

MEMORANDUM

Agenda Item No. 8(N)(2)

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

DATE: November 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution to accept an amendment to existing Easement Number 25672 from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF) in connection with reconstruction of Bay Vista Boulevard from NE 151 Street to Gwen Margolis Boulevard; authorizing the County Mayor to execute the amendment to the easement and perform all acts necessary to effectuate same

Resolution No. R-990-23

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Transportation, Mobility and Planning Committee.


Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: November 7, 2023

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Approving the Acceptance of an Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF) for Right-of-Way Improvements to Bay Vista Boulevard from NE 151 Street to Gwen Margolis Boulevard

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to approve the acceptance of an amendment to an existing right-of-way easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF), for nominal consideration, needed for the acquisition of right-of-way necessary to improve Bay Vista Boulevard from NE 151 Street to Gwen Margolis Boulevard. This easement is needed as part of the stormwater drainage design and will allow for overflow to enter a proposed trunk line and outfall to Biscayne Bay through the local canal system. IITF has agreed to provide the requested easement at no cost.

Recommendation

It is recommended that the Board approve the attached resolution accepting the conveyance of a right-of-way easement from the TIITF at no cost. The easement, attached hereto as Exhibit 1, titled Amendment One to Easement Number 25672, is needed by the County in order to construct roadway improvements to Bay Vista Boulevard from NE 151 Street to Gwen Margolis Boulevard.

Scope

This project is located within District 4 represented by Commissioner Micky Steinberg; however, the impact is countywide.

Delegation of Authority

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no additional authorities beyond those specified in the Resolution.

Fiscal Impact/Funding Source

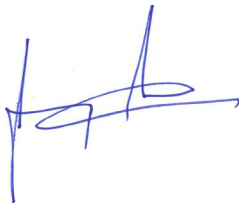
This item will have no fiscal impact to Miami-Dade County and is only for the acceptance of perpetual easement from TIITF at no cost. A separate item for the approval of funds for construction of the aforementioned roadway improvements will be brought to the Board in the future.

Track Record/Monitor

The Department of Transportation and Public Works (DTPW) is the entity overseeing this item, and the person responsible for monitoring it is Javier Bustamante, Assistant Director, Transit Project Management & Support Services.

Background

The project consists of roadway reconstruction to Bay Vista Boulevard from NE 151 Street to Gwen Margolis Boulevard. Improvements include, but are not limited to, roadway widening from four lanes to six lanes from NE 151 Street to NE 145 Street, stormwater drainage system including overflow to bay, sidewalks, curb and gutter, signing and pavement markings, bike lanes, and lighting. This needed easement is for connecting a proposed trunk line designed to discharge stormwater into Biscayne Bay through the local canal system.



Jimmy Morales
Chief Operations Officer

EXHIBIT 1

This Amendment was prepared by:
Jay Sircy
Bureau of Public Land Administration
Division of State Lands
Department of Environmental Protection, MS 130
3900 Commonwealth Boulevard,
Tallahassee, Florida 32399-3000
Action No. 47024

ATE2
[3.003 +/- acres]

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT
TRUST FUND OF THE STATE OF FLORIDA**

AMENDMENT ONE TO EASEMENT NUMBER 25672

THIS EASEMENT AMENDMENT is entered into this ____ day of _____, 20____, by and between the **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA**, hereinafter referred to as "GRANTOR" and **MIAMI-DADE COUNTY, FLORIDA**, a political subdivision of the **State of Florida**, hereinafter referred to as "GRANTEE";

WITNESSETH

WHEREAS, GRANTOR, by virtue of Section 253.03, Florida Statutes, holds title to certain lands and property for the use and benefit of the State of Florida; and

WHEREAS, on September 7, 1976, GRANTOR and GRANTEE entered into Easement Number 25672, recorded on September 29, 1976, in Official Records Book 9457, Page 701, Public Records of Miami-Dade County, Florida, for public road right-of-way; and

WHEREAS, GRANTOR and GRANTEE desire to amend Easement Number 25672 to add land to the easement area.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. The legal description of the easement area set forth in Easement Number 25672 is hereby amended to include the real property described in Exhibit "A" attached hereto, and by reference made a part hereof.
2. GRANTEE, at its own expense, shall record this fully executed Amendment One to Easement Number 25672 in its entirety in the public records of the county within which the easement area is located within fourteen days after receipt, and shall provide to GRANTOR within ten days following the recordation a copy of the recorded amendment in its entirety which contains the O.R. Book and Pages at which this amendment is recorded. Failure to comply with this paragraph shall constitute grounds for immediate termination of Easement Number 25672 at the option of GRANTOR.
3. The terms of this Amendment One to Easement Number 25672 shall be binding upon and inure to the benefit of the parties of the and their respective successors and assigns.

