

RESOLUTION No. 18-75

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, FINDING THAT ACQUISITION, THROUGH NEGOTIATED CONVEYANCE OR EMINENT DOMAIN, OF THE PRIVATE PROPERTY DESIGNATED AS PARCEL 1, SERVES A PUBLIC PURPOSE AND IS NECESSARY FOR ROADWAY EXPANSION, BEAUTIFICATION, AND CONSTRUCTION OF RELATED IMPROVEMENTS ALONG NW 112 AVENUE FROM NW 34 STREET TO NW 41 STREET; AUTHORIZING THE CITY ATTORNEY AND OTHERS ACTING ON HIS BEHALF TO INITIATE EMINENT DOMAIN PROCEEDINGS; AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY AND OTHERS ACTING ON THEIR BEHALF TO RETAIN EXPERT WITNESSES AND CONSULTANTS, AND TO TAKE ALL FURTHER ACTIONS THAT ARE REASONABLY REQUIRED TO ACQUIRE THE PRIVATE PROPERTY DESCRIBED IN EXHIBIT “A” AND IMPLEMENT THE PURPOSES OF THE RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the “City”), through its City Council (“Council”), is committed to providing a safe, convenient, and efficient multi-modal transportation system for its residents and visitors by constructing necessary transportation improvements, and by coordinating such improvements with proposed new developments, Miami-Dade County, and the State of Florida; and

WHEREAS, the City’s Transportation Master Plan and NW 112th Avenue Extension Study recommend expansion of NW 112th Avenue as a critical component of the City’s transportation network, thereby enhancing safe transit and promoting efficient movement of people and goods throughout the City; and

WHEREAS, the Council considered expanding routes along NW 107th Avenue, NW 114th Avenue, and NW 112th Avenue in evaluating a north-south transportation system under the City’s Transportation Master Plan and NW 112th Avenue Extension Study, but chose NW 112th Avenue as the preferred route for the Project based on various

factors analyzed; and

WHEREAS, the City has formulated and evaluated a proposed project to expand, beautify, and construct improvements to connect NW 112th Avenue between NW 34th Street and NW 41st Street by building a four lane section of road and improving it with sidewalks, curbs and gutters, shared used path, signing and pavement, and a continuous storm drainage system (“Project”); and

WHEREAS, in order to construct the Project, the Council finds that it is necessary to acquire absolute fee simple title to Parcel 1, as legally described in Exhibit “A” and shown on the parcel sketch on Exhibit “B,” and that such acquisition serves a public purpose and is necessary for roadway expansion, beautification, and construction of related improvements along NW 112th Avenue from NW 34th Street to NW 41st Street; and

WHEREAS, the Council finds that construction of the Project will provide a fiscal and economic benefit to the City; and

WHEREAS, the Council has determined that the Project addresses long-range planning and safety needs of the City; as discussed in both the Transportation Master Plan and the NW 112th Avenue Extension Study; and

WHEREAS, the Council has determined that the Project addresses environmental factors as described in section 8.2 of the NW 112th Avenue Extension Study; and

WHEREAS, the Council finds that it is necessary to take legal action and employ legal counsel, real estate appraisers, and other experts to accomplish acquisition of property through negotiated conveyance, or its power of eminent domain; and

WHEREAS, the Council is authorized by Sections 166.401 and 166.411, Florida

Statutes, to exercise the right and power of eminent domain to acquire property for roadway expansion, beautification, and construction of related improvements along NW 112th Avenue from NW 34th Street to NW 41st Street.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Declaration. It is hereby declared that it is necessary to acquire, through negotiated conveyance or eminent domain, absolute fee simple title to the property described as Parcel 1, as legally described in Exhibit "A" and shown on the parcel sketch on Exhibit "B," for roadway expansion, beautification, and construction of related improvements along NW 112th Avenue from NW 34th Street to NW 41st Street. It is further declared that acquisition of such parcel serves a public purpose.

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

Section 4. Implementation. The City Manager and City Attorney and all others acting on their behalf are authorized to retain expert witnesses and consultants and to take such further actions as are reasonably required to fully accomplish the purposes hereinabove directed.

Section 5. Effective Date. This resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Vice Mayor Rodriguez who moved its adoption.

