

MEMORANDUM

Agenda Item No. 8(N)(1)

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

DATE: February 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution accepting an implied offer of dedication for a portion of NW 66 Street from 610.4 feet west of the centerline of the right-of-way of NW 74 Avenue to 520.4 feet east of the east right-of-way line of NW 77 Avenue, in Section 14, Township 53 South, Range 40 East, Miami-Dade County; authorizing the County Mayor to take all actions necessary to effectuate same; and directing the recording thereof in the Public Records of Miami-Dade County

Resolution No. R-119-22

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: February 1, 2022

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Accepting Implied Offer of Dedication to the County for a Portion of NW 66 Street

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the resolution accepting an implied offer of dedication for a portion of NW 66 Street from 610.4 feet West of the centerline of NW 74 Avenue to 520.4 East of the East right-of-way line of NW 77 Avenue in Section 14, Township 53 South, Range 40 East, Miami-Dade County, Florida, as legally described in Exhibit A and depicted in Exhibit B. It is in the public’s best interest that the County accept this implied offer to protect the public rights-of-way and subsequently the County Road System.

Scope

The subject property is located within District 12, which is represented by Commissioner Jose “Pepe” Diaz.

Delegated Authority

This item delegates authority to the County Mayor or the County Mayor’s designee to take all actions necessary to effectuate accepting the implied offer of dedication and directs the County Mayor or the County Mayor’s designee to record the acceptance of the deed in the Public Records of Miami-Dade County.

Fiscal Impact/Funding Source

There is a fiscal impact associated with this implied offer of dedication to be included in the Miami-Dade County Road System. It will increase the costs in maintenance by approximately \$10.00 annually due to the addition of 50 linear feet of one lane road. These costs will be funded through the General Fund allocation.

Track Record/Monitor

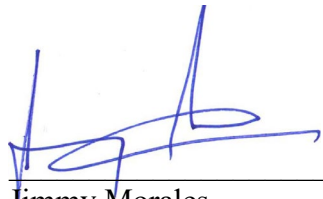
The Department of Transportation and Public Works (DTPW) is the entity overseeing this item and the person responsible is Ms. Maria D. Molina, P.E., Chief, Right of Way Division.

Background

On June 11, 1965, Ronald Ager and Eleanor Ager his wife; James Cohen and Ruth Cohen his wife; and William D. Cohen and Harriet Cohen his wife, the owners of 1.35 acres expressed an implied intention to dedicate a parcel of land for road purposes along the South 35 feet of their property being described as the West one half and the West 50 feet of the East one half Less the West 510.04 feet of Tract 8, Plat Book 8 at Page 16, FLORIDA RANCH AND DAIRY

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

CORPORATION’S AMENDED PLAT OF Section 14, Township 53 South, Range 40 East, in Miami-Dade County, Florida. This implied offer was expressly stated when the families (GRANTOR) conveyed a portion of its property to Ulay Export Corporation (GRANTEE) by Warranty Deed dated June 11, 1965, recorded in Official Records Book 4675 at Page 705 of the Public Records of Miami-Dade County, Florida. The deed contains words implying the offer by stating "Less the South 35 feet for road purposes", which language was also cited in all the following deeds in the chain of title. The muniment of title validates the families’ intention to dedicate the less out defined above. Common law dedication of property to public use may be made by the express declaration of the party or by his acts. The intent to offer was reviewed and confirmed in a title search through July 30, 2021, which showed the last Warranty Deed of the chain dated March 3rd, 2018, recorded in Official Record Book 30927, Page 3704 of the Public Records of Miami-Dade County, Florida. There is no information in the public records that would withdraw, revoke, or impair this implied offer of dedication.



Jimmy Morales
Chief Operations Officer

EXHIBIT "A"

LEGAL DESCRIPTION:

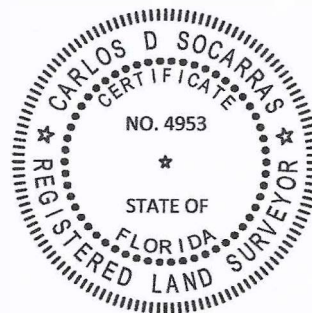
The South 35 feet of the West 50 feet of the East half (E 1/2) of Tract 8, as recorded in Plat Book 8, at Page 16, in Miami-Dade County, Florida. Containing 1,750 Square-feet and/or 0.040 Acres more or less.

SURVEYOR'S NOTE: Bearings based on a bearing of N01°44'11"W along the center line of NW 77 Avenue, being also the West line of the NW 1/4 of Section 14, Township 53 South, Range 40 East, in Miami-Dade County, Florida, as shown on Township Map surveyed by the Miami-Dade County Public Works Department, Engineering Services Division, Survey Section, on March 1978.

