

MEMORANDUM

Agenda Item No. 8(N)(7)

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

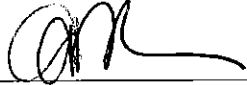
DATE: February 4, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declaring the acquisition of the designated property known as Parcel 18 for improvements to SW 328 Street, from Redland Road/SW 187 Avenue to US1/SR5, 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 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 to make an additional incentive offer to purchase Parcel 18 in a total amount not to exceed 15 percent over the appraised value

Resolution No. R-127-20

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


Abigail Price-Williams
County Attorney 

APW/uw

Memorandum



Date: February 4, 2020

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Declaring the Acquisition of Designated Property Known as Parcel 18 for Right-of-Way Needed for Project Entitled Improvements to SW 328 Street, from Redland Road/SW 187 Avenue to US1/SR5 to be a Public Necessity and Authorizing the Use of Road Impact Fee Funds from District 6

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution declaring the acquisition of Parcel 18 for right-of-way improvements along SW 328 Street from SW 187 Avenue to US-1 (Project) to be a public necessity. 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 appropriate action to acquire the subject parcel in fee simple either by negotiation, donation, right-of-way designation or purchase at values established by appraisals or tax assessed values, whichever is higher of the two, together with business damages and reasonable attorney fees and costs or eminent domain court proceedings (pursuant to Florida Statutes Sections 73.091 and 73.092), including a declaration of taking as necessary for and on behalf of Miami-Dade County and authorizing an incentive offer in an amount not to exceed fifteen percent above the appraised value.

Scope

The impact of this project is Countywide; however, it is located within Commission District 9, represented by Commissioner Dennis C. Moss, and within the municipalities of Homestead and Florida City.

Fiscal Impact/ Funding Source

Funding for the construction and right-of-way acquisition of all parcels is estimated at \$9,746,000.00 and is funded by Road Impact Fees programmed within the FY19-20 Adopted Budget and Multi-Year Capital Plan. Once the project is built out, annual maintenance and operational cost of approximately \$7,693.21 and \$16,214.93 respectively is anticipated.

Track Record/Monitor

The Department of Transportation and Public Works (DTPW) is the entity overseeing this item, and the person responsible is Francisco Fernandez, Chief Real Estate Officer, DTPW, Roadway Engineering and Right-of-Way Division.

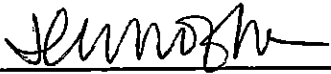
Delegated Authority

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no authorities beyond that specified in this resolution.

Background

DTPW has programmed improvements along SW 328 Street from SW 187 Avenue to US-1. This project consists of the reconstruction of the existing two (2) lane road with curb and gutter, dedicated left turn lanes, landscaped raised medians, sidewalks, a continuous storm drainage system, signalization, pavement markings and signage, decorative street lighting and bicycle facilities. The area to be acquired by DTPW for the street improvements is legally described in Exhibit "A" and illustrated in the parcel location map, attached as Exhibit "B". These improvements constitute the third and final phase of the project. The first phase spanned from SW 162 Avenue to SW 152 Avenue and the second phase spanned from US1 to SW 162 Avenue. The roadway improvements are anticipated to alleviate congestion, greatly improve traffic flow and enhance roadway drainage.

It is recommended that in order to reduce time and costs, and to avoid the expense of litigation, administration be granted authorization to issue an incentive offer added to the initial offer to purchase Parcel 18. The total amount of the incentive and initial offers shall not exceed 15 percent over the appraised value of Parcel 18.



Jennifer Moon
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: February 4, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(N)(7)

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)(7)
2-4-20

RESOLUTION NO. R-127-20

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 18 FOR IMPROVEMENTS TO SW 328 STREET, FROM REDLAND ROAD/SW 187 AVENUE TO US1/SR5, 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 COUNTY MAYOR'S DESIGNEE TO MAKE AN ADDITIONAL INCENTIVE OFFER TO PURCHASE PARCEL 18 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 designated property known as Parcel 18, 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 roadway expansion and improvements to SW 328 Street, from Redland Road/SW 187 Avenue to US1/SR5 to be required and necessary to accomplish such improvements; and

WHEREAS, Miami-Dade County is authorized under the Constitution and Laws 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 properties 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 improvements to SW 328 Street, from Redland Road/SW 187 Avenue to US1/SR5.

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 an 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 18, in a total amount not to exceed fifteen percent over the appraised value of Parcel 18.

Section 4. Pursuant to Resolution R-974-09, this Board directs the County Mayor or the 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 **Rebeca Sosa** ,
 who moved its adoption. The motion was seconded by Commissioner **Xavier L. Suarez**
 and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of February, 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

Linda L. Cave

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "D. Herman", is written over a horizontal line.

