



Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM
Department of Building and Planning

DATE: March 6, 2023
TO: Yocelyn Galiano, ICMA-CM, LEED-GA
Village Manager
FROM: Stephen R. Olmsted, AICP, LEED-GA
Planning Director
RE: Resolution Accepting Dedication of Right-of-Way
Portion of 9675 SW 69 Avenue

PETITION REQUEST

Mr. Carlos De Cespedes and Ms. Carolina Erdmann are requesting approval of a Resolution accepting the dedication of the western 25 feet of their property located at 9675 SW 69 Avenue for public road right-of-way.

SITE LOCATION

The subject property is located at 9675 SW 69 Avenue, Pinecrest, Florida 33156 within the EU-1, Residential Estate zoning district.



EXISTING CONDITIONS

A building permit for construction of a single-family residence on the subject property has been issued. Although the applicant previously recorded a right-of way deed, dedicating the west 25 feet of the subject property on the east side of SW 69 Avenue to the Village of Pinecrest, allowing for a standard right-of-way width of 50 feet, a Resolution approving the dedication was not approved by the Village Council and the deed was not signed by both property owners prior to recording. Approval of a Resolution accepting the right-of-way by the Village Council required.

RECOMMENDATION

Staff recommends approval of the Resolution accepting dedication of the right-of-way as identified in the attached Exhibit "A", subject to the following condition of approval:

1. Review and approval of the Right-of-Way Deed, Opinion of Title, and Joinder and Consent of Mortgagee by the Village Attorney; and execution and recording of the right-of-way deed prior to issuance of a temporary or permanent certificate of occupancy.

RESOLUTION NO. 2023- _____

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA APPROVING AND ACCEPTING A RIGHT-OF-WAY DEED FROM MR. CARLOS DE CESPEDES AND MS. CAROLINA ERDMANN FOR A PORTION OF 9675 SW 69 AVENUE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mr. Carlos De Cespedes and Ms. Carolina Erdmann as the owners of the property located at 9675 SW 69 Avenue, have agreed to convey to the Village of Pinecrest (the "Village") a Right-of-Way Deed for the purposes of a public right-of-way and all purposes incidental thereto in the form attached hereto as Exhibit "A" (the "Deed"); and

WHEREAS, the Village Council wishes to accept the conveyance of the Deed and authorize the Village Manager to expend funds and take all action necessary to accomplish the acquisition of the public right-of-way described in the Deed, including the recording of the Deed and the payment of the pro-rated amount of real property taxes for 2023, if any, on the subject right-of-way; and

WHEREAS, the Village Council finds that acceptance of the Deed is in the best interests of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF PINECREST FLORIDA AS FOLLOWS:

Section 1. That the Village Council hereby approves and accepts the Deed in substantially the form attached hereto as Exhibit "A," subject to approval by the Village Attorney as to form, content, and legal sufficiency. The Village shall record the Deed in the Official Records of Miami-Dade County, Florida.

Section 2. That the Village Council hereby authorizes the Village Manager to expend funds and take any and all action necessary to effectuate and implement the acquisition and acceptance of the Deed, record the Deed in the Official Records of Miami-Dade County, Florida, and pay the pro-rated amount of real property taxes for 2023, if any, on the subject right-of-way.

Section 3. That this Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 14th day of MARCH 2023.

Joseph M. Corradino, Mayor

Attest:

Priscilla Torres, CMC
Village Clerk

Approved as to Form and Legal Sufficiency:

Mitchell Bierman
Village Attorney

Motion by:

Second by:

Vote:

EXHIBIT "A"

"EXHIBIT "A"

THIS INSTRUMENT PREPARED BY AND
AFTER RECORDING RETURN TO:

Chad Friedman, Esq.
Weiss Serota Helfman Cole & Bierman, P.L.
2800 Ponce de Leon Blvd., Suite 1200
Coral Gables, Florida 33134

Folio Number(s): 20-5002-000-1182 (portion of)

RIGHT-OF-WAY-DEED

THIS INDENTURE is made this ___ day of _____, 2023, between **Carlos M. De Cespedes and Carolina Erdmann, husband and wife**, whose mailing address is 6080 S.W. 79 Street, Miami, Florida 33143, hereinafter referred to as the Grantor, and the **Village of Pinecrest, a Florida municipal corporation**, whose mailing address is 12645 Pinecrest Parkway Pinecrest, Florida 33156, hereinafter referred to as the Grantee.

