Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(P)(1)(G)
03-06-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-247-07

RESOLUTION DECLARING THE ACQUISITION OF LAND FOR RIGHT OF WAY NEEDED FOR IMPROVEMENTS ALONG SOUTHWEST 97TH AVENUE (FRANJO ROAD) TO BE A PUBLIC NECESSITY AND AUTHORIZING THE COUNTY MANAGER AND THE COUNTY ATTORNEY TO EMPLOY APPRAISERS AND EXPERT WITNESSES, OBTAIN REQUIRED ENVIRONMENTAL AUDITS AND TO TAKE ANY AND ALL APPROPRIATE ACTION TO ACQUIRE THE SUBJECT PROPERTY IN FEE SIMPLE, BY DONATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS, OR BY EMINENT DOMAIN PROCEEDINGS, INCLUDING A DECLARATION OF TAKING AS NECESSARY, FOR AND ON BEHALF OF MIAMI-DADE COUNTY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA: that this Board hereby declares the acquisition of land for right-of-way needed for improvements along SW 97 Avenue (Franjo Road) to be a public necessity, and authorizing the County Manager and the County Attorney to employ appraisers and expert witnesses, obtain required environmental audits and to take any and all appropriate action to acquire the subject property in fee simple, by donation, purchase at values established by appraisals, or by eminent domain proceedings, including a declaration of taking as necessary, for and on behalf of Miami-Dade County.

The foregoing resolution was offered by Commissioner Rebeca Sosa, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of March, 2007. This resolution shall become effective as follows: (1) ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.
Tom Goldstein

By: KAY SULLIVAN
Deputy Clerk

Memorandum

MIAMI-DADE COUNTY

Date: March 6, 2007

Agenda Item No. 8(P)(1)(G)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Declaring the Acquisition of Land for Right-of-Way Needed for Improvements at the Intersection of SW 97 Avenue (Franjo Road) and US 1 to be a Public Necessity and Authorizing the County Manager and the County Attorney to Employ Appraisers and Expert Witnesses, Obtain Required Environmental Audits and to Take Any and All Appropriate Action to Acquire the Subject Property in Fee Simple, by Donation, Purchase at Values Established by Appraisals, or by Eminent Domain Proceedings, Including a Declaration of Taking as Necessary, for and on Behalf of Miami-Dade County

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RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution declaring the acquisition of land for right-of-way needed for improvements along SW 97 Avenue (Franjo Road) to be a public necessity, and authorizing the County Manager and the County Attorney to employ appraisers and expert witnesses, obtain required environmental audits and to take any and all appropriate action to acquire the subject property in fee simple, by donation, purchase at values established by appraisals, or by eminent domain proceedings, including a declaration of taking as necessary, for and on behalf of Miami-Dade County.

BACKGROUND

The Public Works Department (PWD) has programmed the construction of a right turn lane on northbound Franjo Road at the intersection of northbound US-1. The proposed improvements to this intersection qualify as allowable work categories included in the People's Transportation Plan Neighborhood Improvements Section. Adding the right turn lane will greatly improve the efficiency of the intersection by separating the vehicles turning right from vehicles continuing through (crossing US 1) the intersection. This is expected to reduce the "vehicle queue" or "vehicle stacking length" at this leg of the intersection and keep the entrance to Miami Children's Hospital South Dade Center clear of traffic. The right-of-way identified for acquisition is needed in order to construct said right turn lane.

The parcel to be acquired is legally described in Exhibit "A" and illustrated on the parcel location map in Exhibit "B".

FISCAL IMPACT

The right-of-way acquisition and construction of this project will be funded from the Surtax. The proposed improvements qualify under the allowable work categories included in the People's Transportation Plan Neighborhood Improvements Section. Specific funding for this project is being allocated from Commission District's 8 yearly allocation.

Assistant County Manager

2/6/07
Date

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: March 6, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Agenda Item No. 8(P)(1)(G)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

