

**Date:** December 2, 2008

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

Agenda Item No. 8(P)(1)(H)

**From:** George M. Burgess  
County Manager

**Subject:** Resolution Declaring the Acquisition of Land and a One (1) Year Temporary Construction Easement (TCE) Needed for Construction of the Pedestrian/Bicycle Overpass at the University Metrorail Station, Located at the Southwest Corner of the Intersection of US-1 (South Dixie Highway-SR 5) and Mariposa

### Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached Resolution declaring the acquisition of land including a one (1) year temporary construction easement for the Pedestrian/Bicycle Overpass at the University Metrorail Station located at the southwest corner of the intersection of US-1 (South Dixie Highway-SR 5) and Mariposa Court to be a public necessity, and authorizing the Mayor and the County Attorney to employ appraisers and expert witnesses, obtain required environmental audits, and any and all appropriate action to acquire the subject property in fee simple, by donation, dedication, purchase at values established by appraisals, or by eminent domain proceedings, including a declaration of taking as necessary, for and on behalf of Miami-Dade County.

### Scope

While this pedestrian overpass is physically located within Commission District 7, the impact of the project benefits the riding public and is, therefore, countywide.

### Fiscal Impact/Funding Source

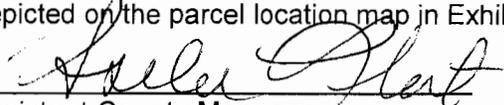
A Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) to provide State funds in the amount of \$2,045,000 for the Pedestrian/Bicycle Overpass at the University Metrorail Station was adopted by the BCC on November 6, 2007. Local funding for this project will be provided by the Charter County Transit System Surtax (People's Transportation Plan). The proposed overpass is listed among the Miami-Dade Transit's Miscellaneous Capital Improvement Projects approved by the BCC Resolution (R-1154-03) on October 9, 2003 as an amendment to Exhibit 1 of the PTP.

### Track Record/Monitor

Not Applicable.

### Background

The BCC approved Resolution R-38-08 on January 10, 2008, authorizing the acquisition of the land needed for the construction of the Pedestrian/Bicycle Overpass at the University Metrorail Station, which included parcel 100 and 100-TCE. Since passage of the above referenced resolution, it has been determined that a one (1) year TCE would be required to accomplish construction of the project. The pedestrian overpass at the University Metrorail Station is expected to improve the use of Metrorail facilities while increasing pedestrian safety and commercial activity in the area. It will facilitate accessibility to the University of Miami's campus (west of US 1) and commercial district. The pedestrian overpass is expected to unite pedestrians currently straddling the east and west boundaries of US 1 by providing safe and convenient access to services and facilities on either side of this busy highway. The traffic fatality of a University of Miami student on April 12, 2005 has increased safety concerns at the existing pedestrian crossing. Accordingly, the University and public officials have stressed their desire to accelerate the placement of the pedestrian overpass. The area to be acquired by Miami-Dade County as part of the proposed improvements is legally described in Exhibit "A" and depicted on the parcel location map in Exhibit "B".

  
Assistant County Manager



# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: December 2, 2008

  
FROM: R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Agenda Item No. 8(P)(1)(H)

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 \_\_\_\_\_

Agenda Item No. 8(P)(1)(H)  
12-2-08

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

RESOLUTION DECLARING THE ACQUISITION OF PROPERTY NEEDED FOR CONSTRUCTION OF THE PEDESTRIAN/BICYCLE OVERPASS AT THE UNIVERSITY METRORAIL STATION, INCLUDING A TEMPORARY CONSTRUCTION EASEMENT FOR ONE (1) YEAR LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF US-1 (SOUTH DIXIE HIGHWAY-SR 5) AND MARIPOSA COURT, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR 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 AND TEMPORARY CONSTRUCTION EASEMENT BY DONATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR BY EMINENT DOMAIN COURT PROCEEDINGS INCLUDING DECLARATIONS OF TAKING, AS NECESSARY

