, referenced in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes.

This document consists of three (3) sheets and neither shall be considered full, valid, and complete without the other.

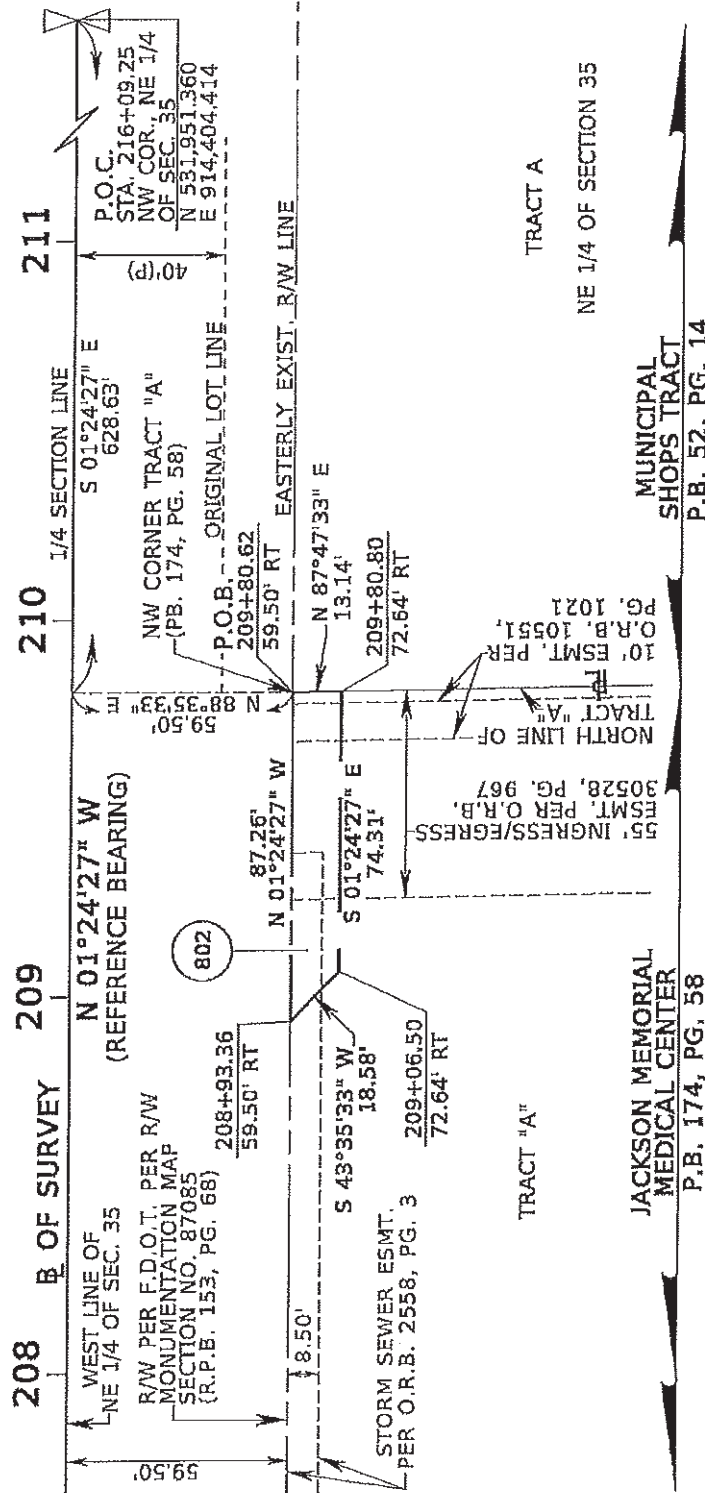
THIS IS NOT A SURVEY

			FLORIDA DEPARTMENT OF TRANSPORTATION			
			SKETCH TO ACCOMPANY LEGAL DESCRIPTION			
			STATE ROAD NO. 933 (N.W. 12th AVENUE)		MIAMI-DADE COUNTY	
REVISE PARCEL	MJR	03/12/20	BY	DATE	PREPARED BY: KEITH & ASSOCIATES, INC. 301 EAST ATLANTIC BLVD. POMPANO BEACH, FL 33060	DATA SOURCE: SEE GENERAL NOTES ABOVE
& ADD PLAT			DRAWN	MJR	10/31/19	
REVISION	BY	DATE	CHECKED	EEW	12/31/19	
					F.P. NO. 442538-1-52-01 SECTION 87085	
					SHEET 2 OF 3	

STATE ROAD 933
(N.W. 12th AVENUE)
SECTION 87085



Scale: 1" = 40'
SECTION 35,
TOWNSHIP 53 S.,
RANGE 41 E.



