

RESOLUTION NO. 2022-036

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING THE NON-EXCLUSIVE PERPETUAL EASEMENT ATTACHED AS EXHIBIT “1”, BETWEEN THE CITY OF HIALEAH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCATED AT THE INTERSECTION OF LEJEUNE ROAD/EAST 8 AVENUE AND EAST 42 STREET, ADJACENT TO FIRE STATION NO. 2, HIALEAH, FLORIDA; AND FDOT DONATION OF PROPERTY FORM, ATTACHED AS EXHIBIT “2”; AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, TO EXECUTE THE EASEMENT AND THE DONATION FORM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Department of Transportation (FDOT) has agreed to install a traffic signal at the intersection of LeJeune Road/East 8 Avenue and East 42 Street, adjacent to City of Hialeah Fire Station No. 2; and

WHEREAS, in order to install the traffic signal equipment and maintain ADA compliance along the sidewalks, FDOT will need a 23’ x 3.88’ perpetual easement from the City of Hialeah for the installation of the signal cabinet and electrical service point; and

WHEREAS, the easement serves a paramount public purpose and protects the public’s interest in regulating traffic through the installation of a traffic signal; and

WHEREAS, the City of Hialeah Streets Department has no objection to the installation of the traffic signal.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The recitations and findings contained in the preamble to this Resolution are hereby adopted by reference thereto and incorporated as if fully set forth herein.

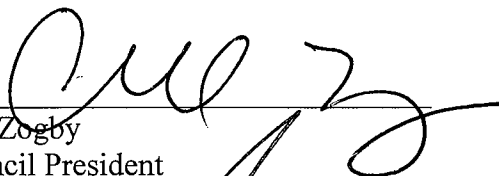
Section 2: The City of Hialeah, Florida hereby approves and consents to the installation of the traffic signal.

Section 3: The Mayor and the City Clerk, as attesting witness, are authorized to execute the Non-Exclusive Perpetual Easement form attached as Exhibit “1” and the FDOT Donation of Property form, attached as Exhibit “2” to this Resolution, in furtherance thereof, on the City’s behalf.

Section 4: Effective Date.

This resolution shall become effective upon signature of the Mayor of the City of Hialeah, Florida or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this ⁸ day of March, 2022.



Carl Zogby
Council President

Attest:

Approved on this 16 day of March, 2022.

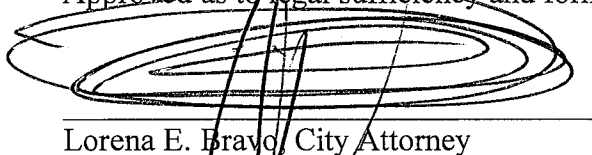


Marbelys Fatjo, City Clerk

Mayor Esteban Bovo, Jr.

Approved as to legal sufficiency and form:

Resolution was adopted by 7-0 vote with Councilmembers, Calvo, Casals-Munoz, Garcia-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes."



Lorena E. Bravo, City Attorney

EXHIBIT "1"

07-PE.02-04/93

This instrument prepared by,
or under the direction of,
Alicia Trujillo, Esq.
District Six Chief Counsel
State of Florida

Department of Transportation
1000 N.W. 111th Avenue
Miami, Florida 33172
November 10, 2021 - MF

Parcel No. : 802.1R(2/18/2022)MF
Item/Segment No. : 443927-1
Managing District : 6
Parcel Folio : 04-3105-010-0440

NON-EXCLUSIVE PERPETUAL EASEMENT

THIS EASEMENT Made the ____ day of _____, 20 ____, by **CITY OF HIALEAH, a Florida municipal corporation**, Grantor, to 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 non-exclusive perpetual easement for the purpose of constructing and maintaining a controller cabinet and signal disconnect, as depicted in Exhibit "A," in, over, under, upon and through the following described land in Miami-Dade County, Florida, viz:

Parcel 802

F.P. No. 443927-1

A portion of Lot 16, Block 37F, of SIXTEENTH ADDITION TO HIALEAH, according to the plat thereof, as recorded in Plat Book 10, Page 53, of the Public Records of Miami-Dade County, Florida, and being more particularly described as follows:

COMMENCE at the Southeast Corner of Northwest 1/4 of Section 5, Township 53 South, Range 41 East, said point lying at the intersection of the baseline of survey of State Road 953 (N.W. 42nd Avenue / Lejeune Road) and the centerline of E. 41st Street, as shown on the Florida Department of Transportation Right of Way Map, Section 87620-2605, recorded in Road Plat Book 101, Page 92 of the Public Records of Miami-Dade County, Florida; thence N 01°14'49" W, along said baseline of survey of State Road 953 and the East line of said Northwest 1/4 of Section 5, for a distance of 444.05 feet; thence S 88°45'11" W, departing said baseline of survey at a right angle, for a distance of 50.00 feet to a point on the existing West right of way line of State Road 953, and the POINT OF BEGINNING of the hereinafter described parcel:

Thence S 88°45'10" W for a distance of 3.88 feet; thence N 01°14'49" W for a distance of 23.00 feet; thence N 88°45'10" E for a distance of 3.88 feet to a point on aforesaid existing West right of way line of State Road 953; thence S 01°14'49" E, along said existing right of way line, for a distance of 23.00 feet to the POINT OF BEGINNING. Said lands containing 89 square feet, more or less.

Denis Denis, PE, PSM,
License No. 7017, State of Florida
Colliers Engineering & Design, Inc.
Date: 11/16/2021

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns forever, and the Grantor will defend the title to said lands against all persons claiming by, through or under said Grantor.

IN WITNESS WHEREOF, the Grantor 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.

Signed, sealed, and delivered in the presence of:

(Two witnesses required by Florida Law)

**CITY OF HIALEAH,
a Florida municipal corporation**

By: _____

Print/Type name _____

Title: _____

(Signature of Witness)

(Print/Type Name of Witness)

(Address)

(Signature of Witness)

(Print/Type Name of Witness)

or, ATTEST by: _____, Title: _____ (Affix Corporate Seal)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this day this ____ day of _____, 20__ by _____ of **CITY OF HIALEAH, a Florida municipal corporation**, on behalf of the corporation. He/she is personally known to me or has produced _____ as identification.

Notary Stamp

(Signature of person taking acknowledgement)

(Type, print or stamp name under signature)

Title or Rank and Serial No., if any: _____

SKETCH 19000365G-79-03

R:\PROJECTS\GOVERNMENT PROJECTS\19000365G - FDOT DE RW Contract\Survey\TYO_20_SR653 (Statewide) FRM43927-1.2 SK14434271\rvn\p\RWPS802.dgn

EXHIBIT "A"

LEGAL DESCRIPTION PARCEL 802:

A portion of Lot 16, Block 37F, of SIXTEENTH ADDITION TO HIALEAH, according to the plat thereof, as recorded in Plat Book 10, Page 53, of the Public Records of Miami-Dade County, Florida, and being more particularly described as follows:

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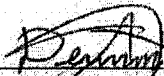
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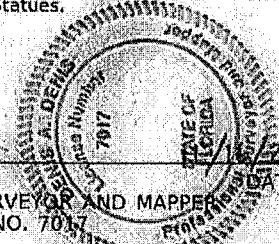
GENERAL NOTES:

- Bearings are based on the Baseline of Survey of State Road 953 (N.W. 42nd Avenue / Lejeune Road) having a bearing of N 01°14'49" W from P.I. Sta. 90+32.95 to P.I. Sta. 117+06.19, as shown in Florida Department of Transportation (FDOT) Right of Way Control Survey Map for said State Road 953, Section 87281, Financial Project No. 443927-1, prepared by Maser Consulting (now known as Colliers Engineering & Design, Inc.), dated October 9, 2020.
- Existing Right of Way lines were derived from the FDOT Right of way Map, Section 87620-2605, recorded in Road Plat Book 101, Page 92 of the Public Records of Miami-Dade County, Florida, as supported by said Right of Way Control Survey Map for State Road 953, unless otherwise shown.
- Parcel geometry was provided by FDOT in CADD file "TEXTRD01 ROW Easement Controller.dgn" on November 10, 2021.
- Station and offsets shown hereon are relative to the Baseline of Survey of State Road 953.
- Lands shown hereon were abstracted for right-of-way, easement of record, ownership, abandonments, deed restrictions, and Murphy Act Deeds. Title Search prepared by American Government Services Corporation, Search No. 31284, certified through October 4, 2021 at 8:00am.
- Reproductions of this map are not valid without the original signature and seal of the Florida Licensed Surveyor and Mapper in responsible charge.
- Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.
- This Sketch to Accompany Legal Description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Land Surveyors and Mappers, referenced in Rule 5J-17 Florida Administrative code pursuant to Section 472.027, Florida Statutes.