4. It is understood and agreed by GRANTOR and GRANTEE that in each and every respect the terms and conditions of Easement Number 25672, except as amended, shall remain unchanged and in full force and effect and the same are hereby ratified, approved and confirmed by GRANTOR and GRANTEE as of the date of this Amendment One to Easement Number 25672.

[Remainder of this page is intentionally left blank; Signature page follows.]

IN WITNESS WHEREOF, the parties have caused this Amendment to Easement to be executed on the day and year first written above.

WITNESSES:

Original Signature

Print/Type Name of Witness

Original Signature

Print/Type Name of Witness

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA**

(SEAL)

BY:

Brad Richardson, Chief, Bureau of Public Land Administration,
Division of State Lands, State of Florida Department of
Environmental Protection, as agent for and on behalf
of the Board of Trustees of the Internal Improvement Trust Fund
of the State of Florida

"GRANTOR"

**STATE OF FLORIDA
COUNTY OF LEON**

The foregoing instrument was acknowledged before me by means of ___ physical presence or ___ online notarization this ___ day of ___, 20___, by Brad Richardson, Chief, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection for, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. He is personally known to me.

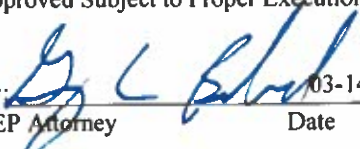
Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires:

Commission/Serial No.

Approved Subject to Proper Execution

By: 
DEP Attorney

03-14-2023
Date

WITNESSES:

**MIAMI-DADE COUNTY, a political subdivision
of the State of Florida
By its Board of County Commissioners**

(SEAL)

Original Signature

Print/Type Name of Witness

BY: _____
Oliver G. Gilbert, III, Chairman

Original Signature

Print/Type Name of Witness

“GRANTEE”

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by means of ____ physical presence or ____ online notarization this ____ day of _____, 20____, Oliver G. Gilbert, III, as Chairman of the Board of County Commissioners of Miami-Dade County, Florida, on behalf of Miami-Dade County, Florida. He is personally known to me or who has produced _____, as identification.

Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires: _____

Commission/Serial No. _____

Approved as to Form and Legal Sufficiency Date

EXHIBIT "A"

to Exhibit 1

LEGAL DESCRIPTION

That portion of Section 22, Township 52 South, Range 42 East, in Miami Dade County, Florida, more particularly described as follows:

Commence at the Southwest corner of Section 22, Township 52 South, Range 42 East, thence N88° 01' 26" E, along the South line of said Section 22 for 1,398.67 feet to a point; thence N 58°52'41" E, for 430.00 feet to a point; thence N 24°23'31" W, for 910.42 feet to a point; thence N 45°06'29" E, for 528.00 feet to a point; thence N 34°31'31" W, for 595.13 feet to the SW corner of Bay Vista Boulevard, formerly known as Main Road, also being the NW corner of those lands conveyed to the State of Florida Board of Trustees of the Internal Improvement Trust Fund, by Special Warrant Deed dated March 11, 1980 recorded in ORB 10702, Page 1742 of the Public Records of Miami-Dade County, Florida, and the **POINT OF BEGINNING**; thence N 58°38'49" E, along the North line of said State of Florida Board of Trustees of the Internal Improvement Trust Fund lands, for 153.31 feet to a point; thence S 34°31'31" E, leaving said North line, parallel and 153.07 feet East of the Westerly line, for 915.24 feet to a point of cusp with a non-tangent circular curve concave to the Southwest from which a radius point bears N 33°57'12" E, being also the Northerly line of a 100-foot wide strip exception within said ORB 10702, Page 1742, thence along the arc of said curve to the left, through a central angle of 63°33'07" having a radius of 130.00 feet, for an arc distance of 144.19 feet to a point; thence S 60°24'05" W, along the Northerly line of said 100-foot wide strip exception, for 43.47 feet to a point of intersection with the said Westerly line; thence N 34°31'31" W, along said Westerly line, for a distance of 838.16 feet to the **POINT OF BEGINNING**.