This document consists of three (3) sheets and none shall be considered full, valid, and complete without the others.

PARCEL #	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
802	MIAMI DADE COUNTY	± 1.061 SO. FT.	N/A	N/A

THIS IS NOT
A SURVEY

[illegible]

23-UTL.01-07/99

This instrument prepared by,
or under the direction of,
Alicia Trujillo, Esq.
District Six Chief Counsel
State of Florida
Department of Transportation
1000 N.W. 111th Avenue
Miami, Florida 33172
January 13, 2020 - MF

Parcel No. : 801.2R(7/20/2020)MF
Item/Segment No. : 442538-1
Managing District : 6
Parcel Folio : 01-3135-001-0010

**SUBORDINATION OF MIAMI-DADE COUNTY UTILITY INTERESTS TO STATE OF
FLORIDA DEPARTMENT OF TRANSPORTATION**

THIS AGREEMENT (the "Agreement"), is entered into this _____ day of _____, 2020 (the "Effective Date"), by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, a component agency of the State of Florida, (hereinafter called the "FDOT"), and MIAMI-DADE COUNTY, THROUGH THE WATER AND SEWER DEPARTMENT, a political subdivision of the State of Florida, (herein called "Utility Agency Organization or "UAO" and collectively the "Parties").

WITNESSETH:

WHEREAS, the UAO presently has an interest in certain real property that is needed for a transportation facility; and

WHEREAS, the proposed use of the real property requires subordination of the UAO's interest to the FDOT; and

WHEREAS, the UAO owns a 30-inch force main and 8-inch water main that may be in conflict with FDOT's proposed transportation facility; and

WHEREAS, the FDOT shall be responsible for the cost of locating, protecting, adjusting or removing the UAO'S facilities if necessary to prevent conflict between the UAO's facilities and the transportation facility,

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the FDOT and the UAO hereby agree as follows:

1. The UAO hereby subordinates to the interest of FDOT, its successors, or assigns, any and all interest the UAO has in the real property described as follows:

Parcel 801

F.P. No. 442538-1

A portion of Tract "A", MIAMI MUNICIPAL TRACT, according to the plat thereof, as recorded in Plat Book 51, Page 84 of the Public Records of Miami-Dade County, Florida, said lands situate, lying and being in Section 35, Township 53 South, Range 41 East, being more particularly described as follows:

COMMENCE at the Northeast Corner of the Northwest One-Quarter (NW 1/4) of said Section 35; thence South 01° 24' 27" East, along the East line of said Northwest One-Quarter for a distance of 664.73 feet; thence South

88° 35' 33" West at right angle to the last described course for a distance of 59.50 feet to a point on the Westerly Existing Right of Way Line of State Road 933 (N.W. 12th Avenue) as per Florida Department of Transportation Right of Way Monumentation Map for State Road 933 (N.W. 12th Avenue), Section 87085, as recorded in Road Plat Book 153, Page 68 of the Public Records of Miami-Dade County, Florida and the POINT OF BEGINNING of the hereinafter described Parcel; thence continue South 88° 35' 33" West for a distance of 14.00 feet; thence North 01° 24' 27 West along a line 14.00 feet West of and parallel with said Westerly Existing Right of Way Line for a distance of 49.81 feet; thence North 88° 35' 33" East for a distance of 5.00 feet; thence North 01° 24' 27 West along a line 9.00 feet West of and parallel with said Westerly Existing Right of Way Line for a distance of 22.99 feet; thence North 88° 35' 33" East for a distance of 9.00 feet to a point on the said Westerly Existing Right of Way Line; thence South 01° 24' 27" East along said Westerly Existing Right of Way Line for a distance of 72.80 feet to the POINT OF BEGINNING.

