

MEMORANDUM

Agenda Item No. 8(N)(5)

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

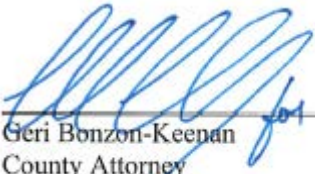
DATE: June 26, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the conveyance of a Perpetual Easement of approximately 6,017 square feet on County-owned property including a portion of Folio No. 30-3129-030-0001 generally located at the intersection of NW 28th Street and NW South River Drive in unincorporated Miami-Dade County required by the Florida Department of Transportation for right of way purposes to construct and maintain a rail facility, utilities, and appurtenances thereon in connection with the Miami River-Miami Intermodal Center Capacity Improvements project in accordance with section 125.38, Florida Statutes, for the nominal amount of \$1.00; authorizing the County Mayor to execute donation letter, to execute the Perpetual Easement, to take all actions necessary to effectuate the conveyance and to exercise all rights set forth therein

Resolution No. R-578-25

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Natalie Milian Orbis.



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Memorandum



Date: June 26, 2025

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

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Resolution Authorizing the Conveyance of a Perpetual Easement of Approximately 6,017 Square Feet on County-Owned Property to the Florida Department of Transportation for the Miami River – Miami Intermodal Center Capacity Improvements

Summary

This item authorizes the Miami-Dade County (County) Mayor to convey a perpetual easement (Perpetual Easement) consisting of approximately 6,017 square feet on the County-owned property, Folio Number 30-3129-030-0001 (Property), generally located at the intersection of NW 28th Street and NW South River Drive in Miami-Dade County, Florida, as more specifically depicted in Exhibit A, to the Florida Department of Transportation (FDOT) for right of way purposes to construct and maintain a rail facility, utilities, and appurtenances thereon. FDOT has requested the conveyance of the Perpetual Easement (Exhibit B) to aid in the undertaking of the Miami River – Miami Intermodal Center Capacity Improvements project, FM No. 4294872, (Project), which involves a set of bridge, track, and signal improvements along a 1.25-mile segment near the Miami International Airport and the Miami Intermodal Center.

The specific overall project improvements will (1) add a double track from the Hialeah Market Tri-Rail Station to the Tri-Rail Miami Airport Station, (2) add two single-track bridges to replace an existing single track bridge which has outlived its useful life, (3) upgrade the railroad signal system, (4) upgrade the safety infrastructure in multiple at-grade crossings, and (5) add a center platform boarding area at the Hialeah Market Tri-Rail Station.

Miami-Dade County Department of Transportation and Public Works (DTPW) currently utilizes the Property as a retention pond for its existing Metrorail system which is situated on the route to the Miami Intermodal Center. Studies have been performed, and the results indicate that DTPW's current use of the Property can coexist with FDOT's Project without disruption to DTPW's current use. Such conveyance is consistent with the provisions of Florida Statutes, Section 125.38 (Sale of county property to United States or state).

Recommendation

It is recommended that the Miami-Dade Board of County Commissioners (Board) approve the resolution authorizing the conveyance of the Perpetual Easement to FDOT. On February 20, 2025, FDOT formally requested the donation of the Perpetual Easement (Exhibit C). It is in the County's best interest to convey FDOT a Perpetual Easement for right of way purposes to construct and maintain a rail facility, utilities, and appurtenances thereon.

More specifically, the resolution does the following:

- (1) Authorizes the County Mayor or County Mayor's designee to take all actions necessary to exercise all rights set forth in the Perpetual Easement including, but not limited to, exercising the County's reversionary interest, when applicable;

- (2) Authorizes the County Mayor or the County Mayor's designee to execute the Perpetual Easement and authorizes the County Mayor or County Mayor's designee to record the instrument of conveyance in the public records of Miami-Dade County; and
- (3) Authorizes the County Mayor or the County Mayor's designee to execute the FDOT Donation Letter 575-030-12 (Donation Letter) (Exhibit D).

Scope

The Property is located in Commission District 6, which is represented by Commissioner Natalie Milian Orbis. Written notice of the conveyance was provided to the District Commissioner's Office.

Fiscal Impact/Funding Source

The Property will be conveyed in lieu of proceeding with condemnation by eminent domain. FDOT has agreed to pay the recording fees, if any, upon the conveyance of the executed Perpetual Easement. FDOT will be responsible for maintaining its proposed improvements in the easement area.

Track Record/Monitoring

DTPW is the entity overseeing this item and the person responsible for monitoring it is Javier Bustamante, Assistant Director, Transit Project Management & Support Services Division, DTPW, Right-of-Way Division.

Delegation of Authority

This item authorizes the County Mayor or the County Mayor's designee to (1) execute the Perpetual Easement, (2) execute the Donation Letter, and (3) accomplish the conveyance of the Perpetual Easement to FDOT and to exercise all provisions set forth therein.

Background

In 2009, DTPW and FDOT permitted the construction of the MIC-Earlington Heights Connector Project within the CSX Railroad rights-of-way, preserving an envelope that contemplated quadruple tracking underneath DTPW infrastructure. The current FDOT Project implements double tracking in this location, as previously contemplated with DTPW.

On May 25, 2023, DTPW received a written offer in the amount of \$364,500 from FDOT (Exhibit E) to convey a Perpetual Easement on the Property for right of way purposes to construct and maintain a rail facility, utilities, and appurtenances thereon. Since the submission of FDOT's request in 2023, DTPW and FDOT have been in protracted negotiations regarding indemnification for the County and other safety-related constructability considerations, as well as analyses confirming viable coexistence of utilization by DTPW and FDOT. On February 20, 2025, DTPW and FDOT resolved said negotiations.

Section 337.25 of the Florida Statutes allows FDOT to request donations of County-owned property for public benefit and to use the donation for the planned improvements. FDOT is requesting the donation of the Perpetual Easement for a nominal price of \$1.00. Section 125.38 of the Florida Statutes authorizes the Board to convey County-owned property to other state governments for nominal consideration regardless of the actual value of the property. DTPW's conveyance for nominal value would be for the benefit of the public, community interest, and welfare.

In the event FDOT discontinues the use of the Perpetual Easement for transportation purposes, it will revert to the County at no cost to the County. The anticipated construction start date is Summer 2025.

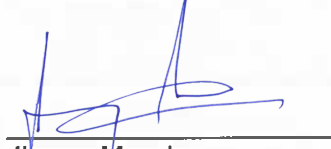
The Property was circulated by PIOD to all County Departments to determine whether the County has a present or future need for the area which is intended to be donated by Perpetual Easement, and no responses were received. DTPW has determined that its existing and future use is consistent with FDOT's proposed use. Upon the completion of the circulation process, the Property was then forwarded to RER for its determination of zoning, land use classification, confirmation of buildable status, environmental assessment, and verification of connectivity to water and sewer. The findings are as follows:

- Zoning: 7300 Industrial- Heavy MFG
- Land Use: 0000
- Buildable: The property is not buildable as it is currently used as a retention pond by DTPW.
- Potable water supply & sewer availability: N/A

FDOT and DTPW conducted title investigations which concluded that there are no restrictions, limitations, encumbrances, or other conditions that would preclude the conveyance of the Perpetual Easement.

