

MEMORANDUM

Agenda Item No. 8(N)(19)

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 14 for improvements to SW 157 Avenue, from SW 26 Street to SW 8 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 14 in a total amount not to exceed 15 percent over the appraised value

Resolution No. R-986-20

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner 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 14 to be a Public Necessity Needed for the Project Entitled Improvements to SW 157 Avenue, from SW 26 Street to SW 8 Street

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution declaring the acquisition of Parcel 14 to be a public necessity for the road widening, beautification and right-of-way improvements to SW 157 Avenue from SW 26 Street to SW 8 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 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 14 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 \$14,489,289.87. 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 \$5,240,289.87 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 26 Street to SW 8 Street from two-lanes to a four-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
Page 2

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 26 Street to SW 8 Street. 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 14. The total amount of the initial offer plus the incentive offer shall be no more than fifteen percent over the appraised value of Parcel 14.



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)(19)

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)(19)
10-6-20

RESOLUTION NO. _____ R-986-20

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 14 FOR IMPROVEMENTS TO SW 157 AVENUE, FROM SW 26 STREET TO SW 8 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 14 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 14 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 26 Street to SW 8 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 26 Street to SW 8 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 14 in a total amount not to exceed fifteen percent over the appraised value of Parcel 14.

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

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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

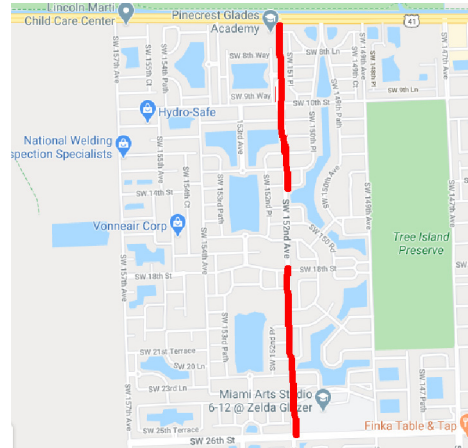
LEGAL DESCRIPTION
(FEE SIMPLE)

The East 30 feet of Tract 49 of Subdivision of Lands of the Miami Everglade Land Co. Ltd., of Section 8, 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.

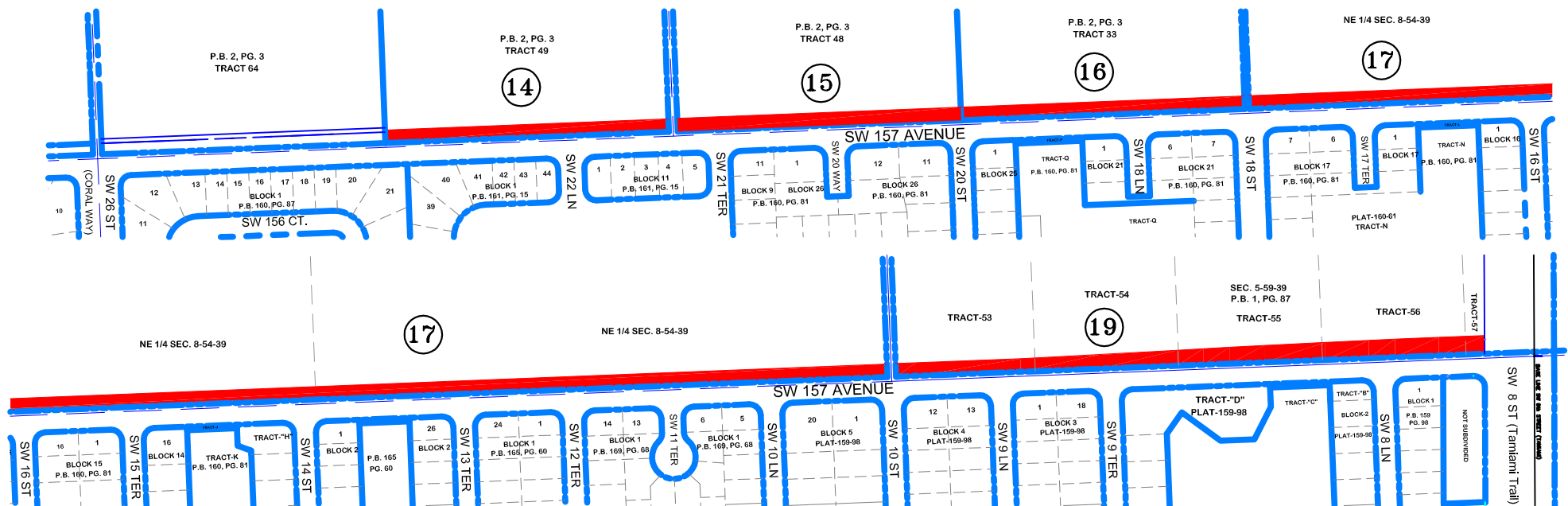
EXHIBIT "A"

