

RESOLUTION NO. 19-_____

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. 154th STREET OVER INTERSTATE 75, PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Mayor Cid)

WHEREAS, N.W. 154th Street, also known as Miami Lakes Drive is the principal East-West artery of the Town of Miami Lakes' (the "Town") transportation network; and

WHEREAS, on February 11, 2003, the Town of Miami Lakes (the "Town") adopted Resolution No 03-11, which authorized the transfer of local roads including N.W. 154th Street from Miami-Dade County 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 regarding the Town's transportation network, including the need for maintenance and improvements to N.W. 154th Street and the desire to work with Miami-Dade County to maintain acceptable levels of service given the volume of traffic on N.W. 154th Street; and

WHEREAS, on April 19, 2006, Miami-Dade County (the "County") adopted Ordinance No. 06-43, which approved an application by the City of Hialeah ("Hialeah"), to amend the

County's Comprehensive plan in order create an interchange at N.W. 154th Street and Interstate 75 ("I-75"), and to open a connecting bridge via N.W. 154th Street over I-75; and

WHEREAS, on June 22, 2006, the State of Florida's Department of Community Affairs (the "Department") issued a Statement of Intent finding that the County's Ordinance was not in compliance with State law; and

WHEREAS, on July 10, 2006, the Department filed a Petition, with the State of Florida's Division of Administrative Hearing regarding the County's non-compliance, *Florida Department of Community Affairs v. Miami-Dade County, Case No. 06-2395GM*; and

WHEREAS, on July 13, 2006, the Town filed a Motion to Intervene in *Florida Department of Community Affairs v. Miami-Dade County, Case No. 06-2395GM*, supporting the Department's position of non-compliance and opposing the creation of an interchange and connection at N.W. 154th Street and I-75; and

WHEREAS, on July 11, 2007, Hialeah and the Town executed a settlement agreement in *Florida Department of Community Affairs v. Miami-Dade County, Case No. 06-2395GM*, with the approval and consent of the County; and

WHEREAS, in exchange for the Town's withdrawal of its Intervention in *Florida Department of Community Affairs v. Miami-Dade County, Case No. 06-2395GM*, Hialeah promised to request the withdrawal of an interchange at N.W. 154th Street and I-75 from its County application, and cooperate with the Town to ensure a prohibition over the creation of a N.W. 154th Street connection over I-75; and

WHEREAS, on July 26, 2016, the Town amended the Transportation Element of its CDMP, reaffirming its desire to ensure cooperation with State and local planning agencies regarding the Town's transportation network; and

WHEREAS, that amendment to Transportation Element specifically removed any language regarding the widening of N.W. 154th Street, and specifically excluded a N.W. 154th Street connection over Interstate 75 as part of its Transportation Improvement Plan; and

WHEREAS, on February 11, 2017, during a public meeting of the County's Board of Commissioners, Commissioner Jose Diaz discussed the creation of legislation to open a bridge connecting N.W. 154th Street over I-75; and

WHEREAS, upon information, during the month of August 2017 the Town learned that an item to open a bridge connecting N.W. 154th Street over I-75 would be discussed at the September 2017 County's Board of Commissioners meeting; and

WHEREAS, said proposed legislation was, and continues to be, contrary to agreements made between the Town and Hialeah in *Florida Department of Community Affairs v. Miami-Dade County, Case No. 06-2395GM* , of which the County is aware; and

WHEREAS, on August 14, 2017, the Town passed Resolution 17 – 1469, in order to allow the Town attorney to proceed with appropriate actions to prevent the opening of a bridge connecting N.W. 154th Street over I-75; and

WHEREAS, soon thereafter, and in accordance with Florida Law, the Town Attorney, Mayor, Manager, and County Attorney and Staff met to discuss the matter; and

WHEREAS, as a result no action was taken by the County's Board of County Commissioners to open a bridge connecting N.W. 154th Street over I-75; and

WHEREAS, recently the Town has learned of a renewed interest and push by the County to open a bridge connecting N.W. 154th Street over I-75; and

WHEREAS, the opening of a bridge connecting N.W. 154th Street over I-75 is inconsistent with the Town's Comprehensive Plan; and

WHEREAS, the opening of a bridge connecting N.W. 154th 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 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. 154th Street over I-75, including the initiation of the conflict resolution procedures as defined and explained in Florida Statutes Chapter 164 and Florida Statutes § 186.509, and all legal action otherwise necessary.

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 the Miami-Dade County' Board of County Commissioners from placing any items on its agenda concerning or referencing the opening of N.W. 154th Street over Interstate 75, and further to take any action necessary to prevent the opening of a connecting bridge at N.W. 154th Street and Interstate 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, and further, the filing of legal action against all private or public entities, and to seek any and all remedies available under the law, including but not limited to Administrative, County, State and Federal law.

Section 3. 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 4. Authorization to Expend Budgeted Funds. The Town Manager is authorized to expend budgeted funds.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

Passed and adopted this _____ day of _____ 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