

# Memorandum



**Date:** April 15, 2009

**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

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

**Subject:** Resolution Authorizing the Acquisition of the Designated Property Known as Parcel 4 for Right-of-Way Needed for the People's Transportation Plan (PTP) Project Entitled Roadway Improvements to SW 157 Avenue, from SW 152 Street to SW 184 Street, to be a Public Necessity

TIR  
Agenda Item No. 3R

## Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution declaring the acquisition of Parcel 4 for right-of-way needed for the People's Transportation Plan (PTP) project entitled Roadway Improvements to SW 157 Avenue, from SW 152 Street to SW 184 Street, to be a public necessity and authorizing the County Mayor, the County Mayor's designee and the County Attorney to employ appraisers, expert witnesses, obtain required environmental audits, and to take any and all appropriate actions to acquire the subject property in fee simple by donation, dedication, purchase, or by eminent domain proceedings, including a declaration of taking as necessary for and on behalf of Miami-Dade County.

Proceeds from the Charter County Transit System Sales Surtax (the surtax) will be used to fund this project, therefore, approval by the Board of County Commissioners (BCC) and Citizens' Independent Transportation Trust (CITT) is required.

## Scope

The impact of this project will be Countywide; however, the property to be acquired is located within Commission District 9.

## Fiscal Impact/Funding Source

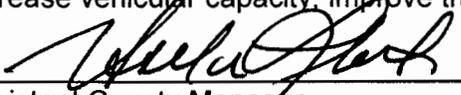
Funding for the right-of-way acquisition and construction of this project will be provided by the Charter County Transit Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County. This project was specifically listed in the People's Transportation Plan (PTP) as one of the Board requested improvement projects for Commission District 9.

## Track Record/Monitor

Not Applicable

## Background

This resolution is for the acquisition of Parcel 4 of fifteen (15) separate parcels needed by the Public Works Department (PWD) for programmed improvements along SW 157 Avenue, between SW 152 Street and SW 184 Street. This project consists of widening the existing roadway from a two (2) lane undivided roadway to a four (4) lane roadway with a raised median, sidewalks, curb and gutter, continuous storm drainage system, landscaping, signalization, pavement markings & signing, and roadway lighting. The area to be acquired by PWD for the street improvements is legally described in Exhibit "A" and illustrated in the parcel location map in Exhibit "B," attached. These improvements will increase vehicular capacity, improve traffic mobility, provide ADA compliance.

  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** May 5, 2009

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

**SUBJECT:** Agenda Item No.

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 Mayor'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.  
5-5-09

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

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL FOUR (4) FOR RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY IMPROVEMENTS TO SW 157 AVENUE FROM SW 152 STREET TO SW 184 STREET TO BE A PUBLIC NECESSITY

**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 Parcel 4 in fee simple as legally described in Exhibit "A" and illustrated on the project location map in Exhibit "B" attached hereto and made a part hereof, for the public purpose of right-of-way needed for the People's Transportation Plan (PTP) project entitled Roadway Improvements to SW 157 Avenue from SW 152 Street (Coral Reef Drive) to SW 184 Street (Eureka Drive) to be required and necessary to accomplish such improvements; 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 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 the County Mayor's designee and the County Attorney to employ appraisers, review

appraisers and expert witnesses, to obtain required environmental audits and to take any and all appropriate actions to acquire the subject property in fee simple, as legally described in Exhibit "A" attached hereto and incorporated herein by reference, necessary and required for right-of-way needed for the People's Transportation Plan (PTP) project entitled Roadway Improvements to SW 157 Avenue from SW 152 Street (Coral Reef Drive) to SW 184 Street (Eureka Drive), by donation, dedication, purchase, or by eminent domain proceedings, including a declaration 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:

Dennis C. Moss, Chairman

Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro

Carlos A. Gimenez

Barbara J. Jordan

Dorrin D. Rolle

Katy Sorenson

Sen. Javier D. Souto

Audrey M. Edmonson

Sally A. Heyman

Joe A. Martinez

Natacha Seijas

Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of May, 2009. 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 reaffirms 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

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

Approved by County Attorney as  
to form and legal sufficiency.



Thomas Goldstein

Miami-Dade County  
Public Works Dept.

SW 157 AVENUE  
( FEE SIMPLE )

**Parcel No. 4:**

The South 19 feet of the SW 1/4 of the SW 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 55 South, Range 39 East, lying and being in Miami-Dade County, Florida; less the West 35 feet thereof; and the South 19 feet of the West 19 feet of the SE 1/4 of the SW 1/4 of the NW 1/4 of the SW 1/4 of said Section 28.

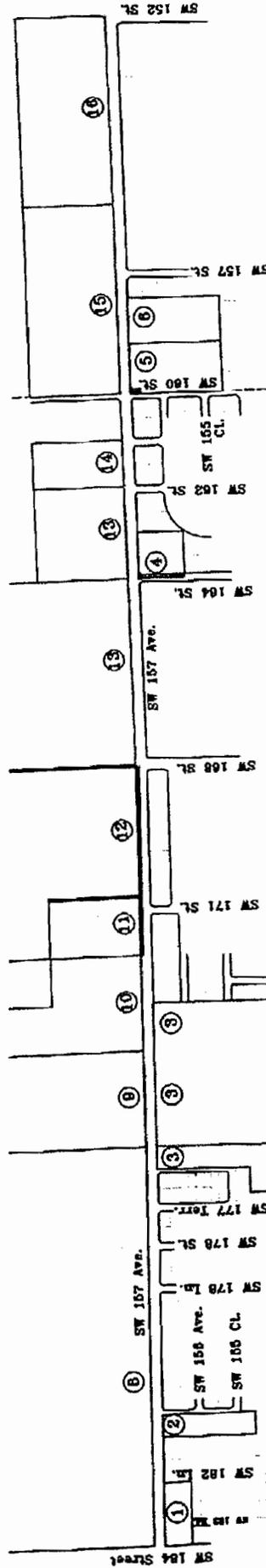
Approved as description  
Date 3/24/09  
CDS

**EXHIBIT "A"**

SEC 28,29, 32 & 33  
 TWP 55 S  
 RGE 39 E



LOCATION MAP  
 NOT TO SCALE



MIAMI-DADE COUNTY PUBLIC WORKS DEPT.  
 RIGHT OF WAY DIVISION  
 RIGHT OF WAY ENGINEERING SECTION

R/W TO BE ACQUIRED BY THE COUNTY

**EXHIBIT "B"**  
**SW 157 Avenue**  
 From SW 184 Street to SW 152 Street



SCALE: 1" = 1100'  
 PROJECT: 20040372  
 PREPARED BY: L.E.  
 DATED: 02-25-09