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

Memorandum

MIAMI-DADE COUNTY

Date: September 10, 2010

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

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

From: George M. Burgess
County Manager

Resolution No. R-895-10

Subject: Resolution Declaring the Acquisition of a 35-Foot Strip of Land known as Parcel 102 Required for the Construction of a Utility Corridor and Access Road for the South District Water Reclamation Plant, 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 102 which is required for the construction of a utility corridor and access road for the County's South District Water Reclamation Plant (SDWRP)at the southwest corner of SW 240 Street and SW 97 Avenue, to be a public necessity; and to employ appraisers, expert witnesses, obtain required environmental audits, and authorizing the County Mayor or the County Mayor's Designee and County Attorney to take any and all appropriate action to acquire the subject parcel in fee simple, either by negotiation, purchase at values established by appraisals, donation, or eminent domain court proceedings including declaration of taking as necessary for and on behalf of Miami-Dade County. The property is currently owned by Lewis W. Peters Trustee, as per the Miami-Dade County Tax Collector.

SCOPE

The project is located in Commission District 8, Commissioner Katy Sorenson.

FISCAL IMPACT/FUNDING SOURCE

The funding source for the acquisition of Parcel 102 is Wastewater Plant Expansion Funds (Wastewater Connection Charges) and is funded as part of the larger project budget of $330,000,000. There will be no impact on the County's current approved capital budget. Preliminary estimates for operations and maintenance (O&M) costs associated with this new facility are approximately $13,000,000.00 per year which will be funded through WASD operating revenues.

TRACK RECORD/MONITOR

WASD's Real Estate Coordinator will track the progress of this acquisition.

DELEGATED AUTHORITY

N/A

BACKGROUND

The construction of the SDWRP is a requirement of the County's 20-Year Water Use Permit (WUP) issued by the South Florida Water Management District in November 2007. The South District Water Reclamation Plant will generate 21 million gallons of highly treated water daily for recharge of the aquifer and must be operational by 2014.

The acquisition of a 35 foot strip of land known as Parcel 102 along SW 240 Street (see attached Exhibit B) provides the property necessary to serve as a utility corridor and as a primary access road for the construction and operation of the South District Water Reclamation Plant.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: September 10, 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)
9-10-10

RESOLUTION NO. R-895-10

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL ONE-HUNDRED AND TWO (102) NEEDED TO CONSTRUCT THE SOUTH DISTRICT WATER RECLAMATION PLANT UTILITY CORRIDOR AND ACCESS ROAD TO BE A PUBLIC NECESSITY AND TO EMPLOY APPRAISERS, EXPERT WITNESSES, OBTAIN REQUIRED ENVIRONMENTAL AUDITS, AND AUTHORIZING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE AND COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTION TO ACQUIRE THE SUBJECT PARCEL IN FEE SIMPLE, EITHER BY NEGOTIATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS, DONATION, OR EMINENT DOMAIN COURT PROCEEDINGS INCLUDING DECLARATION OF TAKING AS NECESSARY FOR AND ON BEHALF OF MIAMI-DADE COUNTY

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 102 in fee simple as legally described in Exhibit "A" and shown in Exhibit "B" attached hereto and made a part hereof, for the public purpose of a utility corridor to create connectivity between the South District Waste Water Treatment Plant and the South District Water Reclamation Plant to be required and necessary to accomplish this utility corridor and access road; and

WHEREAS, Miami-Dade County is authorized under the Constitution and laws of Florida, including Chapters 73, 74, 125 and 127, 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 recitals.

Section 2. This Board finds and declares that the acquisition of Parcel 102 as legally described in "Exhibit A" attached hereto and incorporated herein by reference, is needed for the public purpose of a utility corridor and access road,

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 102 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 **Dorrin D. Rolle** , 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	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	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 10th day of September, 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"

LEGAL DESCRIPTION (PARCEL 102):

A portion of the Northeast 1/4 of the Southeast 1/4 of Section 20, Township 56 South, Range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

The North 35 feet of the Northeast 1/4 of the Southeast 1/4 of Section 20, Township 56 South, Range 40 East, Miami-Dade County, Florida; containing 1.09 acres, more or less, all lying and being in Miami-Dade County, Florida.

NOTES:
1. THIS IS NOT A SURVEY.

Aviñó & ASSOCIATES
ENGINEERS • PLANNERS • SURVEYORS
1350 S.W. 57TH AVENUE
SUITE 207
WEST MIAMI, FLORIDA 33144
TEL.(305) 265-5030 - FAX. (305) 265-5033
CERTIFICATE OF AUTHORIZATION: EB # 5098
CERTIFICATE OF AUTHORIZATION: LB # 5098
E-MAIL: JRAVINO@AVINOANDASSOCIATES.COM

