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

Memorandum

MIAMI-DADE COUNTY

Date: April 8, 2008

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

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

From: George M. Burgess
County Manager

Resolution No: R-347-08

Subject: Resolution Designating a Portion of Miami-Dade County Owned Property as Road Right-of-Way for SW 124 Street in Section 14-55-39 and Authorizing the Execution of an Agreement Pursuant to Said Designation

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Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution designating a portion of Miami-Dade County owned property as road right-of-way for SW 124 Street in Section 14, Township 55 South, Range 39 East, Miami-Dade County, Florida and authorizing the Mayor or his designee to execute an agreement between Woolbright Development Inc., and the County pursuant to said right-of-way designation.

Scope

The subject property is located along SW 124 Street, between SW 127 Avenue and theoretical SW 134 Avenue, within County Commission District 9.

Fiscal Impact/Funding Source

Approval of this recommendation will not result in any outlay of funds by Miami-Dade County.

Track Record/Monitor

Not applicable.

Background

The 120-acre County-owned property known as Nixon Smiley Pineland Preserve is designated in its entirety as an Environmentally Endangered Lands Program (EEL) site. Its northern boundary runs approximately 3,900 feet along the south side of SW 124 Street, from SW 127 Avenue to theoretical SW 134 Avenue. The western half of the Preserve was acquired by the Park & Recreation Department in 1978 and the western 1,950 feet of right–of-way for SW 124 Street was dedicated at that time. The eastern half, from SW 127 Avenue to theoretical SW 130 Avenue, was acquired by EEL in 1993, but at the time of acquisition no roadway dedication was needed.

On June 1, 2006, Community Zoning Appeals Board 11 adopted Resolution No. CZAB11-25-06 pertaining to a proposed retail development, "London Square," to be located at SW 120 Street and SW 137 Avenue. As a condition of the application, the developer agreed to undertake certain off-site roadway improvements including the addition of two (2) travel lanes and a center turn lane along SW 124 Street, from SW 127 Avenue to SW 137 Avenue. The subject dedication is necessary to complete this improvement. The eastern 1,950 feet of the SW 124 Street right-of-way along the Preserve's north side from SW 127 Avenue to theoretical SW 130 Avenue, as legally described in Exhibit "A" and illustrated in the parcel location map in Exhibit "B," attached, will be dedicated by this resolution.

At the request of the Public Works Department and after careful consideration, EEL has agreed to release the subject right-of-way due to the following reasons. The construction will have minimal impact on the pineland vegetation. The road plan includes a sidewalk that will provide pedestrian access to the north side of the Preserve. Illegal dumping has been an ongoing and costly problem for EEL along the Preserve's north boundary, and the road improvements are expected to reduce dumping. Of the 1.6 acres in the subject right-of-way, 1.28 acres are disturbed and contain no native habitat.

In addition, to assure that the EEL Program realizes substantial benefits from the project, the County has set forth certain requirements, including land clearing and fencing on the EEL site, to be carried out by the developer. These conditions, as specified in Exhibit "C," will ensure the continued protection of the EEL parcel and include:

1. Clear disturbed area. An area in the northeast corner of the Preserve is disturbed land which contains debris and harbors noxious exotic plants. The developer will clear up to seven (7) acres of vegetation and debris within the Preserve. This work has an estimated value of $82,000.

2. Install water & sewer stub-outs. The disturbed area that the developer clears will be appropriate for the future development of visitor facilities at the Preserve. The water & sewer connections will be installed at the EEL property line for future use. This work has an estimated value of $40,000.

3. Install fencing and gates. The developer will install new 6-foot vinyl-coated chain-link fence along the entire 3,900 foot northern boundary of the Preserve, and install six (6) 10-foot gates and six (6) curb cuts. This work has an estimated value of $91,000.

4. Install two (2) curb cuts on the south side of the Preserve. SW 128 St was curbed without providing curb cuts for vehicles to enter the Preserve. This work has an estimated value of $2,000.

5. Mitigation Funds. Mitigation fees which are due as the result of the construction will be designated for use in the restoration of the Preserve.