**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 the acquisition of the parcel of land in fee simple and temporary construction easement as legally described in "Exhibit A" and shown on the project location map in "Exhibit B" attached hereto and made a part hereof, for the public purpose of construction of the Pedestrian/Bicycle Overpass at the University Metrorail Station, to be required and necessary to accomplish such construction; and

**WHEREAS**, Miami-Dade County is authorized under the Constitution and Laws of Florida, including Chapters 73, 74, 125, 127 and 341, Florida Statutes, and Sections

1.01 (A) (1), (2) and (21), of the Home Rule Charter of Miami-Dade County, to acquire said property and easement including by eminent domain proceedings,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board ratifies and adopts those matters set forth in the foregoing recitals and authorizes and directs the County Mayor or his designee and the County Attorney to take any and all appropriate actions to acquire the subject property in fee simple and temporary construction easement, as legally described in "Exhibit A" attached hereto and incorporated herein by reference, by donation, purchase, or by eminent domain proceedings, including declarations of taking, as necessary.

The foregoing resolution 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:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

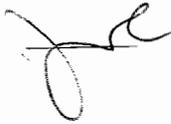
The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of December, 2008. This resolution shall become effective as follows: (1) ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

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

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency.

Jorge Martinez-Esteve



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

# EXHIBIT "A"

PARCEL NO  
LEGAL DESCRIPTION

SEC 30  
TWP 54 S  
RGE 41 E

That portion of Lots 29, 30, and 31, Block 156 of CORAL GABLES RIVIERA SECTION PART 8, according to the plat thereof, as recorded in Plat Book 25 at Page 55 of the Public Records of Miami-Dade County, Florida; together with that portion of the North 1/2 of the North 1/2 of the Southwest 1/4, of the Northeast 1/4, in Section 30, Township 54 South, Range 41 East, Miami-Dade County, Florida, being more particularly described as follows:

Begin at the point of intersection of the Southeasterly Right of Way line of the Miami Homestead Highway (also known as State Road 5- U.S. Hwy. # 1 and South Dixie Hwy.) as the same is shown on the Plat of CORAL GABLES RIVIERA SECTION PART 8, Plat Book 25 at Page 55 of the Public Records of Miami-Dade County, Florida, and the Southwesterly Right of Way line of Mariposa Court as the same as shown of the Florida Department of Transportation Right of Way Corridor Map, Section 87030, Sheet 9 of 13, thence run South 47°48'21" West along said Southeasterly Right of Way line of the Miami Homestead Highway (also known as State Road 5- U.S. Hwy. # 1 and South Dixie Hwy.), for a distance of 59.34 feet; thence run South 72°30'07" East, for a distance of 22.95 feet; thence run North 69°20'37" East, for a distance of 21.97 feet, thence run North 47°48'21" East, for a distance of 27.32 feet; thence run North 42°11'39" West, along the aforementioned Southwesterly Right of Way line of Mariposa Court, for a distance of 27.88 feet to the **POINT OF BEGINNING.**

Miami-Dade County Transit Department  
Right of Way & Utilities Division, Engineering Section  
701 NW 1 Court, 15Th Floor  
Miami, Florida 33136

By: \_\_\_\_\_  
Carol A. Wilson, PLS  
Professional Land Surveyor No. 5340  
State of Florida

NOTICE: Unless it bears the signature and the original raised seal of a Florida licensed Surveyor and Mapper, this sketch is for informational purposes only and is not valid.

THIS LEGAL DESCRIPTION IS ILLUSTRATED IN A "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" ON A SEPARATE ATTACHED SHEET. THE ATTACHED SKETCH IS SUBORDINATED TO THIS LEGAL DESCRIPTION AND IS PROVIDED SOLELY AS AN AID TO VISUALIZING THE PROPERTY DESCRIBED HEREIN.

