MEMORANDUM

Agenda Item No. 13(A)(1)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	July 21, 2009
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution authorizing certain settlement in the amount of $1,420,700.00 in County eminent domain proceedings for the right-a-way needed for the construction of the Miami Intermodal Center

The accompanying resolution was prepared and placed on the agenda at the request of the County Attorney.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: July 21, 2009

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 Mayor'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)
7-21-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $1,420,700.00 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 AND AUTHORIZING THE ACQUISITION OF AN ADDITIONAL CONTIGUOUS PARCEL OF LAND

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 therefore by eminent domain proceedings; and

WHEREAS, the owner of Parcel 132, as set forth in the attached land acquisition summary sheet, has offered to settle for the figure specified therein; and

WHEREAS, the owner of Parcel 132 also wishes to convey to the County Parcel 132A, an additional small contiguous parcel of land which is permanently separated from the parent tract as a result of the taking and which is legally described and depicted in Composite Exhibit A attached hereto; and

WHEREAS, it is beneficial to the safety and security of Metrorail operations to acquire Parcel 132A; 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 Parcel 132 and to acquire Parcel 132A 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of July, 2009. 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

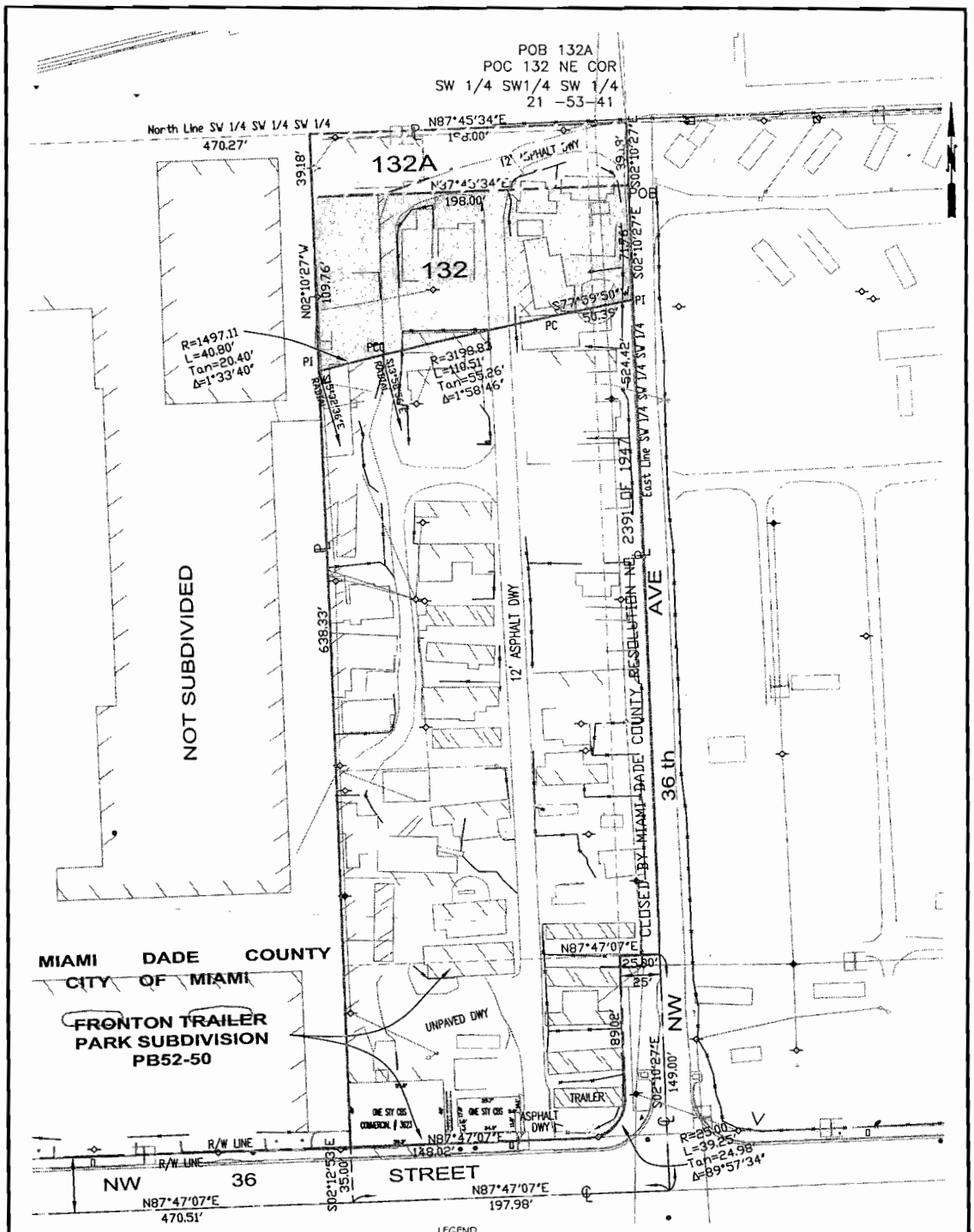
LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION:	Construction of 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. 132 (Fee Simple) 44,192 square feet and Parcel 132A (Fee Simple) 7,764 square feet from a total parent tract of a 123,414 square feet (See Parcel Sketch attached)
OWNERSHIP INTEREST:	Lizy Apartments, LLC.
COUNTY'S APPRAISALS AND DAMAGES:	$ 866,300.00 (For Parcel No. 132 and 132A) Moses C. Florence, ASA, CRA (Date of Appraisal - June 12, 2008) $ 342,622.00 (For severance damages to the remainder of the parent tract) Edward N. Parker, M.A.I. (Date of Appraisal - April 27, 2009) **$1,208,922.00** Total appraised value - land plus damages
OWNER'S APPRAISAL AND DAMAGES:	$3,510,000.00 Total appraised value land plus damages - Chip Bertelle, M.A.I.
EXPOSURE TO COUNTY:	$2,301,078.00 Difference between owner's appraisal (land/damages) and County's appraisals (land/damages).
ATTORNEYS' FEES AND COSTS	See Comments
SETTLEMENT AMOUNT:	**$1,420,700.00.** (See Comments)
COMMENTS:	The settlement amount represents: a) Full compensation for the land/damages for Parcel Nos. 132 and 132A....$1,240,000.00 b) Expert costs ..... 30,000.00 c) Statutory attorney's fee..... 150,700.00 **Total Settlement..... $1,420,700.00** The owner of this parcel is represented by the law firm of John C. Lukacs, P.A.

