

# MEMORANDUM

Agenda Item No. 8(N)(5)

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

**DATE:** February 4, 2020

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

**SUBJECT:** Resolution declaring the acquisition of the designated property known as Parcel 4 for improvements to SW 328 Street, from Redland Road/SW 187 Avenue to US1/SR5, to be a public necessity; and 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 negotiation, donation, right-of-way designation, purchase at values established by appraisals or tax assessed values whichever is the higher of the two, including payment of business damages, if any, together with reasonable attorney 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 County Mayor to make an additional incentive offer to purchase Parcel 4 in a total amount not to exceed 15 percent over the appraised value

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



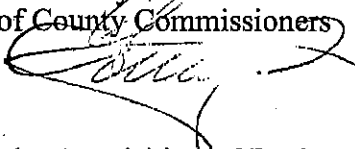
APW/uw

# Memorandum



**Date:** February 4, 2020

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

**From:** Carlos A. Gimenez   
Mayor

**Subject:** Resolution Declaring the Acquisition of Designated Property Known as Parcel 4 for Right-of-Way Needed for Project Entitled Improvements to SW 328 Street, from Redland Road/SW 187 Avenue to US1/SR5 to be a Public Necessity and Authorizing the Use of Road Impact Fee Funds from District 6

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## Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution declaring the acquisition of Parcel 4 for right-of-way improvements along SW 328 Street from SW 187 Avenue to US-1 (Project) to be a public necessity. The resolution authorizes the County Mayor or the County Mayor's Designee and the County Attorney to employ appraisers, expert witnesses, obtain environmental audits, and to take appropriate action to acquire the subject parcel in fee simple either by negotiation, donation, right-of-way designation or purchase at values established by appraisals or tax assessed values, whichever is higher of the two, together with business damages and reasonable attorney fees and costs or eminent domain court proceedings (pursuant to Florida Statutes Sections 73.091 and 73.092), including a declaration of taking as necessary for and on behalf of Miami-Dade County and authorizing an incentive offer in an amount not to exceed fifteen percent above the appraised value.

## Scope

The impact of this project is Countywide; however, it is located within Commission District 9, represented by Commissioner Dennis C. Moss, and within the municipalities of Homestead and Florida City.

## Fiscal Impact/ Funding Source

Funding for the construction and right-of-way acquisition of all parcels is estimated at \$9,746,000.00 and is funded by Road Impact Fees programmed within the FY 2019-20 Adopted Budget and Multi-Year Capital Plan. Once the project is completed, annual maintenance and operational cost of approximately \$7,693.21 and \$16,214.93, respectively, is anticipated.

## Track Record/Monitor

The Department of Transportation and Public Works (DTPW) is the entity overseeing this item. The employee responsible for overseeing this project is Francisco Fernandez, Chief Real Estate Officer, DTPW, Roadway Engineering and Right-of-Way Division.

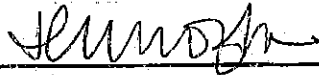
## Delegated Authority

In accordance with Section 2-8.3 of the Code of Miami-Dade County related to identifying delegation of Board authority, there are no authorities beyond those specified in this resolution.

**Background**

DTPW has programmed improvements along SW 328 Street from SW 187 Avenue to US-1. This project consists of the reconstruction of the existing two (2) lane road with curb and gutter, dedicated left turn lanes, landscaped raised medians, sidewalks, a continuous storm drainage system, signalization, pavement markings and signage, decorative street lighting and bicycle facilities. The area to be acquired by DTPW for the street improvements is legally described in Exhibit "A" and illustrated in the parcel location map, attached as Exhibit "B". These improvements constitute the third and final phase of the project. The first phase spanned from SW 162 Avenue to SW 152 Avenue and the second phase spanned from US1 to SW 162 Avenue. The roadway improvements are anticipated to alleviate congestion, greatly improve traffic flow and enhance roadway drainage.

