

RESOLUTION NO. 2013-28-1824-Z-131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ACCEPTING THAT CERTAIN DEED FROM CE LAND PARTNERS, LLC, FOR THE PURPOSE OF CREATING A PUBLIC RIGHT-OF-WAY ON THE PROPERTY GENERALLY LOCATED EAST OF THEORETICAL N.W. 25TH AVENUE AND THEORETICAL N.W. 185TH TERRACE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, CE Land Partners, LLC (the "Applicant") is the owner of a parcel of land, which is generally located east of theoretical N.W. 25th Avenue and theoretical N.W. 185th Terrace, more particularly described on Exhibit "A" attached hereto, and

WHEREAS, the Applicant proposes to develop a multi-family residential development, however, the parcel currently does not have frontage or access to a public right-of-way, and

WHEREAS, as part of the Final Plat approval for the multi-family residential development, the Applicant has agreed to convey a right-of-way deed to the City, and

WHEREAS, the City will make the necessary improvements to allow public access to the parcel,

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 accepts that certain deed from CE Land Partners, LLC, for the purpose of creating a public right-of-way on the property generally located east of theoretical N.W.

Resolution No. 2013-28-1824-Z-131

25th Avenue and theoretical N.W. 185th Terrace, more particularly described on Exhibit "A" attached hereto.

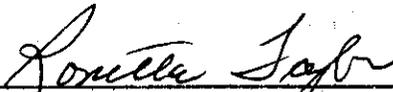
Section 3: EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON FEBRUARY 6, 2013.



OLIVER GILBERT, III, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: Councilman Williams  
Second by: Councilwoman Odom

VOTE: 7-0

Mayor Oliver Gilbert, III	<u>X</u> (Yes)	_____ (No)
Vice Mayor Lisa Davis	<u>X</u> (Yes)	_____ (No)
Councilwoman Lillie Q. Odom	<u>X</u> (Yes)	_____ (No)
Councilman David Williams Jr	<u>X</u> (Yes)	_____ (No)
Councilwoman Felicia Robinson	<u>X</u> (Yes)	_____ (No)
Councilman Rodney Harris	<u>X</u> (Yes)	_____ (No)
Councilman Erhabor Ighodaro, Ph.D.	<u>X</u> (Yes)	_____ (No)



## City of Miami Gardens Zoning Agenda Memo

Zoning Board Meeting Date:	February 6, 2013		Item Type: <i>(Enter X in box)</i>	Resolution X	Ordinance	Other
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1 <sup>st</sup> Reading		2 <sup>nd</sup> Reading
		x		Public Hearing: <i>(Enter X in box)</i>	Yes	No
					X	
Funding Source:	<i>(Enter Fund &amp; Dept)</i>		Advertising Requirement:	Yes		No
						X
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:			
		X				
Strategic Plan Related:	Yes	No	Strategic Plan Priority Area: Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/>	Strategic Plan Obj./Strategy: N/A		
		X				
Sponsor Name:	Dr. Danny Crew, City Manager		Department:	Planning and Zoning Department		

### Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ACCEPTING THAT CERTAIN DEED FROM CE LAND PARTNERS, LLC, FOR THE PURPOSE OF CREATING A PUBLIC RIGHT-OF-WAY ON THE PROPERTY GENERALLY LOCATED EAST OF THEORETICAL N.W. 25TH AVENUE AND THEORETICAL N.W. 185TH TERRACE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

### Staff Summary:

#### Background

As part of the Final Plat approval of "Pelican Cove" the owner, CE Land Partners, LLC and City have entered into a Roadway Improvement Agreement whereas right-a-way access will be provided to the land owner's property from N.W. 27 Avenue with the committed improvement of future N.W. 185 Terrace east to a round-a-bout and

**ITEM 7-B) CONSENT AGENDA  
RESOLUTION  
Deed from CE Land Partners, LLC**

eventual future improvement of N.W. 25 Avenue. The City must construct N.W. 185 Terrace for access to the new City Hall complex.

### **Current Situation**

In order for the City to make the improvements of N.W. 185 Terrace and the round-a-about east off N.W. 27 Avenue the owner is deeding a portion of its' property to the City. The City, by Resolution, must accept the property for right-of-way purposes to allow the construction of the improvements.

### **Analysis**

Accepting the right-a-way deed will allow the City to fulfill its' commitment of the Roadway Improvement Agreement entered into with the land owner, CE Land Partners, LLC by allowing the City to proceed with the improvement of N.W. 185 Terrace and round-a-about to service the new City Hall building and the property owned by CE Land Partners, LLC.

<b>Proposed Action:</b>
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Recommend adoption of the Resolution.

Attachments:

- RIGHT-OF-WAY DEED
- SKETCH AND DESCRIPTION OF ROW

# RIGHT-OF-WAY DEED

**Return to:**

City of Miami Gardens Public Works Dept.  
1515 NW 167 Street  
Miami Gardens, FL 33169

**RIGHT-OF-WAY DEED TO THE CITY OF MIAMI GARDENS  
CONVEYS THE TITLE FOR HIGHWAY PURPOSES  
Limited Liability Company**

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

**THIS INDENTURE**, Made this \_\_\_\_\_ day of December, A.D. 2012, by and between CE Land Partners, LLC, A Florida Limited Liability Company, whose address is 2100 Hollywood Boulevard Hollywood, Florida 33020, party of the first part, and the **CITY OF MIAMI GARDENS**, a Florida municipal corporation, and its successors in interest, whose Post Office Address is 1515 NW 167 Street, Miami Gardens, Florida 33169, 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 Miami-Dade County, State of Florida, to-wit:

**See attached 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 Managing Member, has caused these presents to be signed for and on its behalf, the day and year first above written.

