

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 8(N)(2)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 16, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring the acquisition of the designated property known as Parcel 1 for bridge and right of way improvements along NE 10th Avenue spanning across Ademar Canal 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, including payment of business damages, if any, 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-463-23

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



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Memorandum



Date: May 16, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Resolution Declaring the Acquisition of the Designated Property Known as Parcel 1 to be a Public Necessity for the Project Entitled NE 10 Avenue Bridge Improvement Project between NE 83rd Street and NE 84th Street

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 for the NE 10 Avenue Bridge Improvement Project between NE 83rd Street and NE 84th Street. The project consists of replacing and widening the existing NE 10 Avenue bridge spanning across Ademar Canal. The project requires the roadway approaches on the north and the south side of the bridge to be reconstructed to tie into the existing roadway typical section. The proposed improvements also include raised landscape medians, adding bicycle lanes, continuous sidewalks, curb and gutter, existing signalization improvements, pavement markings and signing, decorative lighting, and a continuous storm drainage system. Funding for the construction and right-of-way acquisition of all parcels is estimated at \$885,000 and is funded by Road Impact Fees.

Recommendation

It is recommended that the Board approve the attached resolution declaring the acquisition of Parcel 1 to be a public necessity for the replacement of the existing bridge along NE 10th Avenue spanning across Ademar Canal to be designed and constructed to accommodate pedestrian and vehicular traffic. 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 attorney 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 3, which is represented by Commissioner Keon Hardemon.

Delegation of 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.

Fiscal Impact/Funding Source

Funding for the construction and right-of-way acquisition of all parcels is estimated at \$885,000 and is funded by Road Impact Fees (RIF2) programmed within the FY 2021-22 Adopted Budget and Multi-Year Capital Plan. Once the project is built, annual maintenance and operational cost of approximately \$1,200 is anticipated and will be funded through the General Fund.

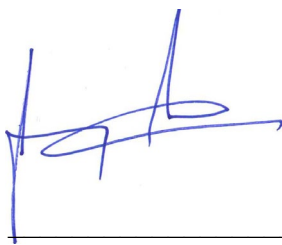
Track Record/Monitor

The Department of Transportation and Public Works (DTPW) is the entity overseeing this item and the person responsible is Javier M. Bustamante, Assistant Director, Transit Project Management & Support Services.

Background

The project consists of replacing and widening the existing NE 10 Avenue bridge spanning across Ademar Canal. The proposed improvements include raised landscape medians, adding bicycle lanes, continuous sidewalks, curb and gutter, existing signalization improvements, pavement markings and signing, decorative lighting, and a continuous storm drainage system. 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. These improvements will improve traffic mobility and improve drainage along NE 10 Avenue, between NE 82nd Street and NE 84th Street.

In order to reduce project time and cost, and to avoid the expense of potential 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 Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 16, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(2)

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)(2)
5-16-23

RESOLUTION NO. R-463-23

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 1 FOR BRIDGE AND RIGHT OF WAY IMPROVEMENTS ALONG NE 10TH AVENUE SPANNING ACROSS ADEMAR CANAL 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, OR 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 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 THE 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 bridge improvements, road widening, beautification, and right-of-way improvements in connection with the NE 10 Avenue Bridge Improvement Project, 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 bridge and right of way improvements along NE 10 Avenue spanning across Ademar Canal, between NE 83rd Street and NE 84th Street.

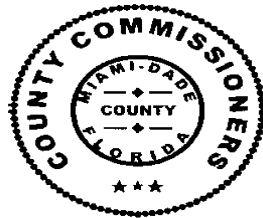
Section 3. This Board authorizes and directs the County Mayor or County Mayor’s designee and County Attorney to employ appraisers and expert witnesses, to obtain environmental audits, and to take any and all appropriate actions to acquire the subject parcel, as legally described in Exhibit “A” in fee 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, 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 (a) provide a recorded copy of the instrument to the Clerk of the Board within 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 **Danielle Cohen Higgins** , 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:

	Oliver G. Gilbert, III, Chairman	aye	
	Anthony Rodríguez, Vice Chairman	aye	
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	absent
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 16th day of May, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: Basia Pruna
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)**

LEGAL DESCRIPTION PARCEL 1

A portion of Lot 12 of ADEMAR PARK, in Sections 7 and 8, Township 53 South, Range 42 East of Miami-Dade County, Florida, according to the Plat thereof, as recorded in Plat Book 7 at Page 57 of the Public Records of Miami-Dade County, Florida, being more particularly described as follow:

Commence at the intersection of the centerlines of NE 10th Avenue and NE 84th Street, said point of intersection lying 504.47 feet North of the SW Corner of the NW 1/4 of the NW 1/4 of said Section 8 as shown on Municipal Atlas City of Miami, Sheet No. 8A; Thence run S 2°28'08" E along the West line of Said Section 8 for a distance of 14.99 feet to the intersection with the Westerly extension of the North line of said lot 12; Thence run N 87°14'52" E along said Westerly extension of the North line of said lot 12 for a distance of 5.16 feet to the NW Corner of said Lot 12 said point being the **POINT OF BEGINNING** Of the herein described parcel of land; Thence continue N 87°14'52" E along the North line of said Lot 12 for a distance of 19.84 feet to the intersection with a line that is 25.00 feet East and parallel to the West line of said Section 8; Thence run S 2°28'08" E along said parallel line for a distance of 195.30 feet to intersection with the South line of said Lot 12; Thence run S 87°14'52" W along the South line of said Lot 12 for a distance of 18.22 feet to the SW Corner of said Lot 12; Thence run N 2°56'44" W along the West line of said Lot 12 for a distance of 195.30 to the **POINT OF BEGINNING**.

EXHIBIT "A"

PARCEL 1
Project No. 20190196
1 of 1

MDC009

LEGEND

- PARCEL AREA
- R/W EXISTING
- PROPERTY LINE
- SECTION LINE
- EASEMENT LINE
- PROPOSED R/W LINE
- P.B. PLAT BOOK
- PG. PAGE
- PROPERTY LINE
- SECTION LINE
- CENTER LINE
- (POC) POINT OF COMMENCEMENT
- (POB) POINT OF BEGINNING
- SEC. SECTION
- (A) ARC LENGTH
- (R) RADIUS
- (Δ) CENTRAL ANGLE OF THE CURVE
- R/W RIGHT OF WAY
- C.M.E. CANAL MAINTENANCE EASEMENT
- U.E. UTILITY EASEMENT

Area of Parcel = 3,716 square feet or 0.085 Ac.
Area of Parent Tract = 14,843 square feet or 0.341 Ac.

Folio No.: 01-3207-007-0120
Section: 8-53-42

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

SCALE: 1" = 20' DATE: 11-22-22
 CHECKED BY: A. FRAGA
 DRAWN BY: L. ESPINOSA
 PROJECT: 20190196 SHEET: 1 OF 1

SHEET: 1 OF 1