MEMORANDUM

Agenda Item No. 8(N)(2)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: July 6, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declaring the acquisition of designated property known as Parcel 108 for the People's Transportation Plan (PTP) project entitled improvements on SW 137 Avenue from US-1 to SW 200 Street, to be a public necessity; authorizing the County Mayor 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 tax assessed value whichever is higher, together with reasonable attorney's fees and costs pursuant to chapters 73.091 and 73.092, Florida Statutes, or by eminent domain court proceeding including declarations of taking, as necessary; authorizing the use of Charter County Transportation Surtax Funds; rescinding Resolution No. R-529-13

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.

Abigail Price-Williams
County Attorney

APW/smm

Memorandum

MIAMI-DADE COUNTY

Date: July 6, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Declaring the Acquisition of the Designated Property Known as Parcel 108 for Right-of-Way Needed for the People's Transportation Plan Project Entitled Improvements to SW 137 Avenue From US-1 to SW 200 Street to be a Public Necessity; Authorizing the County Mayor or the County Mayor's Designee and Accomplish Acquisition of the Subject Property in Fee Simple By Purchase at Appraised Value; Superseding Resolution R-529-13; and Authorizing the use of People's Transportation Plan Funds

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution superseding the previously adopted Resolution No. R-529-13 dated July 2, 2013 authorizing the acquisition of Parcel 108 needed for the People's Transportation Plan Project Entitled Improvements to SW 137 Avenue, from US-1 to SW 200 Street, which provides for the acquisition of said Parcel 108, with a reduced area of needed right-of-way to reflect a previous dedication of right-of-way. Proceeds from People's Transportation Plan Bond proceeds will be used to fund this project, therefore approval by the Board and the Citizens' Independent Transportation Trust (CITT) is required.

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 Board if the CITT has forwarded a recommendation to the Board prior to the date scheduled for Board consideration, or 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 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 Daniella Levine Cava's District 8.

FISCAL IMPACT

Funding for the right-of-way acquisition, design, and construction of this Project is from People's Transportation Plan bond proceeds, and may be supplemented by other eligible funding sources. Funding is programmed within the adopted FY2015-16 Adopted Budget and Multi-Year Capital Plan (Project 607930). The initial acquisition cost has been budgeted and no additional fiscal impacts are expected; however, in the event of litigation the ultimate acquisition cost would be subject to a future ruling by the Court.

TRACK RECORD/MONITOR

The Department of Transportation and Public Works (DTPW) is the entity overseeing this project and the responsible person for monitoring this acquisition project is Mr. Francisco Fernandez, Chief Real Estate Officer of the Right-of-Way Division.

BACKGROUND

DTPW has programmed the construction of SW 137 Avenue as part of the People's Transportation Plan Project Entitled Improvements to SW 137 Avenue from US-1 to SW 200 Street. The proposed project includes roadway expansion, beautification and improvements consisting of a new two-lane road with sidewalks, curb and gutter, a continuous storm drain system, signalization, pavement markings and signage, street lighting, bicycle facilities, a bridge crossing over one (1) canal, and a culvert for a second canal.

The area to be acquired by Miami-Dade County was reduced due to DTPW Engineering staff discovering that portions of the proposed acquisition area had been previously dedicated in the 1940's and 1950's. This discovery occurred during title work prior to the closing for the purchase of said parcel. The reduced area remains necessary for the proposed roadway improvements, and is legally described in "Exhibit A" and illustrated on the parcel location map in "Exhibit B" all attached herewith.

Alina T. Hudak
Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: July 6, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(N)(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**

_____ **Statement of social equity 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(N)(2)
7-6-16

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF DESIGNATED PROPERTY KNOWN AS PARCEL 108 FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED IMPROVEMENTS ON SW 137 AVENUE FROM US-1 TO SW 200 STREET, TO BE A PUBLIC NECESSITY; 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 TAX ASSESSED VALUE, WHICHEVER IS HIGHER, TOGETHER WITH REASONABLE ATTORNEY'S FEES AND COSTS PURSUANT TO CHAPTERS 73.091 AND 73.092, FLORIDA STATUTES, OR BY EMINENT DOMAIN COURT PROCEEDING INCLUDING DECLARATIONS OF TAKING, AS NECESSARY; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS; RESCINDING RESOLUTION NO. R-529-13

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 that the acquisition of Parcel 108, as legally described in "Exhibit A" attached hereto and made a part hereof, is necessary to accomplish the construction for the project entitled improvements to SW 137 Avenue from US- 1 to SW 200 Street,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board ratifies and adopts the 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 137 Avenue from US-1 to SW 200 Street.

