

RESOLUTION NO. Z09-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, ACCEPTING A RIGHT-OF-WAY DEED CONVEYING TITLE FOR RIGHT-OF-WAY PURPOSES FROM PETROLEUM INVESTMENTS, INC. TO THE CITY OF DORAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Petroleum Investments, Inc., a Florida corporation owns a undeveloped parcel of property located on the west half of NW 102nd Avenue from NW 58th Street to theoretical NW 59th Street in the City of Doral, Miami-Dade County, Florida; and

WHEREAS, at the time when Petroleum Investments, Inc. or its successor develops the real property, that property owner would be required to construct the western half of NW 102nd Avenue.

WHEREAS, the City of Doral desires to accept the Right-of-Way Deed from Petroleum Investments, Inc., conveying title to the City of Doral for public right-of-way purposes; and

WHEREAS, the City Council of the City of Doral has determined that it is in the best interest of citizens and residents of the City of Doral to accept the Right-of- Way Deed for the portion of property located on the west half of NW 102nd Avenue from NW 58th Street to theoretical NW 59th Street within the City of Doral; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA THAT:

SECTION 1. The City of Doral hereby accepts the Right-of-Way Deed for property located on the west half of NW 102nd Avenue from NW 58th Street to theoretical NW 59th Street in the City of Doral, Miami-Dade County, Florida, said

property being described in the Right-of-Way Deed attached hereto as Exhibit "A," from Petroleum Investments, Inc., the owner of said property, for the purpose of acquiring title to the aforementioned property for right-of-way purposes.

SECTION 2. That the Mayor of the City of Doral authorizes the City Manager to execute any documents necessary to accept the Right-of-Way Deed.

SECTION 3. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 4. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not effecting the validity of the remaining portions or applications remaining in full force and effect.

SECTION 5. This Resolution shall become effective immediately upon its passage and adoption.

[Section left blank intentionally]

The foregoing resolution was offered by Vice Mayor DiPietro who moved its adoption. The motion was seconded by Councilwoman Ruiz and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Pete Cabrera	Absent
Councilwoman Sandra Ruiz	Yes
Councilman Robert Van Name	Yes

PASSED and ADOPTED this 11th day of February, 2009.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JOHN HEARN, ESQ., CITY ATTORNEY

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Return to:
City of Doral
Public Works Department
8300 N.W. 53rd Street Suite 200
Doral, Florida 33166-
Instrument prepared by:
Graham Penn, Esq.
Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, FL 33131



CFN 2009R0246090
DR Blk 26815 Pgs 3960 - 3970; (11pgs)
RECORDED 04/03/2009 11:57:41
DEED DOC TAX 0.60
SURTAX 0.45
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Folio No. 35-3017-001-0400
User Department: Public Works

**RIGHT-OF-WAY DEED TO CITY OF DORAL
CONVEYS THE TITLE FOR HIGHWAY PURPOSES
BY CORPORATION**

STATE OF FLORIDA)
)
CITY OF DORAL)

THIS INDENTURE, Made this 11th February, 2009 day of ~~October, A.D. 2008~~, by and between **PETROLEUM INVESTMENTS, INC.** a Florida Corporation, and having its office and principal place of business at 9701 N.W. 89 Avenue, Medley, Florida 33178, party of the first part, and **CITY OF DORAL**, a political subdivision of the State of Florida, and its successors in interest, whose Post Office address is 8300 N.W. 53rd Street, 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 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, State of Florida, to-wit:

The East 35 feet of the East 1/2 of Tract 40, LESS the South 40 feet thereof, of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" of Section 17, Township 53 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, and together with that external area formed by a 25 foot radius curve being tangent to a line that lies 40 feet North of and parallel with the South line of the Southwest 1/4 of said Section 17 and being tangent to a line that lies 35 feet West of and parallel with the East line of the Southwest 1/4 of said Section 17.

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 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 successors and assigns, and it or they shall have the right to immediately re-possess the same.

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, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, Sealed, Attested and delivered in our presence:
(2 witnesses for each signature or for all).

Ken T. J.
Witness

Renben Tosar
Printed Name

Jessika Vogeler
Witness

Jessika Vogeler
Printed Name

PETROLEUM INVESTMENTS, INC.
Name of Corporation

Guillermo Urbieto (Sign)
By: Guillermo Urbieto, Director

9701 N.W. 89 Avenue, Medley, Florida 33178

STATE OF FLORIDA)

COUNTY OF Dade)

I HEREBY CERTIFY, that on this 24th day of October, A.D. 2008, before me, an officer duly authorized to administer oaths and take acknowledgments personally appeared Guillermo Urbieto, personally known to me, or proven, by producing the following identification: _____ to be the Director of Petroleum Investments, Inc. a Florida Corporation, and in whose name the foregoing instrument is executed and that said Managing Member acknowledged before me that _____ executed said instrument acting under the authority duly vested by said Company.

WITNESS my hand and official seal in the City and State aforesaid, the day and year last aforesaid.