Debra Herman

LEGAL DESCRIPTION
(FEE SIMPLE)

That portion of Lots 5,6,7, and 8 in Block 4 of Amended Plat of Tatum's Colored Town Addition to Homestead, Florida, according to the Plat thereof, as recorded in Plat Book 9 at Page 62 of the Public Records of Miami Dade County, Florida; said portion of land being more particularly described as follows:

The West 2.00 feet of the South 50 feet of said Lot 5.

And

All that part of said Lot 5 and 6 which lies within the external area formed by a 25 foot radius arc concave to the Northeast tangent to the South line of said Lots 5 and 6 and tangent to the East line of the West 2.00 feet of the South 50.00 feet of the aforementioned Lot 5.

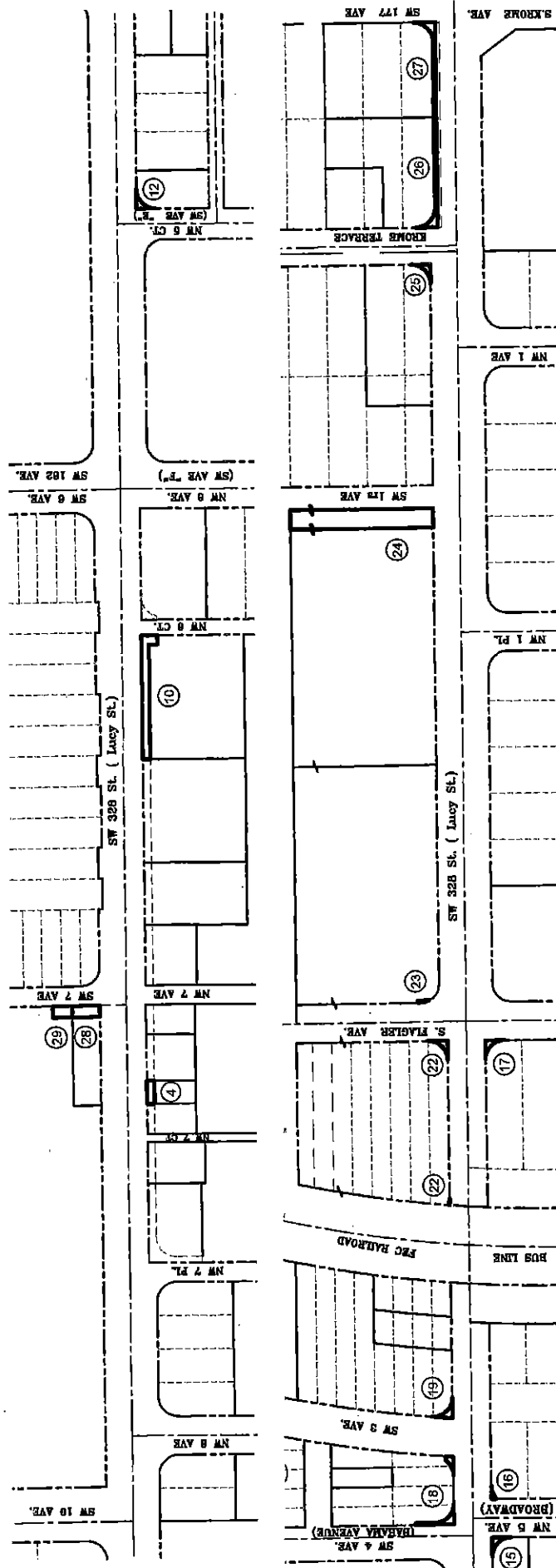
And

Beginning at SE corner of said Lot 8; Thence run S 89°28'09" W along the South line of said Lots 7 and 8 for a distance of 23.98 feet to a Point of intersection with a non-tangent curve, at said point the radial line bears 1°04'27" from center of said curve; thence run Northeasterly 22.82 feet along the arc of a curve to the left, said curve having a radius of 25.00 feet and a central angle of 52°18'10" to the intersection with a line parallel to the South line of said Lot 8, thence run N 89°28'09" E along said parallel line for a distance of 5.00 feet to the intersection with the East line of said Lot 8 and the Westerly line of 50 foot Right of Way as shown in aforementioned Plat Book 9 at Page 62; said Point of Intersection being the beginning of a curve at which point the radial line bears N 86°17'25" W; thence run Southerly 9.93 feet along the East line of the aforementioned Lot 8 and the arc of a non-tangent curve to the left, said curve having a radius of 1922.02 feet and a central angle of 0°17'45" to the **Point of Beginning**.

