

MEMORANDUM

Agenda Item No. 8(N)(16)

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

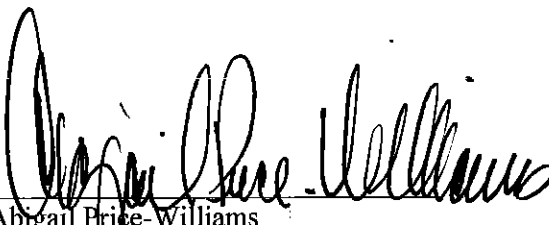
DATE: February 4, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declaring the acquisition of the designated property known as Parcel 25 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, including payment of business damages, if any, 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 25 in a total amount not to exceed 15 percent over the appraised value

Resolution No. R-136-20

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 25 for Right-of-Way Needed for Project Entitled Improvements to SW 328 Street from Redland Road/SW 187 Avenue to US 1/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 25 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, the person responsible is Francisco Fernandez, Chief Real Estate Officer, DTPW, Roadway Engineering and Right-of-Way Division.

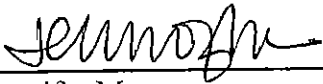
Delegated Authority

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 25. The total amount of the incentive and initial offers shall not exceed 15 percent over the appraised value of Parcel 25.



Jennifer Moon
Deputy Mayor

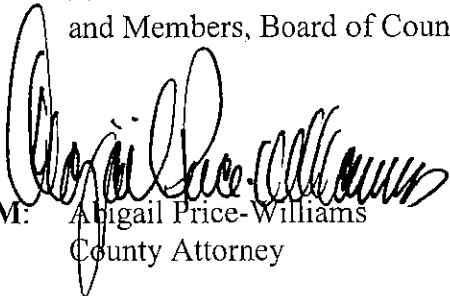


MEMORANDUM

(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)(16)

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)(16)
2-4-20

RESOLUTION NO. R-136-20

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 25 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, INCLUDING PAYMENT OF BUSINESS DAMAGES, IF ANY, 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 25 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 25, 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 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 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.

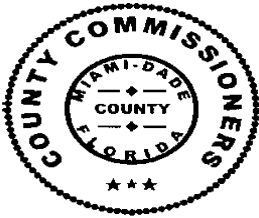
Section 3. This Board authorizes and directs the County Mayor or County Mayor's designee and County Attorney to employ appraisers, expert witnesses, obtain environmental audits, and to take any and all appropriate actions to acquire the subject parcel, as legally described in Exhibit "A" in fee simple, 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 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 25, in a total amount not to exceed fifteen percent over the appraised value of Parcel 25.

Section 4. Pursuant to Resolution No. 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 "Debra Herman", written over a horizontal line.

Debra Herman

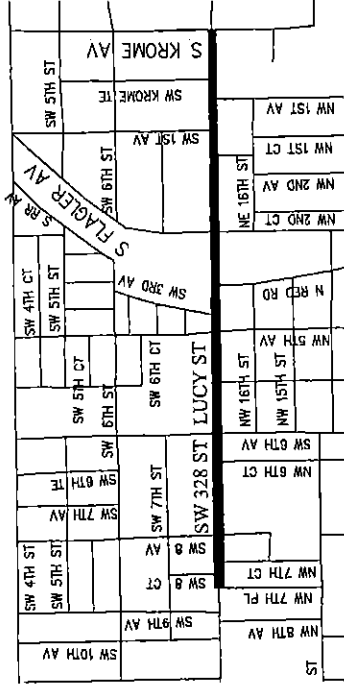
LEGAL DESCRIPTION
(FEE SIMPLE)

All portion of Lot 39, Block 6 of Map of Tatum's Addition to Homestead, Florida, according to the Plat thereof, as recorded in Plat Book 1 at Page 128 of the Public Records of Miami Dade County, Florida; which lies within the external area formed by a 25 foot radius arc concave to the Northwest tangent to the East line of said Lot 39 and tangent to North line of the South 35.00 feet of the SE 1/4 of the SE 1/4 of Section 13, Township 57, Range 38 of the Public Records of Miami Dade County Florida.

EXHIBIT "A"