WITNESSETH that the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to it in hand paid by the Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to the Grantee, its heirs, successors and/or assigns in interest, for the purpose of a public highway and/or road and purposes incidental thereto, all right, title, interest, claim or demand of the Grantor, in and to the following described land, situated, lying and being in the County of Miami-Dade and State of Florida, to-wit:

See Exhibit "A" attached hereto and made a part hereof for Right-of-Way Parcel for 9675 S.W. 69 Avenue, Pinecrest, Florida 33156 (the "Property").

And the Grantor does hereby fully warrant the title to the Property, and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor.

It is the intention of the Grantor hereto by this instrument to convey to the Grantee, and its heirs, successors and/or assigns in interest, the Property herein described for use as a public right-of-way and for purposes incidental thereto.

TO HAVE AND TO HOLD the Property in fee simple forever.

IN WITNESS WHEREOF, the Grantor has caused this Right-of-Way Deed to be executed as of the day and year first written above.

WITNESSESS:

GRANTOR:

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Print Name

Print Name

Carlos M. De Cespedes

Carolina Erdmann

EXHIBIT "A"

**Legal Description and Sketch of Right-of-Way Parcel for
9675 S.W. 69th Avenue, Pinecrest, Florida 33156**

JOINDER AND CONSENT BY MORTGAGEE

City National Bank of Florida, its successors and/or assigns (the “Mortgagee”) being the owner and holder of that certain Mortgage, Assignment of Rents and Security Agreement, executed by Carlos M. De Cespedes and Carolina Erdmann, husband and wife, in favor of Mortgagee, dated May 5, 2022, and recorded May 20, 2022, in Official Records Book 33198, at Page 2862, of the Public Records of Miami-Dade County, Florida (the “Mortgage”), covering all/or a portion of the property described in the foregoing Mortgage, does hereby join in and consent and acknowledge that the terms of the Right of Way Deed are and shall be binding upon the undersigned and its successors in title.

The sole purpose of the Mortgagee joining in and consenting to the execution of this Right of Way Deed is to subject any interests of the Mortgagee in the Property to the provisions of the Right of Way Deed and for no other purpose.

IN WITNESS WHEREOF, the Mortgagee has this Joinder and Consent as of the _____ day of March 2023.

WITNESSES:

MORTGAGEE:

Signature

CITY NATIONAL BANK OF FLORIDA

Print Name

By: _____

Name: _____

Signature

Title: _____

Print Name

STATE OF _____)

)

COUNTY OF _____)

)

The foregoing instrument was acknowledged before me, by means of [] physical presence or [] online notarization, this ____ day of March 2023, by _____, as _____ of City National Bank of Florida, on behalf of the Corporation, who are personally known to me or have produced _____, as identification.

[SEAL]

