

RESOLUTION No. 2009-29-974

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT FOR DEDICATION OF EASEMENT TO THE MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 1, 2008, the Miami-Dade County Plat Committee recommended approval of the Carol City Community Center Tentative Plat with conditions, and

WHEREAS, it is being requested, that the City dedicate an easement to the Miami-Dade County Water and Sewer Department for the provision of water to the site, and

WHEREAS, City staff is requesting that the City Council authorize the City to execute that certain Easement Agreement attached hereto as Exhibit A,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

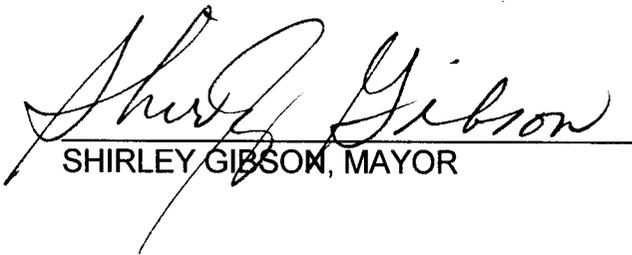
Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby authorize the City Manager and City Clerk to execute and attest, respectively, that certain Agreement for Dedication of Easement to the Miami-Dade County Water and Sewer Department for the lift station to be located at the Miami Gardens Community Center, a copy of which is attached hereto as **Exhibit A**.

Section 3. INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized to obtain three (3) fully executed copies of the subject Agreement, with one to be maintained by the City; with one to be delivered to the Miami-Dade County Water and Sewer Department, and with one to be directed to the Office of City Attorney.

Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON FEBRUARY 11, 2009.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Vice Mayor Watson  
SECONDED BY: Councilman Gilbert

VOTE: 7-0

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Barbara Watson	<u> X </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> X </u> (Yes)	<u> </u> (No)
Councilman Aaron Campbell	<u> X </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> X </u> (Yes)	<u> </u> (No)
Councilman André Williams	<u> X </u> (Yes)	<u> </u> (No)



## City of Miami Gardens Agenda Cover Memo

<b>Council Meeting Date:</b>	<i>February 11, 2009</i>		<b>Item Type:</b> <small>(Enter X in box)</small>	<b>Resolution</b>	<b>Ordinance</b>		<b>Other</b>	
				X				
<b>Fiscal Impact:</b> <small>(Enter X in box)</small>	Yes	No	<b>Ordinance Reading:</b> <small>(Enter X in box)</small>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>		
		X		<b>Public Hearing:</b> <small>(Enter X in box)</small>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
<b>Funding Source:</b>	<i>N/A</i>		<b>Advertising Requirement:</b> <small>(Enter X in box)</small>		<b>Yes</b>		<b>No</b>	
						X		
<b>Contract/P.O. Required:</b> <small>(Enter X in box)</small>	Yes	No	<b>RFP/RFQ/Bid #:</b>	<i>N/A</i>				
	X							
<b>Sponsor Name</b>	Danny O. Crew, City Manager		<b>Department:</b>	<i>Capital Projects</i>				

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT FOR DEDICATION OF EASEMENT TO THE MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

On Feb. 1, 2008 Miami- Dade County Plat Committee recommended approval of the Carol City Community Center Tentative Plat with conditions. (The project is now being referred to as the Miami Gardens Community Center.) In compliance with the conditions, the dedication of an easement approximately 26.0' x 31.5' feet encumbering 840.49 square feet housing a pump station to Miami-Dade County Water and Sewer is required by the City on the property being developed with the Miami Gardens Community Center.

City Council approved an easement on March 12, 2008, via Resolution No. 2008-46-733, but it was rejected by Miami Dade County Plat Committee as it did not meet the County's insurance provisions and non-exclusivity use requirements. While the tentative plat was approved by committee on January 9,

2009, the attached easement was provided by the County and required in order to finalize the recordation of the final plat.

**Proposed Action:**

It is recommended that the City Council approved the dedication of the easement to Miami Dade County Water and Sewer Department in relation to the final plat recordation requirements for the lift station at the Miami Gardens Community Center.

