

MEMORANDUM

Agenda Item No. 8(L)(1)

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

DATE: September 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving a disclaimer by Miami-Dade County releasing a canal reservation located along NW 107 Avenue and NW 142 Street in the City of Hialeah, Miami-Dade County; and authorizing the County Mayor to execute and record the disclaimer and to take all actions necessary to effectuate this transaction

Resolution No. R-810-22

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.


Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: September 1, 2022

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Approving a Disclaimer for the Release of a Canal Reservation Located Along NW 107 Avenue at NW 142 Street in the City of Hialeah, Miami-Dade County (WC-943)

Executive Summary

The purpose of this item is to gain authorization by the Board of County Commissioners (Board) to release the 130-foot wide canal reservation currently located on the west side of the property along NW 107 Avenue at NW 142 Street in the City of Hialeah, Miami-Dade County. No future canal is proposed within the subject property and the canal reservation is not needed for canal and water management purposes. The future NW 107th Avenue Canal will be located on west side of the east section line of Section 19, Township 52 South, Range 40 East where the County currently has a canal reservation and is located opposite to the subject property. The property owner proposes to develop two Industrial/Warehouse buildings within the entire tract area of 1,108,152.79 square feet.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve a disclaimer for the release of a canal reservation located along NW 107 Avenue at NW 142 Street in the City of Hialeah, Miami-Dade County. The disclaimer is attached to the resolution as Attachment A.

Delegated Authority

The attached resolution authorizes the County Mayor or the County Mayor’s designee to execute the disclaimer.

Scope

The site is located east of and along NW 107 Avenue at NW 142 Street in the City of Hialeah, Miami-Dade County, in Commission District 12, which is represented by Chairman Jose “Pepe” Diaz.

Fiscal Impact/Funding Source

This item does not require the expenditure of any Miami-Dade County funds.

Track Record/Monitor

The Water Control Section Manager within the Department of Regulatory and Economic Resources, Division of Environmental Resources Management will be responsible for tasks related to this transaction.

Background

In 1959 the Central and Southern Florida Flood Control District, now known as the South Florida Water Management District, gave to the County a canal reservation, Flood Control District Deed No. 24, for canal and water management purposes in connection with the Miami-Dade County Water Control Master Plan in Section 20, Township 52 South, Range 40 East, in the vicinity of the present-day NW 107 Avenue and NW 142 Street in the City of Hialeah, Miami-Dade County.

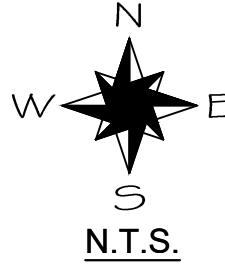
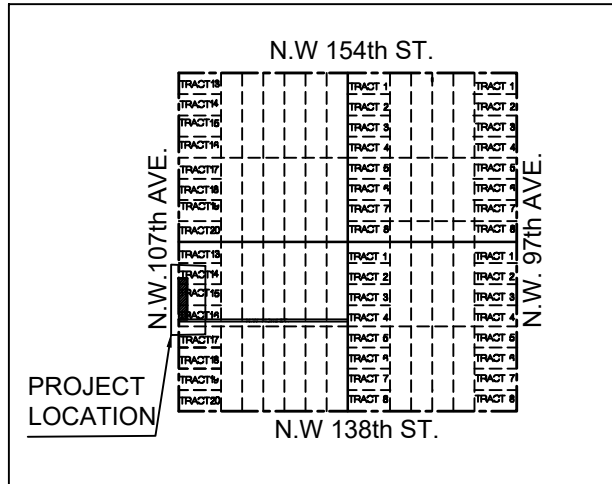
The property on which the above-stated canal reservation is located is owned by DMG Properties, LLLP, which has requested the release of the canal reservation within the property. No future canal is proposed within the subject property; the future NW 107th Avenue Canal will be located on west side of the east section line of Section 19, Township 52 South, Range 40 East, where the County currently has a canal reservation. In consideration of this, the canal reservation on the east side of the west section line of Section 20, Township 52 South, Range 40 East, with a total area of 1.92 acres, is not needed for canal and water management purposes. It is therefore recommended that the Board authorize the execution of the subject Miami-Dade County disclaimer for the release of unneeded canal reservation in the City of Hialeah, Miami-Dade County. A general site sketch is attached as Exhibit 1 to this memorandum.



