

MEMORANDUM

Agenda Item No. 8(N)(2)


TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: June 3, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring the acquisition of the designated property known as Parcel 2 for improvements to NW 12 Street from NW 121 Avenue to NW 114 Avenue to be a public necessity; 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, or 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 proceedings including declarations of taking, as necessary; and authorizing the County Mayor to make an additional incentive offer to purchase Parcel 2 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 Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Memorandum



Date: June 3, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Resolution Declaring the Acquisition of the Designated Property Known as Parcel 2 to be a Public Necessity Needed for the Project Entitled Improvements to NW 12 Street from NW 121 Avenue to NW 114 Avenue

EXECUTIVE SUMMARY

The purpose of this item is for the Board of County Commissioners (Board) to grant approval to acquire certain right-of-way necessary for the NW 12 Street Improvement Project located on NW 12 Street between NW 121 Avenue to NW 114 Avenue. The project consists of widening and resurfacing of NW 12 Street for bus-only lanes from the Dolphin Park-and-Ride facility to NW 114 Avenue as well as constructing a shared-use path to enhance pedestrian safety. The project will increase capacity for existing left and right turn lanes plus add new left and right turn lanes along NW 12 Street. Moreover, the project scope includes improvements to the exit ramps from the Florida Turnpike and the right turn lane exit from the Dolphin Mall at NW 114 Avenue.

RECOMMENDATION

It is recommended that the Board approve the attached resolution declaring the acquisition of Parcel 2 to be a public necessity for the road widening, beautification, and right-of-way improvements to NW 12th Street from NW 121 Avenue to NW 114 Avenue. The resolution authorizes the County Mayor or the County Mayor's designee and the County Attorney to employ appraisers and expert witnesses; to 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, or by purchase at values established by appraisals, or tax assessed values, whichever is higher of the two. The resolution also authorizes the Administration to make an additional incentive offer for a total amount not to exceed 15 percent over the appraised value, together with reasonable attorney fees and costs, pursuant to Sections 73.091 and 73.092 of the Florida Statutes, or by eminent domain court proceedings, including a declaration of taking as necessary for and on behalf of Miami-Dade County.

SCOPE

The impact of this project is countywide; however, it is located within District 12, which is represented by Commissioner Juan Carlos Bermudez.

FISCAL IMPACT/FUNDING SOURCE

The funding required for the design, construction, CEI, and right-of-way acquisition of this project, i.e., Project No. 3001030 and Program No. 671610 is estimated at \$11,040,000 and will be funded through the following funding source:

Program	Adopted Budget	Funding Source
671610 Park and Ride Transit Projects	FY24-25 Adopted Budget & Multi-Year Capital Plan; Volume 2, Page 190	People's Transportation Plan Bond Program

Upon completion of the project, the annual maintenance and operational costs of the project will be approximately \$22,830.10, which will be funded by Transit's Operating Fund.

TRACK RECORD/MONITOR

The Department of Transportation and Public Works (DTPW) is the entity overseeing this item and the person responsible is Javier M. Bustamante, Assistant Director, Transit Project Management & Support Services.

DELEGATED AUTHORITY

The resolution delegates authority to the County Mayor or the County Mayor's designee and the County Attorney to take any and all appropriate actions to acquire the subject parcel in fee simple and to record the instruments of conveyances accepted herein in the Public Records of Miami-Dade County. The County Mayor's designee is further authorized to issue an incentive offer to purchase Parcel 2 in a total amount not to exceed 15 percent over the appraised value of Parcel 2.

BACKGROUND

The NW 12 Street Improvement Project consists of widening and resurfacing of NW 12 Street for Bus-Only Lanes from the Dolphin Park-and-Ride facility to NW 114 Avenue. The project will increase capacity for existing left and right turn lanes as well as provide new left and right turn lanes along NW 12 Street. Additionally, exit ramps from the Florida Turnpike and the right turn lane exit from the Dolphin Mall at NW 114 Avenue will be improved. The project will also add new bus-only lanes to service the new Dolphin Park-and-Ride facility.

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. These improvements will improve traffic mobility and improve drainage along NW 12 Street from NW 121 Avenue to NW 114 Avenue.

