MEMORANDUM

Agenda Item No. 8(O)(1)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	April 2, 2013
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution declaring the acquisition of the designated property known as Parcels 819-PH2, 819-APH2, 719-APH2, and 719-BPH2, needed for the Norris Cut Project Proposed Sewer Force Main Replacement, to be a public necessity

The accompanying resolution was prepared by the Water and Sewer Department and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: April 2, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution authorizing the acquisition of designated properties known as Parcels 819-PH2, 819-APH2, 719-APH2, and 719-BPH2 for Miami-Dade Water and Sewer Department's (WASD) Norris Cut 54-inch Sewer Force Main Replacement Project, to be a Public Necessity

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution declaring the acquisition of Parcels 819-PH2, 819-APH2, 719-APH2, and 719-BPH2 for Miami-Dade Water and Sewer Department's (WASD) 54-inch Sewer Force Main Replacement Project that extends from Virginia Key to Fisher island, to be a public necessity and authorize the Mayor or 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 parcels in fee simple, either by negotiation, donation, purchase at values established by appraisals or tax assessed value whichever is the higher of the two, together with reasonable attorneys' fees and costs pursuant to Chapters 73.091 and 73.092, Florida Statutes, or eminent domain court proceedings including a declaration of taking as necessary for and on behalf of Miami-Dade County.

SCOPE OF AGENDA ITEM

The impact of this project will be Countywide, the parcels to be acquired are located in District 5.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact to acquire this property has yet to be determined. Funding for this acquisition will be provided from a combination of Wastewater Connection Charges, Wastewater Renewal Funds, and Future WASD Revenue Funds under OMB project # 9650241.

TRACK RECORD/MONITOR

WASD's Deputy Director for Regulatory Compliance and Capital Improvements, Douglas L. Yoder, will oversee the acquisition of this property.

BACKGROUND

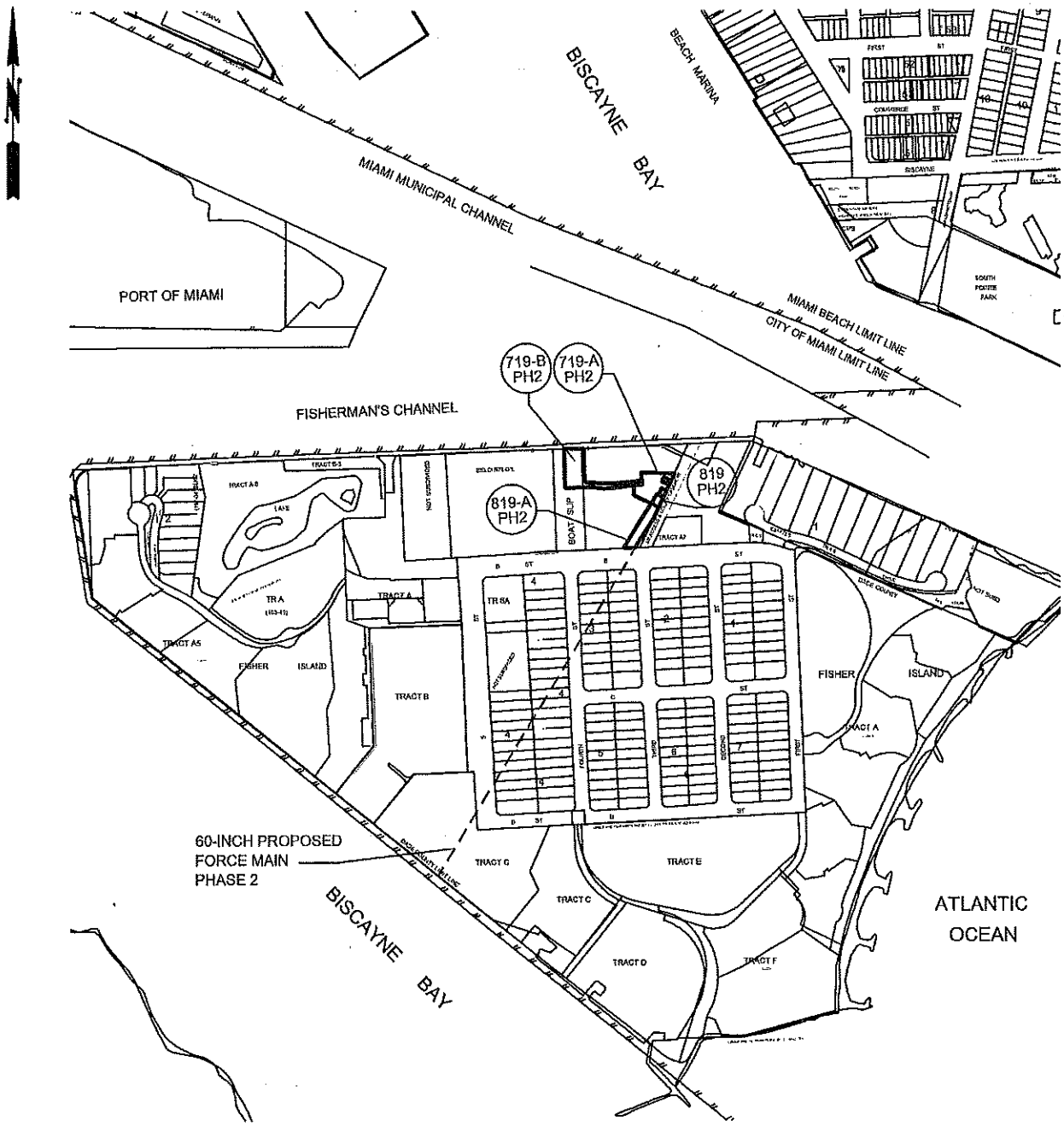
A condition assessment performed in 2011 identified several structural deficiencies in the existing 54-inch sewer force main which transmits all sewage collected from Miami Beach, Surfside, Bal Harbour, Bay Harbor Islands, and Fisher Island to the Central District Wastewater Treatment Plant for treatment and disposal. The assessment revealed that the existing 54-inch sewer force main is at high risk of failure and could potentially discharge millions of gallons of untreated sewage into Biscayne Bay. For that reason, WASD is replacing the 54-inch pipeline with a 60-inch sewer force main from upland Miami Beach to Fisher Island and onward to the Central District wastewater Treatment Plant at Virginia Key.

