

## RESOLUTION NO. 19- 1604

**A RESOLUTION OF THE TOWN OF MIAMI LAKES, FLORIDA, FINDING THAT THE ACQUISITION OF PRIVATE PROPERTY THROUGH NEGOTIATED CONVEYANCE OR EMINENT DOMAIN SERVES A PUBLIC PURPOSE AND IS NECESSARY FOR THE DEVELOPMENT OF AND EXPANSION OF N.W. 59<sup>th</sup> AVENUE; AUTHORIZING THE TOWN ATTORNEY TO INITIATE EMINENT DOMAIN PROCEEDINGS; AUTHORIZING THE TOWN ATTORNEY'S OFFICE TO RETAIN EXPERT WITNESSES AND CONSULTANTS AND TAKE FURTHER ACTIONS THAT ARE REASONABLY NECESSARY TO ACQUIRE THE PROPERTY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the "Town") has adopted the Town's Comprehensive Plan and a Strategic Plan (the "Plan"), which promote health, safety and welfare of its residents by creating principles, guidelines, and balanced economic social, physical environmental, and fiscal development of the Town; and

**WHEREAS**, in accordance with Florida law and based upon studies and data, the Plan incorporates several key "Objectives" that contain goals, standards and policies for proper implementation, which are further laid out in the Town's Strategic Plan; and

**WHEREAS**, consistent with the Plan, the Town held a transportation summit to address and formulate comprehensive transportation solutions to the Town's transportation challenge, among them 59<sup>th</sup> avenue connectivity south to N.W. 154<sup>th</sup> street; and

**WHEREAS**, the N.W. 59<sup>th</sup> avenue connectivity will ease traffic woes, and allow the Town to provide essential municipal services to the North-Eastern quadrant of Town; and

**WHEREAS**, the N.W. 59<sup>th</sup> avenue extension project includes the design and construction of a bridge and roadway improvement extending N.W. 59<sup>th</sup> Avenue over the C-8 Canal South to N.W. 151 Street; and

**WHEREAS**, completion of the extension to N.W. 151 Street requires the purchase of privately held land adjacent to N.W. 151<sup>st</sup> Street, and the acquisition of land, or a perpetual easement from the Miami-Dade Aviation Department; and

**WHEREAS**, on January 29, 2019, the Town held a workshop to discuss the possible need to move forward with the purchase or eminent domain process of private property and discussed different purchase or eminent domain options; and

**WHEREAS**, during the February 2019 Town Council Meeting, the Council determined that the purchase or eminent domain of the property described in Exhibit “A,” is the most suitable to allow for the connectivity of N.W. 59<sup>th</sup> Avenue; and

**WHEREAS**, the Town Council finds that acquisition of fee simple title to the property described in Exhibit “A” serves a public purpose and is necessary for the connectivity of the Town’s transportation system; and

**WHEREAS**, the Town Council, through the process of public meetings, has considered costs, long-range area planning and, other factors relevant to acquisition; and

**WHEREAS**, the Town Council finds that it is necessary to take legal action and employ legal counsel, real estate appraisers, rights-of-way consultants, and other necessary experts to accomplish such acquisition; and

**WHEREAS**, the Town Council is authorized by Sections 166.401 and 166.411 Florida Statutes to exercise the right and power of eminent domain.

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

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

**Section 2.**     **Public Purpose and Necessity.** It is hereby declared that it is necessary to acquire, through negotiated conveyance or eminent domain, fee simple title to the subject property described in Exhibit “A.” It is further declared that acquisition of the subject property serves a public purpose and is necessary for the development and expansion of the Town’s transportation network by allowing connectivity of its roadways.

**Section 3.**     **Authorization to Initiate Proceedings.** The Town Attorney and all others acting on his behalf are authorized initiate eminent domain proceedings pursuant to Chapters 73,74, and 166, Florida Statutes, and to file petitions, pleadings, affidavits, declarations of taking and any other documents authorized by Florida Statute or rule of court to accomplish the acquisition as described herein.

