

## MEMORANDUM

Agenda Item No. 8(0)(3)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** April 2, 2013

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

**SUBJECT:** Resolution declaring the  
acquisition of the designated  
property known as Parcel 102-  
PH2, needed for the Norris Cut  
Project Proposed Sewer Force  
Main Replacement, to be a public  
Necessity  
Resolution No. R-246-13

The accompanying resolution was prepared by the Water and Sewer Department and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.



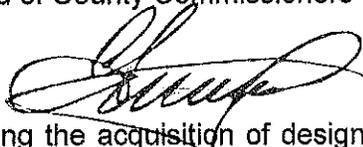
R. A. Cuevas, Jr.  
County Attorney

RAC/smm

**Date:** April 2, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Resolution authorizing the acquisition of designated properties known as Parcel 102-PH2 for Miami-Dade Water and Sewer Department's (WASD) Norris Cut 54-inch Sewer Force Main Replacement Project, to be a Public Necessity

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## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board) approve the attached resolution declaring the acquisition of Parcel 102-PH2 for Miami-Dade Water and Sewer Department's (WASD) 54-inch Sewer Force Main Replacement Project that extends from Virginia Key to Fisher Island, to be a public necessity and authorize the Mayor or 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 parcels in fee simple, either by negotiation, donation, purchase at values established by appraisals or tax assessed value whichever is the higher of the two, together with reasonable attorneys' fees and costs pursuant to Chapters 73.091 and 73.092, Florida Statutes, or eminent domain court proceedings including a declaration of taking as necessary for and on behalf of Miami-Dade County.

## **SCOPE OF AGENDA ITEM**

The impact of this project will be Countywide, the parcels to be acquired are located in District 5.

## **FISCAL IMPACT/FUNDING SOURCE**

The fiscal impact to acquire this property has yet to be determined. Funding for this acquisition will be provided from a combination of Wastewater Connection Charges, Wastewater Renewal Funds, and Future WASD Revenue Funds under OMB project # 9650241.

## **TRACK RECORD/MONITOR**

WASD's Deputy Director for Regulatory Compliance and Capital Improvements, Douglas L. Yoder, will oversee the acquisition of this property.

## **BACKGROUND**

A condition assessment performed in 2011 identified several structural deficiencies in the existing 54-inch sewer force main which transmits all sewage collected from Miami Beach, Surfside, Bal Harbour, Bay Harbor Islands, and Fisher Island to the Central District Wastewater Treatment Plant for treatment and disposal. The assessment revealed that the existing 54-inch sewer force main is at high risk of failure and could potentially discharge millions of gallons of untreated sewage into Biscayne Bay. For that reason, WASD is replacing the 54-inch pipeline with a 60-inch sewer force main from upland Miami Beach to Fisher Island and onward to the Central District wastewater Treatment Plant at Virginia Key.

The acquisition of Parcel 102-PH2 shown in Exhibit B (as attached) is needed to acquire a sub-surface easement to install the new 60-inch sewer force main at an elevation between 65 and 70 feet under Fisher Island.

Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners  
Page 2

The new 60-inch pipeline will provide a minimum 80-year life span and increased capacity conveyance.

