

MEMORANDUM

Agenda Item No. 8(N)(9)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

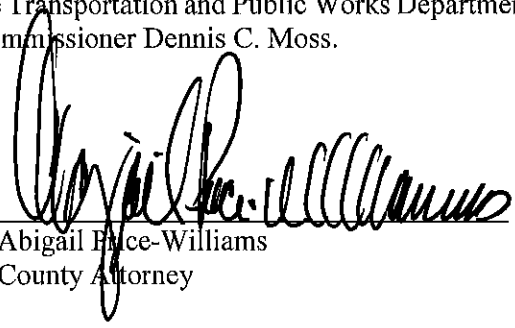
DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declaring the acquisition of the designated property known as Parcel 112 for a park and ride facility located at SW 112 Avenue/ South Allapattah Road and South Dade Transit Way, 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 in fee simple, by negotiation, donation, purchase at values established by appraisals or tax assessed values, 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 by eminent domain court proceedings as necessary; and authorizing the use of Charter County Transportation Surtax funds for such purposes

This item was amended from the original version as stated in the County Mayor's memorandum.

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



Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: November 7, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From" field.

Subject: Resolution Declaring the Acquisition of the Designated Property Known as Parcel 112 for a Park and Ride Lot Located at SW 112 Avenue/South Allapattah Road and the South Dade Transitway, to be a Public Necessity and Authorizing the Use of Charter County Transportation Surtax Funds for Such Purposes

This item was amended at the October 12, 2017 Transportation and Public Works Committee to reflect an updated appraisal which increased the total estimated project cost to \$6,316,000.00.

Recommendation

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

- Declares the acquisition of Parcel 112 required for the operation of, and improvement to, a park and ride facility located at SW 112 Avenue/South Allapattah Road along the South Dade Transitway (Transitway) to be a public necessity.
- Authorizes the Miami-Dade County (County) Mayor or the 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, purchase at values established by appraisals or tax assessed values, whichever is the higher of the two, along with reasonable attorneys' fees, business damages, 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 the County.

This item is placed for Committee review pursuant to County Code Section 29-124(f). This item may only be considered by the Board if the Citizens Independent Transportation Trust (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 scope of this item is countywide in nature; however, the parcel is located within Commission District 9, which is represented by Commissioner Dennis C. Moss.

Fiscal Impact/Funding Source

The estimated project cost of the purchase and rehabilitation of this Park and Ride facility is \$6,316,000.00. Pursuant to Resolution No. R-486-17, a joint participation agreement with The Florida Department of Transportation will provide \$2,608,000 in Park and Ride Program funding in State Fiscal Year (FY) 2017. Bond proceeds from the FY 2016-17 Adopted Capital Budget as Project No. 671610 Project included in the Charter County Transportation Sales Surtax (Surtax) will be used for the required \$3,708,000.00 local match.

The estimated future annual operating and maintenance cost resulting from the purchase of this property is \$55,000 (for landscaping, cleaning, electricity and miscellaneous maintenance), and will be funded through the Department of Transportation and Public Works' (DTPW) operating budget. In addition, this acquisition will eliminate the need for the current annual lease payment in the amount of \$65,000.

Track Record/Monitor

This item will be monitored by Froilan I. Baez, Chief of Right-of-Way, Utilities and Joint Development Division, DTPW.

Delegated Authority

In accordance with Section 2-83 of the County Code, related to identifying delegation of Board authority, there are no additional authorities beyond those specified in the Resolution.

Background

The Transitway has historically been heavily utilized, with thousands of weekly riders. In addition, parking occupancy at the southernmost Metrorail stations (Dadeland South, Dadeland North and South Miami) is currently at 100 percent capacity. Due to the increase in ridership along the Transitway, and the limited number of available parking spaces for transit patrons, DTPW evaluated the availability of properties along the Transitway suitable for Park and Ride facilities in 2008. Following this evaluation, on October 7, 2008, this Board approved Resolution No. R-1019-08, authorizing a Lease Agreement for a 6.8-acre site located at SW 112 Avenue/South Allapattah Road and the Transitway. The annual lease entered into by the County pursuant to the Resolution has current rental payments of \$65,000, including automatic renewals (the "Lease").

