MEMORANDUM

Agenda Item No.13(A)(5)

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 $108,685.00 in County eminent domain proceedings in connection with the acquisition of land for the construction of a new Park and Ride Facility

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

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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MEMORANDUM

(Revised)

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

DATE: October 2, 2012

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

SUBJECT: Agenda Item No. 13(A)(5)

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)(5)
10-2-12

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $108,685.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF SOUTHWEST 344TH STREET BETWEEN NORTHWEST 2ND AVENUE AND NORTHWEST 3RD AVENUE IN FLORIDA CITY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-675-10 dated June 15, 2010, previously declared the acquisition of land for the right-of-way needed for the construction of a new Park and Ride Facility located at the Southern Terminus of the Busway Extension to Florida City, adjacent to the north side of Southwest 344th Street between Northwest 2nd Avenue and Northwest 3rd Avenue in Florida City 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 102C, as set forth in the attached land acquisition summary sheet, has offered to settle for the figures 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.

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 102C on the terms and in the amounts specified in the attached land acquisition summary sheet and authorizes the use of Charter County Transportation Surtax Funds for such purposes.

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

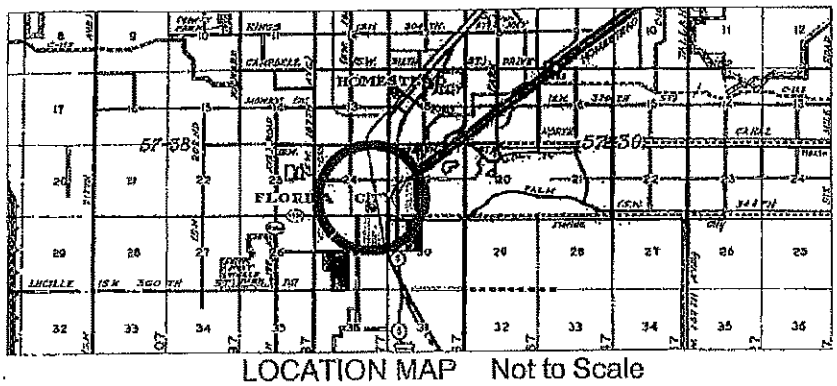
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

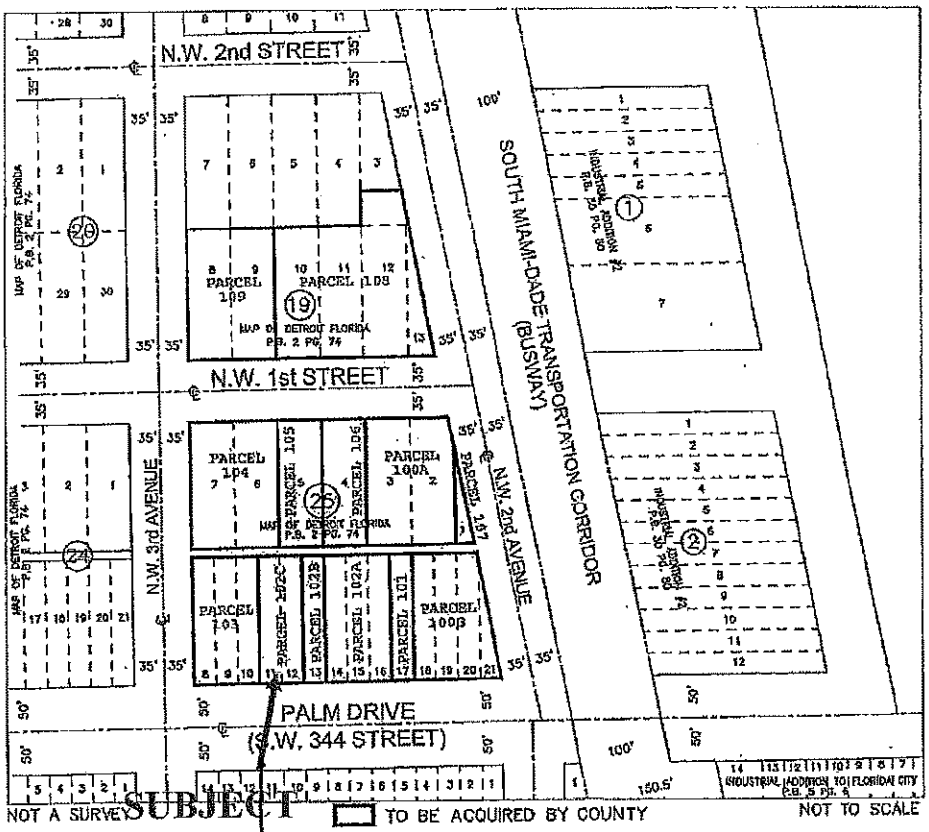
Debra Herman

LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION:	Construction of a new park and ride facility located at the southern terminus of the busway extension to Florida City, adjacent to the north side of Palm Avenue (SW 344th Street) between Northwest 2nd Avenue and Northwest 3rd Avenue in Florida City
PARCEL NUMBER AND INTEREST ACQUIRED:	Parcel No. 102C (7,250 square feet of land in fee simple, plus improvements as depicted in the attached sketch)
OWNERSHIP INTEREST:	Elaine Zience, David Zience and the Estate of Irwin Zience
COUNTY'S APPRAISAL AMOUNT:	$82,000.00 (Edward N. Parker, MAI)
OWNER'S APPRAISAL AMOUNT:	$112,375.00 (Donald Muncy)
SETTLEMENT AMOUNT:	The total settlement amount is $108,685.00. (This amount includes the owner's attorney's fees, expert's fees and costs -- See Comments below.)
EXPOSURE TO COUNTY:	$30,375.00 (representing the difference between owner's appraisal and County's appraisal), plus potential additional attorney's fees, expert fees and costs.
COMMENTS:	In order for the County to obtain clear title to this parcel, eminent domain proceedings had to be instituted. The proposed settlement amount of $108,685.00, represents full compensation for this parcel, and includes: $101,500.00, for the property acquired; $6435.00, for the owner's statutory attorneys' fees; and $750, for the owner's expert fees and costs. The landowner is represented by the Law Offices of Jeff Cynamon, P.A.



LOCATION MAP Not to Scale



PARK & RIDE AT SW 344 ST. & BUSWAY
PROJECT NO. 663008

MIAMI-DADE

MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT-OF-WAY ENGINEERING DIVISION
111 N.W. 1ST ST. 16TH FLR.
MIAMI, FL. 33128

EXHIBIT "A"

Municipality: Florida City
Commission District: Dennis C. Moss, 9
Miami-Dade Mayor: Carlos Alvarez

Prepared by: Steven B. Burton
Professional Land Surveyor
Fla. Reg. No. 4982
Date: 5/07/10

Parcel 102C

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 5I:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE CERTAIN SETTLEMENT IN THE AMOUNT OF **$108,685.00** IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF PARCEL 102C FOR THE CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF SOUTHWEST 344TH STREET (PALM AVENUE) BETWEEN NORTHWEST 2ND AVENUE AND NORTHWEST 3RD AVENUE IN FLORIDA CITY 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. 12-078. 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