The estimated total value of the work listed above is $215,000 and is in lieu of direct reimbursement to the EEL Program for the right-of-way. The release of the subject right-of-way with these conditions and benefits is reasonably consistent with the purposes of the EEL Program as defined in Chapter 24-50.4.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: April 8, 2008

FROM: R. A. Cuevas, Jr. County Attorney

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

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)(E)
4-8-08

RESOLUTION NO. R-347-08

RESOLUTION DESIGNATING A PORTION OF MIAMI-DADE COUNTY OWNED PROPERTY AS ROAD RIGHT-OF-WAY FOR SW 124 STREET, BETWEEN SW 127 AVENUE AND THEORETICAL SW 130 AVENUE AND AUTHORIZING MAYOR OR HIS DESIGNEE TO EXECUTE AGREEMENT BETWEEN WOOLBRIGHT DEVELOPMENT INC. AND COUNTY PURSUANT TO SAID RIGHT-OF-WAY DESIGNATION

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

WHEREAS, the purpose of the Environmentally Endangered Lands Program, is to protect and manage endangered native habitats as are found on the Nixon Smiley Pineland Preserve; and

WHEREAS, the improvement of SW 124 Street will result in minimal negative impacts to the native plant communities on the Preserve; and

WHEREAS, the conditions of the release of the right-of-way include improvements which will assist EEL in restoring a portion of the Preserve and in accommodating the public for educational and interpretive visits and thereby provide substantial benefit to the Nixon Smiley Preserve and the EEL Program,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby declares the land legally described in Exhibit "A" and illustrated in Exhibit "B," attached hereto and incorporated herein by reference, as right-of-way for SW 124 Street, between SW 127 Avenue and theoretical SW 130 Avenue and authorizes the Mayor or his designee to execute an

Agreement for Improvements along SW 124 Street with Woolbright Development Inc., pursuant to and as a result of said right-of-way designation, for and on behalf of Miami-Dade County, in substantially the form attached hereto as Exhibit "C."

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** 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	**absent**
Dorrin D. Rolle	**aye**	Natacha Seijas	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of April, 2008. This resolution shall become effective 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.

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"

