

Date: March 2, 2010

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

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

From: George M. Burgess
County Manager

Resolution No. R-233-10

Subject: Resolution Authorizing the Elimination of the Designated Properties Known as
Parcels 1, 2, 3, 11, 24 and 40 from the 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

Recommendation

It is recommended that the Board of County Commissioners (BCC) rescind the previously adopted Resolutions R-1185-08, R-1279-08, R-1280-08, R1191-08, R-1201-08 and R-1216-08 dated November 20, 2008. Said Resolutions authorized the acquisitions of parcels 1, 2, 3, 11, 24 and 40 needed for the roadway expansion, along SW 27 Avenue from US 1 to South Bayshore Drive, declared the acquisition to be a public necessity and authorized the County Mayor or County Mayor's designee and County Attorney to employ appraisers, expert witnesses, obtain environmental audits, and to take any and all appropriate action 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 the County. Approval of the subject resolution authorizes the elimination of the designated properties known as parcels 1, 2, 3, 11, 24 and 40 which are no longer needed as a result of this project being subjected to value engineering and cost effectiveness.

Scope

The Properties to be eliminated are 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. The elimination of the aforementioned parcels will result in a net savings on the acquisition cost for the project, therefore reducing the fiscal impact on the Surtax. 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

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and Members, Board of County Commissioners
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Background

In an effort to reduce costs, the SW 27 Avenue Project was reevaluated for cost effectiveness and subjected to value engineering. These efforts resulted in the redesign of a segment of the project, yielding cost savings, minimizing the amount of right-of-way to be acquired, maintaining the integrity of the project, while adhering to the objectives set forth by the BCC for the SW 27 Avenue Project. This resolution authorizes the withdrawal of Parcels 1, 2, 3, 11, 24 and 40 for the right-of-way needed by PWD for the roadway expansion portion of the aforementioned project. The Parcels to be withdrawn are legally described in Exhibit "A" and illustrated in the parcel location map in Exhibit "B," attached.



Assistant County Manager



MEMORANDUM
(Revised)

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

DATE: March 2, 2010

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

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

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(P)(1)(D)
3-2-10

RESOLUTION NO. R-233-10

RESOLUTION RESCINDING RESOLUTIONS R-1185-08, R-1279-08, R-1280-08, R-1191-08, R-1201-08, AND R-1216-08 DATED NOVEMBER 20, 2008, ELIMINATING THE ACQUISITION OF DESIGNATED PROPERTIES KNOWN AS PARCELS 1, 2, 3, 11, 24 AND 40

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 that the acquisition of Parcels 1, 2, 3, 11, 24 and 40, legally described in Exhibit "A" and illustrated in the parcel location map in Exhibit "B" attached hereto and made a part hereof, is no longer required and necessary to accomplish the construction or the Project entitled Roadway Expansion, Beautification and Improvements to SW 27th Avenue, from US 1 to South Bayshore Drive,

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 hereby rescinds resolutions R-1185-08, R-1279-08, R-1280-08, R-1191-08, R-1201-08, AND R-1216-08 dated November 20, 2008, eliminating the acquisition of designated properties known as parcels 1, 2, 3, 11, 24, and 40.

The foregoing resolution was offered by Commissioner **Jose "Pepe" Diaz**, 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:

	Dennis C. Moss, Chairman	aye	
	Jose "Pepe" Diaz, Vice-Chairman	aye	
Bruno A. Barreiro	absent	Audrey M. Edmonson	aye
Carlos A. Gimenez	absent	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	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 2nd day of March, 2010. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

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 $N02^{\circ}24'31''W$, 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 $N02^{\circ}24'31''W$, 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 $N87^{\circ}35'29''E$, 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 $S02^{\circ}24'31''E$, along the said parallel line, for a distance of 241.43 feet to a point; thence run $S14^{\circ}04'58''E$ 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 $N29^{\circ}04'15''W$, along the said Northeasterly right of way line of South Bayshore Drive, for a distance of 44.57 feet to the **POINT OF BEGINNING**.

Parcel No. 2: The West 20 feet of Lot 41, and the West 10 feet of Lot 42, 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.

Parcel No. 3: The West 20 feet of Lots 28 through 40, both inclusive, 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, LESS the West 5 feet thereof, previously conveyed to the Public by Deed of Dedication dated December 14, 1924 recorded in Deed Book 722 at Page 34 of the Public Records of Miami-Dade County, Florida.

Miami-Dade County
Public Works Dept.

