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

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

DATE: October 2, 2012

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

SUBJECT: Resolution authorizing certain settlement in the amount of $2,187,000.00 in County eminent domain proceedings by County Attorney in connection with the acquisition of land for the right-of-way needed for the construction of the Miami Intermodal Center (MIC)

The accompanying resolution was placed on the agenda by the County Attorney's Office.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM

(Revised)

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

DATE: October 2, 2012

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
Veto _____
Override _____

Agenda Item No.13(A)(2)
10-2-12

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $2,187,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR THE CONSTRUCTION OF THE MIAMI INTERMODAL CENTER (MIC) EARLINGTON HEIGHTS EXTENSION OF THE METRORAIL AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-825-06 dated July 6, 2006 previously declared the acquisition of land for the right-of-way needed for construction of the Miami Intermodal Center (MIC) Earlington Heights Connector, a 2.4 Mile corridor linking the MIC to the Metrorail Corridor from the MIC to the Earlington Heights Metrorail Station located at State Road (SR) 112 and N.W. 22 Avenue 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 Parcels 133 fee and 133 temporary construction easement, 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 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 :

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

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 Parcels 133 fee and 133 temporary construction easement 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 2nd day of October, 2012. 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

PROJECT LOCATION:	Construction of the Miami Intermodal Center (MIC) Earlington Heights Connector, a 2.4 mile corridor linking the MIC to the Metrorail Corridor from the MIC to the Earlington Heights Metrorail Station located at State Road (SR) 112 and N.W. 22nd Avenue in Miami-Dade County, Florida
PARCEL NUMBER AND PROPERTY ACQUIRED:	Parcel No. 133 (Fee Simple) 9,735 square feet (land, improvements and damages) Parcel No. 133 (Temporary Construction Easement) 9,284 square feet (land and improvements)
OWNERSHIP INTEREST:	Johnny & Mack, Inc., a Florida corporation
COUNTY'S APPRAISAL AND DAMAGES:	Parcel 133 (fee simple) 1,802,000.00 (including updated severance damages) Edward Parker, MAI Parcel 133 (temporary construction easement) $237,000.00 Edward Parker, MAI **Total - $2,039,000.00**
OWNER'S APPRAISAL AND DAMAGES:	Parcel 133 (fee simple $3,720,000.00 Charles Bertelle, MAI Parcel 133 (temporary construction easement) $250,000.00 Charles Bertelle, MAI **Total - $3,970,000.00**
SETTLEMENT AMOUNT:	The total settlement amount is $2,187,000.00. (See Comments below – this amount excludes attorneys' fees and expert fees)
EXPOSURE TO COUNTY:	$1,931,000.00 (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 $2,187,000.00 represents full compensation for these parcels, and includes $1,950,000.00 for Parcel 133 fee simple and $237,000 for Parcel 133 temporary construction easement. The landowner is represented by the law firm of John C. Lukacs, P.A.