LEGAL DESCRIPTION

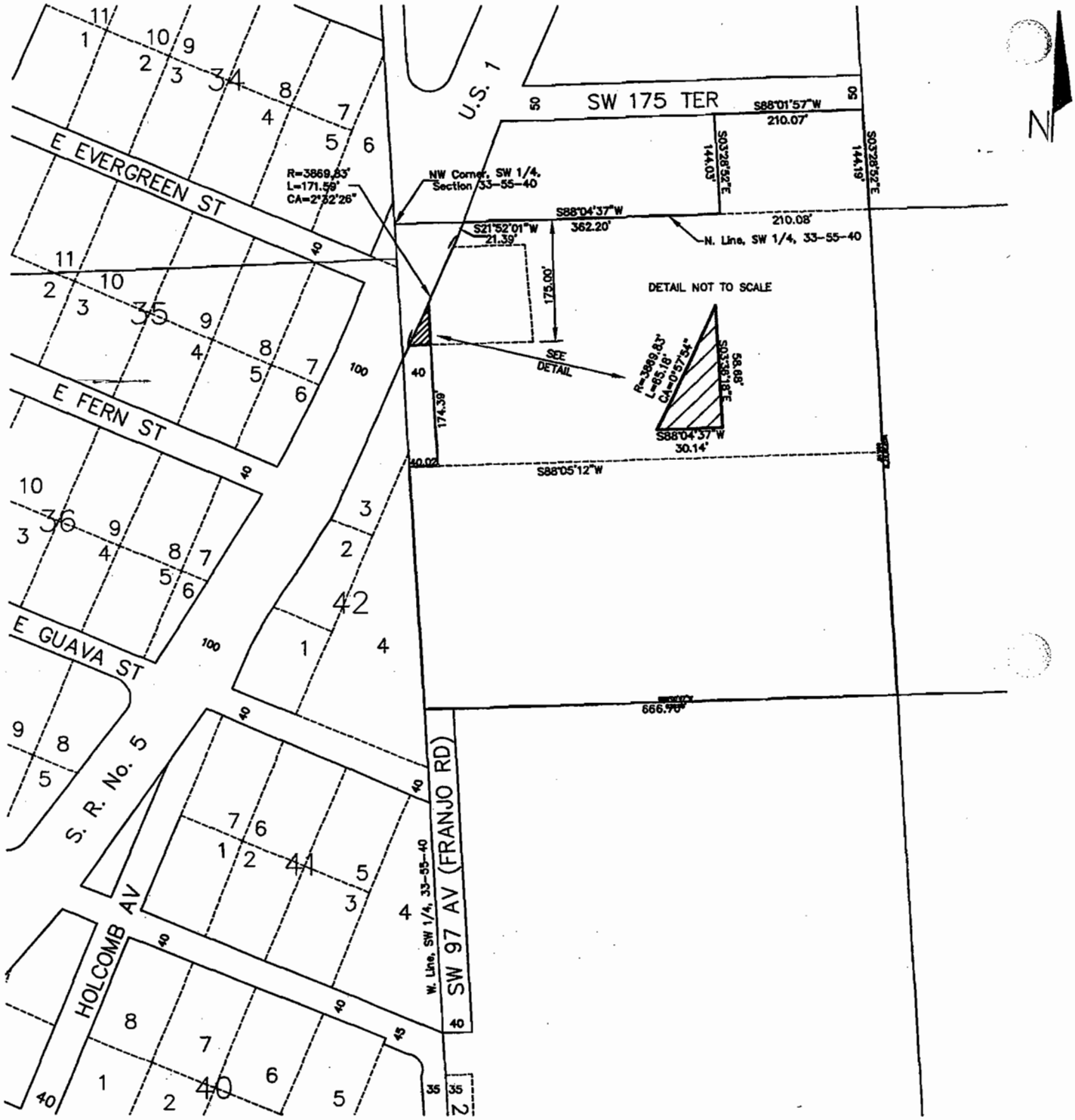
The West 40.00 feet of the North 175.00 feet of the Southwest quarter of Section 33, Township 55 South, Range 40 East, Miami-Dade County Florida, lying Southeasterly of the Southeasterly right-of-way line of State Road 5 (US-1) as shown on the Florida Department of Transportation Right-of-Way Map, Section 8702-108 as recorded in Plat Book 50, Page 89 of the Public Records of Miami-Dade County, Florida.

EXHIBIT "A"

Project No. 20040145
Parcel 1

5

EXHIBIT B



To be Acquired for R/W

NOTE:
Bearings and aliquot parts of sections are based upon December 1977, Map of TOWNSHIP 55 S RANGE 40 E prep by: METROPOLITAN DADE COUNTY PUBLIC WORKS DEPARTMENT

6

THIS IS NOT A SURVEY

200 100 0 SCALE: 1'=200'	S.W. 97th Avenue (FRANJO ROAD) AT S.R. 5 (US-1)	BY / DATE PRELIM RB 2/27/06 FINAL CHECKED	PARCEL No. 1 PROJECT NO. 20040145	