**Section 4.**     **Authorization to Engage Professionals.** The Town Attorney and all others action on his behalf are authorized to contract with outside counsel, real estate appraisers, land planners, engineers title examiners and other expert witnesses and consultants in connection with eminent domain proceedings.

**Section 5.**     **Authorization to Take other Necessary Action.** The Town Manager and Town Attorney and all others acting on their behalf are authorized to take such further actions as are reasonably required to fully accomplish the purposes hereinabove directed.

**Section 6.**     **Effective Date.** This Resolution shall be effective immediately upon adoption.

**THIS SPACE INTENTIONALLY LEFT BLANK**

Passed and adopted this 9<sup>th</sup> day of April 2019

The foregoing resolution was offered by Councilmember Dieguez who moved its adoption. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

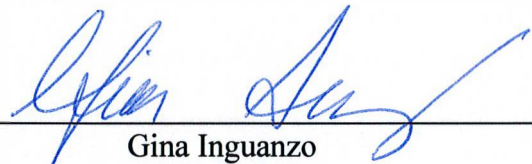
Mayor Manny Cid	<u>yes</u>
Vice Mayor Nelson Rodriguez	<u>yes</u>
Councilmember Carlos O. Alvarez	<u>yes</u>
Councilmember Luis Collazo	<u>yes</u>
Councilmember Josh Dieguez	<u>yes</u>
Councilmember Jeffrey Rodriguez	<u>yes</u>
Councilmember Marilyn Ruano	<u>absent</u>



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Manny Cid  
MAYOR


Attest:



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Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:



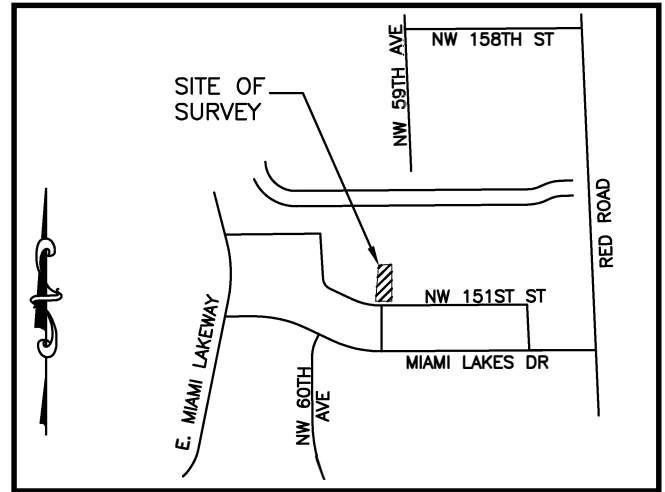
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Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
TOWN ATTORNEY

**EXHIBIT "A"**  
**SURVEY AND LAND DESCRIPTION**

**LEGEND:**

- BK. BOOK
- CHK. CHECKED
- DWG. DRAWING
- L ARC LENGTH (CURVE)
- LB LICENSED BUSINESS
- M.D.C.R. MIAMI-DADE COUNTY RECORDS
- O.R.B. OFFICIAL RECORDS BOOK
- P.A. PROFESSIONAL ASSOCIATION
- P.B. PLAT BOOK
- PG. PAGE
- P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
- R RADIUS (CURVE)
- SQ. FT. SQUARE FEET
- Δ DELTA/CENTRAL ANGLE (CURVE)



**LOCATION SKETCH**  
(NOT TO SCALE)

**LEGAL DESCRIPTION:**

LOT 12, BLOCK 2, MIAMI LAKES INDUSTRIAL PARK SECTION FIVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 93, PAGE 96, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SAID LANDS LYING IN THE TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA. CONTAINING 36,051 SQUARE FEET MORE OR LESS.

