

MEMORANDUM

Agenda Item No. 8(L)(1)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: February 4, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving a Canal Right-of-Way Deed and a Canal Maintenance Easement between Atlas Retail LLC and Miami-Dade County in exchange for the release of a portion of canal reservation located along NW 97 Avenue and NW 138 Street in the City of Hialeah, Miami-Dade County; approving a disclaimer for the release of a portion of canal reservation; authorizing the County Mayor to execute the Canal Right-of-Way Deed, Canal Maintenance Easement and the disclaimer and to take all actions necessary to effectuate this transaction

Resolution No. R-124-25

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.


Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: February 4, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Resolution Authorizing the Acceptance of a Deed for Canal Right-of-Way and the Acceptance of a Canal Maintenance Easement and a Disclaimer for the Release of a Portion of Canal Reservation Located along NW 138 Street and NW 97 Avenue in the City of Hialeah, Miami-Dade County (WC-939)

Executive Summary

The purpose of this item is to gain authorization by the Board of County Commissioners (Board) to accept a deed for a canal-right-of-way, to accept a canal maintenance easement, and to approve a disclaimer for the release of a portion of unused canal reservation located along NW 97 Avenue and NW 138 Street in the City of Hialeah, Miami-Dade County. The acceptance of the canal right-of-way deed and canal maintenance easement will satisfy the County's canal needs and, as a result, the portion of unused canal reservation will no longer be needed. The property currently has a canal reservation where the future NW 97 Avenue Canal is proposed which is located on the west side of NW 97 Avenue along the east section line of Section 20 Township 52 South, Range 40 East. The future NW 97 Avenue Canal will provide future conveyance between the Grahams Dairy Canal and the Golden Glades Canal, provide stormwater management and flood protection. The property owner proposes to develop retail businesses, restaurants, and provide additional area for parking.

Recommendation

It is recommended that the Board approve a Canal Right-of-Way Deed and Canal Maintenance Easement between Atlas Retail, LLC and Miami-Dade County in exchange for the release of a portion of unused canal reservation located along NW 97 Avenue and NW 138 Street in the City of Hialeah, Miami-Dade County. The canal right-of-way deed, canal maintenance easement, and disclaimer are attached to the resolution as Attachment A, Attachment B and Attachment C.

Scope

The property is located north of NW 138 Street and east of and along NW 97 Avenue in Miami-Dade County in Commission District 12, which is represented by Commissioner Juan Carlos Bermudez.

Delegation of Authority

Upon approval, the attached resolution authorizes the County Mayor or the County Mayor's designee to execute the Canal Right-of-Way deed, the Canal Maintenance Easement, and the Disclaimer for and on behalf of Miami-Dade County and to take all actions necessary to effectuate these transactions.

Fiscal Impact/Funding Source

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

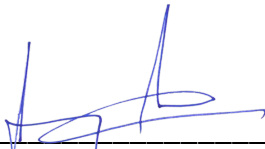
Track Record/Monitor

The Senior Professional Engineer within the Department of Regulatory and Economic Resources, Water Control Section, Marsel Fakhрутdinov, P.E. will be responsible for tasks related to this transaction.

Background

In 1959, the South Florida Water Management District, granted to Miami-Dade 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 Plan in Section 20, Township 52 South, Range 40 East, in the vicinity of NW 97 Avenue and NW 138 Street in Miami-Dade County.

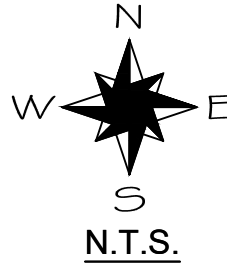
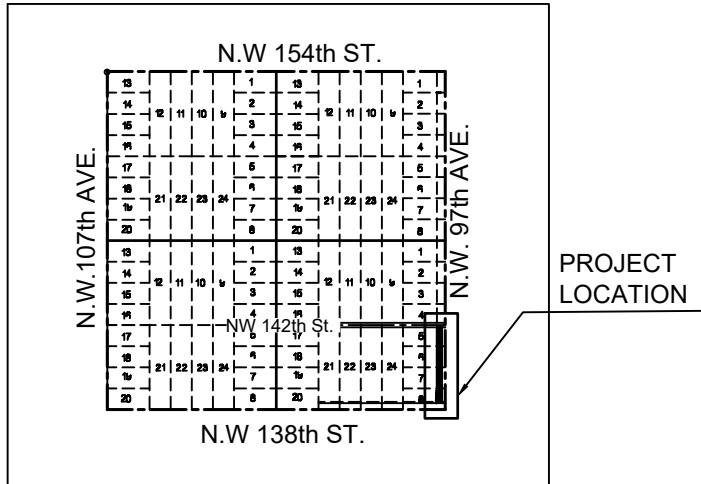
The property is owned by Atlas Retail, LLC and the above-stated canal reservation is located on the west side of NW 97 Avenue where the future NW 97 Avenue Canal is proposed. Atlas Retail, LLC has requested the release of a portion of unused canal reservation within the property and offered in exchange to dedicate a canal right-of-way, and a canal maintenance easement located within the canal reservation. The future NW 97 Avenue Canal will provide future conveyance between the Grahams Dairy Canal and the Golden Glades Canal, drainage, stormwater management and flood protection. It is recommended that the Board approve a Canal Right-of-Way and Canal Maintenance Easement between Atlas Retail, LLC and Miami-Dade County in exchange for the release of a portion of unused canal reservation. A general site sketch is attached as Exhibit 1 to this memorandum.



