Memorandum

MIAMI-DADE COUNTY

Date:	April 6, 2010
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 Properties Known as Parcels 121, 821-A, 821-B and 721 for the Replacement of a 20-inch Water Main Located in Fisherman's Channel, to be a Public Necessity

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

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution which declares to be a public necessity the acquisition of Parcels 121, 821-A, 821-B and 721 for the replacement of an existing 20-inch water main installed in Fisherman's Channel. The resolution also authorizes the County Mayor or 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 a permanent and a temporary construction easement at values established by appraisal, by donation, purchase, or by eminent domain proceedings, including a declaration of taking as necessary for and on behalf of Miami-Dade County.

Scope

The properties to be acquired are located in Commission District 5, however, the impact of this project is countywide.

Fiscal Impact/Funding Source

The Miami-Dade County Water and Sewer Department (WASD) operating revenues will fund the right-of-way acquisition and construction for this project.

Track Record/Monitor

Not Applicable

Background

WASD is managing a design-build project to replace an existing 20-inch water main installed in Fisherman's Channel. This pipeline is currently in conflict with the proposed dredging route for the Miami Harbor Federal Navigation Project. Such dredging of the channel will allow the large container vessels access to the Port of Miami in 2014.

This resolution is for the acquisition of Parcels 121, 821-A, 821-B and 721 which are required to replace the existing 20-inch water main. The water main provides water service from Port Island to Fisher Island and continues onward to Virginia Key. It will be replaced with a water main installed deeper in the Channel to avoid conflict with the proposed dredging project. After the replacement water main is constructed and put into service, the existing water main will be removed from service and permanently abandoned.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: April 6, 2010

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

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

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
Veto _____
Override _____

Agenda Item No. 8(P)(1)(A)
4-6-10

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCELS 121, 821-A, 821-B AND 721 NEEDED FOR THE GOVERNMENT CUT PROJECT PROPOSED WATER MAIN REPLACEMENT, 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 Parcels 121, 821-A, 821-B and 721 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 the installation of a proposed 20-inch water main replacement, to be required and necessary to accomplish such replacement; 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 these matters set forth in the foregoing recital.

Section 2. This Board finds and declares that the acquisition of a permanent and a temporary construction easement, as legally described in "Exhibit A" attached hereto and

incorporated herein by reference, is needed for the public purpose of the installation of a proposed 20-inch water main replacement.

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 permanent, temporary construction, and ingress and egress easements, 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.

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 6th day of April, 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

Legal Description
(Subsurface Water Main Easement)

Parcel 121

A permanent subsurface Water Main easement to construct, repair, maintain, and operate water and sewer facilities together with all uses appurtenant thereto, beneath TRACT "A-8" of LINDISFARNE ON FISHER ISLAND SECTION 8 as recorded in Plat Book 143 at Page 9 of the Public Records of Miami-Dade County, Florida, said easement lying below elevation minus 60.00 feet (NGVD 1929), being horizontally described as follows:

Commence at the Northwest corner of said Tract "A-8"; thence N 87°40'43" E for 67.90 feet along the North line of said Tract "A-8" to the **POINT OF BEGINNING**; thence continue N 87°40'43" E, along said North line of Tract "A-8", for 21.01 feet; thence S15°32'54"W for 28.55 feet; thence N02°14'01"W for 6.27 feet; thence S 87°45'59" W for 18.99 feet; thence N 15°32'54" E for 21.93 feet to the **POINT OF BEGINNING**.

WS
3/3/10

Legal Description
(Permanent Utility Easement)

Parcel 821-A

A permanent utility easement to construct, repair, maintain, and operate water and sewer facilities together with all uses appurtenant thereto, within a portion of Tract "A-8" LINDISFARNE ON FISHER ISLAND SECTION 8 as recorded in Plat Book 143 at Page 9 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Commence at the Northwest corner of said Tract "A-8"; thence N87°40'43"E, along the North line of said Tract "A-8", for 55.19 feet; thence S02°14'01"E for 20.86 feet to the **POINT OF BEGINNING**; thence N 87°45'59" E for 25.00; thence S 02°14'01" E for 25.00 feet; thence S 87°45'59" W for 25.00 feet; thence N 02°14'01" W for 25.00 feet to the **POINT OF BEGINNING**.

WS
3/3/10

EXHIBIT "A"
(1 of 2)

Legal Description
(Permanent Utility Easement)

Parcel 821-B

A permanent utility easement to construct, repair, maintain, and operate water and sewer facilities together with all uses appurtenant thereto, across that portion of Tract "A-8" of LINDISFARNE ON FISHER ISLAND SECTION 8 as recorded in Plat Book 143 at Page 9, of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Commence at the Northwest corner of said Tract "A-8"; thence S11°23'43"E, along the West line of said Tract "A-8", for 66.17 feet to the **POINT OF BEGINNING**; thence N88°04'06"E for 9.34 feet; thence N 43°04'06" E for 49.68 feet; thence S 02°14'01" E for 15.35 feet; thence N 87°45'59" E for 12.92 feet; thence S 43°04'06" W for 56.35 feet; thence S 88°04'06" W for 14.29 feet; thence N 11°23'43" W for 20.28 feet to the **POINT OF BEGINNING.**

3/3/10

Legal Description
(Temporary Construction Easement)

Parcel 721

A temporary construction easement, for a period of three (3) years, within Tract "A-8" of LINDISFARNE ON FISHER ISLAND SECTION 8 as recorded in Plat Book 143, Page 9 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

