

# MEMORANDUM

Agenda Item No. 13(A)(2)

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<b>TO:</b>	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	<b>DATE:</b>	September 10, 2010
<b>FROM:</b>	R. A. Cuevas, Jr. County Attorney	<b>SUBJECT:</b>	Resolution authorizing certain settlement in the amount of \$143,500.00 in County eminent domain proceedings by County Attorney in connection with the acquisition of land for the right-of-way needed for improvements to SW 27 Avenue from US 1 to South Bayshore Drive

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

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

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

**DATE:** September 10, 2010

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

**SUBJECT:** Agenda Item No. 13(A)(2)

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

Agenda Item No. 13(A)(2)

Veto \_\_\_\_\_

9-10-10

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$143,500.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 27 AVENUE FROM US 1 TO SOUTH BAYSHORE DRIVE

**WHEREAS**, this Board by Resolution No. R-1193-08 dated November 20, 2008 previously declared the acquisition of land for the right-of-way needed for the expansion, beautification, and right-of-way improvements to SW 27<sup>th</sup> Avenue from US 1 to South Bayshore Drive 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 Parcel 14, as 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 Parcel 14 on the terms and in 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  
Carlos A. Gimenez  
Barbara J. Jordan  
Dorin D. Rolle  
Katy Sorenson  
Sen. Javier D. Souto

Audrey M. Edmonson  
Sally A. Heyman  
Joe A. Martinez  
Natacha Seijas  
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 10<sup>th</sup> day of September, 2010. 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.



Debra Herman

**LAND ACQUISITION SUMMARY SHEET**

**PROJECT LOCATION:** Roadway Expansion, beautification, and right-of way improvements to SW 27<sup>th</sup> Avenue from US 1 to South Bayshore Drive in Miami-Dade County, Florida

**PARCEL NUMBER AND AREA ACQUIRED:** Parcel No. 14 (Fee Simple) 750 square feet  
Sketch attached

**OWNERSHIP INTEREST:** Coco Palm Condominium Association, Inc., a Florida Non Profit Corporation

**COUNTY'S APPRAISAL AND DAMAGES:** \$124,400.00  
Andrew Magenheimer, MAI

**ATTORNEYS' FEES AND COSTS** See Comments

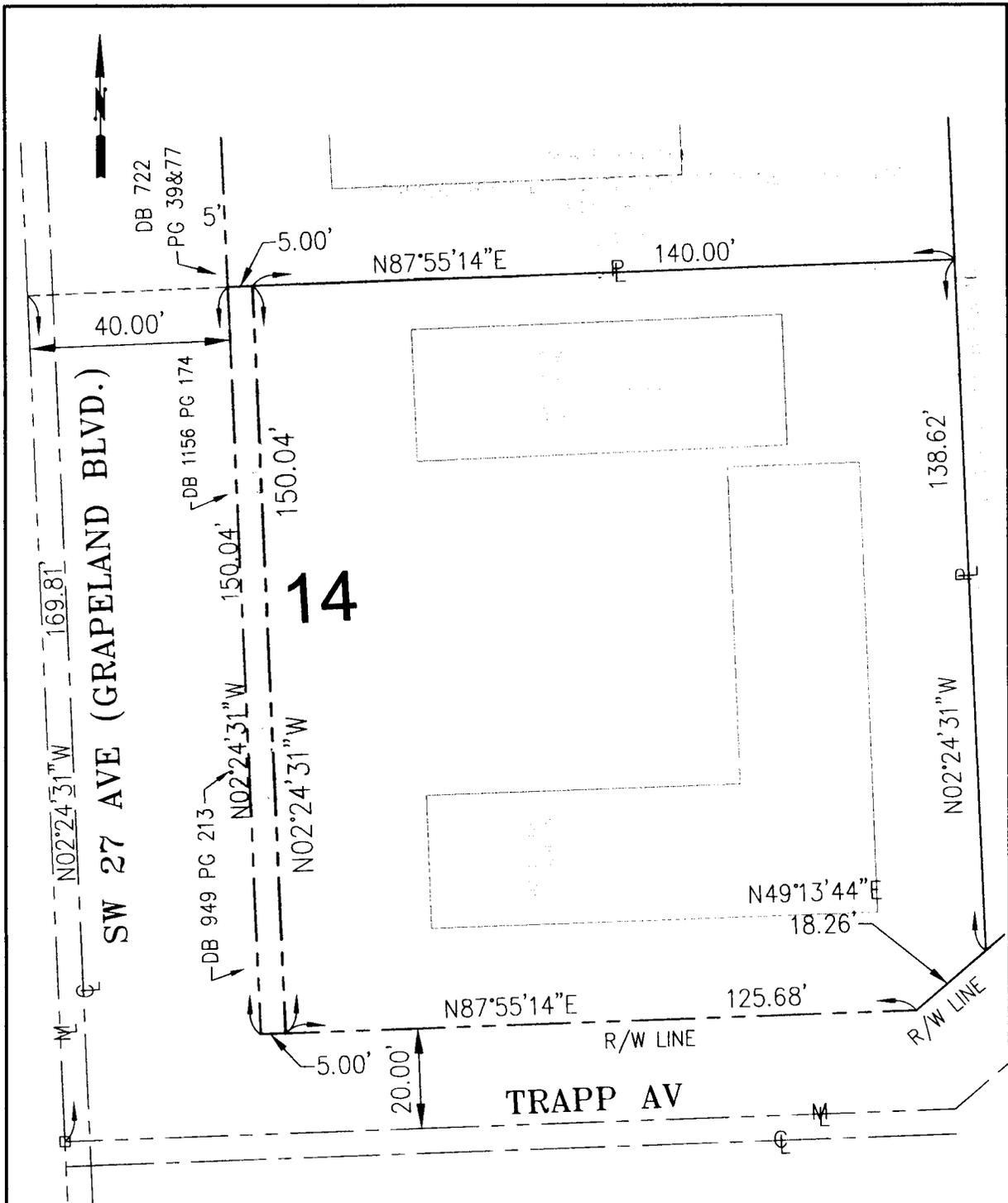
**SETTLEMENT AMOUNT:** The total settlement amount is \$143,500.00  
  
