

MEMORANDUM

Agenda Item No. 8(N)(6)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 20, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring the acquisition of the designated property known as Parcel 6 for improvements to the intersections of Old Cutler Road, with SW 152 Street and SW 184 Street, to be a public necessity; 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's 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 6 in a total amount not to exceed 15 percent over the appraised value

Resolution No. R-306-21

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: April 20, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor *Daniella Levine Cava*

Subject: Resolution Declaring the Acquisition of the Designated Property Known as Parcel 6 to be a Public Necessity Needed for the Project Entitled Intersection Improvements Along Old Cutler Road at SW 152 Street and at SW 184 Street

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution declaring the acquisition of Parcel 6 to be a public necessity for new roundabouts with sidewalks, curb and gutters, storm drainage system, irrigation, pavement markings and signage, and roadway lighting along Old Cutler Road at the intersection with SW 152 Street and at the intersection with SW 184 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 business damages and 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

This project is located within District 8 represented by Commissioner Danielle Cohen Higgins; however, the impact is Countywide.

FISCAL IMPACT/FUNDING SOURCE

Funding for the construction and right-of-way acquisition of all parcels is estimated at \$4,565,754.00. Funding for these improvements will be from Road Impact Fee District 5 (RIF) programmed within the FY 2020-21 Proposed Budget and Multi-year Capital Plan. Once the project is built out, annual maintenance and operational cost of approximately \$14,556.04 are anticipated and will be funded through the General Fund.

TRACK RECORD/MONITOR

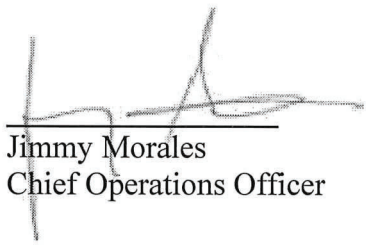
The Department of Transportation and Public Works (DTPW) is the entity overseeing this item and the person responsible is Mr. Alejandro Barrios, Manager, Stormwater Engineering and Right-of-Way Division.

BACKGROUND

The project consists of the design of new roundabouts with sidewalks, curb and gutters, storm drainage system, irrigation, pavement markings and signage, and roadway lighting along Old Cutler Road at the intersection with SW 67 Avenue, at the intersection with SW 136 Street, at the intersection with SW 152 Street and at the intersection with SW 184 Street. The objective of the project is to provide safety and operational improvements to help traffic flow smoothly at the subject intersections. The proposed improvements will not detract from the historical features of the road and will enhance safety for area residents and other users.

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 provide safety and operational improvements to help traffic flow smoothly at the subject intersections.

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 6. The total amount of the initial offer plus the incentive offer shall be no more than fifteen percent over the appraised value of Parcel 6.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 20, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(6)

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)(6)
4-20-21

RESOLUTION NO. R-306-21

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 6 FOR IMPROVEMENTS TO THE INTERSECTIONS OF OLD CUTLER ROAD, WITH SW 152 STREET AND SW 184 STREET, TO BE A PUBLIC NECESSITY; 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'S 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 6 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 6 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 the intersections of Old Cutler Road with SW 152 Street and SW 184 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 the intersections along Old Cutler Road with SW 152 Street and SW 184 Street in order to promote and assure safe travel on Old Cutler Road.

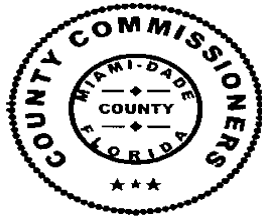
Section 3. This Board authorizes and directs the County Mayor or County Mayor’s designee and County Attorney to employ appraisers, expert witnesses, obtain environmental audits, and to take any and all appropriate actions to acquire the subject parcel, as legally described in Exhibit “A” in fee simple, including business damages and 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 6, in a total amount not to exceed fifteen percent over the appraised value of Parcel 6.