The acquisition of Parcels 819-PH2, 819-APH2, 719-APH2, and 719-BPH2 shown in Exhibit B (as attached) are needed to acquire sub-surface easements to install the new 60-inch sewer force

main at an elevation between 65 and 70 feet under Fisher Island. The new 60-inch pipeline will provide a minimum 80-year life span and increased capacity conveyance.

Alina T. Hudak
Deputy Mayor

SEC 9&10
TWP 54 S
RGE 42 E



FISHER ISLAND

EXHIBIT "B"

MIAMI-DADE COUNTY PUBLIC WORKS AND WASTE MANAGEMENT DEPT.
ROAD WAY ENGINEERING AND RIGHT OF WAY DIVISION
ENGINEERING SECTION

0 200 400 800 1600
SCALE 1" = 800'

SCALE 1" = 800'
PROJECT: 20090239
PREPARED BY: L.E.
DATED: 02-06-13

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

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

SUBJECT: Agenda Item No. 8(O)(1)

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 Mayor'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(O)(1)
4-2-13

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCELS 819-PH2, 819-APH2, 719-APH2, AND 719-BPH2, NEEDED FOR THE NORRIS CUT PROJECT PROPOSED SEWER FORCE MAIN REPLACEMENT, TO BE A PUBLIC NECESSITY; AND 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 BY DONATION, PURCHASE AT APPRAISED VALUE, OR BY EMINENT DOMAIN COURT PROCEEDINGS

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-PH2, 819-APH2, 719-APH2, and 719-BPH2 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 replacement sewer force main, 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 recitals.

Section 2. 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 the subject property, as legally described in "Exhibit A" attached hereto and incorporated herein by reference, by donation, purchase at appraised value together with reasonable attorneys' fees, expert fees and costs pursuant to Chapters 73.091 and 73.092, Florida Statutes, or by eminent domain proceedings, including a declaration of taking, as necessary, for and on behalf of Miami-Dade County.

