

MEMORANDUM

Agenda Item No. 8(K)(2)

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 authorizing the conveyance of a permanent easement to the State of Florida Department of Transportation known as Parcel No. 802, for a nominal consideration of \$1.00, in accordance with section 125.38, Florida Statutes, on a 47 square foot portion of County-owned property for improvements and maintenance of traffic features along State Road 933 (NW 12th Avenue) between NW 24th Street and NW 25th Street through a portion of County-owned property; and authorizing the County Mayor to take all actions to effectuate same and to exercise any and all rights conferred therein

Resolution No. R-1197-20

The accompanying resolution was prepared by the Public Housing and Community Development 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

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over the printed name.

Subject: Resolution Authorizing Conveyance of a Perpetual Easement to the Florida Department of Transportation for Improvements Along State Road 933 (NW 12th Avenue) Between NW 24th Street and 25th Street with a Segment that Impacts Gwen Cherry 13 Public Housing Development

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of a perpetual easement to the Florida Department of Transportation (FDOT) on a portion of County-owned property, Parcel 802, located along State Road (SR) 933 (NW 12th Avenue) between NW 24th Street and 25th Street. The portion that incorporates the perpetual easement for Parcel 802 is approximately 47 square feet, a segment that impacts Gwen Cherry 13, a public housing development.

Scope

The site is located along State Road (SR) 933 (NW 12th Avenue) between NW 24th Street and 25th Street in Commission District 3, which is represented by Chairwoman Audrey M. Edmonson.

Fiscal Impact/Funding Source

The conveyance does not require the expenditure of any Miami-Dade County funds.

Track Record/Monitor

Michael Liu, Department Director for Public Housing and Community Development, will monitor the conveyance of this easement.

Background

On January 7, 2020, the County received a revised request from FDOT for Parcel 802. The easement is needed to enable FDOT to improve SR 933. As required by Resolution No. R-504-15, the visible elements of the project will consist of repaving and intersection improvements from NW 20th Street to 29th Street, such as upgrading pedestrian curb ramps, signing and pavement markings, improving pedestrian crosswalks and signals, enhancing sidewalks, widening the northeast corner of NW 20th Street to improve turning radius and adding a new mid-block crosswalk and installing flashing beacons between NW 24th Street and 25th Street. Project dates, estimated construction costs and possible effects during construction are provided on the attached Perpetual Easement as Exhibit "A."

Section 125.38 of the Florida Statutes allows agencies, such as FDOT, to request the use of County-owned land when such use is for a public benefit. This request is for a public benefit, as the easement is needed for the planned improvements to SR 933. If granted, FDOT will be responsible for maintenance of the proposed improvements. The conveyance of the easement will be subject

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
Page 2

to a reverter. Accordingly, the Department recommends that it is in the County's best interest to grant FDOT an easement for the purposes stated herein.

A handwritten signature in blue ink, appearing to read "M. Kemp", with a large, stylized flourish at the end.

Maurice L. Kemp, Deputy Mayor



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(K)(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(K)(2)
11-19-20

RESOLUTION NO. R-1197-20

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION KNOWN AS PARCEL NO. 802, FOR A NOMINAL CONSIDERATION OF \$1.00, IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES, ON A 47 SQUARE FOOT PORTION OF COUNTY-OWNED PROPERTY FOR IMPROVEMENTS AND MAINTENANCE OF TRAFFIC FEATURES ALONG STATE ROAD 933 (NW 12TH AVENUE) BETWEEN NW 24TH STREET AND NW 25TH STREET THROUGH A PORTION OF COUNTY-OWNED PROPERTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS TO EFFECTUATE SAME AND TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN

