

RESOLUTION NO. 2007-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, DECLARING THE PUBLIC NECESSITY OF ACQUIRING FEE SIMPLE TITLE TO A PARCEL OF PROPERTY MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO FOR THE PURPOSE OF ACQUIRING RIGHT OF WAY TO CONSTRUCT ROAD IMPROVEMENTS AND RELATED APPURTENANCES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council finds that the acquisition of fee simple title to the real property described in Exhibit "A" is for a proper public purpose, to wit: essential for acquiring right-of-way to construct road improvements and related appurtenances; and

WHEREAS, in order to accomplish the acquisition of the property, it is necessary for the City Attorney to take legal action and to employ real estate appraisers and other experts deemed necessary; and

WHEREAS, the area designated as described on Exhibit "A" attached hereto has heretofore been located and surveyed and the City intends in good faith to construct the project on or over the described property.

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated herein. All exhibits attached hereto are hereby incorporated herein.

SECTION 2. It is necessary, serves a municipal and public purpose, and is in the best interest of the City of Doral to acquire fee simple title to the property set forth in the attached Exhibit "A", to acquire the right-of-way to construct road improvements and related appurtenances.

SECTION 3. That the property described in Exhibit "A" attached hereto is hereby ratified, confirmed and found to be necessary for acquiring the fee simple title to acquire the right-of-way to construct road improvements and related appurtenances. The City of Doral shall acquire fee simple title to said parcel by gift, purchase, or eminent domain as described in Chapter 166, Florida Statutes, and Chapters 73 and 74, Florida Statutes. That acquisition of said parcel for this project is necessary and serves a public purpose.

SECTION 4. The City Attorney shall first attempt to acquire the property through negotiations at a price agreeable to both the seller, if found and determined, and the City of Doral; however, if such negotiations fail within a reasonable time from the enactment of this Resolution, the City Attorney or the City Attorney's designee is authorized and directed to institute a lawsuit in the name of the City of Doral, Florida, and in the exercise of Doral' powers of eminent domain for the purpose of acquiring the parcel described in Exhibit "A", attached hereto, and is further authorized and directed to do all things necessary to prosecute such lawsuit to final judgment. In pursuit of such authorization and in direction, the City Attorney or his assistant or designee, is specifically authorized to sign and file a Declaration of Taking so that the City may avail itself of the provisions of Chapters 73 and 74, Florida Statutes, and the City Attorney or his assistant is further authorized to accomplish the acquisition of said parcels by settlement and compromise in those instances where same can be effected in accordance with the terms, conditions and limitations established from time to time by the Doral City Council.

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

The foregoing Resolution was offered by Councilman Van Name who moved its adoption. The motion was seconded by Councilman DiPietro and upon being put to a vote, the vote was as follows:

Councilman DiPietro	<u>Yes</u>
Councilwoman Ruiz	<u>Yes</u>
Councilman Van Name	<u>Yes</u>
Vice Mayor Cabrera	<u>Yes</u>
Mayor Bermudez	<u>Absent</u>

PASSED and ADOPTED this 27th day of June, 2007.

Juan
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

Barbara Herrera
BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

John J. Hearn
JOHN J. HEARN, ESQ., CITY ATTORNEY

KLE:mp

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EXHIBIT "A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

