

**OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA**

# Memorandum



**Date:** May 5, 2009

**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

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

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

Resolution No. R-529-09

**Subject:** Resolution Authorizing the Acquisition of the Designated Property Known as Parcel 6 for Right-of-Way Needed for the People's Transportation Plan (PTP) Project Entitled Roadway Improvements to SW 157 Avenue, from SW 152 Street to SW 184 Street, to be a Public Necessity

### Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution declaring the acquisition of Parcel 6 for right-of-way needed for the People's Transportation Plan (PTP) project entitled Roadway Improvements to SW 157 Avenue, from SW 152 Street to SW 184 Street, to be a public necessity and authorizing the County Mayor, the County Mayor's designee 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, dedication, purchase, or by eminent domain proceedings, including a declaration of taking as necessary for and on behalf of Miami-Dade County.

Proceeds from the Charter County Transit System Sales Surtax (the surtax) will be used to fund this project, therefore, approval by the Board of County Commissioners (BCC) and Citizens' Independent Transportation Trust (CITT) is required.

### Scope

The impact of this project will be Countywide; however, the property to be acquired is located within Commission District 9.

### 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 9.

### Track Record/Monitor

Not Applicable

### Background

This resolution is for the acquisition of Parcel 6 of fifteen (15) separate parcels needed by the Public Works Department (PWD) for programmed improvements along SW 157 Avenue, between SW 152 Street and SW 184 Street. This project consists of widening the existing roadway from a two (2) lane undivided roadway to a four (4) lane roadway with a raised median, sidewalks, curb and gutter, continuous storm drainage system, landscaping, signalization, pavement markings & signing, and 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.

  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss      **DATE:** May 5, 2009  
and Members, Board of County Commissioners

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

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

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 Mayor'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)(Q)  
5-5-09

RESOLUTION NO. R-529-09

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL SIX (6) FOR RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY IMPROVEMENTS TO SW 157 AVENUE FROM SW 152 STREET TO SW 184 STREET 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 6 in fee simple 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 purpose of right-of-way needed for the People's Transportation Plan (PTP) project entitled Roadway Improvements to SW 157 Avenue from SW 152 Street (Coral Reef Drive) to SW 184 Street (Eureka 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 the County Mayor's 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 right-of-way needed for the People's Transportation Plan (PTP) project entitled Roadway Improvements to SW 157 Avenue from SW 152 Street (Coral Reef Drive) to SW 184 Street (Eureka Drive), by donation, dedication, purchase, or by eminent domain proceedings, including a declaration of taking, as necessary.

The foregoing resolution was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Carlos A. Gimenez** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	<b>aye</b>		
Jose "Pepe" Diaz, Vice-Chairman	<b>aye</b>		
Bruno A. Barreiro	<b>aye</b>	Audrey M. Edmonson	<b>aye</b>
Carlos A. Gimenez	<b>aye</b>	Sally A. Heyman	<b>aye</b>
Barbara J. Jordan	<b>aye</b>	Joe A. Martinez	<b>aye</b>
Dorin D. Rolle	<b>aye</b>	Natacha Seijas	<b>aye</b>
Katy Sorenson	<b>aye</b>	Rebeca Sosa	<b>absent</b>
Sen. Javier D. Souto	<b>aye</b>		

**Resolution No. R-529-09**

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

Page No. 3

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of May, 2009. 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 reaffirms 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: **Diane Collins**

Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Thomas Goldstein

Miami-Dade County  
Public Works Dept.

SW 157 AVENUE  
( FEE SIMPLE )

**Parcel No. 6:**

The East 5 feet of the West 40 feet of the SW 1/4 of the SW 1/4 of the NW 1/4 of Section 28, Township 55 South, Range 39 East, lying and being in Miami-Dade County, Florida; Less the South 354.50 feet thereof.

