

MEMORANDUM

Agenda Item No. 8(N)(1)

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

DATE: November 16, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the conveyance of a Perpetual Easement to the State of Florida Department of Transportation in accordance with section 125.38, Florida Statutes, for a nominal price of \$1.00 for the construction and maintenance of a new traffic signal and related transportation improvements to regulate the flow of traffic at the intersection of SR-933/NW 12 Avenue & NW 19 Street, also known as Parcel 802.1R; authorizing the County Mayor to take all actions necessary to accomplish the conveyance of same; authorizing the County Mayor to execute the Perpetual Easement and to exercise all rights conferred therein

Resolution No. R-1104-21

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



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: November 16, 2021

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Authorizing the Conveyance of a Perpetual Easement to the Florida Department of Transportation (FDOT) on a Portion of the Jackson Memorial Hospital Property Located at NW 12th Avenue and NW 19th Street, for a Traffic Signal Easement to State Road 933

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize the conveyance of a Perpetual Easement on a portion of County-owned property, to the Florida Department of Transportation (FDOT), for the construction of a traffic signal at the intersection of State Road 933/NW 12 Avenue and NW 19 Street at the entrance of the access road to the Jackson Memorial Hospital County-owned property located at 1500 NW 12 Avenue, Miami, Florida, which is attached to this Memorandum as Attachment 1.

Scope

The subject property is located within Commission District 3, which is represented by Commissioner Keon Hardemon.

Fiscal Impact/Funding Source

There is no expenditure of any County funds associated with this Item. FDOT is responsible for maintaining the proposed improvements in the easement area.

Track Record/Monitor

The Department of Transportation and Public Works (DTPW) is the entity overseeing this item and the person responsible is Mr. Leandro Oña, P.E., Chief, Highway Division.

Delegated Authority

This item delegates the authority to the County Mayor or the County Mayor's designee to take all actions necessary to accomplish the conveyance of the perpetual easement, to execute the perpetual easement, and to exercise all rights conferred therein.

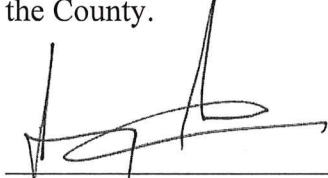
Background

FDOT is developing the design for a traffic signal at the intersection of SR 933/NW 12 Avenue and NW 19 Street, in Miami-Dade County, Project Identification Number 442538-1-52-01 as part of their pedestrian safety improvement projects. Section 337.25 of the Florida Statutes allows FDOT to request donations of County-owned property for public benefit and to use the said donation for the planned improvements. FDOT is requesting this Perpetual Easement for a nominal price of \$1.00.

The project will include the installation and maintenance of traffic signal mast arm, pedestrian signal head, concrete sidewalk, concrete slab, curb ramp, curb and gutter, sodding, pavement marking, and

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
Page No. 2

milling and resurfacing the entire intersection at no cost to the County. The construction will begin in January 2022 and will last three months. The work will be done during non-peak hours in phases to reduce the impact on traffic. If FDOT discontinues use of the Perpetual Easement, it will revert back to the County.

A handwritten signature in black ink, appearing to read 'Jimmy Morales', is written over a horizontal line.

Jimmy Morales
Chief Operations Officer

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

Parcel No. : 802.1R(3/24/2020) MF
 Item/Segment No. : 442538-1
 Managing District : 6
 Parcel Folio : 01-3135-003-0010

PERPETUAL EASEMENT
 (Traffic Signal Easement)

THIS EASEMENT made this ____ day of _____, 20 ____, by **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, Grantor, with offices at c/o Public Health Trust of Miami-Dade County, Florida, 1611 N.W. 12th Avenue, West Wing 108, Miami, Florida 33136-1096, 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 consideration, 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 installing and maintaining traffic signal mast arm, pedestrian signal head, side walk curb ramp, curb and gutter and pavement markings, in, over, under, upon and through the following described land (Easement Area) in Miami-Dade County, Florida, viz:

PARCEL 802.1R

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.

AS SHOWN ON EXHIBIT "A", ATTACHED HERETO AND TO BE MADE A PART HEREOF

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns forever.

