

Date: November 20, 2008

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

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the Acquisition of Property Needed for a Proposed New Park and Ride Lot Located at SW 88 Street (Kendall Drive) and SW 127 Avenue

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

Resolution No. R-1184-08

RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution declaring the acquisition of land needed for a proposed new Park and Ride Lot at SW 88 Street (Kendall Drive) and SW 127 Avenue to be a public necessity, and authorizing the County 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 properties from Florida Power and Light Company (FPL) 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 located within Commission Districts 8 and 10 and abuts the boundary of District 9.

FISCAL IMPACT/FUNDING SOURCE

Pursuant to Resolution No. R-677-07, approved by the Board June 5, 2007, a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) was executed to provide \$1,000,000 in state funding for land acquisition and construction of this Park and Ride facility. The County proposed to match the state's allocation with an equal amount of current or future Local Option Gas Tax (LOGT) for a total of \$2,000,000.

TRACK RECORD/MONITOR

N/A

BACKGROUND

In 2005, the Metropolitan Planning Organization (MPO) endorsed the advancement of several Bus Rapid Transit (BRT) pilot projects: Biscayne Boulevard, Flagler Street and Kendall Drive. Based on their regional significance, the State of Florida programmed funding for the Biscayne and Kendall Corridors for State FY2011 and FY2009, respectively. The Kendall Corridor BRT is projected to begin revenue service in spring 2010.

The Kendall BRT will utilize brand new 60-foot articulated hybrid (diesel-electric) buses running frequent all-day service while Miami-Dade Transit (MDT) will maintain its local Metrobus service overlay. The BRT will have 10-minute peak headway or 6 buses an hour (15-minute-off-peak headways or 4 buses per hour) with limited stops (about 9 vs. 27 for local service on Kendall Drive), traveling with normal vehicular traffic, but with BRT traffic signal prioritization.

In 2006, a re-evaluation and update of the Kendall Corridor Alternatives Analysis was conducted to identify cost-effective, efficient and affordable means to use capital investments and service improvements to strengthen mobility connections between the west Kendall area and key regional activity centers during weekday peak rush hours in particular, Dadeland North Metrorail Station. To enhance the implementation of the Kendall BRT, acquisition of land for use as a Park and Ride Lot was deemed a public necessity along Kendall Drive between SW 167 Avenue and Dadeland North Metrorail Station.

Land was identified for a Park and Ride Lot midway on the south side of Kendall Drive at SW 127 Avenue on land owned by Florida Power & Light Company (FPL). FPL appears willing to sell the land to the County for MDT's public transportation projects. The proposed Park and Ride Lot is approximately 2.8 acre site which will accommodate approximately 100 parking spaces located in all areas not restricted by FPL electrical infrastructure. Amenities will include standard Metrobus shelters plus distinct BRT-identity bus shelters equipped with real time electronic arrival notices, required accessible and stroller parking spaces, bike racks and walkways; a bus pull-in bay is also proposed. 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". Construction for the Park and Ride Lot is projected to commence in the summer of 2009 and be completed by spring of 2010.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman 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)(B)

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)(B)
11-20-08

RESOLUTION NO. R-1184-08

RESOLUTION DECLARING THE ACQUISITION OF PROPERTY NEEDED FOR A PROPOSED NEW PARK AND RIDE LOT AT SW 88 STREET (KENDALL DRIVE) AND SW 127 AVENUE 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 PROPERTIES FROM FLORIDA POWER AND LIGHT COMPANY 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

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; 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 forgoing recitals and authorizes and directs 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 properties from Florida Power and Light Company 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

Resolution No. R-1184-08

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

Page No. 2

Miami-Dade County. The acquisition of land needed for the proposed new park and ride lot at SW 88 Street (Kendall Drive) and SW 127 Avenue is legally described in "Exhibit A" and shown on the project location maps in "Exhibit B" attached hereto and made a part hereof, to be a public necessity, and is in the best interest of Miami-Dade County to acquire and improve subject properties with a new Park and Ride Lot.

