

MEMORANDUM

Substitute
Agenda Item No. 12(A)(1)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

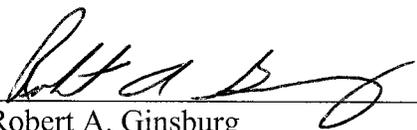
DATE: December 4, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution authorizing
settlement in County
Eminent Domain proceedings

The accompanying resolution was placed on the agenda by the County Attorney.

This substitute reflects the current updated appraisal figure.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: December 4, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Substitute
Agenda Item No. 12(A)(1)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 12(A)(1)
12-4-03

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN
COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY
ATTORNEY IN CONNECTION WITH THE ACQUISITION OF
LAND NEEDED FOR THE CONSTRUCTION OF THE
METRORAIL EXTENSION TO THE PALMETTO
EXPRESSWAY AND MULTI-MODAL FACILITY PROJECT
IN MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board by Resolution Nos. R-437-98 dated April 21, 1998 previously declared the acquisition of land needed for the construction of the Transit Way as part of the Westerly Extension of the Metrorail System from Okeechobee Road to the Palmetto Expressway and Multi-Modal Facility Project and is located in Miami-Dade County, Florida, to be a public necessity and authorized the acquisition of land therefor by eminent domain proceedings; and

WHEREAS, the owner of the parcel of land set forth in the attached land acquisition summary sheet has offered to settle for the figure specified therein; and

WHEREAS, the County Attorney hereby recommends the settlement amounts as set forth in the attached land acquisition summary sheet,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Attorney is hereby authorized to compromise and settle on behalf of the County claims against the County in eminent domain proceedings for the parcel and for substantially the terms and the amounts specified in the attached land acquisition summary sheet.

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

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein



LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION: Transit Way as part of the westerly extension of the Metrorail System and Metrorail Extension to the Palmetto Expressway and Multi-Modal Facility Project in Miami-Dade County, Florida

APPRAISERS: Robert E. Gallaher, M.A.I.

PARCEL NUMBERS: T-24

OWNERSHIP INTEREST: Rinker Materials Corporation, a Florida corporation

PARCEL AREA ACQUIRED AND TAX ASSESSMENT: 42,572 sq.ft., or 0.977 Ac/3.637 Ac.
\$712,972.00 for 1999

OFFICE OF PUBLIC TRANSPORTATION/PUBLIC WORKS' VALUATION: None

INDEPENDENT APPRAISAL: \$312,000.00 (Gallaher)

INITIAL OFFER TO OWNER: \$312,000.00

UPDATED APPRAISAL(S): \$620,123.00(See Remarks)

SPECIAL DAMAGES: See Remarks

ATTORNEY'S FEES AND COSTS: See Remarks

FULL COMPENSATION: \$780,000.00 (See Remarks)

OWNER'S APPRAISAL: \$1,526,000.00 (Roderick J. P. Gillis)

EXPOSURE: \$905,877.00

REMARKS: This parcel was settled as a result of two extensive mediation sessions. The settlement in the amount of \$780,000.00 as full compensation, includes the increased per square foot value of the property taken; severance damages to the property, plant equipment, and the operation of the batching plant, including plant repair, electric retrofit, storm water and waste water facility; and statutory interest due the defendants from July 30, 1999, date of possession of the property by the County to the date of final payment of award. The \$780,000.00 final award is, however, exclusive of statutory attorney's fees and costs.