THIS IS NOT A SURVEY



SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY TRANSIT DEPT. RIGHT OF WAY & UTILITIES DIVISION ENGINEERING SECTION	UNIVERSITY STATION PEDESTRIAN OVERPASS PARCEL NO. 100	SCALE: 1" = 30' DATE: 11-29-07 PREPARED BY: C. Wilson CHECKED BY: PROJECT SHEET 1 OF 3
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# EXHIBIT "A"

SEC 30  
TWP 54 S  
RGE 41 E

**PARCEL 100-TCE: (1-YEAR TEMPORARY CONSTRUCTION EASEMENT)**

**LEGAL DESCRIPTION:**

That portion of Lots 29, 30, and 31, Block 156 of CORAL GABLES RIVIERA SECTION PART 8, according to the plat thereof, as recorded in Plat Book 25 at Page 55 of the Public Records of Miami-Dade County, Florida; together with that portion of the North ½ of the North ½ of the Southwest ¼, of the Northeast ¼, in Section 30, Township 54 South, Range 41 East, Miami-Dade County, Florida, being more particularly described as follows:

Begin at a point South 47°48'21" West for a distance 59.34 feet along the Southeasterly Right of Way line of the Miami Homestead Highway (also known as State Road 5 –U.S. Hwy #1 and South Dixie Hwy.) from the Point of Beginning (POB) as established in Fee Parcel 100; thence run South 72°30'07" East, for a distance of 22.95 feet; thence run North 69°20'37" East, for a distance of 21.97 feet, thence run North 47°48'21" East, for a distance of 27.32 feet; thence run South 42°11'39" East, along Southwesterly Right of Way line of Mariposa Court, for a distance of 24.54 feet; thence run South 47°56'11" West, for a distance of 65.16 feet; thence run North 42° 22'26" West, for a distance of 52.27 feet; thence run North 47°48'21" East along said Southeasterly Right of Way of Miami Homestead Highway (also known as State Road 5 –U.S. Hwy #1 and South Dixie Hwy.), for a distance of 5.99 feet to the **POINT OF BEGINNING for referenced TCE.**

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THIS IS NOT A SURVEY

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<b>SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY TRANSIT DEPT. RIGHT OF WAY &amp; UTILITIES DIVISION ENGINEERING SECTION</b>	<b>UNIVERSITY STATION PEDESTRIAN OVERPASS</b>	SCALE: 1" = 30'	DATE: 11-29-07
	<b>PARCEL NO. 100</b>	PREPARED BY: C. Wilson CHECKED BY:	SHEET 2 OF 3

