MEMORANDUM

Agenda Item No. 13(A)(1)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 3, 2011

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

SUBJECT: Resolution authorizing certain settlement in County eminent domain proceedings by County Attorney in the amount of payment of future impact fees not to exceed $3,060,000.00

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 Joe A. Martinez and Members, Board of County Commissioners

DATE: May 3, 2011

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)
5-3-11

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN THE AMOUNT OF PAYMENT OF FUTURE IMPACT FEES NOT TO EXCEED $3,060,000.00 IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO 87th AVENUE FROM NW 154th STREET TO NW 186th STREET IN MIAMI-DADE COUNTY, FLORIDA AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-832-07 dated July 10, 2007, previously declared the acquisition of land for the right-of-way needed for improvements to 87th Avenue from 154th Street to NW 186th Street in Miami-Dade County, Florida, to be a public necessity and authorized the acquisition of land therefor by eminent domain proceedings; and

WHEREAS, the owners of the parcel of land set forth in the attached land acquisition summary sheet has offered to settle for the payment and upon the terms 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 attached hereto and made a part hereof; and authorizes use of Charter County Transportation Surtax Funds.

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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Jean Monestime
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2011. 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

COUNTY PARCELS 1, 1A and 5

PROJECT LOCATION:	Construction of 87th Avenue from NW 154th Street to NW 186th Street in Miami-Dade County, Florida
PROPERTY LOCATION	Extending from corner of NW 154th Street to NW 162nd Street at theoretical 87th Avenue in the Town of Miami Lakes
PARCELS TO BE ACQUIRED:	1, 1A and 5
OWNERSHIP INTEREST:	Betty L. Dunn, Individually and as Personal Representative of the Estate of Lowell S. Dunn F71-1, a Florida Limited Liability Company (Parcels 1 and 1A) F69-1, a Florida Limited Liability Company (Parcel 5)
PARCEL AREAS TO BE ACQUIRED:	Parcels 1 and 1A – 105,762 sf or 2.428 acres Parcel 5 – 49,198 sf or 1.13 acres This is a "slow take," with transfer of title and compensation occurring on date of settlement.
COUNTY APPRAISALS: **Original – (as of 2007)**	Parcels 1 and 1A - $3,400,000.00 Parcel 5 - $2,000,000 Total - $5,400,000.00 Andrew Magenheimer, MAI
(UPDATED – as of 2010)	Parcels 1 and 1A - $2,150,000.00 Parcel 5 - $910,000.00 **Total - $3,060,000.00** Andrew Magenheimer, MAI
SETTLEMENT AMOUNT:	The settlement amount for these parcels is in an amount which is the **lesser** of the current appraised value of $3,060,000.00, or the County impact fees, which shall not be paid until future development of the remainder properties. (See Comments for full discussion of settlement.)

COMMENTS:

The parcels to be acquired in this matter are necessary for the construction of 87th Avenue. The properties are currently zoned for agricultural use, but the property owners intend to commercially develop the remainder properties in the future. The property owners have negotiated a development agreement with the Town of Miami Lakes (which has jurisdiction over the property) in which they have procured 20 years of concurrency. Under the proposed settlement, the County would pay no compensation to the property owners at this time, and would only be responsible for payment of County impact fees at a future date when the property owners develop the property. However, the County's payment would be limited by the lesser of the appraised amount of $3,060,000, or the County impact fees assessed at that time.

AGENDA ITEM 5L

Memorandum

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director

Date: April 26, 2011

Re: RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING TO THE BOARD OF COUNTY COMMISSIONERS (BCC), THE AUTHORIZATION OF A CERTAIN SETTLEMENT, IN THE AMOUNT OF $3,060,000.00, IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF PARCELS 1, 1A, AND 5, FOR RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO NW 87 AVENUE, FROM NW 154 STREET TO NW 186 STREET; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS **(CAO - BCC Legislative File No. 110793)**

On April 25, 2011, the CITT voted to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 11-022. The vote was as follows:

Hon. Linda Zilber, Chairperson – Aye
Paul J. Schwiep, Esq., 1st Vice Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Absent
David Concepcion – Aye
Glenn J. Downing, CFP® – Aye
Alfred J. Holzman – Aye
Hon. James A. Reeder – Aye
Marilyn Smith – Aye
Harold Braynon, Jr. – Aye
Joseph Curbelo – Aye
Peter L. Forrest – Aye
Miles E. Moss, P.E. – Aye
William Sancho – Absent

cc: Ysela Llort, Assistant County Manager
Bruce Libhaber, Assistant County Attorney