Containing 130,828 square feet or 3.003 acres of land.

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 ROW 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
MIAMI-DADE COUNTY DEPARTMENT
OF TRANSPORTATION AND PUBLIC WORKS
RIGHT OF WAY DIVISION
ENGINEERING SECTION

THIF-MDC EASEMENT

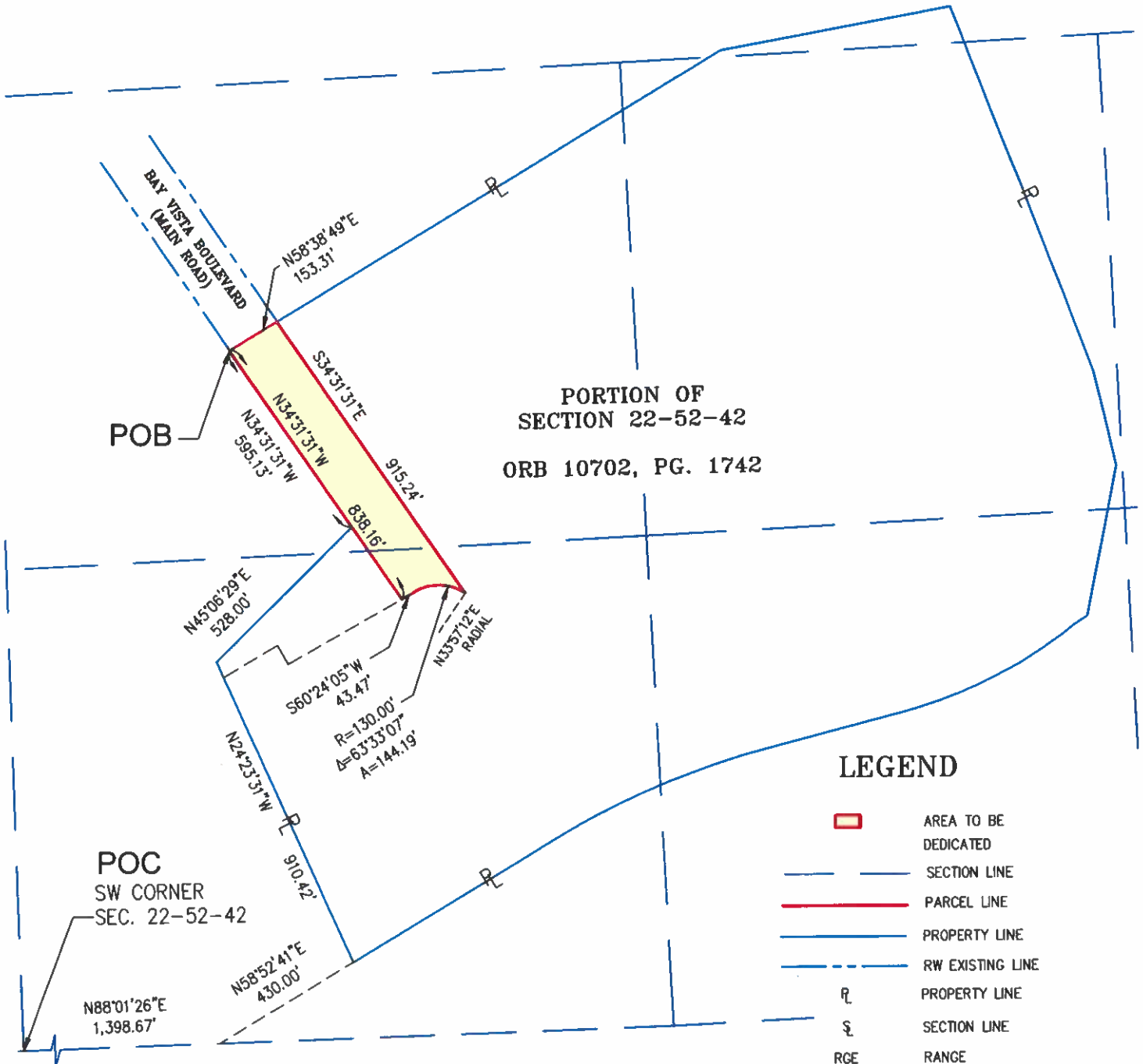
SCALE: N/A	DATE: 03-27-23
CHECKED BY: J. Tirado	
DRAWN BY: L. Espinosa	
PROJECT: 20150052-20210058 SHEET: 1 of 2	

MDC008

EXHIBIT "B"

to Exhibit 1

SEC 22
TWP 52 S
RGE 42 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.



