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

# MEMORANDUM

Agenda Item No. 8(L)(20)

| | | | |
|---|---|---|---|
| **TO:** | Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners | **DATE:** | July 2, 2013 |
| **FROM:** | R. A. Cuevas, Jr. County Attorney | **SUBJECT:** | Resolution declaring the acquisition of the designated property known as Parcel 129 for the People's Transportation Plan (PTP) Project Entitled Improvements on SW 137 Avenue from US-1 to SW 200 Street, to be a public necessity Resolution No. R-542-13 |

The accompanying resolution was prepared by the Public Works and Waste Management Department and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell and Commissioner Co-Sponsor Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

# Memorandum

MIAMI-DADE COUNTY

**Date:** July 2, 2013

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

**From:** Carlos A. Gimenez
Mayor

**Subject:** Resolution Declaring the Acquisition of the Designated Property Known as Parcel 129 for Right-of-Way Needed for the PTP Project Entitled Improvements to SW 137 Avenue from US-1 to SW 200 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:

- Declares the acquisition of Parcel 129 required for the road widening, beautification, and right-of-way improvements to SW 137 Avenue from US-1 to SW 200 Street to be a public necessity; and
- Authorizes 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 parcel 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.

This resolution is for the acquisition of Parcel 129 which is needed for programmed improvements to SW 137 Avenue from US-1 to SW 200 Street. It is anticipated that the entire project will consist of approximately 47 parcels of which 46 are being presented separately for BCC consideration on this agenda. Florida Statute Section 127.02 requires that there be a separate resolution adopted for each individual property.

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 impact of this project is countywide; however, it is located within Commissioner Lynda Bell's District 8.

**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. Funding is programmed within the adopted FY2010-11 Capital Budget and the index code is CPEPTP608US1. 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.

The total cost of the project (inclusive of construction, design and the right-of-way acquisition of all parcels) is estimated at $17,706,777.52. The anticipated ongoing annual maintenance and operational costs will be approximately $51,865.00 and $17,064.00, respectively.

**Track Record/Monitor**
Glass Land Acquisition Service Specialists, Inc. is responsible for acquiring the right of way for this project and Francisco Fernandez, Chief Real Estate Officer, from Public Works and Waste Management (PWWM) is monitoring the process.

**Background**
PWWM has programmed the construction of SW 137 Avenue as part of the People's Transportation Plan Project Entitled Improvements to SW 137 Avenue from US-1 to SW 200 Street. The proposed project includes roadway expansion, beautification and improvements consisting of a new two-lane road including sidewalks, curb and gutter, a continuous storm drainage system, signalization, pavement markings and signage, street lighting, bicycle facilities, a bridge crossing over one (1) canal and a culvert for a second canal.

The area to be acquired by Miami-Dade County is necessary for the proposed roadway improvements, and is legally described in "Exhibit A" and illustrated on the parcel location map in "Exhibit B 1 of 2" and "Exhibit B 2 of 2" all attached herewith.

Alina T. Hudak
Deputy Mayor

# MEMORANDUM

**(Revised)**

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

**DATE:** July 2, 2013

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

**SUBJECT:** Agenda Item No. 8(L)(20)

**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(L)(20)
7-2-13

RESOLUTION NO. R-542-13

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 129 FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED IMPROVEMENTS ON SW 137 AVENUE FROM US-1 TO SW 200 STREET, 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 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 BY EMINENT DOMAIN COURT PROCEEDING INCLUDING DECLARATIONS OF TAKING, AS NECESSARY; 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,

**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 the subject parcel, as legally described in "Exhibit A" attached hereto and incorporated herein by reference, is needed for the public purpose of improvements to SW 137 Avenue from US-1 to SW 200 Street.

Section 3. This Board authorizes and directs the County Mayor or County Mayor's designee and County Attorney to employ appraisers, review appraisers and expert witnesses, to obtain required environmental audits and to take any action to acquire the subject parcel, as legally described in "Exhibit A" in fee simple, including any businesses thereon, either by donation, purchase at values established by appraisals or tax assessed value whichever is the higher of the two together with reasonable attorneys' fees, expert fees and costs pursuant to Chapter 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 and authorizes the use of Charter County Transportation Surtax Funds.

Section 4. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or County Mayor's designee to record the instruments 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 together with this resolution.

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Xavier L. Suarez** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of July, 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.

