

MEMORANDUM

Agenda Item No. 8(N)(2)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving a
Maintenance Map for a portion
of NW 22nd Avenue between
NW 6th Street and NW 7th Street
in Section 3, Township 54 South,
Range 41 East; authorizing the
Chairperson and the Clerk of the
Board to certify the Maintenance
Map; authorizing the County to
take all actions necessary to
effectuate the same

Resolution No. R-165-21

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



Geri Bonzon-Keenan
County Attorney

GBK/uw

Date: March 2, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Resolution Approving a Maintenance Map for a Portion of NW 22 Avenue between NW 6 Street and NW 7 Street, in Section 3, Township 54 South, Range 41 East, Miami-Dade County, Florida

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution approving a Maintenance Map for a portion of NW 22 Avenue from NW 6 Street to NW 7 Street, authorizing the Chairperson and the Clerk of the Board to certify same, and authorizing the recordation thereof in the Public Records of Miami-Dade County, Florida.

SCOPE

The subject property is located within District 5, which is represented by Commissioner Eileen Higgins.

FISCAL IMPACT

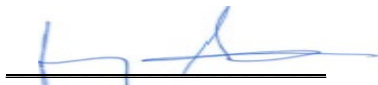
There is no fiscal impact associated with this resolution. Miami-Dade County has historically been maintaining this portion of right of way.

TRACK RECORD/MONITOR

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

BACKGROUND

There is an existing sidewalk located at the Southeast corner of the intersection of NW 22 Avenue and NW 7 Street, which has been maintained continuously by DTPW for over four (4) years. Said sidewalk, adjacent to the exterior face of the westerly wall of the existing building, is located between the platted right-of-way line and the base building line which correspond to the zoned line of the City of Miami. In accordance with Section 95.361, Florida Statutes, title to a road maintained by the County for over four (4) years vests in the County. The filing of a Maintenance Map in the Office of the Clerk of the Court, which has been certified by the Chairperson and the Clerk of the Board, is deemed prima facie evidence of ownership by the County. It is recommended that the Maintenance Map, provided as Attachment 1 to the Resolution, be approved by the Board after which it will be certified by the Chairperson and the Clerk of the Board and recorded in the Public Records of Miami-Dade County, Florida. An affidavit from DTPW’s Chief of the Road, Bridge and Canal Maintenance Division certifying the County's historic maintenance of the area is attached as Attachment 2 to the Resolution.


Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: 
Gen Bonzon-Keenan
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)
3-2-21

RESOLUTION NO. R-165-21

RESOLUTION APPROVING A MAINTENANCE MAP FOR A PORTION OF NW 22ND AVENUE BETWEEN NW 6TH STREET AND NW 7TH STREET IN SECTION 3, TOWNSHIP 54 SOUTH, RANGE 41 EAST; AUTHORIZING THE CHAIRPERSON AND THE CLERK OF THE BOARD TO CERTIFY THE MAINTENANCE MAP; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE SAME

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 Director of the Department of Transportation and Public Works has recommended that an Official Maintenance Map, stating that such road has vested in the County, be filed of record to indicate prima facie evidence of ownership, pursuant to the provisions of Section 95.361 of the Florida Statutes and the County Mayor has concurred with such recommendation,

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.

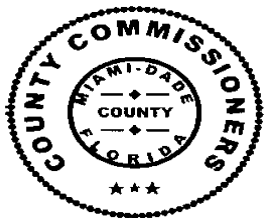
Section 2. This Board approves the Maintenance Map for those lands along NW 22nd Avenue between NW 6th Street and NW 7th Street, between the platted right-of-way line and the base building line which correspond to the zoned line of the City of Miami, in Section 3, Township 54 South, Range 41 East, depicted in Attachment 1. This Board authorizes the Chairperson and the Clerk of the Board to certify the same pursuant to Section 95.361 of the Florida Statutes and authorizes the County Mayor or County Mayor's designee to take all actions necessary to effectuate the same.

Section 3. Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or Mayor’s designee to record any instruments executed in connection herewith which create or reserve a property interest in favor of the County, in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of instruments to the Clerk of the Board within thirty (30) days of execution of said instruments; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instruments together with this resolution.

The foregoing resolution was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of March, 2021. 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.