**Attachment:**

Exhibit A - EASEMENT AGREEMENT

Exhibit B - SKETCH AND DESCRIPTION OF EASEMENT

**GRANT OF EASEMENT**

Reserved for Clerk of Courts

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2009, between CITY OF MIAMI GARDENS, a municipal corporation of the State of Florida, whose mailing address is 1515 N.W. 167<sup>th</sup> Street, Building 5, Suite 200, Miami Gardens, Florida 33169, hereinafter called GRANTOR, and MIAMI-DADE COUNTY, a political subdivision of the State of Florida, whose mailing address is: c/o Miami-Dade Water and Sewer Department, P.O. Box 330316, Miami, Florida 33233-0316, hereinafter called GRANTEE:

**W I T N E S S E T H**

THAT, the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged by the GRANTOR, has granted and does hereby grant, to the GRANTEE, its successors and assigns, forever, the right, privilege and easement to construct, reconstruct, lay, install, operate, maintain, relocate, repair, replace, improve, remove and inspect water transmission and distribution facilities and all appurtenances thereto, including but not limited to fire hydrants, and/or sewage transmission and collection facilities and all appurtenant equipment, including the right to remove or demolish, with no obligation to repair or replace same, any obstructions including pavers as may be necessary to carry out any right granted herein, and with full right of ingress thereto and egress there from on the property of the GRANTOR described as follows, to wit:

See composite Exhibit "A" attached

THE GRANTOR does hereby fully warrant that it has good title to the above-described property and that it has full power and authority to grant this easement.

IN WITNESS WHEREOF, the GRANTOR by its proper officials has hereunto set its hands and seals the year and day first above written.

ATTEST:

CITY OF MIAMI GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA

By: \_\_\_\_\_  
Signature  
**Ronetta Taylor, CMC,**  
City Clerk

(SEAL)

By: \_\_\_\_\_  
Signature  
**Shirley Gibson,**  
Mayor

(SEAL)

Approved for legal form and sufficiency:

\_\_\_\_\_  
**Sonya K. Dickens,**  
City Attorney

STATE OF FLORIDA

COUNTY OF DADE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2009 by **Shirley Gibson**, as Mayor, and **Ronetta Taylor, CMC**, as City Clerk, of City of Miami Gardens, a Florida municipal corporation of the State of Florida. They are personally known to me did not take an oath.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
COMMISSION EXPIRES

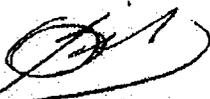
This instrument prepared by  
Michael Suchogorski, New Business Supervisor  
Miami-Dade Water and Sewer Department  
3575 S. LeJeune Road  
Miami, Florida 33233-0316

CCN.1709  
RECEIVED  
JUL 14 2003  
27003.5.1

EXHIBIT "A"

