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

# MEMORANDUM

Agenda Item No. 8(L)(3)

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

**DATE:** September 3, 2014

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

**SUBJECT:** Resolution authorizing the elimination of designated properties known as Parcels 13, 14A, 14B, 20, 23, 54 and 65 from Right-of-Way needed for the PTP Project Entitled Improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue
Resolution No. R-761-14

The accompanying resolution was prepared by the Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

# Memorandum

MIAMI-DADE COUNTY

**Date:** September 3, 2014

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

**From:** Carlos A. Gimenez
Mayor

**Subject:** Resolution Authorizing the Elimination of Designated Properties Known as Parcels 13, 14A, 14B, 20, 23, 54 and 65 from Right-of-Way Needed for the PTP Project Entitled Improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue

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**Recommendation**

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing the elimination of Parcels 13, 14A, 14B, 20, 23, 54 and 65 from the right-of-way needed for the Roadway Expansion and Improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue (Project). On October 4, 2011, the BCC adopted Resolutions R-825-11, R-826-11, R-827-11, R-830-11, R-833-11, R-858-11 and R-859-11 authorizing the acquisition of these parcels. Approval of the subject resolution authorizes the elimination of the designated properties which are no longer needed as a result of this project being subjected to value engineering.

**Scope**

The properties to be eliminated are located within Commissioner Dennis C. Moss' District 9.

**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 FY2013-2014 Capital Budget and the index code is CPEPTP709216. The initial acquisition costs have been budgeted and no additional fiscal impacts are expected.

The total cost of the project (inclusive of construction, design and the right-of-way acquisition of all parcels) is estimated at $14,956,000.00. The elimination of the aforementioned parcels will result in a net savings on the acquisition costs for the project, therefore reducing the overall fiscal impact.

**Track Record/Monitor**

The Public Works and Waste Management Department (PWWM) is the entity overseeing this project and the person responsible for monitoring this acquisition project is Mr. Francisco Fernandez, Chief Real Estate Officer, Right-of-Way Division.

**Background**

In an effort to reduce costs, the Project was reevaluated for cost effectiveness and subjected to value engineering and right of way verification. These efforts resulted in the redesign of a segment of the Project, minimizing the amount of right-of-way to be acquired, while maintaining the integrity of the Project, and adhering to the goals of the BCC. This resolution authorizes the withdrawal of Parcels 13, 14A, 14B, 20, 23, 54 and 65 from the right-of-way needed by PWWM for the roadway expansion portion of the aforementioned

Project. The parcels to be withdrawn are legally described in Exhibit "A" and illustrated in the parcel location map in Exhibit "B" attached hereto.

Alina T. Hudak
Deputy Mayor

# MEMORANDUM

**(Revised)**

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

**DATE:** September 3, 2014

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

**SUBJECT:** Agenda Item No. 8(L)(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(L)(3)
9-3-14

RESOLUTION NO. R-761-14

RESOLUTION RESCINDING RESOLUTIONS R-825-11, R-826-11, R-827-11, R-830-11, R-833-11, R-858-11 AND R-859-11 ADOPTED OCTOBER 4, 2011, ELIMINATING THE ACQUISITION OF THE DESIGNATED PROPERTIES KNOWN AS PARCELS 13, 14A, 14B, 20, 23, 54 AND 65 FROM RIGHT-OF-WAY NEEDED FOR THE PTP PROJECT ENTITLED IMPROVEMENTS TO SW 216 STREET FROM THE FLORIDA TURNPIKE TO SW 127 AVENUE

**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 13, 14A, 14B, 20, 23, 54 and 65, legally described in Exhibit "A" and illustrated in the parcel location map in "Exhibit B" attached hereto and made a part hereof, are no longer required and necessary to accomplish the construction for the project entitled Roadway Expansion and Right-of-Way Improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue,

**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-825-11, R-826-11, R-827-11, R-830-11, R-833-11, R-858-11 and R-859-11 adopted on October 4, 2011 eliminating the acquisition of the designated parcels known as 13, 14A, 14B, 20, 23, 54 and 65.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** 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. | **aye** |
| Jose "Pepe" Diaz | **absent** | 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 | **absent** |
| Juan C. Zapata | **aye** | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of September, 2014. 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)

The South 5.00 feet of the North 15.00 feet of Lots 5 and 16, Block 2, FLAMINGO PARK according to the plat thereof as recorded in Plat Book 18, Page 28 of the Public Records of Miami-Dade County, Florida, together with the external area formed by a 25.00 foot radius arc, concave to the Southeast, tangent to the West line of said Block 2 and tangent to the South line of the North 15.00 feet of said Block 2.

