Memorandum

MIAMI-DADE COUNTY

Date: June 30, 2009

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

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

From: George M. Burgess
County Manager

Subject: Resolution Declaring the Acquisition of the Designated Property Known as Parcel 1, Needed for the Installation of a Water Main Located on NW 58 Street Between NW 117 Avenue and NW 127 Avenue, to be a Public Necessity

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Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution declaring the acquisition of a 24,975 square foot parcel of land referred to as Parcel 1, located on NW 58 Street between NW 117 Avenue and NW 127 Avenue, needed for a water main to be a public necessity, and authorizing the County Mayor or the County Mayor's designee and the County Attorney to employ appraisers and expert witnesses, obtain required environmental audits and take any and all appropriate action to acquire the subject property in fee simple by purchase at a value established by appraisal or by eminent domain proceedings, including a declaration of taking as necessary, for and on behalf of Miami-Dade County.

Scope

This project is within Commission District 12; however, its impact will benefit the public Countywide.

Fiscal Impact/Funding Source

The funding source for this project will derive from Water and Sewer Department (WASD) Operating Revenues.

Track Record/Monitor

Not Applicable

Background

This project consists of furnishing and installing a 72-inch prestressed concrete cylinder pipe raw water main in NW 58 Street from NW 117 Avenue to NW 127 Avenue. This project is critical to WASD as it will provide the needed back-up for raw water transmission to the Hialeah and Preston Water Treatment Plants, and will provide a parallel system to the existing 96-inch raw water main. In order to effectively install the water main, avoid costly relocations of existing utilities and provide adequate staging area for construction of this project, it is necessary to acquire a 24,975 square foot parcel of land referred to as Parcel 1, as legally described in "Exhibit A" and illustrated on the project location map in "Exhibit B"; both exhibits are attached.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: June 30, 2009

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 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. 8(P)(1)(H)
6-30-09

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL ONE (1), NEEDED FOR THE INSTALLATION OF A WATER MAIN, LOCATED ON NW 58 STREET BETWEEN NW 117 AVENUE AND NW 127 AVENUE, TO BE A PUBLIC NECESSITY; AND 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 PURCHASE AT A VALUE ESTABLISHED BY APPRAISAL 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 Parcel 1 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 use and purpose of the installation of a water main, to be required and necessary to accomplish such installation; 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:

Section 1. This Board ratifies and adopts those matters set forth in the foregoing recitals.

Section 2. This Board finds and declares that the acquisition of Parcel 1 located on NW 58th Street between NW 117th Avenue and NW 127th Avenue in fee simple, as legally described in "Exhibit A" attached hereto and incorporated herein by reference, is needed for the public purpose of the installation of a water main.

Section 3. This Board 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 real property in fee simple as legally described in "Exhibit A", by donation, purchase, or by eminent domain court proceedings, including a declaration of taking, as necessary for and on behalf of Miami-Dade County.

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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of June, 2009. 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.

Debra Herman

Legal Description
(Fee Simple)

Parcel 1

That portion of the South 40 feet of the SE 1/4 of the SE 1/4 of Section 13, Township 53 South, Range 39 East in Miami-Dade County Florida, lying West of the West Right-of-Way line of the Homestead Extension of Florida's Turnpike.

EXHIBIT A

5/20/09

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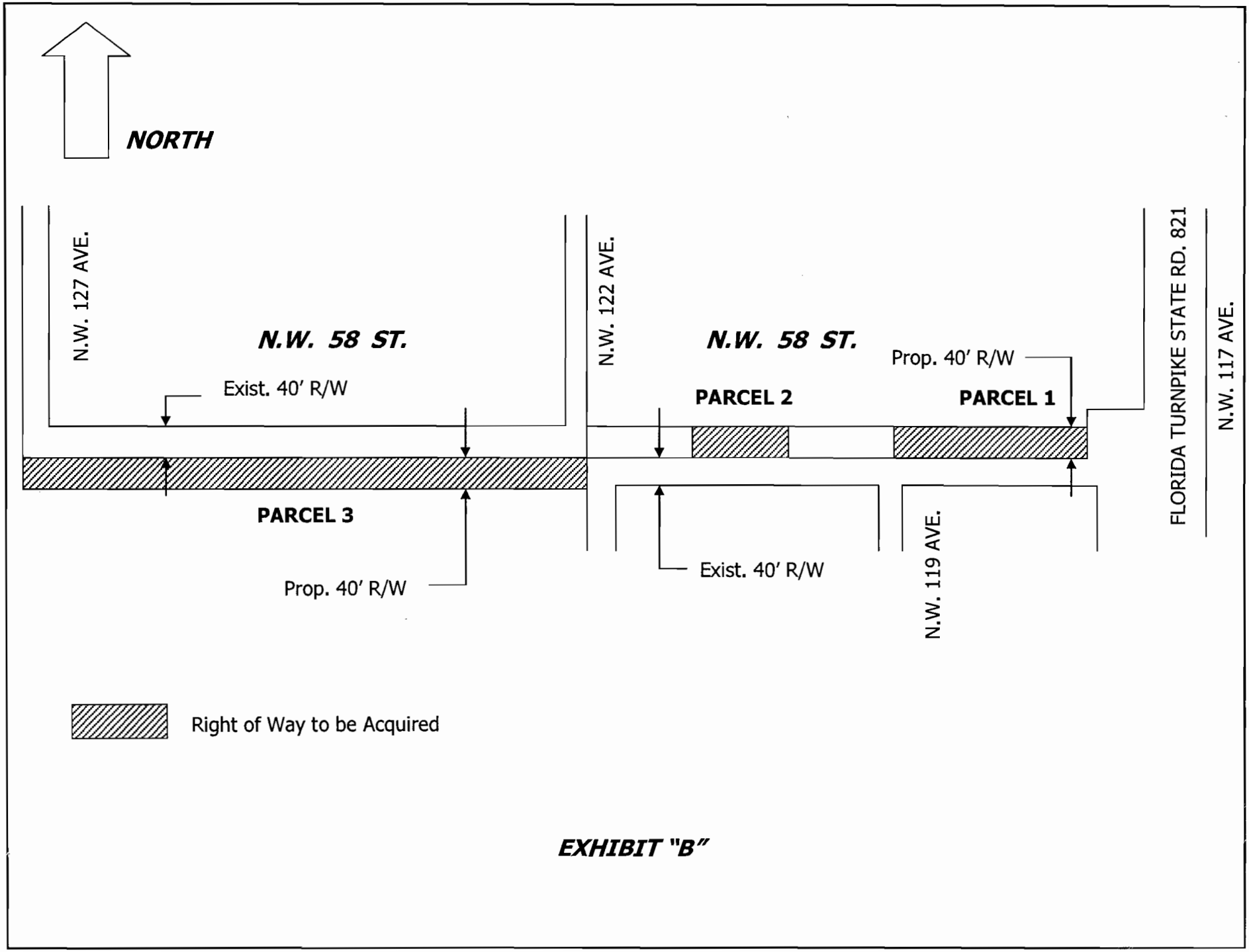
NORTH
N.W. 127 AVE.
N.W. 58 ST.
Exist. 40' R/W
N.W. 122 AVE.
N.W. 58 ST.
Prop. 40' R/W
PARCEL 2
PARCEL 1
FLORIDA TURNPIKE STATE RD. 821
N.W. 117 AVE.
PARCEL 3
Prop. 40' R/W
Exist. 40' R/W
N.W. 119 AVE.
Right of Way to be Acquired

EXHIBIT "B"