

MEMORANDUM

Agenda Item No. 8(N)(24)

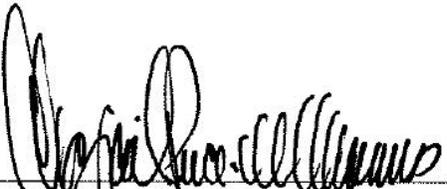
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declaring the acquisition of the designated property known as Parcel 1 for improvements to SW 42 Street, from SW 162 Avenue to SW 157 Avenue, to be a public necessity; and authorizing the County Mayor and the County Attorney to take any and all appropriate actions to accomplish acquisition of the subject property in fee simple, by negotiation, donation, right-of-way designation, purchase at values established by appraisals or tax assessed values whichever is the higher of the two, together with reasonable attorneys fees and costs pursuant to sections 73.091 and 73.092, Florida Statutes, or by eminent domain court proceeding including declarations of taking, as necessary; and authorizing the County Mayor to make an additional incentive offer to purchase Parcel 1 in a total amount not to exceed 15 percent over the appraised value

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.



Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: October 6, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, written over the printed name.

Subject: Resolution Declaring the Acquisition of the Designated Property Known as Parcel 1 to be a Public Necessity Needed for the Project Entitled Improvements to SW 42 Street from SW 162 Avenue to SW 157 Avenue

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution declaring the acquisition of Parcel 1 to be a public necessity for the road widening, beautification and right-of-way improvements to SW 42 Street from SW 162 Avenue to SW 157 Avenue. The resolution authorizes the County Mayor or the County Mayor's Designee and the County Attorney to employ appraisers, expert witnesses, obtain environmental audits and to take any and all appropriate actions to acquire the subject parcel in fee simple, either by negotiation, donation, right-of-way designation, purchase at values established by appraisals, or tax assessed value whichever is higher of the two. The resolution authorizes the administration to make an additional incentive offer for a total amount not to exceed fifteen percent over the appraised value, together with reasonable attorney fees and costs, pursuant to Sections 73.091 and 73.092 Florida Statutes or by eminent domain court proceedings, including a declaration of taking as necessary for and on behalf of Miami-Dade County.

Scope

Parcel 1 and the improvements along SW 42 Street are located in County Commission District 11, represented by Commissioner Joe A. Martinez.

Fiscal Impact/Funding Source

Funding for the construction of the road improvements and right-of-way acquisition of all parcels is estimated at \$4,261,461.87 and is funded by Road Impact Fees included in the FY 2020-21 Proposed Budget and Multi-Year Capital Plan. Once the project is complete, annual maintenance and operational costs of approximately \$12,165.21 are anticipated and will be funded through the Department of Transportation and Public Works' (DTPW) General Fund allocation.

Track Record/Monitor

Alejandro Barrios, Chief, Stormwater Engineering and Right-of-Way Division, Department of Transportation and Public Works, will oversee and monitor this project.

Background

The project consists of the widening of SW 42 Street from SW 162 Avenue to SW 157 Avenue from 2-lanes to a 4-lane roadway with new raised landscape medians, irrigation, sidewalks, curb and gutters, storm drainage system, pavement markings and signage, intersection and signalization improvements and roadway lighting.

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
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The area to be acquired by DTPW for the street improvements is legally described in Exhibit “A” and illustrated in the parcel location map set forth in Exhibit “B”, both of which are attached to the resolution. The project will improve traffic mobility and drainage along SW 42 Street from SW 162 Avenue to SW 157 Avenue. In order to reduce project time, cost and to avoid the expense of litigation, it is recommended that the administration be granted authorization to issue an incentive offer, added to the initial offer, to purchase Parcel 1. The total amount of the initial offer plus the incentive offer shall be no more than fifteen percent over the appraised value of Parcel 1.



