

MEMORANDUM

Agenda Item No. 8(N)(1)

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

DATE: June 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution accepting the conveyance of property for road purposes to Miami-Dade County, Florida in section 30, Township 56 South, Range 40 East, Miami-Dade County, Florida; and authorizing the Chairperson or Vice-Chairperson to execute the acceptance of the right-of-way deed

Resolution No. R-558-21

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



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: June 2, 2021

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

From: Daniella Levine Cava 
Mayor

Subject: Resolution Accepting a Conveyance of a Right of Way Deed for Road Purposes
to Miami-Dade County, Florida

Recommendation

This resolution accepting conveyance of right-of-way is being forwarded for consideration by the Board of County Commissioners (Board). The Department of Transportation and Public Works (DTPW) recommends approval to accept the conveyance of property interests for road purposes in compliance with the County Code.

Scope

The segment of road being conveyed is located within District 8, which is represented by Commissioner Danielle Cohen Higgins.

Fiscal Impact/Funding Source

The total fiscal impact of acceptance of this road is approximately \$9.19 annually for maintenance costs associated with the subject right-of-way being included in the inventory of DTPW. This cost will be funded through DTPW’s General Fund allocation.

Track Record/Monitor

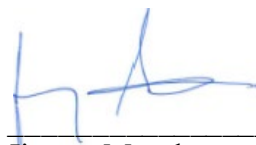
DTPW is the entity overseeing this project and the person responsible for monitoring this acquisition is Mr. Leandro J. Oña, P.E., Chief, Highway Division.

Delegated Authority

There are no authorities beyond that specified in the resolution which includes authority for the Chairperson or Vice Chairperson of this Board to execute the acceptances of the instruments of conveyances. Furthermore, the County Mayor or County Mayor’s designee is authorized to record the instruments of conveyances accepted herein in the Public Records of Miami-Dade County.

Background

The Grantor CalAtlantic Group, Inc. is dedicating, by a right-of-way deed, a 25-foot radius return at the intersection of SW 248 Street and SW 107 Court. This right-of-way is needed in order to satisfy a Chapter 28 requirement that property lines at street intersections shall be rounded with a radius of twenty-five feet.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: June 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(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(N)(1)
6-2-21

RESOLUTION NO. R-558-21

RESOLUTION ACCEPTING THE CONVEYANCE OF PROPERTY FOR ROAD PURPOSES TO MIAMI-DADE COUNTY, FLORIDA IN SECTION 30, TOWNSHIP 56 SOUTH, RANGE 40 EAST, MIAMI DADE COUNTY, FLORIDA; AND AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON TO EXECUTE THE ACCEPTANCE OF THE RIGHT-OF-WAY DEED

WHEREAS, CalAtlantic Group, Inc. has tendered a right-of-way deed conveying to Miami-Dade County (County) a parcel of land located within Miami-Dade County, Florida, for public purposes identified in the Mayor's memorandum; and

WHEREAS, upon consideration of the recommendation of the Department of Transportation and Public Works, this Board finds and determines that the acceptance of such conveyance would be 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 approves the foregoing recitals and Mayor's Memorandum as if fully set forth herein.

Section 2. This Board hereby approves and accepts the right-of-way deed, substantially in the form attached as Exhibit A to this resolution, provided, however, that it is specifically understood that neither this Board nor Miami-Dade County is obligated to construct any improvements within the property tendered for road right of way.

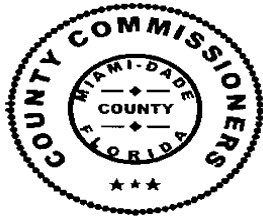
Section 3. The Chairperson or Vice-Chairperson of this Board is authorized to execute the acceptance of the right of way deed.

Section 4. Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or County Mayor’s designee to record the instrument of conveyance accepted herein in the Public Records of Miami-Dade County and to provide a recorded copy of said instrument to the Clerk of the Board within thirty (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 instruments together with this resolution.