EXHIBIT "A"
SW 27 AVENUE
(FEE SIMPLE)

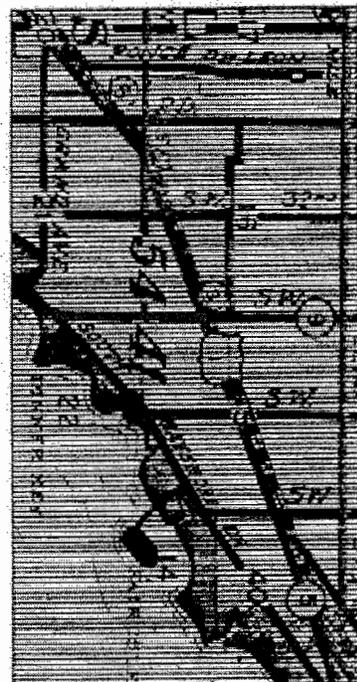
Parcel No.11: The West 20 feet of Lot 6 in Block 27 of SAMUEL RHODES' AMENDED PLAT OF NEW BISCAYNE, according to the plat thereof recorded in Plat Book B, Page 16 of the Public Records of Miami-Dade County, Florida.

Parcel No.24: The East 30 feet of Lots 2 and 3 in Block 1 of PALM TERRACE, according to the plat thereof recorded in Plat Book 3, Page 47 of the Public Records of Miami-Dade County, Florida, LESS the East 15 feet thereof, previously conveyed to the Public by Deed of Dedication dated May 12, 1925 recorded in Deed Book 722 at Page 31 of the Public Records of Miami-Dade County, Florida.

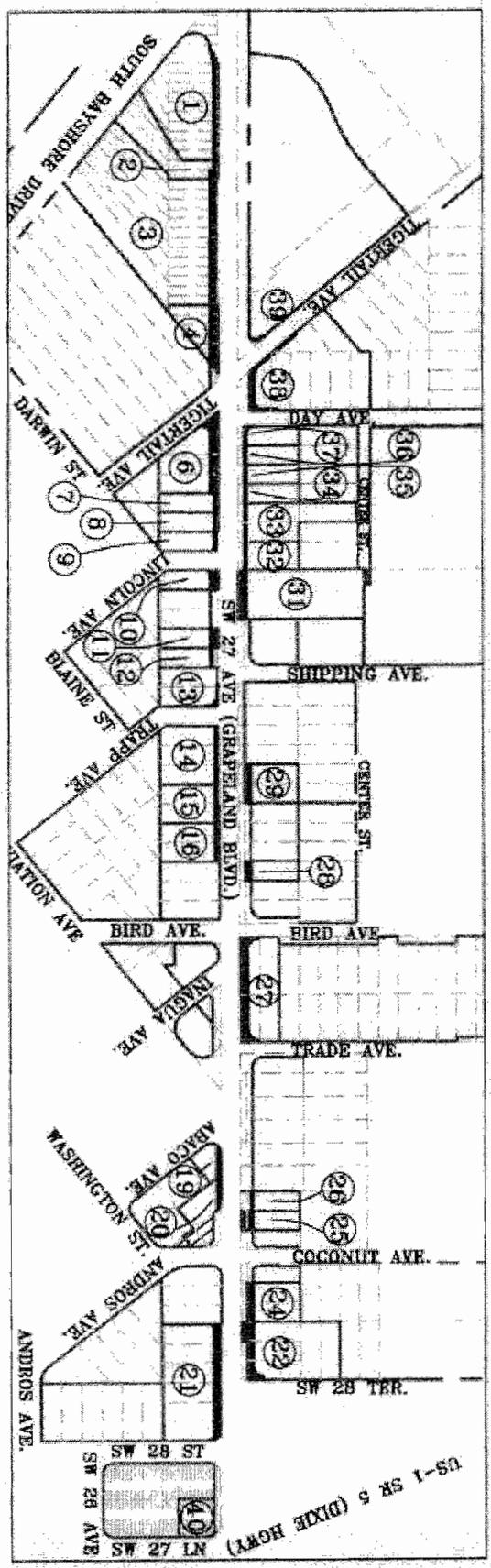
Parcel No.40: All those portions of Lots 1 and 2 in Block 3 of SILVER BLUFF BUSINESS CENTER, according to the plat thereof recorded in Plat Book 14, Page 76 of the Public Records of Miami-Dade County, Florida, which lies within the external area formed by a 10.00 foot radius arc, concave to the Southeast, tangent to the East line of the West 15.00 feet of said Lot 1 and tangent to the North line of said Block 3.

EXHIBIT "B"

SEC 15, 16, 21 & 22
 TWP 54 S
 RGE 41 E



LOCATION MAP Not to Scale



R/W to be acquired by the County

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