The foregoing resolution was offered by Commissioner **Katy Sorenson**, 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	nay	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	nay
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 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

LEGAL DESCRIPTION

PARCEL NO. MDT-12N

Those portions of Block 5 and 8 of RESUBDIVISION OF CORAL MANORS, according to the plat thereof recorded in Plat Book 28 at Page 59 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of the NW 1/4 of Section 1, Township 55 South, Range 39 East in Miami-Dade County, Florida; thence run S02°08'37"E, along the West line of the NW 1/4 of said Section 1, for a distance of 728.80 feet to a point of intersection with the center line of SW 90 Terrace Right of Way as conveyed to Miami-Dade County by Right-of-Way Deed dated September 23, 1986 recorded in Official Records Book 13348 Page 498 of the Public Records of Miami-Dade County, Florida; thence run N87°34'38"E, along the center line of SW 90 Terrace, for a distance of 210.00 feet to the point of intersection with the West line of Tract "B" of FIRST ADDITION TO THE SHOPS OF KENDALL, according to the plat thereof recorded in Plat Book 104 at Page 77 of the Public Records of said Miami-Dade County; thence S 2°08'37" E along the West line of said Tract "B" for 25.00 feet to the South right-of-way line of the above mentioned SW 90 Terrace and the **POINT OF BEGINNING**; thence continue S 2°08'37" E along the West line of said Tract "B" for 144.66 feet to the Northwest corner of Tract "A" of SHAMROCK SUBDIVISION according to the plat thereof recorded in Plat Book 145 at Page 84 of the Public Records of said Miami-Dade County; thence S 87°43'31 W, along the Westerly extension of the North line of said Tract "A" for 173.00 feet to the intersection with the East line of the West 37.00 feet of the Northwest 1/4 of said Section 1; thence N 2°08'37" W along the said East line of the West 37.00 feet of the Northwest 1/4 of said Section 1 for 119.37 feet; thence N 87°51'23" E, perpendicular to the last described course, for 8.00 feet to the point of intersection with a circular curve concave to the Southeast; said curve being tangent to the East line of the West 45.00 feet of the said Northwest 1/4 of Section 1; thence Northeasterly along the arc of said curve to the right, having a radius of 25.00 feet, through a central angle of 89°43'15", for 39.15 feet to the point of tangency with the said South right-of-way line of the above mentioned SW 90 Terrace; thence N 87°34'38" E along said South right-of-way line for 140.12 feet to the **POINT OF BEGINNING**.

Containing 0.566 acres or 24,656 Square feet more or less.

EXHIBIT "A"

1 of 3

PARK & RIDE PARCEL NO. MDT-12N

LEGAL DESCRIPTION

PARCEL NO. MDT-13

Those portions of Blocks 4 and 5 of RESUBDIVISION OF CORAL MANORS, according to the plat thereof recorded in Plat Book 28 at Page 59 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of the NW 1/4 of Section 1, Township 55 South, Range 39 East in Miami-Dade County, Florida; thence run S02°08'37"E, along the West line of the NW 1/4 of said Section 1, for a distance of 456.70 feet to a point of intersection with the center line of SW 89 Terrace Right of Way as conveyed to Miami-Dade County by Right-of-Way Deed dated September 23, 1986 recorded in Official Records Book 13348 Page 498 of the Public Records of Miami-Dade County, Florida; thence run N87°34'38"E, along the center line of SW 89 Terrace, for a distance of 210.00 feet to the point of intersection with the West line of Tract "A" of THE SHOPS OF KENDALL, according to the plat thereof recorded in Plat Book 102 at Page 8 of the Public Records of said Miami-Dade County; thence S 2°08'37" E along the West line of said Tract "A" for 25.00 feet to the South right-of-way line of the above mentioned SW 89 Terrace and the POINT OF BEGINNING; thence continue S 2°08'37" E along the West line of said Tract "A" for 222.10 feet to the point of intersection with the North right-of-way line of SW 90 Terrace as conveyed to Miami-Dade County by Right-of-Way Deed dated September 23, 1986 recorded in Official Records Book 13348 Page 498 of the said Public Records of Miami-Dade County; thence S 87°34'38 W, along said North right-of-way line for 139.88 feet to the point of curvature of a circular curve concave to the Northeast; thence Northwesterly along the arc of said curve to the right, having a radius of 25.00 feet, through a central angle of 90°16'45", for 39.39 feet to the intersection with the East line of the West 45.00 feet of the Northwest 1/4 of said Section 1; thence S87°51'23"W, along a line radial to the last described curve, for 8.00 feet to the intersection with the East line of the West 37.00 feet of the Northwest 1/4 of said Section 1; thence N 2°08'37" W along the said East line of the West 37.00 feet of the Northwest 1/4 of Section 1 for 172.10 feet; thence N 87°51'23" E, perpendicular to the last described course, for 8.00 feet to the point of intersection with a circular curve concave to the Southeast; said curve being tangent to the East line of the West 45.00 feet of the said Northwest 1/4 of Section 1; thence Northeasterly along the arc of said curve to the right, having a radius of 25.00 feet, through a central angle of 89°43'15", for 39.15 feet to the point of tangency with the South right-of-way line of the above mentioned SW 89 Terrace; thence N 87°34'38" E along said South right-of-way line for 140.12 feet to the POINT OF BEGINNING.