Jimmy Morales
Chief Operating Officer

EXHIBIT 1

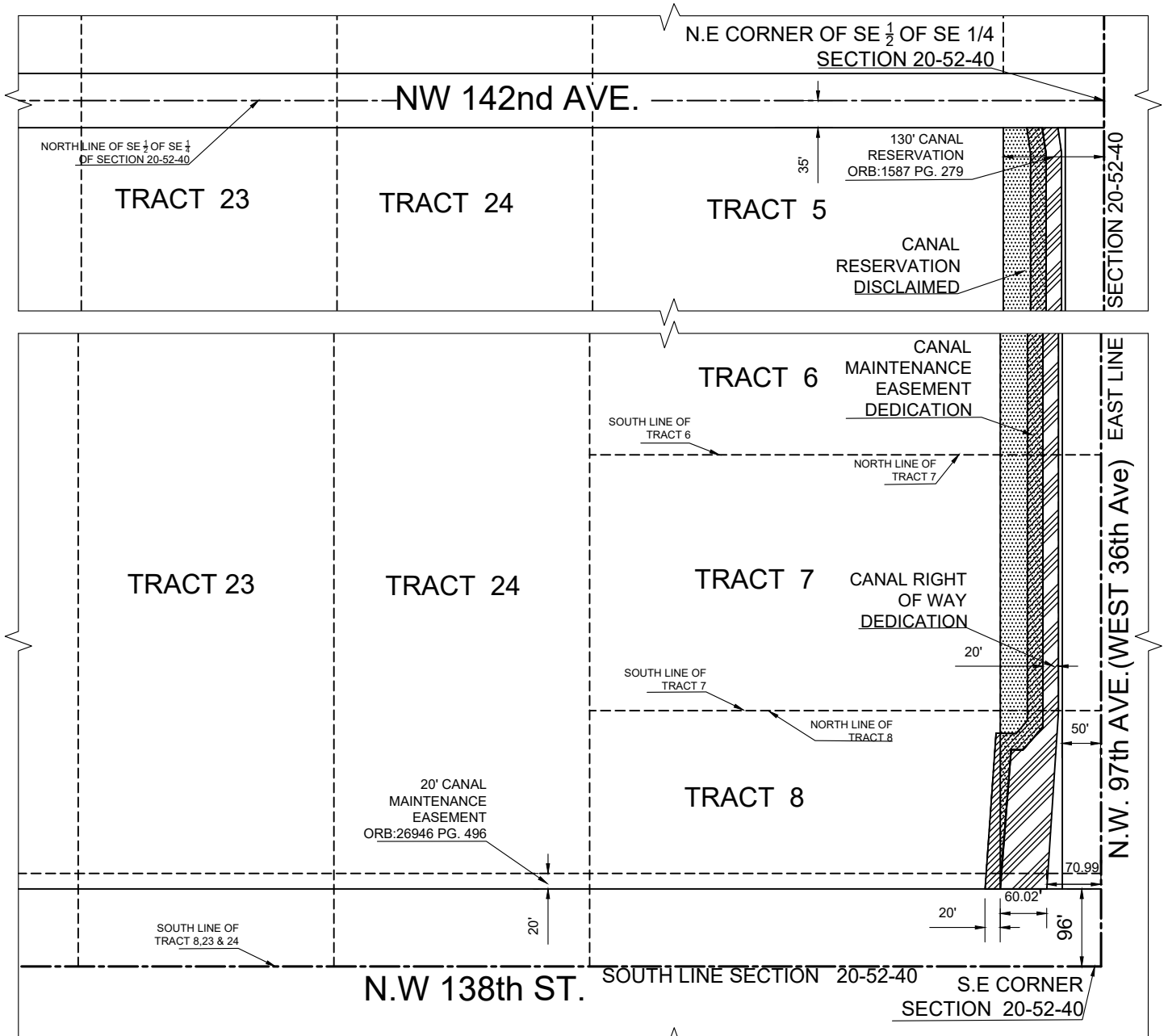
GENERAL SITE SKETCH



W.C. 939
SEC. 20
TWP. 52
RGE. 40

LEGEND:

- CANAL RESERVATION DISCLAIMED
- CANAL MAINTENANCE EASEMENT DEDICATION
- CANAL RIGHT OF WAY DEDICATION



NOT TO SCALE
MDC004



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: February 4, 2025

FROM: 
Glen 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 ____, 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(L)(1)
2-4-25

RESOLUTION NO. R-124-25

RESOLUTION APPROVING A CANAL RIGHT-OF-WAY DEED AND A CANAL MAINTENANCE EASEMENT BETWEEN ATLAS RETAIL LLC AND MIAMI-DADE COUNTY IN EXCHANGE FOR THE RELEASE OF A PORTION OF CANAL RESERVATION LOCATED ALONG NW 97 AVENUE AND NW 138 STREET IN THE CITY OF HIALEAH, MIAMI-DADE COUNTY; APPROVING A DISCLAIMER FOR THE RELEASE OF A PORTION OF CANAL RESERVATION; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CANAL RIGHT-OF-WAY DEED, CANAL MAINTENANCE EASEMENT AND 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 and accepts the Canal Right-of-Way Deed between Atlas Retail, LLC and Miami-Dade County in substantially the form attached hereto as Attachment A and made a part hereof.

Section 3. This Board hereby approves and accepts the Canal Maintenance Easement between Atlas Retail, LLC and Miami-Dade County in substantially the form attached hereto as Attachment B and made a part hereof.

Section 4. This Board hereby approves the Disclaimer for the release of a portion of canal reservation located along NW 97 Avenue and NW 138 Street, in substantially the form attached hereto as Attachment C and made a part hereof, releasing Miami-Dade County's interest in the portion of canal reservation.

Section 5. This Board authorizes the County Mayor or County Mayor's designee to execute the Canal Right-of-Way Deed between Atlas Retail LLC and Miami-Dade County for and on behalf of Miami-Dade County.

Section 6. This Board authorizes the County Mayor or County Mayor's designee to execute the Canal Maintenance Easement between Atlas Retail LLC and Miami-Dade County for and on behalf of Miami-Dade County.

Section 7. 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 these transactions.

Section 8. Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or County Mayor's designee to record the Canal Right-of-Way Deed and Canal Maintenance Easement accepted herein in the Public Records of Miami-Dade County, Florida and to provide a recorded copy of the instruments to the Clerk of the Board within 30 days of the execution of said instruments; and (b) directs the Clerk of the Board shall attach and permanently store a recorded copy of each instrument together with this resolution.

The foregoing resolution was offered by Commissioner **Marleine Bastien** , 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:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of February, 2025. 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 "CMR", written over a horizontal line.

Cristina M. Rabionet

ATTACHMENT A

Carlos A. Calvache

Miami-Dade County Department of

Environmental Resources Management

Miami, FL 33136-3912

Section 20, Township 52 South, Range 40 East

WC - 939

RIGHT-OF-WAY DEED TO MIAMI-DADE COUNTY CONVEYS THE TITLE FOR CANAL PURPOSES

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

THIS INDENTURE, Made this ____ day of ____, A.D. 202_ (the “Deed”), by and between **Atlas Retail, LLC**, a Delaware limited liability company, whose address is 336 E. Dania Beach Boulevard, Dania, FL, 33004, party of the first part, and **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, and its successors in interest, whose Post Office Address is 111 N.W. 1st Street, Miami, Florida 33128-1970, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant, bargain and sell to the party of the second part, and its successors in interest, for the purpose of a public canal and all public uses and purposes incidental thereto, including but not limited to the right of the party of the second part to ownership and disposal of all spoil material from said canal, the following described land, situate, lying and being in Miami-Dade County, State of Florida, to-wit:

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

It is the intention of the party of the first part, by this instrument, to convey to the said party of the second part, and its successors in interest, the land above described for use as a public canal and for other public uses and for all purposes incidental thereto.