In order to reduce project time and cost, and to avoid the expense of potential litigation, it is recommended that the Administration be granted authorization to issue an incentive offer added to the initial offer to purchase Parcel 2. The total amount of the initial offer plus the incentive offer shall be no more than 15 percent over the appraised value of Parcel 2.



Jimmy Morales
Chief Operating Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: June 3, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(2)

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 ____, majority plus one ____, 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) ____, 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)(2)
6-3-25

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 2 FOR IMPROVEMENTS TO NW 12 STREET FROM NW 121 AVENUE TO NW 114 AVENUE TO BE A PUBLIC NECESSITY; AUTHORIZING THE COUNTY MAYOR OR 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, OR 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 PROCEEDINGS INCLUDING DECLARATIONS OF TAKING, AS NECESSARY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MAKE AN ADDITIONAL INCENTIVE OFFER TO PURCHASE PARCEL 2 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 County Mayor's 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 2 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 road widening, beautification, and right-of-way improvements to NW 12 Street from NW 121 Avenue to NW 114 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 of constructing improvements to NW 12 Street from NW 121 Avenue to NW 114 Avenue.

Section 3. This Board authorizes and directs the County Mayor or County Mayor’s designee and County Attorney to employ appraisers and expert witnesses, to 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, and provide compensation to all interested parties for such acquisition including any businesses thereon, either by negotiation, donation, right-of-way designation, purchase at value 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 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 County Mayor’s designee is further authorized to issue an incentive offer to purchase Parcel 2, in a total amount not to exceed 15 percent over the appraised value of Parcel 2.

Section 4. Pursuant to Resolution No. R-974-09, the County Mayor or County Mayor's designee shall record any instruments of conveyance accepted pursuant to the terms of this resolution in the public records of Miami-Dade County and (a) provide a recorded copy of each instrument to the Clerk of the Board within 30 days of execution of said instruments; and (b) the Clerk of the Board shall attach and permanently store a recorded copy of each 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:

Anthony Rodriguez, Chairman	
Kionne L. McGhee, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Sen. René García	Oliver G. Gilbert, III
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Natalie Milian Orbis	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of June, 2025. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Lauren E. Morse

LEGAL DESCRIPTION

COMMENCE at the South quarter corner of Section 36, Township 53 South, Range 39 East; thence run along the South line of said Section 36 N89°40'28"E a distance of 2638.00 feet to the Southwest corner of Section 31, Township 53 South, Range 40 East; thence run N89°42'27"E along the South line of said Section 31, a distance of 37.40 feet; thence run S00°17'34"E a distance of 15.90 feet to the south right-of-way line of NW 12th Street as shown in Final Judgement recorded in Official Records Book 22675 at Page 3864 of the Public Records of Miami-Dade County, Florida, the next seven courses are along the South right-of-way line of said Street, said point also being the **POINT OF BEGINNING** and the beginning of a non-tangent curve to the left having a radius of 11170.25 feet and to which point a radial line bears S01°43'16"; thence run 77.67 feet along the arc of said curve through a central angle of 00°23'54" to the beginning of a reversed curve to the right having a radius of 11090.25 feet and to which point a radial line bears N00°58'14"W; thence run 222.44 feet through a central angle of 01°08'57"; thence run S00°17'34"E a distance of 5.00 feet to the point of intersection with a curve concave to the South having a radius of 11085.25 feet; thence run 131.02 feet along the arc of said curve through a central angle of 00°40'38"; thence run N00°17'34"W a distance of 5.00 feet; thence run N88°24'09"E a distance of 353.49; thence run N89°42'27"E a distance of 773.05 feet; thence run S00°17'33"E a distance of 1.21 feet; thence run S89°41'06"W a distance of 629.15 feet; thence run S88°43'28"W a distance of 19.22 feet; thence run S88°16'22"W a distance of 478.10 feet; thence run S89°13'11"W a distance of 216.62; thence run S88°19'54"W a distance of 214.61 feet; thence run N00°17'34"W a distance of 4.86 feet to the **POINT OF BEGINNING**.

Containing 5,041 square feet or 0.116 acres, more or less.