In adherence with Implementing Order 8-4, PIOD staff completed its due diligence requirements and found no issues with the land or title that would preclude its conveyance or that would result in a financial impact. Therefore, it is recommended that the Board approve the County's conveyance of the Perpetual Easement to FDOT for nominal value, as this donation will aid in the construction of highly needed improvements near the Miami Intermodal Center in connection with regional transportation systems, which will significantly reduce delays for existing transit passengers, both in the regional and County level, and will improve safety along the corridor.

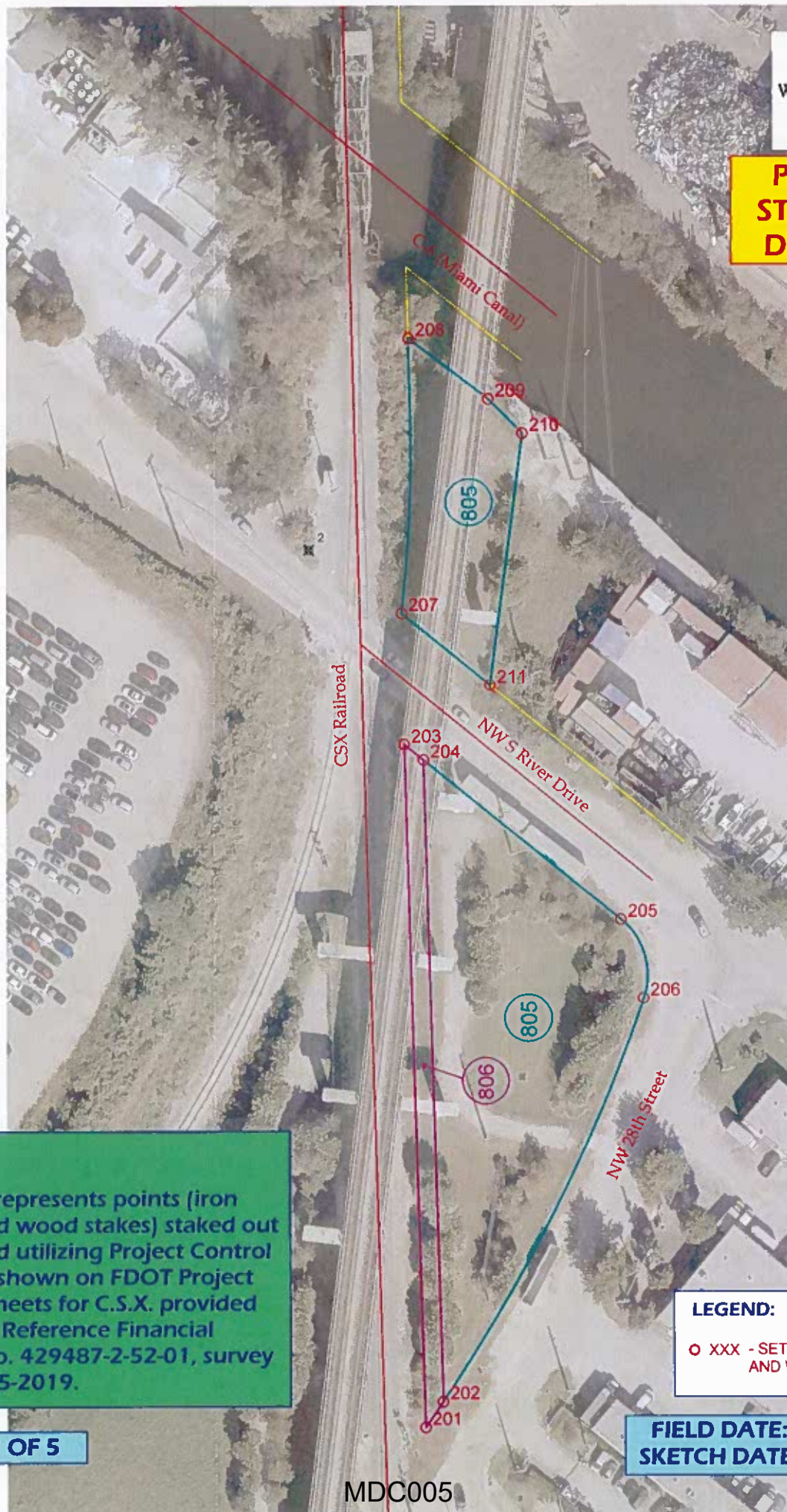
Attachments

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

Jimmy Morales
Chief Operating Officer



PARCELS STAKEOUT DIAGRAM



Notes:

Diagram represents points (iron rebars and wood stakes) staked out in the field utilizing Project Control Points as shown on FDOT Project Control Sheets for C.S.X. provided by Client. Reference Financial Project No. 429487-2-52-01, survey date 07-15-2019.

LEGEND:

○ XXX - SET IRON REBAR AND WOOD STAKE

SITE PHOTOS



**NE CORNER OF PARCEL 805
(NORTH) LOOKING SOUTHERLY**



**NW CORNER OF PARCEL 805
(NORTH) LOOKING SOUTHERLY**



**NW CORNER OF PARCEL 805
(NORTH) LOOKING NORTHERLY**

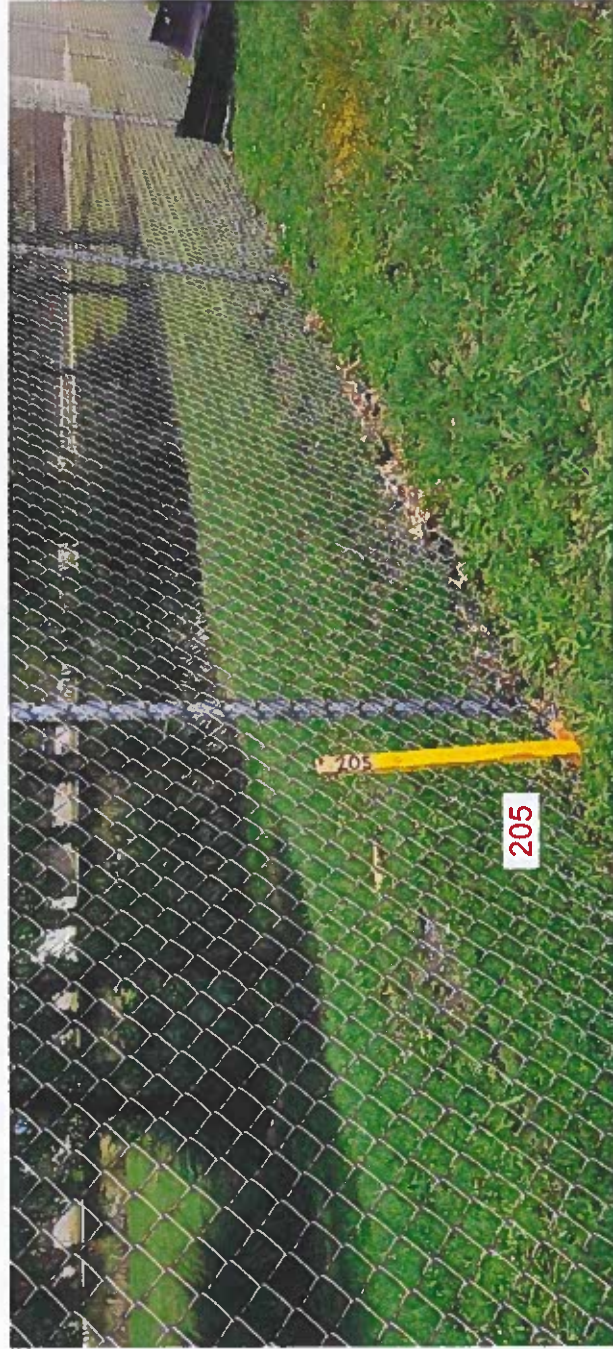


SE CORNER OF PARCEL 805 (NORTH) LOOKING NORTHWESTERLY

MDC007



SE CORNER OF PARCEL 805 (SOUTH) LOOKING SOUTHWESTERLY



NW CORNER OF PARCEL 805 (SOUTH) LOOKING SOUTHEASTERLY



SW CORNER OF PARCEL 806 AND SW CORNER OF PARCEL 805 (SOUTH)
LOOKING NORTHEASTERLY



NW CORNER OF PARCEL 806 AND NW CORNER OF PARCEL 805
(SOUTH) LOOKING SOUTHEASTERLY

EXHIBIT "B"

07-PE.11-07/18

This instrument prepared under the direction of:

Elizabeth S. Quintana, Esq.

District 4 Assistant General Counsel

Legal Description prepared by:

Jeffrey D. Smith, P.S.M (01-25-2024)

Document prepared by:

Nancy Ferreira

Florida Department of Transportation

Right of Way Production Services

3400 W. Commercial Boulevard

Fort Lauderdale, Florida 33309

Parcel No. 806.1R(02-25-2025)

Item/Segment No. 4294872

Section: 87270-2500

Managing District: 04

S.R. No. CSX

County: Miami-Dade

Portion of Folio Number: 30-3129-030-0001

PERPETUAL EASEMENT

THIS EASEMENT Made this _____ day of _____, 20____, by **MIAMI-DADE COUNTY, a political subdivision of the State of Florida**, whose address is: 111 N.W. 1st Street, Miami, Florida 33128, Grantor, and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, its successors and assigns, Grantee.

WITNESSETH: That the Grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the Grantee, its successors and assigns, **a perpetual easement for the purposes specified in Exhibit "A" as specifically set forth in the construction plans attached hereto as Exhibit "B"** in, over, under, upon and through the following described land in **Miami-Dade County, Florida**, viz:

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

SUBJECT TO the following conditions:

THAT Grantee's use of the easement area shall not unreasonably interfere with the Grantor's use of the area which is for transit right of way, maintenance and access to the existing structure.

THAT Grantee shall not obstruct the Grantor's transit right of way uses within the easement area, except as may be required temporarily from time to time to exercise its easement rights. Any such work is subject to formal approval and permit by Grantor. Grantee shall, at Grantee's sole cost and expense, promptly repair any damage to the Grantor's property including but not limited to the easement area, resulting from Grantee exercising its rights and obligations hereunder.

THAT Grantee is solely responsible for the maintenance, operations and safety of its improvements and use relating to the easement area.

THAT Grantee will indemnify and hold Grantor harmless from any and all damages, liability, claims, demands and suits and of any nature associate with Grantee's design and construction on the subject

premises and Grantee's use thereof, to the extent and within the limitations of Section 768.28, Florida Statutes. However, nothing herein shall be deemed to indemnify Grantor from any liability or claim arising out of the negligent performance or failure of performance of Grantor.

THAT neither the Grantor or Grantee shall cause, or allow to be caused, any nuisance or objectionable activity of any nature on the easement area, including activities involving hazardous materials or regulated substances of any kind, which may constitute a risk of any kind on the easement area, or Grantor's or Grantee's right of way uses as stated herein, and property within the easement area.

THAT Grantee shall require its contractors to, at a minimum, maintain and carry, at all times insurance naming the Grantor (County) as an additional insured, during construction, inspection, maintenance, repair and replacement of the rail facility embankment or performing any work within the easement area.

THAT this easement and all activities to be undertaken hereunder, are subject to all applicable permit requirements and applicable laws. Prior to commencement of construction work within the easement area, Grantee must submit to Grantor its approved construction plans per the permit requirements and coordination of activities related thereto.

THAT in the event this Easement is permanently discontinued or abandoned, Grantee's Easement shall terminate, Grantor shall have the right to immediately repossess same and all property rights shall automatically revert to the Grantor without the necessity of any further action or proceeding. In such event, Grantee shall restore the Easement Area to a like or similar condition as existed prior to the conveyance of the Easement, at its sole cost and expense.

THAT the provisions of this easement may be enforced by all appropriate actions at law and in equity by the respective parties.

THAT Grantor makes no representations as to the title or condition of the property within the easement area or the suitability of the easement area property for the use intended hereunder.

The rights and obligations of the parties shall inure to the benefit of and be binding upon their respective successors and assigns.

This instrument may be amended or modified only by written instrument, executed and acknowledged by the parties hereto or their successors and assigns, and recorded in the Public Records of Miami-Dade County.

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns forever.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

**ATTEST: Juan Fernandez-Barquin,
Clerk of the Court and Comptroller**

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

By: _____

(Deputy Clerk Signature)

By: _____

Print Name: _____
County Mayor or Mayor's designee

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Attorney approved as to form:

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

Name: ELIZABETH S. QUINTANA

BY: _____
Name: STEVEN C. BRAUN, P.E.
District 4 Secretary

Signed, sealed and delivered in the presence of: (Two witnesses required by Florida Law)

Witness (1) Information:

Witness (2) Information:

Signature

Signature

Print Name:

Print Name:

3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309

3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20____, by STEVEN C. BRAUN, P.E., District 4 Secretary, ☐ who is personally known by me or ☐ who has produced _____ as identification.

(SEAL)

Notary Public

Printed or stamped name of Notary Public

My Commission Expires: _____

EXHIBIT "A"

