

## MEMORANDUM

Agenda Item No. 8(N)(11)

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

**DATE:** October 6, 2020

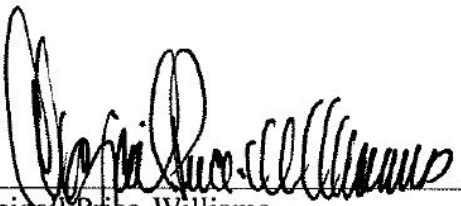
**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution declaring the acquisition of the designated property known as Parcel 5 for improvements to SW 157 Avenue, from SW 42 Street to SW 26 Street, 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 5 in a total amount not to exceed 15 percent over the appraised value

Resolution No. R-978-20

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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

**Subject:** Resolution Declaring the Acquisition of the Designated Property Known as Parcel 5  
to be a Public Necessity Needed for the Project Entitled Improvements to SW 157  
Avenue from SW 42 Street to SW 26 Street

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve the attached resolution declaring the acquisition of Parcel 5 to be a public necessity for the road widening, beautification and right-of-way improvements to SW 157 Avenue from SW 42 Street to SW 26 Street. 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 values, 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 5 and the improvements along SW 157 Avenue are located in County Commission District 11, represented by Commissioner Joe A. Martinez.

## **Fiscal Impact/Funding Source**

Funding for the construction and right-of-way acquisition of all parcels is estimated at \$15,381,880.59. Currently \$9,249,000 is allocated in Road Impact Fees (RIF) programmed within the FY 2020-21 Proposed Budget and Multi-Year Capital Plan from FY 2020-21 to the future. The remaining \$6,132,880.59 will be allocated before the construction begins. Once the project is complete, the annual maintenance and operational cost of approximately \$26,592.62 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 157 Avenue from SW 42 Street to SW 26 Street, from two lanes to a four-lane roadway with new raised and landscaped medians, irrigation, sidewalks, curb and gutters, storm drainage system, pavement markings and signage, intersection and signalization improvements and roadway lighting.

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 157 Avenue from SW 42 Street to SW 26 Street. In order to reduce project time, cost and 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 5. The total amount of the initial offer plus the incentive offer shall be no more than fifteen percent over the appraised value of Parcel 5.



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)(11)

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)(11)  
10-6-20

RESOLUTION NO. \_\_\_\_\_ R-978-20

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 5 FOR IMPROVEMENTS TO SW 157 AVENUE, FROM SW 42 STREET TO SW 26 STREET, 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 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 OR THE COUNTY MAYOR'S DESIGNEE TO MAKE AN ADDITIONAL INCENTIVE OFFER TO PURCHASE PARCEL 5 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 5 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 constructing improvements to SW 157 Avenue from SW 42 Street to SW 26 Street, 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 recital.

**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 SW 157 Avenue from SW 42 Street to SW 26 Street.

**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 value 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 County Mayor’s designee is further authorized to issue an incentive offer to purchase Parcel 5 in a total amount not to exceed fifteen percent over the appraised value of Parcel 5.

**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 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 **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

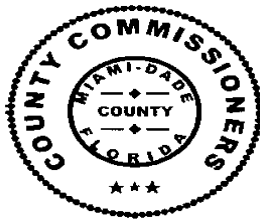
|                                |               |                      |            |
|--------------------------------|---------------|----------------------|------------|
| Audrey M. Edmonson, Chairwoman | <b>aye</b>    |                      |            |
| Rebeca Sosa, Vice Chairwoman   | <b>aye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

The Chairperson thereupon declared this resolution duly passed and adopted this 6<sup>th</sup> 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: **Melissa Adames**  
Deputy Clerk



Approved by County Attorney as  
to form and legal sufficiency.

