

MEMORANDUM

Agenda Item No. 8(N)(1)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 17, 2021

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution declaring the acquisition of the designated property known as Parcel 1 for improvements to NW 170 Street, from NW 97 Avenue to theoretical W 34 Lane, 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 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's 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 1 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 Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
Successor County Attorney

GBK/smm

Memorandum



Date: February 17, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Resolution Declaring the Acquisition of the Designated Property Known as Parcel 1 to be a Public Necessity Needed for the Project Entitled Improvements to NW 170 Street from NW 97 Avenue to Theoretical W 34 Lane

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution declaring the acquisition of Parcel 1 to be a public necessity for the road widening, beautification, and right-of-way improvements to NW 170 Street from NW 97 Avenue to theoretical W 34 Lane. 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 any and all appropriate actions to acquire the subject parcel in fee simple, either by negotiation, donation, right-of-way designation, purchase at values established by appraisals, or tax assessed values, whichever is higher of the two, or by eminent domain court proceedings, including a declaration of taking as necessary for and on behalf of Miami Dade County. The resolution also authorizes the administration to make an additional incentive offer for a total amount not to exceed fifteen percent over the appraised value, together with reasonable attorney fees and costs, pursuant to Sections 73.091 and 73.092 Florida Statutes.

SCOPE

This project is located within District 12 represented by Commissioner Jose "Pepe" Diaz; however, the impact is Countywide.

FISCAL IMPACT/FUNDING SOURCE

Funding for the construction and right-of-way acquisition of all parcels is estimated at \$1,719,318.42 and is funded by Road Impact Fees (RIF) programmed within the FY 2021-2022 Proposed Budget and Multi-year Capital Plan. Once the project is built out, annual maintenance and operational cost of approximately \$5,698.48 are anticipated and will be funded through the General Fund.

TRACK RECORD/MONITOR

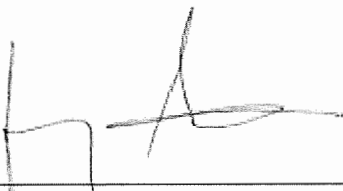
The Department of Transportation and Public Works (DTPW) is the entity overseeing this item and the person responsible is Mr. Alejandro Barrios, Manager, Stormwater Engineering and Right-of-Way Division.

BACKGROUND

The proposed project consists of constructing a new two (2) lane road with additional turn lanes at the intersection of NW 97 Avenue and NW 170 Street. The improvements include, but are not limited to, sidewalks, medians, guardrails, curb and gutter, continuous drainage system, pavement markings and signage, and bicycle facilities along NW 170 Street starting NW 97 Avenue and continuing to the east for approximately 1,200 feet to theoretical W 34 Lane. The total length of this project is approximately 0.22 miles.

The area to be acquired by DTPW for the street improvements is legally described in Exhibit "A" and illustrated in the parcel location map set forth in Exhibit "B", both of which are attached to the resolution. This project will improve traffic mobility and drainage along NW 170 Street starting from NW 97 Avenue and continuing to the east for approximately 1,200 feet to theoretical W 34 Lane.

In order to reduce project time and cost, and to avoid the expense of litigation, it is recommended that the administration be granted authorization to issue an incentive offer added to the initial offer to purchase Parcel 1. The total amount of the initial offer plus the incentive offer shall be no more than fifteen percent over the appraised value of Parcel 1.



Jimmy Morales
Chief Operations Officer




MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 17, 2021

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 8(N)(1)

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)(1)
2-17-21

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 1 FOR IMPROVEMENTS TO NW 170 STREET, FROM NW 97 AVENUE TO THEORETICAL W 34 LANE, 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 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'S 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 THE COUNTY MAYOR'S DESIGNEE TO MAKE AN ADDITIONAL INCENTIVE OFFER TO PURCHASE PARCEL 1 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 property known as Parcel 1 as legally 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 constructing improvements to NW 170 Street starting from NW 97 Avenue and continuing to the east for approximately 1,200 feet to theoretical W 34 Lane, 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 property 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 recital.

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 constructing improvements to NW 170 Street starting from NW 97 Avenue and continuing to the east for approximately 1,200 feet to theoretical W 34 Lane.

Section 3. This Board authorizes and directs the County Mayor or County Mayor’s designee and County Attorney to employ appraisers and 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 negotiation, donation, right-of-way designation, purchase at value 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 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 County Mayor’s designee is further authorized to issue an incentive offer to purchase Parcel 1 in a total amount not to exceed 15 percent over the appraised value of Parcel 1.