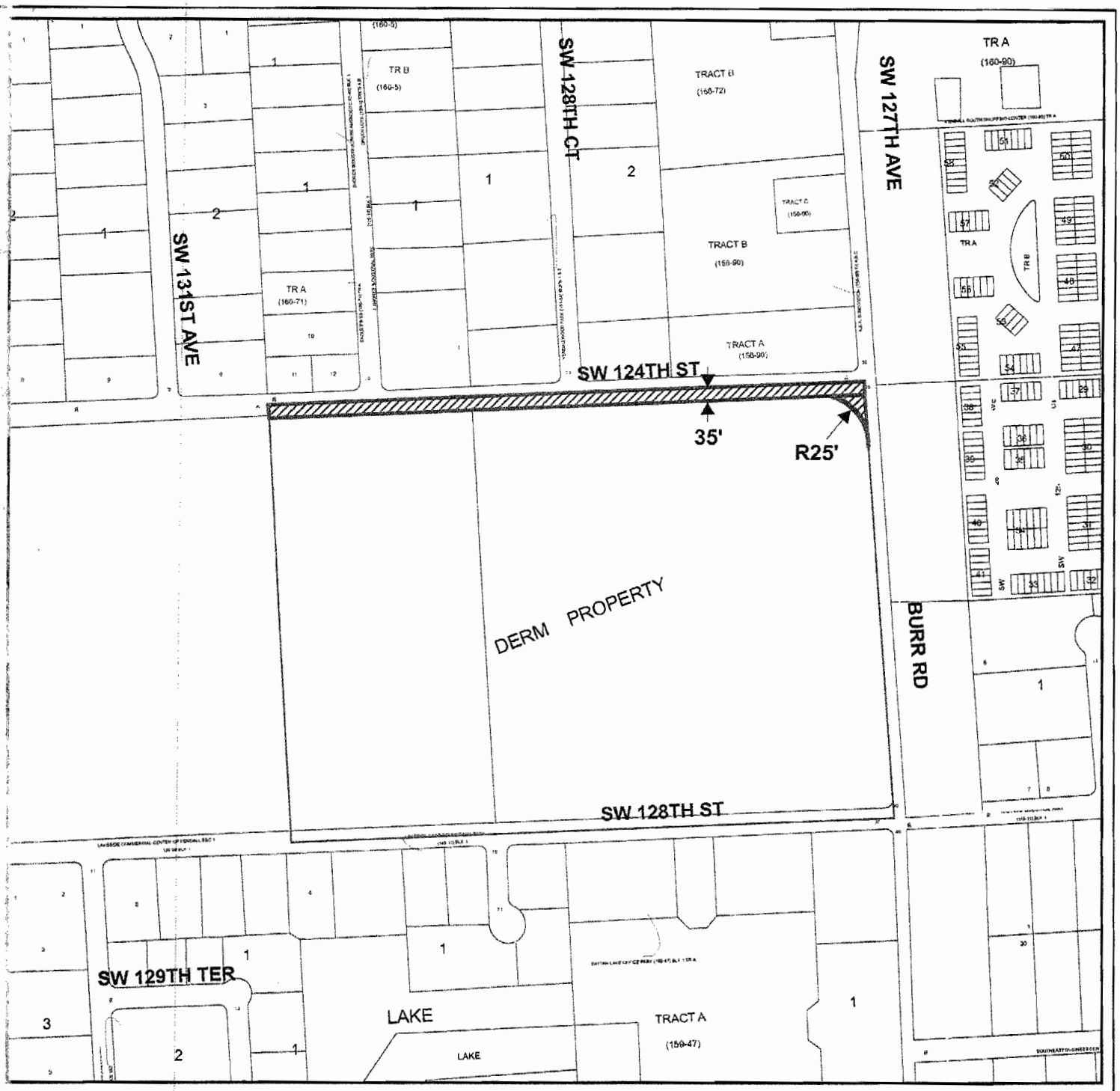
Legal Description

The North 35.00 feet of the East 3/4 of the South 1/2 of the Northeast 1/4 of Section 14, Township 55 South, Rage 39 East, Miami-Dade County, Florida, less the East 40 feet there of.

TOGETHER WITH:

The external area formed by a 25.00 feet radius arc, concave to the Southwest, tangent to the South line of the North 35.00 feet of the South 1/2 of the NE 1/4 and tangent to the West line of the East 40.00 feet of the Northeast 1/4 of said Section 14.

Containing 68,838.12 square feet or 1.58 Acres more or less.



THIS IS NOT A SURVEY

Commission District: Dennis C. Moss

Municipality: UNINCORPORATED MIAMI-DADE

SEC. 14-55-39

EXHIBIT " B "

SW 127th AVENUE & SW 124 ST

TO BE DESIGNATED FOR ROAD RIGHT -OF-WAY

N

NTS

MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT
RIGHT-OF-WAY DIVISION
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825

7

Prepared by: Yazmin Moreno
August 30, 2007

EXHIBIT "C"

AGREEMENT FOR IMPROVEMENTS ALONG SW 124 STREET

This Agreement is made and entered on this day of , 2008 by and between WOOLBRIGHT DEVELOPMENT INC., a Florida Corporation ("Developer") and MIAMI-DADE COUNTY, a political subdivision of the State of Florida ("County").

RECITALS

WHEREAS, COUNTY, through its Environmentally Endangered Lands Program (EEL), owns a parcel of land located on the south side of SW 124 Street between SW 127 Avenue and theoretical SW 134 Avenue; and

WHEREAS, DEVELOPER, as a condition of zoning application for its development "London Square" has agreed to undertake roadway improvements along SW 124 Street per Zoning Resolution No. CZAB11-25-06; and

WHEREAS, EEL has agreed to dedicate a portion of its land for aforementioned road right of way, subject to DEVELOPER performing certain beneficial improvements to the EEL site; and

WHEREAS, EEL has determined that the release of the subject right of way conditioned on providing of such improvements will result in substantial benefits to the subject EEL parcel, and is reasonably consistent with the purposes of the EEL Program.

