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

MEMORANDUM Agenda Item No. 8(L)(2)

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 rescinding resolutions R-692-09, R-693-09, R-694-09, R-698-09 and R-699-09 dated June 2, 2009 eliminating the acquisition of designated Parcels 4, 5,6,10 and 11.

Resolution No. R-694-12

The accompanying resolution was prepared by the Public Works and Waste Management Department 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 Elimination of Designated Properties Known as Parcels 4, 5, 6, 10 and 11 from the 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

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RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing the elimination of Parcels 4, 5, 6, 10 and 11 from the right-of-way needed for the Roadway Expansion and Improvements to NW 37 Avenue from NW North River Drive to NW 79 Street (Project). On June 2, 2009, the BCC previously adopted Resolutions R-692-09, R-693-09, R-694-09, R-698-09 and R-699-09 authorizing the acquisition of these parcels.

SCOPE

The properties to be eliminated are located within County Commission District 2 and traverse 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 item is Mr. Raul A. Pino, PLS, Chief, Land Development/Right-of-Way Division.

BACKGROUND

In an effort to reduce costs, the 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. The resolution withdraws Parcels 4, 5, 6, 10 and 11, described therein, from the right-of-way needed by PWWM for the roadway expansion portion of the aforementioned Project. The parcels to be withdrawn are illustrated in the parcel location map in Exhibit "A," 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)(2)

Resolution No. R-694-12

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)(2)
9-4-12

RESOLUTION NO. R-694-12

RESOLUTION RESCINDING RESOLUTIONS R-692-09, R-693-09, R-694-09, R-698-09 AND R-699-09 DATED JUNE 2, 2009, ELIMINATING THE ACQUISITION OF DESIGNATED PARCELS 4, 5, 6, 10 AND 11

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 that the acquisition of Parcels 4, 5, 6, 10 and 11, illustrated in the parcel location map in "Exhibit A" attached hereto and made a part hereof, is no longer required and necessary to accomplish the construction 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,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies and adopts these matters set forth in the foregoing recitals and hereby rescinds resolutions R-692-09, R-693-09, R-694-09, R-698-09 and R-699-09 dated June 2, 2009 eliminating the acquisition of the designated parcels known as 4, 5, 6, 10 and 11.

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

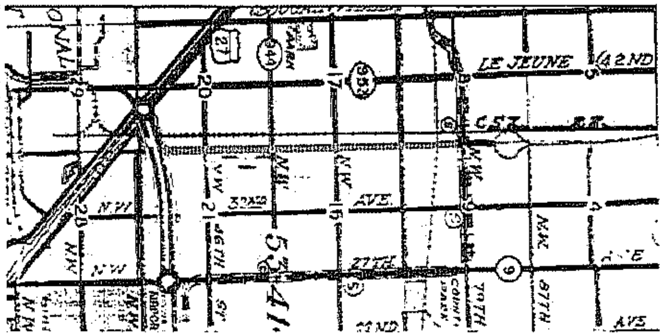
HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

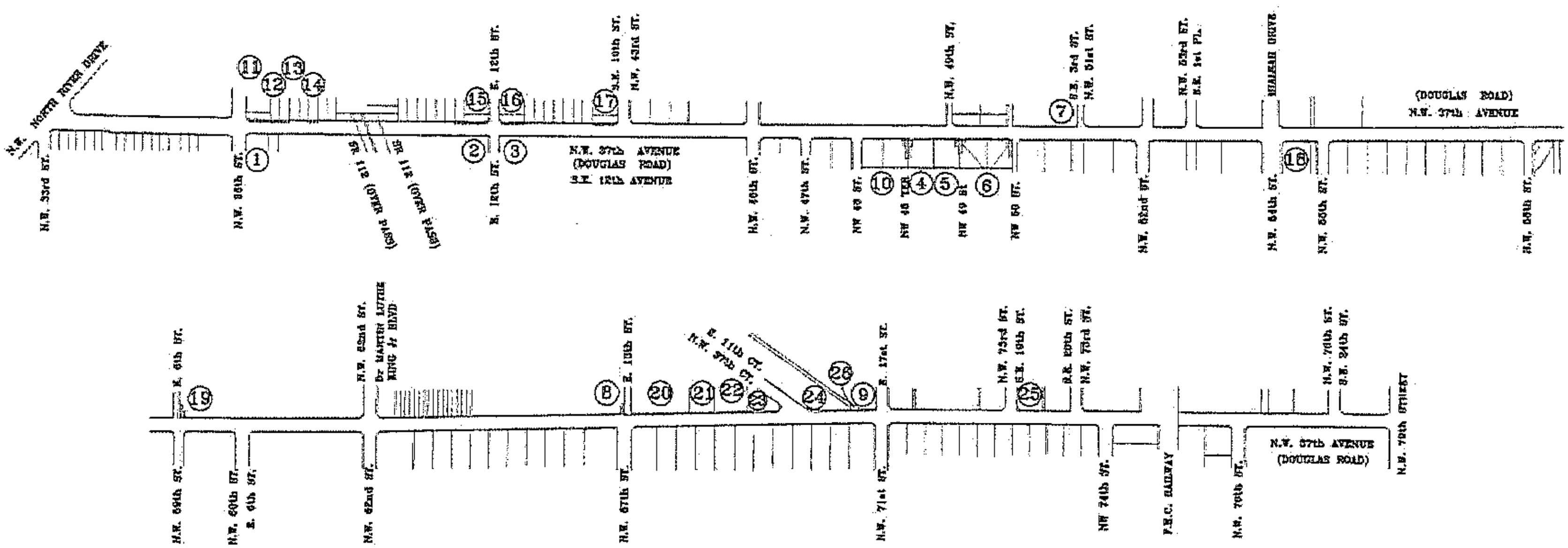
Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

SEC 8, 9, 16, 17, 20, 21, 28 & 29
TWP 53 S
RGE 41 E



LOCATION MAP
NOT TO SCALE



R/W TO BE ACQUIRED BY THE COUNTY

EXHIBIT "A"

MIAMI-DADE COUNTY PUBLIC WORKS
AND WASTE MANAGEMENT DEPARTMENT
RIGHT OF WAY ENGINEERING SECTION

NW 37 Avenue
From NW North River Drive to NW 79 Street

MIAMI-DADE

SCALE 1" = 800'
PROJECT: 20040330
PREPARED BY: L.E.
DATED: 02-27-12