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 819, 719-A and 719-B for the Replacement of a 54-inch Sewer Force Main Located in the Government Cut Channel, to be a Public Necessity

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

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 819, 719-A and 719-B for the replacement of an existing 54-inch sewer force main installed in Government Cut 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 subject permanent, temporary construction, and ingress and egress easements at a value 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 54-inch sewer force main installed in Government Cut Channel. The 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 819, 719-A and 719-B which are required to replace the existing 54-inch sewer force main. The sewer force main provides service from Miami Beach to Fisher Island and continues onward to Virginia Key. It will be replaced with a sewer force main installed deeper in the Channel to avoid conflict with the proposed dredging project.

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)(C)

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**

2

Approved _____ Mayor
Veto _____
Override _____

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

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTIES KNOWN AS PARCELS 819, 719-A AND 719-B NEEDED FOR THE GOVERNMENT CUT PROJECT PROPOSED SEWER FORCE 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 819, 719-A and 719-B 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 54-inch sewer force 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 the subject permanent, temporary construction, and ingress and egress easements, 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 54-inch sewer force 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
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 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
(Permanent Utility Easement)

Parcel 819

A permanent utility easement to construct, repair, maintain, and operate water and sewer facilities together with all uses appurtenant thereto, lying in Section 10, Township 54 South, Range 42 East, Miami-Dade County, Florida, more particularly described as follows:

Commence at the Northwest corner of COMMERCIAL SUBDIVISION OF HARBOR TERMINAL, as recorded in Plat Book 23 at Page 67 of the Public Records of Miami-Dade County, Florida; thence run N 87°40'43" E, along the North right of way line of "B" Street, for 925.74 feet to the Southwest corner of Tract "A-7" according to the plat of LINDISFARNE ON FISHER ISLAND SECTION 7 recorded in Plat Book 139 at Page 97 of said Public Records; thence N 24°23'43" E, along the West line of said Tract "A-7", for 371.17 feet to the **POINT OF BEGINNING**; thence N 65°36'17" W for 15.00 feet; thence S 24°23'43" W for 5.00 feet; thence N 65°36'17" W for 25.00 feet; thence N 24°23'43" E for 25.00 feet; thence S 65°36'17" E for 25.00 feet; thence S24°23'43"W for 5.00 feet; thence S 65°36'17" E for 15.00 feet, to the West Line of said Tract "A-7"; thence S 24°23'43" W, along said West line of Tract "A-7", for 15.00 feet to the **POINT OF BEGINNING**.

WS
3/2/10

Legal Description
(Temporary Construction Easement)

Parcel 719-A

A temporary construction easement for a period of three (3) years, lying in Section 10, Township 54 South, Range 42 East, Miami-Dade County, Florida, more particularly described as follows:

Commence at the Northwest corner of COMMERCIAL SUBDIVISION OF HARBOR TERMINAL, as recorded in Plat Book 23 at Page 67 of the Public Records of Miami-Dade County, Florida; thence run N 87°40'43" E, along the North right of way line of "B" Street, for 925.74 feet to the Southwest corner of Tract "A-7" according to the plat of LINDISFARNE ON FISHER ISLAND SECTION 7 recorded in Plat Book 139 at Page 97 of said Public Records; thence N 24°23'43" E, along the West line of said Tract "A-7", for 284.62 feet to the **POINT OF BEGINNING**; thence N 66°37'28" W for 127.88 feet; thence N 6°48'16"W for 122.50 feet; thence N89°30'54"E for 210.89 feet to a point on the West line of said Tract "A-7"; thence S 24°23'43"W, along said West line of Tract "A-7", for 191.23 feet to the **POINT OF BEGINNING**.

WS
3/2/10

Legal Description
(Temporary Ingress and Egress Easement)