The foregoing resolution was offered by Commissioner **Rebeca Sosa** , 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:

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 this resolution duly passed and adopted this 2nd day of June, 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

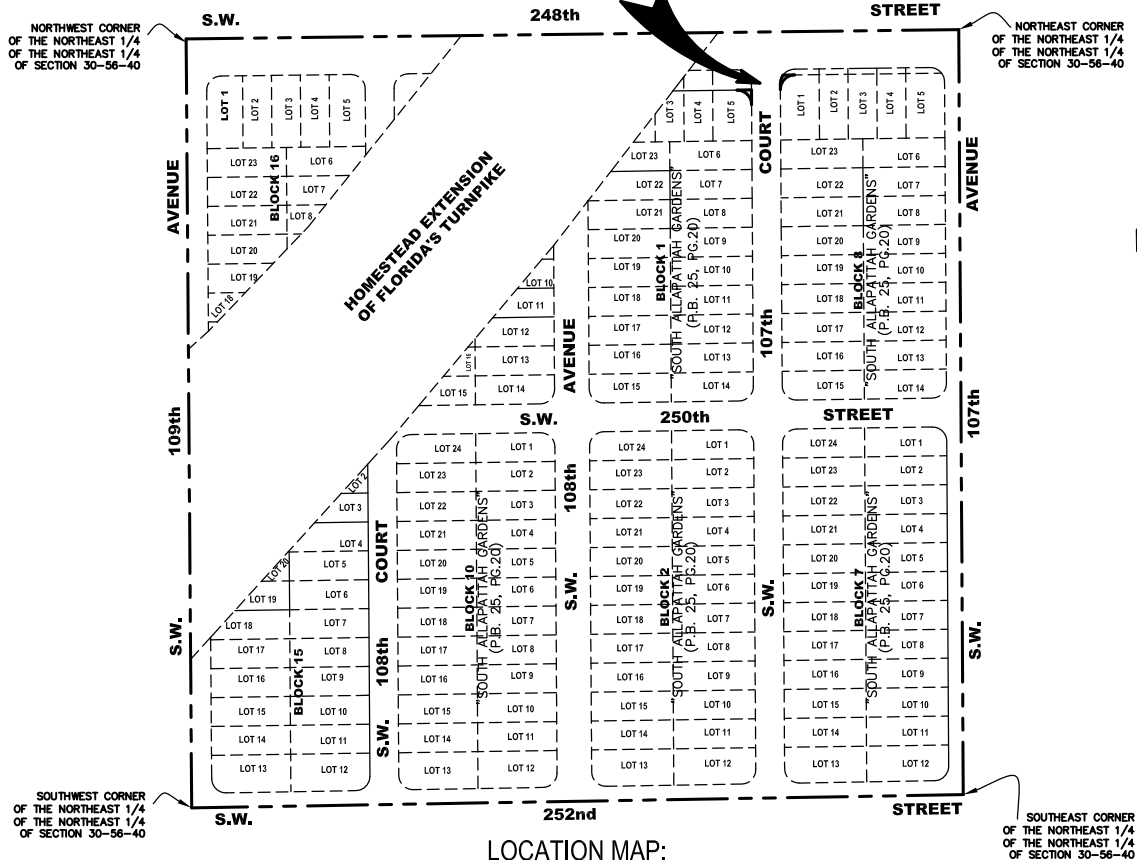
By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

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

Lauren E. Morse

SITE
LOCATION



LOCATION MAP:
NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 56 SOUTH, RANGE 40 EAST
MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

SURVEYOR'S NOTES:

- 1) This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
- 2) North arrow direction and Bearings shown hereon are based on assumed value of N37°40'42"E, along the Southeasterly Right-of-way Line of Homestead Extension of Florida's Turnpike as per Florida Department Transportation Right-of-way Map Section No.87005-2304 Sheet 11 of 15.
- 3) Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- 4) There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of TITLE COMMITMENT will have to be made to determine recorded instruments, if any affecting this property.
- 5) The Sketch and Legal Description shown herein is based on the information provided by the Client.
- 6) No Title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right of Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilized for.

SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION, of the real property described hereon.

I further certify that this survey was prepared in accordance with the applicable provisions of Chapter 5J-17 (Formerly 61G17-6) Florida Administrative Code.

Ford, Armenteros & Fernandez, Inc. L.B. #6557

Date: SEPTEMBER 4th, 2019

Revision 1:

By:

Ricardo Rodriguez, S.M., For the Firm
Professional Surveyor and Mapper
State of Florida, Registration No.5936