NOTARY PUBLIC, State of _____

Print Name: _____

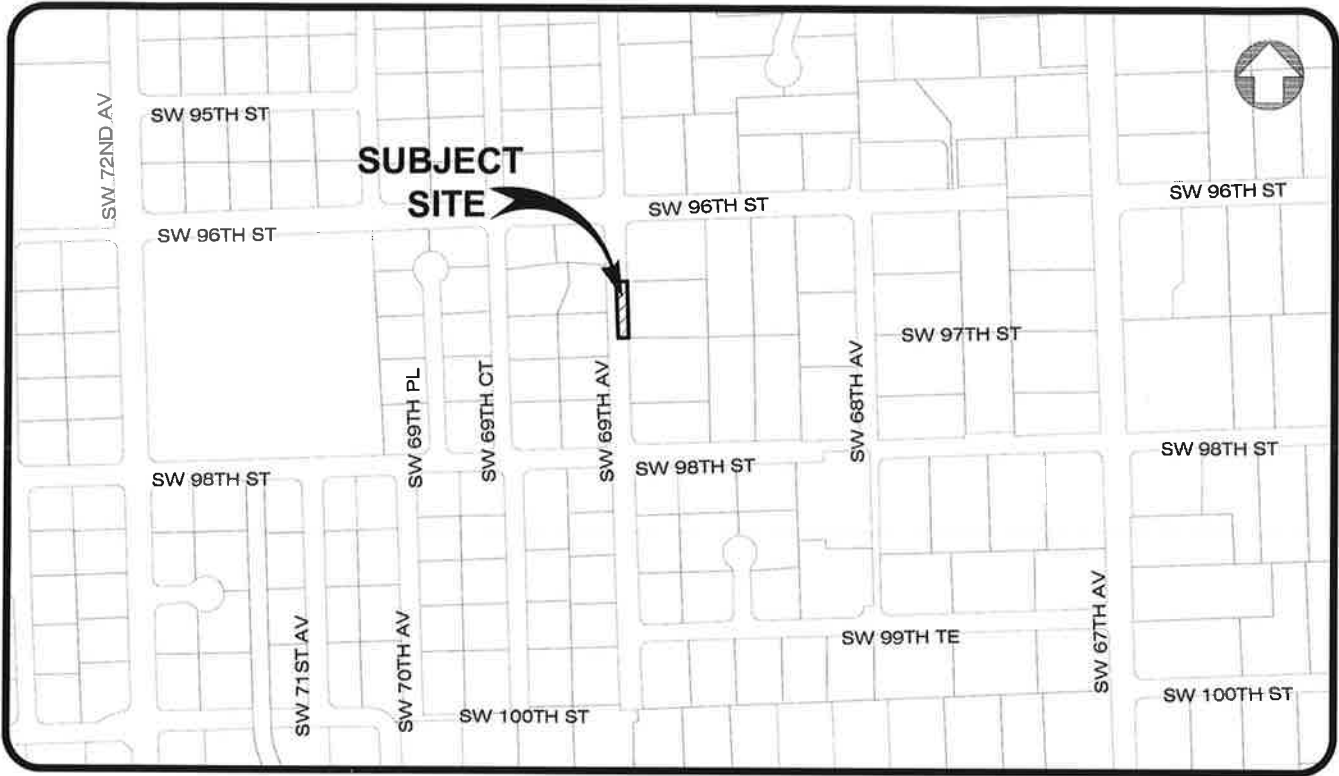
Commission No.: _____

Commission Expires: _____

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

9675 SW 69 Avenue, Pinecrest, FL 33156

"Exhibit A"



LOCATION MAP

NOT TO SCALE

DATA SOURCES USED:

The Legal Description was generated from a Survey provided by Dorlom Construction via e-mail on 03-14-2022 containing a Boundary Survey prepared by John Ibarra & Associates, Inc. #19-004648-2 dated 4-8-21.

Bearings as shown hereon are based upon the centerline of SW 69 Avenue with an assumed bearing of S02°00'04"E as shown on the Survey provided by Dorlom Construction via e-mail on 03-14-2022 containing a Boundary Survey prepared by John Ibarra & Associates, Inc. #19-004648-2 dated 4-8-21.

RESTRICTIONS:

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

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch and Accompanying 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 and Accompanying Legal Description" meets the intent of the applicable provisions of the "Standards of Practice" for Land Surveying in the State of Florida", pursuant to Rule 5J-17.052 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

LONGITUDE SURVEYORS LLC., a Florida Corporation

Florida Certificate of Authorization Number LB7335

This item has been digitally signed by:

Eduardo M Suarez Digitally signed by Eduardo M Suarez
Date: 2023.03.06 16:12:21 -05'00'

By: **Eduardo M. Suarez, PSM** Date:
Registered Surveyor and Mapper LS6313
State of Florida



NOTICE: Printed copies of this document are not considered signed and sealed and the signature must be verified on the electronic copies. The above named Professional Surveyor & Mapper shall be responsible for the following sheets in accordance with Rule 5J-17, F.A.C.

NOTICE: This document consists of 3 pages and not valid, full and complete without all pages.

