BPS --- December 8, 2009
Agenda Item No. 2H

MEMORANDUM

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

DATE:

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

SUBJECT: Resolution requesting that the State of Florida Department of Transportation complete the proposed landscape enhancements with additional trees and shrubs along Bird Road between SW 79th Avenue and SW 99th Avenue in FY 2009 -2010

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

DATE: January 21, 2010

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

SUBJECT: Agenda Item No.

Please note any items checked.

_____ "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

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

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Approved _____ Mayor Agenda Item No.
Veto _____
Override _____

RESOLUTION NO. _____

RESOLUTION REQUESTING THAT THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION COMPLETE THE PROPOSED LANDSCAPE ENHANCEMENTS WITH ADDITIONAL TREES AND SHRUBS ALONG BIRD ROAD BETWEEN SW 79TH AVENUE AND SW 99TH AVENUE IN FY 2009 -2010, AND IDENTIFY FUNDS IN THE STATE BUDGET FOR THE CONSTRUCTION OF AN ELEVATED PEDESTRIAN BRIDGE LINKING TROPICAL PARK WITH THE SHOPPING AND BUSINESS CENTER TO THE NORTH OF BIRD ROAD AS PART OF THIS PROJECT, AND DIRECTING THE MAYOR OR HIS DESIGNEE TO PERFORM AN INVENTORY OF ALL IMPACTED PLANTS AND GROUND COVER

WHEREAS, the Florida Department of Transportation ("FDOT") awarded a contract for the Palmetto Reconstruction Project between the Bird Road exit and the Miller Road exit; and

WHEREAS, prior to commencing the project, FDOT did not adequately inform the community directly impacted by the project, including the Commissioner from the affected district, that the scope of the project was changed from the proposal that had been presented to the Metropolitan Planning Organization ("MPO") for years, because a low bidder had proposed to shift the impact of the traffic improvements from the Palmetto Reconstruction Project directly onto Bird Road in order to save FDOT millions of dollars in projected costs from the originally designed project that had been approved by the MPO; and

WHEREAS, unlike all the design in the original proposals that had been shared with and approved by the MPO for many years and by the Westchester Community through public hearings, the pedestrian safety, as well as the landscaped median and landscaped frontage of Tropical Park would be adversely impacted in order to widen portions of Bird Road from 6 to 8 lanes under the less expensive alternate that had been proposed by the low bidder; and

WHEREAS, over 300 families who live in the immediate vicinity of the project and feel deceived by the State of Florida, have signed a petition to Governor Christ expressing their opposition to the further widening of Bird Road by FDOT in front of Tropical Park; and

WHEREAS, these significant changes to the Palmetto Reconstruction Project were not presented to the MPO or the Miami-Dade County Board of County Commissioners; and

WHEREAS, during the mid-1990s when FDOT widened Bird Road from four to six lanes between the Palmetto Expressway and Florida's Turnpike, the project severely impacted Westchester by wiping out almost all green space and tree canopy leaving a barren corridor of asphalt and concrete; and

WHEREAS, the widening of Bird Road from 6 to 8 lanes presents safety concerns for pedestrians crossing Bird Road and may impact upon ingress and egress to and from Tropical Park, especially given the approval of a Cultural Center which will front Bird Road; and

WHEREAS, little has been done by FDOT during the last decade to mitigate traffic flow through Westchester; and

WHEREAS, to address the negative consequences of FDOT's expansion of the Bird Road corridor, Miami-Dade County funded a Charrette which involved the participation of significant business interest, residents and stake holders to create a blueprint for the Bird Road corridor; and

WHEREAS, the business owners, property owners and residents along the Bird Road corridor, have included landscaped medians and swales on Bird Road in front of Tropical Park, as well as an elevated pedestrian bridge linking Tropical Park with the shopping and business center to the north of Bird Road as part of the Bird Road Charrette or the blueprint for the Bird Road corridor; and

WHEREAS, in June of 2008, the Miami-Dade County Public Works Department submitted detailed landscape plan for the landscape beautification of the Bird Road Corridor in front of Tropical Park to FDOT, which were approved by FDOT and permits were issued by same for this project, which exceeded $200,000 in cost, with some of the money coming from District 10 Commission Office funds; and

WHEREAS, FDOT has stated that they would relocate the impacted landscape along the Bird Road Corridor and inside Tropical Park and has proposed landscape enhancements with additional trees and shrubs along Bird Road between SW 79th Avenue and SW 99th Avenue,

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

Section 1. Directs the Mayor or his designee to compile a complete inventory (numbers and monetary value) of all plant materials (trees, shrubs and ground cover) that will be impacted by the Palmetto Reconstruction Project and related construction to the North and to the East of Tropical Park.

Section 2. Requests that FDOT complete the FDOT proposed landscape enhancements with additional trees and shrubs along Bird Road between SW 79th Avenue and SW 99th Avenue in FY 2009 -2010.

Section 3. Requests that FDOT identify funds in the State budget for the construction of an elevated pedestrian bridge linking Tropical Park with the shopping and business center to the north of Bird Road as part of this project, as proposed in the Bird Road Charrette by the business owners, property owners and residents along the Bird Road corridor, as well as the Bird Road Charrette Task Force.

Section 4. Directs the Clerk of the Board to send a copy of this resolution to Governor Charlie Crist, Florida Secretary of Transportation Stephanie Kopelousos and the Miami-Dade County Legislative Delegation.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. It 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 21st of January, 2010. 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.
Alexander S. Bokor

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