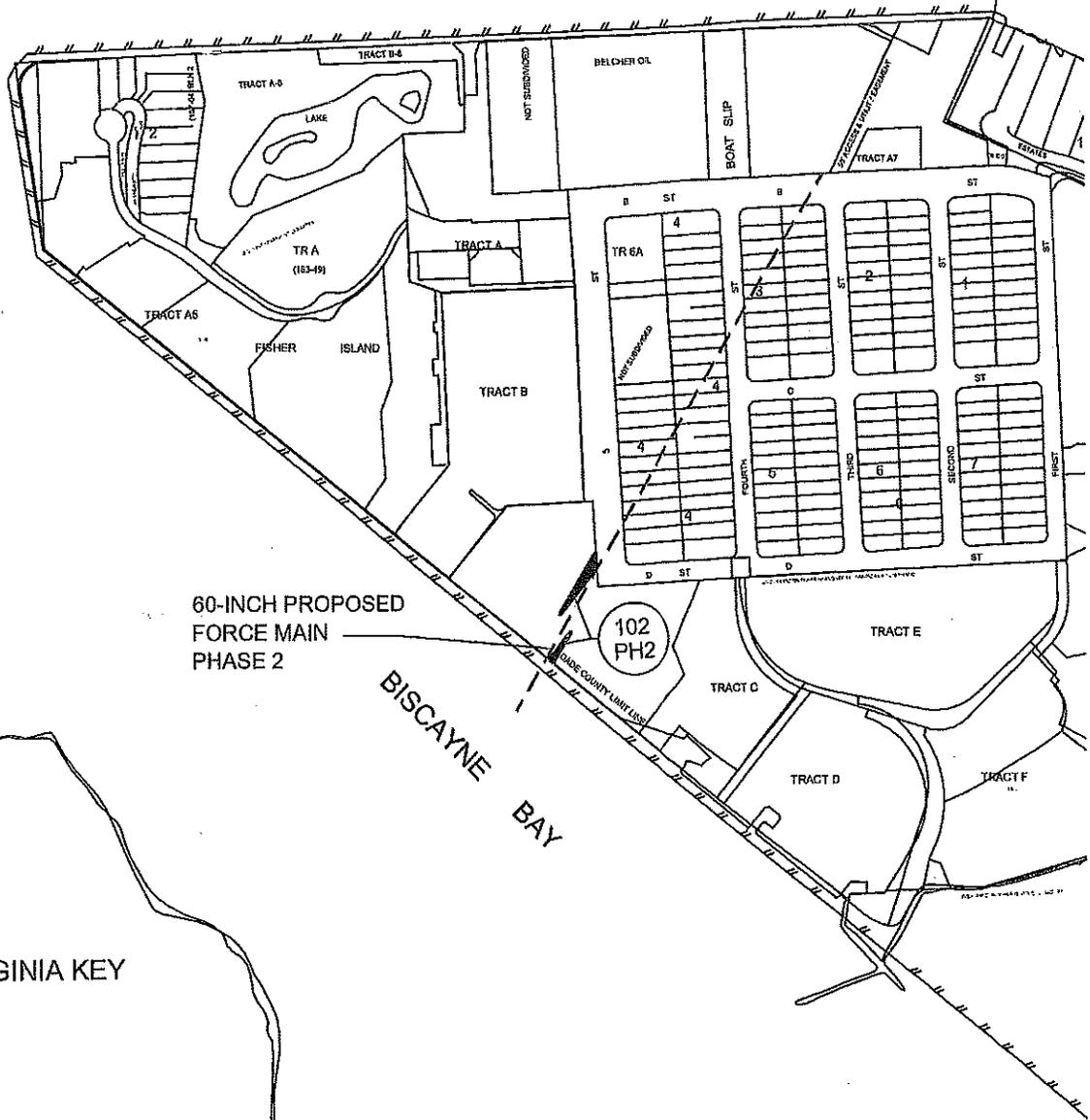


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Alina T. Hudak  
Deputy Mayor

SEC 9&10  
 TWP 54 S  
 RGE 42 E

FISHERMAN'S CHANNEL



60-INCH PROPOSED  
 FORCE MAIN  
 PHASE 2

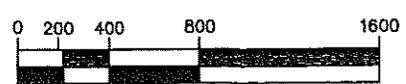
BISCAYNE BAY

VIRGINIA KEY

FISHER ISLAND

EXHIBIT "B"

MIAMI-DADE COUNTY PUBLIC WORKS AND  
 WASTE MANAGEMENT DEPT.  
 ROAD WAY ENGINEERING AND RIGHT OF WAY DIVISION  
 ENGINEERING SECTION



3 SCALE 1" = 800'



SCALE 1" = 800'  
 PROJECT: 20090239  
 PREPARED BY: L.E.  
 DATED: 02-13-13



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** April 2, 2013

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

**SUBJECT:** Agenda Item No. 8(O)(3)

**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 Mayor’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(O)(3)  
4-2-13

RESOLUTION NO. R-246-13

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 102-PH2, NEEDED FOR THE NORRIS CUT PROJECT PROPOSED SEWER FORCE MAIN REPLACEMENT, TO BE A PUBLIC NECESSITY; AND 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 BY DONATION, PURCHASE AT APPRAISED VALUE, OR BY EMINENT DOMAIN COURT PROCEEDINGS

**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-PH2 legally described in "Exhibit A" and illustrated on the project location map in "Exhibit B" attached hereto and made a part hereof, for the public purpose of the installation of a proposed replacement sewer force main, to be required and necessary to accomplish such replacement; 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 recitals.

