

MEMORANDUM

Agenda Item No. 8(N)(1)

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

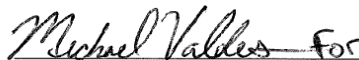
DATE: June 3, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring the acquisition of the designated property known as Parcel 1 for improvements to NE 159 Street from NE 6 Ave to Harriet Tubman Highway 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-544-25

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


Geri Bonzon-Keenan
County Attorney

GBK/jp

MDC001

Memorandum



Date: June 3, 2025

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 1 to be a Public Necessity for the Project Entitled Improvements to NE 159 Street from NE 6 Avenue to Harriet Tubman Highway

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to grant approval to acquire certain right-of-way necessary for the NE 159 Street Improvement Project located on NE 159 Street between NE 6 Avenue to Harriet Tubman Highway.

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 and right-of-way improvements to NE 159 Street from NE 6 Avenue to Harriet Tubman Highway. 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 2, which is represented by Commissioner Marleine Bastien.

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

The funding required for the design, construction, CEI, and right-of-way acquisition of Project Number 3002524 and Program 2000000540 ROAD WIDENING-COUNTYWIDE, is estimated at \$24,502,000 and will be funded through the following funding source:

Program	Adopted Budget	Funding Source
2000000540 ROAD WIDENING- COUNTYWIDE	FY24-25 Adopted Budget & Multi-Year Capital Plan; Volume 2, Page 179	MOBILITY IMPACT FEE

Upon completion of the project, the annual maintenance and operational costs will be approximately \$19,840, 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 is Mr. Javier M. Bustamante, Assistant Director, Transit Project Management & Support Services.

Background

The NE 159 Street Improvement Project consists of roadway improvements which include reconstructing and widening from a two-lane to a four-lane roadway with a continuous center turning lane, sidewalks, curb and gutters, continuous storm drainage system, pavement markings and signage, signalization, lighting, and landscaping from NE 6 Avenue to Harriet Tubman Highway. 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 NE 159 Street to NE 6 Avenue to Harriet Tubman Highway.

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 Operating Officer



MEMORANDUM

(Revised)

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

DATE: June 3, 2025

FROM: 
Glen 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 ____, 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)(1)
6-3-25

RESOLUTION NO. _____ R-544-25

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 1 FOR IMPROVEMENTS TO NE 159 STREET FROM NE 6 AVE TO HARRIET TUBMAN HIGHWAY 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, 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 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 road widening and right-of-way improvements to NE 159 Street from NE 6 Ave to Harriet Tubman Highway 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 road widening and right-of-way improvements to NE 159 Street from NE 6 Avenue to Harriet Tubman Highway.

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 fifteen percent over the appraised value of Parcel 1.

The foregoing resolution was offered by Commissioner **Raquel A. Regalado**, 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:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of June, 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.

Lauren E. Morse

LEGAL DESCRIPTION

Legal Description:

That portion of Lots 13 thru 24, Block 6, of TOWN OF FULFORD, as recorded in Plat Book B, at Page 151, of the Public Records of Miami-Dade County, Florida, and that portion of Lots 16 thru 21, Block 5, of FULFORD VILLAS AMENDED PLAT, as recorded in Plat Book 21, at Page 24, of the Public Records of Miami-Dade County, Florida, and also that portion of N.E. 21st Avenue, also known as S.E. 2nd Avenue, as dedicated on the aforementioned Plats of TOWN OF FULFORD and FULFORD VILLAS AMENDED PLAT, being more particularly described as follows:

BEGIN at the Southwest corner of Lot 13, Block 6, of TOWN OF FULFORD, as recorded in Plat Book B, at Page 151, of the Public Records of Miami-Dade County, Florida; thence run N2°43'51"W along the West line of said lot 13, for a distance of 10 feet; thence run N88°15'41"E along a line parallel with and 10 feet North of the South line of Block 6 of the aforementioned plat of TOWN OF FULFORD for a distance of 645.31 feet to a point lying on the aforesaid platted road of N.E. 21st Avenue, also known as S.E. 2nd Avenue; thence run S89°56'34"E for a distance of 319.10 feet to the Southeast corner of Lot 21, Block 5, of said FULFORD VILLAS AMENDED PLAT; thence run S88°15'41"W along the North Right-of-Way line of N.E. 159th Street, (Kissimmee Avenue) as shown on aforementioned Plats of TOWN OF FULFORD and FULFORD VILLAS AMENDED PLAT, for a distance of 964.08 feet to the POINT OF BEGINNING.

Containing 8,047 Square Feet or 0.185 Acres more or less.

EXHIBIT "A"

1 of 1

PARCEL 1

Project No. 20200281

NE 159 St. from NE 6 Ave. to Harriet Tubman Highway

MDC008

SEC 16, 17 & 18
TWP 52 S
RGE 42 E



LOCATION MAP
NOT TO SCALE

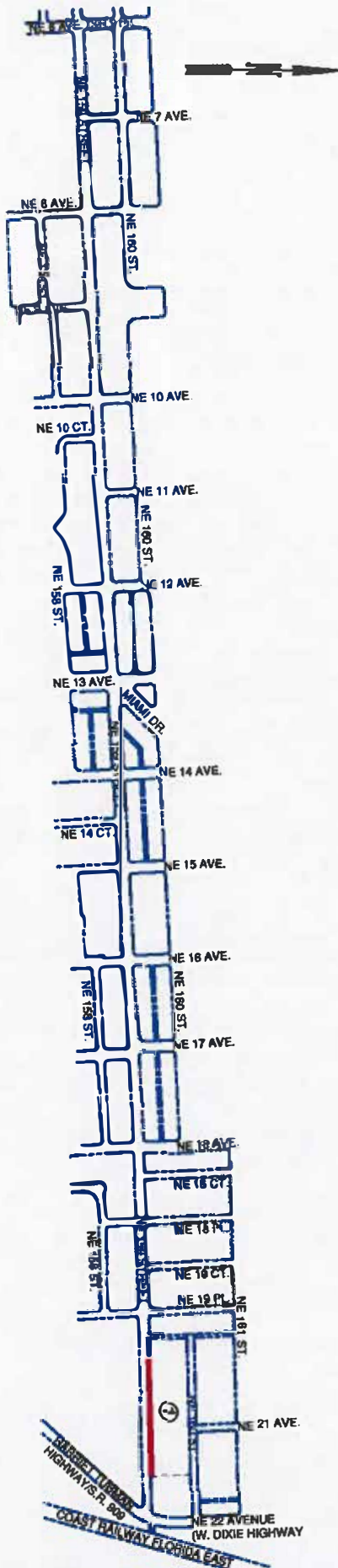


EXHIBIT "B"

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



R/W TO BE ACQUIRED BY THE COUNTY

N.E. 159th ST

From N.E. 6TH AVE to Harriet Tubman
Highway.



SCALE 1" = 1100'
PREPARED BY: M.R.
DATED: 05-13-24