GRANTOR and GRANTEE further agree as follows:

THAT this Easement is solely for the purpose set forth herein, including any related and ancillary uses, and no other uses of the Easement Area are permitted.

THAT in the event said transportation use is permanently discontinued or abandoned, Grantee's Easement shall terminate, Grantor shall have the right to immediately repossess same and all property rights shall automatically revert to the Grantor without the necessity of any further action or proceeding. In such event, Grantee shall restore the Easement Area to a like or similar condition as existed prior to the conveyance of the Easement, at its sole cost and expense.

THAT at all times, including but not limited to during the construction of any traffic improvements, Grantee shall provide continuous vehicular and pedestrian ingress and egress to and from the Grantor's abutting property.

THAT during construction, Grantee shall require its construction contractor(s) to maintain Commercial General Liability insurance providing continuous coverage for all work or operations performed under the construction contract. Such insurance shall be no more restrictive than that provided by the latest occurrence form edition of the standard Commercial General Liability Coverage Form as filed for use in the state of Florida. The limits of coverage shall not be less than \$1,000,000 for each occurrence and not less than a \$5,000,000 annual general aggregate, inclusive of amounts provided by an umbrella or excess policy, or such other minimum insurance coverage that may be required by the Department for the construction of the project, in accordance with the Florida Department of Transportation's Standards and Specifications for Road Construction.

THAT Grantee shall promptly repair any damage resulting from Grantee's exercising its rights hereunder at its sole expense.

THAT Grantor retains all rights on the land subject to the Easement Area that are not inconsistent with the rights conveyed to Grantee herein.

THAT 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 set forth herein.

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 Chairman or Vice-Chairman of said Board, the day and year aforesaid.

ATTEST: HARVEY RUBIN
Clerk of said Board

County of Miami-Dade

By its Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Jose "Pepe" Diaz, Chairman of the
Board of County Commissioners

The foregoing was accepted and approved on the _____ day of _____ A.D. 2021, by
Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida.

EXHIBIT "A"

LEGEND:

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

PL = Property Line
 P.O.B. = Point of Beginning
 P.O.C. = Point of Commencement
 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

802

= 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.

 3/20/2020

Eric E. Wilhjelm 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: LB #6860	KEITH & ASSOCIATES, INC. 301 EAST ATLANTIC BLVD. POMPAHO BEACH, FL 33060
& ADD PLAT			DRAWN	MJR	10/31/19	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 3

EXHIBIT "A"

GENERAL NOTES:

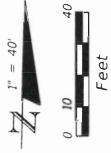
1. The legal description shown hereon was prepared by the surveyor.
2. The Bearings and coordinates shown here on are referenced to the West Line of the Northeast 1/4 of Section 35, Township 53 South, Range 41 East also being the Baseline of Survey of State Road 933 (N.W. 12th Avenue) having a bearing 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.