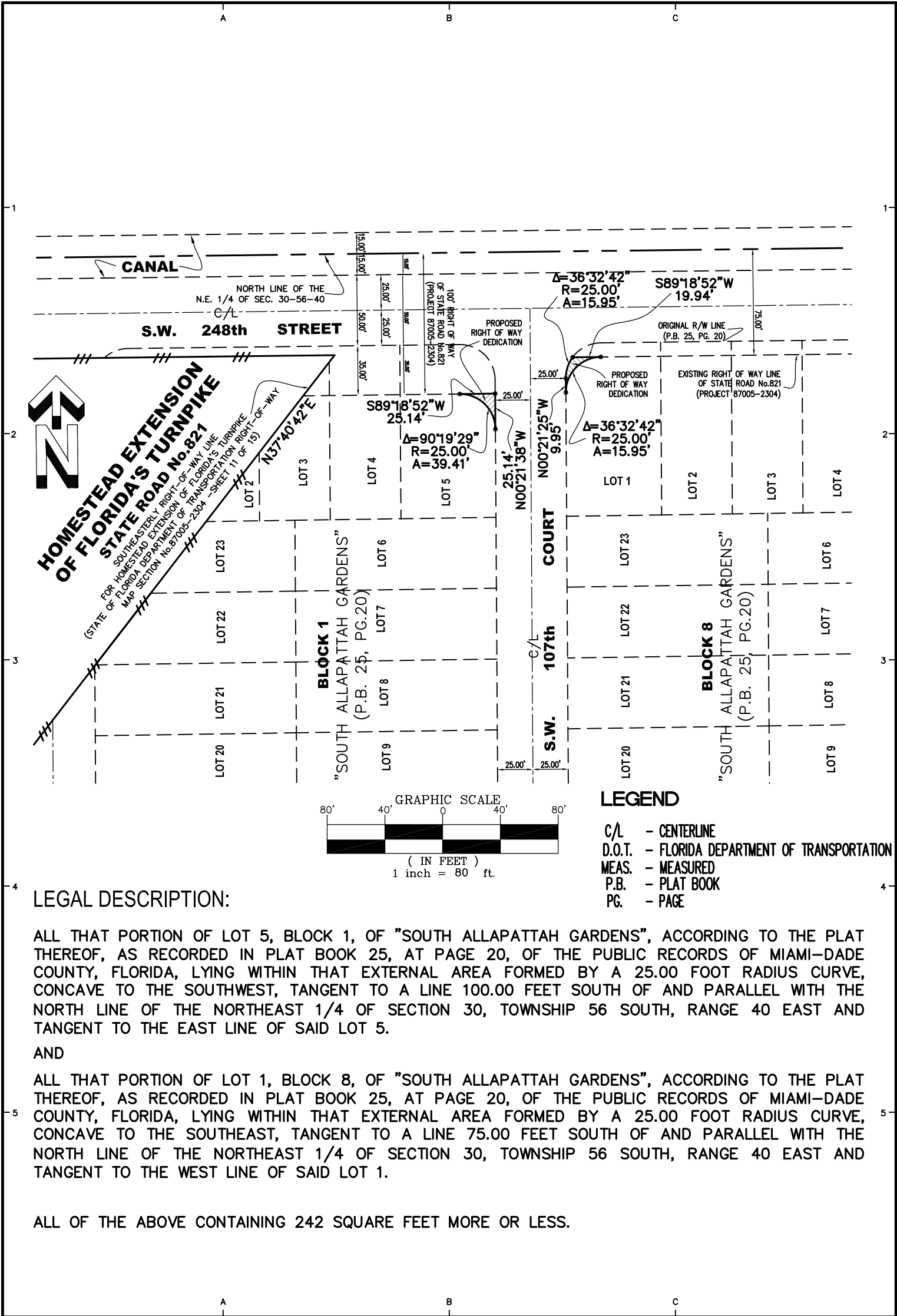
RADIUS RETURNS AT CORNERS SW 107th COURT AND SW 248th STREET



FORD, ARMENTEROS & FERNANDEZ, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
DORAL, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

7

TYPE OF PROJECT: SKETCH AND LEGAL DESCRIPTION		
SHEET NAME: LOCATION MAP AN SURVEYOR'S NOTES		
PREPARED FOR: LENNAR HOMES, LLC		
DRAWN BY: R.RODRIGUEZ	DATE: SEPTEMBER 4th, 2019	SHEET: 1 OF 2 SHEETS
DWG. CHECKED BY:	SCALE: AS SHOWN	
CHECKED BY:	PROJECT No: 16-066-1006	



LEGAL DESCRIPTION:

ALL THAT PORTION OF LOT 5, BLOCK 1, OF "SOUTH ALLAPATTAH GARDENS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, AT PAGE 20, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING WITHIN THAT EXTERNAL AREA FORMED BY A 25.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, TANGENT TO A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 56 SOUTH, RANGE 40 EAST AND TANGENT TO THE EAST LINE OF SAID LOT 5.

AND

ALL THAT PORTION OF LOT 1, BLOCK 8, OF "SOUTH ALLAPATTAH GARDENS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, AT PAGE 20, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING WITHIN THAT EXTERNAL AREA FORMED BY A 25.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, TANGENT TO A LINE 75.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 56 SOUTH, RANGE 40 EAST AND TANGENT TO THE WEST LINE OF SAID LOT 1.