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 State of Florida Department of Transportation (FDOT) has proposed to improve State Road 933 (NW 12th Avenue), Roadway Project Identification No. (Item/Segment No. 432748-5) in Miami-Dade County, including repaving and making intersection improvements from NW 20th Street to NW 29th Street, upgrading pedestrian curb ramps, signing and pavement markings, improving pedestrian crosswalks and signals, enhancing sidewalks, widening the Northeast corner of NW 20th Street to improve the turning radius, adding a new mid-block crosswalk and installing flashing beacons between NW 24th Street and 25th Street , in order to improve pedestrian and vehicular traffic flow and safety; and

WHEREAS, in order to do so, FDOT has requested the County to convey a perpetual easement over a 47 square foot parcel for the installation of mast arm signalization and transportation improvements in substantially the form attached hereto as Exhibit "1" and incorporated herein (Perpetual Easement) known as Parcel 802 for nominal value; and

WHEREAS, the improvements proposed by FDOT would not impair the County's ability to access and maintain its property in the subject area; and

WHEREAS, this Board finds that pursuant to section 125.38, Florida Statutes, said easement is required for such governmental use, and is consistent with County transportation use,

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

Section 1. This Board adopts the foregoing recitals as if fully set forth herein and approves of same.

Section 2. This Board approves the granting of the Perpetual Easement for the nominal consideration of \$1.00 pursuant to section 125.38, Florida Statutes, for transportation-related improvements and maintenance of same, in substantially the form attached hereto as Exhibit 1.

Section 3. The County Mayor or County Mayor's designee is authorized to execute the Perpetual Easement, for and on behalf of Miami-Dade County, to exercise all provisions conferred therein, and to take all actions necessary to effectuate same.

Section 4. Pursuant to Resolution No. R-974-09, the Board, (a) directs the County Mayor or County Mayor's designee to record the instrument of conveyance executed herein in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board within (30) days of execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instrument together with this resolution.

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

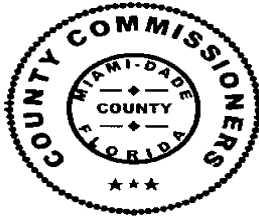
The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of November, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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.

Terrence A. Smith

07-PE.02-04/93

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
 November 12, 2019 - MN

Parcel No. : 802.1R(1/31/2020)MF
 Item/Segment No. : 432748-5
 Managing District : 6
 Parcel Folio : 01-3126-039-2620

PERPETUAL EASEMENT

THIS EASEMENT made the ____ day of _____, 2020, by MIAMI DADE COUNTY, a political subdivision of the State of Florida, Grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION its successors and assigns, Grantee.

WITNESSETH: That the Grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the Grantee, its successors and assigns, a perpetual easement for the purpose of constructing and maintaining a mast arm signalization system with associated pull boxes for a pedestrian hybrid beacon (collectively the "Traffic Features") in, over, under, upon and through the following described land in Miami-Dade County, Florida the ("Easement Area"):

PARCEL 802

F.P. No.: 432748-5

A portion of Lot 3, Block 13, of AMENDED PLAT WESTEND PARK, according to the plat thereof, as recorded in Plat Book 6, at Page 142, of the Public Records of Miami Dade County, Florida and more particularly described as follows:

Commence at the Northeast (NE) corner of the Southwest (SW) 1/4 of Section 26, Township 53 South, Range 41 East, Miami Dade County, Florida; thence S 02°23'55" E along the East line of said Southwest (SW) 1/4 of Section 26, Township 53 South, Range 41 East, said line also being the Baseline of Survey of State Road 933 / NW 12th Avenue as per Florida Department of Transportation Right of Way Map Section 87085, for a distance of 1,036.86 feet; thence S 87°36'05" W at right angles to the last described line for a distance of 50.14 feet to a point of intersection with the Existing West Right of Way line of said State Road 933 / NW 12th Avenue, said point also being the POINT OF BEGINNING of the hereinafter described parcel; thence S 00°42'49" W for a distance of 10.00 feet; thence N 89°31'15" W for a distance of 4.69 feet; thence N 00°42'49" E for a distance of 10.00 feet; thence S 89°31'15" E for a distance of 4.69 feet to the POINT OF BEGINNING.

