

MEMORANDUM

Agenda Item No. 8(N)(2)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

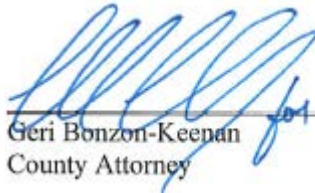
DATE: April 1, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring acquisition the
of the designated property known as
Parcel 9 for improvements to SW 117
Avenue from SW 184 Street to US-1 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 9 in a total amount not to exceed 15
percent over the appraised value

Resolution No. R-353-25

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



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



April 1, 2025

Date:

To:

Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From:

Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject:

Resolution Declaring the Acquisition of the Designated Property Known as Parcel 9 to be a Public Necessity for the Project Entitled Improvements to SW 117th Avenue from SW 184th Street (Quail Roost Drive) to US-1

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 a road widening project along SW 117th Avenue from Quail Roost Drive to US-1.

Recommendation

It is recommended that the Board approve the attached resolution declaring the acquisition of Parcel 9 to be a public necessity for the road widening, beautification, and improvements to SW 117 Avenue from Quail Roost Drive to US-1. 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 9, which is represented by Vice Chairman Kionne L. McGhee.

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 9 in a total amount not to exceed 15 percent over the appraised value of Parcel 9.

Fiscal Impact/Funding Source

The funding required for the design, construction, CEI, and right-of-way acquisition of Project Number 3001250 and Program 2000000538 ARTERIAL ROADS- COUNTYWIDE, is estimated at \$21,637,000 and will be funded through the following funding source:

Program	Adopted Budget	Funding Source
2000000538 ARTERIAL ROADS- COUNTYWIDE	FY24-25 Adopted Budget & Multi-Year Capital Plan; Volume 2, Page 154	MOBILITY IMPACT FEE

Upon completion of the project, the annual maintenance and operational costs will be approximately \$28,829, which will be funded from DTPW's General Fund allocation.

Track Record/Monitor

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

Background

The SW 117th Street Improvement Project consists of roadway improvements which include, but are not limited to, reconstructing and widening from a two-lane to a four-lane divided road; sidewalks, curb and gutters; continuous storm drainage system; pavement markings and signage; signalization, lighting, and landscaping, from Quail Roost Drive to US-1. The project will increase capacity as well as provide pedestrian safety features.

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 SW 117 Avenue from Quail Roost Drive to US-1.

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 9. The total amount of the initial offer plus the incentive offer shall be no more than 15 percent over the appraised value of Parcel 9.



Jimmy Morales
Chief Operating Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: April 1, 2025

FROM: 
Glen 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 ____, majority plus one ____, 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) ____, 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)
4-1-25

RESOLUTION NO. R-353-25

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 9 FOR IMPROVEMENTS TO SW 117 AVENUE FROM SW 184 STREET TO US-1 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 9 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 9 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 road widening and right-of-way improvements to SW 117 Avenue from SW 184th Street to US-1, 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 recital.

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 road widening and right-of-way improvements to SW 117th Avenue from SW 184th Street to US-1.

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, 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 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 County Mayor’s designee is further authorized to issue an incentive offer to purchase Parcel 9, in a total amount not to exceed 15 percent over the appraised value of Parcel 9.

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 (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 **Roberto J. Gonzalez** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of April, 2025. 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 dark ink, appearing to read "LEM", is written over a horizontal line.

Lauren E. Morse

LEGAL DESCRIPTION
(FEE SIMPLE)

Parcel 9

That Portion of Lots 4, 5, 6, 47 and 48 of Block 2 of Addition "G" Miami's Logical Suburb SO. MIAMI HEIGHTS, according to the Plat thereof, as recorded in Plat Book 25, at Page 12 of the Public Records of Miami-Dade County, Florida; which lies within the East 50.00 feet of the Northeast 1/4 of Section 1, Township 56 Range 39 East of the Public Records of Miami-Dade County, Florida.

and

That portion of Lot 13, Block 20 of Amvets City Replat of Revised Plat of Sections "F" "G" and "H" of South Miami Heights according to the Plat thereof, as recorded in Plat Book 46 at Page 83 of the Public Records of Miami-Dade County, Florida; which lies within the East 50.00 feet of the Northeast 1/4 of Section 1, Township 56 Range 39 East of the Public Records of Miami-Dade County, Florida.

Said land containing 2,136 Square Feet 0.049 acres more or less.

EXHIBIT "A"

PARCEL 9
Project No. 20200284
1 of 1

MDC009

[illegible]

Parcel Area
☒ MAINTENANCE PARCEL (REFERENCE ONLY)
 (R) RADIUS
 (A) ARC DISTANCE
 (d) DELTA
 PG. PAGE
 DB DEED BOOK

Folio No: 30-8006-003-0050 & 30-8006-001-1840.
Section: 01-56-39

EXHIBIT "B"		MIAMI-DADE COUNTY, DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS RIGHT-OF-WAY DIVISION ENGINEERING SECTION	SCALE: 1"=30' DATE: 04-23-24	
			CHECKED BY: A.F.	
PARCEL SKETCH	SW 117th AVE from US-1 to SW 184 ST		DRAWN BY: M.R.B.	
	PARCEL NO. 9		PROJECT 20200284 SHEET: 1 OF 1	

MDC010