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

Memorandum

MIAMI-DADE COUNTY

Date: March 2, 2010

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

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

From: George M. Burgess
County Manager

Resolution No. R-243-10

Subject: Resolution Authorizing the Reduction in Square Footage of the Designated Property Known as Parcel 38 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

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Recommendation

It is recommended that the Board of County Commissioners (BCC) rescind the previously adopted Resolution R-1214-08 dated November 20, 2008 authorizing the acquisition of Parcel 38 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 38 by 404 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 38 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.

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)(N)

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)(N)
3-2-10

RESOLUTION NO. **R-243-10**

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 38 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-1214-08; 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 38 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:

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 38 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-1214-08, 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	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

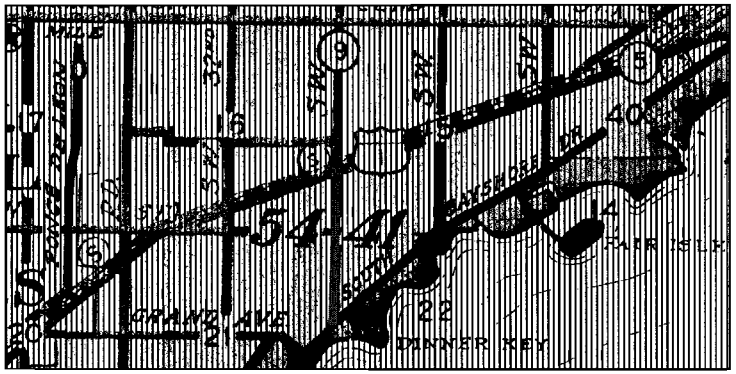
Miami-Dade County
Public Works Dept.

EXHIBIT "A"
SW 27 AVENUE
(FEE SIMPLE)

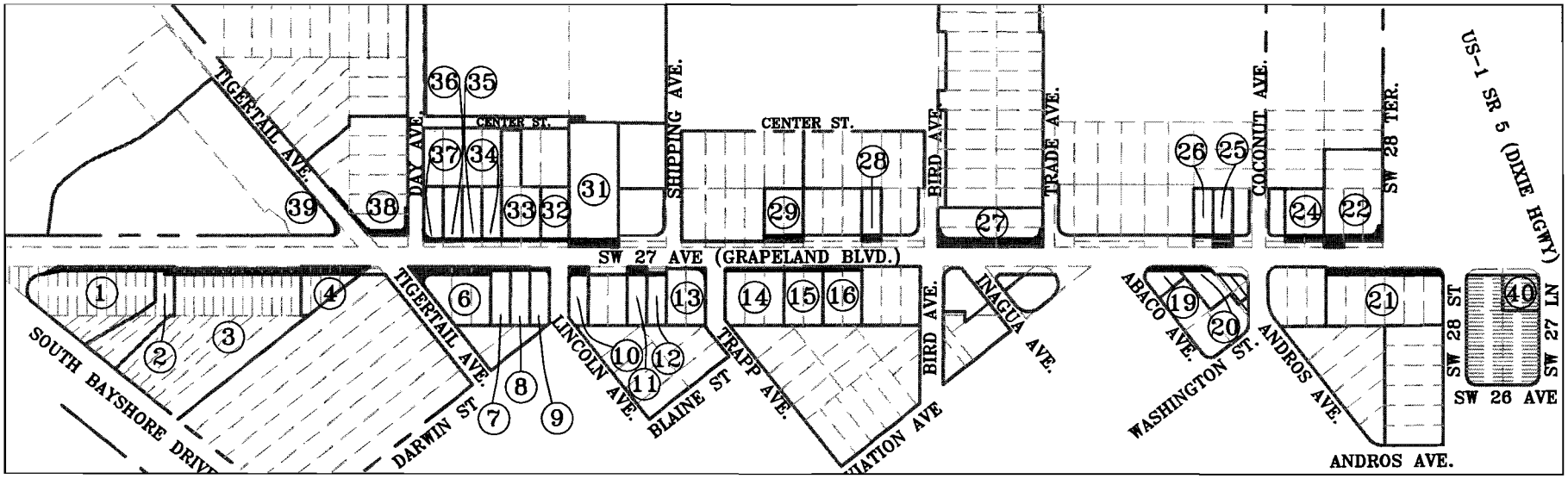
Parcel No. 38: Those portions of Lots 47 and 48, of CORNELIA M. DAY'S SUBDIVISION, according to the plat thereof recorded in Plat Book 3, Page 16 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows: COMMENCE at the point of intersection of the centerline of the right of way of Day Avenue (Edward St) with the centerline of the right of way of Grapeland Boulevard (SW 27 Ave) as shown on the plat thereof; thence run S87°36'15"W, along the centerline of Day Avenue, for a distance of 120.01 feet to a point; thence run S02°23'45"E, perpendicular to the previous course, for a distance of 20.00 feet to the point of intersection with the North line of Lot 48 being also the **POINT OF BEGINNING**; thence run S02°24'31"E for a distance of 5.00 feet to the point of intersection with a line parallel and 5 feet South of the North line of said Lot 48; thence run N87°36'15"E, along said parallel line, for a distance of 43.01 feet to the point of curvature of a circular curve concave to the Southwest; thence run Southeasterly and Southerly along the said circular curve concave to the Southwest, having a radius of 15.00 feet, through a central angle of 89°59'14", for an arc distance of 23.56 feet to the point of tangency; thence run S02°24'31"E, along a line parallel and 42.00 feet West of the East line of Lot 47, for a distance of 69.18 feet to the point of curvature of a circular curve concave to the West; thence run Southerly and Southwesterly along the said circular curve concave to the West, having a radius of 33.50 feet, through a central angle of 49°30'25", for an arc distance of 28.95 feet to the point of tangency; thence run S47°05'54"W, along a line parallel and 5 feet Northwesterly of the Southeasterly line of said Lot 47, for a distance of 41.30 feet to the West line of said Lot 47; thence run S02°20'23"E, along the West line of said Lot 47, for a distance of 6.58 feet to a point of intersection with the Southeasterly line of said Lot 47; thence run N47°05'54"E, along the Southeasterly line of said Lot 47, for a distance of 72.54 feet to the point of intersection with a line parallel and 30.00 West of the East line of Lot 47; thence run N02°24'31"W, along said parallel line, for a distance of 100.95 feet to the point of intersection with the North line of said Lot 47; thence run S87°36'15"W, along the North lines of said Lot 47 and Lot 48, for a distance of 70.01 feet to the **POINT OF BEGINNING**.