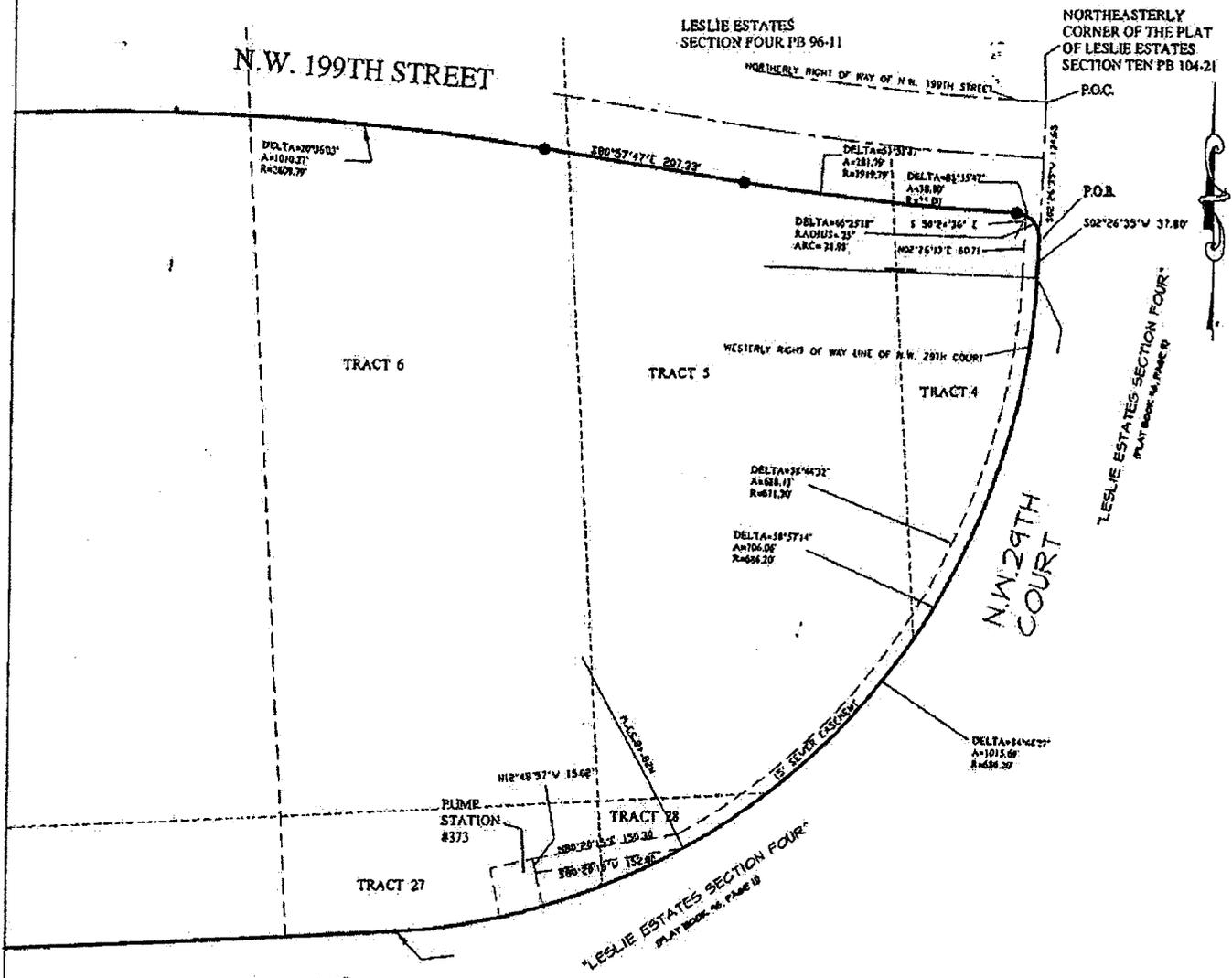
LEGAL DESCRIPTION FOR A SEWER EASEMENT AT THE CAROL CITY COMMUNITY PARK

A portion of Tracts 4, 5, 27 and 28 of MIAMI GARDENS, according to the Plat thereof recorded in Plat Book 2, at Page 96 of the Public Records of Miami Dade County, Florida; more particularly described as follows: Commence at the intersection of the Northerly Right-of-Way line of N.W. 199th Street and the Westerly Right-of-Way line of N.W. 29th Court as said Street and Court are shown on the plat of LESLIE ESTATES SECTION FOUR, according to the plat thereof recorded in Plat Book 96, at Page 11, of the Public Records of Dade County, Florida; said point also being the Northeasterly corner of the plat LESLIE ESTATES SECTION TEN, according to the plat thereof recorded in Plat Book 104, at Page 21, of the Public Records of Dade County, Florida; thence run the following courses and distances along the boundary line of said LESLIE ESTATES SECTION FOUR: S02°26'35"W along the Easterly boundary line of said LESLIE ESTATES SECTION TEN for 134.65 feet to the Point of Beginning of the Sewer Easement herein described; thence from the above established Point of Beginning continue S02°26'35"W for 37.80 feet (along the Westerly Right of Way line of Northwest 29th Court) to a point of curvature of a circular curve to the right; thence to right along said curve (and continue along the said Westerly Right of Way line of Northwest 29th Court), having for its elements the radius of 686.20 feet and a central angle of 58°57'14" for an arc distance of 706.06 feet to a non tangent point having a bearing to the radial point of N 28°48'53"W; thence S 80°20'15" W, for a distance of 152.00 feet; thence N 12°48'57" W, for a distance of 15.02 feet; thence N 80°20'15" E, for a distance of 150.30 feet to a non tangent point of a circular curve to the left having a central angle of 58°44'32" and a radius of 671.20 feet; thence northeasterly along the arc of said curve to the left, for a distance of 688.15 feet to the point of tangency (this arc run 15 feet from and parallel to the west with the westerly right of way line of Northwest 29th Court); thence N 02°26'13" E, for a distance of 60.71 to the intersection with the property line of the Carol Community Center Park according to the Boundary Survey done by the Park And Recreation Department on May 05, 2003; being a non tangent point of a curve to the right having a bearing to the radial point of S 50°24'36" E, a central angle of 66°25'18", a radius of 25.00 feet; thence southeasterly along the arc of said curve, for a distance of 28.98 feet to the Point of Beginning. Having 13,539 sq/ft. more or less.



