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

Memorandum

MIAMI-DADE COUNTY

Date: October 7, 2008

Agenda Item No. 8(P)(1)(D)
Resolution R-1035-08

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

From: George M. Burgess
County Manager

Subject: Resolution Declaring the Acquisition of Property Located at 8580 NE 2 Avenue to be a Public Necessity for a Water Main Relocation and Authorizing its Acquisition

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Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution declaring the acquisition of property located at 8580 NE 2 Avenue needed for the relocation of a water main to be a public necessity, and authorize the Mayor or his designee 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, 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.

Scope

This project is within Commission District 3, within the Village of El Portal.

Fiscal Impact/Funding Source

The funding source for this project is Water and Sewer Department (WASD) Operating Revenues.

Track Record/Monitor

Not Applicable

Background

On May 8, 2007, by Resolution R-567-07, the BCC approved the Roadway Improvements Along NE 2 Avenue from West Little River Canal to NE 91 Street project. The scope of this project includes the widening of the existing Little River Canal Bridge. Said bridge widening will impact an existing 12-inch water distribution main, requiring its relocation. To effectively relocate the water main, it is necessary to acquire property adjacent to the bridge, as legally described in Exhibit "A" and illustrated on the project location map in Exhibit "B," attached. The water main is necessary to maintain service and provide adequate water distribution system pressure and quality to the surrounding areas.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: October 7, 2008

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

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

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)(D)
10-7-08

RESOLUTION NO. R-1035-08

RESOLUTION DECLARING THE ACQUISITION OF PROPERTY LOCATED AT 8580 NE 2 AVENUE NEEDED FOR THE RELOCATION OF A WATER MAIN 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, 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 property in fee simple and perpetual easement as legally described in "Exhibit A" and illustrated on the project location map in "Exhibit B" attached hereto and made a part hereof, for the public use and purpose of relocation of a water main, to be required and necessary to accomplish such relocation; 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 including by eminent domain proceedings,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies and adopts those matters set forth in the foregoing recitals and 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, 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 **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** 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	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 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:_____
Deputy Clerk **Kay Sullivan**

Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Esteve

LEGAL DESCRIPTION

(FEE SIMPLE)

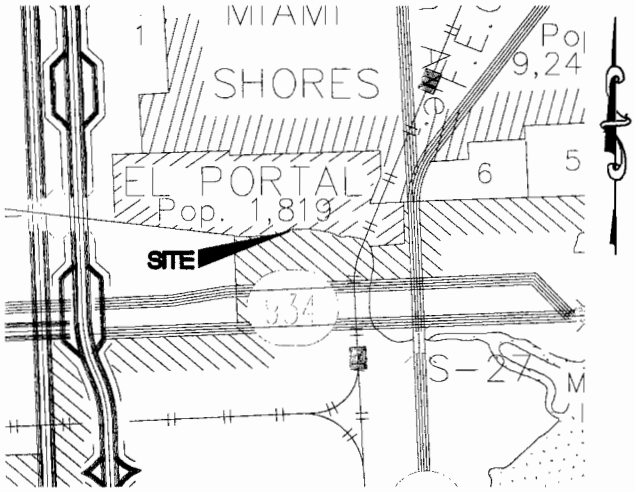
That portion of Lot 16 in Block 5 of El-Jardin, according to the plat thereof recorded in, Plat Book 9, Page 169 of the Public Records, of Miami- Dade County, Florida.

COMMENCE at a point being the intersection of the Easterly extension of the Northerly line of said Lot 16 being also the Southerly right of way line of NE 86th Street (Little River Blvd.) with the Northerly extension of Easterly line of said Lot 16 being also the Westerly right of way line of NE 2nd Ave. (Dixie Hwy), thence S 2° 14' 34" E, along said Lot 16 Easterly line, a distance of 71.97 feet to the **POINT OF BEGINNING**; thence S 2° 14' 34" E, continuing along said line, a distance of 45.33 feet more or less to the Northerly line of Little River Canal and the Southeasterly corner of said Lot; thence S 66°30' 31" W, along the Northerly line of Little River Canal and the Southerly line of said Lot 16, Block 5, a distance of 12.88 feet to a point; thence N 2° 14' 34" W, parallel and 12 feet West of the Easterly line of said Lot 16, a distance of 50.00 feet to a point; thence N 87° 45' 26" E, a distance of 12.00 feet to the **POINT OF BEGINNING,** together with all the riparian rights appurtenant thereto.

Reserving unto the remainder parcel an ingress and egress easement across the above described land for a driveway, which driveway's location shall be determined by the owner of said remainder parcel with approval by Miami-Dade County Public Works Department and further subject to the regulatory authority of Miami-Dade County.

Subject to an easement to the Board of Supervisors of Little River Drainage District (Now South Florida Water Management District) recorded in Deed Book 910, Page 110 of the public records of Miami Dade County Florida over a portion of the above described lands.

EXHIBIT "A"



LOCATION MAP

Sec 12
Twp 53 S
Rge 41 E

AREAS TO BE ACQUIRED

PARCEL AREA = 572 SQ. FT. (0.013 AC)

5

0 20 40 80

SCALE: 1" = 40'

PORTION OF LOT 16 , BLK 5
EL JARDIN PB 9, PG 169

EXHIBIT "B"

PARCEL 1

THIS IS NOT A SURVEY

MIAMI-DADE COUNTY PUBLIC WORKS DEPT. **RIGHT OF WAY DIVISION** **ENGINEERING SECTION** JOSUE 9/02/2008	**MDC- WASD** **PARCEL NO 1**	SCALE: 1" = 40'	DATE:09-02-08
		DRAWN BY: JOSUE	
		CHECKED BY: W SUTTON	
	8580 NE 2ND AVE	PROJECT 2006-0227	SHEET 1of1