

Date: July 8, 2010

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

From: George M. Burgess  
County Manager

Subject: Resolution Authorizing the Acquisition of the Designated Property Known as Parcel 2 for Right-of-Way Needed for the People's Transportation Plan (PTP) Project Entitled Roadway Expansion, Beautification and Improvements to SW 176 Street, from US Highway 1 to SW 107 Avenue, to be a Public Necessity and Authorizing the Use of Charter County Transit Surtax Funds

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

Resolution No. R-735-10

**Recommendation**

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution declaring the acquisition of Parcel 2 for right-of-way needed for roadway expansion, beautification and improvements to SW 176 Street from US Highway 1 to SW 107 Avenue, to be a public necessity, and authorizing the County Mayor or 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, 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. Proceeds from future Charter County Transit System Sales Surtax (the Surtax) bond sales will be used to fund this project, therefore, approval by the BCC and Citizens' Independent Transportation Trust (CITT) is required.

**Scope**

This project is located within Commission District 9.

**Fiscal Impact/Funding Source**

Funding for the right-of-way acquisition, design and construction of this project has been budgeted at \$5,815,000 and will be provided by the Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County. This project was specifically listed in Exhibit 1 of the People's Transportation Plan (PTP) as one of the Board requested Major Roadway and Neighborhood Improvement projects within Commission District 9. The additional Operation and Maintenance (O&M) costs associated with this project once built out are estimated to be approximately \$9,000.00 per year.

The initial acquisition cost has been budgeted and no additional fiscal impacts are expected; however, the ultimate acquisition cost in the event of litigation would be subject to a future ruling by the Court.

**Track Record/Monitor**

Not Applicable

**Background**

This Resolution is for the acquisition of Parcel 2 of six (6) separate parcels needed by the Public Works Department (PWD) for programmed improvements to SW 176 Street from US Highway 1 to SW 107 Avenue. This project consists of reconstructing the existing roadway to include a raised landscaped median, bicycle facilities, sidewalks, curb and gutters, continuous storm drainage system, signalization, pavement markings and signage, 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 improve traffic mobility and improve drainage as well as beautify SW 176 Street from US 1 to SW 107 Avenue.

  
Assistant County Manager



# MEMORANDUM

(Revised)

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

**DATE:** July 8, 2010

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

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

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)(B)  
7-8-10

RESOLUTION NO. R-735-10

RESOLUTION DECLARING THE ACQUISITION OF PARCEL 2 FOR RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 176 STREET FROM US HIGHWAY 1 TO SW 107 AVENUE TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE, BY DONATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR BY EMINENT DOMAIN COURT PROCEEDINGS INCLUDING DECLARATIONS OF TAKING, AS NECESSARY 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 the parcel of land 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 improvements to SW 176 Street from US Highway 1 to SW 107 Avenue, 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:**

Section 1. This Board ratifies and adopts these matters set forth in the foregoing recital.

Section 2. This Board finds and declares that the acquisition of Parcel 2 as legally described in "Exhibit A" attached hereto and incorporated herein by reference, is needed for the public purpose of improvements to SW 176 Street from US Highway 1 to SW 107 Avenue.

Section 3. This Board 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 action to acquire Parcel 2 in fee simple, as legally described in Exhibit "A" by donation, purchase at values established by appraisals 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 (a) directs the County Mayor or the 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 instruments to the Clerk of the Board within thirty (30) days of execution of said instruments: and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instruments together with this resolution.

The foregoing resolution was offered by Commissioner **Katy Sorenson**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** 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>aye</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 8<sup>th</sup> day of July, 2010. 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.