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, claiming by, through or under it.

IN WITNESS WHEREOF, the said party of the first part, has caused these presents to be executed in its name, and its Corporate Seal to be hereunto affixed, by its proper officers thereunto duly authorized, signed for and on its behalf, the day and year first above written.

Signed, Sealed and Delivered
in our presence: (2 witnesses
for each signature or for all)

WITNESSES:

Ava M Bennett
Witness Signature

Ava M. Bennett
Witness Printed Name

336 E. Dania Beach Blvd, Dania, FL 33004
Witness Address

[Signature]
Witness Signature

Yannelly Clavero
Witness Printed Name

336 E. Dania Beach Blvd, Dania, FL 33004
Witness Address

Atlas Retail, LLC,
Delaware limited liability company

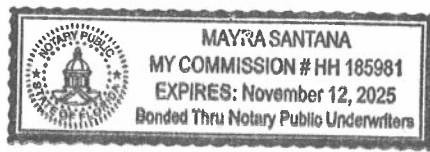
By: [Signature]
Alberto Michal-Buzali, Manager

366 E. Dania Beach Boulevard
Dania, Florida 33004

)SS
)

)

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



NOTARY SEAL/STAMP


Notary Signature

Notary Signature

Printed Notary Signature

Printed Notary Signature

Notary Public, State of Florida

My commission expires: 11/12/2025

Commission/Serial No. HH 185981

ATTEST:
JUAN FERNANDEZ-BARQUIN
CLERK and COMPTROLLER

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR OR MAYORS DESIGNEE

By: _____
Mayor or Mayor's Designee

By: _____
Deputy Clerk

Approved as to for
and legal sufficiency

Print: _____

Assistant County Attorney

The foregoing was accepted and approved on the ____ day of _____, A.D. 202__, by
Resolution No. _____ of the Board of County Commissioners of Miami-Dade County,
Florida.

NOTARY PUBLIC:

Sign _____

Print _____

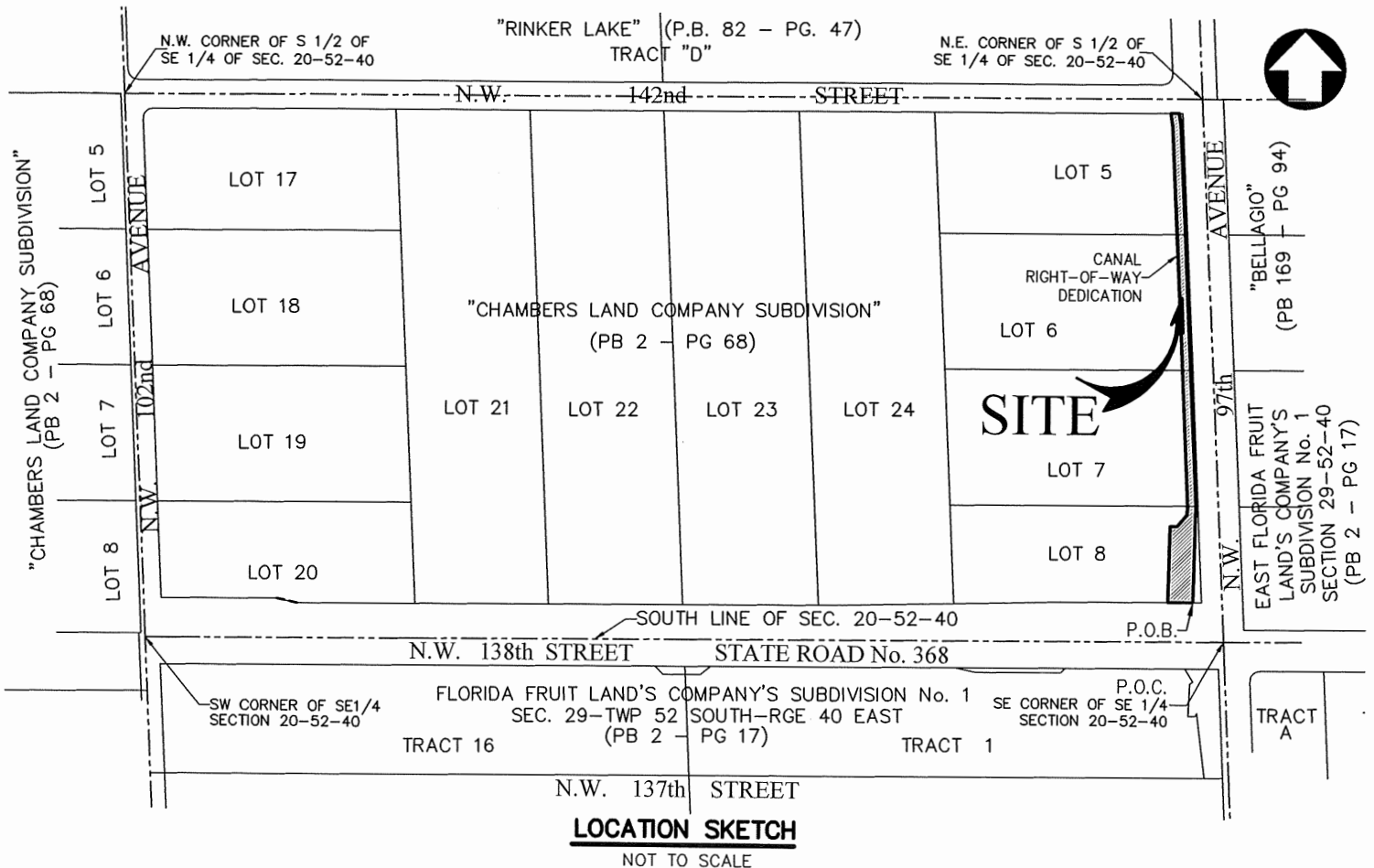
STATE OF FLORIDA at large

(Seal)

My commission expires: _____

EXHIBIT A

SKETCH AND LEGAL DESCRIPTION



J. BONFILL & ASSOCIATES, INC.

Florida Certificate of Authorization Number LB3398
7100 Southwest 99th Avenue, Suite 104
Miami, Florida 33173 Phone: 305.598.8383

Project: 04-0474 Job: 24-0050 Sketch & Legal

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

NOTICE:

Not complete without all Pages.

