

MEMORANDUM

Agenda Item No. 8(N)(12)


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 22 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 22 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 

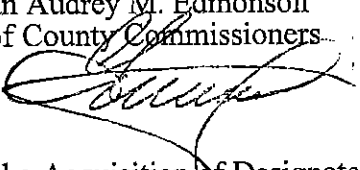
APW/uw

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 22 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

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution declaring the acquisition of Parcel 22 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 FY19-20 Adopted Budget and Multi-Year Capital Plan. Once the project is built out, 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, and the person responsible is Francisco Fernandez, Chief Real Estate Officer, DTPW, Roadway Engineering and Right-of-Way Division.

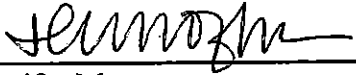
Delegated Authority

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no authorities beyond that 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 22. The total amount of the incentive and initial offers shall not exceed 15 percent over the appraised value of Parcel 22.



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)(12)

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)(12)
2-4-20

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 22 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 22 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 22, 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/SR 5.

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 22, in a total amount not to exceed fifteen percent over the appraised value of Parcel 22.

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 the resolution duly passed and adopted this 4th 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 Lots 23 and 24 in Block 6 of Amended Plat of Tatum's Colored Town Addition to Homestead, Florida, according to the Plat thereof, as recorded in Plat Book 9 at Page 62 of the Public Records of Miami-Dade County, Florida; said portion of land being more particularly described as follows:

Beginning at the SW corner of said Lot 24; said point being the Point of Intersection with a circular curve concave to the Southeast at which point the radial line bears N 85°53'10" W from center of said curve, thence run Northeasterly 1.42 feet along the West line of said Lot 24, being also the Easterly line of 100 foot Florida East Coast Railway Right of Way as shown on said Plat Book 9 at Page 62 and the arc of a curve to the right, said curve having a radius of 1580.37 feet and a central angle of 00°03'06" to the intersection with circular curve concave to the Northeast at which point the radial line bears S 18°52'09" W from center of said curve; thence run Southeasterly 8.46 feet along the arc of a curve to the left, said curve having a radius of 25.00 feet and a central angle of 19°24'00" to the intersection with the South line of said Lot 24 said point being a Point of Tangency; thence run S 89°28'09" W along said South line of Lot 24 for 8.42 feet to the **Point of Beginning**.

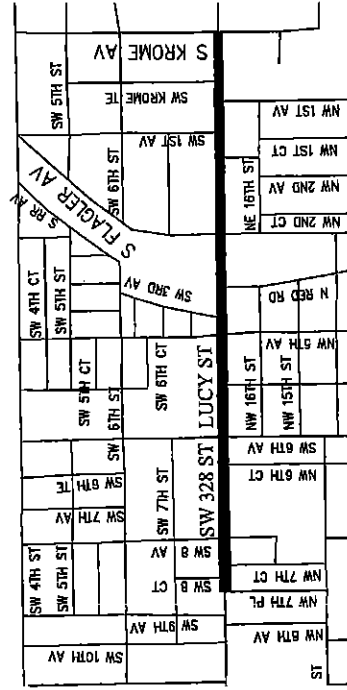
And

All that part of said Lots 23 and 24 which lies within the external area formed by a 25 foot radius arc concave to the Northwest tangent to the South line of of said Lot 24 and tangent to the East line of said Lots 23 and 24.

EXHIBIT "A"

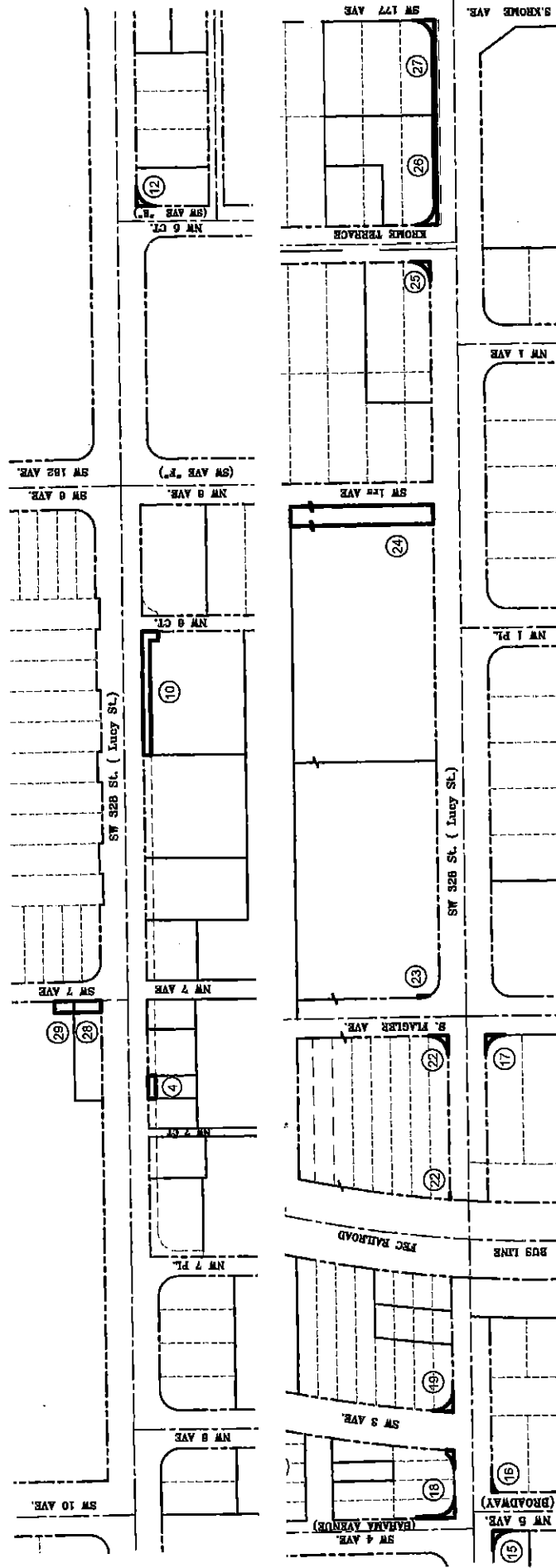
PARCEL 22
Project No. 20100505
1 of 1

SEC 24
TWP 57 S
RGE 38 E



LOCATION MAP

NOT TO SCALE



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

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