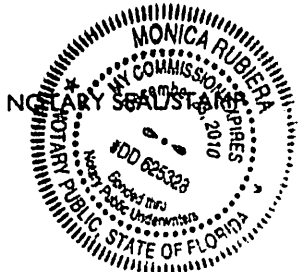
Monica Rubiera
Notary Signature

MONICA RUBIERA
Printed Notary Name

Notary Public, State of Florida

My commission expires: 12-28-2010.

Commission/Serial No. DD 625328.



The foregoing was accepted and approved on the 11th day of February, A.D. 2008 by Resolution No. 209-01 of the City Council of the City of Doral, Florida.

Guillermo Urbieto
City Manager

ATTEST: BARBARA HERRERA,
Clerk of said Board

By Barbara Herrera
City Clerk

Approved as to form
and legal sufficiency

[Signature]
City Attorney

10/28/2008

STATE OF FLORIDA

COUNTY OF ...

I HEREBY CERTIFY that on this day of ... A.D. 1900 ...
... by ...
... the Director of ...
... and ...
... and ...

... in the City and County of ...

...
...
...

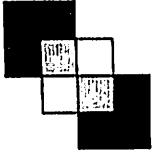


... of the City of ...

...
...

Approved to be ...
and ...
...

...
...



EISINGER, BROWN, LEWIS & FRANKEL, P.A.
Attorneys at Law

*Presidential Circle, Suite 265-S
4000 Hollywood Boulevard
Hollywood, Florida 33021
Telephone: (954)894-8000
Facsimile: (954)894-8015
email: jkrut@peplawyers.com*

*Of Counsel to:
Scruggs & Carmichael, P.A.
Gainesville, Florida 32601*

November 6, 2008

Via Federal Express

Graham Penn, Esq.
Bercow, Radell & Fernandez, P.A.
200 S. Biscayne Boulevard, Ste. 850
Miami, Florida 33131

Re: EXTRA SPACE STORAGE/Fruitlands
Our File No. 15276

Dear Graham:

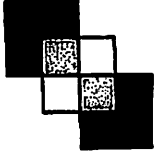
Pursuant to your request, enclosed find three original title opinions for the above-referenced matter.

Very truly yours.

JOSHUA D. KRUT, ESQ.
For the Firm

Enclosures

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NOV 10 2008



EISINGER, BROWN, LEWIS & FRANKEL, P.A.
Attorneys at Law

**Presidential Circle, Suite 265-S
4000 Hollywood Boulevard
Hollywood, Florida 33021**

**Telephone: (954)894-8000
Facsimile: (954) 963-6523
email: jkrut@peplawyers.com**

November 6, 2008

Via First Class U.S. Mail

TO: CITY OF DORAL, a political subdivision of the state of Florida.

With the understanding that this Opinion of Title is furnished to the Miami-Dade County, Florida, as an inducement for its acceptance of a dedication, a copy of which is attached hereto as **Exhibit "A"**, it is hereby certified that we have examined the Commitment for Title Insurance from Commonwealth Land Title Insurance Company Order NO. 2414766 with an effective date of October 20, 2008 at 8:00 a.m., which title information collectively covers the period from the BEGINNING to October 20, 2008 at 8:00 a.m., inclusive, of the following described real property: See **Exhibit "B"** hereto, which is hereby incorporated into this opinion of title by reference.

Basing our opinion solely on the above-referenced title information, we are of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in: Petroleum Investments, Inc., a Florida corporation

Subject to the following liens, encumbrances, and other exceptions:

GENERAL EXCEPTIONS

1. All taxes for the year in which this opinion is rendered and future years, unless noted below that such taxes have been paid.
2. Rights of persons other than the above owners who are in possession or with a right to possession.
3. Facts that would be disclosed upon accurate survey.
4. Any unrecorded laborer's mechanics', materialmen's, or municipal

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liens.

5. Any lien provided by Chapter 159, Florida Statutes, or provided by Metropolitan Dade County Ordinance No. 84-10 in favor of any city, town, village, port authority, etc., for unpaid service charges for services by any water system, sewer systems, or gas systems serving the land described herein.
6. Zoning and other restrictions imposed by government authority.
7. Easements, or claims of easements, not shown on the public records.
8. Any adverse claim to any portion of said land which has been created by artificial means or has accreted to any such portion so created and riparian rights, if any.
9. Any unpaid charges due for waste, water and sewer services.
10. Encroachment, overlaps, boundary line disputes, and other matters which would be disclosed by an accurate survey and inspection of the premises.

SPECIAL EXCEPTIONS

1. Easement(s) in favor of Miami-Dade Water and Sewer Authority for sewage transmission and collection facilities set forth in Grant of Easement recorded February 14, 1975 in Official Record Book 8909, Page 1152.
2. Restrictions, covenants and conditions as set forth in the Declaration of Restrictions recorded February 11, 2003 in Official Record Book 21013, Page 2593.
3. Terms, conditions and provisions of unrecorded Farm Lease as

Eisinger, Brown, Lewis & Frankel, P.A.

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evidenced by the instrument, recorded in Official Records Book 20119, Page 2405.