Section 4. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or County Mayor's designee to record the instruments of conveyances accepted herein in the Public Records of Miami-Dade County, Florida; and provide a recorded copy of the instrument to the Clerk of the Board within 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:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 17th day of February, 2021. 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.



Lauren E. Morse

LEGAL DESCRIPTION
(FEE SIMPLE)

That portion of the East 1/2 of Tract 41 in Section 9, Township 52 South, Range 40 East, Miami-Dade County, Florida; according to the Plat of Florida Fruit Lands Company Subdivision No. 1, as recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida; which lies within the South 80.00 feet of said Section 9.

LESS

A portion of the East 4/5 of the 1/2 of Tract 41 in Section 9, Township 52 South, Range 40 East, according to the Plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1 as recorded in Plat Book 2, at Page 17, of the Public Records of Dade County, Florida, being a more particular description of that identical tract first described as Parcel 122 in Official Record Book 10271 at Page 1751 as follows:

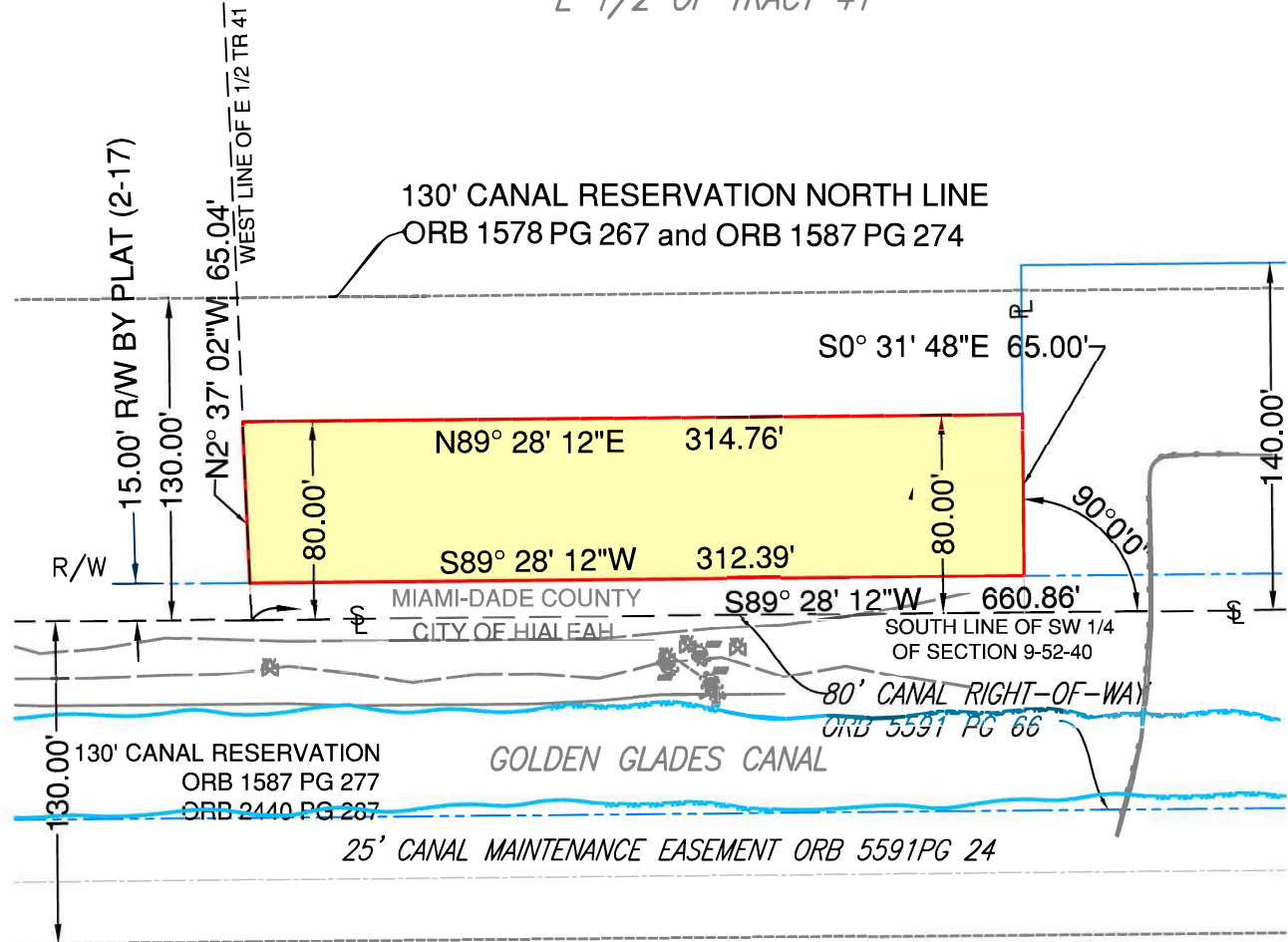
COMMENCE at the Southwest corner of said Section 9, Township 52 South, Range 40 East; thence run N89°28'12"E, along the South line of the Southwest 1/4 of said Section 9 for 971.94 feet to the **POINT OF BEGINNING** of the herein described parcel of land; thence continue N89°28'12"E, along the South line of the Southwest 1/4, for 348.47 feet to an intersection with the East line of said Tract 41; thence run N2°37'07"W, along the East line of said Tract 41 for 140.09 feet to an intersection with a line which is 140.00 feet Northerly of and parallel to the South line of the Southwest 1/4 of said Section 9; thence run S89°28'12"W, along the last described parallel line for 343.36 feet; thence run S0°31'48"E, for a distance of 140.00 feet to the **POINT OF BEGINNING**. Containing 1.112 Acres, more or less.