Containing 0.867 acres or 37,755 Square feet more or less.

EXHIBIT "A"

2 of 3

PARK & RIDE PARCEL NO. MDT-13

LEGAL DESCRIPTION

PARCEL NO. MDT-14

Those portions of Blocks 1 and 4 of RESUBDIVISION OF CORAL MANORS, according to the plat thereof recorded in Plat Book 28 at Page 59 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of the NW 1/4 of Section 1, Township 55 South, Range 39 East in Miami-Dade County, Florida; thence run $S02^{\circ}08'37''E$, along the West line of the NW 1/4 of said Section 1, for a distance of 456.70 feet to a point of intersection with the center line of SW 89 Terrace Right of Way as conveyed to Miami-Dade County by Right-of-Way Deed dated September 26, 1986 recorded in Official Records Book 13348 Page 498 of the Public Records of Miami-Dade County, Florida; thence run $N87^{\circ}34'38''E$, along the center line of SW 89 Terrace, for a distance of 210.00 feet to the point of intersection with the West line of Tract "A" of THE SHOPS OF KENDALL, according to the plat thereof recorded in Plat Book 102 at Page 8 of the Public Records of said Miami-Dade County; thence $N2^{\circ}08'37''W$ along the West line of said Tract "A" for 25.00 feet to the North right-of-way line of the said SW 89 Terrace and the **POINT OF BEGINNING**; thence continue $N2^{\circ}08'37''W$ along the West line of said Tract "A" for 362.91 feet to the point of intersection with the Southerly right of way line of SW 88 Street as conveyed to the State of Florida Department of Transportation by Warranty Deed dated April 2, 1990 recorded in Official Records Book 14698 Page 3019 of the Public Records of Miami-Dade County, Florida; thence $S87^{\circ}43'30''W$ along said South right-of-way line of SW 88 Street for 140.06 feet to the point of curvature of a circular curve concave to the Southeast; thence Southwesterly along the arc of said curve to the left, having a radius of 25.00 feet, through a central angle of $89^{\circ}52'07''$, for 39.21 feet to the point of tangency with the East line of the West 45.00 feet of the NW 1/4 of said Section 1; thence $S87^{\circ}51'23''W$, perpendicular to the East line of the West 45.00 feet of the NW 1/4 of said Section 1, for 8.00 feet; thence $S2^{\circ}08'37''E$ along the East line of the West 37.00 feet of the NW 1/4 of said Section 1 for 313.27 feet; thence $N87^{\circ}51'23''E$, perpendicular to the East line of the West 37.00 feet of the NW 1/4 of said Section 1, for 8.00 feet to the point of curvature of a circular curve concave to the Northeast and tangent to the East line of the West 45.00 feet of the Northwest 1/4 of said Section 1; thence Southeasterly along the arc of said curve to the left, having a radius of 25.00 feet, through a central angle of $90^{\circ}16'45''$, for 39.39 feet to the point of tangency with the above described North right-of-way line of SW 89 Terrace; thence $N87^{\circ}34'38''E$, along said North right-of-way line, for 139.88 feet to the **POINT OF BEGINNING**.

