MEMORANDUM

Agenda Item No. 8(L)(1)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	February 4, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution declaring the acquisition of the designated property known as Parcel 48 for the People's Transportation Plan (PTP) entitled improvements on SW 216 Street from the Florida Turnpike to SW 127 Avenue, to be a public necessity

The accompanying resolution was prepared by the Public Works and Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

Memorandum

MIAMI-DADE COUNTY

Date: February 4, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Declaring the Acquisition of the Designated Property Known as Parcel 48 for Right-of-Way Needed for the PTP Project Entitled Improvements to SW 216 Street from the Florida Turnpike to SW 127 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 which does the following:

- Declares the acquisition of Parcel 48 required for the road widening, beautification, and right-of-way improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue to be a public necessity; and
- 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 the subject parcel in fee simple, either by negotiation, donation, right-of-way designation, purchase at values established by appraisals or tax assessed values whichever is the higher of the two, together with reasonable attorneys' fees and costs pursuant to Sections 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.

This resolution is for the acquisition of Parcel 48 and is the final group of parcels needed by Public Works and Waste Management (PWWM) for programmed improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue. This final group of parcels will consist of 17 parcels, which are simultaneously being presented for BCC approval on this agenda. Florida Statute Section 127.02 requires that there be a separate resolution for each individual property.

Said Resolution is placed for Committee review pursuant to Miami-Dade County Code Section 29-124(f). This item may only be considered by the BCC if the CITT has forwarded a recommendation to the BCC prior to the date scheduled for BCC consideration or forty-five (45) days have elapsed since the filing with the Clerk of the Board of this item. If the CITT has not forwarded a recommendation and forty-five (45) days have not elapsed since the filing of this item, I will request a withdrawal of this item.

Scope

The impact of this project is countywide; however, it is located within Commissioner Dennis C. Moss' District 9.

Fiscal Impact/Funding Source

Funding for the right-of-way acquisition, design and construction of this Project is from Charter County Transportation Surtax bond proceeds, and may be supplemented by other

eligible funding sources. Funding is programmed within the adopted FY2013-2014 Capital Budget and the index code is CPEPTP709216. The initial acquisition costs have been budgeted and no additional fiscal impacts are expected; however, in the event of litigation the ultimate acquisition costs would be subject to a future ruling by the Court.

The total cost of the project (inclusive of construction, design and the right-of-way acquisition of all parcels) is estimated at $11,966,000.00. The anticipated ongoing annual maintenance and operational costs will be approximately $26,929.91 and $4,320.68, respectively.

Track Record/Monitor
The Public Works and Waste Management Department is the entity overseeing this project and the responsible person for monitoring this acquisition project is Mr. Francisco Fernandez, Chief Real Estate Officer, Right-of-Way Division.

Background
PWWM has programmed the construction of SW 216 Street as part of the People's Transportation Plan Project Entitled *Improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue.* The proposed project includes roadway expansion, beautification and improvements. Improvements consist 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 Miami-Dade County is necessary for the proposed roadway improvements, and is legally described in "Exhibit A" and illustrated on the parcel location map "Exhibit B-3" attached herewith.

Alina T. Hudak
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: February 4, 2014

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

SUBJECT: Agenda Item No. 8(L)(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 _____

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2-4-14

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 48 FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) ENTITLED IMPROVEMENTS ON SW 216 STREET FROM THE FLORIDA TURNPIKE TO SW 127 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 NEGOTIATION, DONATION, RIGHT OF WAY DESIGNATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR TAX ASSESSED VALUES WHICHEVER IS THE HIGHER OF THE TWO TOGETHER WITH REASONABLE ATTORNEYS' FEES AND COSTS PURSUANT TO SECTIONS 73.091 AND 73.092, FLORIDA STATUTES, 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,

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" and shown on project location map in "Exhibit B-3" all attached hereto and incorporated herein by reference, is needed for the public purpose of improvements to SW 216 Street from the Florida Turnpike to SW 127 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, including any businesses thereon, either by negotiation, donation, right of way designation, purchase at values established by appraisals or tax assessed value whichever is the higher of the two together with reasonable attorneys' fees, expert fees and costs pursuant to Sections 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 and authorizes the use of Charter County Transportation Surtax Funds.

