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

# Memorandum

MIAMI-DADE COUNTY

**Date:** November 20, 2008

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

**From:** George M. Burgess
County Manager

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

**Resolution No. R-1185-08**

**Subject:** Resolution Authorizing the Acquisition of the Designated Property Known as Parcel 1 for Right-of-Way Needed for the People's Transportation Plan (PTP) Project Entitled Roadway Expansion, Beautification and Improvements to SW 27 Avenue, from US 1 to South Bayshore Drive, to be a Public Necessity

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**Recommendation**

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution declaring the acquisition of Parcel 1 for right-of-way needed for roadway expansion, beautification, and improvements along SW 27 Avenue, from US 1 to South Bayshore Drive, to be a public necessity and authorizing the County Mayor and the County Attorney to employ appraisers, expert witnesses, obtain required environmental audits, and to take any and all appropriate actions to acquire the subject property in fee simple by donation, purchase, or by eminent domain proceedings, including a declaration of taking as necessary for and on behalf of Miami-Dade County.

**Scope**

The impact of this project will be Countywide; however, the property to be acquired is located within Commission District 7 and the City of Miami.

**Fiscal Impact/Funding Source**

Funding for the right-of-way acquisition and construction of this project will be provided by the Charter County Transit Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County. This project was specifically listed in the People's Transportation Plan (PTP) as one of the Board requested improvement projects for Commission District 7.

**Track Record/Monitor**

Not Applicable

**Background**

This resolution is for the acquisition of Parcel 1 of thirty-five (35) separate parcels needed by the Public Works Department (PWD) for programmed improvements along SW 27 Avenue, between US 1 and South Bayshore Drive. This project consists of the reconstruction and widening of an existing two (2) lane undivided roadway to a three (3) lane roadway including a traffic circle, raised landscaped medians, left turn lanes, bicycle lanes, on-street parking, sidewalks, curb & gutters, continuous storm drainage system, signalization, pavement markings & signing, and decorative roadway lighting. The area to be acquired by PWD for the street improvements is legally described in Exhibit "A" and illustrated in the parcel location map in Exhibit "B," attached. These improvements will increase vehicular capacity, improve traffic mobility, provide ADA compliance and multiple modes of transportation, as well as serve as a beautification entrance corridor to Coconut Grove.

Assistant County Manager

# MEMORANDUM

(Revised)

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

**DATE:** November 20, 2008

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

**SUBJECT:** Agenda Item No. 8(P)(1)(C)

**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)(C)
11-20-08

RESOLUTION NO. **R-1185-08**

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL ONE (1) NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY EXPANSION, BEAUTIFICATION, AND RIGHT-OF-WAY IMPROVEMENTS TO SW 27 AVENUE FROM US 1 TO SOUTH BAYSHORE DRIVE 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; and

**WHEREAS,** this Board finds and declares the acquisition of Parcel 1 in fee simple 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 roadway expansion, beautification, and right-of-way improvements to SW 27 Avenue from US 1 to South Bayshore Drive to be required and necessary to accomplish such improvements; 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 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 employ appraisers, review appraisers and expert witnesses, to obtain required environmental audits and 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, necessary and required for improvements to SW 27 Avenue from US 1 to South Bayshore Drive, by donation, purchase, or by eminent domain proceedings, including a declaration of taking, as necessary.

The foregoing resolution was offered by Commissioner **Barbara J. Jordan**, 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 | **aye** |
| Katy Sorenson | **aye** | Rebeca Sosa | **aye** |
| Sen. Javier D. Souto | **aye** | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of November, 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

Miami-Dade County
Public Works Dept.