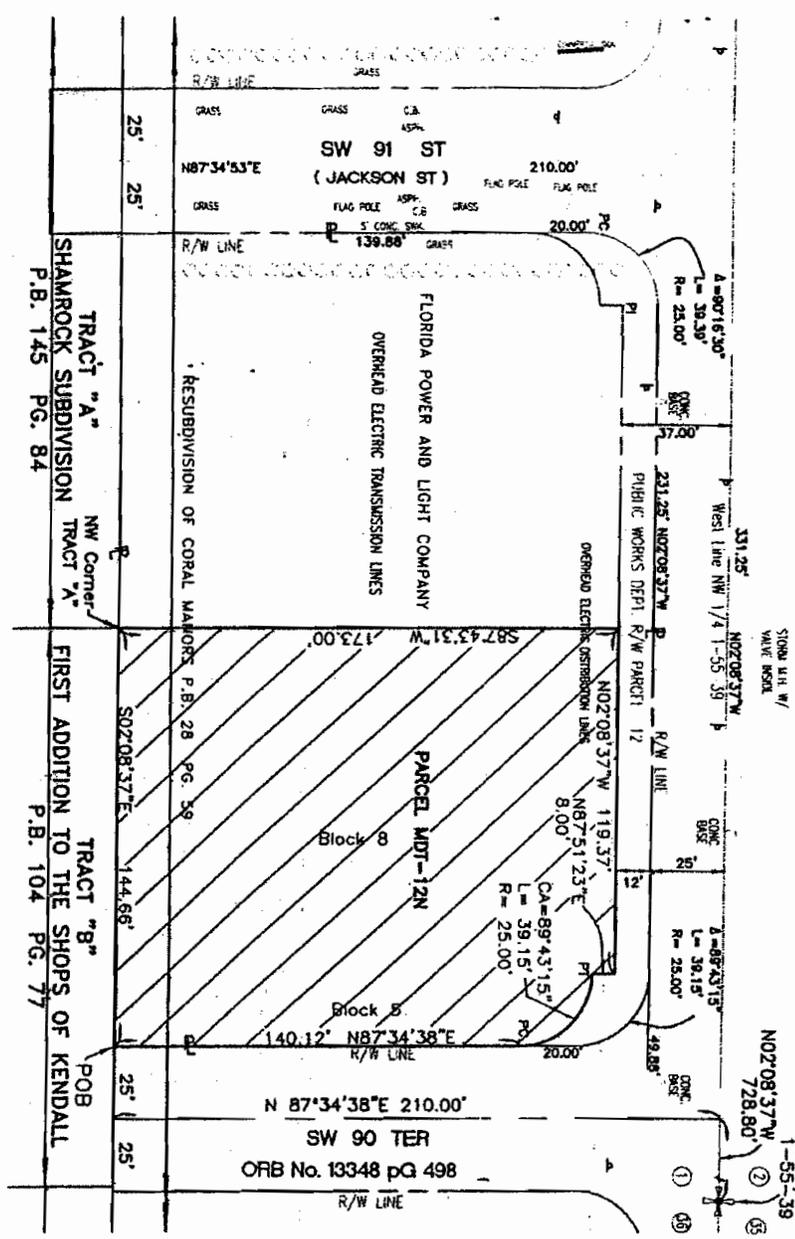
Containing 1.427 acres or 62,152 Square feet more or less.

EXHIBIT "A"

3 of 3

PARK & RIDE PARCEL NO. MDT-14

SW 127 AVENUE
 SW 91 ST (JACKSON ST)
 SW 90 TER
 POC NW CORNER NW 1/4 1-55-39
 SW 11/4 SW 11/4 1-55-39
 SW 11/4 SW 11/4 1-55-39
 SW 11/4 SW 11/4 1-55-39



AREA TO BE ACQUIRED

Area of Parcel = 24,656 square-feet = 0.568 acres

PARCEL SKETCH



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

PARK & RIDE
SW 127 AV & SW 90 TERR
PARCEL NO. MDT-12N

SCALE: 1" = 40'
FIELD BOOK NO. 5
PREPARED BY: R. R. Smith
PROJECT: 20070837
DATE: 5-6-07
SHEET 1 OF 1

- EXISTING EDGE OF PAVEMENT LEGEND
- PROPERTY LINE
 - PROPOSED RIGHT-OF-WAY
 - EXISTING RIGHT-OF-WAY
 - CENTER LINE
 - WOOD POLE FENCE
 - EXISTING 2' CURB & GUTTER
 - SECTION LINE
 - CHAIN LINK FENCE
 - WOOD FENCE

