



## Memorandum

**To:** Miles Moss, P.E., Chairperson, Project and Financial Review Committee and Members, Citizens' Independent Transportation Trust (CITT)

**From:** Charles Scurr, Executive Director *C. Scurr*

**Date:** June 10, 2016

**Re:** Resolution Declaring the Acquisition of the Designated Property Known as Parcel 108 for Right-of-Way Needed for the People's Transportation Plan Project Entitled Improvements to SW 137 Avenue From US-1 to SW 200 Street to be a Public Necessity; Authorizing the County Mayor or the County Mayor's Designee and Accomplish Acquisition of the Subject Property in Fee Simple By Purchase at Appraised Value; Superseding Resolution R-529-13; and Authorizing the use of People's Transportation Plan Funds

The attached item was prepared by the Department of Transportation and Public Works (DTPW).

This item declares the acquisition of Parcel 108, with a reduced area of needed right-of-way to reflect a previous dedication of right-of-way, needed for programmed improvements to the People's Transportation Plan Project Entitled Improvements to SW 137 Avenue from US-1 to SW 200 Street; authorizes the County Mayor or Mayor's Designee to take all appropriate actions to purchase this property, to accomplish acquisition of the subject property in fee simple by purchase at appraised value or by eminent domain proceedings as necessary; and supersedes Resolution R-810-11, adopted on July 2, 2013.

The proposed project includes roadway expansion, beautification and improvements consisting of a new two-lane road with sidewalks, curb and gutter, a continuous storm drain system, signalization, pavement markings and signage, street lighting, bicycle facilities, a bridge crossing over one (1) canal, and a culvert for a second canal.

This is an approved project and is referenced on page 82 of the FY 2015 Five Year Implementation Plan of the People's Transportation Plan.

This item is scheduled for the June 15, 2016, Transit and Mobility Services Committee agenda, and is scheduled for the July 6, 2016, agenda of the Board of County Commissioners (BCC). If action is taken at the Transportation Trust Committee, this item will appear on the June 16, 2016 CITT Full Trust agenda. **(BCC Legislative File No. 161187)**

If you have any questions or need additional information, please do not hesitate to contact me.

c: Alina Hudak, Deputy Mayor  
Bruce Libhaber, Assistant County Attorney

RESOLUTION NO.

RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC), DECLARE THE ACQUISITION OF DESIGNATED PROPERTY KNOWN AS PARCEL 108, FOR RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED IMPROVEMENTS TO SW 137 AVENUE FROM US-1 TO SW 200 STREET, TO BE A PUBLIC NECESSITY; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE BY PURCHASE FROM A WILLING SELLER; SUPERSEDING RESOLUTION NO. R-529-13; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

**WHEREAS**, the CITT desires to accomplish the purposes outlined in the accompanying OCITT Executive Director's memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITT**, that this Trust recommends that the Board of County Commissioners (BCC), declare that the acquisition of Parcel 108, is needed for the public purpose of improvements to SW 137 Avenue from US-1 to SW 200 Street; authorizing the County Mayor or the County Mayor's Designee and the County Attorney to take appropriate actions to accomplish acquisition of the subject property in fee simple by purchase from a willing seller; superseding Resolution No. R-529-13; and authorize the use of Charter County Transportation Surtax Funds in connection with such purchase, as outlined in the corresponding document in substantially the form attached hereto and made a part hereof.

The foregoing resolution was offered by \_\_\_\_\_, who moved its adoption. The motion was seconded by \_\_\_\_\_ and upon being put to vote, the vote was as follows:

Paul J. Schwiep, Esq., Chairperson  
Hon. Anna E. Ward, Ph.D., 1<sup>st</sup> Vice Chairperson  
Glenn J. Downing, CFP®, 2<sup>nd</sup> Vice Chairperson

Oscar Braynon  
Peter L. Forrest  
Prakash Kumar  
Alicia Menardy, Esq.  
Hon. James A. Reeder  
Hon. Linda Zilber

Joseph Curbelo  
Alfred J. Holzman  
Jonathan Martinez  
Miles E. Moss, P.E.  
Marilyn Smith

The Chairman thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

Approved by the County Attorney as  
to form and legal sufficiency\_\_\_\_\_

By: \_\_\_\_\_  
Executive Director

# CITT MEMBER REVIEW FORM

Contract No. ACQSW137AvePar108

**1. Item Name:** Resolution Declaring the Acquisition of the Designated Property Known as Parcel 108 for Right-of-Way Needed for the PTP Project Entitled Improvements to SW 137 Ave From US-1 to SW 200 Street to be a Public Necessity

