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

Memorandum

MIAMI-DADE COUNTY

Date: December 6, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Amended
Agenda Item No. 8(M)(9)

From: Carlos A. Gimenez
Mayor

Resolution No. R-1067-11

Subject: First Amendment to the Joint Participation Agreement (JPA) Between Miami-Dade County and The City of Hialeah, Providing for Reimbursement to the County for Project Costs Provided to the City for the Construction of Roadway Improvements Along NW 138 Street, from NW 107 Avenue to Florida Department of Transportation Right-of-Way at I-75 and Termination of the JPA

This item was amended at the December 6, 2011 Board of County Commissioners meeting to include page 3 of the Amendment, which was inadvertently left out when the item was printed, and which read: "by exception, the City's obligations to indemnify, defend, and hold the County harmless (contained in Section 7 of the Joint Participation Agreement) shall survive the termination and shall remain in full force and effect between the parties, notwithstanding the termination effected in this amendment."

RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing execution of a First Amendment to the Joint Participation Agreement (JPA) between Miami-Dade County (County) and the City of Hialeah (City), to reimburse the County for funds provided to the City for the construction of roadway improvements along NW 138 Street, from NW 107 Avenue to Florida Department of Transportation's (FDOT) right-of-way at Interstate 75 (I-75) (Project). The Amendment also provides that the remainder of the JPA be terminated after the City provides reimbursement.

SCOPE

The majority of the Project is located along the common municipal boundary of the Cities of Hialeah and Hialeah Gardens, with the remaining portion located completely within the City of Hialeah. The entire length of the Project is within Commission District 12.

FISCAL IMPACT/FUNDING SOURCE

The County agreed to provide funds up to a maximum contribution of $14,400,000, including contingencies. The project's construction plans were provided by the City at its sole expense. The County's funding was derived from Road Impact Fees (RIF) District 3 ($3,850,000), Local Option Gas Tax (LOGT) ($400,000), and Secondary Gas Tax (SGT) ($10,150,000) funds.

The City was eligible to receive $6,860,000 through FY 2010-2011. The amount of project reimbursements subsequently paid to the City, and that will be remitted to the County after execution of this Amendment totals $6,860,000.

DELEGATION OF AUTHORITY

No additional authority is being requested within the body of this contract.

TRACK RECORD/MONITOR

The County has utilized the resources of the City to contract and construct the project on a reimbursable basis. Disbursement of County funds to the City was based upon City invoices with

certified copies of paid contractor invoices. The construction of this Project is ongoing and will be completed by the City.

BACKGROUND

On June 30, 2009, the BCC approved a JPA between Miami-Dade County and the City, to provide County funding for the construction of the Project under Resolution No. R-838-09.

The Miami-Dade Expressway Authority (MDX) is currently pursuing the extension of SR 924 (Gratigny Expressway) west to the Homestead Extension of the Florida Turnpike (HEFT) and has contacted the City of Hialeah as MDX proposes to utilize NW 138 Street to provide this connection (Attachment 1). The City is in support of this proposed arrangement in order to facilitate access and mobility in this area of the County (Attachment 2). MDX has held the public meetings for the project and has determined that the preferred alternative for the project is the NW 138 Street alignment.

In order for MDX to utilize its capital bond funding for the Project, MDX must have a property interest in the proposed facility. Therefore, MDX has requested that NW 138 Street be transferred from the County to MDX jurisdiction through a Road Jurisdiction Transfer Agreement. The resolutions approving a Road Jurisdiction Transfer Agreement between the County and MDX to transfer NW 138 Street from Okeechobee Road/SR 25 to west of I-75, from County to MDX jurisdiction, and the Official Right-of-Way Transfer Map for this roadway are concurrently being presented for approval by the BCC under separate resolutions.

This Amendment to the JPA requires that all funds paid by the County to the City for the Project will be reimbursed by the City within 60 business days of (a) this Amendment to the JPA being approved, (b) the execution of the Road Jurisdiction Transfer Agreement between the County and MDX for NW 138 Street from Okeechobee Road/SR 25 to FDOT's right-of-way at I-75, and (c) the recordation of the Official Right-of-Way Transfer Map in the Public Record of Miami-Dade County, Florida. Thereafter, the remainder of the JPA shall be terminated and MDX will assume the responsibility to fund the City's Project. A new JPA between the County and the City will be submitted for other programmed projects within the City that will utilize the reimbursed funds.

On August 9, 2011, the City Commission adopted Resolution No. 11-79, approving this Amendment.

County Manager/Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 6, 2011

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

SUBJECT: Amended
Agenda Item No. 8(M)(9)

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 _____

Amended
Agenda Item No. 8(M)(9)
12-6-11

RESOLUTION NO. R-1067-11

RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT (JPA) BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH, PROVIDING FOR REIMBURSEMENT TO THE COUNTY FOR PROJECT COSTS PROVIDED TO THE CITY FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ALONG NW 138 STREET, FROM NW 107 AVENUE TO FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY AT I-75 AND TERMINATION OF THE JPA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, the County and the City agree that funds paid by the County to the City for the Project will be reimbursed by the City within sixty (60) business days of the execution of (a) this Amendment to the Joint Participation Agreement (JPA), (b) the execution of the Road Jurisdiction Transfer Agreement between Miami-Dade County and the Miami-Dade Expressway Authority for NW 138 Street from Okeechobee Road/SR 25 to Florida Department of Transportation right-of-way at I-75, and (c) the recordation of the Official Right-of-Way Transfer Map in the Public Record of Miami-Dade County, Florida, and thereafter the remainder of the JPA shall be terminated, as set forth therein,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves this Amendment to the JPA between Miami-Dade County and the City of

Hialeah, in substantially the form attached hereto and made a part hereof; authorizing the County Mayor or County Mayor's designee to execute same for and on behalf of Miami-Dade County and to exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner **Jose "Pepe" Diaz** who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** 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	**aye**	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 6th day of December, 2011. 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

FIRST AMENDMENT TO JOINT PARTICIPATION AGREEMENT FOR NW 138 STREET FROM NW 107 AVENUE TO FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY AT I-75 BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH

This First Amendment to the Joint Participation Agreement is made and entered into this _____ day of _____, 2011, by and between Miami-Dade County, a political subdivision of the State of Florida, herein referred to as the "County", and the City of Hialeah, a political subdivision of the State of Florida, herein referred to as the "City".

