

26-SPD.01 06/99 (Public Purpose - No consideration)

This instrument prepared by,
or under the direction of,
Alicia Trujillo, Esq.
State of Florida
Department of Transportation
Address: 1000 NW 111th Avenue
Miami, Florida 33172

Item/Segment No.: 406486-1
SR No. : SR934/71st St.
Managing District : Six
Parcel No. : 6842

QUITCLAIM DEED
(Public Purpose)

THIS INDENTURE, Made this 2nd day of December, 2020, by and between the STATE OF FLORIDA by and through the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, Grantor, whose address is 1000 NW 111th Avenue, Miami, Florida 33172, and the CITY OF MIAMI BEACH, a political subdivision of the State of Florida, Grantee, whose address is 1700 Convention Center Drive, Miami Beach, FL 33139.

WITNESSETH

WHEREAS, said land hereinafter described was heretofore acquired for transportation purposes; and

WHEREAS, said land is no longer required by the Grantor for transportation purposes, and the Grantor, by action of the District Secretary, District Six Florida Department of Transportation on September 9, 2020 pursuant to the provisions of Section 337.25 Florida Statutes, has agreed to quitclaim the land hereinafter described to the Grantee without consideration to be used solely for the purpose of a pedestrian plaza with recreational amenities for the public.

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That the Grantor, does hereby remise, release and quitclaim unto the Grantee, its successors and assigns, forever, all the right, title and interest of the Grantor in and to that certain land situated in Miami-Dade County, Florida, viz:

See Exhibit A attached hereto and made a part hereof (the "Premises")

TO HAVE AND TO HOLD, the said premises and the appurtenances thereof unto the Grantee.

THIS CONVEYANCE IS made subject to access control requirements, any unpaid taxes, assessments, liens, reservations, utilities or easements of any kind which may be in place, or encumbrances of any nature whatsoever which the Grantee hereunder and herein assumes.

Item/Segment No.: 406486-1
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The foregoing conveyance was approved by the City of Miami Beach Board of Commissioners pursuant to Resolution No. 2020-31254, passed and adopted on the 13th day of May, 2020. A copy of said Resolution is attached hereto as Exhibit "B".

REVERTER – The Property herein described may be used by the Grantee in perpetuity for a social, recreational, environmental, or other governmental public purpose benefitting the general public and related amenities to support the intended public purpose use. If the property ceases to be used for the above described purpose, all property rights shall revert back to the Grantor, it being understood and agreed that this shall constitute a covenant running with the land, binding on all parties that have or shall have any right, title or interest on the land.

RESERVING UNTO THE GRANTOR and its successors, an undivided three-fourths interest in, and title in and to, an undivided three-fourths interest in all the phosphate, minerals and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same on all lands wherein the Grantor holds the requisite interest.

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IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida and the State of Florida Department of Transportation by its District Secretary, District Six and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

DocuSigned by:

By: James Wolfe
644C4904047E45A...

(print name) James Wolfe, P.E.
District Six Secretary

DocuSigned by:

ATTEST: Helen Shaheen
FEC287D3E1CC478...

(print name) Helen Shaheen
Executive Secretary

(Affix Department Seal)

Witness: Jason Karpel
D884F8F2BFDE45B...
(print name) Jason Karpel

Witness: Andre Boucle
D46994EE346D472...
(print name) Andre Boucle

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this December 02, 2020 by James Wolfe, P.E., District Secretary for District Six, who is personally known to me or who has produced _____ as identification.

Dania Hernandez
(type/print name) DANIA HERNANDEZ

Notary Public in and for the County and State last aforesaid.

(Affix Notary Seal) My Commission Expires: _____



DANIA HERNANDEZ
MY COMMISSION # GG 068841
EXPIRES: April 17, 2021
Bonded Thru Budget Notary Services

EXHIBIT "A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(THIS DOCUMENT CONTAINS 3 SHEETS AND SHALL NOT BE CONSIDERD FULL AND COMPLETE WITHOUT THE LEGAL DESCRIPTION SHEET 1, SKETCH SHEET 2, NOTES AND LEGEND SHEET 3)

LEGAL DESCRIPTION:

Parcel No. 6842

Being a portion of a right of way as shown on the Florida Department of Transportation Right of Way Map of Section 87080-2503, for State Road No. 828 (Now known as State Road 934) as recorded Map Book 79 page 30, Sheet 2 and as shown on the Subdivision Plat of the Ocean Side Section of the Isle of Normandy Beach Properties Corporation as recorded in Plat Book 25, Page 60 of the public records of Miami Dade County Florida and lying in a portion of Fractional Section 10 in Township 53 South, Range 42 East, Miami-Dade County, City of Miami Beach, Florida being more particularly described as follows:

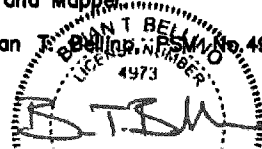
Begin at the point of curve on the southerly right of way line of said State Road 934/Normandy Drive (Formerly known as State Road 828) said point of curve also being on the northerly line of Lots 40-44, Block 10 of said Ocean Side Section of the Isle of Normandy; Thence N 86°03'19" E (FDOT reference bearing base) along the easterly extension of the said southerly the right of way line, a distance of 197.86 feet to the beginning of a curve concave to the southeast having a radius of 25.00 feet, a chord which bears S 27°04'21" W; Thence southwesterly along the arc of said curve, through a central angle of 117°57'56" a distance of 51.47 feet; Thence S 31°54'37" E a distance of 30.33 feet to the beginning of a curve concave to the north having a radius of 25.00 feet, a chord which bears S 79°24'59" E; Thence southeasterly along the arc of said curve, through a central angle of 95°00'45" a distance of 41.46 feet to point the intersection with the northerly right of way line of said State Road 934/71st Street (Formerly known as State Road 828); Thence S 53°04'38" W, along the westerly extension of the said northerly right of way line a distance of 204.15 feet, to the beginning of a curve concave to the west having a radius of 100.00 feet, a chord which bears N 20°26'01" W; Thence northeasterly and northwesterly along the arc of said curve, through a central angle of 147°01'19" a distance of 256.60 feet to the Point of Beginning.

Containing 13,560 Square Feet or 0.3 Acres more or less.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT: In the professional opinion of the undersigned Professional Surveyor and Mapper in the State of Florida the following SKETCH TO ACCOMPANY LEGAL DESCRIPTION is in compliance and meets the requirements of the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mapper in Rule 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Staures. Copies of the Sketch to Accompany Legal Description is not valid without the signature and seal of a Florida Licensed Surveyor and Mapper.

The seal appearing on the document was authorized by Brian T. Bellino, PSM No. 4973 on May 7, 2020.


BRIAN T. BELLINO, PSM
City Surveyor Manager
Professional Surveyor and Mapper
State of Florida Reg. No. 4973
Date: 05/07/2020

