

MEMORANDUM

Agenda Item No. 8(N)(1)

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

DATE: June 4, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution accepting conveyances of a traffic signal easement for road purposes to Miami-Dade County, Florida at no cost; and authorizing the County Mayor to execute the acceptance of the easement and to take all actions to effectuate same

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.




Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Date: June 4, 2024

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Accepting a Conveyance of a Traffic Signal Easement for Road Purposes to Miami-Dade County, Florida

Executive Summary

This conveyance item is needed to enable the Department of Transportation and Public Works (DTPW) to install an underground conduit beneath private property so it can utilize an existing Florida Power & Light (FPL) service point to energize crosswalk signalization equipment, a component of the Vision Zero program planned for Honey Hill Drive. DTPW requests that the Board of County Commissioners (Board) accept the conveyance of the traffic signal easement, which once accepted will be recorded in the Public Records of Miami-Dade County. No fiscal impact, including maintenance costs, is associated with the conveyance.

Recommendation

It is recommended the Board approve the acceptance of the traffic signal easement at no cost. DTPW needs the traffic signal easement for planned roadway improvements in the public right-of-way.

Scope

The property interest being conveyed is located within Commission District 1, represented by Chairman Oliver G. Gilbert, III.

Fiscal Impact/Funding Source

There is no fiscal impact from accepting this conveyance and no annual maintenance cost associated with the subject easement being included in the DTPW inventory.

Track Record/Monitor

DTPW is the entity overseeing this project and the person responsible for monitoring the acquisition is Javier Bustamante, Assistant Director, Transit Project Management and Support Services.

Delegated Authority

The resolution delegates authority for the County Mayor or County Mayor's designee to execute the acceptance of the traffic signal easement. Furthermore, the County Mayor or County Mayor's designee shall record the traffic signal easement accepted therein in the Public Records of Miami-Dade County.

Background

This traffic signal easement, attached as Exhibit 1, is being obtained to fulfill a Vision Zero Program project in connection with the creation of a safer crosswalk for pedestrian travel across Honey Hill Drive at NW 55th Avenue. The project includes the connection of a rectangular rapid

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
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flashing beacon to be located on Miami-Dade County right-of-way to an existing FPL service point via underground conduit through a portion of property legally identified in the traffic signal easement. More simply, the Traffic Signal Easement provides the County the privilege to enter upon, lay cables and conduits and to perform any acts required for the installation and maintenance of rapid flashing beacon signal related equipment for the purpose of traffic signalization.



Jimmy Morales
Chief Operations Officer

Exhibit 1

Return to:

Right of Way Division .
Miami-Dade County Transportation & .
Public Works Dept. .
111 N.W. 1st Street .
Miami, FL 33128-1970 .

Instrument prepared by:

111 N.W. 1st Street S-1610 .
Miami, FL 33128-1970 .

Folio No. 30-1131-002-0010 .
User: MDC DTPW .

TRAFFIC SIGNAL EASEMENT
BY CORPORATION

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

THIS EASEMENT, Made this ____ day of _____, A.D.
20 ____, between Miami Lakes Venture Associates LLC, a Delaware limited
liability company, having its office and principal place of business at
27777 FRANKLIN RD, SUITE 200, SOUTHFIELD, MI 48034, 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 to the
party of the second part, and its successors in interest, a nonexclusive
easement, license and privilege to enter upon, lay cables and conduits
and to perform any acts required for the installation and maintenance of
rapid flashing beacon signal related equipment for the purpose of
traffic signalization upon 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 HEREOF

That party of the second part shall provide notice to party of the first part, to the extent reasonably possible, at least forty-eight (48) hours prior to entering upon the easement property for the purposes described herein, except under no circumstances shall party of the second part be required to provide notice when there is an emergency, outage, or other exigent circumstance, as determined by party of the second part in its sole discretion.

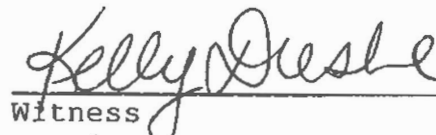
And the said party of the first part will defend the title to said land against the lawful claims of all persons whomsoever, claiming by, through or under it.

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, the day and year first above written.



Witness

Haley McNumara
Printed Name
27777 Franklin Rd, Ste 300
SOUTHFIELD, MI 48034
Address



Witness

Kelly Dreske
Printed Name

27777 Franklin Rd, Ste
Address Southfield, MI 300
48034


Miami Lakes Venture Associates
LLC,
a Delaware limited liability
company

f/k/a
Miami Lakes Venture Associates
LLC, a Florida general
Partnership

By: Miami Lakes GP One LLC,
a Delaware limited liability
company, its sole member

By: Sun Communities Operating
Limited Partnership, a Michigan
limited partnership, its sole
member

By: Sun Communities, Inc.,
a Maryland corporation, its
general partner

By: 

Name: Fernando Castro-Caratini
Its: Executive Vice President

STATE OF MICHIGAN
COUNTY OF OAKLAND

I HEREBY CERTIFY, that on this 16th day of April, A.D. 2024, before me, an officer duly authorized to administer oaths and take acknowledgments personally appeared by means of physical or online notarization : Fernando Castro-Caratini, as Executive Vice President for Sun Communities, Inc, a Maryland corporation, personally known to me, or proven, by producing the following identification: _____, to be the persons who 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.