EXHIBIT "A"

1 of 1

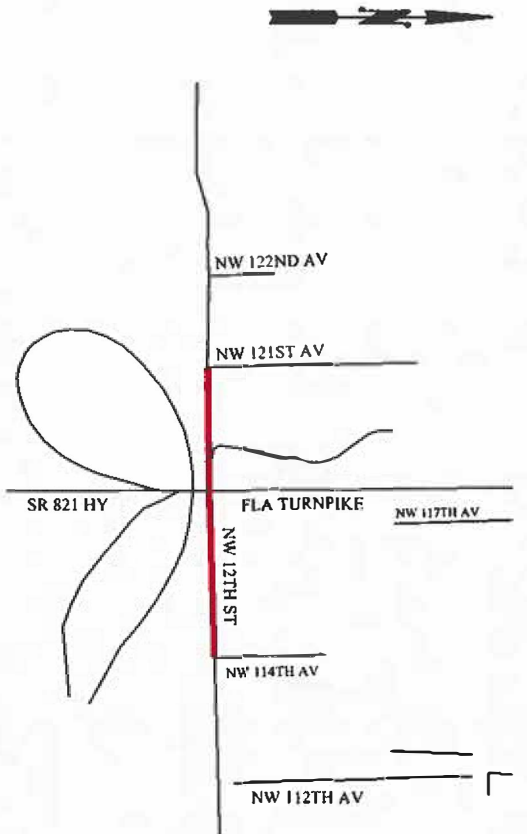
PARCEL 2

Project No. 20180222

NW 12 St. (NW 121 Ave. to NW 114 Ave.)

MDC009

GOV. LOT 1 & 6
TWP 53-54 S
RGE 39 E



LOCATION MAP
NOT TO SCALE

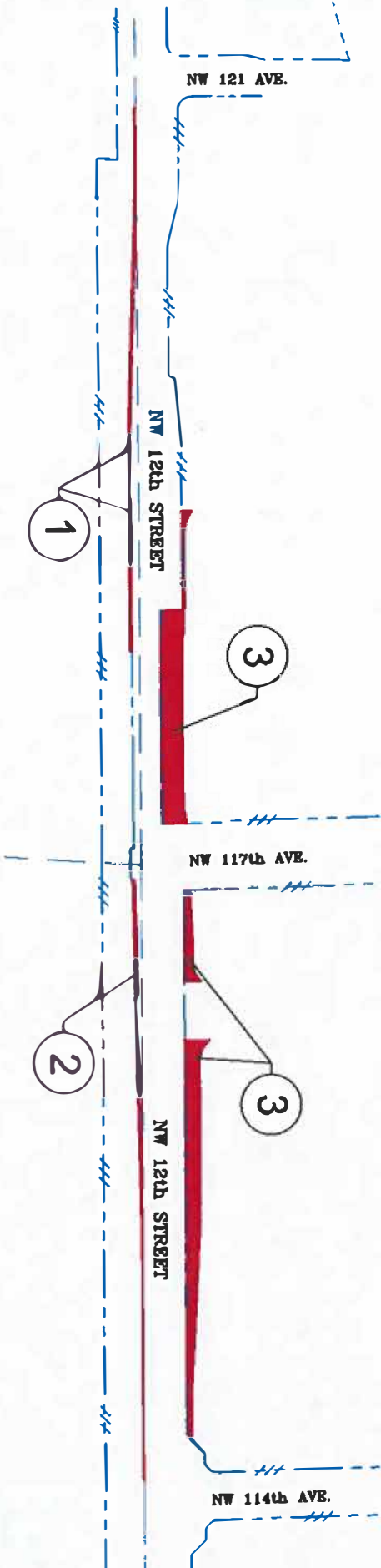


EXHIBIT "B"

MIAMI-DADE COUNTY DEPARTMENT
OF TRANSPORTATION AND PUBLIC WORKS
RIGHT OF WAY DIVISION
RIGHT OF WAY ENGINEERING SECTION

R/W TO BE ACQUIRED BY THE COUNTY

NW 12th STREET

From NW 121th Ave. to NW 114th Ave.



SCALE 1" = 400'
PREPARED BY: L.E.
DATED: 05-08-24