Section 4. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or County Mayor's designee to record the instruments 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 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 4th day of February, 2014. 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
(FEE SIMPLE)

Portions of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 13, Township 56 South, Range 39 East, Miami-Dade County, Florida lying within the land conveyed to William Randolph and described in the COUNTY OF DADE DEED NO. 642-00R dated May 23, 1942, filed June 29, 1943 and recorded in Deed Book 2301, Page 57 of the Public Records of said Miami-Dade County lying West of the West boundary of the land that is the subject of the FINAL JUDGMENT QUIETING TITLE dated November 29, 2005, filed December 1, 2005 and recorded in Official Records Book 24004, pages 2984 and 2985 of the Public Records of said Miami-Dade County, less that portion of land conveyed to Valuda Waters and described in the EXECUTRIX'S DEED dated August 9, 1965, filed August 26, 1965 and recorded in Official Records Book 4730, page 528 of the Public Records of said Miami-Dade County, said portions of land being more particularly described as follows;

COMMENCE at the Northeast corner of the Northeast 1/4 of said Section 13; THENCE South 89°05'46" West, along the North line of said Northeast 1/4 for 1089.91 feet to the POINT OF BEGINNING; THENCE South 00°54'14" East, perpendicular to the previous course and along the West line of the land described in the above mentioned FINAL JUDGMENT QUIETING TITLE, for 35.00 feet; THENCE South 89°05'46" West along the South line of the North 35.00 feet of the Northeast 1/4 of said Section 13 for 97.27 feet to the East line of the West 150 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 13 also being the East line of the land conveyed to Valuda Waters; THENCE North 01°17'33" West along said East line for 35.00 feet to the North line of the Northeast 1/4 of said Section 13; THENCE North 89°05'46" East along the North line of the Northeast 1/4 of said Section 13 for 97.51 feet to the POINT OF BEGINNING. Less existing public right-of-way.

Together with

EXHIBIT A

PROJECT NO. 20040348
PARCEL 48
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The North 35.00 feet of the West 75.00 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 13, Township 56 South, Range 39 East, Miami-Dade County, Florida. Less existing public right-of-way.

Together with

The West 30.00 feet of the North 110.00 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 13, Township 56 South, Range 39 East, Miami-Dade County, Florida. Less the North 35.00 feet thereof and less existing public right-of-way.

Together with

The external area formed by an arc concave to the Southeast, having a radius of 25.00 feet, tangent to the South line of the North 35.00 feet of the Northeast 1/4 of said Section 13 and tangent to the East line of the West 30.00 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 13. Less existing public right-of-way.