THIS IS NOT A SURVEY

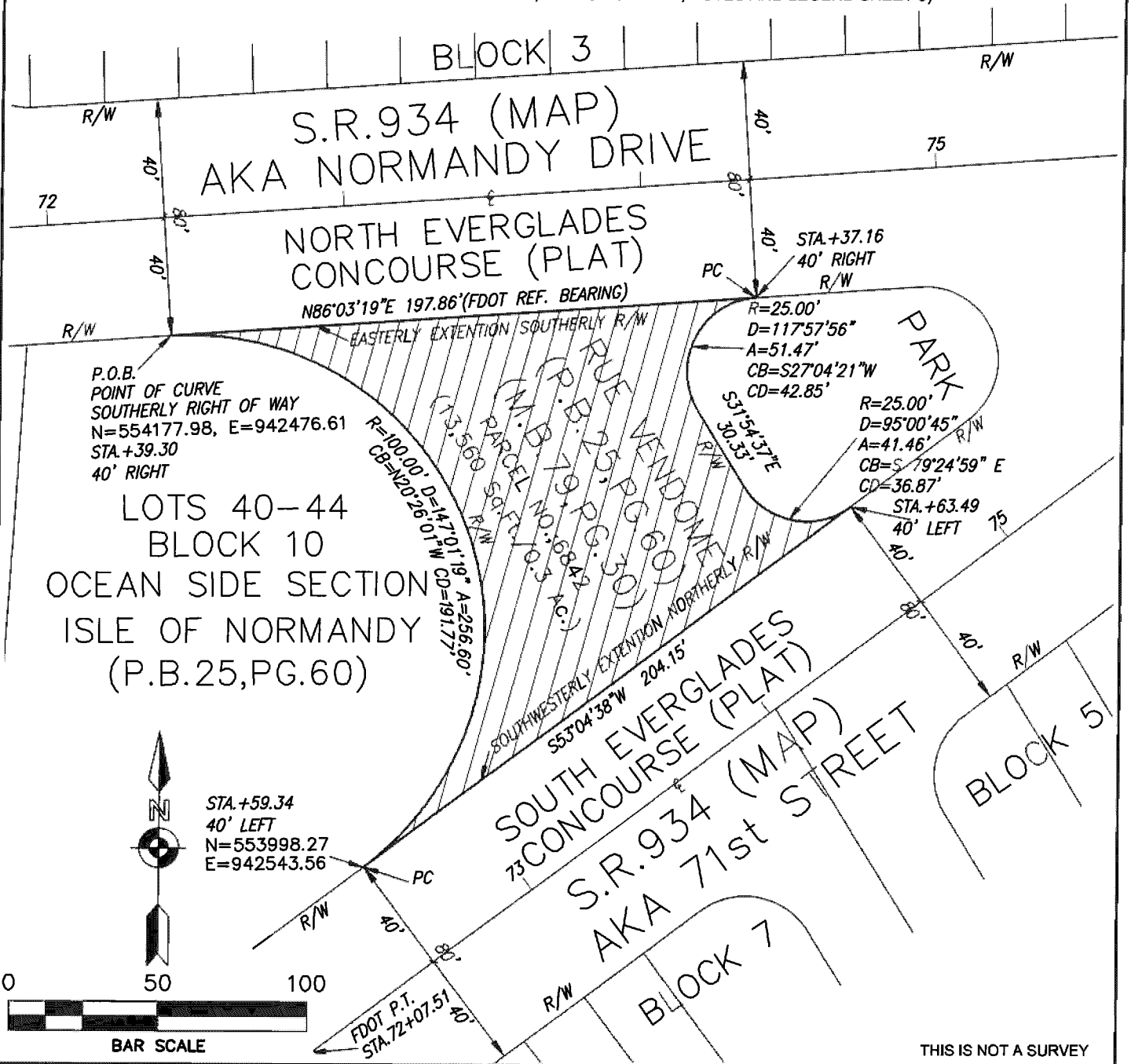
Prepared by:

MIAMIBEACH
PUBLIC WORKS DEPARTMENT
1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FL.33139

Florida Department of Transportation, District VI
Item/Seg. No.:
Sect/Job No.:87080-2503
F.A.P. No.:N/A
S R No.:934, (Normandy Drive - 71st Street)
County: Miami-Dade
Parcel No.:6842

EXHIBIT "A" SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(THIS DOCUMENT CONTAINS 3 SHEETS AND SHALL NOT BE CONSIDERD FULL AND COMPLETE WITHOUT THE LEGAL DESCRIPTION SHEET 1, SKETCH SHEET 2, NOTES AND LEGEND SHEET 3)



THIS IS NOT A SURVEY

Prepared by:

MIAMI BEACH
PUBLIC WORKS DEPARTMENT
 1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FL.33139

Florida Department of Transportation, District VI
 Item/Seg. No.:
 Sect/Job No.:87080-2503
 F.A.P. No.:N/A
 S R No.934, (Normandy Drive - 71st Street)
 County: Miami-Dade
 Parcel No.:6642

EXHIBIT "A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(THIS DOCUMENT CONTAINS 3 SHEETS AND SHALL NOT BE CONSIDERED FULL AND COMPLETE WITHOUT THE LEGAL DESCRIPTION SHEET 1, SKETCH SHEET 2, NOTES AND LEGEND SHEET 3)

SURVEYOR'S NOTES:

1. Bearings shown hereon are referenced to the southerly right of way of S.R.934 F/K/A S.R.828 a.k.a Normandy Drive per FDOT Right of Way Map of Section No.87080-2503, Map Book 79, Page 30, Sheet 2, which bears N86°03'19"E.
1. Exhibit "A" contains three Sheets (1.) Legal Description/Certification, (2.) Sketch of Legal Description (3.) Notes/Legend and is not full and complete without all sheets.
2. Coordinates as shown hereon are relative to the North American Datum of 1983, 2011 adjustment (NAD 83/2011) and is referenced to the Florida State Plane Coordinate System Florida East Zone.
3. The purpose of this Exhibit "A" was to prepare a Legal Description and Sketch of the subject right of way area. This document is not valid without the signature of the Surveyor and an authorized seal by the Surveyor.
4. Ownership is subject to OPINION OF TITLE.
5. The subject right property shown hereon is located in Fractional Section 10, Township 53 South, Range 42 East

