

MEMORANDUM

Agenda Item No. 8(N)(2)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: October 3, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing a
Maintenance Map for a portion
of SW 152 Avenue between SW
289 Terrace and Garfield Drive,
498 feet South of SW 288 Street,
in Section 4, Township 57 South,
Range 39 East; authorizing the
Chairperson and the Clerk of the
Board to certify the Maintenance
Map; authorizing the County
Mayor to take all actions
necessary to effectuate same

Resolution No. R-861-23

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/ks

Memorandum



Date: October 3, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Resolution Accepting a Maintenance Map for a Portion of SW 152 Avenue between SW 289 Terrace and Garfield Drive, 498 feet South of SW 288 Street for Road Purposes

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to accept a maintenance map for a portion of SW 152 Avenue between SW 289 Terrace and Garfield Drive, 498 feet South of SW 288 Street for road purposes. Once the maintenance map is accepted by the Board, the instrument will be recorded in the Public Records of Miami-Dade County. The County is already maintaining this portion of the road; therefore, there are no additional maintenance costs associated with the maintenance map.

Recommendation

The Department of Transportation and Public Works (DTPW) requires the maintenance map for road purposes and recommends that the Board accept the maintenance map. The proposed maintenance map is depicted and described in Attachment 1 to this Memorandum.

Scope

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

Fiscal Impact/Funding Source

There is no fiscal impact associated with this resolution. Miami-Dade County has been already maintaining this portion of right-of-way as shown in Attachment 2 to this Memorandum.

Track Record/Monitor

DTPW is the entity overseeing this item and the person responsible for monitoring it is Maria D. Molina, P.E., Chief, Right-of-Way Division.

Delegated Authority

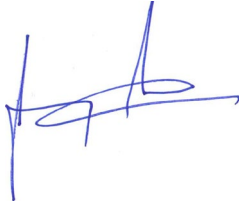
The resolution delegates authority for the Chairperson or Vice-Chairperson of this Board to execute the maintenance map. Furthermore, the County Mayor or County Mayor's designee shall record the maintenance map accepted therein in the Public Records of Miami-Dade County.

Background

There is a property which extends to the section/center line of the road along the east portion of SW 152 Avenue, the westernmost 35 feet of this property, and has been historically part of SW 152 Avenue. This road segment contains a fully improved road with an operational traffic lane and other

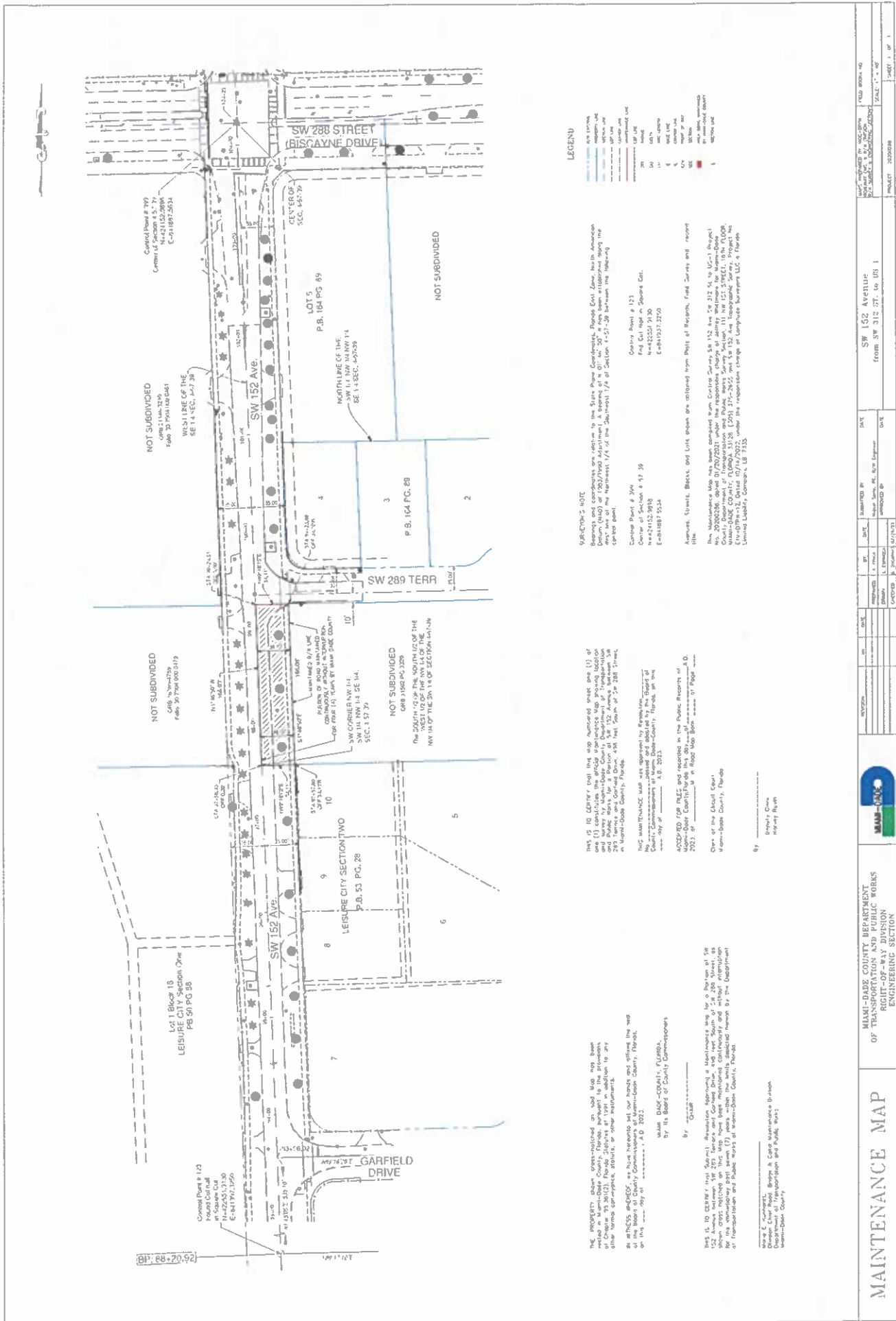
Honorable Chairman Oliver G. Gilbert, III
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utilities, which have been maintained for more than four years. The area depicted by the maintenance map attached to this Memorandum as Attachment 1 are under the jurisdiction, operation, and maintenance of Miami-Dade County. According to Section 95.361 of the Florida Statutes, the filing of a maintenance map in the Office of the Clerk of the Court, which has been certified by the Chairperson and the Clerk of the Board, is deemed prima facie evidence of ownership by the County. An affidavit from DTPW's Chief of the Road, Bridge and Canal Maintenance Division certifying the County's historic maintenance of the area is attached as Attachment 2 of this Memorandum.