**EXHIBIT "A"**
SW 27 AVENUE
( FEE SIMPLE )

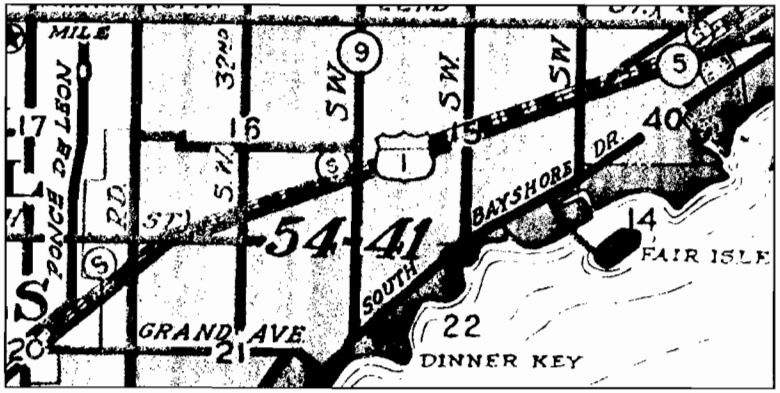
**Parcel No.1:** Those portions of Lots 43 through 54 in Block 41 of SAMUEL RHODES' AMENDED PLAT OF NEW BISCAYNE, according to the plat thereof recorded in Plat Book B, Page 16 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Southerly most corner of said Block 41; thence run N02°24'31"W, along the West line of said Block 41, for a distance of 178.68 feet to the Northwest corner of said Lot 53 and the **POINT OF BEGINNING;** thence continue N02°24'31"W, along the West line of said Block 41, for a distance of 250.00 feet to the Northwest corner of said Lot 43; thence run N87°35'29"E, along the North line of said Lot 43, for a distance of 10.00 feet to a point of intersection with a line parallel and 10 feet East of the West line of said Block 41; thence run S02°24'31"E, along the said parallel line, for a distance of 241.43 feet to a point; thence run S14°04'58"E for a distance of 49.42 feet to a point of intersection with the Northeasterly right of way line of South Bayshore Drive dedicated to the City of Miami by Right of Way Deed dated January 26, 1972, recorded in Official Records Book 7614 at Page 584 of the Public Records of Miami-Dade County, Florida; thence run N29°04'15"W, along the said Northeasterly right of way line of South Bayshore Drive, for a distance of 44.57 feet to the **POINT OF BEGINNING**.

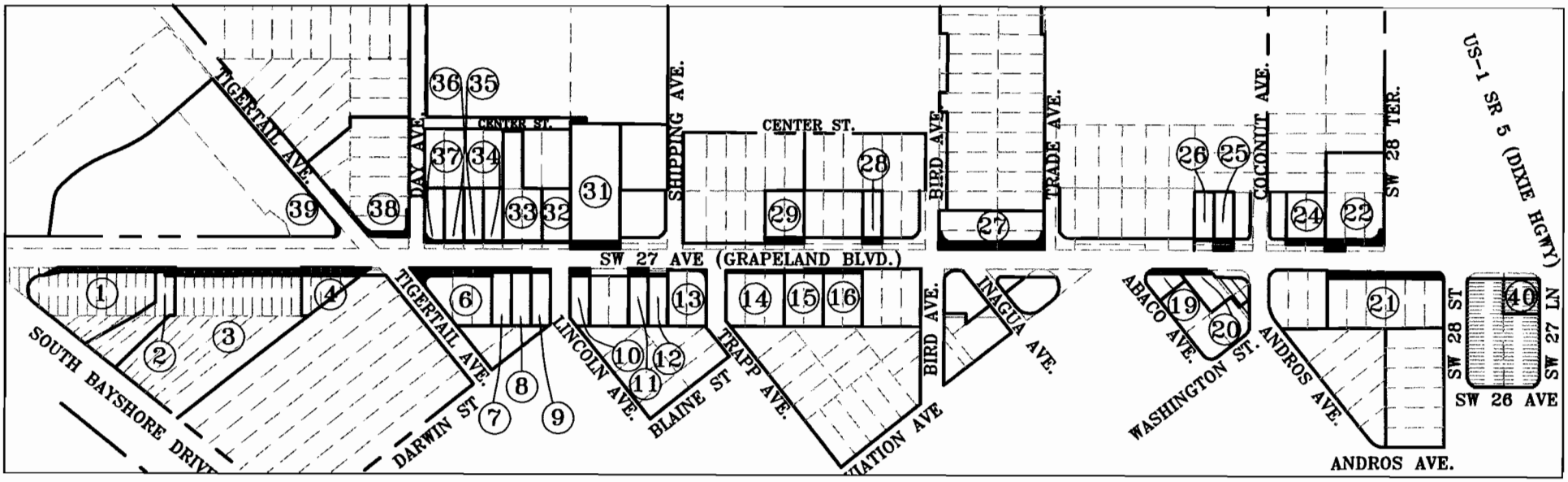
SEC 15,16,21&22

TWP 54 S

RGE 41 E




LOCATION MAP Not to Scale




R/W to be acquired by the County

EXHIBIT "B"

MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT OF WAY DIVISION
RIGHT OF WAY ENGINEERING SECTION

SW 27 Avenue
SR 5 (US-1) to S. BAYSHORE DRIVE

MIAMI-DADE

SCALE 1" = 400'
PROJECT 20040337
PREPARED BY: CDS
DATED: 08-29-05