DTPW

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

THIF-MDC EASEMENT

SCALE: 1"=400'	DATE: 03-27-23
CHECKED BY: J. Tirado	
DRAWN BY: L. Espinosa	
PROJECT: 201500520210058 SHEET: 2 of 2	

MDC009

76R214774
76 SEP 29 PM 12 01

REC 9457 PG 701

30
Exhibit "2"

STATE OF FLORIDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

E A S E M E N T

No. 25672

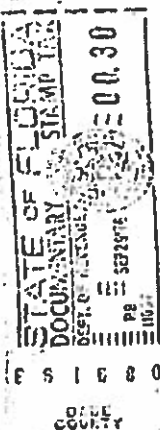
THIS INDENTURE, Made and entered into this 7th day of September, A. D. 1976, between the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND of the State of Florida, acting pursuant to its authority set forth in Section 253.03, Florida Statutes, party of the first part, GRANTOR herein, and DADE COUNTY, Florida, party of the second part, GRANTEE herein,

WHEREAS, Grantee has requested Grantor to grant an easement for public road right-of-way across the following described land in Dade County, Florida, to-wit:

Interama Road Ways N.E. 151 Street
and Main Road
Section 15&22-52-42
Parcel No. 3

A portion of Sections 15 and 22, Township 52 South, Range 42 East, Dade County, Florida, more particularly described as follows:

Commence at the SW corner of the SW $\frac{1}{4}$ of said Section 15; thence run N 2°35'47" W, along the West line of the SW $\frac{1}{4}$ of said Section 15, for a distance of 110.00 feet to the North line of the South 110.00 feet of the SW $\frac{1}{4}$ of said Section 15; thence run N 87°25'05" E, along the North line of the South 110.00 feet of said Section 15, for a distance of 651.17 feet, to the Point of Beginning of the herein described parcel of land; thence continue to run N 87°25'05" E, for a distance of 110.00 feet; thence run S 2°37'49" E, for a distance of 1408.91 feet, to the point of intersection with the Westerly boundary of that certain parcel of land conveyed to the Board of Trustees of the Internal Improvement Trust Fund by the InterAmerican Center Authority by Fee Simple Deed dated February 28, 1973, and recorded in Official Records Book 8240 at Page 595 of the Public Records of Dade County, Florida; thence run S 0°49'18" W, for a distance of 69.89 feet; thence run S 4°53'20" E, for a distance of 55.37 feet to the point of curvature of a circular curve to the left; thence run Southeasterly along the arc of said circular curve to the left, having a radius of 655.00 feet, through a central angle of 20°28'34" for an arc distance of 234.08 feet; thence run S 25°21'54" E, tangent to the last described curve, for a distance of 512.42 feet to the Southwesterly corner of said parcel of land conveyed to the Board of Trustees of the Internal Improvement Trust Fund by said Fee Simple Deed dated February 28, 1973, the preceding four courses being coincident with the said Westerly boundary of said parcel of land conveyed to the Board of Trustees of the Internal Improvement Trust Fund by said Fee Simple



LEGAL DESCRIPTION APPROVED
AND
THIS INSTRUMENT WAS PREPARED BY
JAMES T. WILLIAMS
ELLIOT BUILDING
TALLAHASSEE, FLORIDA 32304