Drawer as description
Date 11/23/09
C.D.

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

8

CFN 2010R0203722
OR Bk 27228 Pgs 3333 - 3335; (3pgs)
RECORDED 03/26/2010 09:04:15
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Prepared by: John M. White
Return to: John M. White
Miami-Dade County
Public Works Department
111 NW 1 Street, Ste 1610
Miami, FL 33128-1970
Folio No. 01-4121-025-0060
User Dept: Public Works

Project No. 20040337
Parcel No. 32
Section 54-41-21

WARRANTY DEED

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

THIS INDENTURE, made this 10 day of March, 2010, between **Andmar Enterprises, Inc., a Florida Corporation,** (Grantor) whose post office address is 1450 Madruga Avenue, Coral Gables, FL, 33146, in consideration of the sum of TEN DOLLARS ($10.00) 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. 1st Street, Miami, Florida 33128-1970, of the County of Miami-Dade, State of Florida, the receipt whereof is hereby acknowledged, has 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: Suite 209

The East 20 feet of Lot 7 of CORNELIA M. DAY'S SUBDIVISION, according to the plat thereof recorded in Plat Book 3, Page 16 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 37 of the Public Records of Miami-Dade County, Florida.

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 reimposed and subject to applicable zoning ordinances, taxes and assessments for the year 2010 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 her hand and seal, the day and year first above written.

Signed, Sealed, Attested and delivered in our presence:
(2 witnesses for each signature or for all).

Andmar Enterprises, Inc.

Witness

Witness Printed Name

By: Andrew L. Herskowitz, President

Witness

Witness Printed Name

Address if different

Witness

Witness Printed Name

Marla Trugerman, Vice-President

Witness

Witness Printed Name

Address if different

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY, that on this 10 day of March, A.D. 2010, before me, an officer duly authorized to administer oaths and take acknowledgments personally appeared **Andrew L. Herskowitz** and **Marla Trugerman**, personally known to me, or proven, by producing the following identification: _____ to be the President and Vice-President of Andmar Enterprises, Inc., a Florida corporation, and in whose name the foregoing instrument is executed and that said officer(s) severally acknowledged before me that (he/she/they) executed said instrument acting under the authority duly vested by said corporation and its Corporate Seal is affixed thereto.

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

Notary Signature

Printed Name

SEAL/ NOTARY SEAL / STAMP

Notary Public, State of _____
My Commission expires: _____
Commission No.: _____

NOTARY PUBLIC STATE OF FLORIDA
MARIA C. FERNANDEZ
MY COMMISSION # DD 556135
EXPIRES: July 30, 2010
1-800-3-NOTARY FL Notary Discount Assoc. Co.

THE FOREGOING was accepted and approved on the 21st day of January, 2010, by Resolution No.R-44-10 of the Board of County Commissioners of Miami-Dade County, Florida