

MEMORANDUM

Agenda Item No. 8(N)(1)

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

DATE: July 7, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring the acquisition of the designated property known as Parcel 1 for improvements to the intersection at SW 104 Street and SW 162 Avenue 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 1 in a total amount not to exceed 15 percent over the appraised value

Resolution No. R-635-22

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



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: July 7, 2022

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Resolution Declaring the Acquisition of the Designated Property Known as Parcel 1 to be a Public Necessity for the Project Entitled Intersection Improvements to SW 104 Street and SW 162 Avenue

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant approval to acquire the right-of-way necessary to improve the intersection at SW 104 Street and SW 162 Avenue for a total estimated cost of \$1,300,000.

RECOMMENDATION

It is recommended that the Board approve the attached resolution declaring the acquisition of Parcel 1 to be a public necessity for the road widening, beautification, and intersection improvements to SW 104 Street to SW 162 Avenue. 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 negotiation, 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 15 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 11, which is represented by Commissioner Joe A. Martinez.

FISCAL IMPACT/FUNDING SOURCE

Funding for the construction and right-of-way acquisition of one parcel is estimated at \$1,300,000 and is funded by Road Impact Fees (RIF5) programmed within the FY 2021-2022 Adopted Budget and Multi-Year Capital Plan. Once the project is built out, annual maintenance and operational cost of approximately \$3,281.64 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 Maria Molina, P.E., DTPW Chief, Right of Way Division.

DELEGATED AUTHORITY

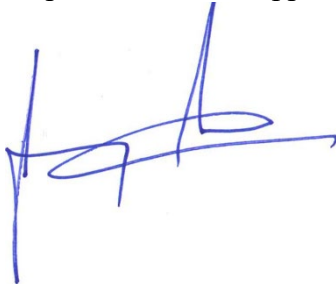
The resolution delegates authority to the County Mayor or the County Mayor’s designee to take any and all appropriate actions to acquire the subject parcel in fee simple and to record the instruments of conveyances accepted herein in the public records of Miami-Dade County. The County Mayor’s designee is further authorized to issue an incentive offer to purchase Parcel 1 in a total amount not to exceed 15 percent over the appraised value of Parcel 1.

BACKGROUND

The project will improve both safety and capacity by aligning all legs of the intersection. The proposed improvements include milling and resurfacing, existing signalization improvements, pavement markings and signing, and a continuous storm drainage system.

The area to be acquired by DTPW for the intersection 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. These improvements will improve traffic mobility and improve drainage at the intersection of SW 104 Street and SW 162 Avenue.

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 1. The total amount of the initial offer plus the incentive offer shall be no more than 15 percent over the appraised value of Parcel 1.



Jimmy Morales
Chief Operations Officer




MEMORANDUM

(Revised)

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

DATE: July 7, 2022

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)
7-7-22

RESOLUTION NO. _____ R-635-22

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 1 FOR IMPROVEMENTS TO THE INTERSECTION AT SW 104 STREET AND SW 162 AVENUE 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 1 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 1 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 104 Street and SW 162 Avenue, 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 SW 104 Street and SW 162 Street.

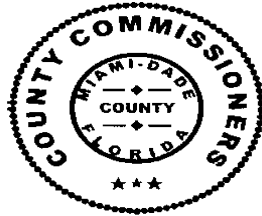
Section 3. This Board authorizes and directs the County Mayor or County Mayor’s designee and County Attorney to employ appraisers and expert witnesses, to obtain environmental audits, and to take any and all appropriate actions to acquire the subject parcel, as legally described in Exhibit “A” in fee simple, and provide compensation to all interested parties for such acquisition including any businesses thereon, either by negotiation, 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 1, in a total amount not to exceed 15 percent over the appraised value of Parcel 1.

Section 4. Pursuant to Resolution No. R-974-09, (a) the County Mayor or County Mayor’s designee shall record the instrument of conveyance 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 30 days of execution of said instrument; and (b) the Clerk of the Board shall attach and permanently store a recorded copy of said instrument together with this resolution.

The foregoing resolution was offered by Commissioner **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen 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	absent	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 7th day of July, 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to read "AGM", is written over a horizontal line.

Andrea Gonzalez Mateo

LEGAL DESCRIPTION
(FEE SIMPLE)

The East 25.00 feet of the North 500.00 feet, and the North 16.00 feet of the East 1/2 of the NE 1/4 of the NW 1/4 of Section 8, Township 55 South, Range 39 East, in Miami-Dade County, Florida,

AND

The external area formed by a 30.00 feet radius arc, concave to the Southwest, tangent to the South line of the North 16.00 feet thereof, and tangent to the West line of the East 25.00 feet of the North 500.00 feet of the East 1/2 of the NE 1/4 of the NW 1/4 of said Section 8.