SKETCH OF 35 FEET RIGHT-OF-WAY AND LEGAL DESCRIPTION

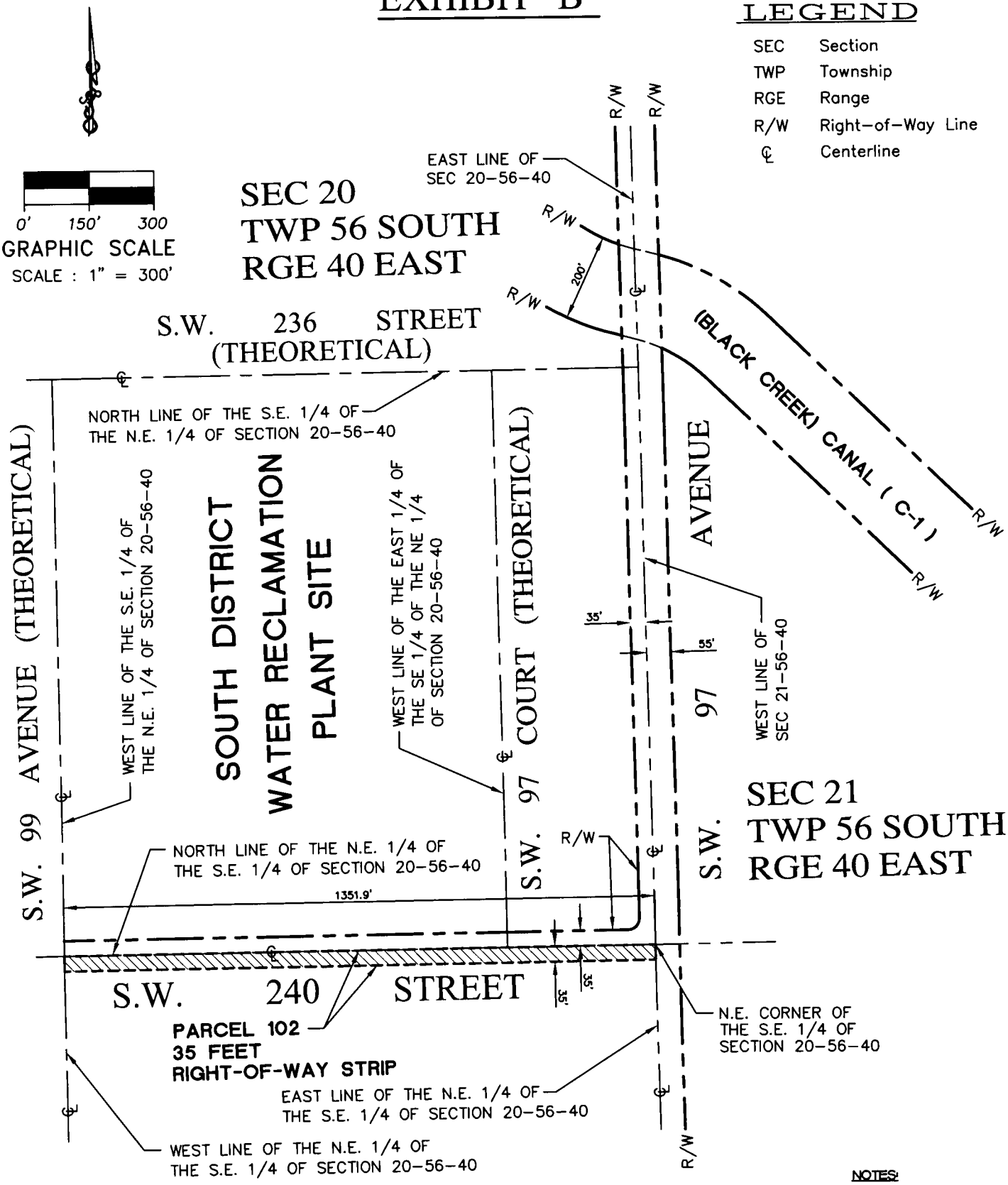
SEAL
JORGE R. AVIÑO, PE, PSM

DRAWN BY: B.J.S.	SHEET
CHECKED BY: J.R.A.	1
DATE: 06/28/2010	
SCALE: AS_SHOWN	
JOB No.: 07129.04	OF 1 SHEETS

EXHIBIT "B"

LEGEND

SEC	Section
TWP	Township
RGE	Range
R/W	Right-of-Way Line
℄	Centerline



NOTES:
1. THIS IS NOT A SURVEY.

Aviñó & ASSOCIATES
ENGINEERS • PLANNERS • SURVEYORS
1350 S.W. 57TH AVENUE
SUITE 207
WEST MIAMI, FLORIDA 33144
TEL.(305) 265-5030 - FAX. (305) 265-5033
CERTIFICATE OF AUTHORIZATION: EB # 5098
CERTIFICATE OF AUTHORIZATION: LB # 5098
E-MAIL: JRAVINO@AVINOANDASSOCIATES.COM

SKETCH OF 35 FEET RIGHT-OF-WAY AND LEGAL DESCRIPTION

SEAL
JORGE R. AVIÑO, PE, PSM

DRAWN BY: B.J.S.	SHEET
CHECKED BY: J.R.A.	1
DATE: 06/28/2010	
SCALE: AS_SHOWN	
JOB No.: 07129.04	OF 1 SHEETS