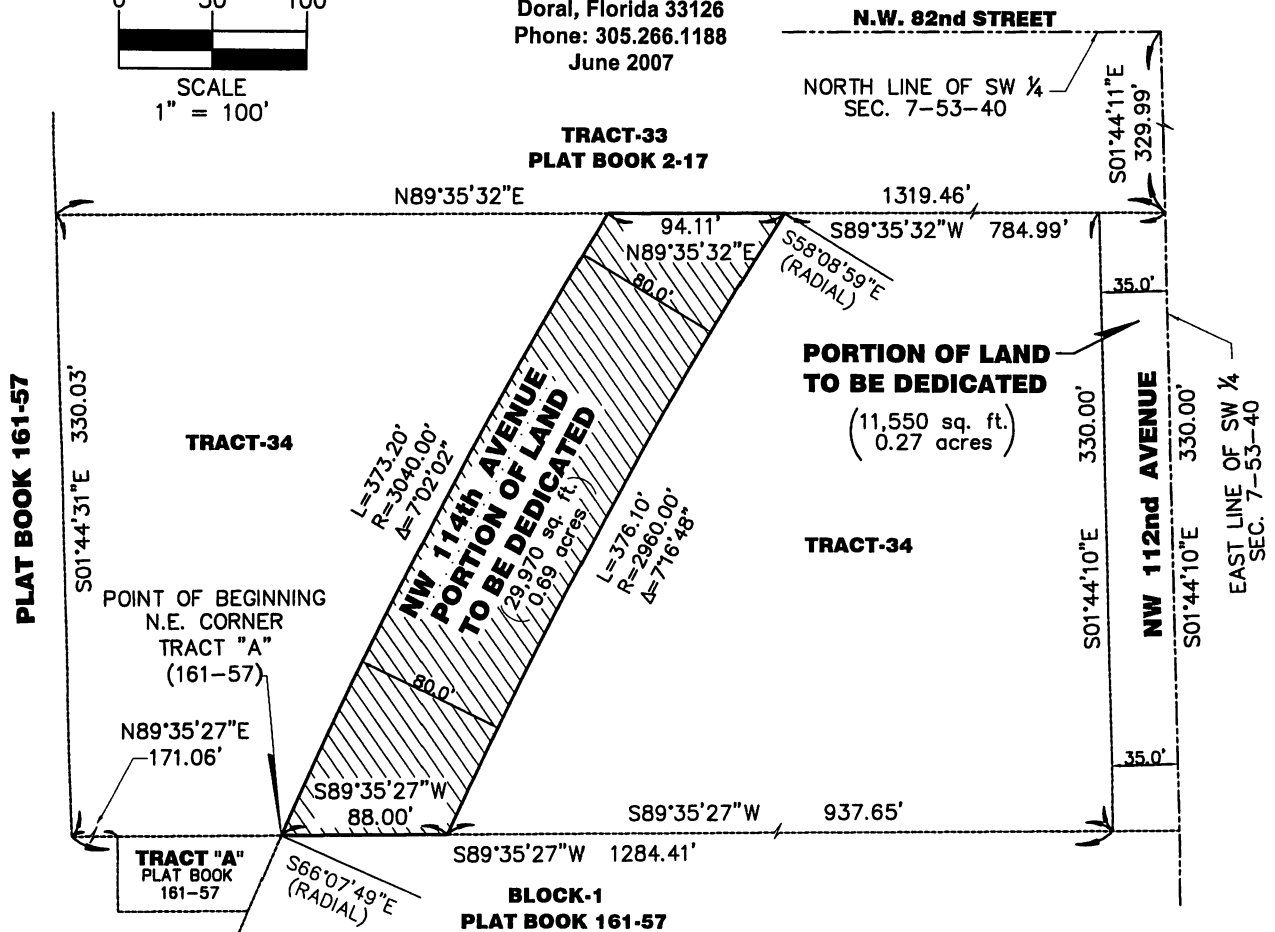
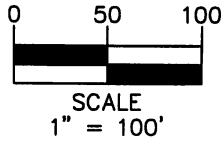
for
City of Doral, Florida
prepared by:

EXHIBIT A



HADONNE
LAND SURVEYORS & MAPPERS

7855 N.W. 12th Street Suite 202
Doral, Florida 33126
Phone: 305.266.1188
June 2007



LEGAL DESCRIPTION:

A portion of land situated in Tract 34, of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1", according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida; more particularly described as follows:

BEGINNING at the Northeast Corner of Tract "A", of "DORAL ISLES NORTH SECTION ONE" according to the Plat thereof, as recorded in Plat Book 161, at Page 57, of the Public Records of Miami-Dade County, Florida; That point also being the beginning of a curve concave to the Southeast having a radius of 3040.00 feet from which the center of the circle of said curve bears S66°07'49"E; Thence Northeasterly along said curve for a distance of 373.20 feet to a point located on the North Line of Tract 33; Thence S89°35'32"E for a distance of 94.11 feet to a point; said point also being the beginning of a curve concave to the Southeast having a radius of 2960.00 feet from which the center of the circle of said curve bears S58°08'59"E; Thence Southwesterly along said curve for a distance of 376.10 feet to a point located on the South Line of Tract 33; Thence S89°35'27"W for a distance of 88.00 feet to the POINT OF BEGINNING.

Containing 29,970 sq. ft. more or less by calculations

NOTICE: Not full and complete without page 2 and 3 of 3.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

