

# MEMORANDUM

Agenda Item No. 13(A)(3)

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

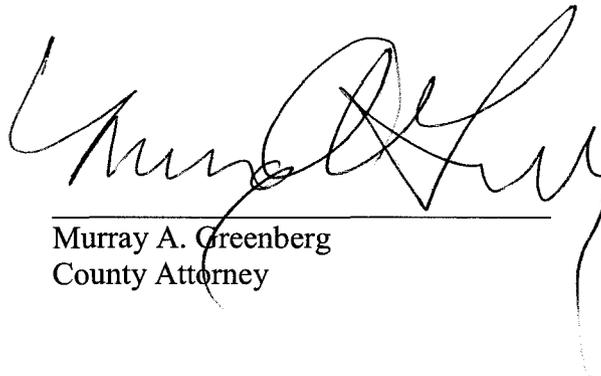
**DATE:** September 12, 2006

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

**SUBJECT:** Resolution authorizing  
certain settlement in County  
eminent domain proceedings-  
improvements to portion of  
West 137 Avenue

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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)(3)

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 \_\_\_\_\_

Agenda Item No. 13(A)(3)  
9-12-06

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS OF WEST 137 AVENUE FROM S.W. 8<sup>TH</sup> STREET (TAMIAMI TRAIL) TO N.W. 12<sup>TH</sup> STREET IN MIAMI-DADE COUNTY, FLORIDA

**WHEREAS**, this Board by Resolution No. R-389-03 dated April 22, 2003 previously declared the acquisition of land for the right-of-way needed for improvements of West 137 Avenue from S.W. 8 Street (Tamiami Trail) to N.W. 12<sup>th</sup> Street 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 sheets have offered to settle for the figure specified therein; and

**WHEREAS**, the County Attorney hereby recommends the settlement amount as set forth in the attached land acquisition summary sheets,

**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 amount specified in the attached land acquisition summary sheets.

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	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin 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**  
**PARCEL NO. 9**

**PROJECT LOCATION:** Widening and improvement of West 137 Avenue from S.W. 8 Street (Tamiami Trail) to N.W. 12 Street in Miami-Dade County, Florida

**PARCEL NUMBER:** 9

**OWNERSHIP INTEREST:** Silver Eagle Enterprises, Inc.

**PARCEL AREA ACQUIRED:** Parcel No. 9 (Fee) 4081sq. ft.

**COUNTY APPRAISAL:** J. Mark Quinlivan, MAI  
(\$4,650.00) (Land)

**OWNER(s) APPRAISAL:** Robert B. Miller  
\$24,486.00 (Land)

**EXPOSURE TO COUNTY:** \$19,836.00

**SETTLEMENT AMOUNT:** The full compensation settlement for This parcel is in the sum of \$37,919.14, which includes \$16,324.00 for the land acquired, \$3,852.42, as statutory attorney's fees and \$17,742.72 experts fees and costs. (See Comments)

**COMMENTS:** Land values more than doubled in the area from the time of the initial offer. Statutory attorney's fees is based on difference between initial offer and settlement figure. In addition to an appraiser's fee, property owner retained an engineer to deal with right-of-way and ingress-egress issues raised by the taking for location of curb cuts in light of existing operations.

**LAND ACQUISITION SUMMARY SHEET**  
**PARCEL NO. 10**

**PROJECT LOCATION:** Widening and improvement of West 137 Avenue from S.W. 8 Street (Tamiami Trail) to N.W. 12 Street in Miami-Dade County, Florida

**PARCEL NUMBER:** 10

**OWNERSHIP INTEREST:** The Machado Family Limited Partnership No. 3

**PARCEL AREA ACQUIRED:** Parcel No. 10 (Fee) 3217 sq. ft.

**COUNTY APPRAISAL:** J. Mark Quinlivan, MAI  
(\$3,700.00)(Land)

**OWNER(s) APPRAISAL:** Robert B. Miller  
\$19,302.00 (Land)

**EXPOSURE TO COUNTY:** \$15,602.00

**SETTLEMENT AMOUNT:** The full compensation settlement for this parcel is in the sum of \$23,067.90, which includes \$12,868.00 for the land acquired, \$3025.44 as statutory attorney's fees and \$7,174.46 experts fees and costs.

**COMMENTS:** Land values more than doubled in the area from the time of the initial offer. Statutory attorney's fees is based on difference between initial offer and settlement figure. In addition to an appraiser's fee, property owner retained an engineer to deal with right-of-way and ingress-egress issues raised by the taking for location of curb cuts in light of existing operations.

**LAND ACQUISITION SUMMARY SHEET**  
**PARCEL NO. 11**

**PROJECT LOCATION:** Widening and improvement of West 137 Avenue from S.W. 8 Street (Tamiami Trail) to N.W. 12 Street in Miami-Dade County, Florida

**PARCEL NUMBER:** 11

**OWNERSHIP INTEREST:** Alcides C. Morgado and Anely Morgado, his wife, and Alcides Morgado, Jr., and Mildred Morgado

**PARCEL AREA ACQUIRED:** Parcel No. 11 (Fee) 4001 sq. ft.

**COUNTY APPRAISAL:** J. Mark Quinlivan, MAI  
(\$4,550.00) (Land)

**OWNER(s) APPRAISAL:** Robert B. Miller  
\$24,006.00 (Land)

**EXPOSURE TO COUNTY:** \$19,456.00

**SETTLEMENT AMOUNT:** The full compensation settlement for this parcel is in the sum of \$24,703.32, which includes \$16,004.00 for the land acquired, \$3779.82 as statutory attorney's fees and \$4919.50 experts fees and costs.

**COMMENTS:** Land values more than doubled in the area from the time of the initial offer. Statutory attorney's fees is based on difference between initial offer and settlement figure. In addition to an appraiser's fee, property owner retained an engineer to deal with right-of-way and ingress-egress issues raised by the taking for location of curb cuts in light of existing operations.