Section 2. 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, as legally described in “Exhibit A” attached hereto and incorporated herein by reference, by donation, purchase at appraised value together with reasonable attorneys’ fees, expert fees and costs pursuant to Chapters 73.091 and 73.092, Florida Statutes, or by eminent domain proceedings, including a declaration of taking, as necessary, for and on behalf of Miami-Dade County.

Section 3. Pursuant to Resolution No. R-974-09 (a) this Board directs the County Mayor or County Mayor’s designee to record the instrument of conveyance accepted herein in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy of said instrument together with this resolution.

The foregoing resolution was offered by Commissioner **José "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:

	Rebeca Sosa, Chairwoman	<b>aye</b>
	Lynda Bell, Vice Chair	<b>aye</b>
Bruno A. Barreiro	<b>absent</b>	Esteban L. Bovo, Jr. <b>aye</b>
Jose "Pepe" Diaz	<b>aye</b>	Audrey M. Edmonson <b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan <b>aye</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss <b>aye</b>
Sen. Javier D. Souto	<b>aye</b>	Xavier L. Suarez <b>aye</b>
Juan C. Zapata	<b>aye</b>	

The Chairperson thereupon declared the resolution duly passed and adopted this day 2<sup>nd</sup> day of April, 2013. 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.

A handwritten signature in black ink, appearing to be "DH", written over a horizontal line.

Debra Herman

Legal Description  
(Permanent Subsurface Utility Easement)

**Parcel 102-PH2**

A permanent subsurface utility easement to locate, construct, maintain, repair, replace, and operate, a water and sewer facilities together with all uses appurtenant thereto, within that space vertically enclosed above Elevation minus (-) 85.00 feet and extending to an Elevation of minus (-) 30.00 feet, according to the National Geodetic Vertical Datum of 1929 (NGVD29) as established by the United States National Geodetic Survey, lying in Section 9, Township 54 South, Range 42 East, Miami-Dade County, Florida, and which is encompassed within the following horizontal limits:

Commence at a point of intersection of the South right of way line of "D" Street and the West right of way line of Fifth Street, as shown on the plat of LINDISFARNE ON FISHER ISLAND SECTION 1, Tract C, according to the plat thereof recorded in Plat Book 128 at Page 59 of the Public Records of Miami-Dade County, Florida; thence N 87°40'43" E, along the South right of way line of "D" Street, for 25.00 feet to a point 512.50 feet West of the Northeast corner of said Tract C; thence S 38°46'43" W for 195.75 feet to the **POINT OF BEGINNING**; thence S 31°08'45" W for 119.55 feet to the South line of said Tract C being also the northerly limits of NORRIS CUT; thence N 51°13'17" W, along the South line of said Tract C, for 15.88 feet; thence N 38°46'43" E for 118.49 feet to the **POINT OF BEGINNING**.

**TOGETHER WITH**

Commence at a point of intersection of the South right of way line of "D" Street and the West right of way line of Fifth Street, as shown on the plat of LINDISFARNE ON FISHER ISLAND SECTION 1, Tract C, according to the plat thereof recorded in Plat Book 128 at Page 59 of the Public Records of Miami-Dade County, Florida; thence N 2°19'17" W, along the West right of way line of Fifth Street, for 47.40 feet to a point 227.46 feet South of the Northerly line of said Tract C and the **POINT OF BEGINNING**; thence S 38°46'43" W for 203.31 feet; thence N 31°08'45" E for 39.09 feet; thence N 58°51'15" W for 1.00 feet; thence N 31°08'45" E for 204.78 feet to the West line of said Tract C being also the West right of way line of Fifth Street; thence S 2°19'17" E, along the West right of way line of Fifth Street, for 50.78 feet to the **POINT OF BEGINNING**.