Section 3. Pursuant to Resolution No. R-974-09 (a) this Board directs the County Mayor or County Mayor's designee to record the instrument of conveyance accepted herein in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy of said instrument 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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of April, 2013. 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-PH2

A permanent utility easement to locate, construct, maintain, repair, replace, 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 279.14 feet to the **POINT OF BEGINNING**; thence N 65°35'20" W for 27.35 feet; thence N 24°23'43" E for 36.00 feet; thence S 65°21'14" E for 27.35 feet to the West Line of said Tract "A-7"; thence S24°23'43"W, along the West Line of said Tract "A-7", for 36.00 feet to the **POINT OF BEGINNING**.

The owner retains all rights which are not inconsistent with the County's use thereof.

Legal Description
(Subterranean Utility Easement)

Parcel 819-APH2

A subterranean utility easement to locate, construct, maintain, repair, replace, and operate, a water and sewer facilities together with all uses appurtenant thereto, within that space vertically enclosed above Elevation minus (-) 85.00 feet and extending to an Elevation of minus (-) 30.00 feet, according to the National Geodetic Vertical Datum of 1929 (NGVD29) as established by the United States National Geodetic Survey, lying in Section 10, Township 54 South, Range 42 East, Miami-Dade County, Florida, and which is encompassed within the following horizontal limits:

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 842.77 feet to a point 82.97 feet West of 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 and the **POINT OF BEGINNING**; thence N 31°08'45" E for 318.65 feet; thence S 65°36'17" E for 36.66 feet to the West line of said Tract "A-7"; thence S 24°23'43" W, along the West line of said Tract "A-7", for 115.63 feet; thence S 31°08'45" W for 175.08 feet to the North right of way line of "B" Street; thence S87°40'43"W, along the North right of way line of "B" Street, for 59.94 feet to the **POINT OF BEGINNING**.

The owner retains all rights which are not inconsistent with the County's use thereof.

Legal Description
(Temporary Construction Easement)

Parcel 719-APH2

A temporary construction easement for a period of four (4) years commencing on November 16, 2013, for purposes appertaining to the construction of the replacement of a 54-inch force main, 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 223.28' feet to the **POINT OF BEGINNING**; thence N 65°36'17" W for 143.85 feet; thence N 00°00'00" E for 48.04 feet; thence N 83°22'01" E for 43.60 feet; thence N 06°48'24" W for 60.36 feet; thence N 90°00'00" E for 173.05 feet to a point on the West line of said Tract "A-7"; thence S 24°23'43" W, along the West line of said Tract "A-7", for 26.43 feet; thence N 65°36'17" W for 15.00; thence N 24°23'43" E for 5.00 feet; thence N 65°36'17" W for 25.00 feet; thence S 24°23'43" W for 25.00 feet; thence S 65°36'17" E for 25.00 feet, thence N 24°23'43" E for 5.00 feet; thence S 65°36'17" E for 15.00 feet to a point on the West line of said Tract "A-7"; thence S 24°23'43"W, along the West line of said Tract "A-7", for 56.03 feet; thence N 65°21'14" W for 27.35 feet; thence S 24°23'43" W for 36.00 feet; thence S 65°35'20" E for 27.35 feet to a point on the West line of said Tract "A-7"; thence S 24°23'43" W, along the West line of said Tract "A-7", for 55.86 feet to the **POINT OF BEGINNING**.

The owner retains all rights which are not inconsistent with the County's use thereof.

Legal Description
(Temporary Non Exclusive Ingress and Egress Easement)