The motion was seconded by Councilmember Mariaca and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Ana Maria Rodriguez	Yes
Councilman Pete Cabrera	Absent/Excused
Councilwoman Christi Fraga	Yes
Councilwoman Claudia Mariaca	Yes

PASSED AND ADOPTED this 9 day of May, 2018.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, CMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY

EXHIBITS

EXHIBIT "A"

Sketch to Accompany Legal Description For City of Doral

Legal Description:

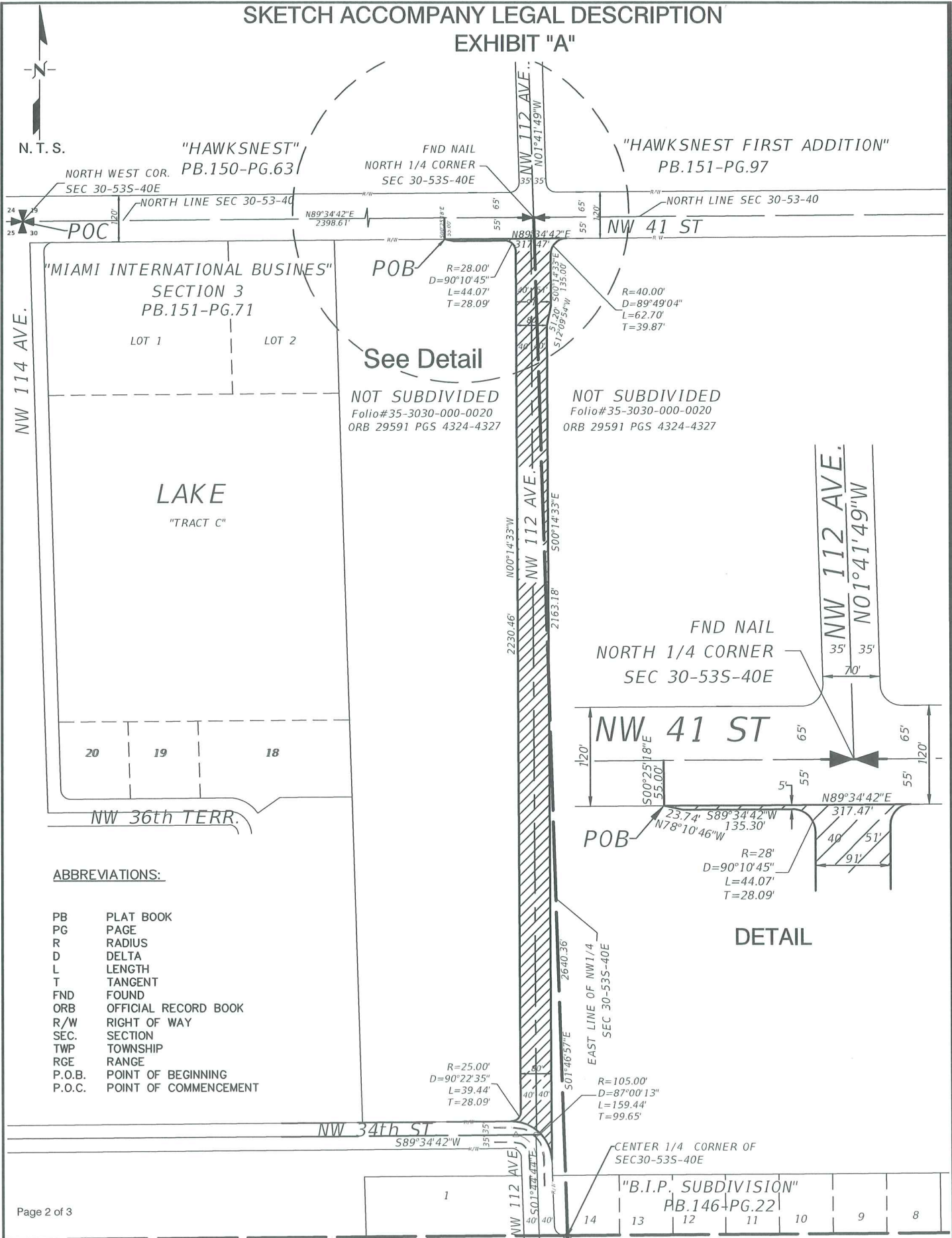
A Parcel of land in Section 30, Township 53 South, Range 40 East, Miami-Dade County, Florida, more particularly described as follows:

Commence at Northwest corner of said Section 30; thence North $89^{\circ}34'42''$ East, 2,398.61 feet, along the North line of said Section, also being the basis of bearing; thence South $00^{\circ}25'18''$ East, 55.00 feet to South Right of Way line of NW 41 Street, and the POINT OF BEGINNING; thence North $89^{\circ}34'42''$ East, along said Right of Way line, 317.47 feet, to the cusp of a curve concave Southeasterly; thence Southwesterly 62.70 feet along the arc of said curve, having a Radius of 40.00 feet and a central angle of $89^{\circ}49'04''$; subtended by a chord having a length of 56.48 feet and bearing South $44^{\circ}39'59''$ West, to a point of tangency; thence South $00^{\circ}14'33''$ East, a distance of 135.00 feet; thence South $12^{\circ}09'54''$ West, a distance of 51.20 feet; thence South $00^{\circ}14'33''$ East, a distance of 2,163.18 feet to a point on curve of East Right of Way line of NW 112 Avenue; thence Northwesterly 159.44 feet along said curve, concave Southwesterly, having a Radius of 105.00 feet and a central angle of $87^{\circ}00'13''$, subtended by a chord having a length of 144.56 feet and bearing North $46^{\circ}55'12''$ West, to a point of tangency and point of cusp of a curve concave Northwesterly; thence Northeasterly 39.44 feet along said curve, having a Radius of 25.00 feet and a central angle of $90^{\circ}22'35''$, subtended by chord having a length of 35.47 feet and a bearing North $44^{\circ}56'51''$ East, to a point of tangency; thence North $00^{\circ}14'33''$ West, 2,230.46 feet, to a point of curvature; thence Northwesterly 44.07 feet along the arc of a curve, concave Southwesterly, having a Radius of 28.00 feet and a central angle of $90^{\circ}10'45''$, subtended by a chord having a length of 39.66 feet and a bearing of North $45^{\circ}19'56''$ West, to the point of tangency; thence South $89^{\circ}34'42''$ West, 135.30 feet; thence North $78^{\circ}10'46''$ West, 23.74 feet, to the POINT OF BEGINNING.

Containing 189,170 sq. ft., 4.342 acres more less.

SKETCH ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A"



N.T.S.

"HAWKSNEST"
PB.150-PG.63

"HAWKSNEST FIRST ADDITION"
PB.151-PG.97

NORTH WEST COR.
SEC 30-53S-40E

FND NAIL
NORTH 1/4 CORNER
SEC 30-53S-40E

NORTH LINE SEC 30-53-40

NORTH LINE SEC 30-53-40

POC

N89°34'42"E
2398.61'

NW 41 ST

"MIAMI INTERNATIONAL BUSINES"
SECTION 3
PB.151-PG.71

POB
R=28.00'
D=90°10'45"
L=44.07'
T=28.09'

R=40.00'
D=89°49'04"
L=62.70'
T=39.87'

LOT 1 LOT 2

See Detail

NOT SUBDIVIDED
Folio#35-3030-000-0020
ORB 29591 PGS 4324-4327

NOT SUBDIVIDED
Folio#35-3030-000-0020
ORB 29591 PGS 4324-4327

LAKE

"TRACT C"

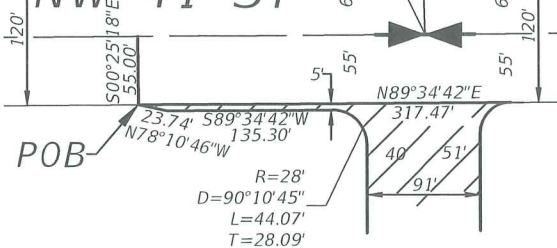
20 19 18

NW 36th TERR.

FND NAIL
NORTH 1/4 CORNER
SEC 30-53S-40E

NW 41 ST

NW 112 AVE.
N01°41'49"W



DETAIL

ABBREVIATIONS:

- PB PLAT BOOK
- PG PAGE
- R RADIUS
- D DELTA
- L LENGTH
- T TANGENT
- FND FOUND
- ORB OFFICIAL RECORD BOOK
- R/W RIGHT OF WAY
- SEC. SECTION
- TWP TOWNSHIP
- RGE RANGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

R=25.00'
D=90°22'35"
L=39.44'
T=28.09'

R=105.00'
D=87°00'13"
L=159.44'
T=99.65'

NW 34th ST
S89°34'42"W

CENTER 1/4 CORNER OF
SEC30-53S-40E

"B.I.P. SUBDIVISION"
PB.146-PG.22

Sources of Data:

The legal description was generated with reference from:

- MicroStation and Geopak CAD files provided by BCC Engineering, Inc. (alnrd01.dgn, dsgrd01.dgn, textrd01.dgn, mtlrd01.dgn and job112.gpk)
- Miami-Dade County Township 53 South, Range 40 East Map,
- Plat Books 146-22, 150-63, 151-8, 151-71, 151-97 and 155-53 as recorded in Miami-Dade County, Florida.
- Bearings shown hereon are based on the North line of Section 30, Township 53 South, Range 40 East, with a bearing of N 89°34'42" E.

Easements and Encumbrances:

No information was searched or provided as to the existence of easements.

Limitations:

No information other than is cited in the Sources of Data were furnished. The Client is hereby advised that there may legal restrictions on the subject property not shown on the Sketch or contained herein.

This document does not represent a field boundary survey of the described property, or any part thereof.

Surveyor's Certificate:

I hereby certify: That this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to rule 5J-17 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By  Date: 4/12/10
Pete Diaz, P.S.M. LS #6052

NOTICE: Not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others.