

**RESOLUTION 19 - 1627**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AUTHORIZING THE TOWN ATTORNEY TO TAKE ANY AND ALL REASONABLE MEASURE TO DEFEND, ADVOCATE AND LITIGATE AGAINST ANY ENTITY, PUBLIC OR PRIVATE, THAT DIRECTLY OR INDIRECTLY ADVOCATES FOR A CONNECTION OF N.W. 170<sup>th</sup> STREET OVER INTERSTATE 75, PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR INSTRUCTIONS TO TOWN MANAGER; PROVIDING FOR AUTHORIZATION TO TOWN ATTORNEY; PROVIDING AUTHORIZATION TO TOWN OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, N.W. 170<sup>th</sup> Street, is the northern boundary of the Town of Miami Lakes (the “Town”); and

**WHEREAS**, on February 11, 2003, the Town adopted Resolution No 03-11, which authorized the transfer of local roads including N.W. 170<sup>th</sup> Street from Miami-Dade County to the Town; and

**WHEREAS**, under the 2003 Road Transfer Agreement, Miami-Dade County transferred the obligation over the operation, maintenance, planning, design, and construction of any road segments to the Town; and

**WHEREAS**, on December 19, 2003, the Town adopted its Comprehensive Development Master Plan (“CDMP”), which included goals, objectives and policies regarding development, land use, and transportation; and

**WHEREAS**, the CDMP Transportation Element addressed the need for cooperation with State and local planning agencies including Miami-Dade County regarding the Town’s

transportation network, including the need for maintenance and improvements to N.W. 170<sup>th</sup> Street; and

**WHEREAS**, the Town has learned of plans from Miami-Dade County to permit, open and allow for vehicular traffic to flow from the west side of N.W. 170<sup>th</sup> Street at Interstate 75 across a bridge and into the east side of Interstate 75 (“I-75) and N.W. 170<sup>th</sup> Street, through Miami Lakes; and

**WHEREAS**, during 2018 the Town contracted with Lochner to complete a traffic study regarding the impact of opening a bridge over N.W. 170<sup>th</sup> Street at I-75; and

**WHEREAS**, the Lochner traffic study concluded that without necessary infrastructure which include improvements on N.W. 87<sup>th</sup> Avenue, on ramps to the Gratigny Expressway, underpasses under State Road 826 (the “Palmetto”), the opening of N.W. 170<sup>th</sup> Street would cause a degradation in the level of service at N.W. 170<sup>th</sup> Street; and

**WHEREAS**, during the August 19, 2019 Special Call Meeting, the Town Council listened to public comments from certain residents regarding possible re-design of N.W. 170<sup>th</sup> Street that would allow an on-ramp to I-75 and provide traffic relief; and

**WHEREAS**, to date, the County has not made any attempt to discuss or coordinate any plan to connect a bridge over I-75 at N.W. 170<sup>th</sup> Street, or any road improvements to N.W. 170<sup>th</sup> Street; and

**WHEREAS**, the County’s actions to proceed with the opening of a bridge over I-75 at N.W. 170<sup>th</sup> Street is a breach of Miami-Dade County’s 2003 Road Transfer Agreement with the Town; and

**WHEREAS**, the opening of a bridge connecting N.W. 170<sup>th</sup> Street over I-75 will have a material negative impact on the Town and its residents, and is contrary to public policy; and

**WHEREAS**, the Town Council believes that it is in the best interest of the Town to review the possibility of a re-design of N.W. 170<sup>th</sup> Street to allow for an on-ramp to I-75; and

**WHEREAS**, the Town Council believes it is in the Town's best interest for the Town Attorney to take appropriate measures to prevent the opening of a bridge connecting N.W. 170<sup>th</sup> Street over I-75, including the initiation of the conflict resolution procedures of Florida Statute Chapter 164 and Florida Statute 186.509, all legal and administrative actions, seeking all available remedies including but not limited to injunctive relief.

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

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

**Section 2. Authorization of Town Attorney.** The Town Attorney is authorized to take all necessary actions to prevent Miami-Dade County from continuing its efforts to open N.W. 170<sup>th</sup> Street over I-75, and further to take any action necessary to prevent the opening of a connecting bridge at N.W. 170<sup>th</sup> Street and I-75, including but not limited to initiation of the conflict resolution procedures as set forth in Chapter 164 of Florida Statutes, and Florida Statute § 186.509, the filing of legal action against all private or public entities, under Administrative, County, State and Federal Law, and to seek any and all remedies available under the law, including but not limited to injunctive relief .

**Section 3. Instructions to Town Manager.** The Town Manager is instructed to look into possible alternative designs for N.W. 170<sup>th</sup> Street, including the addition of an on-ramp to I-75 at N.W. 170<sup>th</sup> Street.

**Section 4. Authorization of Town Official.** The Town Manager and/or his designee and the Town Attorney are authorized to take all actions necessary to implement this resolution.

**Section 5. Authorization to Expend Budgeted Funds.** The Town Manager is authorized to expend budgeted funds.

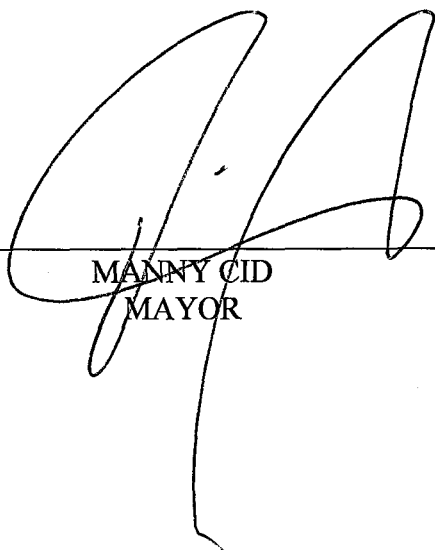
**Section 6. Effective Date.** This Resolution shall be effective immediately upon adoption.

**\*\*\*\*\* THIS PORTION HAS BEEN LEFT INTENTIONALLY BLANK \*\*\*\*\***

Passed and adopted this 19th day of August 2019

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

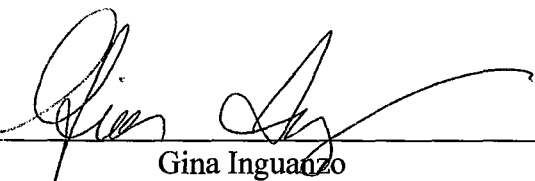
Mayor Manny Cid	yes
Vice Mayor Nelson Rodriguez	yes
Councilmember Carlos O. Alvarez	yes
Councilmember Luis Collazo	yes
Councilmember Josh Dieguez	yes
Councilmember Jeffrey Rodriguez	yes
Councilmember Marilyn Ruano	yes



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MANNY CID  
MAYOR

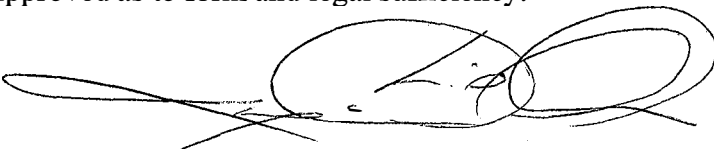
Attest:



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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