EXHIBIT "A"

PARCEL 1
Project No. 20200221
1 of 1

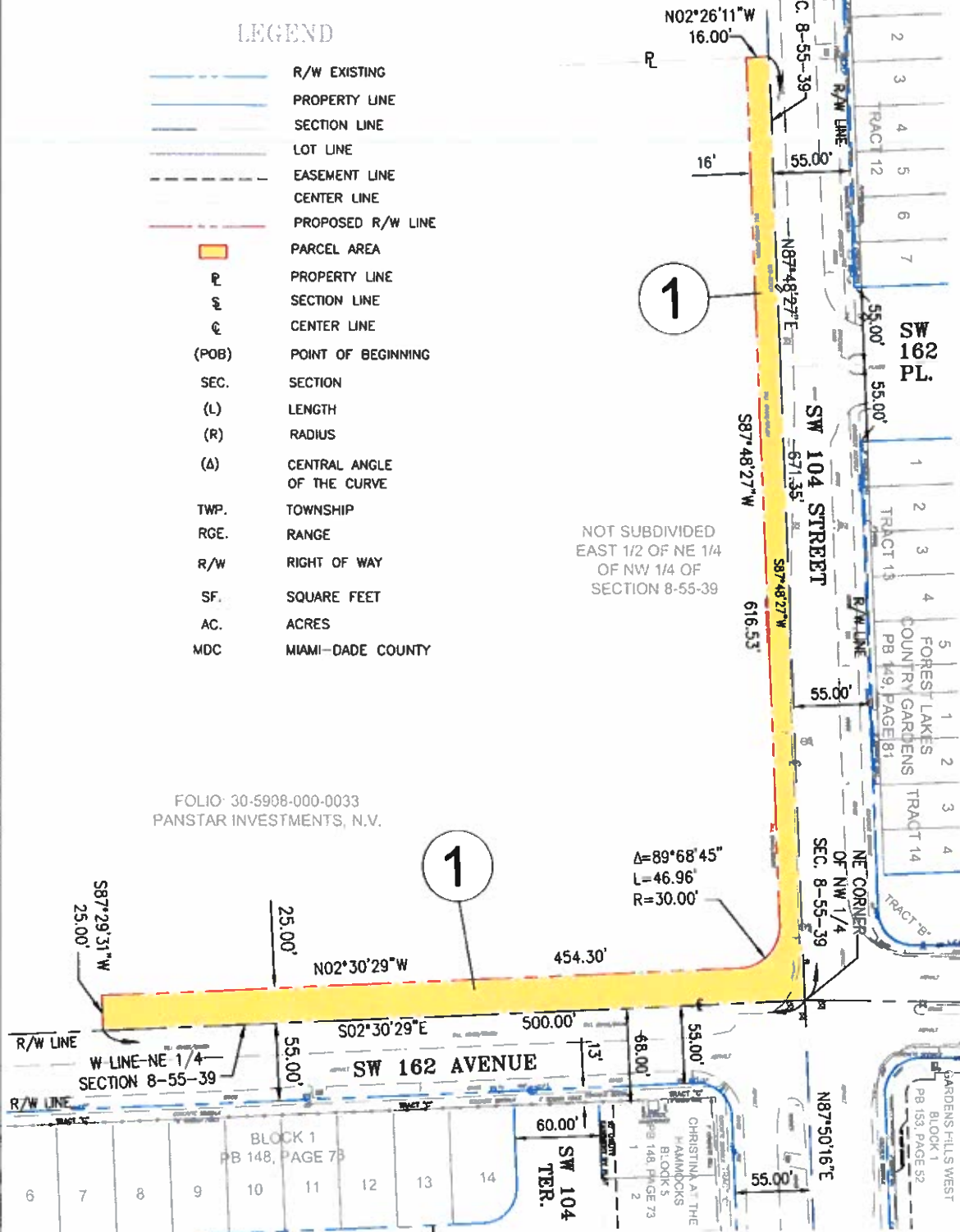
EXHIBIT B (Parcel 1)



LEGEND

	R/W EXISTING
	PROPERTY LINE
	SECTION LINE
	LOT LINE
	EASEMENT LINE
	CENTER LINE
	PROPOSED R/W LINE
	PARCEL AREA
	PROPERTY LINE
	SECTION LINE
	CENTER LINE
(POB)	POINT OF BEGINNING
SEC.	SECTION
(L)	LENGTH
(R)	RADIUS
(Δ)	CENTRAL ANGLE OF THE CURVE
TWP.	TOWNSHIP
RGE.	RANGE
R/W	RIGHT OF WAY
SF.	SQUARE FEET
AC.	ACRES
MDC	MIAMI-DADE COUNTY

NOT SUBDIVIDED
FOLIO: 30-5908-000-0034
NRC HOLDINGS 2016 LLC



Area of Parcel = 23,034 square feet or 0.529 Acre
Area of Parent Tract= 911,586 square feet or 20.927 Acres

Folio No.:30-5908-000-0033
Section: 8-55-39

THIS IS NOT A SURVEY

PARCEL SKETCH

SW 104 STREET & SW 162 AVENUE
PARCEL NO. 1

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

SCALE: 1" = 70' DATE: 3-28-21
CHECKED BY: O. SUAREZ
DRAWN BY: O. SUAREZ & L. ESPINOSA
PROJECT: 20200221

SHEET: 1 OF 2

EXHIBIT B (Parcel 1)