THIS IS NOT A BOUNDARY SURVEY

LONGITUDE SURVEYORS

7769 NW 48TH STREET, SUITE 375, DORAL, FL. 33166 * PHONE:(305)463-0912 * FAX:(305)513-5680 * WWW.LONGITUDESURVEYORS.COM

JOB NO.: 22075.0.01 PAGE 3 OF 3

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 5J-17.062, F.A.C.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
9675 SW 69 Avenue, Pinecrest, FL 33156
"Exhibit "A"

LEGAL DESCRIPTION:

The West 25 Feet of the South 172.71 Feet of the North 345.42 Feet of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, in Section 2, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida.

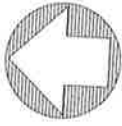
Containing 4,318 square feet, more or less, by computations.

THIS IS NOT A BOUNDARY SURVEY

 **LONGITUDE** SURVEYORS

7769 NW 48TH STREET, SUITE 375, DORAL, FL. 33166 * PHONE:(305)463-0912 * FAX:(305)513-5680 * WWW.LONGITUDESURVEYORS.COM

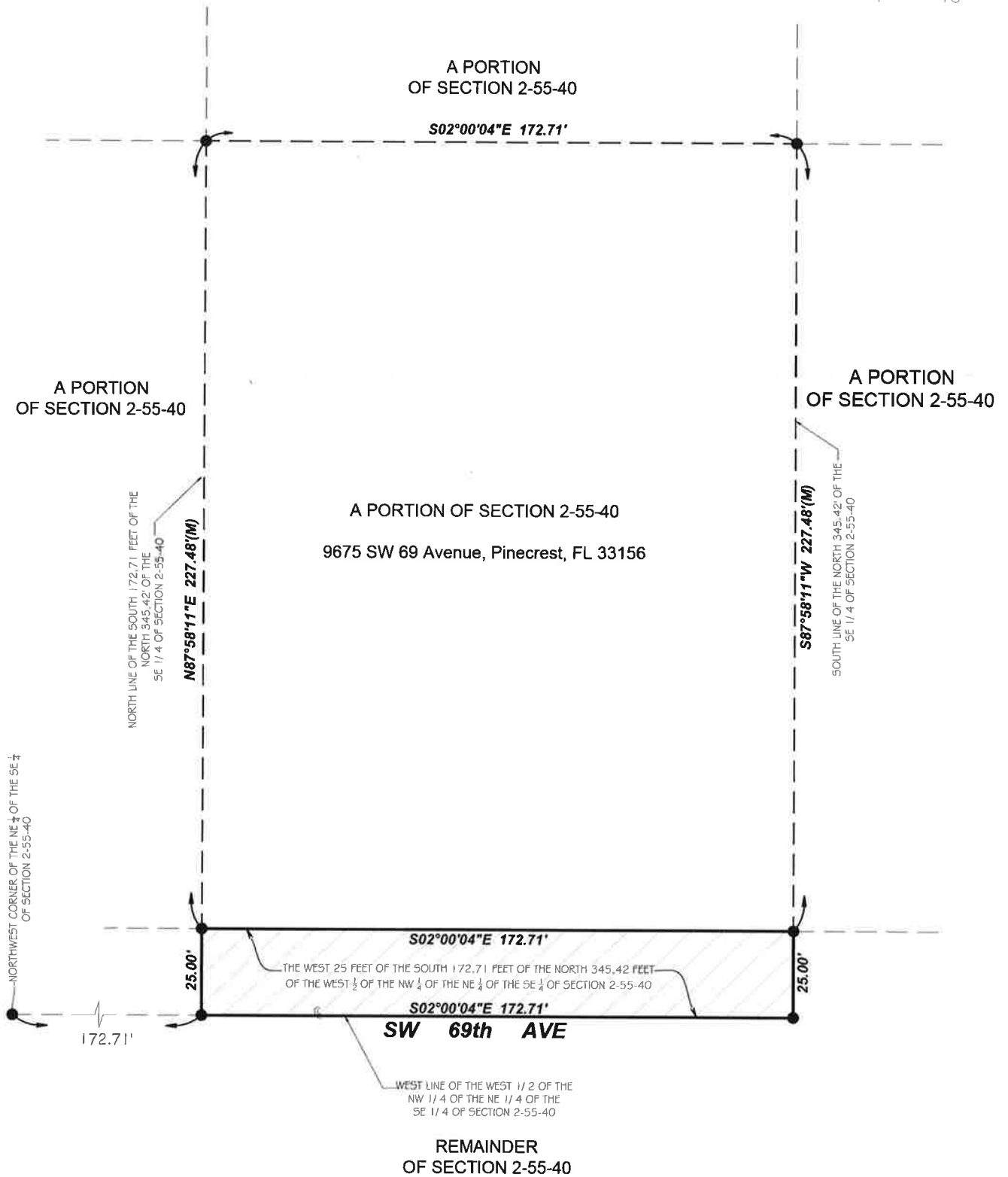
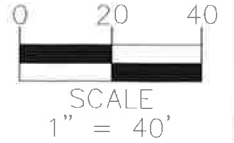
JOB NO.: 22075.0.01 PAGE 2 OF 3