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

Lauren E. Morse

7

 AREA BEING MAINTAINED
BY MIAMI-DADE COUNTY

- SURVEYOR'S NOTES:
- BEARINGS ARE BASED ON STATE PLANE COORDINATES, EAST ZONE.
—ADJUSTMENT AND ARE REFERENCED TO A LINE BETWEEN THE FOLLOWING POINTS:
POINT 1 N 89°06'38.81 E 608471.35
POINT 2 N 89°06'38.81 E 608471.35
- THE TRANSIRE ONE HAVING A BEARING OF S 84°30'15" W.
- AVENUES, STREETS, BLOCKS, AND LOTS SHOWN ARE OBTAINED FROM PLATS OF RECORD, FLD SURVEY AND COMBOD TITLE.
- THIS MANTERVAGE MAP BEING DERIVED FROM SECTIONAL DATA AND RECORDS OF THE COUNTY CLERK'S OFFICE FOR THE YEAR 1994(199-3).
—THESE RECORDS SHOW LOT 12, BLOCK 2, ADDITION NO. 394 OF (29-3),
2701603.535 AC NW 7/8 SE CORNER (RESPONSIBLE CHARGE)
TO BE ABANDONED IN FAVOR OF THE NEWLY CONVEYED TRACT,
STREET, 18TH FLOOR IN MIAMI-DADE COUNTY, FLORIDA 33128
(CAB) 315-268-6000
- DISTANCES ARE BASED UPON THE U.S. SURVEY FOOT
1 FLOOD 2002/2579

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the Board of County Commissioners of Miami-Dade County, Florida, on this _____ day of _____, A.D. 2020.

Attest:
HARVEY RUVIN, Clerk

By _____
By _____

THIS IS TO CERTIFY THAT I, Dennis J. Fernandez, Division Chief of Construction and Maintenance of the Miami-Dade County Department of Transportation and Public Works have determined, to the best of my knowledge, that Miami-Dade County road forces have maintained along NW 22 Avenue between NW 6 Street and NW 7 Street the pavement, sidewalks, signing, and drainage of the road thereof, in Miami-Dade County, Florida, for at least four (4) years.

Dennis J. Fernandez, Division Chief
Road, Bridge and Canal Maintenance Division
Department of Transportation and Public Works
Miami-Dade County

MAINTENANCE MAP

MIAMI-DADE COUNTY DEPARTMENT
OF TRANSPORTATION AND PUBLIC WORKS
RIGHT-OF-WAY DIVISION
ENGINEERING SECTION



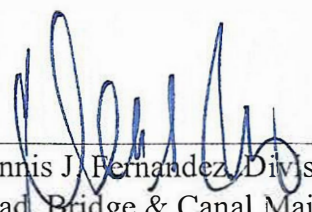
SURVEYED	S. RIGGS	07/17/20	A. Barrios, MGR R/W Engineering Division	DATE
DRAWN	J. TRUDDY	07/29/20	APPROVED BY:	DATE
CHECKED	J. SOCARINAS	07/30/20	M. Soria PE, Assistant Director	

NW 22 Avenue
BETWEEN NW 6 Street AND NW 7 Street

MAPS PREPARED BY: MCG-DTW STORMWATER ENG. & R/W DIVISION R/W SURVEY & ENGINEERING SECTION	FIELD BOOKS 2636 (64-65) 2841 (26-33) ELECTRONIC FILE 20160330-22AM-75T.mxd	SCALE: 1" = 20' SHEET: 1 OF 1
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AFFIDAVIT

THIS IS TO CERTIFY THAT I, Dennis J. Fernandez, Chief of the Road, Bridge & Canal Maintenance Division of the Miami-Dade County Department of Transportation and Public Works have determined, to the best of my knowledge, that Miami-Dade County road forces have maintained along NW 22nd Avenue between NW 6th Street and NW 7th Street, the pavement, sidewalks, signing, and drainage, of the road thereof, in Miami-Dade County, Florida, for at least four (4) years.


 Dennis J. Fernandez, Division Chief
 Road, Bridge & Canal Maintenance Division
 Department of Transportation and Public Works
 Miami-Dade County

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY, that on this 11th day of AUGUST, A.D. 2020, before me, an officer duly authorized to administer oaths and take acknowledgments personally appeared by means of ☒ physical or [] online notarization DENNIS J. FERNANDEZ, personally known to me, or proven, by producing the following identification: FL DRIVERS LICENSE, to be the person who executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

WITNESS my signature and official seal in the County and State aforesaid, the day and the year last aforesaid.



RAULO O. BALLINA
 Commission # GG 241087
 Expires July 23, 2022
 Bonded Thru Budget Notary Services

SEAL/ NOTARY SEAL / STAMP


 Notary Signature
RAULO O. BALLINA

Printed Name

Notary Public, State of FLORIDA

My Commission expires: 7/23/2022

Commission No.: GG 241087