Parcel No. 806

Item/Segment No. 4294872

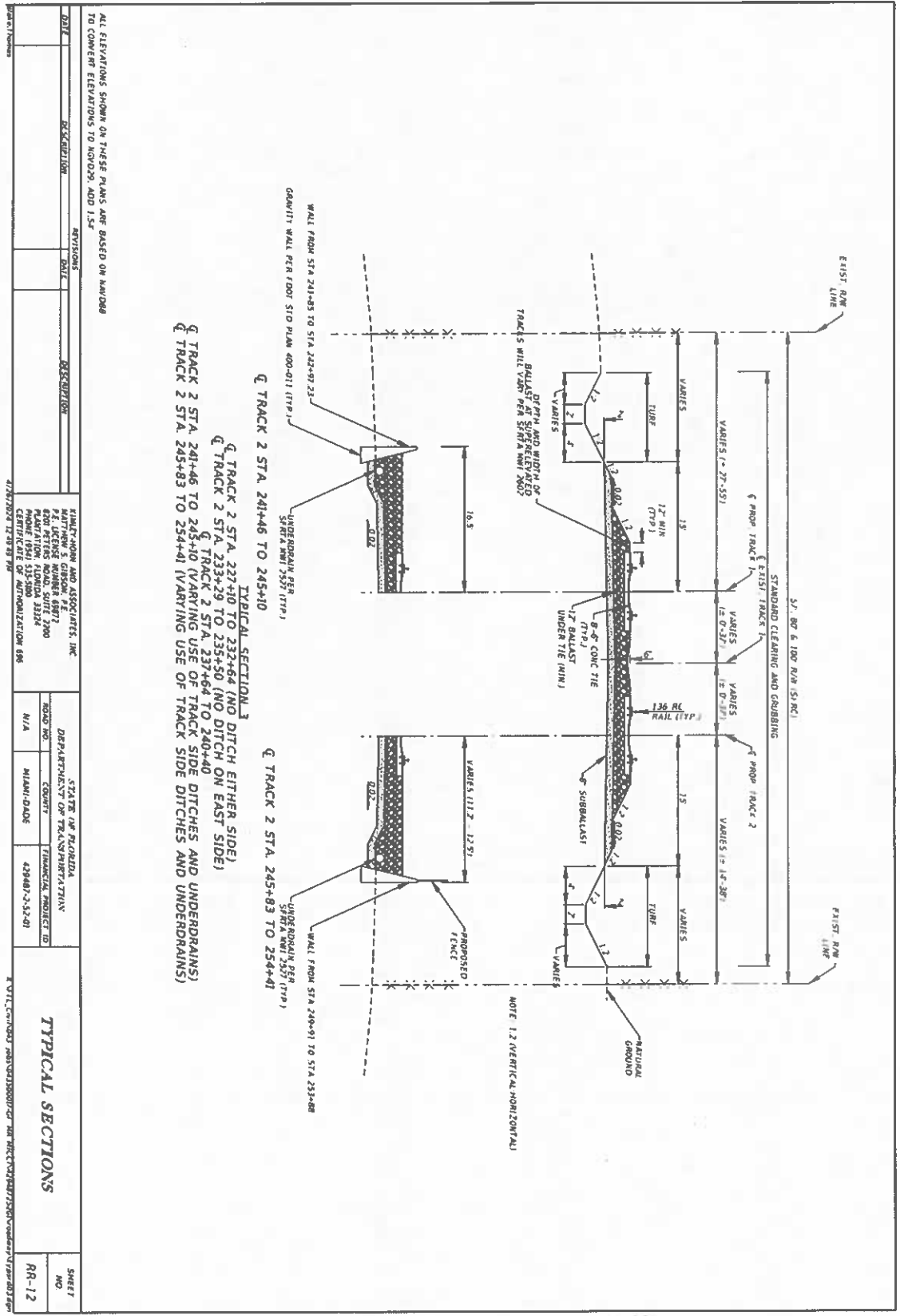
A portion of land lying in the Northeast One-Quarter (N.E. 1/4) of Section 29, Township 53 South, Range 41 East, as shown on Sheet 4 of the Florida Department of Transportation Right of Way Map for Item/Segment No. 429487-2, Section 87270-2500, being more particularly described as follows:

Commence at the East One-Quarter (E. 1/4) corner of said Section 29; thence South $87^{\circ}43'35''$ West along the South line of said Northeast One-Quarter (N.E. 1/4) of Section 29, a distance of 705.10 feet to a point on the Baseline of Survey of the C.S.X. Spur B; thence North $01^{\circ}37'40''$ West along said Baseline of Survey of the C.S.X. Spur B, a distance of 894.85 feet; thence North $88^{\circ}22'20''$ East at a right angle to the previously described course, a distance of 28.50 feet to a point of intersection with the Easterly Existing Right of Way line of the C.S.X. Spur B and the Northerly Existing Right of Way line of N.W. 28th Street, being the POINT OF BEGINNING; thence North $01^{\circ}37'40''$ West along said Easterly Existing Right of Way line of the C.S.X. Spur B, a distance of 477.18 feet to a point on the Southerly Existing Right of Way line of N.W. South River Drive; thence South $50^{\circ}51'05''$ East along said Southerly Existing Right of Way line of N.W. South River Drive, a distance of 17.17 feet; thence South $01^{\circ}37'40''$ East, a distance of 448.32 feet to a point on said Northerly Existing Right of Way line of N.W. 28th Street and the beginning of a non-tangent curve concave Northwesterly and having a chord bearing of South $34^{\circ}45'04''$ West; thence Southwesterly along the arc of said curve and along said Northerly Existing Right of Way line of N.W. 28th Street, having a radius of 1,179.81 feet through a central angle of $01^{\circ}03'52''$ and an arc distance of 21.92 feet to the end of said curve and the POINT OF BEGINNING.

Containing 6,017 square feet, more or less.

A perpetual easement for right of way purposes in, over, under, upon and through the above described property; together with the right to enter upon said property and construct and maintain a rail facility, utilities, and appurtenances thereon with all such fills, cuts, drains, ditches, access, ingress, and egress and other incidences necessary or convenient in connection therewith.

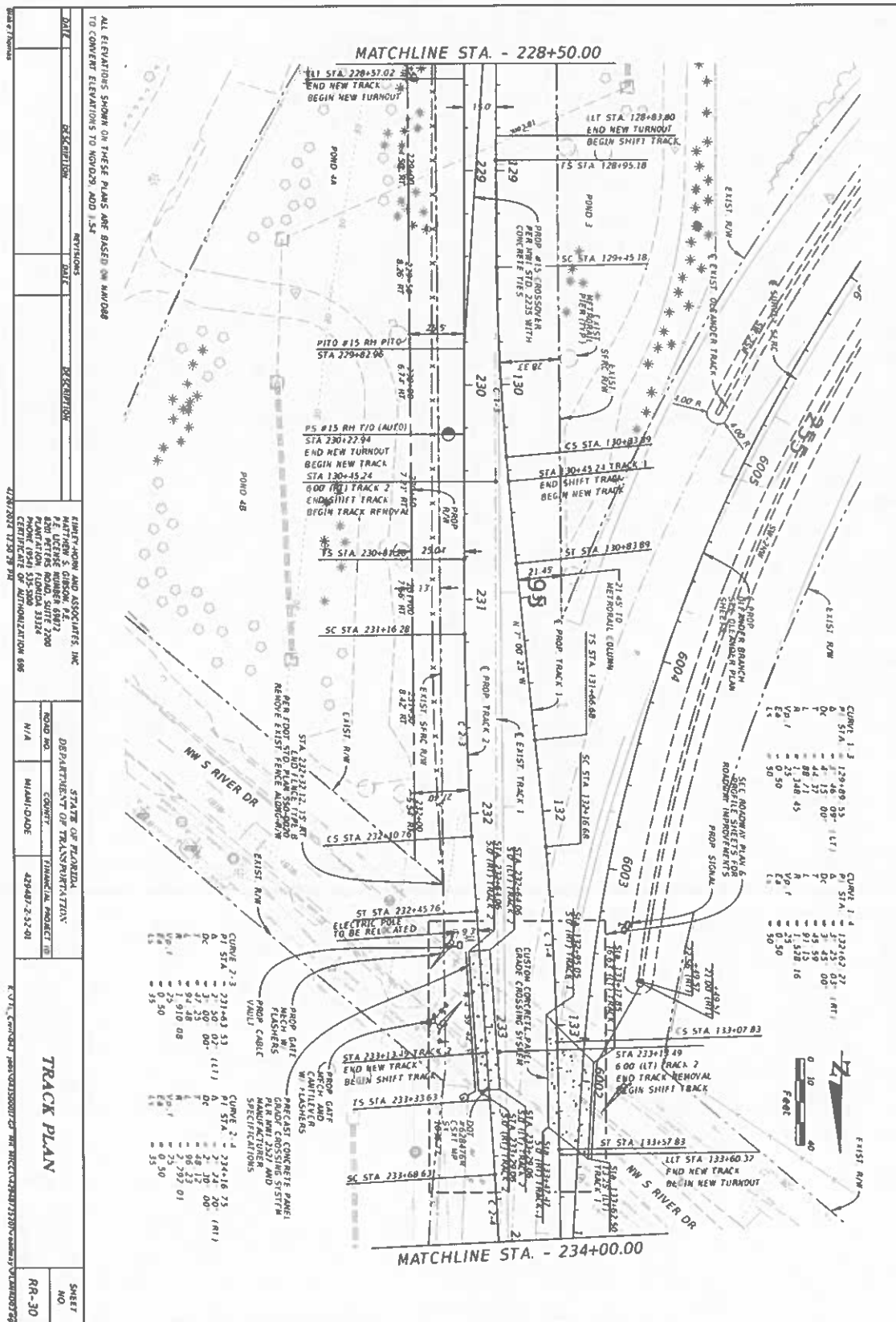
EXHIBIT “B”