It is recommended that in order to reduce time and costs, and to avoid the expense of litigation, administration be granted authorization to issue an incentive offer added to the initial offer to purchase Parcel 4. The total amount of the incentive and initial offers shall not exceed 15 percent over the appraised value of Parcel 4.



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Jennifer Moon  
Deputy Mayor



**MEMORANDUM**  
(Revised)

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

**DATE:** February 4, 2020

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

**SUBJECT:** Agenda Item No. 8(N)(5)

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. 8(N)(5)  
2-4-20

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

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 4 FOR IMPROVEMENTS TO SW 328 STREET, FROM REDLAND ROAD/SW 187 AVENUE TO US1/SR5, 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, INCLUDING PAYMENT OF BUSINESS DAMAGES, IF ANY, TOGETHER WITH REASONABLE ATTORNEY 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 COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MAKE AN ADDITIONAL INCENTIVE OFFER TO PURCHASE PARCEL 4 IN A TOTAL AMOUNT NOT TO EXCEED 15 PERCENT OVER THE APPRAISED VALUE

**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 designated property known as Parcel 4, 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 improvements to SW 328 Street, from Redland Road/SW 187 Avenue to US1/SR5 to be required and necessary to accomplish such improvements; 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 1.01 (A) (1), (2) and (21), of the Home Rule Charter of Miami-Dade County, to acquire said properties 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 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 328 Street, from Redland Road/SW 187 Avenue to US1/SR5.

**Section 3.** This Board authorizes and directs the County Mayor or County Mayor's designee and County Attorney to employ appraisers, expert witnesses, obtain environmental audits, and to take any and all appropriate actions to acquire the subject parcel, as legally described in Exhibit "A" in fee simple, including any businesses thereon, either by negotiations, 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 attorney fees, expert fees and cost 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. In order to potentially reduce project time and to avoid the expense of litigation, the County Mayor or the County Mayor's designee is further authorized to issue an incentive offer to purchase Parcel 4, in a total amount not to exceed fifteen percent over the appraised value of Parcel 4.

**Section 4.** Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or the County Mayor's designee to record the instruments of conveyances accepted herein in the Public Records of Miami-Dade County, Florida; and (a) provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and (b) direct the Clerk of the Board to attach and permanently store a recorded copy of said instruments 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:

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 4<sup>th</sup> day of February, 2020. 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)

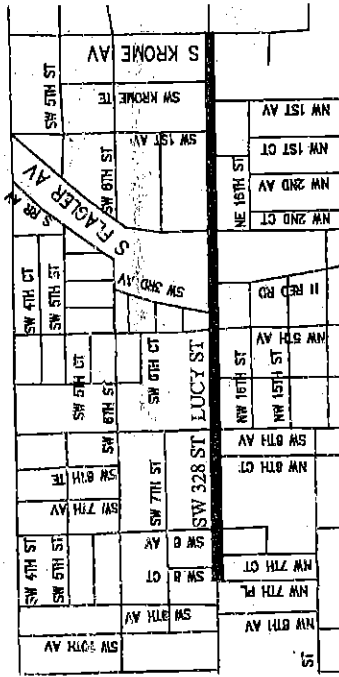
That portion of the NW 1/4 of the NE 1/4 of the NW 1/4 lying in Section 24, Township 57 South, Range 38 East, Miami-Dade County, Florida; said portion of land being more particularly described as follows:

**Commence** at NE corner of the NW 1/4 of the NE 1/4 of the NW 1/4 of said Section 24; thence run S 89°27'45" W along the North line of the NW 1/4 of the NE 1/4 of the NW 1/4 of said Section 24 for a distance of 98.75 feet; thence run S 0°23'34" E for a distance of 25.00 feet to South line of the North 25.00 feet of the E 1/2 of the NW 1/4 of the NE 1/4 of the NW 1/4 of said Section 24 as shown on Deed Book 3229 Page 166 of the Public Records of Miami-Dade County, Florida; said point being the **Point of Beginning** of the parcel of land to be described; thence continue S 0°23'34" E for a distance of 10.00 feet; thence S 89°27'45" W along a line parallel to and 35.00 feet South of the North line of the NW 1/4 of the NE 1/4 of the NW 1/4 of said Section 24 for a distance of 29.95 feet; thence run N 0°23'34" W for a distance of 10.00 feet to the South line of the North 25.00 feet of the E 1/2 of the NW 1/4 of the NE 1/4 of the NW 1/4 of said Section 24 as shown on Deed Book 3229 Page 166 of the Public Records of Miami-Dade County, Florida; thence run N 89°27'45" E along said South line of the North 25.00 feet for 29.95 feet to the **Point of Beginning**.

**EXHIBIT "A"**

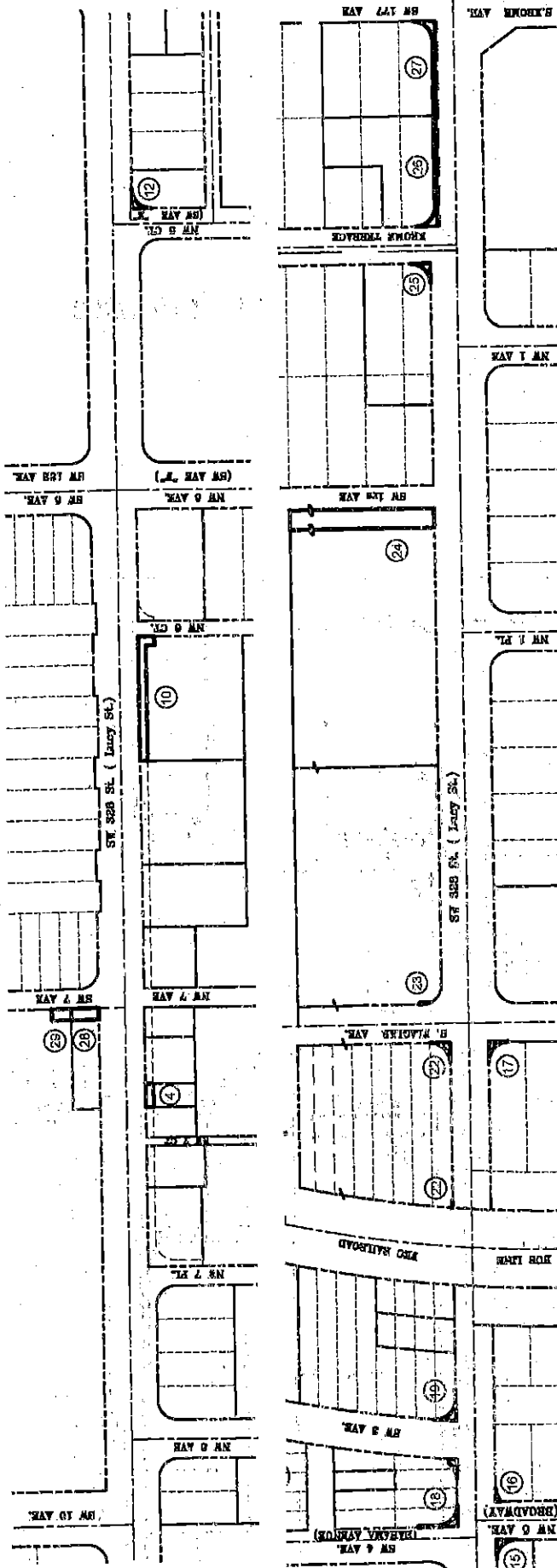
PARCEL 4  
Project No. 20100505  
1 of 1

SEC 24  
 TWP 57 S  
 RGE 38 E



LOCATION MAP

NOT TO SCALE



R/W TO BE ACQUIRED BY THE COUNTY

SW 328 Street

EXHIBIT "B"

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



SCALE 1" = 200'  
 PROJECT: 20100505  
 PREPARED BY: L.E.  
 DATED: 08-22-19