Memorandum

MIAMI-DADE COUNTY

Date: October 5, 2010

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

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

From: George M. Burgess
County Manager

Subject: 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 Improvements to SW 264 Street, from US 1 (SR 5) to SW 137 Avenue to be a Public Necessity and Authorizing the Use of Charter County Transportation 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 6 required for the road widening, beautification, and right-of-way improvements to SW 264 Street, from US 1 (SR 5) to SW 137 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 parcel in fee simple, either by negotiation, purchase at values established by appraisals, donation, or eminent domain court proceedings including a declaration of taking as necessary for and on behalf of Miami-Dade County. Proceeds from future Charter County Transportation Surtax bond sales will be used to fund this project, and therefore, approval by the BCC and Citizens' Independent Transportation Trust (CITT) is required.

SCOPE

The impact of this project is Countywide and is physically located within Commission District 9.

FISCAL IMPACT/FUNDING SOURCE

The total cost of the project (inclusive of construction and right-of-way acquisition of all parcels) is estimated at $5,250,000.00 and is funded by proceeds from a future Charter County Transportation Surtax bond sale. Once the project is built out, annual maintenance and operational cost of approximately $22,903.00 is anticipated and will be funded from the Department's General Fund allocation.

TRACK RECORD/MONITOR

Not Applicable

DELEGATED AUTHORITY

In accordance with Section 2-8.3 of the Miami-Dade County code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution.

BACKGROUND

This resolution is for the acquisition of Parcel 6 of twelve (12) separate parcels needed by the Public Works Department (PWD) for programmed improvements along SW 264 Street, between US 1 (SR 5) and SW 137 Avenue. This project consists of widening the existing roadway to a 2-lane divided highway with raised landscaped median, bike lanes, on-street parking, sidewalks, curb and gutters, a continuous storm drainage system, signalization, pavement markings and signage and decorative 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 (Exhibit "B"), both attached. These improvements will improve traffic mobility and improve drainage, as well as beautify SW 264 Street between US1 and SW 137 Avenue. Construction of this project is scheduled to begin in January 2012 and anticipated to be completed by January 2013.

As per Miami-Dade County Tax Collector's Office records, the current owner of Parcel 6 is Tower Road Gardens, Inc., whose President is Louis V. Swezy.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: October 5, 2010

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

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

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)(J)
10-5-10

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 6 FOR IMPROVEMENTS TO SW 264 STREET, FROM US 1 (SR 5) TO SW 137 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 PROCEEDING INCLUDING DECLARATIONS OF TAKING, AS NECESSARY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION 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 in fee simple of the property known as Parcel 6 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 264 Street, from US 1 (SR 5) to SW 137 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 Statues, 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 recitals.

Section 2. This Board finds and declares that the acquisition of the subject parcel, as legally described in "Exhibit A" attached hereto and incorporated herein by reference, is needed for the public purpose of improvements to SW 264 Street, from US 1 (SR 5) to SW 137 Avenue.

Section 3. This Board authorizes and directs the County Mayor or County Mayor's designee and County Attorney to employ appraisers, review appraisers and expert witnesses, to obtain required environmental audits and to take any action to acquire the subject parcel, as legally described in Exhibit A" in fee simple, either by purchase at values established by appraisals, donation, or eminent domain court proceedings including a declaration of taking as necessary for and on behalf of Miami-Dade County and authorizes the use of Charter County Transportation Surtax Funds.

Section 4. Pursuant to Resolution R-974-09, this Board directs the County Mayor 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 the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; 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 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 5th day of October, 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