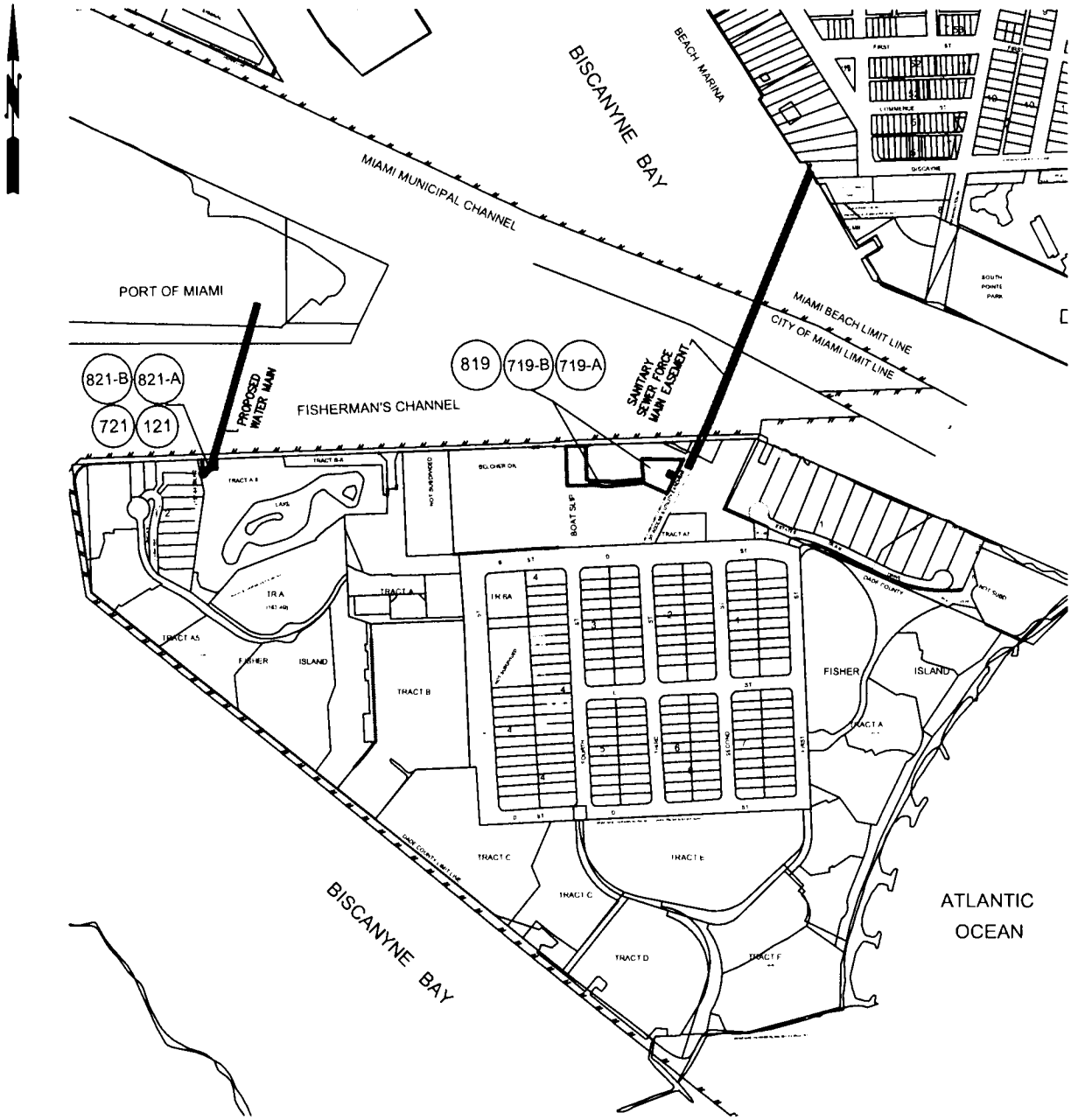
Commence at the Northwest corner of said Tract "A-8"; thence N 87°40'43" E for 22.13 feet along the North line of said Tract "A-8" to the **POINT OF BEGINNING**; thence continue N 87°40'43" E, along said North line of Tract "A-8", for 70.00 feet; thence S02°19'17"E for 50.00 feet; thence S 87°40'43" W, parallel to said North line of Tract "A-8", for 28.26 feet; thence N 43°04'06" E for 5.86 feet; thence N 87°45'59" E for 12.08 feet; thence N 2°14'01" W for 25.00 feet; thence S 87°45'59" W for 25.00 feet; thence S 2°14'01" E for 9.65 feet; thence S 43°04'06" W for 27.75 feet; thence S87°40'43"W, parallel to said North line of Tract "A-8", for 13.26 feet; thence N02°19'17"W for 50.00 feet to the **POINT OF BEGINNING**.

Together with temporary docking rights, for a period of three (3) years, along a segment of the North line of said Tract "A-8" **BEGINNING** 19.44 feet East of the Northwest corner of said Tract "A-8" and extending Easterly for 100 feet to the **END** of said segment.

3/3/10

EXHIBIT "A"

SEC 9
TWP 54 S
RGE 42 E



FISHER ISLAND

EXHIBIT "B"

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

0 200 400 800 1600
SCALE 1" = 800'

SCALE 1" = 800'
PROJECT: 20090239
PREPARED BY: L.E.
DATED: 02-11-10