

**MEMORANDUM**

Agenda Item No. 13(A)(1)

---

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** September 12, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution authorizing  
certain settlement in County  
eminent domain proceedings

---

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

  
Murray A. Greenberg  
County Attorney

MAG/bw



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** September 12, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 13(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

Agenda Item No. 13(A)(1)

Veto \_\_\_\_\_

9-12-06

Override \_\_\_\_\_

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 S.W. 26<sup>TH</sup> STREET (CORAL WAY) FROM S.W. 149<sup>TH</sup> AVENUE TO S.W. 147<sup>TH</sup> AVENUE IN MIAMI-DADE COUNTY, FLORIDA

**WHEREAS**, this Board by Resolution No. R-1088-03, dated October 7, 2003, previously declared the acquisition of land needed for the construction of S.W. 26<sup>th</sup> Street (Coral Way) from S.W. 149<sup>th</sup> Avenue to S.W. 147<sup>th</sup> Avenue, in Miami-Dade County, Florida, to be a public necessity and authorized the acquisition of land therefor by eminent domain proceedings; and

**WHEREAS**, the owners of the parcels of land set forth in the attached land acquisition summary sheet have offered to settle for the combined settlement figure specified therein; and

**WHEREAS**, the County Attorney hereby recommends the settlement amount 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 all claims against the County in eminent domain proceedings for the parcels 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:

Joe A. Martinez, Chairman  
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 12<sup>th</sup> day of September, 2006. 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:** S.W. 26th Street (Coral Way) from S.W. 149th Avenue to S.W. 147th Avenue in Miami-Dade County, Florida

**PARCEL NUMBERS:** 7 and 8

**OWNERSHIP INTEREST:** Parcel No. 7 – Royal Group Investment, Inc., a Florida corporation, and The Flemmington-Barrington Holding Corp., a Florida corporation, As Trustee  
Parcel No. 8 – Royal Group Investment, Inc., a Florida corporation, and Ubberrhurst Oberborg, Inc., a Florida corporation, as Trustee

**PARCEL AREA ACQUIRED:** Parcel No. 7 - 384 sq.ft.  
Parcel No. 8 – 51,187 sq.ft.

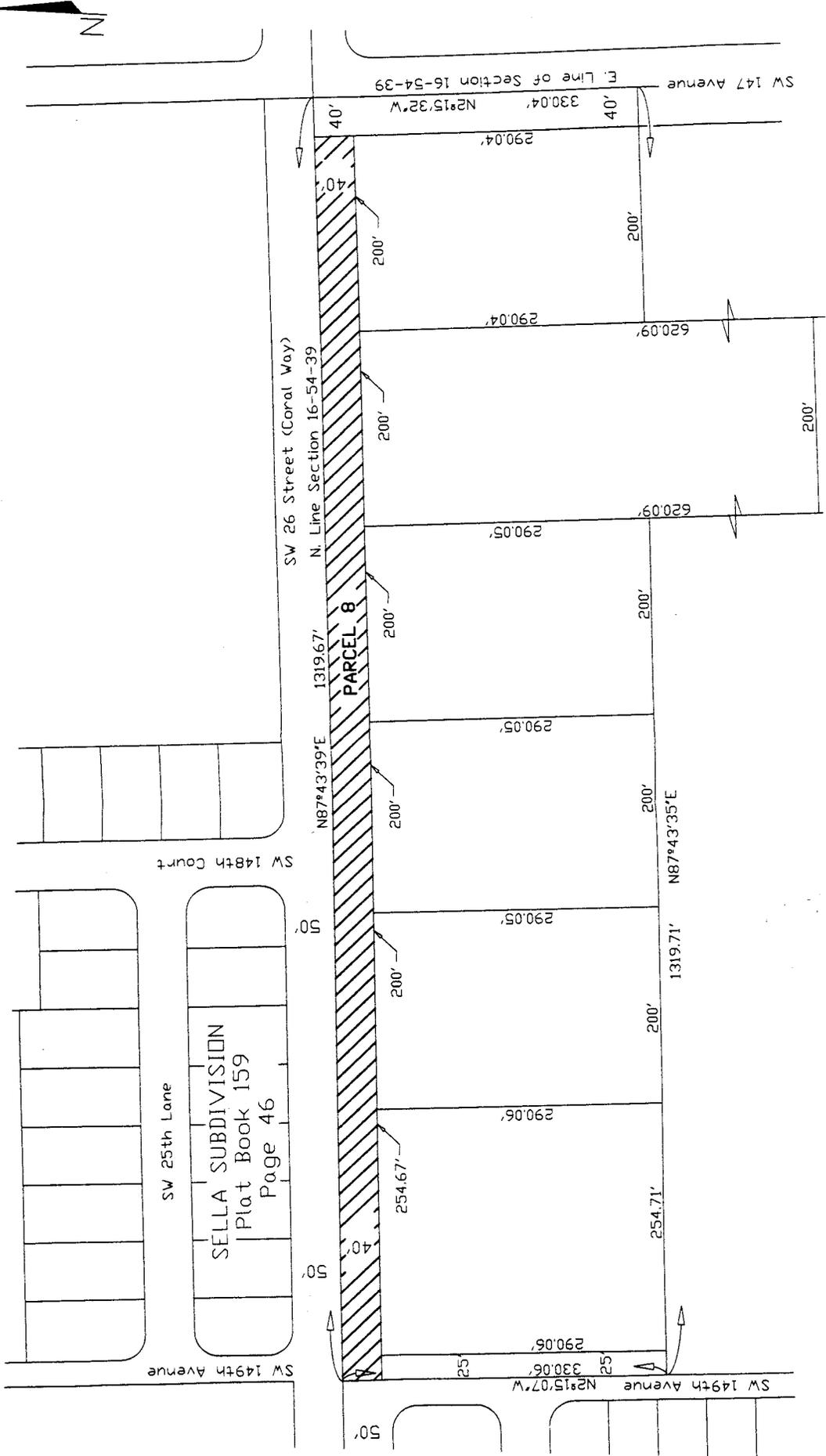
**OWNERS' APPRAISAL:** \$627,035.00 (Robert D. Miller)

**COUNTY'S APPRAISAL:** \$304,000.00 (Robert Gallaher)

**EXPOSURE TO COUNTY:** \$323,035.00

**SETTLEMENT AMOUNT:** The full compensation settlement for these two parcels is in the sum of \$462,586.50, which includes \$367,000.00 for the land acquired \$75,586.50 as statutory attorney's fees and costs including owner's appraiser's fee in the sum of \$20,000.00.





**To be acquired for R/W**  
**Parcel Area: 51,187 s.f. = 1.1751 Acres**  
**Parent Tract Area: 51,187 s.f. = 1.1751 Acres**

**NOTES:**  
 (R) Indicates bearings and distances based upon July 1965 Map of TOWNSHIP 54 S, RANGE 39 E prepared by: METROPOLITAN DADE COUNTY PUBLIC WORKS DEPARTMENT

A parcel of land in the N 1/2, N 1/2, NE 1/4, NE 1/4 of Section 16, Township 54 South, Range 39 East.

**NOT A SURVEY**  
 Scale: 1" = 100'  
**S.W. 28th Street (CORAL WAY)**  
 (SW 147th Ave. to S.W. 149th Ave.)  
 Project No. 20030229  
 Parcel No. 8

DATE	BY	REVISION
10/15/03	...	...
...	...	...
...	...	...
...	...	...