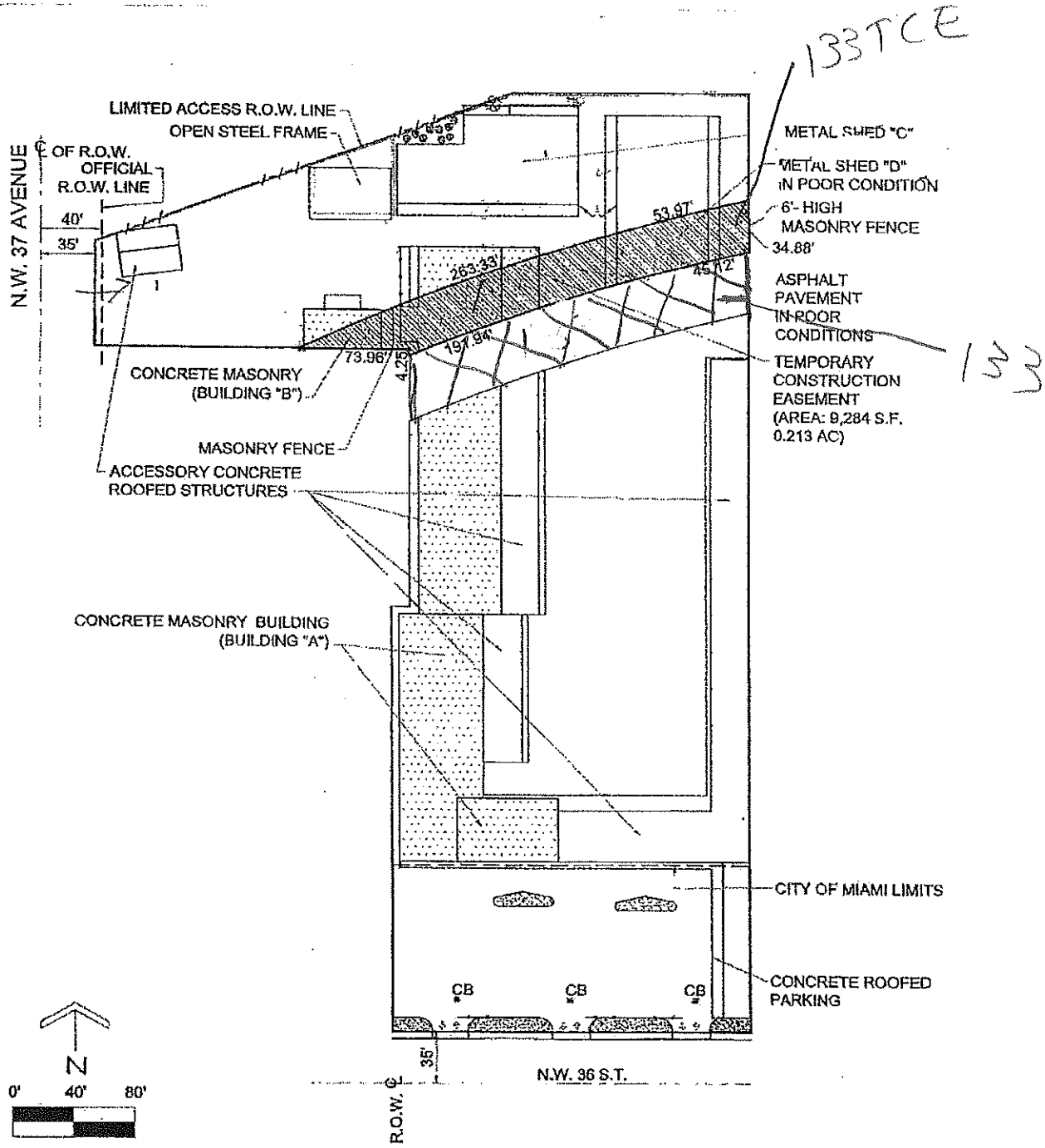

EXHIBIT 3A - SKETCH OF TEMPORARY CONSTRUCTION EASEMENT
PARCEL 133 METRORAIL EARLINGTON HEIGHTS - MIC CONNECTOR

CARLOS MARIN & ASSOCIATES

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Memorandum

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

From: Charles Scurr, Executive Director

Date: September 19, 2012

Re: **CITT AGENDA ITEM 5J:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE CERTAIN SETTLEMENT IN THE AMOUNT OF **$2,187,000.00** IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF PARCEL 133 FOR THE RIGHT-OF-WAY NEEDED FOR THE CONSTRUCTION OF THE MIAMI INTERMODAL CENTER (MIC) EARLINGTON HEIGHTS EXTENSION OF THE METRORAIL AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS **(CAO)**

On September 19, 2012, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 12-079. The vote was as follows:

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

Christopher Benjamin, Esq. – Absent
Glenn J. Downing, CFP® – Aye
Alfred J. Holzman – Absent
Miles E. Moss, P.E. – Aye
Marilyn Smith – Aye

Joseph Curbelo – Aye
Peter L. Forrest – Aye
Prakash Kumar – Aye
Hon. James A. Reeder – Aye

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