MEMORANDUM

Agenda Item No. 8(L)(2)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	July 1, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution declaring the acquisition of the designated property known as Parcel 15 for the People's Transportation Plan (PTP) entitled improvements on SW 137 Avenue from the Homestead extension of Florida's Turnpike (SR 821) to SR-5 (US 1)

The accompanying resolution was prepared by the Public Works & Waste Management Department and placed on the agenda at the request of Co-Prime Sponsors Vice Chair Lynda Bell and Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

Memorandum

MIAMI-DADE COUNTY

Date: July 1, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Declaring the Increase in Square Footage of the Designated Property Known as Parcel 15 for Right-of-Way Needed for the People's Transportation Plan Project Entitled Improvements to SW 137 Avenue from the Homestead Extension of the Florida Turnpike (SR 821) to SR-5 (US-1)to be a Public Necessity, Authorizing the use of Charter County Transportation Surtax Funds, and Rescinding Resolution R-808-11

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution which:

- Rescinds Resolution R-808-11 adopted on October 4, 2011, which authorized the acquisition of Parcel 15 needed for the People's Transportation Plan Project Entitled Improvements to SW 137 Avenue from the Homestead Extension of the Florida Turnpike (SR 821) to SR-5 (US-1) Project; and
- Approves the attached resolution authorizing the acquisition of said parcel, 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, business damages 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 increasing the square footage of Parcel 15 by 980 square feet, from the original 259 square feet to 1,239 square feet. Bond proceeds from the Charter County Transportation Surtax will be used to fund this Project, therefore, approval by the BCC and the Citizen's Independent Transportation Trust (CITT) is required.

This resolution is for the acquisition of Parcel 15, which is one of the final parcels needed by Public Works and Waste Management (PWWM) for programmed improvements to the Project. 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 Lynda Bell's District 8 and 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 CPEPTP478137. 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 estimate of the project (inclusive of construction, design and the right-of-way acquisition of all parcels) is $8,889,000.00.

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

Background
This Project was subjected to further right-of-way verification during the value engineering process, resulting in the determination that additional right-of-way would be needed to accommodate the design of the roadway. This resolution authorizes an increase in square footage of Parcel 15 for right-of-way needed by PWWM for roadway expansion. The area to be acquired is legally described in Exhibit "A" and illustrated on the parcel location map in Exhibit "B", attached hereto. The proposed project includes roadway expansion, beautification and improvements consisting of reconstructing the existing roadway to include raised landscaped medians, bicycle facilities, sidewalks, curb and gutters, a continuous storm drainage system, signalization, pavement markings and signage, and roadway lighting. These improvements will increase vehicular capacity, improve traffic mobility, ensure ADA compliance, and provide multiple modes of transportation.

Alina T. Hudak
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: July 1, 2014

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

SUBJECT: Agenda Item No. 8(L)(2)

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(L)(2)
7-1-14

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 15 FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) ENTITLED IMPROVEMENTS ON SW 137 AVENUE FROM THE HOMESTEAD EXTENSION OF FLORIDA'S TURNPIKE (SR 821) TO SR-5 (US 1), 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 PURCHASE AT APPRAISED VALUE OR BY EMINENT DOMAIN PROCEEDINGS; RESCINDING RESOLUTION R-808-11 AND AUTHORIZING THE USE OF 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 of Parcel 15 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 roadway expansion and right-of-way improvements to SW 137 Avenue from the Homestead Extension of Florida Turnpike (SR 821) to SR-5 (US-1), to be required or necessary to accomplish such construction; 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 1.10 (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 parcel 15, as legally described in "Exhibit A" and shown on project location map in "Exhibit B" all attached hereto and incorporated herein by reference, is needed for the public purpose of improvements to SW 137 Avenue from the Homestead Extension of Florida Turnpike (SR 821) to SR-5 (US-1).

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, business damages 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.

Section 5. This Resolution shall supersede Resolution Number R-808-11, which is hereby rescinded and replaced herewith.

