Memorandum

MIAMI-DADE COUNTY

Date: July 8, 2010

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

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 Property Known as Parcel 5 for Right-of-Way Needed for the People's Transportation Plan (PTP) Project Entitled Roadway Expansion, Beautification and Improvements to SW 176 Street, from US Highway 1 to SW 107 Avenue, to be a Public Necessity and Authorizing the Use of Charter County Transit Surtax Funds

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Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution declaring the acquisition of Parcel 5 for right-of-way needed for roadway expansion, beautification and improvements to SW 176 Street from US Highway 1 to SW 107 Avenue, to be a public necessity, and authorizing 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 the subject property in fee simple, by donation, purchase at values established by appraisals, or by eminent domain proceedings, including a declaration of taking as necessary for and on behalf of Miami-Dade County. Proceeds from future Charter County Transit System Sales Surtax (the Surtax) bond sales will be used to fund this project, therefore, approval by the BCC and Citizens' Independent Transportation Trust (CITT) is required.

Scope

This project is located within Commission District 9.

Fiscal Impact/Funding Source

Funding for the right-of-way acquisition, design and construction of this project has been budgeted at $5,815,000 and will be provided by the Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County. This project was specifically listed in Exhibit 1 of the People's Transportation Plan (PTP) as one of the Board requested Major Roadway and Neighborhood Improvement projects within Commission District 9. The additional Operation and Maintenance (O&M) costs associated with this project once built out are estimated to be approximately $9,000.00 per year.

The initial acquisition cost has been budgeted and no additional fiscal impacts are expected; however, the ultimate acquisition cost in the event of litigation would be subject to a future ruling by the Court.

Track Record/Monitor

Not Applicable

Background

This Resolution is for the acquisition of Parcel 5 of six (6) separate parcels needed by the Public Works Department (PWD) for programmed improvements to SW 176 Street from US Highway 1 to SW 107 Avenue. This project consists of reconstructing the existing roadway to include a raised landscaped median, bicycle facilities, sidewalks, curb and gutters, continuous storm drainage system, signalization, pavement markings and signage, and roadway lighting. The area to be acquired by PWD for the street improvements is legally described in "Exhibit A" and illustrated in the parcel location map in "Exhibit B" attached. These improvements will improve traffic mobility and improve drainage as well as beautify SW 176 Street from US 1 to SW 107 Avenue.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: July 8, 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)
7-8-10

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF PARCEL 5 FOR RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 176 STREET FROM US HIGHWAY 1 TO SW 107 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 DONATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR BY EMINENT DOMAIN COURT PROCEEDINGS INCLUDING DECLARATIONS OF TAKING, AS NECESSARY 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 the parcel of land 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 improvements to SW 176 Street from US Highway 1 to SW 107 Avenue, to be required and necessary to accomplish such improvements; 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 Parcel 5 as legally described in "Exhibit A" attached hereto and incorporated herein by reference, is needed for the public purpose of improvements to SW 176 Street from US Highway 1 to SW 107 Avenue.

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 action to acquire Parcel 5 in fee simple, as legally described in Exhibit "A" by donation, purchase at values established by appraisals 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 (a) directs the County Mayor or the 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 instruments to the Clerk of the Board within thirty (30) days of execution of said instruments: and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instruments together with this resolution.

The foregoing 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 Chairman thereupon declared the resolution duly passed and adopted this 8th day of July, 2010. This resolution shall become effective as follows: (1) 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, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

