

# MEMORANDUM

Agenda Item No. 8(N)(4)

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

**DATE:** March 1, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution declaring the acquisition of the designated property known as Parcel 3 for improvements to Harriet Tubman Highway from NE 164 Street to NE 173 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, or 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 proceedings including declarations of taking, as necessary; and authorizing the County Mayor to make an additional incentive offer to purchase Parcel 3 in a total amount not to exceed 15 percent over the appraised value

Resolution No. R-209-22

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



\_\_\_\_\_  
Geri Bonzon-Keenan  
County Attorney

GBK/jp

# Memorandum



**Date:** March 1, 2022

**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 3 to be a Public Necessity for the Project Entitled Improvements to Harriet Tubman Highway from NE 164 Street to NE 173 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 3 to be a public necessity for the road widening, beautification, and right-of-way improvements to Harriet Tubman Highway from NE 164 Street to NE 173 Street. The resolution authorizes the County Mayor or the County Mayor’s designee and the County Attorney to employ appraisers and expert witnesses; to obtain environmental audits; and to take any and all appropriate actions to acquire the subject parcel in fee simple, either by negotiations, donation, right-of-way designation, or by 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 attorneys’ fees and costs, pursuant to Sections 73.091 and 73.092 of the Florida Statutes, or by eminent domain court proceedings, including a declaration of taking as necessary for and on behalf of Miami-Dade County.

## **SCOPE**

The impact of this project is Countywide; however, it is located within District 4, which is represented by Commissioner Sally A. Heyman.

## **FISCAL IMPACT/FUNDING SOURCE**

Funding for the construction and right-of-way acquisition of all parcels is estimated at \$10,303,000.00 and is funded by Road Impact Fees (RIF3) programmed within the FY 2020-2021 Adopted Budget and Multi-year Capital Plan. Once the project is built out, annual maintenance and operational cost of approximately \$8,948.62 is 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 Ms. Maria Molina, P.E., Chief, Right of Way Division.

## **DELEGATED AUTHORITY**

The resolution delegates authority to the County Mayor or the County 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 or the

Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners  
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County Mayor’s designee is further authorized to issue an incentive offer to purchase Parcel 3, in a total amount not to exceed fifteen percent over the appraised value of Parcel 3.

**BACKGROUND**

The project consists of widening Harriet Tubman Highway from two (2) to four (4) lanes from NE 164 Street to NE 173 Street. The proposed improvements include raised landscape medians, bicycle facilities, continuous sidewalks, curb and gutter, existing signalization improvements, pavement markings and signing, decorative lighting, continuous storm drainage system, and replacement and widening of the existing bridge crossing over the Snake Creek Canal. The project length is approximately 0.70 miles.

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 Harriet Tubman Highway from NE 164 Street to NE 173 Street.

In order to reduce project time and 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 3. The total amount of the initial offer plus the incentive offer shall be no more than fifteen percent over the appraised value of Parcel 3.

  
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Jimmy Morales  
Chief Operations Officer



**MEMORANDUM**  
(Revised)

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

**DATE:** March 1, 2022

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 8(N)(4)

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)(4)  
3-1-22

RESOLUTION NO. \_\_\_\_\_ R-209-22

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 3 FOR IMPROVEMENTS TO HARRIET TUBMAN HIGHWAY FROM NE 164 STREET TO NE 173 STREET TO BE A PUBLIC NECESSITY; AUTHORIZING THE COUNTY MAYOR OR 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, OR 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 PROCEEDINGS 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 3 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 3 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 Harriet Tubman Highway from NE 164 Street to NE 173 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 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 constructing improvements to Harriet Tubman Highway from NE 164 Street to NE 173 Street.

**Section 3.** This Board authorizes and directs the County Mayor or County Mayor’s designee and County Attorney to employ appraisers and expert witnesses, to 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 attorneys’ 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 County Mayor’s designee is further authorized to issue an incentive offer to purchase Parcel 3, in a total amount not to exceed 15 percent over the appraised value of Parcel 3.

**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.

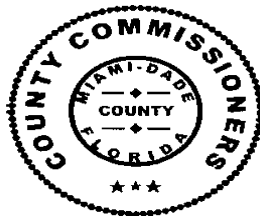
The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 1<sup>st</sup> day of March, 2022. 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: Basia Pruna  
Deputy Clerk

Approved by County Attorney  
as to form and legal sufficiency.

Lauren E. Morse

**LEGAL DESCRIPTION**  
**(FEE SIMPLE)**

A portion of Tract A of TALL TREES, according to the plat thereof recorded in Plat Book 90 at Page 70 of the Public Records of Miami-Dade County, Florida being more particularly described as follows:

**COMMENCE** at the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 16, Township 52 South, Range 42 East, Miami-Dade Florida, thence run N02°52'40"W, along the baseline of survey of NE 22 Avenue (Harriet Tubman Highway), for a distance of 710.13 feet; thence run N87°27'53"E, for a distance of 25.00 feet, to a point on the Easterly Right-of-Way line of NE 22 Avenue, and the West line of aforementioned Tract A, said point also being the **POINT OF BEGINNING** of the herein described parcel of land; thence run N02°52'44"W, along the Easterly Right-of-Way line of NE 22 Avenue, for a distance of 35.69 feet, to the South Right-of-Way line of Snake Creek/Royal Glades (C-9) Canal; thence run N68°48'01"E, along said South Right-of-Way line of Snake Creek/Royal Glades (C-9) Canal, for a distance of 19.13 feet; thence run S00°53'08"E, for a distance of 41.83 feet; thence run S87°27'53"W, for a distance of 16.70 feet to the **POINT OF BEGINNING**.