Said lands lying in City of Miami, Miami-Dade County, Florida and containing 904 square feet, more or less.

The interest of the UAO being subordinated hereby includes, but is not necessarily limited to, the interest created by the following document:

INSTRUMENT	DATE	FROM	TO	Recorded OR Bk/Pg
Grant of Easement	10/24/1979	City of Miami	Miami-Dade Water and Sewer Department	10551-1021

2. The UAO shall continue to have all rights under the UAO'S real property interest document identified above, except that the use of the real property shall be subject to the control of the FDOT pursuant to paragraph 3 hereof.
3. The UAO's easement under the document identified above is still in use and remains in full force and effect, subject only to any rights that do not conflict therewith.
4. The FDOT shall have the right to control the UAO's use of the real property interest created by the document identified above in the following manner:
 - a. The FDOT may require, for any present or future transportation facility project, that any facilities of the UAO be located, protected, adjusted, or removed as the FDOT determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project. FDOT shall be responsible for all costs of such FDOT directed relocation, protection, adjustment or removal. Such costs shall include any damages to the UAO facilities as a result of FDOT's directed protective measures. The UAO shall have the right to engage in additional protective measures during the transportation facility project beyond what the FDOT determines is necessary, provided that the cost of any such additional protective measures shall be borne by the UAO.
 - b. The UAO shall operate and maintain the UAO's facilities located on the real property in accordance with FDOT standards as set forth in the FDOT's then current Utility Accommodation Manual.
 - c. Any placement of new facilities or adjustment, upgrading, removal, or relocation of the UAO's facilities proposed by the UAO shall be subject to the prior approval of the FDOT as provided in and under the conditions of the FDOT's then current Utility Accommodation Manual. Approval will be granted through the issuance of a utility permit.

d. The UAO shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the property described herein in accordance with the UAO minimum standards for such facilities as of the date of this Agreement. FDOT shall pay UAO for costs incurred by the UAO over and above what the UAO would have incurred had this subordination not been executed, now or in the future, including but not limited to, the cost of acquiring replacement easements if the Parties determine that the UAO facilities cannot be relocated within County-owned property.

IN WITNESS WHEREOF, the Parties have executed this Agreement through their duly authorized officers, the day and year first above written

Signed, sealed and delivered
in our presence as witnesses:

ASL
(Signature of Witness)

Helen Shaheen
(Print/Type name of Witness)

[Signature]
(Signature of Witness)

Sabina Borges
(Print/Type name of Witness)

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

By: [Signature]
(Signature)

JAMES WOLFE
District Secretary for District VI
1000 N.W. 111th Avenue
Miami, Florida 33172

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of: (check one)
☒ physical presence; or ☐ remote audio-visual means, this 28 day of JULY, 2020 by JAMES WOLFE, District Secretary for District VI, who is personally known to me or who has produced _____ as identification.



Helen Shaheen
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG350748
Expires 7/1/2023

ASL
(Signature of person taking acknowledgement)

Helen Shaheen
(Type, print or stamp name under signature)
Title or Rank and Serial No., if any: GG350748

ATTEST: _____

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

Clerk (or Deputy Clerk) of the Circuit Court

(Affix County Seal)

By: _____
County Mayor

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of: (check one)

☐ physical presence; or ☐ remote audio-visual means, this _____ day of _____, 2020,
by _____, as _____, of Miami-Dade County who is duly authorized to execute
this document and is personally known to me or has produced _____ as identification.

(Signature of person taking acknowledgment)

(Type, print or stamp name under signature)
Title or rank and serial number, if any:

Approved by Assistant County Attorney
To form and legal sufficiency.

