

## MEMORANDUM

Agenda Item No. 8(N)(2)

**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 SW 232 Street from 508.08 feet west of the centerline of SW 119 Avenue to the centerline thereof in Section 24, Township 56 South, Range 39 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-120-22

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.



Gerí 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  
SW 232 Street

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve the attached resolution accepting this implied offer of dedication for a portion of SW 232 Street from 508.08 feet West of the centerline of SW 119 Avenue to the centerline thereof in Section 24, Township 56 South, Range, 39 East, Miami-Dade County, Florida. It is in the public’s best interest that the County accept this implied offer to protect the public roads rights-of-way and subsequently the County Road System.

## **Scope**

The subject property is located within District 8, which is represented by Commissioner Danielle Cohen Higgins.

## **Delegated Authority**

This item delegates authority to the County Mayor or the County Mayor’s designee to take all actions necessary to effectual accepting the implied offer of dedication and directs the County Mayor 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 Roads System. It will increase the costs in maintenance by approximately \$40.45 annually due to the addition of 452 linear feet of one lane road. These costs will be funded through the General Fund allocation.

## **Track Record/Monitor**

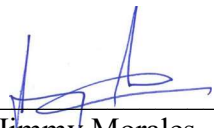
The Department of Transportation and Public Works (DTPW) is the entity overseeing this item and the person responsible is Ms. Maria D. Molina, P.E., Chief, Right of Way Division.

## **Background**

On June 8, 1951, LUCKY TOWN ESTATES, INC., owned 80 acres of land described as the West 1/2 (W1/2) of the Northeast quarter (NE1/4) of Section 24, Township 56 South, Range 39 East, in Miami-Dade County, Florida, and began subdividing the land in blocks for sales based in an unrecorded sale map. LUCKY TOWN ESTATES, INC., conveyed two adjacent properties expressing implied offers to dedicate portions of the land for road rights-of-way. Those adjacent properties are located on the Northeast quarter (NE1/4) of the Northeast

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

quarter (NE1/4) of the Northwest quarter (NW1/4) of the Northeast quarter (NE1/4), in a Warranty Deed dated July 9, 1956 recorded in Deed Book 4300 at Page 41 of the Public Records of Miami-Dade County, and the East half (E1/2) of the Northwest quarter (NW1/4) of the Northeast quarter (NE1/4) of the Northwest quarter (NW1/4) of the Northeast quarter (NE1/4) in a Warranty Deed dated May 17, 1977 recorded in Official Records Book 9719 at Page 18 of the Public Records of Miami-Dade County. A copy of those deeds is attached as Exhibit C to this Memorandum, containing the language “less the North 35 feet thereof for roadway purposes”. That implied offer statement is recited thereafter in all deeds of the chain of title. The muniment of title validates LUCKY TOWN’s intention to dedicate the North 35 feet. As such, successors in title to the defined property did not have an ownership interest in such property. Common law dedication of property to public use may be made by the express declaration of the party or by his acts. There is no information in the public records that would withdraw, revoke, or impair this implied offer of dedication. The area is described in Exhibit A to this Memorandum. A parcel sketch is attached as Exhibit B to this Memorandum.



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Jimmy Morales  
Chief Operations Officer

EXHIBIT "A"

The North 35 feet of the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), AND the North 35 feet of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 24, Township 56 South, Range 39 East in Miami-Dade County, Florida.

SURVEYOR’S NOTE: Bearings based on a bearing of N89°04’16”E along the center line of SW 232 Street, being also the North line of the NE 1/4 of the NW 1/4 of the NE 1/4 of Section 24, Township 56 South, Range 39, referred to a Boundary Survey dated 12-02-2019 By Bello and Bello Land Surveying Corporation, LB 7262, Job No. 17195.

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 the 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.

