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

MEMORANDUM

Agenda Item No. 8(L)(3)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution rescinding Resolutions Nos. R-691-09, R-696-12, R-708-09, R-709-09, R-710-09, R-711-09, R-712-09, R-713-09 and R-714-09, eliminating the acquisition of designated Parcels 3, 17, 20, 21, 22, 23, 24, 25 and 26 for the project entitled Roadway Expansion and Improvements to NW 37 Avenue from NW North River Drive to NW 79 Street

Resolution No. R-45-16

The accompanying resolution was prepared by the Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Transit and Mobility Services Committee.

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: January 20, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Elimination of the Designated Properties Known as Parcels 3, 17, 20, 21, 22, 23, 24, 25 and 26 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 (Board) rescind the previously adopted Resolutions Nos. R-691-09, R-696-12, R-708-09, R-709-09, R-710-09, R-711-09, R-712-09, R-713-09, and R-714-09. Said Resolutions authorized the acquisitions of Parcels 3, 17, 20, 21, 22, 23, 24, 25 and 26 for the roadway expansion along NW 37 Avenue from NW North River Drive to NW 79 Street (Project), and authorized the County Mayor or the County Mayor's designee and the County Attorney to take all appropriate action to acquire the subject properties in fee simple by donation, purchase, or by eminent domain proceedings. After further value engineering and cost effectiveness studies, it has been determined that the referenced properties no longer need to be acquired. Accordingly, this resolution authorizes the elimination of those proposed acquisitions, and rescinds the prior resolutions authorizing same.

SCOPE

The properties to be eliminated are located within Commissioner Jean Monestime's District 2, and traverse the City of Hialeah and the City of Miami. However, this project is countywide.

FISCAL IMPACT/FUNDING SOURCE

Funding for the right-of-way acquisition, design and construction of this project will be provided by the Charter Funding Transit Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County. This project was specifically listed in the People's Transportation Plan (PTP) as one of the Board requested improvement projects for Commission District 2. Not having to acquire the subject parcels, results in net savings of approximately $2,000,000.00.

TRACK MONITOR

The Transportation and Public Works Department (TPW) is the entity overseeing this project and the person responsible for monitoring the parcel acquisition for this project is Francisco Fernandez, Chief Real Estate Officer of the 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, and maintaining the integrity of the project, while adhering to the objectives set forth by the Board for the Project. This resolution authorizes the withdrawal of Parcels 3, 17, 20, 21, 22, 23, 24, 25 and 26 for the right-of-way needed by TPW for the roadway expansion portion of the aforementioned project. The parcels to be eliminated are illustrated in the parcel location map in Exhibit A, attached hereto.

Alina T. Hudak
Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 20, 2016

FROM: Abigail Price-Williams
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**

_____ **Statement of social equity 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)
1-20-16

RESOLUTION NO. R-45-16

RESOLUTION RESCINDING RESOLUTIONS NOS. R-691-09, R-696-12, R-708-09, R-709-09, R-710-09, R-711-09, R-712-09, R-713-09 AND R-714-09, ELIMINATING THE ACQUISITION OF DESIGNATED PARCELS 3, 17, 20, 21, 22, 23, 24, 25 AND 26 FOR THE PROJECT ENTITLED ROADWAY EXPANSION AND IMPROVEMENTS TO NW 37 AVENUE FROM NW NORTH RIVER DRIVE TO NW 79 STREET

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 3, 17, 20, 21, 22, 23, 24, 25 and 26, illustrated in the parcel location map in "Exhibit A" attached hereto and made a part hereof, are no longer required and necessary to accomplish the construction for the 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 incorporates and approves the foregoing recitals and hereby rescinds Resolutions Nos. R-691-09, R-696-12, R-708-09, R-709-09, R-710-09, R-711-09, R-712-09, R-713-09 and R-714-09, thereby eliminating the acquisition of the designated Parcels known as 3, 17, 20, 21, 22, 23, 24, 25 and 26.