Jimmy Morales
Chief Operations Officer

EXHIBIT 1

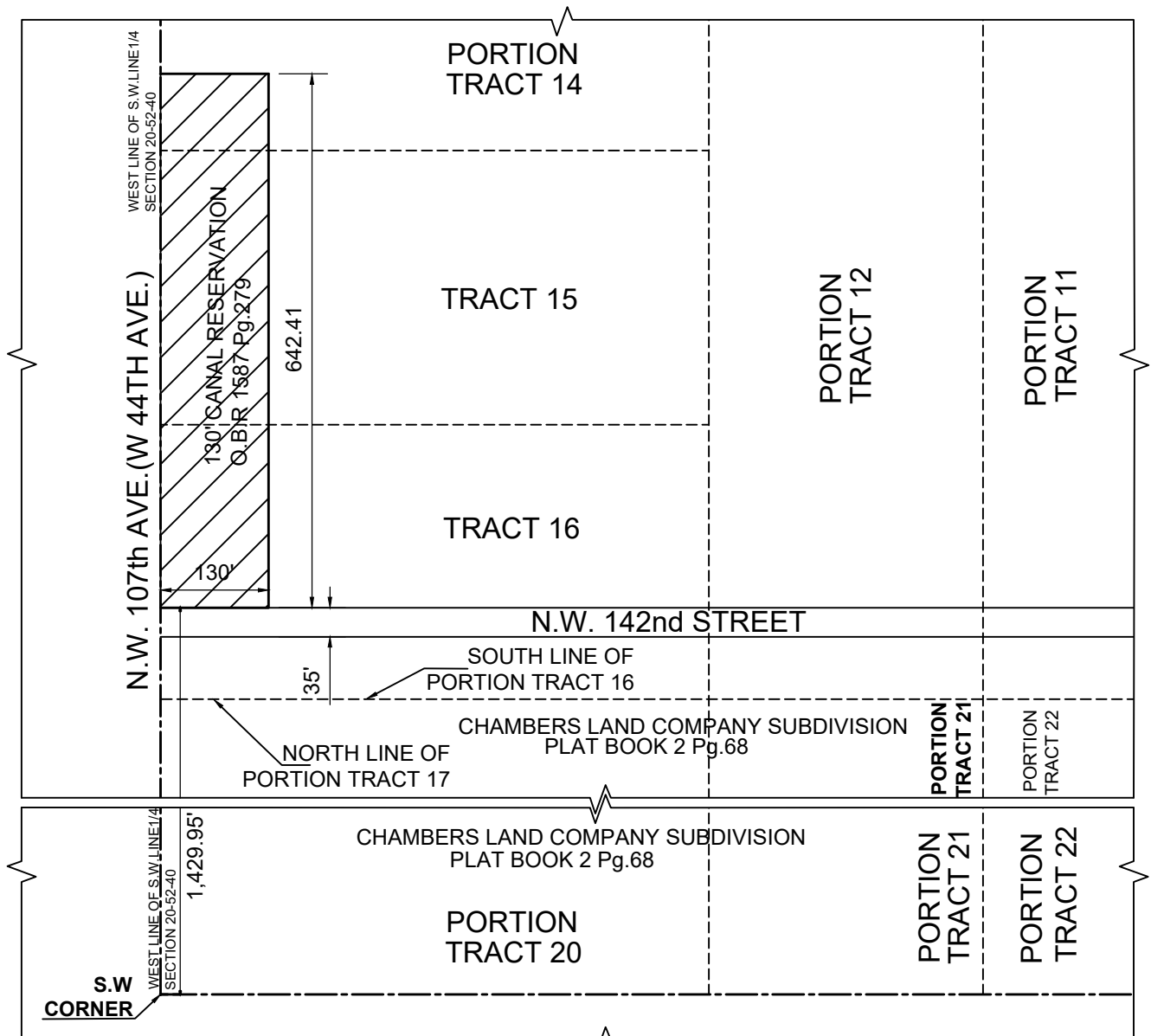
GENERAL SITE SKETCH



W.C. 943
SEC. 20
TWP. 52
RGE. 40

LEGEND:

 CANAL RESERVATION TO BE RELEASED



NOT TO SCALE



MEMORANDUM

(Revised)

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

DATE: September 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(L)(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(L)(1)
9-1-22

RESOLUTION NO. _____ R-810-22

RESOLUTION APPROVING A DISCLAIMER BY MIAMI-DADE COUNTY RELEASING A CANAL RESERVATION LOCATED ALONG NW 107 AVENUE AND NW 142 STREET IN THE CITY OF HIALEAH, MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND RECORD THE DISCLAIMER AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS TRANSACTION

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

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

Section 1. This Board incorporates the foregoing recital as if fully set forth herein.