Digitally signed by Carlos Socarras
Date: 2021.10.21 14:55:43 -04'00'

By: _____
Carlos D. Socarras
PLS Professional Land Surveyor No. 4953
State of Florida

For: Miami-Dade County Department of
Transportation and Public Works
Right-of-Way Division Engineering Section
111 NW 1 Street, Suite 1610
Miami, Florida 33128-1970



NOTICE: Unless it bears the signature and original raised seal of a Florida licensed Surveyor and Mapper, this sketch is for informational purposes only and is not valid.

THIS SKETCH IS A GRAPHIC REPRESENTATION OF THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED AND WITHOUT WHICH THIS SKETCH IS TO BE CONSIDERED VOID AND INCOMPLETE.



THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
MIAMI-DADE COUNTY DEPARTMENT
OF TRANSPORTATION AND PUBLIC WORKS
RIGHT OF WAY DIVISION
ENGINEERING SECTION

NW 66 Street

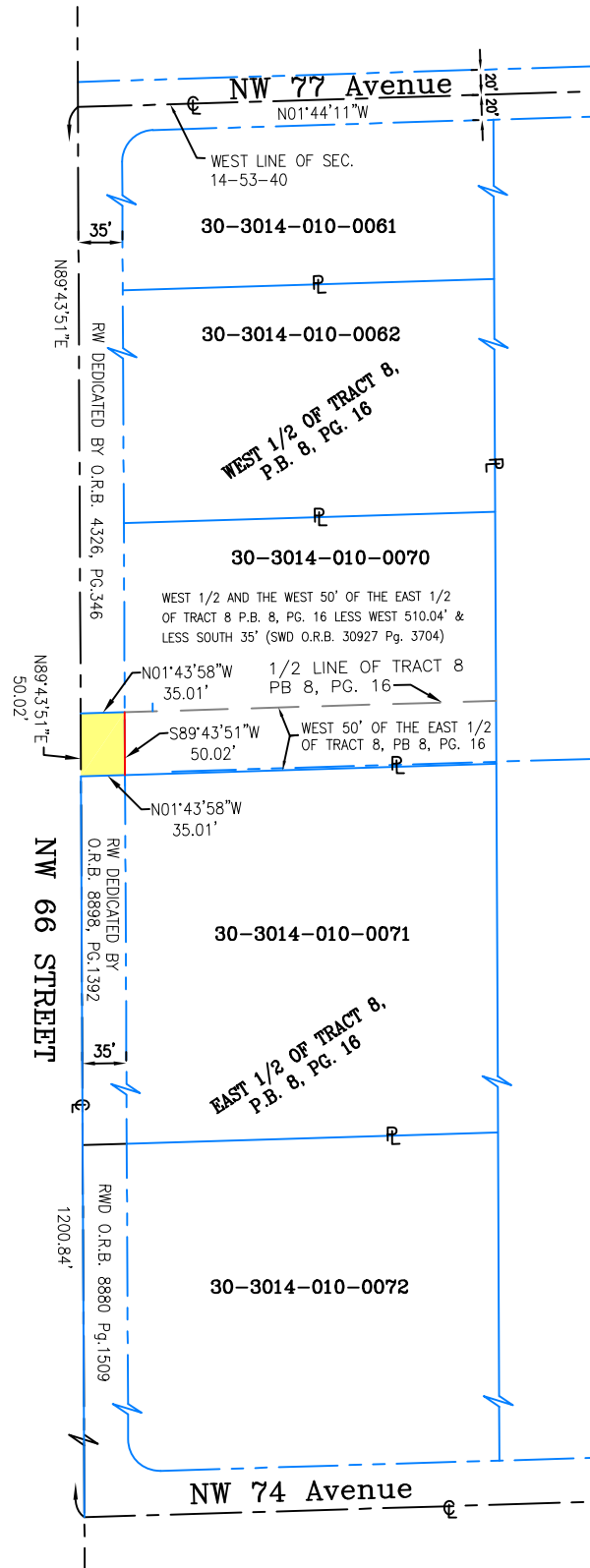
IMPLIED OFFER

SCALE: N/A	DATE: 10-13-21
CHECKED BY: C. Socarras	
DRAWN BY: L. Espinosa	
PROJECT:	SHEET: 1 of 2