Pursuant to the Lease, since October 7, 2008, the subject property has been utilized as a Park and Ride facility, with a total of 462 parking spaces. The Lease is presently on a year-to-year basis, and the owner is currently marketing the property for sale. Based upon the current 70 percent daily capacity, the purchase of Parcel 112 is necessary and required to retain the Park and Ride facility. The property to be acquired by the County is legally described in Exhibit "A" and illustrated on the parcel location map as Exhibit "B" attached hereto. The property will be utilized as a Park and Ride facility, and may include other ancillary improvements, including surface parking, a "kiss and ride" drop off area, passenger waiting area, bus bays, roundabout for buses, and a rest/break facility for drivers (including restrooms). DTPW routes that will service this Park and Ride include 1, 31, 34A, 34B, 38 and 52. This Park and Ride will also assist in absorbing overflow parking, which may arise from any of the future ancillary uses.



Alina T. Hudak
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(N)(9)

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)(9)
11-7-17

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 112 FOR A PARK AND RIDE FACILITY LOCATED AT SW 112 AVENUE/SOUTH ALLAPATTAH ROAD AND SOUTH DADE TRANSIT WAY, 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 IN FEE SIMPLE, BY NEGOTIATION, DONATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR TAX ASSESSED VALUES, 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 BY EMINENT DOMAIN COURT PROCEEDINGS AS NECESSARY; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

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 112 located at SW 112 Avenue/South Allapattah and the South Dade Transitway, as legally described in "Exhibit A" and shown on parcel location map in "Exhibit B" attached hereto and made a part hereof, for the public purpose of a park and ride facility to be required and necessary to accomplish such improvements; and authorizes the use of Charter County Transportation Surtax Funds; and

WHEREAS, Miami-Dade County is authorized under Constitution and laws of Florida, including Chapters 73, 74, 125 and 127, 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 this Board:

Section 1. This Board adopts and incorporates 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" and shown on parcel map "Exhibit B", attached hereto and incorporated herein by reference, is needed for the public purpose of a park and ride facility.

Section 3. 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 parcel, as legally described in "Exhibit A" in fee simple, including any business thereon, 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, expert fees business damages, and costs pursuant to Section 73.091 and 73.092, Florida Statutes, or eminent domain court proceedings including a declaration of taking as necessary and on behalf of Miami-Dade County, and authorizes the use of Charter County Transportation System Surtax Funds.

Section 4. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or the 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 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

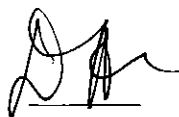
The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of November, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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

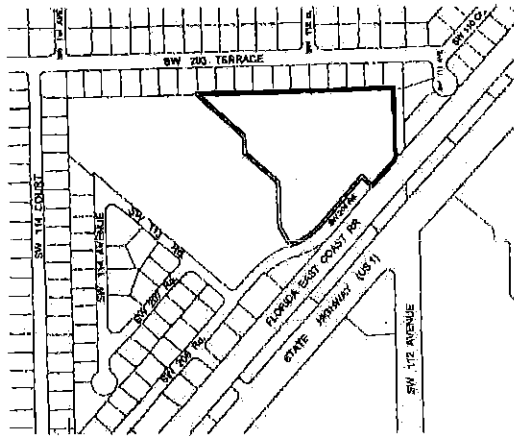
EXHIBIT "A"

Parcel 112 Legal Description:

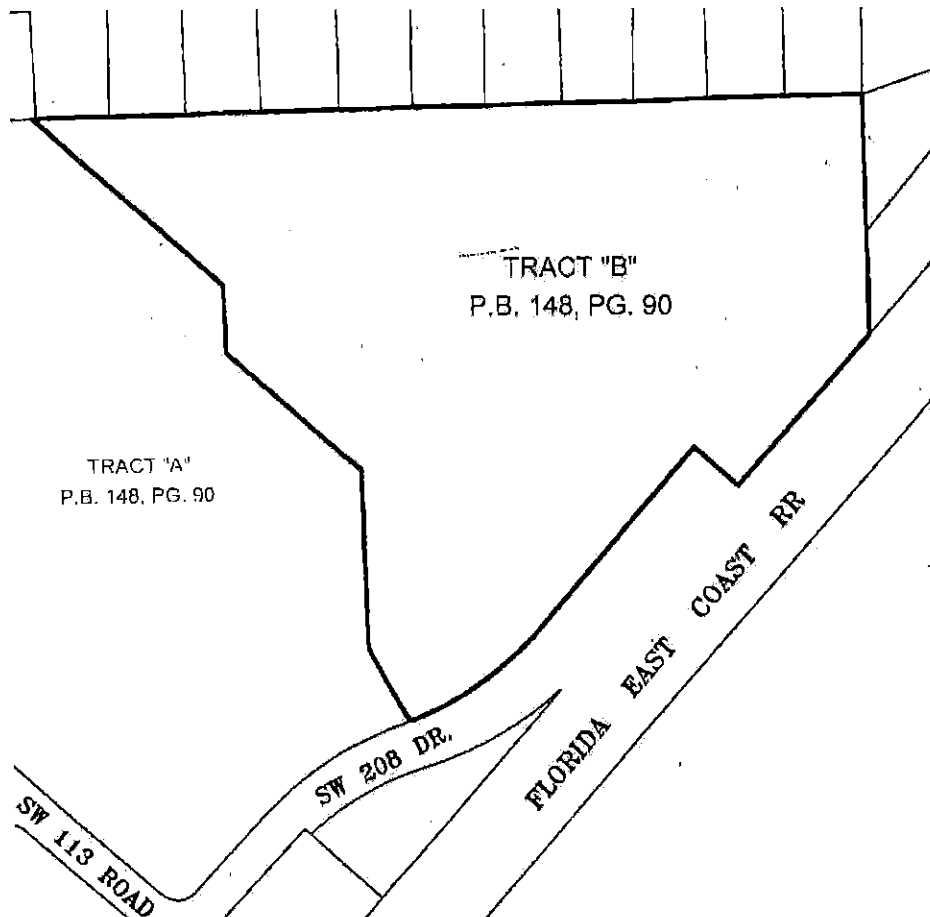
Tract B of CUTLER RIDGE CROSSINGS, according to the Plat thereof, as recorded in Plat Book 148, Page 90, of the Public Records of Miami-Dade County, Florida.

Subject to the following easements on such property: 1) the Easements set forth in Article II Easement (Sections 2.1 through 2.3) contained in the Operation and Easement Agreement dated September 26, 1995 recorded in Official Records Book 16946, Page 2463, of the Public Records of Miami-Dade County, Florida, and 2) the Easement set forth in Paragraph 6 of the First Amendment to Operation and Easement Agreement, dated January 13, 2011 recorded in Official Records Book 27615, Page 1012, of the Public Records of Miami-Dade County, Florida.

SEC 07
TWP 56 S
RGE 40 E



LOCATION MAP
NOT TO SCALE



SW 112 AVE/SOUTH ALLAPAHTAH ROAD
AND SOUTH MIAMI-DADE BUSWAY PARK AND RIDE

EXHIBIT "B"



PARCEL 112

MIAMI-DADE COUNTY DEPARTMENT
OF TRANSPORTATION AND PUBLIC WORKS
RIGHT OF WAY DIVISION
ENGINEERING SECTION



SCALE: N/A
PREPARED BY: L.E.
DATED: 07-06-17



Memorandum



To: Honorable Chairman Esteban Bovo, Jr.
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director

Date: October 12, 2017

Re: CITT AGENDA ITEM 5A:

RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) DECLARE THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 112 FOR A PARK AND RIDE FACILITY LOCATED AT SW 112 AVENUE/SOUTH ALLAPATTAH ROAD AND SOUTH DADE TRANSIT WAY, 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 IN FEE SIMPLE, BY NEGOTIATION, DONATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR TAX ASSESSED VALUES, 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 BY EMINENT DOMAIN COURT PROCEEDINGS AS NECESSARY; AND AUTHORIZE THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES (DTPW - BCC Legislative File No. 172344)

On October 12, 2017, 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. 17-052. The vote was as follows:

Hon. Anna E. Lightfoot-Ward, Ph.D., Chairperson – Aye
Glenn J. Downing, CFP®, 1st Vice Chairperson – Aye
Joseph Curbelo, 2nd Vice Chairperson – Absent

Oscar Braynon – Aye
Peter L. Forrest – Absent
Prakash Kumar – Aye
Miles E. Moss, P.E. – Absent
Marilyn Smith – Aye
Hon. Linda Zilber – Aye

Melissa Dynan – Aye
Alfred Holzman – Aye
Jonathan Martinez – Aye
Paul J. Schwiep, Esq. – Absent
L. Elijah Stiers, Esq. – Absent

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