Containing 47 Square Feet more or less.

TO HAVE AND TO HOLD said premises unto the Grantee, subject, however, to the following conditions:

That this easement is solely for the purpose of constructing and maintaining the Traffic Features, and no other uses of the Easement Area are permitted. Grantee shall be responsible for the maintenance of the Traffic Features.

That in the event said transportation use is permanently discontinued or abandoned, Grantee's easement shall terminate, and title to the Easement area shall immediately revert to Grantor, its successors or assigns, and it shall have the right to immediately possess same. In the event Grantee's easement terminates and Grantor deems it necessary to request the removal of the Traffic Features occupying the Easement Area, Grantee shall remove the Traffic Features occupying the Easement Area upon written request, and shall restore the Easement Area to a like or similar condition as existed prior to this Easement, at Grantee's sole cost and expense.

Any construction, improvement, or major repair and/or replacement work is subject to formal approval and permit as may be required by Grantor. Any damage caused by same shall be promptly repaired by Grantor.

Grantee shall indemnify and hold Grantor harmless from any and all damages and/or liability, claims, demands, actions and/or suits of any nature arising out of, relating to, or resulting from negligent or wrongful act(s) of Grantee's employees, agents, or instrumentalities, acting within the scope of their office or employment, in connection with the rights granted to or exercised by Grantee hereunder, to the extent and within the limitations of Section 768.28, Florida Statutes. However, nothing herein shall be deemed to indemnify Grantor from any liability or claim arising out of the negligent performance or failure of performance of Grantor.

This Easement is granted pursuant to Resolution No. _____ passed by the Miami-Dade Board of County Commissioners of Miami-Dade County Florida.

Grantor makes no representations as to the title or condition of the property within the Easement Area or the suitability of the Easement Area property for the use intended hereunder. This grant conveys only an interest of the County in the property herein described and shall not be deemed to warrant title or to represent any state of facts concerning same.

The rights and obligations of the parties shall inure to the benefit of and be binding on their respective successors and assigns.

Nothing in this Easement shall restrict the Grantor's right to utilize said property for any use which is not inconsistent with the rights conveyed hereunder.

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 Mayor or the Mayor's designee, the day and year aforesaid.

ATTEST: _____

Clerk (or Deputy Clerk) of the Circuit Court

(Affix County Seal)

Miami-Dade County, Florida,
By its Board of County Commissioners

By: _____

Approved as to Legal Sufficiency:

Assistant County Attorney

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____ 20____, by _____, who is personally known to me or who has produced _____ as identification.

Notary Stamp

(Signature of person taking acknowledgment)

(Type, print or stamp name under signature)

Title or rank and serial number, if any: _____

EXHIBIT "A"

LEGAL DESCRIPTION - PARCEL 802

A portion of Lot 3, Block 13, of AMENDED PLAT WESTEND PARK, according to the plat thereof, as recorded in Plat Book 6, at Page 142, of the Public Records of Miami Dade County, Florida and more particularly described as follows:

Commence at the Northeast (NE) corner of the Southwest (SW) 1/4 of Section 26, Township 53 South, Range 41 East, Miami Dade County, Florida; thence S 02°23'55" E along the East line of said Southwest (SW) 1/4 of Section 26, Township 53 South, Range 41 East, said line also being the Baseline of Survey of State Road 933 / NW 12th Avenue as per Florida Department of Transportation Right of Way Map Section 87085, for a distance of 1,036.86 feet; thence S 87°36'05" W at right angles to the last described line for a distance of 50.14 feet to a point of intersection with the Existing West Right of Way line of said State Road 933 / NW 12th Avenue, said point also being the POINT OF BEGINNING of the hereinafter described parcel; thence S 00°42'49" W for a distance of 10.00 feet; thence N 89°31'15" W for a distance of 4.69 feet; thence N 00°42'49" E for a distance of 10.00 feet; thence S 89°31'15" E for a distance of 4.69 feet to the POINT OF BEGINNING.

