

RESOLUTION NO. 14-117

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING THE DEDICATION OF THE RIGHT OF WAY FROM THE CITY OF DORAL FOR A PORTION OF LAND ON THE SOUTHEAST CORNER OF SAID SECTION 8, TOWNSHIP 53 SOUTH, RANGE 40 EAST IN THE CITY OF DORAL; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral Public Works Department and Planning and Zoning are constantly evaluating opportunities to complete the roadway grid in Doral; and

WHEREAS, the dedication of the right-of-way from the City of Doral for a portion of land on the southeast corner of said Section 8, Township 53 South, Range 40 East will be used to expand the City's roadway grid in the general area and connect the Doral Common Residential Development to the Doral North Park; and

WHEREAS, the City Council hereby finds that adoption of this resolution is in the best interest and welfare of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated herein.

Section 2. Approval. The City Council of the City of Doral hereby approves the dedication of the Right-of-Way from the City owned land for a portion of Section 8, Township 53 South and Range 40 East in the City of Doral as specified in Exhibit A.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilmember Rodriguez who moved its adoption. The motion was seconded by Councilmember Rodriguez Aguilera and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Bettina Rodriguez Aguilera	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED this 13 day of AUGUST, 2014.




LUIGI BORIA, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE SOLE USE OF THE CITY OF DORAL.



WEISS, SEROTA, HELFMAN, PASTORIZA
COLE AND BONISKE
CITY ATTORNEY

EXHIBIT “A”

Return to:

City of Doral, Public Works Department
8401 N.W. 53rd Terrace
Doral, FL 33166

Instrument prepared by:

Folio No. 35-3008-000-0050 (portion)

User Department: Public Works

**RIGHT-OF-WAY DEED TO CITY OF DORAL
CONVEYS THE TITLE FOR ROADWAY PURPOSES**

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

THIS INDENTURE, Made this _____ day of _____, A.D. 2014, by and between THE CITY OF DORAL, a political subdivision of the State of Florida, and its successors in interest, whose Post Office Address is 8401 NW 53 Terrace, Doral, Florida 33166, party of the first part, and THE CITY OF DORAL, a political subdivision of the State of Florida, and its successors in interest, whose Post Office Address is 8401 NW 53 Terrace, Doral, Florida 33166, 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 highway and purposes incidental thereto, all the right, title, interest, claim or demand of the party of the first part, in and to the following described land, situate, lying and being in the City of Doral, Miami-Dade County, State of Florida, to-wit:

PLEASE SEE EXHIBIT "A"

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 highway and for all purposes incidental thereto.

It is expressly provided that if and when the said highway shall be lawfully and permanently discontinued, the title to the said above described land shall immediately revert to the party of the first part, its heirs and assigns, and it shall have the right to immediately repossess the same.

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, by its _____ has caused these presents to be 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)

CITY OF DORAL,
A Florida municipal corporation

Witness

(Sign)

Witness Printed Name

Printed Name

Witness

Title

Witness Printed Name

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

I HEREBY CERTIFY, that on this _____ day of _____, A.D. 2014, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____ and _____ personally known to me, or proven, by producing the following forms of identification: _____ to be the _____ duly authorized on behalf of the City of Doral. He/She 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.

Notary Signature

Printed Notary Signature

NOTARY SEAL/STAMP

Notary Public, State of _____
My commission expires: _____
Commission/Serial No. _____

The foregoing was accepted and approved on the _____ day of _____, A.D. 2014, by Resolution No. _____ of the City Council of Doral, Florida.