WITNESSETH

WHEREAS, pursuant to Resolution No. R-838-09, approved by the Board of County Commissioners of Miami-Dade County, Florida, on June 30, 2009, the parties hereto entered into a Joint Participation Agreement (JPA) to facilitate the construction of a road improvement project in Miami-Dade County, including the construction of roadway improvements along NW 138 Street, from NW 107 Avenue to Florida Department of Transportation (FDOT) right-of-way at I-75 in Hialeah, Miami-Dade County, as more particularly described in the JPA (the "Project"); and

WHEREAS, the Miami-Dade Expressway Authority (MDX) is pursuing the extension of SR 924 (Gratigny Expressway) West to the Homestead Extension of the Florida Turnpike (HEFT) and proposes to utilize NW 138 Street to provide this connection; and

WHEREAS, MDX has requested that NW 138 Street, from Okeechobee Road to FDOT right-of-way at I-75 be transferred from the County to MDX

Exhibit 1

6

jurisdiction in order to utilize its capital bond funding along this portion of NW 138 Street; and

WHEREAS, the parties propose to amend the JPA to have all funds paid by the County to the City for the Project reimbursed ($6,860,000 of the $14,400,000 commitment), and are now desirous of terminating said JPA; and

WHEREAS, the County, MDX, and the City agree that this arrangement would be beneficial to the public because it will facilitate access and mobility in this developing area of the County,

NOW, THEREFORE, in consideration of the mutual desires of the parties hereto, the following modifications are made to the aforementioned JPA:

13 REIMBURSEMENT OF PROJECT COSTS BY THE CITY: Within sixty (60) business days of the execution of (a) this Amendment to the JPA, (b) the execution of the Road Jurisdiction Transfer Agreement between Miami-Dade County and the Miami-Dade Expressway Authority for NW 138 Street from Okeechobee Road/SR 25 to Florida Department of Transportation right-of-way at I-75, and (c) the recordation of the Official Right-of-Way Transfer Map in the Public Record of Miami-Dade County, Florida, the City shall pay the County the amount of six million, eight hundred and sixty thousand dollars ($6,860,000). This constitutes the City's reimbursement to the County for amounts expended by the County in connection with the Project. Following said reimbursement, the parties agree to the immediate termination of the JPA, and neither party shall have any further obligation, liability or responsibility to the other hereunder, each of the parties agreeing to release and discharge the other from any claims and

demands under this JPA. By exception, the City's obligations to indemnify, defend and hold the County harmless contained in Section 7 of the JPA shall survive the termination and shall remain in full force and effect between the parties notwithstanding the termination effected in this Amendment.

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written.

ATTEST:

HARVEY RUVIN
CLERK OF THE BOARD

BY: _____
Deputy Clerk

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

BY: _____
County Mayor or County Mayor' Designee

Approved by County Attorney
as to form and legal sufficiency

ATTEST:

BY: _____
David Concepcion
City Clerk

(Affix City Seal)

CITY OF HIALEAH, a municipal
corporation of the State of Florida

BY: _____
Carlos Hernandez
Mayor

Approved by City Attorney
as to form and legal sufficiency

RESOLUTION NO. 11-79

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING A FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT WITH MIAMI-DADE COUNTY, FLORIDA TO CONSTRUCT A MULTI-LANE ROADWAY ON NW 138 STREET, FROM NW 107 AVENUE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY AT I-75, AND FURTHER AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER A FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT IN SUBSTANTIAL FORM AS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1" AND TO EXECUTE SUCH DOCUMENTS AND AGREEMENTS IN FURTHERANCE THEREOF.

WHEREAS, pursuant to Hialeah, Fla., Resolution 09-45 (May 1, 2009), the City entered into a Joint Participation Agreement with Miami-Dade County to construct a six-lane roadway, from NW 107 Avenue to the Florida Department of Transportation right-of-way at I-75, with the County funding no more than $14,400,000, which included a contingency fund of $650,000; and

WHEREAS, as provided in Resolution 09-45, the City made a finding that it is in its best interest to facilitate the construction of county road improvements within the City of Hialeah with funds reimbursed by the County through the County road impact fees and gasoline taxes; and

WHEREAS, the County intends to enter into a Road Jurisdiction Transfer Agreement transferring jurisdictional control of NW 138 Street to Miami-Dade Expressway Authority ("MDX") for the extension and improvement of State Road 924; and

WHEREAS, through this First Amendment to the Joint Participation Agreement, the City shall pay the County the sum of $6,680,00 for reimbursement of the City's portion of this Agreement (funds supplied by Miami-Dade Expressway Authority (MDX) within 60 business days from the execution of this First Amendment, the Road Jurisdiction Transfer Agreement and recordation of the transfer in the Official Right-of-Way Transfer Map in the public records of Miami-Dade County; and

WHEREAS, upon payment to the County, the Joint Participation Agreement shall be terminated subject to survival of the City indemnity and hold harmless obligations in favor of the County to the extent applicable.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