Carlos Silva P.M.S. 3630  
Miami Dade County Parks & Recreation  
275 NW 2nd Street, 4th Floor  
Miami, Florida 33128  
Phone: 305-755-7837  
Date: 06-05-2003

# "EXHIBIT "A".



## SKETCH TO ACCOMPANY LEGAL DESCRIPTION

### NOTES.

- 1- THIS IS NOT A BOUNDARY SURVEY.
- 2- The Bearings shown hereon are based on an assumed meridian along the Westerly Right of Way line of N.W 29th Court, Miami Dade County East as shown.
- 3- P.O.C. denotes point of commence..
- 4- P.O.B. denotes point of beginning.
- 5- Delta denotes central angle.
- 6- A denotes Arc.
- 7- R denotes Radius.

### References:

- 1- Miami-Dade County Parks & Recreation Department Carol City Community Center Boundary Survey dated 5-15-2003
- 2- Plat of MIAMI GARDENS Plat Book 2 Page 96
- 3- Plat of LESLIE ESTATES SECTION FOUR Plat Book 96 Page 11.
- 4- Plat of LESLIE ESTATES SECTION TEN Plat Book 104 Page 21

MIAMI-DADE  
 PARKS AND RECREATION.  
 DATE: 06-04-2003 SCALE: NOT TO SCALE  
 ER: \_\_\_\_\_ Page 2 of 2.

CC# 1709  
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JUL 14 2003  
27DC3-51

EXHIBIT "A"

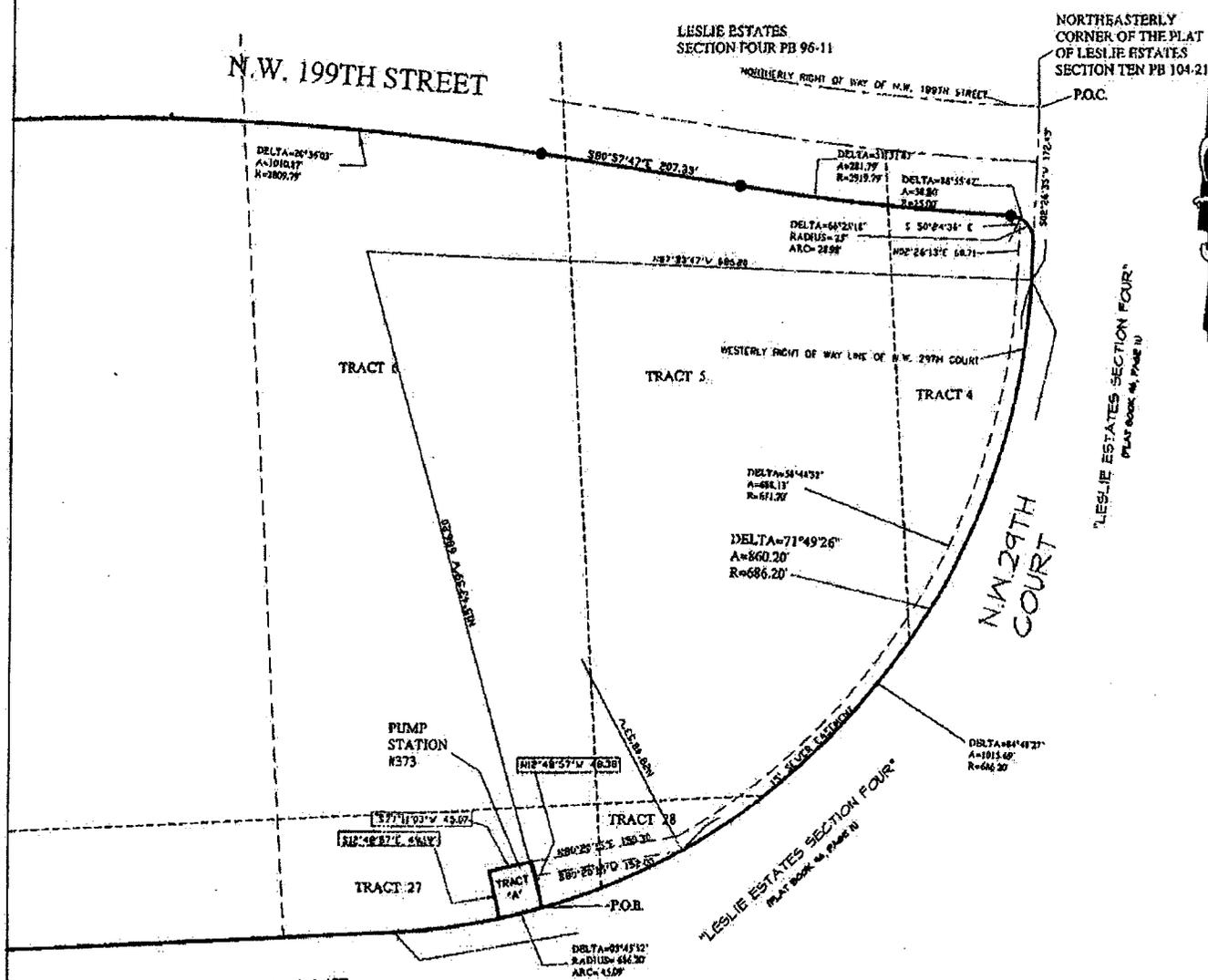
LEGAL DESCRIPTION OF TRACT "A" FOR LIFT STATION # 373.