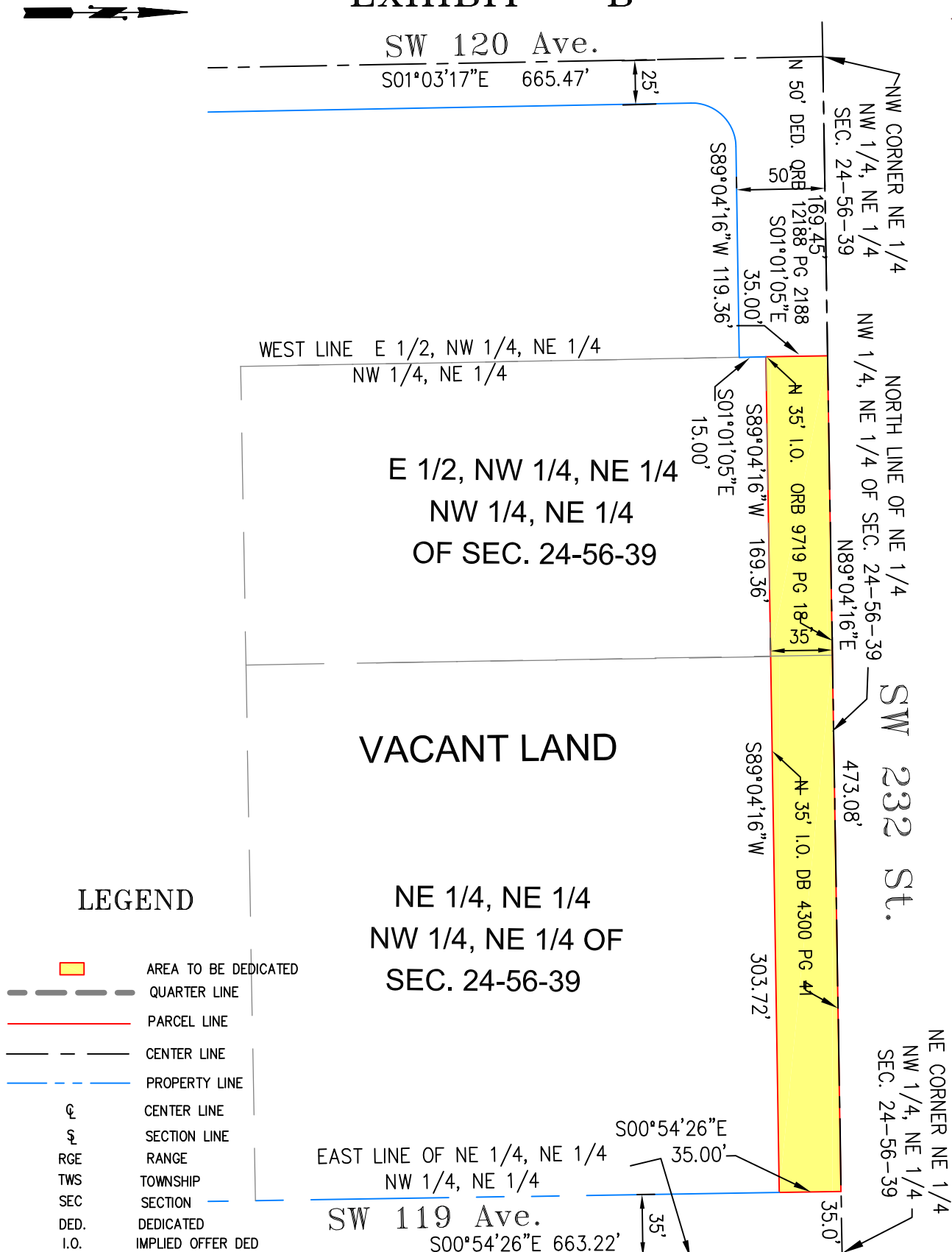


THIS IS NOT A SURVEY

|                                                                                                                                                             |                 |                         |                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------------|----------------|
| SKETCH TO ACCOMPANY LEGAL DESCRIPTION<br>MIAMI-DADE COUNTY DEPARTMENT<br>OF TRANSPORTATION AND PUBLIC WORKS<br>RIGHT OF WAY DIVISION<br>ENGINEERING SECTION | SW 232 Street   | SCALE: N/A              | DATE: 06-02-21 |
|                                                                                                                                                             | 4 IMPLIED OFFER | CHECKED BY: C. Socarras |                |
|                                                                                                                                                             |                 | DRAWN BY: L. Espinosa   |                |
|                                                                                                                                                             |                 | PROJECT:                | SHEET: 1 of 2  |