Section 4. Pursuant to Resolution 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 was offered by Commissioner **Rebeca Sosa** ,
 who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins**
 and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of April, 2021. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

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

Lauren E. Morse
Debra Herman

LEGAL DESCRIPTION
(Parcel 6)

A portion of Lot 22, Block 2 of OLD CUTLER ESTATES SECTION FOUR, according to the plat thereof recorded in Plat Book 89 at Page 67 of the Public Records of Miami-Dade County, Florida being more particularly described as follows:

COMMENCE at the Southwest corner of the SE 1/4, of the SE 1/4 , SW 1/4 of Section 23, Township 55 South, Range 40 East, Miami-Dade Florida, thence run N02°06'19"W, along the centerline of Old Cutler Road, for a distance of 108.75 feet; thence run N87°53'41"E, perpendicular to the last described course, for a distance of 50.00 feet, to a point on the Easterly Limited Access Right-of-Way line of said Old Cutler Road, said point also being the **POINT OF BEGINNING** of the herein described parcel of land; thence run S09°04'17"E, leaving previous direction, for a distance of 24.05 feet, to the point of curvature with a circular curve concave to the Northeast; thence run Southeasterly along the arc of said curve to the left, having a Radius of 40.00 feet, through a Central Angle of 82°51'44", for an arc distance of 57.85 feet, to a point of tangency with the North Right-of-Way line of SW 152 Street; thence run S88°03'59"W, along said North Right of Way line tangent to the last described curve, for a distance of 17.58 feet, to the point of curvature with a circular curve concave to the Northeast; thence run Northwesterly along the arc of said curve to the right, having a Radius of 25.00 feet, through a Central Angle of 89°49'42", for an arc distance of 39.20 feet, to a point of tangency with the Easterly Limited Access Right-of-Way line of Old Cutler Road; thence run N02°06'19"W, along said Easterly Right-of-Way line, for a distance of 33.97 feet to the **POINT OF BEGINNING**.

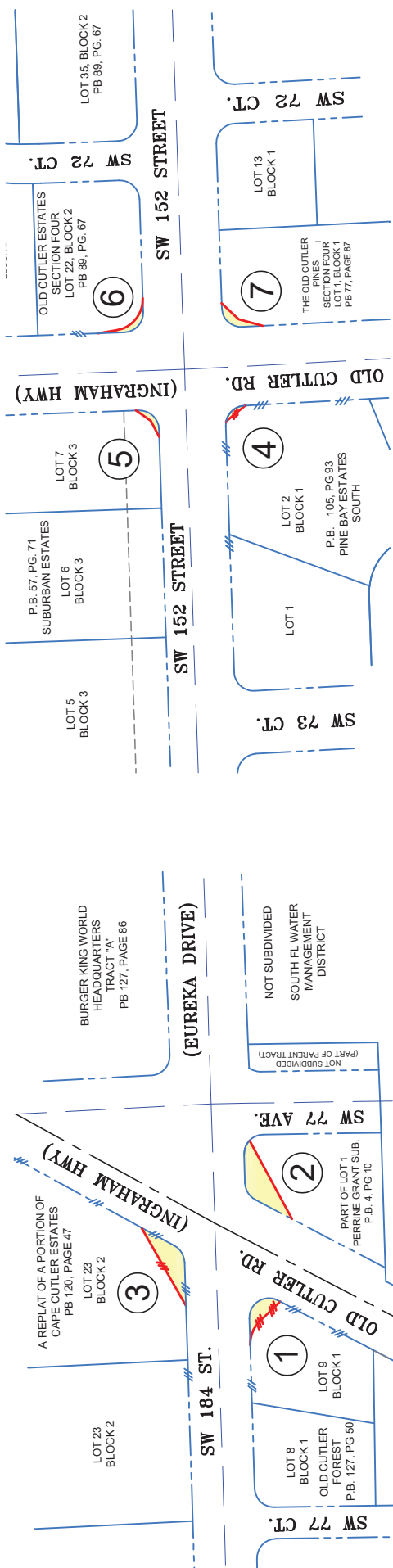
Containing 334 Square Feet/ 0.008 acres more or less.

EXHIBIT "A"

PROJECT NO. 20200119
PARCEL 6

[illegible]

NOT TO SCALE



R/W TO BE ACQUIRED BY THE COUNTY

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

OLD CUTLER ROAD (INGRAHAM HIGHWAY)

At SW 152 St. and SW 184 St.





Prepared by: Steven C. Imas
 Return to: Steven C. Imas
 Miami-Dade County
 Department of Transportation
 and Public Works
 111 NW 1 Street, Ste 1610
 Miami, FL 33128-1970
 A Portion of Folio No. 33-5023-026-0010

CFN 2022R0266193
 OR BK 33102 Pgs 68-71 (4Pgs)
 RECORDED 04/01/2022 11:05:16
 DEED DOC TAX \$0.60
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

User Dept: Department of Transportation
 and Public Works

Project No. 20200119
 Parcel No. 6
 Section 23-55-40

WARRANTY DEED

STATE OF FLORIDA
 COUNTY OF MIAMI-DADE

THIS INDENTURE, made this 31 day of March, 2022, between **Yuncong Li**, and **Zhitong Li**, his wife (Grantor) whose post office address is 15154 SW 72 Court, Palmetto Bay, FL 33158, 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

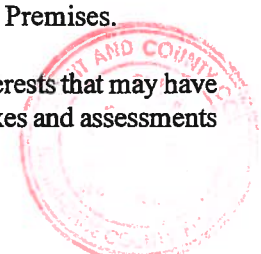
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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).