ALL OF THE ABOVE CONTAINING 242 SQUARE FEET MORE OR LESS.

RADIUS RETURNS AT CORNERS SW 107th COURT AND SW 248th STREET



FORD, ARMENTEROS & FERNANDEZ, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
DORAL, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF PROJECT:		SKETCH AND LEGAL DESCRIPTION
SHEET NAME:		SKETCH, LEGAL DESCRIPTION AND LEGEND
PREPARED FOR:		LENNAR HOMES, LLC
DRAWN BY:	R.RODRIGUEZ	DATE: SEPTEMBER 4th, 2019
DWG. CHECKED BY:		SCALE: AS SHOWN
CHECKED BY:		PROJECT No: 16-066-1006
		SHEET: 2
		OF 2 SHEETS

EXHIBIT A

PLEASE RETURN TO:

Miami-Dade County Transportation
and Public Works Department
Land Development/Right-of-Way Division
111 NW 1st Street
Miami, FL 33128-1970

INSTRUMENT PREPARED BY:

Amanda M. Naldjieff, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3300
Miami, Florida 33131

**RIGHT-OF-WAY DEED TO MIAMI-DADE COUNTY
CONVEYS THE TITLE FOR HIGHWAY PURPOSES
BY A LIMITED LIABILITY COMPANY**

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

THIS INDENTURE, made this _____ day of _____, A.D. 2020, by and between **CALATLANTIC GROUP, INC.**, a profit corporation under the laws of the State of Delaware, and having its office and principal place of business at 700 NW 107th Avenue, Suite 400, Miami, Florida 33172, party of the first part, and **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, and its successors in interest, whose Post Office address is 111 NW 1st Street, Miami, Florida 33128-1970, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant, bargain and sell to the party of the second part, and its successors in interest, for the purpose of a public highway and purposes incidental thereto, all right, title, interest, claim or demand of the party of the first part, in and to the following described land, situate, lying and being in Miami-Dade County, State of Florida, to-wit:

See Exhibit "A"

It is the intention of the party of the first part, by this instrument, to convey to the said party of the second part, and its successors in interest, the land above described for use as a public highway and for all purposes incidental thereto.

It is expressly provided that if and when said highway shall be lawfully and permanently discontinued, the title to the said above described land shall immediately revert to the party of the first part, its successors and assigns, and it or they shall have the right to immediately re-possess the same.

And the said party of the first part will defend the title to said land against the lawful claims of all persons whomsoever, claiming by, through or under it.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name, and its Corporate Seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

[SIGNATURE PAGE(S) TO FOLLOW]

[SIGNATURE PAGE TO RIGHT-OF-WAY DEED – CALATLANTIC GROUP, INC.]

Signed, Sealed and Delivered in
our presence:

CALATLANTIC GROUP, INC.,
a Delaware corporation



Witness

Mari Garcia

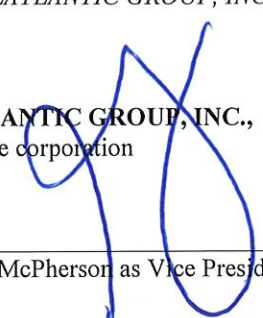
Witness Printed Name



Witness

Marc Szasz

Witness Printed Name

By: 
Greg McPherson as Vice President

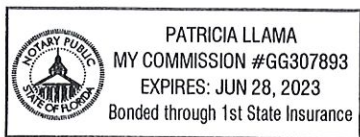
STATE OF FLORIDA

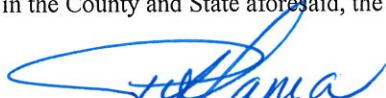
)
) SS:
)

COUNTY OF MIAMI-DADE

I HEREBY CERTIFY, that on this 22 day of January, 2020, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared GREG MCPHERSON, as VICE PRESIDENT of CALATLANTIC GROUP, INC., a Delaware corporation, on behalf of the company. He is personally known to me, or proven, by producing the following methods of identification: N/A to be the person who executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

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




Notary Signature
Patricia Llama
Printed Notary Name

NOTARY SEAL/STAMP

Notary Public, State of Florida
My commission expires: June 28, 2023
Commission/Serial No. GG307893

[SIGNATURE PAGE TO RIGHT-OF-WAY DEED – MIAMI-DADE COUNTY]

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

County Mayor/Deputy Mayor

ATTEST: HARVEY RUVIN,
Clerk of said Board

Approved as to form
and legal sufficiency

By: _____
Deputy Clerk

Assistant County Attorney