

MEMORANDUM

Agenda Item No. 8(N)(1)

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

DATE: May 4, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring the acquisition of the designated property known as Parcel 22 for improvements to SW 328 Street, from Redland Road/SW 187 Avenue to US1/SR5, 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, including payment of business damages, if any, 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 22 in a total amount not to exceed 15 percent over the appraised value; and rescinding Resolution No. R-132-20

Resolution No. R-433-21

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: May 4, 2021

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

From: Daniella Levine Cava 
Mayor

Subject: Resolution Authorizing the Reduction in Square Footage of the Designated Property Known as Parcel 22, 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-132-20 dated February 4, 2020. The attached resolution authorizes the acquisition of Parcel 22, which was the subject of R-132-20, but reduces the square footage 4 square feet, reducing the acquisition area from 141 square feet to 137 square feet, as a result of this project being subjected to value engineering and cost effectiveness evaluation.

This resolution authorizes the acquisition of Parcel 22 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

This project is located within District 9, represented by Commissioner Kionne L. McGhee; however, the impact is Countywide.

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 FY 20-21 Adopted Budget and Multi-Year Capital Plan.

TRACK RECORD/MONITOR

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

DELEGATED AUTHORITY

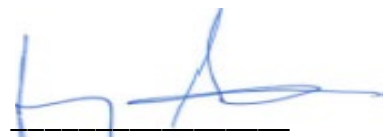
There are no authorities beyond that specified in the resolution which includes authority for the Mayor and Mayor’s designee to take any and all appropriate actions to acquire the subject parcel in fee simple and to record the instruments of conveyances accepted herein in the Public Records of Miami-Dade County. The County Mayor’s designee is further authorized to issue an incentive offer to purchase Parcel 22, in a total amount not to exceed fifteen percent over the appraised value of Parcel 22.

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 (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. 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 & 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 22 for right-of-way needed for roadway improvements, previously authorized in Resolution R-132-20. 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,” attached.

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 22. The total amount of the incentive and initial offers shall not exceed 15 percent over the appraised value of Parcel 22.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: May 4, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(1)

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)(1)
5-4-21

RESOLUTION NO. R-433-21

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 22 FOR IMPROVEMENTS TO SW 328 STREET, FROM REDLAND ROAD/SW 187 AVENUE TO US1/SR5, 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, INCLUDING PAYMENT OF BUSINESS DAMAGES, IF ANY, 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 COUNTY MAYOR'S DESIGNEE TO MAKE AN ADDITIONAL INCENTIVE OFFER TO PURCHASE PARCEL 22 IN A TOTAL AMOUNT NOT TO EXCEED 15 PERCENT OVER THE APPRAISED VALUE; AND RESCINDING RESOLUTION NO. R-132-20

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 22, 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/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’s 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 22, in a total amount not to exceed fifteen percent over the appraised value of Parcel 22.

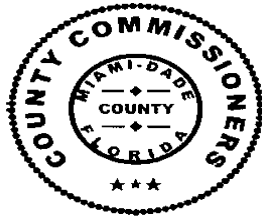
Section 4. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or the County Mayor’s designee to record the instruments of conveyances accepted herein in the Public Records of Miami-Dade County, Florida; and (a) provide a recorded copy of the instrument to the Clerk of the Board 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 Number R-132-20, which is hereby rescinded and replaced herewith.

The foregoing resolution was offered by Commissioner **Sally A. Heyman** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** 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	absent
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 4th day of May, 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 black ink, appearing to read "LEM", is written over a horizontal line.

Lauren E. Morse

LEGAL DESCRIPTION
(FEE SIMPLE)

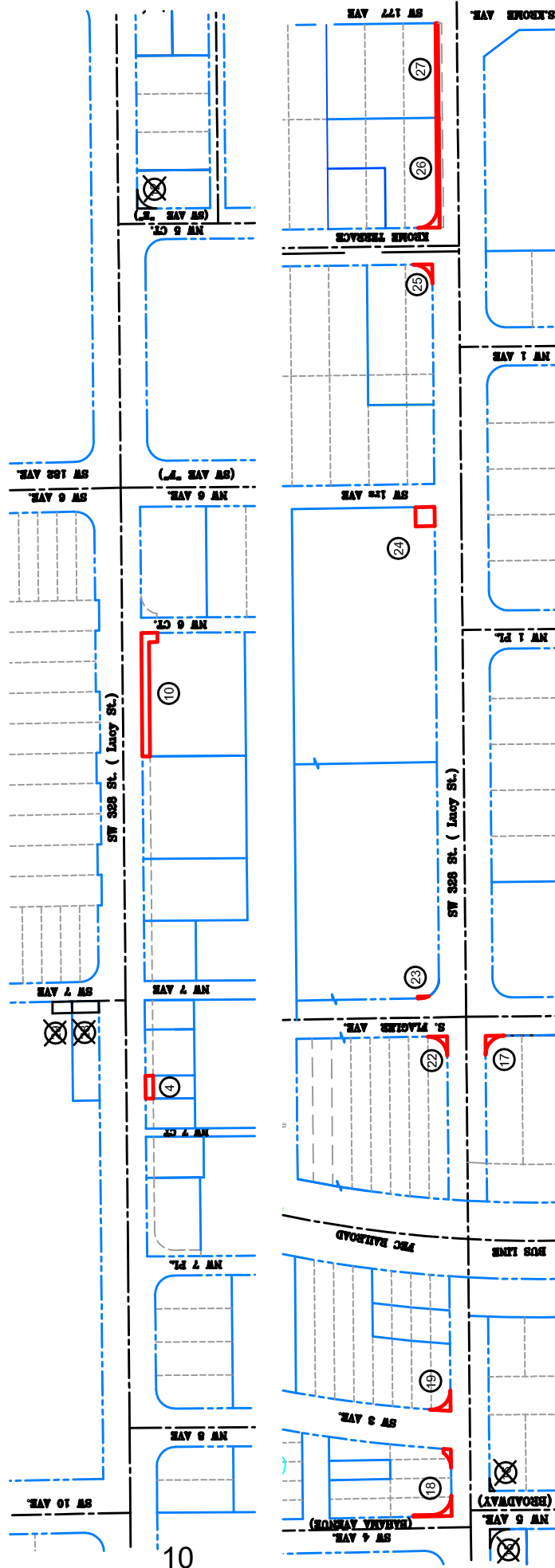
That portion of Lot 24 in Block 6 of Amended Plat of Tatum's Colored Town Addition to Homestead, Florida, according to the Plat thereof, as recorded in Plat Book 9 at Page 62 of the Public Records of Miami-Dade County, Florida; said portion of land being more particularly described as follows:

All that part of said Lot 24 which lies within the external area formed by a 25 foot radius arc concave to the Northwest, tangent to the South line of said Lot 24 and tangent to the East line thereof.

EXHIBIT "A"

PARCEL 22 Rev 5-21-20
Project No. 20100505
1 of 1

NOT TO SCALE



SCALE 1" = 200'
PROJECT: 20100505
PREPARED BY: C.D.S.
DATED: 08-19-20

~~10~~ PARCELS CANCELLED BY ENGINEER'S REDESIGN

EXHIBIT "B"

SW 328 Street

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