WITNESSETH

NOW, THEREFORE, for and in consideration of the mutual promises and obligations herein, the parties agree as follows:

1. Fence & Gates. DEVELOPER shall install a new vinyl-coated chain link fence and six gates with six curb cuts on the north side of the property ("Preserve"), as shown on Exhibit A, attached hereto and incorporated herein by reference. Due to safety concerns, the gates will be set back from the roadway to provide safe ingress and egress. This configuration will result in the impact to 688 square feet (.015 acres) of pine rockland habitat. The safe sight distance triangle at the intersection of S.W. 124 Street and S.W. 127 Avenue will remain free of obstructions as required by County Code.

2. Improvements on S.W. 128 Street. Subject to all regulatory approvals, DEVELOPER shall install two curb cuts on the south side of the Preserve, as shown on Exhibit A.

3. Clearing Disturbed Area. DEVELOPER shall remove all vegetation and non-hazardous solid waste from approximately 7.0 acres in the northwest corner of the

pineland preserve, as shown on Exhibit B, attached hereto and incorporated herein by reference. Department of Environmental Resources Management (DERM) staff will mark the boundaries of the Disturbed Area within the Preserve prior to the beginning of any work. The purpose is to clear this area to natural grade: no excavation below grade is authorized.

All vegetative debris and solid waste not suitable for use as clean fill as defined in Chapter 24 of the Miami-Dade County Code shall be disposed of by DEVELOPER at an approved solid waste disposal facility. Any material not acceptable for disposal at an approved solid waste disposal facility may be stockpiled on site. DEVELOPER'S obligation to remove the material will be limited in scope to the cost that would be incurred for standard disposal of vegetation and non-hazardous solid waste removed from the 7.0 acre Disturbed Area. Proof of appropriate disposal will be provided to the EEL program on request.

4. Water & Sewer Stub-outs. DEVELOPER shall install water and sewer stub-outs to the EEL property east of SW 128 Court and will construct said stub-out facilities in accordance with approved plans and specifications, and under inspection by Miami-Dade Water and Sewer Department's (WASD) Field Operations Section. DEVELOPER shall submit full as-builts subject to WASD approval. DEVELOPER shall transfer said stub-out facilities to WASD by proper instruments as required by WASD'S New Business Section following Final Inspection approval of the facilities by WASD.

5. Protection of Preserve during Construction. All construction and paving equipment, materials, and debris will be kept outside the Preserve, except as necessary for clearing the designated Disturbed Area as described above. Temporary construction fencing should be installed to demarcate the boundaries of the road work and protect the pineland vegetation. DEVELOPER shall notify County staff at least twenty-four (24) hours in advance of the commencement of any work that will potentially impact the Preserve, so that appropriate County staff can be on site. The key contacts to coordinate construction activities referenced herein are as follows:

Rainer Schael, RS Environmental Consulting, Inc.

For Miami-Dade County: Cynthia Guerra, DERM, EEL Program

6. Mitigation fees. The widening of SW 128 Street will result in the removal of 0.57 acres of Natural Forest Community. No other impacts to the preserve are authorized by this agreement. Mitigation fees which are due as the result of the construction will be designated for use in the restoration of the Preserve.

7. Entire agreement. This Agreement, together with the documents and exhibits referenced herein, constitute the entire agreement and understanding among the parties with respect to the subject matter hereof, and there are no other agreements, representation or warranties other than as set forth herein.

Signed, sealed and delivered in the presence of:

Witness:_____
Print Name:_____

WOOLBRIGHT DEVELOPMENT, INC.
A Florida Corporation

Witness:_____
Print Name:_____

By:_____
Name:
Title:

STATE OF
COUNTY OF

I HEREBY CERTIFY, that on this _____ day of _____, 2008, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____, personally known to me, or proven by producing the following identification: _____,to be _____(title) of Woolbright Development Inc., a Florida Corporation, and whose name the foregoing instrument is executed and that said officer severally acknowledged before me that he has executed said instrument acting under the authority duly vested by said corporation and its Corporate Seal is affixed thereto

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

NOTARY SEAL/STAMP

_____
Notary Signature
Print Name:
Notary Public, State of
My commission expires:
Commission/Serial No.

The foregoing was accepted and approved on the day of , 2008 by Resolution No. of the Board of County Commissioners of Miami-Dade County, Florida.

