

Memorandum



Date: March 2, 2010

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

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

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

Subject: Resolution Authorizing the Reduction in Square Footage of the Designated Property Known as Parcel 6 for Right-of-Way Needed for the People's Transportation Plan (PTP) Project Entitled Roadway Expansion, Beautification and Improvements to SW 27 Avenue, from US 1 to South Bayshore Drive to be a Public Necessity and Authorizing the Use of Charter County Transit Surtax Funds

Recommendation

It is recommended that the Board of County Commissioners (BCC) rescind the previously adopted Resolution R-1186-08 dated November 20, 2008 authorizing the acquisition of Parcel 6 needed for roadway expansion, beautification and improvements along SW 27 Avenue from US 1 to South Bayshore Drive, declaring the acquisition to be a public necessity and authorizing the County Mayor or County Mayor's designee and County Attorney to employ appraisers, expert witnesses, obtain environmental audits, and to take any and all appropriate actions to acquire the subject property in fee simple by donation, purchase or by eminent domain proceedings, including a declaration of taking as necessary for and on behalf of the County. Approval of the attached resolution authorizes the acquisition of said parcel in the aforementioned manner, but reduces the square footage of Parcel 6 by 2,048 square feet as a result of this project being subjected to value engineering and cost effectiveness.

Scope

The subject property is located within Commission District 7 and the City of Miami.

Fiscal Impact/Funding Source

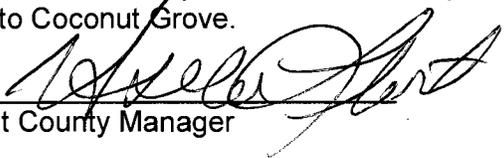
Funding for the right-of-way acquisition and construction of this project will be provided by the Charter County Transit Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County. This project was specifically listed in the People's Transportation Plan (PTP) as one of the Board requested improvement projects for Commission District 7.

Track Record/Monitor

Not Applicable

Background

In an effort to curtail costs, the SW 27 Avenue Project was scrutinized for cost effectiveness and subjected to value engineering. These efforts resulted in the redesign of a segment of the project, yielding cost savings, minimizing the amount of right-of-way to be acquired, maintaining the integrity of the project, while adhering to the goals of the BCC. This resolution authorizes the reduction in square footage of Parcel 6 for right-of-way needed by PWD for roadway expansion. The area to be acquired 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 and multiple modes of transportation, as well as serve as a beautification entrance corridor to Coconut Grove.



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: March 2, 2010

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

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

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(P)(1)(E)
3-2-10

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 6 FOR RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY EXPANSION, BEAUTIFICATION AND IMPROVEMENTS TO SW 27 AVENUE FROM US1 TO SOUTH BAYSHORE DRIVE TO BE A PUBLIC NECESSITY; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE BY PURCHASE AT APPRAISED VALUE OR BY EMINENT DOMAIN PROCEEDINGS; RESCINDING RESOLUTION R-1186-08; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SURTAX FUNDS

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 6 in fee simple 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 roadway expansion, beautification and improvements to SW 27 Avenue from US 1 to South Bayshore Drive 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 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 6 in fee simple, as legally described in Exhibit "A" attached hereto and incorporated herein by reference, is needed for the public purpose of roadway expansion, beautification and improvements to SW 27 Avenue from US 1 to South Bayshore Drive.

Section 3. This Board authorizes and directs the County Mayor or 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 action to acquire the subject property in fee simple, as legally described in Exhibit "A" by donation, purchase or eminent domain proceedings, including a declaration of taking, as necessary for and on behalf of Miami-Dade County.

Section 4. Pursuant to Resolution R-974-09, this Board directs the County Manager or County Mayor's designee to record the instruments of conveyances accepted herein in the Public Records of Miami-Dade County, Florida; and provide a recorded copy of instrument to the Clerk of the Board within thirty (30) days of execution of said instruments; and, (b) direct the Clerk of the Board to attach and permanently store a recorded copy of each of said instruments together with this resolution.

Section 5. This Resolution shall supercede Resolution Number R-1186-08, which is hereby rescinded and replaced herewith.

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 2nd day of March, 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.



Debra Herman

EXHIBIT "A"
SW 27 AVENUE
(FEE SIMPLE)

Parcel No. 6: Those portions of Lots 4, 5 and 6 Block F of SAMUEL RHODES' AMENDED PLAT OF NEW BISCAYNE, according to the plat thereof recorded in Plat Book B, Page 16 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the point of intersection of the centerline of the right of way of Tigertail Avenue with the centerline of the right of way of Grapeland Boulevard (SW 27 Ave) as shown on the plat thereof; thence run N02°24'31"W, along the centerline of Grapeland Boulevard, for a distance of 273.26 feet to a point; thence run N87°35'29"E, perpendicular to the previous course, for a distance of 30.00 feet to the Northwest corner of said Lot 4; thence run N87°54'14"E, along the North line of said Lot 4, for a distance of 4.00 feet to the **POINT OF BEGINNING**; thence continue N87°54'14"E, along the North line of said Lot 4, for a distance of 6.00 feet to the point of intersection with a line parallel and 10.00 feet East of the West line of said Lot 4 being also the point of curvature of a circular curve concave to the Northeast; thence run South and Southeasterly along the said circular curve concave to the Northeast, having a radius of 10.00 feet, through a central angle of 51°59'21", for an arc distance of 9.07 feet to the point of reverse curvature with a circular curve concave to the Southwest; thence run Southeasterly and South along the said circular curve concave to the Southwest, having a radius of 16.00 feet, through a central angle of 51°59'21", for an arc distance of 14.52 feet to the point of intersection with a line parallel and 20.00 feet East of the West line of said Lot 4; thence run S02°24'31"E, along the said parallel line, for a distance of 0.78 feet to the point of intersection with a line parallel to the North line of Lot 4; thence run S87°54'14"W, along the said parallel line, for a distance of 6.00 feet to the point of intersection with a line parallel and 14.00 feet East of the West line of said Lot 4; thence run N02°24'31"W, along the said parallel line, for a distance of 0.75 feet to the point of curvature with a circular curve concave to the Southwest; thence run North and Northwesterly along the said circular curve concave to the Southwest, having a radius of 10.00 feet, through a central angle of 51°59'21", for an arc distance of 9.07 feet to the point of reverse curvature with a circular curve concave to the Northeast; thence run Northwesterly and North along the said circular curve concave to the Northeast, having a radius of 16.00 feet, through a central angle of 52°06'23", for an arc distance of 14.55 feet to the point of intersection with the North line of said Lot 4 being also the **POINT OF BEGINNING**.

