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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: January 10, 2008

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

R-38-08

Subject: Resolution Declaring the Acquisition of Land Needed, Including a Temporary Construction Easement for the University Metrorail Station Pedestrian/Bicycle Overpass Located at the Northwest Corner of the Intersection of US-1 (South Dixie Highway-SR 5) and Mariposa Court to be a Public Necessity; Authorizing the Mayor and County Attorney to take all Appropriate Action to Acquire the Subject Property.

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached Resolution declaring the acquisition of land for the University Metrorail Station Pedestrian/Bicycle Overpass located at the northwest corner of the intersection of US-1 (South Dixie Highway-SR 5) and Mariposa Court to be a public necessity, and authorizing the Mayor and the County Attorney to employ appraisers and expert witnesses, obtain required environmental audits, temporary construction easements and any and all appropriate action to acquire the subject property in fee simple, by donation, dedication, 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.

Scope

While this pedestrian overpass is physically located within Commission District 7, the impact of the project benefits the riding public and is, therefore, countywide.

Fiscal Impact/Funding Source

A Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) to provide State funds in the amount of $2,045,000 for the University of Miami Metrorail Station Pedestrian Overpass was adopted by the BCC on November 6, 2007. Local funding for this project will be provided by the Charter County Transit System Surtax (People's Transportation Plan).The proposed overpass is among the approved Miami Dade Transit Capital Improvement Projects approved to be funded under the PTP.

Track Record/Monitor

Not Applicable.

Background

The pedestrian overpass at the University Metrorail Station is expected to improve the use of Metrorail facilities while increasing pedestrian safety and commercial activity in the area. It will facilitate accessibility to the University of Miami's campus (west of US 1) and commercial district. The pedestrian overpass is expected to unite pedestrians currently straddling the east and west boundaries of US 1 by providing safe and convenient access to services and facilities on either side of this busy highway. The traffic fatality of a University of Miami student on April 12, 2005 has increased safety concerns at the existing pedestrian crossing. As a remedy, the university and public officials have stressed their desire to accelerate the placement of the pedestrian overpass as promised in the PTP. The area to be acquired by Miami-Dade County as part of the proposed improvements is legally described in Exhibit "A" and depicted on the parcel location map in Exhibit "B".

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: January 10, 2008

FROM: R. A. Cuevas, Jr. 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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(P)(1)(G)
01-10-08

RESOLUTION NO. **R-38-08**

RESOLUTION DECLARING THE ACQUISITION OF LAND NEEDED FOR CONSTRUCTION OF THE UNIVERSITY METRORAIL STATION PEDESTRIAN/BICYCLE OVERPASS, INCLUDING A TEMPORARY CONSTRUCTION EASEMENT LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF US-1 (SOUTH DIXIE HIGHWAY-SR 5) AND MARIPOSA COURT, TO BE A PUBLIC NECESSITY

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 needed for the University Metrorail Station Pedestrian/Bicycle Overpass including a temporary construction easement located at the northwest corner on the intersection of US-1 (South Dixie Highway-SR 5) and Mariposa Court to be a public necessity, and authorizing the Mayor and the County Attorney to employ appraisers and expert witnesses, obtain required environmental audits and take any and all appropriate action to acquire the subject property in fee simple, and temporary construction easement as required for the project by donation, dedication, 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 property being acquired is more specifically described in Exhibit "A" and depicted on the Parcel Location Map in Exhibit "B" attached hereto and made a part hereof.

The foregoing resolution was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of January, 2008. 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

By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

EXHIBIT "A"

PARCEL 100 Fee Simple

LEGAL DESCRIPTION:

SEC 30
TWP 54 S
RGE 41 E

That portion of Lots 29, 30, and 31, Block 156 of CORAL GABLES RIVIERA SECTION PART 8, according to the plat thereof, as recorded in Plat Book 25 at Page 55 of the Public Records of Miami-Dade County, Florida; together with that portion of the North 1/2 of the North 1/2 of the Southwest 1/4, of the Northeast 1/4, in Section 30, Township 54 South, Range 41 East, Miami-Dade County, Florida, being more particularly described as follows:

Begin at the point of intersection of the Southeasterly Right of Way line of the Miami Homestead Highway (also known as State Road 5- U.S. Hwy. # 1 and South Dixie Hwy.) as the same is shown on the Plat of CORAL GABLES RIVIERA SECTION PART 8, Plat Book 25 at Page 55 of the Public Records of Miami-Dade County, Florida, and the Southwesterly Right of Way line of Mariposa Court as the same as shown of the Florida Department of Transportation Right of Way Corridor Map, Section 87030, Sheet 9 of 13, thence run South 47°48'21" West along said Southeasterly Right of Way line of the Miami Homestead Highway (also known as State Road 5-U.S. Hwy. # 1 and South Dixie Hwy.), for a distance of 59.34 feet; thence run South 72°30'07" East, for a distance of 22.95 feet; thence run North 69°20'37" East, for a distance of 21.97 feet, thence run North 47°48'21" East, for a distance of 27.32 feet; thence run North 42°11'39" West, along the aforementioned Southwesterly Right of Way line of Mariposa Court, for a distance of 27.88 feet to the **POINT OF BEGINNING.**

Miami-Dade County Transit Department
Right of Way & Utilities Division. Engineering Section
701 NW 1 Court, 15Th Floor
Miami, Florida 33136

By:_____
Carol A. Wilson, PLS
Professional Land Surveyor No. 5340
State of Florida

NOTICE: Unless it bears the signature and the original raised seal of a Florida licensed Surveyor and Mapper, this sketch is for informational purposes only and is not valid.

THIS LEGAL DESCRIPTION IS ILLUSTRATED IN A "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" ON A SEPARATE ATTACHED SHEET. THE ATTACHED SKETCH IS SUBORDINATED TO THIS LEGAL DESCRIPTION AND IS PROVIDED SOLELY AS AN AID TO VISUALIZING THE PROPERTY DESCRIBED HEREIN.

THIS IS NOT A SURVEY

MIAMI-DADE

MIAMI-DADE TRANSIT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY TRANSIT DEPT. RIGHT OF WAY & UTILITIES DIVISION ENGINEERING SECTION	UNIVERSITY STATION PEDESTRIAN OVERPASS PARCEL NO. 100	SCALE: 1" = 30' DATE:11-29-07 PREPARED BY: C. Wilson CHECKED BY: PROJECT SHEET 1 OF 3

EXHIBIT "A"

PARCEL 100-TCE Temporary Construction Easement

LEGAL DESCRIPTION:

SEC 30
TWP 54 S
RGE 41 E

That portion of Lots 29, 30, and 31, Block 156 of CORAL GABLES RIVIERA SECTION PART 8, according to the plat thereof, as recorded in Plat Book 25 at Page 55 of the Public Records of Miami-Dade County, Florida; together with that portion of the North ½ of the North ½ of the Southwest ¼, of the Northeast ¼, in Section 30, Township 54 South, Range 41 East, Miami-Dade County, Florida, being more particularly described as follows:

Begin at a point South 47°48'21" West for a distance 59.34 feet along the Southeasterly Right of Way line of the Miami Homestead Highway (also known as State Road 5 –U.S. Hwy #1 and South Dixie Hwy.) from the Point of Beginning (POB) as established in Fee Parcel 100; thence run South 72°30'07" East, for a distance of 22.95 feet; thence run North 69°20'37" East, for a distance of 21.97 feet, thence run North 47°48'21' East, for a distance of 27.32 feet; thence run South 42°11'39" East, along Southwesterly Right of Way line of Mariposa Court, for a distance of 24.54 feet; thence run South 47°56'11" West, for a distance of 65.16 feet; thence run North 42° 22'26" West, for a distance of 52.27 feet; thence run North 47°48'21" East along said Southeasterly Right of Way of Miami Homestead Highway (also known as State Road 5 –U.S. Hwy #1 and South Dixie Hwy.), for a distance of 5.99 feet to the **POINT OF BEGINNING for referenced TCE.**

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MIAMI-DADE

MIAMI-DADE TRANSIT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY TRANSIT DEPT. RIGHT OF WAY & UTILITIES DIVISION ENGINEERING SECTION	UNIVERSITY STATION PEDESTRIAN OVERPASS PARCEL NO. 100 TCE	SCALE: 1" = 30' DATE:11-29-07 PREPARED BY: C. Wilson CHECKED BY: PROJECT	SHEET 2 OF 3

