

MEMORANDUM

Not On
Agenda Item No. 10(A) (27)

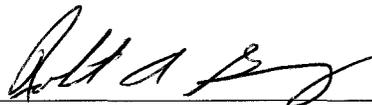
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution directing
County Manager regarding
right-of-way dedication for
N.W. 87th Avenue between
N.W. 154th Street and N.W.
162nd Street

The accompanying resolution was prepared and placed on the agenda at the request of
Commissioner Natacha Seijas.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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County Attorney

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Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Not On
Agenda Item No. 10(A) (27)
1-20-05

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MANAGER
REGARDING RIGHT-OF-WAY DEDICATION FOR
N.W. 87TH AVENUE BETWEEN N.W. 154TH STREET
AND N.W. 162ND STREET

WHEREAS, the Town Council (“Town Council”) of the Town of Miami Lakes has adopted Ordinance 02-26 accepting a declaration of restrictions proffered by Property Owners Lowell and Betty Dunn (“the Owners”) pertaining to proposed projects described as Dunnwoody Lakes and Dunnwoody Forest; and

WHEREAS, the declaration of restrictions approved by the Town Council in Ordinance No. 02-26 requires the Owners to dedicate land to Miami-Dade County for right-of-way improvements to N.W. 87th Avenue; and

WHEREAS, the Owners’ obligation under Ordinance 02-26 to convey property for the dedication of right-of-way is not dependent on the reservation of concurrency-related public facilities capacity or transportation related roadway capacity; and

WHEREAS, certain discussions have taken place involving the County Manager and the Owners regarding conveyance of land to Miami-Dade County for right-of-way dedication for N.W. 87th Avenue between N.W. 154th Street and N.W. 162nd Street; and

WHEREAS, there is currently pending a resolution authorizing a development agreement between Miami Lakes and the Owners providing, among other things, for a ten (10) year reservation of transportation-related roadway capacity and concurrency-related public

facility capacity in exchange for conveyance of land to Miami-Dade County for right-of-way dedication for N.W. 87th Avenue between N.W. 154th Street and N.W. 162nd Street; and

WHEREAS, improvements to N.W. 87th Avenue will proceed as described in the Declaration of Restrictions approved in Ordinance 02-26 notwithstanding any decision by the Town Council regarding extension of concurrency or capacity; and

WHEREAS, this Board is concerned that it appears that the proposed development agreement, as presented, suggests that the right-of-way dedication required by Ordinance 02-26 is being offered in exchange for the reservation of capacity; and

WHEREAS, this Board wishes to emphasize that the requirement for right-of-way dedication in the declaration of restrictions accepted in Ordinance 02-26 must be satisfied without regard to the ten (10) year reservation of capacity,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that (1) the foregoing recitations are hereby incorporated into this Resolution as legislative findings of fact, (2) pending disposition of the proposed development agreement by the Town of Miami Lakes, there shall be no further discussions of the right-of-way dedication between County officials, the Town of Miami Lakes and/or the Owners, and (3) this Board, acting after committee consideration, shall authorize any further action or communication by County officials regarding this matter.

The foregoing resolution was sponsored by Commissioner Natacha Seijas, and 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:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Dr. Barbara Carey-Shuler
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2005. This resolution shall become effective 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.

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. JM/RAG

John McInnis

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