**EXHIBIT A**

PROJECT NO. 20040348
PARCEL 13
Page 1 of 7

**LEGAL DESCRIPTION**
(FEE SIMPLE)

The South 5.00 feet of the North 15.00 feet of Lot 17, Block 2, FLAMINGO PARK according to the plat thereof as recorded in Plat Book 18, Page 28 of the Public Records of Miami-Dade County, Florida.

**EXHIBIT A**

PROJECT NO. 20040348
PARCEL 14A
Page 2 of 7

**LEGAL DESCRIPTION**
(FEE SIMPLE)

The South 5.00 feet of the North 15.00 feet of Lot 18, Block 2, FLAMINGO PARK according to the plat thereof as recorded in Plat Book 18, Page 28 of the Public Records of Miami-Dade County, Florida.

**EXHIBIT A**

PROJECT NO. 20040348
PARCEL 14B
Page 3 of 7

## LEGAL DESCRIPTION
(FEE SIMPLE)

The North 10.00 feet of Lot 18, Block 4, FLAMINGO PARK according to the plat thereof as recorded in Plat Book 18, Page 28 of the Public Records of Miami-Dade County, Florida.

**EXHIBIT A**

PROJECT NO. 20040348
PARCEL 20
Page 4 of 7

**LEGAL DESCRIPTION**
(IMPLIED OFFER)

The North 10.00 feet of the West 150.00 feet of the North 1/2 of Tract 11 of 2nd REVISED PLAT OF DIXIE PINES according to the plat thereof as recorded in Plat Book 31, Page 51 of the Public Records of Miami-Dade County, Florida. LESS the East 50.00 feet and LESS the West 50.00 feet thereof, and LESS existing Public Right-of-Way.

**EXHIBIT A**

PROJECT NO. 20040348
PARCEL 23
Page 5 of 7

## LEGAL DESCRIPTION
(FEE SIMPLE)

Portions of Section 13, Township 56 South, Range 39 East and Section 18, Township 56 South, Range 40 East, all in Miami-Dade County, Florida being more particularly described as follows:
COMMENCE at the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of said Section 18; THENCE S 89°11'55" W along the North line of the Northwest 1/4 of said Section 18 for 79.38 feet; THENCE S 0°48'05" E, perpendicular to the previously described course, for 35.00 feet to a point on the South line of the North 35.00 feet of the Northwest 1/4 of said Section 18 and the POINT OF BEGINNING; THENCE S 52°19'43" W for 15.00 feet; THENCE S 89°11'55" W along the South line of the North 44.00 feet of the said NW 1/4 of Section 18 for 595.33 feet to the West line of the said NW 1/4 of Section 18; THENCE S 89°05'46" W along the South line of the North 44.00 feet of the NE 1/4 of the above mentioned Section 13 for 39.11 feet; THENCE N 72°19'45" W for 28.25 feet to the South line of the North 35.00 feet of the said NE 1/4 of Section 13; THENCE N 89°05'46" E along the South line of the North 35.00 feet of the said Northeast 1/4 of Section 13, for 65.81 feet to the West line of the previously mentioned Northwest 1/4 of Section 18; THENCE N 89°11'55" E along the South line of the North 35.00 feet of the said Northwest 1/4 of Section 18 for 607.43 feet to the POINT OF BEGINNING. LESS existing public right-of-way.
AND
The external area formed by a 25.00 foot radius arc, concave to the Southwest, tangent to the South line of the North 35.00 feet of the said Northwest 1/4 of said Section 18 and tangent to the West line of the East 25.00 feet of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of said Section 18.