EXHIBIT A

PROJECT NO. 20040348
PARCEL 48
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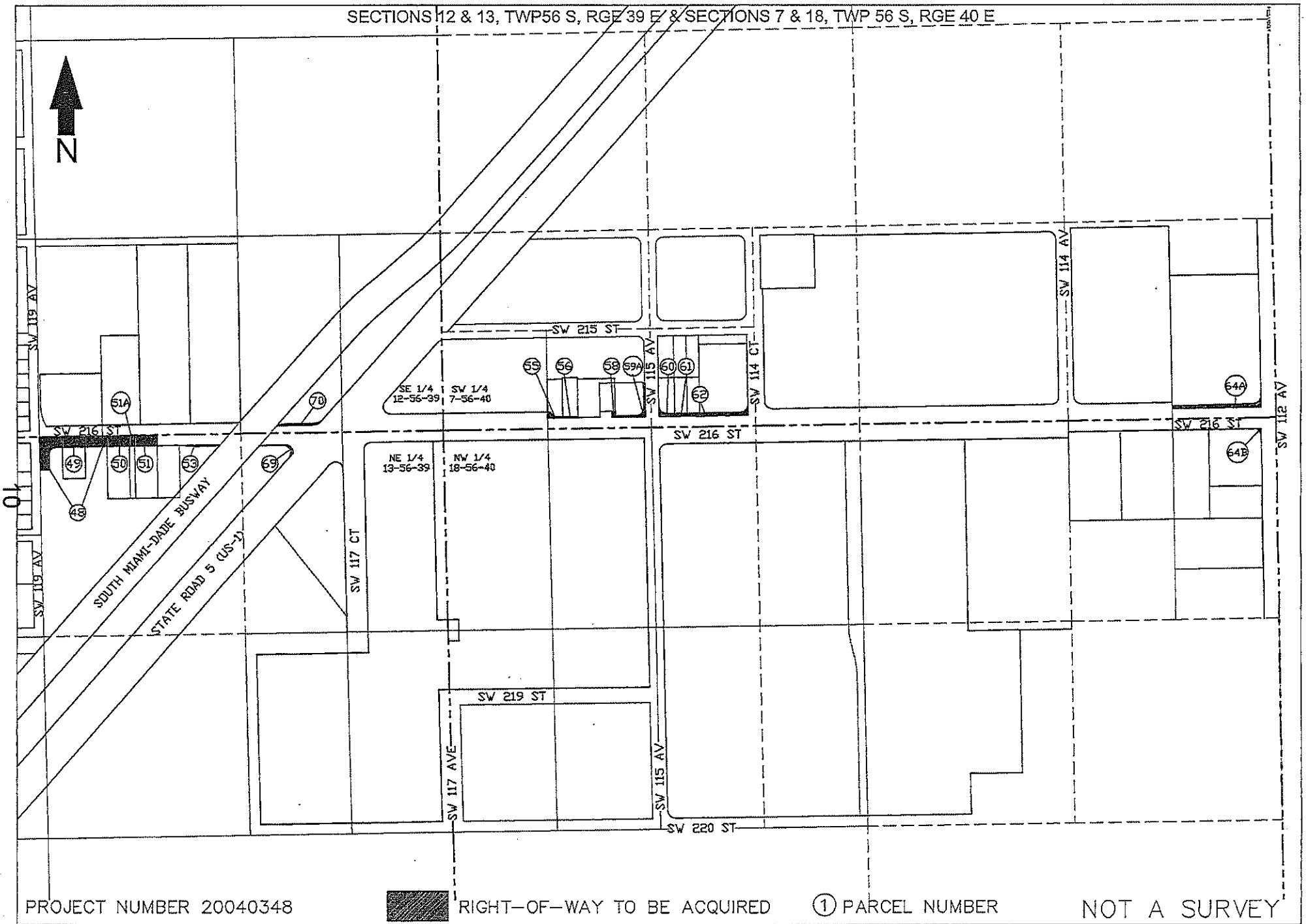

SW 216 STREET
FROM SW 127 AVE. TO H.E.F.T.

EXHIBIT "B-3"

Memorandum

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

From: Charles Scurr, Executive Director

Date: January 23, 2014

Re: **CITT AGENDA ITEM 5B:**
RESOLUTION DECLARING THE ACQUISITION OF DESIGNATED PROPERTIES KNOWN AS PARCELS 48, 49, 50, 51, 51A, 53, 55, 56, 58, 59A, 60, 61,62, 64A, 64B, 69, AND 70, FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED IMPROVEMENTS ON SW 216 STREET FROM THE FLORIDA TURNPIKE TO SW 127 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 PROPERTIES IN FEE SIMPLE, BY NEGOTIATION, DONATION, RIGHT OF WAY DESIGNATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR TAX ASSESSED VALUES WHICHEVER IS THE HIGHER OF THE TWO TOGETHER WITH REASONABLE ATTORNEYS' FEES AND COSTS PURSUANT TO SECTIONS 73.091 AND 73.092, FLORIDA STATUTES, OR BY EMINENT DOMAIN COURT PROCEEDING INCLUDING DECLARATIONS OF TAKING, AS NECESSARY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS **(PWWM – BCC Legislative File No. 132551, 132553, 132560, 132575, 132576, 132578, 132552, 132555, 132561, 132562, 132590, 132573, 132554, 132556, 132557, 132558, 132559)**

On January 23, 2014, the CITT voted (11-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 13-059. The vote was as follows:

Paul J. Schwiep, Esq., Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 1st Vice Chairperson – Aye
Glenn J. Downing, CFP®, 2nd Vice Chairperson – Aye

Joseph Curbelo – Aye
Alfred J. Holzman – Aye
Jonathan Martinez – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Aye
Peter L. Forrest – Aye
Prakash Kumar – Aye
Alicia Menardy, Esq. – Absent
Hon. James A. Reeder – Aye
Hon. Linda Zilber – Absent

cc: Alina Hudak, Deputy Mayor/Interim Director Public Works & Waste Management Department
Bruce Libhaber, Assistant County Attorney