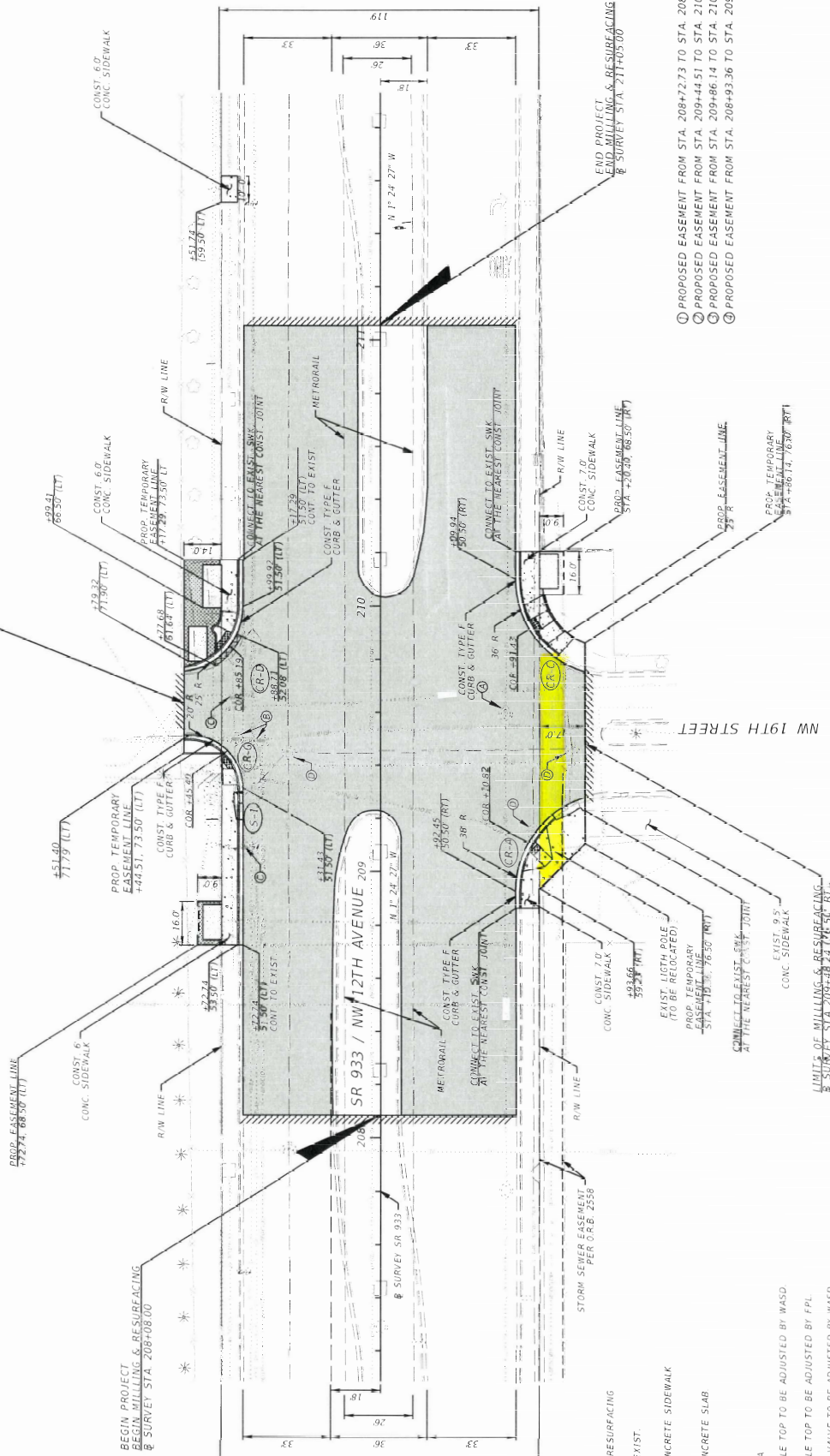
THIS IS NOT A SURVEY

			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. LB #6860 301 EAST ATLANTIC BLVD POMFANO BEACH, FL 33060
& ADD PLAT			DRAWN	MJR	10/31/19	DATA SOURCE: SEE GENERAL NOTES ABOVE
REVISION	BY	DATE	CHECKED	EEW	12/31/19	F.P. NO. 442538-1-52-01 SECTION 87085 SHEET 2 OF 3





LIMITS OF MILLING & RESURFACING
@ SURVEY STA. 209+63.47 (73.50' LT)



- ① PROPOSED EASEMENT FROM STA. 208+72.73 TO STA. 208+90.74
- ② PROPOSED EASEMENT FROM STA. 209+44.51 TO STA. 210+17.29
- ③ PROPOSED EASEMENT FROM STA. 209+86.14 TO STA. 210+20.40
- ④ PROPOSED EASEMENT FROM STA. 208+93.36 TO STA. 209+10.36

- LEGEND:
- MILLING AND RESURFACING
 - CONNECT TO EXIST.
 - PROPOSED CONCRETE SIDEWALK 6" THICK.
 - PROPOSED CONCRETE SLAB
 - WIDENING
 - SODDING AREA
 - EXIST. MANHOLE TOP TO BE ADJUSTED BY W&D
 - EXIST. MANHOLE TOP TO BE ADJUSTED BY FPL
 - EXIST. WATER VALVE TO BE ADJUSTED BY W&D
 - EXIST. STORM SEWER MANHOLE TO BE ADJUSTED.