LEGEND:

- AVE. - Avenue
- BL - Baseline
- CL - Centerline
- DA - Delta Angle
- EXIST. - Existing
- FDOT - Florida Department of Transportation
- F.P. - Financial Project
- LB - Licensed Business
- LT - Left
- N/A - Not Applicable
- O.R.B. - Official Records Book
- (P) - Per Plat
- P.B. - Plat Book
- PG. - Page
- P.I. - Point of Intersection
- P.O.B. - Point of Beginning
- P.O.C. - Point of Commencement
- RD. - Road
- RES. - Resolution
- RGE. - Range
- RT - Right
- R/W - Right of Way
- SEC. - Section
- S.F. - Square Feet
- S.R. - State Road
- STA. - Station
- TWP. - Township


 DENIS DENIS
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA LICENSE NO. 7017



THIS IS NOT A SURVEY

This document consists of two (2) sheets and neither shall be considered full, valid, and complete without the other.

				FLORIDA DEPARTMENT OF TRANSPORTATION			
				SKETCH TO ACCOMPANY LEGAL DESCRIPTION			
				STATE ROAD NO. 953		MIAMI-DADE COUNTY	
				BY: JCF DATE: 11/09/21 DRAWN: JCF CHECKED: DD 11/16/21		PREPARED BY: COLLIER ENGINEERING & DESIGN, INC. 8290 NW 64 STREET MIAMI, FL 33166 (JLB:368)	
REVISION: BY: DATE:				F.P. NO. 443927-1 SECTION 87281		DATA SOURCE: SEE GENERAL NOTES SHEET 1 OF 2	

