MEMORANDUM

Agenda Item No. 13(A)(1)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	September 16, 2008
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution approving business damage settlement in County Eminent Domain proceedings in amount of $114,080.00

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

R. A. Cuevas, Jr.
County Attorney

RAC/bw

MEMORANDUM

(Revised)

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

DATE: September 16, 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)
9-16-08

RESOLUTION NO. _____

RESOLUTION AUTHORIZING BUSINESS DAMAGE SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN THE AMOUNT OF $114,080.00 IN CONNECTION WITH THE ACQUISITION OF LAND NEEDED FOR THE RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE MIAMI INTERMODAL CENTER (MIC)/EARLINGTON HEIGHTS CONNECTOR, A 2.4 MILE CORRIDOR LINKING THE MIC TO THE EARLINGTON HEIGHTS METRORAIL STATION LOCATED AT STATE ROAD (SR) 112 AND NW 22 AVENUE, IN MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board by Resolution No. R-825-06 dated July 6, 2006, previously declared the acquisition of land needed for the right-of-way for the construction of the Miami Intermodal Center (MIC)/Earlington Heights Connector, a 2.4 mile corridor linking the MIC to the Earlington Heights Metrorail Station located at State Road (SR) 112 and NW 22 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 business owner on the parcel of land set forth in the attached summary sheet has offered to settle for the figure specified therein; and

WHEREAS, the County Attorney hereby recommends the settlement amount for business damages, and related statutory attorneys' fees and costs only, as set forth in the attached summary sheet,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that the County Attorney is hereby authorized to compromise and settle on behalf of the County the business damage claims, and related statutory attorneys' fees and costs by Avis Budget Group, Inc. against the County in eminent domain proceedings for the parcel and for substantially the terms and the amount specified in the attached 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:

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
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of September, 2008. This resolution shall become effective as follows: (1) 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, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

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

SUMMARY SHEET

PROJECT LOCATION:	Construction of the Miami Intermodal Center (MIC)/Earlington Heights Connector, a 2.4 mile corridor linking the MIC to the Earlington Heights Metrorail Station located at State Road (SR) 112 and NW 22 Avenue in Miami-Dade County, Florida

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PARCEL NUMBER:	Parcel No. 170, 2800 N.W. 39th Avenue
BUSINESS OWNER:	Avis Budget Group, Inc.
COUNTY'S INITIAL OFFER:	$76,000.00 (Based on analysis provided by Berger, Epstein & Garber, P.A.)
OWNERS' INITIAL DEMAND:	$624,000.00 (Based on estimate by Gerson, Preston, Robinson & Co., P.A.)
TRIAL EXPOSURE:	$548,000.00
SETTLEMENT AMOUNT:	$114,080.00 (See Remarks)
REMARKS:	Settlement is inclusive of any and all business damages, and attorneys' fees and costs. The total full compensation figure is made up of $76,000.00 for business damages, and $25,080.00 for statutory attorneys' fees and $13,000.00 for expert fees and costs.