PARCEL 100

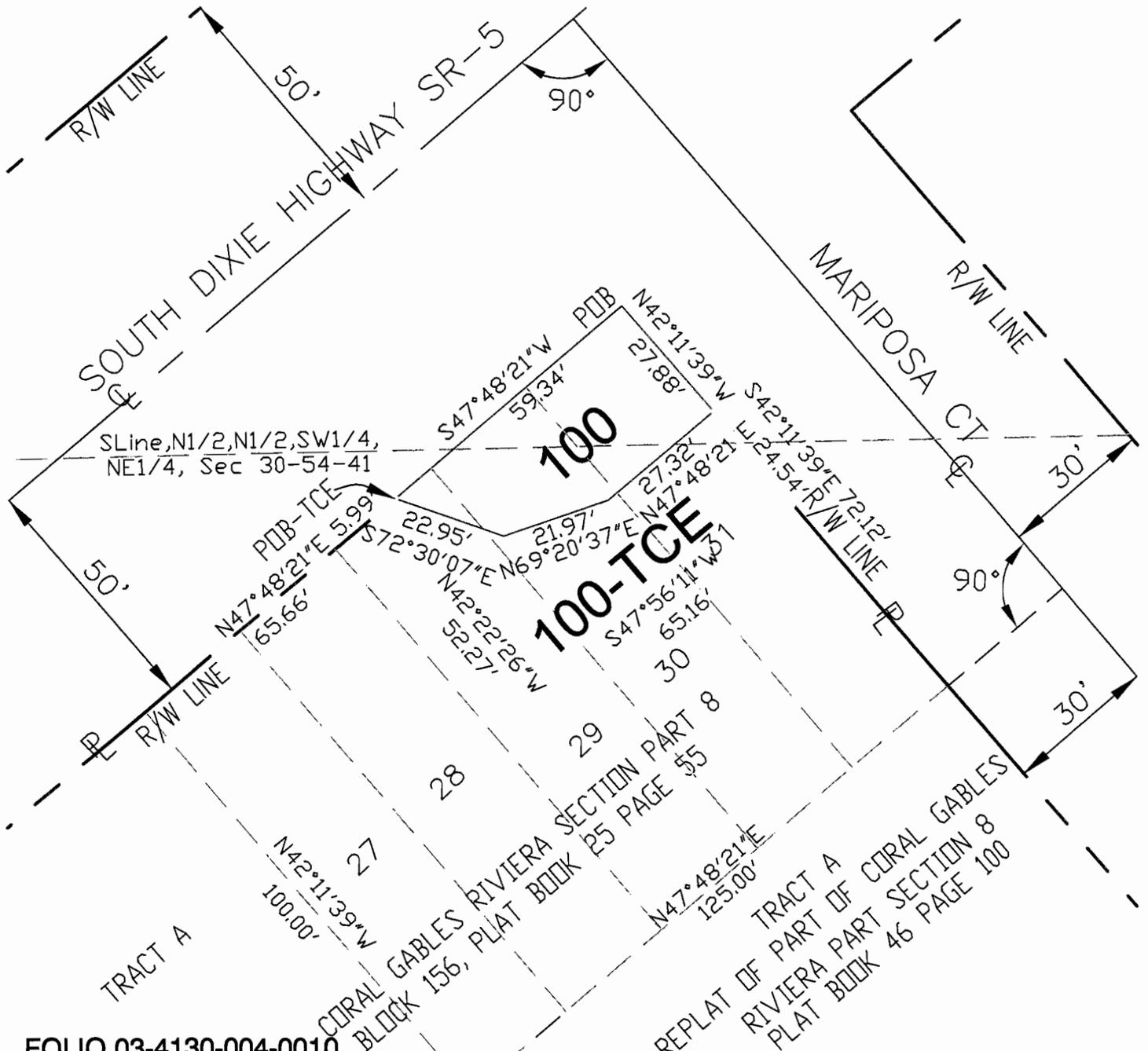
# EXHIBIT "B"

## LEGEND

- BOUNDARY LINE
- CENTER LINE
- RIGHT-OF-WAY (R/W)
- FRACTIONAL LINE
- PROPERTY LINE

- RGE RANGE
- PARCEL AREA
- POB POINT OF BEGINNING
- Sec Section
- TCE Temporary Construction Easement
- TWP TOWNSHIP

SEC 30  
TWP 54 S  
RGE 41 E

FOLIO 03-4130-004-0010

PARCEL AREA: 1,364 SQ-FT OR 0.031 ACRES MORE OR LESS

TCE AREA: 2,052 SQ-FT OR 0.047 ACRES MORE OR LESS

THIS SKETCH IS A GRAPHIC REPRESENTATION OF THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED AND WITHOUT WHICH THIS SKETCH IS TO BE CONSIDERED VOID AND INCOMPLETE.

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THIS IS NOT A SURVEY



SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
MIAMI-DADE COUNTY TRANSIT DEPT.  
RIGHT OF WAY & UTILITIES DIVISION  
ENGINEERING SECTION

UNIVERSITY STATION  
PEDESTRIAN OVERPASS  
PARCEL NO. 100

SCALE: 1" = 30' DATE: 11-29-07  
PREPARED BY: C. Wilson  
CHECKED BY:  
PROJECT 2004-0676 SHEET 3 OF 3