

MEMORANDUM

Agenda Item No. 8(N)(1)

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

DATE: May 7, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving a First Amendment to an Off-System Construction and Maintenance Agreement between Miami-Dade County and the Florida Department of Transportation for local roadway improvements to SR 25/Okeechobee Road from East of NW 116 Way to East of NW 87 Avenue, in Miami-Dade County, Florida; and authorizing the County Mayor to execute the same and exercise the provisions contained therein

Resolution No. R-388-24

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


Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: May 7, 2024

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

From: Daniella Levine Cava
Mayor 

Subject: First Amendment to Off-System Construction and Maintenance Agreement with the Florida Department of Transportation for additional Local Roadway Improvements, SR 25/Okeechobee Road from East of NW 116 Way to East of NW 87 Avenue

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to approve a First Amendment (Amendment) to the Off-System Construction and Maintenance Agreement with the Florida Department of Transportation (FDOT) for the implementation of local roadway improvements along SR 25/Okeechobee Road from East of NW 87 Avenue, a portion of the project includes work on NW 87 Avenue from approximately 300' South of NW 96 Street to the intersection of NW 87 Avenue and the Frontage Road and widening of the NW 87 Avenue bridge over the C-6/Miami Canal. This project is part of the FDOT Work Program (cited as FM# 423251-4-52-01). Some of the specific improvements are pavement restoration through milling and resurfacing; adding turn and auxiliary lanes for capacity; widening of the NW 87 Avenue bridge over the C-6/Miami Canal; two new signalized intersections and removal of one signalized intersection; and drainage and lighting.

On January 19, 2022, the Board approved Resolution No. R-50-22 directing the County Mayor or County Mayor's designee to execute an Off-System Construction and Maintenance Agreement between the County and FDOT for the construction of improvements on NW 87 Avenue from approximately 85 feet north of NW 96 Street to the intersection of NW 87 Avenue and Frontage Road. The need to redesign NW 87 Avenue is due to the Town of Medley's construction of NW 99 Terrace, impacting the previous design of improvements on NW 87 Avenue and within the FDOT project FM# 423251-4-52-01. The project is estimated to cost approximately \$12,599,252.52 and will be funded and built by FDOT. The anticipated construction start date is January 2026.

Recommendation

It is recommended that the Board approve the attached resolution authorizing the execution of the Amendment to the Off-System Construction and Maintenance Agreement between the County and FDOT for the construction of improvements on SR 25/Okeechobee Road from East of NW 87 Avenue. The estimated project cost of \$12,599,252.52 will be funded by FDOT.

Scope

The project is in District 12, which is represented by Commissioner Juan Carlos Bermudez.

Delegation of Authority

The authority of the County Mayor or County Mayor's designee to execute and implement this Amendment, including exercising all the provisions contained therein, is consistent with those authorities granted under the Code of Miami-Dade County. No additional delegation of authority is being requested within the body of this Amendment.

Fiscal Impact/Funding Source

The project is estimated to cost \$12,599,252.52 and will be funded and built by FDOT. The County is required to provide maintenance operations within the County's right-of-way upon completion of the project as part of existing maintenance efforts.

Track Record/Monitor

The Department of Transportation and Public Works (DTPW) is the entity overseeing this project and the person responsible for monitoring this Amendment is Ms. Maria D. Molina, P.E., Chief, Right-of-Way Division.

Background

On January 19, 2022, the Board approved Resolution No. R-50-22 directing the County Mayor or County Mayor's designee to execute an Off-System Construction and Maintenance Agreement between the County and FDOT for the construction of improvements on NW 87 Avenue from approximately 85 feet north of NW 96 Street to the intersection of NW 87 Avenue and Frontage Road.

This Amendment to the previously approved Off-System Construction and Maintenance Agreement is for the construction of local roadway improvements on SR 25/Okeechobee Road from East of NW 116 Way to East of NW 87 Avenue; a portion of the project includes work on NW 87 Avenue. The specific improvements include, but are not limited to, the following:

- Roadway reconstruction along NW 87 Avenue from approximately 300' South of NW 96 Street to the intersection of NW 87 Avenue and the Frontage Road (approximately 2750' total) to add turn lanes and auxiliary lanes for capacity;
- Widening of bridge #874026 (NW 87 Avenue bridge over the C-6/Miami Canal);
- Pavement markings and signage within areas of reconstruction, milling, and resurfacing, and widening;
- Installation of drainage and lighting within all reconstruction areas;
- Two new signalized intersections: NW 87 Avenue and NW 99 Terrace, and at NW 87 Avenue and the Frontage Road; and
- Removal of the signalized intersection of NW 87 Avenue and NW 100 Street.