Witness

Steven C. Dumas

Witness Printed Name

Witness

Larry A. Mendoza

Witness Printed Name

Yuncong Li
By: Yuncong Li

Address if different

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this March 31, 2022 Yuncong Li, who is personally known to me or who has produced FL-Driver's license as identification.

[Notary Seal]

Larry A. Mendoza
Notary Public



LARRY A. MENDOZA
Commission # HH 154454
Expires July 15, 2025
Bonded Thru Budget Notary Services

Name typed, printed or stamped
My Commission Expires: July 15, 2025



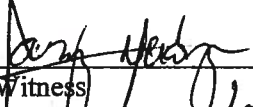
LARRY A. MENDOZA
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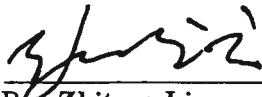
IN WITNESS WHEREOF, the Grantor has hereunto set hand and seal, the day and year first above written.
Signed, Sealed, Attested and delivered in our presence:
(2 witnesses for each signature or for all).


Witness
Steven C. Imas

Witness Printed Name


Witness
Larry A. Mendoza

Witness Printed Name

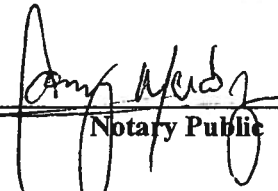

By: Zhitong Li

Address if different

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this March 31, 2022 Zhitong Li, who is personally known to me or who has produced FL - Driver's license as identification.

[Notary Seal]


Notary Public



LARRY A. MENDOZA
Commission # HH 154454
Expires July 15, 2025
Bonded Thru Budget Notary Services

Name typed, printed or stamped
My Commission Expires: July 15, 2025



LARRY A. MENDOZA
Commission # HH 154454
Expires July 15, 2025
Bonded Thru Budget Notary Services



THE FOREGOING is accepted and approved Pursuant to Resolution No. R-306-21 adopted by the Board of County Commissioners of Miami-Dade County, Florida on April 20, 2021.

EXHIBIT "A"

A portion of Lot 22, Block 2 of OLD CUTLER ESTATES SECTION FOUR, according to the plat thereof recorded in Plat Book 89 at Page 67 of the Public Records of Miami-Dade County, Florida being more particularly described as follows:

COMMENCE at the Southwest corner of the SE 1/4, of the SE 1/4 , SW 1/4 of Section 23, Township 55 South, Range 40 East, Miami-Dade Florida, thence run N02°06'19"W, along the centerline of Old Cutler Road, for a distance of 108.75 feet; thence run N87°53'41"E, perpendicular to the last described course, for a distance of 50.00 feet, to a point on the Easterly Limited Access Right-of-Way line of said Old Cutler Road, said point also being the POINT OF BEGINNING of the herein described parcel of land; thence run S09°04'17"E, leaving previous direction, for a distance of 24.05 feet, to the point of curvature with a circular curve concave to the Northeast; thence run Southeasterly along the arc of said curve to the left, having a Radius of 40.00 feet, through a Central Angle of 82°51'44", for an arc distance of 57.85 feet, to a point of tangency with the North Right-of-Way line of SW 152 Street; thence run S88°03'59"W, along said North Right of Way line tangent to the last described curve, for a distance of 17.58 feet, to the point of curvature with a circular curve concave to the Northeast; thence run Northwesterly along the arc of said curve to the right, having a Radius of 25.00 feet, through a Central Angle of 89°49'42", for an arc distance of 39.20 feet, to a point of tangency with the Easterly Limited Access Right-of-Way line of Old Cutler Road; thence run N02°06'19"W, along said Easterly Right-of-Way line, for a distance of 33.97 feet to the POINT OF BEGINNING.

Containing 334 Square Feet/ 0.008 acres more or less.

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on April 15, 2022 day of
WITNESS my hand and Official Seal
HARVEY RUVIN, Clerk of Circuit and County Courts
By [Signature] D.C.

ERIC STRINGER #172204