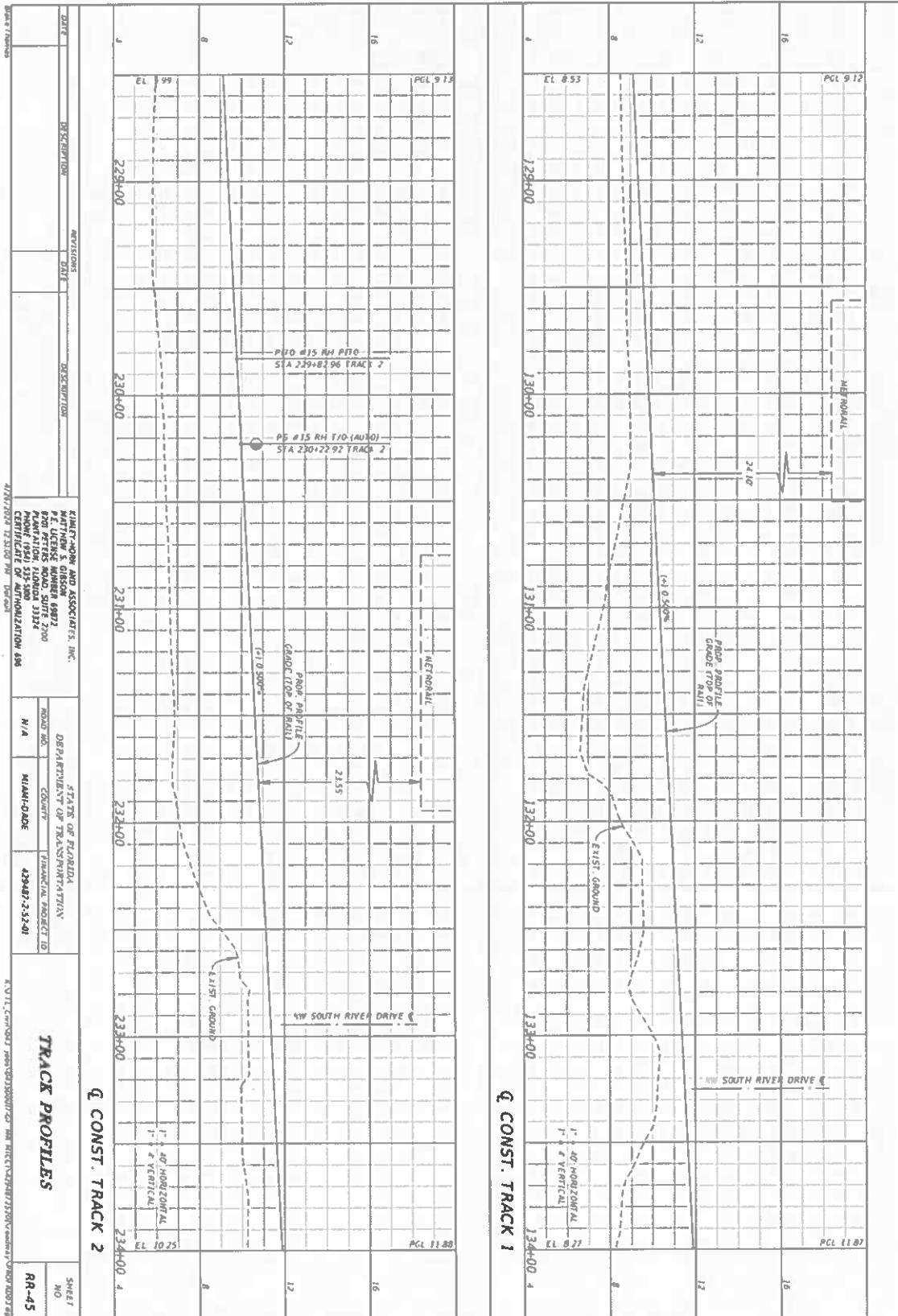


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