ATTEST: HARVEY RUBIN
Clerk of the Board

MIAMI-DADE COUNTY, FLORIDA

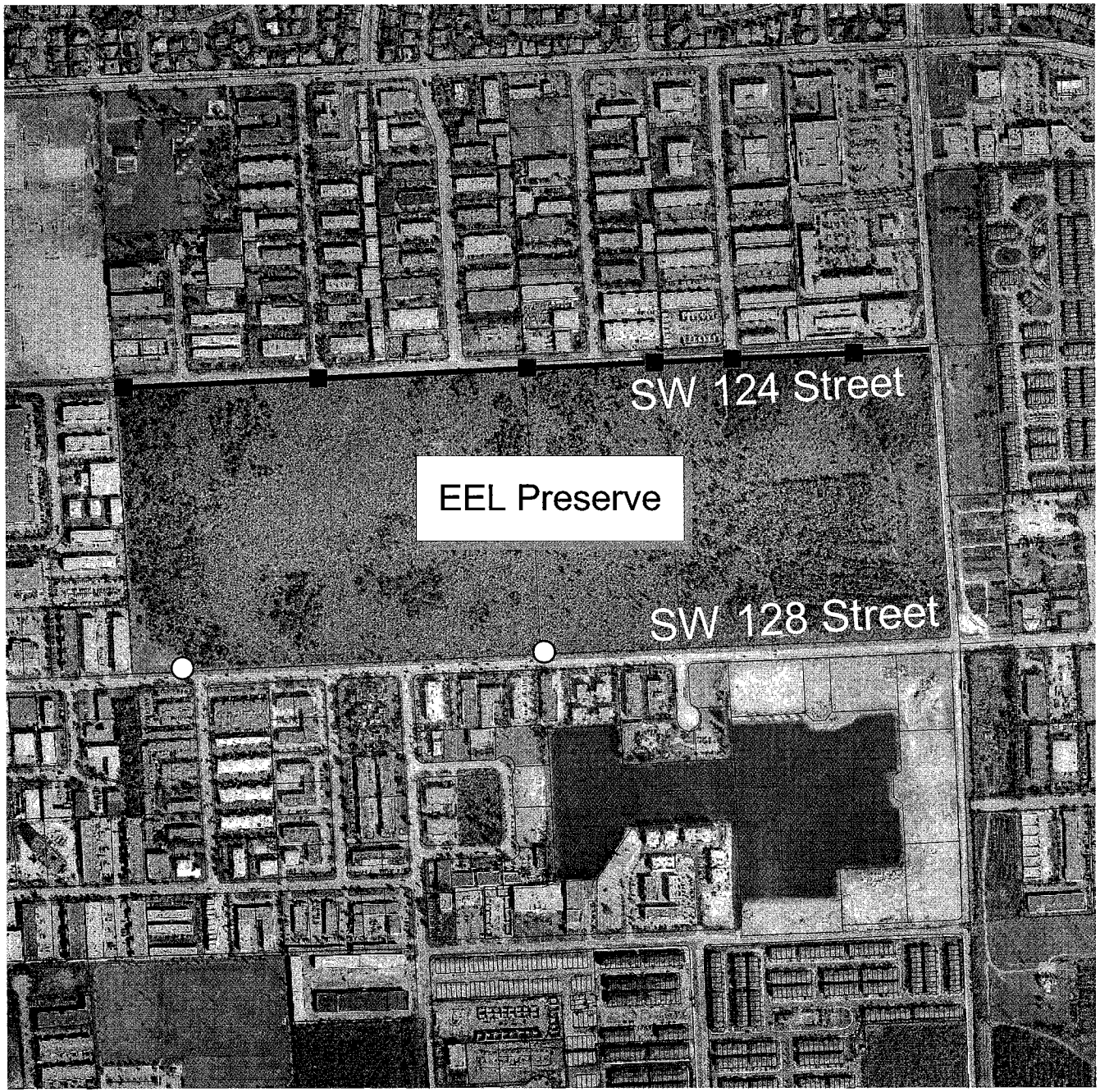
By:_____
Deputy Clerk

By:_____
Carlos Alvarez, Mayor

Approved as to form
and legal sufficiency

_____
Assistant County Attorney

Exhibit A - EEL Preserve Fence, Gates & Curb Cuts



Improvements along SW 124 Street