Page 1 of 4

LOCATION SKETCH

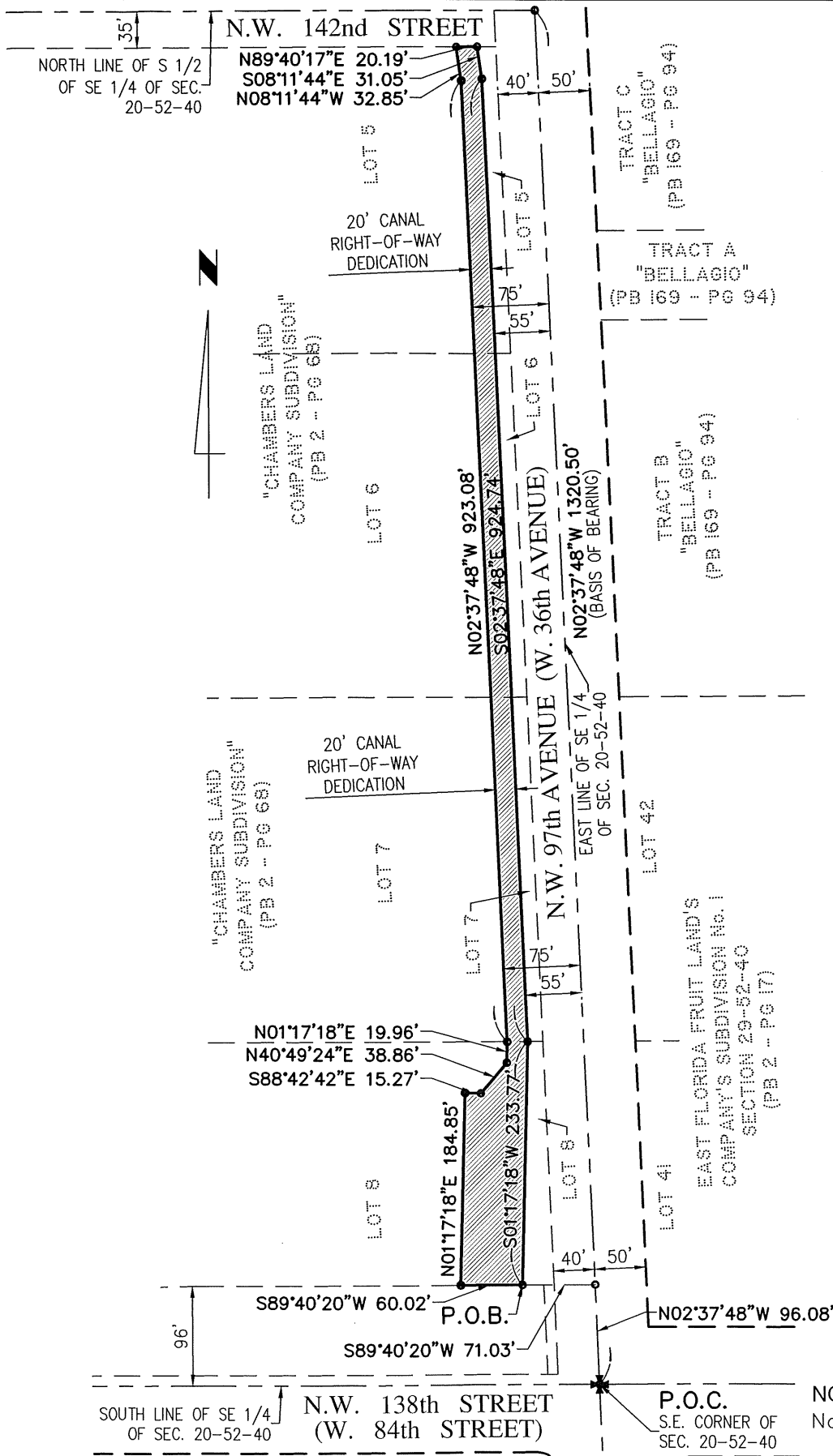
NOT TO SCALE

-THIS IS NOT A SURVEY-

MDC013

SKETCH AND LEGAL DESCRIPTION
CANAL RIGHT-OF-WAY DEDICATION
9715 NW 138th STREET, HIALEAH
MIAMI-DADE COUNTY, FLORIDA 33018
SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST

DATE: MARCH 22ND, 2024



LEGEND

P.O.B. Point of Beginning
P.O.C. Point of Commencement
P.B. Plat Book
PG. Page
R/W Right-of-Way
C/L Centerline
(C) Calculated
(R) Recorded

NOTICE:

Not complete without all Pages.

Page 2 of 4

SKETCH

-THIS IS NOT A
BOUNDARY SURVEY-

GRAPHIC SCALE



SCALE: 1" = 150'

MDC014

SKETCH AND LEGAL DESCRIPTION
CANAL RIGHT-OF-WAY DEDICATION
9715 NW 138th STREET, HIALEAH
MIAMI-DADE COUNTY, FLORIDA 33018
SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST

DATE: MARCH 22ND, 2024

SKETCH AND LEGAL DESCRIPTION

Canal Right-Of-Way Dedication:

A portion of Lots 5, 6, 7 and 8, of "CHAMBERS LAND COMPANY SUBDIVISION", according to the Plat thereof, as recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida, lying and being in Section 20, Township 52 South, Range 40 East, more particularly described as follows:

COMMENCE at the Southeast corner of Section 20, Township 52 South, Range 40 East; thence N02°37'48"W, along the East line of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 96.08 feet; thence S89°40'20"W, along a line 96.00 feet north of and parallel with the South line of the Southeast 1/4 of said Section 20, for a distance of 71.03 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence continue S89°40'20"W, along a line 96.00 feet north of and parallel with the South line of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 60.02 feet; thence N01°17'18"E, for a distance of 184.85 feet; thence S88°42'42"E, for a distance of 15.27 feet; thence N40°49'24"E, for a distance of 38.86 feet; thence N01°17'18"E, for a distance of 19.96 feet; thence N02°37'48"W, along a line 75.00 feet west of and parallel with the East line of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 923.08 feet; thence N08°11'44"W, for a distance of 32.85 feet; thence N89°40'17"E, along a line 35.00 feet south of and parallel with the North line of the South 1/2 of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 20.19 feet; thence S08°11'44"E, for a distance of 31.05 feet; thence S02°37'48"E, along a line 55.00 feet west of and parallel with the East line of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 924.74 feet; thence S01°17'18"W, for a distance of 233.77 feet to the POINT OF BEGINNING.