AND

Those portions of Lots 4, 5 and 6 Block F of SAMUEL RHODES' AMENDED PLAT OF NEW BISCAYNE, according to the plat thereof recorded in Plat Book B, Page 16 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the point of intersection of the centerline of the right of way of Tigertail Avenue with the centerline of the right of way of Grapeland Boulevard (SW 27 Ave) as shown on the plat thereof; thence run N02°24'31"W, along the centerline of Grapeland Boulevard, for a distance of 273.26 feet to a point; thence run N87°35'29"E, perpendicular to the previous course, for a distance of 30.00 feet to the Northwest corner of said Lot 4; thence run S02°24'31"E, along the West line of Lot 4, for a distance of 115.00 feet to the **POINT OF BEGINNING**; thence run S47°28'33"E, for a distance of 19.78 feet to the point of intersection with a line parallel to the North line of said Lot 4; thence run N87°54'14"E, along the said parallel line, for a distance of 6.00 feet to the point of intersection with a line parallel and 20.00 feet East of the West line of said Lot 4; thence run S02°24'31"E, along the said parallel line, for a distance of 24.63 feet to the point of curvature of a circular curve concave to the Northeast; thence run Southeasterly along the said circular curve concave to the Northeast, having a radius of 20.00 feet, through a central angle of 128°31'10", for an arc distance of 44.86 feet to a point of tangency; thence run S49°04'19"W for a distance of 25.17 feet to the point of intersection with a non tangent circular curve concave to the Northeast whose radius point bears S12°05'41"E; thence run Westerly along the said circular curve concave to the Northeast, having a radius of 60.00 feet, through a central angle of 31°53'05", for an arc distance of 33.39 feet to the point of intersection with the West line of said Block F from which its radius point bears N19°47'25"E; thence run N02°24'31"W, along the West line of said Block F, for a distance of 66.36 feet to the **POINT OF BEGINNING**.

Approved as description

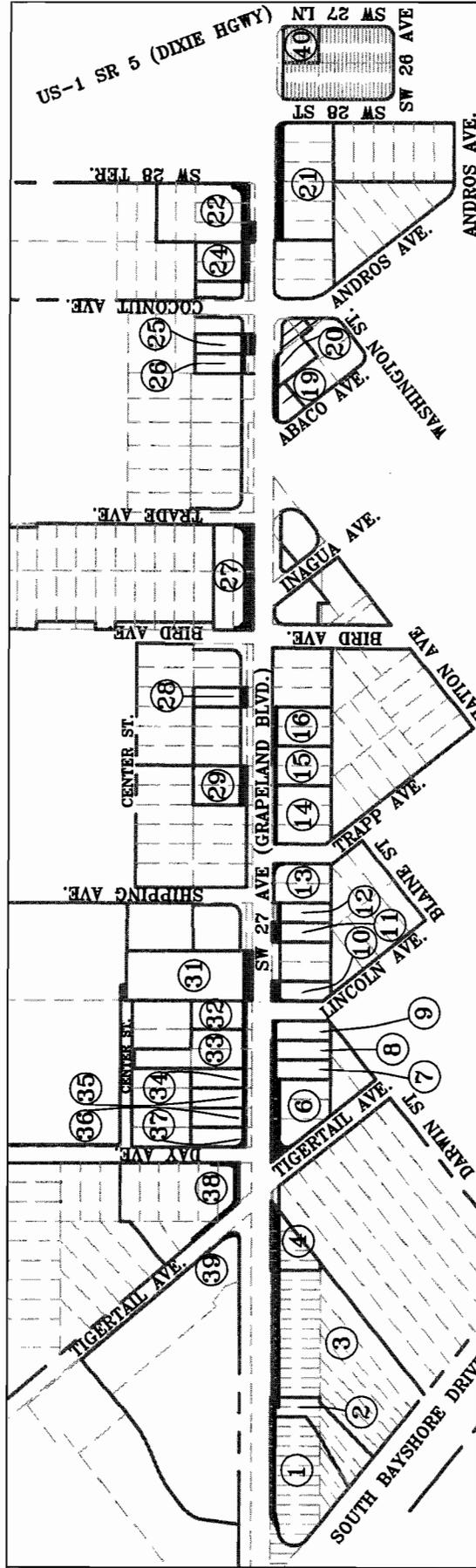
Date

11/23/09
C.D.S.

SEC 15,16,21&22
 TWP 54 S
 RGE 41 E



LOCATION MAP
 Not to Scale



R/W to be acquired by the County



SCALE 1" = 400'
 PROJECT 20040337
 PREPARED BY: CDS
 DATED: 08-29-05

EXHIBIT "B"

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

SW 27 Avenue
SR 5 (US-1) to S. BAYSHORE DRIVE