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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: April 8, 2008

Agenda Item No. 14(A)(3)

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

From: George M. Burgess
County Manager

Subject: Resolution Declaring the Acquisition of Parcel 501 and four (4) year Temporary Construction Easements (TCE) Needed for Construction of the Miami Intermodal Center (MIC)/Earlington Heights Connector, a 2.4 Mile Corridor Linking the MIC to the Earlington Heights Metrorail Station Located at State Road (SR) 112 and NW 22 Avenue, to be a Public Necessity; and Authorizing the County Mayor or his designee and the County Attorney to Take Any and All Appropriate Actions to Accomplish Acquisition of the Subject Property in Fee Simple and Temporary Construction Easements, by Donation, Purchase at Values Established by Appraisals or by Eminent Domain Court Proceedings Including Declarations of Taking as Necessary

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Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution declaring the acquisition of Parcel 501 and of the four (4) year temporary construction easements (TCE) located at 3700 North River Drive needed for the construction of the Miami Intermodal Center (MIC)/Earlington Heights Connector, a 2.4 mile Metrorail corridor linking the MIC to the Earlington Heights Metrorail Station located at State Road (SR) 112 and NW 22 Avenue, to be for a public purpose, to be required and necessary to accomplish such construction; and authorizing the County Mayor or his designee and the County Attorney to take any and all appropriate actions to accomplish acquisition of the subject property in fee simple along with the four (4) year TCE, by Donation, purchase at values established by Appraisals or by Eminent Domain court proceedings including Declarations of Taking, as necessary.

Scope

Construction of MIC/Earlington Heights Connector is a critical component of the People's Transportation Plan (PTP). The entire length of the project is within Commission Districts 2, 3, and 6.

Fiscal Impact/Funding Source

The right-of-way acquisition for the MIC/Earlington Heights Connector is funded through a combination of the $100 million awarded by the State of Florida towards this project and proceeds from the Charter County Transit System Surtax. The MIC/Earlington Heights Connector is a priority corridor which is budgeted as part of the PTP.

Track Record/Monitor

Not Applicable

Background

The BCC approved Resolution R-825-06 on July 6, 2006, authorizing the acquisition of the right-of-way needed for construction of the MIC/Earlington Heights Connector, which included parcel 501 and TCE. Since passage of the above referenced resolution, it has been determined that a four (4) year TCE would be required to accomplish construction of the project.

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. 14(A)(3)

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. 14(A)(3)
4-8-08

RESOLUTION NO. R-410-08

RESOLUTION DECLARING THE ACQUISITION OF PARCEL 501 AND FOUR (4) YEAR TEMPORARY CONSTRUCTION EASEMENTS (TCE) NEEDED FOR THE CONSTRUCTION OF THE ORANGE LINE PHASE I: MIAMI INTERMODAL CENTER (MIC) – EARLINGTON HEIGHTS CONNECTOR PROJECT, A 2.4 MILE CORRIDOR LINKING THE MIC TO THE EARLINGTON HEIGHTS METRORAIL STATION LOCATED AT STATE ROAD (SR) 112 AND NW 22 AVENUE, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE AND TEMPORARY CONSTRUCTION EASEMENTS BY DONATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR BY EMINENT DOMAIN COURT PROCEEDINGS INCLUDING DECLARATIONS OF TAKING, AS NECESSARY

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 of the parcel of land in fee simple and temporary construction easements 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 construction of the Orange Line Phase 1: Miami Intermodal Center (MIC) - Earlington Heights Connector project, to be required and necessary to accomplish such construction; 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 and easements including by eminent domain proceedings,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes and directs the County Mayor or his designee and the County Attorney to take any and all appropriate actions to acquire the subject property in fee simple and temporary construction

easements, as legally described in "Exhibit A" attached hereto and incorporated herein by reference, by donation, purchase, or by eminent domain proceedings, including declarations of taking, as necessary.

The foregoing resolution was offered by Commissioner Barbara J. Jordan, who moved its adoption. The motion was seconded by Commissioner Audrey M. Edmonson 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	absent	Dennis C. Moss	aye
Dorrin D. Rolle	absent	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of April, 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"