Mayor

ATTEST: Barbara Herrera,
Clerk of said Board

Approved as to form
and legal sufficiency

By: _____
Clerk

City Attorney

EXHIBIT "A"


Legal Description:




Memorandum

Date: August 25th, 2014

To: Barbara Herrera, City Clerk

Via: Al Childress, Assistant City Manager 

From: Julian H. Perez, AICP, CFM, Planning and Zoning Director 

Subject: Right-of-Way Dedication – A portion of land on the Southeast corner of said Section 8, Township 53 South, Range 40 East being theoretical N.W. 98th Place containing 1.5 Acres more or less – Modification to Approved Sketch and Legal Description

On August 13th 2014, the City Council approved the subject “Right-of-Way” dedication from city owned land located on the Southeast corner of said Section 8, Township 53 South and Range 40 East in the City of Doral for the purpose of expanding the city’s roadway grid along N.W. 98th Place Avenue and connecting water and sewer utilities to the future city park located to the north of N.W. 75th Terrace.

After the subject request was approved by Council, the Department was informed by the Applicant that the original Sketch and Legal Description was incorrect because it omitted a 100-foot wide strip on N.W. 74th Street in front of the property that continues to be owned by the City of Doral and has not been designated or dedicated as right of way for N.W. 74th Street.

Attached please find a copy of the e-mail from the Applicant’s surveyor with a detailed explanation regarding the correction to the existing Sketch and Legal Description. In addition, enclosed please find an original revised signed and seal Sketch and Legal Description that needs to be attached to Resolution No. 14-117.

Julian Perez (PZ)

From: Mark Johnson <mjohnson@shiskin.com>
Sent: Wednesday, August 13, 2014 4:35 PM
To: Julian Perez (PZ)
Cc: Tracy.Slavens@hklaw.com; Juan.Mayol@hklaw.com; Jose Hernandez
Subject: NW 98th Place Dedication
Attachments: ORB 24639 PG 0087.pdf; ORB 26848 PG 4843.pdf; SSA Legal and Sketch for NW 98th Place 1 OF 2.pdf; SSA Legal and Sketch for NW 98th Place 2 OF 2.pdf; Hadonne Legal and Sketch for NW 98th Place.pdf

Julian,

Pursuant to our prior discussion, please see the attached for reference relating to the following points.

The City parcel was conveyed by Atlas City Property LLC to the City of Doral and is defined in ORB 24639 Pg 87, which includes a substantial parcel (park area) north of NW 74th Street and north-south strip 100 feet in width extending to the South Line of Section 08-53S-40E, the same being the Centerline of zoned NW 74th Street.

NW 74th Street right-of-way was conveyed by FDG Beacon Commons LLC to Miami-Dade County in ORB 26848 Pg 4843 (attached). This deed (see pdf) specifically lessed out the City lands to the Centerline (Section Line) in the last paragraph of the Legal Description (noting also that FDG Beacon Commons LLC did not own this land to convey).

As a consequence, the 100 foot wide strip, although being physically constructed as NW 74th Street, continues to be owned by the City of Doral and has not been designated or dedicated as right-of-way for NW 74th Street.

The Hadonne sketch (attached) reflects the proposed right-of-way conveyance incorrectly insomuch as the conveyance must include the extension of the 100 foot strip as indicated in the City deed and the SSA Legal and Sketch. Further, the Hadonne sketch indicates 25 foot radius returns which must be dedicated. However, these returns are outside of the City's deed (100 foot strip) and must be conveyed by others (ad joiners). The 25 radius returns will be dedicated through the proposed Plat of Doral Commons Residential by the developer.

Please let me know if you have any questions or if any of these points would benefit from further explanation.

Mark Johnson

Mark Steven Johnson, PLS, Sec'y-Treas.
mjohnson@shiskin.com

Schwebke-Shiskin & Associates, Inc.
3240 Corporate Way
Miramar, FL 33025
954-435-7010