Containing 47 Square Feet more or less.

SURVEYOR'S NOTES:

- Bearings and coordinates are relative to the State Plane Coordinate System, Florida East Zone (901), Transverse Mercator Projection, North American Datum 1983, 2007 adjustment (NAD83/07), where the Baseline of Survey of State Road 933 / NW 12th Street bears S 02°23'55" E
- Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.
- Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper.
- Baseline of Survey and Right of Way Lines shown on this Sketch and Legal are based on a Right of Way Map of State Road 933 / NW 12th Avenue, Section 87085 prepared by MG Vera & Associates, Inc., dated March, 2015 and provided by Florida Department of Transportation, District VI.
- This sketch is intended to be displayed at the stated graphic scales in english units of measurements as depicted on the survey map. Attention is directed to the fact that said sketch may be altered in scale by reproduction and must be considered when obtaining scaled data.
- All stations and offsets refer to the Baseline of Survey.
- Title Search 19-74638 from National Title and Abstract Company, dated June 3, 2019.
- I hereby certify that the Sketch and Legal Description was prepared under my direction and that said Sketch and Legal Description is in compliance with Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
- Manuel G. Vera & Associates, Inc. does carry Professional Liability Insurance for Surveying and Mapping Services.

LEGEND:

PC - Point of Curvature
 PT - Point of Tangency
 FDOT - Florida Department of Transportation
 F.P. NO. - Financial Project Number
 STA. - Station
 SEC. - Section
 TWP. - Township
 RGE. - Range
 EXIST. - Existing
 ORB - Official Record Book
 PB - Plat Book
 PG. - Page
 PI - Point of Intersection
 Δ - Central angle
 ESMT. - Easement
 L.A. - Limited Access
 COR. - Corner
 T - Tangent
 L - Arc Length of curve
 R - Radius
 RT - Right
 P.O.C. - Point of Commencement

P.O.B. - Point of Beginning
 PL - Property Line
 LB. - Licensed Business
 LT - Left
 No. - Number
 SR - State Road
 SQ. FT. - Square Feet
 R/W - Right of Way
 RES - Resolution
 (P) - Plat
 OFF. - Offset

SYMBOLS:

— - Baseline of Survey
 — - Center Line
 — - Monument Line
 — - Spring Line
 802 - Parcel Number
 1 - Subdivision Block Number

● - CENTER OF SECTION


 12-12-2019
 Carlos E. Alonso
 Professional Surveyor & Mapper
 Florida Certificate No. 6669
 Licensed Business: LB-2439
 13960 SW 47th Street
 Miami, Florida 33175