Containing 31,534 Square Feet or 0.72 Acres more or less by calculations.

NOTICE:

Not complete without all Pages.

Page 3 of 4

LEGAL DESCRIPTION

-THIS IS NOT A SURVEY-

SKETCH AND LEGAL DESCRIPTION
CANAL RIGHT-OF-WAY DEDICATION
9715 NW 138th STREET, HIALEAH
MIAMI-DADE COUNTY, FLORIDA 33018
SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST

MDC015

DATE: MARCH 22ND, 2024

SKETCH AND LEGAL DESCRIPTION

SOURCES OF DATA:

The Legal Description of the Subject Parcels of Land was generated from information provided by the client. In addition, the following sources of data were used to the extent required to complete this document in a defensible manner. That is to say:

—North Arrow and Bearings refer to an assumed value of N02°37'48"W along the Centerline of N.W. 97th Avenue (Public Road), Miami-Dade County, Florida. Said line is considered well-established and monumented.

CLIENT INFORMATION:

This Sketch and Legal Description was prepared at the insistence of:

—DACAR MANAGEMENT LLC

LIMITATIONS:

Since no other information other than what is cited in the Sources of Data was furnished, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch that may be found in the Public Records of Miami-Dade County, or any other public and private entities as their jurisdictions may appear. The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear in public records.

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

This sketch is an accurate graphic depiction of the legal description to which it is attached as per client's request.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch and Legal Description" was prepared under my direction and is true and correct to the best of my knowledge and belief. 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 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

J. BONFILL & ASSOCIATES, INC.

Florida Certificate of Authorization Number LB3398

7100 Southwest 99th Avenue, Suite 104

Miami, Florida 33173 Phone: 305.598.8383

By: 

Eugene Collings-Bonfill, P.S.M.

Professional Surveyor and Mapper No. 7037

State of Florida

March 22nd, 2024

Project: 04-0474 Job: 24-0050 Sketch & Legal

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps and Reports by other than the signing party are prohibited without the written consent of the signing party. This document consists of multiple Exhibits and Sheets. 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 of the Florida Administrative Code.

NOTICE:

Not complete without all Pages.

Page 4 of 4

LEGAL DESCRIPTION

-THIS IS NOT A SURVEY-

SKETCH AND LEGAL DESCRIPTION
CANAL RIGHT-OF-WAY DEDICATION
9715 NW 138th STREET, HIALEAH
MIAMI-DADE COUNTY, FLORIDA 33018
SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST

MDC016

DATE: MARCH 22ND, 2024

ATTACHMENT B

Instrument prepared by and return to:

Carlos A. Calvache
Miami-Dade County Department of
Regulatory and Economic Resources
Division of Environmental Resources Management
701 NW 1st Court, 6th Floor
Miami, FL 33136-3912
Folio No.: Portion of 04-2020-001-0150
WC - 939

EASEMENT FOR CANAL MAINTENANCE

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

THIS INDENTURE, Made this ____ day of ____, A.D. 202__, by and between **Atlas Retail, LLC**, a Delaware limited liability company, whose post office address is 336 E. Dania Beach Boulevard, Dania, FL 33004, party of the first part, and **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, and its successors in interest, whose Post Office Address is 111 NW 1st Street, Miami, Florida 33128-1970, party of the second part,

WITNESSETH:

KNOW ALL MEN BY THESE PRESENTS that whereas the said party of the first part is the owner of the hereinafter described real property in Miami-Dade County, Florida and

WHEREAS, the parties hereto desire that the drainage canal which lies adjacent to said real property be maintained and kept free and clear of all obstruction, debris, silt, hyacinths, and other vegetable matter, and the party of the first part, to accomplish said purpose, is willing to convey to the party of the second part an easement hereinafter described to be used by the party of the second part for the construction, cleaning and maintenance of said canal.

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant, bargain and sell to the party of the second part, and its successors in interest, an easement over, along and across the following described real property lying and being in Miami-Dade County, State of Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF

together with the right to remove all trees, growth and shrubbery therefrom and to temporarily deposit such spoil, silt, hyacinths, and other vegetable matter which the party of the second part shall remove from the canal from time to time in the construction, cleaning and maintenance of said canal, and together also with

the right to the party of the second part to use said strip of land in such manner as may be necessary in the operation of the equipment used by the party of the second part in the construction and cleaning of said canal.

It is the intention of the party of the first part, by this instrument, to convey to the said party of the second part, and its successors in interest, the land above described to provide access to the canal maintenance pad within the canal right-of-way and for the purpose of canal maintenance and all public uses and for all public purposes incidental thereto.

All of the provisions hereof shall inure to the benefit of the heirs, executors administrators, grantees, assigns and the successors in interest of the respective parties.

THE REMAINDER OF THIS PAGE
WAS
INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the said party of the first part, has caused these presents to be executed in its name, and its Corporate Seal to be hereunto affixed, by its proper officers thereunto duly authorized, signed for and on its behalf, the day and year first above written.

Signed, Sealed and Delivered
in our presence: (**2 witnesses**
for each signature or for all)

WITNESSES:


Witness Signature

Anna M. Bennett
Witness Printed Name

336 E. Dania Beach Blvd, Dania, FL 33004
Witness Address


Witness Signature

Yannelly Clavero
Witness Printed Name

336 E. Dania Beach Blvd, Dania, FL 33004
Witness Address

PARTY OF THE FIRST PART:

Atlas Retail, LLC


By: Manager

Alberto Michas-Buzali
Printed Name

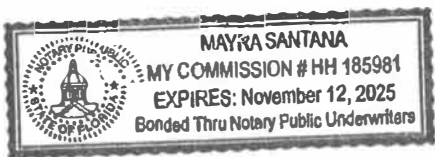
336 E. Dania Beach Boulevard,
Dania, FL 33004

STATE OF Florida
COUNTY OF Broward

)
)SS
)

I **HEREBY CERTIFY**, the foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 18th day of April, 2024 by Alberto Micha-Buzali, ☒ personally known to me, or ☐ proven by producing the following identification: _____, to be the Member(s) duly authorized on behalf of Atlas Retail, LLC, a Delaware limited liability company. Said Member(s) executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

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



Mayra Santana
Notary Signature

Mayra Santana
Printed Notary Signature

NOTARY SEAL/STAMP

Notary Public, State of Florida

My commission expires: 11/12/2025

Commission/Serial No. HH 185981

ATTEST:
JUAN FERNANDEZ-BARQUIN
CLERK and COMPTROLLER

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR OR MAYORS DESIGNEE

By: _____
Mayor or Mayor's Designee

By: _____
Deputy Clerk

Approved as to for
and legal sufficiency

Print: _____

Assistant County Attorney

The foregoing was accepted and approved on the ____ day of _____, A.D. 202_, by
Resolution No. _____ of the Board of County Commissioners of Miami-Dade County,
Florida.

