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

**MEMORANDUM** Agenda Item No. 8(L)(4)

**TO:** Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

**DATE:** September 4, 2012

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

**SUBJECT:** Resolution declaring the acquisition of the designated property known as Parcel 17 for right-of-way needed for The People's Transportation Plan Project entitled roadway expansion and improvements to NW 37 Avenue from NW North River Drive to NW 79 Street to be a public necessity

Resolution No. R-695-12

The accompanying resolution was prepared by the Public Works and Waste Management and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

# Memorandum

MIAMI-DADE COUNTY

**Date:** September 4, 2012

**To:** Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez
Mayor

**Subject:** Resolution Authorizing the Reduction in Square Footage of the Designated Property Known as Parcel 17 for Right-of-Way Needed for the People's Transportation Plan Project Entitled Roadway Expansion and Improvements to NW 37 Avenue, from NW North River Drive to NW 79 Street, to be a Public Necessity and Authorizing the Use of Charter County Transportation Surtax Funds

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## RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution which does the following:

- Rescinds the previously adopted Resolution R-705-09 dated June 2, 2009 authorizing the acquisition of Parcel 17 needed for the People's Transportation Plan Project Entitled Roadway Expansion and Improvements to NW 37 Avenue, from NW North River Drive to NW 79 Street,
- Approves the attached resolution authorizing the acquisition of said parcel, but reducing the square footage of Parcel 17 by 957 square feet, from the original 1,366 square feet to 409 square feet, as a result of this project being subjected to value engineering and cost effectiveness. Proceeds from Charter County Transportation Surtax bond proceeds will be used to fund this Project, therefore, approval by the BCC and the Citizens' Independent Transportation Trust (CITT) is required.

Said Resolution is placed for committee review pursuant to Miami-Dade County Code Section 29-124(f). This item may only be considered by the BCC if the CITT has forwarded a recommendation to the BCC prior to the date scheduled for BCC consideration, or forty-five (45) days have elapsed since the filing with the Clerk of the Board of this item. If the CITT has not forwarded a recommendation and forty-five (45) days have not elapsed since the filing of this item, I will request a withdrawal of this item.

## SCOPE

The property to be acquired is located within County Commission District 2 and traverses the City of Hialeah and the City of Miami. However, this project is beneficial countywide.

## FISCAL IMPACT/FUNDING SOURCE

Funding for the right-of-way acquisition, design and construction of this project is from Charter County Transportation Surtax bond proceeds, and may be supplemented by other eligible funding sources. This item will be presented to the CITT for review prior to final consideration by the BCC. Funding is programmed within the adopted FY2010-11 Capital Budget with a current index code of CPEPTP60237A. The initial acquisition cost has been budgeted and no additional fiscal impacts are expected; however, in the event of litigation the ultimate acquisition cost would be subject to a future ruling by the Court and would require further CITT and BCC approval.

The total cost of the project (inclusive of construction, design and the right-of-way acquisition of all parcels) is estimated at $19,270,277.00. The anticipated ongoing annual maintenance and operational costs will be approximately $9,663.34 and $11,057.64, respectively.

**TRACK MONITOR**

The Miami-Dade County Public Works and Waste Management Department (PWWM) is the entity overseeing this project and the person responsible for monitoring this acquisition is Mr. Raul A. Pino, PLS, Chief, Land Development/Right-of-Way Division.

**BACKGROUND**

In an effort to curtail costs, the NW 37 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 goals of the BCC. This resolution authorizes the reduction in square footage of Parcel 17 for right-of-way needed by PWWM 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 hereto. The project consists of the reconstruction and widening of an existing two (2) lane undivided roadway to a three (3) lane roadway including parking lanes, sidewalks, curb & gutters, a new storm drainage system, signalization, pavement markings & signing and roadway lighting. These improvements will increase vehicular capacity, improve traffic mobility, ensure ADA compliance, and provide multiple modes of transportation.

Alina T. Hudak
County Manager/Deputy Mayor

# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

**DATE:** September 4, 2012

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

**SUBJECT:** Agenda Item No. 8(L)(4)

Resolution No. R-696-12

**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(L)(4)
9-4-12

RESOLUTION NO. R-696-12

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 17 FOR RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED ROADWAY EXPANSION AND IMPROVEMENTS TO NW 37 AVENUE FROM NW NORTH RIVER DRIVE TO NW 79 STREET 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-705-09; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION 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 17 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 and right-of-way improvements to NW 37 Avenue from NW North River Drive to NW 79 Street to be required or necessary to accomplish such construction; and

**WHEREAS,** Miami-Dade County is authorized under the Constitution and Laws of Florida, including Chapters 72, 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 17 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 NW 37 Avenue from NW North River Drive to NW 79 Street.

