

ORDINANCE NO. 21-280

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR A SHORT TERM INTERFUND LOAN FROM UNRESTRICTED GENERAL FUND BALANCE TO CAPITAL FUNDS IN AN AMOUNT NOT TO EXCEED \$2,500,000; PROVIDING FOR TRANSFER OF FUNDS; PROVIDING FOR EXPENDITURE OF FUNDS; PROVIDING FOR AMENDMENTS; PROVIDING FOR CONFLICTS; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the N.W. 59th Avenue Roadway Extension project will connect 59th avenue to N.W. 59th Court, and create a necessary and absent vehicular right of way to the N.E. section of the Town of Miami Lakes (the “Town”); and

WHEREAS, an important component of this project is the purchase of 5951 N.W. 151st Street, Miami Lakes, Florida 33014, in order to create an access point for the N.W. 59th Avenue to connect to N.W. 59th Court;

WHEREAS, pursuant to Florida Statutes Chapter 73, the Town has served TSI Investments, LLC, the owners of 5951 N.W. 151st Street, Miami Lakes, Florida 33014, with an action seeking the taking of the property for a public purpose; and

WHEREAS, pursuant to Florida Statutes Chapter 73, on June 23, 2021, the Town will have a hearing where it will seek an Order of taking from the Court; and

WHEREAS, during said hearing the Court will determine the fair market value of the property, and should the Town prevail, the Town will be required to deposit an amount equal to the fair market value of the property into the registry of the Court; and

WHEREAS, according to the most recent appraisal obtained by the Town, the fair market value of 5951 N.W. 151st Street, Miami Lakes, Florida 33014 is \$2,180,000.00; and

WHEREAS, TSC Investments, LLC, has suggested in their court pleadings that this amount is insufficient; and

WHEREAS, the N.W. 59th Avenue Roadway Extension Project's budget provides for the eminent domain process, and is funded through a Florida Department of Transportation ("FDOT") grant; and

WHEREAS, pursuant to the grant, the Town is obligated to expend money and seek reimbursements; and

WHEREAS, in accordance with Section 200.065, Florida Statutes and Section 8.7 of the Town of Miami Lakes (the "Town") Charter, the Town Council adopted Fiscal Year 2020-2021 Budget (the "Budget") by Ordinance 20-269, as amended by Ordinance 20-270 and Ordinance 21-275; and

WHEREAS, the Town maintains unrestricted budget reserves in the amount of \$2,900,000 for unforeseen or extraordinary need; and

WHEREAS, in order to comply with possible, June 23, 2021 Court Order, the Town will need to deposit at least \$2,180,000 into the registry of the Court, or an; and

WHEREAS, in order to ensure sufficient cashflow for this transaction, it is desirable that the Town Council approve a fund-balance loan transfer in the amount of \$2,500,000 from General Fund Balance to the Capital Fund; and

WHEREAS, pursuant to Florida Law and the Town Charter, it is necessary that this fund-balance loan transfer be approved and provided for in the form of an Ordinance; and

WHEREAS, this shall be restricted for the purpose of the 59th Avenue Roadway Extension Project, and shall be repaid in its entirety in a lump sum, or as project designated funds become available; and

WHEREAS, the fund-balance loan transfer shall be repaid on or before September 30, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Fund Balance Loan Transfer. The Town Council hereby approves the short-term fund balance loan transfer in the amount of \$2,500,000 from General Fund, Fund Balance reserves to Capital Funds for the exclusive use of the N.W. 59th Avenue Roadway Extension Project, to be repaid on or before September 30, 2022.

Section 3. Authorization of Town Manager. The Town Manager is hereby authorized to take all actions necessary to implement the terms and conditions of this Ordinance.

Section 4. Authorization of Fund Expenditures. The Town Manager or his/her designee is authorized to expend or contract for expenditures such funds as are necessary for the operation of the Town government in accordance with the Budget and the terms and conditions of this Ordinance.

Section 5. Conflicts. All sections or parts of sections of the Town Code that conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause, provision, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain

in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. Effective date. This Ordinance shall be effective upon adoption on second reading.

FIRST READING

The foregoing ordinance was moved by Councilmember Fernandez who moved its adoption on first reading. The motion was seconded by Councilmember Dieguez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	yes
Vice Mayor Luis E. Collazo	yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Josh Dieguez	yes
Councilmember Tony Fernandez	yes
Councilmember Jeffrey Rodriguez	yes
Councilmember Marilyn Ruano	yes

Passed and adopted on first reading this 11th day of May 2021.

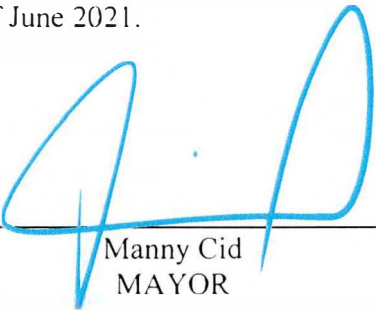
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SECOND READING

The foregoing ordinance was moved by Councilmember Fernandez who moved its adoption on second reading. The motion was seconded by Councilmember Dieguez and upon being put to a vote, the vote was as follows:

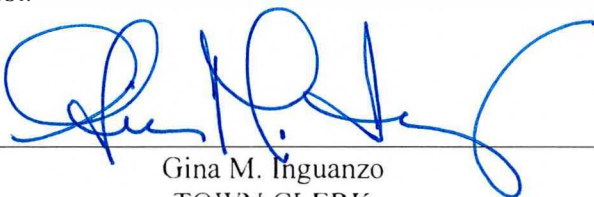
Mayor Manny Cid	yes
Vice Mayor Luis E. Collazo	yes
Councilmember Carlos O. Alvarez	yes
Councilmember Josh Dieguez	yes
Councilmember Tony Fernandez	yes
Councilmember Jeffrey Rodriguez	yes
Councilmember Marilyn Ruano	yes

Passed and adopted on second reading this 8th day of June 2021.



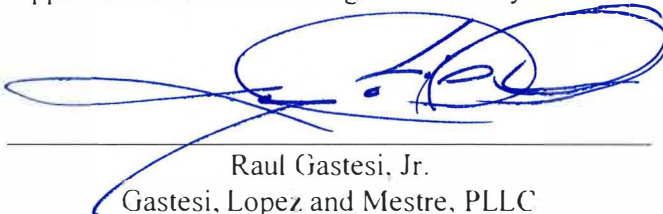
Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC
TOWN ATTORNEY