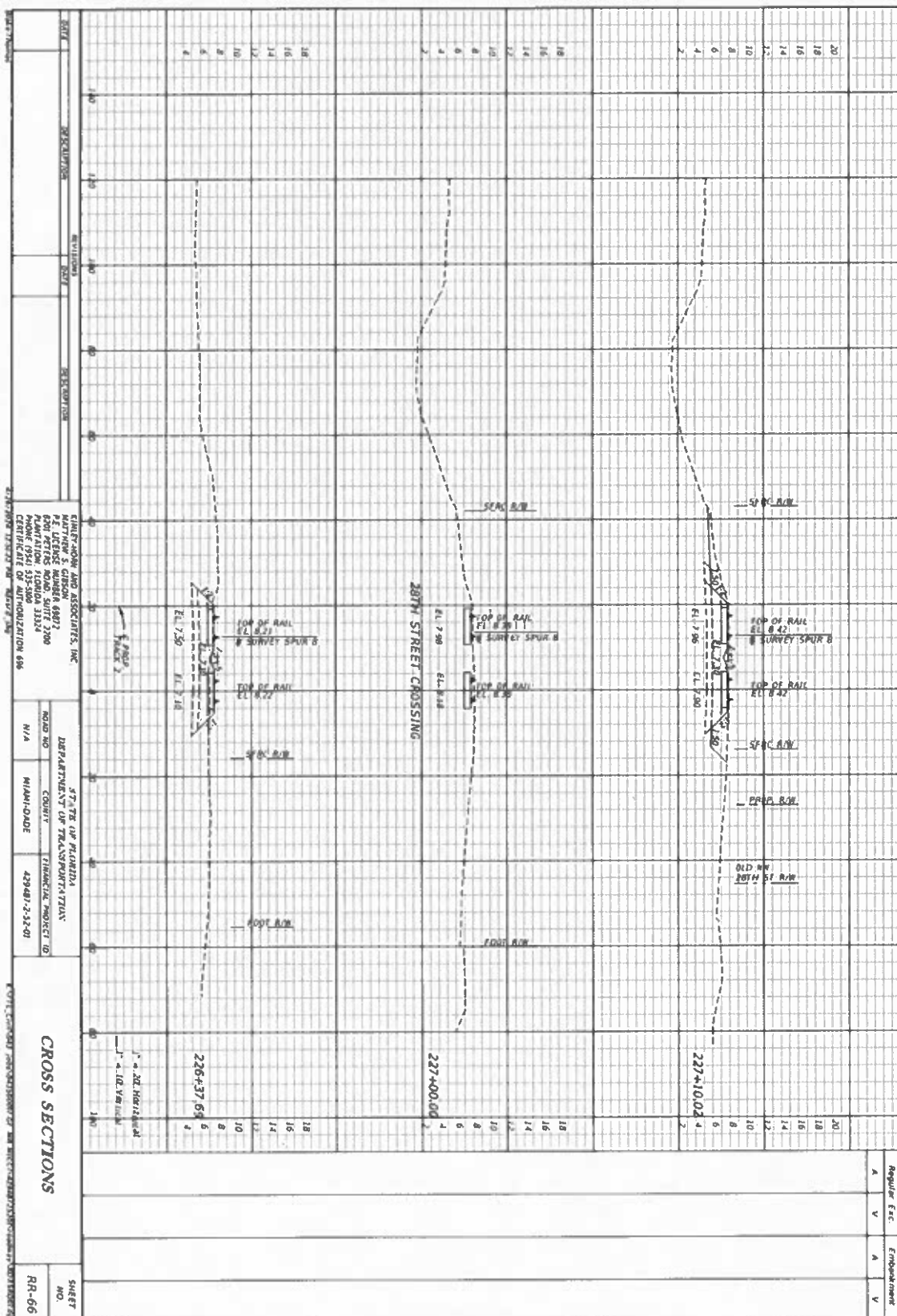
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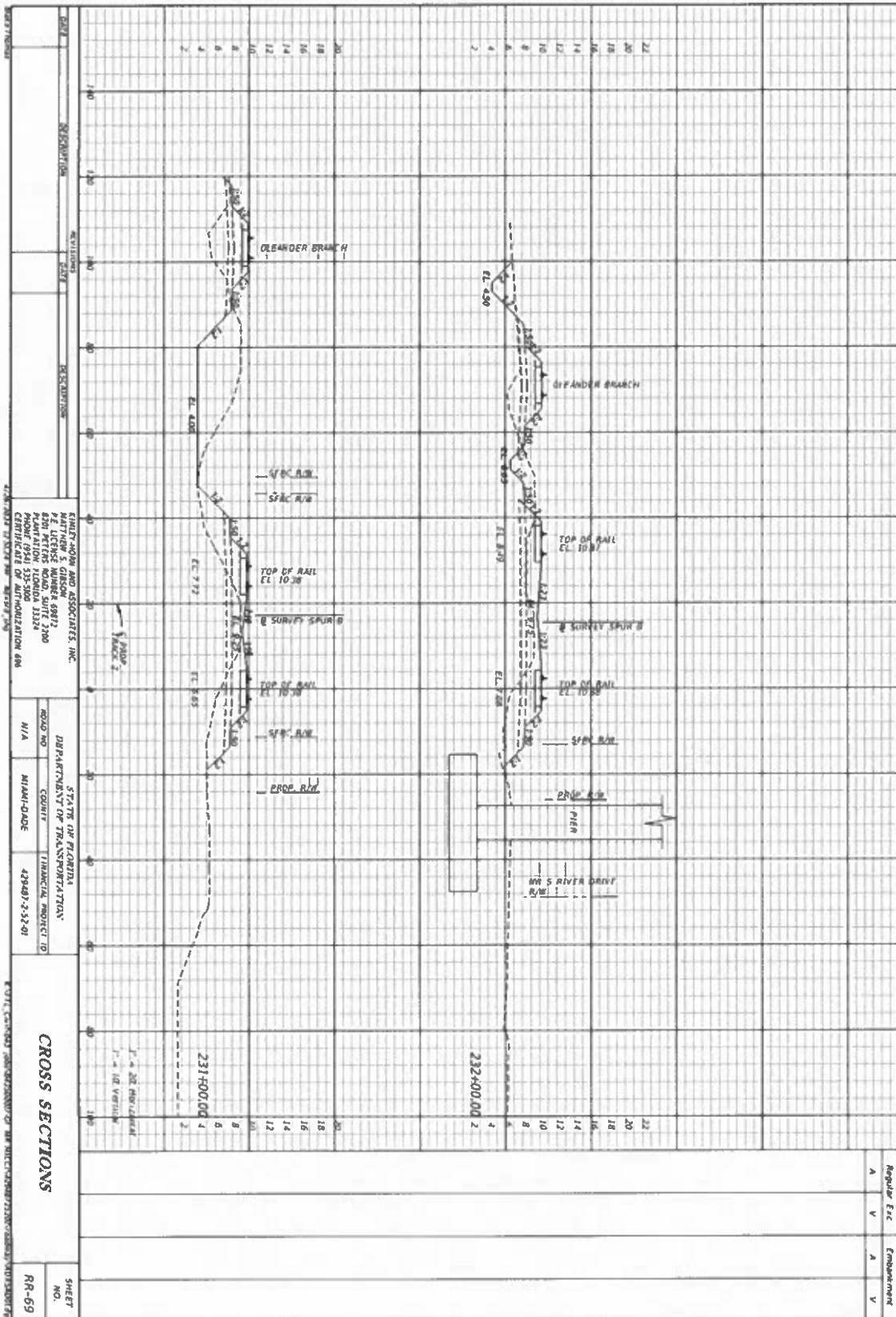