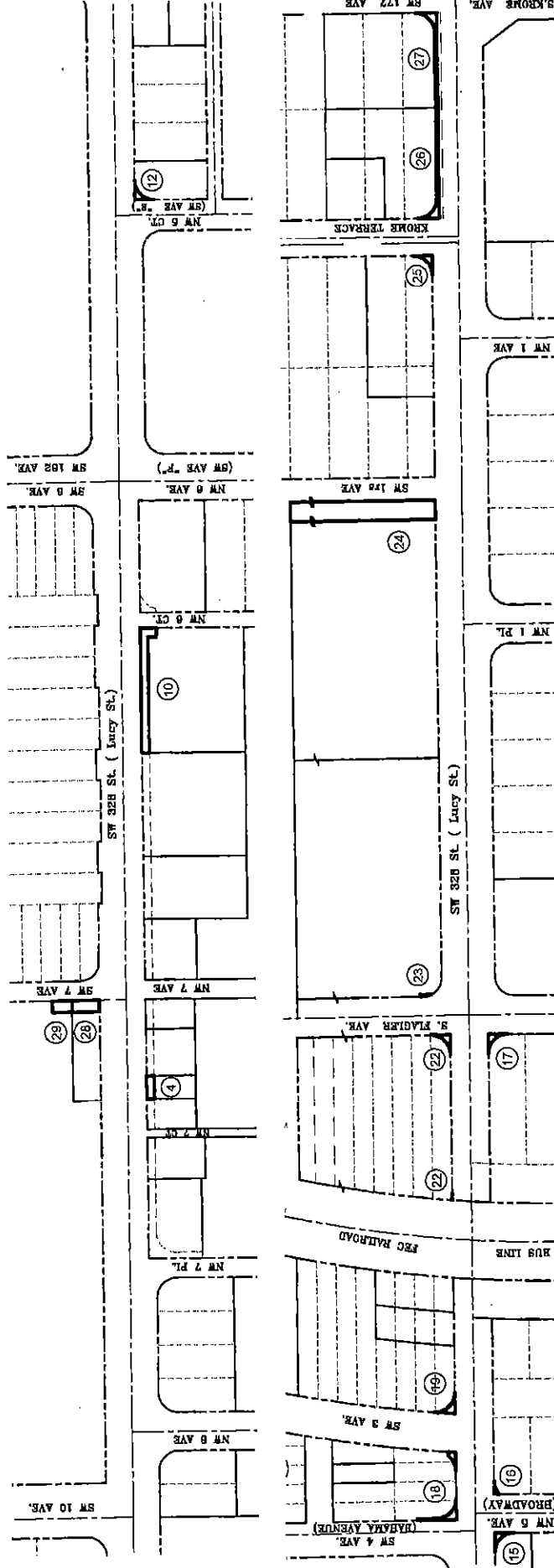
PARCEL 25
Project No. 20100505
1 of 1

SEC 24
TWP 57 S
RGE 38 E



LOCATION MAP

NOT TO SCALE



R/W TO BE ACQUIRED BY THE COUNTY

EXHIBIT "B"

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

SW 328 Street

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





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. 10-7813-050-0220

CFN 2021R0857009
OR BK 32851 Pgs 764-766 (3Pgs)
RECORDED 11/16/2021 10:06:52
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. 25
Section 13-57-38

WARRANTY DEED

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

THIS INDENTURE, made this 8th day of November, 2021, between **Slim Investment Properties LLC, a Florida limited liability company**, (Grantor) whose post office address is 55 SW 8 Street, Homestead, FL 33033, 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).

P. Alicia Garcia
Witness

Alicia Garcia
Witness Printed Name

Tristan Reyes
Witness

Tristan Reyes
Witness Printed Name

Slim Investment Properties LLC, a Florida limited liability company

Jemmy L. Pineda
By: **Jemmy L. Pineda, as its managing member**

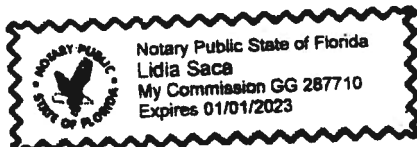
Address if different

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY, that on this 8 day of Nov, A.D. 2021, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared by means of ☒ physical or ☐ online notarization Jemmy L. Pineda, personally known to me, or proven by producing the following identification: DRIVER L.C. to be the managing member of SLIM INVESTMENT PROPERTIES 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



Notary Signature [Signature]
Printed Notary Name Lidia Saca
Notary Public, State of Florida
My commission expires: 01/01/2023
Commission/Serial No. _____

THE FOREGOING is accepted and approved Pursuant to Resolution No. R-136-20 adopted by the Board of County Commissioners of Miami-Dade County, Florida on February 4, 2020.



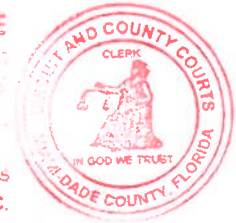
Exhibit "A"

All portion of Lot 39, Block 6 of Map of Tatum's Addition to Homestead, Florida, according to the Plat thereof, as recorded in Plat Book 1 at Page 128 of the Public Records of Miami Dade County, Florida; which lies within the external area formed by a 25 foot radius arc concave to the Northwest tangent to the East line of said Lot 39 and tangent to North line of the South 35.00 feet of the SE 1/4 of the SE 1/4 of Section 13, Township 57, Range 38 of the Public Records of Miami Dade County Florida.

Parcel 25
Project No. 20100505

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on _____

WITNESS my hand and Official Seal
HARVEY RUVIN, Clerk of Circuit and County Courts
By _____ D.C.



ERIC STRINGER #172204