



RESOLUTION # 2016-27

RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI GRANTING AN EASEMENT FOR UNDERGROUND VENTILATION EQUIPMENT FOR SOLESTE CLUB PRADO ON THE SOUTH SIDE OF 950 SW 57TH AVENUE, WEST MIAMI, FL 33144 ON SW 10 STREET, DESCRIBED AS A STRIP OF LAND, A PORTION OF SW 10 STREET PUBLIC RIGHT OF WAY, AS SHOWN ON THE PLAT OF "1946 RESUBDIVISION OF PORTIONS OF SYLVANIA HEIGHT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, AT PAGE 1, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE CORNER OF LOT 7, BLOCK 8 OF SAID PLAT OF "1946 RESUBDIVISION OF PORTIONS OF SYLVANIA HEIGHTS"; THENCE SOUTH 89 DEGREES 55'43" WEST ALONG THE SOUTH LINE OF SAID LOT 7, BLOCK 8, SAID LINE ALSO BEING THE NORTH RIGHT OF WAY LINE OF SW 10 STREET, FOR 5.12 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE SOUTH 89 DEGREES 55'43" ALONG SAID SOUTH LINE OF LOT 7 BLOCK 8 B AND ALSO BEING THE NORTH RIGHT OF WAY LINE OF SW 10 STREET, 6.20 FEET; THENCE 00 DEGREES 02'24" EAST FOR 1.64 FEET; THENCE NORTH 89 DEGREES 55'.43" EAST FOR 6.20 FEET; THENCE NORTH 00 DEGREES 2'24" WEST FOR 1.64 FEET TO THE POINT OF BEGINNING. CONTAINING 10.17 SQUARE FEET, MORE OR LESS, BY CALCULATIONS, OF THE DESCRIBED EASEMENT ACCORDING TO THE SKETCH AND LEGAL DESCRIPTION EXHIBITS TO BE MADE PART OF THE PERMANENT RESOLUTION RECORDS OF THE CITY; OWNER/DEVELOPER GRANTING A HOLD HARMLESS AND INDEMNIFICATION AGREEMENT IN FAVOR OF THE CITY OF WEST MIAMI; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City of West Miami grants an easement of certain right-of-way to the property located at 950 SW 57 Avenue, on SW 10th Street, West Miami, FL; and

WHEREAS, an underground ventilation system for the underground garage extends into the public right-of-way on SW 10 Street and is necessary for the new building site project located at 950 SW 57th Avenue, West Miami, FL 33144; and

WHEREAS, the Owner/Developer will execute a Hold Harmless and Indemnification Agreement in favor of the City of West Miami for any person or future action by anyone as a result of the granting of this easement.

WHEREAS, The office of the City Manager and the Director of Public Works recommend the acceptance of the easement for use by City of West Miami as it is in the public interest, subject to the terms and conditions set forth by the attached Easement memorandum.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of West Miami as follows:

- SECTION 1. The aforementioned statements are true and correct and adopted as is fully stated herein.
- SECTION 2. The City Commission of the City of West Miami hereby authorizes the granting of the easement to Soleste Club Prado necessary for the new building project located at 950 SW 57th Avenue, West Miami, FL 33144 and more specifically described in the sketch, legal description and surveyor notes as attached herein as Exhibit A.
- SECTION 3. The Owner/Developer shall execute a Hold Harmless and Indemnification Agreement holding the City harmless of any present or future action by anyone as a result of any action against the City of West Miami.
- SECTION 4. The Hold Harmless and Indemnification Agreement shall be binding upon Owner/Developer and also upon the heirs, successors in interest or assigns of owner, and shall be a condition implied in any conveyance or other instruments accepting the title to the aforesaid property or any portion thereof.
- SECTION 5. That the City Manager is hereby authorized to execute any and all legal documents for the granting of the easement described herein.
- SECTION 6. This Resolution shall take effect immediately upon passage by the City Commission and signature of the Mayor.

PASSED AND ADOPTED this 15th day of June 2016.