LEGAL DESCRIPTION
(FEE SIMPLE)

Parcel No. 132A That portion of the East 198 feet of the South 1/2 of the West 1/2 of the SW 1/4 of the SW 1/4, less the South 149 feet thereof, in Section 21, Township 53 South, Range 41 East, Miami-Dade County, Florida, being more particularly described as follows:

BEGINNING at the Northeast corner of the SW 1/4 of the SW 1/4 of the SW 1/4 of said Section 21; thence run S 2°10'27" E, along the East line of said SW 1/4 of the SW 1/4 of the SW 1/4, for a distance of 39.18 feet to a point; thence run S 87°45'34" W for a distance of 198.00 feet to a point; thence run N 2°10'27" W, along the West line of said East 198 feet of the South 1/2 of the West 1/2 of the SW 1/4 of the SW 1/4, for a distance of 39.18 feet to a point of intersection with the North line of said SW 1/4 of the SW 1/4 of the SW 1/4; thence run N 87°45'34" E, along the said North line, for a distance of 198.00 feet to the **POINT OF BEGINNING**.



LEGEND

- EXISTING EDGE OF PAVEMENT
- PROPERTY LINE
- PROPOSED RIGHT-OF-WAY
- EXISTING RIGHT-OF-WAY
- CENTER LINE
- WOOD POLE FENCE
- EXISTING 2' CURB & GUTTER
- SECTION LINE
- CHAIN LINK FENCE
- WOOD FENCE
- AREA TO BE ACQUIRED
- ADDITIONAL AREA TO BE ACQUIRED

Area of Parcel 132A = 7,758 square-feet = 0.178 acres
Area of Parcel 132 = 17,764 square-feet = 0.408 acres
Area of Parent Tract = 123,414 square-feet = 2.833 acres
Ref. Topo Survey prepared by ACA dated 08-02-05
Job No. 2005667 FPN # E04-MDT-02
Folios No: 30-3121-000-1200, 01-3121-039-0010 Sec. 21-53-41

THIS IS NOT A SURVEY

MIAMI-DADE

EARLINGTON HEIGHTS-MIC CORRIDOR

MIAMI-DADE

MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT OF WAY DIVISION
ENGINEERING SECTION

PARCEL SKETCH

EARLINGTON HEIGHTS-MIC CORRIDOR

PARCELS NO. 132 & 132A

SCALE: 1" = 60' DATE:7-09-09
CHECKED BY: C. SOCARRAS
PREPARED BY: L. ESPINOSA
PROJECT 2004-0676 SHEET 1 OF 1

COMPOSITE
EXHIBIT A