RESOLUTION NO. 09-45

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING A JOINT PARTICIPATION AGREEMENT WITH MIAMI-DADE COUNTY, FLORIDA TO CONSTRUCT A SIX-LANE ROADWAY ON NW 138 STREET, FROM NW 107 AVENUE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY AT I-75, WITH A RAISED MEDIAN, SIDEWALK, CURB AND GUTTER, CONTINUOUS STORM DRAINAGE SYSTEM, ROADWAY LIGHTING, SIGNAGE AND PAVEMENT MARKINGS, SIGNALIZATION, LANDSCAPING, CANAL RELOCATION, DE-MUCKING AND FPL DISTRIBUTION LINE RELOCATION AND SUBJECT TO THE RECEIPT OF FUNDS FROM MIAMI-DADE COUNTY TO UNDERWRITE THE COSTS OF THE IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED $14,400,000, WHICH INCLUDES A CONTINGENCY FUND OF $650,000; AND FURTHER AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER INTO THE JOINT PARTICIPATION AGREEMENT IN SUBSTANTIAL FORM AS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1" AND TO EXECUTE SUCH DOCUMENTS AND AGREEMENTS IN FURTHERANCE THEREOF; AND REPEALING AND RESCINDING HIALEAH, FLA., RESOLUTION 07-92 (AUG. 19, 2007).

WHEREAS, pursuant to Hialeah, Fla., Resolution 07-92 (Aug. 19, 2007), the City authorizes the Mayor to enter into a Joint Participation Agreement with Miami-Dade County to construct a six-lane roadway, from NW 107 Avenue to the Florida Department of Transportation right-of-way at I-75, with the County funding no more than $12,300,000; and

WHEREAS, subsequently, the City did not enter into a Joint Participation Agreement at that time but continued its negotiations with the County, which culminated in an agreement increasing County funding to $14,400,000, which includes a contingency fund of $650,000; and

WHEREAS, the City finds that it is in its best interest to facilitate the construction of county road improvements within the City of Hialeah with funds reimbursed by the County through the County road impact fees and gasoline taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby approves a joint participation agreement with Miami-Dade County, Florida to construct a six-lane roadway on NW 138 Street, from NW 138 Street, from NW 107 Avenue to the Florida Department of Transportation right-of-way at NW 107 Avenue, with a raised median, sidewalk, curb and gutter, continuous storm drainage system, roadway lighting, signage and pavement markings, signalization, landscaping, canal relocation, de-mucking and FPL distribution line relocation and subject to the receipt of funds from Miami-Dade County, Florida to underwrite the costs of the improvements in the amount to exceed $14,400,000, which includes a contingency fund of $650,000.

Section 2: The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Joint Participation Agreement, in substantial form as attached hereto and made a part hereof as Exhibit "1", and to execute such documents and agreements in furtherance thereof.

Section 3: The City of Hialeah, Florida hereby repeals and rescinds Hialeah, Fla., Resolution 07-92 (Aug. 19, 2007) in its entirety.

PASSED AND ADOPTED this 28th day of April, 2009.

Carlos Hernandez
Council President

Attest:

Approved on this 1 day of May, 2009.

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:
William Grodnick
William M. Grodnick, City Attorney

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Resolution was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".

ROAD JURISDICTION TRANSFER AGREEMENT
NW 138 STREET FROM OKEECHOBEE ROAD/SR 25 TO FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY AT I-75
BETWEEN MIAMI-DADE COUNTY AND THE MIAMI-DADE EXPRESSWAY AUTHORITY

This Agreement is made and entered into this ____ day of _____, 2011 by and between the Miami-Dade Expressway Authority ("MDX" or "Authority"), a body politic and corporate, a public instrumentality and an agency of the State of Florida, created pursuant to Chapter 348, Part I, Florida Statutes, and Miami-Dade County, Florida (the "County"), a political subdivision of the State of Florida, pursuant to the provisions of Section 335.0415, Florida Statutes.

WITNESSETH

WHEREAS, MDX has undertaken a preliminary study of various options to extend the western limits of SR 924, a toll facility under the jurisdiction of MDX; and

WHEREAS, NW 138 Street is a public roadway on the County Road System and under the jurisdictional control of Miami-Dade County; and

WHEREAS, the County has undertaken to fund certain improvements to NW 138 Street through an agreement with the City of Hialeah; and

WHEREAS, MDX considers portions of NW 138 Street to be included in one of the most viable options for extension of SR 924; and

WHEREAS, transfer of NW 138 Street from the County Road System to the jurisdictional control of MDX for the extension and improvement of SR 924 will facilitate travel to and through urban Miami-Dade County and will facilitate access to intermodal facilities, including but not limited to Miami International Airport and the Port of Miami; and

WHEREAS, transfer of NW 138 Street from the County Road System to the jurisdictional control of MDX for the extension and improvement of SR 924 will facilitate emergency evacuation in Miami-Dade County; and

WHEREAS, MDX is willing to assume the cost of improvements to and future maintenance of NW 138 Street in exchange for the jurisdictional transfer of NW 138 Street from the County to MDX.

NOW THEREFORE, in consideration of the mutual covenants and other good and valuable consideration, the receipt of which is hereby acknowledged, County and MDX hereby agree as follows:

1. **Definitions**

   a. The term "Transferred Right of Way" shall mean the right-of-way-delineated as NW 138 Street as reflected in the right-of-way map attached hereto as Exhibit "A" and made a part hereof.

   b. "Costs of Improvements" to NW 138 Street are those as set out in Exhibit "B," attached hereto and made a part hereof.

2. **Recitals**

   The foregoing recitals are true and correct and incorporated as if fully set out herein.