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 1st day of July, 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)

All that part of the SE 1/4, NE 1/4, NE 1/4 of Section 27, Township 56 South, Range 39 East, in Miami-Dade County, Florida, more particularly described as follows:

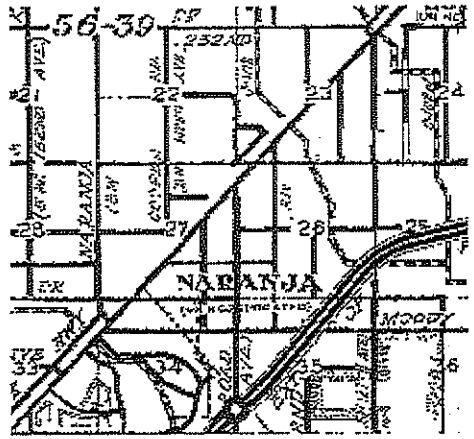
Being all of that part which lies within the external area formed by a 25 foot radius curve concave to the Southwest, tangent to the West line of the East 40 feet and tangent to the Southeasterly right of way line of State Road 5 (US-1) as shown on the Florida Department of Transportation right of way Map for State Road 5 (US-1), Page 3 according to the plat thereof, as recorded in Plat Book 124, Page 56 of the Public Records of said Miami-Dade County, lying within the SE 1/4, NE 1/4, NE 1/4 of Section 27, Township 56 South, Range 39 East, in Miami-Dade County, Florida.

Less any existing public right of way.

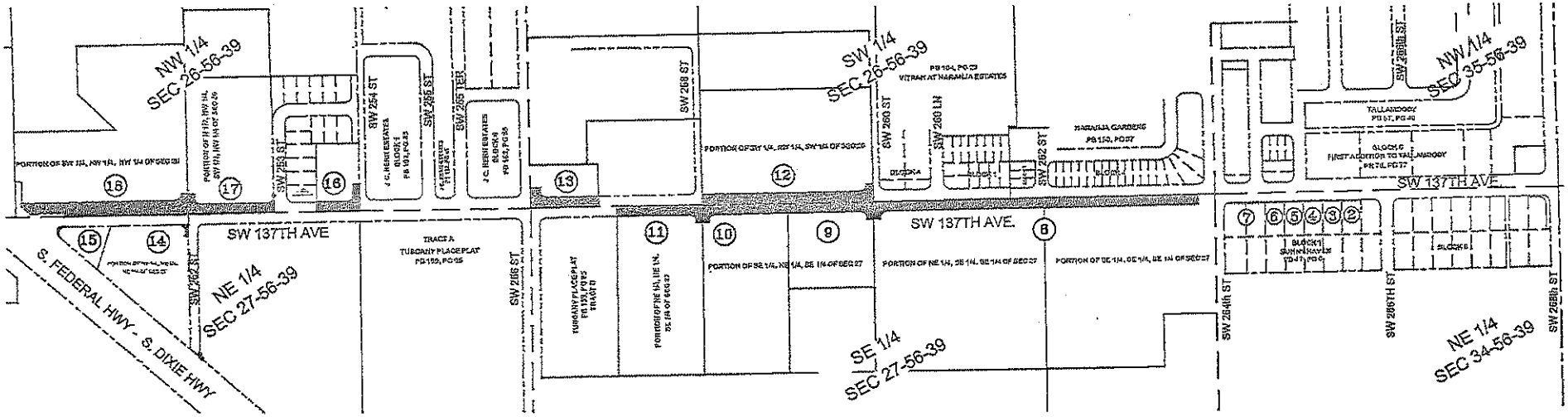
EXHIBIT "A"
1 of 1

PARCEL 15
SW 137th Ave.
Project 20040344

SEC 26, 27 & 34
TWP 56 S
RGE 39 E



LOCATION MAP
NOT TO SCALE



0 150 300 600 1200

SCALE 1" = 600'

R/W TO BE ACQUIRED BY THE COUNTY

EXHIBIT "B"

MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT OF WAY DIVISION
RIGHT OF WAY ENGINEERING SECTION

SW 137 Avenue
From US-1 to HEFT
Project No. 20040344

MIAMI-DADE

SCALE 1" = 600'
PREPARED BY: L.E.
DATED: 06-01-11

Memorandum

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

From: Charles Scurr, Executive Director

Date: June 19, 2014

Re: **CITT AGENDA ITEM 5C:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), DECLARE THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS **PARCEL 15** FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) ENTITLED IMPROVEMENTS ON SW 137 AVENUE FROM THE HOMESTEAD EXTENSION OF FLORIDA'S TURNPIKE (SR 821) TO SR-5 (US 1), 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 PURCHASE AT APPRAISED VALUE OR BY EMINENT DOMAIN PROCEEDINGS; RESCINDING RESOLUTION R-808-11 AND AUTHORIZING THE USE OF COUNTY TRANSPORTATION SURTAX FUNDS **(PWWM – BCC Legislative File No.141184)**

On June 19, 2014, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 14-041. 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 – Absent
Jonathan Martinez – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Absent

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