

**MEMORANDUM**

Agenda Item No. 13(A)(6)

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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 \$370,000.00 in  
County eminent domain  
proceedings for the right-of-  
way needed for improvements  
to 87 Avenue from NW 154  
Street to NW 186 Street

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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)(6)

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)(6)  
12-6-11

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

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN THE AMOUNT OF \$370,000.00 IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO 87<sup>th</sup> AVENUE FROM NW 154<sup>th</sup> STREET TO NW 186<sup>th</sup> STREET IN MIAMI 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 154<sup>th</sup> Street to NW 186<sup>th</sup> 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 parcels of land set forth in the attached land acquisition summary sheet have 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
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**

**COUNTY PARCELS 10 and 10A**

**PROJECT LOCATION:** Construction of 87<sup>th</sup> Avenue from NW 154<sup>th</sup> Street to NW 186<sup>th</sup> Street in Miami-Dade County, Florida

**PROPERTY LOCATION** Extending from corner of NW 181st Street to NW 186th Street and 87<sup>th</sup> Avenue in Miami-Dade County

**PARCELS TO BE ACQUIRED:** 10 and 10A

**OWNERSHIP INTEREST:** The Genet Family Limited Partnership, No. 1  
The Genet Family Limited Partnership, No. 2

**PARCEL AREAS TO BE ACQUIRED:** Parcels 10 and 10A – 36,793 square feet

**COUNTY APPRAISALS:**  
**Original – (as of 2007)** Parcels 10 and 10A - \$550,000.00  
Andrew Magenheimer, MAI

**(UPDATED – as of 2011)** Parcels 10 and 10A - \$370,000  
Andrew Magenheimer, MAI

**SETTLEMENT AMOUNT:** \$370,000.00  
(the current appraised amount)

**COMMENTS:** This is a “slow take,” with transfer of title and compensation occurring on the date of settlement. The parcels to be acquired in this matter are necessary for the construction and expansion of 87<sup>th</sup> Avenue. This settlement is exclusive of attorneys’ fees and costs.



Memorandum



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

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

Date: November 22, 2011

Re: **CITT AGENDA ITEM 7B:**  
RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$370,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN THE ACQUISITION OF PARCELS 10 AND 10A FOR THE 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. )

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. 11-085. 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