**Witnesses:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
CE Land Partners, LLC

\_\_\_\_\_  
Print Name

by Leon Wolfe  
Managing Member

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Sworn to and subscribed before me on the \_\_\_\_ day of December 2012. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

My Commission expires:

\_\_\_\_\_  
Notary  
(Stamp/Seal)

## EXHIBIT A

### DESCRIPTION OF RIGHT-OF-WAY DEDICATION AT PELICAN COVE APARTMENTS

#### LEGAL DESCRIPTION:

A PORTION OF TRACTS 94 AND 99, BLOCK 3, **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:

**COMMENCING** AT THE SOUTHWEST CORNER OF TRACT "D", **DOLPHIN CENTER - STADIUM SITE**, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 129, PAGE 91 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 87°15'51" WEST, ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID TRACT "D", A DISTANCE OF 508.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE SOUTH 87°15'51" WEST, A DISTANCE OF 12.00 FEET; THENCE NORTH 02°46'44" WEST, ALONG THE WEST LINE OF SAID TRACTS 99 AND 94, A DISTANCE OF 586.38 FEET; THENCE NORTH 87°15'51" EAST, A DISTANCE OF 66.71 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT AT WHICH A RADIAL LINE BEARS NORTH 16°48'45" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 34.50 FEET AND A CENTRAL ANGLE OF 44°14'08", A DISTANCE OF 26.64 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 63.50 FEET AND A CENTRAL ANGLE OF 160°24'50", A DISTANCE OF 177.78 FEET TO A POINT OF TANGENCY; THENCE SOUTH 87°13'35" WEST, A DISTANCE OF 52.81 FEET; THENCE SOUTH 02°46'44" EAST, A DISTANCE OF 445.73 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS SITUATE IN THE CITY OF MIAMI GARDENS, MIAMI-DADE COUNTY, FLORIDA, AND CONTAIN 0.480 ACRES, MORE OR LESS.

# SKETCH OF RIGHT-OF-WAY

**RIGHT-OF-WAY  
AT PELICAN COVE**

**LEGAL DESCRIPTION**

A PORTION OF TRACTS 94 AND 99, BLOCK 3, **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:

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SAID LANDS SITUATE IN THE CITY OF MIAMI GARDENS, MIAMI-DADE COUNTY, FLORIDA, AND CONTAIN 0.480 ACRES, MORE OR LESS.

**NOTES:**

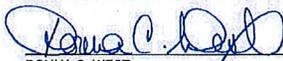
1. THIS DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. ALL EASEMENTS SHOWN HEREON ARE PER THE RECORD PLAT(S) UNLESS OTHERWISE INDICATED.
3. THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN HEREON THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. SUCH INFORMATION SHOULD BE OBTAINED BY OTHERS THROUGH AN APPROPRIATE TITLE SEARCH.
4. THIS IS NOT A SURVEY. IT IS A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.

**ABBREVIATIONS:**

A	= ARC LENGTH	P.O.B.	= POINT OF BEGINNING
B.C.R.	= BROWARD COUNTY RECORDS	P.O.C.	= POINT OF COMMENCEMENT
D	= DELTA (CENTRAL ANGLE)	R	= RADIUS
D.E.	= DRAINAGE EASEMENT	RW	= RIGHT-OF-WAY
O.R.B.	= OFFICIAL RECORDS BOOK	U.E.	= UTILITY EASEMENT
P.B.	= PLAT BOOK		
PG.	= PAGE		

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS CONTAINED IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

  
 \_\_\_\_\_  
 DONNA C. WEST  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA REGISTRATION NO. LS4290



 <p><b>HSQ GROUP, INC.</b>                  Engineers • Planners • Surveyors                  1489 West Palmetto Park Rd., Suite 340                  Boca Raton, Florida 33486 • 561.392.0221                  CA26258 • LB7924</p>	PROJECT: <b>PELICAN COVE</b>
	PROJECT NO.: 1207-33
	DATE: 1/08/13
	SHEET 1 OF 2



(PROPOSED)  
NW 185TH TERR.

30' INGRESS & EGRESS  
& UTILITY EASEMENT  
(P.B. B2, PG.73)

(P.B. 84, PG. 8)  
S. U.E.

50' INGRESS/EGRESS EASEMENT  
(O.R.B. 27040, PG. 2793)

N87°15'51"E  
66.71'

RADIAL  
N61°02'53"E

R=34.50'  
D=44°14'08"  
A=26.64'

PROPOSED  
RIGHT-OF-WAY

PORTION OF  
TRACTS 94 & 99

R=63.50'  
D=160°24'50"  
A=177.78'

S87°13'35"W  
52.81'

BLOCK 3  
MIAMI GARDENS  
(P.B. 2, PG. 96)

NW 25TH AVE.

N02°46'44"W 586.38'

S02°46'44"E 445.73'

30' INGRESS & EGRESS & UTILITY EASEMENT  
(P.B. 82, PG.73)

W. LINE  
TRACTS 94 & 99

P.O.B.

S87°15'51"W  
12.00'

S87°15'51"W 508.00'

S. LINE  
TRACT "D"  
S87°15'51"W

P.O.C.

SW CORNER  
TRACT "D"  
DOLPHIN CENTER -  
STADIUM SITE  
(P.B.129, PG.91)

LEGEND:  
C CENTERLINE

PROPOSED RIGHT-OF-WAY	1/08/13	DCW	GTW	N/A
REVISIONS	DATE	BY	CKD	FIELD BK.
PROJECT: PELICAN COVE	SCALE: 1" = 60'			
PROJECT NO.: 1207-33	SHEET 2 OF 2			