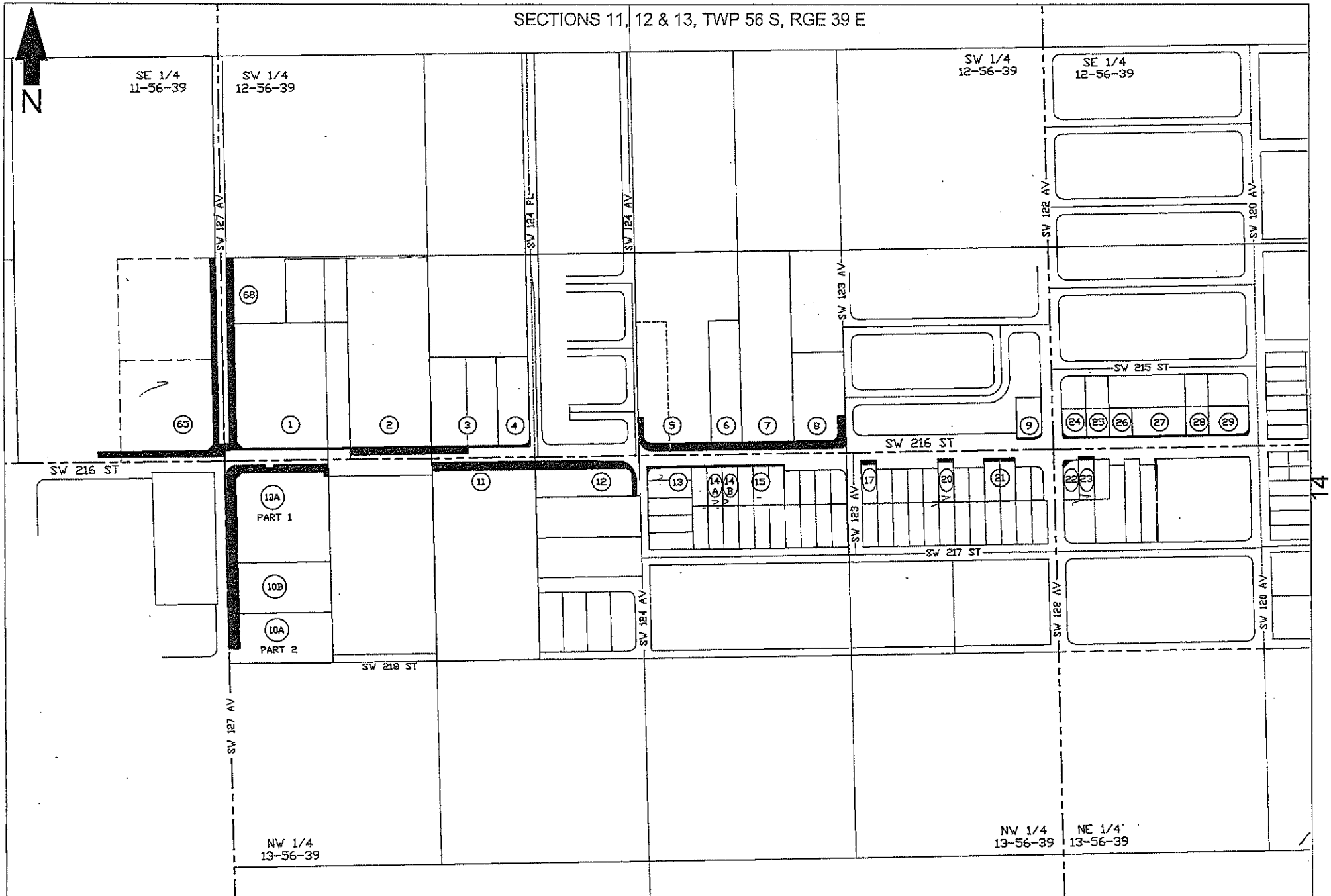
**EXHIBIT A**

## LEGAL DESCRIPTION
(FEE SIMPLE)

A portion of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 11, Township 56 South, Range 39 East, Miami-Dade County Florida more particularly described as follows:

BEGIN at the Southeast corner of said Section 11; THENCE South 89°11'36" West along the South line of the Southeast 1/4 of said Section 11 for 408.00 feet; THENCE North 0°50'50" West for 35.00 feet; THENCE North 89°11'36" East, along the North line of the South 35.00 feet of the Southeast 1/4 of said Section 11 for 352.99 feet; THENCE North 44°09'55" East for 28.27 feet; THENCE North 0°51'47" West along the West line of the East 35.00 feet of the Southeast 1/4 of said Section 11 for 611.62 feet; THENCE North 89°16'09" East along the North line of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 11 for 17.00 feet; THENCE South 0°51'47" East, along a line 18.00 feet West of and parallel with the East line of the Southeast 1/4 of said Section 11, also being the Westerly right-of-way line of SW 127 Avenue as shown on the ROAD RIGHT OF WAY MAP for SW 127 Avenue according to the plat thereof as recorded in Plat Book 124, Page 61 of the Public Records of said Miami-Dade County, for 610.32 feet; THENCE North 89°08'13" East along said right-of-way line for 18.00 feet; THENCE South 0°51'47" East along the East line of the Southeast 1/4 of said Section 11, for 56.30 feet to the POINT OF BEGINNING. LESS existing Public Right-of-Way.