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

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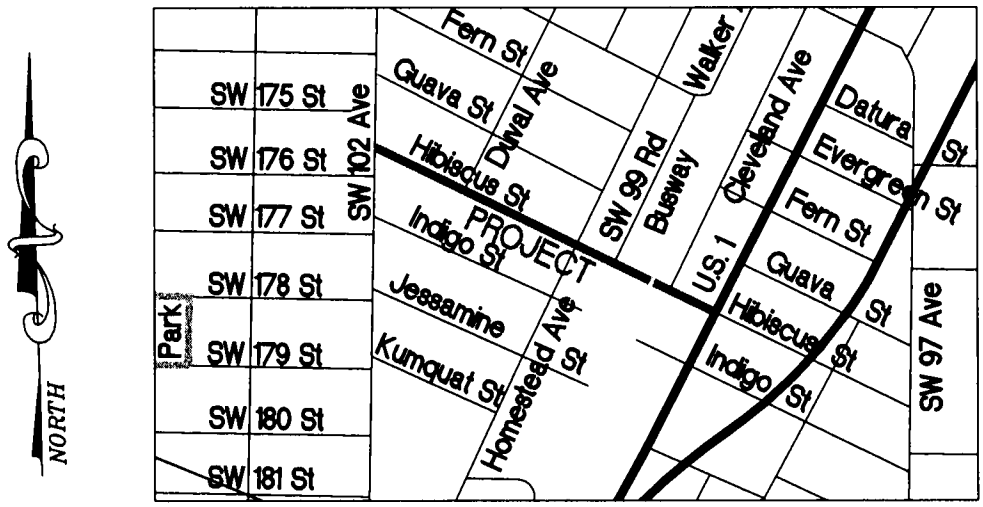
Legal Description
(Fee Simple)

Parcel 5

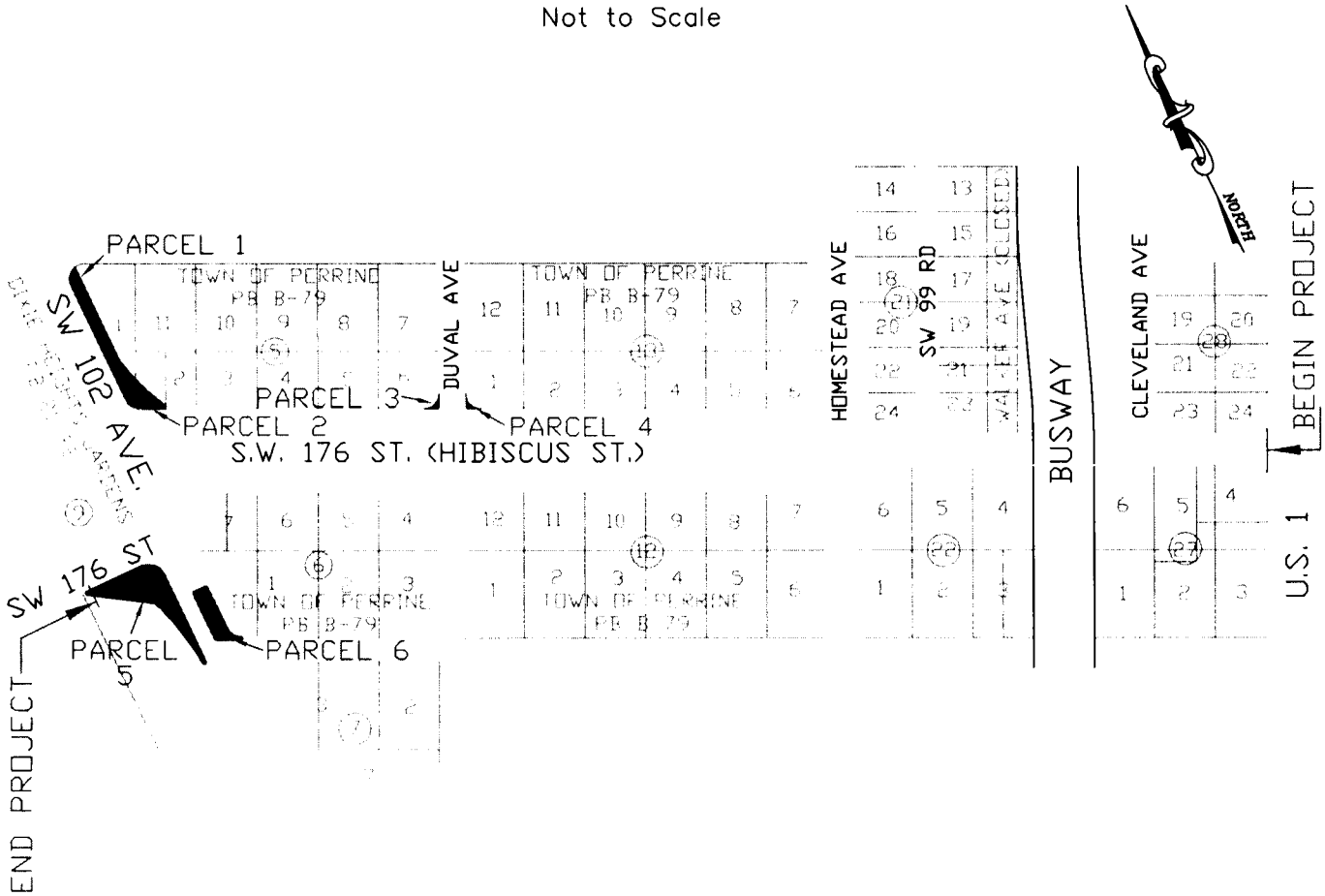
A portion of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 32, Township 55 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows: Commence at the center of said Section 32; thence South 87°31'59" West along the North line of the Southwest 1/4 of said Section 32 for 158.81 feet; thence South 02°28'01" East for 30.00 feet to the POINT OF BEGINNING of the herein described parcel of land; thence North 87°31'59" East along a line 30.00 feet South of and parallel with the North line of the Southwest 1/4 of said Section 32 for 99.16 feet to a point of curvature of a circular curve concave to the Southwest; thence Southeasterly along said curve to the right, having a radius of 25.00 feet through central angle of 89°38'02" for 39.11 feet to a point of tangency, said point lying 35.00 feet West of, by perpendicular measure, the East line of the Southwest 1/4 of said Section 32; thence South 02°49'59" East along a line 35.00 feet West of and parallel with the East line of said Southwest 1/4 for 160.09 feet to a point lying on a non-tangent curve concave to the Southwest, the center of said curve bearing South 82°05'49" West from said point, thence Northwesterly along said curve to the left, having a radius of 473.84 feet through a central angle of 14°22'54" for 118.94 feet to a point of compound curvature of a circular curve concave to the Southwest; thence Northwesterly along said curve to the left, having a radius of 50.00 feet through a central angle of 12°38'43" for 11.04 feet; thence North 60°20'08" West for 111.47 feet to the POINT OF BEGINNING.

