

MEMORANDUM

Agenda Item No. 8(N)(27)

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

DATE: October 6, 2020

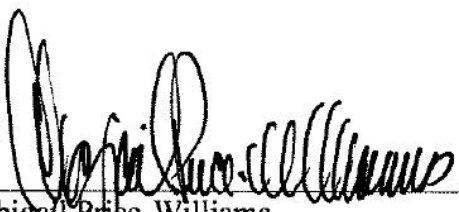
FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declaring the acquisition of the designated property known as Parcel 27 for improvements to SW 328 Street, from Redland Roads/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 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 27 in a total amount not to exceed 15 percent over the appraised value; and rescinding Resolution No. R-137-20

Resolution No. R-994-20

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.

APW/smm


Abigail Price-Williams
County Attorney

Memorandum



Date: October 6, 2020

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

From: Carlos A. Gimenez
Mayor

A blue ink signature of Carlos A. Gimenez, Mayor of Miami-Dade County.

Subject: Resolution Authorizing the Reduction in Square Footage of the Designated Property Known as Parcel 27, Needed for the Project Entitled Improvements to SW 328 Street, from Redland Road/SW 187 Avenue to US1/SR5 Determined 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 which authorizes the rescission of the previously adopted Resolution R-137-20 dated February 4, 2020. The attached resolution authorizes the acquisition of Parcel 27, which was the subject of R-137-20 but reduces the square footage by 135 square feet, reducing the acquisition area from 506 square feet to 371 square feet, as a result of this project being subjected to value engineering and cost effectiveness evaluation.

This resolution authorizes the acquisition of Parcel 27 needed for roadway expansion, beautification and improvements along SW 328 Street from SW 187 Avenue to US1 (Project), declaring the acquisition to be a public necessity and authorizing 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 property in fee simple by donation, purchase or by eminent domain proceedings, including a declaration of taking, as necessary for and on behalf of the County. 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 27 and the improvements along SW 328 Street are located in County Commission District 9, represented by Commissioner Dennis C. Moss.

Fiscal Impact/Funding Source

Approval of this item reduces the square footage of land to be acquired by 26.7 percent, which will reduce the cost of acquisition. Funding for the construction and right-of-way acquisition of all parcels is estimated at \$9,746,000 and is funded by Road Impact Fees programmed in the Fiscal Year 2020-21 Proposed Budget and Multi-Year Capital Plan.

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

DTPW has programmed improvements along SW 328 Street from SW 187 Avenue to US1. This project consists of the reconstruction of the existing two-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. These improvements constitute the third and final phase of the project and span from SW 187 Avenue to US1 along SW 328 Street. 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.

In an effort to reduce costs, the SW 328 Street Project was reevaluated for cost effectiveness and subjected to value engineering. These efforts resulted in the redesign of a segment of the project, yielding cost savings, minimizing the amount of right-of-way to be acquired and maintaining the integrity of the project, while adhering to the objectives set forth by the Board for the Project. This reevaluation allowed for the reduction in square footage of Parcel 27 for right-of-way needed for roadway improvements, previously authorized in Resolution R-137-20. The updated area to be acquired by DTPW for the street improvements is legally described in Exhibit "A" and illustrated in the parcel location map in Exhibit "B," both of which are attached to the resolution.

It is recommended that in order to reduce time and costs, and to avoid the expense of litigation, the administration be granted authorization to issue an incentive offer added to the initial offer to purchase Parcel 27. The total amount of the incentive and initial offers shall not exceed 15 percent over the appraised value of Parcel 27.



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)(27)

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)(27)
10-6-20

RESOLUTION NO. R-994-20

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 27 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 27 IN A TOTAL AMOUNT NOT TO EXCEED 15 PERCENT OVER THE APPRAISED VALUE; AND RESCINDING RESOLUTION NO. R-137-20

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 27, 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 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 improvements to SW 328 Street, from Redland Road/SW 187 Avenue to US1/SR 5.

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 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 the County Mayor’s designee is further authorized to issue an incentive offer to purchase Parcel 27, in a total amount not to exceed fifteen percent over the appraised value of Parcel 27.

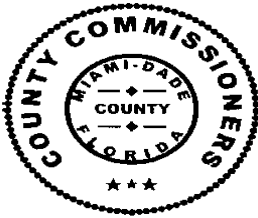
Section 4. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or the County Mayor’s designee to record the instruments of conveyances accepted herein in the Public Records of Miami-Dade County, Florida; and (a) provide a recorded copy of the instrument to the Clerk of the Board 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.

Section 5. This Resolution shall supersede Resolution No. R-137-20, which is hereby rescinded and replaced herewith.

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.

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

Debra Herman

LEGAL DESCRIPTION (FEE SIMPLE)

That portion of the SE 1/4 of the SE 1/4 of the SE 1/4 of the SE 1/4 lying in Section 13, Township 57 South, Range 38 East, Miami-Dade County, Florida; said portion of land being more particularly described as follows:

Commence at SW corner of the SE 1/4 of the SE 1/4 of the SE 1/4 of the SE 1/4 of said Section 13; thence run N 89°28'09" E along the South line of the SE 1/4 of the SE 1/4 of the SE 1/4 of said Section 13 for a distance of 175.03 feet; thence run N 0°45'52" W for a distance of 25.00 feet to the point of intersection with the North Right of Way line of SW 328th ST as shown in Official Record Book 5496 at Page 193 of the Public Records of Miami-Dade County, Florida; said point being also the **Point of Beginning** of the parcel of land to be described; thence continue N 0°45'52" W along the West line of Lot 1 of the 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, for a distance of 3.00 feet; thence run N 89°28'09" E along a line parallel to and 28.00 feet North of the South line of the SE 1/4 of the SE 1/4 of the SE 1/4 of the SE 1/4 of said Section 13, for a distance of 123.55 feet to a point of intersection with the West line of the East 35.00 feet of said Section 13, thence run S 0°43'57" E along the aforementioned West line of the East 35.00 feet of said Section 13, for a distance of 3.00 feet to a point of intersection with the North Right of Way line of SW 328th ST as shown in Official Record Book 5496 at Page 193 of the Public Records of Miami-Dade County, Florida; thence run S 89°28'09" W feet along said Right of Way line of SW 328th for a distance of 123.55 feet to the **Point of Beginning**.

EXHIBIT "A"

PARCEL 27
Project No. 20100505
1 of 1

A detailed street map of the SW 32nd St area in Miami. The map shows a grid of streets including SW 10th Av, SW 6th Av, SW 8th Av, SW 10th Av, SW 12th Av, SW 14th Av, SW 16th Av, SW 18th Av, SW 20th Av, SW 22nd Av, SW 24th Av, SW 26th Av, SW 28th Av, SW 30th Av, SW 32nd St, SW 34th St, SW 36th St, SW 38th St, SW 40th St, SW 42nd St, SW 44th St, SW 46th St, SW 48th St, SW 50th St, SW 52nd St, SW 54th St, SW 56th St, SW 58th St, SW 60th St, SW 62nd St, SW 64th St, SW 66th St, SW 68th St, SW 70th St, SW 72nd St, SW 74th St, SW 76th St, SW 78th St, SW 80th St, SW 82nd St, SW 84th St, SW 86th St, SW 88th St, SW 90th St, SW 92nd St, SW 94th St, SW 96th St, SW 98th St, SW 100th St. A red line highlights SW 32nd St. A compass rose is in the top left corner.



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

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