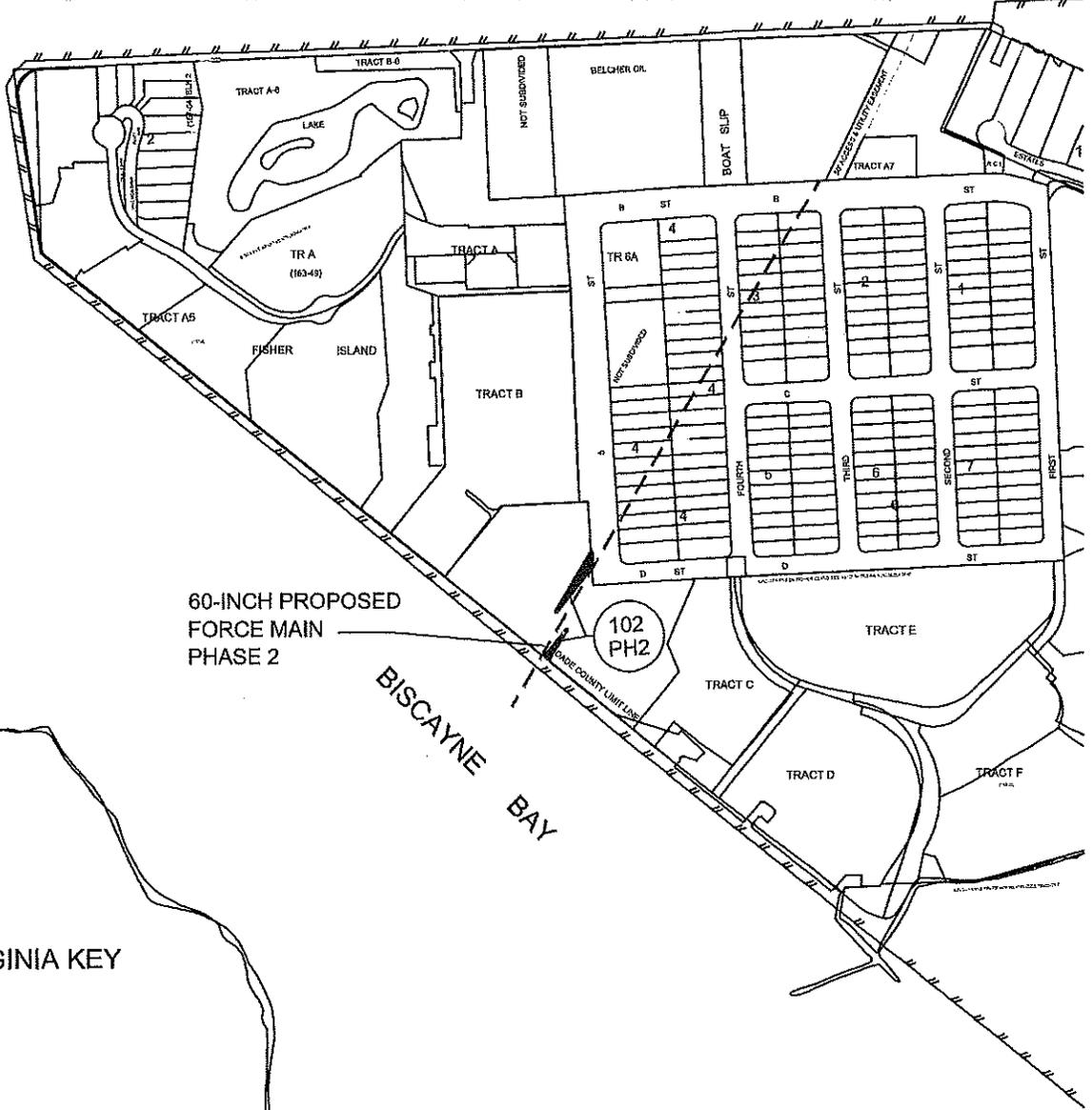
The owner retains all rights which are not inconsistent with the County's use thereof.

**EXHIBIT "A"**

(1 of 1)

SEC 9&10  
TWP 54 S  
RGE 42 E

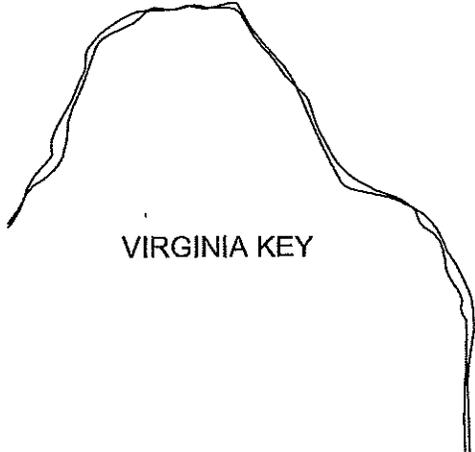
FISHERMAN'S CHANNEL



60-INCH PROPOSED  
FORCE MAIN  
PHASE 2

102  
PH2

BISCAYNE BAY

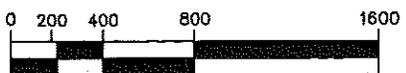


VIRGINIA KEY

FISHER ISLAND

EXHIBIT "B"

MIAMI-DADE COUNTY PUBLIC WORKS AND  
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