Debra Herman

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Legal Description  
(Fee Simple)

**Parcel 2**

A portion of Lot 2, Block 5, TOWN OF PERRINE, according to the Plat thereof, as recorded in Plat Book B at Page 79 of the Public Records of Miami-Dade County, Florida; being more particularly described as follows:

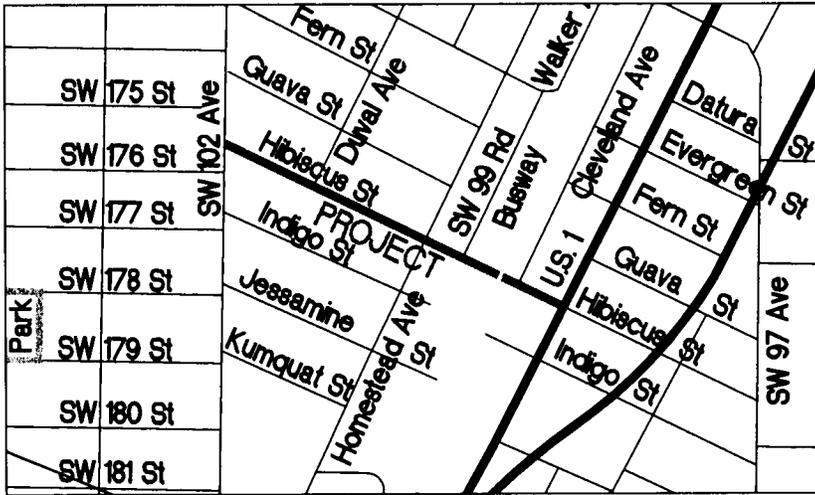
Commence at the Northwest corner of said Lot 2; thence South 22°32'27" West along the Westerly line of said Lot 2 for 44.01 feet to the POINT OF BEGINNING of the herein described parcel of land; said point lying on a non-tangent circular curve concave to the Northeast, the center of said curve bearing North 69°00'48" East from said point; thence Southeasterly along said curve to the left, having a radius of 390.00 feet through a central angle of 8°57'54" for 61.02 feet to a point of compound curvature of a circular curve concave to the Northeast; thence Southeasterly along said curve to the left, having a radius of 121.00 feet through a central angle of 2°45'02" for 5.81 feet to a point lying on the Easterly line of the west 50.00 feet of said Lot 2; thence South 22°32'27" West along said Easterly line for 6.81 feet to a point lying on the Northerly line of the Southerly 50.00 feet of said Lot 2; thence North 67°26'03" West along said Northerly line for 42.90 feet to a point of curvature of a circular curve concave to the Northeast; thence Northwesterly along said curve to the right, having a radius of 25.00 feet through a central angle of 16°30'43" for 7.20 feet to a point on the Westerly line of said Lot 2; thence North 22°32'27" East along said Westerly line for 49.96 feet to the POINT OF BEGINNING.