Containing 673 Square Feet or 0.015 acres more or less

**EXHIBIT A**

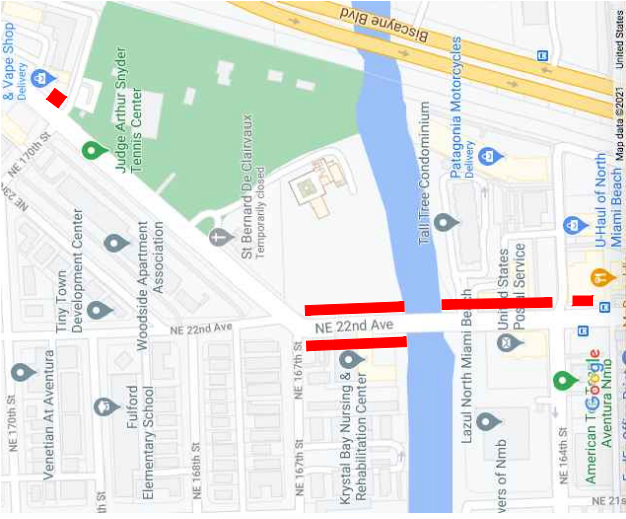
PROJECT NO. 20140020  
PARCEL 3



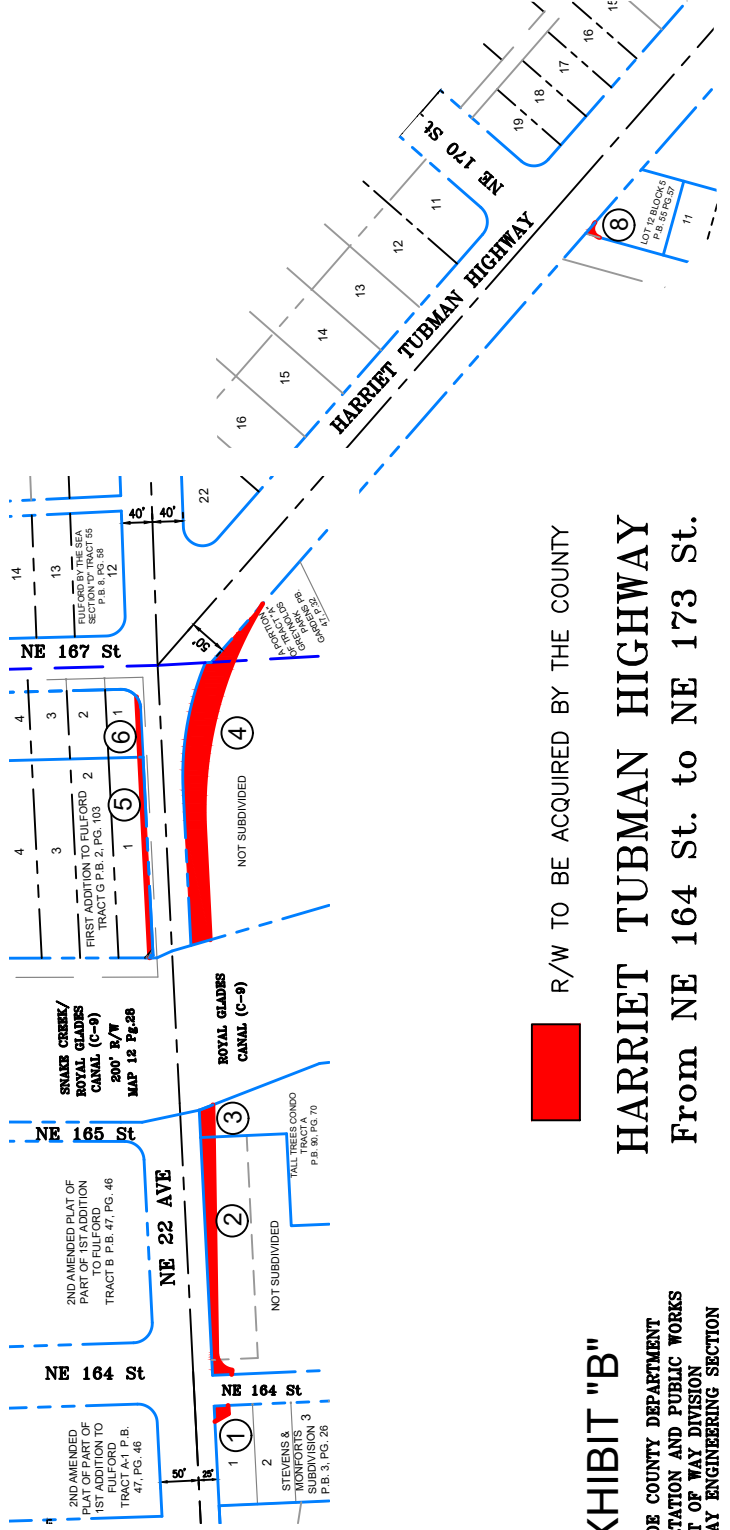
SEC 16  
TWP 52 S  
RGE 42 E



SCALE 1" = 250'  
PREPARED BY: L.E.  
DATED: 01-05-21



LOCATION MAP  
NOT TO SCALE



R/W TO BE ACQUIRED BY THE COUNTY

# HARRIET TUBMAN HIGHWAY

From NE 164 St. to NE 173 St.

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