

RESOLUTION No. 15-126

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A CONVEYANCE, BY RIGHT OF WAY DEED TO THE CITY, OF A 30 FOOT RIGHT-OF-WAY DEDICATION OF THE EASTERN EDGE OF THE PROPERTIES IDENTIFIED BY FOLIO NUMBERS 35-3019-001-0520, 35-3019-001-0530, AND 35-3019-001-0531 FOR THE CONSTRUCTION OF THE NW 109 AVENUE ROADWAY CONNECTION BETWEEN NW 41 STREET AND NW 43 STREET; AUTHORIZING THE CITY MANAGER TO EXECUTE AND ACCEPT THE SUBJECT RIGHT OF WAY DEED; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the “City”), by and through the Public Works and Planning and Zoning Departments, are constantly evaluating opportunities to complete the roadway network in the City; and

WHEREAS, there is currently no roadway connection to 109 Avenue from NW 41 Street; and

WHEREAS, the dedication of 30 feet of the eastern edge of the properties identified by folio numbers 35-3019-001-0520, 35-3019-001-0530, and 35-3019-001-0531 (the “Properties”) would serve as the right of way on which to construct the new roadway connection on NW 109 Avenue between NW 41 and NW 43 Streets that will improve the Level of Service on NW 107 Avenue and expand the City’s roadway network; and

WHEREAS, the City Council hereby finds acceptance of the right of way deed associated with the Properties for the purposes of improving the City’s roadway network to be in the best interest of the community.

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

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Approval. The Right of Way Deed dedicating 30 feet along the eastern edge of the properties identified by folio numbers 35-3019-001-0520, 35-3019-001-0530, and 35-3019-001-0531 for the construction of the new roadway connection on NW 109 Avenue between NW 41 Street and NW 43 Street, is attached hereto as Exhibit "A", which is incorporated herein and made a part hereof by this reference, is hereby approved and accepted. The City Manager is authorized to execute the Deed and accept the dedication of right-of-way on behalf of the City.

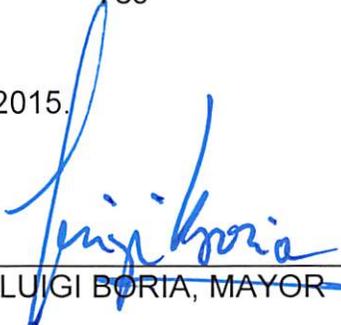
Section 3. Implementation. The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

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

Mayor Luigi Boria	Yes
Vice Mayor Sandra Ruiz	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED this 25 day of June, 2015.



LUIGI BORIA, MAYOR

ATTEST:



CONNIE DIAZ, CITY CLERK

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



WEISS, SEROTA, HELFMAN, COLE, & BIERTMAN, PL
CITY ATTORNEY

EXHIBIT “A”

Holland & Knight

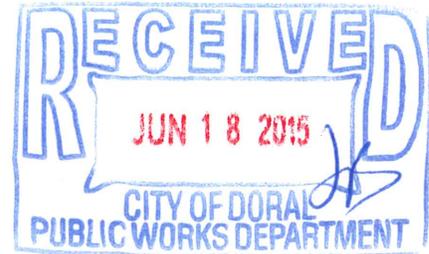
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Holland & Knight LLP | www.hklaw.com

Juan J. Mayol, Jr.
(305) 789-7787
juan.mayol@hklaw.com

VIA HAND DELIVERY

June 16, 2015

Jorge A. Gomez, P.E.
Chief of Engineering
City of Doral Public Works
City Hall
8401 NW 53rd Terrace
Doral, FL 33166



Re: Aran Properties, Inc. / Right-of-Way Deed to City of Doral for Portions of NW 109th Avenue

Dear Jorge:

As a follow up to our electronic communication of April 9, 2015, enclosed for your review and processing is the original ROW Deed, as executed by Aran Properties, Inc., which conveys portions of Aran's property to the City of Doral for the purpose of improving portions of NW 109th Avenue.