NOTARY PUBLIC:

Sign _____

Print _____

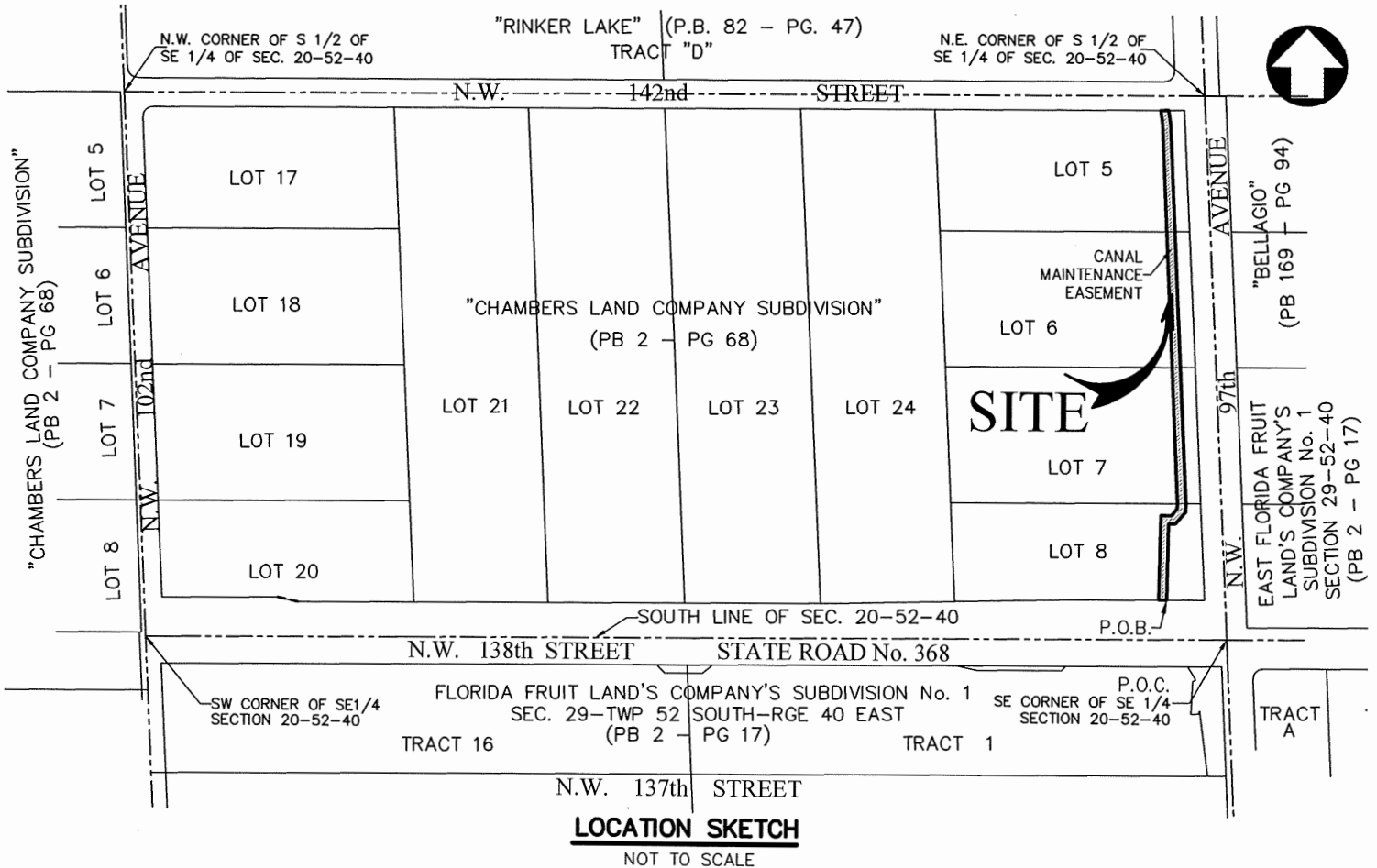
STATE OF FLORIDA at large

(Seal)

My commission expires: _____

EXHIBIT A

SKETCH AND LEGAL DESCRIPTION



J. BONFILL & ASSOCIATES, INC.

Florida Certificate of Authorization Number LB3398
7100 Southwest 99th Avenue, Suite 104
Miami, Florida 33173 Phone: 305.598.8383

Project: 04-0474 Job: 24-0048 Sketch & Legal

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

NOTICE:

Not complete without all Pages.

Page 1 of 4

LOCATION SKETCH

NOT TO SCALE

-THIS IS NOT A SURVEY-

SKETCH AND LEGAL DESCRIPTION
CANAL MAINTENANCE EASEMENT
9715 NW 138th STREET, HIALEAH
MIAMI-DADE COUNTY, FLORIDA 33018
SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST

MDC022

DATE: MARCH 20TH, 2024

DATE: MARCH 20TH, 2024

SKETCH AND LEGAL DESCRIPTION

Canal Maintenance Easement:

A portion of Lots 5, 6, 7 and 8, of "CHAMBERS LAND COMPANY SUBDIVISION", according to the Plat thereof, as recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida, lying and being in Section 20, Township 52 South, Range 40 East, being more particularly described as follows:

COMMENCE at the Southeast corner of Section 20, Township 52 South, Range 40 East; thence N02°37'48"W, along the East line of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 96.08 feet; thence S89°40'20"W, along a line 96.00 feet north of and parallel with the South line of the Southeast 1/4 of said Section 20, for a distance of 131.06 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence continue S89°40'20"W, along a line 96.00 feet north of and parallel with the South line of the Southeast 1/4 of said Section 20, for a distance of 20.01 feet; thence N01°17'18"E, for a distance of 205.42 feet; thence S88°42'42"E, for a distance of 25.84 feet; thence N40°49'24"E, for a distance of 22.24 feet; thence N01°17'18"E, for a distance of 12.08 feet; thence N02°37'48"W, along a line 95.00 feet west of and parallel with the East line of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 921.43 feet; thence N08°11'44"W, for a distance of 34.64 feet; thence N89°40'17"E, along a line 35.00 feet south of and parallel with the North line of the South 1/2 of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 20.19 feet; thence S08°11'44"E, for a distance of 32.85 feet; thence S02°37'48"E, along a line 75.00 feet west of and parallel with the East line of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 923.08 feet; thence S01°17'18"W, for a distance of 19.96 feet; thence S40°49'24"W, for a distance of 38.86 feet; thence N88°42'42"W, for a distance of 15.27 feet; thence S01°17'18"W, for a distance of 184.85 feet to the POINT OF BEGINNING.

Containing 24,365 Square Feet or 0.56 Acres more or less by calculations.

NOTICE:

Not complete without all Pages.

Page 3 of 4

LEGAL DESCRIPTION
-THIS IS NOT A SURVEY-

SKETCH AND LEGAL DESCRIPTION
CANAL MAINTENANCE EASEMENT
9715 NW 138th STREET, HIALEAH
MIAMI-DADE COUNTY, FLORIDA 33018
SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST

MDC024

DATE: MARCH 20TH, 2024

SKETCH AND LEGAL DESCRIPTION

SOURCES OF DATA:

The Legal Description of the Subject Parcels of Land was generated from information provided by the client. In addition, the following sources of data were used to the extent required to complete this document in a defensible manner. That is to say:

—North Arrow and Bearings refer to an assumed value of N02°37'48"W along the Centerline of N.W. 97th Avenue (Public Road), Miami—Dade County, Florida. Said line is considered well—established and monumented.

CLIENT INFORMATION:

This Sketch and Legal Description was prepared at the insistence of:

—DACAR MANAGEMENT LLC

LIMITATIONS:

Since no other information other than what is cited in the Sources of Data was furnished, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch that may be found in the Public Records of Miami—Dade County, or any other public and private entities as their jurisdictions may appear. The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear in public records.

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

This sketch is an accurate graphic depiction of the legal description to which it is attached as per client's request.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch and Legal Description" was prepared under my direction and is true and correct to the best of my knowledge and belief. 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 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

J. BONFILL & ASSOCIATES, INC.

Florida Certificate of Authorization Number LB3398
7100 Southwest 99th Avenue, Suite 104
Miami, Florida 33173 Phone: 305.598.8383

By: _____

Eugene Collings-Bonfill, P.S.M.

Professional Surveyor and Mapper No. 7037

State of Florida

March 20th, 2024

Project: 04-0474 Job: 24-0048 Sketch & Legal

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps and Reports by other than the signing party are prohibited without the written consent of the signing party. This document consists of multiple Exhibits and Sheets. 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 of the Florida Administrative Code.

NOTICE:

Not complete without all Pages.

Page 4 of 4

LEGAL DESCRIPTION

-THIS IS NOT A SURVEY-

SKETCH AND LEGAL DESCRIPTION
CANAL MAINTENANCE EASEMENT
9715 NW 138th STREET, HIALEAH
MIAMI-DADE COUNTY, FLORIDA 33018
SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST

MDC025

DATE: MARCH 20TH, 2024

Instrument prepared by and return to:

Carlos A. Calvache
Miami-Dade County Department of
Regulatory and Economic Resources
Division of Environmental Resources Management
701 NW 1st Court, 6 Floor
Miami, FL 33136-3912
Folio No. 04-2020-001-0150
WC - 939

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. 21 dated August 6, 1959 recorded in Official Records Book 1587 at Page 274 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 land depicted in Exhibit “A”; and

WHEREAS, the aforesaid rights in reservations upon the said above-described land depicted in Exhibit “A” is not now needed by **MIAMI-DADE COUNTY** for canal purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the aforementioned land depicted in Exhibit “A” said Rights in Reservations Deed No. 21 dated August 6, 1959 recorded in Official Records Book 1587 at Page 274 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 _____ 2024.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR OR MAYOR'S DESIGNEE

JUAN FERNANDEZ-BARQUIN
CLERK and COMPTROLLER

By: _____
Deputy Clerk

By: _____
Mayor or Mayor's Designee

Print: _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 20__, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