# EXHIBIT "B"

SEC 24  
TWP 56 S  
RGE 39 E



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

SW 232 Street

5 IMPLIED OFFER

SCALE: 1"=50' DATE: 06-02-21  
CHECKED BY: C. Socarras  
DRAWN BY: L. Espinosa  
PROJECT: SHEET: 2 of 2

# Warranty Deed

This Indenture, Made, this 9th day of July, A. D. 19 56,  
BETWEEN LUCKY TOWN ESTATES, INC. 901 Congress Bldg., 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 first part, and  
Thomas Bone & Mary Bone (his wife)  
8925 N. W. 12th Avenue  
Miami, Florida  
of the County of Dade and State of Florida

part 1e8of the second part WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten dollars and  
other good and valuable considerations - - - - - Dollars,  
to it in hand paid by the said part 1e8of the second part, the receipt whereof is hereby acknowledged has  
granted, bargained and sold to the said part 1e8of the second part,  
heirs and assigns forever, the following described land situate, lying and being in the County of  
Dade and State of Florida, to-wit:

ALL of BLOCK 1, more particularly described as follows:

The Northeast quarter of the Northeast quarter of the Northwest  
quarter of the Northeast quarter (NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of  
Section 24, Township 56 South, Range 39 East of Dade County, Florida  
less the East 35 feet and the North 35 feet thereof for roadway  
purposes.

And the said party of the first part does 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 party of the first part has caused these pres-  
ents to be signed in its name by its proper officers,  
(Corporate Seal) and its corporate seal to be affixed, attested by its  
secretary, the day and year above written.

ATTEST: Sally Luck LUCKY TOWN ESTATES, INC.  
Secretary

By Maria Luck President.

Signed, sealed and delivered in presence of us:

Sullivan Fleming  
Belle V. Robinson

State of Florida,

County of DADE

I Hereby Certify, that on this 9th day of July

A. D. 19 56 before me personally appeared Morris Luok

and Sally Luok

President and Secretary respectively of

LUCKY TOWN ESTATES, INC.

a corporation under the laws of

the State of FLORIDA

to me known to be the persons who signed the foregoing instrument as such officers and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

Witness my signature and official seal at MIAMI

in the County of DADE

and State of FLORIDA

the day and year last aforesaid.

*[Signature]*

(Seal)

My commission expires: Jul 3, 1956

State of Florida,  
County of \_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_  
A. D. 19 \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., this  
instrument was filed for record; and, being duly  
acknowledged and proven, I have recorded the  
same on Page \_\_\_\_\_ of Book \_\_\_\_\_  
in the Public Records of said County.  
IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed the seal of the Circuit  
Court of the \_\_\_\_\_ Judicial Circuit  
of said State, in and for said County.  
Clerk  
D. C.

PARCO PUBLISHING CORPORATION MIAMI, FLORIDA

Dated

ABSTRACT OF DESCRIPTION

Warrantly Deed

(FROM CORPORATION)

TO

PARCO FORM A-3

130 FF106267 165

FILED FOR RECORD  
JUL 11 1956  
CLERK OF DISTRICT COURT

200



WARRANTY DEED  
INDIVID. TO INDIVID.

77 JUN 21 PM 3 34

RAMCO FORM 01

**This Warranty Deed** Made the 17<sup>th</sup> day of May A. D. 1977 by  
LUCKYTOWN ESTATES, INC., a Florida corporation  
hereinafter called the grantor, to DUFFIELD W. MATSON III, a single man

whose postoffice address is 2214 Granada Blvd., Coral Gables, Florida 33134,  
hereinafter called the grantee:

(Whereas used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporations)

**Witnesseth:** That the grantor, for and in consideration of the sum of \$ and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in County, Florida, viz:

The East Half of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter less the North 35 feet to be used for public roadway purposes only and The North Half of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter with the West 25 feet to be used for public roadway purposes only, in Section 24, Township 56S, Range 39E in Dade, County, Florida.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any-wise appertaining.