**SURVEY NOTES:**

1. NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. BEARING'S SHOWN HEREON ARE RELATIVE TO THE PLAT OF MIAMI LAKES INDUSTRIAL PARK SECTION FIVE, PLAT BOOK 93, PAGE 96, MIAMI-DADE COUNTY RECORDS. REFERENCE BEARING OF N87°00'45"E ALONG THE NORTH LINE OF BLOCK 2.
3. THIS IS NOT A SURVEY.
4. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
5. INTERIOR IMPROVEMENTS NOT SHOWN.
6. THIS SKETCH DOES NOT IDENTIFY THE LIMITS OR EXTENT OF POTENTIAL JURISDICTIONAL BOUNDARIES.
7. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.

**CERTIFICATE:**

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION AS DELINEATED UNDER MY DIRECTION ON MARCH 7, 2019. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH AND SCHNARS, P.A.  
ENGINEERS-PLANNERS-SURVEYORS

BY: DONALD A. SPICER, P.S.M.  
FLORIDA REGISTRATION NO. 4677

Z:\Projects\18195\10\_NW 59TH STREET\SURVEY\CAD\18195\_10\_LOT 12\_SD.dwg

**SKETCH OF DESCRIPTION**

LOT 12, BLOCK 2  
MIAMI LAKES INDUSTRIAL PARK  
SECTION FIVE  
P.B. 93, PG. 96, M.D.C.R.  
TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA

DATE	3/7/2019	DATE	REVISIONS
SCALE	AS SHOWN		
FIELD BK.	N/A		
DWG. BY	DAS		
CHK. BY	RKK		



LB 1337  
6500 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FL. 33309-2132 (954)776-1616  
SHEET NO. 1 OF 2 SHEETS  
PROJECT NO. 18195L

TRACT "P"  
**MIAMI LAKES INDUSTRIAL PARK**  
**SECTION THREE**  
 P.B. 85, PG. 62, M.D.C.R.  
 FOLIO: 32-2024-011-0101  
 OWNER: MIAMI-DADE COUNTY AVIATION DEPARTMENT

N87°00'45"E  
 107.63'

FOLIO: 32-2024-015-0190  
 OWNER: HORIZON PROPERTIES

FOLIO: 32-2024-015-0230  
 OWNER: CORPORATE COURTS AT MIAMI LAKES, INC.  
 O.R.B. 16937, PG. 2501, M.D.C.R.

**LOT 12**  
 (36,051 SQ. FT.)

FOLIO: 32-2024-015-0210  
 OWNER: TSC INVESTMENTS, LLC  
 O.R.B. 24346, PG. 2529, M.D.C.R.

LOT 11

LOT 13

N05°10'54"E  
 295.24'

N00°01'39"E  
 301.84'

MIAMI LAKES INDUSTRIAL PARK  
 BLOCK 2  
 SECTION FIVE  
 P.B. 93, PG. 96, M.D.C.R.

$\Delta=5^{\circ}09'15''$   
 $R=525.00'$   
 $L=47.23'$

N89°58'21"E  
 86.82'

10' UTILITY EASEMENT PER P.B. 93, PG. 96

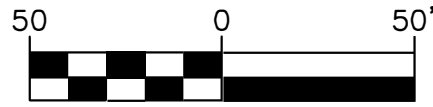
NW 151ST STREET

NW 59TH COURT

10' UTILITY EASEMENT PER P.B. 93, PG. 96



GRAPHIC SCALE



( IN FEET )

Z:\Projects\18195\10\_NW 59TH STREET\SURVEY\CAD\18195\_10\_LOT 12\_SD.dwg

**SKETCH OF DESCRIPTION**

LOT 12, BLOCK 2  
 MIAMI LAKES INDUSTRIAL PARK  
 SECTION FIVE  
 P.B. 93, PG. 96, M.D.C.R.  
 TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA

DATE	3/7/2019
SCALE	AS SHOWN
FIELD BK.	N/A
DWG. BY	DAS
CHK. BY	RKK

DATE	REVISIONS



LB 1337  
 6500 NORTH ANDREWS AVENUE  
 FORT LAUDERDALE, FL. 33309-2132 (954)776-1616  
 SHEET NO. 2 OF 2 SHEETS  
 PROJECT NO. 18195L