PARCEL 100

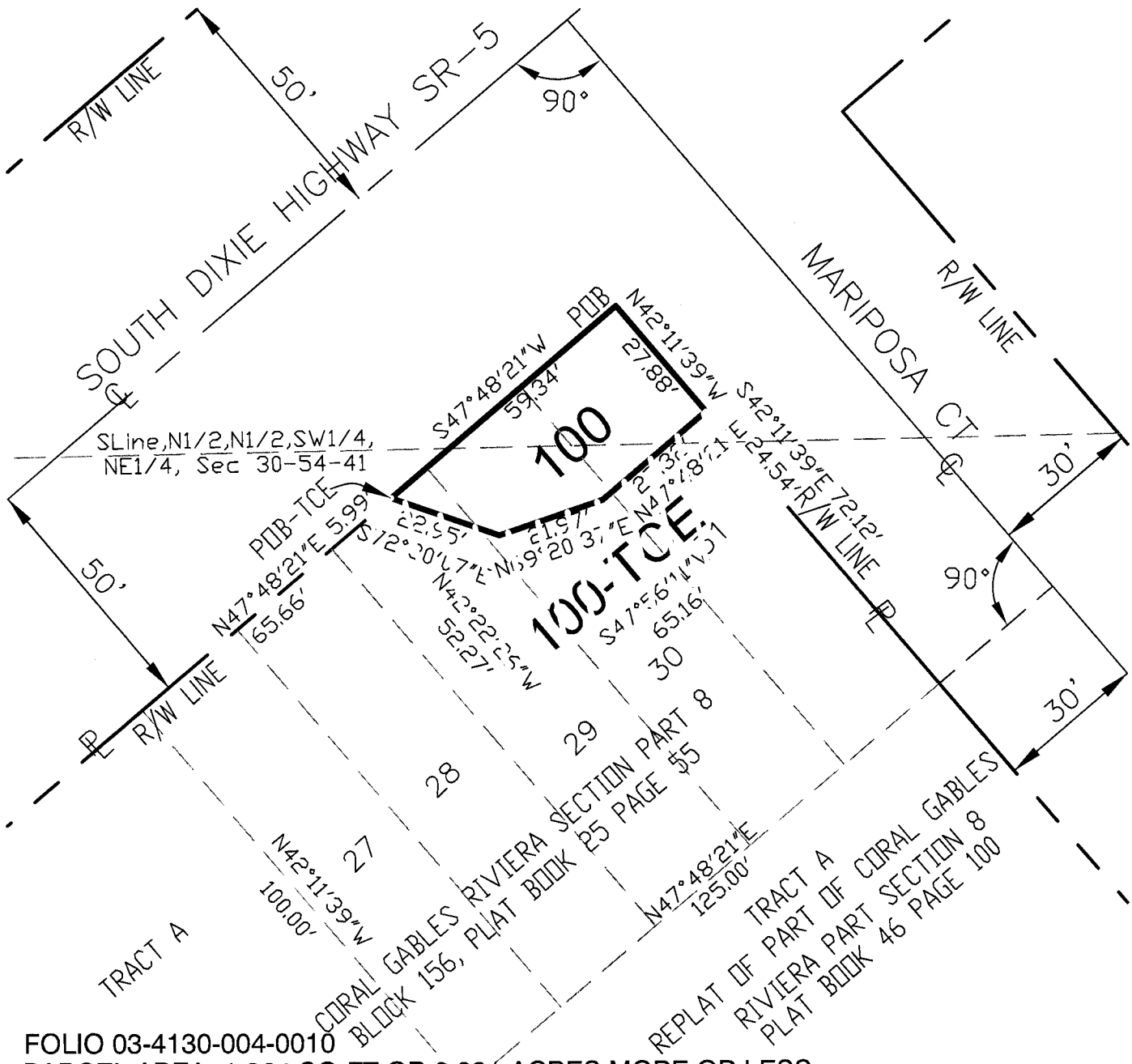
EXHIBIT "B"

LEGEND

- BOUNDARY LINE
- CENTER LINE
- RIGHT-OF-WAY (R\W)
- FRACTIONAL LINE
- PROPERTY LINE

RGE RANGE
PARCEL AREA
POB POINT OF BEGINNING
Sec Section
TCE Temporary Construction Easement
TWP TOWNSHIP

SEC 30
TWP 54 S
RGE 41 E



FOLIO 03-4130-004-0010
PARCEL AREA: 1,364 SQ-FT OR 0.031 ACRES MORE OR LESS
TCE AREA: 2,052 SQ-FT OR 0.047 ACRES MORE OR LESS

THIS IS NOT A SURVEY

THIS SKETCH IS A GRAPHIC REPRESENTATION OF THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED AND WITHOUT WHICH THIS SKETCH IS TO BE CONSIDERED VOID AND INCOMPLETE.

MIAMI-DADE

MIAMI-DADE TRANSIT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION MIAMI-DADE COUNTY TRANSIT DEPT. RIGHT OF WAY & UTILITIES DIVISION ENGINEERING SECTION	UNIVERSITY STATION PEDESTRIAN OVERPASS	SCALE: 1" = 30'	DATE:11-29-07
		PREPARED BY: C. Wilson	
		CHECKED BY:	
	PARCEL NO. 100	PROJECT 2004-0676	SHEET 3 OF 3