REVISIONS		STATE OF FLORIDA		DEPARTMENT OF TRANSPORTATION		ROAD NO.		COUNTY		FINANCIAL PROJECT ID		SR 933		MIAMI-DADE		442538-152-01		ROADWAY PLAN 0100		SHEET NO.		6	
DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION

HBC ENGINEERING COMPANY
8935 NW 15TH LANE, SUITE 201,
DORAL, FLORIDA 33172
PHONE: (305) 222-7932 FAX: (305) 222-7933
ENGINEER: J. L. HBC, P.E.
PE LICENSE NUMBER 81014

2/14/2010 4:43:37 PM



MEMORANDUM

(Revised)

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

DATE: November 16, 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)
11-16-21

RESOLUTION NO. _____ R-1104-21

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PERPETUAL EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES, FOR A NOMINAL PRICE OF \$1.00 FOR THE CONSTRUCTION AND MAINTENANCE OF A NEW TRAFFIC SIGNAL AND RELATED TRANSPORTATION IMPROVEMENTS TO REGULATE THE FLOW OF TRAFFIC AT THE INTERSECTION OF SR-933/NW 12 AVENUE & NW 19 STREET, ALSO KNOWN AS PARCEL 802.1R; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAME; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE PERPETUAL EASEMENT AND TO EXERCISE 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 Florida Department of Transportation (FDOT) desires the conveyance of an easement upon a portion of certain County-owned property abutting State Road 933 at NW 12 Avenue at NW 19 Street, which is part of the Jackson Memorial Hospital property, as identified, depicted, and described in Exhibit "A" of Attachment 1 to the Mayor's memorandum, referred to as Parcel No. 802.1R (Perpetual Easement); and

WHEREAS, the FDOT requires the Perpetual Easement to install a traffic signal and related transportation improvements as depicted in Attachment 2 to the Mayor's memorandum identified as Signalization Plan, and has applied to the County to convey same for the use and purpose of regulating traffic flow, enhancing vehicular access and ensuring pedestrian safety; and

WHEREAS, the Board finds the conveyance of the Perpetual Easement to the FDOT would be necessary in order to construct such traffic improvements, would be utilized for the benefit of the public and community interest and welfare, and is consistent with County public purpose; and

WHEREAS, the County desires to convey the Perpetual Easement to FDOT pursuant to Section 125.38, Florida Statutes, for a nominal price of \$1.00; and

WHEREAS, the acceptance of the Perpetual Easement by the FDOT is in accordance with Sections 337.25, Florida Statutes, governing FDOT's acceptance of the donation for transportation facilities; and

WHEREAS, the Perpetual Easement will revert to the County in the event that the use by the FDOT for transportation purposes ceases,

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

Section 1. This Board adopts and incorporates the foregoing recitals and Mayor's memorandum with exhibits as if fully set forth herein.

Section 2. This Board authorizes the conveyance of the Perpetual Easement to FDOT, pursuant to Section 125.38, Florida Statutes, for a nominal price of \$1.00, in substantially the form attached to the Mayor's memorandum as Attachment 1, solely to install a traffic signal and related transportation improvements for the use and purpose of enhancing vehicular access and pedestrian safety at the intersection of NW 12 Avenue at NW 19 Street.

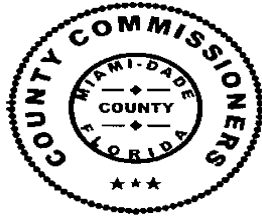
Section 3. This Board authorizes the County Mayor or County Mayor's designee to take all actions necessary to accomplish the conveyance of the Perpetual Easement, to execute the Perpetual Easement, and to exercise all rights conferred therein.

Section 4. Pursuant to Resolution No. R-974-09, this Board: (1) directs the County Mayor or County Mayor’s designee to record the Perpetual Easement in the Public Records of Miami-Dade County, Florida, and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and (2) directs the Clerk of the Board to attach and permanently store a recorded copy together with this Resolution.

The foregoing resolution was offered by Commissioner **Rebeca Sosa** ,
 who moved its adoption. The motion was seconded by Commissioner **Eileen 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	absent	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 16th day of November, 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.

Lauren E. Morse