

**Date:** March 2, 2010

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

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

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

Resolution No. R-237-10

**Subject:** Resolution Authorizing the Reduction in Square Footage of the Designated Property Known as Parcel 19 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 and Authorizing the Use of Charter County Transit Surtax Funds

### Recommendation

It is recommended that the Board of County Commissioners (BCC) rescind the previously adopted Resolution R-1197-08 dated November 20, 2008 authorizing the acquisition of Parcel 19 needed for roadway expansion, beautification and improvements along SW 27 Avenue from US 1 to South Bayshore Drive, declaring the acquisition to be a public necessity and authorizing 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 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 the County. Approval of the attached resolution authorizes the acquisition of said parcel in the aforementioned manner, but reduces the square footage of Parcel 19 by 297 square feet as a result of this project being subjected to value engineering and cost effectiveness.

### Scope

The subject property 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**

In an effort to curtail costs, the SW 27 Avenue Project was scrutinized 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 goals of the BCC. This resolution authorizes the reduction in square footage of Parcel 19 for right-of-way needed by PWD for roadway expansion the area to be acquired 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.



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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)(H)

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)(H)  
3-2-10

RESOLUTION NO. R-237-10

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 19 FOR RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY EXPANSION, BEAUTIFICATION AND IMPROVEMENTS TO SW 27 AVENUE FROM US1 TO SOUTH BAYSHORE DRIVE TO BE A PUBLIC NECESSITY; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE BY PURCHASE AT APPRAISED VALUE OR BY EMINENT DOMAIN PROCEEDINGS; RESCINDING RESOLUTION R-1197-08; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SURTAX FUNDS

**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 19 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 improvements to SW 27 Avenue from US 1 to South Bayshore Drive to be required and necessary to accomplish such construction; 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:

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Section 1. This Board ratifies and adopts those matters set forth in the foregoing recitals.

Section 2. This Board finds and declares that the acquisition of Parcel 19 in fee simple, as legally described in Exhibit "A" attached hereto and incorporated herein by reference, is needed for the public purpose of roadway expansion, beautification and improvements to SW 27 Avenue from US 1 to South Bayshore Drive.

Section 3. This Board authorizes and directs the County Mayor or 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 action to acquire the subject property in fee simple, as legally described in Exhibit "A" by donation, purchase or eminent domain proceedings, including a declaration of taking, as necessary for and on behalf of Miami-Dade County.

Section 4. Pursuant to Resolution R-974-09, this Board directs the County Manager or County Mayor's designee to record the instruments of conveyances accepted herein in the Public Records of Miami-Dade County, Florida; and provide a recorded copy of instrument to the Clerk of the Board within thirty (30) days of execution of said instruments; and, (b) direct the Clerk of the Board to attach and permanently store a recorded copy of each of said instruments together with this resolution.

Section 5. This Resolution shall supercede Resolution Number R-1197-08, which is hereby rescinded and replaced herewith.

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

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

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

**Parcel No.19:** That portion of Block 1 of RESUBDIVISION OF LOTS 1,2,3,5,&6 OF THE TRIANGLE CO. SUBDIVISION, according to the plat thereof recorded in Plat Book 32, Page 79 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the point of intersection of the centerline of the right of way of Coconut Avenue with the centerline of the right of way of Grapeland Boulevard (SW 27 Ave); thence run S02°20'29"E, along the centerline of Grapeland Boulevard, for a distance of 210.01 feet to a point; thence run N87°39'31"E, perpendicular to the previous course, for a distance of 30.00 feet to the POINT OF BEGINNING; thence run N49°14'27"E, along the Southeasterly boundary line of the property conveyed to Albert A. Gordon by Warranty Deed dated December 28, 1992, recorded in Official Records Book 15793 at Page 3931 of the Public Records of Miami-Dade County, Florida, for a distance of 8.93 feet to the point of intersection with a line parallel and 7.00 feet East of the West line of said Block 1; thence run S02°20'29"E, along the said parallel line, for a distance of 36.10 feet to the point of curvature of a circular curve concave to the Northwest; thence run South and Southwesterly along said circular curve, having a radius of 7.00 feet, through a central angle of 89°44'41", for an arc distance of 10.96 feet to the point of cusp with a non tangent circular curve concave to the Northeast from which its radius point bears N85°14'26"E; thence run Northwesterly along said circular curve, having a radius of 35.00 feet, through a central angle of 2°25'05", for an arc distance of 1.48 feet to a point of tangency; thence run N02°20'29"W, along the West line of said Block 1, for a distance of 36.07 feet to the POINT OF BEGINNING.

Approved as description

Date

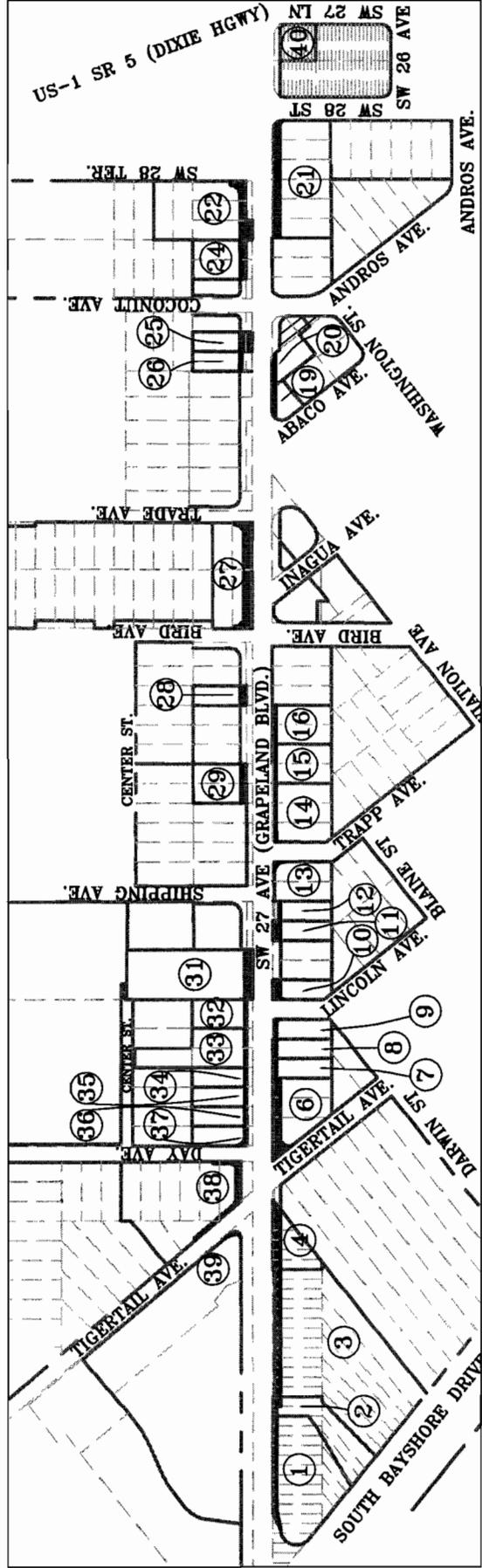
11/23/09  
C.D.S.

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



Not to Scale

LOCATION MAP



R/W to be acquired by the County



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

EXHIBIT "B"

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

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