Section 2. This Board hereby approves a disclaimer in substantially the form attached hereto as Attachment A and made a part hereof (the "disclaimer"), releasing Miami-Dade County's interest in the canal reservation.

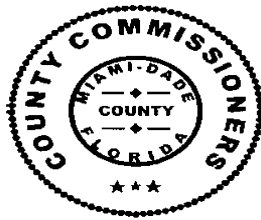
Section 3. This Board directs the County Mayor or County Mayor's designee to: (i) execute the disclaimer; (ii) record the disclaimer in the official records of Miami-Dade County; and (iii) take all actions necessary to effectuate this transaction.

Section 4. This Board (a) directs the County Mayor or County Mayor's designee to provide a recorded copy of the disclaimer to the Clerk of the Board within 30 days of the execution of such instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of such instrument together with this resolution.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**,
 who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa**
 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	absent	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	absent
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 1st day of September, 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: **Basia Pruna**
 Deputy Clerk

Approved by County Attorney as
 to form and legal sufficiency.

CJW

Christopher J. Wahl

ATTACHMENT A

Return to:

Natural Resources Division
Miami-Dade County Department of
Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court
Miami, FL 33136-3912

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Instrument prepared by:

Carlos A. Calvache,
Miami-Dade County Department of
Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court
Miami, FL 33136-3912
Folio No. 04-2020-001-0073
WC-943

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MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF.

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 24 dated August 6, 1959 recorded in Official Records Book 1587 at Page 279 of the Public Records of MIAMI-DADE COUNTY, FLORIDA, conveyed, assigned, set over and granted to Miami-Dade County for canal and levee purposes only, the above-described lands; and

WHEREAS, the aforesaid rights in reservations upon the said above described lands are not now needed by MIAMI-DADE COUNTY for canal purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interests it has in the aforementioned lands by virtue of the Rights in

Reservations Deed No. 24 dated August 6, 1959 recorded in Official Records Book 1587 at Page 279 of the Public Records of Miami-Dade County, Florida.

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

IN WITNESS WHEREOF MIAMI-DADE COUNTY FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this the _____ day of _____ 2022.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR

HARVEY RUVIN
CLERK OF SAID BOARD

By: _____
Deputy Clerk

By: _____
Daniella Levine Cava, Mayor

Print: _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2021, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

Print _____

STATE OF FLORIDA at large

(Seal)

My commission expires: _____

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for
The Easton Group
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

130' CANAL RESERVATION RELEASE

LEGAL DESCRIPTION:

A portion of land being and laying in the SW 1/4, of Section 20, Township 52 South, Range 40 East, in Miami Dade County, Florida, more particularly described as follows:

Commence at the SW 1/4, corner of Section 20, Township 52 South, Range 40 East; thence N02°34'51"W along the West line of said S.W. 1/4 of said Section 20 for a distance of 1429.95 feet to the Point of Beginning of the hereinafter described parcel; thence continue N02°34'51"W for a distance of 642.41 feet; thence N89°40'31"E for a distance of 130.10 feet ; thence S02°34'51"E along a line 130.0 feet West of and parallel with the West line of said S.W. 1/4 of said Section 20 for a distance of 642.41 feet; thence S89°40'31"W for a distance of 130.10 feet to the Point of Beginning.

Containing an area of 83,513 Square Feet or 1.92 Acres, more or less, by calculations.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for
The Easton Group
prepared by:

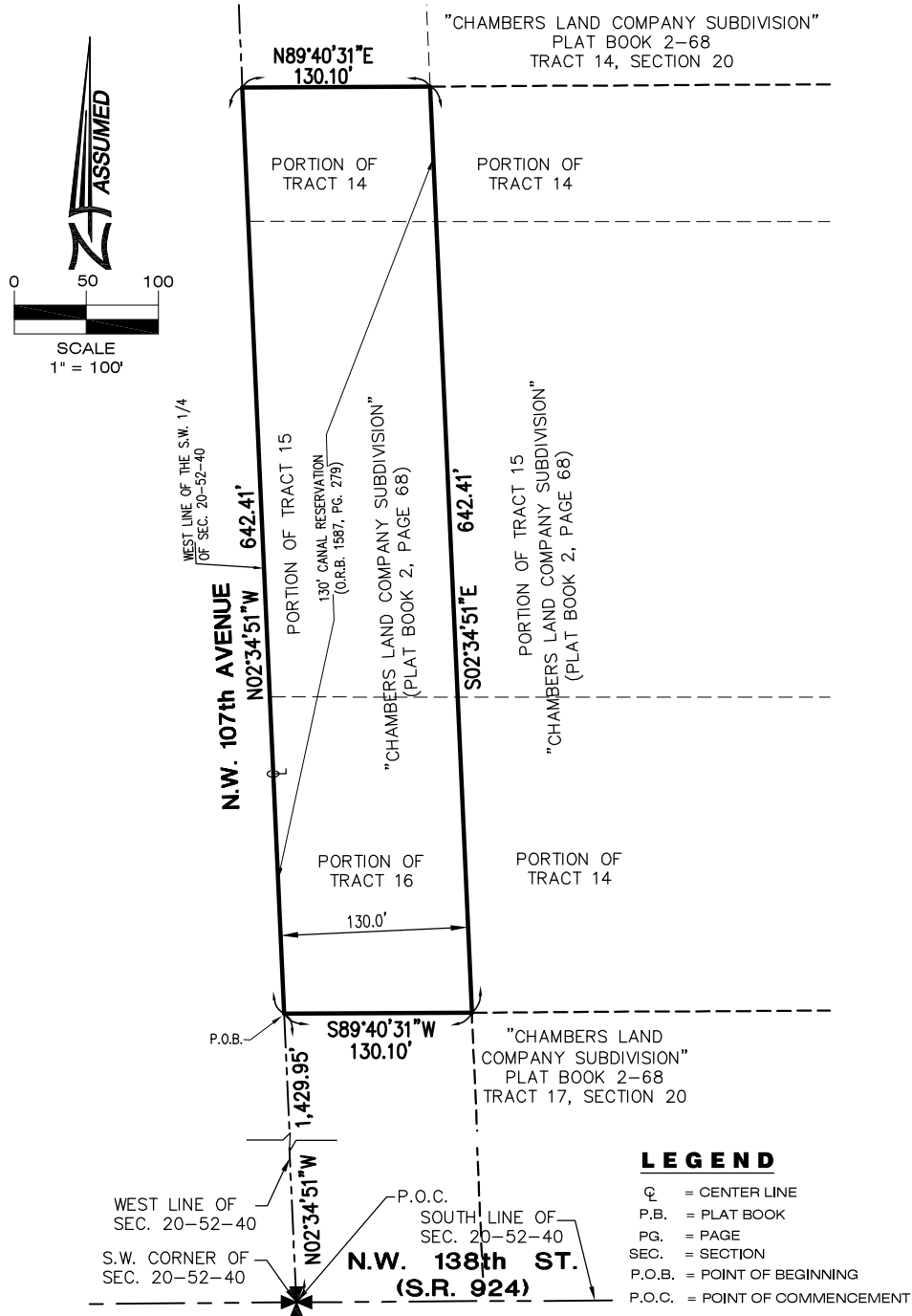


HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

130' CANAL RESERVATION RELEASE



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

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EXHIBIT "A"

130' CANAL RESERVATION RELEASE

SOURCES OF DATA:

The Legal Description was generated from the following record Plats:

1. Plat of "RINKER LAKE" a recorded in Plat Book 82, at Page 47, of the Public Records of Miami-Dade County, Florida.
2. Plat of "CHAMBERS LAND COMPANY SUDDIVISION" a recorded in Plat Book 2, at Page 68, of the Public Records of Miami-Dade County, Florida.

Bearings as shown hereon are based upon the West Line of the SW 1/4 of Section 20, Township 52 South, Range 40 East, with an assumed bearing of N02°34'51"W.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than that that appears on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

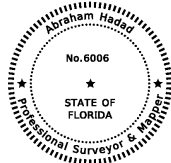
LIMITATIONS:

Since no other information other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify to that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.



Abraham Hadad, P.S.M.

For the Firm
Professional Surveyor and Mapper LS6006
State of Florida

HADONNE CORP., a Florida corporation

Land Surveyors and Mappers

Certificate of Authorization LB7097

1985 NW 88 Court, Suite 101

Doral, Florida 33172

305.266.1188 phone

305.207.6845 fax

Date: October 21, 2021

Digitally signed by Abraham Hadad

DN: c=US, o=HADONNE CORP.,

dnQualifier=A01410D00000178849378B

10001039C, cn=Abraham Hadad

Date: 2021.10.25 16:33:13 -04'00'

NOTICE: Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper. Each Sheet, as incorporated therein, shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17.051 of the Florida Administrative Code.