APPROVED:


EDUARDO MUÑIA, MAYOR

ATTEST:


ANNERY GONZALEZ, CMC
CITY CLERK

APPROVED AS TO FORM AND SUFFICIENCY:


JOSE A. VILLALOBOS, CITY ATTORNEY

ROLL CALL VOTE:

MAYOR EDUARDO H. MUHIÑA	<u>Y</u>
VICE-MAYOR CANDIDA BLANCA	<u>Y</u>
COMMISSIONER JUAN M. BLANES	<u>Y</u>
COMMISSIONER RHONDA A. RODRIGUEZ	<u>Y</u>
COMMISSIONER LUCIANO L. SUAREZ	<u>Y</u>

Request No. _____

EASEMENT

This Instrument Prepared By

Sec. 12, Twp 54 S, Rge 40 E

Name: City of West Miami
Name: City of West Miami
Address: 901 SW 62 Avenue
West Miami, Florida 33144
Pg 1 of 2

Parcel I.D. 15-4012-
(Maintained by County Appraiser)

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Gables West Prado LLC, its licensees, agents, and assigns, an easement forever for the construction, operation and maintenance of underground ventilation system facilities to be maintained from time to time; with the right to reconstruct, improve, add to, enlarge, change the size of and remove such facilities or any of them within an easement as described below in length and in width described as follows:

LEGAL DESCRIPTION:

See Attached Exhibit "A"

Reserved for Circuit

Together with the right to permit any other person, firm or corporation the right to perform work or maintenance within the easement and to operate the same for ventilation equipment and facilities; the right of ingress and egress to said premises at all times; the right to clear the land of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed which might interfere with the operation; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described of said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on July 8th, 2016.

Signed, sealed and delivered in the presence of:

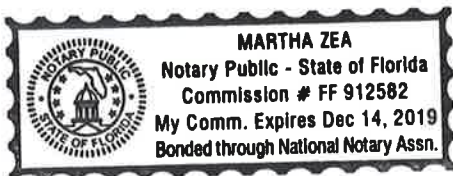
Juan Pena
(Witness Signature)
Print Name: Juan Pena
(Witness)

Cary Acosta
(Witness Signature)
Print Name: CARY ACOSTA
(Witness)

CITY OF WEST MIAMI
(Corporate's name)
By: [Signature]
(President's signature)
Print Name: YOLANDA AGUILAR
Print Address: 901 SW 62 AVE
WEST MIAMI, FL 33144
Attest: [Signature]
(Secretary's signature)
Print Name: ANNERY GONZALEZ
Print Address: 901 SW 62 AVE
WEST MIAMI, FL 33144
(Corporate Seal)

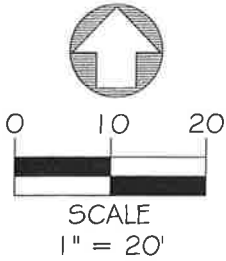
STATE OF FLORIDA AND COUNTY OF MIAMIDADE. The foregoing instrument was acknowledged before me this 8 day of July, 2016 by YOLANDA AGUILAR, and respectively the President and Secretary of CITY OF WEST MIAMI, a MUNICIPALITY corporation, on behalf of said corporation, who are personally known to me or have produced as identification, and who did (did not) take an oath. (Type of Identification)

My Commission Expires:



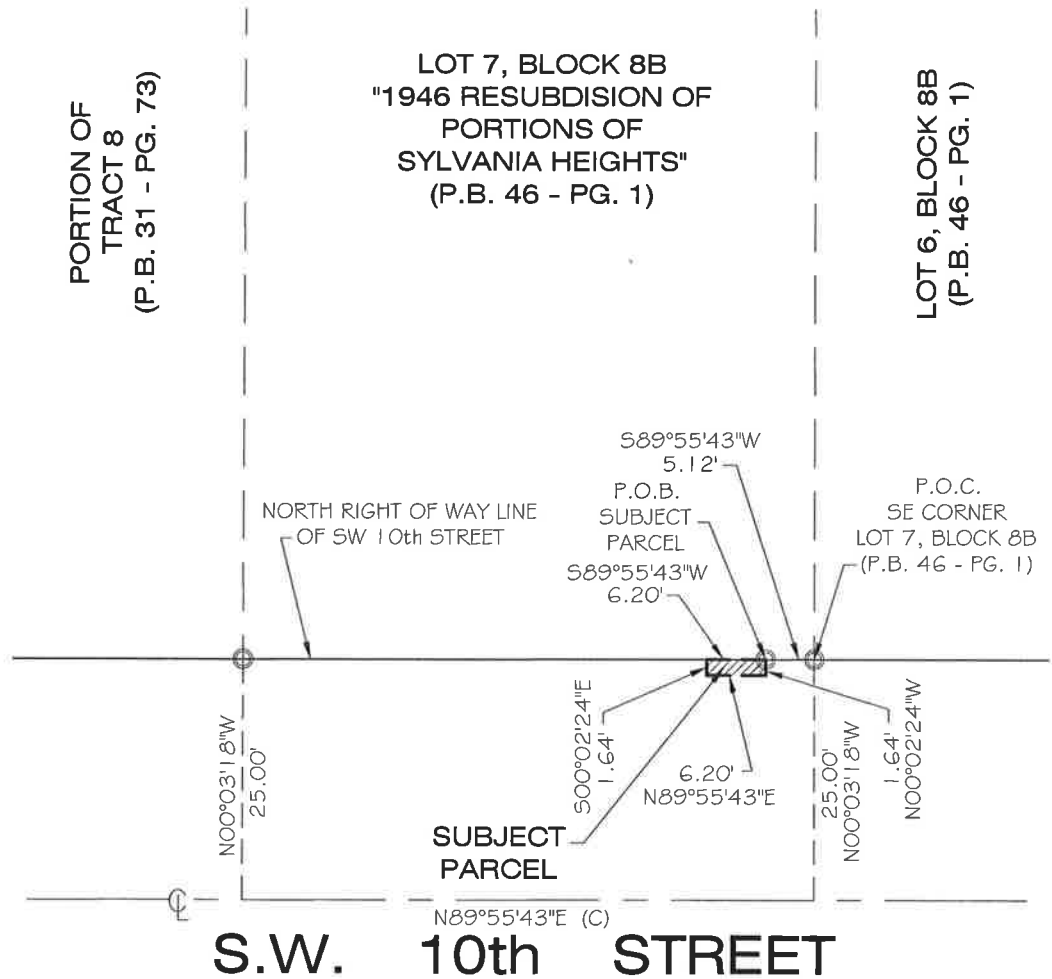
[Signature]
Notary Public, Signature
Print Name MARTHA ZEA

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 PORTION OF SW 10th STREET PUBLIC RIGHT OF WAY



LEGEND:

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- PB. = PLAT BOOK
- O.R.B. = OFFICIAL RECORDS BOOK
- PG. = PAGE
- SEC. = SECTION
- S.F. = SQUARE FEET



LEGAL DESCRIPTION:

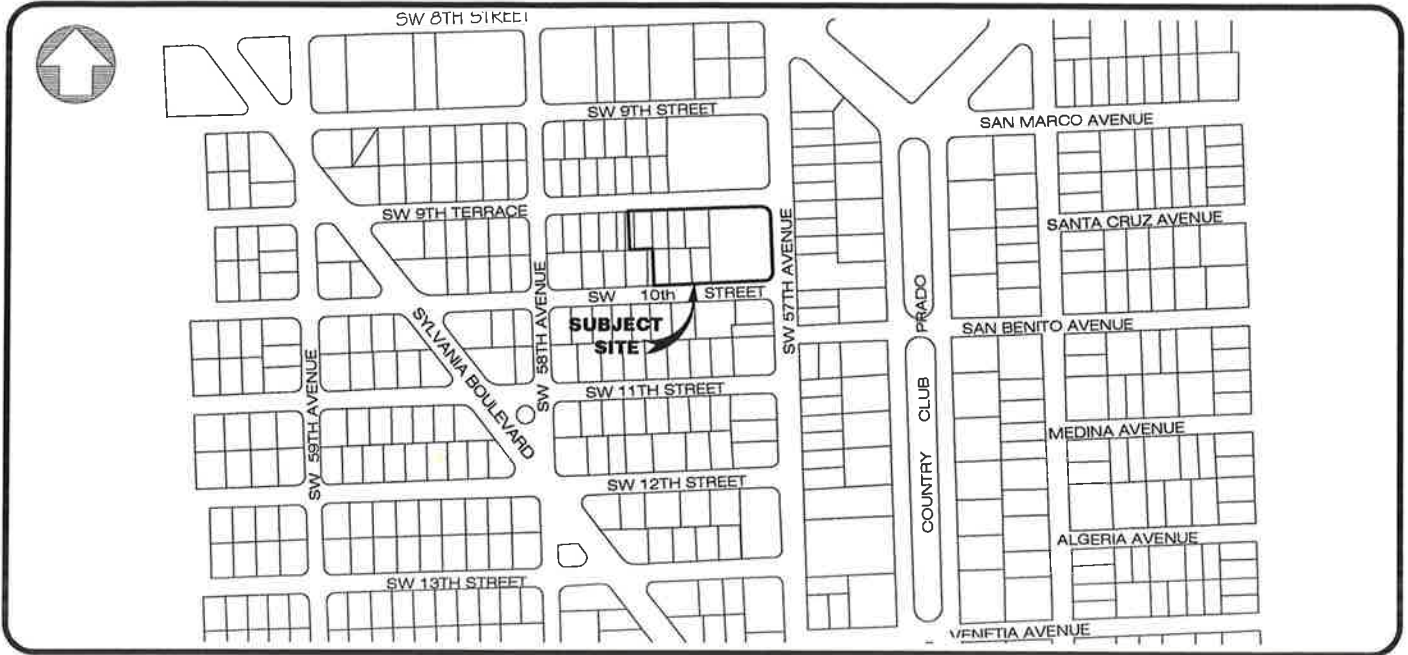
A portion of SW 10th Street public Right of Way, as shown on the Plat of "1946 RESUBDIVISION OF PORTIONS OF SYLVANIA HEIGHTS", according to the plat thereof, as recorded in Plat Book 46, at Page 1, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the SE Corner of Lot7, Block 8 B of said plat of "1946 RESUBDIVISION OF PORTIONS OF SYLVANIA HEIGHTS"; thence $589^{\circ}55'43''W$ along the South Line of said Lot 7, Block 8, said line also being the North Right of Way Line of SW 10th Street, for 5.12 feet to the POINT OF BEGINNING of the parcel of land hereinafter described; thence continue $589^{\circ}55'43''W$ along said South Line of Lot 7, Block 8 B and also being the North Right of Way Line of SW 10th Street, for 6.20 feet; thence $500^{\circ}02'24''E$ for 1.64 feet; thence $N89^{\circ}55'43''E$ for 6.20 feet; thence $N00^{\circ}02'24''W$ for 1.64 feet to the Point of Beginning.

Containing 10.17 Square Feet, more or less, by calculations.

NOTICE: This document is not valid, full and complete without all pages.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION PORTION OF SW 10th STREET PUBLIC RIGHT OF WAY



LOCATION MAP
(NOT TO SCALE)

PERTINENT INFORMATION USED FOR THE PREPARATION OF THIS DOCUMENT:

The Legal Description of the Subject Parcel was generated from the following documents:

1. Plat of "CORRECTED PLAT OF A REVISED AND AMENDED PLAT OF SYLVANIA HEIGHTS" recorded in Plat Book 31, at Page 73 of the Public Records of Miami-Dade County, Florida.
2. Plat of "1946 RESUBDIVISION OF PORTIONS OF SYLVANIA HEIGHTS" recorded in Plat Book 46, at Page 1 of the Public Records of Miami-Dade County, Florida.

Bearings as shown hereon are based upon the centerline of SW 10th Street, with an assumed bearing of N89°55'43"E, 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 item with respect to possible restrictions of record and utility services.

RESTRICTIONS:

Since no other information were furnished other than what is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on this 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.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch to Accompany Legal Description" and the Survey Map resulting therefrom was performed under my direction and is true and correct to the best of my knowledge and belief and further, that said "Sketch to Accompany Legal Description" meets the intent of the applicable provisions of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 through 5J-17.052 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

LONGITUDE SURVEYORS LLC., a Florida Limited Liability Company
Florida Certificate of Authorization Number LB7335

By: Jose Senas
Jose Senas, PSM
Registered Surveyor and Mapper L55938
State of Florida

Date: 05/09/16

NOTICE:

Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.

NOTICE: This document is not valid, full and complete without all pages.