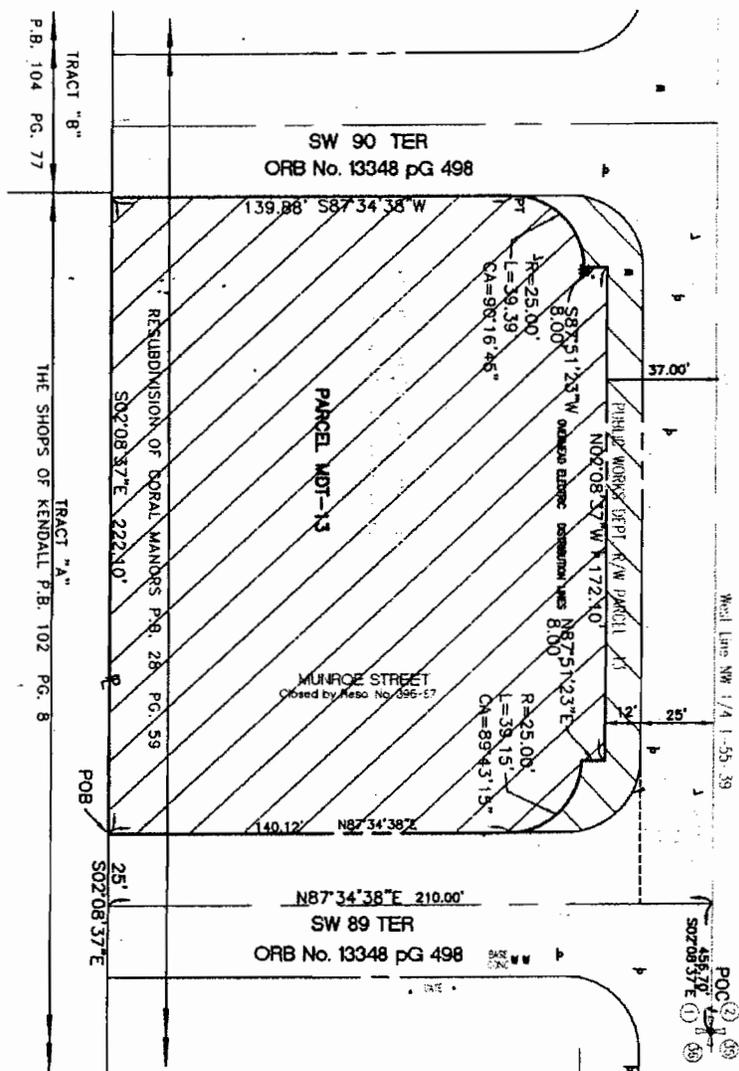
NOT A SURVEY

Exhibit "B"