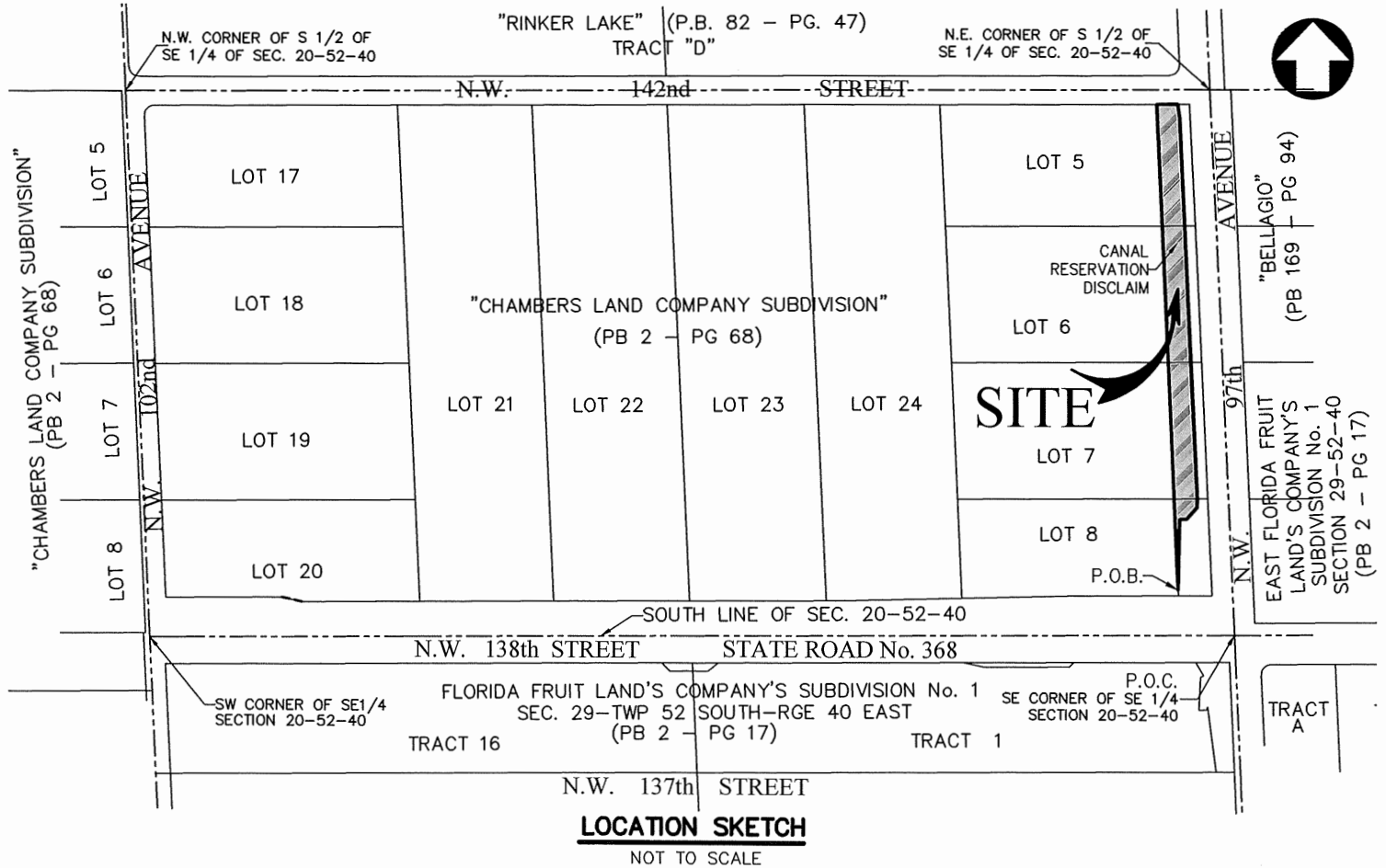
Print _____

STATE OF FLORIDA at large
(Seal)

My commission expires: _____

EXHIBIT A

SKETCH AND LEGAL DESCRIPTION



J. BONFILL & ASSOCIATES, INC.

Florida Certificate of Authorization Number LB3398
7100 Southwest 99th Avenue, Suite 104
Miami, Florida 33173 Phone: 305.598.8383

Project: 04-0474 Job: 24-0049 Sketch & Legal

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

NOTICE:

Not complete without all Pages.

Page 1 of 4

LOCATION SKETCH

NOT TO SCALE

-THIS IS NOT A SURVEY-

MDC028

SKETCH AND LEGAL DESCRIPTION
CANAL RESERVATION DISCLAIM
9715 NW 138th STREET, HIALEAH
MIAMI-DADE COUNTY, FLORIDA 33018
SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST

DATE: MARCH 23RD, 2024

DATE: MARCH 23RD, 2024

SKETCH AND LEGAL DESCRIPTION

Canal Reservation Disclaim:

A portion of Lots 5, 6, 7 and 8, of "CHAMBERS LAND COMPANY SUBDIVISION", according to the Plat thereof, as recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida, lying and being in Section 20, Township 52 South, Range 40 East, being more particularly described as follows:

COMMENCE at the Southeast corner of Section 20, Township 52 South, Range 40 East; thence N02°37'48"W, along the East line of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 96.08 feet; thence S89°40'20"W, along a line 96.00 feet north of and parallel with the South line of the Southeast 1/4 of said Section 20, for a distance of 130.11 feet; thence N02°37'48"W, along a line 130.00 feet west of and parallel with the East line of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 13.90 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence continue thence N02°37'48"W, along a line 130.00 feet west of and parallel with the East line of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 1175.49 feet; thence N89°40'17"E, along a line 35.00 feet south of and parallel with the North line of the South 1/2 of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 51.86 feet; thence S08°11'44"E, for a distance of 32.85 feet; thence S02°37'48"E, along a line 75.00 feet west of and parallel with the East line of the Southeast 1/4 of Section 20, Township 52 South, Range 40 East, for a distance of 923.08 feet; thence S01°17'18"W, for a distance of 19.96 feet; thence S40°49'24"W, for a distance of 38.86 feet; thence N88°42'42"W, for a distance of 15.27 feet; thence S01°17'18"W, for a distance of 170.96 feet to the POINT OF BEGINNING.

Containing 55,763 Square Feet or 1.28 Acres more or less by calculations.

NOTICE:

Not complete without all Pages.

Page 3 of 4

LEGAL DESCRIPTION
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SKETCH AND LEGAL DESCRIPTION
CANAL RESERVATION DISCLAIM
9715 NW 138th STREET, HIALEAH
MIAMI-DADE COUNTY, FLORIDA 33018
SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST

MDC030

DATE: MARCH 23RD, 2024

SKETCH AND LEGAL DESCRIPTION

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CLIENT INFORMATION:

This Sketch and Legal Description was prepared at the insistence of:

—DACAR MANAGEMENT LLC

LIMITATIONS:

Since no other information other than what is cited in the Sources of Data was furnished, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch that may be found in the Public Records of Miami-Dade County, or any other public and private entities as their jurisdictions may appear. The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear in public records.

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

This sketch is an accurate graphic depiction of the legal description to which it is attached as per client's request.

SURVEYOR'S CERTIFICATE:

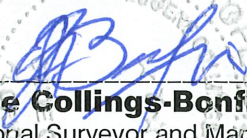
I hereby certify: That this "Sketch and Legal Description" was prepared under my direction and is true and correct to the best of my knowledge and belief. Further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

J. BONFILL & ASSOCIATES, INC.

Florida Certificate of Authorization Number LB3398

7100 Southwest 99th Avenue, Suite 104

Miami, Florida 33173 Phone: 305.598.8383

By: 

Eugene Collings-Bonfill, P.S.M.

Professional Surveyor and Mapper No. 7037

State of Florida

March 23rd, 2024

Project: 04-0474 Job: 24-0049 Sketch & Legal

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Page 4 of 4

LEGAL DESCRIPTION
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SKETCH AND LEGAL DESCRIPTION
CANAL RESERVATION DISCLAIM
9715 NW 138th STREET, HIALEAH
MIAMI-DADE COUNTY, FLORIDA 33018
SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST

MDC031

DATE: MARCH 23RD, 2024