LEGEND & ABBREVIATIONS:

POB	POINT OF BEGINNING	R=	RADIUS
FDOT	FL. DEPT. OF TRANSPORTATION	D=	CENTRAL ANGLE
PC	POINT OF CURVE	A=	ARC DISTANCE
N=	NORTHING COORDINATE	CB=	CHORD BEARING
E=	EASTING COORDINATE	CD=	CHORD DISTANCE
MP	MAP BOOK	(P)	PLAT DIMENSION OR CALL
PB	PLAT BOOK	PT	POINT OF TANGENT
PG	PAGE	STA	STATION
S.R.	STATE ROAD	REF.	REFERENCE
R/W	RIGHT-OF-WAY	AKA	ALSO KNOWN AS
☉	CENTER LINE	PSM	PROFESSIONAL SURVEYOR & MAPPER

THIS IS NOT A SURVEY

Prepared by:

MIAMI BEACH
PUBLIC WORKS DEPARTMENT
1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FL.33139

Florida Department of Transportation, District VI
Item/Seg. No.:
Sect/Job No.:87080-2503
F.A.P. No.:N/A
S R No.934, (Normandy Drive - 71st Street)
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Sheet 3 of 3

Exhibit "B"**RESOLUTION NO. 2020-31254**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ACCEPT THE TRANSFER FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) OF THE PUBLIC RIGHT OF WAY OF RUE VENDOME, LOCATED BETWEEN NORMANDY DRIVE AND 71ST STREET, AS REFLECTED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP OF SECTION 87080-2503, FOR STATE ROAD 934 F/K/A STATE ROAD NO. 828, RECORDED ON APRIL 23, 1965, IN MAP BOOK 79, AT PAGE 30; SAID RIGHT OF WAY ORIGINALLY DEDICATED FOR PUBLIC USE (TO THE CITY) ON THE SUBDIVISION PLAT OF THE OCEAN SIDE SECTION OF THE ISLE OF NORMANDY BEACH PROPERTIES CORPORATION, RECORDED ON JUNE 6, 1928, IN PLAT BOOK 25, AT PAGE 60, ALL OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; AND FURTHER AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS AND EXECUTE ALL NECESSARY DOCUMENTS TO EFFECTUATE THE TRANSFER OF THE RUE VENDOME RIGHT OF WAY TO THE CITY.

WHEREAS, in 2016, the City adopted The North Beach Master Plan, which recommended that the area around the Normandy Isle Fountain be transformed into a vibrant pedestrian oriented plaza, for community building and streetscape activation; and

WHEREAS, in 2017, the City commissioned a professional engineering consultant for the design of the permanent closure and pedestrian plaza, which includes the removal of the existing asphalt paving, concrete curb and gutters, adjacent sidewalks and walkways, up to and surrounding the fountain, and raising the area using new white concrete pavement, and permeable pavers; and

WHEREAS, oolite stone benches, steps, and ramps have been designed to harmonize the elevated plaza with adjacent commercial properties to the west; and

WHEREAS, the existing landscaping will be supplemented with new shade trees, shrubs and ground cover throughout the space; and

WHEREAS, new lighting at the plaza is designed, mounted on structural poles, to facilitate decorative lights and future artistic displays; and

WHEREAS, landscape furniture (benches, trash and recycle receptacles) is also included; and

WHEREAS, in April, 2018, the City enacted this transformation, with the temporary closure of Rue Vendome, bounded between 71st Street and Normandy Drive to the north and south, ("Rue Vendome Right of Way") through Florida Department of Transportation (FDOT) permit, FDOT2017-K-691-060, with the painting of an art deco sunburst mural on the asphalt paving and the placement of planters to restrict traffic from the area; and

WHEREAS, various initiatives to activate the street have been undertaken by the Tourism and Culture department; and

WHEREAS, with the success of these events, the City is moving forward with the permanent closure of the Rue Vendome Right of Way and the creation of a public plaza, at the level of the sidewalk; and

WHEREAS, on March 5, 2020, upon receipt of Permit Numbers FDOT2019-C-691-00002 and FDOT2019-H-610-01334 from FDOT; Permit Number 2019-DTM-MISC-00026 from Miami-Dade County DERM; Permit Number RWP0220-5422 from the City's Public Works Department; Permit Number UF2019-0472 from the City's Urban Forestry Division; and Permit Number ELC19-05895 from the City's Building Department, construction for the new public plaza began; and

