

MEMORANDUM

Agenda Item No. 13(A)(1)

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

DATE: October 6, 2009

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

SUBJECT: Resolution authorizing certain settlement in County eminent domain proceedings by County Attorney in the amount of \$22,629.55 in connection with the acquisition of land for the right-of-way needed for improvements to the NW 72nd Avenue from NW 74th Street to Okeechobee Road, State Road No. 25 in Miami-Dade County, Florida

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 Dennis C. Moss
and Members, Board of County Commissioners

DATE: October 6, 2009

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

SUBJECT: Agenda Item No. 13(A)(1)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 13(A)(1)
10-06-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN THE AMOUNT OF \$22,629.55 IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO THE NW 72ND AVENUE FROM NW 74TH STREET TO OKEECHOBEE ROAD, STATE ROAD NO. 25 IN MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board by Resolution No. R-1004-04 dated July 27, 2004 previously declared the acquisition of land for the right-of-way needed for improvements to the NW 72nd Avenue from NW 74th Street to Okeechobee Road, State Road No. 25 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 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
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 2009. 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.

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
PARCEL NO. 17

PROJECT LOCATION: Widening and improvement of NW 72nd Avenue from NW 74th Street to Okeechobee Road, State Road No. 25 in Miami-Dade County, Florida

PARCEL NUMBER: 17

OWNERSHIP INTEREST: Latin American Realty Investments, Inc.
And Isol Auto Supply, Inc.

PARCEL LAND AREA ACQUIRED: Parcel No. 17 (Fee) 1029 sq. ft.

COUNTY APPRAISAL: \$ 14,000 (land and improvements)
Mark Quinlivan, MAI

ATTORNEY'S FEES AND COSTS: See Comments

SETTLEMENT AMOUNT: The total settlement amount for this parcel is **\$22,629.55**
(See Comments – this amount also **includes** all damages, interest, statutory attorney's fees and expert fees)

OWNER(s) APPRAISAL: \$18,250.00 (land and improvements)
Chip Bertelle, MAI

EXPOSURE TO COUNTY: \$4,250.00

COMMENTS: The owner of this parcel is represented by the law firm of John C. Lukacs, P.A. The settlement amount stated above represents the full compensation for this parcel and includes \$16,035.00 for the parcel taken, plus statutory attorney's fees of \$4,094.55 and expert engineering fees in the amount of \$2,500.00 for a total settlement of **\$22,629.55**.

5