

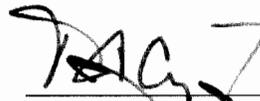
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: December 16, 2008

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

SUBJECT: Resolution authorizing certain
settlement in County eminent
domain proceedings by County
Attorney in connection with the
acquisition of land for the
right-of-way and temporary
construction easements needed
for the construction of N.W.
74th Street

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: December 16, 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)
12-16-08

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$6,374,574.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENTS NEEDED FOR THE CONSTRUCTION OF N.W. 74TH STREET BETWEEN N.W. 87TH AVENUE AND N.W. 97TH AVENUE IN MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board by Resolution No. R-281-06 dated March 7, 2006 and Resolution No. R-1005-06 dated September 12, 2006 previously declared the acquisition of land and temporary construction easements for the right-of-way needed for construction of N.W. 74th Street, between N.W. 87th Avenue and N.W. 97th Avenue in Miami-Dade County, Florida to be a public necessity and authorized the acquisition of land and temporary construction easements therefor by eminent domain proceedings; and

WHEREAS, the owners of the parcels of land set forth in the attached land acquisition summary sheet 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 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 parcels and temporary construction easements and for substantially 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 |
| 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 December, 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



LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION: Construction of N.W. 74th Street between N.W. 87th Avenue and N.W. 97th Avenue in Miami-Dade County, Florida

PARCEL NUMBER AND AREA ACQUIRED: Parcel No.'s 6N, 7N, 8N, and 9N (Fee Simple) 154,858 square feet; Parcel No.'s 6N TCE, 7N TCE, 8N TCE, and 9N TCE (Temporary Construction Easements) 100,972 square feet.

OWNERSHIP INTEREST: Generation III, Inc. (as to Parcels 6N, 6N TCE, 8N, and 8N TCE) and Betty Dunn, the Estate of Lowell S. Dunn, and the Town of Medley (as to Parcels 7N, 7N TCE, 9N, and 9N TCE)

COUNTY'S APPRAISAL: \$5,418,788.00
Andrew Magenheimer, MAI

ATTORNEYS' FEES AND COSTS See Comments.

SETTLEMENT AMOUNT: The total settlement amount for these parcels and temporary construction easements is \$6,374,574.00
(See Comments below – this amount also includes attorneys' fees).

OWNERS' APPRAISAL: \$7,470,000.00
David Randell, MAI

EXPOSURE TO COUNTY: \$2,051,212.00
(Difference between Owners' appraisal and County's appraisal)

COMMENTS: The settlement amount of \$6,374,574.00 represents full compensation for the parcels, and includes \$5,944,979.00 for the parcels and temporary construction easements acquired, statutory attorney's fees of \$429,595.00. The defendant/owners of these parcels (except for the Town of Medley) are represented by the law firm of Brigham Moore, LLP.