3. **MDX Responsibilities**

   a. MDX shall bear the "Cost of Improvements" made to NW 138 Street, as set out in Exhibit "B", either through direct payment of such costs or through reimbursements made either directly to the County or through transfer of funds to be made via the City of Hialeah to the County.

   b. Further, the responsibility for and the cost of all maintenance and operation of NW 138 Street as delineated in Exhibit "A," subsequent to its jurisdictional transfer from the County to MDX shall be borne by MDX.

   c. The guardrail and lighting system that exists for NW 138 Street within that certain portion of the canal right-of-way, described in Exhibit "C", will be transferred to MDX and will remain in place as permitted improvements within the canal right-of-way subject to the terms of a permit or license agreement from the Miami-Dade County Department of Environmental Resources Management.

   d. The culvert connecting the canal on the west side of NW 97 Avenue to the canal on the north side of NW 138 Street will be transferred to MDX and shall be considered a part of the roadway facility. MDX will be responsible for maintaining flow pursuant to the flow rights easement reserved by the County and MDX shall have the right to connect the culvert to the existing County canal facilities.

   e. Jurisdictional, operational and maintenance responsibilities by MDX will commence upon the execution of this Agreement and the recordation of the Road Right-of-Way Map in the Public Records of Miami-Dade County, Florida, in accordance with Section 337.29 of the Florida Statutes.

4. **County Responsibilities**

The County shall execute the appropriate transfer documents and record Exhibit "A" in the public records of Miami-Dade County, Florida, reflecting the jurisdictional transfer of NW 138 Street to MDX. The County shall retain jurisdiction over the existing canal and canal rights-of-way located immediately adjacent to the portion of NW 138 Street that is the subject of this transfer agreement.

5. **Notices.**

Any and all notices required to be given under this agreement shall be sent by first class mail, addressed as follows:

For the County:

Attention: Esther L. Calas, P.E.
Director, Miami-Dade County Public Works Department
111 NW First Street, Suite 1640
Miami, Florida 33128
(305) 375-2960

For MDX:

Attention: Javier Rodriguez, P.E.
Executive Director, Miami-Dade Expressway Authority
3790 N.W. 21st Street
Miami, Florida 33142
(305) 637-3277

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written.

ATTEST:

HARVEY RUVIN
CLERK OF THE BOARD

BY: _____
Deputy Clerk

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

BY: _____
County Mayor or County Mayor's Designee

Approved by County Attorney
as to form and legal sufficiency _____

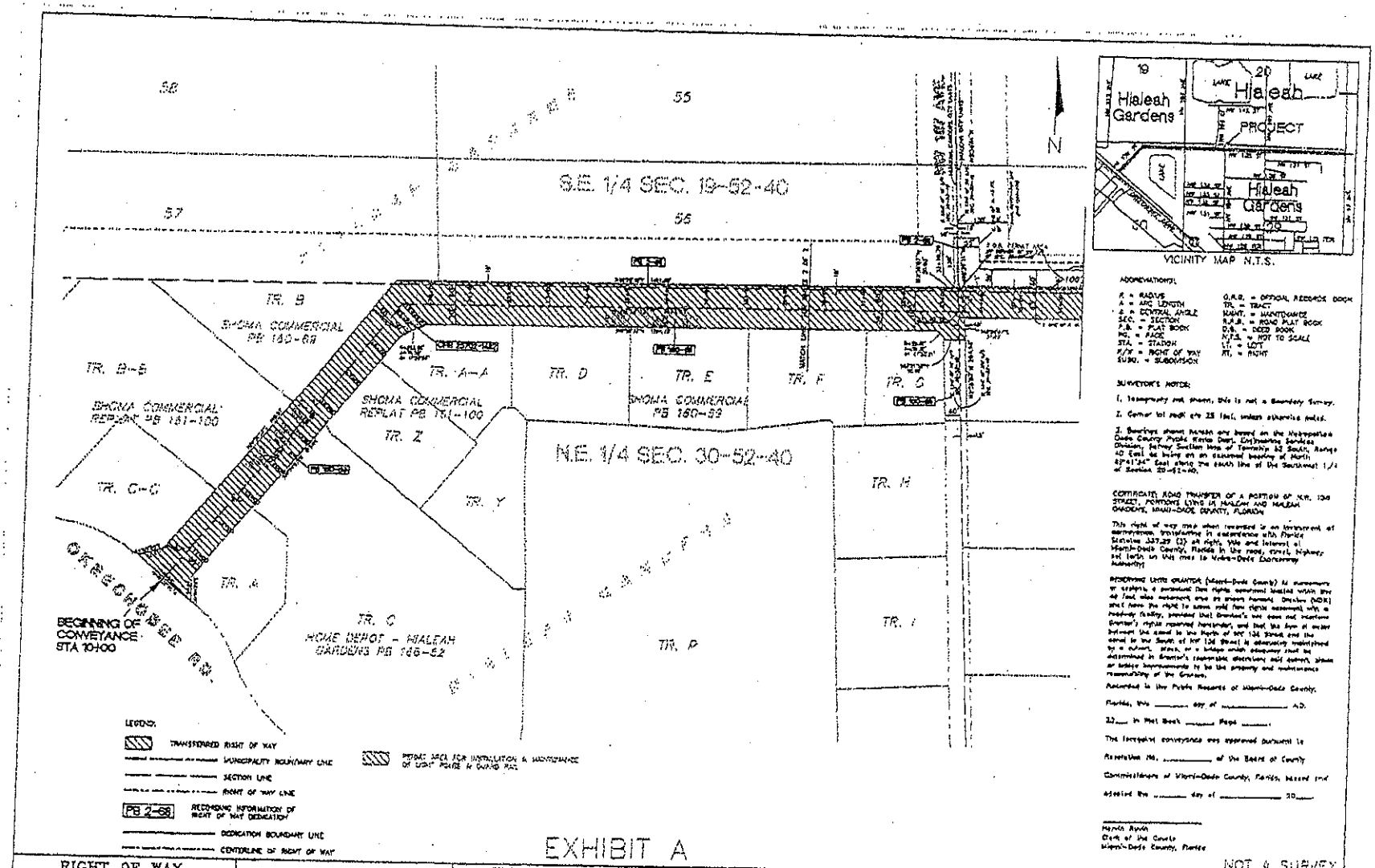
ATTEST:

BY: _____
Maria Luisa Navia Lobo
Secretary

MIAMI-DADE EXPRESSWAY AUTHORITY

BY: _____
Javier Rodriguez, P.E.
Executive Director

Approved by MDX General Counsel
as to form and legal sufficiency Pamela S. Leslie



S.E. 1/4 SEC. 19-52-40
N.E. 1/4 SEC. 30-52-40
58
55
57
56
TR. B
SHOMA COMMERCIAL PB 160-69
TR. B-B
SHOMA COMMERCIAL REPLAT PB 151-100
TR. A-A
SHOMA COMMERCIAL REPLAT PB 151-100
TR. Z
TR. D
TR. E
SHOMA COMMERCIAL PB 160-69
TR. F
TR. G
TR. C-C
TR. Y
TR. H
TR. A
TR. C
HOME DEPOT - HIALEAH GARDENS PB 166-52
TR. P
TR. I
OKEECHOBEE RD.
BEGINNING OF CONVEYANCE STA 10+00
N
Hialeah Gardens
Hialeah
PROJECT
VICINITY MAP N.T.S.
LEGEND:
TRANSFERRED RIGHT OF WAY
MUNICIPALITY BOUNDARY LINE
SECTION LINE
RIGHT OF WAY LINE
PB 2-68
RECORDING INFORMATION OF RIGHT OF WAY DEDICATION
DEDICATION BOUNDARY LINE
CENTERLINE OF RIGHT OF WAY
PETRAC AREA FOR INSTALLATION & MAINTENANCE OF LIGHT POLES IN GUARD RAIL
ABBREVIATIONS:
R = RADIUS
A = ARC LENGTH
Δ = CENTRAL ANGLE
SEC. = SECTION
P.B. = PLAT BOOK
PG. = PAGE
STA. = STATION
R/W = RIGHT OF WAY
SUBD. = SUBDIVISION
O.R.B. = OFFICIAL RECORDS BOOK
TR. = TRACT
MAINT. = MAINTENANCE
R.A.B. = ROAD PLAT BOOK
D.B. = DEED BOOK
N.T.S. = NOT TO SCALE
LT. = LEFT
RT. = RIGHT
SURVEYOR'S NOTES:
1. Topography not shown, this is not a Boundary Survey.
2. Corner lot radii are 25 feet, unless otherwise noted.
3. Bearings shown hereon are based on the Metropolitan Dade County Public Works Dept. Engineering Services Division, Survey Section Map of Township 52 South, Range 40 East as being on an assumed bearing of North 42°41'34" East along the south line of the Southwest 1/4 of Section 20-52-40.
CERTIFICATE: ROAD TRANSFER OF A PORTION OF N.W. 138 STREET, PORTIONS LYING IN HIALEAH AND HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA
This right of way map when recorded is an instrument of conveyance, transferring in accordance with Florida Statutes 337.29 (2) all right, title and interest of Miami-Dade County, Florida in the road, street, highway and forth on this map to Miami-Dade Expressway Authority.
RESERVING UNTO GRANTOR (Miami-Dade County) AS necessary or subject, a permanent flow rights easement located within the 40 foot wide easement area as shown hereon. Grantor (MDX) shall have the right to assess said flow rights easement with a roadway facility, provided that Grantor's use does not interfere Grantor's rights reserved hereunder, and that the flow of water between the canal to the North of NW 138 Street and the canal to the South of NW 138 Street is adequately maintained by a culvert, plaza, or a bridge under adequacy shall be determined in Grantor's reasonable discretion; said culvert, plaza or bridge improvements to be the property and maintenance responsibility of the Grantor.
Recorded in the Public Records of Miami-Dade County, Florida, this _____ day of _____ A.D.
20__ in Plat Book _____ Page _____.
The foregoing conveyance was approved pursuant to Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, based and adopted the _____ day of _____ 20__
Harvey Ruvin
Clerk of the Courts
Miami-Dade County, Florida
EXHIBIT A
NOT A SURVEY
RIGHT OF WAY TRANSFER MAP
MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
N.W. 138 Street
(Okeechobee Rd. to I-75 On-Ramp)
PROJECT 20070736
SHEET 1 OF 2