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

9675 SW 69 Avenue, Pinecrest, FL 33156

"Exhibit "A"



THIS IS NOT A BOUNDARY SURVEY

OPINION OF TITLE

TO: Village of Pinecrest

With the understanding that this Opinion of Title is furnished to the Village of Pinecrest, as inducement for acceptance of a Right of Way Deed, covering the real property, or other land use approval hereinafter described, it is hereby certified that I have examined an Owner's Policy of Title Insurance issued by Old Republic National Title Insurance Company Number 0F6-8728521 dated October 15, 2019 @ 10:59 a.m. covering the period from the beginning to the 10th day of February, 2016, at the hour of 8:00 a.m., and Title Search Update Number 7223-6364754, dated June 21, 1972 through an effective date of February 9, 2023 @ 8:00 a.m., inclusive, of the following described property:

SEE EXHIBIT "A" ATTACHED HERETO

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Carlos M. De Cespedes and Carolina Erdmann, husband and wife by Warranty Deed, dated October 8, 2019 and recorded October 15, 2019 in Official Records Book 31647, Page 2062, of the Public Records of Miami-Dade County, Florida.

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

1. **RECORDED MORTGAGES:**

- a. Mortgage, Assignment of Rents and Security Agreement from Carlos M. De Cespedes a/k/a Carlos de Cespedes and Carolina Erdmann, husband and wife, to City National Bank of Florida, dated May 5, 2022, and recorded May 20, 2022, in Official Records Book 33198, Page 2862, of the Public Records of Miami-Dade County, Florida. UCC-1 Financial Statement recorded in Official Records Book 33198, at Page 2893, of the Public Records of Miami-Dade County.
- b. Notice of Commencement recorded in Official Records Book 33447, at Page 1501, of the Public Records of Miami-Dade County, Florida.

1. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

NONE

2. **GENERAL/SPECIAL EXCEPTIONS:**

- a. Taxes for the year 2023 and subsequent years, which are not yet due and payable.
- b. Right of claims of parties in possession not recorded in the Public Records.
- c. Any encroachment, encumbrance, violation, variation or adverse circumstances that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
- d. Easements or claims of easements not recorded in the Public Records.
- e. Any liens, or right to a lien, for services, labor or material furnished, imposed by law and not recorded in the Public Records.
- f. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Land(s) insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.
- g. Any lien provided by County Ordinance or by Chapter 159, F.S., in favor of any city, town, village, or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.
- h. Survey prepared by John Ibarra & Associates, Inc., dated September 21, 2019, under Job No. 19-004648 reflects the following:
 - i. West side of the subject property, asphalt returns are encroaching into the right of way SW 69th Avenue.
- i. Right of Way Deed to Village of Pinecrest recorded in Official Records Book 33175.
- j. Covenant for Maintenance of Landscaping and Grass recorded in Officials Records Book 33320, at Page 4250.
- k. Covenant of Construction recorded in Official Records Book 33320, at Page 4252.

NOTE: All of the recording information contained herein refers to the Public Records of Miami-Dade County, Florida, unless otherwise indicated.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions and that none of the encumbrances and/or exceptions listed above will restrict the use of the property for the purposes set forth in the Right of Way Deed or other land use approval, as applicable.

Therefore, it is my opinion that the following party(ies) must join in the proffered document in order to make it valid and binding on the lands described herein:

	<u>Name</u>	<u>Interest</u>
Owner	Carlos M. De Cespedes And Carolina Erdmann	fee
Encumbrance Mortgagee		lien

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable document.