**EXHIBIT A**




PROJECT NUMBER 20040348

RIGHT-OF-WAY TO BE ACQUIRED

(1) PARCEL NUMBER

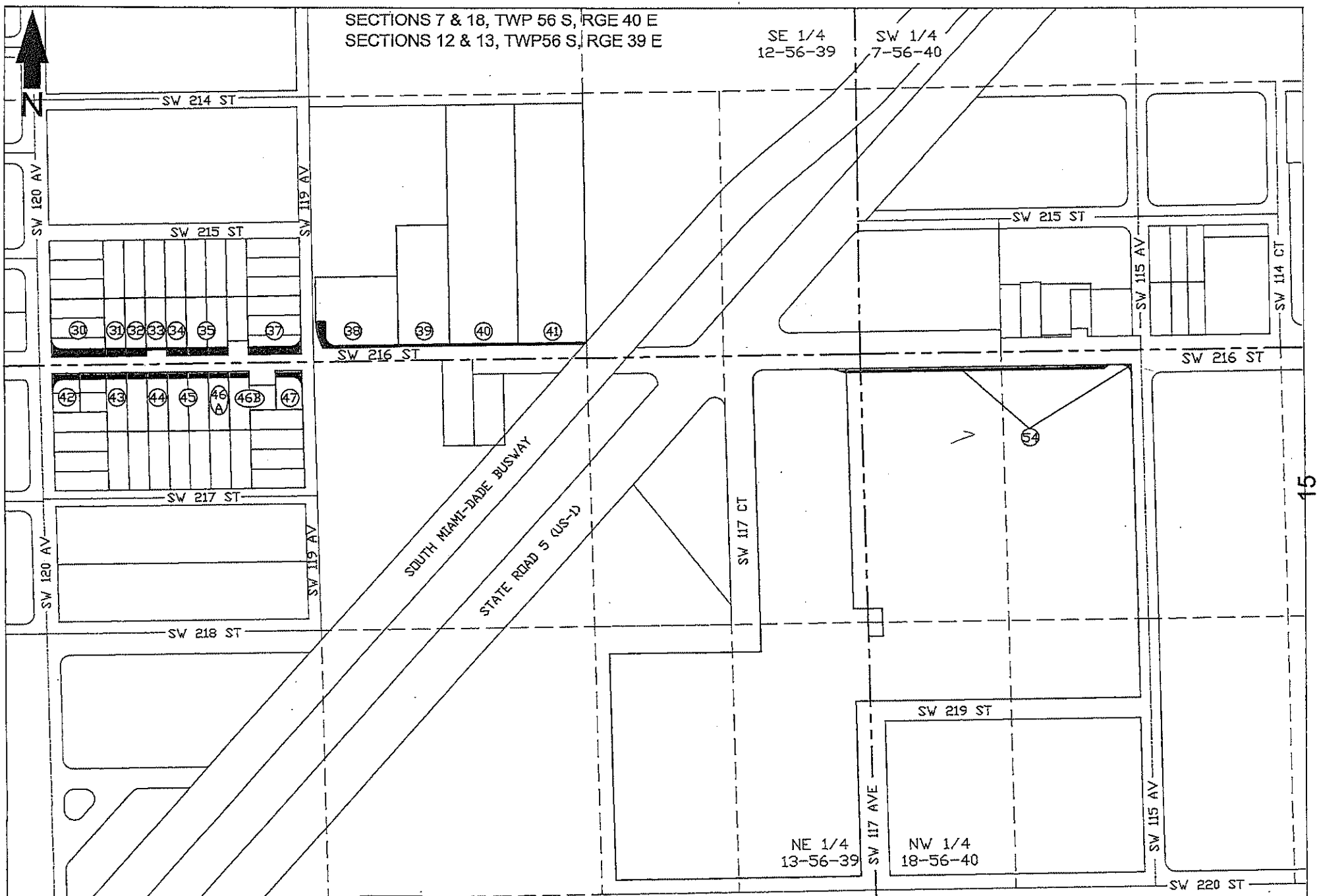
NOT A SURVEY

SW 216 STREET
FROM SW 127 AVE. TO H.E.F.T.

# EXHIBIT "B"

NOT TO SCALE
PHASE 1

14




PROJECT NUMBER 20040348 | RIGHT-OF-WAY TO BE ACQUIRED | (1) PARCEL NUMBER | NOT A SURVEY

SW 216 STREET
FROM SW 127 AVE. TO H.E.F.T.

# EXHIBIT "B"

NOT TO SCALE
PHASE 2

**Memorandum**

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

**From:** Charles Scurr, Executive Director

**Date:** July 10, 2014

**Re:** **CITT AGENDA ITEM 5C:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), RESCIND RESOLUTIONS R-825-11, R-826-11, R-827-11, R-830-11, R-833-11, R-858-11 AND R-859-11 ADOPTED OCTOBER 4, 2011, ELIMINATING THE ACQUISITION OF THE DESIGNATED PROPERTIES KNOWN AS **PARCELS 13, 14A, 14B, 20, 23, 54 AND 65** FROM RIGHT-OF-WAY NEEDED FOR THE PTP PROJECT ENTITLED IMPROVEMENTS TO SW 216 STREET FROM THE FLORIDA TURNPIKE TO SW 127 AVENUE **(PWWM- BCC Legislative File No. 141526)**

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On July 10, 2014, 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. 14-057. 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 – Aye

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

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

cc: Alina Hudak, Deputy Mayor/Interim Director Public Works & Waste Management Department
Bruce Libhaber, Assistant County Attorney