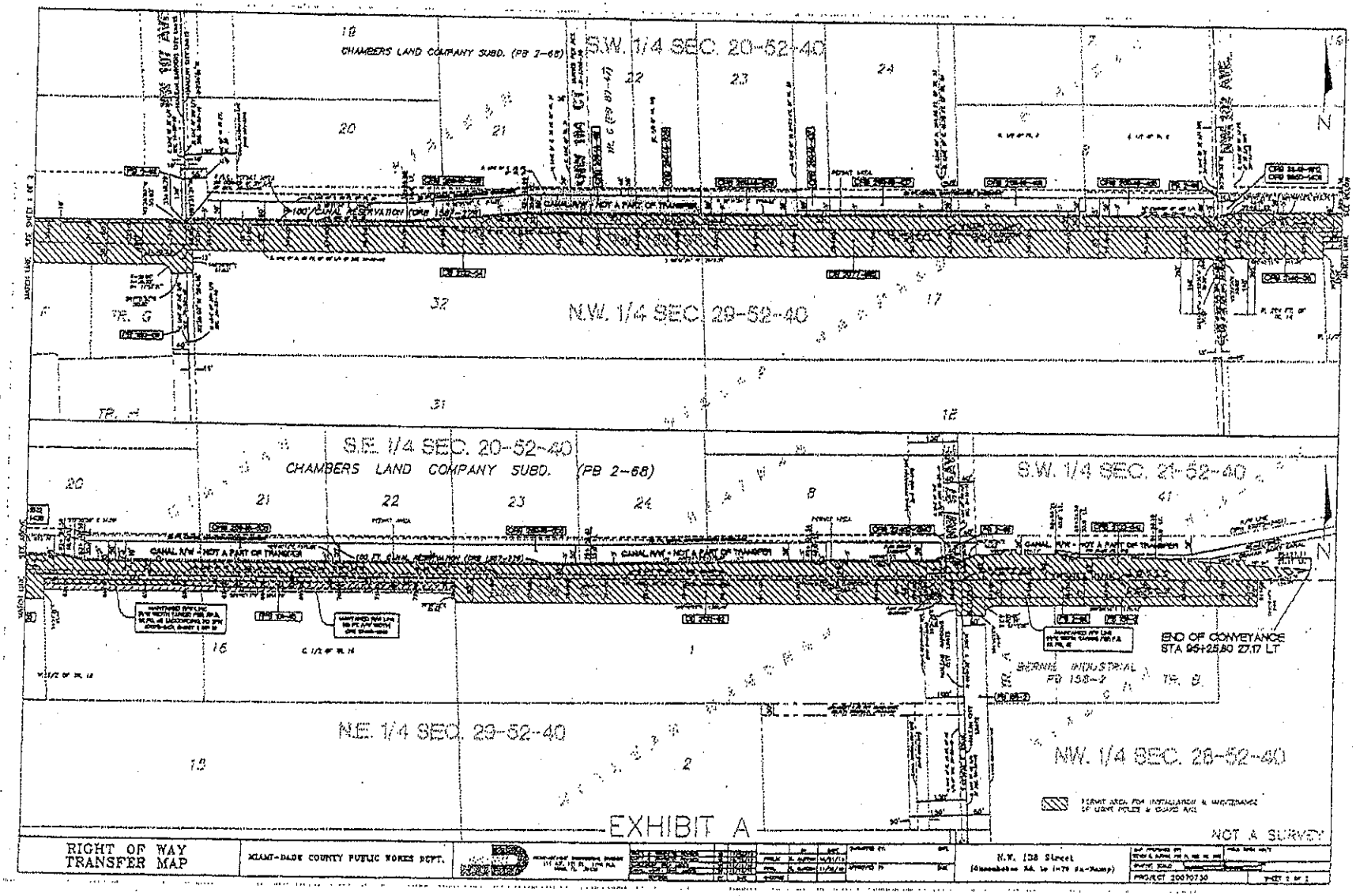

S.W. 1/4 SEC. 20-52-40
CHAMBERS LAND COMPANY SUBD. (PB 2-68)
N.W. 1/4 SEC. 29-52-40
S.E. 1/4 SEC. 20-52-40
CHAMBERS LAND COMPANY SUBD. (PB 2-68)
S.W. 1/4 SEC. 21-52-40
CANAL R/W - NOT A PART OF TRANSFER
END OF CONVEYANCE
STA 95+25.80 27.17 LT
N.E. 1/4 SEC. 29-52-40
NW. 1/4 SEC. 28-52-40
EXHIBIT A
NOT A SURVEY
RIGHT OF WAY TRANSFER MAP
MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
N.W. 138 Street
PROJECT 20070730

Exhibit B

Cost of Improvements

Fiscal Year	Funding Amount	MDX Funding Source
2011	$14,400,000	2010 Series Bonds
	$14,400,000	*Total Potential MDX Funding Amount*

Exhibit C

Legal Description: Permit Area for NW 138 St. Canal Right of Way

A portion of Section 20, Township 52 South, Range 40 East, lying in Miami-Dade County, Florida, being a strip of land 5.0 feet in width lying north of and parallel to the following described line, being more particularly described as follows: Commence at the Southwest corner of the Southwest 1/4 of said Section 20; thence North 02° 34'51" West along the west line of the Southwest 1/4 of said Section 20 for a distance of 10.01 feet and the Point of Beginning of the herein described line; thence North 89°41'34" East parallel with and 10.0 feet north of the south line of the Southwest 1/4 of said Section 20 for a distance of 566.21 feet; thence North 85°05'16" East for a distance of 311.39 feet; thence North 89°41'34" East parallel with and 35.0 feet north of the south line of the Southeast 1/4 for a distance of 1763.22 feet; thence North 75°11'29" East for a distance of 43.99 feet; thence North 89°40'13" East parallel with and 46.00 feet north of the south line of the Southeast 1/4 of said Section 20 for a distance of 273.76 feet; thence South 77°55'20" East for a distance of 51.20 feet; thence North 89°40'13" East parallel with and 35.0 feet north of the south line of the Southeast 1/4 of said Section 20 for a distance of 1312.08 feet; thence North 88°34'13" East for distance of 572.98 feet; thence North 89°40'13" East parallel with and 46.0 feet north of the south line of the Southeast 1/4 of said Section 20 for a distance of 389.26 feet to the intersection with the east line of the said Southeast 1/4 of Section 20 and the point of terminus of the herein described line.

Exhibit C

Legal Description: Flow Rights Easement across NW 138 St. at NW 97 Ave.

A portion of Sections 20 and 29, Township 52 South, Range 40 East, lying in Miami-Dade County, Florida, being a strip of land 40.0 feet in width, more particularly described as follows: Commence at the Southeast corner of the Southeast 1/4 of said Section 20; thence North 02° 37'55" West along the east line of the Southeast 1/4 of said Section 20 for a distance of 46.04 feet; thence South 89°40'13" West along a line 46.0 feet north of and parallel with the south line of said Southeast 1/4 of Section 20 for a distance of 70.06 feet to the Point of Beginning of the herein described easement, lying 20.0 feet on each side of the following described centerline; thence South 02°37'55" East parallel with and 70.0 feet west of the east line of the Southeast 1/4 of said Section 20 for a distance of 111.09 feet to the point of terminus of the herein described line.

CITY OF HIALEAH

ITEM # B.