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

Respectfully submitted this _____ day of March 2023.

 Maria Currais
 Florida Bar No. _____
 Weiss Serota Helfman Cole & Bierman, P.L.
 2800 Ponce de Leon Boulevard, Suite 1200
 Coral Gables, Florida 33134

STATE OF FLORIDA)
) SS
 COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me, by means of [] physical presence or [] online notarization, this _____ day of March 2023, by Maria Currais, who is [] personally known to me or [] has produced _____, as identification.

Notary Public

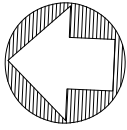
My Commission Expires:

Print Name

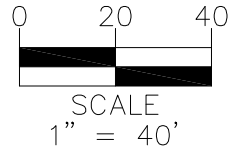
EXHIBIT "A"

LEGAL DESCRIPTION:

The South 172.71 feet of the North 345.42 feet of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, LESS the East 82.5 feet thereof, in Section 2, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida.



SKETCH TO ACCOMPANY LEGAL DESCRIPTION
9675 SW 69 Avenue, Pinecrest, FL 33156



LOT 1
(P.B. 76, PG. 28)

S02°04'04"E 172.71'(C&M)

WEST LINE OF THE EAST 82.5 FEET OF THE SOUTH 172.71 FEET OF THE NORTH 345.42 FEET OF THE THE W 1/2 OF THE NW 1/4, OF THE NE 1/4, OF THE SE 1/4 OF SEC. 2-55-40

NOT SUBDIVIDED
Folio No.: 20-5002-000-1181

N88°01'26"E 227.20'(C)

NORTH LINE OF THE SOUTH 172.71 FEET OF THE NORTH 345.42' OF THE W 1/2, OF THE NW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF OF SEC. 02-55-40

VACANT LAND
Folio No.: 20-5002-000-1182

SOUTH LINE OF THE NORTH 345.42' OF THE W 1/2, OF THE NW 1/4 OF THE NE 1/4 OF THE SE 1/4 OF SEC. 02-55-40

S88°01'26"W 227.16'(C&M)

NOT SUBDIVIDED
Folio No.: 20-5002-000-1180

SW 96 STREET
N88°01'26"E

NORTHWEST CORNER OF THE NE 1/4, OF THE SE 1/4 OF SEC. 02-55-40

N88°01'26"E 25.00'

N02°04'44"W 172.71'(R)

N02°04'44"W 172.71'(C&M)

THE WEST 25 FEET OF THE SOUTH 172.71 FEET OF THE NORTH 345.42 FEET OF THE WEST 1/2, OF THE NW 1/4, OF THE NE 1/4, OF THE SE 1/4 OF SEC. 02-55-40 (LESSED -OUT)

N02°04'44"W

50' TOTAL RIGHT OF WAY

SW 69 AVENUE

THIS IS NOT A BOUNDARY SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
9675 SW 69 Avenue, Pinecrest, FL 33156

LEGAL DESCRIPTION:

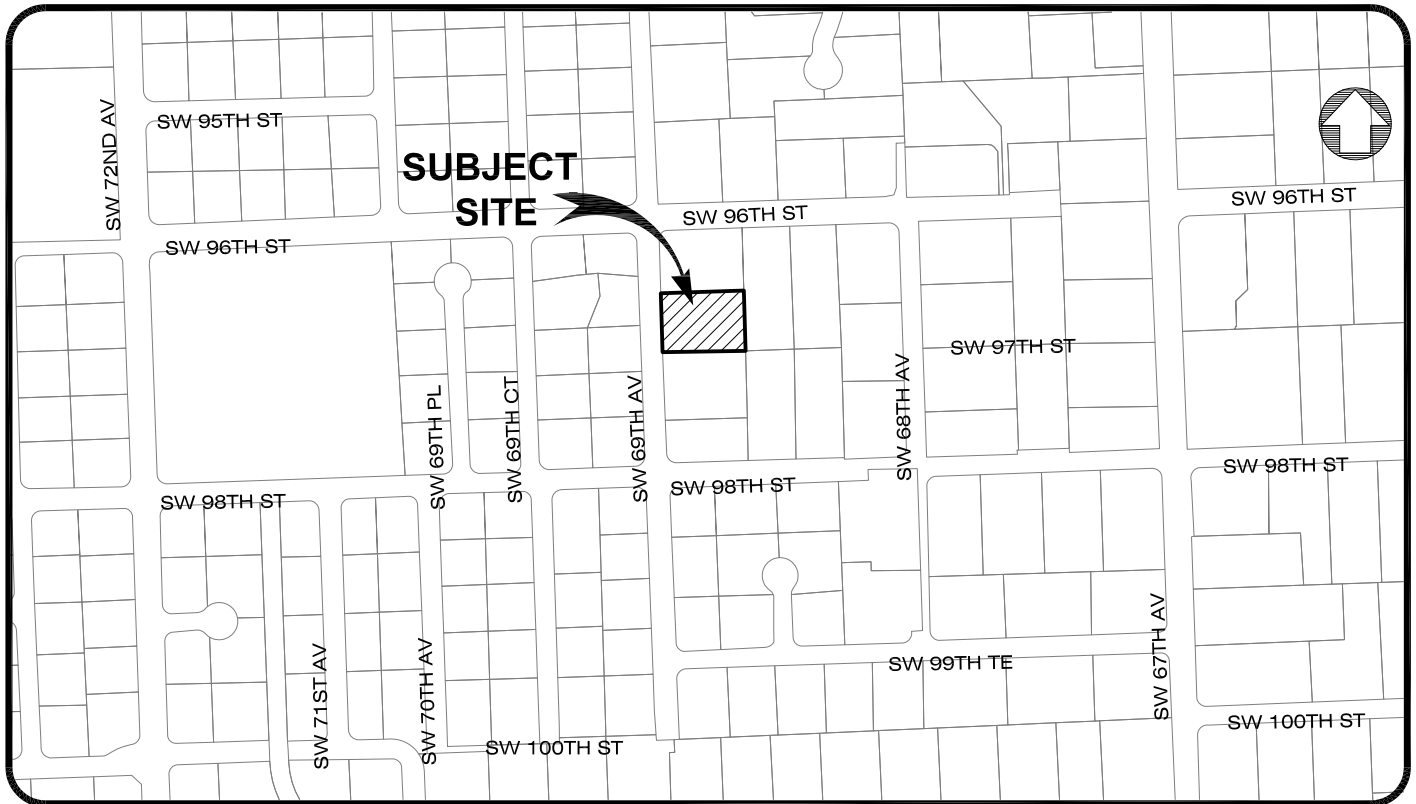
The South 172.71 feet of the North 345.42 feet of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Less the East 82.5 feet and Less the West 25 Feet thereof, in Section 2, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida.

Containing 39,236 square feet, more or less, by computations.

THIS IS NOT A BOUNDARY SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

9675 SW 69 Avenue, Pinecrest, FL 33156



LOCATION MAP
NOT TO SCALE

DATA SOURCES USED:

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

- 1.) Township Map 55 South, Range 40 East, Miami-Dade County Records.
- 2.) Map of Boundary Survey, prepared by Longitude Surveyors, LLC., Dated (August 16, 2022), Project No. 22075.0.01
- 3.) Warranty Deed recorded on October 15, 2019 in Official Record Book 31647, at Page 2062 of the Public Record of Miami-Dade County, Florida.

Bearings as shown hereon are based upon the Centerline of SW 69 Avenue with an assumed bearing of N02°04'44"W, said line to be considered a well established and monumented line.

RESTRICTIONS:

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

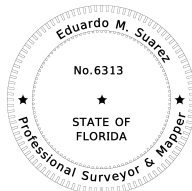
This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY that the Legal Description and Sketch of the subject area described hereon was made under my supervision and that the Legal Description meets the Standards of Practice set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes, and that the sketch hereon is true and correct to the best of my knowledge and belief, subject to notes and notations shown hereon. This sketch shown is not a land survey.

LONGITUDE SURVEYORS LLC., a Florida Corporation
Florida Certificate of Authorization Number LB7335

By: _____
Eduardo M. Suarez, PSM
Registered Surveyor and Mapper LS6313
State of Florida



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

NOTICE: This document consists of 3 pages and not valid, full and complete without all pages.

THIS IS NOT A BOUNDARY SURVEY