Debra Herman

**LEGAL DESCRIPTION**
(FEE SIMPLE)

A PORTION OF THE SW 1/4 OF THE SW 1/4 OF SECTION 11, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING IN MIAMI-DADE COUNTY FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

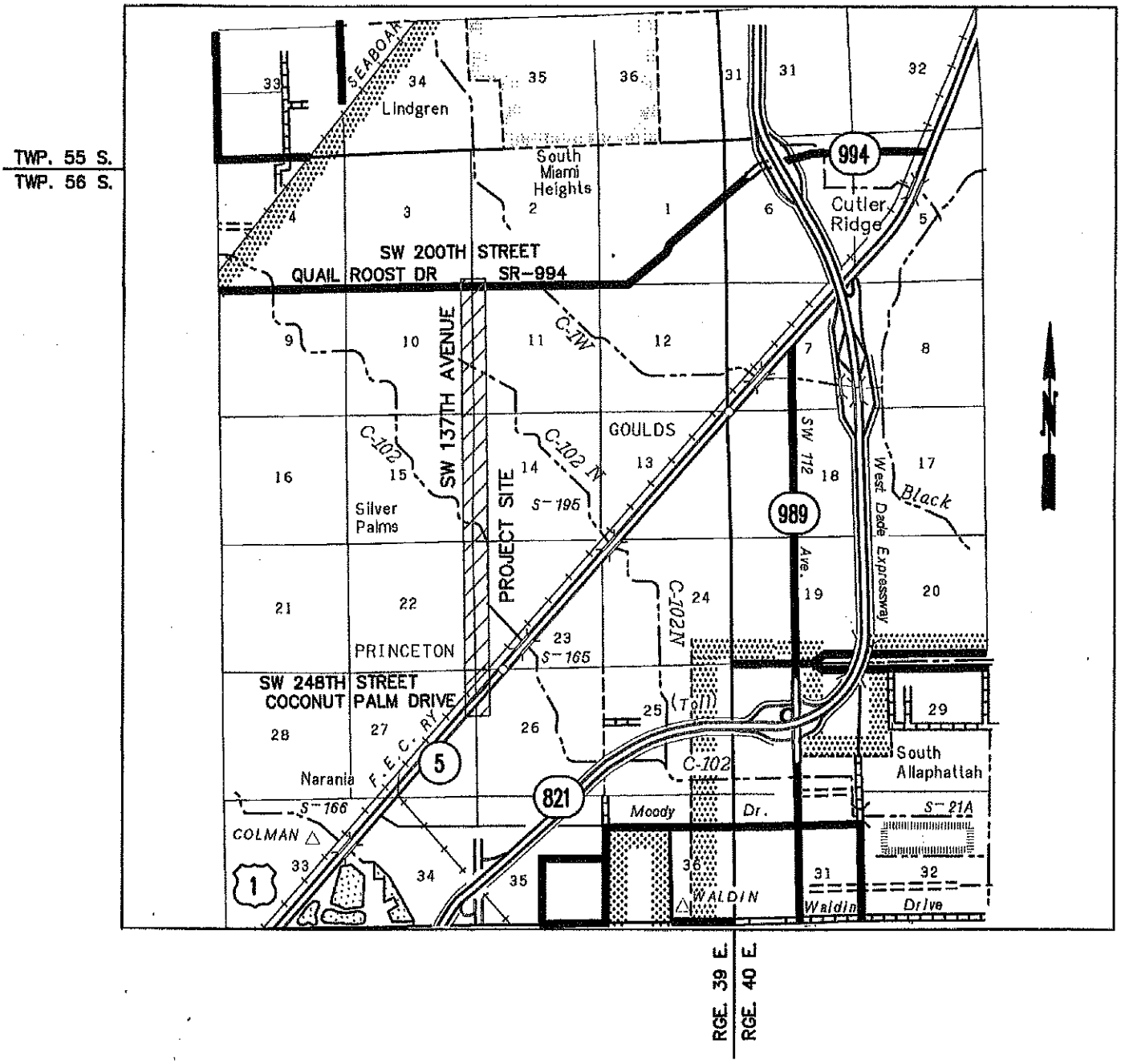
COMMENCE AT THE SW CORNER OF SECTION 11, TOWNSHIP 56 SOUTH, RANGE 39 EAST; THENCE N89°07'48"E ALONG THE SOUTH LINE OF SAID SECTION 11 FOR 35.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL: THENCE N00°39'52"W ALONG A LINE THAT IS 35.00 FEET EASTERLY AND PARALLEL WITH THE WEST LINE OF SECTION 11 FOR 337.17 FEET; THENCE N89°10'32"E FOR 20.00 FEET; THENCE S00°39'52"E ALONG A LINE THAT IS 55.00 FEET EASTERLY AND PARALLEL WITH THE WEST LINE OF SECTION 11 FOR 257.07 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°12'21" FOR A DISTANCE OF 39.36 FEET TO A POINT; THENCE S00°52'12"E FOR 55.00 FEET TO THE SOUTH LINE OF SECTION 11; THENCE S89°07'48"W ALONG THE PREVIOUSLY DESCRIBED LINE, FOR A DISTANCE OF 45.29 FEET TO THE POINT OF BEGINNING.