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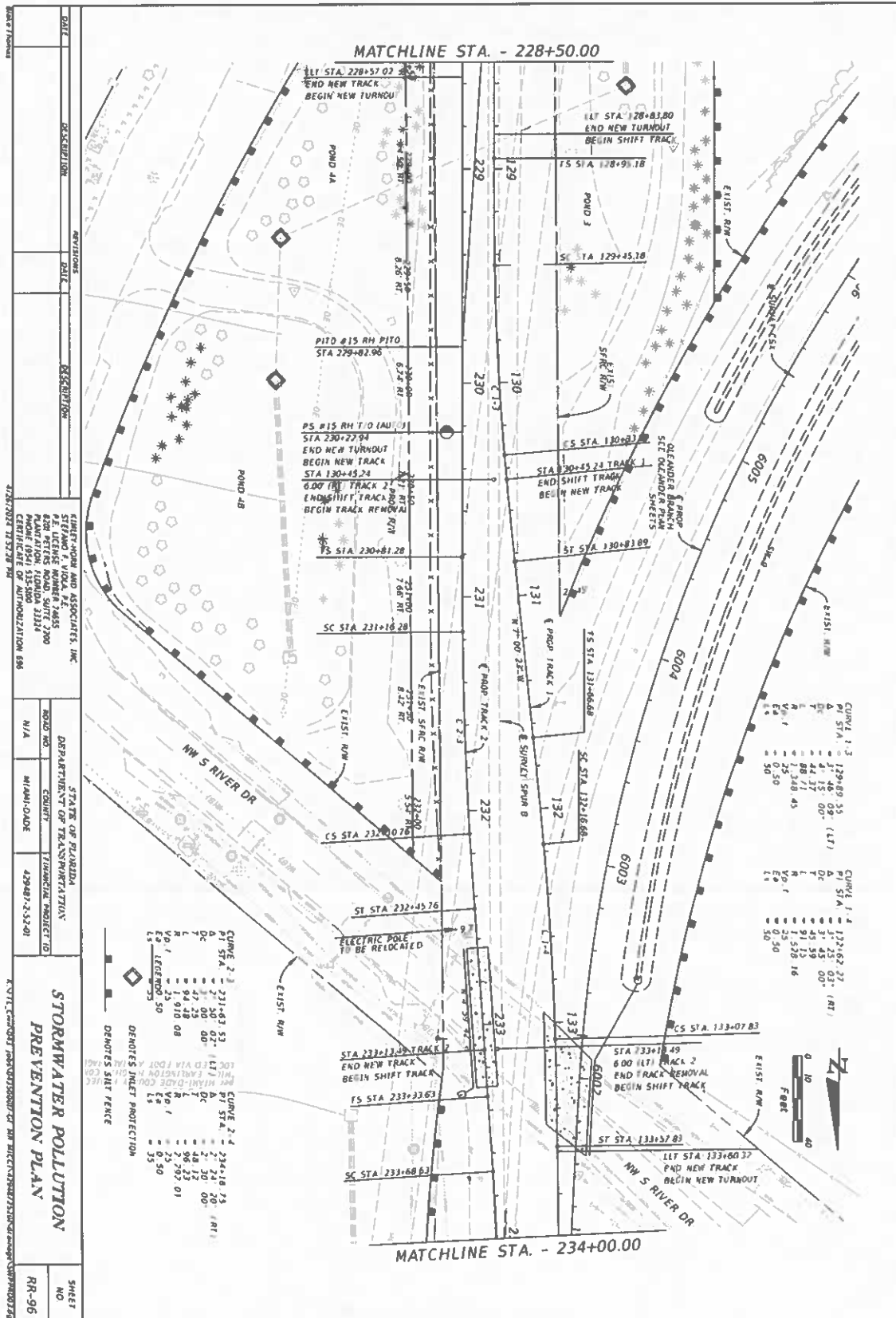
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Florida Department of Transportation

RON DESANTIS
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

JARED W. PERDUE, P.E.
SECRETARY

MEMORANDUM

DATE: February 20, 2025

TO: Miami-Dade County Board of County Commissioners

FROM: Carlos Martinez, District Four Right of Way Manager

COPIES: Records Management File

SUBJECT: FM: 4294872 / SFRC Double-Tracking from Hialeah Market to the MIC
Parcels: 805 & 806

The Florida Department of Transportation (Department) is providing project funding, management, and design for the final segment of the South Florida Rail Corridor Improvement Program for both passenger and freight transportation, known as the Miami River – Miami Intermodal Center Capacity Improvement Project (MR-MICCI).

The proposed MR-MICCI project will provide a second mainline track within the South Florida Rail Corridor (SFRC) for the final 1.25-mile segment of the single-track capacity along the SFRC in downtown Miami. The additional mainline track will address a capacity deficiency along the corridor that negatively impacts travel time and train schedules. Additionally, the project will increase the rail capacity within the corridor to better accommodate Tri-Rail, Amtrak (existing and proposed), and freight rail. The project will remove a capacity constraint at the southern end of the SFRC and enhance access to the Miami Intermodal Center (MIC).

Historically, the Department has partnered with Miami-Dade County on many projects. This is an exciting project for the region, and the Department looks forward to partnering with Miami-Dade County to deliver this project to the public. Given that this project will improve access to the County-owned MIC, the Department requests that Miami-Dade County consider donating the two easements necessary to finalize the project. The Department's partnership with Miami-Dade County demonstrates how state and local agencies work together to deliver infrastructure improvement projects while minimizing costs.

GM/rb

**Florida Department of Transportation**RON DESANTIS
GOVERNOROffice of Right of Way
3400 West Commercial Boulevard
Fort Lauderdale, FL 33309-3421JARED W. PERDUE, P.E.
SECRETARY**Donation of Property to the Florida Department of Transportation**Miami-Dade County
Attn: Eulois Cleckley, Director and CEO
Department of Transportation and Public Works
Overtown Transit Village
701 NW 1st Court, 17th Floor
Miami, FL 33136

ITEM/SEGMENT NO.:	4294872
MANAGING DISTRICT:	4
F.A.P. NO.:	N/A
STATE ROAD NO.:	N/A (CSX Railroad)
COUNTY:	Miami-Dade
PARCEL NO.:	806
INTEREST CONVEYED:	Perpetual Easement

This is to advise that the undersigned, as owner of the property or property interest referenced above and as shown on Right of Way maps for referenced project, desires to make a voluntary donation of said property or property interest to the State of Florida for the use and benefit of the Florida Department of Transportation.

The undersigned hereby acknowledges that he/she has been fully advised by a Department representative of his/her right to have the referenced property or property interest appraised, to accompany the appraiser during the appraisal inspection of the property, to receive full compensation for the above referenced property, and to receive reimbursement for reasonable fees and costs incurred, if any. Having been fully informed of the above rights, I hereby waive those rights unless otherwise noted below.

Owner's Signature_____
Type or Print Property Owner's Name_____
Street Address_____
City, State, Zip Code_____
Date

Exhibit "E"

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

STATEMENT OF OFFER

575-030-08
RIGHT OF WAY
04/23

May 25, 2023

Miami-Dade County
Attn: Eulois Cleckley, Director and CEO
Department of Transportation and Public Works
Overtown Transit Village
701 NW 1st Court, 17th Floor
Miami, FL 33136

ITEM/SEGMENT NO.: 4294872
DISTRICT: 4
FEDERAL PROJECT NO.: N/A
STATE ROAD NO.: N/A (CSX Railroad)
COUNTY: Miami-Dade
PARCEL NO.: 102 806

Dear Property Owner:

As you are probably aware, the State of Florida Department of Transportation is in the process of acquiring the needed right of way for the above referenced facility. A determination has been made that either a part or all of your property will be needed. A search of the Public Records of the County in which this property is situated has been made and it was determined that property is owned by you.

The interest being acquired in your property is: ~~Fee Simple~~ **Permanent Easement**

In addition, the following list will identify the buildings, structures, fixtures, and other improvements which are considered to be a part of the real property acquired, or personal property being acquired, if any: earthwork, chain-link fencing, trees, and sod.

The following items were excluded: N/A

You are further advised that the Department's offer of just compensation for the property required for the construction of this facility is based on the Fair Market Value of the property and that the Department's offer to you is not less than the approved appraised value of the property.