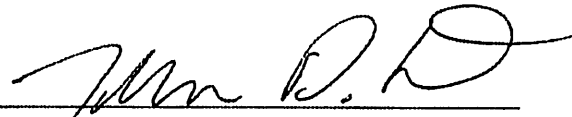
4. Resolution No. 03-40 by the City of Doral regarding the creation of a Special Taxing District for street lighting dated November 12, 2003 recorded in Official Record Book 22214, Page 316.
5. The observance of all corporate formalities and compliance with all applicable laws, rules and its own governing documents by Superior Development III, a Florida corporation with respect to that certain conveyance memorialized by that certain Quit Claim Deed recorded at Official Records Book 26623, Page 2632.

I, the undersigned, further certify that I am an attorney-at-bar duly admitted to practice in the State of Florida, and a member in good standing of The Florida Bar.

Respectfully submitted, this 6th day of November, 2008.

Very truly yours,

EISINGER, BROWN, LEWIS & FRANKEL, P.A.

By: 
Joshua D. Krut, Esq., For the Firm

Eisinger, Brown, Lewis & Frankel, P.A.

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EXHIBIT "A"

Eisinger, Brown, Lewis & Frankel, P.A.

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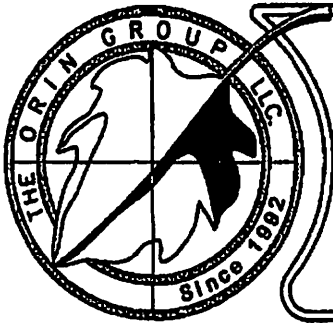
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EXHIBIT "B"

Right of Way Dedication for N.W. 102nd. Avenue at N.W. 58th Street, more particularly described as follows:

The East 35 feet of the East 1/2 of Tract 40, LESS the South 40 feet thereof, of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" of Section 17, Township 53 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, and together with that external area formed by a 25 foot radius curve being tangent to a line that lies 40 feet North of and parallel with the South line of the Southwest 1/4 of said Section 17 and being tangent to a line that lies 35 feet West of and parallel with the East line of the Southwest 1/4 of said Section 17.

Eisinger, Brown, Lewis & Frankel, P.A.



The Orin Group, LLC.

10 Northwest Avenue, Suite 200,
Tallmadge, Ohio 44278
Phone 330-630-3937 Fax 866-486-2388
www.theoringroup.com

SKETCH & LEGAL DESCRIPTION

for
ES- Doral 58th. Street Project
of
N.W. 102nd. Avenue Right-of-Way Dedication
City of Doral, County of Miami-Dade

Right of Way Dedication for N.W. 102nd. Avenue at N.W. 58th Street, more particularly described as follows:

The East 35 feet of the East 1/2 of Tract 40, LESS the South 40 feet thereof, of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" of Section 17, Township 53 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, and together with that external area formed by a 25 foot radius curve being tangent to a line that lies 40 feet North of and parallel with the South line of the Southwest 1/4 of said Section 17 and being tangent to a line that lies 35 feet West of and parallel with the East line of the Southwest 1/4 of said Section 17.

Said described parcel of land containing 2,031 square feet, more or less.

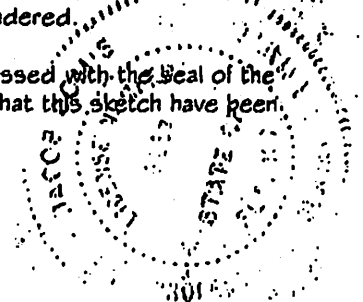
SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT: in the professional opinion of the undersigned Professional Surveyor in the State of Florida, the following Sketch and Legal Description meets the requirements of the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. Further, this certificate is based on information available to the undersigned at the time services were rendered.

Copies of this Sketch and Legal Description are invalid unless signed and embossed with the Seal of the undersigned, said embossed copies are for the specific use of those entities that this sketch have been certified to.

J.H. MANUCY, INC.

BY:  Dated this 25th. day of June, 2008.
JACOB GOMIS, Professional Surveyor & Mapper No. 6231
State of Florida





Memorandum

Date: January 27, 2009

To: Honorable Mayor and City Council Members

From: Yvonne Soler-Mckinley

Via: Nathan M. Kogon, AICP, Planning and Zoning Director

Subject: Acceptance right-of-way, portion of NW 102nd Avenue at NW 58th Street



The purpose of this application is the acceptance the west half of NW 102nd Avenue from NW 58th Street to theoretical NW 59th Street. Pursuant to resolution Z08-07, City Council approved a mixed use self-storage facility located on the NW corner of NW 58th Street and NW 102nd Avenue. Previous to the City's incorporation, the property owner created a separate parcel along NW 102nd Avenue for the purposes of right-of-way dedication, but the dedication never materialized. This right-of-way proffer is to afford the property owner the ability to obtain a waiver of plat to and develop the right-of-way portion of the property.

The legal and sketch was reviewed by Public Works and the City's surveying consultations. Additionally, the applicant will be required to bond and construct the western half of NW 102nd Avenue along the frontage of the property.

Recommendation:

Staff recommends acceptance of the right-of-way dedication.