

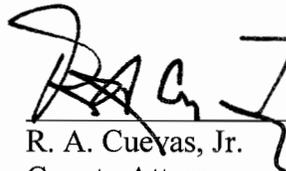
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: June 17, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution authorizing
the settlement of certain
inverse condemnation
proceedings by County
Attorney in connection with
the South Dade Busway
Expansion in Miami-Dade
County, Florida

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



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: June 17, 2008

FROM: R. A. Cuevas, Jr.
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
Veto _____
Override _____

Agenda Item No.13(A)(1)

6-17-08

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE SETTLEMENT
OF CERTAIN INVERSE CONDEMNATION
PROCEEDINGS FOR \$28,000.00 BY COUNTY
ATTORNEY IN CONNECTION WITH THE SOUTH
DADE BUSWAY EXPANSION IN MIAMI-DADE
COUNTY, FLORIDA

WHEREAS, during 2007, Miami-Dade County extended the South Dade Busway to Florida City, in Miami-Dade County, Florida; and

WHEREAS, Redavo Estates, Inc., a Florida corporation, filed an inverse condemnation action in the Circuit Court against Miami-Dade County (Case No. 08- 774 CA 15) claiming that its property located at 800 North Flagler Avenue, Homestead, Florida, was taken without compensation by depriving the owner of access to the property; and

WHEREAS, the owner of the parcel of land initially demanded \$30,000.00 plus payment for the installation of curb cuts for driveways to enter onto the property to settle this lawsuit; and

WHEREAS, had the County been found liable for depriving the owner of access to the property, the County would have been responsible for paying the owner's attorneys' fees and expert costs, in addition to the damages caused by the deprivation of access; and

WHEREAS, the owner of the parcel of land has agreed to settle this matter for \$20,000.00, inclusive of all damages, attorneys' fees, and expert costs, plus \$8,000.00 for the installation of curb cuts to permit access to the property; and

WHEREAS, the County Attorney hereby recommends the settlement amount for the total sum of \$28,000.00 as set forth herein,

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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 the inverse condemnation proceedings for the property and for the amount of \$28,000.00, inclusive of damages, attorney fees, and costs.

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:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of June, 2008. 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.
Jorge Martinez-Esteve