1907-1910 1911-1914 1915-1918 1919-1922 1923-1926 1927-1930

THE GIFT OF DONALD

DORAL NORTH PARK -

FAIR SITE

710141

NORTH PARK 7

$$001 = 1$$
$$001 = 1$$

44

LEAD

P.O.C. = POINT OF

BEGINNING

PCUSP = POINT OF

CUSP

P.C. = POINT OF

POINT OF

TANGENCY

P.R.C. = POINT OF

אברהם יצחק

NON-TANG

INTERSECT

P.B. = PLAT BOOTH

7041 - 0.1

ROW = RIGHT OF

$$R = \text{RADIUS}$$

△ = CENTRAL A

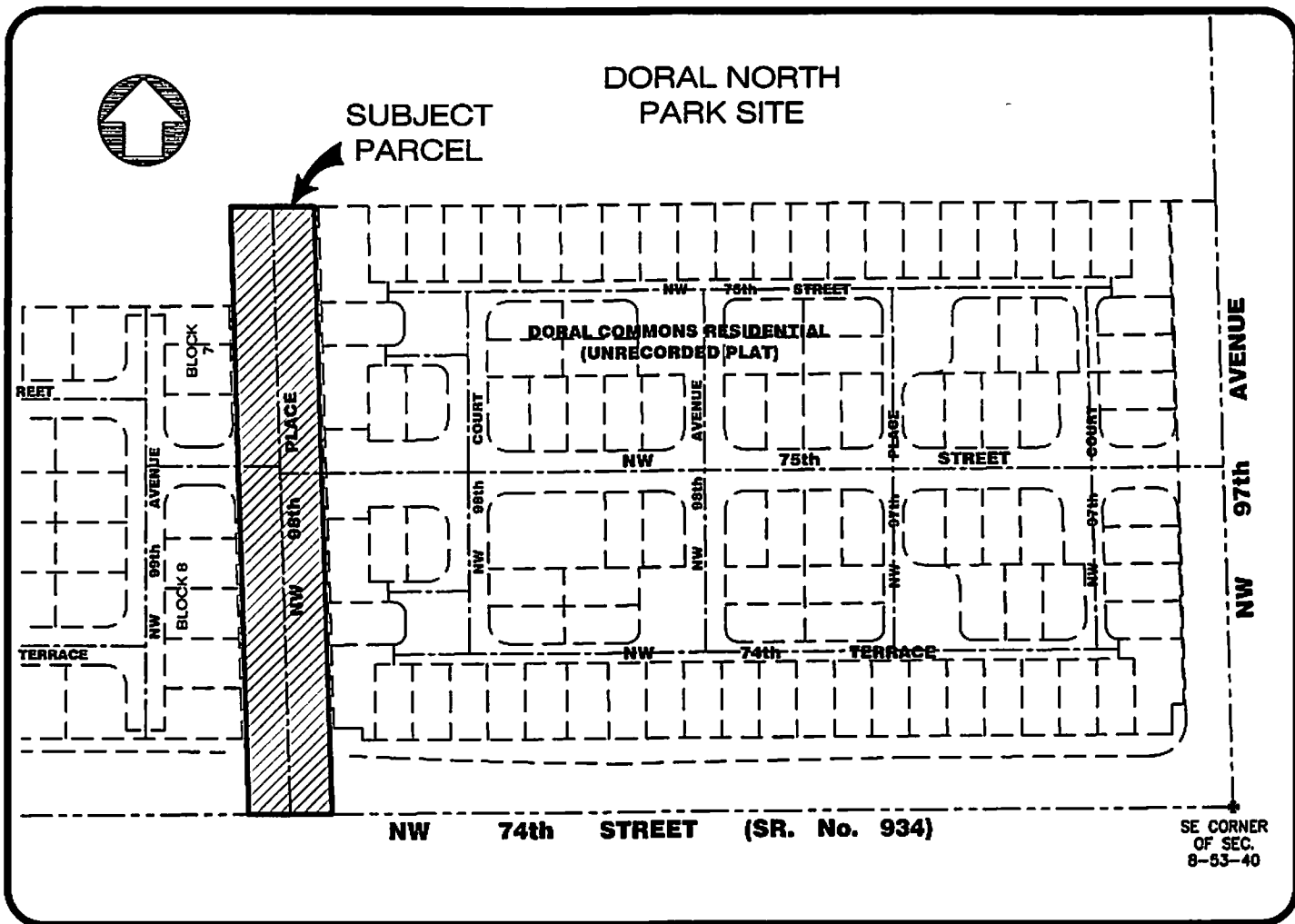
1977 MAY 1

Abstract

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for
THE CITY OF DORAL

SECTION 8 - TOWNSHIP 53 SOUTH - RANGE 40 EAST



LOCATION MAP

NOT TO SCALE

LEGAL DESCRIPTION:

A parcel of land in the Southeast 1/4 of Section 8, Township 53 South, Range 40 East, City of Doral, Miami-Dade County, Florida, being a portion of NW 98th Place as depicted on the Plat of "DORAL COMMONS RESIDENTIAL", an unrecorded Plat, more particularly described as follows:

COMMENCE at the Southeast Corner of said Section 8; thence S89°39'25"W along the South Line of the Southeast 1/4 of said Section 8 for 1080.85 feet; thence S89°39'25"W, for 100.03; thence N01°44'24"W along the most Easterly Boundary line of Tract "E" of the mentioned Plat of "DORAL COMMONS RESIDENTIAL" and along the Boundary Line of the proposed DORAL NORTH PARK Site, for 728.10 feet to a point on the most Northerly South Boundary of the proposed DORAL NORTH PARK Site; thence N89°39'25"E along the most Northerly South Boundary Line of said proposed DORAL NORTH PARK Site for 100.03 feet to a point on the most Westerly Boundary line of Tract "H" of the mentioned Plat of "DORAL COMMONS RESIDENTIAL"; thence S01°14'24"E along the most Westerly Boundary line of Tract "H" of the mentioned Plat of "DORAL COMMONS RESIDENTIAL" for 728.10' feet to a point on the North line of said Parcel 5N, said point also being the Point of Beginning.

Containing 72,810 Square Feet or 1.67 Acres, more or less, by calculations.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
THE CITY OF DORAL

SOURCES OF DATA:

The Legal Description of the Subject Property was generated from the review of the following Plat:
Plat of "DORAL COMMONS RESIDENTIAL", an unrecorded Plat.
Plat of "DORAL COMMONS COMMERCIAL", an unrecorded Plat.

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:

RIGHT OF WAY DEED FOR HIGHWAY PURPOSES, dated June 4, 2008, recorded in Official Records Book 26448, at Page 4843, Miami-Dade County Records.

SPECIAL WARRANTY DEED, dated June 14, 2006, recorded in Official Records Book 24639, at Page 87, Miami-Dade County Records.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, PROJECT RESOLUTION FOR STATE HIGHWAY SYSTEM PROJECTS, recorded January 27, 2006, recorded in Official Records Book 24186, at Page 2169, Miami-Dade County Records.

Bearings as shown hereon are based upon the South Line of the Southeast one-Quarter of Section 8, Township 53 South, Range 40 East, City of Doral, Miami-Dade County, Florida with an assumed bearing of S89°39'25"W.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than what appears on the underlying Plats of record. Please refer to the Limitations item with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information other than that is cited in the Sources of Data were furnished, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

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

INTENDED USE / EXPRESS PURPOSES:

It is understood by the Surveyor that the intended use of this document is to depict an specific parcel designated as NW 98th Place to be dedicated as public Right of Way purposes.

SURVEYOR'S CERTIFICATE:

I hereby certify that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 through 5J-17.052 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By:  Date: 08-20-2014

Abraham Hadad, P.S.M.
Professional Surveyor and Mapper LS6006
HADONNE CORP.
Land Surveyors and Mappers
Certificate of Authorization LB7097
8700 W Flagler Street, Suite 420
Miami, Florida 33174
P:hone: +1(305) 266-1188
Fax: +1(305) 207-6845

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. 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-17.051 of the Florida Administrative Code.