MEMORANDUM

Substitute
Agenda Item No. 13(A)(2)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	September 10, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution authorizing certain settlement in the amount of $145,000.00 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

This substitute differs from the original in that the settlement amount for the acquisition of Parcel No. 14 in the eminent domain proceedings for the above-referenced project is in the amount of $145,000.00 instead of $143,500.00, as stated in the resolution. This increase of $1,500.00 in the total settlement corrects the attorney's fees awarded to be $9,000.00 instead of $7,500.00 as set out in the land acquisition summary sheet attached to the resolution.

The accompanying resolution was prepared and placed on the agenda at the request of 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: September 10, 2010

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

SUBJECT: Substitute 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
Veto _____
Override _____

Substitute
Agenda Item No. 13(A)(2)
9-10-10

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $145,000.00 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 27th 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	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 10th day of September, 2010. 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 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

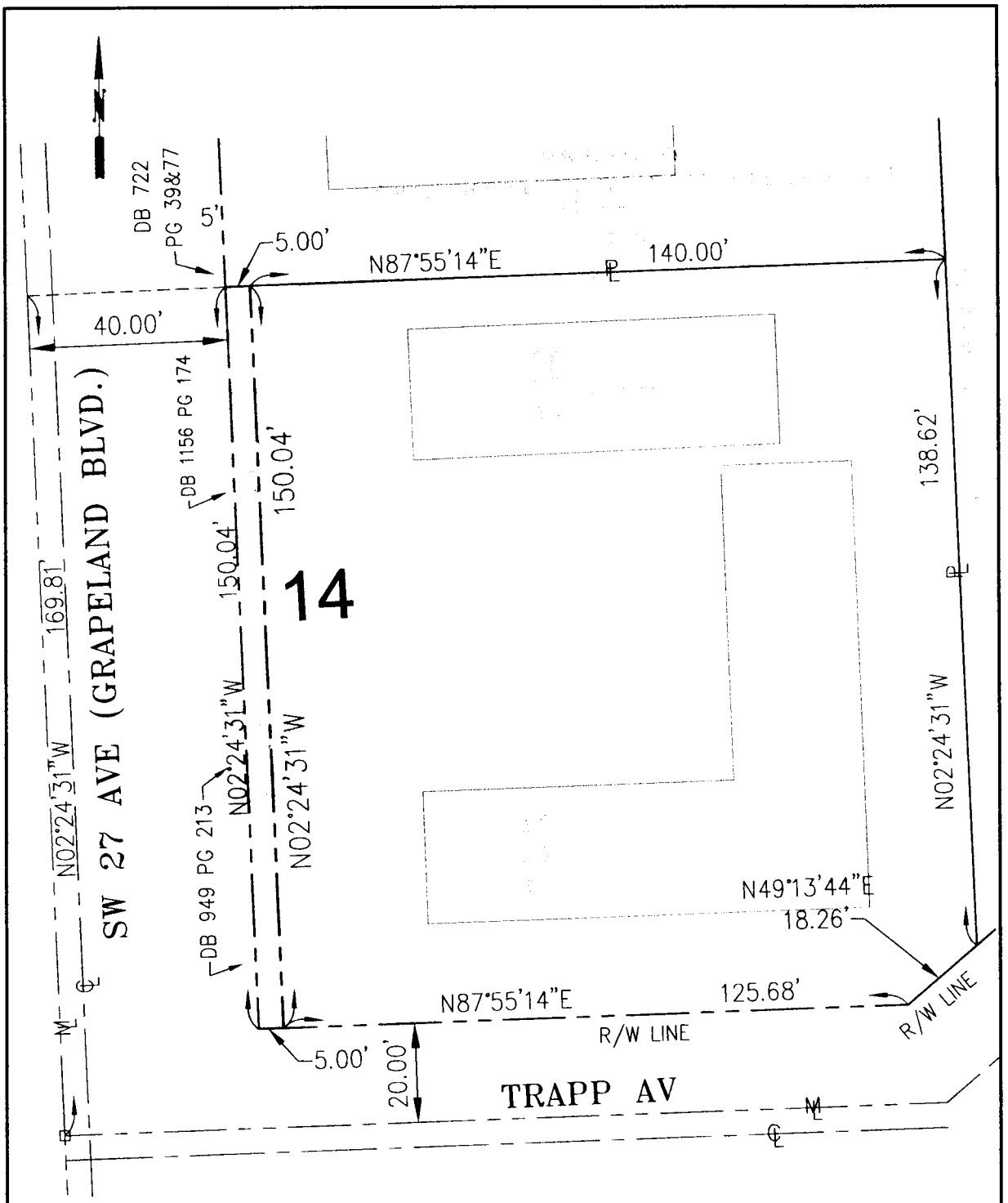
By:_____
Deputy Clerk

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 27th 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 $145,000.00 (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 $145,000.00 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 $9,000.00. The owner of this parcel is represented by the law firm of Weiss Serota, et. al.



LEGEND

	PROPERTY LINE		RIGHT-OF-WAY LINE						
	EXISTING EDGE OF PAVEMENT	(PT)	POINT OF TANGENCY		JOINT USE PARCEL AREA	(L)	LENGTH		
	BOUNDARY LINE	(POB)	POINT OF BEGINNING	(R)	RADIUS	(Δ)	DELTA		
	CENTER LINE	(PCU)	POINT OF CUSP	(PI)	POINT OF INTERSECTION	℄	PROPERTY LINE		
(POC)	POINT OF COMMENCEMENT	℄	CENTER 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

MIAMI-DADE

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

PARCEL SKETCH

SW 27 AVE

PARCEL NO. 14

SCALE: 1" = 20' | DATE: 07-31-08
CHECKED BY: C. SOCARRAS
DRAWN BY: L. ESPINOSA
PROJECT 2004-0337 | SHEET: 1 OF 1

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