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
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If the project requires the acquisition of additional right-of-way, FDOT shall acquire such right-of-way to complete the project at no cost to the County. The anticipated construction start date is January 2026.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: May 7, 2024

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)
5-7-24

RESOLUTION NO. _____ R-388-24

RESOLUTION APPROVING A FIRST ADMENDMENT TO AN OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR LOCAL ROADWAY IMPROVEMENTS TO SR 25/OKEECHOBEE ROAD FROM EAST OF NW 116 WAY TO EAST OF NW 87 AVENUE, IN MIAMI-DADE COUNTY, FLORIDA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the First Amendment to the Off-System Construction and Maintenance Agreement between Miami-Dade County and the Florida Department of Transportation for the implementation of local roadway improvements at SR 25/Okeechobee Road from East of NW 116 Way to East of NW 87 Avenue in Miami-Dade County, Florida, substantially the form attached hereto and incorporated herein. This Board further authorizes the County Mayor or County Mayor's designee to execute same for and on behalf of Miami-Dade County and to exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Anthony Rodriguez** 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	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of May, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "E. W. Gonzalez", written over a horizontal line.

Eduardo W. Gonzalez

**AMENDMENT TO OFF-SYSTEM CONSTRUCTION AND MAINTENANCE
AGREEMENT BETWEEN STATE OF FLORIDA, DEPARTMENT OF
TRANSPORTATION AND MIAMI-DADE COUNTY, FLORIDA**

THIS AMENDMENT TO OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION AND MIAMI-DADE COUNTY, FLORIDA (this “Amendment”) is entered into as of _____, 2024, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida (the “Department”) and MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida (the “County”) (collectively, the Department and the County shall be referred to as the “Parties,” and individually, as “Party”).

RECITALS

WHEREAS, the Department is developing the design for a reconstruction project FM# 423251-4-52-01 along SR 25/Okeechobee Road from East of NW 116th Way to East of NW 87th Avenue (the “Project”); and

WHEREAS, the Project includes certain roadway improvements on NW 87th Avenue which belongs to the County (“Local Roadway Improvements”); and

WHEREAS, the Department and the County entered into an Off-System Construction and Maintenance Agreement dated May 24, 2022 (the “Off-System Agreement”), wherein the Parties agreed, among other things, that the Department shall undertake and complete all activities associated with the Local Roadway Improvements defined therein, including, but not limited to, the design, construction, construction inspection, maintenance during construction, and right-of-way acquisition, and that after completion of construction, the County shall be immediately responsible for the maintenance of the Local Roadway Improvements, with the exception of Ramp C-2 and Ramp C-2 Bridge; and

WHEREAS, the Parties desire to amend the Off-System Agreement to revise the Local Roadway Improvements defined in the Off-System Agreement and replace Exhibit 1 of the Off-System Agreement with a newly revised Exhibit 1.

NOW, THEREFORE, the Parties agree as follows:

1. The foregoing recitals are true and correct and are hereby incorporated into this Amendment by this reference.
2. Paragraphs 2(a) through 2(f) of the Off-System Agreement are deleted and are replaced with the following:
 - a. Roadway reconstruction along NW 87th Avenue from approximately 300' South of NW 96th Street to the intersection of NW 87th Avenue and the Frontage Road (approximately 2750' total) to add turn lanes and auxiliary lanes for capacity;
 - b. Widening of bridge #874026 (NW 87th Avenue bridge over the C-6/Miami Canal);

- c. Pavement markings and signage within areas of reconstruction, milling, and resurfacing, and widening;
- d. Installation of drainage within all reconstruction areas;
- e. Installation of lighting within all reconstruction areas;
- f. Two new signalized intersections, the first at NW 87th Avenue and NW 99th Terrace, and the second at NW 87th Avenue and the Frontage Road; and
- g. Removal of the signalized intersection of NW 87th Avenue and NW 100th Street.

3. Exhibit 1 of the Off-System Agreement is deleted in its entirety and is replaced with the newly revised Exhibit 1 attached hereto and made a part hereof.

4. Except as expressly provided herein, all of the terms, conditions, covenants, agreements, and understandings contained in the Off-System Agreement shall remain unchanged and in full force and effect, and the same are hereby expressly ratified and confirmed by the Parties. Notwithstanding, wherever the terms of this Amendment and the terms of the Off-System Agreement are in conflict, the terms of this Amendment shall govern and control.

[SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment on the dates exhibited by the signatures below.