LEGAL DESCRIPTION

Parcel No. 501: That portion of Lots 5 through 21, inclusive, and that certain parcel or piece of land designated as a "Public Park" lying Southerly of Northwest North River Drive, and Westerly of said Lot 21, all in Block 75, **MELROSE HEIGHTS 5TH. SECTION**, according to the plat thereof recorded in Plat Book 17 at Page 22 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:
COMMENCE at the Northwest corner of said Block 75; thence run S 50°50'50" E , along the Southwesterly right of way line of Northwest North River Drive, for a distance of 111.14 feet, to a point of intersection with a non tangent circular curve concave to the Southeast from where the radius point bears S 82°45'38" E and the **POINT OF BEGINNING** of the parcel of land herein described; thence run Southwesterly along the said non tangent circular curve concave to the Southeast being also the Westerly right of way line of the Metrorail Extension MIC-Earlington Heights Connector, having a radius of 3239.83 feet through a central angle of 0°09'11" for an arc distance 8.65 feet to a point of tangency; thence run S 07°05'11" W, along the Westerly right of way line of the Metrorail Extension MIC-Earlington Heights Connector for a distance of 272.05 feet, more or less, to the Miami Canal; thence S 51°16'16" E , along the Miami Canal, for a distance of 48.16 feet, more or less, to the Easterly right of way line of the Metrorail Extension MIC-Earlington Heights Connector; thence run N 07°05'11" E, along the Easterly right of way line of the Metrorail Extension MIC-Earlington Heights Connector for a distance of 280.30 feet to the point of intersection with the Southwesterly right of way line of Northwest North River Drive; thence run N 50°50'50" W, along the Southwesterly right of way line of Northwest North River Drive, for a distance of 48.37 feet, to the **POINT OF BEGINNING,** together with all the riparian rights appurtenant thereto.

Reserving a permanent easement for ingress and egress under the completed Metrorail guideway across the above described lands except within five (5) feet of the columns as physically located on the ground after construction.

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EXHIBIT "A"
LEGAL DESCRIPTION

Parcel No.501 TCE-WEST (temporary construction easement):

Temporary Construction Easement (Parcel 501 TCE-West)
for a period of 4 years

That portion of Lots 5 through 21, inclusive, and that certain parcel or piece of land designated as a "Public Park" lying Southerly of Northwest North River Drive, and Westerly of said Lot 21, all in Block 75, **MELROSE HEIGHTS 5TH. SECTION**, according to the plat thereof recorded in Plat Book 17 at Page 22 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:
BEGINNING at the Northwest corner of said Block 75; thence run S 50°50'50" E , along the Southwesterly right of way line of Northwest North River Drive, for a distance of 111.14 feet, to a point of intersection with a non tangent circular curve concave to the Southeast from where the radius point bears S 82°45'38" E ; thence run Southwesterly along the said non tangent circular curve concave to the Southeast being also the Westerly right of way line of the Metrorail Extension MIC-Earlington Heights Connector, having a radius of 3239.83 feet through a central angle of 0°09'11" for an arc distance 8.65 feet to a point of tangency; thence run S 07°05'11" W, along the Westerly right of way line of the Metrorail Extension MIC-Earlington Heights Connector for a distance of 175.52 feet, to a point; thence run N 82°54'49" W , perpendicular to the last described course, for a distance of 56.88 feet to a point of intersection with the West line of said Block 75; thence run N 01°37'48" W, along the West line of said Block 75, for a distance of 246.03 feet to the point of intersection with the Southwesterly right of way line of Northwest North River Drive being also the **POINT OF BEGINNING,**

Except that the owner shall have access for ingress and egress through the temporary construction easement area whenever the easement areas are not being used on the ground by the condemnor's contractors.

Parcel No.501 TCE-EAST (temporary construction easement):

Temporary Construction Easement (Parcel 501 TCE-East)
for a period of 4 years

That portion of Lots 5 through 21, inclusive, and that certain parcel or piece of land designated as a "Public Park" lying Southerly of Northwest North River Drive, and Westerly of said Lot 21, all in Block 75, **MELROSE HEIGHTS 5TH. SECTION**, according to the plat thereof recorded in Plat Book 17 at Page 22 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:
COMMENCE at the Northwest corner of said Block 75; thence run S 50°50'50" E, along the Southwesterly right of way line of Northwest North River Drive, for a distance of 159.51 feet, to a point of intersection with the Easterly right of way line of the Metrorail Extension MIC-Earlington Heights Connector; thence run S 07°05'11" W, along said Easterly right of way line, for a distance of 92.68 feet to the **POINT OF BEGINNING** of the parcel of land herein described; thence run S