**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 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 behalf of Miami-Dade County, and authorizes the use of Charter County Transportation Surtax funds.

**Section 4.** Pursuant to Resolution R-974-09, this Board directs the County Mayor or the County Mayor's designee to record the instrument of conveyances accepted herein in the Public Records of Miami-Dade County, Florida; and, (a) 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 supersede Resolution Number R-705-09, which is hereby rescinded and replaced herewith.

The foregoing resolution was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

| | | | |
|---|---|---|---|
| Joe A. Martinez, Chairman | **aye** | | |
| Audrey M. Edmonson, Vice Chairwoman | **aye** | | |
| Bruno A. Barreiro | **aye** | Lynda Bell | **aye** |
| Esteban L. Bovo, Jr. | **aye** | Jose "Pepe" Diaz | **aye** |
| Sally A. Heyman | **aye** | Barbara J. Jordan | **aye** |
| Jean Monestime | **absent** | Dennis C. Moss | **aye** |
| Rebeca Sosa | **aye** | Sen. Javier D. Souto | **aye** |
| Xavier L. Suarez | **absent** | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 6 day of September, 2012. 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

Miami Dade County
Public Works Dept.

NW 37 AVENUE
( FEE SIMPLE )

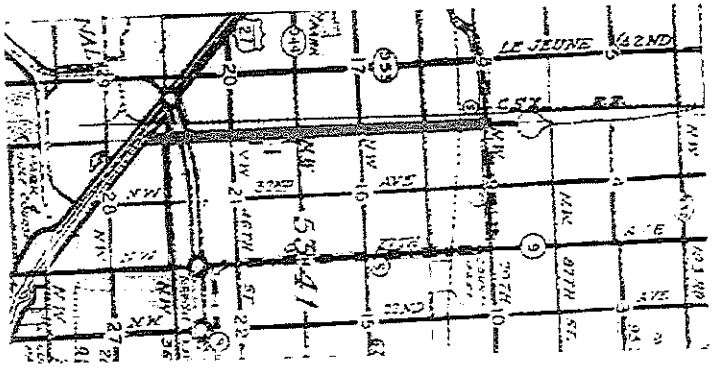
Parcel No.17: The East 3.00 feet of Lot 24, in Block 6, AMENDED PLAT OF MELROSE GARDENS, according to the plat thereof recorded in Plat Book 7 at Page 94 of the Public Records of Miami-Dade County, Florida,

AND

All that part of said Lot 24, which lies within the external area formed by a 25 foot radius arc, concave to the Southwest, tangent to the West line of the East 3.00 feet of said Lot 16, and tangent to the North line of the aforesaid Lot 24.

EXHIBIT "A"

SEC 8, 9, 16, 17, 20, 21, 28 & 29
TWP 53 S
RGE 41 E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N.W. 2501ST ST.
N.W. 2503RD ST.
N.W. 2505TH ST.
N.W. 2507TH ST.
N.W. 2509TH ST.
N.W. 2511TH ST.
N.W. 2513TH ST.
N.W. 2515TH ST.
N.W. 2517TH ST.
N.W. 2519TH ST.
N.W. 2521ST ST.
N.W. 2523RD ST.
N.W. 2525TH ST.
N.W. 2527TH ST.
N.W. 2529TH

**Memorandum**

**To:** Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

**From:** Charles Scurr, Executive Director

**Date:** June 20, 2012

**Re:** **CITT AGENDA ITEM 5B:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), DECLARE THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 17 FOR RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED ROADWAY EXPANSION AND IMPROVEMENTS TO NW 37 AVENUE FROM NW NORTH RIVER DRIVE TO NW 79 STREET 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-703-09; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS **(PWWM – BCC Legislative File No. 121150)**

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On June 20, 2012, the CITT voted (11-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 12-054. The vote was as follows:

Hon. Linda Zilber, Chairperson – Aye
Paul J. Schwiep, Esq., 1st Vice Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Absent
Joseph Curbelo – Aye
Peter L. Forrest – Aye
Prakash Kumar – Aye
Hon. James A. Reeder – Aye
Harold Braynon, Jr. – Aye
Glenn J. Downing, CFP® – Aye
Alfred J. Holzman – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Absent

cc: Alina Hudak, Deputy Mayor/County Manager
Bruce Libhaber, Assistant County Attorney
Alexander Bokor, Assistant County Attorney