SEC 14
TWP 53 S
RGE 40 E



- | | |
|---|--------------------------|
|  | AREA TO BE
DEDICATED |
|  | QUARTER LINE |
|  | PARCEL LINE |
|  | CENTER LINE |
|  | PROPERTY LINE |
|  | RW LINE |
|  | CENTER LINE |
|  | PROPERTY LINE |
| RGE | RANGE |
| TWS | TOWNSHIP |
| SEC | SECTION |
| RWD | RIGHT OF WAY
DEED |
| O.R.B. | OFFICIAL RECORDS
BOOK |
| RW | RIGHT OF WAY |
| P.B. | PLAT BOOK |
| PG. | PAGE |



DTPW

THIS IS NOT A SURVEY

SCALE: 1' = 150'	DATE: 10-13-21
CHECKED BY: C. SOCARRAS	
DRAWN BY: L. ESPINOSA	
PROJECT:	SHEET: 2 of 2

Exhibit "C" Warranty Deed

This Indenture, Made, this 11th day of June, A. D. 19 65

BETWEEN RONALD AGER and ELEANOR AGER, his wife; MAX L. COHEN and MURIEL COHEN, his wife; JAMES COHEN and RUTH COHEN, his wife; and WILLIAM D. COHEN and HARRIET COHEN, his wife,

of the County of Dade and State of Florida,

parties of the first part, and ULAY EXPORT CORPORATION, a corporation

existing under the laws of the State of Florida, having its principal place of

business in the County of Dade and State of Florida,

and lawfully authorized to transact business in the State of Florida, party of the second part.

(mailing addr. 7601 N. W. 66th St., Miami, Fla.)

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of

TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION - - - - - Dollars,

in them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said party of the second part, its successors and

assigns, forever, the following described land situate, lying and being in the County of

Dade and State of Florida, to-wit:

The West 1/2 of Tract 8 and the West 50 feet of the East 1/2 of Tract 8, ~~more or less~~, less the West 510.04 feet thereof measured along the North line of said Tract 8 and less the South 15 feet thereof for road, FLORIDA RANCH AND DAIRY CORPORATION'S AMENDED PLAT OF SEC. 14, TWP. 53 SOUTH, RGE. 40 EAST, according to the Plat thereof, recorded in Plat Book 8 at Page 16 of the Public Records of Dade County, Florida; containing 58,783 sq. feet or 1.35 acres, more or less; lying and being in Dade County, Florida.

This deed is executed subject to conditions, restrictions and limitations of record, and subject to taxes for the year 1965 and subsequent years.

Said ELEANOR AGER is also known as ELEANOR S. AGER;
said RUTH COHEN is also known as RUTH E. COHEN; and
said HARRIET COHEN is also known as HARRIET K. COHEN.

DADE
COUNTYDADE
COUNTY

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year above written.

Signed, sealed and delivered in presence of us:

Jeann S. Taylor
344 Boudette

as to all parties

6

(Seal)
(Seal)
(Seal)
(Seal)
(Seal)
(Seal)
(Seal)
(Seal)



MEMORANDUM

(Revised)

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

DATE: February 1, 2022

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)
2-1-22

RESOLUTION NO. _____ R-119-22

RESOLUTION ACCEPTING AN IMPLIED OFFER OF DEDICATION FOR A PORTION OF NW 66 STREET FROM 610.4 FEET WEST OF THE CENTERLINE OF THE RIGHT-OF-WAY OF NW 74 AVENUE TO 520.4 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF NW 77 AVENUE, IN SECTION 14, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME; AND DIRECTING THE RECORDING THEREOF IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

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

WHEREAS, such implied offer is formally acknowledged by the owners of the south 35 less-out abutting NW 66 Street east of NW 77 Avenue, as conveyed by a Warranty Deed dated June 11, 1965, to Ulay Export Corporation recorded in Official Records Book 4669, Page 705, of the Miami-Dade County Public Records,

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, upon consideration of the Department of Transportation and Public Works' recommendation, finds and determines that the acceptance of this implied offer of dedication is in the public's best interest.

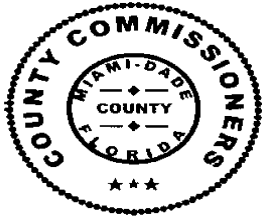
Section 3. This Board hereby approves and accepts the implied offer of dedication, as expressed in Exhibit “C” attached to the Mayor’s Memorandum, described in Exhibit “A” attached to the Mayor’s Memorandum, and illustrated in the parcel sketch in Exhibit “B” attached to the Mayor’s Memorandum, and authorizes the County Mayor or County Mayor’s designee to take all actions necessary to effectuate same.

Section 4. Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or County Mayor’s designee to record this acceptance herein in the Public Records of Miami-Dade County and to provide a recorded copy of each instrument 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 each 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 **Kionne L. McGhee** 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	absent	Rebeca Sosa	absent
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of February, 2022. 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

By: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Lauren E. Morse