(See Comments below – this amount also includes attorneys' fees and expert costs for Parcel 14).

**OWNER'S APPRAISAL AND DAMAGES:** \$152,700.00  
Chris Mafera, ASA

**EXPOSURE TO COUNTY:** \$28,300.00  
(Difference between owner's appraisal and County's appraisal)

**COMMENTS:** A proposed settlement was reached in the amount stated above. In order for the County to obtain clear title to this parcel, eminent domain proceedings had to be instituted. The settlement amount of \$143,500.00 represents full compensation for the land acquired, and includes \$124,400.00 for Parcel 14, \$11,600.00 for all expert costs, and attorney's fees of \$7,500.00. The owner of this parcel is represented by the law firm of Weiss Serota, et. al.

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LEGEND			
	PROPERTY LINE		RIGHT-OF-WAY LINE
	EXISTING EDGE OF PAVEMENT	(PT)	POINT OF TANGENCY
	BOUNDARY LINE	(POB)	POINT OF BEGINNING
	CENTER LINE	(PCU)	POINT OF CURVATURE
(POC)	POINT OF COMMENCEMENT	€	CENTER LINE
	JOINT USE PARCEL AREA	(L)	LENGTH
(R)	RADIUS	(Δ)	DELTA
(PI)	POINT OF INTERSECTION	€	PROPERTY LINE
(PC)	POINT OF CURVATURE	R/W	RIGHT OF WAY
		€	MONUMENT LINE

Area of Parent Tract = 21,674 square-feet = 0.498 acres  
 Area of Parcel = 750 square-feet = 0.017 acres  
 Ref. Topo Survey prepared by HADONNE CORP. dated 8-23-07

Job No. 06107  
 Folio No: 01-4122-027-0001  
 Section: 22-54-41

**THIS IS NOT A SURVEY**

<b>MIAMI-DADE</b>	MIAMI-DADE COUNTY PUBLIC WORKS DEPT. RIGHT OF WAY DIVISION ENGINEERING SECTION	
	SCALE: 1" = 20'	DATE: 07-31-08
SW 27 AVE		CHECKED BY: C. SOCARRAS
PARCEL NO. 14		DRAWN BY: L. ESPINOSA
		PROJECT 2004-0337   SHEET: 1 OF 1

PARCEL SKETCH

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