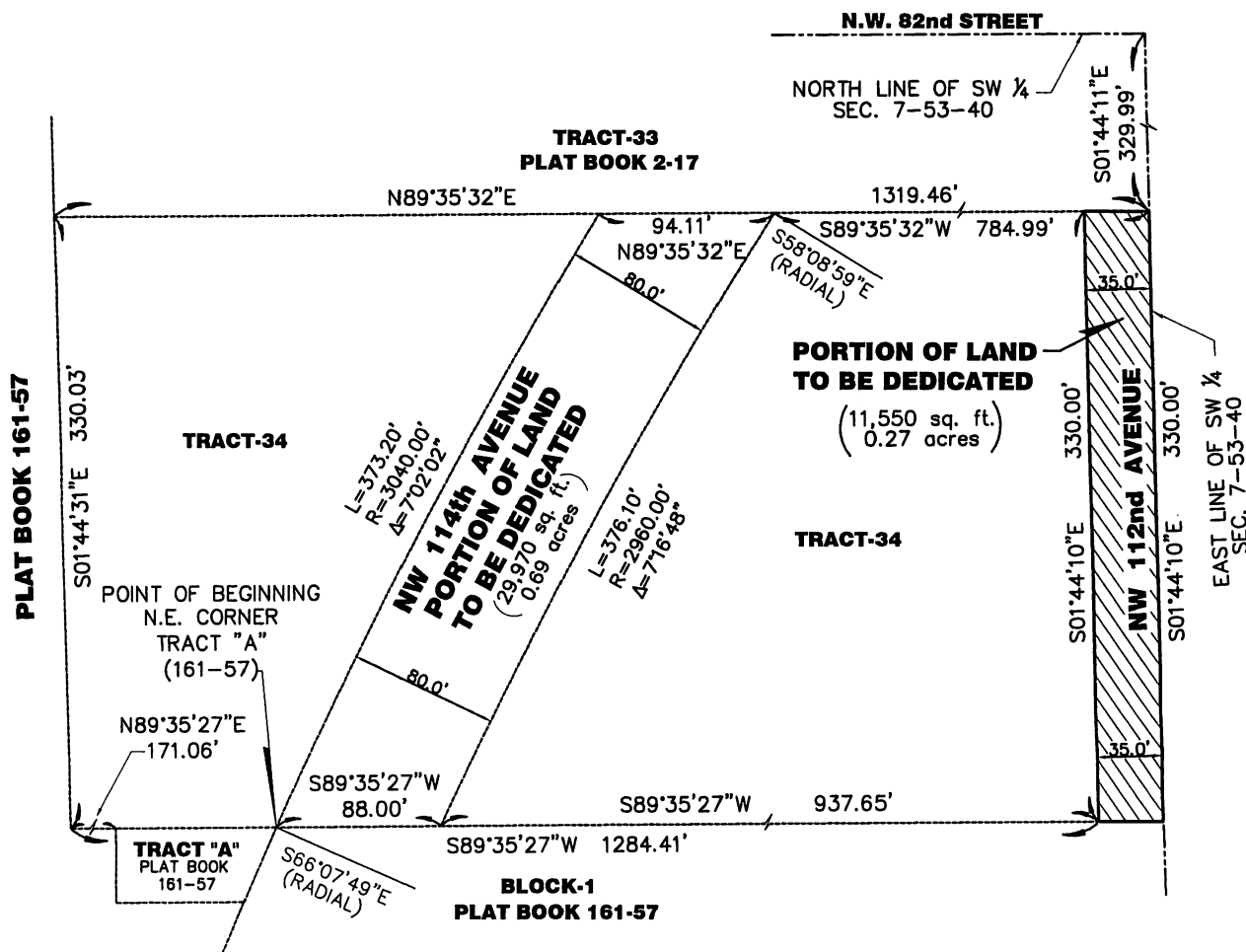
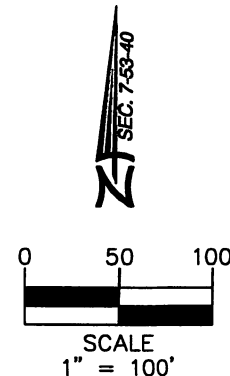
for
City of Doral, Florida
prepared by:

EXHIBIT A



HADONNE
LAND SURVEYORS & MAPPERS

7855 N.W. 12th Street Suite 202
Doral, Florida 33126
Phone: 305.266.1188
June 2007



LEGAL DESCRIPTION:

That portion of TRACT 34 of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1", according to the plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, lying within the East 35 feet of Section 7, Township 53 South, Range 40 East. Containing 11,550 square feet more or less by calculations.

NOTICE: Not full and complete without page 1 and 3 of 3.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for
City of Doral, Florida

EXHIBIT A

SOURCES OF DATA:

The Legal Description of the Subject Property was generated from Section 7, Township 53 South, Range 40 East, in Miami-Dade County. In addition, the following sources of data were used to the extent required to complete this document in a defensible matter, that is to say:

Sketch provided by the client showing the approximate portion of Land subject to Right-of-way Adquisition.

Bearings as shown hereon are based upon the Southerly Line of Tract 34, with a bearing of N89°35'27"E.

EASEMENTS AND ENCUMBRANCES:

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

LIMITATIONS:

Since no other information other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may 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.

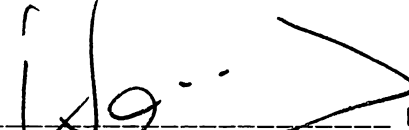
This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

INTENDED USE/EXPRESS PURPOSES:

It is understood by the Surveyor that the intended use of this document is to dedicate a Parcel of Land for Right of Way adquisition.

SURVEYOR'S CERTIFICATE:

I hereby certify to City of Doral: 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 61G17-6 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By:  Date: 6/27/07

Abraham Hadad, P.S.M.
Professional Surveyor and Mapper LS6006
HADONNE CORP.
Land Surveyors and Mappers
Certificate of Authorization LB7097
7855 N.W. 12th Street, Suite 202
Doral, Florida 33126
305.266.1188 phone
305.207.6845 fax

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 61G17-6 of the Florida Administrative Code.