The following represents a summary of the Department's offer to you and the basis therefore:

Land	\$ <u>319,000.00</u>
Improvements	\$ <u>33,600.00</u>
Real Estate Damages	\$ <u>11,900.00</u>
Total	\$ <u>364,500.00</u>

This Statement of Offer is not a contract; if you agree to accept this offer, you will be required to sign a purchase agreement. Any additional information you may require can be obtained through the Department's Representative that contacted you. If that representative is not readily available, please contact:

Robin Brisebois, SR/WA, Right of Way Project Manager

at (954) 777-4249 or

Robin.Brisebois@dot.state.fl.us

Sincerely,

Carlos Martinez
District Right of Way Manager
By: Robin Brisebois, SR/WA
Right of Way Project Manager

USPS Certified Mail

#7019 2280 0001 1586 5353

Delivered By

Type or Print Name

Date

Receipt Acknowledged By

Type or Print Name

Date

MDC032

Memorandum



Date: June 26, 2025

To: Honorable Chairman Anthony Rodriguez
Board of County Commissioners

From: Jimmy Morales
Chief Operating Officer

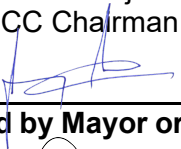
Subject: Request to Process Late Departmental Agenda Item

I am requesting that the following item be placed on the June Committee Cycle.

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PERPETUAL EASEMENT OF APPROXIMATELY 6,017 SQUARE FEET ON COUNTY-OWNED PROPERTY INCLUDING A PORTION OF FOLIO NO. 30-3129-030-0001 GENERALLY LOCATED AT THE INTERSECTION OF NW 28TH STREET AND NW SOUTH RIVER DRIVE IN UNINCORPORATED MIAMI-DADE COUNTY REQUIRED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR RIGHT OF WAY PURPOSES TO CONSTRUCT AND MAINTAIN A RAIL FACILITY, UTILITIES, AND APPURTENANCES THEREON IN CONNECTION WITH THE MIAMI RIVER-MIAMI INTERMODAL CENTER CAPACITY IMPROVEMENTS PROJECT IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES, FOR THE NOMINAL AMOUNT OF \$1.00; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE DONATION LETTER, TO EXECUTE THE PERPETUAL EASEMENT, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE CONVEYANCE AND TO EXERCISE ALL RIGHTS SET FORTH THEREIN

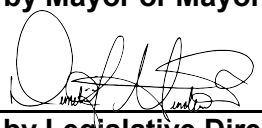
This item has not met the notice deadline and has been provided to the Agenda Coordination Office late. It is imperative that the item moves forward with the requested timeline to meet FDOT's certification and construction award deadlines prior to July 2025, or the schedule will be delayed, and Federal funding will be in jeopardy.

Please process the item notwithstanding that the 3-day rule may be applicable to it. I am aware that this item is subject to approval for placement on the agenda by the Chair of the Committee and the BCC Chairman and reviewed by the Office of the County Attorney.



Approved by Mayor or Mayor's Designee

Jimmy Morales
Print Name



Approved by Legislative Director or Designee

Demetria Henderson
Print Name

c: Geri Bonzon-Keenan, County Attorney
CAOagenda@miamidadegov
Eugene Love, Agenda Coordinator



MEMORANDUM

(Revised)

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

DATE: June 26, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(5)

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 *Danielle Laine Carr* Mayor
Veto _____
Override _____

Agenda Item No. 8(N)(5)
6-26-25

RESOLUTION NO. R-578-25

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PERPETUAL EASEMENT OF APPROXIMATELY 6,017 SQUARE FEET ON COUNTY-OWNED PROPERTY INCLUDING A PORTION OF FOLIO NO. 30-3129-030-0001 GENERALLY LOCATED AT THE INTERSECTION OF NW 28TH STREET AND NW SOUTH RIVER DRIVE IN UNINCORPORATED MIAMI-DADE COUNTY REQUIRED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR RIGHT OF WAY PURPOSES TO CONSTRUCT AND MAINTAIN A RAIL FACILITY, UTILITIES, AND APPURTENANCES THEREON IN CONNECTION WITH THE MIAMI RIVER-MIAMI INTERMODAL CENTER CAPACITY IMPROVEMENTS PROJECT IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES, FOR THE NOMINAL AMOUNT OF \$1.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE DONATION LETTER, TO EXECUTE THE PERPETUAL EASEMENT, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE CONVEYANCE AND TO EXERCISE ALL RIGHTS SET FORTH THEREIN

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") is undertaking the Miami River-Miami Intermodal Center Capacity Improvements project, including a set of bridge, track, and signal improvements along a 1.25-mile rail segment near Miami International Airport and the Miami Intermodal Center (the "FDOT Project"); and

WHEREAS, the FDOT desires the conveyance of a perpetual easement (the "Perpetual Easement") upon a portion of County-owned property Folio Number 30-3129-030-0001, and

generally located at the intersection of NW 28th Street and NW South River Drive, as more specifically described in Exhibit “A” to the County Mayor’s memorandum and identified by FDOT as Parcel 806 (the “Property”) for the FDOT Project; and

WHEREAS, the FDOT has requested the County to convey the Perpetual Easement, in substantially the form attached to the County Mayor’s memorandum as Exhibit “B,” for right of way purposes to construct and maintain a rail facility, utilities, and appurtenances thereon; and

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

WHEREAS, the acceptance of the Perpetual Easement by the FDOT is in accordance with sections 337.25, Florida Statutes, governing FDOT’s acceptance of the donation for transportation facilities; and

WHEREAS, the Board finds that the conveyance of the Perpetual Easement to FDOT for right of way purposes to construct and maintain a rail facility, utilities, and appurtenances in connection with the construction of the FDOT Project would not be inconsistent with the County’s use of the Property, would be utilized for the benefit of the public, community interest, and welfare, and is consistent with the County’s public purpose; and

WHEREAS, the Perpetual Easement would revert to the County in the event that the use by the FDOT for transportation purposes ceases,

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

Section 1. The foregoing recitals and County Mayor’s memorandum are incorporated into this resolution and are approved.

Section 2. This Board authorizes the conveyance of the Perpetual Easement to the FDOT pursuant to section 125.38, Florida Statutes, for the nominal price of \$1.00 in substantially the form attached to the County Mayor's memorandum for the purposes set forth therein.

Section 3. This Board authorizes the County Mayor or County Mayor's designee to: (i) execute the Perpetual Easement; (ii) execute the FDOT Donation Letter in substantially the form attached to the County Mayor's memorandum as Exhibit D; and (iii) take all actions necessary to effectuate the conveyance of the Perpetual Easement and exercise all rights set forth therein.

Section 4. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or County Mayor's Designee to record the Perpetual Easement 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 Perpetual Easement together with this resolution.

The foregoing resolution was offered by Commissioner **Kionne L. McGhee**, who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** 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
Sen. René García	aye	Oliver G. Gilbert, III	aye
Roberto J. Gonzalez	aye	Keon Hardemon	absent
Danielle Cohen Higgins	aye	Eileen Higgins	absent
Natalie Milian Orbis	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 26th day of June, 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 black ink, appearing to be "Debra Herman", written over a horizontal line.

Debra Herman