EXHIBIT "A"

[illegible]

NOT TO SCALE



SCALE 1" = 200'
PROJECT: 20100505
PREPARED BY: L.E.
DATED: 08-22-19

R/W TO BE ACQUIRED BY THE COUNTY

SW 328 Street

EXHIBIT "B"

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



Prepared by: Raul O. Ballina
 Return to: Raul O. Ballina
 Miami-Dade County
 Department of Transportation
 and Public Works
 111 NW 1 Street, Ste 1610
 Miami, FL 33128-1970
 A Portion of Folio No. 10-7813-052-0220

CFN 2021R0583311
 OR BK 32671 Pgs 4940-4945 (6Pgs)
 RECORDED 08/10/2021 13:29:48
 DEED DOC TAX \$0.60
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

User Dept: Department of Transportation
 and Public Works

Project No. 20100505
 Parcel No. 18
 Section 13-57-38

WARRANTY DEED

STATE OF FLORIDA
 COUNTY OF MIAMI-DADE

THIS INDENTURE, made this 28TH day of JUNE, 2021, between **Jubilee Gap Enterprises LLC, a Florida limited liability company**, (Grantor) whose post office address is PO Box 565101, Miami, FL 33256, in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration, received from **MIAMI-DADE COUNTY, a political subdivision of the State of Florida**, and its successors in interest, (Grantee) whose post office address is 111 N. W. 1st Street, Miami, Florida 33128-1970, of the County of Miami-Dade, State of Florida, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's successors, and assigns forever, lying and being in Miami-Dade County, Florida, to-wit:

See Exhibit "A" attached.

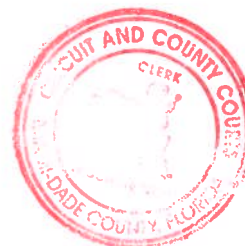
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS CONVEYANCE includes, without limitation, all timber rights and water rights; all mineral rights and gas rights except those previously reserved, transferred or severed by third parties; all Grantor's right, title and interest in roads, streams, canals, banks, ditches and other water bodies located on the Premises or which may provide access to the Premises; all riparian rights; and all Grantor's right, title and interest in alleys, roads, streets and easements included within the Premises, or which may provide access to the Premises.

SUBJECT TO: Easements, dedications and restrictions of record, if any, but any such interests that may have been terminated are not hereby reimposed and subject to applicable zoning ordinances, taxes and assessments for the year 2021 and subsequent years.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.



IN WITNESS WHEREOF, the Grantor has hereunto set hand and seal, the day and year first above written.
Signed, Sealed, Attested and delivered in our presence:
(2 witnesses for each signature or for all).

Helen C. Griffin
Witness
HELEN C. GRIFFIN
Witness Printed Name

Paul O. Ballina
Witness
PAUL O. BALLINA
Witness Printed Name

Jubilee Gap Enterprises LLC, a Florida limited liability company

Olivia M. Cutting
By: Olivia M. Cutting, as its managing member

Address if different _____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY, that on this 28 day of JUNE, A.D. 2021, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared by means of [☒] physical or [☐] online notarization Olivia M. Cutting, personally known to me, or proven by producing the following identification: FL DRL License to be the managing member of JUBILEE GAP ENTERPRISES LLC, a Florida Limited Liability Company existing under the laws of the State of Florida and in whose name the foregoing instrument is executed and that said officer severally acknowledged before me that she executed said instrument acting under the authority duly vested by said limited liability company freely and voluntary for the purposes therein expressed.

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

NOTARY SEAL/STAMP



RAUL O. BALLINA
Commission # GG 241087
Expires July 23, 2022
Bonded Thru Budget Notary Services

Notary Signature R. O. Ballina
Printed Notary Name PAUL O. BALLINA
Notary Public, State of FLORIDA
My commission expires: 7/23/2022
Commission/Serial No. GG 241087

THE FOREGOING is accepted and approved Pursuant to Resolution No. R-127-20 adopted by the Board of County Commissioners of Miami-Dade County, Florida on February 4, 2020.



Exhibit "A"

That portion of Lots 5,6,7, and 8 in Block 4 of Amended Plat of Tatum's Addition to Homestead, Florida, according to the Plat thereof, as recorded in Plat Book 9 at Page 62 of the Public Records of Miami Dade County, Florida; said portion of land being more particularly described as follows:

The West 2.00 feet of the South 50 feet of said Lot 5.

And

All that part of said Lot 5 and 6 which lies within the external area formed by a 25 foot radius arc concave to the Northeast tangent to the South line of said Lots 5 and 6 and tangent to the East line of the West 2.00 feet of the South 50.00 feet of the aforementioned Lot 5.