A portion of Tract 27 of MIAMI GARDENS, according to the Plat thereof recorded in Plat Book 2, at Page 96 of the Public Records of Miami Dade County, Florida; more particularly described as follows: Commence at the intersection of the Northerly Right-of-Way line of N.W. 199th Street and the Westerly Right-of-Way line of N.W. 29th Court as said Street and Court are shown on the plat of LESLIE ESTATES SECTION FOUR, according to the plat thereof recorded in Plat Book 96, at Page 11, of the Public Records of Dade County, Florida; said point also being the Northeasterly corner of the plat LESLIE ESTATES SECTION TEN, according to the plat thereof recorded in Plat Book 104, at Page 21, of the Public Records of Dade County, Florida; thence run the following courses and distances along the boundary line of said LESLIE ESTATES SECTION FOUR: S02°26'35"W along the Easterly boundary line of said LESLIE ESTATES SECTION TEN for 172.45 feet to a point of curvature of a circular curve to the right; thence to right along said curve (and along the Westerly Right of Way line of Northwest 29th Court), having for its elements the radius of 686.20 feet and a central angle of 71°49'26" for an arc distance of 860.20 feet to the Point of Beginning of the herein described Tract "A", and a non tangent point on said curve, having a bearing to the radial point of N 15°43'59"W; thence N 12°48'57" W, for a distance of 48.38 feet; thence S 77°11'03" W, for a distance of 45.07 feet; thence S 12°48'57" E, for a distance of 49.19 feet to a non tangent point of a circular curve to the left (which point lies at the intersection with the said Westerly Right of Way line of N.W. 29th Court) having a central angle of 03°45'52" and a radius of 686.20 feet; thence northeasterly along the arc of said curve to the left, for a distance of 45.09 feet to the point of Beginning. Having 2,211 sq. ft more or less.



Carlos Silva P.M.S. 3630  
Miami Dade County Parks & Recreation  
275 NW 2nd Street, 4th Floor  
Miami, Florida 33128  
Phone: 305-755-7837  
Date: 06-05-2003

# "EXHIBIT "A".



SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

NOTES.

