

ORDINANCE NO. 23-319

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR A SHORT TERM INTERFUND LOAN FROM UNRESTRICTED GENERAL FUND BALANCE TO CAPITAL PROJECT FUND 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. (PIDERMANN)

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 TSC 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, the Town and TSC Investments, LLC have entered into settlement discussions and mediation; and

WHEREAS, according to the most recent appraisal obtained by the Town on April 5, 2021, the fair market value of 5951 N.W. 151st Street, Miami Lakes, Florida 33014 is \$2,180,000.00 which has likely increased given market conditions; and

WHEREAS, the N.W. 59th Avenue Roadway Extension Project’s budget provides for the eminent domain process or negotiated purchase, and is partially 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, the Town maintains General Fund unrestricted budget reserves in the amount of \$3,395,604 for unforeseen or extraordinary need; and

WHEREAS, in order to complete the purchase of said property, whether by the eminent domain taking or by a successful negotiation with the property owner; 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 up to \$2,500,000 from Unrestricted Fund Balance in the General Fund to the Capital Projects 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, the fund-balance loan transfer shall be repaid to the General Fund in no less than three hundred and sixty-five (365) calendar days; and

WHEREAS, the Town Council may extend the 365 day repayment deadline via Resolution.

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 up to \$2,500,000 from General Fund, Fund Balance reserves to Capital Projects Fund for the exclusive use of the N.W. 59th Avenue Roadway Extension Project.

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. The Town Manager shall report this transfer to the Town Council on the next business day following the transfer, via electronic mail (e-mail) and shall also report this transfer on the next Regular Council Meeting agenda, under the *Manager's Report* section of the agenda.

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 Garcia and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	No
Vice Mayor Carlos O. Alvarez	Absent
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Ray Garcia	Yes
Councilmember Marilyn Ruano	Yes

Passed and adopted on first reading this 10th day of October 2023.

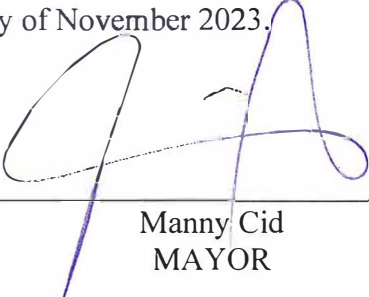
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SECOND READING

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

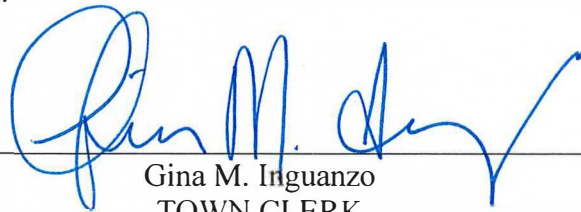
Mayor Manny Cid	No
Vice Mayor Tony Fernandez	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Luis E. Collazo	No
Councilmember Josh Dieguez	Yes
Councilmember Ray Garcia	Yes
Councilmember Marilyn Ruano	Yes

Passed and adopted on second reading this 14th day of November 2023.



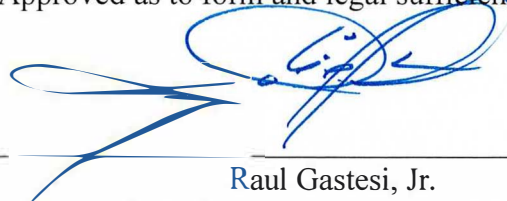
Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



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