And

Beginning at SE corner of said Lot 8; Thence run S 89°28'09" W along the South line of said Lots 7 and 8 for a distance of 23.98 feet to a Point of intersection with a non-tangent curve, at said point the radial line bears 1°04'27" from center of said curve; thence run Northeasterly 22.82 feet along the arc of a curve to the left, said curve having a radius of 25.00 feet and a central angle of 52°18'10" to the intersection with a line parallel to the South line of said Lot 8, thence run N 89°28'09" E along said parallel line for a distance of 5.00 feet to the intersection with the East line of said Lot 8 and the Westerly line of 50 foot Right of Way as shown in aforementioned Plat Book 9 at Page 62; said Point of Intersection being the beginning of a curve at which point the radial line bears N 86°17'25" W; thence run Southerly 9.93 feet along the East line of the aforementioned Lot 8 and the arc of a non-tangent curve to the left, said curve having a radius of 1922.02 feet and a central angle of 0°17'45" to the **Point of Beginning**.

Parcel 18
Project No. 20100505



**AFFIDAVIT OF MEMBERS, MANAGING MEMBERS,
AND MANAGERS JUBILEE GAP ENTERPRISES LLC, A FLORIDA
LIMITED LIABILITY COMPANY**

WE, (Print full name(s) and all title(s) of person(s) or entity(s) in the following spaces; if more space needed print additional names and title(s) on separate paper marked as Exhibit A and attach to this Affidavit; the list of names and titles shall include all names on the list required by Section 608.4101(1)(a), Fla. Stat. (2004), as same may be amended from time to time

Full Name

Title(s)

OLIVIA CUTTING

MEMBER

hereby swear or affirm that :

1. The foregoing persons or entities set forth above and on A, if applicable, which Exhibit A is attached hereto and incorporated herein by reference hereto, constitute and are all of the Members, Managing Members, and Managers, as those terms are defined in Section 608.402, Fla. Stat. (2004), as same may be amended from time to time, of the Florida Limited Liability Company known as JUBILEE GAP ENTERPRISES LLC, a Florida Limited Liability Company.
2. There are no Members, Managing Members or Managers of the aforesaid Florida Limited Liability Company other than the persons or entities set forth above and on Exhibit A, if applicable.
3. There are no provisions in any Articles of Organization of the aforesaid Florida Limited Liability Company or in any operating agreement, written or oral, of the aforesaid Florida Limited Liability Company, as those terms are defined in Section 608.402, Fla. Stat. (2004), as same may be amended from time to time, which prohibit, restrict or limit in any way or in any



manner the execution of the instrument or document attached hereto and incorporated herein by reference hereto, to wit, **Warranty Deed** by any of the foregoing persons or entities set forth above and on Exhibit A, if applicable, for and on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability Company as set forth in the foregoing instrument or document.

4. All of the foregoing persons or entities set forth above and on Exhibit A, if applicable, are authorized by the foregoing Florida Limited Liability Company, to execute the instrument or document attached hereto and incorporated herein by reference hereto, to wit, **Warranty Deed** for and on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability Company as set forth in the foregoing instrument or document.
5. All of the provisions of this Affidavit shall be construed in accordance with the laws of the State of Florida.

Signed, sealed and delivered in the presence of:

Helen C. Griffin
Witness

HELEN C. GRIFFIN
Print Name

JUBILEE GAP ENTERPRISES LLC, a
Florida Limited Liability Company

Olivia Cutting

**Olivia M. Cutting, as its managing
member**

OLIVIA CUTTING

Printed Name

Paul O. Bolling
Witness

PAUL O. BOLLING
Print Name



STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY, that on this 28 day of JUNE, A.D. 2021, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared by means of ☒ physical or ☐ online notarization Olivia M. Cutting, personally known to me, or proven by producing the following identification: FL DR LICENSE to be the managing member of **JUBILEE GAP ENTERPRISES LLC**, a Florida Limited Liability Company existing under the laws of the State of Florida and in whose name the foregoing instrument is executed and that said officer severally acknowledged before me that she executed said instrument acting under the authority duly vested by said limited liability company freely and voluntary for the purposes therein expressed.

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

NOTARY SEAL/STAMP



RAULO O. BALLINA
Commission # GG 241087
Expires July 23, 2022
Bonded Thru Budget Notary Services

Notary Signature

RAULO O. BALLINA

Printed Notary Name

Notary Public, State of FLORIDA

My commission expires: 7/23/2022

Commission/Serial No. GG 241087

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that this is a true copy of the original filed in this office on August 10, 2021

WITNESS my hand and official Seal.

HARVEY RUVIN, Clerk of Circuit and County Courts
By [Signature] D.C.

ERIC STRINGER #172204