Bill
10/25

No. 25672

Deed dated February 28, 1973; thence continue to run S 25°21'54" E, for a distance of 485.19 feet to the point of curvature of a circular curve to the left; thence run Southeasterly along the arc of said circular curve to the left having a radius of 1970.78 feet, through a central angle of 10°00'48" for an arc distance of 344.43 feet; thence run S 35°22'42" E tangent to the last described curve for a distance of 542.75 feet to the Southernmost corner of that certain parcel of land conveyed to the Trustees of the Internal Improvement Trust Fund by the InterAmerican Center Authority by Warranty Deed dated November 22, 1974 and recorded in Official Records Book 8869 at Page 894 of the Public Records of Dade County, Florida, the preceeding three courses being coincident with the Westerly Boundary of said parcel of land conveyed to the Trustees of the Internal Improvement Trust Fund by Warranty Deed dated November 22, 1974; thence run S 58°38'49" W, along the Southwesterly prolongation of the Southeasterly boundary of said parcel of land conveyed to the Trustees of the Internal Improvement Trust Fund by Warranty Deed dated November 22, 1974, for a distance of 152.31 feet to the point of intersection with the Easterly line of that certain parcel of land conveyed to the City of North Miami by the InterAmerican Center Authority by Warranty Deed dated August 4, 1970 and recorded in Official Records Book 6936 at Page 157 of the Public Records of Dade County, Florida; thence run N 34°31'31" W, for a distance of 794.87 feet; thence run N 24°23'31" W for a distance of 1242.90 feet, the last two courses being coincident with the Easterly line of said parcel of land conveyed to the City of North Miami by said Warranty Deed dated August 4, 1970; thence run N 0°49'18" E, for a distance of 186.69 feet; thence run N 87°34'22" E, for a distance of 5.50 feet; thence run N 2°37'49" E, for a distance of 1500.12 feet, to the Point of Beginning, containing 10.995 acres. *dw*

Approved as to description
 Date 9/15/76
[Signature]

NOW, THEREFORE, THIS INDENTURE WITNESSETH:

That the said Grantor has granted, and by these presents does grant unto the said Grantee, an easement for public road right-of-way purposes only across the above described land.

By acceptance of this easement, Grantee hereby covenants and agrees to investigate all claims of every nature at its own expense, and to indemnify, protect, defend, hold and save harmless the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and the State of Florida from any and all claims, actions, lawsuits and demands of any kind or nature arising out of this agreement.

This easement is effective, subject, however, to the automatic reversion to the Grantor of all lands described herein and the cessation and termination of this easement when, in the opinion of the Grantor, said lands are not utilized for the purposes outlined in

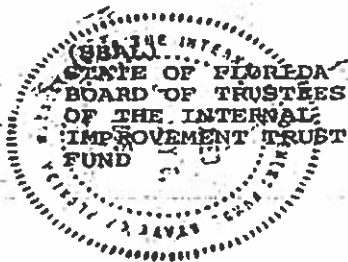
No. 25672

this easement; and any costs or expenses arising out of the implementation of this clause shall be borne completely, wholly and entirely by the Grantee.

This easement is further subject to all existing easements of record.

The recordation of this instrument shall constitute acceptance of the aforementioned conditions, reservations, reversions and covenants.

IN TESTIMONY WHEREOF, the Trustees, for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida have hereunto subscribed their names and have caused the official seal of said Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to be hereunto affixed, in the City of Tallahassee, Florida, on the day and year first above written.



Leah M. C. C. C.
Governor

Wm. A. Bratton
Secretary of State

Robert L. Shum
Attorney General

Gerald A. Lewis
Comptroller

W. O. C. C.
Treasurer

Robert D. Tindal
Commissioner of Education

The foregoing conveyance was prepared pursuant to Resolution No. R-182-76... of the Board of County Commissioners of Dade County, Florida, passed and adopted the... 12th... day of... February 1976.

No. 25672

Commissioner of Agriculture

As and Constituting the Board of
Trustees of the Internal Improve-
ment Trust Fund of the State of
Florida

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA.
FILED YEAR 1960
RICHARD P. BRINKER,
CLERK CIRCUIT COURT



MEMORANDUM

(Revised)

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

DATE: November 7, 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)
11-7-23

RESOLUTION NO. R-990-23

RESOLUTION TO ACCEPT AN AMENDMENT TO EXISTING EASEMENT NUMBER 25672 FROM THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA (TIITF) IN CONNECTION WITH RECONSTRUCTION OF BAY VISTA BOULEVARD FROM NE 151 STREET TO GWEN MARGOLIS BOULEVARD; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AMENDMENT TO THE EASEMENT AND PERFORM ALL ACTS 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 TIITF has agreed to convey an amendment adding additional land to existing Easement Number 25672 granted by TIITF to Miami-Dade County for public road right-of-way; and

WHEREAS, upon consideration of the County Mayor's recommendation, this Board finds and determines that the acceptance of the easement would be in the public's best interest,

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

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

Section 2. This Board approves the acceptance of the perpetual easement in the form attached to County Mayor's memorandum as Exhibit 1, at no cost, and authorizes the County Mayor or County Mayor's designee to execute the acceptance of the easement and to perform all acts necessary to effectuate same.

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

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

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of November, 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.

Lauren E. Morse