EXHIBIT "A"



SEC 32
TWP 55 S
RGE 40 E

LOCATION MAP
Not to Scale



Dedication to be Acquired

SCALE 1" = 300'

NOT A SURVEY

EXHIBIT "B"

PUBLIC WORKS DEPT.
RIGHT-OF-WAY ENGINEERING DIVISION
111 N.W. 1ST ST. 16TH FLR.
MIAMI, FL. 33128
PREP. BY: S. BURTON PSM

3/22/10 PROJ. NO. 20040349

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MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item: **8(P)1(A) through 8(P)1(F)**

File Numbers: **101344, 101345, 101346, 101347, 101348, 101349**

Committee(s) of Reference: **Board of County Commissioners**

Date of Analysis: **June 24, 2010**

Type of Item: **Resolutions Authorizing Land Acquisition**

These items authorize the acquisition of certain parcels of land which the County has declared to be required for construction of certain public infrastructure improvement projects.

Item No.	Commission District	Parcel(s)	Project Description
8P1A	9	Parcel 1	This land is needed for right-of-way for roadway improvements to S.W. 176 Street from U.S. 1 to S.W. 107 Avenue. This project is listed in Exhibit 1 of the People's Transportation Plan as a Board-requested Major Roadway and Neighborhood Improvement Project.
8P1B		Parcel 2	
8P1C		Parcel 3	
8P1D		Parcel 4	
8P1E		Parcel 5	
8P1F		Parcel 6	

Background and Relevant Legislation

The Florida Constitution, State Statutes and the Home Rule Charter of Miami-Dade County authorize the Board of County Commissioners to initiate the taking of property through eminent domain proceedings. See Chapters 73, 74, 125, 127 and 341, Florida Statutes; and §§1.01(A)(1)(2) and (21) of the Home Rule Charter of Miami-Dade County, Florida.

Policy Change and Implication

These resolutions to acquire land are consistent with current County and State policy regarding land acquisition.

Budgetary Impact

The fiscal impact to the County has been budgeted at $5,815,000 and will be funded by future Charter County Transit System Surtax bond funds. However, these items only authorize the acquisition of certain parcels by donation, purchase or by eminent domain proceedings. The true fiscal impact to the County will be quantified once the County enters into negotiations with the owners of the parcels.

Once completed, operation and maintenance of this project is estimated at $9,000 per year.

Prepared by: Jason T. Smith