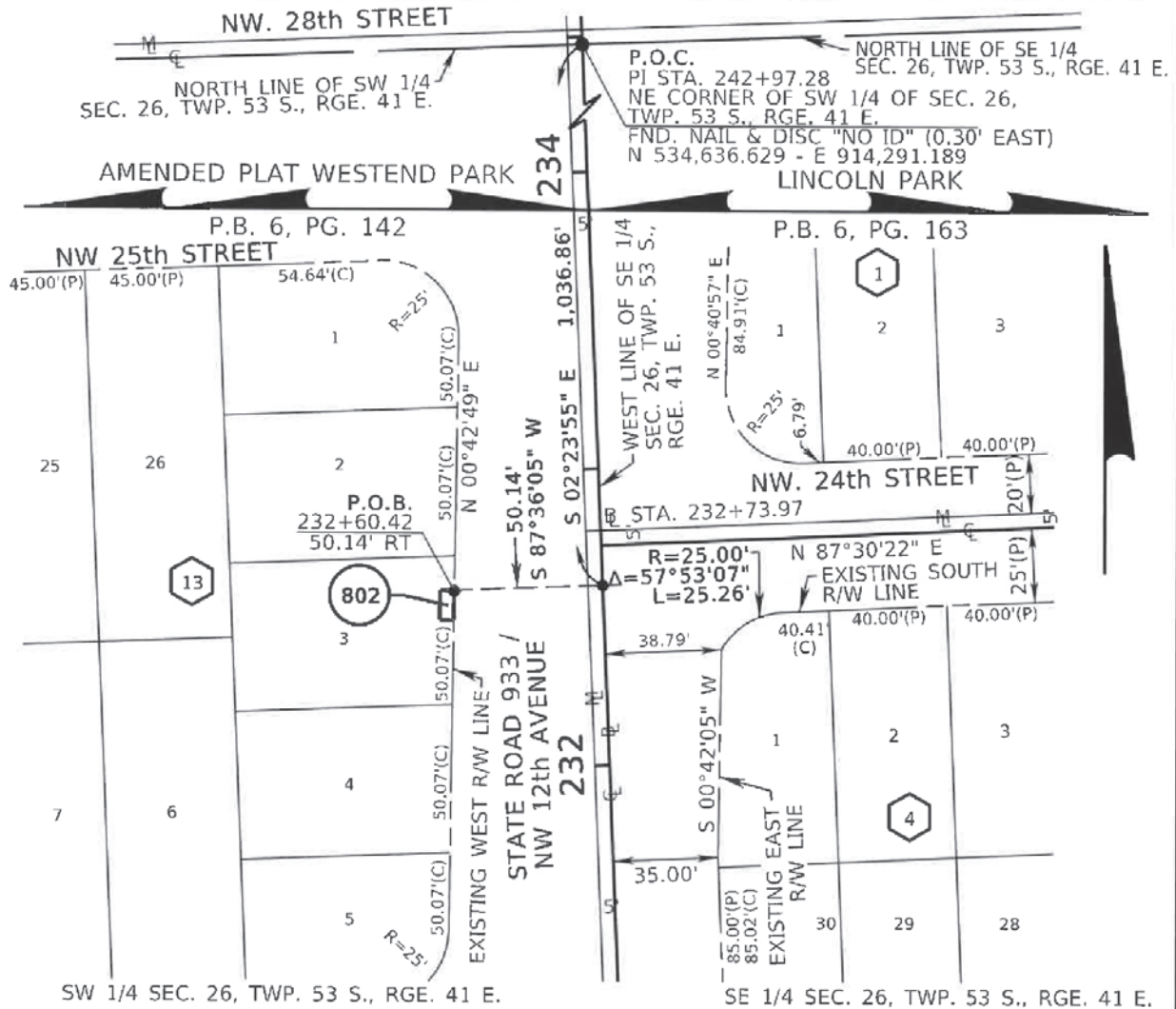
NOT A SURVEY

THIS DOCUMENT CONSISTS OF THREE (3) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.

FLORIDA DEPARTMENT OF TRANSPORTATION			
SKETCH TO ACCOMPANY LEGAL DESCRIPTION			
STATE ROAD NO. 933 / NW 12th AVENUE		MIAMI-DADE COUNTY	
	BY	DATE	PREPARED BY: MANUEL G. VERA AND ASSOCIATES INC., LB#2439 13960 SW 47th STREET, MIAMI FLORIDA 33175
			DATA SOURCE: SEE SURVEYOR'S NOTES
DRAWN	DH	10-19	F.P. No. 432748-5 SECTION 87085 SHEET 01 OF 03
CHECKED	MM	10-19	
REVISION	BY	DATE	

SECTION 26, TOWNSHIP 53 S., RANGE 41 E. MIAMI-DADE COUNTY, FLORIDA

PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
802	MIAMI DADE HOUSING AGENCY	± 47 SQ. FT.	N/A	N/A

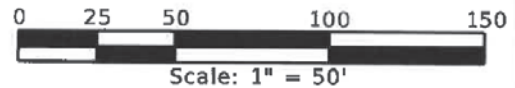


FOR PARCEL 802 GEOMETRY
SEE SHEET THREE (3) OF THREE (3)

NOT A SURVEY

THIS DOCUMENT CONSISTS OF THREE (3) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.