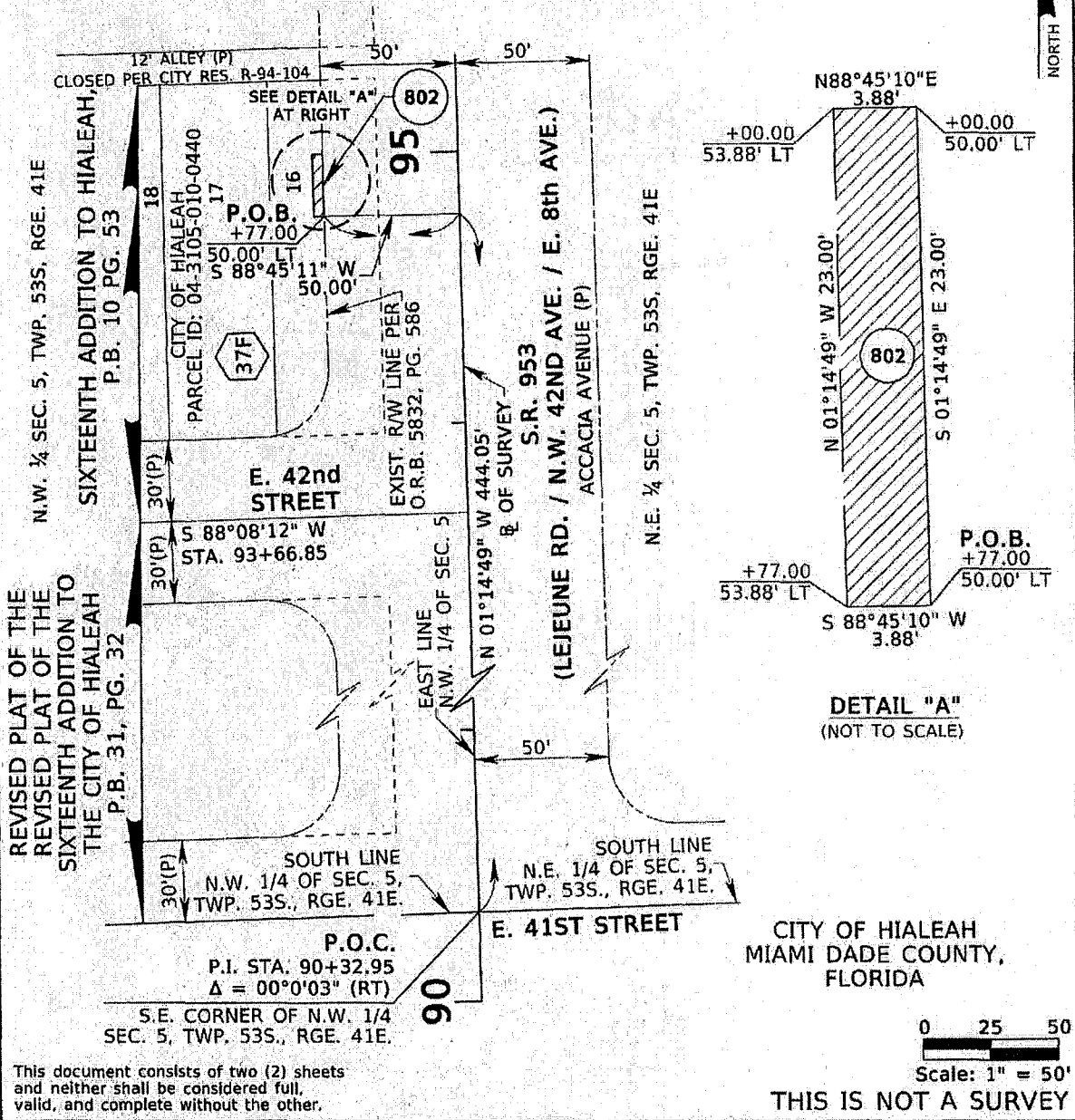
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SKEETCH 190003655-29.03

R:\PROJECTS\GOVERNMENT PROJECTS\190003655 - FDOT D6 RW ContractSurvey\190003655 - FDOT D6 RW ContractSurvey\190003655-29 - SR 953 (LeJeune).FP443927-1 2 5614439271\himga\RWPS802.dgn

EXHIBIT "A"

PARCEL #	OWNER'S NAME	PARCEL AREA	REMAINDER	COMMENTS
802	CITY OF HIALEAH	89 S.F.	N/A	



This document consists of two (2) sheets and neither shall be considered full, valid, and complete without the other.

FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH TO ACCOMPANY LEGAL DESCRIPTION

STATE ROAD NO. 953 **MIAMI-DADE COUNTY**

	BY	DATE	PREPARED BY: COLLIER'S ENGINEERING & DESIGN, INC. 8290 NW 64 STREET MIAMI, FL 33166 (LB/18H)	DATA SOURCE: SEE GENERAL NOTES ON SHEET 1
REVISION	BY	DATE	F.P. NO. 443927-1	SECTION 87281
			CHECKED DD	11/16/21

11/16/2021 6:28:34 AM DDenis



Florida Department of Transportation

Office of Right of Way
1000 NW 111th Avenue, Room 6105-B
Miami, FL 33172

KEVIN J. THIBAUT, P.E.
SECRETARY

RON DESANTIS
GOVERNOR

Donation of Perpetual Easement to the Florida Department of Transportation

City of Hialeah
c/o Jose Sanchez, Streets Director
501 Palm Ave
Hialeah, FL 33010-4719

ITEM/SEGMENT NO.:	443927-1
MANAGING DISTRICT:	6
F.A.P. NO.:	N/A
STATE ROAD NO.:	953/E 8 th Avenue
COUNTY:	Miami-Dade
PARCEL NO.:	802
INTEREST CONVEYED:	Non-Exclusive 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 grant a non-exclusive perpetual easement of said property or property interest, as described in Exhibit A, to the State of Florida for the use and benefit of the Florida Department of Transportation.

Owner's Signature

Type or Print Property Owner's Name

Street Address

City, State, Zip Code

Date