Aran's conveyance and the City's acceptance of the right-of-way is predicated on the City's agreement that: (1) Aran will not be responsible now or in the future for the costs of the design, permitting and construction of the road (including the payment of any mitigation fees); (2) the City will hold Aran harmless and indemnify Aran for any liability arising out of the permitting, design and construction of the roadway; and (3) the City will cause the existing fence along NW 109th Avenue to be replaced (i.e., essentially move it back to exclude the 30 feet being dedicated). Moreover, the City will cause the roadway segment to be designed and built with the necessary curb and median cuts to allow egress and ingress to the balance of Aran's property via NW 109th Avenue.

If the foregoing understandings are acceptable to the City, you are authorized to record the enclosed deed. When the design plans are prepared, we would appreciate the opportunity to review them with you.

Sincerely,

HOLLAND & KNIGHT LLP

Juan J. Mayol, Jr.

JJM:sf
Enc.
#35867971_v1

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 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, and its Corporate Seal to be hereunto affixed, by its proper officer(s) thereunto duly authorized, the day and year first above written.

Signed, Sealed and Delivered
in our presence:

Vanessa Corral
Witness

Vanessa Corral
Witness Printed Name

Carlisle Kragovich
Witness

Carlisle Kragovich
Witness Printed Name

Aran Properties, Inc.

Eric Levy (Sign)

By: Eric Levy, its Vice-
President

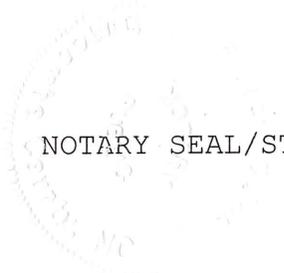
Eric Levy
Printed Name

STATE OF NC)
COUNTY OF Buncombe)

I HEREBY CERTIFY, that on this 12th day of June, 2015, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Eric Lery, whom is personally known to me, or proven, by producing the following forms of identification: NC DL# 36230883 to be the person who executed the foregoing instrument freely and voluntarily on behalf of Aran Properties, Inc., a Florida corporation, for the purposes therein expressed.

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

[Signature]
Notary Signature
Financial Dept
Printed Notary Signature



NOTARY SEAL/STAMP

Notary Public, State of NC
My commission expires: 6/7/2017
Commission/Serial No. N/A

The foregoing was accepted and approved on the _____ day of _____, A.D. 2015, by Resolution No. _____ of the City Council of the City of Doral, Florida.

CITY MANAGER

ATTEST: CONNIE DIAZ,

By: _____
Deputy City Clerk

Approved as to form
and legal sufficiency

City Attorney

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for
City of Doral, Florida
prepared by:



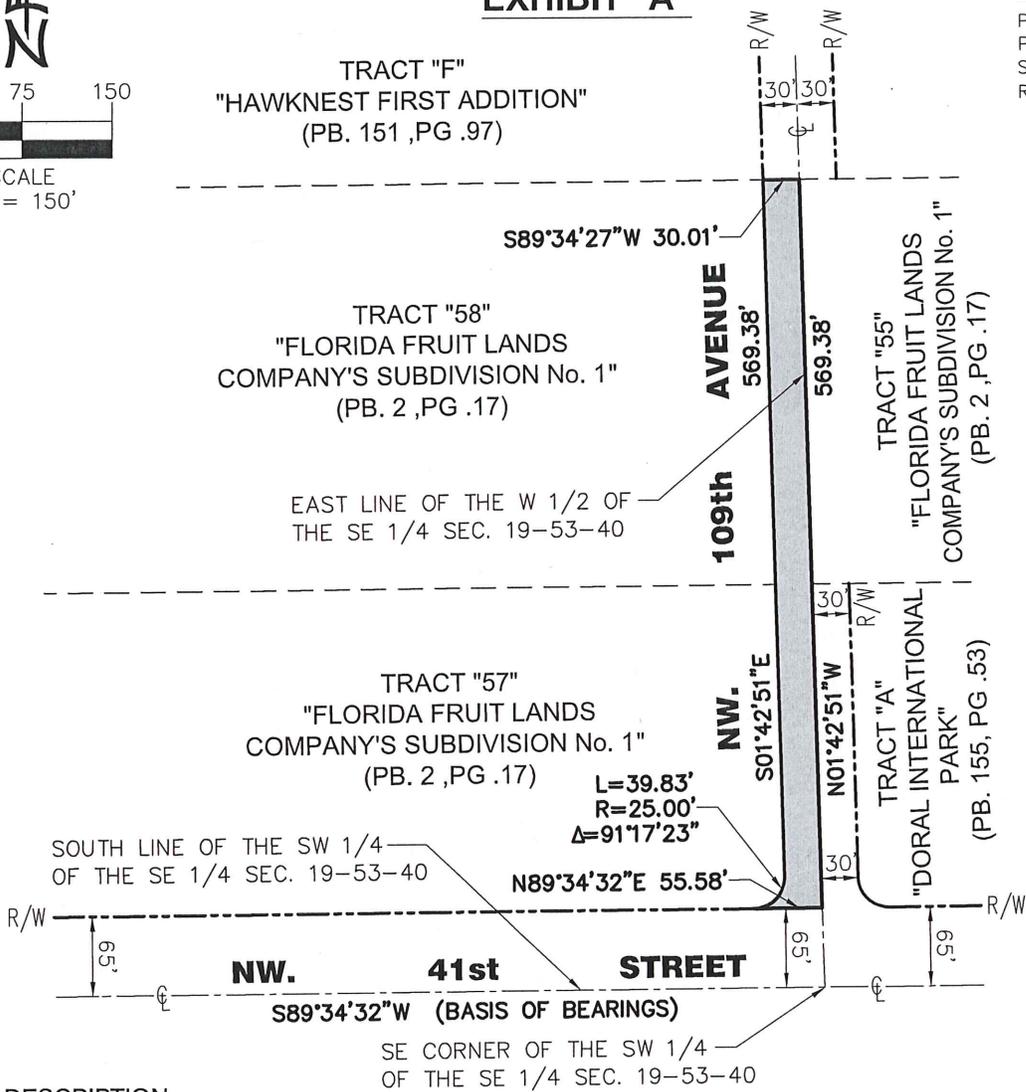
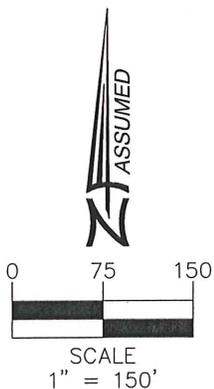
LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

December 2014

EXHIBIT "A"

LEGEND

- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- R/W = RIGHT OF WAY
- R = RADIUS CURVE
- D = CENTRAL ANGLE
- L = ARC LENGTH



LEGAL DESCRIPTION:

That portion of TRACT 57 and TRACT 58 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 30 feet of the W 1/2 of the SE 1/4 of Section 19, Township 53 South, Range 40 East

TOGETHER WITH

The external area formed by a 25.00 feet radius arc, concave to the Northwest, tangent to the line, that is West and 35 feet parallel to the East line of the West 1/2 of the Southeast 1/4 of said Section 19 and tangent to the North Right of Way line of N.W. 41st Street.

Containing 17,990 square feet or 0.41 acres more or less by calculations.

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

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 19, 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 Dedication.

Bearings as shown hereon are based upon the South Line of the SW ¼ of SE ¼ of Section 19, Township 53 South, Range 41 East, with an assumed bearing of S89°34'32"W, said line to be considered a well established and monumented line.

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:

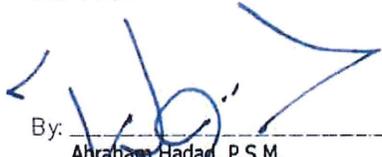
Since no other information other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County,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

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: 6/17/15

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
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.