

MEMORANDUM

Agenda Item No. 8(F)(2)

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

DATE: October 1, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring surplus and authorizing the donation and conveyance of a 119 square foot portion of Miami-Dade County owned property, located on the northeast corner of NW 9 Avenue and NW 79 Street, identified as Parcel 104, to the Florida Department of Transportation (FDOT) in accordance with section 125.38, Florida Statutes, for the nominal amount of \$1.00; authorizing the Chairperson or Vice-Chairperson of the Board to execute a County Deed

Resolution No. R-850-24

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Marleine Bastien.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: October 1, 2024

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Declaring Surplus and Authorizing the Conveyance of a 119 Square Foot Portion of County-Owned Land to the Florida Department of Transportation (FDOT) for Necessary Road Improvements to NW 79 Street, identified by FDOT as "Parcel 104"

Executive Summary

This item authorizes the Miami-Dade County (County) Mayor to convey a 119 square foot portion of the County-owned land located at the corner of NW 79 Street and NW 9 Avenue (Property) and declares such property surplus. The parent tract consists of 6,750 square feet and is located at the northeast corner of NW 79th Street and NW 9th Avenue, Miami, Florida, and is identified by Folio No. 30-3111-007-0320. The Property will be donated to the Florida Department of Transportation (FDOT) and is necessary for roadway improvements on NW 79 Street/SR 934. Such conveyance is consistent with Florida Statutes, Section 125.38, "Sale of County Property to United States or State."

In accordance with Implementing Order 8-4 (IO 8-4), the Internal Services Department (ISD) conducted the necessary due diligence in response to FDOT's request for the conveyance of the Property and found no issues with the Property or title that would preclude its conveyance. It is in the best interest of the County to declare the Property surplus and thus allow FDOT to make major road improvements which will include constructing and installing a midblock pedestrian crossing on NW 79 Street. These proposed improvements will benefit the citizens of the County due to the improved safety and pedestrian access.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the resolution declaring the Property as surplus and authorizing its conveyance through the execution of a County deed between the County and FDOT. FDOT will perform the work in phases to reduce the effects of construction on the community. The proposed improvements will temporarily increase the traffic flow for the surrounding community. More specifically the Resolution does the following:

- Declares the Property as surplus;
- Authorizes the Chairperson or Vice Chairperson of the Board to execute the County Deed (Attachment 1);
- Authorizes the County Mayor or County Mayor's designee to take all actions necessary to exercise all rights set forth in the County Deed including, but not limited to, exercising the County's reversionary interest when applicable; and
- Authorizes the County Mayor or County Mayor's designee to record the County Deed in the public records of the County.

Scope

The property is located in Commission District 2, which is represented by Commissioner Marleine Bastien. Written notice of the conveyance was provided to the District Commissioner's Office on April 21, 2023.

Fiscal Impact/Funding Source

The Property will be donated in lieu of proceeding with condemnation by eminent domain. FDOT has agreed to pay the recording fees upon the handover of the executed deed.

Track Record/Monitoring

Antonio Rodriguez of ISD is responsible for effectuating the conveyance, recordation, and closing of all the documents in conjunction with this item.

Delegation of Authority

This item authorizes the County Mayor or the County Mayor's designee to take all actions necessary to enforce the provisions set forth in the County Deed including, but not limited to, exercising the County's reversionary interest when applicable. This item also authorizes the Chairperson or Vice Chairperson of the Board to execute a County Deed.

Background

On July 8, 2022, ISD received a request from FDOT to convey 119 square feet of land from a larger County-owned property located at the northeast corner of NW 79th Street and NW 9th Avenue, Miami, Florida, for the construction and installation of a mast signal, mast arm, controller cabinet and concrete slab base on the Property at NW 79 Street/SR 934 which will serve as an integral portion of the larger scope of work under Project No. 410646-7 (Project).