Parcel 719-BPH2

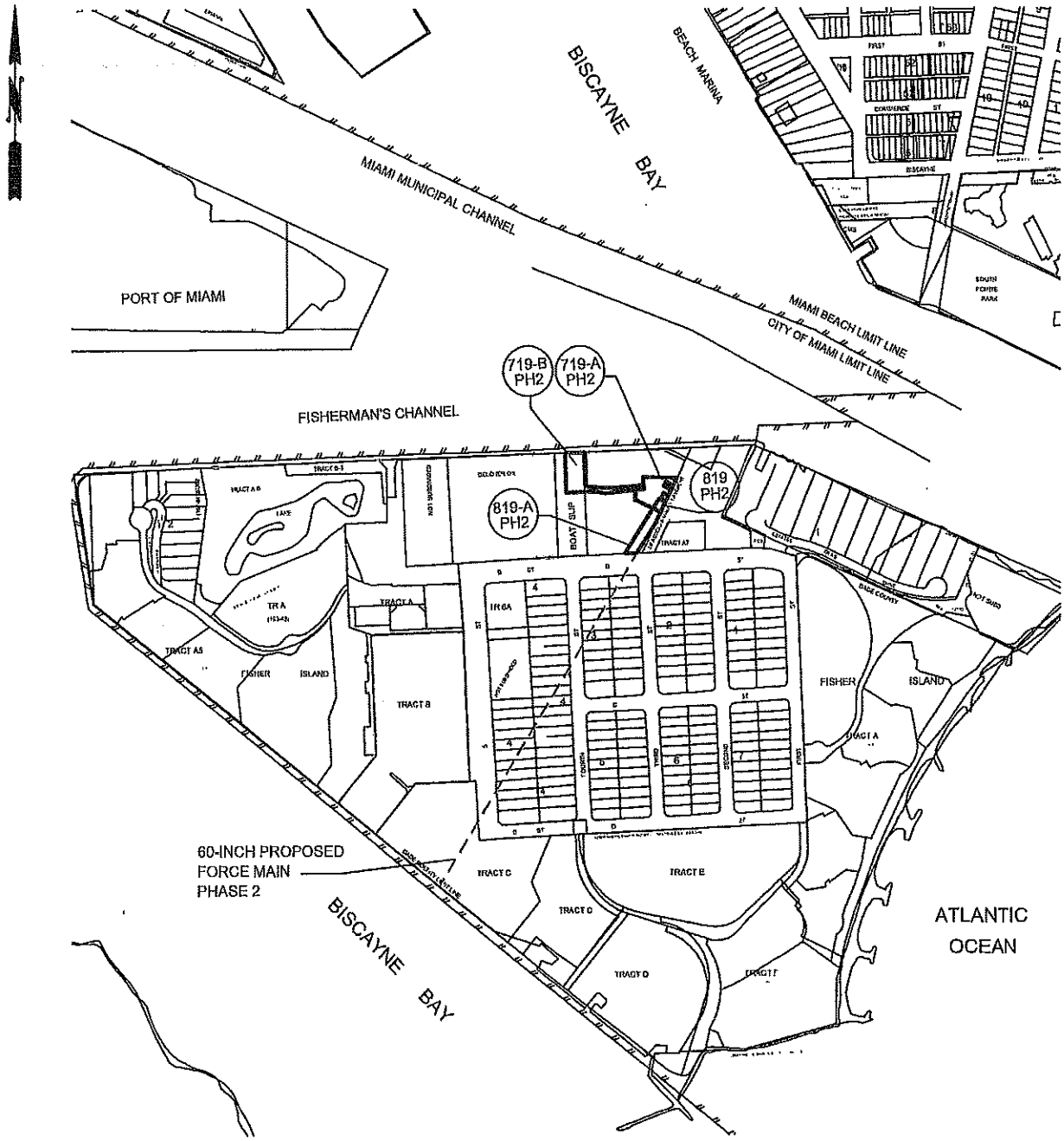
A temporary non exclusive ingress and egress easement for a period of four (4) years commencing on November 16, 2013, for purposes appertaining to the construction of the replacement of a 54-inch force main, including a portion of the boat slip, lying in Sections 9 and 10, Township 54 South, Range 42 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 156.57 feet; thence S 06°48'24" E for 20.15 feet; thence S 83°22'01" W for 194.91 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 211.08 feet to the **POINT OF BEGINNING.**

The owner retains all rights which are not inconsistent with the County's use thereof, including but not limited to the right to ingress and egress across the easement area, and access between the areas of the remainder property to the north and south of such easement area."

SEC 9&10
TWP 54 S
RGE 42 E



FISHER ISLAND

EXHIBIT "B"

MIAMI-DADE COUNTY PUBLIC WORKS AND WASTE MANAGEMENT DEPT.
ROAD WAY ENGINEERING AND RIGHT OF WAY DIVISION
ENGINEERING SECTION

0 200 400 800 1600
SCALE 1" = 800'

SCALE 1" = 800'
PROJECT: 20090239
PREPARED BY: L.E.
DATED: 02-06-13