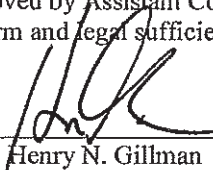
By:  8/12/2020
Henry N. Gillman

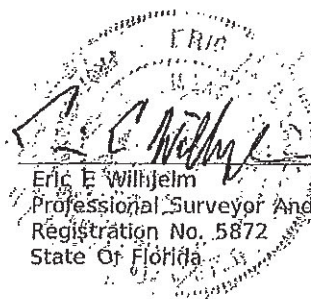
EXHIBIT "A"

LEGAL DESCRIPTION PARCEL 801

A portion of Tract "A", MIAMI MUNICIPAL TRACT, according to the plat thereof, as recorded in Plat Book 51, Page 84 of the Public Records of Miami-Dade County, Florida, said lands situate, lying and being in Section 35, Township 53 South, Range 41 East, being more particularly described as follows:

COMMENCE at the Northeast Corner of the Northwest One-Quarter (NW 1/4) of said Section 35; thence South 01°24'27" East, along the East line of said Northwest One-Quarter for a distance of 664.73 feet; thence South 88°35'33" West at right angle to the last described course for a distance of 59.50 feet to a point on the Westerly Existing Right of Way Line of State Road 933 (N.W. 12th Avenue) as per Florida Department of Transportation Right of Way Monumentation Map for State Road 933 (N.W. 12th Avenue), Section 87085, as recorded in Road Plat Book 153, Page 68 of the Public Records of Miami-Dade County, Florida and the POINT OF BEGINNING of the hereinafter described Parcel; thence continue South 88°35'33" West for a distance of 14.00 feet; thence North 01°24'27" West along a line 14.00 feet West of and parallel with said Westerly Existing Right of Way Line for a distance of 49.81 feet; thence North 88°35'33" East for a distance of 5.00 feet; thence North 01°24' 27" West along a line 9.00 feet West of and parallel with said Westerly Existing Right of Way Line for a distance of 22.99 feet; thence North 88°35'33" East for a distance of 9.00 feet to a point on the said Westerly Existing Right of Way Line; thence South 01°24'27" East along said Westerly Existing Right of Way Line for a distance of 72.80 feet to the POINT OF BEGINNING.

Said lands lying in City of Miami, Miami-Dade County, Florida and containing 904 square feet, more or less.



 Eric E. Willhelm Date 3/20/2020
 Professional Surveyor And Mapper
 Registration No. 5872
 State Of Florida

This document consists of four (4) sheets and neither shall be considered full, valid, and complete without the other.

THIS IS NOT A SURVEY

						FLORIDA DEPARTMENT OF TRANSPORTATION			
						SKETCH TO ACCOMPANY LEGAL DESCRIPTION			
						STATE ROAD NO. 933 (N.W. 12th AVENUE)			
						MIAMI-DADE COUNTY			
REVISE PARCEL	MIR	03/12/20	DRAWN	NJR	10/31/19	PREPARED BY: KEITH & ASSOCIATES, INC. 301 EAST ATLANTIC BLVD. POMPANO BEACH, FL 33060		DATA SOURCE: SEE GENERAL NOTES ON SHEET 2	
REVISION	BY	DATE	CHECKED	EEW	12/31/19	F.P. NO. 442538-1-52-01		SECTION 87085	SHEET 1 OF 4

EXHIBIT "A"

GENERAL NOTES:

1. The legal description shown hereon was prepared by the surveyor.
2. The Bearings and coordinates shown here on are referenced to the East Line of the Northwest 1/4 of Section 35, Township 53 South, Range 41 East also being the Baseline of Survey of State Road 933 (N.W. 12th Avenue) having a bearing of N 01°24'27" W as shown on Project Control Sheet for State Road 933 (N.W. 12th Avenue), prepared by PBS&J, with Financial Project ID 428480-1-52-01, dated March 10, 2010 and provided by The Florida Department of Transportation, District VI.
3. Right of Way lines shown here on are based on Florida Department of Transportation Right of Way Monumentation Map for State Road 933 (N.W. 12th Avenue), Section 87085 and recorded in Road Plat Book 153, Page 68 of the Public Records of Miami-Dade.
4. Baseline of Survey and Coordinates shown here on are based on Project Control Sheet for State Road 933 (N.W. 12th Avenue) having a bearing of N 01°24'27" W as shown on Project Control Sheet for State Road 933 (N.W. 12th Avenue), prepared by PBS&J, with Financial Project ID 428480-1-52-01, dated March 10, 2010 and provided by The Florida Department of Transportation, District VI.
5. Keith And Associates, Inc. License Business Number is LB #6860.
6. This Sketch to Accompany Legal Description or copies thereof are not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper.
7. It is a violation of Rule 5J-17 Of the Florida Administrative Code to alter this Sketch To Accompany Legal Description without the express prior written consent of the surveyor. Additions and deletions made to the face of this sketch to accompany legal description will make this document invalid.
8. Station and offsets shown hereon are to the Baseline of Survey of State Road 933.
9. The parcel geometry and location shown hereon were provided by the F.D.O.T. on March 3, 2020.
10. All dimensions are calculated unless otherwise noted.
11. Title Search No. 17-74926 was provided by F.D.O.T and was reviewed in the preparation of this Sketch to Accompany Legal Description.
12. All documents referenced hereon are recorded in the Public Records of Miami-Dade County, Florida unless noted otherwise.
13. This Sketch to Accompany Legal Description does not constitute a boundary survey.
14. The intended display scale for this Sketch to Accompany Legal Description is 1"=40' or smaller.
15. This Sketch to Accompany Legal Description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers, referenced in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes.