**EXHIBIT "A"**

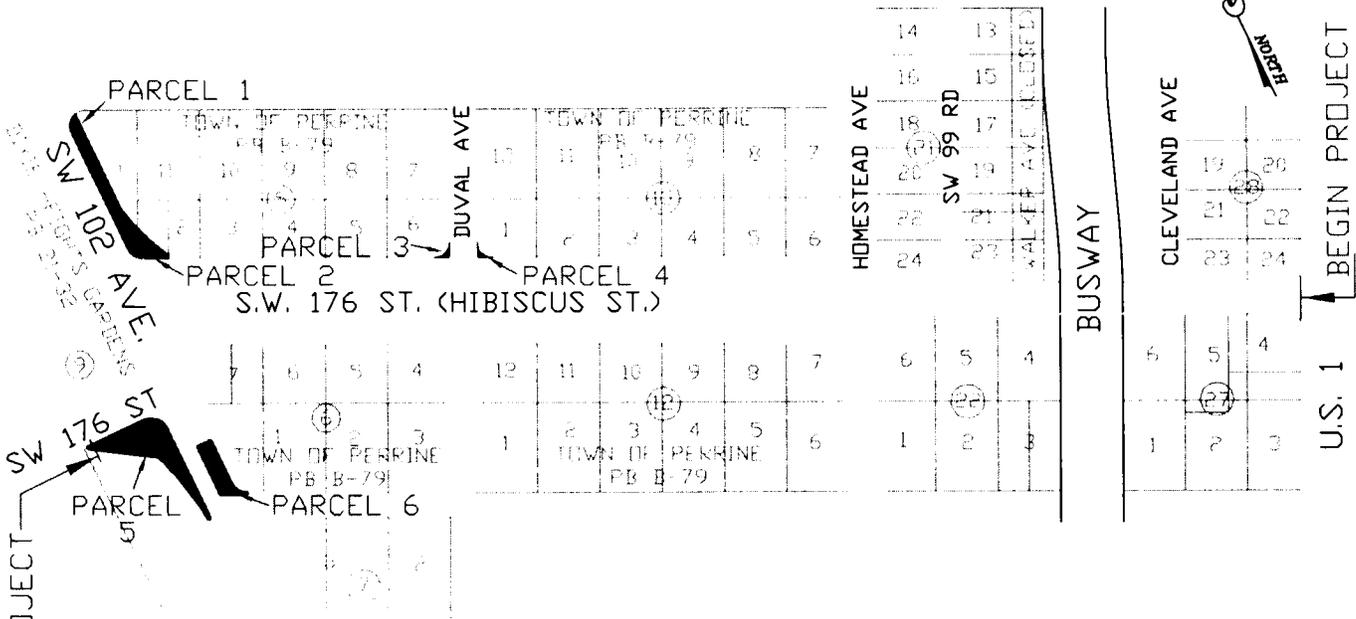
( 2 of 6 )

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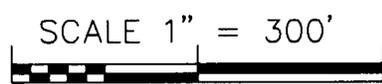
SEC 32  
TWP 55 S  
RGE 40 E



LOCATION MAP  
Not to Scale



 Dedication to be Acquired



NOT A SURVEY

EXHIBIT "B"



PUBLIC WORKS DEPT.  
RIGHT-OF-WAY ENGINEERING DIVISION  
111 N.W. 1ST ST. 16TH FLR.  
MIAMI, FL. 33128  
PREP. BY: S. BURTON PSM

3/22/10 PROJ. NO. 20040349

*K*

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



Legislative Notes

**Agenda Item:** 8(P)1(A) through 8(P)1(F)  
**File Numbers:** 101344, 101345, 101346, 101347, 101348, 101349  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** June 24, 2010  
**Type of Item:** Resolutions Authorizing Land Acquisition

These items authorize the acquisition of certain parcels of land which the County has declared to be required for construction of certain public infrastructure improvement projects.

Item No.	Commission District	Parcel(s)	Project Description
8P1A	9	Parcel 1	This land is needed for right-of-way for roadway improvements to S.W. 176 Street from U.S. 1 to S.W. 107 Avenue.
8P1B		Parcel 2	
8P1C		Parcel 3	
8P1D		Parcel 4	This project is listed in Exhibit 1 of the People's Transportation Plan as a Board-requested Major Roadway and Neighborhood Improvement Project.
8P1E		Parcel 5	
8P1F		Parcel 6	

**Background and Relevant Legislation**

The Florida Constitution, State Statutes and the Home Rule Charter of Miami-Dade County authorize the Board of County Commissioners to initiate the taking of property through eminent domain proceedings. See Chapters 73, 74, 125, 127 and 341, Florida Statutes; and §§1.01(A)(1)(2) and (21) of the Home Rule Charter of Miami-Dade County, Florida.

**Policy Change and Implication**

These resolutions to acquire land are consistent with current County and State policy regarding land acquisition.

**Budgetary Impact**

The fiscal impact to the County has been budgeted at \$5,815,000 and will be funded by future Charter County Transit System Surtax bond funds. However, these items only authorize the acquisition of certain parcels by donation, purchase or by eminent domain proceedings. The true fiscal impact to the County will be quantified once the County enters into negotiations with the owners of the parcels.

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Once completed, operation and maintenance of this project is estimated at \$9,000 per year.

**Prepared by:** Jason T. Smith