- 1- THIS IS NOT A BOUNDARY SURVEY.
- 2- The Bearings shown hereon are based on an assumed meridian along the Westerly Righ of Way line of N.W 29th Court, Miami Dade County East as shown.
- 3- P.O.C. denotes point of commence.
- 4- P.O.B. denotes point of beginning.
- 5- Delta donotes central angle.
- 6- A denotes Arc.
- 7- R denotes Radius.

References:

- 1- Miami-Dade County Parks & Recreation Department Carol City Community Center Boundary Survey dated 5-15-2003
- 2- Plat of MIAMI GARDENS Plat Book 2 Page 96
- 3- Plat of LESLIE ESTATES SECTION FOUR Plat Book 96 Page 11.
- 4- Plat of LESLIE ESTATES SECTION TEN Plat Book 104 Page 21

MIAMI-DADE  
PARKS AND RECREATION.  
DATE: 06-04-2003 SCALE: NOT TO SCALE

# LEGAL AND SKETCH

## SURVEYOR'S NOTES:

1. Bearings are based on an assumed value of  $S02^{\circ}42'21''E$  along the West line of NE $\frac{1}{4}$  of Section 4-52-41, Miami-Dade County, Florida.
2. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
3. This sketch does not represent a land survey.

## LEGEND:

POC	Point of Commencement	R	Radius	SEC.	Section
POB	Point of Beginning	$\Delta$	Central Angle Of Curve	$\text{\textcircled{C}}$	Center Line
P.B.	Plat Book	L	Length		
PG.	Page	SF	Square Feet		
R/W	Right of Way				

## LEGAL DESCRIPTION:

A portion of Tract 27 of "MIAMI GARDENS" according to the Plat thereof as recorded in Plat Book 2 Page 96 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

2 COMMENCE at the North $\frac{1}{4}$  corner of Section 4, Township 52 South, Range 41 East, Miami-Dade County, Florida; thence  $S02^{\circ}42'21''E$  along the West line of the NE $\frac{1}{4}$  of said Section 4-52-41 for a distance of 676.29 feet; thence  $N87^{\circ}17'39''E$  for a distance of 912.06 feet to the POINT OF BEGINNING of the following described parcel of land; thence  $N75^{\circ}20'56''E$  for a distance of 25.98 feet; thence  $S15^{\circ}47'17''E$  radial to the next described curve for a distance of 31.50 feet to the point of intersection with a non-tangent curve to the right, said curve also been the North R/W of NW 196th Lane; thence 27.24 feet along the arc of said curve, said curve having a radius of 686.20 feet, and a central angle of  $02^{\circ}16'27''$  to the point of intersection with a non-tangent line; thence  $N13^{\circ}30'50''W$  radial to the last described curve for a distance of 31.50 feet to the POINT OF BEGINNING. Containing 840.49 square feet.

## SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey.  
Ludovici and Orange Consulting Engineers Inc. L.B. #1012

By: 

Arturo A. Sosa  
Surveyor and Mapper 2629  
State of Florida

PROJ. NO: 2003 01J-A | DATE: 02-15-2008 | DRAWN: AJ | CHECKED: AS | SCALE: AS NOTED



**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

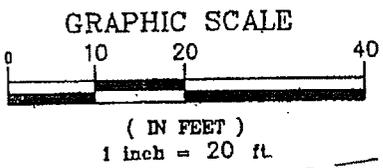
**PUMP  
STATION**

SHEET 1 OF 2 SHEETS

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

MIAMI GARDENS  
(P.B. 2 PG. 96)

TRACT 27



POC  
NORTH CORNER  
SEC. 4-52-41  
WEST LINE NE ¼  
SEC. 4-52-41  
S02°42'21"E  
676.29'

N87°17'39"E  
912.06'

POB  
N75°20'56"E  
25.98'  
N15°30'50"W  
31.50'  
31.50'  
S15°41'17"E  
(RADIAL)  
R=686.20'  
Δ=2'16"27"  
L=27.24'

NORTH R/W  
NW 196th LANE

NW 196th LANE

NW 30th AVE.

30'

30'

PROJ. NO: 2003 01J-A | DATE: 02-15-2008 | DRAWN: AJ | CHECKED: AS | SCALE: NTS



**LUDOVICI & ORANGE**  
CONSULTING ENGINEERS, INC.

328 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

**PUMP STATION**

SHEET 2 OF 2 SHEETS