SEP 13 2011

STREETS DEPARTMENT

TO: DAVID CONCEPCION, ACTING CITY CLERK

FROM: JORGE E. HERNANDEZ, DIRECTOR OF STREETS DEPARTMENT

DATE: AUGUST 20, 2011

SUBJECT: SCRIVENER'S ERROR

I wish to request a correction of Item 6 approved by City Council on August 9, 2011. The incorrect reimbursement amount stated in Resolution No. 11-79 is $6,680,00. The correct amount is $6,860,000. Please alter this item to reflect the correct reimbursement amount.

Thank you.

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President

Council Members

Jose F. Caragol
Paul B. Hernández
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
José Yedra

City Council Agenda
September 13 2011
7:00 P.M.

Call to Order/Roll Call of Councilmember's **ALL PRESENT**

Invocation given by David Concepcion, Acting City Clerk

Pledge of Allegiance led by Katharine E. Cue-Fuente

ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

Presentations –
Certificates of Appreciation presented to The Cultural Affairs Council: Chairwoman Marlen Cepero, Carlos Hugo Gonzalez, Rafael Hernández, Delio Llebrez, Carolina F. Naveiras, Gustavo Orta and Katherine Rey in appreciation for their time and talents as volunteers for our City.

Award of Merit presented to Jorge Arriola for going above and beyond the call of duty in the Communications 911 Center.

Proclamation of the Mayor declaring the month of September as "Literacy Awareness Month"

Proclamation of the Mayor declaring the month of September as "2011 National Childhood Obesity Month in Hialeah"

1. Announcement of Amendments/Corrections to the Agenda (if any)

a. Items HHH and III were added to the agenda.
b. Item R was withdrawn from the agenda.

2. Consent Agenda –

A. Report of Scrivener's Error – City Council Agenda of May 10, 2011, Item J. (INFORMATION TECHNOLOGY DEPT.) **APPROVED (7-0)**

B. Report of Scrivener's Error – City Council Agenda of August 9, 2011, Item 6. (STREETS DEPT.) **APPROVED (7-0)**

C. Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Rainbow Transmission, to provide the City of Hialeah Fleet Maintenance Department with rebuilt Allison Transmissions, in a total amount not to exceed $ 20,000.00 (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**

D. Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Palmetto Ford Truck Sales, to provide the City of Hialeah Fleet Maintenance Department with Ford and Sterling truck parts for City trucks, in a total amount not to exceed $ 20,000.00 (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**

E. Request permission to award Bid #2011/12-3130-12-001 – Athletic Apparel/Parks and Recreation and issue purchase orders to A.D. Starr; Royal "T" Screen Printing & Embroidery d/b/a Unicommerce; and Zipp Sporting Goods, Inc., lowest responsive and responsible bidders, to purchase patron uniforms, for a cumulative total amount not to exceed $68,000. (PARKS AND RECREATION DEPT.) **APPROVED (6-0)**

F. Request permission to reject FDOT bid# 2010/11-3210-00-024 138th Street Roadway Planting, for NW 138th Street Roadway planting since the City needs to revise the bid specifications for this project. (STREETS DEPT.) **APPROVED (7-0)**

G. Request permission to reject FDOT bid# 2010/11-3210-00-025 NW 97th Avenue Roadway Planting, since the City needs to revise the bid specifications for this project. (STREETS DEPT.) **APPROVED (7-0)**

H. Proposed resolution, authorizing the expenditure of Law Enforcement Trust Funds –*State* in an amount not to exceed $1,000 to support the organization of Concerns of Police Survivors (C.O.P.S.), upon such costs having been approved by the chief of police, in substantial form as attached hereto and made a part hereof as exhibit "1." (POLICE DEPT.) **APPROVED (7-0) RESO. 2011-88**

I. Request permission to waive competitive bids, since it is advantageous to the City, and increase purchase order # 2011-991 to Iron Mountain Records for records storage, retrieval and maintenance, in the amount of $2,000, for a total amount not to exceed $47,500. (CITY CLERK.) **APPROVED (7-0)**

J. Request permission to waive competitive bids, since it is advantageous to the City, and issue purchase order to D.T. Transport, LLC; Overland Carrier, Inc., and General Asphalt, to purchase asphalt, fill and rock materials to be utilized by the Water and Sewers Department, for a total cumulative amount not to exceed $60,000. (WATER AND SEWERS DEPT.) **APPROVED (7-0)**

K. Request permission to issue a purchase order to Springbrook Software, Inc., the supplier of the Water and Sewers Department's billing system, to cover the costs associated with the system's annual maintenance from October 1, 2011 through September 30, 2012, for a total amount not to exceed $69,247.80. (WATER AND SEWERS DEPT.) **APPROVED (7-0)**

RESOLUTION NO. 11-79

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING A FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT WITH MIAMI-DADE COUNTY, FLORIDA TO CONSTRUCT A MULTI-LANE ROADWAY ON NW 138 STREET, FROM NW 107 AVENUE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY AT I-75, AND FURTHER AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER A FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT IN SUBSTANTIAL FORM AS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1" AND TO EXECUTE SUCH DOCUMENTS AND AGREEMENTS IN FURTHERANCE THEREOF.

