

# MEMORANDUM

Agenda Item No. 14(A)(7)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

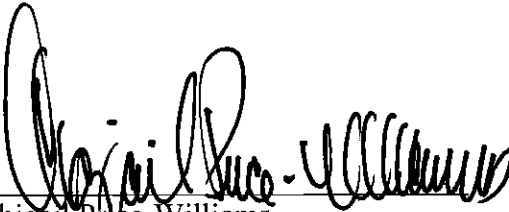
**DATE:** December 17, 2019

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution directing the County Mayor to exercise termination provision of amended Interlocal Agreement between the Miami-Dade Expressway Authority, the City of Hialeah, the City of Hialeah Gardens, and the County for the construction of a roadway improvement along NW 107 Avenue subject to certain conditions, and directing that upon termination the County Mayor issue a similar solicitation for such roadway improvements

**This item was amended at the 12-10-19 Infrastructure and Capital Improvements Committee to reflect the fact that the requested solicitation has already been issued by the County subject to Board approval of this item.**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

  
Abigail Price-Williams  
County Attorney

APW/uw



**MEMORANDUM**  
(Revised)

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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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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. 14(A)(7)  
12-17-19

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE TERMINATION PROVISION OF AMENDED INTERLOCAL AGREEMENT BETWEEN THE MIAMI-DADE EXPRESSWAY AUTHORITY, THE CITY OF HIALEAH, THE CITY OF HIALEAH GARDENS, AND THE COUNTY FOR THE CONSTRUCTION OF A ROADWAY IMPROVEMENT ALONG NW 107 AVENUE SUBJECT TO CERTAIN CONDITIONS, AND DIRECTING THAT UPON TERMINATION THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE ISSUE A SIMILAR SOLICITATION FOR SUCH ROADWAY IMPROVEMENTS

**WHEREAS**, pursuant to Resolution No. R-1246-16, approved by this Board on December 20, 2016, the County, Miami-Dade Expressway Authority (MDX), the City of Hialeah (Hialeah), and the City of Hialeah Gardens (Hialeah Gardens) entered into an Interlocal Agreement to facilitate the design and construction of a roadway improvement project along NW 107 Avenue from NW 138 Street to NW 170 Street (Project); and

**WHEREAS**, pursuant to the Interlocal Agreement, the City of Hialeah and the City of Hialeah Gardens would be obtaining donations of portions of property from the property owners abutting NW 107<sup>th</sup> Avenue in order for the roadway to be expanded; and

**WHEREAS**, pursuant to Resolution No. R-1311-18, the Interlocal Agreement was amended by this Board to expedite the Project by restructuring the payments to MDX, and eliminating the City of Hialeah Gardens' obligations to obtain donations of right-of-way for the Project (the "Amended Interlocal Agreement"); and

**WHEREAS**, under the Amended Interlocal Agreement, the County would: (i) utilize the resources of MDX to design, contract, and construct the Project on a reimbursable basis so that the project may proceed along with MDX's programmed improvements to SR 924 (MDX 92404); and (ii) attempt to acquire the remaining Hialeah Garden properties by donation; and

**WHEREAS**, the City of Hialeah has been successful in obtaining the donations of the Hialeah properties, save and except for folio number 04-2020-001-0073 (the "Unacquired Property"); and

**WHEREAS**, the Department of Transportation and Public Works can design the Project around the Unacquired Property, in order to allow the Project to proceed; and

**WHEREAS**, the Department of Transportation and Public Works has been successful in acquiring the majority of the properties, and anticipates that the remaining City of Hialeah Gardens property donations will be completed within the next few weeks (the "Remaining City of Hialeah Gardens donations"); and

**WHEREAS**, due to pending litigation regarding recent legislative changes to State legislation, MDX was unable to issue the solicitation as anticipated in October to select the contractor for the design/build project (the "Solicitation"); and

**WHEREAS**, the length of the pending MDX litigation is uncertain, and therefore, it is unknown how much further delay may arise preventing the commencement of this much needed roadway improvement project along NW 107 Avenue; and

**WHEREAS**, the Amended Interlocal Agreement may be terminated by the County upon thirty days' written notice to MDX, the City of Hialeah and the City of Hialeah Gardens; and

**WHEREAS**, this Board desires that the County Mayor or County Mayor's designee take all appropriate actions to expedite this Project>>>; and

WHEREAS, the County administration has already issued a solicitation for this Project contingent upon this Board's termination of the Amended Interlocal Agreement<<<sup>1</sup>,

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

**Section 1.** This Board incorporates the foregoing recitals as though fully set forth herein.

**Section 2.** Within the earlier of (i) ten days of the effective date of this Resolution, or (ii) the date that the Remaining City of Hialeah Gardens properties have been acquired, and provided that MDX has not issued the Solicitation, this Board directs the County Mayor or County Mayor's designee to issue a termination notice as set forth in Section 9 of the Amended Interlocal Agreement. Such termination notice shall further provide that the termination notice is contingent upon MDX's failure to issue the Solicitation within 30 days of such notice, and will be withdrawn if the Solicitation is issued prior to such date. In the event that the Amended Interlocal Agreement is terminated, this Board further directs the County Mayor or County Mayor's designee to expeditiously ~~[[issue]]~~ >>proceed with<< a solicitation for the design build project at the County's expense.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. It 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:

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<sup>1</sup> Committee amendments are indicated as follows: Words stricken through and/or ~~[[double bracketed]]~~ are deleted, words underscored and/or >>double arrowed<< are added.

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 17<sup>th</sup> day of December, 2019. 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.



Oren Rosenthal  
Debra Herman