EXHIBIT "A"

PARCEL 1
Project No. 20200259
1 of 1

E 1/2 OF TRACT 42

E 1/2 OF TRACT 41



LEGEND

	R/W EXISTING		EASEMENT LINE		PARCEL AREA	(POB)	POINT OF BEGINNING
	PROPERTY LINE		WOOD FENCE LINE	(R)	RADIUS	PVMT	PAVEMENT
	SECTION LINE		BARB WIRE FENCE	(PI)	POINT OF INTERSECTION	SEC.	SECTION
	QUARTER SECTION LINE		CENTER LINE	(PC)	POINT OF CURVATURE	(PI)	POINT OF INTERSECTION
	CENTER LINE		PROPERTY LINE	(POC)	POINT OF COMMENCEMENT	M	MONUMENT LINE
	CHAIN LINK FENCE		RIGHT OF WAY	ASPH.	ASPHALT	(R)	RADIUS
	EDGE OF THE PAVEMENT		POINT OF TANGENCY			(L)	LENGTH
	PROPOSED R/W LINE		EDGE OF WATER			(CA)	CENTRAL ANGLE OF THE CURVE
						(PC)	POINT OF CUSP

Folio No: 30-2009-001-0412

Section: 9-52-40

THIS IS NOT A SURVEY

Area of Parent Tract = 382,225 square-feet = 8.775 acres
 Area of Parcel = 15,665 square-feet = 0.360 acres



MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
 RIGHT OF WAY DIVISION
 ENGINEERING SECTION

PARCEL SKETCH

NW 170 ST between NW 97 AVE and I-75

PARCEL NO. 1

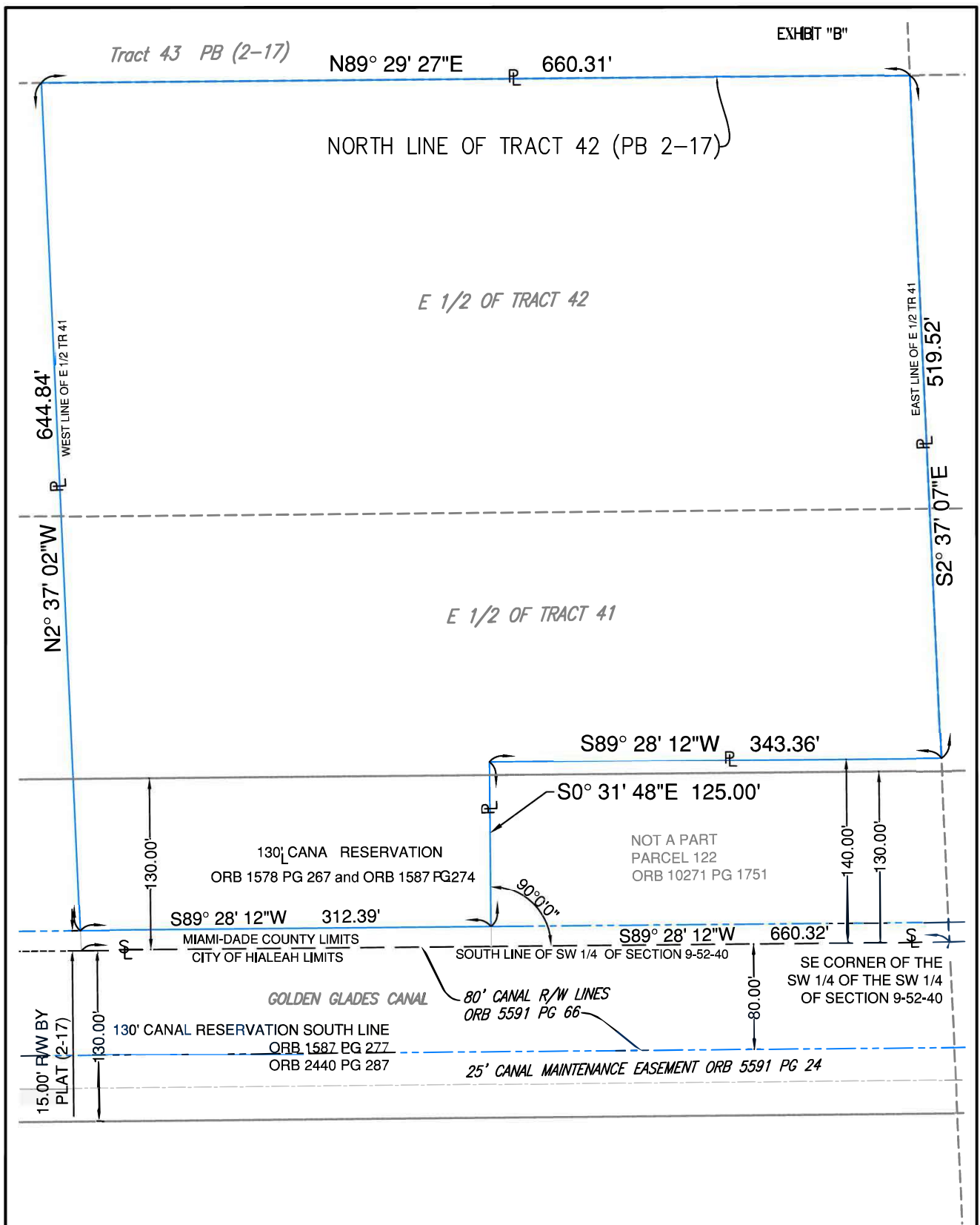
SCALE: 1" = 50' DATE: 10-6-20

CHECKED BY: C. SOCARRAS

DRAWN BY: A. FRAGA

PROJECT: 20200259

SHEET: 1 OF 2



LEGEND

R/W EXISTING	EASEMENT LINE	PARCEL AREA	(POB) POINT OF BEGINNING
PROPERTY LINE	WOOD FENCE LINE	(R) RADIUS	PVMT PAVEMENT
SECTION LINE	BARB WIRE FENCE	(PI) POINT OF INTERSECTION	SEC. SECTION
QUARTER SECTION LINE	CENTER LINE	(PC) POINT OF CURVATURE	(PI) POINT OF INTERSECTION
CENTER LINE	PROPERTY LINE	(POC) POINT OF COMMENCEMENT	(M) MONUMENT LINE
CHAIN LINK FENCE	R/W RIGHT OF WAY	(R) RADIUS	(L) LENGTH
EDGE OF THE PAVEMENT	(PT) POINT OF TANGENCY	ASPH. ASPHALT	(CA) CENTRAL ANGLE OF THE CURVE
PROPOSED R/W LINE			(PC) POINT OF CUSP

Folio No: 30-2009-001-0412

Section: 9-52-40

THIS IS NOT A SURVEY

Area of Parent Tract = 20,383 sq-feet = 0.468 acres
Area of Parcel = 382,225 sq-feet = 8.775 acres



MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT OF WAY DIVISION
ENGINEERING SECTION

PARCEL SKETCH

NW 170 ST between NW 97 AVE and I-75

PARCEL NO. 1

SCALE: 1" = 70' DATE: 10-28-20

CHECKED BY: C. SOCARRAS

DRAWN BY: A. FRAGA / H. SANCHEZ

PROJECT: 20200259

SHEET: 2 OF 2