PARCEL 14
Project No. 20180026
1 of 1

SEC 5 & 8
TWP 54 S
RGE 39 E



LOCATION MAP
NOT TO SCALE



R/W TO BE ACQUIRED BY THE COUNTY



SCALE 1" = 300'
PROJECT:20180026
PREPARED BY: L.E.
DATED: 04-28-20

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 26 St to SW 8 St



Prepared by: Raul Ballina
 Return to: Raul 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. 30-4908-001-0100

CFN 2022R0521285
 OR BK 33264 Pgs 251-252 (2Pgs)
 RECORDED 06/28/2022 13:42:35
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

User Dept: Department of Transportation
 and Public Works

Project No. 20180026
 Parcel No. 14
 Section 8-54-39

WARRANTY DEED

STATE OF FLORIDA
 COUNTY OF MIAMI-DADE

THIS INDENTURE, made this 23rd day of JUNE, 2022, between **Tract 49 Miami LLC, a Florida limited liability company**, (Grantor) whose post office address is 1520 W Avenue, Apt. 6, Miami Beach, FL 33139, 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:

The East 30 feet of Tract 49 of Subdivision of Lands of the Miami Everglade Land Co. Ltd., of Section 8, 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.

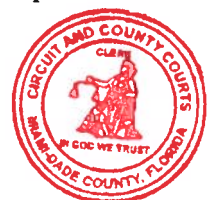
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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 2022 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).

[Signature]
Witness
Jessika Graham
Witness Printed Name

[Signature]
Witness
Alicia Gonzalez Wells
Witness Printed Name

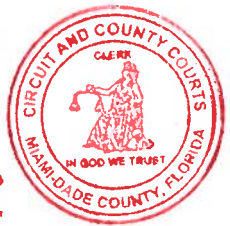
Tract 49 Miami LLC, a Florida limited liability company

[Signature]
By: **Kari Kazumian**, as managing member

Address if different

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on JUN 28 2022 day of JUN, AD 2022
WITNESS my hand and Official Seal.
HARVEY RUVIN, Clerk of Circuit and County Courts
By [Signature] D.C.

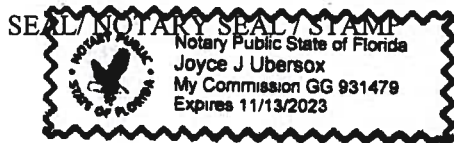


TANASHIA ARNOLD #201144

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization Kari Kazumian, as managing member, of TRACT 49 MIAMI LLC, ~~personally known to me~~, or ~~proven~~, by producing the following identification: Driver License, to be the person who executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

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

[Signature]
Notary Signature
Joyce J. UBERSOX
Printed Name
Notary Public, State of FLORIDA
My Commission expires: 11-13-23
Commission No.: GG 981479



THE FOREGOING is accepted and approved Pursuant to Resolution No. R-986-20 adopted by the Board of County Commissioners of Miami-Dade County, Florida on October 6, 2020.