Pursuant to Florida Statutes Section 337.25, FDOT may accept donation of any land, buildings, or other improvements, including personal property within such buildings or on such lands with or without such conditions, reservations, or reverter provisions as are acceptable to the department. Such donations may be used as transportation rights-of-way or to secure or use transportation rights-of-way for existing, proposed, or anticipated transportation facilities on the State Highway System, State Park Road System, or in a transportation corridor designated by the department. The assessed value of the 119 square feet was estimated by FDOT at \$7,140.00. In lieu of proceeding with condemnation by eminent domain FDOT requested that the portion needed be declared surplus and donated to FDOT for right-of-way purposes which is permissible under Florida Statutes 125.38. FDOT will incur substantial expenses for the design and construction improvements for NW 79 Street and will be responsible for the ongoing care, repair, and maintenance of the Property. The proposed work on the Property is an important aspect of the Project, the entire scope of which will improve the lighting at pedestrian crossings and upgrade pedestrian signage, signals, and ramps. FDOT estimates the work will begin in January 2025 and will last approximately one year. However, the date and duration of the work is subject to change.

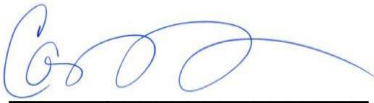
The Property was circulated to all County departments on May 1, 2023, to determine whether the County has a present or future need for the property and no need was identified. Upon the completion of the circulation process, the Property was then forwarded to the Department of Regulatory and Economic Resources for an opinion regarding the buildable status of the remaining property. The larger County-owned property will remain buildable after removal of the 119 square feet.

ISD conducted a title search to determine whether there were any restrictions, limitations, encumbrances, or other conditions that would preclude the conveyance of the County-owned property that may result in a significant fiscal impact to the County. The search identified the County acquired its interest in the Property through a right-of-way deed recorded on December 4, 1935, in Deed Book 1604 Page 204 granting the County an interest in the southern ten feet of Block 3. Subsequently, in 2001, following a tax deed sale, the County received a tax escheatment deed which included the right-of-way property already owned by the County. The legal description of the tax escheatment deed should have omitted the right-of-way property that was already owned by the County. Given that the use of the conveyance is for right-of-way purposes, the restrictions contained in such a right-of-way deed would not prohibit the conveyance of the Property for the use proposed.

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
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In adherence with IO 8-4, ISD staff completed its due diligence requirements and found no issues with the Property or title that would preclude its conveyance. Therefore, it is recommended that the County donate the Property to FDOT.

Attachment

A handwritten signature in blue ink, appearing to read 'Carladenise Edwards', is written over a horizontal line.

Carladenise Edwards
Chief Administrative Officer

ATTACHMENT "1"

Instrument prepared by:
Miami-Dade County Internal Services Department
Real Estate Development Division
111 NW 1 Street, 23rd Floor
Miami, Florida 33128

Folio No. A portion of 30-3111-007-0320

COUNTY DEED

THIS County DEED, made this day of , 2024 A. D. by MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 N.W. 1 Street, 23rd Floor, Miami, Florida 33128, and STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, (hereinafter "FDOT") party of the second part, whose address is 1000 N.W. 111TH Avenue, Miami, Florida 33172.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of \$1.00 to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, and any assigns forever, the following legally described land lying and being in Miami-Dade County, Florida:

Parcel 104

F.P. No.: 410646-7

A portion of Lot 7, Block 3, LITTLE RIVER FRUIT-LAND'S, according to the Plat thereof, as recorded in Plat Book 6, at Page 98, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of the Northeast one-quarter (N.E. $\frac{1}{4}$) of Section 11, Township 53 South, Range 41 East; THENCE North 87°38'59" East, along the South line of said Northeast one-quarter (N.E. $\frac{1}{4}$) of Section 11, a distance of 1,677.69 feet; THENCE North 02°21'01" West at right angles to the last described course, a distance of 35.00 feet to the point of intersection of the Northerly existing Right of Way line of State Road 934 (N.W. 79th Street) as described in Deed Book 1666, at Page 204 of the Public Records of Miami-Dade County, Florida with the Westerly line of said Lot 7 and the POINT OF BEGINNING; THENCE North 02°12'48" West, along said Westerly line of said Lot 7, Block 3, a distance of 7.00 feet; THENCE North 87°38'59" East, a distance of 17.00 feet; THENCE South 02°12'48" East, a distance of 7.00 feet to the point of intersection with said Northerly existing Right of Way line of State Road 934 (N.W. 79th Street); THENCE

South 87°38'59" West, along the last described line, a distance of 17.00 feet to the POINT OF BEGINNING.