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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

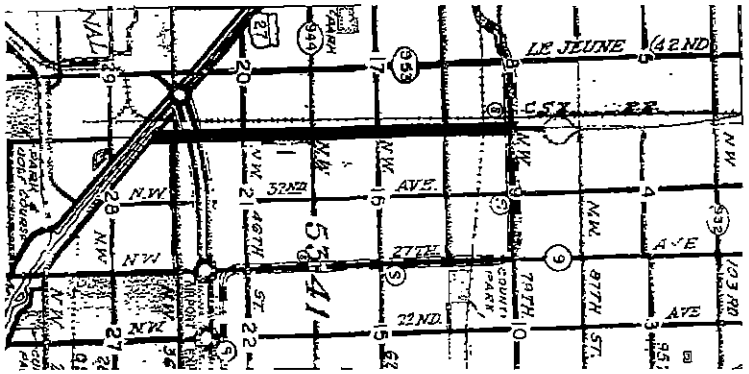
HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

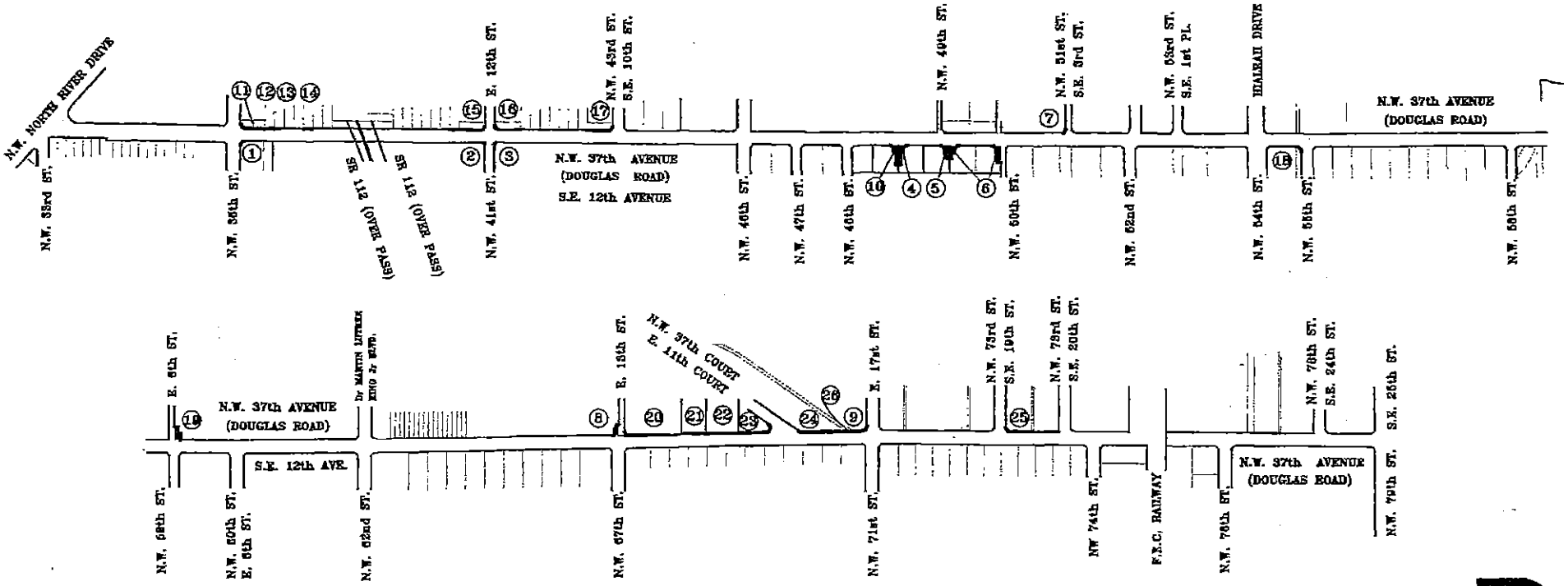
Approved by County Attorney as
to form and legal sufficiency.

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 DEPT.
RIGHT OF WAY DIVISION
RIGHT OF WAY ENGINEERING SECTION

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

SCALE 1" = 800'
PROJECT: 20040330
PREPARED BY: L.E.
DATED: 03-04-09

Memorandum

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director

Date: December 16, 2015

Re: **CITT AGENDA ITEM 5B:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), RESCIND RESOLUTIONS NOS. R-691-09, R-696-12, R-708-09, R-709-09, R-710-09 AND R-711-09 R-712-09, R-713-09 AND R-714-09, ELIMINATING THE ACQUISITION OF DESIGNATED PARCELS 3, 17, 20, 21, 22, 23, 24, 25 AND 26 FOR THE PROJECT ENTITLED ROADWAY EXPANSION AND IMPROVEMENTS TO NW 37 AVENUE FROM NW NORTH RIVER DRIVE TO NW 79 STREET **(PWWM – BCC Legislative File No. 152488)**

On December 16, 2015, the CITT voted (12-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 15-049. 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 – Aye

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

cc: Alina Hudak, Deputy Mayor
Bruce Libhaber, Assistant County Attorney