

## MEMORANDUM

Agenda Item No. 13(A) (4)

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

**DATE:** December 6, 2011

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

**SUBJECT:** Resolution authorizing  
certain settlement in the  
amount of \$192,260.00 in  
County eminent domain  
proceedings 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 by the County Attorney's Office.



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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

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

**DATE:** December 6, 2011

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

**SUBJECT:** Agenda Item No. 13(A)(4)

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)(4)

12-6-11

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

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$192,260.00 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 AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

**WHEREAS**, this Board by Resolution No. R-1209-08 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 I 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 33, as set forth in the attached land acquisition summary sheet, has offered to settle for the figure specified therein; and

**WHEREAS**, this project is being funded by the use of Charter County Transportation Surtax Funds, and this settlement thus must be submitted for the review and recommendation of the Citizens Independent Transportation Trust; and

**WHEREAS**, the County Attorney hereby recommends the settlement amounts 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:**

**Section 1.** This Board ratifies and adopts the matters set forth in the foregoing recitals, and

**Section 2.** This Board authorizes the County Attorney to compromise and settle on behalf of the County all claims against the County in eminent domain proceedings for Parcel 33 on the terms and in the amount specified in the attached land acquisition summary sheet, and authorizes the 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           |
| Esteban L. Bovo, Jr.                | Jose "Pepe" Diaz     |
| Sally A. Heyman                     | Barbara J. Jordan    |
| Jean Monestime                      | Dennis C. Moss       |
| Rebeca Sosa                         | Sen. Javier D. Souto |
| Xavier L. Suarez                    |                      |

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of December, 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

|                                             |                                                                                                                                                                                                                                                           |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PROJECT LOCATION:</b>                    | Roadway expansion, beautification, and right-of way improvements to SW 27th Avenue from US 1 to South Bayshore Drive in Miami-Dade County, Florida                                                                                                        |
| <b>PARCEL NUMBER AND PROPERTY ACQUIRED:</b> | Parcel No. 33<br>(land plus improvements)                                                                                                                                                                                                                 |
| <b>OWNERSHIP INTEREST:</b>                  | Alan Dale Mobley, as Trustee                                                                                                                                                                                                                              |
| <b>COUNTY'S APPRAISAL AND DAMAGES:</b>      | \$181,750 (fee simple land and improvements)<br>Andrew Maggenheimer, MAI                                                                                                                                                                                  |
| <b>OWNER'S APPRAISAL AND DAMAGES:</b>       | 224,000.00<br>Harry Newstreet, MAI                                                                                                                                                                                                                        |
| <b>ATTORNEYS' FEES AND COSTS</b>            | See Comments                                                                                                                                                                                                                                              |
| <b>SETTLEMENT AMOUNT:</b>                   | The total settlement amount is \$192,260.00.<br>(See Comments below - this amount also includes attorneys' fees for Parcel 33).                                                                                                                           |
| <b>EXPOSURE TO COUNTY:</b>                  | \$42,250.00<br>(Difference between owner's appraisal and County's appraisal)                                                                                                                                                                              |
| <b>COMMENTS:</b>                            | The settlement amount of \$192,260.00 represents full compensation for this parcel, and includes \$185,000.00 for the property acquired, and \$7,260.00 for statutory attorneys' fees. The landowner is represented by the law firm of Hicks & Schreiber. |



## Memorandum



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

**From:** *Marlene Amaro*  
for Charles Scurr, Executive Director

**Date:** November 22, 2011

**Re: CITT AGENDA ITEM 5N:**  
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 \$192,260.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF PARCEL 33 FOR RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED, ROADWAY EXPANSION AND IMPROVEMENTS TO SW 27 AVENUE, FROM US 1 TO SOUTH BAYSHORE DRIVE; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (PWWMD – BCC Legislative File No. )

On November 17, 2011, the CITT voted (10-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 11-083. 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 – Absent

Christopher Benjamin, Esq. – Aye  
David Concepcion – Absent  
Glenn J. Downing, CFP® – Aye  
Alfred J. Holzman – Aye  
Hon. James A. Reeder – Aye

Harold Braynon, Jr. – Aye  
Joseph Curbelo – Aye  
Peter L. Forrest – Aye  
Miles E. Moss, P.E. – Aye  
Marilyn Smith – Absent

**cc:** Alina Hudak, Deputy Mayor/County Manager  
Bruce Libhaber, Assistant County Attorney  
Alexander Bokor, Assistant County Attorney