Sherel E. Shand
Notary Signature

SHEREL E. SHAND
Printed Notary Name

NOTARY SEAL/STAMP



Notary Public, State of
Michigan

My commission expires: _____

Commission/Serial No. _____

Sherel E Shand
Notary Public - State of Michigan
Oakland County
My Commission Expires Oct. 18, 2027
Acting in the County of OAKLAND

The foregoing was accepted and approved on the _____ day of _____, A.D. 20_____, by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida.

Jimmy Morales/
Chief Operations Officer

ATTEST: Juan Fernandez-Barquin,
Clerk of said Board

Approved as to form
and legal sufficiency.

By: _____
Deputy Clerk

Assistant County Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

A strip of land 7 feet wide lying on Tract "A" of Royal Country, in Section 31, Township 51 South, Range 41 East of Miami-Dade County, Florida, according to the Plat thereof, as recorded in Plat Book 120 at Page 15 of the Public Records of Miami-Dade County, Florida, said strip of land being more particularly described as follow:

COMMENCE at the Northeast corner of Section 1, Township 52 South, Range 40 East, of Miami-Dade County, Florida, as noted on the Plat of County Lake Manors Section Two, according to the Plat thereof, as recorded in Plat Book 117 at Page 74 of the Public Records of Miami-Dade County, Florida, thence run N 87°46'54" E for a distance of 150.00 feet to a point of curvature, thence run Southeasterly along the arc of the curve concave to the Southwest for an arc distance of 831.34 feet, said curve having a radius of 1145.92 feet and a central angle of 41°34'01" to a point of tangency, thence run S 50°39'05" E for a distance of 514.68 feet, thence run S 39°20'55" W for a distance of 40.00 feet to a point of intersection with the Southwesterly right of way line of Honey Hill Drive as shown on aforementioned plat of Royal Country, said point being the **POINT OF BEGINNING** of the hereinafter described strip of land, thence run S 50°39'05" E along Southwesterly right of way line of Honey Hill Drive for a distance of 3.50 feet, thence run S 39°30'55" W for a distance of 105.00 feet, thence run N 50°39'05" E for a distance of 14.91 feet, thence run S 39°30'55" W for a distance of 7.00 feet thence run N 50°39'05" W for a distance of 21.91 feet, thence run N 39°30'55" E for a distance of 112.00 feet to Southwesterly right of way line of Honey Hill Drive, thence run S 50°39'05" E along the Southeasterly right of way line of Honey Hill Drive for a distance of 3.50 feet to the **POINT OF BEGINNING**.

Containing approximately 888.39 Square Feet or 0.020 Acres more or less.

TS Esmt Honey Hill Dr NW 55 Ave

MDC008



MEMORANDUM
(Revised)

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

DATE: June 4, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(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 ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(N)(1)
6-4-24

RESOLUTION NO. _____

RESOLUTION ACCEPTING THE CONVEYANCE OF A TRAFFIC SIGNAL EASEMENT FOR ROAD PURPOSES TO MIAMI-DADE COUNTY, FLORIDA AT NO COST; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ACCEPTANCE OF THE EASEMENT AND TO TAKE ALL ACTIONS TO EFFECTUATE SAME

WHEREAS, Miami Lakes Venture Associates, LLC, the owner/grantor of the property which is the subject of the easement, has tendered a traffic signal easement to Miami-Dade County for roadway purposes at no cost as further set forth in the County Mayor's memorandum and traffic signal easement attached as Exhibit 1 thereto and made a part thereof; and

WHEREAS, upon consideration of the recommendation of the Department of Transportation and Public Works, this Board finds and determines that the acceptance of such a conveyance would be in the public's best interest,

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

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

Section 2. The conveyance by the above-described property owner/grantor is hereby approved and accepted.

Section 3. The County Mayor or County Mayor's designee is authorized to execute the acceptance of the traffic signal easement, and to take all actions necessary to effectuate same.

Section 4. Pursuant to Resolution No. R-974-09, (a) the County Mayor or County Mayor's designee shall record the instrument of conveyance accepted herein in the public records

of Miami-Dade County and shall provide a recorded copy of each instrument to the Clerk of the Board within 30 days of execution of said instruments; and (b) the Clerk of the Board shall attach and permanently store a recorded copy of each of said instruments together with this resolution.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of June, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Debra Herman