Jennifer Moon
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(N)(24)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(N)(24)
10-6-20

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 1 FOR IMPROVEMENTS TO SW 42 STREET, FROM SW 162 AVENUE TO SW 157 AVENUE, 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 NEGOTIATION, DONATION, RIGHT-OF-WAY DESIGNATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR TAX ASSESSED VALUES WHICHEVER IS THE HIGHER OF THE TWO, TOGETHER WITH REASONABLE ATTORNEY FEES AND COSTS PURSUANT TO SECTIONS 73.091 AND 73.092, FLORIDA STATUTES, OR BY EMINENT DOMAIN COURT PROCEEDING INCLUDING DECLARATIONS OF TAKING, AS NECESSARY, AND AUTHORIZING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO MAKE AN ADDITIONAL INCENTIVE OFFER TO PURCHASE PARCEL 1 IN A TOTAL AMOUNT NOT TO EXCEED 15 PERCENT OVER THE APPRAISED VALUE

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 in fee simple of the property known as Parcel 1 as legally described in Exhibit "A" and shown on the project location map in Exhibit "B" attached hereto and made a part hereof, for the public purpose of improvements to SW 42 Street from two (2) to four (4) lanes from SW 162 Avenue to SW 157 Avenue to be required and necessary to accomplish such improvements; 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 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 for improvements to SW 42 Street from SW 162 Avenue to SW 157 Avenue.

Section 3. This Board authorizes and directs the County Mayor or County Mayor’s designee and County Attorney to employ appraisers, expert witnesses, obtain environmental audits, and to take any and all appropriate actions to acquire the subject parcel, as legally described in Exhibit “A” in fee simple, including any businesses thereon, either by negotiations, donation, right-of-way designation, purchase at values established by appraisals or tax assessed value whichever is the higher of the two together with reasonable attorney fees, expert fees and cost pursuant to Sections 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. In order to potentially reduce project time and to avoid the expense of litigation, the County Mayor or the County Mayor’s designee is further authorized to issue an incentive offer to purchase Parcel 1 in a total amount not to exceed fifteen percent over the appraised value of Parcel 1.

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 conveyances accepted herein in the Public Records of Miami-Dade County, Florida; and (a) provide a recorded copy of the instrument to

the Clerk of the Board within thirty (30) days of execution of said instrument; and (b) direct the Clerk of the Board to attach and permanently store a recorded copy of said instruments together with this resolution.

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

- | | |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman | |
| Rebeca Sosa, Vice Chairwoman | |
| Esteban L. Bovo, Jr. | Daniella Levine Cava |
| Jose "Pepe" Diaz | Sally A. Heyman |
| Eileen Higgins | Barbara J. Jordan |
| Joe A. Martinez | Jean Monestime |
| Dennis C. Moss | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of October, 2020. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Debra Herman

LEGAL DESCRIPTION

(FEE SIMPLE)

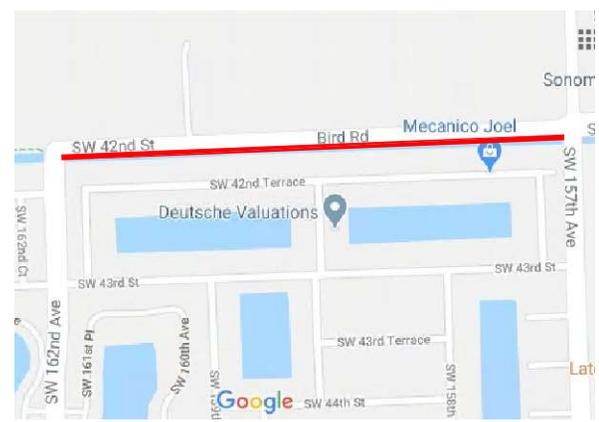
That portion of Tract 64, **MIAMI EVERGLADE LAND CO. LTD.**, of Section 17, Township 54 South, Range 39 East, Miami-Dade County, Florida; according to the Plat thereof, recorded in Plat Book 2 at Page 3 of the Public Records of Miami Dade County, Florida; being more particularly describe as follows:

COMMENCE at the SE corner of said Section 17, thence run S 87°43'42" W, along the South line of the SE 1/4 of said Section 17, for a distance of 659.53 feet to the intersection with the Southerly prolongation of the West line of said Tract 64; thence run N 2°13'30" W, along the Southerly prolongation and the West line of said Tract 64, for a distance of 80.00 feet to a point of intersection with the North line of the South 80.00 feet of said Section 17 as shown on Official Record Book 23154 at Page 3729 of the Public Records of Miami-Dade County Florida, said point being also the **POINT OF BEGINNING** of the herein described parcel of land; thence run N 2°13'30" W, along the West line of said Tract 64 for a distance of 33.26 feet, thence run N 87°46'30" E for a distance of 19.05 feet to a point of intersection; thence run N 87°24'35" E for a distance of 560.73 feet to a point of curvature of a circular curve concave to the Northwest; thence run Northeasterly, along the arc of said circular curve concave to the Northwest, having a radius of 35.00 feet, through a central angle of 89°37'57", for an arc distance of 54.75 feet to a point of tangency; thence run S 2°13'22" E, along a line parallel to and 45.00 feet West of the East line of the SE 1/4 of Section 17, for a distance of 71.34 feet to the intersection with the North line of the South 80.00 feet of said Section 17, thence run S 87°43'42" W along the North line of the South 80.00 feet of said Section 17 for a distance of 614.54 feet to the **POINT OF BEGINNING**.

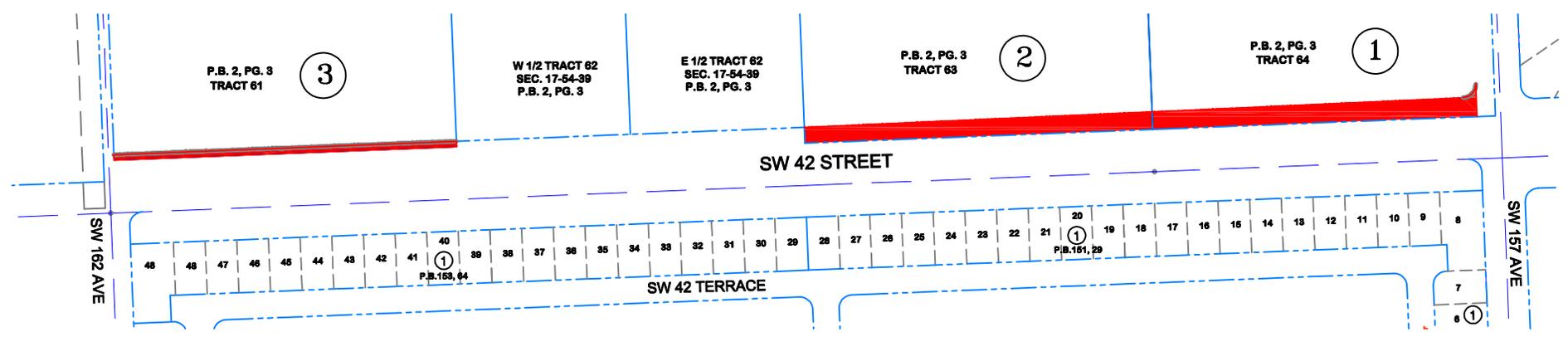
EXHIBIT "A"

PARCEL 1
Project No. 20190042
1 of 1

SEC 17
TWP 54 S
RGE 39 E



LOCATION MAP
NOT TO SCALE



 R/W TO BE ACQUIRED BY THE COUNTY

SW 42 Street
From SW 162 Ave to SW 157 Ave



SCALE 1" = 300'
PROJECT:20190042
PREPARED BY: L.E.
DATED: 05-07-20

EXHIBIT "B"
MIAMI-DADE COUNTY DEPARTMENT
OF TRANSPORTATION AND PUBLIC WORKS
RIGHT OF WAY ENGINEERING SECTION
STORMWATER ENGINEERING & RIGHT OF WAY DIVISION