

RESOLUTION NO. 11-872

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; APPROVING TENTATIVE SETTLEMENT TERMS BETWEEN THE TOWN OF MIAMI LAKES AND PROPERTY OWNER IN CONNECTION WITH MIAMI-DADE COUNTY EMINENT DOMAIN PROCEEDINGS; DIRECTING STAFF TO PREPARE AND PROCESS AN APPROPRIATE PROPERTY DEVELOPMENT AGREEMENT IN ACCORDANCE WITH STATE LEGAL REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Betty L. Dunn and F69 1, LLC (together, the “Property Owner”), are the legal and equitable owner of those certain parcels of land, located at the Northwest and Northeast corners of proposed Northwest 87 Avenue and Northwest 154 Street within the boundaries of the Town and identified by Miami-Dade County Tax Folio No. 32-2016-000-0020 (“Dunnwoody Lake”) and 32-2015-001-0500 (“Dunnwoody Forest”) (hereinafter, the “Property”); and

WHEREAS, Miami-Dade County (the “County”) has initiated eminent domain proceedings, (styled as *Miami-Dade County v. The Genet Family Limited Partnership No. 2*, Case No. 08-51917 CA 20 in the Circuit Court of the 11th Judicial Circuit – (the “Litigation”) against the Property Owner to acquire the required right-of-way for the development of Northwest 87 Avenue; and

WHEREAS, both the Property Owner and the Town of Miami Lakes (the “Town”) are parties to the Litigation and to avoid the expense of continued litigation, wish to enter into a settlement agreement to partially settle said Litigation; and

WHEREAS, Ordinance 02-26 approved a site plan for Dunwoody Lake without reserving or approving concurrency; and

WHEREAS, the Town desires the construction of the Northwest 87 Avenue Right-Of-Way by Miami-Dade County or Property Owner, and this construction is a material inducement for the Town to negotiate a settlement agreement; and

WHEREAS, the Property Owner and Town mutually desire to work together and with Miami-Dade County to expeditiously transfer the right-of-way and construct and improve the Northwest 87 Avenue Right-of-Way in its entirety; and

WHEREAS, the Town Manager was directed to negotiate with the Property Owner in an effort to resolve the issues; and

WHEREAS, the Town Manager has recommended terms for settlement and desires direction from the Town Council; and

WHEREAS, the concurrency reservations which may be granted in the proposed agreement shall be limited to reservations for transportation and parks and recreation public facilities; and

WHEREAS, the Council wishes to direct the Town Manager to draft an agreement generally consistent with the terms proposed by the Town Manager, in compliance with the Florida Local Government Development Agreement Act, Sections 163.3220-163.3243, Florida Statutes (the "Act"); and

WHEREAS, the Town Manager shall bring a proposed agreement to the Town Council for consideration at two public hearings, in compliance with Section 163.3225 of the Act; and

WHEREAS, the Town Council finds that approval of this Resolution serves a public purpose and is in the best interest of the Town.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Direction To Town Officials. The Town Manager and Town Attorney are directed to prepare a proposed development agreement consistent with the terms and guidelines provided below, in compliance with Florida Statutes and, further, to provide for appropriate review and adoption procedures in returning a proposed development agreement to the Council for final consideration.

- A. The Property Owner will convey the right of way subject to the Litigation to the county.
- B. The Property Owner will lower the vegetation surrounding Dunnwoody Forrest Hammock and will provide public access to the Hammock.
- C. The Property Owner will convey the right of way at the 87th Avenue—NW 154 Street intersection to the Town and reimburse the Town for the cost of constructing improvements concurrent with the issuance of permits for the Dunns' development but no later than January 2020.
- D. The Property Owner will provide the Town with a continuing right of first refusal for the purchase of the Dunwoody Forrest property and provide financing if the Town exercises such right.
- E. The Property Owner will construct an 8,000 square foot shell building and convey the same to the town for use as a Senior Center and may apply for a site plan modification providing for an increase of 32,000 square feet of commercial

development approval (for a total of 140,000 square feet including the Senior Center) on the Dunwoody Lake site with construction of the Senior Center to occur concurrent with the commercial development of the site.

- F. The Property Owner will contribute \$300,000 to the Town for educational purposes.
- G. The Property Owner will negotiate with the county a for a timetable for completion of NW 87th Ave.
- H. The Property Owner will construct any additional improvements identified in their traffic analysis that are necessary to meet traffic concurrency.
- I. The Property Owner will dedicate 5.35 acres of land to the Town if it desires to also include parks concurrency in the development order.
- J. The Town will reserve transportation concurrency for the development for 20 years.
- K. If the Property Owner chooses to dedicate land pursuant to I, for parks and recreation, the Town will reserve parks and recreation concurrency for a period of 20 years.
- L. Said terms are in addition to those terms and conditions which are part of any deed restrictions currently in place on any of the Property.

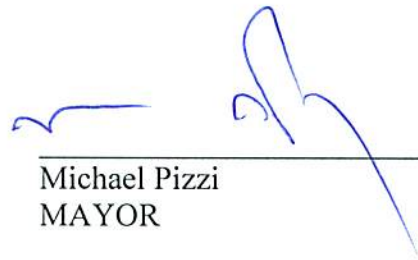
Section 3. **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 25 day of January, 2011.


Motion to adopt by Perdomo, second by Collins.

FINAL VOTE AT ADOPTION


Mayor Michael Pizzi yes
Vice Mayor Nick Perdomo yes
Councilmember Mary Collins yes
Councilmember Tim Daubert yes
Councilmember Nelson Hernandez yes
Councilmember Ceasar Mestre yes
Councilmember Richard Pulido Absent



Michael Pizzi
MAYOR

ATTEST: 

TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:


TOWN ATTORNEY
Weiss, Serota, Helfman, Pastoriza,
Cole & Boniske, P.L.