**EXHIBIT A**

PROJECT NO. 20090003
PARCEL 129
Page 1 of 1

# PARCEL MAP

## SEC. 2, 3, 10, 11, 14, 15, 22, 23, 26 & 27, TWP. 56S., RGE. 39E.




## LOCATION MAP

MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE

= PROJECT LOCATION

# NOT A SURVEY

Date: 03/20/13 Scale: NOT TO SCALE

EXHIBIT B

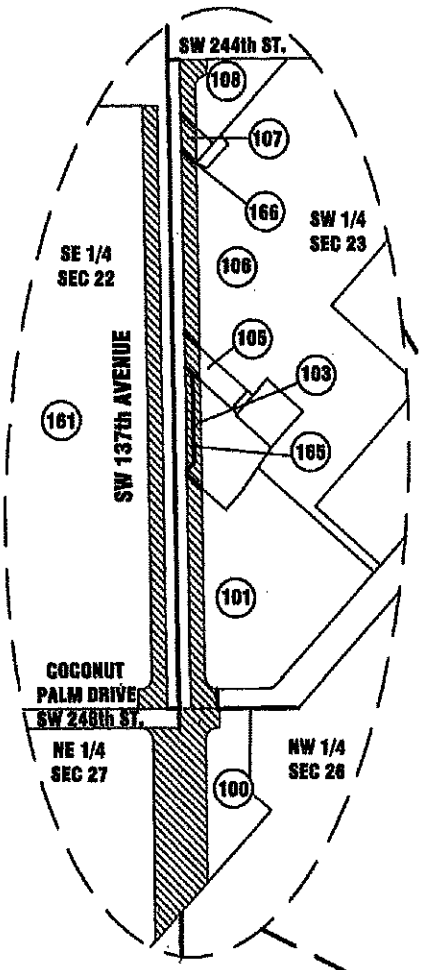
1 of 2


MANUEL G. VERA & ASSOCIATES, INC.
ENGINEERS ● SURVEYORS ● MAPPERS
13960 SW 47th STREET, MIAMI, FL 33175-3616
TEL: (305) 221-6210 FAX: (305) 221-1295
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER LB-2439