**To Have and to Hold,** the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1976.

**In Witness Whereof,** the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

LUCKYTOWN ESTATES, INC.

By: MORRIS LUCK, President

STATE OF Florida  
COUNTY OF Dade

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared MORRIS LUCK as President of LUCKYTOWN ESTATES, INC.

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that executed the same.

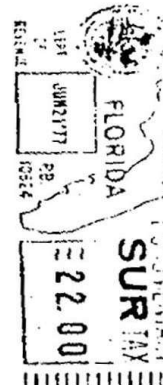
WITNESS my hand and official seal in the County and State last aforesaid this

May 17, A. D. 1977  
PUBLIC STATE OF FLORIDA AT LARGE  
NOT COMMISSION EXPIRES OCT. 29 1980  
NOTARIAL PUBLIC

This Instrument Was Prepared By:  
RICHARD C. LEWIS  
Attorney-at-Law  
407 Lincoln Road  
Miami Beach, Florida 33139

SPACE BELOW FOR RECORDERS USE

2 3 4 4



RECORDED IN OFFICIAL RECORD BOOK  
OF DADE COUNTY, FLORIDA.  
RECORD VERIFIED  
RICHARD P. BRINKER,  
CLERK CIRCUIT COURT





## MEMORANDUM

(Revised)

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

**DATE:** February 1, 2022

**FROM:**   
Gen Bonzon-Kecnan  
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)  
2-1-22

RESOLUTION NO. \_\_\_\_\_ R-120-22

RESOLUTION ACCEPTING AN IMPLIED OFFER OF DEDICATION FOR A PORTION OF SW 232 STREET FROM 508.08 FEET WEST OF THE CENTERLINE OF SW 119 AVENUE TO THE CENTERLINE THEREOF IN SECTION 24, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COUNTY MAYOR OR THE 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 officially described by a less-out of the north 35 feet of the property abutting SW 232 Street west of the SW 119 Avenue for road purposes, as conveyed in a Warranty Deed dated July 9, 1956, recorded in Deed Book 4300, Page 41, and a Warranty Deed dated May 17, 1977, recorded in Official Records Book 9719, Page 18 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.

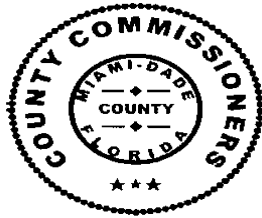
**Section 3.** This Board hereby approves and accepts the implied offer of dedication, as expressed in Exhibit “C” to the County Mayor’s Memorandum, described in Exhibit “A” to the County Mayor’s Memorandum, and illustrated in the parcel sketch in Exhibit “B” to the County Mayor’s Memorandum, and authorizes the County Mayor or the 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 the 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            | <b>aye</b>    |                        |               |
| Oliver G. Gilbert, III, Vice-Chairman | <b>aye</b>    |                        |               |
| Sen. René García                      | <b>aye</b>    | Keon Hardemon          | <b>aye</b>    |
| Sally A. Heyman                       | <b>aye</b>    | Danielle Cohen Higgins | <b>aye</b>    |
| Eileen Higgins                        | <b>aye</b>    | Joe A. Martinez        | <b>aye</b>    |
| Kionne L. McGhee                      | <b>aye</b>    | Jean Monestime         | <b>aye</b>    |
| Raquel A. Regalado                    | <b>absent</b> | Rebeca Sosa            | <b>absent</b> |
| Sen. Javier D. Souto                  | <b>absent</b> |                        |               |

The Chairperson thereupon declared this resolution duly passed and adopted this 1<sup>st</sup> 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

**Melissa Adames**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

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

Lauren E. Morse