NOTE: FOR LINE TYPES LEGEND SEE SHEET THREE (3) OF THREE (3)



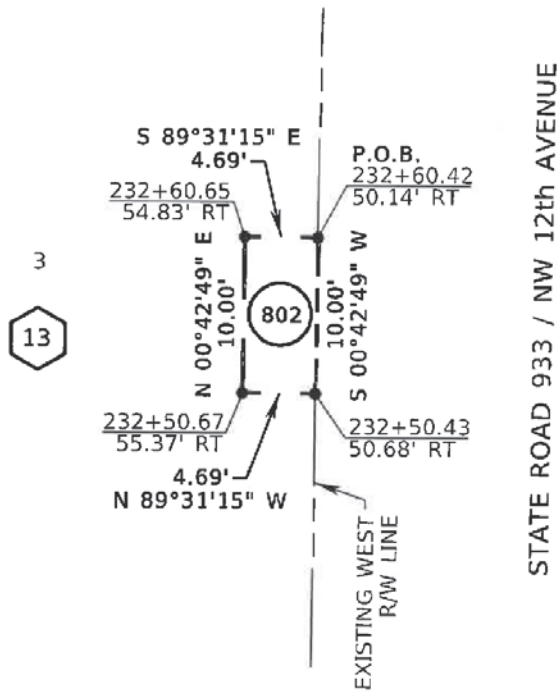
			FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH TO ACCOMPANY LEGAL DESCRIPTION						
			STATE ROAD NO. 933 / NW 12th AVENUE					MIAMI-DADE COUNTY	
				BY	DATE	PREPARED BY: MANUEL G. VERA AND ASSOCIATES INC., LD#2439 13960 SW 47th STREET MIAMI FLORIDA 33175		DATA SOURCE: SEE SURVEYOR'S NOTES	
			DRAWN	DH	10-19	F.P. No. 432748-5		SECTION 87085	SHEET 02 OF 03
REVISION	BY	DATE	CHECKED	MM	10-19				

EXHIBIT "A"

SECTION 26, TOWNSHIP 53 S., RANGE 41 E. MIAMI-DADE COUNTY, FLORIDA

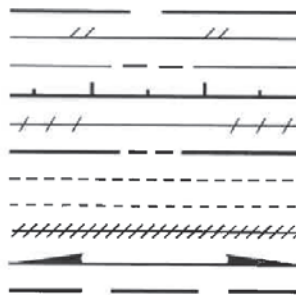
AMENDED PLAT WESTEND PARK

P.B. 6, PG. 142



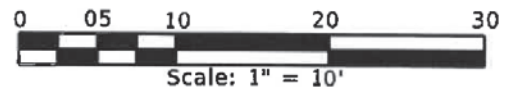
LINE TYPES:

- SECTION LINE
- CITY LIMIT LINE
- EXISTING RIGHT OF WAY LINE
- BASE OR SURVEY LINE
- EXISTING LIMITED ACCESS R/W LINE
- RIGHT OF WAY LINE
- EXISTING EASEMENT
- VACATED/ORIGINAL LOT LINE
- EXISTING NON-VEHICLE ACCESS LINE
- SUBDIVISION LIMITS
- PERMANENT EASEMENT LINE



NOT A SURVEY

THIS DOCUMENT CONSISTS OF THREE (3) SHEETS AND SHALL NOT BE CONSIDERED FULL, VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.



			FLORIDA DEPARTMENT OF TRANSPORTATION			
			SKETCH TO ACCOMPANY LEGAL DESCRIPTION			
			STATE ROAD NO. 933 / NW 12th AVENUE		MIAMI-DADE COUNTY	
			BY	DATE	PREPARED BY:	DATA SOURCE:
			DRAWN	DH	10-19	SEE SURVEYOR'S NOTES
			CHECKED	MM	10-19	
REVISION	BY	DATE	F.P. No. 432748-5 SECTION 87085 SHEET 03 OF 03			