Debra Herman

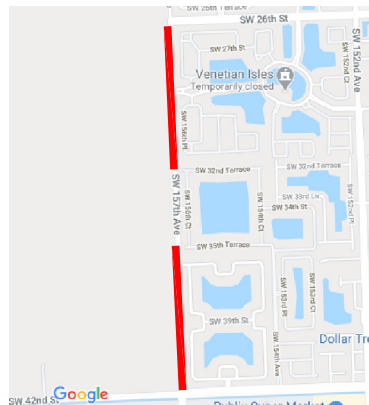
**LEGAL DESCRIPTION**  
(FEE SIMPLE)

The East 30 feet of Tract 32 of Subdivision of Lands of the 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.

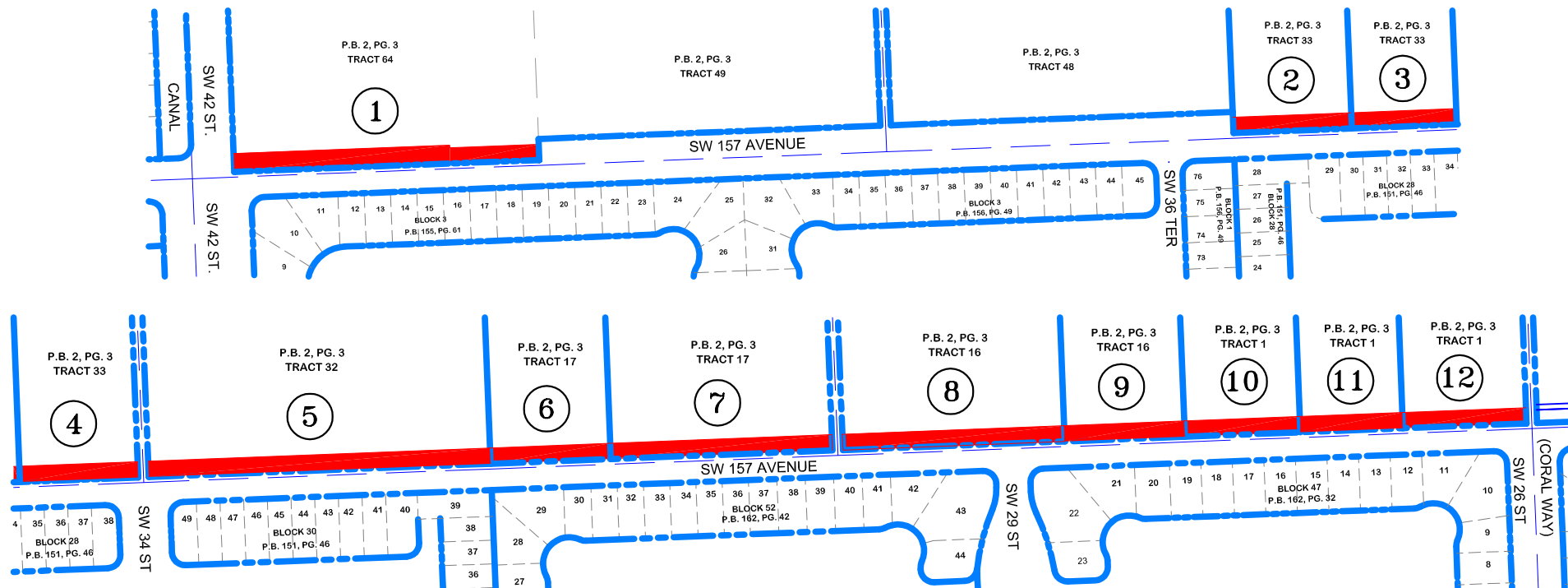
**EXHIBIT "A"**

PARCEL 5  
Project No. 20180025  
1 of 1

SEC 17  
TWP 54 S  
RGE 39 E



LOCATION MAP  
NOT TO SCALE



## EXHIBIT "B"

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

SW 157 Avenue  
From SW 42 St. to SW 26 St



R/W TO BE ACQUIRED BY THE COUNTY



SCALE 1" = 350'  
PROJECT:20180025  
PREPARED BY: L.E.  
DATED: 04-30-20