LEGEND:

AC = Acre
 B = Baseline
 (P) = Plat
 C.B. = Chord Bearing
 COR. = Corner
 Δ = Delta
 ESMT. = Easement
 EXIST. = Existing
 F.D.O.T. = Florida Department of Transportation
 F.P. = Financial Project
 L = Arc Length
 LB = Licensed Business
 LT = Left
 O.R.B. = Official Record Book
 P.B. = Plat Book
 PG. = Page

P = Property Line
 P.O.B. = Point of Beginning
 P.O.C. = Point of Commencement
 R = Radius
 R.P.B. = Road Plat Book
 R/W = Right of Way
 SEC. = Section
 S.R. = State Road
 STA. = Station
 SQ FT = Square Feet



= Quarter Section Corner Not Found



= Parcel Identification Number

This document consists of four (4) sheets and neither shall be considered full, valid, and complete without the other.

THIS IS NOT A SURVEY

FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH TO ACCOMPANY LEGAL DESCRIPTION										
STATE ROAD NO. 933 (N.W. 12th AVENUE) MIAMI-DADE COUNTY										
			BY		DATE		PREPARED BY:		DATA SOURCE:	
			DRAWN		MJR		10/31/19		KEITH & ASSOCIATES, INC. 391 EAST ATLANTIC BLVD. FORT LAUDERDALE, FL 33306 SEE GENERAL NOTES ABOVE	
REVISE PARCEL			MJR		03/12/20		F.P. NO. 442538-1-52-01		SECTION 87085	
REVISION			BY		DATE		CHECKED		EEW 12/31/19	
							SHEET 2 OF 4			

4 10 E 133445



MEMORANDUM (Revised)

TO: Honorable Vice Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 19, 2020

FROM: 
Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 8(O)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(O)(1)
11-19-20

RESOLUTION NO. _____ R-1203-20

RESOLUTION APPROVING EXECUTION OF AGREEMENT FOR SUBORDINATIONS OF UTILITY INTERESTS FROM MIAMI-DADE COUNTY TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ALONG STATE ROAD 933 (N.W. 12 AVENUE) FROM N.W. 16 STREET TO N.W. 20 STREET; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

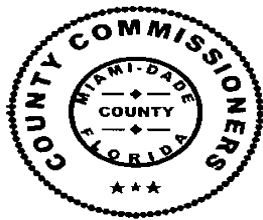
WHEREAS, this Board desires to accomplish the purposes outlines in the accompanying memorandum, a copy which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves execution of the Agreement for Subordinations of Utility Interests from Miami-Dade County to the State of Florida Department of Transportation in connection with the construction of roadway improvements along State Road 933 (N.W. 12 Avenue) from N.W. 16 Street to N.W. 20 Street, in substantially the form attached hereto and made a part hereof; and authorizes the County Mayor or County Mayor's designee to execute same on behalf of Miami-Dade County and exercise all provisions contained therein.

The foregoing resolution was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Vice Chairwoman	aye	
Jose "Pepe" Diaz	aye	Sen. René García	aye
Oliver G. Gilbert, III	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Eileen Higgins	aye
Joe A. Martinez	aye	Kionne L. McGhee	aye
Jean Monestime	aye	Raquel A. Regalado	aye
Sen. Javier D. Souto	aye	District 8 - Vacant	vacant

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of November, 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Henry N. Gillman