LEGAL DESCRIPTION

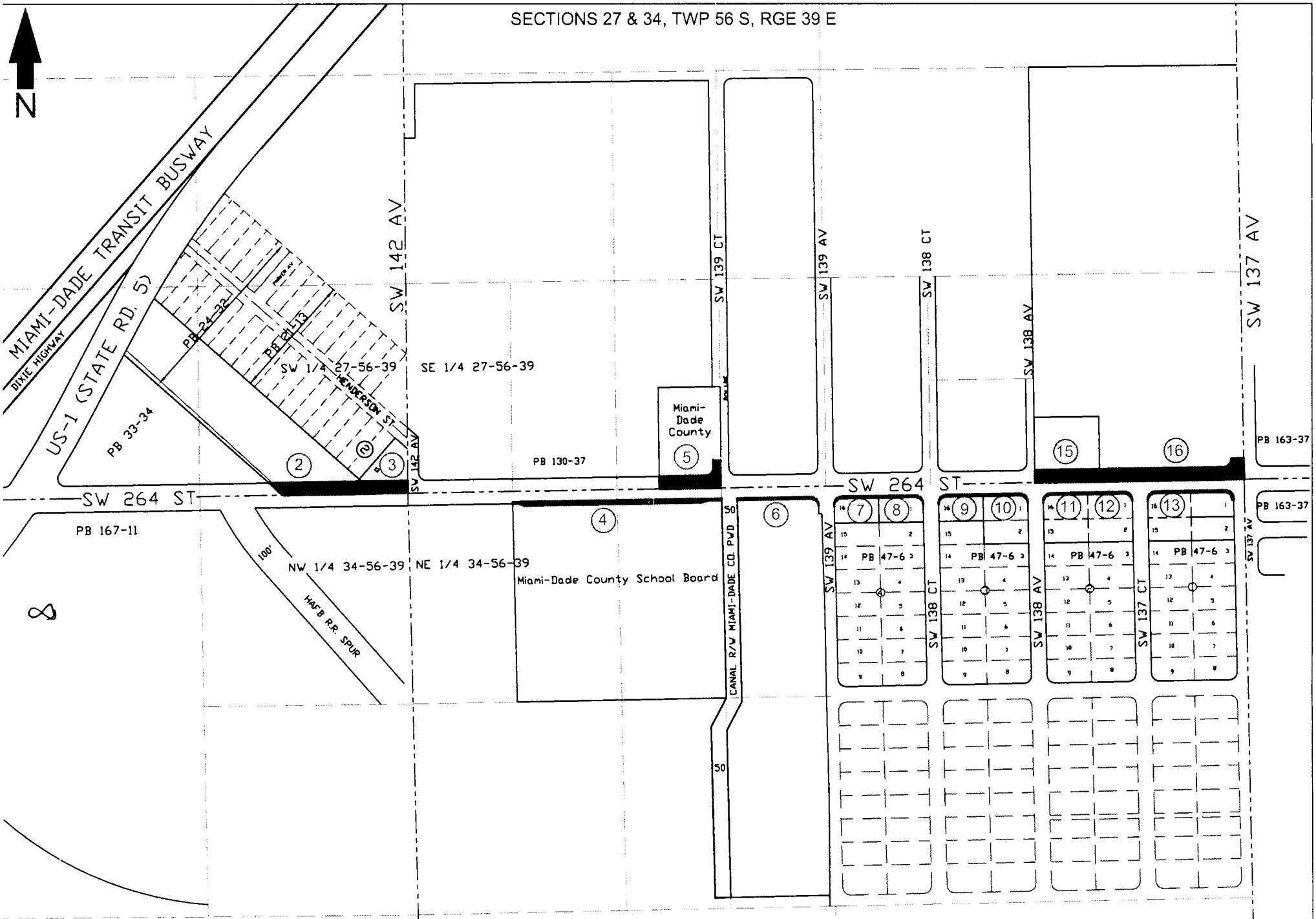
The South 5.00 feet of the North 40.00 feet of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 34, Township 56 South, Range 39 East, Miami-Dade County, Florida, less the West 50.00 feet thereof.
AND
All that part of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of said Section 34 lying within the external area formed by a 25.00 foot radius arc, concave to the Southwest, tangent to the South line of the North 40.00 feet of the Northeast 1/4 of said Section 34 and tangent to the West line of the East 25.00 feet of the Northwest 1/4 of the Northeast 1/4 of said Section 34.

RB

EXHIBIT A

PROJECT NO. 20040350
PARCEL 6

7



PROJECT NUMBER 20040350

RIGHT-OF-WAY TO BE ACQUIRED

(1) PARCEL NUMBER

NOT A SURVEY

SW 264 STREET
FROM US-1 TO SW 137 AV

EXHIBIT "B"

NOT TO SCALE