MIAMI-DADE COUNTY

By: _____

Name: _____

Title: _____
Operations

Date: _____

Attest: _____

Name: _____

Title: _____

Approved as to form and legality:

By: _____

Name: _____

Title: _____

**STATE OF FLORIDA, DEPARTMENT
OF TRANSPORTATION**

By: _____

Name: _____

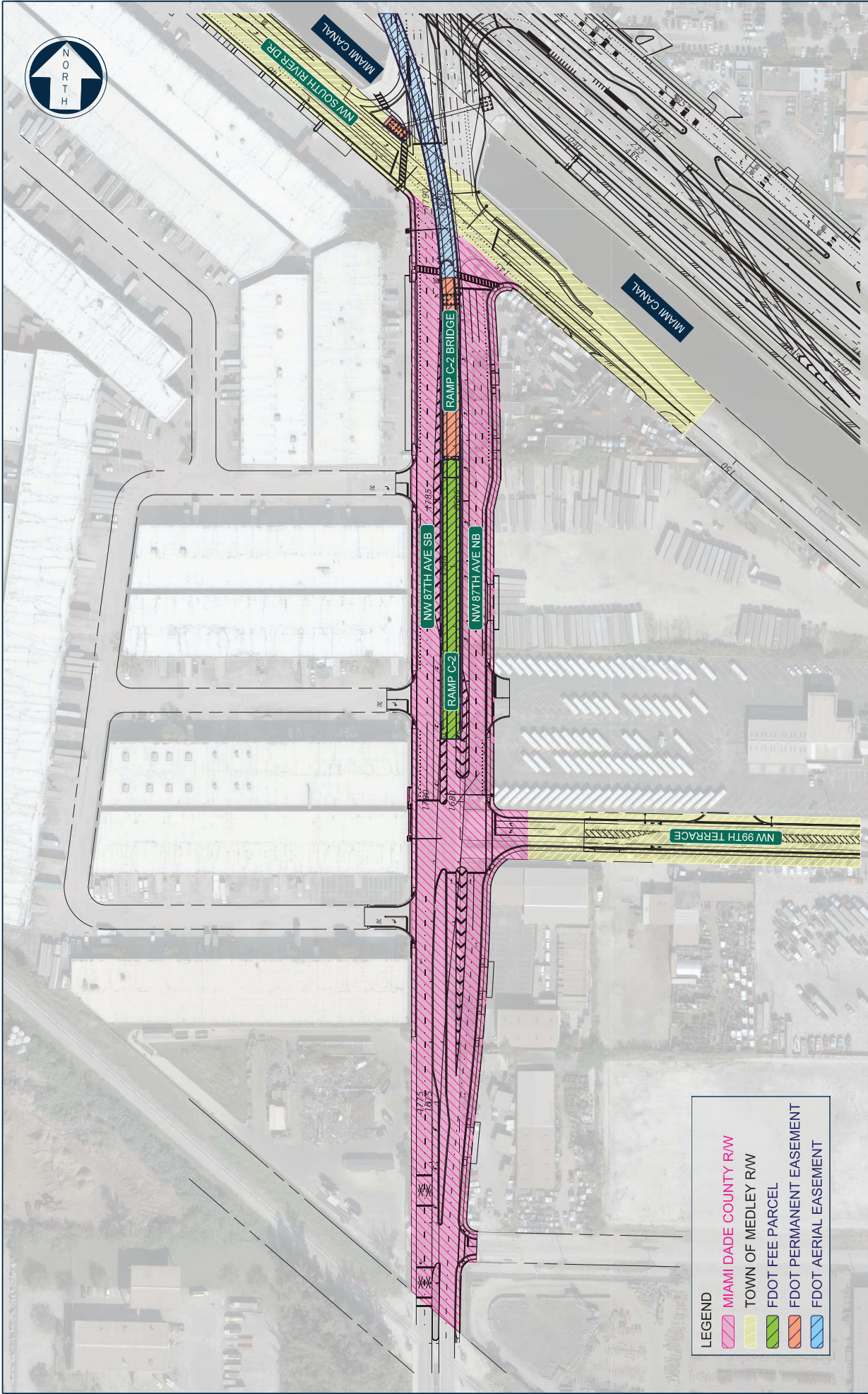
Title: Director of Transportation

Date: _____

Department Legal Review:

Name: _____

Title: _____



MDC011

REVISIONS		DESCRIPTION		DATE	
DATE		DESCRIPTION		DATE	
OSCAR OLIVA, P.E. P.E. LICENSE NUMBER 75502 BCC ENGINEERING, LLC 6401 SW 87th AVE, SUITE 200 MIAMI, FLORIDA 33173 P: (305) 670-2350 F: (305) 670-2351 STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. SR 25 COUNTY MIAMI-DADE FINANCIAL PROJECT ID 423251-4-52-01					
EXHIBIT 1 10/17/2023 2:46:25 PM C:\Users\NCC-gw-01\OneDrive\OneDrive\07350\PLAN001-1_LFN015.dgn					
SHEET NO.	1				