WHEREAS, pursuant to Hialeah, Fla., Resolution 09-45 (May 1, 2009), the City entered into a Joint Participation Agreement with Miami-Dade County to construct a six-lane roadway, from NW 107 Avenue to the Florida Department of Transportation right-of-way at I-75, with the County funding no more than $14,400,000, which included a contingency fund of $650,000; and

WHEREAS, as provided in Resolution 09-45, the City made a finding that it is in its best interest to facilitate the construction of county road improvements within the City of Hialeah with funds reimbursed by the County through the County road impact fees and gasoline taxes; and

WHEREAS, the County intends to enter into a Road Jurisdiction Transfer Agreement transferring jurisdictional control of NW 138 Street to Miami-Dade Expressway Authority ("MDX") for the extension and improvement of State Road 924; and

WHEREAS, through this First Amendment to the Joint Participation Agreement, the City shall pay the County the sum of $6,680,00 for reimbursement of the City's portion of this Agreement (funds supplied by Miami-Dade Expressway Authority (MDX) within 60 business days from the execution of this First Amendment, the Road Jurisdiction Transfer Agreement and recordation of the transfer in the Official Right-of-Way Transfer Map in the public records of Miami-Dade County; and

WHEREAS, upon payment to the County, the Joint Participation Agreement shall be terminated subject to survival of the City indemnity and hold harmless obligations in favor of the County to the extent applicable.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby approves a First Amendment to Joint Participation Agreement for NW 138 Street, from NW 107 Avenue to the Florida Department of Transportation Right-Of-Way at I-75 with Miami-Dade County, Florida to construct a multi-lane roadway on NW 138 Street, from NW 107 Avenue to the Florida Department of Transportation right-of-way at I-75.

Section 2: The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into the aforesaid First Amendment to Joint Participation Agreement, in substantial form as attached hereto and made a part hereof as Exhibit "1", and to execute such documents and agreements in furtherance thereof.

PASSED AND ADOPTED this 9th day of August, 2011.

Isis Garcia-Martinez
Council President

Attest:

David Concepcion, Acting City Clerk

Approved on this ____ day of _____, 2011.

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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Resolution was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Yedra voting "Yes".

MIAMI-DADE EXPRESSWAY AUTHORITY
AN AGENCY OF THE STATE OF FLORIDA

3790 N.W. 21st St. Miami, Fl. 33142 tel 305.637.3277 fax 305.637.3283
suncom 461.3277 www.mdx-way.com

FELIX M. LASARTE, ESQ.
Chair
LOUIS V. MARTINEZ, ESQ.
Vice-Chair
JORGE M. VIGIL, ESQ.
Treasurer
GUS PEGO, P.E.
FDOT District Six Secretary

MAURICE A. FERRÉ
MARITZA GUTIERREZ
ROBERT W. HOLLAND, ESQ.
NICK A. INAMDAR
AL MALOOF, Ph.D.
GONZALO SANABRIA
SHELLY SMITH FANO
YVONNE SOLER MCKINLEY
NORMAN R. WARTMAN

JAVIER RODRÍGUEZ, P.E.
Executive Director
MARIA LUISA NAVIA LOBO
Secretary

September 17, 2010

Ms. Esther Calas, P.E., Director
Miami-Dade County Public Works Department
Stephen P. Clark Center
111 NW 1st Street, 16th Floor
Miami, Florida 33128

Re: N.W. 138th Street Roadway Jurisdictional Transfer in support of MDX Project #92404, SR 924 Extension West to the Homestead Extension of the Florida Turnpike (HEFT)

Dear ~~Ms. Calas~~: Esther

I am writing to respectfully request that N.W. 138th Street be transferred from Miami-Dade County to MDX jurisdiction. MDX is pursuing the extension of SR 924 to the HEFT as part of the MDX Master Plan and MPO's Long-Range Transportation Plan utilizing the N.W. 138th Street corridor. The project includes a six-lane divided at-grade typical section along N.W. 138th Street, similar to the plans currently under construction by the City of Hialeah.

The expressway extension is proposed to be tolled at its eastern- and western-most connections with SR 924 and HEFT, respectively with the roadway section in between remaining as a controlled access, non-tolled facility. In order for MDX to utilize its capital bond funding for the project, MDX must have a property interest in the proposed facility and is, therefore, requesting the roadway transfer from the County. Once the transfer has occurred, MDX will reimburse the City for costs incurred to widen the roadway, which will then allow the City to reimburse the County for its contributions toward the N.W. 138th Street widening. MDX will also assume perpetual maintenance responsibility for the transferred roadway facility as part of its System.

Please begin preparation of right-of-way maps for this section of N.W. 138th Street as required for the jurisdictional transfer to MDX. Thank you for your assistance in this regard. If any additional information is needed, please contact MDX Director of Engineering Mr. Alfred Lurigados at (305) 637-3277 extension 2114 or alurigados@mdxway.com.

Sincerely,

Javier Rodriguez, P.E.
Executive Director

Cc: Mayor Julio Robaina, City of Hialeah
Mayor Yioset De La Cruz, City of Hialeah Gardens
Gaspar Miranda, Miami-Dade County Public Works Department
Alfred Lurigados, MDX
Pamela Leslie, MDX
Mary Conway, HNTB

Attachment 1

Julio Robaina
Mayor

Carlos Hernandez
Council President

Jose Yedra
Council Vice President

City of Hialeah

Council Members

Jose F. Caragol
Vivian Casals-Muñoz
Katharine E. Cue
Isis Garcia-Martinez
Luis Gonzalez

September 29, 2010

Mrs. Esther L. Calas, P.E., Director
Miami-Dade County Public Works
111 NW 1 Street –Suite 1510
Miami, Florida 33128-1970

Re: NW 138th Street Roadway Transfer and Agreement Modification

Dear Mrs. Calas:

An agreement between Miami-Dade County and the City of Hialeah currently exists for the construction of the NW 138th Street corridor, which links I-75 to 107th Avenue.

MDX is proposing to eventually extend the western portion of this corridor to the HEFT and utilize this newly constructed surface corridor as a direct link between the two expressway systems as an eventual direct continuation of the Gratigny Expressway.

The City of Hialeah is in support of this proposed arrangement in order to facilitate access and mobility in this newly annexed and developing area of the County.

Respectfully,

Julio Robaina
Mayor

cc: Javier Rodriguez, MDX

JR/jeh
S:\NT\Corrgen\DadeCounty\CalasMDX138AgreementSupport

Raul L. Martinez Government Center
501 Palm Avenue, Hialeah, Florida · 33010-4719
www.hialeahfl.gov

Attachment 2