**2. Item/Contract Amt:** \$0.00  
**Transit AMT:** \$0.00  
**PTP AMT:**  
**Other:**

**3. Department:** DTPW/PW

**4. Project Category:** Board Requested  
**Project Type:** SW 137 Avenue-1  
**Project/Contract Timeline:** (If applicable)

**5. District(s):** (If applicable) 8

**6. Scheduling and Comments:**

COMMITTEE	DATE	COMMENTS
Joint SFP and PFR Committee	6/16/2016	
Community Outreach		
CITT Board	6/16/2016	
BCC Meeting	7/6/2016	

**7. BCC Approved:** No      **If Yes Date:**

**8. Review:**

Project included in 5-Year Implementation Plan  
 If no, amendment item Included  
 Operation (unification) Contract  
 Budgeted Item  
 Time Sensitive  
 Competitive process used (If applicable)  
 Timeline/Term of Contract (If applicable)  
 Contract measures for CSBE, CBE, SBE or DBE (If applicable)  
 Project is in a residential or commercial area or both (If applicable, circle one)  
 Public Involvement Plan (PIP) included

**Yes No N/A**

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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AGENDA REVIEW FORM

# 283030  
4/27/16

Please process the attached agenda item for the Committee and/or BCC agenda(s) as indicated below.

Department: DTPW

Consent Agenda:  Yes  No  
*(If "Yes" and requires matching funds, the Mayor's memo should include a statement that the matching funds are properly budgeted as determined by OMB.)*

Requires Committee Review:  Yes  No

Preferred BCC Agenda Date: \_\_\_\_\_

Requires Municipal Notification:  Yes  No

Public Hearing Required:  Yes  No If yes, is public hearing at  BCC  Cmte  
*(Please attach a copy of advertisement as proof that item has been or will be advertised as a public hearing.)*

Special Effective Date Language in Resolution:  Yes  No  
*(If "Yes", a brief statement explaining why the item must have special language should be included in the Mayor's memo.)*

List Attachment(s): Memo  
Resolution  
Exhibit A, Exhibit B

RECEIVED  
APR 27 2016  
Alina T. Hudak  
OFFICE OF THE MAYOR

RECEIVED  
MAY 20 2016  
CITT

OFFICE OF THE MAYOR

2016 MAY -2 P 1:53

RECEIVED

County Attorney's Review:

- Item is subject to BCC sponsorship and is approved as to form and legal sufficiency.
- Item is not subject to BCC sponsorship and is approved as to form and legal sufficiency.

If any changes are made to this document, those changes must be approved by the County Attorney's Office.

Debra Herman  
Asst. County Attorney  
*(Print name)*

[Signature]  
Asst. County Attorney  
*(Signature)* 4/5/16  
Date

Commissioner Sponsor:

*(To be provided by Department/DM)*

[Signature]  
Approved - Department Director

4/22/16  
Date

[Signature]  
Approved - County Executive Office

\_\_\_\_\_  
Date

# Memorandum



**Date:**

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Resolution Declaring the Acquisition of the Designated Property Known as Parcel 108 for Right-of-Way Needed for the People's Transportation Plan Project Entitled Improvements to SW 137 Avenue From US-1 to SW 200 Street to be a Public Necessity; Authorizing the County Mayor or the County Mayor's Designee and Accomplish Acquisition of the Subject Property in Fee Simple By Purchase at Appraised Value; Superseding Resolution R-529-13; and Authorizing the use of People's Transportation Plan Funds

## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board) approve the attached resolution superseding the previously adopted Resolution No. R-529-13 dated July 2, 2013 authorizing the acquisition of Parcel 108 needed for the People's Transportation Plan Project Entitled Improvements to SW 137 Avenue, from US-1 to SW 200 Street, which provides for the acquisition of said Parcel 108, with a reduced area of needed right-of-way to reflect a previous dedication of right-of-way. Proceeds from People's Transportation Plan Bond proceeds will be used to fund this project, therefore approval by the Board and the Citizens' Independent Transportation Trust (CITT) is required.