Approved as descriptor

Date 3/24/09

CDE

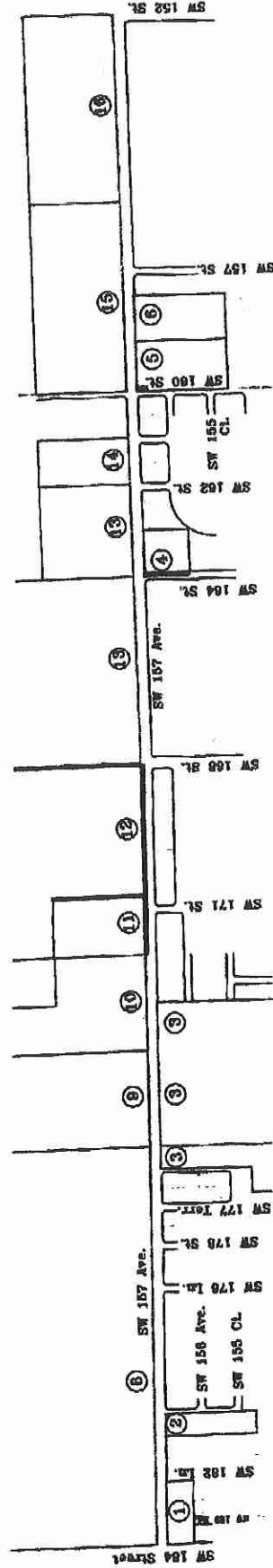
**EXHIBIT "A"**

SEC 28,29, 32 & 33  
 TWP 55 S  
 RGE 39 E



LOCATION MAP

NOT TO SCALE



R/W TO BE ACQUIRED BY THE COUNTY

SW 157 Avenue  
 From SW 184 Street to SW 152 Street

EXHIBIT "B"

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



SCALE: 1" = 1100'  
 PROJECT: 20040372  
 PREPARED BY: L.E.  
 DATED: 02-25-09

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda No.:** 8(P)1(Q)  
**File Number:** 090977  
**Committee(s)  
of Reference:** Board of County Commissioners  
**Date of Analysis:** April 23, 2009  
**Commission District:** 9  
**Type of Item:** Acquisition of Designated Properties

**Summary**

This resolution declares the acquisition of Parcel 6 for right-of-way needed for the People's Transportation Plan (PTP) project entitled Roadway Improvements to S.W. 157 Avenue, from S.W. 152 Street to S.W. 184 Street, to be a public necessity and authorizing the County Mayor, his designee 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, dedication, purchase, or by eminent domain proceedings, including a declaration of taking as necessary. This project is included in Exhibit 1 of the PTP Ordinance under the Board of County Commissioners requested Major Roadway and Neighborhood Improvements.

**Background and Relevant Information**

According to Public Works Department (PWD) staff, a public meeting was conducted on November 2, 2006 to notify residents of the project and possible eminent domain proceedings by the County. The residents in the area indicated no objections to the proposed road improvements at the public meeting.

PWD staff mentioned that the S.W. 157 Avenue corridor has become a vital north/south artery in the western section of the County. The corridor extends from S.W. 42 Street to S.W. 112 Street as a 4-lane divided roadway. In addition, PWD currently has 2 projects under construction that will extend S.W. 157 Avenue as a 4-lane divided roadway from S.W. 112 Street and connect to the existing 4-lane section at S.W. 136 Street. Staff stated that when those projects as well as the proposed project are complete, S.W. 157 Avenue will be a continuous 9-mile, 4-lane divided corridor from S.W. 184 Street to S.W. 42 Street.



The anticipated start and completion dates for construction are February 2011 and February 2013 respectively.

Question: Has PWD hosted additional public meetings since 2006?

**Budgetary Implications**

PWD staff state that costs are dependent on the cooperation and willingness of the property owners to dedicate or sell at the appraised value.

The roadway improvement will be funded by PTP funds.

**Public Sector Impact**

According to PWD staff, there are large existing residential developments in this area to the East of S.W. 157 Ave. There is also development scheduled at the following 2 development sites: Estates at the Grove, 24-Single Family Homes located at S.W. 157 Avenue from S.W. 159 Street to S.W. 158; and St Venetian Park West, 407-Single Family Homes and future school located at S.W. 157 Avenue to S.W. 152 Avenue from S.W. 176 Terrace to S.W. 173 Street

**Comments**

According to the County Attorney's Office, resolutions acquiring parcels must be introduced to the Board of County Commissioners as separate resolutions, pursuant to F.S. 127.02. Section 127.02 requires that a "Board of County Commissioners adopt a resolution in order to acquire a property through the use of eminent domain." Eminent domain may be described as the fundamental power of the government to take private property for a public use without the owner's consent. The power of eminent domain is absolute, except as limited by the Federal and State Constitutions, and all private property is subject to the power of the government to take private property by eminent domain.

*The 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 property by eminent domain.*

**Prepared by:** Michael Amador-Gil



Return to: Armando J. Cervera  
 Miami-Dade County Public Works and Waste  
 Management Department  
 111 NW 1 Street, Ste 1610  
 Miami, FL 33128-1970

CFN 2012R0530116  
 OR Bk 28206 Pgs 0314 - 3171 (4pgs)  
 RECORDED 07/27/2012 10:35:42  
 HARVEY RUVIN, CLERK OF COURT  
 MIAMI-DADE COUNTY, FLORIDA

Instrument Prepared by:  
 Armando J. Cervera

Folio No. 30-5928-000-0070  
 SW 157 Avenue – SW 152 St to SW 184 St  
 Parcel No. 6 (Section 28-55-39)  
 User Dept.: Public Works and Waste  
 Management Department