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 donation, purchase at values established by appraisals or tax assessed value whichever is the higher of the two, together with reasonable attorney's fees, expert fees and costs pursuant to Chapter 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 direct the County Mayor or County Mayor's designee to record the instruments of conveyance accepted herein in the Public Record 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 R-529-13, 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of July, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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)

A PORTION OF THE SW 1/4, OF THE SW 1/4, OF SECTION 23, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING IN MIAMI-DADE COUNTY FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE SW 1/4, OF THE SW 1/4, OF SECTION 23, TOWNSHIP 56 SOUTH, RANGE 39 EAST; THENCE S 0I°10'03" E ALONG THE WEST LINE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23, TOWNSHIP 56 SOUTH, RANGE 39 EAST, FOR A 100.00 FEET; THENCE S 48°41'53" E, FOR 33.89 FEET TO A POINT ON A LINE THAT IS 25.00 FEET EASTERLY TO SAID WEST LINE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23 AND THE POINT OF BEGINNING, OF THE HEREINAFTER DESCRIBED PARCEL. THENCE N 01°I0'03" W ALONG A LINE PARALLEL AND 25.00 FEET EAST OF SAID WEST LINE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23, FOR 89.76 FEET TO A POINT 33.00 FEET SOUTH OF THE NORTH LINE OF THE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23; THENCE N 89°07'17" E , PARALLEL AND 33.00 FEET SOUTH OF SAID NORTH LINE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23, FOR 55.13 FEET TO A POINT OF CUSP OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST, THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°17'20", FOR 39.40 FEET TO THE POINT OF TANGENCY, SAID POINT BEING 55.00 FEET EASTERLY OF THE AFOREMENTIONED WEST LINE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23; THENCE S 01°I0'03" E, PARALLEL 55.00 FEET EAST OF THE WEST LINE OF THE SW 1/4, OF THE SW 1/4 OF SECTION 23, FOR 91.94 FEET; THENCE N 48°41'53" W, FOR 40.67 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"

PARCEL 108 Revised
Project No. 20040343
1 of 1

SW 200th STREET
SR-994
QUAIL ROOST DRIVE
NE 1/4 SEC 10
NW 1/4 SEC 11
SW 208th STREET
SE 1/4 SEC 10
SW 1/4 SEC 11
SW 216th STREET
NE 1/4 SEC 15
NW 1/4 SEC 14
SW 224th STREET
SW 137th AVENUE
SE 1/4 SEC 15
SW 1/4 SEC 14
SW 232nd STREET
NE 1/4 SEC 22
NW 1/4 SEC 23
SW 240th STREET
SE 1/4 SEC 22
SW 1/4 SEC 23
F.E.C. RAILWAY
SR-5 / US-1
SW 248th STREET
COCONUT PALM DRIVE
NE 1/4 SEC 27
NW 1/4 SEC 26
SW 244th ST.
SE 1/4 SEC 22
SW 1/4 SEC 23
SW 137th AVENUE
COCONUT PALM DRIVE
SW 249th ST.
NE 1/4 SEC 27
NW 1/4 SEC 26
DETAIL
NOT TO SCALE
EXHIBIT B
2 of 2
SEC. 10, 11, 14, 15, 22, 23, 26 & 27, TWP. 56S., RGE. 39E.
MANUEL G. VERA & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • MAPPERS
13960 SW 47th STREET, MIAMI, FL 33175-5616
TEL.(305) 221-6210 FAX: (305) 221-1295
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER LB-2439
SW 137TH AVENUE
FROM US-1 TO SW 200th STREET
SHEET 2 OF 2
Project No. 20090003
NOT A SURVEY
MIAMI-DADE
= TO BE ADQUIRED FOR RIGHT OF WAY
Date: 03/20/13
Scale: 1" = 1600'

Memorandum

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director

Date: June 16, 2016

Re: **CITT AGENDA ITEM 5C:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) DECLARE THE ACQUISITION OF DESIGNATED PROPERTY KNOWN AS PARCEL 108, FOR RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED IMPROVEMENTS TO SW 137 AVENUE FROM US-1 TO SW 200 STREET, TO BE A PUBLIC NECESSITY; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE BY PURCHASE FROM A WILLING SELLER; SUPERSEDING RESOLUTION NO. R-529-13; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS **(DTPW – BCC Legislative File No. 161187)**

On June 16, 2016, 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. 16-032. 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

Oscar Braynon – Aye
Peter L. Forrest – Aye
Prakash Kumar – Aye
Alicia Menardy, Esq. – Absent
Hon. James A. Reeder – Absent
Hon. Linda Zilber – Aye

Joseph Curbelo – Absent
Alfred J. Holzman – Aye
Jonathan Martinez – Absent
Miles E. Moss, P.E. – Aye
Marilyn Smith – Absent

cc: Alina Hudak, Deputy Mayor
Bruce Libhaber, Assistant County Attorney