Said Resolution is placed for committee review pursuant to Miami-Dade County Code Section 29-124(f). This item may only be considered by the Board if the CITT has forwarded a recommendation to the Board prior to the date scheduled for Board consideration, or 45 days have elapsed since the filing with the Clerk of the Board of this item. If the CITT has not forwarded a recommendation and 45 days have not elapsed since the filing of this item, I will request a withdrawal of this item.

## **SCOPE**

The impact of this project is countywide; however, it is located within Commissioner Daniella Levine Cava's District 8.

## **FISCAL IMPACT**

Funding for the right-of-way acquisition, design, and construction of this Project is from People's Transportation Plan bond proceeds, and may be supplemented by other eligible funding sources. Funding is programmed within the adopted FY2015-16 Adopted Budget and Multi-Year Capital Plan (Project 607930). The initial acquisition cost has been budgeted and no additional fiscal impacts are expected; however, in the event of litigation the ultimate acquisition cost would be subject to a future ruling by the Court.

## **TRACK RECORD/MONITOR**

The Department of Transportation and Public Works (DTPW) is the entity overseeing this project and the responsible person for monitoring this acquisition project is Mr. Francisco Fernandez, Chief Real Estate Officer of the Right-of-Way Division.

**BACKGROUND**

DTPW has programmed the construction of SW 137 Avenue as part of the People's Transportation Plan Project Entitled Improvements to SW 137 Avenue from US-1 to SW 200 Street. The proposed project includes roadway expansion, beautification and improvements consisting of a new two-lane road with sidewalks, curb and gutter, a continuous storm drain system, signalization, pavement markings and signage, street lighting, bicycle facilities, a bridge crossing over one (1) canal, and a culvert for a second canal.

The area to be acquired by Miami-Dade County was reduced due to DTPW Engineering staff discovering that portions of the proposed acquisition area had been previously dedicated in the 1940's and 1950's. This discovery occurred during title work prior to the closing for the purchase of said parcel. The reduced area remains necessary for the proposed roadway improvements, and is legally described in "Exhibit A" and illustrated on the parcel location map in "Exhibit B" all attached herewith.



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Alina T. Hudak  
Deputy Mayor

Approved \_\_\_\_\_ Mayor

Agenda Item No.

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING THE ACQUISITION OF DESIGNATED PROPERTY KNOWN AS PARCEL 108 FOR THE PEOPLE’S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED IMPROVEMENTS ON SW 137 AVENUE FROM US-1 TO SW 200 STREET, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE, BY DONATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR TAX ASSESSED VALUE WHICHEVER IS THE HIGHER OF THE TWO TOGETHER WITH REASONABLE ATTORNEY’S FEES AND COSTS PURSUANT TO CHAPTERS 73.091 AND 73.092, FLORIDA STATUTES, OR BY EMINENT DOMAIN COURT PROCEEDING INCLUDING DECLARATIONS OF TAKING, AS NECESSARY; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference, and

**WHEREAS**, this Board finds and declares that the acquisition of Parcel 108, as legally described in “Exhibit A” attached hereto and made a part hereof, is necessary to accomplish the construction for the project entitled improvements to SW 137 Avenue from US- 1 to SW 200 Street.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

Section 1. This Board ratifies and adopts these matters set forth in the foregoing recitals and by superseding the previously adopted Resolution No. R-529-13, due to previously dedicated right-of-way portions affecting the property designated as Parcel 108.

Section 2. This Board finds and declares that the acquisition of the subject parcel, as legally described in “Exhibit A” attached hereto and incorporated herein by reference, is needed for the public purpose of improvements to SW 137 Avenue from US-1 to SW 200 Street.

Section 3. This Board authorizes and directs the County Mayor or County Mayor’s designee and County Attorney to employ appraisers, review appraisers and expert witnesses, to obtain required environmental audits and to take any action to acquire the subject parcel, as legally described in “Exhibit A” in fee simple, including any businesses thereon, either by donation, purchase at values established by appraisals or tax assessed value whichever is the higher of the two, together with reasonable attorney’s fees, expert fees and costs pursuant to Chapter 73.091 and 73.092, Florida Statutes, or eminent domain court proceedings including a declaration of taking as necessary for and on behalf of Miami-Dade County and authorizes the use of Charter County Transportation Surtax Funds.

Section 4. Pursuant to Resolution No. R-974-09, this Board direct the County Mayor or County Mayor’s designee to record the instruments of conveyance accepted herein in the Public Record of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy together with this resolution.

Section 5. This Resolution shall supersede Resolution R-529-13, which is hereby rescinded and replaced herewith.