All of the foregoing lying in the Northeast one-quarter (N.E. ¼) of Section 11, Township 53 South, Range 41 East, Miami-Dade County, Florida and containing an area of 119 square feet, more or less. Herein aforementioned the "Property"

THIS CONVEYANCE IS SUBJECT TO all zoning, rules, regulations and ordinances and other prohibitions imposed by any governmental authority with jurisdiction over the Property; existing public purpose utility and government easements and rights of way and other matters of record; taxes for the year of closing and subsequent years and the following restrictions:

That the Property shall be utilized as a right-of-way dedication for roadway purposes. Specifically, the installation of a traffic signal sign. If, in the sole discretion of the County, the Property ceases to be used solely for the purpose set forth herein, title shall revert to the County, at the sole option of the County, upon written notice of such failure to remedy the default. The reverter shall immediately become effective upon the date a written notice from the County to the Florida Department of Transportation is delivered to FDOT (the "Effective Reverter Date"). The County, at its sole option, shall have the right to immediate possession of the Property, with any and all improvements thereon, at no cost to the County, on the Effective Reverter Date and the County may record a Notice of Reverter in the public records. In the event the County exercises the reverter, FDOT, upon written request from the County, shall immediately provide the County with a deed of conveyance of the Property back to the County. However, failure to provide such deed of conveyance shall not impact the County's right of reversion, which shall become effective as set forth herein.

This grant conveys only the interest of Miami-Dade County and its Board of County Commissioners in the property herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice Chairperson of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

JUAN FERNANDEZ-BARQUIN,
Clerk of the Court and Comptroller

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman or Vice Chairman

Approved for legal sufficiency. _____
Assistant County Attorney

The foregoing was authorized by Resolution No. _____ approved by the Board of County
Commissioners of Miami-Dade County, Florida, on the _____ day of _____ .



MEMORANDUM

(Revised)

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

DATE: October 1, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(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 ____, majority plus one ____, 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) ____, 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(F)(2)
10-1-24

RESOLUTION NO. R-850-24

RESOLUTION DECLARING SURPLUS AND AUTHORIZING THE DONATION AND CONVEYANCE OF A 119 SQUARE FOOT PORTION OF MIAMI-DADE COUNTY OWNED PROPERTY, LOCATED ON THE NORTHEAST CORNER OF NW 9 AVENUE AND NW 79 STREET, IDENTIFIED AS PARCEL 104, TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES, FOR THE NOMINAL AMOUNT OF \$1.00; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED

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

WHEREAS, the Florida Department of Transportation (FDOT) desires a portion of County-owned property located on the northeast corner of NW 9 Avenue and NW 79 Street, legally described in Attachment 1 to the County Mayor's Memorandum and identified by FDOT as Parcel 104; and

WHEREAS, FDOT requires said property for purposes of installing a midblock pedestrian crossing at NW 79 Street in an effort to improve safety and pedestrian access and has applied to the County to convey the same for such use and purpose; and

WHEREAS, the Board finds that the property is not needed for County purposes and the conveyance of the property to FDOT for the construction and maintenance of roadway-related improvements on NW 79 Street/State Road 934 would be for the benefit of the public, community interest, and welfare and is consistent with the County's public purpose;

WHEREAS, the County desires to convey Parcel 104 to FDOT pursuant to section 125.38, Florida Statutes, for a nominal price of \$1.00; and

WHEREAS, the acceptance of the road property by FDOT is in accordance with sections 337.25 and 337.29, Florida Statutes, governing FDOT's acceptance of Property by way of donation for transportation facilities; and

WHEREAS, in accordance with the County Deed that conveys the property to FDOT, the Property will revert back to the County in the event that FDOT discontinues the use of said land for transportation purposes, at no cost to the County,

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

Section 1. The foregoing recitals are incorporated into this resolution and are approved.

Section 2. This Board hereby (i) declares the property described herein as surplus; (ii) authorizes the Chairperson or Vice-Chairperson of this Board to execute the County Deed in substantially the form attached to the County Mayor's Memorandum as Attachment 1; and (iii) this Board further authorizes the County Mayor or County Mayor's designee to take all actions necessary to effectuate the conveyance and, to exercise all rights set forth in the County Deed, including the reverter provisions, other than those reserved to this Board therein.

Section 3. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or County Mayor's designee to record the County Deed in the public records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within 30 days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy of the County Deed 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	aye
Roberto J. Gonzalez	absent	Keon Hardemon	aye
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 1st day of October, 2024. 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 black ink, appearing to read "LEM", is written over a horizontal line.

Lauren E. Morse