Parcel 719-B

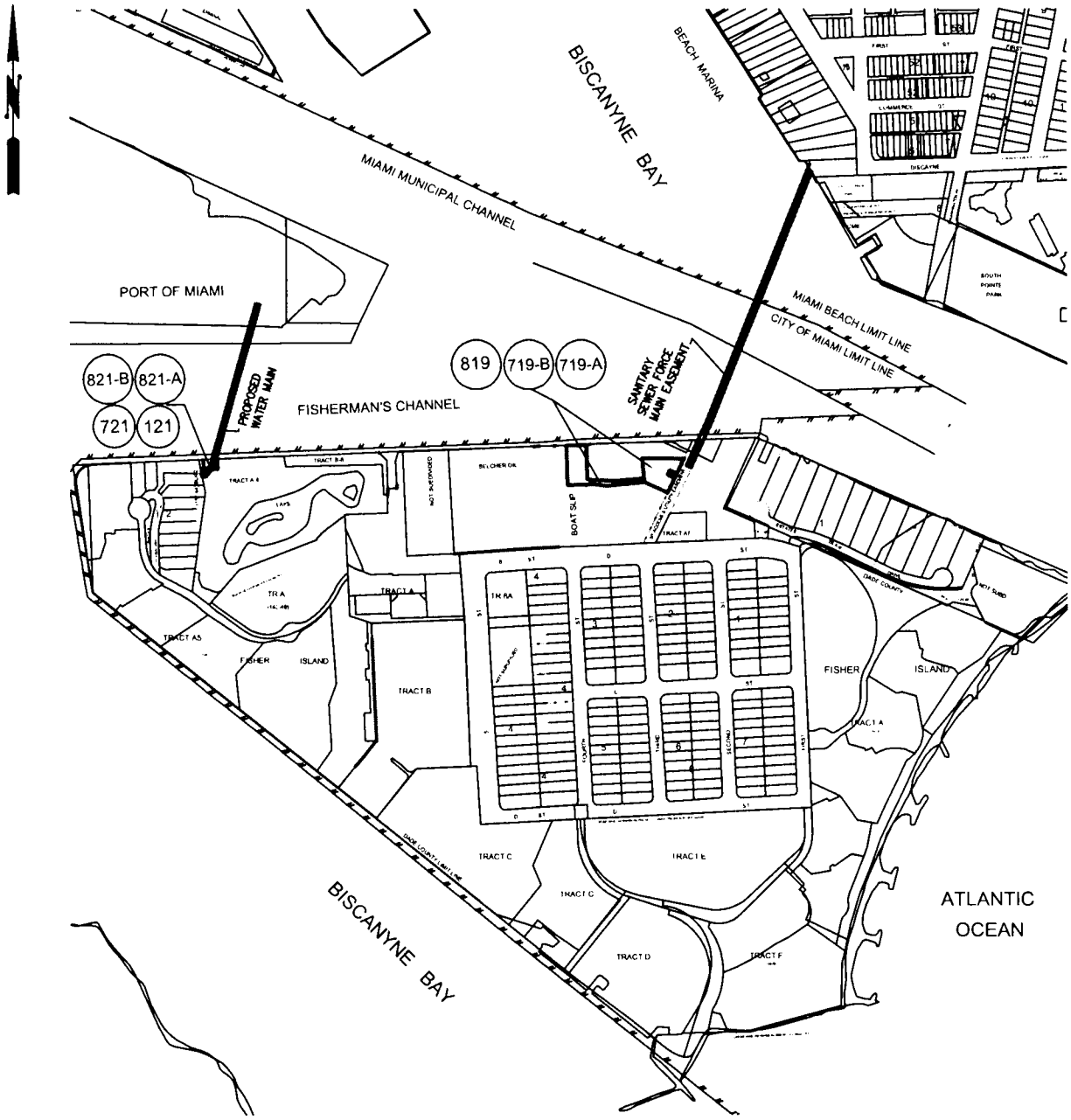
A temporary ingress and egress easement for a period of three (3) years, including a portion of the boat slip located in Sections 9 and 10, Township 54 South, Range 42 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner of COMMERCIAL SUBDIVISION OF HARBOR TERMINAL, as recorded in Plat Book 23 at Page 67 of the Public Records of Miami-Dade County, Florida; thence run N 87°40'43" E, along the North right of way line of "B" Street, for 500.00 feet; thence N 2°19'17" W for 520.00 feet; thence N 87°40'43" E for 74.00 feet to the **POINT OF BEGINNING**; thence continue N 87°40'43" E for 26.00 feet; thence N 87°49'23" E for 74.53 feet ; thence S 02°30'02" E for 179.42 feet ; thence S 53°09'12" E for 12.62 feet; thence S 88°20'05" E for 101.50 feet; thence N 83°56'47"E for 150.66 feet; thence S 06°48'16" E for 20.21 feet; thence S 83°22'01" W for 189.01 feet; thence N 83°52'03" W for 61.68 feet; thence S87°12'19"W for 114.57 feet; thence N 02°19'17" W for 211.06 feet to the **POINT OF BEGINNING**.

3/2/10

EXHIBIT "A" 7
(2 of 2)

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