The foregoing was offered by Commissioner \_\_\_\_\_ who moved its adoption.  
The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the  
vote was as follows:

Jean Monestime, Chairman  
Esteban L. Bovo, Jr., Vice-Chair

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Juan C. Zapata	Barbara J. Jordan
Sally A. Heyman	Dennis C. Moss
Rebeca Sosa	Xavier L. Suarez
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this \_\_\_\_\_, of \_\_\_\_\_, 2016. This resolution shall become effective upon the earlier of one (1) ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency. \_\_\_\_\_



## LEGAL DESCRIPTION

(FEE SIMPLE)

A PORTION OF THE SW 1/4, OF THE SW 1/4, OF SECTION 23, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING IN MIAMI-DADE COUNTY FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE SW 1/4, OF THE SW 1/4, OF SECTION 23, TOWNSHIP 56 SOUTH, RANGE 39 EAST; THENCE S 01°10'03" E ALONG THE WEST LINE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23, TOWNSHIP 56 SOUTH, RANGE 39 EAST, FOR A 100.00 FEET; THENCE S 48°41'53" E, FOR 33.89 FEET TO A POINT ON A LINE THAT IS 25.00 FEET EASTERLY TO SAID WEST LINE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23 AND THE POINT OF BEGINNING, OF THE HEREINAFTER DESCRIBED PARCEL. THENCE N 01°10'03" W ALONG A LINE PARALLEL AND 25.00 FEET EAST OF SAID WEST LINE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23, FOR 89.76 FEET TO A POINT 33.00 FEET SOUTH OF THE NORTH LINE OF THE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23; THENCE N 89°07'17" E, PARALLEL AND 33.00 FEET SOUTH OF SAID NORTH LINE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23, FOR 55.13 FEET TO A POINT OF CUSP OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST, THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°17'20", FOR 39.40 FEET TO THE POINT OF TANGENCY, SAID POINT BEING 55.00 FEET EASTERLY OF THE AFOREMENTIONED WEST LINE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23; THENCE S 01°10'03" E, PARALLEL 55.00 FEET EAST OF THE WEST LINE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23, FOR 91.94 FEET; THENCE N 48°41'53" W, FOR 40.67 FEET TO THE POINT OF BEGINNING.

### EXHIBIT "A"



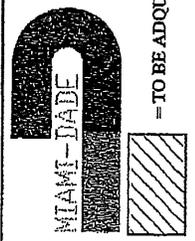
SEC. 10, 11,  
14, 15, 22,  
23, 26 & 27,  
TWP. 56S.,  
RGE. 39E.

**MANUEL G. VERA & ASSOCIATES, INC.**  
ENGINEERS • SURVEYORS • MAPPERS  
15960 SW 47th STREET MIAMI, FL 33175-3616  
TEL: (305) 221-6210 FAX: (305) 221-1225  
FLORIDA CERTIFICATE OF ACHIEVEMENT NUMBER 15248

**SW 137TH AVENUE**  
FROM US-1 TO SW 200th STREET

Project No. 200900003 SHEET 2 OF 2

**NOT A SURVEY**

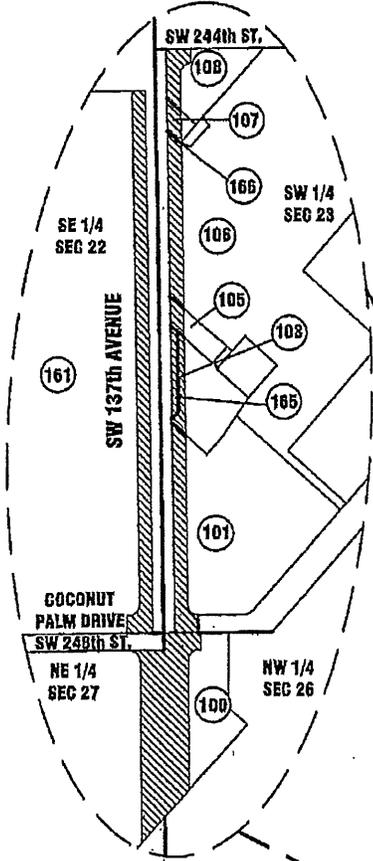


= TO BE ACQUIRED FOR RIGHT OF WAY

Scale: 1" = 1600'

Date: 03/20/13

10



**DETAIL**  
NOT TO SCALE

**EXHIBIT B**  
2 of 2