WHEREAS, on April 13, 2020, FDOT notified the City that the Rue Vendome Right of Way, as more particularly described in the sketch and legal description, incorporated herein by reference and attached as Exhibit "A" to the City Commission Memorandum accompanying this Resolution, is part of the State Highway system; and

WHEREAS, as part of its investigation to confirm ownership of the Rue Vendome Right of Way, City staff reviewed the following information:

- (1) historically, the City has improved, maintained and repaired the Rue Vendome Right of Way, to the exclusion of the signage provided by the State of Florida;
- (2) the Rue Vendome Right of Way is part of the original plat for the neighborhood, the Ocean Side Section of the Isle of Normandy, Normandy Beach Properties Corporation Plat, recorded on June 6, 1928, in O.R. Book 25, at Page 60, of the Public Records of Miami-Dade County (the "1928 Plat");
- (3) in the Dedication section, the 1928 Plat dedicates the highways, whether designated streets, drives, concourses, Esplanades or otherwise, to the perpetual use of the public, thereby dedicating the right of way to the City of Miami Beach;
- (4) on April 23, 1965, the State of Florida Department of Transportation recorded a Right of Way Map, in Map Book 79, at Page 30, of the Public Records of Miami-Dade County ("State Right of Way Map") for State Road 828, identifying the two way pairs, Normandy Drive and 71st Street as part of the State of Florida road system;
- (5) on October 12, 1967, the State of Florida annexed the roads in question as part of the State primary roadway system (two-way pairs);
- (6) on March 16, 1983, pursuant to a Florida Road Numbering Plan, the easterly artery of the Normandy Drive and 71st Street was renamed State Road 934 (one-way pairs); and
- (7) the Normandy Road and 79th/81st/71st Street corridors are referred to as SR 934 by FDOT references on for FDOT projects; however, no reference to any portion of the Rue Vendome Right of Way as SR 934 have been found by staff; and

WHEREAS, in recent review of the drafting lines of the State Right of Way Map by the City's Surveyor and legal research conducted by the City Attorney's Office, City staff has determined that the Rue Vendome Right of Way could reasonably be interpreted as being part of the State system, whether or not by accident; and

WHEREAS, Florida Statutes Section 335.0415(5) (Public road jurisdiction and transfer process), states that "effective as of July 1, 1995, in order to take effect, all transfers of public roads to or from the State Highway System must be by mutual agreement of the affected governmental entities and approved by the Secretary of the Florida Department of Transportation"; and

WHEREAS, Additionally, pursuant to Section 335.02(1), Florida Statutes, this process would also require the State of Florida to conduct a public hearing in Miami-Dade County, as the affected county; and

WHEREAS, Section 335.0415(5) fixed the designation of the state, county, and municipal road systems as they were on June 10, 1995, and as of such date, pursuant to the State Right of Way Map, FDOT claims that Rue Vendome Right of Way was part of the State Highway System; and

WHEREAS, FDOT therefore requires the transfer of the Rue Vendome Right of Way to the City as a condition of the permits for the Rue Vendome project; and

WHEREAS, the City Manager seeks authority to execute any documents and pursue the statutory requirements for acceptance of the transfer of the Rue Vendome Right of Way on behalf of the City.


NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby approve and authorize the City Manager to accept the transfer from the Florida Department of Transportation (FDOT) of the public right of way of Rue Vendome, located between Normandy Drive and 71st Street, as reflected on the Florida Department of Transportation Right of Way Map of Section 87080-2503, for State Road 934 f/k/a State Road No. 828, recorded on April 23, 1965, in Map Book 79, at Page 30; said right of way originally dedicated for public use (to the City) on the subdivision plat of the Ocean Side Section of the Isle of Normandy Beach Properties Corporation, recorded on June 6, 1928, in Plat Book 25, at Page 60, all of the Public Records of Miami-Dade County; and further authorize the City Manager to take all necessary steps and execute all necessary documents to effectuate the transfer of the Rue Vendome Right of Way to the City.

PASSED and ADOPTED this 13 day of May, 2020.



Dan Gelber, Mayor

ATTEST:


5/21/2020

Rafael E. Granado, City Clerk



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

5-6-20
Date