SW 90 TER
ORB No. 13348 pG 498

SW 127 AVENUE

SW CORNER
NW 1/4
1-55-39



AREA TO BE ACQUIRED  = 0.867 acres

Area of Parcel = 37,755 square-feet = 0.867 acres

PARCEL SKETCH



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

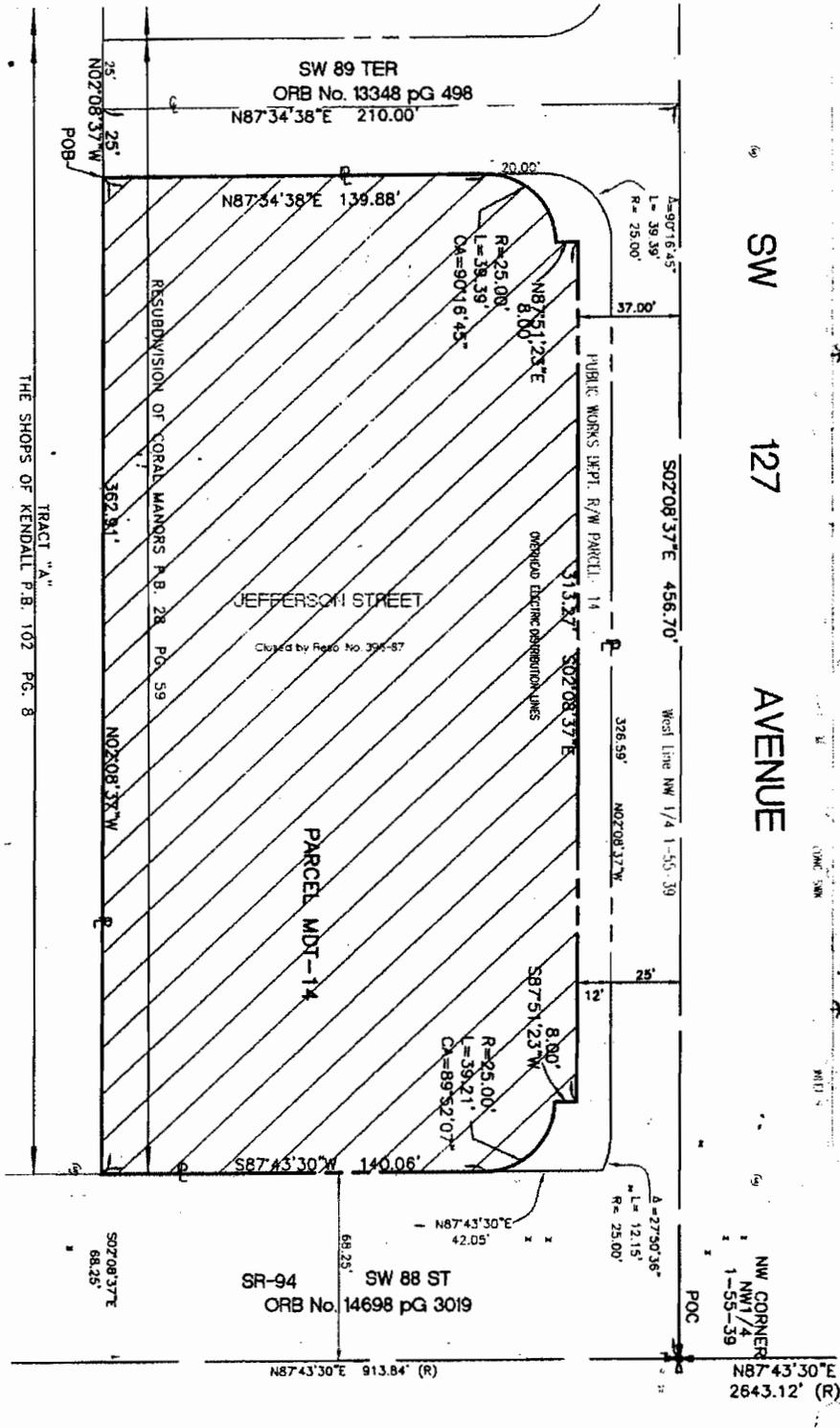
PARK & RIDE
SW 127 AV & 89 TER
PARCEL NO. MDT-13

SCALE: 1" = 40'
FIELD BOOK NO. 5
PREPARED BY: R. BAVILLO
PROJECT 20070657 SHEET 1 OF 1

- EXISTING EDGE OF PAVEMENT LEGEND**
-  PROPERTY LINE
 -  PROPOSED RIGHT-OF-WAY
 -  EXISTING RIGHT-OF-WAY
 -  CENTER LINE

-  WOOD POLE FENCE
-  EXISTING 2 CURB & GUTTER
-  SECTION LINE
-  CHAIN LINK FENCE
-  WOOD FENCE
-  AREA TO BE ACQUIRED

SW 127 AVENUE



AREA TO BE ACQUIRED AREA of Parcel = 62,152 square-feet = 1.427 acres

PARCEL SKETCH



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

PARK & RIDE
SW 127 AV & 89 TERR
PARCEL NO. MDT-14

SCALE: 1" = 40'
FIELD BOOK NO. S
PREPARED BY: R. BANTULO
PROJECT: 20070657 SHEET 1 OF 1

- EXISTING EDGE OF PAVEMENT LEGEND
- PROPERTY LINE
 - PROPOSED RIGHT-OF-WAY
 - EXISTING RIGHT-OF-WAY
 - CENTER LINE

- WOOD POLE FENCE
- EXISTING 2 CURB & GUTTER
- SECTION LINE
- CHAIN LINK FENCE
- WOOD FENCE
- AREA TO BE ACQUIRED