Fence

Gates & Curb Cuts

Improvements along SW 128 Street

Curb Cuts

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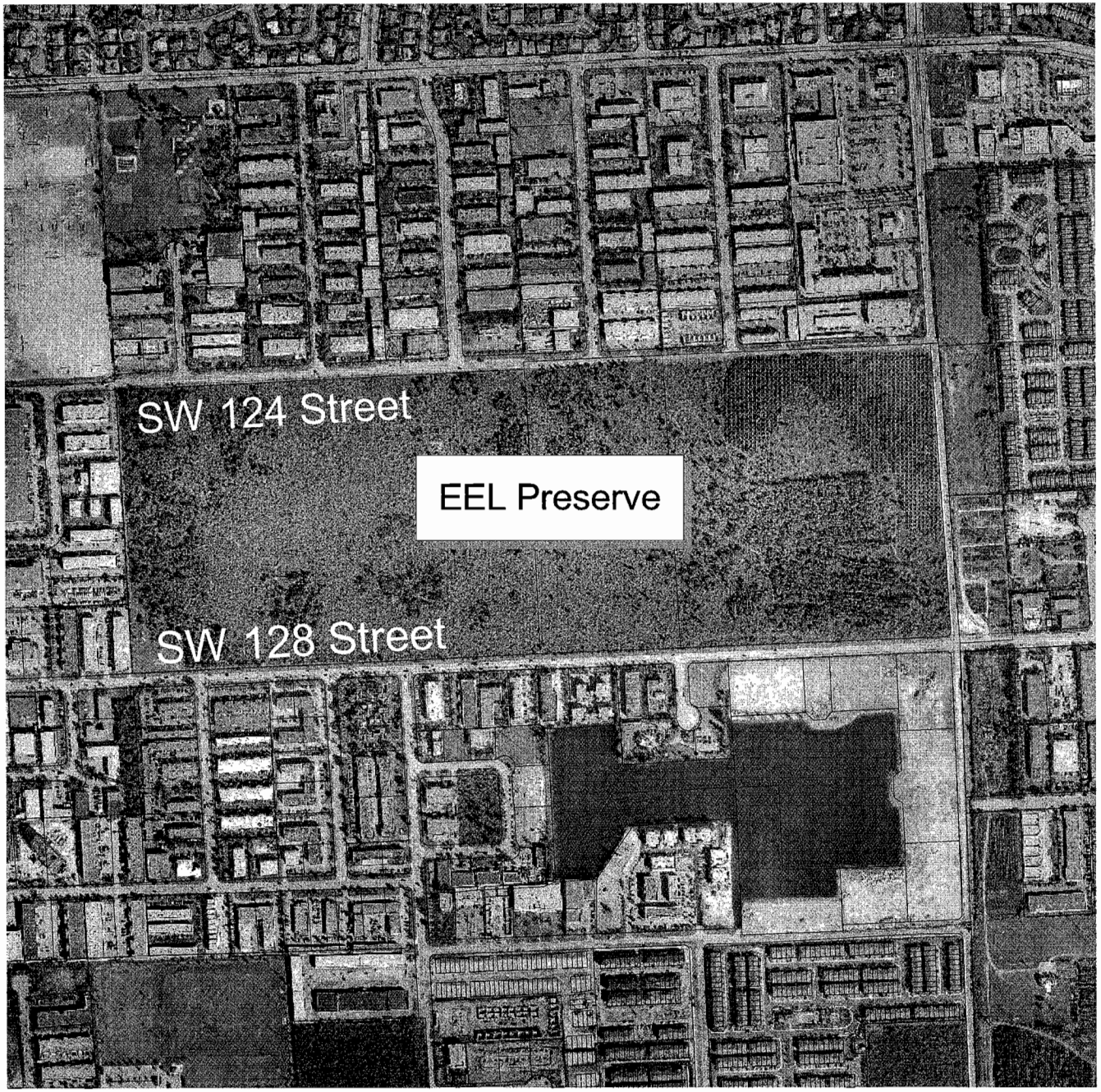
SCALE: 1 inch = 771.14 Feet

Exhibit B - EEL Preserve Disturbed Area to be Cleared



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12