Jimmy Morales
Chief Operations Officer

ATTACHMENT 1



ATTACHMENT 2

AFFIDAVIT

THIS IS TO CERTIFY THAT I, Maria E. Kunhardt, Chief of the Road, Bridge and Canal Maintenance Division of the Miami-Dade County Department of Transportation and Public Works have determined, to the best of my knowledge, that Miami-Dade County road forces have maintained along SW 152 Avenue between SW 289 Terrace and Garfield Drive, 498 feet South of SW 288 Street, in Section 4, Township 57 South, Range 39 East, Miami-Dade County, Florida, the pavement, signing, drainage, swale, and trees of the road thereof, in Miami-Dade County, Florida, for at least seven (7) years.



Maria E. Kunhardt, Division Chief
Road, Bridge & Canal Maintenance Division
Department of Transportation and Public Works
Miami-Dade County

STATE OF FLORIDA COUNTY OF MIAMI-DADE

I HEREBY CERTIFY, that on this 7 day of September, A.D. 2023, before me, an officer duly authorized to administer oaths and take acknowledgments personally appeared by means of [] physical or ☒ online notarization Isaac Wynn, personally known to me, or proven, by producing the following identification: _____, to be the person who executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

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



ARMANDO A. SANTELICES
Commission # HH 405340
Expires June 1, 2027

SEAL/ NOTARY SEAL / STAMP



Notary Signature

ARMANDO A. SANTELICES
Printed Name
Notary Public, State of FLORIDA
My Commission expires: JUNE 1, 2027
Commission No.: HH 405340



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: October 3, 2023

FROM: 
Gen Bonzon-Keenan
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)
10-3-23

RESOLUTION NO. _____ R-861-23

RESOLUTION AUTHORIZING A MAINTENANCE MAP FOR A PORTION OF SW 152 AVENUE BETWEEN SW 289 TERRACE AND GARFIELD DRIVE, 498 FEET SOUTH OF SW 288 STREET, IN SECTION 4, TOWNSHIP 57 SOUTH, RANGE 39 EAST; AUTHORIZING THE CHAIRPERSON AND THE CLERK OF THE BOARD TO CERTIFY THE MAINTENANCE MAP; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

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 Director of the Department of Transportation and Public Works has recommended that an Official Maintenance Map ("the Map"), stating that such road has vested in the County, be filed of record to indicate prima facie evidence of ownership, pursuant to the provisions of section 95.361 of the Florida Statutes and the County Mayor has concurred with such recommendation; and

WHEREAS, the Board finds that the property is necessary in order to install, construct, maintain, inspect, repair, alter or change the size of road; that the Map will be utilized for the benefit of the public and community interest and welfare; and that the Map is consistent with a County public purpose,

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 County Mayor's Memorandum with attachments as if fully set forth herein.

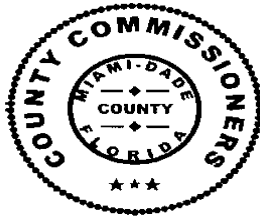
Section 2. This Board approves the Maintenance Map for that portion of SW 152 Avenue between SW 289 Terrace and Garfield Drive, 498 feet South of SW 288 Street, in Section 4, Township 57 South, Range 39 East, Miami-Dade County, Florida, as depicted in Attachment 1 to the County Mayor’s Memorandum. This Board authorizes the Chairperson and the Clerk of the Board to certify the same pursuant to section 95.361 of the Florida Statutes and authorizes the County Mayor or County Mayor’s designee to take all actions necessary to effectuate the same and to exercise all rights conferred therein.

Section 3. Pursuant to Resolution No. R-974-09, the County Mayor or County Mayor’s designee shall: (a) provide a recorded copy of the instruments executed in connection herewith which create or reserve a property interest in favor of the County to the Clerk of the Board within 30 days of the execution and final acceptance of such instruments; and (b) the Clerk of the Board shall attach and permanently store a recorded copy of such instruments together with this resolution.

The foregoing resolution was offered by Commissioner **Anthony Rodriguez** , who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of October, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

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

Lauren E. Morse