

RESOLUTION NO. 2019-_____

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. 59th 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 59th avenue connectivity south to N.W. 154th street; and

WHEREAS, the N.W. 59th 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. 59th avenue extension project includes the design and construction of a bridge and roadway improvement extending N.W. 59th 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. 151st 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. 59th 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 Section has been left intentionally blank *****

Passed and adopted this ____ day of April, 2019

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

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

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

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

EXHIBIT “A”
SURVEY AND LAND DESCRIPTION