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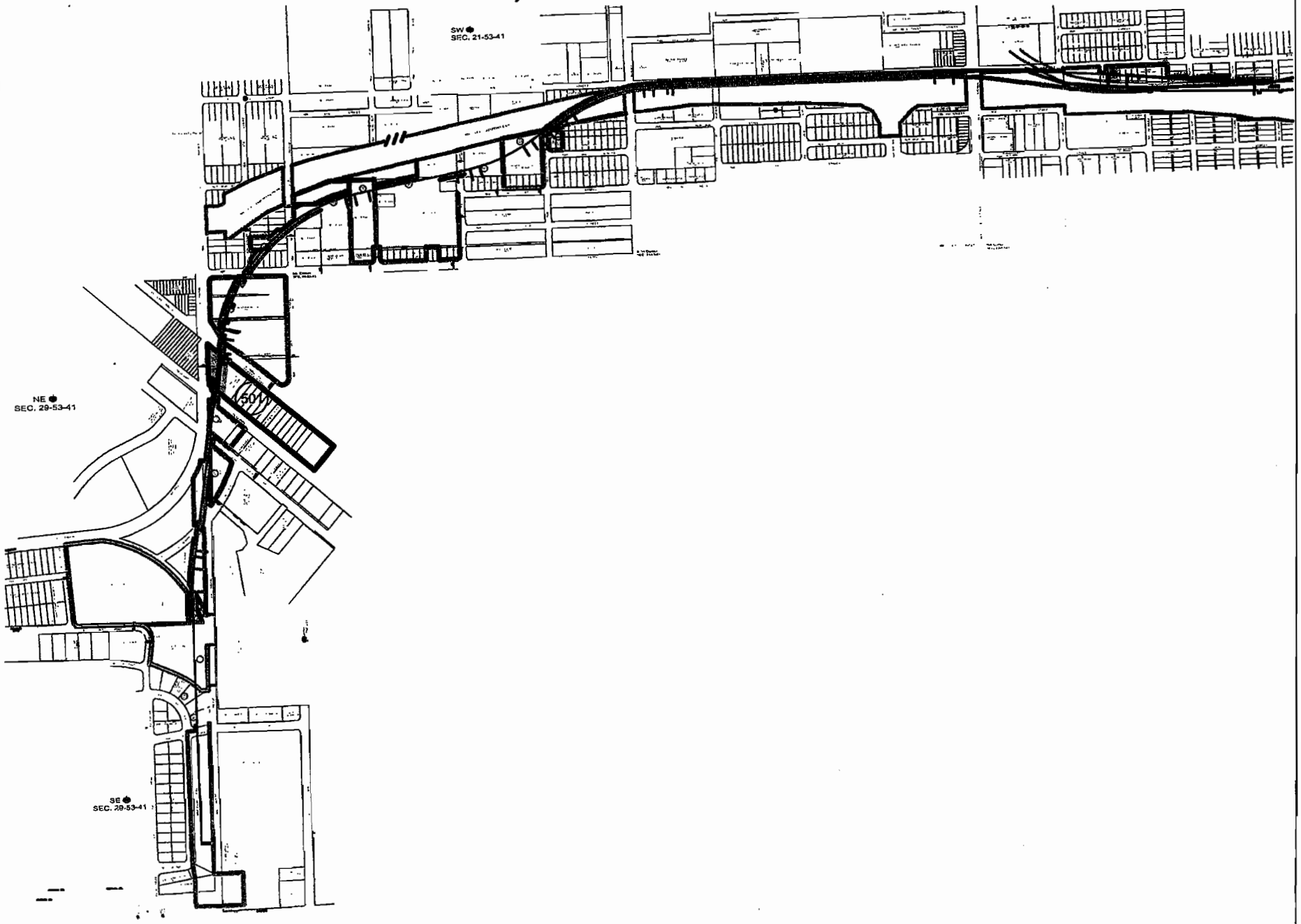
82°54'49" E , perpendicular to the last described course, for a distance of 34.00 feet to a point; thence run S 07°05'11" W, along a line 34.00 feet Southeasterly of and parallel with the said Easterly right of way line, for a distance 208.06 feet, more or less, to the Miami Canal; thence N 51°16'16" W, along the Miami Canal, for a distance of 39.94 feet, more or less, to the Easterly right of way line of the Metrorail Extension MIC-Earlington Heights Connector; thence run N 07°05'11" E, along the Easterly right of way line of the Metrorail Extension MIC-Earlington Heights Connector for a distance of 187.11 feet to the **POINT OF BEGINNING,** together with all the riparian rights appurtenant thereto,

Except that the owner shall have access for ingress and egress through the temporary construction easement area whenever the easement areas are not being used on the ground by the condemnor's contractors.

MIAMI-DADE TRANSIT DEPARTMENT
MIC/EHT METRORAIL CONNECTOR



THIS IS NOT A SURVEY

EXHIBIT "B"	MIAMI-DADE COUNTY PUBLIC WORKS DEPT. RIGHT OF WAY DIVISION RIGHT OF WAY ENGINEERING SECTION	MIAMI-DADE TRANSIT				EARLINGTON HEIGHTS-MIC METRORAIL CONNECTOR			
						PARCEL 501	PROJECT 20040676	SHEET 1 OF 1	