



MEMORANDUM

Agenda Item No. 13(A)(2)

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 in the amount of \$4,011,682.00 in County eminent domain proceedings by County Attorney in connection with the acquisition of land for the right-way needed for the construction of the Miami Intermodal Center

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

A handwritten signature in black ink, appearing to read "RAC Jr", written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

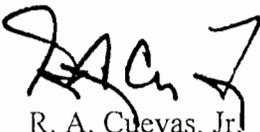


MEMORANDUM

(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) (2)

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)(2)
11-20-08

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$4,011,682.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR THE CONSTRUCTION OF THE MIAMI INTERMODAL CENTER (MIC) EARLINGTON HEIGHTS EXTENSION OF THE METRORAIL

WHEREAS, this Board by Resolution No. R-825-06 dated July 6, 2006 previously declared the acquisition of land for the right-of-way needed for construction of the Miami Intermodal Center (MIC) Earlington Heights Connector, a 2.4 Mile corridor linking the MIC to the Metrorail Corridor from the MIC to the Earlington Heights Metrorail Station located at State Road (SR) 112 and N.W. 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 attached land acquisition summary sheet has 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 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 substantially the terms and the amount specified in the attached land acquisition summary sheet.

The foregoing resolution was sponsored 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 20th day of November, 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 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 reaffirms 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.



Debra Herman

LAND ACQUISITION SUMMARY SHEET

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

PARCEL NUMBER AND AREA ACQUIRED: Parcel No. 311 (Fee Simple) 44,192 square feet.

OWNERSHIP INTEREST: Carmelo Gomez and Narde Gomez, his wife, and CNG Warehouse Industrial Condominium Owner's Association, Inc.

COUNTY'S APPRAISAL AND DAMAGES: \$2,874,000.00
Andrew Magenheimer, MAI

ATTORNEYS' FEES AND COSTS See Comments

SETTLEMENT AMOUNT: The total settlement amount for this parcel \$4,011,682.00.
(See Comments below – this amount also includes attorneys' fees and special damages).

OWNER'S APPRAISAL AND DAMAGES: \$4,693,100.00
Harold Overby, MAI

EXPOSURE TO COUNTY: \$1,819,100.00
(Difference between owner's appraisal/damages and County's appraisal/damages)

COMMENTS: The settlement amount of \$4,011,682.00 represents full compensation for the parcel, and includes \$3,511,885.00 for the parcel acquired and all improvements and fixtures, \$192,500.00 for all special damages and tenant claims, and statutory attorney's fees of \$307,297.00. The owner of this parcel is represented by the law firm of Brigham Moore, LLP.