



MEMORANDUM

Agenda Item No. 13 (A) (3)

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

DATE: November 20, 2008

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

SUBJECT: Resolution authorizing certain
settlement County eminent domain
proceedings by County Attorney in
the amount of \$10,738,480.00

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: November 20, 2008

FROM: R. A. Cuevas, Jr.
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

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 13(A)(3)
11-20-08

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT
IN COUNTY EMINENT DOMAIN PROCEEDINGS BY
COUNTY ATTORNEY IN THE AMOUNT OF \$10,738,480.00
IN CONNECTION WITH THE ACQUISITION OF LAND
NEEDED 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-410-08 dated April 8, 2008, previously declared the acquisition of land needed 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 owner of the parcel of land set forth in the land acquisition summary sheet has offered to settle for the figure specified therein; and

WHEREAS, the County Attorney hereby recommends this settlement in the amounts and terms set forth in the 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 parcel and for the terms and the amount 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:

- | | |
|------------------------------------|--------------------|
| 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 20th day of November, 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. 

Thomas Goldstein

LAND ACQUISITION SUMMARY SHEET

**COUNTY PARCELS 501, 501 TCE West,
501 TCE East, and 501 PAE
FPL PARCELS 1, 2, 3, 4, 5,
FPL PAE AND FPL TCE 1 AND 2**

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, State Road No. 25 in Miami-Dade County, Florida

PARCELS ACQUIRED: 501 (Fee)
501 TCE East (Temporary Construction Easement) 501 TCE West (Temporary Construction Easement) 501 PAE (Permanent Access Easement)
FPL Parcels 1, 2, 3, 4, 5 (Permanent Easements)
FPL PAE (Permanent Access Easement)
FPL TCE 1 and 2 (Temporary Construction Easements)

OWNERSHIP INTEREST: FPT Florida Land LLC and FPT Florida LLC

PARCEL AREAS ACQUIRED: Parcel No. 501 – 11,501 sq. ft.
Parcel No. 501 TCE East – 1,401 sq. ft.
Parcel No. 501 TCE West – 19,763 sq. ft.
Parcel No. 501 PAE – 5,261 sq. ft.
FPL Parcels 1, 2, 3, 4, 5 – 9,337 sq.ft.
FPL PAE – 4,684.83 sq.ft.
FPL TCE 1 and 2 – 22,620.15 sq.ft.

**COUNTY APPRAISALS:
(UPDATED)** 501 (fee) - \$6,060,050 (land, and cure costs)
501 TCE East - \$139,000
501 TCE West - \$322,000
FPL Parcels, PAE and TCE's - \$771,100
Total - **\$7,292,150**
James L. Riley, ASA

ATTORNEY'S FEES: See Comments

OWNER(S) APPRAISALS: 501 (fee) - \$15,332,900
(land, cure costs, and damages)
501 TCE East \$221,500
501 TCE West \$458,500
FPL Parcels, PAE and TCE's \$771,100
Total - **\$16,784.000**
Jesse B. Vance, Jr., MAI
(Accept FPL's appraisal by Riley)

**OWNER(s) BUSINESS DAMAGE
CLAIM FOR BUSINESS
INTERRUPTION**

\$107,640,280

EXPOSURE TO COUNTY:

\$9,491,850, (difference between County appraisals and owner appraisals) plus potential business damage claim of \$107,640,280 avoided by this settlement

SETTLEMENT AMOUNT:

The settlement amount for these parcels is **\$10,738,480**.
(See Comments for all items included in the Compensation.)

COMMENTS:

The settlement amount stated above in the sum of **\$10,738,480** for full compensation for this parcel includes the following:

1. For the fee and easement
Interests acquired from the
owner FPT. **\$ 8,578,900**
 2. For acquisition of Florida
Power & Light fee and
easement parcels necessitated
by the construction of this
project and as substitution for FPL's
existing facilities **\$ 771,100**
 3. Statutory attorney's fees
for Brigham Moore, LLP, counsel
for the owner **\$ 1,388,480**
- Total settlement **\$10,738,480**