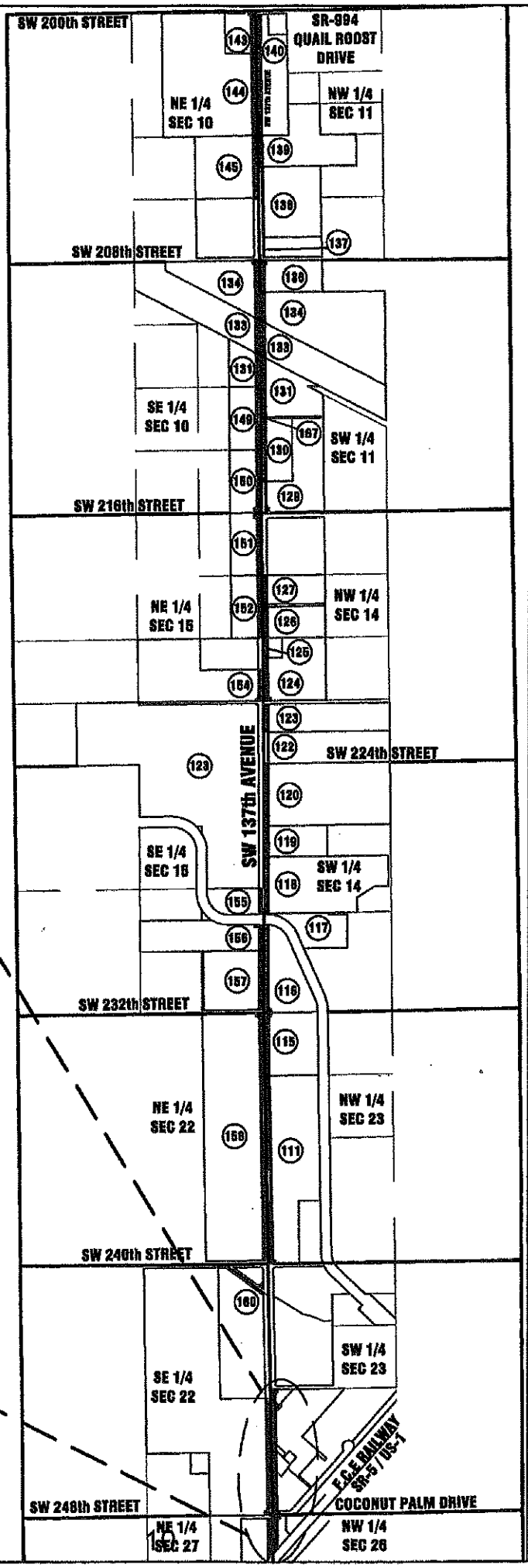

SW 137TH AVENUE
FROM US-1 TO SW 200th STREET

Project No. 20090003 | SHEET 1 OF 2

9




DETAIL
NOT TO SCALE




SEC. 10, 11, 14, 15, 22, 23, 26 & 27, TWP. 56S., RGE. 39E.

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TEL: (305) 221-6210 FAX: (305) 221-1295
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER LB-2439

SW 137TH AVENUE
FROM US-1 TO SW 200th STREET

SHEET 2 OF 2

Project No. 20090003

NOT A SURVEY

= TO BE ADQUIRED FOR RIGHT OF WAY

Scale: 1" = 1600'

Date: 03/20/13

EXHIBIT B
2 of 2

**Memorandum**

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

**From:** Charles Scurr, Executive Director

**Date:** June 12, 2013

**Re:** **CITT AGENDA ITEM 5G:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), DECLARE THE ACQUISITION OF 46 DESIGNATED PROPERTIES FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED IMPROVEMENTS ON SW 137 AVENUE FROM US-1 TO SW 200 STREET, 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 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 BY EMINENT DOMAIN COURT PROCEEDING INCLUDING DECLARATIONS OF TAKING, AS NECESSARY; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS **(PWWM – BCC Legislative File Nos. Attached)**

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On June 12, 2013, the CITT voted (7-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 13-029. The vote was as follows:

Paul J. Schwiep, Esq., Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 1st Vice Chairperson – Aye
Glenn J. Downing, CFP®, 2nd Vice Chairperson – Absent

Christopher Benjamin, Esq. – Absent
Peter L. Forrest – Aye
Prakash Kumar – Aye
Hon. James A. Reeder – Aye
Hon. Linda Zilber – Absent

Joseph Curbelo – Aye
Alfred J. Holzman – Aye
Miles E. Moss, P.E. – Absent
Marilyn Smith – Absent

cc: Alina Hudak, Deputy Mayor/County Manager
Bruce Libhaber, Assistant County Attorney
Miguel Gonzalez, Assistant County Attorney

//

# SW 137 AVENUE PARCELS

Parcel-100 BCC File #131019

Parcel-101 BCC File #131022

Parcel-103 BCC File #131025

Parcel-105 BCC File #131028

Parcel-106 BCC File #131031

Parcel-107 BCC File #131034

Parcel-108 BCC File #131037

Parcel-111 BCC File #131050

Parcel-115 BCC File #131051

Parcel-116 BCC File #131052

Parcel-117 BCC File #131054

Parcel-118 BCC File #131056

Parcel-119 BCC File #131058

Parcel-120 BCC File #131062

Parcel-122 BCC File #131064

Parcel-124 BCC File #131065

Parcel-125 BCC File #131066

Parcel-126 BCC File #131045

Parcel-127 BCC File #131042

Parcel-129 BCC File #131039

Parcel-130 BCC File #131033

Parcel-131 BCC File #131029

Parcel-133 BCC File #131023

Parcel-134 BCC File #131021

Parcel-136 BCC File #131024

Parcel-137 BCC File #131026

Parcel-138 BCC File #131030

Parcel-139 BCC File #131036

Parcel-140 BCC File #131040

Parcel-143 BCC File #131047

Parcel-144 BCC File #131049

Parcel-145 BCC File #131053

Parcel-149 BCC File #131059

Parcel-150 BCC File #131061

Parcel-151 BCC File #131063

Parcel-152 BCC File #131067

Parcel-154 BCC File #131068

Parcel-155 BCC File #131069

Parcel-156 BCC File #131071

Parcel-157 BCC File #131072

Parcel-158 BCC File #131070

Parcel-160 BCC File #131057

Parcel-161 BCC File #131055

Parcel-165 BCC File #131048

Parcel-166 BCC File #131027

Parcel-167 BCC File #131020