**WARRANTY DEED**

**THIS INDENTURE**, made this 26 day of July, 2012, by and between **Strawberry Fields of Kendall, LLC**, a Florida limited liability company, (Grantor) whose post office address is 12940 SW 128<sup>th</sup> Street, #202, Miami, FL 33186, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, received from **MIAMI-DADE COUNTY, a political subdivision of the State of Florida**, and its successors in interest, (Grantee) whose post office address is 111 N.W. 1<sup>st</sup> Street, Miami, Florida 33128-1970, the receipt whereof is hereby acknowledged, have granted, bargained, and sold to the said Grantee, and Grantee's successors, and assigns forever, lying and being in Miami-Dade County, Florida, to-wit:

**(See attached Exhibit "A")**

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**THIS CONVEYANCE** includes, without limitation, all timber rights and water rights; all mineral rights and gas rights except those previously reserved, transferred or severed by third parties; all Grantor's right, title and interest in roads, streams, canals, banks, ditches and other water bodies located on the Premises or which may provide access to the Premises; all riparian rights; and all Grantor's right, title and interest in alleys, roads, streets and easements included within the Premises, or which may provide access to the Premises.

**SUBJECT TO:** Easements, dedications and restrictions of record, if any, but any such interests that may have been terminated are not hereby re-imposed and subject to applicable zoning ordinances, taxes and assessments for the year 2012 and subsequent years.

**TO HAVE AND TO HOLD** the same in fee simple forever.

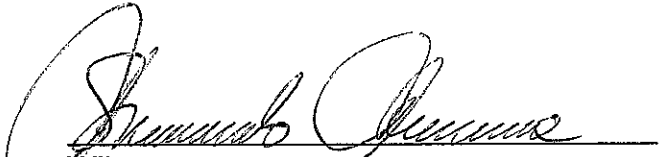
**AND** the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to

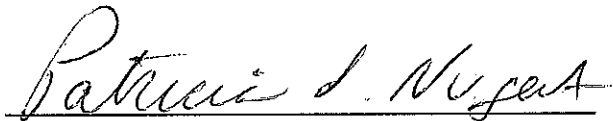
sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

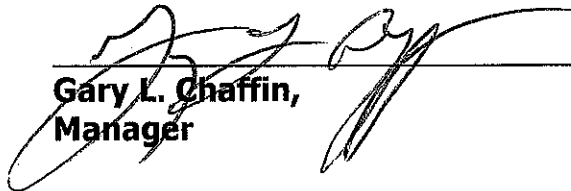
**IN WITNESS WHEREOF**, the Grantor has hereunto set his hands and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

**Strawberry Fields of Kendall, LLC**  
a Florida limited liability  
company  
12940 SW 128<sup>th</sup> Street, #202,  
Miami, FL 33186

  
Witness  
Print Name: Armando J Cervera

  
Witness  
Print Name: Patricia L. Nugent

  
Gary L. Chaffin,  
Manager

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE**

**I HEREBY CERTIFY**, that on this 26 day of July, 2012, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **Gary L. Chaffin**, personally known to me, or proven by producing the following identification: FDL: C150-292-52-409-0 to be an officer of **Strawberry Fields of Kendall, LLC**, a limited liability company existing under the laws of the State of Florida, and in whose name the foregoing instrument is executed and that said member/managing member/manager severally acknowledged before me that he executed said instrument acting under the authority duly vested by said limited liability company freely and voluntary for the purposes therein expressed.

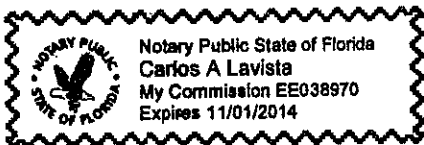
**WITNESS** my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

Notary Signature Carlos A. Lavista

NOTARY SEAL/STAMP

Print Name: Carlos A. Lavista

Notary Public, State of Florida



My commission expires: 11/01/2014

Commission/Serial No. EE038970

THE FOREGOING was approved, pursuant to Resolution No. R-529-09, by the Board of County Commissioners of Miami-Dade County, Florida, on the 5<sup>th</sup> day of May, 2009, to purchase this property by the County for right-of-way needed for the Roadway Improvements to SW 157 Avenue Project, from SW 152 Street to SW 184 Street.

Miami-Dade County  
Public Works Dept.

SW 157 AVENUE  
( FEE SIMPLE )

**Parcel No. 6:**

The East 5 feet of the West 40 feet of the SW 1/4 of the SW 1/4 of the NW 1/4 of Section 28, Township 55 South, Range 39 East, lying and being in Miami-Dade County, Florida; Less the South 354.50 feet thereof.

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